

# Commission Meeting Agenda



## *Mayor*

Samuel D. Cobb

## *City Commission*

Marshall R. Newman

Christopher R. Mills

Patricia A. Taylor

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

## *Acting City Manager*

Manny Gomez

***December 2, 2019***



**Hobbs City Commission**  
**Regular Meeting**  
**City Hall, City Commission Chamber**  
**200 E. Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico**

**Monday, December 2, 2019 - 6:00 p.m.**

Sam D. Cobb, Mayor

Marshall R. Newman  
Commissioner - District 1

Christopher R. Mills  
Commissioner - District 2

Patricia A. Taylor  
Commissioner - District 3

Joseph D. Calderón  
Commissioner - District 4

Dwayne Penick  
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](http://www.hobbsnm.org)*

**CALL TO ORDER AND ROLL CALL**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes of the November 18, 2019, Regular Commission Meeting

**PROCLAMATIONS AND AWARDS OF MERIT**

2. Proclamation Proclaiming Tuesday, December 10, 2019, as "Hobbs Public Library Day" (Sandy Farrell, Library Director)

**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.)

**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. 6881 - Establishing a Multi-Family Complex Membership Program at the CORE *(Doug McDaniel, Parks and Recreation Director; and Lindsay Chism McCarter, CORE Marketing/Facility Rental Coordinator)*
4. Resolution No. 6882 - Approving Special Event Application Fees for Events with up to 99 Participants *(Doug McDaniel, Parks and Recreation Director)*
5. Resolution No. 6883 - Appointing Members to the Public Art Committee *(Mayor Sam Cobb)*

### **DISCUSSION**

6. Art Committee *(Mayor Sam Cobb)*

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

7. Resolution No. 6884 - Adopting the Recommendations of the Charter Commission *(Efren Cortez, City Attorney)*
8. Resolution No. 6885 - Authorizing Ballot Questions at the Municipal Election on March 3, 2020 *(Jan Fletcher, City Clerk)*

### **COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

9. Next Meeting Date:
  - ▶ City Commission Regular Meeting  
**December 16, 2019**, 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. 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: December 2, 2019

**SUBJECT:** City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: November 25, 2019  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of November 18, 2019

**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, November 18, 2019, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> 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 Christopher Mills  
Commissioner Patricia A. Taylor  
Commissioner Joseph D. Calderón  
Commissioner Dwayne Penick  
Commissioner Don Gerth

Also present:

Manny Gomez, Acting City Manager/Fire Chief  
Efren Cortez, City Attorney  
John Ortolano, Police Chief  
Barry Young, Deputy Fire Chief  
Todd Randall, City Engineer  
Kevin Robinson, Development Director  
Doug McDaniel, Parks and Recreation Director  
Bryan Wagner, Parks and Open Spaces Director  
Matthew Berry, Garage Superintendent  
Matt Hughes, Rockwind Community Links Superintendent  
Nicholas Goulet, Human Resources Director  
Tracy South, Assistant Human Resources Director  
Toby Spears, Finance Director  
Lindsay Chism McCarter, CORE Marketing Director  
Lyndsey Henderson, CORE Facility Director  
Wade Whitehead, Parks Superintendent  
Bobby Arther, Municipal Judge  
Shannon Carter-Arguello, Municipal Court Clerk  
Tim Woomer, Utilities Director  
Ben Maynes, Building Official  
Shelia Baker, General Services Director  
Meghan Mooney, Communications Director  
Ron Roberts, Information Technology Director  
Sandy Farrell, Library Director  
Ann Betzen, Risk Manager/Executive Assistant  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
35 citizens

### **Invocation and Pledge of Allegiance**

Commissioner Taylor delivered the invocation and Commissioner Mills led the Pledge of Allegiance.

### **Approval of Minutes**

Commissioner Newman moved that the minutes of the regular meeting held on November 4, 2019, be approved as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Mills yes, Taylor yes, Newman yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

### **Closed Session**

The City Commission convened in closed executive session on Monday, November 18, 2019, at 5:30 p.m., for the discussion of matters subject to the attorney-client privilege pertaining to threatened or pending litigation in Federal or State Courts in which the City is or may become a participant, specifically concerning the City of Hobbs, New Mexico, v. AmerisourceBergen Drug Corporation, et al, Case #: 2:19-cv-01006-GBW-CG. The matters discussed in the closed meeting were limited only to that specified above. No action was taken during the meeting.

### **Proclamations and Awards of Merit**

*Proclamation Proclaiming Saturday, November 30, 2019, as "Small Business Saturday".*

Mayor Cobb proclaimed November 30, 2019, as "*Small Business Saturday*". He requested the proclamation be made part of the record.

Acting City Manager/Fire Chief Manny Gomez recognized the employees who have reached milestone service awards with the City of Hobbs for the month of November, 2019, which total over 35 years of service worked. Acting City Manager/Fire Gomez read their names, job titles and gave a brief summary of the job duties performed by each of the following employees:

- ▶ 5 years - Rosianna Owens, Parks Department
- ▶ 10 years - Laura Aguirre, Hobbs Police Department
- ▶ 10 years - Undra Choice, Utilities Department
- ▶ 10 years - Dustin Corley, Parks Department

Acting City Manager/Fire Chief Gomez thanked the Commission for recognizing the employees and their service to the City. He stated employees are the most important resource and asset within the organization. Acting City Manager/Fire Chief Gomez expressed thanks and appreciation to the employees and their families.

### **Public Comments**

Mr. Oscar Gonzalez, Chairperson of the Charter Commission, stated the Charter Commission is currently reviewing the City of Hobbs Charter, which has to be reviewed every 10 years. He stated the City is fortunate to have Mr. Efren Cortez, City Attorney, and Ms. Jan Fletcher, City Clerk, as they are well versed in State and Election Laws. Mr. Gonzalez thanked Mr. Cortez, Ms. Fletcher, Ms. Mollie Maldonado, Deputy City Clerk, and Acting City Manager/Fire Chief Gomez for their assistance and support provided to the Charter Commission through this process.

Commissioner Newman stated the next Charter Commission meeting will be held tomorrow, Tuesday, November 19, 2019, at 6:00 p.m. in the City of Hobbs Commission Chamber.

Mayor Cobb thanked Chairperson Gonzalez and the other members of the Charter Commission for their service to the City.

Ms. Shannon Arguello, Municipal Court Clerk, stated the City of Hobbs has hired Mr. Fabian Palomar as a translator at the Municipal Court. She wanted to introduce Mr. Palomar but he was unable to attend tonight's meeting. Ms. Arguello stated Mr. Palomar is available to City staff for interpreter services. He also works for other Courts and entities as an interpreter. She stated Mr. Palomar's contract is being paid from the Hobbs Municipal Court budget. Ms. Carter stated Mr. Palomar interprets in Spanish but the Court has a list of interpreters for other languages.

### **Consent Agenda**

Mayor Cobb explained the Consent Agenda and the process for removing an item from the Consent Agenda and placing it under Action Items.

Commissioner Gerth moved for approval of the following Consent Agenda Item(s):

*Resolution No. 6877 - Approving the City of Hobbs Fiscal Year 2019 Capital Asset Inventory.*

Commissioner Mills seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor 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.

## **Discussion**

### **Discussion of Multi-Family Complex Membership Program at the CORE.**

Mr. Doug McDaniel stated the CORE recently hosted the Tori Kleinstuber Memorial Swim/Dive Meet. He stated there were 13 teams represented, opposed to eight teams in 2018, and it was very well attended.

Ms. Lindsay Chism McCarter, CORE Marketing/Facility Rental Coordinator, stated an apartment complex representative contacted CORE staff and requested a multi-family membership discount. Ms. McCarter stated staff has reviewed and created a new membership fee program, and she displayed the proposed CORE Multi-Family Complex Membership Discount to the Commission and public. She stated each membership would be assigned to a specific number of bedrooms in the apartment complex with an assumed average number of people living in each unit. Each complex will be charged a rate equivalent to either the adult couple rate for one-bedroom units, single family rate for two-bedroom units or the family rate for three-bedroom units. She stated the rate, and the appropriate discount for which category the complex falls under based on overall units available, will determine final rate for each unit in that complex.

Ms. McCarter stated the apartment complex representatives will identify to the CORE all the tenants who reside in each unit. The membership will allow those identified people use of the CORE and all member benefits for the length of the time they live in the unit or the 12 months of the membership purchased, whichever comes first. She stated if the tenants should no longer be the tenants of the unit, the apartment complex representatives will notify the CORE in writing as soon as possible so that those names can be removed from the membership data. Ms. McCarter stated all memberships will be annual memberships and will be paid in full in advance. She further stated if the unit is unoccupied for the remainder of the paid year, a refund will not be given. Ms. McCarter stated the request was made by the apartment complex representatives because there were no amenities built into the apartment complex.

Following some discussion, Mayor Cobb stated rent arrangements are between the tenant and the landlord. He stated it is not the City's concern if the tenants are charged extra by their landlord for utilizing the CORE.

Commissioner Mills stated apartment complex membership programs are common in larger cities. He stated it is a selling point to have complexes occupied.



Mayor Cobb stated the agreement and fees for the Multi-Family Complex Membership Program at the CORE is a discussion item tonight and clearly defined rates will be set in the form of a resolution to be presented to the Commission at a later date.

Discussion of Special Permit Application Fee for Events up to 99 Participants.

Mr. McDaniel stated the Parks and Recreation Department would like to discuss a Special Event Permit Application for the usage of City parks where the public is invited to the event. He stated the recommended rates would be as follows:

- ▶ Under 99 people      \$50.00 deposit \$50/day rental
- ▶ 100-199 people      \$50.00 deposit \$100/day rental
- ▶ 200-299 people      \$100.00 deposit \$200/day rental
- ▶ Over 300 people      \$150.00 deposit \$300/day rental

Mr. McDaniel stated the pavilion rentals are usually for private parties and follow different time frames and fees.

Mayor Cobb stated the application and the fees for a Special Event Permit for City parks are a discussion item tonight and clearly defined rates will be set in the form of a resolution to be presented to the Commission at a later date.

**Action Items**

Resolution No. 6878 - PUBLIC HEARING: Regarding the Issuance of a Small Brewer Liquor License to Drylands Brewing Co, LLC, d/b/a Drylands Brewing Co., 502 West Navajo, Hobbs, New Mexico.

Mr. Efren Cortez, City Attorney, was appointed as the Hearing Officer.

In response to Mr. Cortez' inquiry, no members of the audience requested to speak in support of the application or against the application for Drylands Brewing Co., for the issuance of a Small Brewer Liquor License.

Mr. Cortez recognized Mr. Francisco Andres Arreola and Mr. Daniel Torrez, owners of Drylands Brewing Co., who were in attendance at the meeting. Both were sworn in by Ms. Fletcher.

He stated the State of New Mexico Alcoholic Beverage Control has granted preliminary approval to the application for issuance of a Small Brewer Liquor License and a public hearing has to be held within 45 days of receipt of the application on whether or not the proposed issuance of a Small Brewer Liquor License should be granted. He further stated the application can be denied for only three reasons which are as follows: (1) if the location is within 300 feet of a church or school, which is not applicable here; (2) if it

is in violation of a zoning or other ordinance of the governing body, which is not applicable here; and (3) if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district. He further stated disapproval by the Governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective locations and a copy of the record must be submitted to the Alcoholic Beverage Control. Mr. Torres stated that all of the above statements made by Mr. Cortez are true and correct to his knowledge.

In response to Commissioner Taylor's question, Mr. Torrez stated the business will strictly serve beer and wine only. He stated mobile vendors will be allowed to sell food at the premises or the customer can order from Tuyu Delivery Service for food delivery or bring food to eat at the facility.

Mayor Cobb stated he will abstain from voting on this issue as he may have future investments and financial interest with Mr. Arreola and Mr. Torrez.

Proper publication having been made, and there being no further discussion, and no comments from the audience, Commissioner Calderón moved that Resolution No. 6878 be adopted approving the issuance of the license. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb abstain. The motion carried. Copies of the resolution and application packet are attached and made a part of these minutes.

**FINAL ADOPTION: Ordinance No. 1122 - Amending Chapter 10 of the Hobbs Municipal Code Regarding Parking Enforcement.**

Police Chief John Ortolano stated the Hobbs Municipal Code regarding parking enforcement was discussed at the October 21, 2019, Commission meeting. The City of Hobbs has adopted the Uniform Traffic Ordinance (UTO) to govern the traffic laws in Hobbs, New Mexico. He stated the Hobbs Police Department (HPD) has identified issues of parking to be a common complaint from the citizens of Hobbs, New Mexico. Police Chief Ortolano stated NMSA 1978, §3-17-1 and §3-50-S(K) allows a municipality to adopt ordinances necessary to promote the morals, order, comfort and convenience while addressing the existence of congestion of street traffic. He stated HPD has employed police service aides to conduct certain duties related to the assistance of law enforcement and the general public. Police Chief Ortolano stated he would like to designate these police service aides as having the authority to enforce all parking ordinances within the municipal boundaries of Hobbs, New Mexico. He stated two police service aides have been hired and there are two vacancies to be filled.

In reply to Commissioner Newman's inquiry, Mr. Cortez stated the police service aide can only cite under the UTO and does not have authority to cite under the International Fire Code. He stated only the Fire Marshal can cite under the fire code.

Proper publication having been made, with there being no comments from the public and after a short discussion by the Commission, Commissioner Newman moved to adopt Ordinance No. 1122 as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor 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 Change Order No. 4 with Haydon Building Corporation for the Center of Recreational Excellence (CORE)

Mr. Todd Randall explained Change Order No. 4 with Haydon Building Corporation for the Center of Recreational Excellence (CORE) and briefly reviewed the history of the project which began in 2015. Mr. Randall explained the details of Change Order No. 4 as follows:

November 18, 2019 - Change Order No. 4 for a total of \$297,783.67, which will increase the overall contract to a total of \$54,268,824.92 (Fully loaded with CMAR Fee, Bond, Insurance and GRT) and not including early release work. Total Change in the contract is a 2.1 % increase or \$1,092,554.92 (Change Orders 1-4).

Commissioner Mills moved to approve Change Order No. 4 with Haydon Building Corporation for the CORE as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 6879 - Authorizing the Mayor to Execute a Grant Close Out Agreement Between the City of Hobbs and the J. F Maddox Foundation for the Design and Construction of a Recreation Facility (CORE).

Mr. Randall presented the Grant Close-Out Agreement to finalize any future capital contribution by the J. F Maddox Foundation for the design and construction of the CORE. He stated the original supplemental grant was for \$2.5 million with a total of \$1,661,966 utilized for the project leaving a balance of \$838,034.

Mr. Randall stated the following entities contributed to the design and construction of the CORE as follows:

▶ J. F Maddox Foundation (Initial Grant Funding)	\$25,000,000
▶ J. F Maddox Foundation (Supplemental Grant Funding)	\$ 2,500,000
▶ City of Hobbs (General Fund)	\$25,000,000
▶ NMJC (General Obligation Bond)	\$ 4,950,000
▶ NMJC (1 % of G.O. Bond reserved for Public Art)	\$ 50,000
▶ NMJC (Mill Levy Funds)	\$ 5,000,000
▶ Hobbs Municipal School District (Local Bond Funds)	\$ 1,000,000
Total Revenue Breakdown	\$63,500,000

Mayor Cobb thanked the J. F Maddox Foundation for its partnership in the multiple improvement projects throughout the City.

Commissioner Penick moved that Resolution No. 6879 be adopted as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and application packet are attached and made a part of these minutes.

Resolution No. 6880 - Approving a Development Agreement with Lemke Development, Inc., Concerning the Development of Market Rate Single-Family Housing.

Mr. Kevin Robinson, Development Director, explained the resolution and stated Lemke Development, Inc., has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries at the northwest corner of the intersection of College Lane and Ja-Rob Lane. He further stated the developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$200,000.00.

Commissioner Newman moved that Resolution No. 6880 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and development agreement 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 December 2, 2019.

Acting City Manager/Fire Chief Gomez thanked Mr. Randall for his presentations on the CORE and J. F Maddox Foundation grants. He also thanked the Maddox Foundation for everything they have done for the City of Hobbs.

Acting City Manager/Fire Chief Gomez reminded the Commission and the public that City of Hobbs offices will close at noon on Wednesday, November 27, 2019, in observance of Thanksgiving, and will reopen on Monday, December 2, 2019.

Acting City Manager/Fire Chief Gomez stated the City of Hobbs has been selected as a finalist for the New Mexico Hospitality Association Awards in the "Outstanding Event" category for hosting the New Mexico Recreation and Parks Association 2019 Annual Conference, in the "Outstanding Attraction" category for the CORE and in the "Best Print" category for the Guide Magazine.

Commissioner Gerth stated it has been a privilege to attend the Charter Commission Meeting as he has learned a great deal from the process. He further stated 20 years ago, it took many more meetings to come to an agreement on a proposed City Charter.

Commissioner Mills wished everyone a Happy Thanksgiving and safe travels.

Commissioner Taylor also wished everyone a Happy Thanksgiving.

Commissioner Penick thanked everyone for their attendance at tonight's meeting. He also wished everyone a Happy Thanksgiving.

Mayor Cobb wished everyone a Happy Thanksgiving.

### **Adjournment**

There being no further business or comments, Commissioner Newman moved that the meeting adjourn. Commissioner Calderón seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:45 p.m.

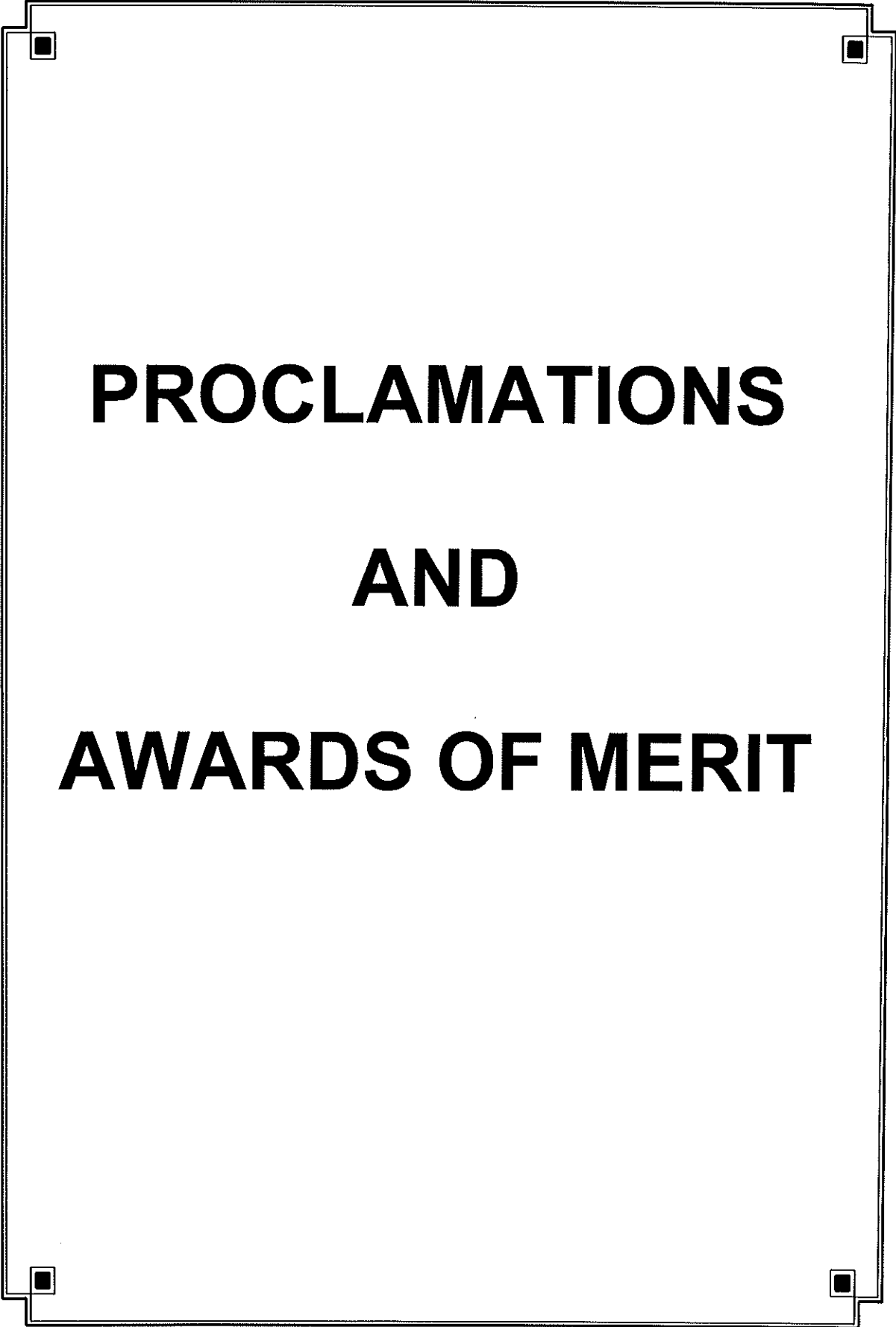
---

Sam D. Cobb, Mayor

ATTEST:

---

JAN FLETCHER, City Clerk



**PROCLAMATIONS  
AND  
AWARDS OF MERIT**

Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, in 1936 the Clinton family donated land to the City of Hobbs for a park, playground and library; and

**WHEREAS**, on August 21, 1939 the Hobbs Public Library opened its doors and was dedicated on November 13, 1939; and

**WHEREAS**, the library sits in the heart of Clinton Park as originally specified by the donating family; and

**WHEREAS**, the City of Hobbs Public Library recognizes that access to information empowers individuals with knowledge and opportunity; and

**WHEREAS**, the Hobbs Public Library staff is committed to providing materials and services that satisfy the educational, informational, recreational and cultural needs of our community; and

**WHEREAS**, this year marks the 80<sup>th</sup> anniversary of the library's existence to be marked with an Open House at the library from 4-6 p.m. on December 10<sup>th</sup>, 2019.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim December 10, 2019, as

### "HOBBS PUBLIC LIBRARY DAY"

and extend sincere gratitude and congratulations to the Hobbs Public Library Staff and the Library Board for the services that have been provided to the community for over 80 years.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 2<sup>nd</sup> day of December, 2019, and cause the seal of the City of Hobbs to be affixed hereto.

\_\_\_\_\_  
SAM D. COBB, MAYOR

ATTEST:



\_\_\_\_\_  
JAN FLETCHER, CITY CLERK





# **CONSENT AGENDA**





**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 2, 2019

**SUBJECT:** APPROVE RESOLUTION TO ESTABLISH MULTI-FAMILY COMPLEX MEMBERSHIP PROGRAM AND FEES AT THE CORE

DEPT. OF ORIGIN: Parks and Recreation

DATE SUBMITTED: November 22, 2019

SUBMITTED BY: Doug McDaniel, Director of Parks and Recreation  
Lindsay Chism McCarter, CORE Marketing Coordinator

**Summary:**

Several multi-family housing complexes have approached the CORE about offering memberships to their tenants for which the ownership of the complexes would pay for and offer as an incentive to both prospective and current tenants. CORE staff, using language recommended by the City of Hobbs Planning Department, established the Multi-Family Complex Membership Program that is similar to the CORE's Corporate Membership Program. It is anticipated that the Multi-Family Complex Membership Program could raise substantial revenue on an annual basis.

The Multi-Family Complex Membership Agreement, which is attached, was presented to the Community Affairs Board at their meeting on October 15, 2019. The Community Affairs Board approved this program and recommended that this program be forwarded to the City Commission for their consideration as it would establish a new program and new fees at the CORE.

Multi-Family Complexes wanting to participate will select the number of units available at their property and the associated discounts on membership for their units, and pay the prescribed enrollment fee. Membership will be assigned to a particular unit at the complex and will be owned by the complex and not the tenants. Tenants will be required to show identification upon entering the CORE and will have access to the CORE for as long as they are tenants at the complex. The owner will notify CORE staff of any changes in residency for units/memberships: additions when new tenants move in, and deletions when tenants move out. The annual enrollment fee will be paid at time of enrollment by the owner of the complex. The memberships will be annual memberships and paid in full at time of enrollment by the owner.

The total operating expenses at the CORE will be offset by two revenue streams: fees generated and contributions toward operating expenses received from the CORE Partners. At this time, both the operating expenses and the fees generated are estimates which are based on the Ballard King feasibility study and staff input. A true picture of the CORE's operating expenses and revenues generated will become clear after two years of operation (June 1, 2020). However, the anticipated/estimated subsidy for the CORE's first year of operation was expected to be 50%. The actual subsidy for the first year of operation was 28%.

This item was on the City Commission's agenda at the November 18, 2019, meeting as a Discussion item.

**Fiscal Impact:**

Reviewed by: \_\_\_\_\_

  
Finance Department

It is anticipated that the Multi-Family Complex Membership Program will add substantial revenue to the CORE's revenue stream. Exact revenues will not be known until the completion of the first year of the program.

**Attachments:** Resolution, Copy of Multi-Family Complex Membership Agreement and Fees

**Legal Review:**

Approved As To Form:

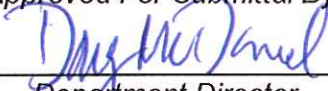
  
City Attorney

**Recommendation:**

The Community Affairs Board and Staff recommend that the City Commission approve the Multi-Family Complex Membership Program and Fees.

*Approved For Submittal By:*

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

  
\_\_\_\_\_  
Department Director

  
\_\_\_\_\_  
City Manager

Resolution No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Approved \_\_\_\_\_

Other \_\_\_\_\_

Continued To: \_\_\_\_\_

Referred To: \_\_\_\_\_

Denied \_\_\_\_\_

File No. \_\_\_\_\_

CITY OF HOBBS

RESOLUTION NO. 6881

A RESOLUTION TO ESTABLISH A MULTI-UNIT HOUSING  
COMPLEX MEMBERSHIP PROGRAM AT THE CORE

WHEREAS, several multi-unit housing complexes have approached the CORE about offering to pay for memberships as an incentive to both prospective and current tenants; and

WHEREAS, the City of Hobbs Planning Department has established the Multi-Unit Housing Complex Membership Program that is similar to the CORE's Corporate Membership Program; and

WHEREAS, it is anticipated that the Multi-Unit Housing Complex Membership Program could raise substantial revenue on an annual basis; and

WHEREAS, the Multi-Unit Housing Complex Membership Agreement was presented to the Community Affairs Board at their October 15, 2019 meeting; and

WHEREAS, the Community Affairs Board approved this program and recommended that it be forwarded to the City Commission for consideration;

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 approve this Resolution establishing a Multi-Unit Housing Complex Agreement.

PASSED, ADOPTED AND APPROVED this 2<sup>nd</sup> day of December, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk



# Multi-Unit Housing Complex Membership Agreement

### Agreement Term

Today's Date: \_\_\_\_\_

Effective Dates of Agreement: \_\_\_\_\_

### ORGANIZATION Contact Information:

Property Owner/Business Name: \_\_\_\_\_

Total Number of Units on Property: \_\_\_\_\_ Representative: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Physical Address: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

### CATEGORIES Please check appropriate category below:

\_\_\_ Category 1

- 5 - 40 units on property. One of the 2 options of annual memberships below will be purchased for the appropriate units  
(Adult Couple rate for 1 bedroom units, Single Family rate for 2 bedroom units, or Family rate for 3 bedroom units)
- 5% discount applied to membership; paid in full for the year by the property owner/entity
- \$100 enrollment fee to be paid by Organization

\_\_\_ Category 2

- 41 - 100 units on property. One of the 2 options of annual memberships below will be purchased for the appropriate units  
(Adult Couple rate for 1 bedroom units, Single Family rate for 2 bedroom units, or Family rate for 3 bedroom units)
- 10% discount applied to membership; paid in full for the year by the property owner/entity
- \$300 enrollment fee to be paid by Organization

\_\_\_ Category 3

- 101 - 200 units on property. One of the 2 options of annual memberships below will be purchased for the appropriate units  
(Adult Couple rate for 1 bedroom units, Single Family rate for 2 bedroom units, or Family rate for 3 bedroom units)
- 15% discount applied to membership; paid in full for the year by the property owner/entity
- \$500 enrollment fee to be paid by Organization

\_\_\_ Category 4

- 201 and above units at property. One of the options of annual memberships below will be purchased for the appropriate units  
(Adult Couple rate for 1 bedroom units, Single Family rate for 2 bedroom units, or Family rate for 3 bedroom units)
- 20% discount applied to membership; paid in full for the year by the property owner/entity
- \$750 enrollment fee to be paid by Organization

The Center of Recreational Excellence (CORE) and \_\_\_\_\_ will enter into the following agreement tailored for memberships that are with a multi-unit housing complex, of which all units are owned by a single entity:

- The CORE will sell memberships to \_\_\_\_\_ (multi-unit housing complex) whereas each membership will be assigned to a specific number of bedrooms and therefore, an assumed average number of people living in each unit. Each will be charged a rate equivalent to either the Adult Couple rate for 1 bedroom units, Single Family rate for 2 bedroom units or the Family rate for 3 bedroom units. The rate, and the appropriate discount for which category the complex falls under based on overall units available, will determine final rate for each unit in that complex. All policies and procedures for members, per the Member Handbook, will apply to the tenants/users.
- \_\_\_\_\_ will identify to the CORE all of the tenants who reside in each unit. The membership will allow those people identified use of the CORE and all member benefits for the length of the time they live in the unit OR the 12 months of the membership purchased, whichever comes first. If the tenants should no longer be the tenants of the unit, \_\_\_\_\_ will notify the CORE in writing as soon as possible, so those names can be removed from the membership data. The timeliness of this communication will determine the CORE's ability to provide the appropriate services to the appropriate people.
- All memberships will be annual memberships, paid in full. The CORE requires payment from \_\_\_\_\_ prior to registering any new tenants, therefore a credit card on file, a check for the balance, or cash to be delivered the day of will be required each time a new membership is purchased.
- Each tenant will be required to show identification (driver's license, student ID, etc.) to obtain entry into the CORE, which will need to match the names assigned to the unit. (For detailed information on minors using the facility and age policies of guests at the CORE, please refer to the Member Handbook.)
- Each tenant will need to have a liability waiver signed and on file with the CORE. They can complete that paperwork the first time they come to use the CORE under the membership.
- The memberships will belong to \_\_\_\_\_ and as a result, tenants are not able to make changes or request alterations to the membership. Only designated \_\_\_\_\_ representatives will be able to make such requests in writing.

**CORE Facility Director**

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

**Organization Representative**

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date



## Multi-Family Complex Membership Discounts

		10-50 units	51-100 units	101-200 units	201 + units
	Annual Membership Regular Rate	Complex Rate 10% Discount	Complex Rate 15% Discount	Complex Rate 20% Discount	Complex Rate 25% Discount
1 bdrm unit/	\$570	\$513	\$485	\$456	\$428
2 bdrm unit/Single Family (max 6 mem-	\$513	\$462	\$436	\$410	\$385
3 bdrm unit/Family	\$627	\$564	\$533	\$502	\$470



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 2, 2019

SUBJECT: APPROVE RESOLUTION FOR SPECIAL EVENT APPLICATION FEES FOR SPECIAL EVENTS WITH UP TO 99 PARTICIPANTS (1-99)

DEPT. OF ORIGIN: Parks and Recreation
DATE SUBMITTED: November 22, 2019
SUBMITTED BY: Doug McDaniel, Parks and Recreation Director

Summary:

Currently, the City of Hobbs has a Special Event Permit Application for Special Events held by entities, organizations, and agencies that are conducted on City property. Currently, the following fees are in place:

100-199 participants: \$50 deposit \$100 day/rental
200-299 participants: \$100 deposit \$200 day/rental
300+ participants: \$150 deposit \$300 day/rental

Recently, there have been requests to hold Special Events with less than 100 participants and there was no fee established for events of this nature. Staff recommended to the Community Affairs Board that events with up to 99 participants pay a \$50 deposit, and a \$50 day/rental fee for such events. The Community Affairs Board discussed and considered Staff's recommendation at the October 15, 2019, meeting of the Community Affairs Board. This item was approved by the Community Affairs Board and recommended for consideration by the City Commission as it would establish a new fee. The number of Special Event Permit Applications varies each year but typically there are 20-30 requests per year which generate \$2,000 - \$3,000 in revenue. As per Ordinance, this item was on the City Commission's agenda at the November 18, 2019, meeting as a Discussion Item.

Fiscal Impact:

Reviewed by: [Signature]
Finance Department

All revenue collected for Special Events by the Parks and Recreation Department are deposited into the City's General Fund. Any new revenue resulting from fees approved by the City Commission would also be deposited into the General Fund.

Attachments: Resolution, Copy of proposed Special Event Permit Application

Legal Review:

Approved As To Form:

[Signature]
City Attorney

Recommendation:

Staff and the Community Affairs Board recommend that the City Commission approve the Special Event Application Fee for events with up to 99 participants: \$50 deposit + \$50 /day rental.

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. 6882

A RESOLUTION TO APPROVE SPECIAL EVENT APPLICATION  
FEES FOR SPECIAL EVENTS WITH UP TO 99 PARTICIPANTS (1-99)

WHEREAS, requests have recently been made to hold Special Events with less than 100 participants; and

WHEREAS, there is no fee currently established for events of this nature; and

WHEREAS, Staff along with the Community Affairs Board recommends that events with up to 99 participants (1-99) pay a \$50 deposit and a \$50 day/rental fee for such events;

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 approve this Resolution establishing fees for Special Events with up to 99 participants (1-99).

PASSED, ADOPTED AND APPROVED this 2<sup>nd</sup> day of December, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk





**SPECIAL EVENT PERMIT APPLICATION**

**RATES:**

_____ Under 99 people:	\$ 50 deposit	\$ 50/day rental	<i>Proposed</i>
_____ 100-199 people:	\$ 50 deposit	\$100/day rental	
_____ 200-299 people:	\$100 deposit	\$200/day rental	
_____ Over 300 people:	\$150 deposit	\$300/day rental	

**APPLICANT INFORMATION:**

Today's Date: \_\_\_\_\_

Organization Name (if applicable): \_\_\_\_\_

Email address (optional): \_\_\_\_\_

Event Name: \_\_\_\_\_

Estimated Number of Participants: \_\_\_\_\_

Applicant/Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Event On-Site Coordinator: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**EVENT INFORMATION:**

Park Requested: \_\_\_\_\_ Event Date: \_\_\_\_\_

Setup Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Event Time: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Tear Down Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Additional needs: \_\_\_\_\_ Electricity

Describe the planned activities. (Sale or distribution of food, products, promotional material, celebrities, speeches, ceremonies, etc.). \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will the event be advertised? YES NO

Do you plan to have amplified sound at your event? YES NO

**SPONSOR ORGANIZATION RESPONSIBILITIES:**

\_\_\_\_\_ Proof of liability insurance in the amount of \$1,000,000 naming the City of Hobbs as co-insured.

\_\_\_\_\_ Security

**NOT PROVIDED BY THE CITY OF HOBBS:**

Tents or Canopies?    YES    NO    If yes, provide the number and size: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Inflatables?    YES    NO    If yes, provide the number and size: \_\_\_\_\_

Port-a-Potties?    YES    NO    If yes, provide the number: \_\_\_\_\_

**AGREEMENT:** (Please initial each item.)

\_\_\_\_\_ I understand that Special Event Permit Applications will not be accepted by the Parks & Recreation Department if they are submitted less than five (5) working days prior to the requested date.

\_\_\_\_\_ I understand that the City Manager's approval, if applicable, must be obtained before submitting the Special Event Permit Application, along with the appropriate fees, to the Parks & Recreation Office.

\_\_\_\_\_ I understand that alcoholic beverages are not allowed at any time.

\_\_\_\_\_ I understand that the placement of tents/canopies, inflatables, port-a-potties and any other large items must be pre-approved by the Parks Superintendent or his representative.

\_\_\_\_\_ I understand that it is my responsibility to make sure that the facility is left clean and undamaged.

\_\_\_\_\_ I understand that I/we are responsible for cleaning up/trash removal from all areas used by patrons attending our event up to and including the landscaped areas, sidewalks, alleys, and other area parking lots.

\_\_\_\_\_ I understand that the deposit will be fully refunded if not needed to cover the cost of cleanup or to repair any damages.

\_\_\_\_\_ I understand that City Staff will be responsible for placing and emptying trash receptacles only.

\_\_\_\_\_ I understand that if City Staff have to clean up or assist in the cleanup process after my/our event, I/we will be billed for both personnel and equipment hours used.

\_\_\_\_\_ I understand that all components of the event are subject to Parks Department approval and may require approval by and/or permits from other City or State agencies. Parks Department approval does not constitute permission from other agencies.

\_\_\_\_\_ I understand that vehicles are not allowed on the grass or sidewalks.

\_\_\_\_\_ I agree to adhere to Ordinance No. 12.28.170 of the Hobbs Municipal Code which states that:

- A. No person shall mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public

utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances, either real or personal.

- B. No person shall damage, cut, carve, mark, transplant or remove any plant, or injure the bark or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass area or in any other way injure the natural beauty or usefulness of any area.
- C. No person shall hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, nor shall he or she remove or have in his or her possession the young of any wild animal or the eggs or nest or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.
- D. No person shall ride or lead a horse or any other animal that may damage any structure or is potentially dangerous to the public in any park or recreation area.
- E. No person unless authorized shall ride a bicycle, motorcycle or motor vehicle of any kind (except for handicapped personal transports) within any park or recreation area, except those areas specifically designated and marked for parking and driving.
- F. No person shall carry a deadly weapon as defined in Section 9.36.040.
- G. No person shall engage in any other activities or events which the City prohibits in order to insure public peace and safety in the City parks system and as otherwise have been so designated by signs or other notices posted to inform the public of such prohibited activities. (Prior code § 20-17)

I \_\_\_\_\_ (Applicant/Representative) agree to comply with the aforementioned policies and procedures.

----- Signature \_\_\_\_\_ Date \_\_\_\_\_

Damage/Cleanup Deposit (all reservations) \$ \_\_\_\_\_

Rental Fee \$ \_\_\_\_\_

Total Due \$ \_\_\_\_\_

Payment Method: Cash [ ] Credit Card [ ] Check # Total Paid \$ \_\_\_\_\_

Appropriate fees have been paid by: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Approved \_\_\_\_\_ Denied Permit #: \_\_\_\_\_

Check Request #: \_\_\_\_\_

Voucher #: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: 12-2-19

SUBJECT: A Resolution Authorizing Appointments to the Public Art Committee.


DEPT. OF ORIGIN: Mayor's Office  
DATE SUBMITTED: 11-26-19  
SUBMITTED BY: Ann Betzen

Summary:

A Resolution authorizing the appointment of the following individuals to serve on the Public Art Committee:  
Daniel Russell, Mary Lyle, Barry Peters, Joanne Zespy, Mick Cavanaugh, Susan Crutchfield, and Phoebe Spencer.

Fiscal Impact:

There is no effect on the current year budget.

Reviewed By:   
Department

Attachments:

Resolution

Legal Review:

Approved As To Form:   
City Attorney

Recommendation:

Motion to approve 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. 6883

A RESOLUTION AUTHORIZING APPOINTMENTS TO  
THE PUBLIC ART COMMITTEE

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the following individuals be appointed to serve on the Public Art Committee:

Daniel Russell

Mary Lyle

Barry Peters

Joanne Zespy

Mick Cavanaugh

Susan Crutchfield

Phoebe Spencer

PASSED, ADOPTED AND APPROVED this 2<sup>nd</sup> day of December, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk



# **ACTION ITEMS**



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 2, 2019

**SUBJECT: A RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE CHARTER COMMISSION TO PLACE PROPOSED CHARTER AMENDMENT(S) ON THE MARCH 2020 REGULAR MUNICIPAL ELECTION BALLOT.**

DEPT. OF ORIGIN: Legal Department  
DATE SUBMITTED: November 25, 2019  
SUBMITTED BY: Efren A. Cortez, City Attorney

**Summary:**

Pursuant to Section 7-1 of the City of Hobbs Charter, "[t]he City Commission shall appoint a Charter Commission at least every ten (10) years to review the Charter." On October 21, 2019, via Resolution No. 6869, the City Commission appointed a nine (9) member Charter Commission to review the City Charter. The Charter Commission met twice – on November 7<sup>th</sup> and 19<sup>th</sup> – in public hearings "to obtain public opinion and input" and has four (4) recommendations for amendments to the City Charter to submit to the City Commission. The proposed amendments are to: 1) Section 2-1(A). Electors – Candidates (amendment); 2) Section 10-1. Recall (amendment); 3) Section 11 – Public Officer and Employee Anti-Discrimination (new); and 4) Section 4-7 – City Commission Powers and Duties (amendment).

The City Charter states, "[t]he City Commission shall act on the recommendations of the Committee by an affirmative vote of the majority." Thus, if a majority of the City Commission votes affirmatively on each of the recommendations, the issue(s) shall be placed on the ballot for the March 2020 general municipal election. If the Commission does not vote affirmatively on the issue(s), they will not be placed on the ballot for the March 2020 general municipal election. (see NMSA 1978, §3-15-16)

**Fiscal Impact:**

There will be no fiscal impact to the City if the Charter Amendment(s) are submitted to the qualified electors at the general municipal election in March 2020.

Reviewed By: \_\_\_\_\_

*Finance Department*

**Attachments:** Resolution;

City Charter (draft with proposed draft amendments);  
Letter from Hobbs Charter Commission (November 20, 2019)  
Proposed Charter Amendments (Section 2-1(A); Section 10-1; Section 11; and Section 4-7);  
Charter Minutes (November 7, 2019 and November 19, 2019).

**Legal Review:**

Approved As To Form: \_\_\_\_\_

*City Attorney*

**Recommendation:**

The Commission should consider 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. 6884

A RESOLUTION PLACING RECOMMENDED  
CHARTER AMENDMENTS ON THE MARCH 2020  
REGULAR MUNICIPAL ELECTION BALLOT

WHEREAS, a duly appointed Charter Commission met twice in public meetings to obtain public opinion and input regarding the Hobbs City Charter; and

WHEREAS, the Charter Commission has submitted four (4) proposed Charter Amendments to the Hobbs City Commission; and

WHEREAS, the Hobbs City Commission has acted on the recommendations of the Charter Commission by an affirmative vote of the majority; and

WHEREAS, each of the recommendations approved by the Hobbs City Commission shall be submitted by the governing body of the municipality to the qualified electors at a general or special election.

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 effectuate this Resolution on behalf of the City of Hobbs to place the attached Proposed City Charter Amendments on the March 2020 regular municipal election ballot.

PASSED, ADOPTED AND APPROVED this 2<sup>nd</sup> day of December, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk



CITY OF HOBBS CHARTER

**Adopted by the Voters of the  
City of Hobbs, New Mexico,  
at a Special Election  
Held on August 1, 2000  
Effective April 1, 2001**

Charter for the City of Hobbs<sup>[1]</sup>

We, the citizens of the City of Hobbs, New Mexico, under the Constitution and law of New Mexico, do ordain and establish this government for the City of Hobbs, New Mexico.

Footnotes:

--- (1) ---

**Editor's note** --- Ordinance history: Amended by Ord. 878 dated April 16, 2001; Charter amended in its entirety at election of Mar. 2, 2010.

**Section 1 - Powers**

**1-1. - Powers.**

The municipality, now existing and known as the City of Hobbs, is a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or this Charter. The City may exercise its legislative power in the manner it deems necessary or the City may act in the manner provided by law ("state statute"). The purpose of this Charter is to provide for maximum local self-government. A liberal construction shall be given to the powers of the City.

(Amd. of 3-2-2010)

**Section 2 - Electorate**

**2-1. - Electors.**

- A. **Candidates.** Any registered qualified elector of the City of Hobbs may be a candidate for the office of Mayor, Municipal Judge, or Commissioner for the district in which the elector resides, if that candidate has resided within the City limits of Hobbs and, if applicable, within the appropriate Commission district, ~~for a period of at least 180 days prior to the filing of that elector's declaration of candidacy.~~
- B. **Voting Eligibility.** Any registered qualified elector of the City of Hobbs is eligible to vote in any City election.
- C. **Voter Photo Identification.** Voter photo identification shall be required for all municipal elections as follows:
  1. When a voter approaches the election polling place seeking to vote, the voter must identify herself or himself audibly by name. The Municipal Election Clerk shall locate the registered voter's name as spoken and ask the individual seeking to vote for one current identification card containing the voter's name and photograph.
  2. Such photo identification card may include any card issued by a government agency, driver's license, student identification card, commercial transaction card (such as a credit or debit card), insurance card, union card, a professional association card or a voter identification card issued

by the Hobbs City Clerk, provided the item submitted contains a photograph depiction of the voter.

3. If the individual is unable to provide a photo identification card, she or he shall be allowed to vote on a conditional ballot, but only if she or he swears or affirms under penalty of perjury in an affidavit provided by the City Clerk that she or he is the registered voter listed on the voter registration rolls at the precinct at which she or he presented herself or himself to vote and provides her or his date of birth and the last four digits of her or his Social Security number.
4. Conditional ballots shall be issued for no other reason than the failure to present photo identification. Conditional ballots shall be counted only by the Canvassing Board and only on the voter's presentation to the City Clerk, by 9:00 a.m. on the third day following the election, one of the photo identification cards described in this section. The Canvassing Board shall also verify that the voter who cast the conditional ballot was registered to vote for the election and did not vote elsewhere in the same election. If a voter who cast a conditional ballot under this section swears or affirms under penalty of perjury in an affidavit provided by the City Clerk within the three-day canvassing period that she or he has a religious objection to being photographed, such voter shall not be required to submit photo identification. The Canvassing Board shall otherwise verify that the conditional ballot was valid.
5. The City Clerk shall develop and provide instructions for election judges concerning the requirements of this section and a method of complaint and resolution for individuals who feel they have been discriminated against by election officials or the City Clerk's administration of this section.
6. Regarding the requirements of this section, knowingly executing a false statement constitutes perjury as provided in Section 30-25-1 NMSA 1978 and voting on the basis of a falsely executed statement constitutes false voting as provided in Sections 1-20-8, 1-20-8.1 and 3-8-75 NMSA 1978.
7. Voter photo identification cards shall be issued by the City Clerk without charge to any voter who presents any two (2) of the following identification documents that show the name and address of the voter: a state-issued identification card, Social Security card, student identification card, library card, insurance card, selective service card, union card, professional association card, utility bill, bank statement, government check or a paycheck, upon confirmation with the County Clerk that such person is registered to vote. If the individual is unable to present any two (2) of these documents to the City Clerk, then the voter shall swear or affirm in writing under penalty of perjury that she or he is the registered voter and shall be issued a voter photo identification card upon confirmation with the County Clerk that such person is registered to vote. The City Clerk issued photo identification card shall state on its face that it shall not be valid for identification other than for the purpose of voting in City of Hobbs municipal elections and shall not be valid if the voter is subsequently purged from the voter rolls.
8. This section shall take precedence over the State Municipal Election Code and any reference in this article to the State Municipal Election Code. The provisions of this section shall apply only to City of Hobbs municipal elections.
9. Changes to procedural matters only, as set forth in Paragraph C herein, shall be adopted by Ordinance by the City Commission.

(Amd. of 3-2-2010; Res. No. 6229, 12-12-2014)

**Editor's note**— Res. No. 6229, adopted Dec. 12, 2014, confirmed the certificate of canvass of the special municipal election held on Dec. 9, 2014, regarding the Charter amendment proposed in Res. No. 6182, Prop. No. 3, adopted Aug. 18, 2014, requiring voter photo identification for all municipal elections.

2-2. - Regular City Election.

Regular City elections for the purpose of electing City officers and considering any other question placed on the ballot by the Commission shall be held on the first Tuesday in March of each even-numbered year.

(Amd. of 3-2-2010)

2-3. - Non-Partisan Elections.

The names of candidates for City office shall be listed on the ballot without party or other designation. The name of the candidate shall appear on the ballot as it is shown on the candidate's declaration of candidacy. The listing of the names on the ballot of the candidates for the office to be filled shall be determined by lot.

(Amd. of 3-2-2010)

2-4. - Elective Offices.

The elective offices of the City are six (6) Commissioners, a Mayor, and a Municipal Judge.

(Amd. of 3-2-2010)

2-5. - Term of Office.

The term of office of a Commissioner and Mayor is four (4) years. The term of office for the Municipal Judge is four (4) years. The Municipal Judge in office at the time of adoption of this Charter shall continue to serve until the regular municipal election in 2002.

(Amd. of 3-2-2010)

2-6. - Runoff Elections.

- A. If no candidate receives at least forty percent (40%) of the votes cast for a particular office, a runoff election shall be held within forty-five (45) days after certification of the results of the election. The two (2) qualified candidates who receive the highest number of votes cast for the office shall automatically become the candidates in a runoff election without filing a declaration of candidacy.
- B. The Commission shall, by resolution, fix the day of the runoff election and specify the offices to be filled and the names of the candidates therefor. The resolution shall be published once, at least seven (7) days before the runoff election date. No other publications are required in connection with runoff elections. Eligibility to vote in a runoff election shall be the same as in the original election for the particular office and only such voting precincts and procedures will be reactivated as are necessary to accommodate any runoff race.

(Amd. of 3-2-2010)

Section 3 - Form of Government

The form of government of the City of Hobbs is the Commissioner/Manager form of government with an elected Mayor having limited duties.

(Amd. of 3-2-2010)

#### Section 4 - City Commission

##### 4-1. - Composition.

The City Commission consists of six (6) members who shall be elected as provided in this Charter. One (1) Commissioner shall be elected from each district. Each district shall be compact and contiguous and composed of populations as nearly equal as practicable. Communities of interest, including those based on economic, geographic or ethnic characteristics shall be preserved within a single district to the extent reasonable and practical. Any member of the Commission representing a district shall be a resident of, and elected by, the registered qualified electors of that district.

(Amd. of 3-2-2010)

##### 4-2. - At-Large Election - Mayor.

The mayor shall be voted on at-large.

(Amd. of 3-2-2010)

##### 4-3. - District Elections.

The City of Hobbs shall be divided into six (6) districts after receipt of the official Year 2000 Federal Census, but until the regular municipal election in 2002, the City shall have only five (5) districts as now existing, and the Commissioners now occupying these positions shall remain in office after the effective date of this Charter until their successors are elected as provided for in this Charter. The sixth Commissioner shall be elected for the first time in the regular municipal election in 2002. In addition, at that same regular municipal election in 2002, a Commissioner shall be elected for a full four (4) year term or a two (2) year term, as applicable, if such redistricting results in a district having two (2) incumbent Commissioners or no incumbent Commissioner residing therein. Commencing with the regular municipal election in 2002, the Municipal Judge and Commissioners for districts 4, 5, and 6 shall be elected for full 4-year terms. Commencing with the regular municipal election in 2004, the Mayor and Commissioners for districts 1, 2, and 3 shall be elected for full 4-year terms.

(Amd. of 3-2-2010)

##### 4-4. - Staggered Terms.

The terms of the Commissioners shall be staggered so that three (3) Commissioners are elected every two (2) years.

(Amd. of 3-2-2010)

##### 4-5. - Vacancy.

A vacancy in the office of Commissioner, Mayor, or Municipal Judge occurs upon the officer's death, disability, resignation or termination of residency in the City or the district represented. If the office is vacated, the remaining members of the Commission shall appoint a registered qualified elector to fill the vacancy within thirty (30) days of the vacancy. Any registered qualified elector appointed to fill a vacancy shall serve until the next regular City election, at which time a registered qualified elector shall be elected to fill the remaining unexpired term, if any.

(Amd. of 3-2-2010)

4-6. - Meetings.

The Commission shall meet at least twice each month. Meetings of the Commission shall be open to the public and the official records of the City shall be open to inspection during regular business hours as provided in State statute.

(Amd. of 3-2-2010)

4-7. - Powers and Duties.

The Commission is the governing body of the City of Hobbs and may exercise all legislative powers not expressly denied by general law.

The Commission shall:

- A. Pass all ordinances and other measures conducive to the health, safety and welfare of the City;
- B. Carry out the provisions of this Charter;
- C. Perform all acts required for the general welfare of the City;
- D. Create all offices and departments necessary for proper carrying on of the work of the City; and
- E. Appoint a City Manager and hold him responsible for the proper and efficient administration of City government.
- F. Provide advice and consent via resolution regarding the termination of the City Attorney.

(Amd. of 3-2-2010)

Section 5 - Mayor

5-1. - Organizational Meeting - Mayor Pro-Tem - Selection.

At its organizational meeting to be held on the first Monday following the regular City election or as soon thereafter as practical, the Commission shall elect one (1) of its members to serve as Mayor Pro-Tem. The term of office of Mayor Pro-Tem is until the next organizational meeting of the Commission, or until a successor is selected and qualified, unless sooner removed by death, resignation or removal from office.

(Amd. of 3-2-2010)

5-2. - Mayor - Duties.

The Mayor:

- A. Shall preside at all meetings of the Commission and perform other duties, consistent with his/her office, as imposed by the Commission;
- B. Has the same right to vote as a Commissioner;
- C. Has the right to place any item on a Commission meeting agenda;

- D. Shall lead, guide and develop (in conjunction with the City Commission and others) short and long range plans and goals for the City concerning its growth and development (economic, industrial and otherwise);
- E. Shall represent the City and promote its interests at the local, county, state and national levels and in economic and industrial development activities;
- F. Is the official head of the City for all ceremonial and spokesperson purposes;
- G. In the event of an emergency or natural disaster, with a support of a majority of the City Commission, call upon or request relief or aid from any local, county, state or national governmental entity.

The Mayor shall be elected for the first time in a special election to be held at least ten (10) days before the effective date of this Charter and shall serve until the regular municipal election in 2004.

The terms of Commissioners shall be unaffected and continue in the manner provided by state statute.

(Amd. of 3-2-2010)

#### Section 6 - Manager

##### 6-1. - Qualifications - Appointment.

A City Manager shall be appointed solely on the basis of his administrative qualifications for an indefinite term. His selection shall not be limited by reason of his former residence.

His salary shall be fixed by the City Commission. A vacancy in the office of the City Manager occurs upon his death, resignation or removal from office.

(Amd. of 3-2-2010)

##### 6-2. - Manager - Duties.

The City Manager is the Chief Executive Officer of the City. He shall have a seat, but not vote, at every meeting of the City Commission. The City Manager shall:

- A. Enforce and carry out all ordinances, rules and regulations adopted by the Commission;
- B. Employ, discipline and discharge employees of the City;
- C. Prepare and submit an annual budget to the City Commission;
- D. Make recommendations to the City Commission concerning the welfare of the City;
- E. Be the person, or his designated agent, for the purposes of civil process;
- F. Continue to be the administrative officer of the City in the event of any local, county, state or national emergency or disaster.

(Amd. of 3-2-2010)

#### Section 7 - Charter Review

##### 7-1. - Charter - Amendments - Revision.

This Charter may be amended or repealed in the manner provided by law. The City Commission shall appoint a Charter Commission at least every ten (10) years to review the Charter. The Charter

Commission shall consist of two (2) Commissioners, the Mayor, and one (1) member appointed by each Commissioner. After conducting at least one (1) public hearing to obtain public opinion and input, the Charter Commission shall submit recommendations to the City Commission. The City Commission shall act on the recommendations of the Committee by an affirmative vote of the majority.

(Amd. of 3-2-2010)

7-2. - Saving Clause.

This Charter does not apply to pending litigation. All ordinances, resolutions, regulations and orders shall continue in effect until amended or repealed.

(Amd. of 3-2-2010)

Section 8 - Compensation

8-1. - Compensation.

Compensation for the Mayor, Mayor Pro-Tem, and Commissioners shall be determined by Ordinance and until at least the election in March, 2004, shall be as follows:

- A. Mayor: \$18,000.00 per year.
- B. Mayor Pro-Tem: \$ 4,800.00 per year.
- C. Commissioner: \$ 4,800.00 per year.

(Amd. of 3-2-2010)

Section 9 - Effective Date

This Charter shall become effective at 12:01 a.m. on April 1, 2001.

(Amd. of 3-2-2010)

Section 10 - Recall

~~10-1. - Recall.~~

~~A. The Mayor and any City Commissioner are subject to a recall election as provided in the manner provided by State law. Upon petition seeking the recall of the Mayor and/or any City Commissioner, the Commission shall call a special election unless the regular municipal election occurs within sixty (60) days, in which case the qualified electors shall vote on the recall at the regular election.~~

~~B. In either case, there shall be a special ballot containing the name of the officer, the office he holds and the dates of the beginning and termination of his official term. Below the name of the officer shall be two (2) phrases:~~

~~"For the recall" and~~

~~"Against the recall,"~~

~~one (1) below the other with a space after each for placing a cross where desired. If a majority of the votes cast favor recall and this majority equals or exceeds the number of votes the officer received~~

~~when elected, the office shall be declared vacant, and the office shall be filled as are other vacancies.~~

- ~~C. For the Mayor, the petition must be signed by no less than ten percent (10%) of the total number of registered qualified electors in the municipality at the last regular municipal election.~~
- ~~D. For a City Commissioner elected from a district, the petition shall be signed by no less than ten percent (10%) of the total number of registered qualified electors in that Commissioner's district at the last regular municipal election. The special recall election shall be held only in that district.~~
- ~~E. If the Mayor or Commissioner is recalled, he or she shall not be eligible for re-election until the term for which he or she was originally elected has expired.~~
- ~~F. If the recall election results in a failure to secure the votes necessary to recall, the Mayor or City Commissioner who is the subject of the election shall not be subject again to recall until six (6) months have elapsed from the date the previous recall election was held.~~

(Amd. of 3-2-2010)

Section 11 – Public Officer and Employee Anti-Discrimination

Wherever the masculine gender is used in this Charter, in defining the qualifications for specific offices or employment, it shall be construed to include the feminine.



## **Hobbs Charter Commission**

200 East Broadway  
Hobbs, New Mexico 88240

November 20, 2019

Mayor and Commission  
Ms. Jan Fletcher, City Clerk  
City of Hobbs  
200 East Broadway  
Hobbs, NM 88240

Dear Mayor, Commission and Ms. Fletcher:

The Hobbs Charter Commission was appointed by the City Commission on October 21, 2019, to review the City Charter. The Charter Commission met in two public meetings and extensively reviewed all sections of the Charter. In accordance with NMSA 1978 §3-15-5, the Hobbs Charter Commission hereby submits to the City Clerk four (4) proposed amendments to the City Charter for consideration by the City Commission, copies of which are signed and attached accordingly.

Should you have any questions about these amendments, we would be happy to participate in a joint work session with the City Commission to discuss these issues.

The Charter Commission would like to thank Mr. Efren Cortez, Mr. Erik Scramlin, Ms. Valerie Chacon, Ms. Jan Fletcher, Ms. Mollie Maldonado, and Acting City Manager Mr. Manny Gomez for their assistance and support provided to the Charter Commission throughout this process. It has been a pleasure serving in this capacity.

Respectfully submitted,



**OSCAR GONZALEZ**, Chairperson  
Hobbs Charter Commission

Enclosures

cc: Efren Cortez, City Attorney (w/encls.)

## SECTION 2-1(A). ELECTORS - CANDIDATES


Candidates. Any registered qualified elector of the City of Hobbs may be a candidate for the office of Mayor, Municipal Judge, or Commissioner for the district in which the elector resides, if that candidate has resided within the City limits of Hobbs and, if applicable, within the appropriate Commission district.

APPROVED AS RECOMMENDED

VOTE: 9 YES 0 NO

DATE: 11/19/19

SIGNED: \_\_\_\_\_



Cobb - Yes	Calderon - Yes	Duran - Yes
Fadke - Yes	Fields - Yes	Gonzalez - Yes
Herrera - Yes	Newman - Yes	Reimers - Yes

## SECTION 10-1. RECALL

The Mayor and any City Commissioner are subject to a recall election as provided in the manner provided by State law.

APPROVED AS RECOMMENDED

VOTE: 9 YES 0 NO

DATE: 11/19/20

SIGNED: \_\_\_\_\_



Cobb - Yes	Calderon - Yes	Duran - Yes
Fadke - Yes	Fields - Yes	Gonzalez - Yes
Herrera - Yes	Newman - Yes	Reimers - Yes

**SECTION 11 – PUBLIC OFFICER AND EMPLOYEE ANTI-DISCRIMINATION**

Wherever the masculine gender is used in this Charter, in defining the qualifications for specific offices or employment, it shall be construed to include the feminine.

APPROVED AS RECOMMENDED

VOTE: 8 YES 1 NO

DATE: 11/19/19

SIGNED: 

Cobb - Yes	Calderon - Yes	Duran - Yes
Fadke - No	Fields - Yes	Gonzalez - Yes
Herrera - Yes	Newman - Yes	Reimers - Yes

**SECTION 4 – CITY COMMISSION**

**4-7. – POWERS AND DUTIES.**

The Commission is the governing body of the City of Hobbs and may exercise all legislative powers not expressly denied by general law.

The Commission shall:

- A. Pass all ordinances and other measures conducive to the health, safety and welfare of the City;
- B. Carry out the provisions of this Charter;
- C. Perform all acts required for the general welfare of the City;
- D. Create all offices and departments necessary for proper carrying on of the work of the City; and
- E. Appoint a City Manager and hold him responsible for the proper and efficient administration of City government.
- F. Provide advice and consent via resolution regarding the termination of the City Attorney.

APPROVED AS RECOMMENDED

VOTE: 9 YES 0 NO

DATE: 11/19/19

SIGNED: \_\_\_\_\_



Cobb - Yes	Calderon - Yes	Duran - Yes
Fadke - Yes	Fields - Yes	Gonzalez - Yes
Herrera - Yes	Newman - Yes	Reimers - Yes

Minutes of the organizational meeting of the Charter Commission held on Monday, November 7, 2019, at 6:00 p.m. in the City Commission Chamber at City Hall, 200 East Broadway, Hobbs, New Mexico.

Following some refreshments, Mayor Sam Cobb called the meeting to order at 6:30 p.m. Mr. Brad Reimers gave the invocation and Mr. Kenny Fadke led the Pledge of Allegiance.

The City Clerk called the roll and the following members of the Charter Commission were present (*listed in alphabetical order*):

Joseph D. Calderón  
Sam Cobb  
Pat Duran  
Kenny Fadke  
Larron Fields  
Oscar Gonzalez  
Ryan Herrera  
Marshall Newman  
Brad Reimers

Also present were: Manny Gomez, Acting City Manager/Fire Chief  
Efren Cortez, City Attorney  
Erik Scramlin, Deputy City Attorney  
Valerie Chacon, Assistant City Attorney  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
8 citizens

Mayor Cobb stated he appreciated everyone being here for the meeting. He gave a brief overview of the history of the City's Charter and stated the purpose of this Committee is to review the Charter to see if any changes need to be made. He stated the City is obligated to review the Charter every 10 years. If any changes are recommended and approved by the City Commission, those changes will go forward to the voters at the next municipal officer election.

Mayor Cobb stated the first order of business would be to select a Chairperson and a Vice-Chair. He recommended that neither of these positions be held by the Mayor or any City Commissioner.

Commissioner Calderón moved that Oscar Gonzalez be elected as Chairperson. Commissioner Newman seconded the motion. There being no other nominations, all members voted in favor of the nomination.

Chairperson Gonzalez stated he is honored to serve as Chair of the Committee. He opened the floor for nomination of a Vice-Chair. Commissioner Calderón

nominated Mr. Larron Fields to serve as Vice-Chair. Mr. Kenny Fadke seconded the motion. There being no other nominations, the motion carried unanimously.

Vice-Chair Fields stated he feels very honored and privileged to serve on this Charter Commission.

Chairperson Gonzalez requested comments from Mr. Efren Cortez, City Attorney, regarding the City Charter.

Mr. Cortez stated each member of the Charter Commission has received a copy of the City Charter for review. He stated this meeting is being broadcast via Livestream on the City's website.

Mr. Cortez reviewed the history of the City Charter and stated members of this Charter Commission have been instrumental during this process. He stated the Charter was created in 2000, revised in 2009 and also revised in 2014. Any changes recommended by this Charter Commission will be submitted to the City Commission for consideration. If approved by a vote of the City Commission, any proposed changes would go before the voters in March of 2020 for approval. Mr. Cortez stated he envisions one more meeting after tonight's meeting to consider a vote on any amendments. He stated there will not be any votes at tonight's meeting because it was not placed on the agenda as a voting measure.

Mr. Cortez reviewed the details of a PowerPoint Presentation which was provided to the Hobbs City Commission in October. He began with definitions, clarifications of a charter, State Statutes, resolutions, ordinances and administrative policies. Mr. Cortez continued with information related to the United States Constitution, New Mexico Constitution and the Hobbs City Charter. Mr. Cortez emphasized that the State Statutes control if the Charter is silent but there is a two-part legal analysis a court would have to complete if the Charter is inconsistent with State Statutes. The Court would have to determine if the statute is a general law and if the statute expressly denies a municipalities authority to act. He stated the Charter is the highest law in the municipality which is higher than the City's resolutions, ordinances, regulations and policies.

Mr. Cortez reviewed a brief timeline and stated any proposed changes to the Charter would be submitted to the voters at the next municipal election in March of 2020. Any approved revisions would go into effect after canvas of the election results.

Mr. Cortez stated staff's goal during this process is to lead, guide and provide any assistance requested to the Charter Commission. He requested the Commission

to reach out to the Legal Department or to Ms. Jan Fletcher, City Clerk, who is well versed in the Election Statutes.

At this time, Mr. Cortez requested direction from the Commission on the best way to move forward to begin reviewing the Charter. Chairperson Gonzalez requested that it would be easier to review the Charter section by section.

Mr. Cortez proceeded with the review which is summarized as follows:

**Section 1-1. Powers**

Mr. Cortez stated this section tracks with the law and meets all requirements.

**Section 2-1(A). Electors - Candidates**

Mr. Cortez recommended a change in this section and expressed concern with the 180-day residency requirement. He stated the Court of Appeals has addressed this issue and the City cannot add pre-requisites or requirements to file for candidacy.

Ms. Valerie Chacon, Assistant City Attorney, reviewed the details of case law in *Cottrell v. Santillanes*, 120 N.M. 367, 901 P.2d 785. She stated the Court held that adding restrictions on the eligibility for elected office is unconstitutional because it exceeds a home rule municipality's authority as conferred by the New Mexico Constitution.

In response to Ms. Pat Duran's question, Mr. Cortez stated it was a previous Charter Commission member who made the recommendation for the 180-day residency requirement which was ultimately approved by the voters. In further reply to Chairperson Gonzalez' inquiry, Mr. Cortez stated it was not in compliance with the law at that time.

Mayor Cobb stated he believes it is staff's recommendation to remove that requirement from the Charter. If challenged, he stated the City would lose.

Mr. Cortez agreed with Mayor Cobb and recommended that the section related to 180 days be deleted from the paragraph.

**Section 2-1(B). Electors - Voting Eligibility**

Mr. Cortez stated no changes are needed to this section.

Mr. Kenny Fadke requested clarification on the eligibility to be a qualified elector. Ms. Jan Fletcher, City Clerk, stated a person must be 18 years of age, be a U. S. Citizen, and have a residence in New Mexico to be a qualified elector. Following some discussion, Mr. Cortez clarified that under the current state of the law a person is not eligible to be a candidate if they are convicted of a felony.



**Section 2-1 (C). Electors - Voter Photo Identification**

Mr. Cortez stated this section was changed in December of 2014 and is legally sufficient as written. He stated it was overwhelmingly supported by the voters at a special election.

In response to Mr. Brad Reimers' question, Mr. Cortez stated if the City chooses to opt in to the Regular Local Election which is held in November of odd years, the City would have to remove the requirements of Voter Photo Identification.

In response to Mr. Gonzalez' comment, Mr. Cortez stated the petition process for amendment of the Charter is set out by State Statute.

**Section 2-2. Regular City Election**

**Section 2-3. Non-Partisan Elections**

**Section 2-4. Elective Offices**

**Section 2-6. Term of Office**

Mr. Cortez stated the provisions of these sections of the Charter are all legally sufficient.

**Section 2-6. Runoff Elections**

Commissioner Calderon inquired about the percentage for runoff elections being 40%. Mr. Cortez stated a runoff provision is not required by State law but is permitted.

Ms. Fletcher explained the possibility of having a Ranked Choice Voting option which is an instant runoff election where voters rank candidates on the ballot by preference.

Commissioner Dwayne Penick, in the audience, voiced opposition to the runoff election process and stated the cost is more to the City and to the candidates. He stated constituents are not as welcoming and happy to have candidates knocking on their doors a second time around.

Mr. Ryan Herrera agreed with Commissioner Penick.

Mayor Cobb stated he feels that elected officials should be elected by a majority vote which is not the case if there are a large number of candidates. He stated he does not feel the vote should be decided by a machine.

Chairperson Gonzalez agreed.

Mr. Cortez stated the runoff provision can remain in the Charter as written; or it can be removed; or it can be changed to Ranked Choice Voting.

Mayor Cobb stated there should be discussion and a decision made.

Mr. Cortez stated the decision could be made at the next meeting when the voting occurs. He suggested the members return with any questions notes for the next meeting.

### **Section 3 - Form of Government**

Mr. Cortez stated this section is legally sufficient.

### **Section 4-1. Composition of City Commission**

Commissioner Calderon stated the prior Charter Commissions worked hard on the details of Section 4-1 through 4-7 and did not feel the need to discuss each one tonight.

Mr. Cortez stated there has been extensive litigation in the past regarding redistricting that often involves claims of gerrymandering. Additionally, Mr. Cortez stated while the Charter Commission can recommend changing the current districts, it is advisable to wait as generally changes in districts are best suited following a census.

Mayor Cobb stated Commissioner Calderon had suggested to move forward through Section 4-7. Mr. Cortez stated Section 4-7 on Powers and Duties of the City Commission has been well vetted and complies with State Statute.

Chairperson Gonzalez questioned in the Commission's authority to accept signatures on the petition for Voter Photo Identification.

Mr. Cobb stated that was a complex issue in that the instructions given to the petitioners was not fully accurate. Instead of rejecting the petition for that reason, it was an issue that should ultimately be the choice of the community and the Commission voted to accept the petition, as submitted, and place it on the ballot.

Mr. Cortez stated the provisions of NMSA §3-15-16 provide that an amendment to the Charter can be done in two ways which is by proposal submitted by the governing body or by the petition process.

**Section 5 - Mayor**

Mr. Cortez stated the provisions of Section 5-1 related to the organizational meeting and 5-2 related to duties of the Mayor are both legally sufficient.

**Section 6 - Manager**

Mr. Cortez stated the provisions of Section 6 related to a City Manager comply with the requirements of State Statute.

Mr. Fadke inquired about the masculine reference in the section. Mr. Cortez stated the Municipal Code contains a gender definition and words importing the masculine gender shall include the feminine and neuter. It was the recommendation of Ms. Fletcher to have one question before the voters regarding the masculine reference in the Charter. Mr. Cortez agreed. Following a brief discussion, he stated it could be included in the ballot vote when amending the Charter.

**Section 7 - Charter Review**

Mr. Cortez stated the content of the section is accurate; however, there is no statutory requirement to review the Charter at least every 10 years.

Mayor Cobb stated the City Commission can appoint a Charter Commission at any time and the 10-year requirement is a good time frame, if not needed before.

**Section 8 - Compensation**

Mr. Cortez stated the compensation for the Mayor, Mayor Pro Tem and Commissioner was amended by City Ordinance.

Mr. Manny Gomez, Acting City Manager/Fire Chief, stated the compensation for elected officials is:

Mayor: Commencing in March 2020, after a Mayor is elected, the Mayor shall receive a salary of \$26,000.00 per year.

Commissioners: Commencing on July 1, 2018, City Commissioners in Districts 2, 4, 5 and 6 shall receive a salary of \$12,000.00 per year. Commencing March 2020, upon qualification of newly-elected City Commissioners in Districts 1 and 3, or until a newly appointed

Commissioner is qualified after July 1, 2018, shall receive a salary of \$12,000.00 per year.

The current Mayor in his current term shall continue to receive a salary of \$18,000.00 per year. Current Commissioners, in their current terms, shall continue to receive a salary of \$4,800.00 per year. The salary for the Mayor Pro Tem shall be the same as the salary of a Commissioner.

In answer to Mr. Fadke's question, Mr. Gomez stated the process used in formulating the amounts was a host of conversations and comparative data from other cities. Mr. Gomez stated the last salary adjustment was 1989 and staff used a CPI increase of 2% per year to calculate the amounts.

#### **Section 9 - Effective Date**

Mr. Cortez stated the effective date language should not change for historical purposes.

#### **Section 10 - Recall**

Mr. Cortez stated the provisions of the State Statutes have changed and a new Recall Act was adopted by the legislature. He stated this section of the Charter is now in conflict with the State Statutes which provide that a municipal charter can be used if it provides greater due process. He stated the law and Charter are not clear if it provides greater due process to the one requesting the recall or to the elected official. Mr. Cortez stated this would likely result in litigation against the City.

Ms. Fletcher provided a comparison of numbers based on the City Charter and the Recall Act.

Mr. Cortez stated the Recall Act provides for a District Court determination which is an evidentiary hearing with due process. He stated if challenged, our provision may not provide greater due process.

Commissioner Calderón reminded everyone of the recall process he encountered many years ago in the 1990s. He stated it was a very emotional process.

Ms. Fletcher suggested including the language "The Mayor and any City Commissioner are subject to recall election as provided and in the manner set forth by State law" and the remainder of Section 10 would be deleted.

This concluded the end of the section-by-section review.

Mr. Cortez stated additional changes or thoughts could be discussed and voted upon at the next meeting.

In response to Mr. Fadke's question, Mr. Cortez stated he knows of no other suggested changes or revisions to the Charter.

Chairperson Gonzalez stated the next meeting would be November 19, 2019, at 6:00 p.m.

Mr. Jeffrey Lee addressed two questions to the Charter Commission. The first question related to runoff election and how many votes would be needed to recall an elected official. Mr. Cortez and Ms. Fletcher stated there are no provisions in the law regarding how many votes are needed to recall an elected official; thus, it would be a majority vote on the "for" and "against" question. Mr. Lee's second question related to tie votes in a candidate election. Ms. Fletcher read the State Statute related to a tie vote and the candidates would draw by lot to determine the winner (i.e., high card, flip of a coin, etc.).

Mr. Nick Maxwell addressed several comments to the Charter Commission. He presented the idea of including a referendum process which is set forth by State law which would let citizens know about their options. He suggested that the Mayor's term be reduced to a two-year term. He stated Districts 1, 2 and 3 can't run for Mayor because their terms run during the same time while Districts 4, 5 and 6 can run for Mayor because their terms run during a different time. Mr. Maxwell suggested the Charter members could think about these items before the next meeting. He also commented on the powers of the Mayor related to contracts which should not involve personnel matters, specifically related to a contract with Mr. J. J. Murphy who was contracted to be a special consultant to the Mayor/City Commission.


Mayor Cobb stated that Mr. Murphy directly reported to City Manager Gomez and never directly to him. Mr. Gomez agreed.

Chairperson Gonzalez thanked everyone for attending tonight's meeting.

There being no further communications from citizens or further discussion by the Charter Commission, and upon motion duly made, seconded and unanimously approved, the meeting adjourned at 9:00 p.m.

  
\_\_\_\_\_  
OSCAR GONZALEZ, Chair

ATTEST:

  
\_\_\_\_\_  
JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 2, 2019

SUBJECT: Resolution Authorizing Ballot Questions at the Municipal Officer Election on March 3, 2020

DEPT. OF ORIGIN: Clerk's Office
DATE SUBMITTED: November 22, 2019
SUBMITTED BY: Jan Fletcher, City Clerk

Jan

Summary:

Amendments to the Hobbs City Charter were recommended by the Charter Commission and are being considered by the City Commission. Based on the City Commission's decision and vote on these amendments, it is recommended that any proposed charter amendment questions be included on the ballot at the Municipal Officer Election scheduled on March 3, 2020. Pursuant to NMSA 1978 §1-16-7, the Secretary of State has issued Administrative Rule 1.10.16.1 to prescribe uniform guidelines for a state or local election ballot question to appear on the ballot. A copy of Rule 1.10.16.1 related to ballot questions is attached. This rules provides that the Secretary of State shall approve the form of ballot questions to be placed on a ballot.

Fiscal Impact:

Reviewed By:

Finance Department

Costs for the Municipal Officer Election are budgeted for FY 19-20.

Attachments:

Resolution
NMAC 1.10.16

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. 6885

A RESOLUTION PROPOSING CHARTER  
AMENDMENT BALLOT QUESTIONS AT THE  
MUNICIPAL OFFICER ELECTION ON TUESDAY, MARCH 3, 2020

WHEREAS, a municipal election for the election of municipal officers will be held on Tuesday, March 3, 2020, pursuant to the Election Code, Chapter 1, NMSA 1978, and the Local Election Act, NMSA §1-22-3.1; and

WHEREAS, amendments to the Hobbs City Charter have been proposed and NMSA 1978 §3-15-16 requires any Charter amendments to be submitted to the voters for approval; and

WHEREAS, it is the desire of the City of Hobbs to place four (4) ballot questions on the ballot for municipal voters at the March 3, 2020, election.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the following Charter Propositions shall be submitted to the voters at the municipal officer election on March 3, 2020. With each proposition is the summary of the proposition as it shall appear on the ballot. At the election, the qualified voters of the City of Hobbs shall vote "yes" or "no" on each of the following proposals to amend the City Charter:

**PROPOSITION NO. 1 - SUMMARY FOR BALLOT**

Shall the City Charter be amended to remove the 180-day residency requirement for candidates as required by the N. M. Constitution?

**PROPOSITION NO. 1 – FULL TEXT OF THE AMENDMENT**

Section 2-1. Electors

A. Candidates. Any registered qualified elector of the City of Hobbs may be a candidate for the office of Mayor, Municipal Judge, or Commissioner for the district in which the elector resides, if that candidate ~~has resided~~ **resides** within the City limits of Hobbs and, if applicable, within the appropriate Commission district.

\*\*\*\*\*



**PROPOSITION NO. 2 - SUMMARY FOR BALLOT**

Shall the City Charter be amended to remove the specific recall provisions for the Mayor and any City Commissioner and provide for recall election as set forth in the Recall Act in the New Mexico State Statutes?

**PROPOSITION NO. 2 – FULL TEXT OF THE AMENDMENT**

Section 10-1. Recall.

The Mayor and any City Commissioner are subject to a recall election as provided in the manner provided by State law.

\*\*\*\*\*

**PROPOSITION NO. 3 - SUMMARY FOR BALLOT**

Shall the City Charter be amended to add the power to the City Commission to provide advice and consent by resolution regarding the termination of the City Attorney?

**PROPOSITION NO. 3 – FULL TEXT OF THE AMENDMENT**

SECTION 4 – CITY COMMISSION

4.7 – POWERS AND DUTIES

The Commission is the governing body of the City of Hobbs and may exercise all legislative powers not expressly denied by general law.

The Commission shall:

- A. Pass all ordinances and other measures conducive to the health, safety and welfare of the City;
- B. Carry out the provisions of this Charter;
- C. Perform all acts required for the general welfare of the City;
- D. Create all offices and departments necessary for proper carrying on of the work of the City;
- E. Appoint a City Manager and hold him responsible for the proper and efficient administration of City government; and
- F. Provide advice and consent via resolution regarding the termination of the City Attorney.

\*\*\*\*\*

**PROPOSITION NO. 4 - SUMMARY FOR BALLOT**

Shall the City Charter be amended to add a new section providing that wherever the masculine gender is used in the Charter, it shall be construed to include the feminine?

**PROPOSITION NO. 4 – FULL TEXT OF THE AMENDMENT**

**SECTION 11 – PUBLIC OFFICER AND EMPLOYEE ANTI-DISCRIMINATION**

Wherever the masculine gender is used in this Charter, in defining the qualifications for specific offices or employment, it shall be construed to include the feminine.

\*\*\*\*\*

PASSED, ADOPTED AND APPROVED this 2<sup>nd</sup> day of December, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

**TITLE 1           GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 10       ELECTIONS AND ELECTED OFFICIALS**  
**PART 16           BALLOT QUESTIONS**

**1.10.16.1           ISSUING AGENCY:** Office of the New Mexico Secretary of State.  
[1.10.16.1 NMAC - N, 9/10/2019]

**1.10.16.2           SCOPE:** This rule applies to all state and local ballot questions.  
[1.10.16.2 NMAC - N, 9/10/2019]

**1.10.16.3           STATUTORY AUTHORITY:** This rule is authorized by Sections 1-16-7 and 1-2-1, NMSA 1978.  
[1.10.16.3 NMAC - N, 9/10/2019]

**1.10.16.4           DURATION:** Permanent.  
[1.10.16.4 NMAC - N, 9/10/2019]

**1.10.16.5           EFFECTIVE DATE:** September 10, 2019, unless a later date is cited at the end of a section.  
[1.10.16.5 NMAC - N, 9/10/2019]

**1.10.16.6           OBJECTIVE:** The purpose of this rule is to provide uniform guidelines on how state and local ballot questions are to appear on a ballot.  
[1.10.16.6 NMAC - N, 9/10/2019]

**1.10.16.7           DEFINITIONS:**

**A.           “Ballot question”** means a question submitted to the voters of the state or a local government on a ballot pursuant to the provisions of the Election Code and does not include a candidate nomination, election contest or nonpartisan judicial retention election.

**B.           “Form of ballot question”** means the final format of the ballot question as it will appear on the ballot.

**C.           “Election official”** means either the county clerk or municipal clerk.

**D.           “Local government ballot question”** means any:

- (1) tax authorization for bond issues, mill levy or gross receipts tax, as provided by law;
- (2) recall of county, school board or certain municipal officers, as provided by law or by municipal home rule charter;
- (3) petition for the creation of a special district or consideration of a statutory local option, as provided by law;
- (4) referendum on local government taxation authority, as provided by law;
- (5) referendum on local government ordinances, as provided by the charter of a home rule municipality, by an incorporated or urban county, or otherwise provided by law;
- (6) change in the laws of a home rule municipality, as provided by the municipal charter or by law;
- (7) changes in the charter of an incorporated or urban county, as provided by the charter of the incorporated or urban county or by law; and
- (8) other questions, as provided by state statute or the constitution of New Mexico.

**E.           “State ballot question”** means any:

- (1) proposed amendment to the constitution of New Mexico, as provided in a joint resolution passed by the legislature;
- (2) tax authorization for general obligation bonds or mill levy, as provided by law;
- (3) referendum, as provided in Article 4, Section I of the constitution of New Mexico; and
- (4) other questions, as provided by state statute or the constitution of New Mexico.

[1.10.16.7 NMAC - N, 9/10/2019]

**1.10.16.8 THE FORM OF BALLOT QUESTION:**

A. The form of ballot question shall be stated as a question that seeks permission of the voters to accomplish an act with a legal consequence. The form of the ballot question shall contain such information necessary to give a reasonably prudent voter notice of the act proposed to be taken by the state or local government proposing the ballot question. The full text of the act, resolution, charter amendment, or ordinance itself is not part of the form of the ballot question and shall not be printed on the ballot.

B. The secretary of state shall approve the form of ballot question to be placed on a ballot.

C. The ballot question must be written in the form of a question, which must be answerable with a "Yes" or "No," unless otherwise required by state law. The ballot question must be styled in such a manner that an affirmative answer to the ballot question will indicate approval and a negative answer to the ballot question will indicate rejection.

D. The appropriate election official shall submit the proposed form of a ballot question to the secretary of state pursuant to Subsection B of Section 1-16-3 NMSA 1978. The proposed form of a ballot question shall include the required information in Subsection G of Section 1.10.16.8 NMAC. The proposed form of the ballot question need not contain language that amounts to an advisory question. When an election official submits a proposed form of a ballot question to the secretary of state, the election official must also submit the full text of the act, resolution, charter amendment, or ordinance. The proposed form of the condensed text for a ballot question must be received by the secretary of state at least 67 days before the election on which the ballot question shall appear.

E. The full text of the act, resolution, charter amendment, or ordinance shall be posted on the secretary of state's website for a state ballot question or, for a local government ballot question, on the proposing local government's website and be made available at the election official's office for inspection 10 days after the certification of the ballot question. The full text of the act, resolution, charter amendment, or ordinance may also be posted on the elections official's website.

F. A copy of the full text of the proposed ballot question shall be posted in every polling place in a location that is easily accessible to the voters.

G. Each ballot question shall appear on the ballot containing the following information:

- (1) a question number
- (2) a brief designation of the source of the question;
- (3) a brief descriptive title in boldface type;
- (4) the form of ballot question; and
- (5) the voting choices available to the voter.

H. For a proposed constitutional amendment, the form of the ballot question shall include the full title of the joint resolution proposing the constitutional amendment and the constitutional amendment number assigned to the joint resolution by the secretary of state.

[1.10.16.8 NMAC - N, 9/10/2019]

**1.10.16.9 BALLOT POSITION:** Ballot questions shall be printed on the ballot in the order provided in Subsection D of Section 1-10-8 NMSA 1978.

[1.10.16.9 NMAC - N, 9/10/2019]

**1.10.16.10 SEVERABILITY CLAUSE:** If any part of this rule is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect.

[1.10.16.10 NMAC - N, 9/10/2019]

**History of 1.10.16 NMAC: [RESERVED]**