

# 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

*April 4, 2022*



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

**Monday, April 4, 2022 - 6:00 p.m.**

Sam D. Cobb, Mayor

R. Finn Smith  
Commissioner – District 1

Joseph D. Calderón  
Commissioner – District 4

Christopher R. Mills  
Commissioner – District 2

Dwayne Penick  
Commissioner – District 5

Larron B. Fields  
Commissioner – District 3

Don R. Gerth  
Commissioner – District 6

This meeting is open to the public to attend. 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 April 4, 2022, addressed to the City Clerk by email at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334.

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**A G E N D A**

City Commission Meetings are  
Broadcast Live on KHBX FM 99.3 Radio and  
Available via Livestream at [www.hobbsnm.org](http://www.hobbsnm.org)

**CALL TO ORDER AND ROLL CALL**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ORGANIZATIONAL MEETING OF THE CITY COMMISSION**

- ▶ Selection of Mayor Pro-Tem Pursuant to Section 5-1 of the Hobbs City Charter (*Mayor Sam Cobb*)

## **APPROVAL OF MINUTES**

1. Minutes of the March 21, 2022, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

## **PROCLAMATIONS AND AWARDS OF MERIT**

2. Proclamation Proclaiming April 4, 2022, as "*Hobbs High School Cheerleaders Day*"
3. Proclamation Proclaiming April 3 – 9, 2022, as "*National Library Week*"

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

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

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

4. Resolution No. 7173 – Approving the Final Plan for BWR Subdivision Submitted by Grimes Land Co. for Property Located Southwest of the Intersection of Alabama and World Drive Within the City of Hobbs Extraterritorial Jurisdiction (*Kevin Robinson, Planning Director*)
5. Resolution No. 7174 – Approving the Final Plan for T & S Subdivision Submitted by Six S Ventures for Property Located Southeast of the Intersection of Alabama and World Drive Within the City of Hobbs Extraterritorial Jurisdiction (*Kevin Robinson, Planning Director*)
6. Resolution No. 7175 – Approving the Final Plan for the Kass-McKinley Subdivision as Recommended by the Planning Board (*Kevin Robinson, Planning Director*)
7. Resolution No. 7176 – Approving the Vacation of an Alleyway Adjacent to Lots 7, 8 and 9 of Block 13 Within the Green Meadow Subdivision, Second Unit, Within the Extraterritorial Jurisdiction (*Kevin Robinson, Planning Director*)

8. Resolution No. 7177 – Authorizing the Submission of a Grant Application to the State of New Mexico, Department of Tourism, for the Hobbs Clean and Beautiful Program (*Tanya Sanchez, Community Services Coordinator*)

## **DISCUSSION**

None

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

9. **FINAL ADOPTION:** Ordinance No. 1141 – Amending Chapter 2.56 of the Hobbs Municipal Code Related to the Personnel Rules for the City of Hobbs (*Efren Cortez, City Attorney*)
10. **HEARING:** Resolution No. 7178 – Enforcing or Rescinding Resolution No. 7158 as it Applies to Condemned Property Located at 220 S. Avenue C (*Rocio Ocano, Assistant City Attorney*)
11. Resolution No. 7179 – Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (909 North Cochran, 1117 North Denson, 606 East Byers, 700 and 708 East Cain, 304 West Shipp) (*Jessica Silva, Code Enforcement Superintendent*)
12. Consideration of Approval and Ratification of Final Adjusting Change Orders for the Phase 11 Waterline Replacement Project (*Tim Woomer, Utilities Director*)
13. Resolution No. 7180 – Approving a Memorandum of Agreement Between the City of Hobbs and Lea County for Municipal Water Service to the Lea County Regional Airport (*Todd Randall, City Engineer*)
14. **FINAL ADOPTION:** Ordinance No. 1142 – Consenting to the Annexation of Tract 5 of the Lynch Subdivision Being a Portion of Section 9, Township 18 South, Range 38 East, Which is Presently Not Included in the City Limits (*Kevin Robinson, Planning Director*)
15. Resolution No. 7181 – Approving the Vacation of a Portion of Fowler Between Broadway and Taylor Located East of City Hall (*Kevin Robinson, Planning Director*)
16. Resolution No. 7182 – Approving a Development Agreement with Stuard Homes, LLC, Concerning the Development of Market Rate Single-Family Housing (*Kevin Robinson, Planning Director*)



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

17. Next Meeting Date:

- City Commission:  
Regular Meeting *Monday, April 18, 2022, at 6:00 p.m.*

## **ADJOURNMENT**

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: March 31, 2022
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of March 21, 2022

Fiscal Impact:

Reviewed By: Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

Approved As To Form: City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:
[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.

Minutes of the regular meeting of the Hobbs City Commission held on Monday, March 21, 2022, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

### **Call to Order and Roll Call**

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

Mayor Sam D. Cobb  
Commissioner R. Finn Smith  
Commissioner Christopher Mills  
Commissioner Larron B. Fields  
Commissioner Joseph D. Calderón  
Commissioner Dwayne Penick  
Commissioner Don Gerth (*attended via telephone*)

Also present: Manny Gomez, City Manager  
Efren Cortez, City Attorney  
August Fons, Interim Police Chief  
Barry Young, Fire Chief  
Mark Doporto, Deputy Fire Chief  
Kevin Shearer, Battalion Chief  
Toby Spears, Finance Director  
Bobby Arther, Municipal Judge  
Doug McDaniel, Recreation Director  
Bryan Wagner, Parks and Open Spaces Director  
Todd Randall, City Engineer  
Kevin Robinson, Planning Director  
Ron Roberts, Information Technology Director  
Bob Hamilton, Reference Librarian  
Julie Nymeyer, Administrative Assistant  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
13 citizens

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

Mayor Cobb requested a moment of silence in memory of the six members of the USW golf team and the Head Golf Coach who died tragically in a recent vehicle crash. Commissioner Fields then delivered the invocation and Commissioner Penick led the Pledge of Allegiance.

### **Approval of Minutes**

Commissioner Calderón moved the minutes of the regular Commission meeting held on March 7, 2022, be approved as written. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

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

A proclamation proclaiming the month of March, 2022, as the "50<sup>th</sup> Anniversary of the National Senior Nutrition Program". Mayor Cobb presented the proclamation to the following employees from the Senior Center: Ms. Angela Courter, Mr. Robert Gonzales, Ms. Rosie Owens, Ms. Mary Puccio and Mr. Jordan Bingham. Ms. Angela Courter, Senior Affairs Coordinator, highlighted the activities going on at the Senior Center and invited interested seniors to stop by and join in the fun.

Mr. Manny Gomez, City Manager, recognized the following employees for their Milestone Service Awards for the month of March, 2022.

- 5 years – Antoinette Medina, Hobbs Police Department
- 5 years – Tanner Ingley, Hobbs Fire Department
- 5 years – Juan Jaimes, Hobbs Police Department
- 5 years – Deborah Trice, Finance Department
- 10 years – Ricky Guerrero, Hobbs Police Department

Mr. Gomez reviewed highlights about each employee. He stated honorees are invited to attend but attendance is not mandatory. Mr. Gomez thanked the Mayor and Commission for the opportunity each month to recognize the City's employees which are the most valuable resource in the organization. Mr. Gomez thanked each employee and also the employees' families for their contributions to the City.

### **Public Comments**

Mayor Cobb stated 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](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, March 21, 2022. There were no public comments during the meeting.

### **Consent Agenda**

None

**Discussion**

None

**Action Items**

**Resolution No. 7171 – Accepting and Certifying the Canvass of the March 1, 2022, Municipal Officer Election**

Ms. Jan Fletcher, City Clerk, stated pursuant to §1-13-1 through §1-13-24, NMSA, 1978, the Board of County Commissioners is designated as the Canvassing Board to certify the canvass of the March 1, 2022, Municipal Officer Election for the City of Hobbs. Ms. Fletcher stated the County Canvassing Board approved the canvass of the election returns as correct in an open meeting in Lovington, New Mexico, on March 10, 2022. She stated Certificates of Election will be issued by the Secretary of State's Office and mailed to the newly-elected officials. Ms. Fletcher reviewed the details of the election and recommended the Hobbs City Commission confirm and accept the County Canvassing Board's Certificate of Canvass of the election.

Ms. Fletcher addressed special thanks to Ms. Mollie Maldonado, Deputy City Clerk, for her assistance in the election along with the other staff in the City Clerk's Office. She also thanked Mr. Keith Manes and Ms. Carrie Sandoval in the Lea County Clerk's Office for their technical support and guidance throughout the election process. Ms. Fletcher also thanked all of the election workers for their work during the election process.

There being no discussion, Commissioner Calderón moved to approve Resolution No. 7171 as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution, canvass and supporting documentation are attached and made a part of these minutes.

Ms. Fletcher administered the Oaths of Office to the newly-elected officials.

**Resolution No. 7172 – Authorizing a Memorandum of Agreement with Lea County for Improvements to Charlie Brown Park**

Mr. Bryan Wagner, Parks and Open Spaces Director, presented a Memorandum of Agreement with Lea County for improvements to Charlie Brown Park. Mr. Wagner explained the agreement detailing the terms and responsibilities of each party regarding a fiscal contribution from Lea County in the amount of \$110,000.00 for planning, designing and improving Charlie Brown Park located at 1420 East Dunnam in Hobbs. This contribution will allow the City of Hobbs to make much needed upgrades to the park area.

Mayor Cobb expressed thanks and appreciation to Lea County. He stated representatives from Lea County are unable to attend tonight's meeting as they are hosting a prayer vigil for USW at the Courthouse.

Commissioner Fields thanked Lea County for their partnership and support. In response to Commissioner Mills' question, Mayor Cobb stated the park is named for the comic strip character "Charlie Brown".

Commissioner Penick stated he would like to dedicate \$25,000.00 of his discretionary funds to also assist with the park improvements.

There being no further discussion, Commissioner Fields moved to approve Resolution No. 7172 as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and agreement are attached and made a part of these minutes.

*Consideration of Approval of RFP No. 528-22 to Provide Concession Services at Athletic/Aquatic Facility and Recommendation to Make Multiple Awards to Marram Snack Shack and Chef Angie*

Mr. Doug McDaniel, Recreation Director, explained RFP No. 528-22 for Concession Services at Athletic/Aquatics Facilities. He stated three proposals were received, two of which were deemed responsive. The Evaluation Committee, which was comprised of staff from the Recreation, Parks and Open Spaces, and Communications Departments, reviewed the proposals, and recommends making multiple awards to both vendors. Marram Snack Shack will compensate the City in the amount of \$1,000 for the operation of the Complex II Concession facility. Chef Angie will compensate the City in the amount of \$250 for the operation of concession facility at MLK SoccerPlex. Mr. McDaniel said contracts will be signed with both parties which will include a provision for performance assessment.

There being no discussion, Commissioner Calderón moved to award RFP No. 528-22 as recommended to Marram Snack Shack and Chef Angie. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

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

Mayor Cobb stated the next regular City Commission meeting will be held on Monday, April 4, 2022, at 6:00 p.m.

Mr. Gomez thanked Ms. Fletcher for her leadership during the election process. He congratulated the newly-elected Commissioners and Judge Arther on their re-election and stated the City is ready to continue moving forward in its progress for the community.

Ms. Meghan Mooney, Communications Director, announced the USW would be having a "Light up the Sky Event" tonight at 8:00 pm and residents of the community are invited to go outside at their homes and shine a flashlight upward in the sky to honor the memories of the loved ones who perished in the USW vehicle crash.

Ms. Mooney stated there will be a fundraiser cookout on Friday, March 25, 2022, at 2724 North West County Road organized and sponsored by several local companies with all proceeds going to the victims of the USW Men's and Women's Golf Teams to cover medical, travel and funeral and recovery costs.

Ms. Mooney also announced there will be a Golf Tournament held on April 9, 2022, at Rockwind Community Links, the home course of the USW Golf Teams, with 100% of the proceeds going to the victims' families. Ms. Mooney stated the City has waived all fees for the tournament. She stated Lea County has really come together to help others during a time of crisis.

Commissioner Fields stated certain things in life just take your breath away. He stated everyone should always love one another.

Commissioner Penick stated the community has come together to support each other. The loss of life in this accident is incomprehensible.

Commissioner Penick expressed appreciation to the staff of the Hobbs Senior Center.

Commissioner Penick congratulated all of the Commissioners on their re-election. He also thanked his family for being at the meeting tonight.

Commissioner Smith stated his wife, Paula, is the CFO at USW. He commented the loss at the USW has been absolutely devastating. He read the following nine names aloud: Laci Stone, Jackson Zinn, Karisa Raines, Mauricio Sanchez, Travis Garcia, Tiago Sousa, Tyler James, Dayton Price and Hayden Underhill. Commissioner Smith stated these kids made a difference in the community. Speaking directly to the families, should any be listening or watching via Livestream, Commissioner Smith wants them to know of our deepest condolences for their tragic loss and that these students will be memorialized into the fabric of our City.

Mayor Cobb stated life is fragile and everyone should respect and love one another.

**Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:50 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**, the Hobbs Eagles Cheerleaders have completed another outstanding and successful year representing our City at numerous athletic events; and

**WHEREAS**, Coaches Brittanee McCleery, and Rene Gritz led the Eagles to a reputation of excellence throughout the State of New Mexico; and

**WHEREAS**, the Hobbs Eagles Cheerleaders have been successful in earning the respect of their peers and others in the State for good sportsmanship and are well known for their overwhelming support; and

**WHEREAS**, the Hobbs Eagles Cheerleaders have proven their ability by winning the New Mexico Class 5A Co-Ed Spirit Championship title and accomplished this amazing win in their fifth year of competition.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim April 4th, 2022, as

### **“HOBBS EAGLES CHEERLEADERS DAY”**

in recognition of the outstanding accomplishments of the 2022-2023 Hobbs Eagles Cheerleaders with congratulations for a job well done!

**IN WITNESS WHEREOF**, I have hereunto set my hand this 4<sup>th</sup> day of April, 2022, 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**, today's libraries are more about what they can do with and for their communities, and not just about what they have on the shelves;

**WHEREAS**, libraries have long served as trusted institutions, often the heart of their cities, towns, schools, and academic campuses;

**WHEREAS**, libraries serve people of all ages, interests and backgrounds providing the resources and space to engage in life-long learning;

**WHEREAS**, libraries offer equipment and professional staff support to utilize technology, programs and services; often free or with nominal charges to users;

**WHEREAS**, libraries are a resource for all - regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status;

**WHEREAS**, we recognize librarians as information professionals who provide expertise, services and guidance for patrons to access credible sources and material, making their own informed decisions about the world today;

**WHEREAS**, librarians hold the professional values of diversity, equity and inclusion to meet the needs of all users;

**WHEREAS**, Literacy is POWER, initiative highlights how libraries and staffs encourage literacy in Basic, Information, Civic & Social, Health, and Financial, which contributes to greater personal and community success;

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim April 3<sup>rd</sup> through April 9<sup>th</sup>, 2022 as

### "NATIONAL LIBRARY WEEK"

**IN WITNESS WHEREOF**, I have hereunto set my hand this 4th day of April, 2022, and cause the seal of the City of Hobbs to be affixed hereto.

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

**ATTEST:**

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







# **CONSENT AGENDA**



# CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

**SUBJECT:** RESOLUTION TO APPROVE THE FINAL PLAN FOR BWR SUBDIVISION LOCATED IN SECTION 36, TOWNSHIP 17 SOUTH, RANGE 37 EAST OF THE N.M.P.M. IN LEA COUNTY, NEW MEXICO.

DEPT. OF ORIGIN: Planning Division  
DATE SUBMITTED: March 28, 2022  
SUBMITTED BY: Kevin Robinson – Planning Department

**Summary:** The Final Plan for BWR Subdivision is submitted by Grimes Land Co., the subdivision is located southwest of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. The Subdivision will create 2 Lots of +/- 4.99 acres from the parent parcel leaving a remainder of +/- 227.91. The Planning Board consider this item at the March 15, 2022 regular meeting and voted 6-0 to recommend approval.

**Fiscal Impact:** \_\_\_\_\_ *Reviewed By:* \_\_\_\_\_  
Digitally signed by Efrén A. Cortez  
DN: cn=Efrén A. Cortez, o=City of Hobbs, ou=City Attorney's Office,  
email=ecortez@hobbsnm.org, c=US  
Date: 2022.03.28 10:47:45 -0600  
*Finance Department*

This subdivision is located within the Extraterritorial Jurisdiction of the City of Hobbs.

**Attachments:** Resolution, Final Plan and Draft Planning Board Minutes.

**Legal Review:** \_\_\_\_\_ *Efrén A. Cortez*  
*Approved As To Form:* Cortez  
Digitally signed by Efrén A. Cortez  
DN: cn=Efrén A. Cortez, o=City of Hobbs, ou=City Attorney's Office,  
email=ecortez@hobbsnm.org, c=US  
Date: 2022.03.28 10:47:45 -0600  
*City Attorney*

**Recommendation:**  
Consideration to approve the Resolution approving the BWR Subdivision.

*Approved For Submittal By:*  
*Kevin Robinson*  
*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. 7173

**RESOLUTION TO APPROVE THE FINAL PLAN FOR BWR SUBDIVISION  
LOCATED IN Section 36, TOWNSHIP 17 SOUTH, RANGE 37 EAST OF THE  
N.M.P.M. IN LEA COUNTY, NEW MEXICO.**

WHEREAS, the property owner has submitted a Final Plan for BWR Subdivision;  
and

WHEREAS, the subdivision Final Plan was reviewed and approved by the Hobbs  
Planning Board at the March 15, 2022 regular meeting.

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

1. The City of Hobbs hereby grants Final Plan Approval for BWR Subdivision;  
and
2. The City officials and staff are directed to do any and all acts necessary to  
carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022.

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

ATTEST:

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



**PLANNING BOARD MEETING  
MINUTES  
March 15, 2022**

The Hobbs Planning Board met on March 15, 2022 at 10:00 a.m. at City of Hobbs Annex Building, First Floor Commission Chambers, Located at 200 E. Broadway, Hobbs, NM 88240 with Mr. Guy Kesner, Vice Chairman presiding.

**Members Present:**

Guy Kesner, Vice Chairman  
Larry Sanderson (*left meeting at 10:55 a.m.*)  
Brett Clay  
Ben Donahue  
Bill Ramirez (*left meeting at 11:00 a.m.*)

**Members Absent**

W.M. "Tres" Hicks, Chairman  
Brett Drennan

Also present were members of the public and City staff as follows:

Kevin Robinson, Development Director  
Bruce Reid, Lea County Planner  
Dwayne Penick, Commissioner  
Gary Schubert

Todd Randall, City Engineer  
April Hargrove, Engineering Assistant  
Jennifer Grassham, EDC President & CEO  
Richard Mulligan

**Call to Order and Roll Call**

Mr. Guy Kesner, Vice Chairman did a roll call for members as follows:

Mr. Ramirez-yes, Mr. Sanderson-yes, Mr. Kesner-yes, Mr. Drennan-no, Mr. Clay-yes, Mr. Donahue-yes and Mr. Hicks-no. There were five members present at the meeting

Mr. Kesner called the meeting to order at 10:00 am.

**Pledge of Allegiance**

There was no Pledge of Allegiance led.

**1.) Review and Consider Approval of Agenda**

The first item of business was to review and approve the agenda for March 15, 2022 meeting. Mr. Kesner asked if there were any additions or changes to the agenda. Mr. Robinson suggested to move items 5, 6 and 4, before item 3, of the action items. Mr. Kesner stated there were no items removed or added from the agenda. The items were rearranged. Mr. Ramirez made a motion, seconded by Mr. Sanderson to approve the agenda as amended. The vote on the motion was 5-0 and the motion carried.

**2.) Review and Consider Approval of Minutes**



Mr. Kesner asked if everyone has had a chance to read the Regular Meeting Minutes from February 15, 2022. Mr. Ramirez made a motion, seconded by Mr. Donahue to approve the Regular Meeting Minutes as presented. The vote on the motion was 5-0 and the motion carried.

### Communications from Citizens

There were no communications from citizens.

### Action Items

- 5.) Review and Consider Final Plat Approval for BWR Subdivision, as submitted by property owner, Grimes Land Co. LTD Co. (2<sup>nd</sup> Review).

Mr. Robinson said this is the final plan for BWR Subdivision is submitted by Grimes Land Co., the subdivision is located southwest of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. He said the Subdivision will create 2 Lots of +/- 4.99 acres from the parent parcel leaving a remainder of +/- 227.91.

Mr. Robinson said this is the second review to the BWR Subdivision. He said the Planning Board suggested for the developer to put in quarter section line roadways and to reserve a surface and subsurface easement. He further said they also suggested the dedication of Alabama Street and World Drive. Mr. Robinson explained the process of platting and planning. Mr. Robinson said when reviewing the plats, City staff and the County assure every lot created has access roadways from dedicated developed public right-of-way and make sure it is compliant with the subdivision rules and regulations. Mr. Robinson said the developer has dedicated 50 foot of property on World Drive and 60 foot on Alabama Street, which is more than the County subdivision rules and regulations requires. Mr. Robinson said future development roadways and setback will be addressed at future submissions for permits and subdivisions. Mr. Robinson said as of today there is not an existing roadway in the subdivision. Mr. Robinson said the developer will have the opportunity to put a setback on Tract J, because he is the owner of the tract. However, the developer will not be able to put setbacks on the EOG side, because that parcel is outside the subdivision.

In response to Mr. Kesner's question, Mr. Robinson said the developer is requesting the approval of the plat for the development for Tract I and Tract J. He said during that occurrence, the developer is going to dedicate the property on World Drive and Alabama Street.

In response to Mr. Ramirez, Mr. Robinson stated there is a structure on Tract J. There are no future plans on changing the size of the tracts.

In response to Mr. Schubert's question, Mr. Robinson explained the roadway will allow more public access in the subdivision. He said the setbacks to the development will change with future access roads.

Mr. Robinson explained once the plat is compliant with Municipal Code 16.12, it will need to be approved by the Hobbs Planning Board. He said the final plat approval will be presented

at the City Commission Meeting on April 4, 2022 for approval.

After a lengthy discussion, Mr. Ramirez made a motion, seconded by Mr. Sanderson to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Mr. Gary Schubert and Six S Ventures.

**6.) Review and Consider Final Plat Approval for T&S Subdivision, as submitted by property owner, Six S Ventures, LLC. (2<sup>nd</sup> Review).**

Mr. Robinson said the final plan for T&S Subdivision is submitted by Six S Ventures, the subdivision is located southeast of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. He said the subdivision will create 2 Lots from the parent parcel Tract A2 being +/-49.17 acres and Tract B2 being +/- 8.23 acres. Mr. Robinson explained the T&S Subdivision is on the opposite side of the BWR Subdivision.

Mr. Kesner explained the Planning Board's approval of the plat will be recommended once it is compliant with Ordinance 35, Lea County rules and regulations. Mr. Sanderson made a motion, seconded by Mr. Ramirez to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Gary Schubert and Six S Ventures.

**4.) Review and Consider Final Plat Approval for Kass-McKinley Subdivision, as submitted by property owner, Property Management Plus, LLC.**

Mr. Robinson explained the final plan for The Kass-McKinley Subdivision is submitted by Property Management Plus. He said the subdivision is located northwest of the intersection of Aspen and McKinley within the municipal boundaries. He further stated the subdivision encompasses +/- 1.512 acres and will contain 6 residential lots. Additionally, each lot created is proposed to contain a duplex.

Mr. Randall explained the south subdivision development was not chamfered in the alleyway. He recommended a portion of the alleyway be dedicated to be chamfered. He explained the water and sewer are in the roadway. Mr. Randall said the utilities services will have to be extended with every development.

Mr. Ramirez made a motion, seconded by Mr. Donahue to approve the final plat approval with the chamfer. The vote on the motion was 5-0 and the motion carried.

**3.) Review and Consider an Alleyway Vacation located within the ETJ at Block 13 of the Green Meadows Subdivision, Second Unit.**

Mr. Robinson said the property owner is requesting the vacation of an alleyway adjacent to lots 7, 8 & 9 of Block 13, within the Green Meadow Subdivision, Second Unit comprising +/- 2,799 square feet. He said this vacation, if approved, will allow the transfer fee simple ownership to the vacated property to the adjacent property owner. He further explained the alleyway is outside of the Municipal Boundaries but within the ETJ, therefore any remuneration owed would go to the County.

In response to Mr. Ramirez's question, Mr. Bruce Reid, Lea County Planner, explained the County has approved the alleyway vacation located within the ETJ, Block 13, of the Green Meadows Subdivision.

Mr. Donahue made a motion, seconded by Mr. Ramirez to recommend approval of the vacation of the alleyway. The vote on the motion was 5-0 and the motion carried.

**7.) Reelect Planning Board Officers per MC 2.32.020.**

Mr. Robinson called for nominations for the Planning Board Officers. Mr. Sanderson made a motion for the Planning Board Officers to continue their roles and elected Mr. Hicks as Chairman, Mr. Kesner as Vice-Chairman, and Mr. Ramirez as Secretary. Mr. Donahue seconded the motion. The vote on the motion was 5-0 and the motion carried.

Mr. Robinson stated that the following board members terms were due to expire: W.M. "Tres" Hicks, Ben Donahue, Brett Drennan and Bill Ramirez. He added they all agreed to serve another term. Mr. Robinson stated a recommendation for re-appointments will be submitted to the Mayor at an upcoming Hobbs City Commission meeting.

**Discussion/Updates**

**8.) Remaining properties within the Hobbs Industrial Airpark South Subdivision and the Protective Covenants and Design Standards for the Hobbs Industrial Air Park South Subdivision Property.**

Mr. Robinson explained the Hobbs Industrial Airpark was developed in two phases. Mr. Robinson explained there are remaining properties within the Hobbs Industrial Airpark South Subdivision. Mr. Robinson explained there was a Hobbs Industrial Airpark Board who oversaw the development and the planning of the subdivision. Mr. Robinson said the Hobbs Industrial Airpark Board has been disbanded and per the covenants the Hobbs Planning Board is responsible for reviewing future developments and plans at the Hobbs Industrial Airpark. He explained the covenants may have to be revisited by the Hobbs Planning Board.

**9.) City of Hobbs Traffic Control Policy and Procedures.**

**Mr. Todd Randall explained the City of Hobbs Traffic Control Policy and Procedures. He further explained the traffic calming process. Mr. Randall said traffic calming techniques include education, enforcement, or engineering to shift traffic patterns and/or reduce speeds. Mr. Randall stated there are active requests from citizens for traffic calming. Mr. Randall said the Hobbs Planning Board may have to open the traffic control policy for discussion.**

**Adjournment**

**With nothing further to discuss Mr. Donahue made a motion, seconded by Mr. Clay to adjourn. The meeting adjourned at 11:35 am. The vote on the motion was 3-0 and the motion carried.**

---

Guy Kesner, Vice Chairman

DRAFT



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR T&S SUBDIVISION LOCATED IN SECTION 31, TOWNSHIP 17 SOUTH, RANGE 38 EAST OF THE N.M.P.M. IN LEA COUNTY, NEW MEXICO.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: March 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Final Plan for T&S Subdivision is submitted by Six S Ventures, the subdivision is located southeast of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. The Subdivision will create 2 Lots from the parent parcel Tract A2 being +/-49.17 acres and Tract B2 being +/- 8.23 acres. The Planning Board consider this item at the March 15, 2022 regular meeting and voted 6-0 to recommend approval.

Fiscal Impact: Reviewed By: [Signature] Finance Department

This subdivision is located within the Extraterritorial Jurisdiction of the City of Hobbs.

Attachments: Resolution, Final Plan and Draft Planning Board Minutes.

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

Recommendation: Consideration to approve the Resolution approving the T&S Subdivision.

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. 7174.

**RESOLUTION TO APPROVE THE FINAL PLAN FOR T&S SUBDIVISION  
LOCATED IN SECTION 31, TOWNSHIP 17 SOUTH, RANGE 38 EAST OF THE  
N.M.P.M. IN LEA COUNTY, NEW MEXICO.**

WHEREAS, the property owner has submitted a Final Plan for T&S Subdivision;  
and

WHEREAS, the subdivision Final Plan was reviewed and approved by the Hobbs  
Planning Board at the March 15, 2022 regular meeting.

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

1. The City of Hobbs hereby grants Final Plan Approval for T&S Subdivision;  
and

2. The City officials and staff are directed to do any and all acts necessary to  
carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022.

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

ATTEST:

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

# T & S SUBDIVISION

A TYPE THREE A SUMMARY SUBDIVISION LOCATED IN THE  
NORTHWEST QUARTER (NW/4) OF SECTION 31, TOWNSHIP 17  
SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO



**CERTIFICATE OF MUNICIPAL APPROVAL:**  
I, JIM FLETCHER, THE duly appointed and acting city clerk of the city of HOBBES, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF THE T & S SUBDIVISION WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBES BY RESOLUTION NO. \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D.

**ACKNOWLEDGEMENT:**  
STATE OF NEW MEXICO  
COUNTY OF LEA  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY JIM FLETCHER.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY THE LEA COUNTY PLANNING AND ZONING BOARD:**  
BE IT KNOWN THAT THE PLAT OF THE SUBDIVISION CONSISTING OF LAND SUBDIVIDED AS PROVIDED IN LEA COUNTY, NEW MEXICO WAS SUBMITTED TO THE LEA COUNTY PLANNING AND ZONING BOARD ASSEMBLED AT A MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. AND THE SUBDIVISION AS SHOWN IN THE ATTACHED PLAT WAS THEREBY APPROVED AND ACCEPTED BY A MAJORITY OF THE SAID BOARD.

CHAIRMAN  
ATTEST: KEITH WALES, LEA COUNTY CLERK  
BY \_\_\_\_\_ DEPUTY

**ACKNOWLEDGEMENT:**  
STATE OF NEW MEXICO  
COUNTY OF LEA  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY \_\_\_\_\_ AND KEITH WALES.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

- NOTES:**
- 1) THESE TRACTS ARE BEING DIVIDED FROM A TRACT OF LAND CONVEYED TO GARY D. SCHUBERT ET UX AS DESCRIBED IN DEED BOOK 2174, PAGE 238 OF THE LEA COUNTY RECORDS.
  - 2) ALL LONG SETBACK REQUIREMENTS REGARDING POTENTIAL SECTION LINE ROADWAYS SHALL BE ADDRESSED AT BUILDING PERMIT SUBMISSION.
  - 3) BENCHMARKS SHOWN HEREON ARE FROM THE MEASUREMENTS AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE", NORTH AMERICAN DATUM OF 1983. DISTANCES ARE U.S. FEET SURFACE VALUES.
  - 4) WITH RESPECT TO THE FLOOD INSURANCE RATE MAP FOR LEA COUNTY, NEW MEXICO AND INCORPORATED AREAS, PANEL 1165 OF 2150, MAP NO. 33035C11650, EFFECTIVE DATE, DECEMBER 16, 2008, THIS PROPERTY IS SITUATED IN ZONE X, ZONE A & IS DESIGNATED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.5% ANNUAL CHANCE FLOODPLAIN.

**GENERAL STATEMENT, DEDICATION AND AFFIDAVIT:**  
A THIS THREE A SUMMARY SUBDIVISION LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" FOUND AS THE NORTHWEST CORNER OF THIS TRACT WHICH LIES N89°20'57"E - 50.00 FEET AND S00°25'52"E - 50.00 FEET FROM A 1/2" STEEL ROD W/ALUMINUM CAP FOUND AS THE NORTHWEST CORNER OF SAID SECTION 31; THENCE S00°25'52"E - 209.00 FEET TO A 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" FOUND AS THE NORTHWEST CORNER OF THIS TRACT; THENCE N89°20'57"E - 1195.21 FEET TO A 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" FOUND AS THE SOUTH-EAST CORNER OF THIS TRACT; THENCE N00°35'02"W - 2089.89 FEET TO A 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" FOUND AS THE NORTH-EAST CORNER OF THIS TRACT; THENCE S82°20'57"W - 1197.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 57.45 ACRES OF LAND, MORE OR LESS.

**DEDICATED ROADWAYS:**  
BEGINNING AT A 1/2" STEEL ROD W/ALUMINUM CAP FOUND AS THE NORTHWEST CORNER OF THIS TRACT AND BEING THE NORTHWEST CORNER OF SAID SECTION 31; THENCE N00°25'52"E - 184.50 FEET ALONG THE BOUNDARY LINE OF SAID SECTION 31 TO A 3/4" GAL. FOUND AS THE NORTHWEST CORNER OF THIS TRACT; THENCE S00°25'02"E - 50.00 FEET TO A 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" FOUND AS A CORNER OF THIS TRACT; THENCE S89°20'57"W - 1197.54 FEET TO A 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" FOUND AS A CORNER OF THIS TRACT; THENCE S89°20'57"W - 50.00 FEET TO A 3/4" GAL. W/ALUMINUM CAP MARKED "TM 15079 TX 5204" FOUND ON THE WEST LINE OF SAID SECTION 31 AS THE SOUTH-EAST CORNER OF THIS TRACT; THENCE N00°35'02"W - 2140.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.83 ACRES OF LAND, MORE OR LESS.

SAID PROPERTY IS BEING SUBDIVIDED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF, AND IS SURVEYED AND SUBDIVIDED AS THEY APPEAR ON THE PLAT AFFIXED HEREOF. ALL AREAS OF LAND SHOWN FOR PUBLIC USE, INCLUDING STREETS AND ALLEYS, ARE HEREBY DEDICATED TO THE PUBLIC USE AND ARE VALID IN LEA COUNTY, NEW MEXICO AS A CONDITION OF ACCEPTANCE. THE SUBDIVIDER AGREES TO PROVIDE ACCESS TO THE SUBDIVISION IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THE LEA COUNTY SUBDIVISION REGULATIONS AND TO SELL OR LEASE PARCELS ONLY IN ACCORDANCE THEREWITH. SAID PROPERTY WILL BE SUBDIVIDED IN ACCORDANCE WITH THIS SUBDIVISION PLAT.

GARY D. SCHUBERT  
MANAGER  
SIX S VENTURES LLC

**ACKNOWLEDGEMENT:**  
STATE OF NEW MEXICO  
COUNTY OF LEA  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY GARY D. AND MARCIA J. SCHUBERT.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:**  
THIS PLAT IS APPROVED AND ACCEPTED BY THE CITY PLANNING BOARD OF HOBBES, NEW MEXICO AND SIGNED ON ITS BEHALF BY ITS CHAIRMAN ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D.

BILLAM HODG - CHAIRMAN

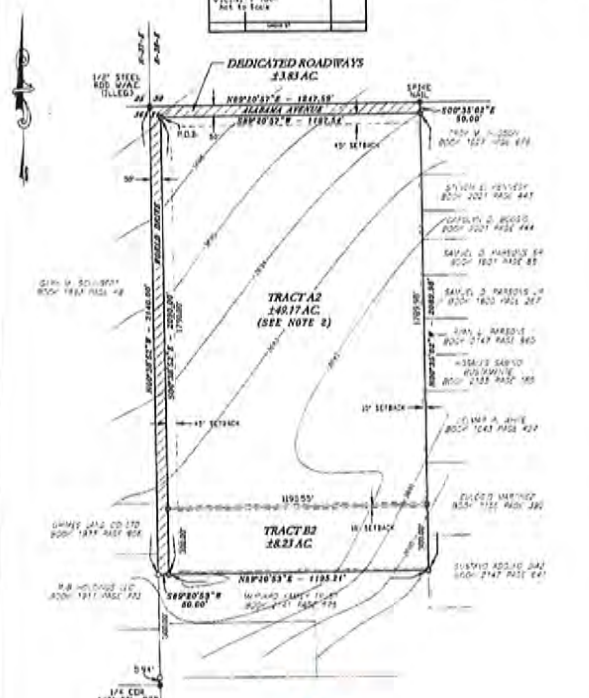
**ACKNOWLEDGEMENT:**  
STATE OF NEW MEXICO  
COUNTY OF LEA  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY WILLAM HODG.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

County Clerk Recording Information

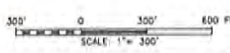
Asel Surveying, L.L.C.  
P.O. BOX 282 - 215 W. TAYLOR  
HOBBES, NEW MEXICO - 870-293-8148

SIX S VENTURES LLC	Work Order #184863000 (01-4)
Date Surveyed: 08/28/20	Surveyed By: BHC
DWG # T&S SUBDIVISION (Mex. A)	Drafted By: KA
Scale: 1" = 300'	Sheet # of 1



**SURVEYOR'S CERTIFICATE:**  
I, TERRY J. ASSEL, NEW MEXICO REGISTERED PROFESSIONAL LAND SURVEYOR NO. 15079, DO HEREBY CERTIFY THAT I CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

Terry J. Asel  
N.M. R.P.L.S. No. 15079



- LEGEND**
- DENOTES FOUND MONUMENT AS NOTED
  - DENOTES SET 1/2" REBAR W/PVC CAP MARKED "TM 15079 TX 5204" (SET PREVIOUS SURVEY)
  - DENOTES SET 3/4" GAL. W/ALUMINUM CAP MARKED "TM 15079 TX 5204" (SET PREVIOUS SURVEY)
  - DENOTES SET 3/4" GAL. W/ALUMINUM CAP MARKED "TM 15079 TX 5204" (SET PREVIOUS SURVEY)
  - DENOTES DEDICATED FEED SAMPLE TO COUNTY



**PLANNING BOARD MEETING  
MINUTES  
March 15, 2022**

The Hobbs Planning Board met on March 15, 2022 at 10:00 a.m. at City of Hobbs Annex Building, First Floor Commission Chambers, Located at 200 E. Broadway, Hobbs, NM 88240 with Mr. Guy Kesner, Vice Chairman presiding.

**Members Present:**

Guy Kesner, Vice Chairman  
Larry Sanderson (*left meeting at 10:55 a.m.*)  
Brett Clay  
Ben Donahue  
Bill Ramirez (*left meeting at 11:00 a.m.*)

**Members Absent**

W.M. "Tres" Hicks, Chairman  
Brett Drennan

Also present were members of the public and City staff as follows:

Kevin Robinson, Development Director  
Bruce Reid, Lea County Planner  
Dwayne Penick, Commissioner  
Gary Schubert

Todd Randall, City Engineer  
April Hargrove, Engineering Assistant  
Jennifer Grassham, EDC President & CEO  
Richard Mulligan

**Call to Order and Roll Call**

Mr. Guy Kesner, Vice Chairman did a roll call for members as follows:

Mr. Ramirez-yes, Mr. Sanderson-yes, Mr. Kesner-yes, Mr. Drennan-no, Mr. Clay-yes, Mr. Donahue-yes and Mr. Hicks-no. There were five members present at the meeting

Mr. Kesner called the meeting to order at 10:00 am.

**Pledge of Allegiance**

There was no Pledge of Allegiance led.

**1.) Review and Consider Approval of Agenda**

The first item of business was to review and approve the agenda for March 15, 2022 meeting. Mr. Kesner asked if there were any additions or changes to the agenda. Mr. Robinson suggested to move items 5, 6 and 4, before item 3, of the action items. Mr. Kesner stated there were no items removed or added from the agenda. The items were rearranged. Mr. Ramirez made a motion, seconded by Mr. Sanderson to approve the agenda as amended. The vote on the motion was 5-0 and the motion carried.

**2.) Review and Consider Approval of Minutes**



Mr. Kesner asked if everyone has had a chance to read the Regular Meeting Minutes from February 15, 2022. Mr. Ramirez made a motion, seconded by Mr. Donahue to approve the Regular Meeting Minutes as presented. The vote on the motion was 5-0 and the motion carried.

### Communications from Citizens

There were no communications from citizens.

### Action Items

- 5.) Review and Consider Final Plat Approval for BWR Subdivision, as submitted by property owner, Grimes Land Co. LTD Co. (2<sup>nd</sup> Review).

Mr. Robinson said this is the final plan for BWR Subdivision is submitted by Grimes Land Co., the subdivision is located southwest of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. He said the Subdivision will create 2 Lots of +/- 4.99 acres from the parent parcel leaving a remainder of +/- 227.91.

Mr. Robinson said this is the second review to the BWR Subdivision. He said the Planning Board suggested for the developer to put in quarter section line roadways and to reserve a surface and subsurface easement. He further said they also suggested the dedication of Alabama Street and World Drive. Mr. Robinson explained the process of platting and planning. Mr. Robinson said when reviewing the plats, City staff and the County assure every lot created has access roadways from dedicated developed public right-of-way and make sure it is compliant with the subdivision rules and regulations. Mr. Robinson said the developer has dedicated 50 foot of property on World Drive and 60 foot on Alabama Street, which is more than the County subdivision rules and regulations requires. Mr. Robinson said future development roadways and setback will be addressed at future submissions for permits and subdivisions. Mr. Robinson said as of today there is not an existing roadway in the subdivision. Mr. Robinson said the developer will have the opportunity to put a setback on Tract J, because he is the owner of the tract. However, the developer will not be able to put setbacks on the EOG side, because that parcel is outside the subdivision.

In response to Mr. Kesner's question, Mr. Robinson said the developer is requesting the approval of the plat for the development for Tract I and Tract J. He said during that occurrence, the developer is going to dedicate the property on World Drive and Alabama Street.

In response to Mr. Ramirez, Mr. Robinson stated there is a structure on Tract J. There are no future plans on changing the size of the tracts.

In response to Mr. Schubert's question, Mr. Robinson explained the roadway will allow more public access in the subdivision. He said the setbacks to the development will change with future access roads.

Mr. Robinson explained once the plat is compliant with Municipal Code 16.12, it will need to be approved by the Hobbs Planning Board. He said the final plat approval will be presented

at the City Commission Meeting on April 4, 2022 for approval.

After a lengthy discussion, Mr. Ramirez made a motion, seconded by Mr. Sanderson to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Mr. Gary Schubert and Six S Ventures.

**6.) Review and Consider Final Plat Approval for T&S Subdivision, as submitted by property owner, Six S Ventures, LLC. (2<sup>nd</sup> Review).**

Mr. Robinson said the final plan for T&S Subdivision is submitted by Six S Ventures, the subdivision is located southeast of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. He said the subdivision will create 2 Lots from the parent parcel Tract A2 being +/-49.17 acres and Tract B2 being +/- 8.23 acres. Mr. Robinson explained the T&S Subdivision is on the opposite side of the BWR Subdivision.

Mr. Kesner explained the Planning Board's approval of the plat will be recommended once it is compliant with Ordinance 35, Lea County rules and regulations. Mr. Sanderson made a motion, seconded by Mr. Ramirez to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Gary Schubert and Six S Ventures.

**4.) Review and Consider Final Plat Approval for Kass-McKinley Subdivision, as submitted by property owner, Property Management Plus, LLC.**

Mr. Robinson explained the final plan for The Kass-McKinley Subdivision is submitted by Property Management Plus. He said the subdivision is located northwest of the intersection of Aspen and McKinley within the municipal boundaries. He further stated the subdivision encompasses +/- 1.512 acres and will contain 6 residential lots. Additionally, each lot created is proposed to contain a duplex.

Mr. Randall explained the south subdivision development was not chamfered in the alleyway. He recommended a portion of the alleyway be dedicated to be chamfered. He explained the water and sewer are in the roadway. Mr. Randall said the utilities services will have to be extended with every development.

Mr. Ramirez made a motion, seconded by Mr. Donahue to approve the final plat approval with the chamfer. The vote on the motion was 5-0 and the motion carried.

**3.) Review and Consider an Alleyway Vacation located within the ETJ at Block 13 of the Green Meadows Subdivision, Second Unit.**

Mr. Robinson said the property owner is requesting the vacation of an alleyway adjacent to lots 7, 8 & 9 of Block 13, within the Green Meadow Subdivision, Second Unit comprising +/- 2,799 square feet. He said this vacation, if approved, will allow the transfer fee simple ownership to the vacated property to the adjacent property owner. He further explained the alleyway is outside of the Municipal Boundaries but within the ETJ, therefore any remuneration owed would go to the County.

In response to Mr. Ramirez's question, Mr. Bruce Reid, Lea County Planner, explained the County has approved the alleyway vacation located within the ETJ, Block 13, of the Green Meadows Subdivision.

Mr. Donahue made a motion, seconded by Mr. Ramirez to recommend approval of the vacation of the alleyway. The vote on the motion was 5-0 and the motion carried.

**7.) Reelect Planning Board Officers per MC 2.32.020.**

Mr. Robinson called for nominations for the Planning Board Officers. Mr. Sanderson made a motion for the Planning Board Officers to continue their roles and elected Mr. Hicks as Chairman, Mr. Kesner as Vice-Chairman, and Mr. Ramirez as Secretary. Mr. Donahue seconded the motion. The vote on the motion was 5-0 and the motion carried.

Mr. Robinson stated that the following board members terms were due to expire: W.M. "Tres" Hicks, Ben Donahue, Brett Drennan and Bill Ramirez. He added they all agreed to serve another term. Mr. Robinson stated a recommendation for re-appointments will be submitted to the Mayor at an upcoming Hobbs City Commission meeting.

**Discussion/Updates**

**8.) Remaining properties within the Hobbs Industrial Airpark South Subdivision and the Protective Covenants and Design Standards for the Hobbs Industrial Air Park South Subdivision Property.**

Mr. Robinson explained the Hobbs Industrial Airpark was developed in two phases. Mr. Robinson explained there are remaining properties within the Hobbs Industrial Airpark South Subdivision. Mr. Robinson explained there was a Hobbs Industrial Airpark Board who oversaw the development and the planning of the subdivision. Mr. Robinson said the Hobbs Industrial Airpark Board has been disbanded and per the covenants the Hobbs Planning Board is responsible for reviewing future developments and plans at the Hobbs Industrial Airpark. He explained the covenants may have to be revisited by the Hobbs Planning Board.

**9.) City of Hobbs Traffic Control Policy and Procedures.**

Mr. Todd Randall explained the City of Hobbs Traffic Control Policy and Procedures. He further explained the traffic calming process. Mr. Randall said traffic calming techniques include education, enforcement, or engineering to shift traffic patterns and/or reduce speeds. Mr. Randall stated there are active requests from citizens for traffic calming. Mr. Randall said the Hobbs Planning Board may have to open the traffic control policy for discussion.

**Adjournment**

With nothing further to discuss Mr. Donahue made a motion, seconded by Mr. Clay to adjourn. The meeting adjourned at 11:35 am. The vote on the motion was 3-0 and the motion carried.

---

Guy Kesner, Vice Chairman

DRAFT



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR THE KASS-MCKINLEY SUBDIVISION AS RECOMMENDED BY THE PLANNING BOARD.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: March 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Final Plan for The Kass-McKinley Subdivision is submitted by Property Management Plus. The subdivision is located northwest of the intersection of Aspen and McKinley within the municipal boundaries. The subdivision encompasses +/- 1.512 acres and will contain 6 residential lots. Additionally, each lot created is proposed to contain a duplex. The Planning Board consider this item at the March 15, 2022 regular meeting and voted 5-0 to recommend approval.

Fiscal Impact: Reviewed By: Finance Department

The positive impact of the new development and new housing from GRT collections and monthly utility bills of the residents should offset any expenses that the City will incur from the maintenance responsibility of streets, water and sewer lines.

Attachments: Resolution, Final Plat, DRAFT Planning Board Minutes.

Legal Review: Efrén A. Cortez
Approved As To Form: Cortez
City Attorney

Recommendation: Approval of the Resolution to approve The Kass-McKinley Subdivision as recommended by the Planning Board.

Approved For Submittal By:
Kevin Robinson
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. 7175.

**A RESOLUTION TO APPROVE THE FINAL PLAN FOR THE KASS-MCKINLEY SUBDIVISION AS RECOMMENDED BY THE PLANNING BOARD.**

WHEREAS, Property Management Plus has submitted a Final Plan for the Kass-McKinley Subdivision for review by the City Planning Board; and

WHEREAS, the subdivision Final Plan was reviewed and approved by the Hobbs Planning Board at the March 15, 2022 meeting.

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

1. The City of Hobbs hereby grants Final Plan Approval to Kass-McKinley Subdivision as recommended by the Planning Board; and

2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022.

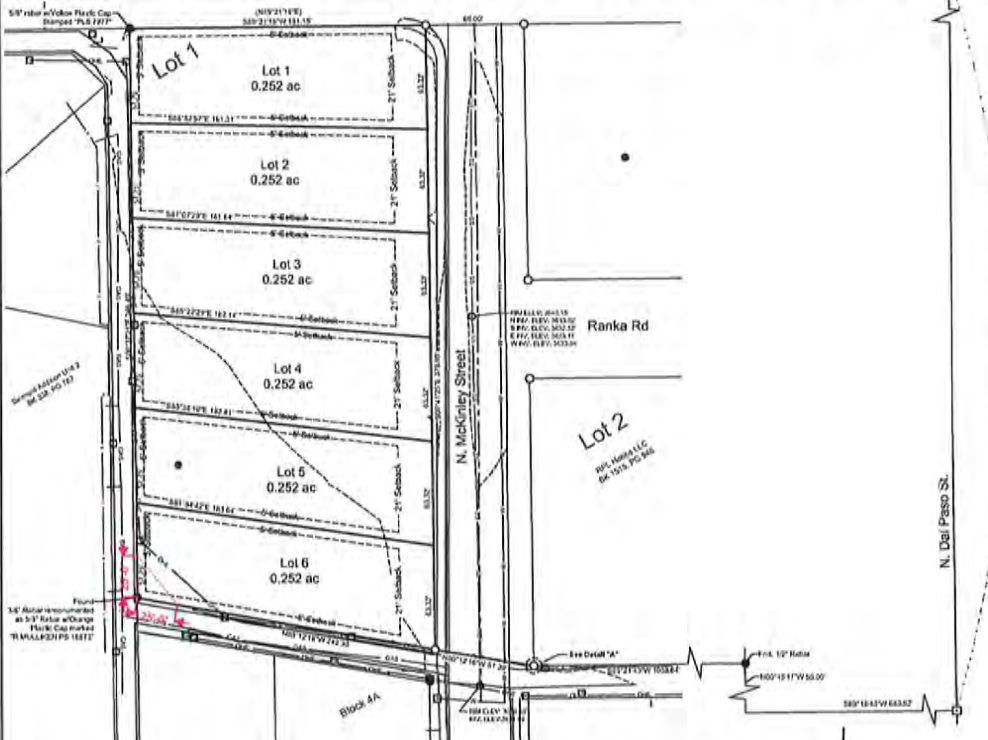
\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

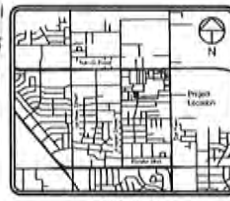
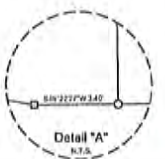
\_\_\_\_\_  
JAN FLETCHER, CITY CLERK

# KASS-MCKINLEY SUBDIVISION A RE-PLAT OF LOT 1 EAGLE RIDGE SUBDIVISION TRACT 4A

LOCATED IN THE NE 1/4 OF SECTION 22, T18S, R38E, N.M.P.M., LEA COUNTY, NEW MEXICO



**BASIS OF BEARING**  
The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are modified by scaling about a control point located at N32°40'03.64577", W103°10'44.87303" by a grid to ground scale factor of 1.0001175865. True north can be obtained by applying a convergence angle of 00°38'34" at the northwest section corner found Brass Cap.



**LEGEND**

- Found section corner
- Found monument as noted
- Set or repositioned 8" yellow wire ranging stake (see marked "M" MEASUREMENTS PLS. 15472)
- Water meter
- Gas meter
- Guy wire
- Power pole
- Established point
- 15' Underground gas line
- 15' Sanitary sewer
- Water line
- Property line
- Overhead communication
- Overhead electric
- Setback line
- Measured bearing and distance
- Record bearing and distance

**PETTIGREW & ASSOCIATES PA**  
ENGINEERING | SURVEYING | TESTING  
DEFINING QUALITY SINCE 1963  
100 E. Navajo - Suite 100, Hobbs New Mexico 88240  
T 505 393 3027 F 505 393 1543  
pettigrew.com

PROJECT SURVEYOR: Richard E. Miller  
DRAWN BY: R. E. Miller, P.A.S., L.S.



**INDEXING INFORMATION FOR COUNTY CLERK**  
OWNER: Property Management Plus  
LOCATION: Located in the NE 1/4 of Section 22, T18S, R38E, N.M.P.M. City of Hobbs, Lea County, New Mexico

**REVISIONS**

NO.	DATE	DESCRIPTION

State of New Mexico, County of \_\_\_\_\_  
I here by certify that this instrument was filed for record on:  
The \_\_\_\_\_ Day of \_\_\_\_\_  
20\_\_\_\_ A.D.  
At \_\_\_\_\_ O'Clock \_\_\_\_\_ M.  
Cabinet \_\_\_\_\_ Side \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
By \_\_\_\_\_  
County Clerk  
By \_\_\_\_\_  
Deputy

Summary Subdivision  
OF  
Kass-McKinley Subdivision  
a Re-Plat of Lot 1  
FOR  
Property Management Plus

PROJECT NUMBER:  
**2021.1255**

SHEET: 1 of 2  
**SU - 101**



RECORD DESCRIPTION PER BOOK 2179 PAGE 491  
 LOT 1, EAGLE RIDGE SUBDIVISION TRACT 1A REPLAT

**CERTIFICATE OF SURVEY**

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

Richard L. Mulliken NMPS #15873

Date \_\_\_\_\_

**OWNERS STATEMENT AND AFFIDAVIT**  
 State of New Mexico:  
 County of Lea:

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors (\_\_\_\_\_ for Property Management Plus, LLC) we have of our own free will and consent caused this plat with its tracts to be plotted. Said tracts being subdivided according to the facts, as shown on the plat affixed hereto, with all rights of way or easements as shown being dedicated to the public. The property described on this plat lies within the platting jurisdiction of City of Hobbs.

By \_\_\_\_\_  
 for Property Management, LLC

**ACKNOWLEDGMENT**  
 State of New Mexico:  
 County of Lea:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, is me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

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

My Commission Expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

**CERTIFICATE OF MUNICIPAL APPROVAL**

I, Kevin Robinson, Development Director for the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat in the City of Hobbs, Lea County, New Mexico, was reviewed and deemed compliant with the Municipal Summary Process Regulations, and do hereby accept its facts and dedications as shown on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Kevin Robinson, Development Director

Jan Fletcher, City Clerk

**ACKNOWLEDGMENT**  
 State of New Mexico:  
 County of Lea:

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

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

My Commission Expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

**PETTIGREW & ASSOCIATES PA**  
 ENGINEERING | SURVEYING | TESTING  
 DEFINING QUALITY SINCE 1988  
 100 E. Hixon - Suite 100, Hobbs New Mexico 88340  
 T 575-393-6827 F 575-333-1543  
 Pettigrew.us

PROJECT SURVEYOR: Richard Mulliken  
 DRAWN BY: R. Mulliken, V.M.A.S.



**INDEXING INFORMATION FOR COUNTY CLERK**

OWNER: Property Management Plus

LOCATION: Located in the NE 1/4 of Section 22, T18S, R38E, N.M.P.M. City of Hobbs, Lea County, New Mexico

REVISIONS		
No.	DATE	DESCRIPTION

State of New Mexico, County of \_\_\_\_\_  
 I here by certify that this instrument was filed for record on:  
 The \_\_\_\_\_ Day of \_\_\_\_\_,  
 20\_\_\_\_ A.D.  
 At \_\_\_\_\_ O'Clock \_\_\_\_\_ P.M.  
 Cabinet \_\_\_\_\_ Side \_\_\_\_\_  
 Book \_\_\_\_\_ Page \_\_\_\_\_  
 By \_\_\_\_\_  
 County Clerk  
 By \_\_\_\_\_  
 Deputy

Summary Subdivision  
 OF  
 Kass-McKinley Subdivision  
 a Re-Plat of Lot 1  
 FOR  
 Property Management Plus

PROJECT NUMBER:  
 2021.1255

SHEET: 2 of 2  
 SU - 102



at the City Commission Meeting on April 4, 2022 for approval.

After a lengthy discussion, Mr. Ramirez made a motion, seconded by Mr. Sanderson to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Mr. Gary Schubert and Six S Ventures.

**6.) Review and Consider Final Plat Approval for T&S Subdivision, as submitted by property owner, Six S Ventures, LLC. (2<sup>nd</sup> Review).**

Mr. Robinson said the final plan for T&S Subdivision is submitted by Six S Ventures, the subdivision is located southeast of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. He said the subdivision will create 2 Lots from the parent parcel Tract A2 being +/-49.17 acres and Tract B2 being +/- 8.23 acres. Mr. Robinson explained the T&S Subdivision is on the opposite side of the BWR Subdivision.

Mr. Kesner explained the Planning Board's approval of the plat will be recommended once it is compliant with Ordinance 35, Lea County rules and regulations. Mr. Sanderson made a motion, seconded by Mr. Ramirez to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Gary Schubert and Six S Ventures.

**4.) Review and Consider Final Plat Approval for Kass-McKinley Subdivision, as submitted by property owner, Property Management Plus, LLC.**

Mr. Robinson explained the final plan for The Kass-McKinley Subdivision is submitted by Property Management Plus. He said the subdivision is located northwest of the intersection of Aspen and McKinley within the municipal boundaries. He further stated the subdivision encompasses +/- 1.512 acres and will contain 6 residential lots. Additionally, each lot created is proposed to contain a duplex.

Mr. Randall explained the south subdivision development was not chamfered in the alleyway. He recommended a portion of the alleyway be dedicated to be chamfered. He explained the water and sewer are in the roadway. Mr. Randall said the utilities services will have to be extended with every development.

Mr. Ramirez made a motion, seconded by Mr. Donahue to approve the final plat approval with the chamfer. The vote on the motion was 5-0 and the motion carried.

**3.) Review and Consider an Alleyway Vacation located within the ETJ at Block 13 of the Green Meadows Subdivision, Second Unit.**



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

**SUBJECT:** RESOLUTION APPROVING THE VACATION OF AN ALLEYWAY ADJACENT TO LOTS 7, 8 & 9 OF BLOCK 13, WITHIN THE GREEN MEADOW SUBDIVISION, SECOND UNIT.

DEPT. OF ORIGIN: Planning Division  
DATE SUBMITTED: March 28, 2022  
SUBMITTED BY: Kevin Robinson – Planning Department

**Summary:** The Property Owner is requesting the vacation of an alleyway adjacent to lots 7, 8 & 9 of Block 13, within the Green Meadow Subdivision, Second Unit comprising +/- 2,799 square feet. This vacation, if approved, will allow the transfer fee simple ownership to the vacated property to the adjacent property owner. The alleyway is outside of the Municipal Boundaries but within the ETJ, therefore any remuneration owed would go to the County. The Planning Board reviewed this issue on March 15, 2022 and voted 5-0 to recommend approval.


**Fiscal Impact:** \_\_\_\_\_ *Reviewed By:* \_\_\_\_\_  
*Finance Department*

The property proposed to be vacated is located outside the Municipal Boundaries, therefore any remuneration owed would go to the County.

**Attachments:** Resolution, Vacation Plat and Planning Board Minutes.

**Legal Review:** \_\_\_\_\_ *Approved As To Form:*  
*Efren A. Cortez*  
*City Attorney*

**Recommendation:**  
Consideration of Approval of the Resolution to approve the Vacation Plat, as recommended by the Planning Board.

<p><i>Approved For Submittal By:</i></p> <p>_____</p> <p><i>Department Director</i></p> <p></p> <p>_____</p> <p><i>City Manager</i></p>	<p style="text-align: center;"><b>CITY CLERK'S USE ONLY</b> <b>COMMISSION ACTION TAKEN</b></p> <p>Resolution No. _____ Continued To: _____</p> <p>Ordinance No. _____ Referred To: _____</p> <p>Approved _____ Denied _____</p> <p>Other _____ File No. _____</p>
--	---

CITY OF HOBBS

RESOLUTION NO. 7176.

**A RESOLUTION APPROVING THE VACATION OF AN ALLEYWAY ADJACENT TO LOTS 7, 8 & 9 OF BLOCK 13, WITHIN THE GREEN MEADOW SUBDIVISION, SECOND UNIT.**

WHEREAS, The adjacent property owner is requesting the vacation of an alleyway adjacent to lots 7, 8 & 9 of Block 13, within the Green Meadow Subdivision, Second Unit comprising +/- 2,799 square feet; and

WHEREAS, the Vacation Plat was then reviewed and recommended for approval by the City of Hobbs Planning Board at the March 15, 2022 meeting; and

WHEREAS, the City Commission has determined that the vacation of an alleyway adjacent to lots 7, 8 & 9 of Block 13, within the Green Meadow Subdivision, Second Unit will not adversely affect the interests or rights of persons in contiguous territory or within the subdivision and the title of those lands in the vacated area may be transferred in fee simple to the owner of the adjacent lots thereto.

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

1. The City of Hobbs hereby approves the Vacation Plat as attached hereto and made a part of this Resolution.
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022.

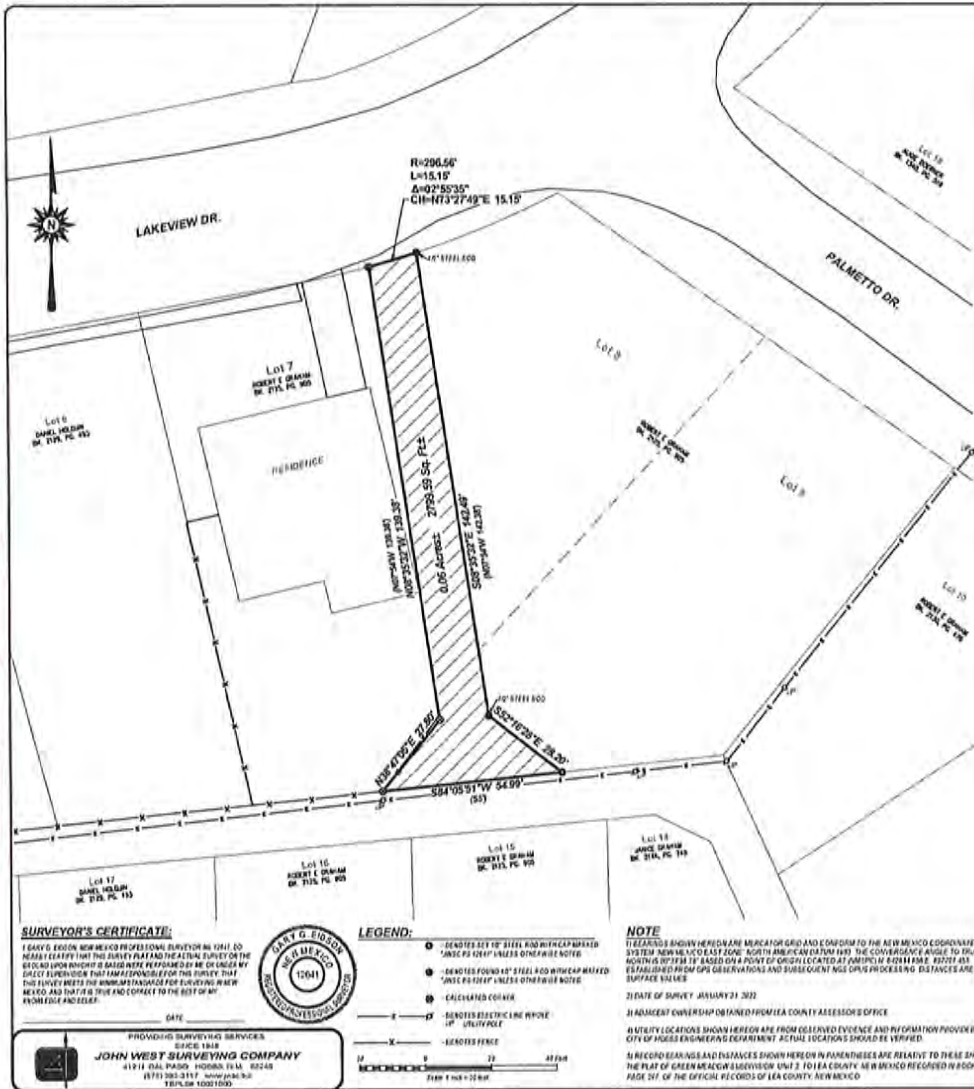
\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

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



This document shall not be recorded for any purpose and shall not be used or relied upon as if it were a final survey document.



**ALLEY VACATION BETWEEN LOTS 7, 8 AND 9, BLOCK 13, SECOND UNIT, GREEN MEADOW SUBDIVISION, LEA COUNTY, NEW MEXICO**

**DESCRIPTION OF ALLEY VACATION:**  
A STRIP OF LAND LYING BETWEEN LOTS 7 & 8 AND 9, BLOCK 13, SECOND UNIT, GREEN MEADOW SUBDIVISION, 2400 TRACT CONTAINING 0.16 ACRES, MORE OR LESS.

**CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:**  
THIS VACATION PLAT REVIEWED AND APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY THE CITY PLANNING AND ZONING BOARD OF HOHES, LEA COUNTY, NEW MEXICO.

**ACKNOWLEDGMENT:**  
STATE OF NEW MEXICO  
COUNTY OF LEA  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY WILLIAM HOGAN II

**CERTIFICATE OF MUNICIPAL APPROVAL:**  
I, JAN FLETCHER, THE DULY APPOINTED EXECUTING CITY CLERK OF THE CITY OF HOHES, LEA COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE FOREGOING VACATION PLAT OF A PORTION OF THE GREEN MEADOW SUBDIVISION BY THE CITY OF HOHES, NEW MEXICO, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOHES BY RESOLUTION No. \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D.

**CERTIFICATE OF LEA COUNTY APPROVAL BY RESOLUTION:**  
I, ESTHER MORALES, THE DULY APPOINTED LEA COUNTY CLERK, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF A VACATION BY LEA COUNTY, NEW MEXICO, WAS APPROVED BY THE COMMISSION OF LEA COUNTY, NEW MEXICO, BY RESOLUTION No. \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D.

**ACKNOWLEDGMENT:**  
STATE OF NEW MEXICO  
COUNTY OF LEA  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022 A.D. BY ESTHER MORALES

**SURVEYOR'S CERTIFICATE:**  
I, GARY D. EGDMAN, NEW MEXICO PROFESSIONAL SURVEYOR No. 12941, DO HEREBY CERTIFY THAT THIS SURVEY AND VACATION SURVEY ON THE BLOCK AND LOTS HEREIN IS BASED UPON FIELD MEASUREMENTS BY ME OR UNDER MY DIRECT SUPERVISION THAT I AM A LICENSED SURVEYOR IN NEW MEXICO AND THAT I AM TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



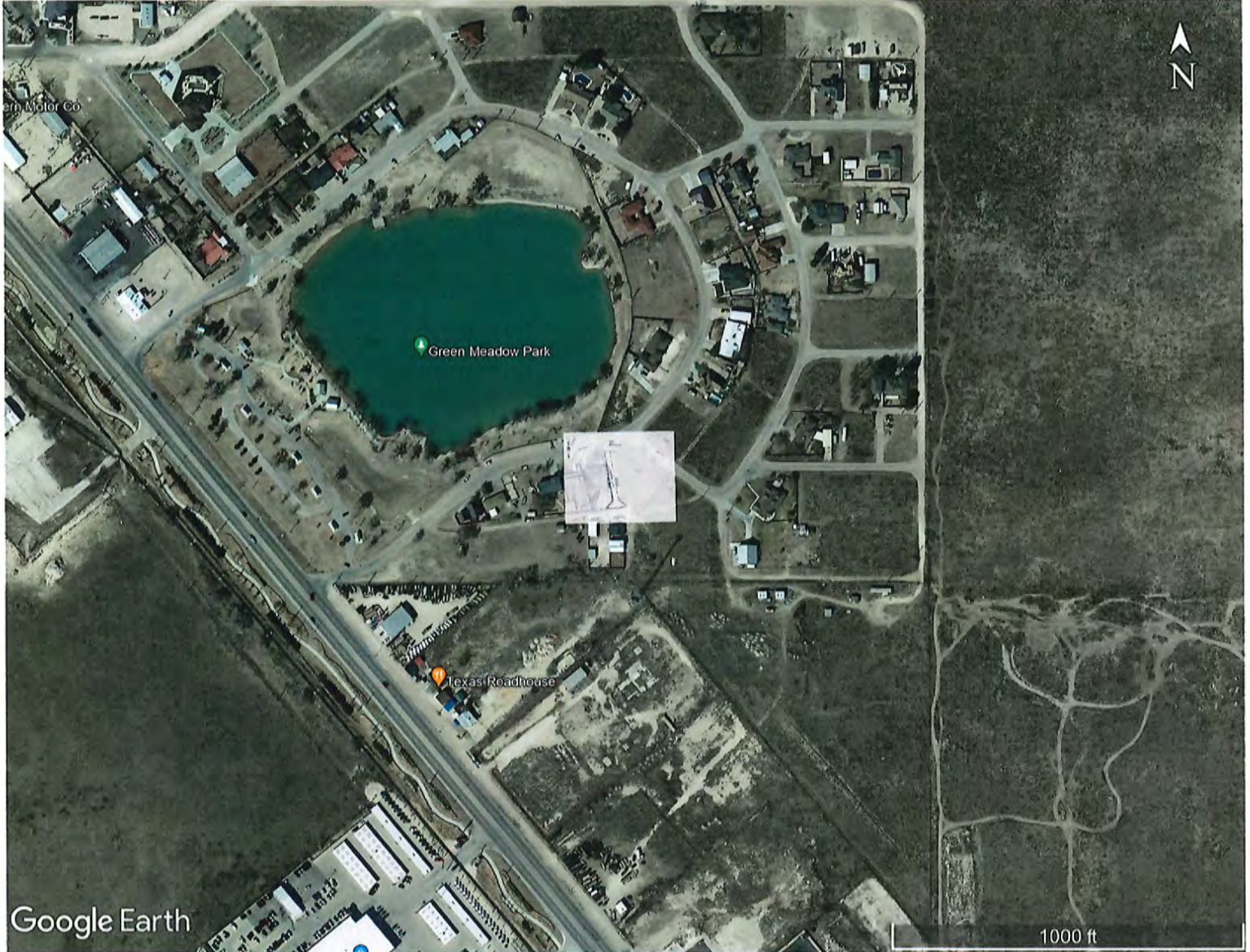
- LEGEND:**
- DENOTES 1/2\"/>

**NOTE:**  
ALL LOCATIONS SHOWN HEREON ARE FROM OBSERVED EVIDENCE AND INFORMATION PROVIDED BY THE CITY OF HOHES ENGINEERING DEPARTMENT. ALL LOCATIONS SHOULD BE VERIFIED.  
IF RECORDS SHOWN AND DISTANCES SHOWN HEREON IN PARENTHESES ARE RELATIVE TO THESE SHOWN ON THE PLAT OF GREEN MEADOW SUBDIVISION UNIT 3, LEA COUNTY, NEW MEXICO, RECORDED IN BOOK 112, PAGE 217 OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.



Scale: One Inch = Thirty Feet  
CAD Drafted & Date: ACK - 02/04/2022  
CREATED BY: JAVSC IVO, No. 22 11 0038  
JAVSC File No. D-1429  
DATE: \_\_\_\_\_  
STATE OF NEW MEXICO  
COUNTY OF LEA - FILED

PROVIDED SURVEYING SERVICES SINCE 1948  
**JOHN WEST SURVEYING COMPANY**  
4114 PALM PARK, HOHES, N.M. 88240  
(505) 263-2117 www.jwsc.com  
TEL: 505 400-1000







at the City Commission Meeting on April 4, 2022 for approval.

After a lengthy discussion, Mr. Ramirez made a motion, seconded by Mr. Sanderson to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Mr. Gary Schubert and Six S Ventures.

**6.) Review and Consider Final Plat Approval for T&S Subdivision, as submitted by property owner, Six S Ventures, LLC. (2<sup>nd</sup> Review).**

Mr. Robinson said the final plan for T&S Subdivision is submitted by Six S Ventures, the subdivision is located southeast of the intersection of Alabama and World Drive, within the City of Hobbs ETJ. He said the subdivision will create 2 Lots from the parent parcel Tract A2 being +/-49.17 acres and Tract B2 being +/- 8.23 acres. Mr. Robinson explained the T&S Subdivision is on the opposite side of the BWR Subdivision.

Mr. Kesner explained the Planning Board's approval of the plat will be recommended once it is compliant with Ordinance 35, Lea County rules and regulations. Mr. Sanderson made a motion, seconded by Mr. Ramirez to recommend approval to the City Commission. The vote on the motion was 4-1 with Mr. Donahue abstaining and the motion carried.

Mr. Donahue explained the reason that he abstained from voting on this item is due to his affiliation with Gary Schubert and Six S Ventures.

**4.) Review and Consider Final Plat Approval for Kass-McKinley Subdivision, as submitted by property owner, Property Management Plus, LLC.**

Mr. Robinson explained the final plan for The Kass-McKinley Subdivision is submitted by Property Management Plus. He said the subdivision is located northwest of the intersection of Aspen and McKinley within the municipal boundaries. He further stated the subdivision encompasses +/- 1.512 acres and will contain 6 residential lots. Additionally, each lot created is proposed to contain a duplex.

Mr. Randall explained the south subdivision development was not chamfered in the alleyway. He recommended a portion of the alleyway be dedicated to be chamfered. He explained the water and sewer are in the roadway. Mr. Randall said the utilities services will have to be extended with every development.

Mr. Ramirez made a motion, seconded by Mr. Donahue to approve the final plat approval with the chamfer. The vote on the motion was 5-0 and the motion carried.

**3.) Review and Consider an Alleyway Vacation located within the ETJ at Block 13 of the Green Meadows Subdivision, Second Unit.**



Mr. Robinson said the property owner is requesting the vacation of an alleyway adjacent to lots 7, 8 & 9 of Block 13, within the Green Meadow Subdivision, Second Unit comprising +/- 2,799 square feet. He said this vacation, if approved, will allow the transfer fee simple ownership to the vacated property to the adjacent property owner. He further explained the alleyway is outside of the Municipal Boundaries but within the ETJ, therefore any remuneration owed would go to the County.

In response to Mr. Ramirez's question, Mr. Bruce Reid, Lea County Planner, explained the County has approved the alleyway vacation located within the ETJ, Block 13, of the Green Meadows Subdivision.

Mr. Donahue made a motion, seconded by Mr. Ramirez to recommend approval of the vacation of the alleyway. The vote on the motion was 5-0 and the motion carried.

**7.) Reelect Planning Board Officers per MC 2.32.020.**

Mr. Robinson called for nominations for the Planning Board Officers. Mr. Sanderson made a motion for the Planning Board Officers to continue their roles and elected Mr. Hicks as Chairman, Mr. Kesner as Vice-Chairman, and Mr. Ramirez as Secretary. Mr. Donahue seconded the motion. The vote on the motion was 5-0 and the motion carried.

Mr. Robinson stated that the following board members terms were due to expire: W.M. "Tres" Hicks, Ben Donahue, Brett Drennan and Bill Ramirez. He added they all agreed to serve another term. Mr. Robinson stated a recommendation for re-appointments will be submitted to the Mayor at an upcoming Hobbs City Commission meeting.

**Discussion/Updates**

**8.) Remaining properties within the Hobbs Industrial Airpark South Subdivision and the Protective Covenants and Design Standards for the Hobbs Industrial Air Park South Subdivision Property.**

Mr. Robinson explained the Hobbs Industrial Airpark was developed in two phases. Mr. Robinson explained there are remaining properties within the Hobbs Industrial Airpark South Subdivision. Mr. Robinson explained there was a Hobbs Industrial Airpark Board who oversaw the development and the planning of the subdivision. Mr. Robinson said the Hobbs Industrial Airpark Board has been disbanded and per the covenants the Hobbs Planning Board is responsible for reviewing future developments and plans at the Hobbs Industrial Airpark. He explained the covenants may have to be revisited by the Hobbs Planning Board.

**9.) City of Hobbs Traffic Control Policy and Procedures.**





# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

**SUBJECT:** New Mexico Clean and Beautiful Grant  
**DEPT. OF ORIGIN:** Hobbs Police Department Code Enforcement  
**DATE SUBMITTED:** 3-28-2022  
**SUBMITTED BY:** Tanya Sanchez, Community Service Coordinator

**Summary:**

The Code Enforcement is asking for approval to re-apply for the "New Mexico Clean and Beautiful Grant." In our community, the major rights-of-way, railroad tracks, vacant lots, and even parks are afflicted by litter and weeds. The abovementioned grant would help to raise awareness about the effects of litter in our community as well as prevent and control litter from accumulating throughout the City of Hobbs.

The grant provides a 25% match that can be an in-kind service match. We purchased Larry the Litter Bug and have an illustration of the active book ready to go into production for the 2022-2023 fall school year to bring awareness about the impact of litter with the aid of the FY2022 grant (which consisted of \$15,924.56). We have done neighborhood clean-ups, Large item clean up with other departments and continue to place signs around town. This year, we are planning on requesting more funds with the intent of conducting more clean-ups and providing education about this important issue. Thank you for your time.

**SCOPE:**

Hobbs Code Enforcement will ask schools in Hobbs to partner up with us by incorporating "Larry the Litter Bug" in elementary schools. We will be working with Code Enforcement and the schools' resource officers to help with these projects. Hobbs Code Enforcement will continue to plan neighborhood clean-ups. We are also collaborating with non-profits and other agencies to make each event a success.

**Fiscal Impact:**

Reviewed By:   
Finance

Budget Line:  
 Budgeted: If Funded, The City would require a final FY2023 Budget amount of \$60,729.00. (\$48,583.00 grant funds and 12,146.00 matching)

**Attachments:**

Grant Summary and Budget

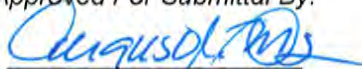
**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Requesting approval to apply for the New Mexico State Clean and Beautiful Grant for FY 2023

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. 7177

A RESOLUTION AUTHORIZING THE CITY OF HOBBS  
TO SUBMIT A GRANT APPLICATION TO THE  
STATE OF NEW MEXICO, DEPARTMENT OF TOURISM,  
FOR THE HOBBS CLEAN AND BEAUTIFUL PROGRAM

WHEREAS, the City of Hobbs seeks to continue to host Neighborhood Clean-Ups in each Commission District within the City of Hobbs; and

WHEREAS, the New Mexico Tourism Department, through its New Mexico Clean and Beautiful Program, is requesting applications for grant funding to assist local community clean-ups and education with the school district; and

WHEREAS, the City of Hobbs hereby acknowledges and supports the submission of an application for the New Mexico Clean and Beautiful grant program which provides funding to offset administrative, operating, and marketing costs to help end littering, reduce waste, beautify communities, empower youth and increase program capacity; and

WHEREAS, the City of Hobbs continues to support the City of Hobbs Clean and Beautiful Program and supports the grant application in the total amount of **\$48,583.00** and commits to providing local matching funds in the proposed amount of **25% of in-kind service or \$12,146.00**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City Manager be, and he hereby is, authorized and directed to take all necessary and appropriate action to effectuate this resolution and specifically to submit a grant application to the State of New Mexico, Department of Tourism for the New Mexico State Clean and Beautiful Grant Funding for FY 2023.

PASSED, ADOPTED AND APPROVED this 4th day of April, 2022.

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

ATTEST:

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

YEAR	Vendor		AMOUNT
<b>Operation Budget for clean-up</b>			
2022	Kassis Digital Billboards	All 5 sides per month 1900.00	22,800.00
2022	Ampersand	Coloring Actived Books	3,318.00
2022	Larry The Litter-Bug	Upgrades to Larry the Litter Bug Costum	750.00
2022	Keep America Beauiful	Keep America beauiful renewal	2,000.00
2022	Trash Bags	Amazon	375.00
2022	Gloves	Amazon	540.00
2022	Vest	Amazon	150.00
2022	Disposal of Tires	State Rubber Environmental Solution	5,000.00
2022	Litter Grabber	Amazon	150.00
		<b>Total</b>	<b>35,083.00</b>
<b>Adversiting</b>	<b>This would only be used if we don't get the grant and lodgers tax</b>		
2022	Radio	MTD AND NOALMARK	3,000.00
2022	Ampersand	Signs for parks, and city property	3,000.00
2022	Awesome graphic	T-Shirts to give away and tote bags	2,500.00
2022	Hobbs News-Sun	Ad's for Neighborhood Clean-up	5,000.00
		<b>Total</b>	<b>13,500.00</b>
		<b>Grand Total</b>	<b>48,583.00</b>
		***This will also be the request for the Grant with NM State***	

Budget FY 2023

YEAR	Vendor		AMOUNT	Detail Description of request	
<b>Operation Budget for clean-up</b>					
2022	Kassis Digital Billboards	All 5 sides per month	1900.00	22,800.00	Carlsbad Hwy, Lovington Hwy, Grimes, and Main St. (lovington)
2022	Ampersand	Coloring Activied Books		3,318.00	3,000 activied books to be given away at elementary schools to educate on littering.
2022	Larry The Litter-Bug	Upgrades to Larry the Litter Bug Costum		750.00	to be use as events and schools to bring awareness and educate the public
2022	Keep America Beauiful	Keep America beautiful renewal		2,000.00	Keep America Beautiful Membership
2022	Trash Bags	Amazon		375.00	Amazon \$22.00 for 100 bags X 15 boxes for the whole year. Total 1,500 trash bags
2022	Gloves	Amazon		540.00	Amazon gloves @15.00 per box for 12, X 36 for the year, total 540 gloves
2022	Vest	Amazon		150.00	Amazon safety vests @30.00 per box for 10, X 5 box per year, Total 50 vest (REUSE)
2022	Disposal of Tires	State Rubber Environmental Solution		5,000.00	Disposal of Tires at \$80.00 per ton equals to about 20 commercial tires
2022	Litter Grabber	Amazon		150.00	Amazon Litter Grabber @30.00 per box for 2, X 5 box per year, Total 10 grabbers (REUSE)
		<b>Total</b>		<b>35,083.00</b>	
<b>Adversiting</b>					
<b>This would only be used if we don't get the grant and lodgers tax</b>					
2022	Radio	MTD AND NOALMARK		3,000.00	Radio Ads for Lets all win, Toss it in the bin
2022	Ampersand	Signs for parks, and city property		3,000.00	Signs for Lets all win, Toss in in the bin
2022	Awesome graphic	T-Shirts to give away and tote bags		2,500.00	Give aways ( if allowed) We also have sponsors
2022	Hobbs News-Sun	Ad's for Neighborhood Clean-up		5,000.00	Ad's to market Clean-ups.
		<b>Total</b>		<b>13,500.00</b>	
		<b>Grand Total</b>		<b>48,583.00</b>	
		***This will also be the request for the Grant with NM State***			



# **ACTION ITEMS**





**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

**SUBJECT:** ADOPTION OF AN ORDINANCE AMENDING CHAPTER 2.56 OF THE HOBBS MUNICIPAL CODE RELATED TO THE PERSONNEL RULES FOR THE CITY OF HOBBS

**DEPT. OF ORIGIN:** Legal Department  
**DATE SUBMITTED:** March 28, 2022  
**SUBMITTED BY:** Efren A. Cortez, City Attorney

**Summary:** The City of Hobbs adopted its personnel rules in 2003 via Ordinance No. 916. Later, Article 1, Article 4, Article 7, and Article 8 of the personnel rules were amended in part via Ordinance No. 1058 on January 7, 2013. The proposed ordinance amends Chapter 2.56 of the Hobbs Municipal Code related to personnel rules for City of Hobbs employees. The proposed changes seek to ensure that the City of Hobbs personnel rules are concise and up-to-date and account for cultural shifts, updates in the law, and philosophical changes in the organization. Notable changes include:

- Amending Article 1 to provide clearer definitions related to personnel matters and to account for employee accommodations and whistleblower protections;
- Amending Article 2 to provide for clearer "reclassification" guidelines;
- Amending Article 3 to provided for clearer "compensation" information consistent with current practices;
- Amending Article 4 overtime provisions consistently with the Fair Labor Standards Act;
- Amending Article 5 regarding the recruitment and application process;
- Amending Article 6 regarding changes in employment status of employees including discipline;
- Amending Article 7 regarding discipline action, disciplinary grounds, and just cause
- Amending Article 8 regarding leaves and benefits adding the holiday of Juneteenth, June 19<sup>th</sup> as a paid holiday and removing irrelevant paid time off language, clarifying FMLA leave, Worker's Comp leave, Administrative Leave, Bereavement Leave, and Military Leave
- Amending Article 9 regarding employee conduct including work place violence, conflicts of interest, drug and alcohol use, and workplace safety;
- Amending Article 10 regarding grievances to better define the grievance purpose and process;
- Adding Article 11 repealing all prior versions of the personnel rules.

Pursuant to NMSA 1978, § 3-17-3, publication of this proposed ordinance was accomplished on March 16, 2022, which is at least two weeks prior to consideration for final adoption by the City Commission. If approved, this ordinance will become effective five (5) days after final publication pursuant to NMSA 1978, § 3-17-5(B).

**Fiscal Impact:**


Reviewed By:   
Finance Department

There is no direct fiscal impact for this ordinance. Any benefit changes associated with the proposed changes will be calculated in the City's annual budgeting process.

**Attachments:**

Proposed Ordinance; Affidavit of Publication

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

The Commission should consider publication of this Ordinance.

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

ORDINANCE NO. 1141

AN ORDINANCE AMENDING CHAPTER 2.56 OF THE HOBBS MUNICIPAL CODE  
RELATED TO THE PERSONNEL RULES FOR THE CITY OF HOBBS

WHEREAS, in 1991, records show that the City of Hobbs adopted official personnel rules, via resolution, which governed the employee and employer relationship with the City of Hobbs employees; and

WHEREAS, in 2003, the City of Hobbs codified its personnel rules in Articles 1 through 10 in Chapter 2.56 of the Hobbs Municipal Code via Ordinance No. 916; and

WHEREAS, on January 7, 2013, the City of Hobbs amended Chapter 2.56 to make changes to Article I (definitions), Article II (computation of overtime), Article VII (grounds for employee discipline), and Article VIII (benefits and leave); and

WHEREAS, ensuring that the City of Hobbs personnel rules are concise and up-to-date and account for cultural shifts, updates in the law, and philosophical changes in the organization provides a tremendous benefit to the City's employees and management alike and greatly contributes to the overall well-being of all City of Hobbs employees; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 2.56, is hereby amended as more specifically described as follows:



## Chapter 2.56 - Personnel Rules

### Article 1 - General Provisions

#### 2.56.010 - Title and scope.

This chapter shall constitute and be referred to as the official personnel rules of the City. This chapter shall apply to all employees and appointed officials of the City.

~~(Ord. 916 (part), 2003)~~

#### 2.56.020 - Personnel manual—Adopted—Personnel merit system adopted.

By and under the authority of Section 3-13-4, New Mexico Statutes, 1978 Compilation, ~~there is adopted by reference the Hobbs, New Mexico,~~ the City of Hobbs hereby adopts these Personnel Rules ~~dated November 3, 2003,~~ for the purpose of establishing a merit system for the hiring, promotion, discharge, and general regulation of employees of the City.

All employees of the City shall be hired, promoted, discharged, and compensated on the basis of merit and without regard to race, color, religion, sex, pregnancy, ancestry, sexual orientation and gender identity or expression, spousal affiliation, national origin, age, physical or mental handicap or disability, serious medical condition, genetic information, status as a military veteran, or any other legally protected characteristic ~~race, creed, color, ancestry, national origin, religious or political affiliation, age, sex, sexual orientation, physical, or mental disability, or serious medical condition~~ in compliance with State or Federal law.

~~(Ord. 916 (part), 2003)~~

#### 2.56.030 - Definitions.

The definitions in this section shall be used for descriptive purposes. If any conflict occurs between these definitions and the rule or regulation to which the definitions apply, the latter shall take precedence. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Acting appointment" means temporary assignment of an employee to a different classification in accordance with this chapter.

"Acting City Manager" means the person appointed from time to time by the City Manager, or by the City Commission when the City Manager position is vacated without a permanent replacement, who shall serve temporarily as City Manager when the ~~short term~~ short-term



absence or incapacity of the City Manager requires. The acting City Manager shall have all the duties, authority, and responsibilities of the City Manager during ~~his or her~~ a temporary tenure.

"Anniversary date" means the annual anniversary of the time-date when an employee first became a regular employee and ~~received~~ became eligible for leave, pension, and other benefits. Also known as a "Permanent Date".

"Appeal" means a written, formal complaint by a non-probationary employee based on a disciplinary action taken by management resulting in the employee's suspension, demotion, or ~~dismissal~~ involuntary termination for cause.

"Appointment" means formal authorization of the hiring of an individual.

"At-will employee" means an employee who ~~serves~~ is employed at the pleasure of the City Manager in a position that has been deemed to be on an at-will basis subject to the discretion of the employer and the employee and either or both the employer and the employee may terminate employment at any time, for any reason, or for no reason, with or without prior notice. ~~-At-will employees and~~ shall not be entitled to rights of grievance and appeal. These employees include department heads, employees that have executed employment agreements, probationary employees, and temporary/seasonal employees.

"Benefits" means leave, insurance, pension, and other remuneration to employees, in addition to salary paid for services rendered.

"Calendar days" means consecutive calendar days.

"Calendar year" means January 1st through December 31st.

"Callback" means unscheduled work required of an employee that requires the employee to return to the work site after leaving the work site at the end of the regular working day.

"Cause" means motive or reason for discipline of ~~regular~~ employees.

"City Charter" means the governing document approved through an election.

"City Manager" is an at-will, exempt employee who is appointed by the City Commission who shall receive all leave and benefits as documented in a signed contract and shall not be entitled to rights of grievance and appeal.

"Class" means one (1) or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title, and qualification requirements can be applied.

"Classification" means analysis based on comparative duties, responsibilities, and qualifications by which appropriate classes are determined.



"Demotion" means the removal of an employee from a position of one (1) class to a position of another class with a lower maximum pay rate.

"Department head" means administrative personnel, as defined by resolution, reporting directly to the City Manager. Department heads ~~serve at the pleasure of the City Manager~~ are at-will and shall not be entitled to rights of grievance and appeal. Division heads and other ~~high-level~~ high-level supervisors or administrative personnel may, from time to time and except as otherwise provided by this chapter, be designated to act on behalf of a department head.

"Discipline" means action taken with regard to an employee, including reprimand, suspension, demotion, or ~~dismissal~~ involuntary termination.

~~"Dismissal" means the involuntary separation of an employee from employment by the City Manager.~~

"Employee" means an authorized and appointed incumbent of a position in the municipal service.

~~"Exempt Employee" means an employee that is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) because he or she they are is classified as an executive, professional, administrative or outside sales employee, and meets specific criteria for the exemption.~~

"Grievance" means a written, formal complaint by an eligible employee.

~~"Human Resource Director" means the administrative person who has supervisory and administrative responsibility for the personnel management function of the City.~~

"Incumbent" means the current occupant of a position in the municipal service.

"Job title" means the designation which becomes the official title allocated to that position for all personnel purposes.

"Job vacancy" means a position which is not occupied.

"Layoff" means the separation of an employee which occurs when a regular position has been abolished because of material changes in duties, or shortage or stoppage of work or funds, or other reasons in the best interest of the City.

"Leave" means an authorized absence from regularly scheduled work hours.

~~"Non-exempt employee" means an employee that is not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and is therefore entitled to overtime pay for all hours worked beyond forty (40) in a workweek for general employees and all hours worked beyond the designated "work period" under Section 7(k) of the FLSA for employees engaged in fire protection and law enforcement.~~



"Non-regular employee" means a probationary employee who shall not be entitled to rights of grievance and appeal or an employee appointed to a position ~~who is which is~~ not eligible to receive leave and benefits, except those required by law, and who is not entitled to rights of grievance and appeal.

"Overtime" means time a non-exempt employee is directed and authorized to work in excess of the standard workweek as defined in 2.56.400 – Hours of Work, or for certified police and fire personnel, the standard work period.

"Part-time employee" means an employee who works less than forty (40) hours per week.

"Pay or compensation plan" means the aggregate of pay rates assigned to each class of positions in the classified plan.

"Pay range" means those points between and including the minimum and maximum rates of pay established for a class by the classification and pay-compensation plan.

"Payroll calendar year" means that period of time encompassing the first day of the pay period represented by the first payday in a calendar year through the last day of the pay period represented by the last payday in the same calendar year.

"Performance review" means a ~~documented~~written evaluation of the job performance of an employee by a supervisor.

"Performance review date" means the scheduled time when employee performance shall next be assessed pursuant to the City Pay-Compensation Plan. ~~Personnel Director" means the administrative person who has supervisory and administrative responsibility for the personnel management function of the C~~

"Position" means the aggregate of duties and responsibilities performed by one (1) person. A position may be regular, part-time, temporary, or acting and may be occupied or vacant.

"Position description" means a written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a given position from other positions.

"Prevailing market rate" means the level of pay for a given class within a given labor market area.

"Probationary period" means a trial period during which the employee is employed at-will serves at the will of the City Manager and may be terminated at any time, for any reason, or for no reason, with or without prior notice without cause. Probationary employees shall not be entitled to rights of grievance and appeal. Please see 2.56.550 - Probationary period.

"Promotion" means the change of an employee from a position of one (1) class to a higher level~~higher-level~~ position with a higher maximum pay rate.



"Reclassification" means the process of analysis by which an established position is reviewed to determine whether the duties and responsibilities of that position have materially changed.

"Regular employee" means an employee who has been appointed to a regular position in accordance with this chapter, who shall receive all leave and benefits in proportion to hours worked and who shall be entitled to rights of grievance and appeal except during the probationary period. A regular employee may be full-time or part-time.

"Regular position" means a full-time or part-time position that has been designated in the annual budget to receive all leave and benefits in proportion to hours worked.

"Reprimand" means a censure of an employee by a supervisor.

"Resignation" means the voluntary termination of an employee from the municipal service.

"Retirement" means the voluntary termination of an employee due to the employee's eligibility for immediate retirement under the applicable State retirement plan, consistent with all applicable laws.

"Seasonal employee" means an at-will employee who has been appointed to a seasonal position created to last no more than nine (9) consecutive months who is not eligible to receive leave and benefits, except those required by law, and who is not entitled to rights of grievance and appeal. A seasonal employee may be full-time or part-time.

"Selection techniques" means methods by which the suitability of job applicants are compared in order to determine whether to appoint any of them and, if so, which applicant to appoint.

"Shift employee" means an employee who, upon employment, may be required to work holidays and weekends.

"Supervisor" means an employee who has been given the authority in the interest of the employer to assign, direct, or reprimand subordinate employees, or effectively recommend such action. Supervisory personnel also have the power to recommend formal disciplinary actions and evaluate performance.

"Suspension" means an absence without pay imposed on an employee for disciplinary reasons by a department head.

"Temporary employee" means an employee who has been appointed to a temporary position in accordance with this chapter, who is not eligible to receive leave and benefits, except those required by law, and who is not entitled to rights of grievance and appeal. A temporary employee may be full-time or part-time.

"Temporary position" means an at-will full-time or part-time position created to last no more than nine (9) consecutive months and has not been designated in the annual budget to receive



leave and benefits, except those required by law, and who is not entitled to rights of grievance or appeal. A temporary employee may be full-time or part-time.

"Termination" means the voluntary or involuntary end of employment of an individual employee.

"Transfer" means the appointment or assignment of an employee to a new position either (i) within the same classification or (ii) within a new classification still within the municipal service.

"Workers' compensation" means the program established to provide benefits to employees injured on the job.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.040 - Applicability—Administration and implementation.**

This chapter shall be applicable to all employees to the extent of and according to this chapter, except as otherwise provided by ordinance. Responsibility and authority for the implementation and administration of this chapter is vested in the City Manager, notwithstanding any other section of this chapter.

~~Wherever the male gender is used in this section, it shall be construed to include male and female employees. Wherever the masculine gender is used in this section, in defining the qualifications for specific entitlements or conditions of employment, it shall be construed to include the feminine.~~

~~(Ord. 916 (part), 2003)~~

## **2.56.050 - City Manager—Authority and responsibility.**

Subject to applicable State law, charter provisions, ordinances, and resolutions for regulations and policies of the City Commission, the City Manager has and retains all rights to administer the affairs of the City, either personally or through ~~his or her~~ subordinates. For the purpose of this chapter, these rights include but are not limited to the right to:

- A. Hire, promote, reclassify, transfer, assign, lay off, and recall employees to work;
- B. Reprimand, suspend, demote, ~~discharge~~ terminate, or otherwise discipline employees;
- C. Judge the employee's skill, ability and efficiency, and general performance;
- D. Determine the starting and quitting times and the number of hours to be worked;
- E. Determine the assignment of work and the size and composition of the work force;
- F. Revise, eliminate, combine, or establish new jobs and classifications;

- G. Establish, close down, or expand the operation of any facility, department, or division and reduce, increase, alter, reorganize, combine, transfer, or cease any department's operation, equipment, or service;
- H. Subcontract and determine the services to be rendered, bought, or sold;
- I. Introduce technological changes; new, improved, or modified services, methods, techniques and equipment; and otherwise generally manage the operation and direct the work force.

~~(Ord. 916 (part), 2003)~~

### **2.56.060 - Amendment.**

Amendments to this chapter may be proposed by the City Manager to the City Commission as required. All amendments shall be adopted by ordinance and shall become effective upon adoption by the City Commission or on such date as the City Commission designates.

~~(Ord. 916 (part), 2003)~~

### **2.56.070 - Administrative procedures and regulations.**

The City Manager, at any time deemed ~~by him or her~~ to be necessary or proper for the purpose of enforcement or implementation, may ~~him or herself or may~~ by ~~his or her~~ authorization and through ~~his or her~~ designee adopt, amend, or rescind written administrative procedures or regulations consistent with this chapter. Such procedures or regulations shall be effective on the dates specified by the City Manager and shall be placed on record in the ~~personnel office~~ human resource department, together with this chapter, to be open to public inspection during normal working hours. These administrative regulations shall also be distributed to management personnel and employees in all departments in a manner dictated by the Human Resource Director that allows for effective dissemination and shall be posted on bulletin boards, for a minimum of thirty (30) days.

~~(Ord. 916 (part), 2003)~~

### **2.56.080 - Equal employment opportunity.**

It has been and will continue to be a fundamental policy of the City not to unfairly discriminate against individuals on the basis of race, color, religion, sex, pregnancy, ancestry, sexual orientation, and gender identity or expression, spousal affiliation, national origin, age, physical or mental handicap or disability, serious medical condition, genetic information, ~~or~~ status as a military veteran, or any other legally protected characteristic with respect to recruitment, hiring, discipline, training, and promotion, working conditions, wages and salary, employee benefits, and the application of policies. ~~Further, it is the policy of the City to comply with the concepts and practices of affirmative action.~~ This policy shall not be used as a basis for excluding or



separating individuals of a particular characteristic as identified in this section from participating in business or work-related social activities or discussions to avoid allegations of harassment.

- A. Effective implementation and continuing administration of this policy will be the direct responsibility of the City Manager or the City Manager's designee. The City Manager or designee ~~serves as affirmative action administrator with~~ has the responsibility-responsibilities to maintain and implement the affirmative action plan and to ensure that the coordination, direction, and review of equal employment opportunity policies, practices, and programs is accomplished. Questions or concerns about this policy should be directed to the Human Resource Director.
- B. All supervisory personnel ~~should-shall make special efforts to~~ ensure that all employees reporting to them understand and effectively implement the policy. Further, supervisory personnel shall promptly report any alleged harassment or discriminatory treatment they become aware of to the City Manager or Human Resource Director.
- C. The City does not condone and will not tolerate the discrimination, harassment, or bullying of any employee. In addition, it is a violation of City policy for any employee to engage ~~in sexual or any other form of employee harassment~~ in any form of harassment, discrimination, or bullying. Complaints of harassment of any type, including sexual harassment, should be brought to the attention of the City Manager or the ~~Personnel Director~~ Human Resource Director.
- D. Harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of a legally protected characteristic, or that of their relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment, (ii) has the purpose or effect of unreasonably interfering with an individual's work performance, or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on City time, or using City equipment by e-mail, phone, text messages, social networking sites, or other means.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

- E. If an employee feels that they have been subjected to harassment, they may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the



alleged harasser directly, they should report the incident to the Human Resource Director or City Manager. \_\_\_\_

- F. Bullying is defined as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes threatening, humiliating or intimidating behaviors, work interference/sabotage that prevents work from getting done, or verbal abuse. Bullying can be behavior that is verbal, physical, gesture, or exclusion.
- G. ~~Further, all~~All complaints of discriminatory treatment, harassment, bullying, or retaliation in violation of this policy should be brought to the attention of the City Manager or the Personnel-Human Resource Director.
- H. Complaints of harassment, ~~or~~ discriminatory treatment, bullying, or retaliation should be brought forward as promptly as reasonably possible after the alleged harassment, ~~or~~ discriminatory treatment, bullying, or retaliation occurs. A prompt, thorough, and impartial investigation will be conducted in as confidential manner as possible. The City will protect the confidentiality of employees who report or participate in the investigation of alleged harassment, discriminatory treatment, bullying, or retaliation to the greatest possible extent consistent with adequate investigation and appropriate corrective action.
- I. Any person reporting harassment, ~~or~~ discriminatory treatment, bullying, or retaliation or participating in an investigation of harassment, ~~or~~ discriminatory treatment, or bullying shall not be subject to retaliatory action.
- J. Employees who report alleged harassment, discriminatory treatment, bullying, or retaliation will be notified of the status of their complaint, the results of the investigation, and any corrective or preventative action taken. ~~Corrective or preventative action resulting from the reporting of alleged harassment, discriminatory treatment, bullying, or retaliation will be implemented promptly.~~
- K. It is the responsibility of each and every employee of the City to give this policy of equal employment opportunity real meaning and full support.
- ~~K.L.~~ Violations of the equal employment policy including any acts of harassment, discrimination, bullying, or retaliation are subject to progressive discipline, up to and including involuntary termination of employment. False and malicious complaints of harassment, discrimination, bullying, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

(Ord. 916 (part), 2003)

### **2.56.090 – Reasonable accommodation.**

Reasonable accommodations will be provided to qualified applicants and employees known physical or mental disability, medical, or religious reasons as required by federal or state law unless doing so poses and undue hardship on the City.- Requests for reasonable accommodation should be addressed to the Human Resource Director.



## 2.56.100 – Whistleblower.

The City requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees of the City, employees must practice honesty and integrity in fulfilling their duties and responsibilities and comply with all applicable laws and regulations.—. This Whistleblower Policy is intended to encourage and enable employees to raise serious concerns internally so that the City can address and correct inappropriate conduct and actions. A whistleblower, as defined by this policy, is an employee of the City who reports an activity that they consider to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; an appropriate designee of the City Manager is charged with this responsibility.—. Examples of illegal or dishonest activities include, but are not limited to, violations of federal, state, or local laws; billing for services not performed or for goods not delivered; safety policy violations; and other fraudulent financial reporting.

- A. Effective implementation and continuing administration of this policy will be the direct responsibility of the City Manager or the City Manager's designee. Questions or concerns about this policy should be directed to the Human Resource Director or City Attorney.
- B. Employees who have knowledge of or a concern of illegal or dishonest fraudulent activity should contact their immediate supervisor, the Human Resource Director, or the City Attorney. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline, up to and including involuntary termination.
- C. All supervisory personnel shall ~~hould make special efforts to ensure that all employees reporting to them understand the policy.~~ Further, supervisory personnel shall promptly report any allegations of illegal or dishonest behavior brought to their attention to the Human Resource Director or City Attorney.
- D. Reports of illegal or dishonest fraudulent activity should be brought forward as promptly as reasonably possible. A prompt, thorough, and impartial investigation will be conducted in as confidential manner as possible. The City will protect the confidentiality of employees who report or participate in the investigation to the greatest possible extent consistent with adequate investigation and appropriate corrective action.
- E. It is a violation of this policy to retaliate, or for a supervisor to allow retaliation, against an employee who in good faith reports an ethics violation or a suspected violation of law.—. In addition, any employee participating in an investigation of illegal or dishonest fraudulent activity shall not be subject to retaliatory action.
- F. Violations of the whistleblower policy are subject to progressive discipline, up to and including involuntary termination of employment.—.



## Article 2 - Classification

### 2.56.200 - Identification—Consistency in pay ranges—Approval of plan.

Each position within the City shall be classified and shall be identified by a class specification and class title. A, and all positions within a classification shall be subject to the same pay range through the annual budget process.

~~(Ord. 916 (part), 2003)~~

### 2.56.210 - New positions—Classification required before filling.

No person shall be employed by the City to fill a position with any classification or pay range not included in the classification plan.

~~(Ord. 916 (part), 2003)~~

### 2.56.220 - Maintenance of plan.

The City Manager shall periodically instruct the ~~Personnel~~ Human Resource Director to review the duties and responsibilities of positions within the City.

~~(Ord. 916 (part), 2003)~~

### 2.56.230 - Reclassification.

~~Reclassification shall be conducted according to the procedures set forth in administrative regulation. Reclassification of a position may be requested to recognize a significant change in the duties and responsibilities of a position. Reclassification shall not be used as a method of awarding an employee a salary increase or rewarding high performance. A position being reclassified does not in itself require a salary increase of the current incumbent if the incumbent is still within the position's pay after reclassification.~~

Reclassification requests will be submitted along with a job analysis, the job description, a letter justifying the reclassification request, and organizational chart by the Department Head to the Human Resource Director for evaluation.

After completion of a job audit by the human resource department, the Human Resource Director will present reclassification requests received from the Department Head to the City Manager.

The City Manager will determine if a reclassification may be justified and may direct the human resource department to analyze the position and make a classification recommendation.

Although there may be various instances when a position is reclassified, such as during reorganization or when directed by the City Manager, the customary time for submitting a reclassification request is during budget adjustments or prior to the annual budget preparation.—. The ideal time for reclassification is when the position is vacant.

Compensation and review considerations are addressed in 2.56.360 – Reclassification.

(Ord. 916 (part), 2003)

### **Article 3 – Pay Compensation**

#### **2.56.300 - Pay Compensation plan review—Recommendation.**

The City Manager may periodically instruct the Human Resource Personnel Director to review and propose a compensation plan which considers both salary and benefit levels; for job classifications within the classification plan. The pay-compensation plan shall be recommended by the City Manager to the City Commission.

(Ord. 916 (part), 2003)

#### **2.56.310 - Employees paid according to classification and pay compensation plans—City Manager's authority.**

All employees shall be paid in accordance with the approved pay-compensation and classification plans. The City Manager shall have the final authority with respect to the assignment or change in assignment to rates within the approved pay-compensation and classification plans.

(Ord. 916 (part), 2003)

#### **2.56.320 - Rate at appointment—Increases.**

Upon original appointment, all persons employed by the City shall be paid at the minimum rate for the classification. However, the City Manager may authorize original appointments at higher than the minimum rate within the designated pay range if the employee demonstrates exceptional experience, education, or ~~and~~ training beyond the minimum qualifications in the job description, or to accommodate market conditions. A memo documenting the justification for appointments at higher than the minimum rate shall be submitted to the Human Resource Director and City Manager for review.

The Human Resource Director shall be responsible for reviewing all proposed appointment pay rates for (i) equity within the appointee's classification and (ii) equity in relation to incumbents



in classifications that may be training or serving in a leadership capacity to the appointee.—. If a potential internal equity issue exists, the Human Resource Director has the authority to establish a maximum appointment rate regardless of experience, education, or training of the appointee.

If hired at higher than the minimum rate, such employee shall be eligible for salary increases in accordance with the approved pay-compensation plan.

(Ord. 916 (part), 2003)

### **2.56.330 - Raises-Rate increases upon promotion.**

An employee ~~shall~~may, upon promotion, receive an increase in pay consistent with the approved pay-compensation plan. The performance review date will not change as a result of the promotion.

(Ord. 916 (part), 2003)

### **2.56.340 – Rate decreases upon Ddemotion.**

When an employee is demoted for disciplinary reasons to a position having a lower classification level, the employee shall receive a salary decrease. The decrease shall be within the pay range of the ~~lower level~~lower-level position. If an employee receives a demotion for non-disciplinary reasons, the rate of pay may equal the rate of pay received prior to the demotion, provided the rate of pay is in the pay range of the ~~lower level~~lower-level position. The performance review date will not change as a result of the demotion.

(Ord. 916 (part), 2003)

### **2.56.350 - Transfer.**

When an employee is transferred within the same pay grade, the rate of pay shall remain the same. The performance review date will not change as a result of the transfer. If the transfer is from a seasonal or temporary position to a regular permanent position, a new permanent hire date and performance review date will be established.

(Ord. 916 (part), 2003)

### **2.56.360 - Reclassification.**

The process of reclassification is addressed in 2.56.230 - Reclassification.

- A. If~~When~~ an employee's position is reclassified to a ~~higher level~~higher-level classification or when a classification is assigned to a higher salary range, no reduction in the base pay rate will result. The employee shall receive at least the minimum rate of pay in the new range or a rate of pay higher than the minimum rate of pay within the designated range based upon the recommendations of the ~~Personnel~~Human Resource Director and the approval of the City



Manager. A position being reclassified to a higher-level does not in itself require a salary increase if the employee is already within the position's salary range after reclassification.

- B. When an employee's position is reclassified to a ~~lower level~~lower-level classification or when a classification is assigned to a lower salary range, the affected employee shall be permitted to continue at ~~his or her~~the present rate of pay. The employee shall not be eligible for salary increases until the salary range encompasses the incumbent's pay rate.

—An employee's performance review date does not change as a result of a reclassification.

(Ord. 916 (part), 2003)

### **2.56.370 — Distribution of pay upon Ttermination.**

If an employee is involuntarily terminated~~-dismissed~~, the final check shall be issued within five (5) calendar days pursuant to applicable law. If an employee ~~resigns~~is voluntarily terminated, the final check is due and payable the next regular payday.

In the event a final paycheck is unclaimed or not cashed, the human resource department will mail the final check to the address on file with the human resource department.—. In the event a forwarding address is unknown, the human resource department will make all efforts available to them to locate the employee or a forwarding address.

### **2.56.380 – Paychecksay periods & distribution.**

Employees are paid every two (2) weeks with the pay period beginning on Sunday and ending on Saturday fourteen (14) days later. -Employees can elect to either receive pay distribution via a physical check or direct deposit. Employees must have the Direct Deposit form complete and on file with the human resource department for direct deposit. The City is not responsible for paychecks that an employee requests to be mailed first class that are subsequently lost.—. Lost paychecks will be handled according to 2.56.390 – Corrections.

-Physical paychecks and direct deposit advices shall be distributed to department management on payday, except as identified below.—. Employees will be notified by their managers as to department paycheck distribution policies.

If a payday occurs on a holiday, paychecks will be distributed on the workday before the holiday, whenever possible.—.

Employees may designate another person to pick-up their paycheck or request the paycheck to be mailed by submitting an Authorization for Release of Payroll Check for the human resource department.

Paychecks which have not been distributed by the department representative by the end of the payday will be returned to the human resource department. Paychecks which have not been picked up from the human resource department by the day after payday will be mailed to the address on file with the human resource department.



### **2.56.385 – Employee compensation information.**

Employees are responsible for ensuring the human resource department has current information including, but not limited to:

- A. Changes in tax status or withholdings documented on a W-4 form resulting from a marriage, a divorce, the birth of a child or the loss of a deduction.
- B. Changes to home address, phone number, or e-mail address.
- C. Name changes. All name changes must be reported within thirty (30) calendar days and must be accompanied by a Social Security card (or receipt), new Driver's License (if applicable), and marriage certificate (if applicable) to be processed.

### **2.56.390 – Corrections.**

Employees should promptly contact their direct supervisor, human resource department, or the Finance department if a possible error in the amount of pay is detected.

- A. Replacement checks may be issued in the event of a lost or stolen physical check after the employee has completed an affidavit. The employee shall wait one (1) week before the Finance department can reissue the check after the stop payment has been accepted and cleared by the bank. Any fees incurred by the City may be passed along to the employee and deducted from the paycheck in accordance with applicable Federal and State law.
- B. Corrections in under or over-payments will appear on the next regularly issued paycheck, except in emergencies.
- C. Retroactive Pay, such as a resulting from a pay increase, will be paid in the next regularly issued paycheck.

### **2.56.395 – Tracking of hours worked.**

Federal and state record-keeping requirements require the City to maintain accurate records and to enforce certain regulations. Employees who fail to abide by these regulations are subject to disciplinary action, up to and including immediate involuntary termination of employment.

- A. Exempt employees: Exempt employees are not required to use the time clock to record hours worked daily. Exempt employees must record all full-day and half-day absences in the time clock system.
- B. Non-exempt employees: Non-exempt employees must use the time clock to record hours worked daily.
- C. All hours worked must be recorded. Working "off the clock" is strictly prohibited for non-exempt employees. Time spent by non-exempt employees using electronic communications for work purposes will be considered hours worked; the time is compensable and will count toward overtime eligibility as required by law. Therefore, electronic communications should not be used outside regularly scheduled work hours unless required and approved by management. This includes all types of work-related communication. Non-exempt employees should not check for, read, send, or respond to work-related e-mails outside their



normal work schedules unless specifically authorized based on job duties or direction by management to do so.

- D. Employees must clock-in at the beginning of their workday, out at the end of their workday in and out for meal periods, and out when leaving the premises during working hours for reasons other than City business. -Clocking in and out at the same time is prohibited.
- E. Employees may only record their own time in the time clock system--. Supervisors may adjust an employee's time if they failed to clock in or out.
- F. Employees may not clock-in earlier than seven (7) minutes before their scheduled starting time without prior authorization from the supervisor or department head.
- G. Employees may only clock-in when they are ready to start work--. The practice of clocking-in and then taking a break is not allowed.

(Ord. 916 (part), 2003)

## **Article 4 - Hours of Work and Overtime**

### **2.56.400 - Hours of work.**

An employee's normal work schedule may vary and is determined by the respective department head.

The standard workweek used to determine overtime eligibility for non-exempt employees shall equal forty (40) hours ~~for all employees~~, regardless of ~~their-an employee's~~ particular work schedule, unless otherwise designated by the City Commission or collective bargaining agreement. The standard workweek shall begin Sunday at midnight and end on Saturday at 11:59 p.m.

(Ord. 916 (part), 2003)

### **2.56.410 - Overtime—Eligibility for non-exempt positions.**

Any non-exempt ~~or hourly~~ employee who works time in excess of the standard workweek shall be compensated for overtime. This applies to full-time, part-time, seasonal, and temporary employees. Compensation may be in the form of pay or compensatory time off consistent with the provisions of the Fair Labor Standards Act ~~and the applicable administrative regulation~~. Overtime shall be compensated at one and one-half (1½) times the regular hourly rate--. The City reserves the right to require employees to take monetary payment for overtime rather than accrue compensatory time off. For general employees, accumulated compensatory time will be capped at twenty (20) hours. All exceptions to accumulated compensatory time caps for general employees must be approved by the City Manager. Accumulated compensatory time caps for bargaining unit employees shall be pursuant to the collective bargaining agreement.

(Ord. 916 (part), 2003)

### **2.56.420 - Overtime—Scheduling.**



Overtime shall be authorized only by a department head. Overtime may be assigned and required in consideration of work requirements and resource availability.

(Ord. 916 (part), 2003)

## 2.56.430 - Computation of overtime.

- A. Extended Duty. For overtime extending beyond the normal work period when the employee does not leave the work site, ~~pursuant to administrative regulation,~~ eligible employees will be compensated overtime based on ~~quarter-hour increments, depending on the~~ time worked.
- B. Callback Pay. When a non-exempt employee is called back for unscheduled work after having left the work site after completion of a regularly scheduled shift, all work performed shall be compensated at the applicable rate. ~~On the first call back in each day, the employee will be compensated for a minimum of one (1) hour or actual time worked, whichever is greater.~~ For subsequent call backs in the same given day, the employee shall be compensated for hours actually worked.
- C. On-Call Pay. ~~For departments who do not maintain a twenty-four (24) hour operation and require routine on-call duty in order to respond to after-hour and/or weekend calls, the on-call employee shall be compensated as follows: for a maximum of- FourteenTen (104) hours of additional pay at straight time for each full week of on-call time. The on-call time shall to be reported as follows: TwoSix (62) hours for Friday, Saturday and Sunday (weekends) and four (4) hours for Monday through Thursday (after hours) per day for each day in which on-call duty is performed. These hours will not be adjusted for on-call time during holidays, etc, etc. Eligibility for on-call pay requires inclusion on a written on-call schedule approved by the department head.~~ On-call employees may be subject to disciplinary action and loss of on-call compensation if an employee is unable, through illness, emergency, or any other reason to carry out on-call responsibilities.
- D. Court Appearances. When any non-exempt employee is called to testify in a court case and the basis of ~~his or her~~their testimony is related to the performance of ~~his or her~~ job duties, ~~he or she~~the employee shall be eligible for court appearance pay. Court appearance pay shall be granted only when the hearing is scheduled outside of the employee's regular work schedule. This provision does not apply to employee plaintiffs in actions against the City.
- E. ~~Part-time Employees. Overtime shall be compensated to part-time employees whenever their total hours worked is in excess of forty (40) hours per~~Effect of Paid Leave. For general employees, No paid holiday, paid time off, paid administrative leave, or compensatory time used shall be counted as working time in determining eligibility for overtime. Paid holiday, paid time off, paid administrative leave, or compensatory time for bargaining unit employees shall be pursuant to the collective bargaining agreement.
- F. Training. When training is required by the City for an employee, an effort will be made to arrange for the training during an employee's regularly scheduled work hours. However, a



department head may change an employee's normal work hours to accommodate the training schedule.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013-)~~

## **2.56.440 - Positions ineligible for overtime—Compensatory absences.**

Employees in exempt positions, as defined by the Fair Labor Standards Act, are expected to work, without direct compensation, in excess of the standard workday or workweek to complete job duties. Exempt employees shall not be eligible to receive overtime for such time worked; moreover, any such time shall not be compensable in wages or salaries, nor shall it be accumulated. If, however, an exempt employee works an excessive amount of time beyond the standard workweek, the department head may grant short administrative absences without the use of accumulated paid time off. The granting of such absences, including the time allowed for and the scheduling of these absences, shall be strictly discretionary with the department head. The Mayor will approve such absences for the City Manager.

An exempt employee, at the sole discretion of their department head, may adjust their schedule to allow for an extended workday(s) to be completed in return for a shortened workday or additional day off within the same pay period—. Approved flextime shall not negatively affect the workload or productivity of coworkers either by shifting burdens or creating delays and additional steps in the process—. In addition, hours of operation and services available for City employees and/or citizens of Hobbs shall not be affected by flextime schedules.

Exempt employees shall not be permitted to use paid time off in increments less than four (4) hours—. Exempt employees are required to utilize a minimum of forty (40) hours of paid time off per calendar year unless an exception for extenuating circumstances is approved by the department head and City Manager—. Paid time off donated according to the City's paid time off donation program will be credited toward the forty (40) hour yearly threshold.

If an exempt employee fails to use or donate the minimum of forty (40) hours paid time off in the calendar year by the last pay period in December and does not have an exception approved by both the Department Head and the City Manager, then that employee will lose the forty (40) paid time off hours and that forty (40) paid time off hours will not be carried forward into the next year's accruals nor will the forty (40) paid time off hours be paid out at the end of the calendar year.

If an exempt employee fails to use or donate the minimum of forty (40) paid time off hours in the calendar year, but utilizes or donates an amount less than forty (40) paid time off hours and does not have an exception approved by both the Department Head and the City Manager, then that employee will lose the amount of paid time off that would bring the paid time off used up to the forty (40) paid time off hours required to be used in the calendar year. The remaining paid time off, short of the forty (40) hour requirement, will not be carried forward into the next year's



accruals nor will the remaining paid time off short of the forty (40) hour requirement be paid out at the end of the calendar year.

(Ord. 916 (part), 2003)

## **2.56.450- Work breaks.**

- A. Under this chapter, the department head may, but is not required to, provide for work breaks during the working day. No more than two (2) such breaks shall be granted, not to exceed fifteen (15) minutes each, including related travel time. Work breaks shall not be considered to accumulate if they are not taken and shall not be used to shorten the normal workday. The granting of such breaks shall depend on the constraints of working conditions and staffing within each department. Regulations regarding such breaks shall be set forth by the department head and approved by the Human Resource Director. Compensation for work breaks of fifteen (15) minutes or less will be in accordance with federal and state law.
- B. Department heads may, but are not required to, provide for a meal period of up to one (1) hour in which the employee is fully relieved of all duties--. Regulations regarding such meal periods shall be set forth by the department head and approved by the Human Resource Director--. Employees will not be compensated for bona-fide meal periods of thirty (30) minutes or more.
- B.C. A written policy will be on file with the human resource department outlining required rest and break periods as dictated by the City Manager for reasons related to safety in the workplace.
- C.D. In accordance with federal and state regulations, the City will provide reasonable break time for an employee to express breast milk for a nursing child for one (1) year after the child's birth in a clean and private space, other than a bathroom, that is free from intrusion from coworkers and the public--. Such breaks shall not be compensated beyond the established breaks as defined in subsections (A) and (B) of this section.

(Ord. 916 (part), 2003)

## **2.56.460 - Absences.**

Under this chapter, the procedure of notification of absences may vary by position and is determined by the respective department head. -Excessive unexcused absences and tardiness are subject to progressive discipline, up to and including involuntary termination.

Any unapproved absence from work shall be considered unauthorized and may be subject to disciplinary action, up to and including involuntary termination.

The City does not discriminate on the basis of religion and will make every effort to reasonably accommodate an employee's sincerely held religious beliefs with absences and schedule changes. Reasonable accommodations may include allowing flexible arrival and departure times, flexible work breaks, staggered work hours, and other means to enable an employee to make up time lost due to the observance of religious practices. -The City will not be able to accommodate when the absence or schedule change creates an undue hardship that will disrupt



business operations. Under Title VII, a religious accommodation is an undue hardship when it poses a “more than de minimis” cost or burden—. Employees are responsible for giving supervisors as much notice as practical. Employees are encouraged to discuss any questions or issues with the human resource department.

## **Article 5 - Appointment**

### **2.56.500 - Recruitment and application process.**

- A. Announcement of Vacancies. Under this chapter, the ~~personnel office~~human resource department shall prepare job announcements using such publicity as deemed appropriate to reach prospective applicants for the position to be filled. All job announcements and other publicity material concerning position vacancies shall explicitly state that the City is an equal opportunity employer. -Vacancies will be posted for a minimum of five (5) business days.
- B. Area for Consideration. Individuals shall be recruited from a geographic area sufficiently broad to ensure the selection of well-qualified candidates for the position.
- C. Application. Every person wishing to apply for employment with the City must complete a City of Hobbs job application ~~form and submit the form to the Personnel Division.~~ If a resume is submitted for a position, the person shall complete an application ~~form~~ prior to being considered for the position. Such ~~form application~~ shall provide information concerning ~~training, experience, references~~job qualifications and such other data as deemed necessary by the Human Resource Director.
- D. Disqualification of Applicants. Applicants may be disqualified for consideration for employment when any of the following factors exist:
1. The applicant does not possess the minimum qualifications for the job.
  2. The applicant is not physically or mentally fit to perform the duties of the job, with or without reasonable qualifications accommodations accommodations.
  3. The applicant has demonstrated an unsatisfactory employment record or personal record as evidenced by the results of a background and/or reference check.
  4. The applicant refuses to sign an affidavit allowing a background investigation.
  5. The applicant has given false information in ~~his or her~~the job application, practiced deception during the selection process, or does not complete the application.
  6. The applicant failed to pass selection procedures as administered by the City.
  7. The applicant receives a positive test result on a pre-employment drug test.
  8. The applicant fails to provide copies of required documents requested in the application and selection process prior to a final decision on hiring.
  9. The applicant is suspended from employment or is otherwise under disciplinary sanction, by ~~his or her~~a current employer, including the City.
- E. Discrimination. No applicant should be unfairly disqualified because of race, color, religion, sex, pregnancy, ancestry, sexual orientation and gender identity or expression, spousal affiliation, national origin, age, physical or mental handicap or disability, serious medical condition, genetic information, status as a military veteran, or any other legally protected characteristic. ~~age, race, color, religion, national origin, sex, sexual orientation, physical or~~



~~mental disability, serious medical condition, or veteran status, or any other legally protected characteristic.~~

- F. ~~Selection Procedures.— The Human Resource Director, in consultation with the department head, will determine the verification techniques utilized, such as, but not necessarily limited to, reference checks, background investigations, examinations as outlined in 2.56.510 – Nature and types of examinations subsection (A), and drug testing. -Verification techniques will be job-related and may be position specific.~~

~~(Ord. 916 (part), 2003)~~

## **2.56.510 - Nature and types of examinations.**

- A. Selection Techniques. For the purpose of this chapter, the selection techniques used in the examination process shall be objective, of a practical nature, and shall relate to those factors which, upon the review of the ~~Personnel~~ Human Resource Director, in consultation with the department head, can reasonably be expected to measure the relative capabilities of the persons examined in their ability to execute the duties and responsibilities of the position to which they seek to be appointed. Examinations shall consist of selection techniques which will fairly assess the qualifications of candidates, such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, oral Boards, assessment centers, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, or any combination of these or other tests.
- B. Open Competitive Examination. Open competitive examinations ~~will~~ may, at the discretion of the Human Resource Director and the respective department head, be given for ~~all~~ any positions to be filled in the municipal service unless the needs of the service require a promotional examination as set forth in subsection C of this section. When internal candidates and outside candidates have equal qualifications and examination scores, preference will be given to the internal candidate, ~~provided that the outside candidate is not from an affected group identified in the EEO plan or related documents.~~
- C. Promotional Examination. Whenever an adequate number of qualified candidates are available within the City without the necessity of outside recruitment, as determined by the ~~Personnel~~ Human Resource Director and the respective department head, a promotional examination may be utilized. The department head ~~and Human Resource Director~~ must approve any promotional examination held as a means of establishing qualified employees for promotion to fill existing or future vacancies. Promotional examination may include any of the selection techniques mentioned in this section, or any combination of them. Promotional examinations may be conducted on a City, department, or divisional basis. Only those employed at the time of application who meet the requirements set forth in the promotional announcements may compete in promotional examinations.

~~(Ord. 916 (part), 2003)~~

## **2.56.520- Employment lists.**

- A. Creation of Lists. After the completion of an examination ~~and~~ or selection process, the ~~Personnel~~ Human Resource Director, upon request from the department head, may establish



an employment list as a means of recommending qualified individuals to fill existing or future vacancies. Employment lists shall be of two (2) types:

1. Open competitive employment lists result from selection processes in which both internal and external applicants are eligible to participate. These lists shall include the names of all persons who have ~~(i) successfully~~ successfully completed a class or position examination that was announced as an open competitive examination and (ii) have met the minimum scoring as established by the Human Resource Director and department head prior to the position class or examination.
  2. Promotion employment lists result from selection processes in which only internal applicants are eligible to participate. These lists shall include the names of those employees who have successfully completed a promotional examination for a position or a class of work. Such lists may be used in conjunction with other recruitment procedures at the discretion of the ~~Personnel~~ Human Resource Director. Placement on an employment list shall in no way entitle an applicant or candidate to appointment to any position.
- B. Duration of Lists. Employment lists may remain in effect for up to one (1) year.
- C. Rule of Three. The hiring supervisor shall have the right to invoke the rule of three (3) when hiring from an established list. For purposes of this section, the rule of three (3) is defined as follows: In the case of one (1) vacancy, the top three (3) scoring candidates on an established list are eligible for appointment. For each additional vacancy, one (1) additional candidate may be eligible for appointment.
- D. Reemployment Lists. The names of regular employees who have been laid off shall be placed on appropriate reemployment lists for twelve (12) months in order of total continuous time served in probationary and regular status.
- E. Removal of Names ~~From~~ from List. The name of any person appearing on an employment or reemployment list shall be removed by the ~~Personnel~~ Human Resource Director if the eligible person requests in writing that ~~his or her~~ their name be removed, ~~if he or she fails~~ for failure to respond to a notice of appointment mailed to ~~his or her~~ the last known address, or when the list expires, as specified in this chapter. The names of persons on promotional employment lists who resign shall automatically be dropped from such lists.
- F. Waivers. Eligible applicants may waive their right to appointment without suffering any loss of status on the employment list by so doing. However, when a candidate has waived appointment two (2) ~~times, his or her~~ times the candidate name shall automatically be dropped from such list.

~~(Ord. 916 (part), 2003)~~

## **2.56.530 - Job vacancies.**

- A. Notice to ~~Personnel~~ Human Resource Director. Under this chapter, whenever a vacancy is to be filled, notification shall be given to the ~~Personnel~~ Human Resource Director. If there is no reemployment list available for the class, the City Manager, upon recommendation of the department head, shall have the right to decide whether to fill the vacancy by transfer,



appointment from a promotional employment list, appointment from an open employment list, or a combination of these categories.

- B. Appointment. All persons shall be selected on the basis of ~~job-related~~job-related criteria. No person shall be selected for employment without the ~~approval-authorization~~ of the department head, Human Resource Director, and the ~~authorization-of-the~~ City Manager.

(Ord. 916 (part), 2003)

## **2.56.540- Types of appointment—Status.**

- A. Regular Appointment. Any employee who is appointed to a regular position shall receive all leave and benefits in proportion to hours worked and shall be entitled to rights of grievance and appeal except during the probationary period. A regular appointment may be full-time or part-time. Regular appointments that are part-time shall receive benefits in proportion to hours worked, ~~pursuant to administrative regulation.~~
- B. Temporary Appointment.
1. Any employee who is appointed to a temporary position shall not receive leave and benefits, except those required by law, and shall not be entitled to rights of grievance and appeal. The services of a temporary employee may be terminated without cause. A temporary appointment may be full-time or part-time.
  2. If a temporary employee is appointed to a regular position, the employee's performance review date shall be established as the effective date of the regular appointment.
- C. Acting Appointment. For the good of the service or for a temporary job vacancy or for the purposes of providing training, the City Manager may assign an employee to a different job classification. Assignment of acting status shall entitle the employee to the salary associated with that job classification for the duration of the assignment, provided such salary is equal to or higher than an employee's current pay rate. The City Manager may not assign an employee to acting status for a period of less than one (1) calendar month of duty ~~or more than six (6) calendar months.~~ The City Commission may assign an employee as acting City Manager upon the vacancy of the City Manager position for an indeterminate period until a permanent City Manager is employed.
- D. Seasonal Appointment. The City Manager may authorize temporary appointments without examination to positions which are typically seasonal or non-regular in nature. Such appointments shall be made only to temporary positions. Persons appointed for seasonal employment must meet the minimum age requirements and employment standards of the class to which appointed.
- E. Interim Appointment. The City Manager may appoint an outside applicant without examination on an interim basis for a period not to exceed six (6) months to a position that has been vacated temporarily. Persons appointed on an interim basis must meet the minimum training and experience qualifications for the class in which employed.

(Ord. 916 (part), 2003)



## 2.56.550 - Probationary period.

- A. All employees shall be subject to an initial one-year probationary period.
- a. The probationary period for general employees begins at the date of hire.
  - b. The probationary period for members of the police certified service begins at the date of hire or appointment to the police certified service and ending after two thousand eighty (2,080) field hours as a New Mexico Certified officer, regardless of any previous City employment.
- A.c. ~~The probationary period for Members of members of the police and certified fire certified service shall serve a probationary period beginning begins~~ at the date of hire or appointment to the ~~police or~~ fire certified service and ending one (1) year after hire or appointment to the ~~police or~~ fire certified service, ~~or, for police certified service, two thousand eighty (2,080) field hours as a New Mexico Certified Officer,~~ regardless of any previous City employment.
- B. Any approved leave without pay or workers compensation leave in excess of two (2) weeks that is taken during the probationary period will extend an employee's probationary status proportionately.
- C. The probationary period shall be considered a trial employment period during which the department head shall determine the employee's suitability for the position ~~he or she occupies~~ occupied as the final step in the selection process.
- D. If at any time prior to the end of the probationary period the department head determines that the employee is not suitable for the position, the department head may recommend immediate involuntary termination of employment to be approved by the City Manager, whose decision is final. Probationary employees serve at the will of the City Manager are employed at-will and may be terminated at any time, for any reason, or for no reason, with or without prior notice. ~~without cause.~~
- E. Any employee who has not successfully completed the probationary period shall not be entitled to rights of grievance or appeal as defined by this chapter.
- F. An employee shall not be subject to a probationary period except upon original appointment or except as defined in subsection A of this section and Section 2.56.600.

(Ord. 916 (part), 2003)

## 2.56.560 - Performance review.

- A. After the successful completion of the probationary period, all full-time and part-time each employees shall have their performance reviewed. Further annual reviews will be consistent with the employee's anniversary date, every twelve (12) months or at such other times consistent with approved pay plan.
- B. If the employee disagrees with the immediate supervisor's review, the employee shall file in writing, within ten (10) calendar days, a request with the next level of supervision to review the immediate supervisor's evaluation. This process may continue at the employee's request up the chain of command until the department head has reviewed the matter. The conclusion of the department head will be deemed final and unappealable with regard to that evaluation. If the employee fails to meet the time limits imposed, the process will end, and the employee will lose any rights that have not already been exercised in regard to the



evaluation. At any step in this progression up the chain of command, the employee may stop the process and prepare a written response to the evaluation. That response will be retained in the employee's personnel file, together with the original evaluation.

~~(Ord. 916 (part), 2003)~~

## **2.56.570 - Medical examination.**

Any candidate recommended for appointment to a ~~full-time or part-time~~ City position may be required to undergo a City-funded medical examination, ~~physical abilities~~~~agility test~~, drug and/or alcohol screen and, for member of the police or fire certified service, a psychological examination by a City-designated physician. Any examination shall be ~~job-related and completed after~~ a conditional offer of employment and prior to appointment in order to determine whether the applicant is capable of satisfactorily performing the essential functions of the specific position, with or without reasonable accommodation.

The City Manager may, ~~upon request from the department head and Human Resource Director, at any time also~~ require a physical or mental examination of any employee, to be funded by the City and performed by a City-designated physician or other appropriate professional, to certify that the employee is capable of satisfactorily performing the essential functions of the position. An employee may be placed on administrative leave with pay pending the examination results.

In addition to or in lieu of an examination, an employee may also be required to submit medical information to the City's medical advisor.

~~(Ord. 916 (part), 2003)~~

## **2.56.580 - Nepotism.**

- A. It is vital to the public image of the City to avoid the practice or appearance of nepotism in employment. In carrying out this policy, the following rules shall apply without exception:
1. No relative shall be hired in any capacity if related to the City Commissioners, the Mayor, or the City Manager by blood or marriage to the third degree of kindred. The third degree of kindred includes spouses, parents, children, brothers, sisters, grandparents, grandchildren, great-grandparents, great-grandchildren, aunts, uncles, ~~nieces and nephews~~~~nieces, nephews~~~~nephews, and the equivalent step- or in-law relatives of the~~ forementioned.
  2. No person shall be hired, promoted, or transferred to a position which is under the direct supervision or the departmental chain of command of a relative, ~~and~~ in this case, meaning a blood or marriage relation to the third degree of kindred, as defined in subsection (A)(1) of this section, those in a dating relationship, or members of the same household.
  3. If two (2) employees are in positions of direct or indirect supervision through any departmental chain of command and these two (2) employees establish a relationship ~~by marriage, other operation of law, or through lifestyle accommodations being the substantial equivalent of a family relationship~~ as defined in subsection (A)(2) of this



section, the City Manager may transfer one (1) of the employees to a position removed from the supervisory control of the other if it is determined that such transfer will serve the best interests of the City.

4. Except as provided in subsections (A)(1) and (A)(2) of this section, no applicant or employee who is a relative of another City employee shall be prohibited from seeking and holding a City position or from promotion within the municipal service, provided such recruitment or promotion is conducted in accordance with this chapter and any applicable administrative regulations. However, should the employment of a relative create a conflict within the workplace, the City may require that relatives work different shifts or be under separate supervision. The City may also elect to terminate one or both relatives who are creating the workplace disruption. As such, familial disputes or tensions should not be permitted to enter the workplace.
5. When a situation that runs contrary to the above policy arises through promotion, transfer, marriage, or otherwise, that person is required to inform management and the human resource department of the relationship. The affected individuals will have three (3) months in which to settle the issue voluntarily; that is, by having one of them request a transfer or termination. If the affected parties are unable to resolve the situation on their own, the City Manager, Human Resource Director, and the employee's department head will together review the case at the end of the three (3) month period. Their decision concerning which employee (or both) is to be transferred or terminated will be binding. During those three (3) months, the supervisory employee will not be involved or have direct input in the employment decisions of the other employee.

- B. Supervisors will not knowingly allow these nepotism provisions to be compromised and all employees have an affirmative obligation to report any violations ~~to their department head~~ to the Human Resource Director.

(Ord. 916 (part), 2003)

### **2.56.590 – Reemployment of retired employees.**

The City will abide by State legislation and New Mexico Public Employees Retirement Association (PERA) guidelines regarding the reemployment of a PERA affiliate retiree. Retirees interested in employment with the City must meet the minimum qualifications for the position and complete the same application and selection process as outlined in 2.56.500 – Recruitment and application process. Service time will not be bridged for purposes of benefits accrual, seniority, or other tenure-related benefits. The retiree will be required to complete the applicable probationary period.

## **Article 6 - Changes in Employment Status**

### **2.56.600 - Transfer and promotion.**

- A. When a job vacancy is announced, any employee may apply for transfer or promotion to the position, provided the employee is not suspended from employment or otherwise under an ongoing disciplinary sanction at the time of the application. All such qualified applicants will



be considered, although no employee is assured of selection. Employees will be promoted or transferred when all other qualification and selection results are equal. If the employee successfully applies for transfer or promotion during ~~his or her~~the probationary period, the employee shall commence a new and separate probationary period in the new position.

B. The City Manager may, for the good of the service, transfer an employee within a department or division or to a different division or department in the City, without loss in pay. Such employee shall be eligible for salary increases in accordance with the approved compensation plan. ~~-. The performance review date will not change as a result of the promotiontransfer.~~

(Ord. 916 (part), 2003)

## **2.56.610 - Demotion.**

A department head may recommend an employee be demoted to a lower classification ~~and pay~~ subject to the rules set forth in Section 2.56.700. Compensation will be addressed in accordance with 2.56.340 — Rate Decreases upon Demotion. The performance review date will not change as a result of the demotion.

(Ord. 916 (part), 2003)

## **2.56.620 - Reduction in force and Layoffs.**

- A. If the City Commission determines that one (1) or more divisions or functions of the City should be privatized or eliminated, employees in the affected divisions or functions shall be subject to any agreements negotiated at the time of the privatization or elimination, and the remainder of this section should not apply in such situations.
- B. The City Manager may, for the good of the service, reduce the work-force ~~and or~~ lay off employees, other than those affected by a privatization or elimination effort as defined in subsection A of this section. Within each division the order of layoff shall be determined by the following considerations: job performance, as documented in the personnel file; suitability for the position; seniority within each classification of the work unit; seniority within the department; and seniority within the City.
- C. ~~All laid off employees shall receive an additional two (2) weeks' salary with their final paycheck.~~ All regular full-time employees laid off within a division shall be placed on a reemployment list for one (1) year and shall be returned to work if a vacancy exists within the division in reverse order of layoff, provided the employee is qualified to perform the job to be filled. Any employee so reemployed shall retain rates of accrual based upon previous ~~seniority~~ seniority and in accordance with section 2.56.820 subsection C. ~~and leave balances which were not paid at time of lay off shall be reinstated.~~
- C.D. Employees affected by a reduction in force shall not be placed on a reemployment list as there is no intention of replacing the affected position and is thus a permanent reduction in headcount.

(Ord. 916 (part), 2003)



### **2.56.630 - Furlough.**

The City Manager may, for the good of the service, reduce the workforce and furlough employees. A furlough is a mandatory temporary leave of absence from which the employee is expected to return to work or to be restored from a reduced work schedule. A furlough may be the result of lack of work, lack of funds, or other non-disciplinary reasons. The furlough may constitute either a mandatory reduced work schedule or a mandatory leave of absence.

### **2.56.6430 - Disability—Termination of employee.**

The City Manager may terminate an employee due to a disability, mental or physical, which prohibits performance of the essential functions of the job, with or without reasonable accommodation. Rules and procedures governing disability leave are set forth in Sections 2.56.875 through 2.56.905 in conformance with all applicable laws.

~~(Ord. 916 (part), 2003)~~

### **2.56.6540 - Termination/Dismissal—Grounds.**

An employee may be ~~dismissed~~involuntarily terminated, for cause, from the employ of the City subject to the rules set forth in Section 2.56.760.

~~(Ord. 916 (part), 2003)~~

### **2.56.6650 - Resignation.**

Resignation means an employee's voluntary termination of employment. Employees who fail to report to work without notification for three (3) workdays; or three (3) regularly scheduled shifts (Police) or two (2) consecutive regularly scheduled shifts (Fire) are considered to have voluntarily resigned their position.

~~(Ord. 916 (part), 2003)~~

## **Article 7 - Disciplinary Actions**

### **2.56.700 - Just cause discipline.**

Disciplinary actions for regular employees, full and part-time are based on just cause in order to promote the efficiency of the services rendered by the City and the operation of its respective departments and offices. Disciplinary actions shall be consistent with governing laws and regulations and shall be taken without regard to race, color, religion, sex, pregnancy, ancestry, sexual orientation and gender identity or expression, spousal affiliation, national origin, age, physical or mental handicap or disability, serious medical condition, genetic information, status as a military veteran, or any other legally protected characteristic~~race, age, religion, color, national origin, sex, sexual orientation, physical or mental disability or serious medical~~



~~condition,~~ or any non-merit factor. No employee shall be disciplined for refusing to perform an unlawful or unsafe act.

~~(Ord. 916 (part), 2003)~~

## **2.56.705 - Definition of just cause.**

Just cause is defined as any conduct, action or inaction arising from, or directly connected with the employee's work, which is inconsistent with the employee's obligation to the City and reflects the employee's disregard of the City's interest. Just cause includes, but is not limited to: inefficiency; incompetence; theft; misconduct; negligence; insubordination; violation of City policy or procedure; unauthorized use of City funds, property, facilities, and materials; disruptive behavior; repeated tardiness and excessive absences; unsatisfactory work performance which continues to be inadequate after reasonable efforts have been made to correct the performance problems; or for causes as described in the Criminal Offender Employment Act, N.M.S.A. 1978, § 28-2-1, et seq.

~~(Ord. 916 (part), 2003)~~

## **2.56.710 - Disciplinary action.**

Any department head may take disciplinary action against an employee pursuant to the department head's authority and consistent with departmental policies and the ordinance codified in this chapter. Copies of ~~any~~-documented disciplinary action shall be furnished to the ~~personnel office~~human resource department for placement in the employee's file with the signature of the recipient acknowledging receipt of the action. In the event an employee refuses to acknowledge receipt of a disciplinary action with a signature, a second supervisory personnel or member of the human resource department will witness the refusal, sign as a witness, and the disciplinary action placed in the employee's file in the human resource department.

Disciplinary action shall be considered ongoing and active for one (1) year from the date of receipt by the employee for relevant and subsequent disciplinary actions as well as changes to employment status as defined in Article 6. Under certain circumstances and depending on the severity of the infraction, the employee's previous work record, and any aggravating or mitigating circumstances surrounding the case of inadequate performance or act of misconduct, disciplinary action may be considered ongoing and active for up to two (2) years with the approval of the City Manager and Human Resource Director.

~~(Ord. 916 (part), 2003)~~

## **2.56.715 - Grounds.**

A. Regular employees subject to this chapter or any administrative or departmental regulations duly promulgated may be disciplined for cause. Cause for disciplinary action includes but is not limited to the following:



1. Work performance that continues to be unsatisfactory after reasonable attempts to correct performance;
2. Misconduct on the job; conduct or language toward the public or toward employees which discredits the public service;
3. Negligence in the performance of duty, including negligence in the operation of City vehicles or equipment or failure to adhere to established safety rules and procedures;
4. Incompetence or inefficiency; failure to perform job duties adequately;
5. Insubordination; failure to comply with the lawful orders of a supervisor, including refusal to work overtime;
6. Unauthorized absence from work including tardiness;
7. Consumption, possession, or distribution of alcohol or drugs on the job or reporting to work under the influence of alcohol or drugs;
8. Acceptance of money, gifts, privileges, or other valuable consideration which was given with the expectation of influencing the employee in the performance of ~~his or her~~their duties;
9. Use of official position or authority for personal profit or advantage;
10. Misuse, theft, or destruction of City property;
11. Unauthorized disclosure of confidential information from City records or documents, as set forth by applicable State laws; falsification, destruction, or unauthorized use of City records, reports, or other data belonging to the City including City employment application, or any other document used in the employment process;
12. Unauthorized or fraudulent manipulation of time records or other City records;
- ~~13. For causes as defined in the Criminal Offender Employment Act, N.M.S.A. 1978, § 28-2-1, et seq.;~~
- ~~14.~~13. Violation of City or departmental rules or policies or a professional code of ethics accepted by those in the same profession as the employee;
- ~~15.~~14. Noncooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of ~~his or her~~said employee's or another employee's work;
- ~~16.~~15. Misuse of leave; the claim under false or misleading pretenses.
- ~~17.~~16. ~~Distribution of literature, vending, or soliciting~~Selling, vending, or collecting soliciting contributions on City time ~~and in public areas or voluntary cooperation with parties doing such~~for private matters which do not comply with the City's government purpose without prior authorization of the City Manager;
- ~~18.~~17. Violation of any Federal or State law pertaining to employment, including all civil right statutes;
- ~~19.~~18. Failure to adhere to the established work schedule; failure to obtain authorization for overtime prior to overtime worked as established by general written department policy;
- ~~20.~~19. Failure to meet or maintain established job qualifications, as set forth in the job description, including maintaining a valid driver's license if required by the position;
- ~~21.~~20. Other acts or omissions that adversely affect the welfare of citizens, other ~~employees~~employees, or the effective operation of the City;
- ~~22.~~21. Unauthorized possession of a weapon on the job site;
- ~~22.~~ Fighting and/or disruptive behavior in the workplace;
- ~~23.~~ Violation of City Personnel Rules.



B. These examples are in no way intended to provide an exhaustive listing of the reasons for which an employee may be disciplined.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.720 - Off duty conduct.**

Off-duty conduct may be cause for discipline if it diminishes the integrity of the City's service; ~~violates the equal employment opportunity policy; any City policy grounds for discipline as outlined in section 2.56.715; caused disclosure of confidential information; involves violent acts; involves the use of illegal intoxicants; or relates to disruptive action on City property or at City-sponsored events.~~ This policy does not apply to off-duty conduct such as religious or political practices protected by law; protected, concerted activity as defined by the National Labor Relations Act; the lawful use of tobacco, alcohol, or legal drugs; association or affiliation with certain civic organizations; or other lawful off-duty conduct.

~~(Ord. 916 (part), 2003)~~

### **2.56.725 - Progressive discipline.**

~~A regular~~ A regular employee shall be progressively disciplined for unsatisfactory work performance whenever practical. Each case of inadequate performance or act of misconduct shall be judged individually. The step of corrective action used will depend on the severity of the infraction, ~~and~~ the employee's previous work record, and any aggravating or mitigating circumstances surrounding the case of inadequate performance or act of misconduct. Under certain circumstances suspension without pay, demotion, or ~~dismissal~~ involuntary termination may be the appropriate initial disciplinary action.

~~(Ord. 916 (part), 2003)~~

### **2.56.730 — Types of action permitted.**

Consistent with the type and severity of cause for disciplinary action, the disciplinary authorities may take the actions set forth in Sections 2.56.735 through 2.56.760.

~~(Ord. 916 (part), 2003)~~

### **2.56.735 — Verbal counseling.**

Verbal counseling is used for minor infractions such as informing the employee that ~~his or her~~ their actions, behavior, or conduct needs to change. Supervisors shall keep written notations of verbal ~~counseling~~ reprimands. ~~Employees are not provided the opportunity to provide a written response to a verbal counseling and a verbal counseling is not eligible for appeal or grievance.~~



Verbal counseling is an optional supervisory tool and is not required as a prerequisite to any other disciplinary action.

(Ord. 916 (part), 2003)

## **2.56.740 - Written reprimand.**

A supervisor may reprimand an employee in writing for cause. The written reprimand shall be submitted to the employee. A copy of the reprimand, with the signature of the recipient acknowledging receipt of the action, shall be furnished to the human resource department for placement in the employee's file. A copy of the written reprimand shall be kept in the personnel file. Refusal to acknowledge receipt of a written reprimand by the employee will follow the provisions outlined in 2.56.710 - Disciplinary action. The employee may respond in writing to the written reprimand. The employee's written response will be kept in the personnel file also be kept in the employee's file in the human resource department. As the employee is provided an opportunity to submit a written response, a written reprimand is not eligible for appeal or grievance. All written reprimands must be approved by the appropriate department head prior to submission to the employee.

(Ord. 916 (part), 2003)

## **2.56.745 - Suspension.**

- A. Upon review by the Personnel-Human Resource Director of the facts, a department head may recommend suspension of an employee\* for cause without pay for a period of not more than one hundred twenty (120) hours.
- B. All non-probationary employees shall be offered the opportunity to attend a meeting prior to any proposed suspension without pay. The human resource department will use reasonable means to provide the employee notice at least twenty-four (24) hours before the meeting time.
- ~~B.C.~~ An employee may waive their rights to a pre-suspension meeting by providing a written statement to that effect.
- ~~C.D.~~ The pre-suspension meeting shall be conducted by the department head, or designee, with only the department head, or designee, ~~the department supervisor,~~ and the employee present. Upon request of the department head, a representative of the human resource department will be in attendance. No other parties or representatives shall be allowed to attend. At this meeting, the employee shall have the proposed disciplinary action and the related grounds explained, a brief explanation of the evidence in the possession of the City, and shall be given the opportunity to respond. The meeting need not definitely resolve the propriety of the action but shall serve as an initial check against perceived factual allegations. The meeting will aid in determining whether there are reasonable grounds to support the proposed action.
- ~~D.E.~~ A record of the meeting shall be made and kept by the human resource department. An employee may waive his or her rights to a pre-suspension meeting by providing a written statement to that effect.



~~E.F.~~ The department head shall submit a written report of the findings and recommended action to the employee. A copy of the findings and recommendation, with the signature of the recipient acknowledging receipt of the action, shall be furnished to the human resource department for placement in the employee's file. A copy of the findings and recommended action shall be placed in the employee's personnel file. Refusal to acknowledge receipt of the recommended action by the employee will follow the provisions outlined in 2.56.710 - Disciplinary action.

G. In accordance with the Fair Labor Standards Act, exempt employees may only be suspended without pay for one or more full days for infractions of workplace conduct rules or for full or partial days for violation of safety rules of major significance.

(Ord. 916 (part), 2003)

Note — \*Exempt employee's suspensions will be pursuant to the Fair Labor Standards Act.

## **2.56.750 - Demotion.**

- A. A department head may ~~request~~ recommend that an employee be demoted for cause to a lower classification; ~~pursuant to the meeting requirements of subsection 2.56.745(B). The cause for such a demotion shall be documented in writing and shall be submitted to the employee, together with notice of the scheduling of the pre-demotion meeting. An employee may waive his or her rights to a pre-demotion meeting by providing a written statement to that effect.~~
- B. All non-probationary employees shall be offered the opportunity to attend a meeting prior to any proposed demotion. The human resource department will use reasonable means to provide the employee notice at least twenty-four (24) hours before the meeting time.—.
- C. ~~An employee may waive their rights to a pre-demotion meeting by providing a written statement to that effect.~~
- D. The pre-demotion meeting shall be conducted by the department head, or designee, with only the department head, ~~or designee, the department supervisor,~~ a representative of the ~~personnel division~~ human resource department, and the employee present. No other parties or representatives shall be allowed to attend. At this meeting, the employee shall have the proposed disciplinary action and the related grounds explained and shall be given the opportunity to respond.—. The meeting need not definitely resolve the proprietary of the action but shall serve as an initial check against perceived factual allegations.—. The meeting will aid in determining whether there are reasonable grounds to support the proposed action.
- E. A record of the meeting shall be made and kept by the human resource department.
- F. The department head, ~~or shall~~ designee, shall submit a written report of the findings and recommended action to the employee. A copy of the findings and recommendation, with the signature of the recipient acknowledging receipt of the action, shall be furnished to the human resource department for placement in the employee's file. A copy of the findings and recommended action shall be placed in the employee's personnel file. Refusal to acknowledge receipt of the recommended action by the employee will follow the provisions outlined in 2.56.710 - Disciplinary action.

(Ord. 916 (part), 2003)



## 2.56.755 - Procedure for filing and hearing—Further appeal of suspension or demotion only.

- A. Upon written notification of suspension or ~~demotion~~demotion, the eligible employee may appeal the decision to the City Manager. The appeal of a suspension or demotion must be submitted in writing to the ~~Personnel~~Human Resource Director within ten (10) calendar days of the written notification of the suspension or demotion. The appeal shall be a written statement explaining the reasons for the appeal in detail and setting forth therein the action desired. The City Manager may, at ~~his or her~~their discretion, elect to hold a hearing or hear additional evidence as ~~he or she~~The City Manager sees fit. The City Manager shall render a timely decision and reserves the right to modify the penalty imposed. The decision of the City Manager shall be final with no additional appeals permitted.
- B. An employee may ~~self-represent himself or herself~~appear Pro Se, or self-represent, in the appeal process or may choose to be represented by another person.

## 2.56.760 (~~Ord. 916 (part), 2003~~)

### ~~2.56.760 -~~ Termination~~Dismissal~~.

- A. A department head may recommend that an employee be ~~involuntarily terminated~~dismissed for cause. The cause for such ~~involuntary termination~~dismissal shall be documented in writing and shall be submitted to the employee, together with a notice of the scheduling of the pre-termination meeting. ~~An employee may waive his or her rights to a pre-termination meeting by providing a written statement to that effect.~~
- B. ~~All non-probationary employees shall be offered the opportunity to attend a meeting prior to any proposed involuntary termination. The human resource department will use reasonable means to provide the employee notice at least twenty-four (24) hours before the meeting time.~~
- C. ~~An employee may waive their rights to a pre-termination meeting by providing a written statement to that effect.~~
- D. The pre-termination meeting shall be conducted by the department head with only the department head, a representative of the ~~personnel division~~human resource department, and the employee present. ~~No other parties or representatives shall be allowed to attend. At this meeting, the employee shall have the proposed disciplinary action and the related grounds explained and shall be given the opportunity to respond.~~ ~~The meeting need not definitely resolve the proprietary of the action but shall serve as an initial check against perceived factual allegations.~~ ~~The meeting will aid in determining whether there are reasonable grounds to support the proposed action.~~
- E. ~~A record of the meeting shall be made and kept by the human resource department.~~
- F. ~~The department head shall submit a written report of findings and recommended action to the City Manager. A copy of the findings and recommended action shall be placed in the employee's personnel file.~~ The City Manager shall review these findings and recommendations and shall:
  - 1. ~~Dismiss~~Terminate the employee, or
  - 2. Take other appropriate action.



G.F. A copy of the final action taken by the City Manager shall be provided to the employee and placed in the employee's personnel file.

(Ord. 916 (part), 2003)

## **2.56.765 - Procedure for filing and hearing—Further appeal of ~~dismissal~~ involuntary termination only.**

- A. Upon written notification of ~~dismissal~~ involuntary termination, either the eligible employee or the department head may appeal the decision. The appeal of an involuntary termination ~~dismissal~~ must be submitted in writing to the Personnel-Human Resource Director within ten (10) calendar days of the written notification of the City Manager's ruling of involuntary termination ~~dismissal~~ after a pre-termination meeting. The appeal shall be a written statement explaining the reasons for the appeal in detail and setting forth the action desired.
- B. In the appeal of an involuntary termination ~~dismissal~~, the City Manager shall appoint a hearing officer to hear the appeal. The hearing officer must be familiar with public or private personnel systems or have pertinent experience in the appropriate areas of management or law. The hearing officer cannot be an employee or former employee or former or current elected official of the City of Hobbs.
- C. A representative of the ~~personnel division~~ human resource department shall schedule the hearing of the appeal within a reasonable time. The assigned hearing officer will review the recommendation resulting from the pre-termination meeting and hold a full due process hearing. Upon hearing the appeal as presented by both parties and upon making a record of the hearing, the hearing officer shall transmit a decision in writing to the employee and the department head within twenty-one (21) calendar days of the conclusion of the hearing. The hearing officer shall render a timely decision which will either confirm or reject the termination action taken by the City Manager. The decision of the hearing officer shall be final.
- D. An employee may ~~self-represent himself or herself~~ appear Pro Se, or self-represent, in the appeal process or may choose to be represented by another person.

(Ord. 916 (part), 2003)

## **2.56.770 - Failure to follow procedure—Representation.**

If the employee fails to abide by any part of the appeal procedure as outlined in Section 2.56.755 or 2.56.765, the employee shall be conclusively deemed to have waived and abandoned the appeal. Time limits may be extended by the mutual, written consent of the employee and the Personnel-Human Resource Director.

If the employee, or the employee's representative, fails to appear at the appeal hearing or fails to submit written statements in lieu of appearance, the employee shall be conclusively deemed to have waived and abandoned the appeal.

(Ord. 916 (part), 2003)



## **2.56.775 - Notice of meeting for suspensions, demotions, and dismissals involuntary terminations.**

If the employee is not readily available for personal delivery of the notice of the meeting or at the work site, the notice of the meeting shall be mailed via certified mail to the employee at the last known address in the employee's personnel file.

(Ord. 916 (part), 2003)

## **2.56.780 - Department heads exempt from grievance or appeal rights.**

Department heads ~~serve at the pleasure of the City Manager~~ are employed at-will and shall not be entitled to rights of grievance and appeal as set forth in this chapter.

## **2.56.785 – Internal investigations**

Internal investigations into unlawful discrimination, harassment, violations of City policies as defined in 2.56.715 – Grounds, violations of departmental policy, or other violations of City rules and conduct standards may be performed with the authorization of the appropriate department head, Human Resource Director, City Attorney, or City Manager. The City is committed to ensuring all internal investigations are conducted in a fair, impartial, and thorough manner and in compliance with all applicable federal and state laws.

- A. The City reserves the right to use any lawful method of investigation which, in its sole discretion, it deems reasonable and necessary to determine whether any employee has engaged in conduct warranting disciplinary action. The City may contact third parties and non-employees to ascertain facts through the scope of the investigation.
- B. The City reserves the right to conduct lawful searches and inspection of both City and personal items brought on to City property upon approval from the City Manager, City Attorney, and Human Resource Director as part of an internal investigation. Employees will be asked to cooperate with an investigative search and searches will be conducted in the presence of at least two (2) City designees.
- C. The City will make all reasonable efforts to initiate an investigation into the allegation(s) and conclude the investigation in a timely fashion, as appropriate.
- D. All employees are expected to cooperate in any investigation. Failure to cooperate may lead to discipline, up to and including involuntary termination. False information provided during an investigation may lead to disciplinary action, up to and including involuntary termination.
- E. The results of the investigation will be made available only to those employees with the need to have access or as needed to be disclosed as part of the investigation.
- F. Employees whom the City has reason to believe have engaged in actions contrary to the policies or best interests of the City will be subject to disciplinary action, up to and including involuntary termination.
- G. Any employee who knows of or observes improper or wrongful conduct should contact the human resource department or City Manager. All supervisors have a responsibility to act on such information. Employees who fail to report improper or wrongful conduct and



supervisors who fail to act are subject to discipline, up to and including involuntary termination.

- H. Unless advised otherwise by the legal department, the human resource department will retain records relative to a City-initiated investigation in compliance with any federal or state recordkeeping laws.
- I. An employee may be placed on administrative leave as approved by the City Manager, with or without notice, to permit the City to conduct an internal investigation—. The leave shall be confirmed in writing prior to or at the commencement of the leave and state the reason for the leave—. Employees placed on administrative leave during an investigation shall remain available during the leave to participate in investigative interviewing.
- J. The above policy may be superseded by departmental internal affairs policy as it relates to investigations of police officers in the line of duty.

(Ord. 916 (part), 2003)

## **Article 8. - Leaves and Benefits**

### **2.56.800 - Paid holidays designated.**

A. Paid Holidays. The following shall be paid holidays for all regular employees:

1. New Year's Day, January 1st;
2. Martin Luther King Day, third Monday in January;
3. Presidents' Day, third Monday in February;
4. Memorial Day, last Monday in May;
- 4.5. Juneteenth, June 19th;
5. —
6. Independence Day, July 4th;
7. Labor Day, first Monday in September;
8. Veteran's Day, November 11th;
9. One-half (½) day immediately preceding Thanksgiving Day;
10. Thanksgiving Day, fourth Thursday in November;
11. Day after Thanksgiving Day, Friday after Thanksgiving;
12. One-half (½) day immediately preceding the date of observance for Christmas Day;
13. Christmas Day, December 25th.

B. Holidays Falling on Weekends. Any official City holiday that falls on a Saturday will be observed on the preceding Friday. A holiday falling on Sunday will be observed on the following Monday.

C. Floating Holiday. All regular full-time and part-time employees employed on the first day of the payroll calendar year will be awarded a floating holiday of eight (8) hours for general employees and police shift employees and 11.36 hours for fire shift employees. The use of a floating holiday is subject to advance approval by the department. Floating holiday pay must

be used before the last pay period ending date in the calendar year. Unused floating holiday pay will not carry over year to year and will not be paid out upon separation of employment, voluntary or involuntary. Floating holiday pay is nontransferable between employees and will not be considered time worked when determining overtime eligibility.

B. —

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.805 - Certain employees ~~excepted~~ exempted from paid holidays.**

All regular employees on a pay status receiving any pay on the scheduled workday immediately prior to and immediately after the holiday shall be accorded holiday leave as listed in Section 2.56.800.

An employee who is absent without approval on the workday preceding or following a holiday shall not be paid for the holiday.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.810 - Additional compensation for work on paid holidays.**

Any employee who works during a designated city holiday shall be paid, in addition to actual hours worked, an additional eight~~eight~~ (8) hours for general employees and police shift employees and 11.36 hours for fire shift employees his/her at the normal rate of pay during the specific holiday.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.815 - Holidays during paid time off.**

Holidays that occur during an employee's absence due to paid time off shall not be counted as paid time off, but as holiday leave.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~



## **2.56.[816] - Paid time off.**

All regular employees shall accrue paid time off ~~beginning January 20, 2013, instead of vacation time and sick leave,~~ as fully set forth herein.

~~(Ord. No. 1058, 1-7-2013.)~~

## **~~2.56.[816.1] - Transition from vacation and sick leave to paid time off.~~**

~~On January 20, 2013, all current employees transitioning to paid time off shall be entitled to a certain value in their existing vacation and sick leave. All unused vacation leave shall convert to paid time off, hour for hour, subject to paid time off caps. Every employee with sick leave shall receive credit for fifty (50) percent of accrued sick leave (sick leave credit). One half (1/2) of the sick leave credit (twenty-five (25) percent of total sick leave) shall be converted to paid time off, hour for hour, subject to paid time off caps. One half (1/2) of the sick leave credit (twenty-five (25) percent of total sick leave) may be cashed in at the employee's regular hourly pay rate (cash value), subject to all applicable income tax withholding requirements. An employee may utilize his/her cash value to fund his/her existing deferred compensation, subject to all applicable tax regulations. In the alternative, an employee may elect to convert his/her cash value to additional paid time off, hour for hour, subject to applicable paid time off caps.~~

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.[816.21] - Paid time off caps.**

Paid time off cap for all general employees shall be three hundred twenty (320) hours. Paid time off cap for all fire department shift employees and police shift employees shall be four hundred fifty-six (456) hours. At the end of each payroll calendar year, any employee who is over his/hershe paid time off cap shall be paid for every hour over his/hershe paid time off cap (cap payment), subject to applicable income tax withholding requirements.

~~At the time of transition, one time only, an employee may elect to utilize his/her cash value pay based upon a two hundred forty (240) hour cap for general employees and police shift employees and a three hundred forty (340) hour cap for fire shift employees. Police shift employees annually may elect to set their cap at either three hundred twenty (320) hours or four hundred fifty-six (456) hours.~~

In the event the City's general fund cash reserve dips below twenty (20) percent at the end of a fiscal year, the City may elect to increase paid time off caps until the following year in which the general fund cash reserve is above twenty (20) percent. Employees shall not forfeit any earned paid time off and shall continue to accrue as designated in Section 2.56.820.

~~(Ord. No. 1058, 1-7-2013.)~~

## **~~2.56.[816.3] - Paid time off delayed implementation.~~**



~~With City Manager approval, at the City Manager's sole discretion, a current employee with a reasonable basis may delay the implementation of his/her paid time off transition. If the delayed transition occurs before the end of 2013, the employee's sick leave credit shall be calculated at thirty three and one third (33 1/3 ) percent of total sick leave. If the delayed transition occurs after 2013 and before the end of 2014, the employee's sick leave credit shall be calculated at twenty five (25) percent of total sick leave.~~

~~(Ord. No. 1058, 1-7-2013.)~~

**2.56.[816.4]2 - Extension of paid time off cap.**

With City Manager approval, at the City Manager's sole discretion, any employee with a reasonable basis may extend ~~his/her~~their paid time off cap.

~~(Ord. No. 1058, 1-7-2013.)~~

**2.56.[816.5]3 — Short-term and long-term disability insurance for paid time off employees.**

All employees ~~who receive~~eligible for paid time off shall receive short-term and long-term disability insurance as part of their benefit package with the City. ~~The City shall pay one hundred (100) percent of the premiums for the disability insurance for the fiscal years 2012-2013 and 2013-2014. After the 2013-2014 fiscal year, the~~The premiums for short-term and long-term disability shall be determined annually and the employees may be required to cost share if the premiums increase ~~from the fiscal year 2012-2013~~. The specific terms of the disability insurance shall be negotiated annually to obtain the best value for the City and the employees.

~~(Ord. No. 1058, 1-7-2013.)~~

**2.56.820 - Rate of accumulation of paid time off.**

A. Paid time off shall be granted to regular full-time employees and police shift employees, other than fire shift employees, as follows:

Years of Service	Accrual Rate	Working Days	Maximum
	Per Month	Per Year	Accrual
Date of hire through 5th year	12.00 hours	18 days (144 hours)	320 hours general & 456 hours police shift employees
6th year through 10th year	14.00 hours	21 days (168 hours)	320 hours general & 456 hours police shift employees
11th year through 15th year	16.00 hours	24 days (192 hours)	320 hours general & 456 hours police shift employees



16th year through 20th year	18.00 hours	27 days (216 hours)	320 hours general & 456 hours police shift employees
21st year plus	20.00 hours	30 days (240 hours)	320 hours general & 456 hours police shift employees

B. Regular full-time employees of the fire department working a shift schedule shall be granted paid time off as follows:

Years of Service	Accrual Rate	Working Days	Maximum
	Per Month	Per Year	Accrual
Date of hire through 5th year	17.04 hours	8.52 shifts (204.48 hours)	456 hours
6th year through 10th year	19.89 hours	9.95 shifts (238.68 hours)	456 hours
11th year through 15th year	22.69 hours	11.35 shifts (272.28 hours)	456 hours
16th year through 20th year	25.49 hours	12.75 shifts (306.00 hours)	456 hours
21st year plus	28.29 hours	14.15 shifts (339.60 hours)	456 hours

C. Consecutive years of service shall be based on service time earned as a regular employee eligible for benefits. Breaks in service of no greater than six (6) months shall be bridged for the purpose of calculating consecutive years of service. Breaks in service of greater than six (6) months shall not be bridged and the last-current hire date shall be used to calculate years of service.

~~(Ord. 966, 2007; Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013; Ord. No. 1071, 12-2-2013)~~

### **2.56.825 - Incremental use, scheduling of paid time off.**

Paid time off may be taken in increments of not less than one-quarterhalf (1/4½) hour (non-exempt employees), but the employee may only take paid time off if it has been accumulated. Any paid time off must be approved by the supervisor. The department head or designee shall be the final authority in allowing the scheduling and amount of paid time off taken.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.830 - Paid time off for part-time regular employees.**

Part-time regular City employees working between twenty (20) to twenty-nine (29) hours weekly shall accrue fifty (50) percent of the normal rate accrued by a full-time employee and shall have a fifty (50) percent cap of a full-time employee. Part-time regular employees working thirty (30) to thirty-nine (39) hours weekly shall accrue seventy-five (75) percent of the normal rate accrued by a full-time employee and shall have a seventy-five (75) percent cap of a full-time employee.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.835 - Paid time off accumulation paid upon termination.**

Any paid time off accumulated by an employee but not taken at the time of termination shall be paid in full, subject to applicable income tax wage withholding requirements.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **~~2.56.840 - Reserved.~~**

~~Editor's note—Ord. No. 1058, adopted Jan. 7, 2013, repealed § 2.56.840, pertaining to sick leave, and derived from Ord. No. 916, adopted in 2003.~~

### **~~2.56.845-840 - Family and medical leave policy.~~**

~~The City will provide unpaid Ffamily and medical leave will be granted to eligible employees pursuant to the federal Family and Medical Leave Act (FMLA) of 1993.—. In addition, unpaid leave will be provided to eligible employees pursuant to New Mexico regulations on Domestic Violence leave.~~

~~Details regarding the handling of compensation, paid time off usage and accrual, and benefits shall be outlined in a FMLA policy maintained by the Human Resource Director. Should an employee have accrued paid time off, during a family and medical leave event, paid time off shall be utilized.~~

~~Questions regarding or requests for FMLA should be directed to the human resource department.~~

~~(Ord. 916 (part), 2003)~~



~~(Ord. No. 1058, 1-7-2013.)~~

## ~~2.56.850—2.56.870—Reserved.~~

~~Editor's note—Ord. No. 1058, adopted Jan. 7, 2013, repealed §§ 2.56.850—2.56.870, pertaining to sick leave, and derived from Ord. No. 916, adopted in 2003.~~

## ~~2.56.875—2.56.845 - Paid time off bank.~~

~~A paid time off bank program may behas been developed to provide additional paid time off days to members of the bank other employees upon exhaustion of accumulated leave balances for qualifying events serious health conditions or other absence as defined under the federal Family and Medical Leave Act. Eligibility for and use of the paid time off bank will be administered according to the procedures set forth in administrative regulation.~~

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

## ~~2.56.880—2.56.850 - Workers' compensation leave.~~

~~Workers' compensation leave shall be granted to any employee who sustains an injury or occupational disease in the course and scope of his or her employment with the City. Should the family/ and medical leave (FMLA) provisions apply to the use of workers' compensation leave, those provisions shall also apply and run concurrent with workers' compensation leave.~~

~~Workers' compensation is a "no fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill due to their employment. Some exceptions are injuries caused by willful and serious misconduct or by a worker's intoxication or by an employee's voluntary participation in recreational social activities.~~

~~The City pays the entire cost of workers' compensation insurance. The insurance will cover all related medical and rehabilitation expenses and a portion of lost wages. The insurance company will also authorize the length of stay, if any, away from work.~~

~~An employee who has a job-related injury or illness shall notify their supervisor immediately. The supervisor will have the employee fill out a report and return it to the human resource department.~~

~~It is the City of Hobbs's policy to comply with applicable federal and state laws and to aide any employee whose injury or illness is determined to be compensable under the provisions of the state's Wworkers' eCompensation aAct. The City of Hobbs shall not retaliate against employees who exercise their rights under the workers' compensation laws.~~

~~(Ord. 916 (part), 2003)~~



## **2.56.885-855 - Workers' compensation leave amount—Conditions.**

- A. An employee sustaining a workers' compensation approved, on-the-job injury shall be subject to the following:
1. If the injury or occupational disease prevents an employee from returning to work, injury leave shall be granted subject to the following conditions: Per the New Mexico Workers' Compensation statutes chapter 52, ¶the first seven (7) calendar days from the day the injured employee leaves work as a result of the injury shall be accounted for as paid time off.
  2. If the period of injury lasts longer than 28 calendar days from the day the injured employee leaves work as a result of the injury, injury leave shall be accounted for from the day the employee first left work, as defined in Section 2.56.8690.
  3. While on workers' compensation leave, an employee shall not accrue paid time off.
  4. ~~No employee shall be otherwise employed or gainfully occupied while he is on workers' compensation leave.~~ Any work-related injury ~~which is anticipated to or does result in three (3) or more days of leave~~ shall require the employee to promptly, or at the time of being physically able to do so, submit a form specified by administrative regulation ~~from the treating physician~~ stating the cause and nature of the injury and the probable duration of disability.
- B. Prior to the employee's return to work, the treating physician may be requested to submit a written report, based on the employee's current job description, to the Human Resources Director, indicating the date the employee will become able to return to theirhis position.
- C. If the employee is returning without a full release from the physician to perform the essential functions of the job, the physician's report should state what, if any, restrictions apply.
- D. It shall be the decision of the department head and Human Resource Director as to whether or not to allow the employee to return to a light or restricted duty. The department head shall consider what, if any, special projects might be available in allowing a restricted or light duty assignment in their department and the Human Resource Director shall consider what, if any, special projects might be available in allowing a restricted or light duty assignment in other City service areas. ~~However, light or restricted duty shall not extend beyond four hundred eighty (480) hours per occurrence.~~

(Ord. 916 (part), 2003)

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.890-860 - Reduction of workers' compensation.**

- A. Compensation payable under the Workers' Compensation Act shall be reduced by ten (10) percent when an injury is caused by the willful failure of the employee to use safety devices provided by the employer.
- B. Compensation payable under the Workers' Compensation Act shall be reduced by ten (10) percent to ninety (90) percent ~~No compensation shall be made to any employee whose when~~



~~an~~ injury ~~was-is~~ caused by the intoxication of the employee or willfully suffered or intentionally inflicted by the employee.

- C. ~~Compensation payable under the Workers' Compensation Act shall be reduced by ten (10) percent to ninety (90) percent. No compensation shall be made to any employee whose~~ an injury ~~was-is~~ caused solely by the employee being under the influence of a depressant, stimulant or hallucinogenic drug as defined in the New Mexico Drug, Device and Cosmetic Act, or under the influence of a narcotic drug as defined in the Controlled Substances Act unless the drug was lawfully dispensed or administered to the employee by a properly licensed practitioner.

~~(Ord. 916 (part), 2003)~~

### **2.56.895-865 - Injuries on job.**

Any employee injured on the job shall immediately report the injury to his supervisor, who shall report the injury to the ~~h~~Human ~~r~~Resources ~~d~~Department. An incident report shall be completed by the supervisor and submitted to the ~~h~~Human ~~r~~Resources ~~d~~Department within twenty-four (24) hours of the incident.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.900-870 - Workers' compensation leave—Eligibility for other leaves.**

- A. An employee may use accrued paid time off to supplement workers' compensation leave benefits to receive ~~his~~-normal net salary while on workers' compensation leave until exhausted. Leave shall be deducted at the appropriate rate.
- B. When paid time off is exhausted, the employee is eligible to take leave without pay.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

### **2.56.905-875 - Temporary disability leave generally.**

Temporary disability leave shall be governed by the terms and conditions of the family and medical leave policy.

~~(Ord. 916 (part), 2003)~~

### **2.56.910-880 - Administrative leave.**



- A. Paid or unpaid Administrative leave may be approved by the City Manager or their designee for the good of the City's service or when inclement weather or man-made and natural disasters may create potential for injury or damage to City employees--. In granting paid administrative leave, the City Manager or designee shall consider the safety of City employees, taxpayer dollars utilized to finance administrative leave, and the good of the City's service.
- B. Administrative leave under this section shall not constitute discipline but may be used for pending investigations. During ~~the~~ administrative leave for pending investigations, the employee shall not attend ~~his to the~~ regular work site or any other city facilities, except as designated in the notice of administrative leave, but shall remain available during normal work hours to meet with the department head as requested.
- C. When it comes to the attention of the City Manager that an employee has been charged with a crime which is a felony under the laws of the state wherein the charges are brought, the City Manager or designee may, upon determining that it is in the best interests of the City in order to protect and maintain the public's confidence and trust in city government, place the employee on unpaid administrative leave pending the outcome or disposition of the criminal charges.
- D. The basis for a determination to place an employee on administrative leave for pending investigations shall be documented in writing and shall be submitted to the employee and to the ~~human relations~~ Human Resource director-Director either at the time of or within twenty-four (24) hours of the commencing of the administrative leave.
- ~~D.~~E. No other City employee outside of the City Manager or their designee has the authority to grant administrative leave--. Administrative leave without the City Manager's or designee's approval shall not be granted and the affected employee shall receive leave without pay for the time missed or the employee may utilize paid time off.
- ~~E.~~F. Any employee granting administrative leave without the City Manager's or designee's approval shall be subject to discipline, up to and including involuntary termination.

(Ord. 916 (part), 2003)

(~~Ord. No. 1058, 1-7-2013~~)

## **2.56.915-882 - Court and jury duty leave.**

An employee shall be granted court leave when required to perform jury duty in any municipal, county, state, or federal court or when required to serve as a non-party witness in any such court. Any employee so summoned shall immediately notify his supervisor at the City of the date and time of the impending required attendance.

Regular employees shall receive their regular pay based on the hours they are normally scheduled to work during such time of service, provided that they pay to the City any jury duty or witness fees, excluding mileage and parking reimbursement for a personal vehicle, which they receive. Jury duty or witness fees earned during holidays or paid time off shall be retained by the employee.



Any employee appearing as a plaintiff or defendant in a personal case not as a result of his capacity as an employee shall not be granted court leave, and any employee appearing as a plaintiff in an action against the City shall not be granted paid leave, unless the employee uses accrued paid time off.

This provision shall not apply to police shift employees where the current collective bargaining agreement addresses court time. The collective bargaining agreement shall control with regard to court time for police shift employees.

(Ord. 916 (part), 2003)

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.920-884 — Bereavement and fFuneral leave.**

If a death occurs in the immediate family of a regular employee, ~~a bereavement and~~ funeral leave with pay may be granted up to ~~a maximum of three (3) occurrences per year and~~ five (5) days total ~~per calendar year dependent upon need, i.e., travel distance, relationship, etc.~~ As used in this section, the term "immediate family" shall be defined as ~~husband or wife~~ legal spouse, child, stepchild, ~~son-in-law or daughter-in-law,~~ brother or sister, ~~brother-in-law or sister-in-law,~~ stepbrother ~~, stepsister or stepsister,~~ stepbrother-in-law or stepsister-in-law, parent, stepparent, father-in-law, mother-in-law, ~~brother-in-law, sister-in-law,~~ grandfather, grandmother, grandfather-in-law, grandmother-in-law and grandchild. ~~The employee may be required to provide valid proof of death upon request and shall notify the immediate supervisor prior to taking funeral leave.~~

If a death occurs in the family of an employee which does not qualify for paid bereavement and funeral leave as outlined above, the employee will be required to use paid time off for absences.—. If the employee does not have a balance of paid time off available for use, unpaid time off at the sole discretion of the department head (less than three (3) days) or the City Manager (three (3) or more days) upon need, i.e., travel distance, relationship, etc.

Pay for bereavement and funeral leave is computed at the regular hourly rate to a maximum of eight (8) hours for one day, except for Police or Fire employees who accrue at a higher rate.—. Time off granted in accordance with this policy will not be credited as time worked for the purpose of computing overtime.

The City reserves the right to request verification of the absences in the form of a death certificate, newspaper article, letter from the funeral home, or as otherwise approved by the Human Resource Director prior to granting bereavement and funeral leave.—. The employee ~~may be required to provide valid proof of death upon request and shall~~ notify their immediate supervisor as soon as practical and prior to taking bereavement and funeral leave.

(Ord. 916 (part), 2003)

~~(Ord. No. 1058, 1-7-2013.)~~



## **2.56.925-886 - Military leave.**

The City is committed to protecting the employment and reemployment rights of employees who are uniformed service members. In accordance with federal and state law, it is the policy of the City that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States.

The uniformed services consist of: Army, Navy, Marine Corps, Air Force, and Coast Guard; Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve; Army National Guard and Air National Guard; Commissioned Corps of the Public Health Service; and any other category of persons designated by the President in time of war or emergency.—.

Employees taking part in a variety of military duties are covered under this policy.—. Such military duties include leaves of absence taken by members of the uniformed services, including active duty and active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, time spent being examined to determine fitness to perform such service, funeral honors duty performed by National Guard or Reserve members, and duty performed by intermittent employees of the National Disaster Medical System when activated for a public health emergency and approved training to prepare for such service.

The purpose of this policy is to provide employees with a general description of their military leave rights. In the event this policy provides for less than the Uniformed Services Employment and Reemployment Act, employees will be afforded all rights required by law.

Employees eligible under this policy ~~Military leave shall be allowed in accordance with applicable laws. Employees who are members of organized units of the army or air national guard or army, air force, navy, marine or coast guard reserves~~ shall be given not more than fifteen (15) working days' (a working day equals an employee's normal shift, i.e., fire shift employee's day is twenty-four (24) hours) military leave with pay per federal fiscal year when they are ordered to duty for training. Unused military leave may be carried over to the following year, not to exceed a total of thirty (30) leave days in a federal fiscal year. This military leave is in addition to other leave or paid time off to which the employee is otherwise entitled.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.930 – Reserved.**

Editor's note—~~Ord. No. 1058~~, adopted Jan. 7, 2013, repealed the section catchline for Section 2.56.930, "Military training leave," and combined its provisions with Section 2.56.925.



## **2.56.935-888 - Unauthorized leave.**

Any unapproved absence from work shall be considered unauthorized and may be subject to disciplinary action, up to and including dismissal involuntary termination. ~~All unauthorized leave shall be originally recorded as leave without pay. Upon investigation of the unauthorized leave, the department head may change the leave to paid time off without losing the right to discipline the employee.~~

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.940-890 - Suspension of paid leave.**

The City Manager shall reserve the right to postpone all paid leave for an employee in an emergency, except authorized workers' compensation leave and family and medical leave.

~~(Ord. 916 (part), 2003)~~

~~(Ord. No. 1058, 1-7-2013.)~~

## **2.56.945-892 - Leave without pay.**

For the good of the service and at the employee's request, the City Manager may grant a period of leave without pay to any regular employee for a period of time not to exceed one (1) year. For the good of service and at the employee's request, a department head may grant a period of leave without pay to any regular employee for a period of time not to exceed three (3) consecutive workdays.

After the third (3rd) consecutive day of leave without pay, all accruals will stop for the remainder of the pay period.—. Accruals will resume on the pay period following the employee's return to regular work schedule.—. Written notification to stop leave accruals must be provided by the department head to the finance department, human resource department, and the City Manager.

Employees on leave without pay and whose bi-weekly pay is not sufficient to cover the employee portion of insurance premiums will be required to enter into a repayment agreement upon return to work.

~~(Ord. 916 (part), 2003)~~

## **2.56.950894 – Insurance benefits.**

All full-time and part-time employees are eligible for health insurance as part of their benefit package with the City. The premiums and coverages shall be determined annually, and



employees may be required to cost share premiums. The specific terms of the health insurance shall be negotiated annually to obtain the best value for the City and the employees.

Employees who enroll in employee plus one or family coverage health benefits are eligible for continuation of benefits upon their death while being actively employed by the City at time of death. Upon notification of death of an active employee, the City will continue current health benefit enrollments for three (3) consecutive months at no cost to the family of the deceased employee. The three (3) month coverage period will start on the first day of the month following the date of death of the employee. The City will pay the full premium and claim amounts associated with those benefits. At the end of the three (3) month period, benefits will transition to an optional Consolidated Omnibus Budget Reconciliation Act (COBRA) eligible plan that can be selected by the team member's deceased employee's family to continue current benefits at their own cost.

Upon separation of employment (voluntarily or involuntarily for reasons other than gross misconduct) or for employees who have their hours reduced below the required amount necessary to participate in the City-sponsored plan the City will notify eligible employees of their ability to participate in an optional Consolidated Omnibus Budget Reconciliation Act (COBRA) eligible plan to continue current benefits at their own cost.

### **2.56.960896 – Longevity pay** :

Regular full-time and part-time employees who meet eligibility requirements as outlined in by administrative regulation may receive a longevity payment.

PERA rules require that longevity payments be subject to PERA withholding. While this decreases the cash amount received by the employee, it increases the amount calculated for the final average salary for PERA retirement purposes.

The City reserves the right to cancel this program if funding is not continued as part of the annual budgeting process.

### **2.56.965898 – Bilingual incentive pay**

To serve an ethnically diverse community, the City shall incentivize employees who possess the ability and willingness to aid Spanish-speaking citizens. The City Manager may incentivize the ability to speak languages other than Spanish as long as proficiency can be measured utilizing the City-selected language proficiency test.

Eligibility: Regular, benefit eligible employees in an active status (FMLA and Military Leave not included) and who have completed a certification with the City-selected language proficiency test (Public safety examination for certified police and fire employees and a commercial test for general employees).



The cost of the first examination will be paid by the City for each eligible employee.—. Employees not successful in their first attempt will be responsible for the cost of any subsequent attempts.

Upon receiving certification, the employee will receive a fifteen hundred (\$1500) dollar, less all applicable taxes and applicable wage withholdings, incentive payment.

Employees who complete four (4) hours of continuing education units in Spanish recognized and paid for by the an annual recertification with the City-selected language proficiency test (Public safety examination for certified police and fire employees and a commercial test for general employees) City prior to each annual anniversary date, will be eligible for an additional fifteen hundred (\$1500) dollar incentive payment.

The cost of the first recertification examination will be paid by the City for each eligible employee. Employees not successful in their first attempt will be responsible for the cost of any subsequent attempts.

The City reserves the right to cancel this program if funding is not continued as part of the annual budgeting process.

## **Article 9 - Employee Conduct**

### **2.56.1000-900 - Participation in political ~~campaigns~~activity.**

Employees may participate in any Federal, State, county, or local political campaign, provided that such participation is conducted away from any City office or City work site and is not conducted during working hours. Participation in any political activities should in no way suggest the support of the City.—.

A. The following activities are prohibited while on-duty:

1. Demonstrating;
2. Circulating petitions;
3. Soliciting votes or contributions;
4. Fundraising;
5. Use of city equipment or resources for making or distributing political messages or materials;
6. Other activities not considered part of the employee's normal duties that are intended in any way to benefit a political campaign.—.

B. Political messages that are inappropriate or offensive to co-workers are prohibited.

C. Harassment of co-workers or citizens regarding political preferences will not be tolerated.



All employees should be able to vote either before or after regularly assigned work hours. In accordance with state law, employees whose workday begins within two (2) hours of the polls opening and ends less than (3) hours before polls close are entitled to up to two (2) paid hours of leave to vote. Supervisors may set the time for leave to vote based on staffing and needs of the department. Time off for voting should be reported and coded appropriately on timekeeping records.

D.—

(Ord. 916 (part), 2003)

### **2.56.~~1010~~ 910 - Election to municipal office—Resignation required.**

Any employee elected to municipal office in the City shall resign from the employ of the City.

(Ord. 916 (part), 2003)

### **2.56.~~1020~~ 920 - Outside employment.**

- A. An employee is free to pursue any outside employment, including self-employment, provided that there is no conflict of interest, the employment does not occur during the assigned working hours of the employee, and the efficiency of the employee is maintained. Further definition of a conflict of interest can be found in 2.56.~~1065~~965 – Conflict of Interest and Ethical Behavior.
- B. The employee must submit a ~~written request~~Request for Authorization to Pursue Outside Employment to the department head and the City Manager for authorization to pursue outside employment. The department head and City Manager shall approve requests in accordance with subsection (A) of this section. If, at any time, the department head and City Manager determines that an employee should not continue outside employment, the department head and the City Manager may require that such employment cease.
- C. All requests and authorizations for outside employment shall be maintained in the employee's personnel file in the human resource department.

(Ord. 916 (part), 2003)

### **2.56.~~1030~~ 930 - Special job requirements—Residency—Telephone at residence.**

The department head may require that any incumbent in a specific City position may be required to live within a certain distance of the City facility where ~~he or she~~they regularly reports to work and have a telephone ~~at his or her residence~~ for reasons related to the emergency response or callback provisions of ~~his or her~~the job description.

(Ord. 916 (part), 2003)



## **2.56.1040-940 - Union agreements.**

Any issue covered in a City collective bargaining agreement takes precedence over the same issue in this chapter. All issues not covered in such agreements shall be subject to this chapter.

(Ord. 916 (part), 2003)

## **2.56.1050-950 - Dress Attire and grooming standards.**

The City requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. The department head may establish written standards regulating ~~dress and appearance~~ attire and grooming for the respective departments for the purpose of maintaining either safety standards or a professional working environment. The City will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship—. Employees requesting a workplace attire accommodation based on religious beliefs should be referred to the human resource department.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during orientation. Any questions about the department's guidelines for attire should be discussed with the employee's immediate supervisor.

Any employee who does not meet the attire or grooming standards will be subject to disciplinary action, up to and including involuntary termination, and may be asked to leave the premises to change clothing. Hourly employees will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

(Ord. 916 (part), 2003)

## **2.56.1060-960 – Workplace violence**

The City does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities, including but not limited to, causing physical injury to another person; making threatening remarks; displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress; intentionally damaging the property of the City, a citizen, or another employee; and committing acts of sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported to a supervisor or the human resource department. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including involuntary termination. Nonemployees engaged in violent acts on the employer's premises will be reported to the proper authorities.



## 2.56.1065965 – Conflict of interest and ethical behavior

—Employees shall conduct the City’s business with integrity and comply with all applicable laws in a manner that excludes considerations of personal advantage or gain—. Employees should avoid any situation which involves or may involve a conflict between their personal interest and the interest of the City. As in all other facets of their duties, employees dealing with citizens, suppliers, contractors, or any person doing or seeking to do business with the City are to act in the best interest of the City. Each employee shall make prompt and full disclosure in writing to their manager of any potential situation which may involve a conflict of interest or ethical violation. Such conflicts and violations may include, but are not limited to:

- Ownership by an employee or by a member of their family of a significant interest in any outside enterprise which does or seeks to do business with the City. Exceptions to this can be approved by the City Manager.
- Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise which does or is seeking to do business with the City. Exceptions to this can be approved by the City Manager.
- Acting as a broker, finder, go-between, or otherwise for the benefit of a third party in transactions involving or potentially involving the City or its interests.
- Any other arrangements or circumstances, including family or other personal relationships, which might dissuade the employee from acting in the best interest of the City.

A. Acceptance of gifts, services, discounts, entertainment, or considerations of any kind from suppliers or contractors that are a violation of applicable law and generally accepted ethical standards. All conflicts of interest and ethical requirements for City employee’s shall strictly comply with the City of Hobbs Code of Conduct, as may be amended from time to time, set forth in Chapter 2.01 of the Hobbs Municipal Code.

## 2.56.1070970 – Drug and alcohol use.

The City is committed to providing a safe and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of employees and to the security of the City’s equipment and facilities. For these reasons, the City is committed to the elimination of drug and alcohol use and abuse in the workplace—. The City reserves the right to conduct drug and alcohol testing in instances of pre-employment, reasonable suspicion, federal or state requirements of random testing for specified positions, and post-accident as outlined in administrative regulation.

- A. The Drug and Alcohol regulations of the City will be administered by the Human Resource Director.
- B. Applicants who refuse to cooperate in a drug test or who test positive will not be hired.
- C. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be subject to disciplinary action up to and including involuntary termination.



- D. Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including involuntary termination.
- E. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the testing facility will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed on a need-to-know basis and may also be disclosed when relevant to a charge, claim, or other legal proceeding initiated by or on behalf of an employee or applicant.

### **2.56.1075975 - Workplace safety and incident reporting.**

The City is committed to providing a safe and healthful workplace.—. By providing training and equipment, the City will help employees perform their jobs more safely.—. All employees play a vital role in reducing workplace incidents.—. Employees are required to follow safe procedures and carry out work in a safe manner and are ultimately responsible for their own safety.—. The reporting of accidents and incidents involving City employees, property damage, and near miss reporting will be regulated by administrative regulation and monitored by the City Manager and Human Resource Director.—. Employees who violate the City’s safety rules may be subject to discipline, up to and including involuntary termination.

## **Article 10 - Grievances**

### **2.56.1100-1000 - Informal grievances.**

The purpose of informal grievance procedures is to provide employees, in an atmosphere of courtesy and cooperation, an equitable solution to problems or complaints ~~which may affect employees in the course of their employment with the City~~ regarding an alleged violation of the City’s Personnel Rules outlined in Chapter 2.56 of the Hobbs Municipal Code, a written department policy, and administrative regulation, or another written condition of employment. When applicable, the informal grievance procedure allows employees to voice complaints concerning alleged ~~improper actions~~ violations of the aforementioned written conditions of employment ~~of~~by employees, supervisors, or management. The informal grievance procedure does not apply to written reprimands, suspensions, involuntary demotions, and involuntary terminations.

~~(Ord. 916 (part), 2003)~~

### **2.56.10420 - Informal grievance procedure.**

A. The following steps comprise the informal grievance procedure.

1. Meeting with Supervisor.

- a. The employee is required to contact ~~his or her~~ their supervisor in writing within five (5) calendar days of the incident or action being grieved to discuss the same.



- b. Within five (5) working days of the completion of the meeting, the supervisor shall provide the employee with a written decision.

2. Meeting with Department Head.

- a. The employee may appeal the decision of the supervisor to the department head in writing within three (3) working days of the receipt of the supervisor's written decision.
- b. The department head shall meet with the employee within five (5) working days of receiving the grievance to discuss the grievance. The department head will provide the employee with a written decision within ten (10) workings days of the meeting.

3. Meeting with City Manager.

- a. Within three (3) workings days of receiving the department head's decision, the employee may appeal the decision to the City Manager.
- b. The employee and one (1) witness of ~~his or her~~ the employee's choice (if desired) and the department head shall meet with the Human Resource Director and the City Manager or ~~his or her~~ designee to discuss the grievance within five (5) working days of receipt of the written request by the City Manager. Within ten (10) working days of the meeting, the City Manager shall advise the employee of ~~his or her~~ the decision in writing. ~~T~~ the City Manager's decision shall be final.

- B. Time limits may be extended at the request of either party involved in subsections (A)(1), (A)(2) or (A)(3) of this section. A request for extension of time shall be made to the ~~Personnel~~ Human Resource Director.

~~(Ord. 916 (part), 2003)~~

## **2.56.10130 - Conditions or actions not grievable.**

The following are not grievable:

- A. Employee complaints of bullying, retaliation or discrimination or harassment based on race, color, religion, sex, sexual orientation, age, national origin, physical or mental ~~disability or serious~~ disability, serious medical condition, or any other legally protected characteristic. These allegations should be reported ~~directly to the City Manager or Personnel Director~~ in compliance with the City's discrimination and harassment reporting procedures.
- B. Matters where the City is without authority to act or does not have the ability to provide a remedy.
- C. Dismissal-Involuntary termination of probationary employees prior to the expiration of their probationary period.
- D. Release of temporary or seasonal employees prior to or at the end of their anticipated employment period.
- E. Dismissal-Involuntary termination of department heads at any point during their employment with the City.



- F. Reassignments, transfers, temporary assignments, removal from temporary assignments, promotions, involuntary demotions, terminations, or layoffs.
- G. Performance appraisals, merit recommendations, verbal counselings, written reprimands, suspension, or selection for vacant positions.

(Ord. 916 (part), 2003)

## **Article 11 – General Repealer**

### **2.56.1100 – Prior versions repealed.**

All prior versions of any generally applied personnel rules for the City of Hobbs, whether adopted by resolution or ordinance, that are inconsistent with the provisions outlined herein are hereby repealed in their entirety. This section does not apply to department-specific rules, administrative regulations, or any collective bargaining agreement on the condition that any of these documents are not inconsistent with the provisions outlined in this Chapter.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

# Affidavit of Publication

STATE OF NEW MEXICO  
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated  
March 16, 2022  
and ending with the issue dated  
March 16, 2022.



Publisher

Sworn and subscribed to before me this  
16th day of March 2022.



Business Manager

My commission expires  
January 29, 2023

(Seal)

**GUSSIE BLACK**  
Notary Public • State of New Mexico  
Commission # 1087526  
My Comm. Expires Jan 29, 2023

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

LEGAL NOTICE  
March 16, 2022

## NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 4th day of April, 2022, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance amending Chapter 2.56 of the Hobbs Municipal Code related to the personnel rules for the City of Hobbs. A summary of the ordinance is contained in its title and is described as follows:

### AN ORDINANCE AMENDING CHAPTER 2.56 OF THE HOBBS MUNICIPAL CODE RELATED TO THE PERSONNEL RULES FOR THE CITY OF HOBBS

#### Chapter 2.56 - Personnel Rules

##### Article 1 - General Provisions

- 2.56.010 - Title and scope.
- 2.56.020 - Personnel manual—Adopted—Personnel merit system adopted.
- 2.56.030 - Definitions.
- 2.56.040 - Applicability—Administration and implementation.
- 2.56.050 - City Manager—Authority and responsibility.
- 2.56.060 - Amendment.
- 2.56.070 - Administrative procedures and regulations.
- 2.56.080 - Equal employment opportunity.
- 2.56.090 - Reasonable Accommodation.
- 2.56.100 - Whistleblower.

##### Article 2 - Classification

- 2.56.200 - Identification—Consistency in pay ranges—Approval of plan.
- 2.56.210 - New positions—Classification required before filling.
- 2.56.220 - Maintenance of plan.
- 2.56.230 - Reclassification.

##### Article 3 Compensation

- 2.56.300 - Compensation plan review—Recommendation.
- 2.56.310 - Employees paid according to classification and compensation plans City Manager's authority.
- 2.56.320 - Rate at appointment—Increases.
- 2.56.330 - Rate Increases upon promotion.
- 2.56.340 - Rate Decreases upon Demotion.
- 2.56.350 - Transfer.
- 2.56.360 - Reclassification.
- 2.56.370 - Distribution of Pay upon Termination.
- 2.56.380 - Pay Periods & Distribution.
- 2.56.385 - Employee Compensation Information.
- 2.56.865 - Injuries on job.
- 2.56.870 - Workers' compensation leave—Eligibility for other leaves.
- 2.56.875 - Temporary disability leave generally.
- 2.56.880 - Administrative leave.
- 2.56.882 - Court and jury duty leave.
- 2.56.884 - Bereavement and funeral leave.
- 2.56.886 - Military leave.
- 2.56.888 - Unauthorized leave.
- 2.56.890 - Suspension of paid leave.
- 2.56.892 - Leave without pay.
- 2.56.894 - Insurance Benefits.
- 2.56.896 - Longevity Pay.
- 2.56.898 - Bilingual incentive pay.

##### Article 9 - Employee Conduct

- 2.56.900 - Participation in political activity.
- 2.56.910 - Election to municipal office—Resignation required.
- 2.56.920 - Outside employment.
- 2.56.930 - Special job requirements—Residency—Telephone.
- 2.56.940 - Union agreements.
- 2.56.950 - Attire and grooming standards.
- 2.56.960 - Workplace Violence.
- 2.56.965 - Conflict of Interest and Ethical Behavior.
- 2.56.970 - Drug and alcohol use.
- 2.56.975 - Workplace safety and incident reporting.

##### Article 10 - Grievances

- 2.56.1000 - Informal grievances.
- 2.56.1020 - Informal grievance procedure.
- 2.56.1030 - Conditions or actions not grievable.

##### Article 11 - General Repealer

- 2.56.1100 - Prior Versions Repealed.

A copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at [www.hobbsnm.org](http://www.hobbsnm.org).

Due to COVID-19, the meeting is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to submit public comment related to this proposed ordinance, please submit written comments by email to [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) by 4:30 p.m. on April 4, 2022.

/s/Jan Fletcher  
Jan Fletcher, City Clerk





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: APRIL 4, 2022

SUBJECT: PUBLIC HEARING FOR ENFORCING/RESCINDING RESOLUTION NO. 7158 AS IT APPLIES TO THE CONDEMNED PROPERTY LOCATED AT 220 S. AVENUE C, HOBBS, NM.

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: March 28, 2022
SUBMITTED BY: Rocio A. Ocano, Assistant City Attorney

Summary: On February 7, 2022, the City Commission adopted Resolution No. 7158 finding the property located at 220 S. Avenue C, Hobbs, NM 88240 to be damaged, dilapidated and a menace to the public comfort, health and safety and requiring its removal from the City of Hobbs.

Fiscal Impact:

The demolition of this property will cost approximately \$17,090.00. The estimated amount fits within the Code Enforcement Department's FY 2022 budget for professional services.

Reviewed By: [Signature]
Finance Department

Attachments: Proposed Resolution; Resolution No. 7158; and Written Objection.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Adopted the Resolution to enforce or rescind Resolution 7185 as it relates to the property located at 220 S. Avenue C, Hobbs, New Mexico.

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. 7178

A RESOLUTION ENFORCING/RESCINDING  
RESOLUTION NO. 7158 AS IT APPLIES TO  
THE PROPERTY AT 220 S. AVENUE C

WHEREAS, THIS Commission approved Resolution No. 7158 finding the structure at 220 S. Avenue C, Hobbs, New Mexico, was ruined, damaged, and dilapidated, and a menace to the public comfort, health and safety and requires removal;

WHEREAS, Gutberto Burciaga timely filed a written objection; and

WHEREAS, the Commission has fixed this date for hearing on its Resolution and the objection; and

WHEREAS, the Commission has considered the evidence presented by Gutberto Burciaga against its Resolution as well as the evidence presented for the Resolution.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that its Resolution No. 7158 as it applies only to the property at 220 S. Avenue C, Hobbs, New Mexico should be, and hereby is enforced/rescinded.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022

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SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk



**Condemned Structure  
Objection Letter**

Date 3/1/22

I, Guillermo Burciaga, object to the condemnation at 220  
S. ave C. I hereby certify that I am  the owner,

occupant or  agent in charge of the premises.

I request a hearing on the condemnation of the above referenced property pursuant to 8.24.040 of the Hobbs Municipal Code (HMC).

**OR**

I understand that I am **waiving my right to a hearing on the condemnation** pursuant to 8.24.040 HMC. I intend to cooperate with the City of Hobbs to either remediate or remove this property pursuant to 8.24 HMC. I further understand that if I do not complete the remediation or removal within the time periods prescribed by 8.24.030 HMC, the City will proceed with abatement of the menace and I will be responsible for the costs incurred.

I plan to:  Renovate  Remodel  Demolish

Signature

Guillermo Burciaga

Address

220. S. ave C

City, State, Zip

Hobbs NM 88240

Phone #

(575) 441 0743

Witnessed by

A. Silva HESO  
Code Enforcement Superintendent

RECEIVED

MAR 01 2022

OFFICE OF THE CITY CLERK  
HOBBS, NEW MEXICO

CITY OF HOBBS

RESOLUTION NO. 7158

A RESOLUTION DETERMINING THAT CERTAIN PROPERTIES THAT ARE RUINED, DAMAGED AND DILAPIDATED, ARE A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY AND REQUIRE REMOVAL FROM THE MUNICIPALITY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and Section 3-18-5 NMSA as amended, the City has inspected the premises described in Attachment "A", attached hereto and incorporated herein by reference, and finds that the structure thereon are ruined, damaged, and dilapidated, are a menace to the public comfort, health and safety and requires removal from the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the structures described in Attachment "A" are found to be ruined, damaged and dilapidated, are a menace to the public comfort, health and safety, and should be removed.

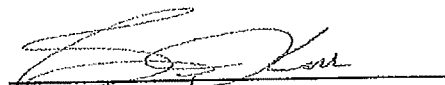
BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; and that a copy of the same be published as required by law.

BE IT FURTHER RESOLVED that unless the owner, occupant or agent in charge of such premises, within ten (10) days from such service or posting and publication of this Resolution, has commenced removing such structures from the real property or has filed written objection with the City, the City shall cause the removal of such structures at the cost and expense of the property owner.



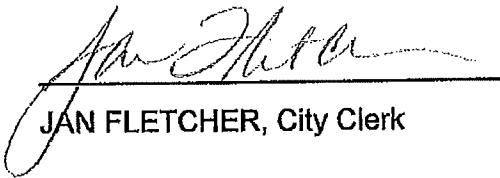
BE IT FURTHER RESOLVED that in cases where the City removes a structure so condemned, a lien shall be levied by the City against the real property involved in an amount equal to the reasonable cost of the services rendered, which lien may be foreclosed in default of satisfaction.

PASSED, ADOPTED AND APPROVED this 7<sup>th</sup> day of February, 2022



SAM D. COBB, Mayor

ATTEST:



JAN FLETCHER, City Clerk



**Attachment A**

	<b>Address</b>	<b>Owner</b>	<b>Owner's Address</b>	<b>Estimated Cost of Demolition</b>
1	<p>220 S. Ave C Hobbs, Lea County, NM</p> <p>*Lots One (1), Block Seventeen (17), All Hobbs Addition to the City of Hobbs, Lea County, New Mexico are referenced on that certain Plat filed August 2,1957.</p>	Gutberto Burciaga	407 W. Shipp Hobbs, NM, 88240	\$17,090.00
2	<p>1229 S. Hannah Hobbs, Lea County, NM</p> <p>*Lot Six (6) of the G&amp;H Subdivision to the City of Hobbs, Lea County, New Mexico, as referenced on that certain Plat filed October 31, 2019</p> <p>*Only condemning the structure known as 1229 S. Hannah on the parcel.</p>	Glen R. Payne & Heather I. Payne	13 Burgess Hobbs, NM, 88240	\$14,740.13





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: Condemnation Recommendation on Certain Properties

DEPT. OF ORIGIN: Hobbs Police Department - Community Services Division, City of Hobbs Legal Department

DATE SUBMITTED: March 25, 2022

SUBMITTED BY: Jessica Silva, Code Enforcement Superintendent and Valerie S. Chacon, Deputy City Attorney

Summary:

In its continuing promotion of safety and clean-up efforts within city limits, the Hobbs Police Department-Community Services Division has identified two properties which present health, life and safety hazards, which warrant remediation. The properties are in dire need of repair. The properties are located at 909 N. Cochran, 1117 N. Denson, 606 E. Byers, 700/708 E. Cain, and 304 W. Shipp are ruined, damaged and dilapidated and a menace to the public comfort, health and safety. Attachment A contains the information for the properties.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

The demolition and clean-up of these properties will cost approximately \$107,401.25. The current budget in the "Professional Services" line item of the Environmental Budget (01340-42601) has an adequate balance to sustain this expenditure.

Attachments:

- 1. Resolution
2. Photos of property contained in Attachment "A".
3. Attachment "A"

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

The City Commission approve the adoption of the Resolution determining 909 N. Cochran, 1117 N. Denson, 606 E. Byers, 700/708 E. Cain, and 304 W. Shipp as ruined, damaged and dilapidated and a menace to public health and safety, which require remediation.

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. 7179

A RESOLUTION DETERMINING THAT CERTAIN PROPERTIES THAT ARE RUINED, DAMAGED AND DILAPIDATED, ARE A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY AND REQUIRE REMOVAL FROM THE MUNICIPALITY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and Section 3-18-5 NMSA as amended, the City has inspected the premises described in Attachment "A", attached hereto and incorporated herein by reference, and finds that the structure thereon are ruined, damaged, and dilapidated, are a menace to the public comfort, health and safety and requires removal from the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the structures described in Attachment "A" are found to be ruined, damaged and dilapidated, are a menace to the public comfort, health and safety, and should be removed.

BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; and that a copy of the same be published as required by law.

BE IT FURTHER RESOLVED that unless the owner, occupant or agent in charge of such premises, within ten (10) days from such service or posting and publication of this Resolution, has commenced removing such structures from the real property or has filed written objection with the City, the City shall cause the removal of such structures at the cost and expense of the property owner.



BE IT FURTHER RESOLVED that in cases where the City removes a structure so condemned, a lien shall be levied by the City against the real property involved in an amount equal to the reasonable cost of the services rendered, which lien may be foreclosed in default of satisfaction.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022

---

SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk

**Attachment A**

	<b>Address</b>	<b>Owner</b>	<b>Owner's Address</b>	<b>Estimated Cost of Demolition</b>
1	<p>909 N. Cochran Hobbs, Lea County, NM</p> <p>*A parcel of land situated within the Northwest Quarter (NW1/4) of Section 34, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico further described as follows: Beginning at a point which lies North 180.0 feet and West 1030.00 feet and North 39.00 feet from the Northeast corner of Block 163 of Highland Park Addition.</p>	Cleotilde Esquivel	2809 Beechwood St. Odessa, TX, 79761	\$19,444.79
2	<p>1117 N. Denson Hobbs, Lea County, NM</p> <p>*Lot Four (4), Block Fourteen (14), First unit of the Dale Bellamah Addition to the City of Hobbs, Lea County, New Mexico, as referenced on that certain Plat filed June 10, 1953.</p>	Cridex Inc.	325 N. Ave C Hobbs, NM, 88240	\$15,884.72
3	<p>606 E. Byers Hobbs, Lea County, NM</p> <p>*Lot Fifteen (15), Block Sixty-nine (69), Original Hobbs Addition to the City of Hobbs, Lea County New Mexico as referenced on the certain Plat filed July 14, 1928.</p>	Delwin Evans	521 E. Marland Hobbs, NM, 88240	\$15,274.19



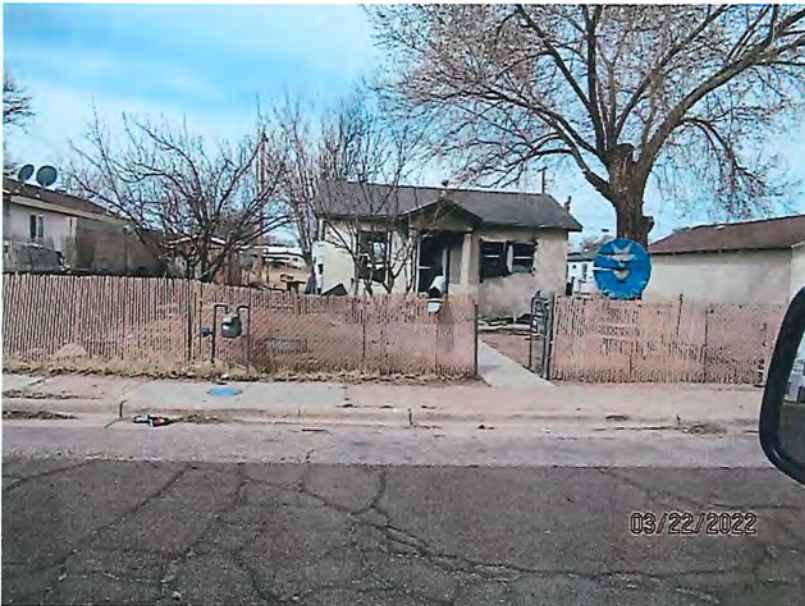
4	<p>700 &amp; 708 E. Cain Hobbs, Lea County, NM</p> <p>*Lot Twenty-two (22), Block Ninety-eight (98), Original Hobbs Addition to the City of Hobbs, Lea County, New Mexico, as referenced on the certain Plat filed May 9, 1930.</p>	Brian T. Connel	708 E. Cain St. Hobbs, NM, 88240	\$31,684.86
5	<p>304 W. Shipp Hobbs, Lea County, NM</p> <p>*Lot Three (3), Block (10), Southern Heights Addition to the City of Hobbs, Lea County, New Mexico, as referenced on that certain Plat filed March 21, 1947.</p>	James Dunlap & Nina Dunlap	304 W. Shipp Hobbs, NM, 88240	\$25,112.69

# 909 N. Cochran

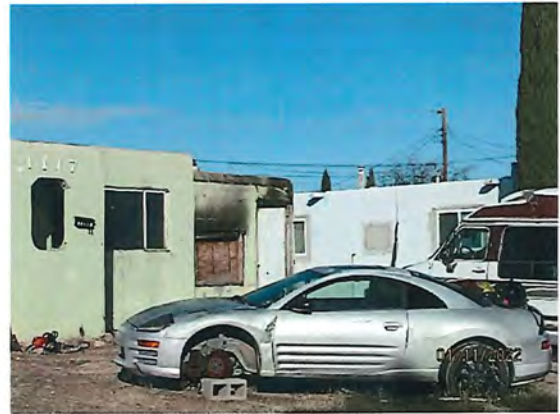




## 909 N. Cochran (Cont.)



# 1117 N. Denson





# 1117 N. Denson (Cont.)



# 606 E. Byers





# 606 E. Byers (Cont.)





# 700 E. Cain





# 708 E. Cain





# 708 E. Cain (Cont.)





# 304 W. Shipp






**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

**Subject:** Phase 11 Waterline Replacement Project – Ratifying Adjusting Change Orders  
**Dept. Of Origin:** Utilities  
**Date Submitted:** March 28, 2022  
**Submitted By:** Tim Woomer, Utilities Director

**Summary:**

- The City of Hobbs Utilities Department has completed the Phase 11 Waterline Replacement Project.
- The Project (Bid 1579-20) comprised of the installation of new PVC water distribution waterlines in various parts of the City, replacing old, dilapidated and undersized steel/AC distribution lines.
- These two Change Orders represent the Final Adjusting Change Order and Reconciliation of the contract work and material quantities to the actual as-built work performed and material quantities installed.

**Fiscal Impact:** **-\$183,545.71 (Including NMGR)** Reviewed By:   
Finance Department

Original Contract Amount:	\$1,040,427.02
Change Order #1:	- \$67,750.32
Total Work Completed:	\$856,881.31
Final Change Order #2	- \$115,795.39

**Change to Original Contract:** **-\$183,545.71**

Utilities Enterprise Fund, Account Number 614061-44901-094 - Waterline Replacement Project

**Attachments:**

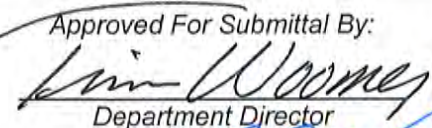

- Phase 11 Waterline Replacement Project - Final Adjusting Change Order
- Phase 11 Waterline Replacement Project - Final Payment Request

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Ratify the Change Orders for the Phase 11 Waterline Replacement Project.

Approved For Submittal By:  
  
Department Director  
  
City Manager

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

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





**PHASE 11 WATER LINE  
REPLACEMENT PROJECT  
FINAL ADJUSTING  
CHANGE ORDER No. 2**

To: Ferguson Construction Co.  
2200 S. Commercial  
Lovington, NM 88260

Change Order No. 2 and Final  
Bid No. 1579-20

**General:**

*Final Adjusting Change Order No. 2*

**Description of Change:**

*Final adjustment of contract quantities to actual as-built quantities.*

**Reason / Justification for Change:**

*The Contract is based on unit prices and estimated quantities. The final adjusting change order modifies the quantities to actual and contract prices adjusted to reflect changes.*

**Cost:**

Original Contract Amount:	\$ 1,040,427.02
Previous Changes (Change Order #1)	-\$ 67,750.32
New Contract Amount	\$972,676.70
Total Work Complete to Date	\$856,881.31
Change to Contract Amount (Change Order #2)	-\$115,795.39

**Time:**

Original Contract Time	270 Calendar Days
Previous Changes:	14 Calendar Days
Change with Change Order No. <u>2</u>	0 Calendar Days
New Contract Time:	284 Calendar Days

**Attachments:**

*Final Pay Application No. 10  
Summary of as built quantities*

Final Adjusting Change Order No.2  
Bid No. 1579-20  
PHASE 11 WATER LINE REPLACEMENT PROJECT

All other provisions of the original contract and of the contract bond, including those related to the time, manner and scope of work and payment shall continue unaltered. This document constitutes a binding contractual amendment to the above parent contract, although it is mutually understood that the quantities and total costs hereon are estimates only. This document is subject to review by the State of New Mexico, Department of Finance and Administration, Local Government Division.

---

RECOMMENDED:

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

Title: \_\_\_\_\_

APPROVED:

Owner: CITY OF HOBBS

By: Jim Wooley

Title: UTILITIES DIR

Date: 3-22-2022

Contractor: Ferguson Construction

By: Mark de los Santos

Title: Superintendent

Date: 1-24-2022



<b>City of Hobbs Phase 11 Waterline Replacement Project</b>  <b>PARTIAL PAYMENT ESTIMATE</b>	CONTRACT NO. BID #1579-20
	FINAL PAYMENT ESTIMATE NO. 10
	PAGE 1 OF 4


OWNER: City of Hobbs	CONTRACTOR: Ferguson Construction	PERIOD OF ESTIMATE FROM: October 28, 2021 TO: November 25, 2021
-------------------------	--------------------------------------	---

CONTRACT CHANGE ORDER SUMMARY				ESTIMATE	
No.	Agency Approval Date	Amount			
		Additions	Deductions		
#1	4/22/2021		\$ 67,750.32	1. Original Contract .....	\$ 1,040,427.02
				2. Change Orders .....	\$ (67,750.32)
				3. Revised Contract (1 + 2) .....	\$ 972,676.70
				4. Work Completed .....	\$ 856,881.31
				5. Stored Materials .....	\$ -
				6. Subtotal (4 + 5) .....	\$ 856,881.31
				7. Retainage .....	\$ -
				8. Previous Payments .....	\$ 805,072.69
				9. Subtotal (6-7-8) .....	\$ 51,808.62
				10. Tax @ 6.8125% .....	\$ 3,529.46
				11. Current Payment Due .....	\$ 55,338.08
TOTALS		\$ -	\$ 67,750.32		
NET CHANGE		\$ (67,750.32)			

CONTRACT TIME			
Original (300 days)			
Revised (314 days)	On Schedule	<input type="checkbox"/> Yes	Starting Date <u>January 19, 2021</u>
Remain <u>3</u> days		<input type="checkbox"/> No	Projected Completion _____

<b>CONTRACTOR'S CERTIFICATION</b> The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.	<b>ENGINEER'S CERTIFICATION</b> The undersigned certifies that, to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in general conformance with the Contract Documents.
--	---

Engineer: Zeco Enterprises

By 

Date 01/25/22

Contractor: Ferguson Construction

By Mark de la Senter

Date 1-24-2022

APPROVED BY OWNER:

Owner: \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

ACCEPTED BY AGENCY:

The review and acceptance of this estimate does not attest to the correctness of the quantities shown or that the work has been performed in accordance with the Contract Documents.

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**CONSTRUCTION PROGRESS**  
**City of Hobbs**  
**City of Hobbs Phase 11 Waterline Project**  
**Contractor: Ferguson Construction**

Final Payment Estimate No. 10  
 (construction period)

Item	Description	Unit Price	Original Amount	Original Value	Revised Amount	Revised Value	Work Completed			Total Completed	Percent Complete	Balance To Finish	
							Qty	Previous	This Period				
1	REMOVE AND DISPOSE OF EXISTING ASPHALT PAVEMENT CO #1 Revised Unit Price	\$28.87	1,266	\$ 34,554.82		\$ -	1524.77	\$ 40,970.57	2.33	\$ 62.61	\$ 41,033.16	118.7%	\$ (41,033.16)
2	REMOVE AND DISPOSE OF EXISTING CONCRETE CURB AND GUTTER_CO #1 Revised Unit Price	\$39.11	1,002	\$ 30,170.22		\$ -	761.70	\$ 23,838.09	0.00	\$ -	\$ 23,838.09	79.0%	\$ (23,838.09)
3	REMOVE AND DISPOSE OF EXISTING CONCRETE SURFACING (SIDEWALK, DRIVEWAY, FILLET, VALLEY GUTTER, ETC)	\$9.50	464	\$ 4,408.00		\$ -	323.14	\$ 3,069.83	-0.04	\$ (0.38)	\$ 3,069.45	89.6%	\$ (3,069.45)
4	REMOVE AND DISPOSE OF EXISTING WATER PIPE (2" STEEL)	\$25.16	588	\$ 14,734.08		\$ -	358.00	\$ 9,007.28	0.00	\$ -	\$ 9,007.28	80.9%	\$ (9,007.28)
5	REMOVE AND DISPOSE OF EXISTING WATER PIPE (GREATER THAN 2")	\$28.03	306	\$ 8,652.58		\$ -	0.00	\$ -	0.00	\$ -	\$ -	0.0%	\$ -
6	REMOVE EXISTING FIRE HYDRANT	\$675.00	4	\$ 2,700.00		\$ -	3.00	\$ 2,025.00	1.00	\$ 675.00	\$ 2,700.00	100.0%	\$ (2,700.00)
7	EXCAVATION, REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	\$36.00	204	\$ 7,344.00		\$ -	633.85	\$ 22,818.80	1.25	\$ 45.00	\$ 22,863.80	311.3%	\$ (22,863.80)
8	FILL CONSTRUCTION / SELECT MATERIAL	\$90.00	169	\$ 15,210.00		\$ -	633.89	\$ 57,050.10	1.21	\$ 108.90	\$ 57,159.00	375.5%	\$ (57,159.00)
9	6" THICK SUBGRADE PREPARATION	\$10.75	3,227	\$ 34,690.25		\$ -	1101.06	\$ 12,481.40	6.93	\$ 74.50	\$ 12,555.89	36.2%	\$ (12,555.89)
10	6" THICK AGGREGATE BASE COURSE	\$18.50	3,088	\$ 57,128.00		\$ -	2338.69	\$ 43,265.77	6.90	\$ 127.65	\$ 43,393.42	78.0%	\$ (43,393.42)
11	ASPHALT CONCRETE PAVEMENT (3" LIFT)	\$58.00	1,548	\$ 89,784.00		\$ -	1546.81	\$ 89,720.78	6.89	\$ 398.62	\$ 90,120.40	100.4%	\$ (90,120.40)
12	4" THICK CONCRETE SIDEWALK	\$68.00	115	\$ 7,820.00		\$ -	193.26	\$ 13,141.68	0.04	\$ 2.72	\$ 13,144.40	168.1%	\$ (13,144.40)
13	6" THICK CONCRETE DRIVE PAD	\$73.00	812	\$ 66,576.00		\$ -	415.30	\$ 30,316.90	0.00	\$ -	\$ 30,316.90	45.5%	\$ (30,316.90)
14	CONCRETE CURB AND OR GUTTER (ALL TYPES PER DETAILS)	\$45.00	1,258	\$ 56,810.00		\$ -	959.20	\$ 43,164.00	0.00	\$ -	\$ 43,164.00	76.2%	\$ (43,164.00)
15	FURNISH AND INSTALL 6" DIAMETER PVC WATER LINE (C900, DR 18) _CO #1 Revised Quantity	\$10.20	9176	\$ 148,635.00		\$ -	8425.00	\$ 136,485.01	0.00	\$ -	\$ 136,485.01	91.8%	\$ (136,485.01)
16	FURNISH AND INSTALL 10" DIAMETER PVC WATER LINE (C900, DR 18)	\$35.00	60	\$ 2,100.00		\$ -	16.00	\$ 560.00	0.00	\$ -	\$ 560.00	26.7%	\$ (560.00)
17	FURNISH AND INSTALL 18" DIAMETER PVC WATER LINE (C905, DR-18)	\$48.00	20	\$ 960.00		\$ -	14.00	\$ 672.00	0.00	\$ -	\$ 672.00	70.0%	\$ (672.00)
18	FURNISH AND INSTALL 24" DIAMETER PVC WATER LINE (C905, DR-18)	\$64.00	20	\$ 1,280.00		\$ -	0.00	\$ -	12.00	\$ 768.00	\$ 768.00	60.0%	\$ (768.00)
19	FURNISH AND INSTALL MECHANICAL JOINT DUCTILE IRON FITTINGS (AWWA C-153, 350 P.S.I.)	\$5.07	4423	\$ 22,424.61		\$ -	4485.00	\$ 22,738.95	0.00		\$ 22,738.95	101.4%	\$ (22,738.95)
20	FURNISH AND INSTALL 6" RESILIENT WEDGE GATE VALVE, FL X MJ. (AWWA C-515, NSF 61 & 372)	\$1,250.00	37	\$ 46,250.00		\$ -	29.00	\$ 36,250.00	0.00	\$ -	\$ 36,250.00	78.4%	\$ (36,250.00)
21	FURNISH AND INSTALL 18" RESILIENT WEDGE GATE VALVE, MJ X MJ W/ BEVEL GEARING & 2" BYPASS (AWWA C-515, NSF 61 & 372)	\$6,756.00	1	\$ 6,756.00		\$ -	1.00	\$ 6,756.00	0.00	\$ -	\$ 6,756.00	100.0%	\$ (6,756.00)



22	FURNISH AND INSTALL 24" RESILIENT WEDGE GATE VALVE, FL X MJ W/ BEVEL GEARING & 2.5" BYPASS (AWWA C-515, NSF 61 & 372)	\$24,825.00	1	\$ 24,825.00	\$ -	0.00	\$ -	1.00	\$ 24,825.00	\$ 24,825.00	100.0%	\$ (24,825.00)
23	FURNISH AND INSTALL VALVE BOX AND CONCRETE ADJUSTMENT	\$375.00	41	\$ 15,375.00	\$ -	21.00	\$ 7,875.00	2.00	\$ 750.00	\$ 8,825.00	58.1%	\$ (8,625.00)
24	FURNISH AND INSTALL 6" FIRE HYDRANT ASSEMBLY	\$5,700.00	12	\$ 68,400.00	\$ -	8.00	\$ 45,800.00	1.00	\$ 5,700.00	\$ 51,300.00	75.0%	\$ (51,300.00)
25	FURNISH & INSTALL APPROVED COUPLING AND CONNECT TO EXISTING 3" OR 4" WATER LINE	\$1,750.00	4	\$ 7,000.00	\$ -	1.00	\$ 1,750.00	0.00	\$ -	\$ 1,750.00	25.0%	\$ (1,750.00)
26	FURNISH & INSTALL APPROVED COUPLING AND CONNECT TO EXISTING 6" WATER LINE	\$450.00	20	\$ 9,000.00	\$ -	17.00	\$ 7,650.00	0.00	\$ -	\$ 7,650.00	85.0%	\$ (7,650.00)
27	FURNISH & INSTALL APPROVED COUPLING AND CONNECT TO EXISTING 8" WATER LINE	\$475.00	2	\$ 950.00	\$ -	4.00	\$ 1,900.00	0.00	\$ -	\$ 1,900.00	200.0%	\$ (1,900.00)
28	FURNISH & INSTALL APPROVED COUPLING AND CONNECT TO EXISTING 10" WATER LINE	\$500.00	4	\$ 2,000.00	\$ -	4.00	\$ 2,000.00	0.00	\$ -	\$ 2,000.00	100.0%	\$ (2,000.00)
29	FURNISH & INSTALL APPROVED RESTRAINED COUPLING, CONNECT 18" CONCRETE CYLINDER ADAPTOR TO 18" PVC WATER LINE	\$2,500.00	2	\$ 5,000.00	\$ -	2.00	\$ 5,000.00	0.00	\$ -	\$ 5,000.00	100.0%	\$ (5,000.00)
30	FURNISH & INSTALL APPROVED RESTRAINED COUPLING, CONNECT 24" CONCRETE CYLINDER ADAPTOR TO 24" PVC WATER LINE	\$3,250.00	2	\$ 6,500.00	\$ -	0.00	\$ -	2.00	\$ 6,500.00	\$ 6,500.00	100.0%	\$ (6,500.00)
31	REMOVE EXISTING WATER SERVICE CONNECTION AND FURNISH AND INSTALL 6" REPAIR CLAMP	\$3,500.00	1	\$ 3,500.00	\$ -	0.00	\$ -	0.00	\$ -	\$ -	0.0%	\$ -
32	FURNISH AND INSTALL 8" X 6" TAPPING SLEEVE & VALVE	\$2,850.00	4	\$ 11,400.00	\$ -	2.00	\$ 5,700.00	0.00	\$ -	\$ 5,700.00	50.0%	\$ (5,700.00)
33	FURNISH AND INSTALL 18" CONCRETE CYLINDER PIPE ADAPTORS, COMPLETE IN PLACE	\$10,000.00	1	\$ 10,000.00	\$ -	1.00	\$ 10,000.00	0.00	\$ -	\$ 10,000.00	100.0%	\$ (10,000.00)
34	FURNISH AND INSTALL 24" CONCRETE CYLINDER PIPE ADAPTORS, COMPLETE IN PLACE	\$12,000.00	1	\$ 12,000.00	\$ -	0.00	\$ -	1.00	\$ 12,000.00	\$ 12,000.00	100.0%	\$ (12,000.00)
35	FURNISH & INSTALL 1" WATER SERVICE CONNECTION	\$375.00	162	\$ 60,750.00	\$ -	201.00	\$ 75,375.00	0.00	\$ -	\$ 75,375.00	124.1%	\$ (75,375.00)
36	FURNISH AND INSTALL 1" WATER SERVICE LINE	\$3.75	1,974	\$ 7,402.50	\$ -	1891.00	\$ 6,341.25	0.00	\$ -	\$ 6,341.25	85.7%	\$ (6,341.25)
37	FURNISH AND INSTALL 1" WATER METER BOX	\$195.00	45	\$ 8,775.00	\$ -	128.00	\$ 24,960.00	0.00	\$ -	\$ 24,960.00	284.4%	\$ (24,960.00)
38	FURNISH AND INSTALL 2" WATER SERVICE CONNECTION	\$1,500.00	1	\$ 1,500.00	\$ -	2.00	\$ 3,000.00	0.00	\$ -	\$ 3,000.00	200.0%	\$ (3,000.00)
39	FURNISH AND INSTALL 2" WATER SERVICE LINE	\$15.75	20	\$ 315.00	\$ -	466.00	\$ 7,339.50	0.00	\$ -	\$ 7,339.50	2330.0%	\$ (7,339.50)
40	WATER & SANITARY SEWER CROSSING: REMOVE EXISTING SEWER & REPLACE WITH PRESSURE RATED SEWER PIPE (SDR 26)	\$18.00	440	\$ 7,920.00	\$ -	0.00	\$ -	0.00	\$ -	\$ -	0.0%	\$ -

41	FURNISH & INSTALL MANHOLE FRAME, COVER & ADJUSTMENT	\$4,500.00	10	\$ 45,000.00	\$ -	0.00	\$ -	0.00	\$ -	\$ -	0.0%	\$ -
42	CONSTRUCTION TRAFFIC CONTROL	\$2,500.00	1	\$ 2,500.00	\$ -	0.50	\$ 1,250.00	0.50	\$ 1,250.00	\$ 2,500.00	100.0%	\$ (2,500.00)
CO #13	REMOVE & REPLACE EXISTING CHAINLINK FENCE FOR AREA 2A	\$1,500.00	1	\$ 1,500.00	\$ -	1.00	\$ 1,500.00	0.00	\$ -	\$ 1,500.00	100.0%	\$ (1,500.00)
CO #10	REMOVE & REPLACE EXISTING LANDSCAPE ROCK FOR AREA 2A	\$2,020.00	1	\$ 2,020.00	\$ -	1.00	\$ 2,020.00	0.00	\$ -	\$ 2,020.00	100.0%	\$ (2,020.00)
<b>TOTALS (TAX NOT INCLUDED)</b>				<b>\$ 972,080.08</b>	<b>\$ -</b>		<b>\$ 803,592.88</b>		<b>\$ 53,288.81</b>	<b>\$ 856,881.31</b>	<b>88.1%</b>	<b>\$ (856,881.31)</b>





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4th, 2022

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING AN AGREEMENT BETWEEN LEA COUNTY AND THE CITY OF HOBBS TO CONSTRUCT AND PROVIDE MUNICIPAL WATER TO THE LEA COUNTY REGIONAL AIRPORT

DEPT. OF ORIGIN: Engineering Dept.
DATE SUBMITTED: March 28th, 2022
SUBMITTED BY: Todd Randall, City Engineer

Summary:

The City of Hobbs has awarded and currently constructing water (12") and sewer (12") along US62/180, which will have the capacity to serve the Lea County Airport and surrounding area (\$1,440,982 contract with Ferguson Construction - Not including GRT). The attached Memorandum of Agreement (MOA) defines the terms, which Lea County's contribution would be \$600,000 for the off-site water and sewer infrastructure.

The Lea County Commission will be considering the attached MOA at their March 31st, 2022 Commission Meeting. Staff requests approval authorizing the Mayor and/or City Manager to execute the attached MOA with Lea County.

Fiscal Impact:

Reviewed By: Finance Department

Budget Line: 44-04044-44901-00289
FY22 Budget: \$2,175,826.75
MOA: \$600,000 (Lea County Contribution)
Design Fees: \$152,369.66
Construction: \$1,440,982.00 (plus GRT)

Attachments: Resolution, MOU and Location Map

Legal Review:

Approved As To Form: Efrén A. Cortez, City Attorney

Recommendation:

Consideration and approval of the Resolution to allow the Mayor and/or City Manager to enter into an agreement with Lea County for off-site water and sewer infrastructure along US62/180

Approved To Submit By: TODD RANDALL, Department Director, City Manager

CITY CLERK'S USE ONLY COMMISSION ACTION TAKEN

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

**CITY OF HOBBS**

**RESOLUTION NO. 7180**

**A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT  
BETWEEN THE CITY OF HOBBS AND LEA COUNTY FOR MUNICIPAL WATER  
SERVICE TO LEA COUNTY REGIONAL AIRPORT**

**WHEREAS**, the City of Hobbs has budgeted the extension of water and sewer along US62/180 to service recently annexed areas and the Lea County Regional Airport; and

**WHEREAS**, Lea County desires to connect to the City of Hobbs municipal water system instead of replacing the well and tank system at Lea County Regional Airport; and

**WHEREAS**, Lea County and the City of Hobbs wish to enter an agreement that would enable the City of Hobbs to construct both offsite and utilities on Lea County Regional Airport to connect the municipal system to the airport; and

**WHEREAS**, the agreement also includes Lea County compensation for the offsite sewer improvement adjacent along US 62/180;

**NOW, THEREFORE, BE IT RESOLVED** BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor and/or City Manager, may finalize and sign any agreements consistent with the term of this resolution.

**PASSED, ADOPTED AND APPROVED** this 4th day of April, 2022.

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

ATTEST:

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



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

This Memorandum of Agreement is made this \_\_\_\_\_ day of, \_\_\_\_\_ 2022, 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 public infrastructure (water & sewer) located west of West County Road within the 62/180 right of way. CITY and COUNTY agree to cooperate as outlined in this Agreement.

WHEREAS, the CITY and COUNTY agree that public infrastructure located within the 62\180 right of way west of West County Road would benefit both private and public structures located adjacent to the corridor; and

WHEREAS, the availability and utilization of public water and sewer infrastructures serve the health, safety, and wellbeing of Lea County residents by providing safe potable water and acceptance and processing of liquid wastes; and

WHEREAS, on April 19, 2021, CITY approved an action to award "Bid No. 1585-21 Lea County Airport Water and Sewer Extension Project" to Ferguson Construction in an amount not to exceed \$1,440,982 (not including GRT or Engineering); and

WHEREAS, the Agreement requires payment from the COUNTY to CITY to assist in the construction of the Lea County Airport Water and Sewer Extension Project;

NOW THEREFORE, for good and valuable consideration acknowledged by both parties hereto, the CITY and COUNTY agree as follows:

**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 Lea County Airport Water and Sewer Extension Project.

2. CITY shall construct the Lea County Airport Water and Sewer Extension Project, within the right of way of 621180 as per the plan set.
3. CITY shall provide sufficient supporting documentation for actual expenses incurred related to the construction of the Lea County Airport Water and Sewer Extension Project to COUNTY upon request.
4. CITY shall ensure all funds contributed by COUNTY are used exclusively toward the construction of the Lea County Airport Water and Sewer Extension Project and for no other purpose. Should any portion of the funds contributed by COUNTY to the Lea County Airport Water and Sewer Extension Project be unused by CITY, those unused portions of the funds outlined herein shall be returned to COUNTY.
5. CITY shall not utilize the public funds contributed by COUNTY in any manner that violates and federal, state, or local laws.
6. CITY shall own, operate, and maintain the public infrastructures 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 SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) in full within FY 2021-2022.
2. COUNTY shall pay to CITY SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) to be directly applied toward the Lea County Airport Water and Sewer Extension Project.
3. COUNTY shall deliver funds to CITY prior to July 30, 2022.
4. COUNTY may request an accounting of funds used toward the Lea County Airport Water and Sewer Extension Project.

### **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 Lea County Airport Water and Sewer Extension Project 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 Lea County Airport Water and Sewer Extension Project 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: \_\_\_\_\_  
Dean Jackson,  
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: \_\_\_\_\_











CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: ANNEXATION OF A PORTION OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST--FINAL ADOPTION OF ORDINANCE TO APPROVE THE TRACT 5, LYNCH SUBDIVISION ANNEXATION.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: March 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Annexation Of Tract 5 of the Lynch Subdivision is located within Section 9, Township 18 South, Range 38 East and contains +/- 19.346 acres. The annexation proposal was presented to the Planning Board at the February 15, 2022 meeting. After review the Planning Board recommended approval to the Commission with a 5-0 vote. The Commission authorized publication of the attached Ordinance on March 7, 2022.

Fiscal Impact: Reviewed By: Finance Department

The positive financial impact of the new development should offset any expenses that the City will incur from the new development being included within the City.

Attachments: Annexation Ordinance; Annexation Plat and Petition; and Planning Board Minutes.

Legal Review: Approved As To Form
Cortez
City Attorney

Recommendation: Staff recommends that the Commission consider approval of the Ordinance Annexing Tract 5, Lynch Subdivision A Portion Of Section 9, Township 18 South, Range 38 East.

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  
ORDINANCE NO. 1142

**AN ORDINANCE CONSENTING TO THE ANNEXATION OF TRACT 5, OF THE LYNCH SUBDIVISION BEING A PORTION OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, WHICH IS PRESENTLY NOT INCLUDED IN THE CITY LIMITS, AS REQUESTED BY THE OWNER OF THE PROPERTY, AND AS RECOMMENDED BY THE PLANNING BOARD.**

WHEREAS, the owner of the property have petitioned the City of Hobbs to annex to the City an area in Section 9, Township 18 South, Range 38 East, N.M.P.M Lea County, New Mexico , and containing +/- 19.346 acres; and

WHEREAS, the property is contiguous to the present corporate limits of the City, and the Petitioner is the majority of land owned within the annexation boundary; and

WHEREAS, the Planning Board conducted a Public Meeting on February 15, 2022 regarding the annexation, and after discussion of the proposal, the Planning Board unanimously recommended approval of the Annexation by a 5-0 vote; and

WHEREAS, The City Commission has determined that it is in the best interests of the City of Hobbs to annex such territory.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, as follows:

1. That the petition requesting annexation of property into, which lands are presently outside of, the City limits hereby is approved and such territories are shown and described upon the Annexation Plat attached as Exhibit A, which is incorporated herein, hereby is annexed into the City of Hobbs.

2. That the Hobbs City Clerk will file the Annexation Ordinance and Plat with the Lea County Clerk after approval by the City Commission.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

**PETITION FOR ANNEXATION**

COMES NOW, Maria Ndey (PETITIONER), and petitions the governing body of the City of Hobbs for its consent by ordinance for the annexation of that portion of Tract 5 to the City of Hobbs, more particularly described as follows:

**REFER TO ATTACHED MAP & DEED**

and Petitioner states in support of such Petition, pursuant to Section 3-7-17.1 of the New Mexico Statutes Annotated (1978) that:

1. The property petitioner wishes to be annexed and the real property is contiguous to the present municipal boundary of the City of Hobbs.
2. The petitioner is owner of a majority of the number of acres in the proposed annexation territory.
3. An Annexation Plat is attached hereto showing the boundaries of the real property proposed for annexation and the relationship of such property to the present municipal boundaries of the City of Hobbs.

Petitioner: \_\_\_\_\_  
By: Maria Ndey  
Its: Owner

\_\_\_\_\_  
Date



LEA COUNTY, NM  
KEITH MANES, COUNTY CLERK  
63048  
Book 2172 Page 75  
1 of 1  
10/22/2020 11:30 AM  
BY ANGIE BEAUCHAMP

Return to **First American Title Insurance Company**  
File No. **14411-2551163 CS**

**WARRANTY DEED**

**Elizabeth D. Lynch, a single woman**, for consideration paid, grant to **Maria Ndey, a married woman** whose address is **3830 N. Grimes St., #9, Hobbs, NM 88240**, the following described real estate in **Lea County, New Mexico**.

**For Surface Title Only:**  
**Tract Five (5) of the Lynch Subdivision to Lea County, New Mexico, as referenced on that certain Plat filed January 23, 2015, in Book 1939, Page 158, Lea County Records, Lea County, New Mexico.**

**Subject to reservations, severances, restrictions, and easements of record and taxes for the year 2021 and subsequent years.**

with warranty covenants.

**Including all water rights appurtenant thereto, if any**

WITNESS our hands and seal this 21<sup>st</sup> day of October, 2020.

Elizabeth D. Lynch  
Elizabeth D. Lynch

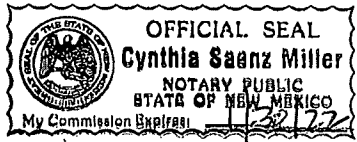
**Individual Capacity**

State of **New Mexico** )  
  )  
County of **Lea**                  )

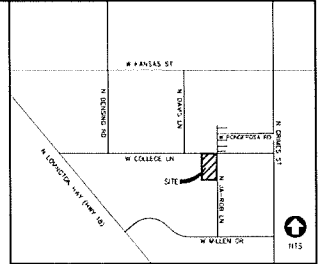
This instrument was acknowledged before me on the 21<sup>st</sup> day of October, 2020, by **Elizabeth D. Lynch**.

My commission expires:

[Signature]  
Notary Public



ANNEXATION PLAT OF  
TRACT 5, LYNCH SUBDIVISION  
LOCATED IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M.  
LEA COUNTY, NEW MEXICO



CONVEYANCE OF ASSOCIATION  
TRACT FIVE (5) OF LYNCH SUBDIVISION TO LEA COUNTY, NEW MEXICO, AS REFERENCED ON THAT DEEDMAN PLAT  
FILED JANUARY 23, 2015 IN BOOK 1324, PAGE 154, LEA COUNTY RECORDS, LEA COUNTY, NEW MEXICO.

FREE CONSENT AND DEDICATION

THE SUBDIVISION HEREIN DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE TERMS OF THE  
UNDEVELOPED CORNER(S) AND/OR PROVISION(S) THEREOF AND TO DEDICATE AND/OR PROVISION(S) TO HERBY  
DEDICATE ALL TIES) AND PUBLIC RIGHT-OF-WAY SHOWN HEREON TO THE CITY OF HOHRS IN THE SAMPLE WITH  
HUMANITY CONSENTS AND DO HERBY GRANT ALL EASEMENTS, SHOW HEREIN, SAID OWNER(S) AND/OR  
PROFESSIONAL(S) DO HERBY CONSENT TO ALL OF THE FOREGOING AND DO HERBY CERTIFY THAT THIS SUBDIVISION  
IS WITH FREE ACT AND SOLE, SAID OWNER(S) WARRANT THAT THEY HOLD SAME WITH COMPLETE AND  
INDIVISIBLE TITLE IN THE SAMPLE TO THE LAND SHOWN.

OWNER: Mark May

BOOK AND PAGE: \_\_\_\_\_ DATE: \_\_\_\_\_

ACKNOWLEDGEMENT:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME

PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON(S)  
DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE  
SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTES:

1. DISTANCES ARE GROUND DISTANCES (ALL FEET)
2. BASIS OF BEARING IS IN STATE PLANE GRID, EAST ZONE (NAD 83)

EXISTING EASEMENTS:

BY EASEMENT, LYNCH SUBDIVISION  
FILED: JANUARY 23, 2015, BOOK 1324, PAGE 154

EXISTING RIGHT-OF-WAY:

1. RIGHT-OF-WAY DEDICATED TO THE PUBLIC  
FILED: JUNE 15, 2014, CORNER D, BLUE 147, BOOK 2, PAGE 217.
2. RIGHT-OF-WAY DEDICATED TO THE PUBLIC  
FILED: JUNE 07, 2014, CORNER F, BLUE 114, BOOK 2, PAGE 874.
3. 30-FOOT ROADWAY EASEMENT  
FILED: OCTOBER 21, 1998, BOOK 612, PAGES 854-948

LEGEND:

- ◆ PLAIN QUARTER CORNER AS NOTED
- ▲ PLAIN SECTION CORNER AS NOTED
- SET 1/4" OF BEAR WITH BLUE PLASTIC CAP MARKED "TAC PIS ZERO"
- CALCULATED CORNER NOT SET
- (PHOTOGRAPHIC OR GPS) MEASURED BEARING & DISTANCE
- (PHOTOGRAPHIC OR GPS) MEASURED BEARING & DISTANCE

CERTIFICATE OF MUNICIPAL APPROVAL

I, ROY ROBINSON, DEVELOPMENT OFFICER FOR THE CITY OF HOHRS, LEA COUNTY, NEW MEXICO, DO HERBY CERTIFY THAT THE FOREGOING PLAT IN THE CITY OF HOHRS, LEA COUNTY, NEW MEXICO, HAS BEEN REVIEWED AND FOUND COMPLIANT WITH THE MUNICIPAL SANITARY PROCESS REGULATIONS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ROY ROBINSON, DEVELOPMENT OFFICER ATTEST: JIM FLETCHER, CITY CLERK

ACKNOWLEDGEMENT: STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY ROY ROBINSON AND JIM FLETCHER.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

CERTIFICATE OF APPROVAL BY THE CITY OF HOHRS PLANNING BOARD: THE PLAT, RESTRICTIONS AND DEDICATION APPROVED AND ACCEPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D. BY THE CITY PLANNING BOARD OF HOHRS NEW MEXICO.

DOUGLAS WILLIAM M. HICKS, II STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

ACKNOWLEDGEMENT: STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY WILLIAM M. HICKS, II.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

SURVEYOR'S CERTIFICATION

I, ROBERT J. FERRO, PROFESSIONAL SURVEYOR NO. 27909, DO HERBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL CORNER SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, THAT IT ACCORDS WITH THE STANDARD PRACTICE AND METHODS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS AND PROFESSIONAL SURVEYORS.

ROBERT J. FERRO, R.L.P.S. No. 27909



**Ferro & Company**  
ENGINEERING | SURVEYING  
5300 BOWTOWN ROAD, SUITE C  
ALBUQUERQUE, NM 87120  
PH 505.352.8250  
www.ferroandcompany.com

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

CURTAIN: \_\_\_\_\_  
DATE: \_\_\_\_\_



2. 2020 FERRO AND COMPANY SURVEYED THIS AREA. DATE: 05/11/2022 4:10 PM





Untitled Map  
Write a description for your map

Legend  
College Lane Elementary School  
Feature 1

COLLEGE AVE.

JA-ROB

JA-ROB

Proposed Annexation

Google Earth

500 ft

N

**LYNCH SUBDIVISION**  
 A TYPE THREE-A SUBDIVISION  
 DEVELOPER - ELIZABETH LYNCH  
 SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST,  
 N.M.P.M., LEA COUNTY, NEW MEXICO

**LEGAL DESCRIPTION**

THAT THE SUBDIVISION SHOWN HEREON AND HERETO DESIGNATED AS TRACTS 1-5, LYNCH SUBDIVISION, LEA COUNTY, NEW MEXICO CONSISTS OF A TRACT OF LAND LOCATED IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, LEA COUNTY, NEW MEXICO AND BEING A TRACT OF LAND CONVEYED TO ELIZABETH LYNCH AS DESCRIBED IN BOOK 1486, PAGE 447 OF THE LEA COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND BEING THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, LEA COUNTY, NEW MEXICO THE SOUTH AND EAST 30 FEET SUBJECT TO AN EASEMENT FOR RIGHT OF WAY FOR UTILITY AND ROAD PURPOSES.

SAD PROPERTY AS FILED IN BOOK 1486, PAGE 447, LEA COUNTY CLERK'S OFFICE IS BEING SUBDIVIDED WITH THE TREE CONTOUR AND IN ACCORDANCE WITH THE DEEDS OF THE UNDERSIGNED OWNER THEREOF AND IS SURVEYED AND SUBDIVIDED ACCORDING TO THE TRACTS AS THEY APPEAR ON THE PLAN ATTACHED HEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNER OF SAID LAND HAVE HERETO SET HIS HAND THIS 16th DAY OF DECEMBER, 2014.

*Elizabeth D. Lynch*  
 ELIZABETH D. LYNCH



STATE OF NEW MEXICO } ss

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF DECEMBER, 2014 BY ELIZABETH D. LYNCH.

MY COMMISSION EXPIRES 3-4-18

*Christy Lee Lewis*  
 NOTARY PUBLIC

**CERTIFICATE OF APPROVAL  
 LEA COUNTY PLANNING AND ZONING BOARD**

ON 11 JANUARY 2015 THE PLAT OF LYNCH SUBDIVISION CONSISTING OF LAND SITUATED AS A PROPOSED SUBDIVISION LEA COUNTY, NEW MEXICO WAS SUBMITTED TO THE LEA COUNTY PLANNING AND ZONING BOARD, NEW MEXICO ASSEMBLED AT A MEETING ON THE 11th DAY OF JANUARY, 2015 A.D., AND THE SUBDIVISION AS SHOWN ON THE ATTACHED PLAT WAS THEREUPON APPROVED AND ACCEPTED BY A MAJORITY OF THE MEMBERS OF THE SAID BOARD.

IN WITNESS WHEREOF, THE PLANNING AND ZONING BOARD OF LEA COUNTY, NEW MEXICO HAS CAUSED THIS INSTRUMENT TO BE SIGNED ON ITS BEHALF BY ITS CHAIRMAN AND ATTESTED BY THE COUNTY CLERK OF LEA COUNTY, NEW MEXICO ON THE 13th DAY OF DECEMBER, 2014 A.D.

ATTEST:  
*Pat Chappelle*  
 COUNTY CLERK

PLANNING AND ZONING BOARD  
 LEA COUNTY, NEW MEXICO  
*Kelli Ninkovic*  
 CHAIRMAN

STATE OF NEW MEXICO } ss

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF DECEMBER, 2014 BY THE ABOVE COUNTY CLERK AND CHAIRMAN OF THE LEA COUNTY PLANNING AND ZONING BOARD.

MY COMMISSION EXPIRES 10-29-2017

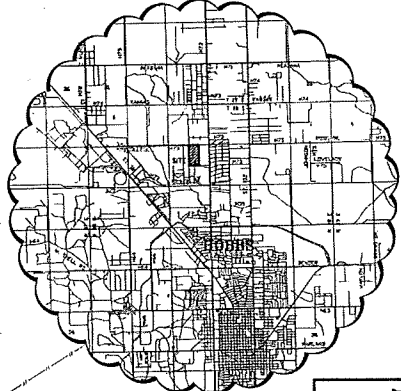
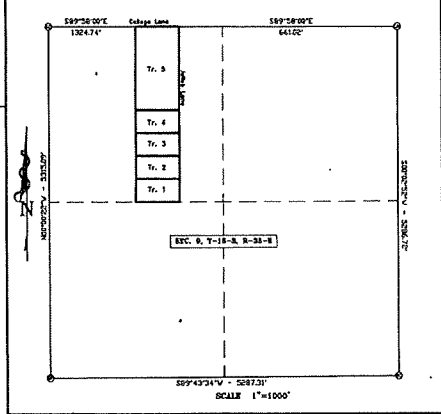
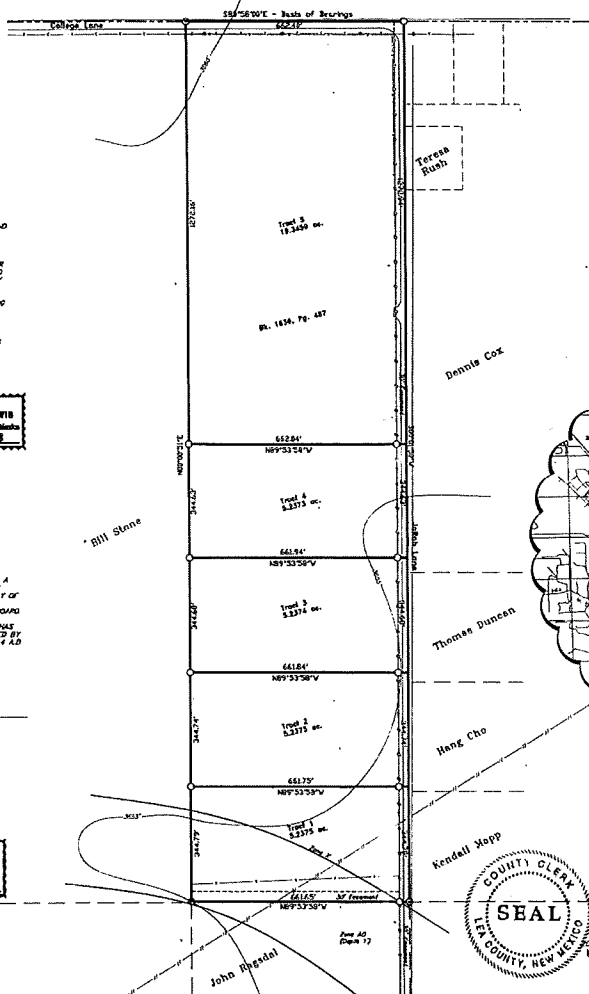
*Beverly Wolford*  
 NOTARY PUBLIC



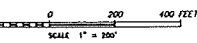
**CERTIFICATE OF SURVEY**

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE COPY OF A SURVEY MADE BY THE FIELD ENGINEER AND MEETS THE REQUIREMENTS OF THE MINIMUM STANDARDS OF SURVEYING PRACTICE AS ADOPTED BY THE NEW MEXICO STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS. THIS IS A SURVEY PLAT OF A SUBDIVISION, LEA COUNTY, NEW MEXICO. I HEREBY SET MY HAND AND AFFIX MY SEAL THIS 13th DAY OF DECEMBER, 2014.

*Pat Chappelle*  
 COUNTY CLERK



- LEGEND**
- 1/2" 1/2" REBAR
  - 4"X6 BRASS CAP
  - 4"X6 ALUM CAP
  - 4"X6 R.R. SPIKE
  - 4"X6 STEEL PIN
  - 4"X6 1/2" REBAR
  - 4"X6 NAIL
  - - - BURIED PIPELINE
  - - - 2 1/2" GAS LINE



Prepared by  
**HARDY SURVEYS**  
 6102 W. Red Canyon Rd.  
 Suite 11, New Mexico 87002  
 PH: (505) 282-7200 FAX: (505) 282-7204  
 P.O. BOX 12708 LAS VEGAS, NV 89112

STATE OF NEW MEXICO  
 COUNTY OF LEA  
 FILED  
 January 22, 2015  
 AT 2:02 O'CLOCK P.M.  
 AND RECORDED IN BOOK 1939  
 PAGE 158  
 PAT CHAPPELLE, LEA COUNTY CLERK  
 BY *Pat Chappelle* DEPUTY



**Communications from Citizens**

There were no communications from citizens.

**Action Items**

**3.) Review and Consider Proposed Annexation of +/- 19.34 acres of property located southwest of the intersection of College Lane and Ja-Rob.**

Mr. Robinson explained the proposed annexation of +/- 19.34 acres of property located southwest of the intersection of College Lane and Ja-Rob.

In response to Mr. Kesner's question, Mr. Robinson stated the utilities for the NDEY Subdivision does not have to be extended to the end of the subdivision. Mr. Robinson stated the subdivision has been proposed to the municipality as a two-phase subdivision. He explained Tract 1 will be further subdivided during phase two. Mr. Robinson further stated every tract that is being created north of Tract 1 will be served by the public infrastructure being installed when Tract 1 is further subdivided. Mr. Robinson explained the infrastructure will be extended south of Ja-Rob. He said the annexation is only to accept the property within the municipality.

Mr. Donahue made a motion, seconded by Mr. Drennan to recommend to approve the annexation. The vote on the motion was 5-0 and the motion carried.

**4.) Review and Consider NDEY Subdivision, Unit 1 Preliminary Plat Approval, as presented by property owner Maria Ndey.**

Mr. Robinson stated this is the NDEY Subdivision, Unit 1 Preliminary Plat approval. The NDEY Subdivision is located north of Tract 1. It will create lots one through five, with a remainder piece will be Tract 1. Mr. Robinson stated the engineering is being reviewed by staff.

In response to Mr. Hick's question, Mr. Robinson said the rearranging of the access of lots six from College Lane to Ja-Rob Lane should not affect the development. He further said City staff will discuss the rearrangement of the access points with the owner of the property. Mr. Robinson said College Lane is a major collector with restricted access. Mr. Robinson said City staff is wanting to restrict the amount of access points on College Lane. He further stated the rearrangement of lot six is not a negative impact on the developer. He said City staff prefers to access from Ja-Rob because it eliminates a driveway off of College Lane. Mr. Robinson said City staff always reviews the configuration of the lots to make sure that every lot being created is going to be served by the infrastructure standards. City staff primarily reviews the preliminary plat approval and all of the engineering and infrastructure. The reconfiguration should not change depending on what the development plans are for the layout of Tract 1.

# Affidavit of Publication

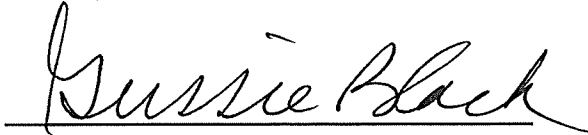
STATE OF NEW MEXICO  
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

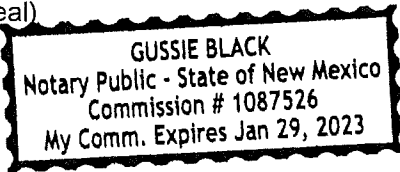
Beginning with the issue dated  
March 16, 2022  
and ending with the issue dated  
March 16, 2022.

  
\_\_\_\_\_  
Publisher

Sworn and subscribed to before me this  
16th day of March 2022.

  
\_\_\_\_\_  
Business Manager

My commission expires  
January 29, 2023  
(Seal)



This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

## LEGAL NOTICE MARCH 16, 2022

### NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 4th day of April, 2022, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance annexing property. A summary of the ordinance is contained in its title and is described as follows:

AN ORDINANCE CONSENTING TO THE ANNEXATION OF TRACT 5, OF THE LYNCH SUBDIVISION BEING A PORTION OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, WHICH IS PRESENTLY NOT INCLUDED IN THE CITY LIMITS, AS REQUESTED BY THE OWNER OF THE PROPERTY, AND AS RECOMMENDED BY THE PLANNING BOARD.

WHEREAS, the owner of the property have petitioned the City of Hobbs to annex to the City an area in Section 9, Township 18 South, Range 38 East, N.M.P.M Lea County, New Mexico, and containing +/- 19.346 acres; and

WHEREAS, the property is contiguous to the present corporate limits of the City, and the Petitioner is the majority of land owned within the annexation boundary; and

WHEREAS, the Planning Board conducted a Public Meeting on February 15, 2022 regarding the annexation, and after discussion of the proposal, the Planning Board unanimously recommended approval of the Annexation by a 5-0 vote; and

WHEREAS, the City Commission has determined that it is in the best interests of the City of Hobbs to annex such territory.  
NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, as follows:

1. That the petition requesting annexation of property into, which lands are presently outside of, the City limits hereby is approved and such territories are shown and described upon the Annexation Plat (on file in the City Clerk's Office) hereby is annexed into the City of Hobbs.

2. That the Hobbs City Clerk will file the Annexation Ordinance and Plat with the Lea County Clerk after approval by the City Commission.

A copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at [www.hobbsnm.org](http://www.hobbsnm.org).

Due to COVID-19, the meeting is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to submit public comment related to this proposed ordinance, please submit written comments by email to [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) by 4:30 p.m. on April 4, 2022.

/s/Jan Fletcher  
Jan Fletcher, City Clerk

#37427

67108146

00264615

CITY OF HOBBS FINANCE DEPT  
200 E. BROADWAY ST  
HOBBS, NM 88240





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: RESOLUTION APPROVING THE VACATION OF A PORTION OF FOWLER BETWEEN BROADWAY AND TAYLOR.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: March 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The property being vacated is that portion of Fowler located between Broadway to the south and Taylor to the north. Fowler at this location lies between City Hall occupying the entire block to the west and the Employee Parking Lot occupying the entire Block to the east. Proceeding this Vacation will be the closure of the south end of the vacated property, the north end of the vacated property will remain open to facilitate access to City Hall and from the Employee Parking Lot. The Planning Board reviewed this issue on December 12, 2021 and voted 6 to 0 to recommend approval.

Fiscal Impact: Reviewed By: Finance Department

There will not be a Fiscal Impact associated with this vacation.

Attachments: Resolution, Vacation Plat and Planning Board Minutes.

Legal Review: Approved As To Form: Efren A. Cortez City Attorney

Recommendation: Consideration of Approval of the Resolution to approve the Vacation Plat, as recommended by the Planning Board.

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. 7181

**A RESOLUTION APPROVING THE VACATION OF A PORTION OF FOWLER BETWEEN BROADWAY AND TAYLOR.**

WHEREAS, The City of Hobbs is requesting the vacation of a portion of Fowler located between Broadway to the south and Taylor to the north; and

WHEREAS, the Vacation Plan was then reviewed and recommended for approval by the City of Hobbs Planning Board at the December 12, 2021 meeting; and

WHEREAS, the City Commission has determined that the vacation of a portion of Fowler located between Broadway to the south and Taylor to the north will not adversely affect the interests or rights of persons in contiguous territory or within the subdivision.

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

1. The City of Hobbs hereby approves the Vacation Plat as attached hereto and made a part of this Resolution.

2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022.

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

ATTEST:

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



- 8) **Review and Consider Vacation and Road Closure Plan for a portion of N. Fowler located between Taylor and Broadway.**

Mr. Robinson said this is a Vacation and Road Closure Plan located on Fowler between Taylor and Broadway Street. He said this is a roadway between the City of Hobbs building and Employee Parking lot. Mr. Kesner made a motion, seconded by Mr. Donahue to approve the vacation and Road Closure Plan. The vote on the motion was 6-0 and the motion carried.

- 9) **Review and Consider Proposed Certificate of Occupancy - Existing Building Ordinance, Procedure and Application.**

After much discussion Mr. Donahue made a motion to table the Certificate of Occupancy - Existing Building Ordinance, Procedure and Application. The vote on the motion was 6-0 and the motion carried. Mr. Hicks asked for volunteers from the Board, City Staff and Members of the Public for a Sub-committee to study the Proposed Certificate of Occupancy - Existing Building Ordinance, Procedure and Application. Mr. Guy Kesner, Mr. Ben Donahue, Mrs. Jennifer Grassham, Mr. Scott Shed and Mr. Zak Nash were chosen for the Sub-committee.

### **DISCUSSION ITEMS**

There were no discussion items.

### **Adjournment.**

With nothing further to discuss Mr. Kesner made a motion, seconded by Mr. Donahue to adjourn. The meeting adjourned at 11:44 am. The vote on the motion was 6-0 and the motion carried.

---

**Tres Hicks, Chairman**



Option

Hobbs Water Department

City Hall

Employee Parking

Martin Boot

Libreria Monte De Alabanza

Boys & Girls Club of Hobbs

Google Earth



200 ft





**FOWLER STREET RIGHT-OF-WAY VACATION  
LOCATED WITHIN  
ORIGINAL HOBBS ADDITION, CITY OF HOBBS,  
LEA COUNTY, NEW MEXICO**



**DESCRIPTION VACATION TRACT:**

A STREET RIGHT-OF-WAY VACATION BETWEEN BLOCKS 23 AND 24, ORIGINAL HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE NORTHEAST CORNER OF LOT 1, BLOCK 23, ORIGINAL HOBBS ADDITION TO THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO FOR THE NORTHWEST CORNER OF THIS TRACT, THENCE EAST A DISTANCE OF 80.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE NORTHWEST CORNER OF LOT 12, BLOCK 24 OF SAID ADDITION AND THE NORTHEAST CORNER OF THIS TRACT, THENCE SOUTH A DISTANCE OF 300.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE SOUTHWEST CORNER OF LOT 13, BLOCK 24 OF SAID ADDITION AND THE SOUTHWEST CORNER OF THIS TRACT, THENCE WEST A DISTANCE OF 80.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE SOUTHEAST CORNER OF LOT 24, BLOCK 23 OF SAID ADDITION AND THE SOUTHWEST CORNER OF THIS TRACT, THENCE NORTH A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 0.55 ACRES MORE OR LESS.

**CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:**

THIS VACATION PLAT REVIEWED AND APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D. BY THE CITY PLANNING AND ZONING BOARD OF HOBBS, LEA COUNTY, NEW MEXICO

CHAIRMAN: WILLIAM M. HICKS III

**ACKNOWLEDGMENT:**

STATE OF NEW MEXICO  
COUNTY OF LEA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D. BY WILLIAM M. HICKS III

NOTARY PUBLIC

**CERTIFICATE OF MUNICIPAL APPROVAL**

I, JAN FLETCHER THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING VACATION PLAT OF A PORTION OF THE ORIGINAL HOBBS ADDITION BY THE CITY OF HOBBS, NEW MEXICO, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D.

JAN FLETCHER, CITY CLERK

**ACKNOWLEDGMENT:**

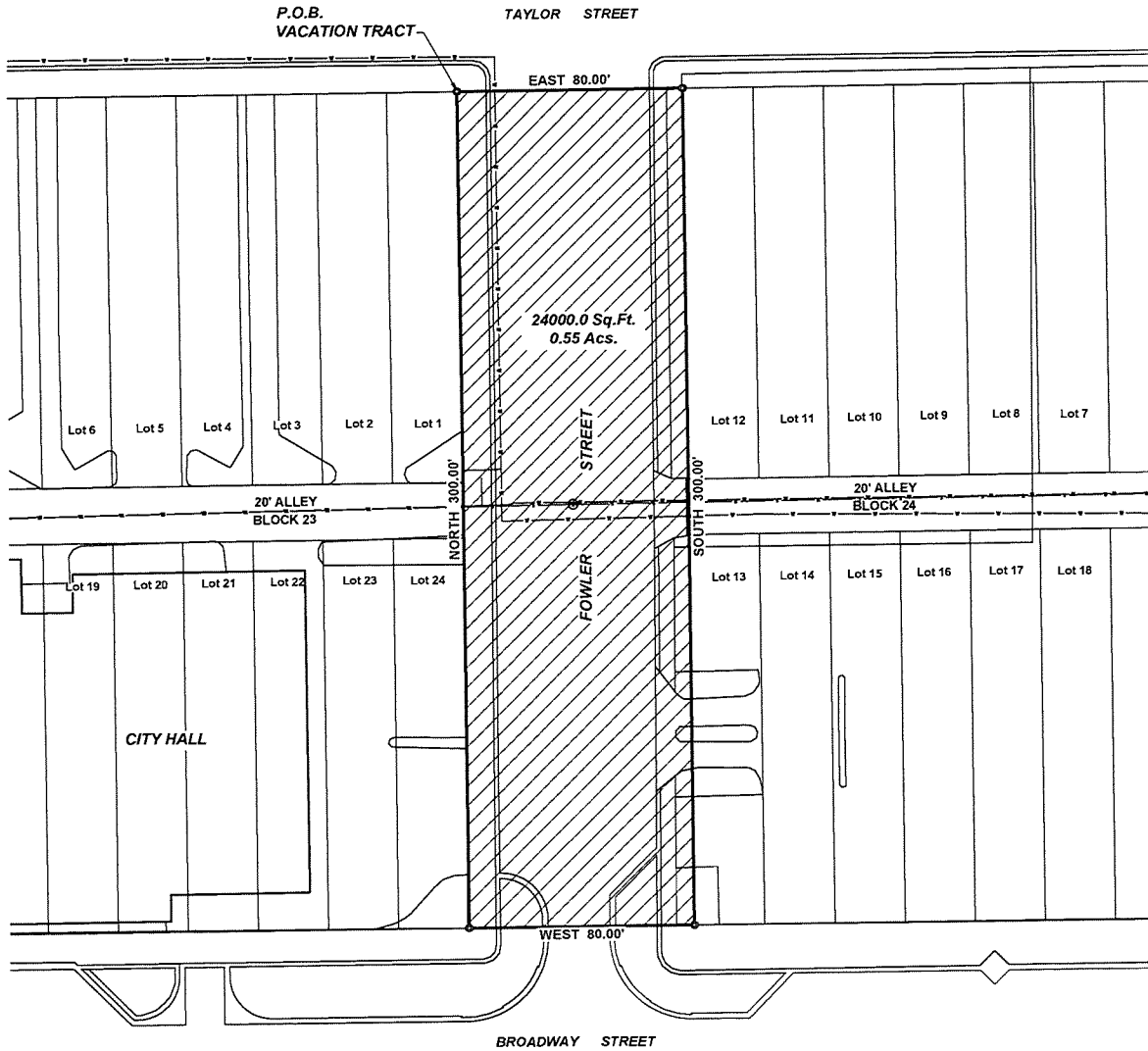
STATE OF NEW MEXICO  
COUNTY OF LEA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D. BY JAN FLETCHER

NOTARY PUBLIC

**NOTE**

1) BEARINGS SHOWN HEREON ARE RECORD AND BASED ON THE OFFICIAL PLAT OF THE ORIGINAL HOBBS ADDITION FILED IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.



**SURVEYOR'S CERTIFICATE:**

I, GARY G. EDSON, NEW MEXICO PROFESSIONAL SURVEYOR No. 12641, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION THAT I AM RESPONSIBLE FOR THIS SURVEY. THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

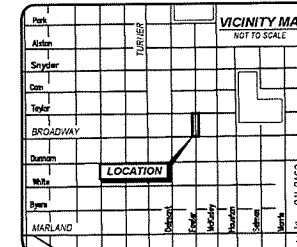
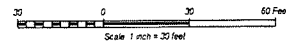
DATE \_\_\_\_\_



PROVIDING SURVEYING SERVICES SINCE 1946  
**JOHN WEST SURVEYING COMPANY**  
412 N. DAL PASO HOBBS, N.M. 88240  
(575) 393-3117 www.jwsc.biz  
T&EPLS# 10021000

**LEGEND:**

- - DENOTES SET 1/2" STEEL ROD W/CAP MARKED "JWSC PS 12641"
- - DENOTES SEWER LINE W/MANHOLE
- - DENOTES WATER LINE



Scale: One Inch = Thirty Feet  
CAD Drafter & Date: DSS - 01/30/2022  
Checked By: \_\_\_\_\_  
JWSC W.O. No.: 22130040  
JWSC File No.: D - 1426  
© Original Hobbs Addn

STATE OF NEW MEXICO  
COUNTY OF LEA - FILED:



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2022

SUBJECT: CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT WITH STUARD HOMES LLC CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY HOUSING.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: March 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Stuard Homes LLC has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries. The developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$100,000.00.

Fiscal Impact:

Reviewed By: Finance Department

Budget Available \$900,321.00
Single Family Housing #010100-44901-170

Attachments: Developers Request and Development Agreement.

Legal Review:

Approved As To Form: Efren A. Cortez, City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

Approved For Submittal By:

Kevin Robinson, Department Director
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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



CITY OF HOBBS

RESOLUTION NO. 7182.

**A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH STUARD HOMES LLC CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY.**

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with Stuard Homes LLC concerning the development of market rate single-family housing; and

WHEREAS, the aforementioned Development Agreement allows for an incentive of reimbursement of public infrastructure for this type of development, said agreement being in the best interest of the City.

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

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

PASSED, ADOPTED AND APPROVED this 4<sup>th</sup> day of April, 2022.

\_\_\_\_\_  
Sam D. Cobb, Mayor

ATTEST:

\_\_\_\_\_  
Jan Fletcher, City Clerk

## MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

**THIS AGREEMENT** is entered into on this 4<sup>th</sup> day of April 2022 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and **Stuard Homes LLC, 4915 W. Steel Driver Rd., Hobbs, NM 88240**, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

### RECITALS:

\*\* The City requires to contract with a Market Rate Single Family Development Company to deliver Single Family Market Rate Housing to the Citizens of Hobbs, New Mexico.

\*\* Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of ratification of this agreement, within the Municipal Boundaries.

\*\* Any outstanding Development Agreements between the Developer and the City of Hobbs concerning the production of Market Rate Single Family Housing shall become null and void upon the ratification of this agreement herewith.

**NOW, THEREFORE**, the City of Hobbs and Developer do hereby agree as follows:

#### **A. Work To Be Performed.**

1. The Developer shall furnish to the City its Professional Housing Developer Services for certain work regarding the Market Rate Single Family Housing. All single family structures completed under this agreement shall be located within the municipal boundaries and shall have received a certificate of occupancy after ratification of this agreement.

2. Developer shall furnish to City its professional Housing Developer Services as provided by this Agreement. The specific duties include the production and delivering to the public Market Rate Single Family Housing Units in Hobbs. Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time.

3. Specific activities required are to develop privately owned real property in the City including designing, building and transferring to the public individual market rate single family housing units. The City's subsidy may include any or all of the following funding assistance from the City:

Incentives are available for installed public municipal infrastructure only, providing compliance with:

- a. Incentive not to exceed per square footage basis:
  - i. \$5.00 per sq. ft. north of Sanger
  - ii. \$10.00 per sq. ft. south of Sanger
  - iii. Calculation based on living area only
- b. Incentive not to exceed per unit basis:
  - i. \$5,000.00 per single family unit
  - ii. \$2,500.00 per multi-family unit
- c. Incentive not to exceed fair share per linear foot of infrastructure basis:
  - i. \$90.00 per lineal front footage of complete public infrastructure, and further broken down as follows:
    1. **Water** (\$12.50 / lf):



- a. Twelve dollars fifty cents (\$12.50) per equivalent front foot of lot to which water service is provided (8" minimum service single family & 10" minimum service for multi-family);
2. **Sewer** (\$17.50 / lf):
  - a. Seventeen dollars fifty cents (\$17.50) per equivalent front foot of lot to which sewer service is provided (8" minimum service single family & 10" minimum service for multi-family);
3. **Street** (\$45/ lf):
  - a. Forty five dollars (\$45) per equivalent front foot of lot to which street is provided (built to Minor Residential standards as promulgated within the City of Hobbs Major Thoroughfare Plan);
4. **Sidewalk**:
  - a. Fifteen (\$15) per equivalent front foot of lot to which sidewalk (includes driveway with ADA accessible path) is provided;

Based on quantities of required publicly owned infrastructure installed supporting the project, the City Engineer shall determine if the value of the infrastructure is adequate as an equal exchange of value for the amount of City subsidy contributed to the market rate single family housing unit. The City Engineer shall resolve any issues concerning value or extent of infrastructure and amount of square footage of constructed housing units. Specifically, the City Engineer will determine the value or unit costs of the publicly owned infrastructure according to any City of Hobbs Annual Pavement/Concrete/Utility Contracts or public infrastructure projects and estimates.

**B. Payment For Services.**

- 1) The City shall pay for said services at the rates agreed to and as specified above in the Infrastructure details, as shown herein. Payment will not be made by the City for any unit until a certificate of occupancy is issued, based on this Agreement.
- 2) The total compensation to be paid to the Developer during the term of this Agreement shall not exceed One Hundred Thousand Dollars (\$100,000.00), unless the Agreement is amended by the City Commission.
- 3) City subsidy shall be paid when each individual single family unit is complete and certificate of occupancy is issued, provided the certificate of occupancy for the unit is issued after ratification of this agreement. Payment will be made within fifteen (15) days following a written request from the Developer and upon City inspection of project completion.
- 4) Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time. Such usage either now or in the future, for a period not to exceed 10 years from date of issuance of a C.O., shall require

Developer to return any incentive funds received for any unit thus utilized, upon demand by the City. Developer shall record a "Declaration of Restrictive Covenants", attached hereto as Exhibit 2, to restrict such usage and to notify parties involved in future conveyances.

**C. Construction Requirements.**

Construction shall be of energy-efficient design per New Mexico Energy Conservation Code 2009, utilizing either stucco or brick on the exterior of all buildings.

**D. Assignment of Agreement.**

This Section refers to assignability of this Agreement, and not to assignability of the Project to be developed for housing. Developer shall not assign or transfer any interest in this Agreement. Except that Developer is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which the Developer is the principal party or to an affiliated company, working with the Developer on the Project. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Consent shall not unreasonably be withheld by either party.

**E. Insurance Requirements and Hold Harmless Provision.**

1. Developer agrees to obtain and maintain appropriate insurance during the course of the development of market rate single family housing with the City of Hobbs, as follows, and shall indemnify and hold harmless City, its employees, agents, officers and officials from any and all claims, losses, causes of action, and/or liabilities resulting from the conduct, negligence, errors or omissions of Developer or any employee or agent of Developer while engaged in performing the services called for herein.

2. The Developer shall maintain insurance coverage for General Liability, Automobile Liability, Errors and Omissions Insurance, and Workers' Compensation, subject to review and approval of the City Attorney.

**F. Governing Law and Provisions.**

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

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



**G. Final Payment and Release of Claims.**

1. Developer, upon final payment of all amounts due under this Agreement, releases the City and its officers and employees from all liabilities, claims and obligations whatsoever arising from or under this Agreement.
2. City, upon Developer's final completion of all work items and covenants required of the Developer under this Agreement, shall release the Developer from all liabilities, claims and obligations whatsoever arising from or under this Agreement, on the day that is ten (10) years following the date of the City's issuance of a final certificate of occupancy on the Project.

**H. Amendments.**

This Agreement shall not be altered, changed, or amended except by written instrument approved and executed by both parties hereto.

**I. Breach.**

1. The following events constitute a breach of this Agreement by Developer:
  - a) Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.
2. The following events constitute a breach of this Agreement by City:
  - a) City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement, including making timely and appropriate payments to the Developer.

**J. Remedies Upon Breach.**

1. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.
2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

**K. Termination.**

This Agreement shall be terminated upon the completion of all tenants herein specified or 365 days from date of ratification whichever comes first. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not be eligible for payment.

**L. Notice.**

All notices given pursuant to or in connection with this Agreement shall be made in writing and

posted by regular mail, postage prepaid, to the City, ATTN: City Attorney, 200 E. Broadway, Hobbs, NM 88240; to Developer ATTN and **Stuard Homes LLC, 4915 W. Steel Driver Rd., Hobbs, NM 88240** and to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

**M. Entire Agreement.**

The foregoing constitutes the entire agreement between the parties hereto and may be modified only in writing by the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first written above.

**City of Hobbs**

**Developer**

\_\_\_\_\_  
By: Sam D. Cobb, Mayor

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Efren Cortez, City Attorney