

City of Hobbs **CITY CHARTER**



As Amended - March 3, 2020

History:

- Initial Charter was adopted by the voters of the City of Hobbs at the August 1, 2000, Special Election to become effective April 1, 2001.
- Amendments to add Section 2-6 Runoff and Section 10-1 Recall were approved by the voters of the City of Hobbs at the March 2, 2010, Regular Election.
- Amendment to add Section 2-1 (C) Voter Photo Identification was approved by the voters of the City of Hobbs at the December 9, 2014, Special Election.
- Amendments to repeal Section 2-6 Runoff; add Section 4-7 (F) to provide advice and consent regarding the termination of the City Attorney; and add Section 11 providing that masculine gender shall include the feminine were approved by the voters of the City of Hobbs at the March 3, 2020, Municipal Officer Election.

**HOBBS CHARTER COMMISSION
CHARTER FOR THE CITY OF HOBBS**

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

SECTION 1

POWERS

1-1. Powers. The municipality, now existing and known as the City of Hobbs, is a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or this Charter. The City may exercise its legislative power in the manner it deems necessary or the City may act in the manner provided by law ("state statute"). The purpose of this Charter is to provide for maximum local self-government. A liberal construction shall be given to the powers of the City.

SECTION 2

ELECTORATE

Section 2-1. Electors

A. **Candidates.** Any registered qualified elector of the City of Hobbs may be a candidate for the office of Mayor, Municipal Judge, or Commissioner for the district in which the elector resides, if that candidate has resided within the City limits of Hobbs and, if applicable, within the appropriate Commission district for a period of at least 180 days prior to the filing of that elector's declaration of candidacy.

B. Voting Eligibility. Any registered qualified elector of the City of Hobbs is eligible to vote in any City election.

C. Voter Photo Identification. Voter photo identification shall be required for all municipal elections as follows:

1. When a voter approaches the election polling place seeking to vote, the voter must identify herself or himself audibly by name. The Municipal Election Clerk shall locate the registered voter's name as spoken and ask the individual seeking to vote for one current identification card containing the voter's name and photograph.
2. Such photo identification card may include any card issued by a government agency, driver's license, student identification card, commercial transaction card (such as a credit or debit card), insurance card, union card, a professional association card or a voter identification card issued by the Hobbs City Clerk, provided the item submitted contains a photograph depiction of the voter.
3. If the individual is unable to provide a photo identification card, she or he shall be allowed to vote on a conditional ballot, but only if she or he swears or affirms under penalty of perjury in an affidavit provided by the City Clerk that she or he is the registered voter listed on the voter registration rolls at the precinct at which she or he presented herself or himself to vote and provides her or his date of birth and the last four digits of her or his Social Security number.
4. Conditional ballots shall be issued for no other reason than the failure to present photo identification. Conditional ballots shall be counted only by the Canvassing Board and only on the voter's presentation to the City Clerk, by 9:00 a.m. on the third day following the election, one of the photo identification cards described in this section. The Canvassing Board shall also verify that the voter who cast the conditional ballot was registered to vote for the election and did not vote elsewhere in the same election. If a voter who cast a conditional ballot under this section swears or affirms under penalty of perjury in an affidavit provided by the City Clerk within the three-day canvassing period that she or he has a religious objection to being photographed, such voter shall not be required to submit photo identification. The Canvassing Board shall otherwise verify that the conditional ballot was valid.

5. The City Clerk shall develop and provide instructions for election judges concerning the requirements of this section and a method of complaint and resolution for individuals who feel they have been discriminated against by election officials or the City Clerk's administration of this section.
6. Regarding the requirements of this section, knowingly executing a false statement constitutes perjury as provided in Section 30-25-1 NMSA 1978 and voting on the basis of a falsely executed statement constitutes false voting as provided in Sections 1-20-8, 1-20-8.1 and 3-8-75 NMSA 1978.
7. Voter photo identification cards shall be issued by the City Clerk without charge to any voter who presents any two of the following identification documents that show the name and address of the voter: a state-issued identification card, Social Security card, student identification card, library card, insurance card, selective service card, union card, professional association card, utility bill, bank statement, government check or a paycheck, upon confirmation with the County Clerk that such person is registered to vote. If the individual is unable to present any two of these documents to the City Clerk, then the voter shall swear or affirm in writing under penalty of perjury that she or he is the registered voter and shall be issued a voter photo identification card upon confirmation with the County Clerk that such person is registered to vote. The City Clerk issued photo identification card shall state on its face that it shall not be valid for identification other than for the purpose of voting in City of Hobbs municipal elections and shall not be valid if the voter is subsequently purged from the voter rolls.
8. This section shall take precedence over the State Municipal Election Code and any reference in this article to the State Municipal Election Code. The provisions of this section shall apply only to City of Hobbs municipal elections.
9. Changes to procedural matters only, as set forth in Paragraph C herein, shall be adopted by Ordinance by the City Commission.

2-2. Regular City Election. Regular City elections for the purpose of electing City officers and considering any other question placed on the ballot by the Commission shall be held on the first Tuesday in March of each even-numbered year.

2-3. Non-Partisan Elections. The names of candidates for City office shall be listed on the ballot without party or other designation. The name of the candidate shall appear on the ballot as it is shown on the candidate's declaration of candidacy. The listing of the names on the ballot of the candidates for the office to be filled shall be determined by lot.

2-4. Elective Offices. The elective offices of the City are six (6) Commissioners, a Mayor, and a Municipal Judge.

2-5. Term of Office. The term of office of a Commissioner and Mayor is four (4) years. The term of office for the Municipal Judge is four (4) years. The Municipal Judge in office at the time of adoption of this Charter shall continue to serve until the regular municipal election in 2002.

2-6. Runoff Elections. (Repealed.)

SECTION 3

FORM OF GOVERNMENT

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

SECTION 4

CITY COMMISSION

4-1. Composition. The City Commission consists of six (6) members who shall be elected as provided in this Charter. One (1) Commissioner shall be elected from each district. Each district shall be compact and contiguous and composed of

populations as nearly equal as practicable. Communities of interest, including those based on economic, geographic or ethnic characteristics shall be preserved within a single district to the extent reasonable and practical. Any member of the Commission representing a district shall be a resident of, and elected by, the registered qualified electors of that district.

4-2. At-Large Election – Mayor. The mayor shall be voted on at-large.

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

4-4. Staggered Terms. The terms of the Commissioners shall be staggered so that three (3) Commissioners are elected every two (2) years.

4-5. Vacancy. A vacancy in the office of Commissioner, Mayor, or Municipal Judge occurs upon the officer's death, disability, resignation or termination of residency in the City or the district represented. If the office is vacated, the remaining members of the Commission shall appoint a registered qualified elector to fill the vacancy within thirty (30) days of the vacancy. Any registered qualified elector appointed to fill a vacancy shall serve until the next regular City election, at which time a registered qualified elector shall be elected to fill the remaining unexpired term, if any.

4-6. Meetings. The Commission shall meet at least twice each month. Meetings of the Commission shall be open to the public and the official records of the City shall be open to inspection during regular business hours as provided in State statute.

4-7. Powers and Duties. The Commission is the governing body of the City of Hobbs and may exercise all legislative powers not expressly denied by general law.

The Commission shall:

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

F. Provide advice and consent via resolution regarding the termination of the City Attorney.

SECTION 5

MAYOR

5-1. Organizational Meeting – Mayor Pro-Tem – Selection. At its organizational meeting to be held on the first Monday following the regular City election or as soon thereafter as practical, the Commission shall elect one (1) of its members to serve as Mayor Pro-Tem. The term of office of Mayor Pro-Tem is until the next organizational meeting of the Commission, or until a successor is selected and qualified, unless sooner removed by death, resignation or removal from office.

5-2. Mayor – Duties.

The Mayor:

- A. Shall preside at all meetings of the Commission and perform other duties, consistent with his/her office, as imposed by the Commission;
- B. Has the same right to vote as a Commissioner;
- C. Has the right to place any item on a Commission meeting agenda;
- D. Shall lead, guide and develop (in conjunction with the City Commission and others) short and long range plans and goals for the City concerning its growth and development (economic, industrial and otherwise);
- E. Shall represent the City and promote its interests at the local, county, state and national levels and in economic and industrial development activities;

F. Is the official head of the City for all ceremonial and spokesperson purposes;

G. In the event of an emergency or natural disaster, with a support of a majority of the City Commission, call upon or request relief or aid from any local, county, state or national governmental entity.

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

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

SECTION 6

MANAGER

6-1. Qualifications - Appointment. A City Manager shall be appointed solely on the basis of his administrative qualifications for an indefinite term. His selection shall not be limited by reason of his former residence.

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

6-2. Manager – Duties. The City Manager is the Chief Executive Officer of the City. He shall have a seat, but not vote, at every meeting of the City Commission. The City Manager shall:

A. Enforce and carry out all ordinances, rules and regulations adopted by the Commission;

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

SECTION 7

CHARTER REVIEW

7-1. Charter – Amendments – Revision. This Charter may be amended or repealed in the manner provided by law. The City Commission shall appoint a Charter Commission at least every ten (10) years to review the Charter. The Charter Commission shall consist of two (2) Commissioners, the Mayor, and one (1) member appointed by each Commissioner. After conducting at least one (1) public hearing to obtain public opinion and input, the Charter Commission shall submit recommendations to the City Commission. The City Commission shall act on the recommendations of the Committee by an affirmative vote of the majority.

7-2. Saving Clause. This Charter does not apply to pending litigation. All ordinances, resolutions, regulations and orders shall continue in effect until amended or repealed.

SECTION 8

COMPENSATION

8-1. Compensation. Compensation for the Mayor, Mayor Pro-Tem, and Commissioners shall be determined by Ordinance and until at least the election in March, 2004, shall be as follows:

- A. Mayor: \$26,000.00 per year.
- B. Mayor Pro-Tem: \$12,000.00 per year.
- C. Commissioner: \$12,000.00 per year.

(Revised by Ordinance No. 1109 adopted January 2, 2018)

SECTION 9

EFFECTIVE DATE

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

SECTION 10

RECALL

10-1. Recall.

- A. The Mayor and any City Commissioner are subject to a recall election.

Upon petition seeking the recall of the Mayor and/or any City Commissioner, the Commission shall call a special election unless the regular municipal election occurs within sixty (60) days, in which case the qualified electors shall vote on the recall at the regular election.

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

“For the recall” and

“Against the recall,”

one (1) below the other with a space after each for placing a cross where desired. If a majority of the votes cast favor recall and this majority equals or exceeds the number of votes the officer received when elected, the office shall be declared vacant, and the office shall be filled as are other vacancies.

C. For the Mayor, the petition must be signed by no less than ten percent (10%) of the total number of registered qualified electors in the municipality at the last regular municipal election.

D. For a City Commissioner elected from a district, the petition shall be signed by no less than ten percent (10%) of the total number of registered qualified electors in that Commissioner’s district at the last regular municipal election. The special recall election shall be held only in that district.

E. If the Mayor or Commissioner is recalled, he or she shall not be eligible for re-election until the term for which he or she was originally elected has expired.

F. If the recall election results in a failure to secure the votes necessary to recall, the Mayor or City Commissioner who is the subject of the election shall not be subject again to recall until six (6) months have elapsed from the date the previous recall election was held.

SECTION 11

PUBLIC OFFICER AND EMPLOYEE ANTI-DISCRIMINATION

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