

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

R. Finn Smith – District 1

Christopher R. Mills – District 2

Larron B. Fields – District 3

Joseph D. Calderón – District 4

Dwayne Penick – District 5

Don R. Gerth – District 6

City Manager

Manny Gomez

May 17, 2021



Hobbs City Commission

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

Monday, May 17, 2021 – 6:00 p.m.

Sam D. Cobb, Mayor

R. Finn Smith
Commissioner – District 1

Christopher R. Mills
Commissioner – District 2

Larron B. Fields
Commissioner – District 3

Joseph D. Calderon
Commissioner – District 4

Dwayne Penick
Commissioner – District 5

Don R. Gerth
Commissioner – District 6

Regular in-person meetings have now resumed in the Hobbs City Commission Chamber. Members of the public are asked to wear a face mask and follow social distancing guidelines. The public is invited to address public comments to the Commission in person at the meeting or submit written comments prior to the meeting. Written comments should be submitted no later than 4:30 p.m. on May 17, 2021, addressed via email to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334.

A G E N D A

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

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the May 3, 2021, Regular Commission Meeting
2. Minutes of the May 3, 2021, Budget Work Session
3. Minutes of the May 10, 2021, Special Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

4. Proclamation Proclaiming the Month of May, 2021, as “*Mental Health Awareness Month*” (*Ms. Carrie Cooper, CEO, Guidance Center*)
5. Proclamation Proclaiming May 16 – 22, 2021, as “*Emergency Medical Services Week*” (*Barry Young, Deputy Fire Chief*)
6. Recognition of City Employees - Milestone Service Awards for the Month of May, 2021 (*Manny Gomez, City Manager*)
 - 5 years – Shawn Smith, Building Maintenance
 - 5 years – Terri Lewis, Teen Recreation Center
 - 5 years – Jasmine Boyd, Utilities
 - 15 years – Kenneth Brotherton, Wastewater Treatment Plant

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

Due to COVID-19, public comment may be submitted in person or in writing. Written comments should be submitted to the City Clerk at ifletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, May 17, 2021.

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.*)

None

DISCUSSION

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

7. Resolution No. 7051 – Authorizing a Memorandum of Agreement with Lea County for a Financial Contribution of \$300,000.00 to the City of Hobbs for the Purpose of Constructing a Veterans Memorial (*Valerie Chacon, Deputy City Attorney*)
8. Resolution No. 7052 – Adopting Budgetary Adjustment #6 for FY 2020-2021 Increasing Total Expenses by \$323,382.15 (*Toby Spears, Finance Director*)

9. Consideration of Approval of Bid No. 1589-21 for Construction of Veterans Memorial Park and Recommendation to Accept the Bid of CDR Construction, Inc., in the Amount of \$1,470,860.87 (Including NMGRT) (*Shelia Baker, General Services Director*)
10. Resolution No. 7053 – Adopting the Preliminary Budget for FY 2021-2022 (*Toby Spears, Finance Director*)
11. Resolution No. 7054 – Authorizing the Mayor to Execute an Employment Agreement with Manny Gomez as City Manager (*Valerie Chacon, Deputy City Attorney; and Nicholas Goulet, Human Resources Director*)
12. Resolution No. 7055 – Accepting the U. S. Army National Guard Recruitment Building Located at 5002 Jack Gomez Blvd., Hobbs, New Mexico (*Valerie Chacon, Deputy City Attorney*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

13. Next Meeting Date:

- City Commission
Regular Meeting - ***Monday, June 7, 2021, at 6:00 p.m.***

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9200 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 17, 2021

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: May 13, 2021
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of May 3, 2021
- Commission Budget Work Session of May 3, 2021
- Special Commission Meeting of May 10, 2021

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

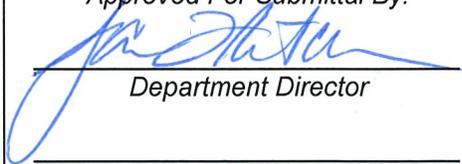
Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, May 3, 2021, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:10 p.m. and welcomed everyone in attendance to the in-person meeting and everyone viewing through Livestream. He apologized that the meeting started a little late due to the work session that was held prior to the Commission meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present: Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Valerie Chacon, Assistant City Attorney
Barry Young, Deputy Fire Chief
Kevin Shearer, Battalion Chief
Doug McDaniel, Recreation Director
Bryan Wagner, Parks and Open Spaces Director
Matt Hughes, Rockwind Community Links Superintendent
Nicholas Goulet, Human Resources Director
Toby Spears, Finance Director
Todd Randall, City Engineer
Kevin Robinson, Development Director
Ron Roberts, Information Technology Director
Shelia Baker, General Services Director
Meghan Mooney, Communications Director
Sandy Farrell, Library Director
Sandra Boltshauser, Clerk Record Specialist
Jan Fletcher, City Clerk
40 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on Monday, April 19, 2021, be approved as written. Commissioner Gerth seconded the motion and

roll call vote was recorded as follows: Mills yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming May 15, 2021, as "Kids to Parks Day"

Mayor Cobb read the proclamation proclaiming May 15, 2021, as "Kids to Parks Day" and presented the proclamation to Mr. Bryan Wagner, Parks and Open Spaces Director. Mr. Wagner encouraged everyone to get out and enjoy the parks and open spaces in Hobbs.

Proclamation Proclaiming the Month of May, 2021, as "Motorcycle Awareness Month"

Mayor Cobb invited members of the motorcycle clubs present to join him at the front of the Commission Chamber. There were approximately 30 members of various motorcycle clubs present at the meeting.

Mayor Cobb read the proclamation proclaiming the month of May, 2021, as "Motorcycle Awareness Month" and presented the proclamation to "Diablo" of the Black Saints motorcycle club.

Public Comments

Due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, May 3, 2021. There were no public comments submitted either in person or in writing.

Consent Agenda

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

Resolution No. 7044 – Ratifying the Real Estate Purchase Agreement Regarding the Sale of Real Property Located at 818 East Roxana, Hobbs, New Mexico, to Aurora P. Alvarado for the Purchase Price of \$6,500.00

Resolution No. 7045 – Ratifying the Real Estate Purchase Agreement Regarding the Sale of Real Property Located at 1618-1622 East Texas, Hobbs, New Mexico, to Pilar M. Carreon and Norma I. Carreon for the Purchase Price of \$6,825.00

Commissioner Fields seconded the motion and roll call vote was recorded as follows: Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolutions and supporting documentation are attached and made a part of these minutes.

Discussion

Hobbs Covenant Hospital - Champions for Children Campaign and a Brief Update on the Covenant Hospital Construction

Mr. Dan Springer, CEO for Covenant Hospital Hobbs, presented a PowerPoint presentation updating the Commission on the Champions for Children Campaign and the construction of the new Covenant site in Hobbs. He stated the new mission statement for Covenant Hospital Hobbs is "As expressions of God's healing love, witnessed through the ministry of Jesus, we are steadfast in serving all, especially those who are poor and vulnerable". He further stated Covenant Hospital partnered with United Supermarkets – Market Street for the Champions for Children Campaign. Mr. Springer stated the Champions for Children Campaign was held from April 14 – 30, 2021, and raised \$52,500 in Hobbs. He further stated this was the second highest amount raised from New Mexico municipalities, with Clovis, New Mexico, raising the highest dollar amount.

Mr. Springer stated the \$117 million construction project for Covenant Hospital Hobbs has broken ground. He further stated construction crews are currently installing underground utilities and pouring concrete slabs. He added construction crews will begin to erect the steel frame on May 18, 2021, with the majority of the construction to be complete by May, 2022. He added the licensing and occupation should be completed by August or September, 2022. Mr. Springer stated the EPIC Electronic Medical Record software is scheduled to go live by August or September, 2022, as well. He explained the EPIC software will allow patient information from Covenant Hospital Hobbs to be shared with Nor Lea Hospital in Lovington, New Mexico, and Covenant Hospital in Lubbock, Texas.

Mr. Springer stated Covenant Hospital Hobbs has contracted with Orthopedic Surgeon, Dr. Culley Christiansen, and Family Practice Nurse Practitioner, Ms. Megan Chavarria, both of whom will start in July, 2021. He further stated doctors for General Surgery and Orthopedic Surgery will be visiting Hobbs in May, 2021. He added there has been great participation with the community and Nor Lea Hospital during these recruitment visits.

In response to Commissioner Fields' question, Mr. Springer stated the Covenant Hospital Hobbs facility will have 60 beds, including eight Intensive Care Unit beds, eight Women's Health beds and 12 Emergency Room beds. He further stated that he and his family have relocated to Hobbs and are enjoying being a part of the community.

Mayor Cobb described a recent family situation and expressed his appreciation for the communication between Covenant Hospital Hobbs and Covenant Hospital in Lubbock, Texas.

Commissioner Penick expressed his appreciation for the work Covenant Hospital Hobbs is doing and welcomed Mr. Springer and his family to Hobbs.

Rent Help - State of New Mexico's Emergency Rental Assistance Program
(www.renthelpnm.org)

Ms. Meghan Mooney, Communication Director, stated the State of New Mexico has allocated \$170 million to assist New Mexico renters with rent and utility assistance due to the COVID-19 pandemic. She further stated the application for funds can be obtained online at www.renthelpnm.org. Ms. Mooney explained there is no cap to the amount of funds a renter can request but the applicant will need to provide proof of income loss. She stated the approval turnaround time is approximately 24 - 48 hours and funds will be paid directly to the owner and/or utility company within ten business days. She further stated the funds awarded will be based on loss of income rather than late bills or invoices. Ms. Mooney stated the City is working with other Lea County municipalities and entities to combine advertising dollars to help inform the community of the availability of these resources.

In answer to Commissioner Fields' question, Ms. Mooney stated the website is www.renthelpnm.org or citizens can call (833) 485-1334 for more information.

Action Items

PUBLIC HEARING: Resolution No. 7046 – Regarding the Restaurant Liquor License Application of Habaneros Restaurant and Grill, 3414 North Lovington Hwy., Hobbs, New Mexico, for the Sale of Beer and Wine Only

Mr. Efren Cortez, City Attorney, was appointed as the Hearing Officer. Ms. Laura Ordaz acted as the interpreter for Mr. Jesus Gamez, owner of Habaneros Restaurant and Grill.

Ms. Jan Fletcher, City Clerk, administered the oath to Ms. Ordaz as the interpreter and to Mr. Gamez as the owner of Habaneros Restaurant and Grill.

Mr. Gamez, through the interpreter, presented testimony in the hearing regarding the issuance of a restaurant liquor license to Habaneros Restaurant and Grill located at 3414 North Lovington Hwy., Hobbs, New Mexico.

In response to Mr. Cortez' inquiry, no members of the audience requested to speak in support of the application or against the issuance of a restaurant liquor license to Habaneros Restaurant and Grill.

Mr. Cortez stated the State of New Mexico Alcoholic Beverage Control has granted preliminary approval to the application for the issuance of a restaurant liquor license and a public hearing has to be held within 45 days of receipt of the application on whether or not the issuance of the proposed restaurant liquor license should be granted. He stated

notice of the public hearing was published in the Hobbs News Sun on March 24, 2021, and April 18, 2021. Mr. Cortez 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. Mr. Cortez 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 transferee or locations and a copy of the record must be submitted to the Alcoholic Beverage Control. Mr. Gamez, through the interpreter, testified that all the above statements made by Mr. Cortez are true and correct to his knowledge.

There being no discussion, Commissioner Calderon moved that Resolution No. 7046 be approved for the issuance of a restaurant liquor license to Habaneros Restaurant and Grill located at 3414 North Lovington Hwy., Hobbs, New Mexico, as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Mills yes, Fields yes, Calderon yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and application packet are attached and made a part of these minutes.

Resolution No. 7047 – Authorizing an Allocation of Lodgers' Tax Funds to Fund the EDC-Airline Subsidy/Marketing, CORE Marketing/Promotion and Rockwind Golf Marketing/Promotion for FY 2022

Mr. Toby Spears, Finance Director, explained the allocation request and stated the Lodgers' Tax Board (Board) met on April 14, 2021, for its quarterly meeting. The Board has approved and recommends the Commission approve the following allocations for lodgers' tax: Economic Development Corporation of Lea County (EDC) - Airline Marketing in the amount of \$150,000; CORE Marketing in the amount of \$98,400; and Rockwind Golf Marketing in the amount of \$ 67,400. He stated the allocations are being requested from the 25% of lodgers' tax for airline subsidy and 40% of lodgers' tax for cities/counties as detailed in the lodgers' tax ordinance. Events for non-profit and for-profit entities will eventually be addressed via quarterly meetings or special meetings pending future guidelines of the mass gatherings policy in the Public Health Order. Mr. Spears stated the March 31, 2021, cash balance for the Lodgers' Tax Fund was \$1,154,600.23. He stated the total lodgers' tax revenue for the 3rd quarter FY 2021 was \$160,882.92 and total expenditures were \$446,765.69.

Mr. Spears explained the breakdown of the cash balances by category are as follows:

Profit, Non-profit, Public Entities (20%)	\$372,861.51
Local Government (40%)	\$781,738.72
Fire, EMS, Sanitation (15%)	\$ 0.00
Airline Subsidy (25%)	\$ 0.00

In answer to Mayor Cobb's question, Mr. Spears stated the request from the EDC was originally in the amount of \$200,000; however, the airline allocation is based on a fixed amount so the Board only recommended funding \$150,000 from the lodgers' tax fund.

There being no further comment or discussion, Commissioner Calderón moved that Resolution No. 7047 be adopted as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7048 - Approving the Final Plan for Meadows Subdivision, Unit IV, as Recommended by the Planning Board

Mr. Kevin Robinson, Development Director, explained the resolution and stated the Final Plan for the Meadows Subdivision, Unit IV, has been submitted by Lemke Development, Inc. He further stated the subdivision is located northeast of the intersection of College and Ja-Rob within the municipal boundaries and encompasses +/- 4.5 acres which will contain 22 single family residential lots. He added a Cash Bond was paid to the City of Hobbs in the amount of \$18,934.00 to ensure completion of public infrastructures. Mr. Robinson stated the dollar amount of uninstalled public infrastructure is estimated to be \$10,000.00 including GRT. The City Engineer has approved the Engineer of Record (EOR) completion estimate and the Bond was approved by the Finance Director, City Attorney and the Development Director. The Planning Board considered this item at its regular meeting on October 15, 2019, and voted to recommend approval contingent upon an EOR certification of all infrastructures emplaced or submittal of a cash bond sufficient to assure completion of all public infrastructures.

In response to an inquiry by Commissioner Penick, Mr. Robinson stated the primary entrance to the property will be at the intersection of Ja-Rob and College Lane; however, there is also an emergency ingress off of Ponderosa.

There being no further comment or discussion, Commissioner Fields moved that Resolution No. 7048 be adopted as presented. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7049 – Supporting an Affordable Housing Program (AHP) Application to the Federal Home Loan Bank of Dallas by Chelsea Investment Corporation to Acquire an Rehabilitate Woodleaf Apartments and Declaring that the Project Supports the City's Community Revitalization Efforts

Mr. Robinson stated Chelsea Investment Corporation (Chelsea) has proposed to apply for 4% Tax Credits for the rehabilitation of the Woodleaf Apartments located at 3320 N. Dal Paso. He explained that the Woodleaf Apartments is currently a 152-unit market rate apartment complex with six units being uninhabitable due to disrepair. He added if tax credits are awarded for the project, all units will be rehabilitated to assure safe occupancy. Additionally, 122 of the units will be affordable, with income and rent restrictions applicable. Mr. Robinson stated the proposed resolution authorizes the Letter of Support for the project and additionally waives the permitting fees that this project would normally incur, providing that 4% Tax Credits are issued by NMMFA thereby assuring affordable housing status for the project.

Mr. Robinson introduced Ms. Robin Pelton, Development Executive/Asset Manager for Chelsea, who thanked the Commission for their past support. She stated Chelsea has successfully rehabilitated Casa Hermosa and Park Place as well as constructed Parkside Terrace in Hobbs. She expressed her appreciation for the longtime relationship between Chelsea and the City of Hobbs. Ms. Pelton stated Woodleaf Apartments will be geared towards workforce housing with a majority of the apartments considered affordable housing. She added new amenities for the Woodleaf Apartments will include a pool, a playground, a computer center and space for social services including afterschool tutoring and snacks for the apartment inhabitants.

Mr. Robinson stated the Commission previously submitted a Letter of Support for Chelsea to apply for 9% Tax Credits on the same project to rehabilitate Woodleaf Apartments with Resolution No. 6627 in February, 2018, but the 9% Tax Credits were not awarded at that time.

Commissioner Mills stated he has walked through the Woodleaf Apartments and the complex is in dire need of assistance.

There being no further comment or discussion, Commissioner Calderón moved that Resolution No. 7049 be adopted as presented. Commissioner Mills seconded the motion and roll call vote was recorded as follows: Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

Mayor Cobb stated the Commission will meet for a Special Meeting on Monday, May 10, 2021, at 6:00 p.m. and the regular Commission Meeting is scheduled for May 17, 2021, at 6:00 p.m.

Acting City Manager/Fire Chief Manny Gomez thanked the Commission for their input during the work session. He also thanked City staff for the time they put into preparing

the proposed budget. He welcomed the Commission to contact City staff if they have any questions regarding the proposed budget.

Acting City Manager/Fire Chief Gomez expressed his appreciation to Ms. Mooney for the information regarding rental help for New Mexicans. He stated the City will also be working with the New Mexico Economic Development District to distribute more funds to businesses that have faced hardships regarding rent, lease payments or mortgage payments.

Commissioner Penick thanked City staff and Department Heads for the budget information. He also expressed his appreciation to Acting City Manager/Fire Chief Gomez and Mr. Cortez for preparing the proclamation for Motorcycle Awareness Month.

Commissioner Gerth stated he noticed that Green Meadow Park and Harry McAdams Park were both full of people enjoying the parks over the weekend. He added it is nice seeing people out again.

Mayor Cobb echoed Commissioner Penick's sentiments and stated the budget was well prepared.

Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:02 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the budget work session of the Hobbs City Commission held on Monday, May 3, 2021, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

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

Mayor Sam D. Cobb
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present were Mr. Manny Gomez, City Manager, Mr. Toby Spears, Finance Director, Mr. Efren Cortez, City Attorney and Ms. Jan Fletcher, City Clerk. Other staff members and public were also present.

Mr. Manny Gomez, City Manager, began the work session by expressing gratitude to Mr. Toby Spears and Ms. Deborah Corral, Assistant Finance Director, and all of the staff for their work in working on the budget. With a historic year behind us, Mr. Gomez stated he is pleased to present the FY 22 preliminary budget for consideration by the Commission. He stated the City is on solid financial footing and over the coming fiscal year, he hopes the City will emerge from the COVID-19 pandemic and the economic setback to return its focus to a number of citywide priorities.

Mr. Gomez stated the current fiscal year budget was developed amidst incredible uncertainty, with the global pandemic touching every element of the city's economy, finances and services. When creating that budget, the City curtailed revenue projections and took the necessary steps to manage the city's finances, including eliminating 49 vacant positions, no merits or COLAS, paused hiring across the city and held many capital expenditures. Those actions allowed the City to recalibrate the budget to weather the financial difficulties, and is now positioned to move forward in the new fiscal year.

Mr. Gomez stated despite the continuing negative effects of the pandemic and state mandates, revenue growth is projected to rebound in the retail sector substantially in the next fiscal year with an internet tax as most destination sales are within the City. Staff acknowledges some hesitation in this budget forecast and will learn more definitive information in the coming months. During this time, the City will remain cautious with spending and using money from reserves; however, the projected growth will allow continuing investment in our high-performance employees.

Mr. Gomez stated staff is analyzing the American Rescue Plan Act funds recently approved by the US Congress that will be accounted for in FY 2022 and FY 2023, and will be prepared to discuss proposed uses with the Commission prior to the final adoption of this budget. The total estimated allocation for Hobbs is \$9,154,673.00, one-half of which is included in the FY 22 budget in the amount of \$4,577,336.50.

Important budget priorities for FY 22:

1. Remain conservative and mindful of future needs and potential developments
2. Sensitive to state changes and sensible of local economy.
3. Recognize City employees
4. Create a plan and strategy of funding current and future capital projects.

Mr. Gomez outlined some of the budget highlights for this afternoon:

1. Revenue for all funds is estimated to increase 4% or \$4.4 million.
2. Salary/benefits for all funds from FY 21 to proposed FY22 is a 7.41% increase or \$4.3 million.
3. Operating Expenditure Summary (all funds) 5% decrease or \$2.8 million reduction.
4. Estimated General Fund cash balance and carryovers for June 30, 2021, as of March 31, 2021, is \$12, 724,532.05.

Mr. Gomez stated with governing uncertainty, increased expectations and financial uncertainty, the one thing that remains consistent are the employees. This organization is a group of talented people who can, and will, make a difference for the citizens of this community.

The goal for employees is to make sure they know that they are valued, appreciated and needed. The proposed FY 22 budget includes funding for a pay raise via a cost-of-living adjustment (COLA) using a tiered approach as follows:

- 6% increase to those who earn below \$30,000 annual salary;
- 4% increase to those making between \$30,000 -\$70,000 annually;
- 2% increase to those current employees earning over \$70,000 annually.

The total recurring salary cost is \$1,251,286.63 (using a 4% average). Mr. Gomez stated the City will experience an additional pay period during FY 22 which only happens once every 11 years (27 pay periods) at a cost of \$1.1Million. Two new positions are recognized in this proposed budget to include a succession plan for the Risk Manager and the addition of voting support personnel for the Clerk's office (seasonal during the March 2022 election).

Although the City has an excellent modifier (.85), the cost for Workers' Compensation insurance will increase by approximately 13%.

Mr. Gomez reviewed some of the new State mandates from the recent 2022 Legislative session:

On April 5, 2021, Governor Grisham signed Senate Bill 90 (SB 90). SB 90 includes certain overtime pay for a regular scheduled tour of duty paid to eligible fire protection and law enforcement employees in the definition of "salary" under the PERA Act. It is effective July 1, 2021, and the estimated cost will be approximately \$250,000. It also

increases the employee contribution rate for all eligible wages under Municipal General Fire Plans 1, 2, 3, 4 and 5 by 1.5%.

Other General fund expenses:

Mr. Gomez stated a new discretionary fund has been added for the Mayor and City Commission in the amount of \$300,000.00 each to address priorities and critical capital needs in a variety of areas for a total amount of \$2,100,000.

Mr. Gomez, in conclusion, stated the budgetary process begins in early January with the development of salaries and benefits. In February and March, operational budgets are formulated. On March 29th, the City realized a deficit of approximately \$35M or a 10% General Fund reserve; however, with Department Head collaboration, changes were made to now realize a 44% General Fund reserve. In this process, it was made clear to Department Heads and supporting staff of the overall goals of being budgetary sound. The message was clear to reduce overall expenditures and be creative in finding additional revenue sources. At this time, Mr. Toby Spears in the Finance Department will explain more details about the FY22 Preliminary budget.

Mr. Spears began the detailed budget review for FY 21-22 and presented a PowerPoint presentation to the Commission, a copy of which is attached to these minutes.

Mr. Spears reviewed the budget timeline which has been followed and stated the City will need to take action and adopt the preliminary budget at its next Commission meeting on May 17, 2021, which is due to the New Mexico Department of Finance and Administration (DFA) by June 1, 2021. He stated there will be an opportunity to make final changes in mid-June when the Commission approves the beginning FY 22 Budget and the Final FY 21 Budget which is due to DFA on July 31, 2021, with carryovers and actual beginning cash balances.

Mr. Spears outlined comparisons of revenue and stated the projected GRT for FY 21 is \$41,892,577 and the projected GRT revenue for FY 22 is \$41,600,000. Overall revenue for FY 21 is projected at \$48,102,308.70 and for FY 22 it is \$51,598,229.00. Overall expenditures for FY 21 are \$60,216,908.66 and \$68,195,581.66 for FY 22. Mr. Spears clarified that the overall revenue amount does include the CARES Act Funding received by the City. He stated the City is currently borrowing from its reserves.

Mr. Spears explained the projected salary, benefits and operating expenses for FY 21 is \$39,411,237.99. The projected amount for FY 22 is \$41,600,000.00. The increase is attributed to an increase in two FTEs, workers compensation increase due to a modifier of 13%, one extra pay period for the year, proposed COLA increases of 6% - 4% - 2% and SB90 requiring an increase in employer PERA for scheduled overtime for public safety.

Mr. Spears stated operating expenses are projected to increase by 1.62%. Operating expenses for FY 21 are projected to be \$18,618,760.97. For FY 22, operating expenses are projected to be \$18,920,251.00. Capital projects for FY 21 are projected at \$2,186,909.70 with an increase to \$6,814,347.00 in FY 22.

Revenue and Reserve Limits

The projected general fund cash balance at June 30, 2021, is \$79,873,086. Mr. Spears stated \$19,959,658 of capital expenditure carryovers will need to be reassessed prior to adopting the final budget. He stated there will be \$59,913,428 of allocable funds at June 30, 2021. After deducting the general fund cash balance of \$47,188,896, it is estimated that the cash carryover amount will be \$12,724,532.

A lengthy discussion was held on the Hobbs gross receipts tax rate of 6.8125%. Mr. Spears explained that the State share is 1.25%; local share is 1.225%; infrastructure tax is .125% and the environmental tax is .0625%. The amount received by the City is 2.6625% and the State keeps 4.1500%. Mr. Spears reviewed the City's annual GRT trend for the past ten years and a monthly trend for the past eight years. He summarized tax activity in mining, construction, retail trade and other services through April 2021.

Mr. Spears provided an analysis of HB6 which was adopted in 2019 and becomes effective July 1, 2021, related to destination sourced taxing for gross receipts tax. Mayor Cobb stated oil and gas companies will now have to charge at the destination point rather than using the Hobbs sales tax rate. This could result in a serious decline in gross receipts tax revenue to the City. Mr. Spears stated additional revenue will be received from internet sales which was the major goal of HB6; however, it was not anticipated that the destination taxing would be imposed on oil and gas services. Mr. Spears stated it is anticipated there will be a huge loss to the City but the actual impact will not be fully known until later this fall after it becomes effective. It was noted that home health care providers will also now have to charge the appropriate tax rate at each home where service is provided.

Mr. Spears stated the projected beginning budgeted cash balance is \$47,188,896, budgeted revenue is \$51,598,229, budget transfers are \$263,468, budgeted expenditures are \$68,195,582 and the ending budgeted cash balance of \$30,328,075 results in a 44% reserve. Mr. Spears stated the reserve does not include clawback amounts at this time. The proposed budget is all new dollars and does not include carryovers. He stated the carryovers are estimated at \$19,959,658 which will need to be reassessed prior to adopting the final budget. He reviewed the City's tax structure with restricted and unrestricted breakdown and the nine-year trend in gross receipts tax revenues (GRT). Mr. Spears also reviewed a seven-year trend of GRT and the spot price of West Texas crude oil through April 2019. He reviewed other revenues of the General Fund and the overall FY 22 Revenue Summary.

Mr. Spears reviewed the salary and benefits for all funds. He re-capped some of the information highlighted by Mr. Gomez including the extra pay period for FY 22, the tiered COLA adjustment and changes with SB90 related to public safety employees and required PERA on overtime.

In answer to Commissioner Penick's question, Mr. Spears stated the Enterprise Fund operates like a business such as the water, sewer and solid waste funds.

Mr. Spears reviewed the current tax rates for Southeast New Mexico and pointed out that Hobbs/Tatum are the lowest rates in Lea County. Some future options for the Commission to consider include a 1/16th and 1/8th incremental tax which would boost the City's sales tax rate from 6.8125% to 7.25% and would generate an additional \$7,175,000 in revenue based on a 9-month economic history for the City of Hobbs. Mr. Spears noted the City of Hobbs has never bonded the General Fund for any debt.

A brief discussion was held regarding shovel-ready capital projects which may be funded by the State.

Commissioner Fields thanked Mr. Spears and City Staff for providing all of the budgetary numbers and detailed explanation about the upcoming budget.

Budgetary presentations were then made by the following Departments:

- Chief John Ortolano - Hobbs Police Department
- Deputy Fire Chief Barry Young - Hobbs Fire Department
- Shelia Baker - General Services Dept.
- Todd Randall – Engineering and Planning Dept.
- Tim Woomer – Utilities Department
- Bryan Wagner – Parks and Open Spaces Dept.
- Doug McDaniel - CORE

There being no further discussion, Mayor adjourned the work session at 6:05 p.m. to convene the regular City Commission meeting.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the special meeting of the Hobbs City Commission held on Monday, May 10, 2021, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

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

Mayor Sam D. Cobb
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present: Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Valerie Chacon, Assistant City Attorney
Rocio Ocano, Deputy City Attorney
Nicholas Goulet, Human Resources Director
Todd Randall, City Engineer
Barry Young, Deputy Fire Chief
Tracy South, Assistant Human Resources Director
Doug McDaniel, Recreation Director
Toby Spears, Finance Director
Shelia Baker, General Services Director
Meghan Mooney, Communications Director
Bryan Wagner, Parks and Open Space Director
Sandy Farrell, Library Director
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
14 citizens

Invocation and Pledge of Allegiance

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

Public Comments

Due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, May 10, 2021. There were no public comments submitted either in person or in writing.

Action Items

The purpose of today's special meeting is to interview applicants for the position of City Commissioner to fill the vacancy in City Commission District 1 and appoint a replacement. The elected Commissioner for District 1, Mr. Marshall Newman, resigned his position on April 19, 2021, and the City Commission must appoint someone to fill the position within 30 days according to the City Charter. This individual will serve as Commissioner for District 1 until someone is elected at the regular municipal election to be held on March 1, 2022, to fill the remainder of Commissioner Newman's term which expires in March, 2024.

In response to Mayor Cobb's inquiry, Ms. Jan Fletcher, City Clerk, stated all of the applicants meet the requirements set forth in the City Charter to fill the position of City Commissioner for District 1. She also announced that one of the applicants, Mr. Timothy Kent, has withdrawn his name from consideration.

Mayor Cobb reviewed the guidelines for the interview process and asked all candidates to assemble in the conference room behind the Commission Chamber and refrain from the use of any electronic communication while in the conference room. He stated the City Clerk will draw names to determine the order for interviews. Mayor Cobb stated each applicant will have three minutes to introduce themselves and then there will be additional time to answer each of the two questions. He further stated when finished, the candidate may be seated in the Commission Chamber.

Interview of Candidates for District 1 City Commissioner:

The following candidates were interviewed for the position in the following order:

1. Ms. Sandra Segars
2. Mr. Gabriel Puente
3. Mr. Brad Neely
4. Mr. R. Finn Smith
5. Mr. Jeff Lee
6. Mr. Darrell Powell
7. Mr. Dominik Mendoza
8. Mr. John Paul Henderson

Each candidate gave a brief introductory statement about themselves and their time living in District 1. The candidates also answered the following interview questions:

1. If chosen as District 1 City Commissioner, what are your goals for District 1 and the City of Hobbs?

2. How would you describe your philosophy in working with others of differing viewpoints to accomplish the goals of the City?

Mayor Cobb thanked all of the candidates for their comments. He stated it is not easy to stand before this Commission to interview. He encouraged each of the candidates to remain active in the community and become invested in the community by becoming members of the various City advisory boards.

Commissioner Mills commented he was unsuccessful when he first interviewed to become a City Commissioner for District 2. He stated he did not give up and was successful during the election process. Commissioner Mills stated he feels it is harder trying to make a decision tonight with so many good candidates than it was when he actually stood before the Commission and interviewed for the position.

Commissioner Fields thanked the candidates and stated this will not be an easy decision. He also encouraged the candidates to remain active in the community and to continue looking for opportunities to serve the public.

Commissioner Penick echoed the comments of the other Commissioners and stated he served two terms on the Planning Board before running for the Commissioner of District 5. He stated there is always a place to serve in Hobbs.

Commissioner Calderón stated he has been on the Commission for more than 20 years. He encouraged the candidates to get involved in the community. He reminded the candidates that even if they are not appointed tonight, they can still successfully run for office at the next election.

Mayor Cobb reminded the candidates that the individual appointed will serve as Commissioner for District 1 until someone is elected at the regular municipal election to be held on March 1, 2022, to fill the remainder of the term which expires in March, 2024.

*Resolution No. 7050 – Authorizing the Appointment of a City Commissioner to Fill the Vacancy in City Commission District 1 **The City Clerk will administer the oath of office to the newly-appointed Commissioner.*

Commissioner Calderón nominated Mr. R. Finn Smith to serve as City Commissioner for District 1. Commissioner Penick seconded the motion and the vote was recorded as follows: Mills yes, Calderón yes, Fields yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Ms. Jan Fletcher, City Clerk, administered the oath of office to Commissioner Smith who then took his place on the panel.

Mayor Cobb announced the City Commission will convene in closed session in the Conference Room for discussion of the following item(s):

- 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 *City of Albq., et al., v. New Mexico Taxation and Revenue Dept.* (D-202-CV-2018-08036). [NMSA 1978, §10-15-1(H)(7)]
- Discussion of limited personnel matters, specifically the hiring of a City Manager. [NMSA 1978, §10-15-1(H)(2)]

Commissioner Smith moved to convene in closed session as stated. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Calderón yes, Fields yes, Penick yes, Gerth yes, Cobb yes. The motion carried and the Commission convened in closed session at 7:00 p.m.

At 8:25 p.m., the Commission reconvened in open session. Mayor Cobb stated the items discussed during the closed session were limited to pending litigation, specifically concerning the *City of Albq., et al., v. New Mexico Taxation and Revenue Dept.*, and the discussion of limited personnel matters, specifically the hiring of a City Manager. No decisions were made and no action was taken during the meeting.

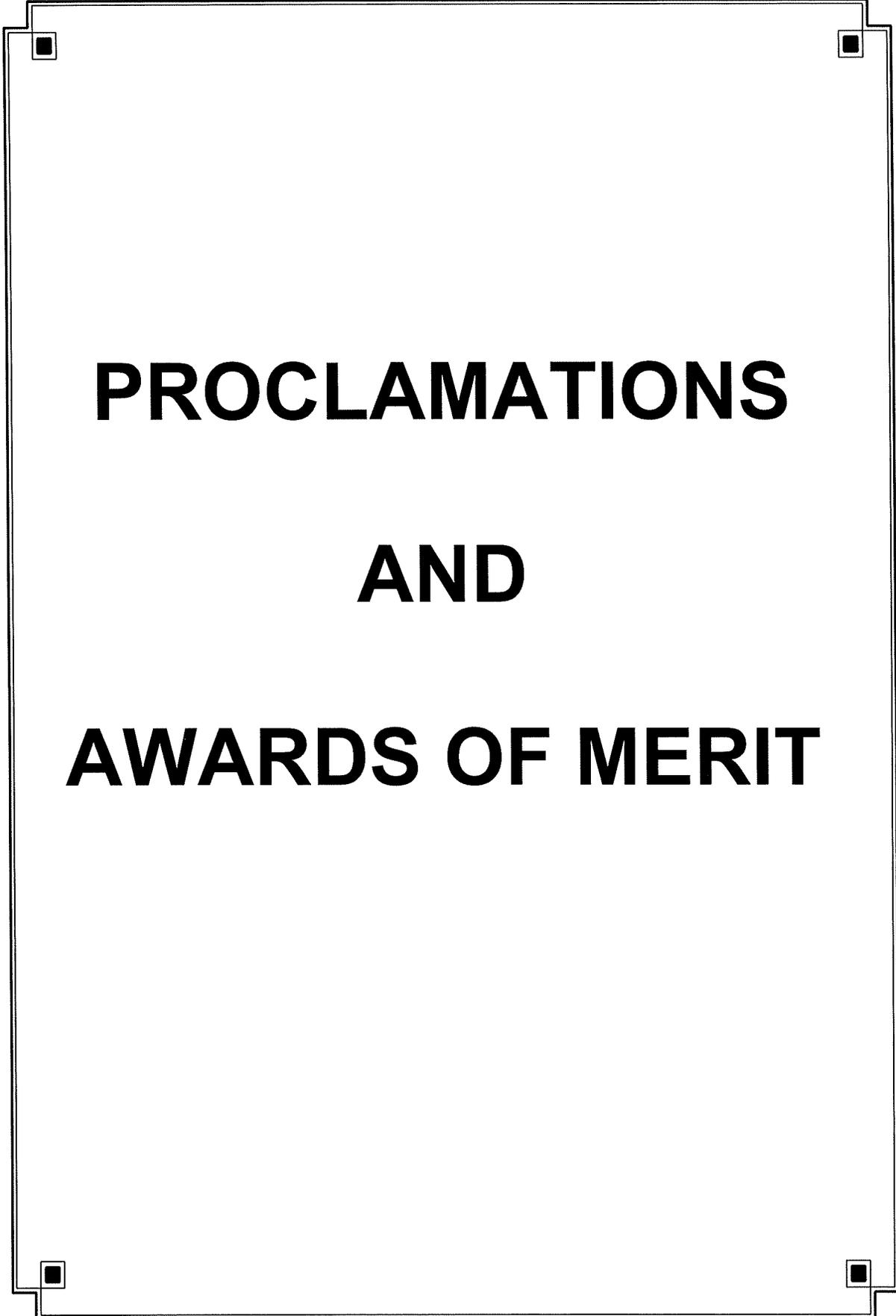
Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 8:31 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, mental health is essential to our overall health, and the importance of attending to mental health has become even more pronounced during the COVID-19 pandemic, which not only negatively impacted many people's mental health but has also created barriers to treatment; and

WHEREAS, nearly one in five Americans lives with a mental health condition and those individuals are our family, friends, classmates, neighbors, and coworkers; and

WHEREAS, discrimination against those with mental health conditions and the stigma against mental health conditions in our society can make it difficult to reach out for help; and

WHEREAS, youth mental health is worsening with nearly 10 percent of America's youth reporting severe depression; and

WHEREAS, we are committed to ensuring that people living with mental health conditions are treated with respect, compassion, and understanding; and

WHEREAS, the City of Hobbs strives for greater public awareness regarding mental health, which can change negative attitudes and behaviors toward people with mental illness.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim May, 2021, as

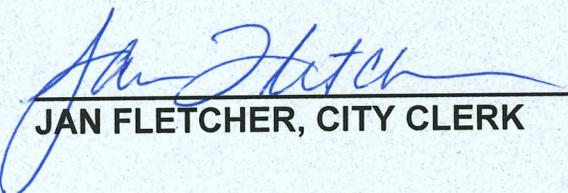
"MENTAL HEALTH AWARENESS MONTH"

and urge all citizens to work together to raise awareness and understanding of mental illness, reduce stigma and discrimination, and promote appropriate and accessible services for all people with mental illnesses now and in the future.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, 2021, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, MAYOR

ATTEST:



JAN FLETCHER, CITY CLERK



Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, the Hobbs Fire Department responds to over 7,788 EMS calls in 2020; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the week of May 16-22, 2021, as

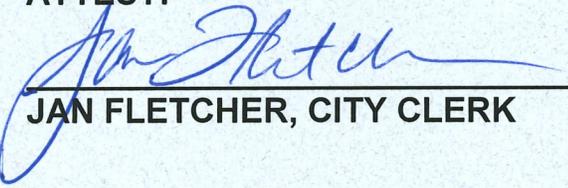
"EMERGENCY MEDICAL SERVICES WEEK"

With the theme, **"This is EMS: Caring for Our Communities"**, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, 2021, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, MAYOR

ATTEST:



JAN FLETCHER, CITY CLERK



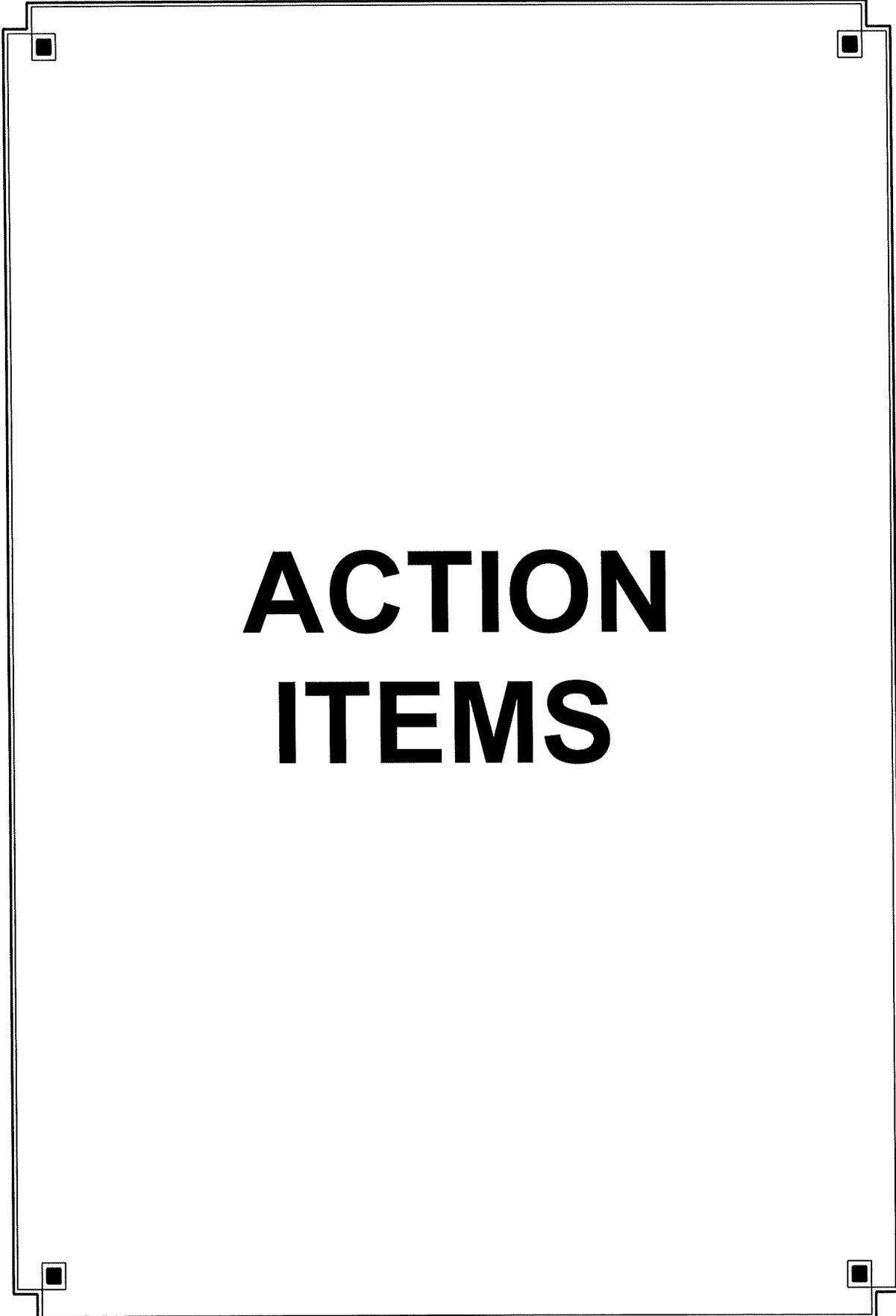
May Milestones 2021

5 years

Shawn Smith	Building Maintenance	5/2/2016
Terri Lewis	Teen Recreation Center	5/17/2016
Jasmine Boyd	Utilities	5/23/2016

15 years

Kenneth Brotherton	WWTP	5/31/2006
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ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

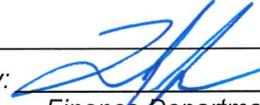
MEETING DATE: May 17, 2021

SUBJECT: A Resolution Authorizing the Mayor to Execute a Memorandum of Agreement with Lea County for a Financial Contribution of \$300,000.00 to the City of Hobbs for the Purpose of Constructing a Veterans Memorial.

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: May 12, 2021
SUBMITTED BY: Valerie S. Chacon, Deputy City Attorney

Summary: On March 4, 2021, the Lea County Board of Commissioners approved Resolution No. 21-MAR-050 approving a financial commitment of \$300,000.00 to the City of Hobbs for the purpose of constructing a Veterans Memorial. Subsequently, on April 5, 2021, the City of Hobbs City Commission approved an action to bid the Veterans Memorial Park HAAF Project. The proposed Memorandum of Agreement allows the City to accept Lea County's financial contribution of \$300,000.00 towards the construction of the Veterans Memorial Park HAAF Project.

Fiscal Impact:

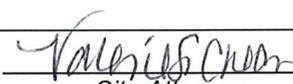
Reviewed By: 
Finance Department

The \$300,000.00 sum will be received by the City of Hobbs and placed in the general fund revenue line designated toward the completion of the Veterans Memorial Park HAAF Project.

Attachments:

Minutes of Meeting Lea County Board of Commissioners (March 4, 2021);
Proposed MOU

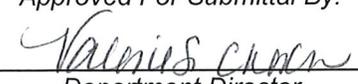
Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

The Commission should consider approval of the action.

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. 7051

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A MEMORANDUM OF AGREEMENT WITH
LEA COUNTY FOR A FINANCIAL CONTRIBUTION OF \$300,000.00 TO THE CITY OF
HOBBS FOR THE PURPOSE OF CONSTRUCTING A VETERANS MEMORIAL.

WHEREAS, Lea County will provide a financial contribution to the City of Hobbs of \$300,000.00 for the purpose of constructing a Veterans Memorial Park HAAF project pursuant to a Memorandum of Agreement between the City of Hobbs and Lea County as attached herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor be and is hereby directed to execute a Memorandum of Agreement with Lea County for the contribution toward the construction of a Veterans Memorial Park HAAF.

PASSED, ADOPTED AND APPROVED this 17th day of May, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

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

This Memorandum of Agreement is made this _____ day of May, 2021, by and between the City of Hobbs (hereinafter "CITY") and Lea County, New Mexico (hereinafter "COUNTY").

PURPOSE

The purpose of this Memorandum of Agreement (*hereinafter* "Agreement") is to memorialize the terms and agreement between the CITY and COUNTY regarding the COUNTY's funding toward the CITY's construction of a Veterans Memorial Park HAAF Project. CITY and COUNTY agree to cooperate as outlined in this Memorandum of Agreement.

WHEREAS, the CITY and COUNTY agree that a Veterans Memorial Park will operate to honor all Lea County residents who have served, are serving, or will serve in the United States Armed Forces, as well as their families;

WHEREAS, a Veterans Memorial Park will serve the health, safety, and wellbeing of Lea County residents by providing a space for honor, reflection, and healing for all Lea County veterans and their families;

WHEREAS, On March 4, 2021, COUNTY adopted Resolution No. 21-MAR-050 approving a financial commitment of \$300,000.00 to CITY for purpose of constructing a Veterans Memorial;

WHEREAS, subsequently, on April 5, 2021, CITY approved an action to bid the Veterans Memorial Park HAAF Project;

WHEREAS, the Agreement requires payment from the COUNTY to CITY to assist in the construction of the Veterans Memorial Park;

DUTIES ASSOCIATED WITH FUNDING

I. CITY'S DUTIES

CITY will ensure the following obligations are met:

1. CITY will budget for the acceptance and expenditure of the COUNTY's contribution toward the construction of the Veterans Memorial Park.
2. CITY shall construct a Veterans Memorial Park in Hobbs, New Mexico, in or near the Hobbs Industrial Air Park.

3. CITY shall ensure the Veterans Memorial Park is accessible to all Lea County residents as well as guests and visitors to Lea County.
4. CITY shall provide sufficient supporting documentation for actual expenses incurred related to the construction of the Veterans Memorial Park to COUNTY upon request.
5. CITY shall ensure all funds contributed by COUNTY are used exclusively toward the construction of the Veterans Memorial Park and for no other purpose. Should any portion of the funds contributed by COUNTY to the construction of the Veterans Memorial Park be unused by CITY, those unused portions of the funds outlined herein shall be returned to COUNTY.
6. CITY shall not utilize the public funds contributed by COUNTY in any manner that violates and federal, state, or local laws.
7. CITY shall own, operate, and maintain the Veterans Memorial Park and shall not subject COUNTY to further costs associated with the project above the amount contemplated herein.

II. COUNTY'S DUTIES

COUNTY will ensure the following obligations are met:

1. COUNTY is responsible for encumbering and appropriating financial contributions in the amount of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) in full within FY 2020-2021.
2. COUNTY shall pay to CITY THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) to be directly applied toward the construction of the Veterans Memorial Park.
3. COUNTY shall deliver funds to CITY prior to June 30, 2021.
4. COUNTY may request an accounting of funds used toward the construction of the Veterans Memorial Park.

MERGER OF AGREEMENT

This Agreement incorporates all agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this Agreement. No prior statements, representations, promises or agreement of

understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

SOVEREIGN IMMUNITY

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

LIABILITY

Each party agrees to bear liability and responsibility for the negligent, reckless or deliberate acts or omissions of their own officers and employees, as limited by the New Mexico Tort Claims Act. It is expressly understood by this Agreement that the Veterans Memorial Park contemplated herein will at all times be owned and operated by CITY.

THIRD PARTY BENEFICIARIES

It is specifically agreed between the parties executing the Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to the Agreement to maintain, pursuant to the provisions of the Agreement, a suit of any nature, including but not limited to suits alleging wrongful death, bodily and/or personal injury to person(s), damages to property(ies), and/or any cause of action. No other parties in relation to CITY, whether as contractor, subcontractor, or joint venture, shall have any entitlement to seek funds from COUNTY related in any way to their dealings with CITY.

INSURANCE

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

TERM

This Agreement shall continue in full force and effect, one year, or until construction of the Veterans Memorial Park is complete, whichever occurs first. Nothing in this Agreement guarantees future funding by COUNTY beyond what this Agreement contemplates.

SEVERABILITY

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

NO ORAL MODIFICATION

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

GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of New Mexico. Any legal disputes related to this Agreement shall be subject to the jurisdiction and venue of the Fifth Judicial District Court, Lea County, New Mexico.

EFFECTIVE DATE

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

[Required Signatures on Next Page]

ATTEST:

LEA COUNTY, NEW MEXICO

BY: _____
Rebecca Long,
Lea County Chair

Date: _____

ATTEST:

CITY OF HOBBS

BY: _____
Sam Cobb,
Mayor

Date: _____

Approved as to Form:

By: _____
John W. Caldwell
County Attorney

Date: _____

By: _____
Efren A. Cortez
City Attorney

Date: _____

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 21-MAR-050R

A RESOLUTION APPROVING A FINANCIAL COMMITMENT OF \$300,000.00 TO THE CITY OF HOBBS
FOR THE PURPOSE OF CONSTRUCTING A VETERANS MEMORIAL

WHEREAS, the Board of County Commissioners of Lea County have a desire to recognize all Veterans in Lea County; *and*

WHEREAS, Veterans reside and have lived throughout Lea County; *and*

WHEREAS, Municipalities in Lea County currently have an existing memorial or have expressed an interest to develop a new memorial to recognize Veterans; *and*

WHEREAS, the Board of County Commissioner approved Lea County Resolution No. 17-NOV-245R allowing partnerships between Lea County and each municipality in Lea County for Veterans Memorials; *and*

WHEREAS, the City of Hobbs has completed the planning and design for a new Veterans Memorial; *and*

WHEREAS, the Board of County Commissioners of Lea County maintain an interest in partnering with municipalities to develop and construct veterans' memorials.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that providing \$300,000.00 to the City of Hobbs for a Veterans Memorial is hereby approved.

BE IT FURTHER RESOLVED that the County desires the agreement between Lea County and the City of Hobbs for the County's financial contribution towards the Veterans Memorial shall return to the Board of County Commissioners for their consideration.

PASSED AND APPROVED on this 4th day of March, 2021, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

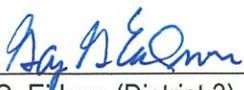
LEA COUNTY BOARD OF COUNTY COMMISSIONERS



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



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



Gary G. Edson (District 3), Member
Voted: Yes No Abstain



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

LEA COUNTY
MAR 04 2021
LCBCC Meeting

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

ATTEST: Keith Manes
Lea County Clerk

By: Hollye Shearer
Hollye Shearer, Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John W. Caldwell, County Attorney



**Minutes of Meeting
Lea County Board of Commissioners
March 4, 2021**

Chair Long called the meeting to order at 9:00 a.m. in the Lea County Courthouse

Commissioners present were, to wit: Vice Chair Dean Jackson, District 1, Chair Rebecca Long, District 2, Commissioner Gary G. Eidson, District 3, Jonathan Sena, District 4, and Commissioner Pat Sims, District 5.

Also present were Lea County Manager Michael P. Gallagher II, and Lea County Attorney John W. Caldwell.

Commissioner Sims led the Pledge of Allegiance followed by the Invocation by Commissioner Sena.

ITEM 01: COMMISSION

- Consideration of Lea County Resolution No. 21-MAR-047R Approving the February 18, 2021 Regular Meeting Minutes.

Chair Long requested approval. Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution. No. 21-MAR-047R Approving the February 18, 2021 Regular Meeting Minutes. The motion was seconded by Commissioner Sims. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Public Comments

There were no public comments

- Commissioners and Manger Comments

Commissioner Sims, Chair Long, and Manager Gallagher all made comments in regards to trash in Lea County.

Vice Chair Jackson stated he did not want to hear anyone thanking the Governor regarding Covid Restrictions because they should not have been how they have been.

Commissioner Sena made comments in regards to the expansion of abortion that the State is working on.

Manager Gallagher stated that there will be an event Friday night at the Fairgrounds for people to watch the Lovington Wildcats Football game.

- Consideration of Lea County Resolution No. 21-MAR-048R Approving/Confirming Appointment(s) to the Lea County Planning & Zoning Board. (*Rebecca Long, Commission Chair*)

Chair Long requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Sims moved to approve Lea County Resolution No. 21-MAR-048 Approving/Confirming Appointment(s) to the Lea County Planning & Zoning Board. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-049 Approving/Confirming Appointment(s) to the New Horizons Foundation Board. (*Rebecca Long, Commission Chair*)

Chair Long requested approval. Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 21-MAR-049 Approving/Confirming Appointment(s) to the New Horizons Foundation Board. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-050 Approving a Financial Commitment of \$300,000.00 to the City of Hobbs for the Purpose of Constructing a Veterans Memorial. (*Jonathan Sena, Commissioner – District 4*)

Chair Long requested approval. Chair Long asked if there were any public comments concerning this agenda item. Interim City Manager Manny Gomez made comments in regards to approving this resolution. Commissioner Eidson moved to approve Lea County Resolution No. 21-MAR-050 Approving a Financial Commitment of \$300,000.00 to the City of Hobbs for the Purpose of Constructing a Veterans Memorial. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Discussion of Threats to the Oil & Gas Industry in Lea County. (*Pat Sims, Commissioner – District 5*)

Commissioner Sims presented a discussion of Threats to the Oil & Gas Industry in Lea County.

ITEM 02: ACTION ITEMS

- Consideration of Lea County Resolution No. 21-MAR-051R Authorizing the Approval and Execution of an Application for Law Enforcement Protection Funds (LEPF) for FY 2021 – 2022. (*Corey Helton, County Sheriff*)

Sheriff Helton requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Sims moved to approve Lea County Resolution. No. 21-MAR-051R Authorizing the Approval and Execution of an Application for Law Enforcement Protection Funds (LEPF) for FY 2021 – 2022. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-052R Approving the Investment Policy for Lea County. (*Susan Marinovich, County Treasurer*)

Treasurer Marinovich asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution. No. 21-MAR-052R Approving the Investment Policy for Lea County. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-053R Approving Grant Agreement No. E2595 between Lea County and New Mexico Department of Finance and Administration Local Government Division for a Capital Outlay Appropriation for the Lea County Courthouse Renovations. (*Mike Gallagher, County Manager*)

Manager Gallagher requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Sena moved to approve Lea County Resolution No. 21-MAR-053R Approving Grant . Agreement No. E2595 between Lea County and New Mexico Department of Finance and Administration Local Government Division for a Capital Outlay Appropriation for the Lea County Courthouse Renovations. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-054R Approving Award of Request for Proposal No. 01 (2020 – 2021) Multi-Term Insurance Broker for Lea County. (*John W. Caldwell, County Attorney*)

Attorney Caldwell requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Sims moved to approve Lea County Resolution No. 21-MAR-054R Approving Award of Request for Proposal No. 01 (2020 – 2021) Multi-Term Insurance Broker for Lea County. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-055R Authorizing Out of State Travel March 10 – 11, 2021 to Dallas/Fort Worth, Texas to Attend Annual Aircraft Rescue & Fire Fighting (ARFF) Training for the Lea County Regional Airport ARFF Fire Department. (*Corey Needham, Assistant County Manager*)

Assistant County Manager Needham requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Sims moved to approve Lea County Resolution No. 21-MAR-055R Authorizing Out of State Travel March 10 – 11, 2021 to Dallas/Fort Worth, Texas to Attend Annual Aircraft Rescue & Fire Fighting (ARFF) Training for the Lea County Regional Airport ARFF Fire Department. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-056R Approving Recommendations from a Freeholders Committee Regarding the Vacation of Dedicated Right of Way Being 25th Street, South of Elm Street in the Five-O Subdivision, Unit 2, in Section 5, Township 16 South, Range 36 East, N.M.P.M Lea County (*Corey Needham, Assistant County Manager*)

Assistant County Manager Needham requested approval. Chair Long asked if there were any public comments concerning this agenda item. Ray Rivera made comments in regards to why he is asking for this to be vacated. Commissioner Eidson moved to approve Lea County Resolution No. 21-MAR-056R Approving Recommendations from a Freeholders Committee Regarding the Vacation of Dedicated Right of Way Being 25th Street, South of Elm Street in the Five-O Subdivision, Unit 2, in Section 5, Township 16 South, Range 36 East, N.M.P.M Lea County. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, no; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, no. The motion passed.

- Consideration of Lea County Resolution No. 21-MAR-057R Approving Budget Adjustment No. 02 FY 2020 – 2021. (*Chip Low, Finance Director*)

Director Low requested approval. Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 21-MAR-057R Approving Budget Adjustment No. 02 FY 2020 – 2021. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

ITEM 03: DISCUSSION ITEMS

- Discussion of Lea County's FY 2021 – 2022 Budget. (*Chip Low, Finance Director*)

Director Low, Assessor Kennedy, Clerk Manes, Treasurer Marinovich, Director Livingston, General Manager Kemp and Director Bova presented a discussion of Lea County's FY 2021 – 2022 Budget.

ITEM 04: EXECUTIVE SESSION

• **Board of County Commissioners**

- Pursuant to Section 10-15-1 H (2) of the New Mexico Statutes Annotated (NMSA) 1978; to Discuss Limited Personnel Matters, Namely the Interim Facilities Director; as Authorized by the NMSA 1978 § 10-15-1 H (2).

• At 10:55 a.m. Vice Chair Jackson moved to convene in Executive Session pursuant to **Section 10-15-1 H (2) and (7), of the New Mexico Statutes Annotated (NMSA) 1978; to Discuss Limited Personnel Matters, Namely the Interim Facilities Director and threatened litigation subject to attorney-client privilege involving a breach of contract related to an easement permit in which the county may become a participant; as Authorized by the NMSA 1978 § 10-15-1 H (2) and (7).** The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

The meeting reconvened at 11:39 a.m.

ITEM 05: OTHER BUSINESS

- Consideration of Lea County Resolution No. 21-MAR-058R Approving the Appointment of Edmundo R. Lara II to the Position of Facilities Director. (*Mike Gallagher, County Manager*)

Manager Gallagher requested approval. Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 21-MAR-058R Approving the Appointment of Edmundo R. Lara II to the Position of Facilities Director. The motion was seconded by Commissioner Sims. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes. The motion passed.

The meeting was adjourned at 11:41 a.m.

BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO



Rebecca Long, Chair



Dean Jackson, Vice Chair



Gary G. Eidson, Member



Jonathan Sena, Member



Pat Sims, Member

ATTEST: Keith Manes

Lea County Clerk



Hollye Shearer





CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 17, 2021

SUBJECT: Resolution Adopting Budgetary Adjustment #6 for the Fiscal Year 2020-2021
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: May 5, 2021
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

The fiscal budget of the City of Hobbs is adopted by resolution, and reviewed and approved by the Department of Finance & Administration. The budget is prepared prior to the beginning of the fiscal year, and as such, from time to time it becomes necessary to adjust the budget for items not contemplated at the time of its preparation or for issues that arise during the fiscal year.

Enclosed is a budgetary adjustment #6 for the current year. A summary of the funds adjusted is attached to this resolution. After this adjustment is approved by the Commission, it must be forwarded to the Department of Finance & Administration for their approval.

Fiscal Impact:

Reviewed By: 
Finance Department

Total expense increased by \$323,382.15 providing a budgeted ending cash balance of \$88,895,745.01 for all funds. General fund reserve moves from 54% to 53%

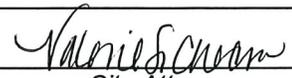
Part of the above adjustment is related to a change in method for NMFA. NMFA has moved debt service for DW-1510 from the semi-annual debt service agreement that has been utilized since the first loan payment in 2010 to monthly payment requirement as is called for in the original debt service agreement. NMFA has previously used semi-annual payment acceptance based on their manual process for recording payments. They now have a computer program in place to manage these payments and have begun the process of providing us with a monthly invoice for payment.

This budget adjustment also includes inter-fund cash transfers between fund 660 and fund 510 to provide cash needed to fund the extra expense.

Attachments:

- Budget Cash Balance Sheet
- Budgeted Adjustments Detail
- Resolution approving Budget Adjustment for the fiscal year 2020-2021

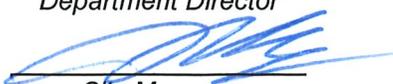
Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve the resolution.

Approved For Submittal By:


Department Director

City Manager

**CITY CLERKS USE ONLY
COMMISSION ACTION TAKEN**

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

CITY OF HOBBS

RESOLUTION NO. 7052

BUDGETARY ADJUSTMENT #6

FISCAL YEAR 2020-2021

WHEREAS, the fiscal budget for the City of Hobbs is prepared, reviewed and approved prior to the beginning of the fiscal year; and

WHEREAS, from time to time it becomes necessary to adjust the budget due to items not contemplated at the time it is prepared; and

WHEREAS, included in this budgetary adjustment total expense is increased by \$323,382.15.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced budget adjustments be approved.

BE IT FURTHER RESOLVED BY THE GOVERNING BODY of the City of Hobbs, New Mexico, that the budgetary adjustments be subject to the approval of the Department of Finance and Administration of the State of New Mexico and that a copy of this Resolution be forwarded to their office in Santa Fe, New Mexico, for approval.

PASSED, ADOPTED AND APPROVED this 17th day of May, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**City of Hobbs Budget Adjustment Request #6
FY21 Fund Summary**

		Beginning Cash from 06/30/20	Total Revenue	Interfund Transfer	Total Expenditures	Ending Cash
001	GENERAL	91,426,513.57	52,687,540.98	(8,925,141.21)	88,307,917.81	46,880,995.53
002	LAND ACQUISITION	349,146.16	100,000.00	-	200,000.00	249,146.16
General Fund Subtotal		91,775,659.73	52,787,540.98	(8,925,141.21)	88,507,917.81	47,130,141.69
110	LOCAL GOV CORR	856,783.06	210,600.00	-	156,049.09	911,333.97
120	POLICE PROTECTION	63,885.81	80,400.00	-	144,285.81	-
130	P D N (parif, drug, narcotics)	1,918.75	-	-	-	1,918.75
150	COPS GRANT	1,000.00	150,000.00	384,000.00	422,358.31	112,641.69
160	RECREATION (CORE)	585,453.07	1,187,247.00	3,405,647.07	5,177,347.14	1,000.00
170	OLDER AMERICAN	1,000.00	140,146.00	962,103.77	1,081,605.77	21,644.00
180	GOLF	1,000.00	548,120.00	3,264,253.18	3,630,677.18	182,696.00
190	CEMETERY	14,477.08	164,600.00	623,444.69	792,521.77	10,000.00
200	AIRPORT	273,054.13	37,800.00	-	63,700.00	247,154.13
210	Legislative Appropriations	-	1,900,000.00	-	1,900,000.00	-
220	Intergovernmental Grants	-	1,587,094.00	-	1,587,094.00	-
230	LODGERS' TAX	1,826,158.69	627,100.00	(954,307.50)	883,330.00	615,621.19
270	PUBLIC TRANSPORTATION	32,975.73	1,213,696.63	240,000.00	1,134,568.66	352,103.70
280	FIRE PROTECTION	604,904.69	505,200.00	-	709,277.90	400,826.79
290	EMER MEDICAL SERV	202.82	64,900.00	-	64,900.00	202.82
Special Revenue Subtotals		4,262,813.83	8,416,903.63	7,925,141.21	17,747,715.63	2,857,143.04
370	COMM DEVE CONST	186,193.20	-	-	150,000.00	36,193.20
460	BEAUTIFICATION IMPROVEM	1,538,849.89	-	-	-	1,538,849.89
480	STREET IMPROVEMENTS	3,414,077.71	1,609,333.33	-	2,408,565.65	2,614,845.39
490	CITY COMM. IMPROVEMENT:	5,622,342.68	2,131,551.00	(5,541,819.74)	67,000.00	2,145,073.94
Capitol Project Subtotals		10,761,463.48	3,740,884.33	(5,541,819.74)	2,625,565.65	6,334,962.42
510	UTILITY BOND	-	-	330,387.07	330,387.07	-
530	WASTEWATER BOND	1,989,842.96	-	2,906,182.43	2,906,182.43	1,989,842.96
Debt Service Subtotals		1,989,842.96	-	3,236,569.50	3,236,569.50	1,989,842.96
100	SOLID WASTE	2,484,591.03	6,950,000.04	-	7,200,000.04	2,234,591.03
440	JOINT UTILITY EXTENSIONS C	1,000.00	680,677.98	5,541,819.74	6,222,497.72	1,000.00
600	JOINT UTILITY	1,000.00	-	6,975,118.20	6,623,335.47	352,782.73
610	JOINT UTILITY CONST	1,000.00	-	3,019,526.01	2,900,696.21	119,829.80
620	WASTE WATER PLANT CONST	7,957,145.56	145,380.16	547,330.18	8,398,855.90	251,000.00
630	JOINT UTILTIY - WASTEWATE	1,000.00	-	4,414,165.22	4,414,165.22	1,000.00
650	JOINT UTILTIY INCOME - WAS	5,840,103.73	8,395,743.00	(7,867,677.83)	34,000.00	6,334,168.90
660	JOINT UTILITY INCOME	4,898,581.14	8,265,200.00	(10,350,031.28)	-	2,813,749.86
680	METER DEPOSIT RES	1,118,043.91	450,000.00	-	450,000.00	1,118,043.91
690	INTERNAL SUPPLY	43,966.87	225,000.00	25,000.00	225,000.00	68,966.87
Utility Subtotals		22,346,432.24	25,112,001.18	2,305,250.24	36,468,550.56	13,295,133.10
640	MEDICAL INSURANCE	3,793,491.45	7,584,055.00	(500,000.00)	7,543,755.00	3,333,791.45
670	WORKERS COMP TRUST	1,142,028.21	711,630.00	-	711,630.00	1,142,028.21
740	INSURANCE - RISK	1,876,630.31	2,060,788.87	1,000,000.00	1,585,788.87	3,351,630.31
Internal Service Subtotal		6,812,149.97	10,356,473.87	500,000.00	9,841,173.87	7,827,449.97
700	MOTOR VEHICLE	17,511.25	6,000,000.00	-	6,000,000.00	17,511.25
710	MUNI JUDGE BOND FUND	105,852.84	-	-	-	105,852.84
720	RETIREE HEALTH INSURANCE	9,000,000.00	1,032,356.00	500,000.00	1,532,356.00	9,000,000.00
730	CRIME LAB FUND	73,717.55	88,500.00	-	88,500.00	73,717.55
750	FORECLOSURE TRUST FUND	71.88	-	-	-	71.88
760	RECREATION TRUST	-	-	-	-	-
770	LIBRARY TRUST	6,019.48	1,500.00	-	1,500.00	6,019.48
780	SENIOR CITIZEN TRUST	3,319.94	3,000.00	-	3,000.00	3,319.94
790	PRAIRIE HAVEN MEM	5,826.98	55.00	-	-	5,881.98
800	COMMUNITY PARK TRUST	1,558.61	18.00	-	-	1,576.61
820	EVIDENCE TRUST FUND	220,886.46	5,000.00	-	-	225,886.46
830	HOBBS BEAUTIFUL	19,971.41	5,000.00	-	6,250.00	18,721.41
860	CITY AGENCY TRUST	2,512.43	1,000.00	-	1,000.00	2,512.43
Trust & Agency Subtotals		9,457,248.83	7,136,429.00	500,000.00	7,632,606.00	9,461,071.83
Grand Total All Funds		147,405,611.04	107,550,232.99	-	166,060,099.02	88,895,745.01
			(0.00)		323,382.15	

53%

BAR #6 Detail

Expense

<i>Fund</i>	<i>ORG</i>	<i>OBJ</i>	<i>PROJECT</i>	<i>Dept Name</i>	<i>DESCRIPTION</i>	<i>Current Budget</i>	<i>Budget Request</i>	<i>New Budget</i>	<i>Comments</i>
1	010100	44901	00281	CITY COMMISSION	MEMORIAL FOR VETERANS	1,400,000.00	300,000.00	1,700,000.00	to increase expense budget based on Lea County's contribution to the Memorial For Veterans project. NMFA has converted Loan DW-1510 to a monthly payment in FY21 - budget needed to cover the June 1
51	514051	47343		UTILITY BOND FUND	BOND PAID - #1510-DW	251,851.00	21,407.33	273,258.33	payment NMFA has converted Loan DW-1510 to a monthly payment in FY21 - budget needed to cover the June 1
51	514051	47344		UTILITY BOND FUND	INTEREST PAID - #1510-DW	55,153.92	1,974.82	57,128.74	payment
							<u>323,382.15</u>		

Revenue - Transfers

<i>Fund</i>	<i>ORG</i>	<i>OBJ</i>	<i>PROJECT</i>	<i>Dept Name</i>	<i>DESCRIPTION</i>	<i>Current Budget</i>	<i>Budget Request</i>	<i>New Budget</i>	<i>Comments</i>
51	519999	30842			Transfer from 66	(307,004.92)	(23,382.15)	(330,387.07)	
66	669999	30823			Transfer to 51	307,004.92	23,382.15	330,387.07	
							<u>-</u>		



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 17, 2021

SUBJECT: AWARD BID NO. 1589-21 FOR CONSTRUCTION OF VETERANS MEMORIAL PARK TO CDR CONSTRUCTION, INC

DEPT. OF ORIGIN: General Services Dept.

DATE SUBMITTED: 5-11-2021

SUBMITTED BY: Shelia Baker

Summary:

In 2018, the City of Hobbs established a committee to set the direction and vision for a Veterans Memorial Park. MRWM was hired in 2019 to begin the design. Hobbs Veterans Memorial Park HAAF will be located on the WWII Hobbs Army Airfield (HAAF)/HIAP. The goals of the Veterans Memorial Park are to: provide Lea County with a place for honor and healing; educate how many have served and in what capacity; celebrate, coming together for different events. This memorial is for everyone – those who have served, those who are serving, those who aspire to serve and those who wish to remember past and present veterans. The focus areas on the site are: 8 Branch Flags, 29'x60' turf parade field, 30" stone veneer wall, memorial brick pavers, 30'x30' shade structure, pad for B-17 replica, landscape/lighting.

On April 18, 2021, an advertisement for Bid No. 1589-21 was placed in the local newspaper, placed on the City of Hobbs website and was sent to plan rooms. There were twenty-one companies on the plan holders list. Bids were opened at 2:00 PM on Thursday, May 6, 2021. One bid was submitted.

<u>Company</u>	<u>Total Bid Price</u>
CDR Construction, Inc.	\$1,377,049.38

It is the recommendation that the total bid for the project be awarded to CDR Construction, Inc., as the low bidder, in the amount of \$1,377,049.38 (not including tax).

Fiscal Impact:

Reviewed By: 
Finance Department

Total Proposed Cost:	\$1,377,049.38
NMGRT:	\$ 93,811.49
Estimated Total Cost:	\$1,470,860.87
FY21 Available Budget:	\$1,379,456.44
MOU from Lea County:	\$ 300,000.00
Total Budget:	\$1,679,456.44

Budget Number: 010100-44901-00281

* \$300,000 from Lea County MOU will be encumbered in BAR #6. Contract to be executed after DFA approval of BAR #6.

Attachments: Bid Summary Sheet

Legal Review:

Approved As To Form: 
City Attorney

Recommendation: Authorizing award of Bid No. 1589-21 to CDR Construction, Inc.

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. _____

Bid Summary

BID/PROPOSAL NO. 1589-21

FURNISH Holdos Veterans Memorial Park

Bidder	CDR Construction			
NM Contractors License No.	22806			
Bid Bond	✓			
Addendum(s)	✓			
Bid Form	✓			
List of Subcontractors	✓			
Resident Bidders Pref No.	✓			
Veterans Preference	✓			
Campaign Cont. Dis. Form	✓			
Non-Collusion Affidavit	✓			
Related Party Disclosure Form	✓			
Non- Debarment Cert	✓			
Alternate 1				
Alternate 2				
Alternate 3				
Alternate 4				
TOTAL	1,377,049 ³⁸			



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 17, 2021

SUBJECT: Consideration of Preliminary FY 2021-2022 Budget
DEPT. OF ORIGIN: Finance
DATE SUBMITTED: May 11, 2021
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Pursuant to applicable state law the preliminary budget must be approved and submitted to the Local Government Division of the NMDFA by June 1st. This proposed preliminary budget includes \$68,195,581.66 in proposed General Fund expenditures and \$125,031,812.52 in proposed expenditures for all funds. Revenues in the General Fund are projected at \$51,598,228.74 and total revenue projections for all funds are set at \$104,413,876.46. Current projected general fund cash reserve is set at 44% with a preliminary ending cash balance for all funds of \$68,609,091.10

Fiscal Impact:

Reviewed By: [Signature] Finance Department

Annual budgeting process has more fiscal impact than any other city policy issue.

Attachments:

Resolution and FY22 Fund Summary

Legal Review:

Approved As To Form: [Signature] City Attorney

Motion to approve the resolution

Recommendation:

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. 7053

2021-2022 PRELIMINARY BUDGET CONSIDERATION

(110th FISCAL YEAR)

WHEREAS, the Governing Body of the Municipality of Hobbs, State of New Mexico has developed a preliminary budget for fiscal year 2021 - 2022; and

WHEREAS, said preliminary budget was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the official meetings for the review of said documents were duly advertised and held on May 3, 2021 and May 17, 2021, in compliance with the State Open Meetings Act; and

WHEREAS, it is the majority opinion of this Commission that the proposed preliminary budget meets the requirements as currently determined for fiscal year 2021 -2022.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of the Municipality of Hobbs, State of New Mexico, hereby adopts the preliminary budget herein above described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED, APPROVED AND RESOLVED in session this 17TH day
of May, 2021.

MUNICIPAL GOVERNING BODY OF
HOBBS, NEW MEXICO

SAM D. COBB, Mayor

R. FINN SMITH, Commissioner

CHRISTOPHER R. MILLS, Commissioner

LARRON FIELDS, Commissioner

JOSEPH D. CALDERON, Commissioner

DWAYNE PENICK, Commissioner

DON R. GERTH, Commissioner

ATTEST:

JAN FLETCHER, City Clerk

**City of Hobbs Preliminary Budget
FY22 Fund Summary**

	Beginning Cash (FY21 BAR #5)	Total Revenue	Interfund Transfer	Total Expenditures	Ending Cash	
001 GENERAL	47,188,895.53	51,598,228.74	(263,467.60)	68,195,581.66	30,328,075.01	44%
002 LAND ACQUISITION	249,146.16	100,000.00		100,000.00	249,146.16	
General Fund Subtotal	47,438,041.69	51,698,228.74	(263,467.60)	68,295,581.66	30,577,221.17	
110 LOCAL GOV CORR	911,333.97	225,750.00		546,500.00	590,583.97	
120 POLICE PROTECTION	-	79,800.00		78,000.00	1,800.00	
130 P D N (parif, drug, narcotics)	1,918.75	-		-	1,918.75	
150 COPS GRANT	112,641.69	-	306,013.99	417,655.68	1,000.00	
160 RECREATION (CORE)	1,000.00	1,742,270.00	3,218,477.70	4,960,747.70	1,000.00	
170 OLDER AMERICAN	21,644.00	182,600.00	567,560.79	770,774.79	1,030.00	
180 GOLF	182,696.00	727,600.00	3,907,888.48	4,817,184.48	1,000.00	
190 CEMETERY	10,000.00	182,900.00	413,526.64	605,426.64	1,000.00	
200 AIRPORT	247,154.13	35,300.00		57,500.00	224,954.13	
210 Legislative Appropriations	-	1,328,000.00		-	1,328,000.00	
220 Intergovernmental Grants	-	4,150,000.00	(4,150,000.00)	-	-	
230 LODGERS' TAX	615,621.19	602,000.00		602,000.00	615,621.19	
270 PUBLIC TRANSPORTATION	352,103.70	1,152,500.00		1,307,243.05	197,360.65	
280 FIRE PROTECTION	400,826.79	500,825.00		336,300.00	565,351.79	
290 EMER MEDICAL SERV	202.82	20,000.00		20,000.00	202.82	
Special Revenue Subtotals	2,857,143.04	10,929,545.00	4,263,467.60	14,519,332.34	3,530,823.30	
370 COMM DEVE CONST	36,193.20	-		-	36,193.20	
460 BEAUTIFICATION IMPROVEMENT	1,538,849.89	-	(1,000,000.00)	-	538,849.89	
480 STREET IMPROVEMENTS	2,614,845.39	754,000.00	-	-	3,368,845.39	
490 CITY COMM. IMPROVEMENTS	2,145,073.94	2,111,238.00	(3,000,000.00)	61,238.00	1,195,073.94	
Capital Project Subtotals	6,334,962.42	2,865,238.00	(4,000,000.00)	61,238.00	5,138,962.42	
510 UTILITY BOND	-	-	307,004.90	307,004.90	-	
530 WASTEWATER BOND	1,989,842.96	-	2,272,247.79	2,272,247.79	1,989,842.96	
Debt Service Subtotals	1,989,842.96	-	2,579,252.69	2,579,252.69	1,989,842.96	
100 SOLID WASTE	2,234,591.03	7,440,000.00		7,468,000.00	2,206,591.03	
440 JOINT UTILITY EXTENSIONS CAPITAL PROJEC	1,000.00	-		-	1,000.00	
600 JOINT UTILITY	352,782.73	-	6,184,818.43	6,536,601.16	1,000.00	
610 JOINT UTILITY CONST	119,829.80	-	2,291,170.20	2,410,000.00	1,000.00	
620 WASTE WATER PLANT CONST	251,000.00	-	4,186,000.00	4,436,000.00	1,000.00	
630 JOINT UTILITIY - WASTEWATER	1,000.00	-	4,154,317.95	4,154,317.95	1,000.00	
650 JOINT UTILITIY INCOME - WASTEWATER	6,334,168.90	8,191,619.00	(10,612,565.74)	30,619.00	3,882,603.16	
660 JOINT UTILITY INCOME	2,837,132.01	8,725,500.00	(8,782,993.53)	-	2,779,638.48	
680 METER DEPOSIT RES	1,118,043.91	375,000.00		375,000.00	1,118,043.91	
690 INTERNAL SUPPLY	68,966.87	225,000.00		225,000.00	68,966.87	
Utility Subtotals	13,318,515.25	24,957,119.00	(2,579,252.69)	25,635,538.11	10,060,843.45	
640 MEDICAL INSURANCE	3,333,791.45	6,557,192.16		6,527,192.16	3,363,791.45	
670 WORKERS COMP TRUST	1,142,028.21	605,864.34		605,864.34	1,142,028.21	
740 INSURANCE - RISK	3,351,630.31	1,377,669.00		1,377,669.00	3,351,630.31	
Internal Service Subtotal	7,827,449.97	8,540,725.50	-	8,510,725.50	7,857,449.97	
700 MOTOR VEHICLE	17,511.25	4,000,000.00		4,000,000.00	17,511.25	
710 MUNI JUDGE BOND FUND	105,852.84	-		-	105,852.84	
720 RETIREE HEALTH INSURANCE TRUST FUND	9,000,000.00	1,288,970.22		1,288,970.22	9,000,000.00	
730 CRIME LAB FUND	73,717.55	87,500.00		87,500.00	73,717.55	
750 FORECLOSURE TRUST FUND	71.88	-		-	71.88	
760 RECREATION TRUST	-	-		-	-	
770 LIBRARY TRUST	6,019.48	1,500.00		1,500.00	6,019.48	
780 SENIOR CITIZEN TRUST	3,319.94	3,000.00		3,000.00	3,319.94	
790 PRAIRIE HAVEN MEM	5,881.98	50.00		-	5,931.98	
800 COMMUNITY PARK TRUST	1,576.61	-		-	1,576.61	
820 EVIDENCE TRUST FUND	225,886.46	5,000.00		-	230,886.46	
830 HOBBS BEAUTIFUL	18,721.41	36,000.00		48,174.00	6,547.41	
860 CITY AGENCY TRUST	2,512.43	1,000.00		1,000.00	2,512.43	
Trust & Agency Subtotals	9,461,071.83	5,423,020.22	-	5,430,144.22	9,453,947.83	
Grand Total All Funds	89,227,027.16	104,413,876.46	0.00	125,031,812.52	68,609,091.10	



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 17, 2021

SUBJECT: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH CITY MANAGER MANNY GOMEZ

DEPT. OF ORIGIN: Human Resources
DATE SUBMITTED: May 11, 2021
SUBMITTED BY: Nicholas Goulet, Human Resources Director

Summary: On April 19, 2021, and pursuant to City of Hobbs Charter 4-5, the City Commission approved Resolution No. 7043 authorizing the selection of Manny Gomez as the City Manager for the City of Hobbs. Pursuant to Resolution No. 7043, contractual negotiations commenced between Manny Gomez and the Mayor (on behalf of the City Commission), the City Attorney, and the Human Resources Director. The parties believe they have reached an agreement in principle subject to the approval of the City Commission. This Resolution would approve the contractual terms of the proposed Employment Agreement and thereby bind Manny Gomez and the City of Hobbs to the same.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The position for City Manager has been budgeted in the current fiscal year (FY20-21) as well as the upcoming fiscal year (FY21-22).

Attachments:

Resolution; Proposed Employment Agreement

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

The Commission should consider the Resolution.

Approved For Submittal By: [Signature]
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. 7054

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
EMPLOYMENT AGREEMENT WITH CITY MANAGER MANNY GOMEZ

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor be and hereby is authorized and directed to execute on behalf of the City of Hobbs an Employment Agreement with Manuel Gomez (aka "Manny Gomez") for his services as City Manager of the City of Hobbs. A copy of the Employment Agreement is attached hereto and made part hereof.

PASSED, ADOPTED AND APPROVED this 17th day of May, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is entered into this ___ day of May, 2021, by and between **Manuel Gomez**, hereinafter designated as "City Manager", and the **CITY OF HOBBS**, a New Mexico municipal corporation, acting by and through its duly authorized Mayor and City Commission, hereinafter referred to as "City".

WITNESSETH

WHEREAS, the City Manager desires to engage into employment with the City of Hobbs as the City Manager; and

WHEREAS, the City of Hobbs, acting by and through its duly authorized Mayor and City Commission, desires to employ City Manager under the terms and conditions hereof;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Employment: City hereby employs City Manager and City Manager hereby accepts such employment upon the terms and conditions hereinafter set forth.
2. Term: The City Manager's duties and responsibilities shall commence under the terms of this Agreement on the date of execution first noted above and shall continue for an indefinite term and until he vacates the position by death, resignation, or removal by the City Commission. (NMSA 1978, § 3-14-3).
3. Authority and Duties: The City Manager shall perform all duties and shall have all powers and authority granted to the City Manager in Hobbs City Charter Section 6-2, Ordinances, Resolutions, Regulations, other official documents, and NMSA 1978, § 3-14-14.
4. Work Responsibilities: Effective upon the commencement of this Agreement, City Manager shall devote the time necessary to the administration of the government of the City. In general, such time shall be a minimum of forty-five (45) hours per week. Such hours shall be scheduled as City Manager deems most conducive to the effective and efficient operation of City administration.
5. Employment Status: City Manager is an executive employee exempt from the requirements of the Federal Fair Labor Standards Act.

6. Disability: If the City Manager is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or other health reasons for a period of eight (8) weeks beyond any accrued paid time off (unless a longer period is required by law), then City shall have the option to terminate this Agreement. In the event of termination under this provision, the City Manager shall be entitled to the disability benefits presently in effect and payable to other employees of the City who may be disabled as defined herein.

7. Compensation: For all services rendered by City Manager under the terms of this Agreement, compensation shall be paid to the City Manager by City as follows:

- a. Salary in the amount of \$174,740.80 (\$84.01 an hour) annually, paid in conjunction with the regular City of Hobbs pay cycle beginning upon execution of this Employment Agreement. City Manager shall be entitled to receive an annual Cost of Living Adjustment ("COLA"), if any approved in a given year, in a similar percentage amount to that granted to general employees by the City Commission.
- b. City Manager's performance evaluation shall be conducted annually within 30 days of City Manager's selection date of April 19th of each year of his employment with City.
- c. If after conducting any future performance evaluation it is determined by the City Commission that City Manager's job performance is satisfactory, the City Commission may adjust City Manager's salary ("merit increase"). This annual adjustment, if approved, shall be a similar percentage amount to that granted to other general employees based upon their satisfactory evaluation.
- d. The sums set forth in subparagraph "a" herein, inclusive of any future adjustments as a result of an annual COLA (see subparagraph a) or merit increase (see subparagraph c), shall constitute the City Manager's "base salary."
- e. City Manager shall accrue 20 hours per month of paid time off effective on the date of execution of this Employment Agreement. City Manager shall be allowed to maintain any paid time off balance he has accumulated in his previous role as Fire Chief/Acting City Manager. City Manager shall also be entitled to the same holiday leave, and health, vision, dental insurance, or other benefits currently available to the general employees of the City.
- f. City shall provide City Manager with an automobile allowance in the amount of \$1,000.00 each month during his employment with the City to commence upon execution of this Agreement. City Manager shall be responsible for paying any required liability and comprehensive insurance

for the vehicle operated by him and for the purchase, operation, rental, repair and periodic maintenance of his personal vehicle during the term of the Employment Agreement. City Manager shall furnish City with a copy of the declaration sheet issued by his automobile liability insurance carrier evidencing the liability coverage required by this subsection within fourteen (14) days of the date this Employment Agreement is fully executed by both parties.

City Manager shall not have access to the City fuel facility for purposes of obtaining fuel for City Manager's personal vehicle and shall not receive reimbursement or compensation based on mileage. If however, the destination exceeds a 125-mile radius from Hobbs, the City Manager shall have the option of using a City-owned pool vehicle for the purposes of such business travel and the City shall supply the fuel for the City vehicle used in such trips, or he may be reimbursed for actual gasoline expenses related to such extended travel.

- g. City agrees to budget and to pay for the professional dues and subscriptions for City Manager which are necessary for his continuation and full participation in national, state, and local associations and organizations which advance City Manager's professional growth and which further the various goals and objectives of the City.
- h. City agrees to budget and to pay for the travel and subsistence expenses of City Manager for professional and official travel, meetings and occasions adequate to continue the professional development of City Manager. It is anticipated by the parties that these expenses may include annual conferences of work related professional associations, and such other national, regional, state and local governmental groups in which City Manager serves as a member and which the City Commission, via the Mayor, approves.
- i. City recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by City Manager, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expense or petty cash vouchers, receipts, statements, subject to said business and job related expenses having been properly budgeted prior to their being incurred by City Manager, and further subject to City Manager's compliance with all audit procedures of the City used to verify City Manager's claimed general expenses.
- j. City shall provide City Manager with a cell phone stipend of \$140.00 a month.
- k. Sections f, g, and h of paragraph 7 of this Employment Agreement are subject to the limits of the related line items in the annual budget

approved by the City Commission.

- l. City shall provide PERA to City Manager as any other City of Hobbs employee in Municipal Plan 2.
- m. City shall provide City Manager with a retention incentive on each anniversary of the date of execution of this Employment Agreement in the amount equivalent to 5% of his then existing base salary (as defined in subparagraph d herein), on the condition that City Manager remains employed with City for the entirety of the year proceeding and including the date of the anniversary. The first such retention incentive shall be paid on May 3, 2022, and each year thereafter on the anniversary date of this Employment Agreement during the term of this Employment Agreement. The retention incentive contemplated by this subsection shall not serve to increase the City Manager's base salary and shall be paid in a lump sum. This subsection in no way guarantees City Manager continued employment with City. City Manager has no vested right in the retention incentive unless and until he achieves the intended full year of service with the City. Should City Manager be separated from employment prior to the anniversary date of this Agreement in any given year, either voluntarily or involuntarily, he shall not receive a retention incentive for that year. The retention incentive outlined herein shall not be prorated for any reason should City Manager be separated from employment prior to the anniversary date of this Employment Agreement in any given year, either voluntarily or involuntarily. City Manager, by acceptance of these terms, agrees not to claim "detrimental reliance" or "unjust taking" related to this retention incentive should he be separated from employment prior to the anniversary date of this Employment Agreement in any given year, either voluntarily or involuntarily. This retention incentive shall be subject to all appropriate taxation and wage withholding including but not limited to state taxes and federal taxes.
- n. All payments of salary due to City Manager herein shall be subject to federal and state withholding taxes and such other sums, as City is required by law to withhold or deduct from City Manager's salary.

8. Insurance: The City shall insure City Manager through its comprehensive public liability insurance coverage against any tort or professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of any alleged act of omission occurring in the course and scope of the performance of City Manager's duties for City, with the exception of actions brought on behalf of the City. City shall pay for any attorney's fees, court costs or other litigation related expenses incurred in connection with the defense of the claim, demand or lawsuit. City of Hobbs Risk Manager reserves the right to assign in-house counsel to defend any claim against City Manager if appropriate. City Manager shall cooperate in all legal matters wherein he is named as a civil defendant, whether during or after his tenure with City, without

additional compensation.

9. Bonding: City shall bear the full cost of any fidelity or other bonds required of City Manager under any law or ordinance.

10. Termination:

- a. It is expressly understood by the parties to this Agreement that the City Manager holds office and continues his employment at the pleasure of the Hobbs City Commission. The City Commission may terminate this Employment Agreement through a majority vote. Upon termination, if any, City Manager shall not have the right of appeal or grievance.
- b. City agrees to pay City Manager regular compensation in periodic cash payments equal to ninety (90) days aggregate salary, benefits and deferred compensation as severance pay unless the "termination" is related to an ethics violation, including but not limited to a violation of the City's Code of Conduct or the State of New Mexico's Governmental Conduct Act, or the conviction of a felony. City Manager shall also be compensated for all accrued Paid Time Off. Payment of all severance pay and Paid Time Off upon separation shall be in one lump sum and shall be subject to all applicable withholdings including but not limited to state and federal taxes.
- c. Resignation: In the event City Manager voluntarily resigns or retires from his position, City Manager shall give City thirty (30) days written notice in advance, unless the parties otherwise agree. City Manager shall not be entitled to the severance pay outlined in Section 10(b) above in the event he resigns.

11. No Reduction of Benefits: City shall not at any time during the term of this Agreement reduce the compensation, salary, or other benefits of City Manager, except to the degree of such a reduction across-the-board for all employees of the City.

12. Other Terms and Conditions of Employment:

- a. The City Commission shall fix any such other reasonable terms and conditions of employment, as it may determine from time to time, relating to the performance of City Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Employment Agreement, the City Charter, the Municipal Code of City or any other law. Any amendment to this Agreement shall only be effective when it is in writing and executed and approved by both parties hereto. This Employment Agreement may only be modified or amended through a written agreement signed by the City Manager and the Mayor of

the City of Hobbs and approved at a public meeting by the City Commission.

- b. All provisions, rules and regulations of the City of Hobbs relating to leave, retirement, pension system contributions, holidays, and other benefits and working conditions as they now exist or hereafter may be amended, also apply to City Manager as they would to other employees of the City, in addition to the benefits enumerated specifically for the benefit of City Manager, except as otherwise provided for herein.

13. General Provisions:

- a. This Employment Agreement represents the final and entire agreement and understanding between the parties and any representations, negotiations, offers, proposals, promises or agreements are intended by the parties to be integrated and merged herein and are to be superseded by this Agreement.
- b. This Employment Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of City Manager.
- c. If any provision, or any portion thereof, contained in this Employment Agreement is held unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
- d. This Employment Agreement is intended to be governed by and construed in accordance with New Mexico law.
- e. It is expressly understood that this Employment Agreement is not valid or enforceable unless consented to by majority vote of the City Commission prior to execution.

IN WITNESS WHEREOF, the City of Hobbs has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by its Clerk, and approved as to form by its City Attorney, and the City Manager has signed and executed this Agreement, the day and year first above written.

CITY OF HOBBS, NEW MEXICO
a municipal corporation

CITY MANAGER

SAM D. COBB, Mayor

MANUEL GOMEZ

ATTEST:

JAN FLETCHER, City Clerk

APPROVED AS TO FORM:

EFREN A. CORTEZ, City Attorney



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 17, 2021

SUBJECT: A RESOLUTION TO ACCEPT THE U.S. ARMY NATIONAL GUARD RECRUITMENT BUILDING LOCATED AT 5002 JACK GOMEZ BOULEVARD, HOBBS, NEW MEXICO 88240

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: May 12, 2021
SUBMITTED BY: Valerie S. Chacon

Summary:

The U.S. Army National Guard seeks to divest itself of the U.S. Army National Guard Recruiting Building located at 5002 Jack Gomez Boulevard, Hobbs, New Mexico 88240. The City of Hobbs was offered the U.S. Army National Guard Recruitment Building. The City of Hobbs seeks to accept conveyance of the U.S. Army National Guard Recruiting Building, if approved by the State Board of Finance. U.S. Army National Guard Recruiting Building was built in 1986, its acreage is 9.87 acres and total square footage is 20,002. The City of Hobbs' acceptance and acquisition would result in the assumption of control of the property without any stipulations as to the use of the building. Once the City Commission votes to accept the building, the State Board of Finance will vote on the final divestment of the property to the City of Hobbs.

Fiscal Impact:

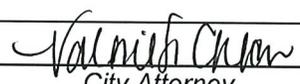
Reviewed By: 

Finance Department

The City will need to assess the fair market value and record an asset with an offsetting capital contribution if approved.

Attachments:

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

Motion to approve.

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. 7055

A RESOLUTION TO ACCEPT THE U.S. ARMY NATIONAL GUARD RECRUITMENT BUILDING LOCATED AT 5002 JACK GOMEZ BOULEVARD, HOBBS, NEW MEXICO 88240

WHEREAS, the U.S. Army National Guard seeks to divest itself of the U.S. Army National Guard Recruiting Building located at 5002 Jack Gomez Boulevard, Hobbs, New Mexico 88240; and

WHEREAS, the City of Hobbs seeks to accept conveyance of the U.S. Army National Guard Recruiting Building if approved by the State Board of Finance; and

WHEREAS, the U.S. Army National Guard Recruiting Building was built in 1986, its acreage is 9.87 acres and total square footage is 20,002; and

WHEREAS, the City of Hobbs' acceptance and acquisition would result in the assumption of control of the property without any stipulation as to the use of the building; and

WHEREAS, the acceptance of this property is in the best interest of the City of Hobbs;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hobbs that the U.S. Army National Guard Recruitment Building, 5002 Jack Gomez

Boulevard, Hobbs, New Mexico 88240, shall be accepted and acquired pending approval of the State Board of Finance.

BE IT FURTHER RESOLVED that the City Manager and Mayor have the authority to effectuate the transfer of the property, including but not limited to, signing deeds and documents on behalf of the City Commission and working with agencies toward final approval.

PASSED, ADOPTED AND APPROVED this 17th day of May, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk