

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, NOVEMBER 25, 2013 @ 5:30 P.M.  
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

**Present and answering roll call:** Mayor Drummond, Commissioners Trujillo, Gandy, Granath, and Bengé.

**Also present:** City Manager James Williams, Assistant City Manager Jared Cobb, Finance Director Mashell Stephens, City Clerk Carol Ann Hogue, Police Officer Gordon Bartlett, Administrative Assistant Imelda Gutierrez and City Attorney Patrick McMahon.

**Not Present:** Chief of Police Danny Bryant

**Call to Order:** The meeting was called to order by Mayor Drummond at 5:30 p.m.

**Invocation:** Commissioner Trujillo gave the invocation

**Pledge of Allegiance:** Commissioner Trujillo led the pledge

**Approval of Agenda:** Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Trujillo so moved to add a non-action item: Discussion of Personnel Board Reappointment. Commissioner Bengé seconded. Motion was approved.

**Approval of the Regular Minutes of November 11, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of November 11, 2013. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Discussion of Personnel Board Reappointment:** Mayor Drummond stated that the Personnel Board has recommended reappointing Jeanette Faris for a one year term. City Clerk Hogue stated that for an outside member the Board must reappoint every year. No action was taken.

**Discussion of Lea Theatre LEDA Request:** Randy Pettigrew and Richard Souter addressed the Commissioners requesting LEDA funding for the purchase of the Lea Theatre. The Lea Community Foundation for the Arts shall obtain a bank loan in the amount of \$400,000 for a term of 10 years, at a reasonable rate, to procure Theatre and initiate renovations. The bank loan needs to be secured via LEDA Funds. The Lovington EDC Board will make an initial one-time grant via LEDA Funding to cover the project's start-up/operational reserve of \$50,000 to be available to the Foundation immediately once established. The project description is for Lovington MainStreet, in partnership with the New Mexico MainStreet Program, to purchase the historic Lea Theatre. They will rehabilitate the facility and continue its use for public benefit. The rehabilitation efforts will include building improvements and digital upgrades to the projection and sound systems. A more permanent goal of Lovington MainStreet is to transform the Lea Theatre into a multi-purpose performing arts theatre that can offer feature films, theatre performances, concerts, variety shows, special events, community meetings and other entertainments. The theatre will seat 350 people. The estimated funding request is \$450,000. Connie Sevier addressed the Commissioners stating that the Joy Family owns the Lea Theatre and wanted \$450,000. The Joy Family agreed to come down to \$250,000 to Lovington MainStreet. The Commissioners will take action on the next regular meeting. No action was taken.

#### **ACTION ITEMS:**

**Consideration of Amendment to Minutes of October 28, 2013 Regular Commission Meeting:** Mayor Drummond called for a motion to amend the word "NMED" and change to "NMEDD" on the regular minutes of October 28, 2013. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Resolution 2013-7 - Election Resolutions:** Mayor Drummond called for a motion to approve the Resolution 2013-7 – Election Resolution. The resolution sets the 2014 Municipal Election for March 4, 2014. The polls will open at 7:00 a.m. and close at 7:00 p.m. At this election, the District 3 and District 5 Commissioners will be selected as well as the Municipal Judge. Commissioner Granath so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Ordinance 516 – Solicitors, Canvassers, & Peddlers:** Mayor Drummond called for a motion to approve Ordinance 516. This will omit Chapter 5.40 and amend Chapter 5.56 of the Lovington Municipal Code. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Ordinance 517 – Public Park Regulations:** Mayor Drummond called for a motion to approve Ordinance 517. This ordinance establishes the Parks and Recreation Rules and Regulations. Commissioner Granath so moved. Commissioner Benge seconded. Motion was approved.

**Consideration of Approval of Ordinance 518 – Amendments to Uniform Traffic Code:** Mayor Drummond called for a motion to approve Ordinance 518. This ordinance addresses Sate changes to the Uniform Traffic Code. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Street Light Installation – West Cottonwood:** Mayor Drummond called for a motion to approve the street light installation on West Cottonwood. City Manager Williams stated that he has received a request to have street lights installed for residents on Cottonwood between 7<sup>th</sup> & 9<sup>th</sup> street. This area is a new housing development. The City recommends placing two additional street lights which will be approximately 300 feet apart. A residential light (150W) will cost about \$105.96 per year. Commissioner Gandy so moved. Commissioner Granath seconded. Motion was approved.

**PUBLIC COMMENT:**

John Graham addressed the Commissioners to carry over the Christmas Light funding of the amount of \$3,000 for next year. RaeLynn Stuart did mention that the funding has been set aside in a different account for the Christmas Lights.

**CLOSED SESSION:**

At 6:05 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-8-regarding the purchase, acquisition or disposition of real property or water rights. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Granath, aye; and Commissioner Gandy, aye.

At 6:10 p.m., Commissioner Granath so moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the motion and no action was taken. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Granath, aye; and Commissioner Gandy, aye.

**OPEN SESSION:**

**Consideration of Approval of Resolution 2013-08: 300 E. Ave D:** Mayor Drummond called for a motion to approve the Resolution 2013-08: 300 E. Ave D. City Manager Williams addressed the Commissioners stating that Haarmeyer Electric has showed interest in purchasing a tract of land of 4.3 acres that the City currently owns. A 20 feet section on the land will be given to the City to be able to access the utilities. As of now there are no alley or utility easements. The selling value of the tract of land is \$9,200. Commissioner Gandy so moved to approve the resolution 2013-08 to allow the sale of real property at 300 E. Ave D. Commissioner Trujillo seconded. Motion was approved.

**OTHER:**

- Mayor Drummond mentioned that the stop signs at 13<sup>th</sup> and Avenue M & N were installed.
- John Graham addressed the Commissioners asking if they could use the Christmas Light Funds to decorate the courthouse and all the buildings with rope lighting in the courthouse square. No action was taken.
- Commissioner Granath asked if Ordinance 516 will affect the Farmer's Market. City Manager Williams stated that it will NOT affect it.
- Commissioner Bengé stated that she has finished the last three sessions of the Molly Training.
- Assistant City Manager Cobb wished the Commissioners a Happy Thanksgiving.
- City Manager Williams stated that the meeting with the Auditors went well. The Auditors assured that they will send the report on time. The City will be receiving a qualified opinion. The Annual Banquet will be December 5, 2013 at the Youth Center.
- Fire Chief Lizardo invited the Commissioners to the new Fire Cadets Graduation on December 6, 2013 at Gann Cafeteria.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:20 p.m.

**APPROVED:** \_\_\_\_\_  
**DIXIE DRUMMOND, MAYOR**

**ATTEST:** \_\_\_\_\_  
**CAROL ANN HOGUE, CITY CLERK**

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Quarterly Financial Report  
**DEPARTMENT:** Finance  
**SUBMITTED BY:** Mashell Stephens, Finance Director  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

Staff have prepared the quarterly financial report for Commission review.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_  
(Finance Director)

**ATTACHMENTS:**

Financial Report

**RECOMMENDATION:**

Information only.

\_\_\_\_\_  
Department Head

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

City of Lovington  
Projected Revenue Report thru 11/30/2013

Account Code	Revenue Account Title	YTD Original Budget	Current Period Actual	YTD Actual	Projected Revenue for Fiscal Year	Additional Revenues available based on Projections	% Projected Revenue/Original Budget
<b>101</b>	<b>General Fund</b>						
31100	Taxes/Local-Franchise	217,000.00	16,118.20	108,291.30	238,332.28	21,332.28	109.83%
31240	Taxes/Local GRT-Infrastructure 1/8%	369,000.00	31,587.10	157,102.00	377,044.80	8,044.80	102.18%
31250	Taxes/Local-GRT:General	3,809,000.00	323,633.43	1,602,992.89	3,847,182.94	38,182.94	101.00%
31500	Taxes/Local-Property:Current	304,000.00	0.00	12,761.34	309,000.00	5,000.00	101.64%
31510	Taxes/Local-Property:Prior Year	18,000.00	1,269.08	9,518.46	22,844.30	4,844.30	126.91%
32410	Taxes/State-GRT 1.225%	4,000,000.00	381,036.26	1,706,405.64	4,095,373.54	95,373.54	102.38%
32610	Taxes/State-MVD:Reg (40&60)	19,000.00	1,855.36	9,260.17	22,224.41	3,224.41	116.97%
33100	Animal License	4.00	5.00	75.00	180.00	176.00	4500.00%
33400	Business Licenses/Registration	12,000.00	75.00	1,050.00	10,792.50	(1,207.50)	89.94%
33500	Liquor License	1,500.00	0.00	0.00	1,500.00	0.00	100.00%
33900	Other Licenses & Permits	6,900.00	102.50	2,132.50	6,602.50	(297.50)	95.69%
34010	Administrative Fees	150.00	9.00	49.00	147.00	(3.00)	98.00%
34030	Animal Pound Fees	11,000.00	955.00	5,401.00	12,962.40	1,962.40	117.84%
34060	Cemetery Fees	26,000.00	1,180.00	7,949.00	25,767.81	(232.19)	99.11%
34110	MVD-Admn Fees for Offices	122,000.00	11,984.00	56,386.50	135,327.60	13,327.60	110.92%
34150	Printing & Copying	14,500.00	615.55	5,288.95	12,693.48	(1,806.52)	87.54%
34220	Swimming Pool Fees	17,000.00	0.00	8,530.88	20,474.11	3,474.11	120.44%
34990	Other Charges for Services	69,000.00	4,714.00	29,741.00	71,378.40	2,378.40	103.45%
35020	Court Fines-Other	103,000.00	10,212.00	43,612.00	104,668.80	1,668.80	101.62%
35050	Library Fines	500.00	15.00	210.73	505.75	5.75	101.15%
36010	Contributions/Donations	29,000.00	2,337.14	12,266.55	29,439.72	439.72	101.52%
36015	Police Dept Donations	0.00	0.00	199.41	478.58	478.58	100.00%
36017	C.L.A.C./City of Lgtn Animal Contro	0.00	26.51	683.49	1,640.38	1,640.38	100.00%
36030	Investment Income	2,800.00	54.70	891.72	2,140.13	(659.87)	76.43%
36040	Joint Powers Agreement	240,000.00	0.00	60,000.00	240,000.00	0.00	100.00%
36050	Penalties	220.00	25.00	90.00	216.00	(4.00)	98.18%
36060	Reimbursement/Refund	188,000.00	1,492.65	104,148.80	249,957.12	61,957.12	132.96%
36070	Rent/Royalty/Leases	110,000.00	12,900.00	46,936.21	112,646.90	2,646.90	102.41%

City of Lovington  
Projected Revenue Report thru 11/30/2013

Account Code	Revenue Account Title	YTD Original Budget	Current Period Actual	YTD Actual	Projected Revenue for Fiscal Year	Additional Revenues available based on Projections	% Projected Revenue/Original Budget
36090	Sales-Other	3,000.00	0.00	4,897.61	11,754.26	8,754.26	391.81%
36100	Vending/Concession	0.00	0.00	249.35	598.44	598.44	100.00%
37070	Grant-State: D.W.I.	15,000.00	2,212.10	10,358.62	24,860.69	9,860.69	165.74%
37140	Grant-State:Library	10,500.00	0.00	3,815.00	9,156.00	(1,344.00)	87.20%
37230	State: Other	350,000.00	0.00	0.00	350,000.00	0.00	100.00%
	<b>TOTAL</b>	<b>10,068,074.00</b>	<b>804,414.58</b>	<b>4,011,295.12</b>	<b>10,347,890.84</b>	<b>279,816.84</b>	
<b>201</b>	<b>Correction Fund</b>						
35010	Correction Fees	36,000.00	4,212.00	16,918.00	40,603.20	4,603.20	112.79%
	<b>TOTAL</b>	<b>36,000.00</b>	<b>4,212.00</b>	<b>16,918.00</b>	<b>40,603.20</b>	<b>4,603.20</b>	
<b>214</b>	<b>Lodger's Tax</b>						
31300	Taxes/Local-Lodgers'	71,000.00	5,326.59	27,283.54	68,920.79	(2,079.21)	97.07%
	<b>TOTAL</b>	<b>71,000.00</b>	<b>5,326.59</b>	<b>27,283.54</b>	<b>68,920.79</b>	<b>(2,079.21)</b>	
<b>216</b>	<b>Municipal Street Gas Tax</b>						
32310	Taxes/State-Gas .01 Street	191,000.00	12,597.43	75,336.30	180,807.12	(10,192.88)	94.66%
	<b>TOTAL</b>	<b>191,000.00</b>	<b>12,597.43</b>	<b>75,336.30</b>	<b>180,807.12</b>	<b>(10,192.88)</b>	
<b>217</b>	<b>Special Recreation</b>						
34990	Other Charges for Services	2,000.00	0.00	1,507.29	3,617.50	1,617.50	180.87%
36010	Contributions/Donations	500.00	0.00	(1,141.61)	-2,739.86	(3,239.86)	-547.97%
36070	Rent/Royalty/Leases	1,550.00	1,300.00	1,300.00	3,120.00	1,570.00	201.29%
	<b>TOTAL</b>	<b>4,050.00</b>	<b>1,300.00</b>	<b>1,665.68</b>	<b>3,997.63</b>	<b>(52.37)</b>	
<b>219</b>	<b>Sr Citz Multi Purpose Grant</b>						
36120	Commodities-N.S.I.P.	6,000.00	4,446.00	4,446.00	6,000.00	0.00	100.00%
37010	Grant-State:Agency on Aging	127,000.00	14,975.00	63,077.00	151,384.80	24,384.80	119.20%
37650	Grant-Federal: Agency on Aging	18,000.00	2,321.00	9,019.00	21,645.60	3,645.60	120.25%
	<b>TOTAL</b>		<b>21,742.00</b>	<b>76,542.00</b>	<b>179,030.40</b>	<b>28,030.40</b>	

City of Lovington  
Projected Revenue Report thru 11/30/2013

Account Code	Revenue Account Title	YTD Original Budget	Current Period Actual	YTD Actual	Projected Revenue for Fiscal Year	Additional Revenues available based on Projections	% Projected Revenue/Original Budget
<b>228</b>	<b>Lab Fees</b>						
35030	Crime Lab (\$35/75)	1,300.00	180.00	260.00	624.00	(676.00)	48.00%
35040	DWI Prevention (\$75)	500.00	0.00	75.00	180.00	(320.00)	36.00%
	<b>TOTAL</b>	<b>1,800.00</b>	<b>180.00</b>	<b>335.00</b>	<b>804.00</b>	<b>(996.00)</b>	
<b>230</b>	<b>Judicial Education Fees</b>						
35045	Judicial Education Fees	5,400.00	640.00	2,536.00	6,086.40	686.40	112.71%
	<b>TOTAL</b>	<b>5,400.00</b>	<b>640.00</b>	<b>2,536.00</b>	<b>6,086.40</b>	<b>686.40</b>	
<b>231</b>	<b>Court Automation Fees</b>						
35055	Court Automation Fees	11,000.00	1,289.00	5,103.00	12,247.20	1,247.20	111.34%
	<b>TOTAL</b>	<b>11,000.00</b>	<b>1,289.00</b>	<b>5,103.00</b>	<b>12,247.20</b>	<b>1,247.20</b>	
<b>233</b>	<b>Designated Franchise</b>						
31100	Taxes/Local-Franchise	45,000.00	4,321.26	27,217.91	65,322.98	20,322.98	145.16%
36030	Investment Income	40.00	0.00	6.36	15.26	(24.74)	38.16%
	<b>TOTAL</b>	<b>45,040.00</b>	<b>4,321.26</b>	<b>27,224.27</b>	<b>65,338.25</b>	<b>20,298.25</b>	
<b>311</b>	<b>ECONOMIC DEVELOPMENT</b>						
31230	Taxes/LocalGRT: Desig Ec Devl	328,100.00	31,587.10	144,601.97	347,044.73	18,944.73	105.77%
	<b>TOTAL</b>	<b>328,100.00</b>	<b>31,587.10</b>	<b>144,601.97</b>	<b>347,044.73</b>	<b>18,944.73</b>	
<b>504</b>	<b>Solid Waste</b>						
34095	Garbage Collection Fees	1,770,000.00	0.00	596,454.92	1,789,364.76	19,364.76	101.09%
34990	Other Charges for Services	99,000.00	6,000.00	39,563.49	118,690.47	19,690.47	119.89%
36090	Sales-Other	2,000.00	0.00	0.00	2,335.00	335.00	116.75%
	<b>TOTAL</b>	<b>1,871,000.00</b>	<b>6,000.00</b>	<b>636,018.41</b>	<b>1,910,390.23</b>	<b>39,390.23</b>	

City of Lovington  
Projected Revenue Report thru 11/30/2013

Account Code	Revenue Account Title	YTD Original Budget	Current Period Actual	YTD Actual	Projected Revenue for Fiscal Year	Additional Revenues available based on Projections	% Projected Revenue/Original Budget
<b>505</b>	<b>Water &amp; WasteWater</b>						
34010	Administrative Fees	0.00	0.00	4.00	9.60	9.60	100.00%
34230	Utilities-Services/Sales	2,060,000.00	206,250.13	765,445.64	2,296,336.92	236,336.92	111.47%
34240	Utilities-Service Connections	24,000.00	1,740.00	19,475.00	46,740.00	22,740.00	194.75%
34250	Utilities-Reconnect/Disconnect	31,000.00	1,500.00	20,250.00	48,600.00	17,600.00	156.77%
34990	Other Charges for Services	10,500.00	1,297.10	3,820.40	9,168.96	(1,331.04)	87.32%
36030	Investment Income	3,500.00	0.00	1,288.82	3,093.17	(406.83)	88.38%
36050	Penalties	48,000.00	125.00	18,367.35	44,081.64	(3,918.36)	91.84%
36090	Sales-Other	399,000.00	57,984.05	188,525.68	452,461.63	53,461.63	113.40%
37230	State: Other	350,000.00	0.00	0.00	350,000.00	0.00	100.00%
37999	Miscellaneous Revenue	0.00	64.06	109.45	262.68	262.68	100.00%
	<b>TOTAL</b>	<b>2,926,000.00</b>	<b>268,960.34</b>	<b>1,017,286.34</b>	<b>3,250,754.60</b>	<b>324,754.60</b>	
<b>509</b>	<b>Ambulance</b>						
34150	Printing & Copying	70.00	0.00	0.00	0.00	(70.00)	0.00%
34280	Ambulance Charges	525,000.00	20,833.54	230,484.67	553,163.21	28,163.21	105.36%
	<b>TOTAL</b>	<b>525,070.00</b>	<b>20,833.54</b>	<b>230,484.67</b>	<b>553,163.21</b>	<b>28,093.21</b>	
<b>607</b>	<b>Unemployment Comp</b>						
36030	Investment Income	1.00	0.00	0.00	0.00	(1.00)	0.00%
36060	Reimbursement/Refund	800.00	0.00	0.00	0.00	(800.00)	0.00%
	<b>TOTAL</b>	<b>801.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(801.00)</b>	
<b>708</b>	<b>Lgtn. Ec Devl Revolving Loan Funds</b>						
36030	Investment Income	<u>0.00</u>	<u>0.00</u>	<u>1.21</u>	2.90	2.90	100.00%
	<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>1.21</b>	<b>2.90</b>	<b>2.90</b>	

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Senior Citizen Board Appointments  
**DEPARTMENT:** Senior Citizens Center  
**SUBMITTED BY:** Norma Vejil, Director  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

The following individuals have been recommended for reappointment to the Lovington Senior Citizen Advisory Council for two year terms:

Shirley Choate  
Fred Browning  
Ben Quiroz  
Thomas Griffin

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

**RECOMMENDATION:**

Motion to approve appointments.

\_\_\_\_\_  
Department Head

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

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Personnel Board Appointment  
**DEPARTMENT:** City Clerk/Human Resources  
**SUBMITTED BY:** Carol Ann Hogue, City Clerk  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

As previously discussed by Commission, Janet Farris has been recommended for reappointment to the City Personnel Board for a one year term.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

**RECOMMENDATION:**

Motion to approve appointment.

\_\_\_\_\_  
Department Head

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

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION     ORDINANCE     PROCLAMATION     INFORMATION     OTHER ACTION

**SUBJECT:** Resolution 2013-08  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

The attached Resolution will provide for the sale of the described property as well as obtaining property for existing utilities.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_  
(Finance Director)

**ATTACHMENTS:**

Resolution 2013-08

**RECOMMENDATION:**

Motion to approve Resolution 2013-08.

\_\_\_\_\_  
Department Head

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

**RESOLUTION OF THE CITY OF LOVINGTON  
LEA COUNTY, NEW MEXICO**

**RESOLUTION NO. 2013--08**

**A RESOLUTION APPROVING THE SALE AND QUITCLAIM OF PROPERTY**

**WHEREAS**, the Governing Body of the City of Lovington, a New Mexico Municipal Corporation, declares that the real estate described below is not essential for municipal purposes; and

**WHEREAS**, the City of Lovington, owns the following described real estate in Lea County, New Mexico:

Beginning at a ½" rebar found as the Southwest corner of this tract which lies South – 730.00 feet and East – 370.00 feet from the Northwest corner of the Northeast quarter of said section 10; thence North – 80.00 feet to a ½" rebar w/PVC cap mark "NM 15079 TX 5204" found as the Northwest corner of this tract; thence East – 250.00 feet to a ½" rebar w/ PVC cap marked "NM 15079 TX 5204" found as the Northeast corner of this tract; thence South – 80.00 feet to a ½" rebar w/PVC cap marked "NM 15079 TX 5204" set as the Southeast corner of this tract; thence West – 250.00 feet to the point of beginning and containing 0.46 acres of land, more or less.

All in Lovington, New Mexico; and

**WHEREAS**, the City of Lovington has identified issues related to the location of its utilities and the sale of this property would alleviate those issues; and

**WHEREAS**, the City of Lovington issued a quitclaim for such property to **Haarmeyer Electric, Inc.**, whose address is 310 E. Avenue D, Lovington, NM 88260; and

**WHEREFORE**, I, Dixie Drummond, Mayor of the City of Lovington, do hereby certify that the foregoing is a true copy of the Resolution adopted by the City of Lovington Council at a meeting held on December 9, 2013. I further certify that the above---referenced signatures are true and correct and that this Resolution does not conflict with any other documents governing the City of Lovington.

**IN WITNESS WHEREOF**, I approve this Resolution on this 9<sup>th</sup> day of December, 2013.

\_\_\_\_\_  
Dixie Drummond, Mayor

ATTEST:

\_\_\_\_\_  
Carol Ann Hogue, City Clerk

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION     ORDINANCE     PROCLAMATION     INFORMATION     OTHER ACTION

**SUBJECT:** Resolution 2013-09: Open Meetings Act  
**DEPARTMENT:** City Clerk  
**SUBMITTED BY:** Carol Ann Hogue  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

The attached resolution is required to be adopted each year by Commission.

The Resolution this year has been changed to reflect the change in State law that our meetings agenda and public notice must be provided a minimum of 72 hours in advance.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

Resolution 2013-09

**RECOMMENDATION:**

Motion to adopt Resolution 2013-09.

\_\_\_\_\_  
Department Head

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

**RESOLUTION 2013---09**  
**OPEN MEETINGS ACT**

**WHEREAS**, Section 10---15---1B of the Open Meetings Act (NMSA 1978, Sections 10---15---1 to ---4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

**WHEREAS**, Section 10---15---1(D) of the Open Meetings Act requires the governing body to determine annually what constitutes reasonable notice of its public meetings;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the municipality of Lovington, New Mexico that:

1. All meetings shall be held at 214 S. Love at 5:30 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month the second and fourth Monday. The agenda will be available at least seventy---two hours prior to the meeting from the administrative assistant, whose office is located in Lovington, New Mexico. Notice of any other regular meetings will be given ten days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Mayor or a majority of the members upon three days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty---four hours before any special meeting.
4. Emergency meetings will be called only under foreseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The governing body will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty---four hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations: U.S. Post Office, Lovington Public Library, City Hall, Bill McKibben Senior Center, Lovington Police Department and the Youth Center. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
6. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the office of the City Clerk. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
7. In addition to the information specified above, all notices shall include the following language:

“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 hearing or meeting, please contact the City Clerk at 575---396---2884 at least one week 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 at 575---396---2884 if a summary or other type of accessible format is needed.”

8. The governing body may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10---15---1 (H) of the Open Meetings Act.
  - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the governing body taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - b. If a closed meeting is conducted when the governing body is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is

given to the members and to the general public.

- c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- d. Except as provided in Section 10--15--1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the governing body in an open public meeting.

PASSED, ADOPTED AND APPROVED this 9<sup>th</sup> day of December 2013.

SIGNED: \_\_\_\_\_  
Dixie Drummond, Mayor

ATTEST:

\_\_\_\_\_  
Carol Ann Hogue, City Clerk

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Approval of 2014 Meeting Dates and Holidays  
**DEPARTMENT:** City Clerk  
**SUBMITTED BY:** Carol Ann Hogue, City Clerk  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

Staff have prepared legal notices stating the dates of City Commission and other board meetings and City holidays for 2014.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

Advertising costs.

**ATTACHMENTS:**

Legal notices

**RECOMMENDATION:**

Motion to approve 2014 meeting dates and holidays.

\_\_\_\_\_  
Department Head

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

LEGAL NOTICE

The following is a list of the regular City Commission Meetings for the months of January through December 2014. These will be held in the City Commission Meeting Room at City Hall, 214 S. Love at 5:30 P.M. In the event a meeting has to be rescheduled, publication will be made at least three days prior to such meeting. Anyone wishing to request a meeting agenda may obtain a copy from City Hall, 214 S. Love, during normal business hours. All agendas are available at least 24 hours prior to the meeting date.

2014 LOVINGTON CITY COMMISSION MEETING DATES

MONTH:	1ST MEETING:	2ND MEETING:
January	13	27
February	10	24
March	10	24
April	14	28
May	12	27
June	9	23
July	14	28
August	11	25
September	8	22
October	13	27
November	10	24
December .....	8	..... None

Signed: \_\_\_\_\_  
Carol Ann Hogue, City Clerk

## HOLIDAYS FOR 2014

January 1, 2014	New Years Day	Wednesday
January 20, 2014	Martin Luther King Day	Monday
May 26, 2014	Memorial Day	Monday
July 4, 2014	Independence Day	Friday
September 1, 2014	Labor Day	Monday
November 27, 2014	Thanksgiving Day	Thursday
November 28, 2014	Thanksgiving Friday	Friday
December 24, 2014	Christmas Eve	Wednesday
December 25, 2014	Christmas Day	Thursday

2 Floating Holidays

**\*Note: City observed holidays have been amended. Effective in 1997, Presidents Day and Veterans Day have been deleted and the City will permanently observe the Friday after Thanksgiving and Christmas Eve.**

LEGAL NOTICE

The Museum Board will be meeting the third Wednesday of each month of 2014 at the Lea County Museum, 103 S. Love at 2:00 P.M. If a meeting is rescheduled, notice will be published prior to the meeting.

LEGAL NOTICE

The City of Lovington Personnel Board will meet in the City Commission Room at City Hall, 214 S. Love at 1:30 P.M. on the following dates for 2014. If a meeting is rescheduled, notice will be published prior to the meeting.

January 16	July 17
February 13	August 14
March 13	September 11
April 17	October 16
May 15	November 13
June 12	December 11

LEGAL NOTICE

The Commissioners of the Housing Authority of the City of Lovington will meet the second Wednesday of each month in 2014 at 214 S. Love at 11:00 A.M. If a meeting is rescheduled, notice will be published prior to the meeting.

LEGAL NOTICE

The Library Board will meet in the board room of the Library, 119 S. Main, at 1:15 P.M. on the following dates for 2014. If a meeting is rescheduled, notice will be published prior to the meeting.

January 16	July 17
March 20	September 18
May 15	November 20

LEGAL NOTICE

The Senior Citizens Advisory Board will meet at the McKibben Senior Center, 18 W. Ave F, at 2:00 P.M. on the following dates for 2014. If a meeting is rescheduled, notice will be published prior to the meeting.

February 20  
May 15

August 21  
October 16

LEGAL NOTICE

The Youth Center Board will meet at the Youth Center Building, 115 W. Ave O at 12:00 Noon on the following dates for 2014. If a meeting is rescheduled, notice will be published prior to the meeting.

February 17  
May 19

August 18  
November 17

Signed: \_\_\_\_\_  
Carol Ann Hogue , City Clerk

If you require hearing interpreters or auxiliary aids in order to attend any Lovington Municipal Board meetings, please contact the City Clerk's Office at 396---2884. At least 72 hours prior notice is required to meet these needs. Anyone wishing to obtain an agenda may request a copy from the appropriate board.

PUBLISH: December 21, 2013

CITY OF LOVINGTON  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Approval of Ordinance 519  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

This ordinance will grant the City the ability to enter into an Intergovernmental Agreement with the NMEDD and Project Participation Agreement with Lovington Warehouse. These documents will provide \$100,000 of funding from the State Economic Development Department for the development of the loading and unloading zone for rail cars.

This ordinance has been advertised as required.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_  
(Finance Director)

The City will serve as the fiscal agent for this project and will request reimbursement from the NMEDD for this \$100,000. In the event that the project does not meet goals as established in the agreement, we will be required to foreclose on the property. Any funds recovered will be turned over to the State EDD.

**ATTACHMENTS:**

Ordinance 519  
IGA  
PPA

**RECOMMENDATION:**

Motion to approve Ordinance 519

\_\_\_\_\_  
Department Head

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

**ORDINANCE NUMBER 519**

**AN ORDINANCE OF THE CITY OF LOVINGTON AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT AND A PROJECT PARTICIPATION AGREEMENT ACCEPTING FROM THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT \$100,000.00 FOR ECONOMIC ASSISTANCE FOR IMPROVEMENT OF LOADING AND UNLOADING ZONE ADJACENT TO LOVINGTON WAREHOUSE AND THE RAILROAD**

**WHEREAS**, the *City of Lovington* has passed Ordinance No. 495, relating to Economic Development Planning; and

**WHEREAS**, the purpose of the Economic Development Plan is to “allow public support of economic projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources;” and

**WHEREAS**, *Lovington Warehouse* meets the requirements as stated in Ordinance No. 495, as a qualifying entity by being “an industry for manufacturing, processing, or assembling of any agriculture or manufactured products;” and

**WHEREAS**, *Lovington Warehouse* serves a number of industries and businesses and improvement of the Rail loading and unloading will allow the creation of jobs for *Lovington Warehouse*, as well as for tenants and lessees; and

**WHEREAS**, the State of New Mexico Economic Development Department desires to support *Unloading and Loading Zone Project* through its 2013 Capital Outlay Fund by entering into a Contract with the *City of Lovington* to contribute \$100,000.00 toward the construction of the *Unloading and Loading Zone Project* ; and

**WHEREAS**, the *City of Lovington City Commission* wishes to enter into an agreement with *Lovington Warehouse*, in the form of a Project Participation Agreement, as provided for in Ordinance No. 495.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF Lovington, NEW MEXICO:**

**Section 1.** That the Mayor is authorized to execute on behalf of the *Lovington City Commission* an Intergovernmental Agreement with the State of New Mexico Economic Development Department to accept \$100,000.00 under Ordinance 495 to be used specifically for the *Unloading and Loading Zone Project*.

**Section 2.** That the Mayor is authorized to execute on behalf of the *City of Lovington Commission* a Project Participation Agreement with *Lovington Warehouse*, user of the *Unloading and Loading Zone Project*.

**Section 3.** Repealer. All ordinances or parts of ordinances or provisions of the *City of Lovington Code* in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such conflict or inconsistency, and as to all other ordinances, this ordinance is hereby made cumulative. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

**Section 4.** Severability. If any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

**Section 5.** Effective date. This ordinance shall be effective five days after publication.

**PASSED, ADOPTED, AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Mayor Dixie Drummond**

**ATTEST:**

\_\_\_\_\_  
**Carol Ann Hogue**  
**City Clerk**

**NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND  
CITY OF LOVINGTON  
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement (Agreement) entered into as of the date of the last signature affixed below by and between the New Mexico Economic Development Department (EDD), acting through its cabinet secretary, and the City of Lovington, and collectively referred to as “the Parties” with reference to the following facts.

**SECTION 1: RECITALS:**

**WHEREAS**, the New Mexico State Legislature, pursuant to Laws 2009, Chapter 125, Section 22(6): “to provide grants to political subdivisions of the state for infrastructure improvements necessary to attract new companies or expand existing businesses to achieve job growth pursuant to the Local Economic Development Act statewide”; and

**WHEREAS**, the New Mexico State Legislature, pursuant to Laws 2013 Chapter 227 Section 5 to provide grants to political subdivisions of the state to achieve job growth by attracting new companies or expanding existing businesses pursuant to the Local Economic Development Act”; and

**WHEREAS**, the purpose of the Local Economic Development Act, NMSA 1978 §§ 5-10-1 through 5-10-13 (2007) (“LEDA”), is to provide “public support for economic development to foster, promote and enhance local economic development efforts...”; and

**WHEREAS**, the **City of Lovington** has adopted LEDA by Ordinance No. 495 which established the **City of Lovington** Economic Development Act Plan that promotes economic development within the **City of Lovington**; and

**WHEREAS**, the **City of Lovington** has adopted Ordinance No. **[Insert Ordinance Number]** (“Ordinance”) to approve the economic development project (“Project”) proposed by **Lovington Warehouse**, it is understood by the Parties that the source of the Appropriation is severance tax bond proceeds appropriated by the New Mexico Legislature to DFA as described above.

**SECTION 2. SCOPE OF WORK:**

The **City of Lovington** will act as fiscal agent for the Appropriation supporting the Project. The **City of Lovington** will be reimbursed, pursuant to Section 5-10-3(D) of LEDA, for costs and expenses incurred to grade and pave eight hundred ten (810) feet by forty (40) feet on both sides of existing track, to provide loading and unloading capabilities. In exchange for the Appropriation, the Company certifies it will provide warehouse space and associated labor and create a minimum of **5** jobs, by themselves and/or their tenants or lessees within the **City of Lovington** by the end of November 2015.

Review: The City of Lovington will review project timeline, progress and job creation annually until two year anniversary of this agreement. Job creation reporting will be supported by reports and documentation from the New Mexico Department of Workforce Solutions demonstrating the headcount of the operation to demonstrate compliance with this Agreement at each review cycle annually, and another at thirty (30) days prior to the anniversary date of this Agreement, for a period of two years.

EDD and the **City of Lovington** agree that failure of the Qualifying Entity to create and/or maintain the minimum number of jobs, and failure of the qualifying entity to meet its obligations set forth under the PPA entered into by and between the **City of Lovington** and **Lovington Warehouse** on \_\_\_\_\_, will result in a violation of the terms and conditions of this Agreement. Such violation requires that the City of Lovington foreclose on the security interest. Any monies received by the **City of Lovington** as a result of the sale or foreclosure of the security and any funds recovered by the **City of Lovington** pursuant to said promissory note and security agreement shall be returned to EDD within thirty (30) days after they are received by the **City of Lovington**. Any property acquired or developed by the **City of Lovington** as a result of this Project, shall be used by the **City of Lovington** for future economic development purposes only. All the terms, conditions and requirements set forth under the PPA are incorporated into this Agreement by reference. **[Insert Security Interest]**

**SECTION 3. CITY OF LOVINGTON RESPONSIBILITIES:**

The **City of Lovington** shall:

1. Request to be reimbursed from the Appropriation for economic development purposes as set forth in the Appropriation, the Ordinance, the PPA and this Agreement.

The **City of Lovington** shall submit requests for reimbursement, with supporting documentation, for activities associated with the Project to EDD. EDD shall review requests for reimbursement and certify to DFA, in writing, compliance with the Appropriation, the Ordinance, the PPA and this Agreement. EDD shall then transmit the requests for reimbursement to DFA's Capital Outlay Bureau, Local Government Division (the "Bureau"). The Bureau will forward the requests for payment, supporting documentation and EDD certification to the New Mexico Board of Finance for payment to the Village.

2. Serve as Fiscal Agent for the funds transferred to it under this Agreement;

3. Complete all of the following goals identified in this Agreement within the time limits agreed upon by the Parties:

a. distribute the funds transferred to the **City of Lovington** by Board of Finance to **Lovington Warehouse** Project

b. account for receipts and disbursements of said monies; and

c. provide EDD with the required financial documentation pertaining to this disbursement.

d. submit all required and reasonably requested documentation to EDD including the endorsed LEDA Ordinance approved by the **City of Lovington** Commission accepting **Lovington Warehouse** Project as a qualifying entity for LEDA, with the

accompanying endorsed Project Application and PPA entered into by the **City of Lovington** and **Lovington Warehouse** , a fully executed and copy of the security interest by way of a mortgage on the real property, and copies of invoices and other documentation as required by EDD within the time required;

4. Not impose any obligations on EDD with respect to the administration of this Project, other than the reimbursement of funds described in this agreement.

**SECTION 4. CITY OF LOVINGTON CERTIFICATIONS:**

As Fiscal Agent, the **City of Lovington** hereby assures and certifies that:

A. It will comply with all applicable State laws, regulations, policies, guidelines, and requirements with respect to the acceptance and use of State funds, including but not limited to Article IX, Section 14, of the New Mexico Constitution known as the “anti-donation clause”;

B. It has the legal authority to receive and expend the funds;

C. It will enforce the provisions of Ordinance No.[**Insert Ordinance Number**] approving a LEDA Project for **Lovington Warehouse** Project involving grading and paving, creating and retaining approximately **5** new job-years within the **City of Lovington** over the end of **November 2015**;

E. It has exercised due diligence in certifying that **Lovington Warehouse** Project is a viable economic development initiative with potential long term economic development benefits, The **City of Lovington** will provide EDD all documentation and references to expertise it has relied upon in approving this Project;

F. It has entered into a PPA requiring (1) a substantive contribution of value from the qualifying entity, (2) the security provided to the **City of Lovington** by the qualifying entity in the form of a lien, mortgage or other indenture, (3) the pledge of the qualifying business’s financial or material participation and cooperation to guarantee the qualifying entity’s performance pursuant to the project participation agreement, (4) a schedule for project development and completion, including measurable goals and time limits for

those goals, and (5) provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory. The qualifying entity's substantive contribution may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

G. It has obtained all financial documentation necessary to protect the **City of Lovington** investment under this project;

H. It shall not at any time during the life of this Agreement convert any property acquired or developed pursuant to this Agreement to uses other than those within the Project description as defined in Section 2 - Purpose of Agreement and Section 3 - Scope of Work stated above;

I. It will notify EDD of any default on the part of **Lovington Warehouse** within 10 days of the event of default;

J. It will comply with the State Procurement Code and local procurement codes and will keep files of all related procurement documents, including but not limited to requests for professional services, advertisements, minutes of pertinent meetings, selection and award criteria, contacts, subcontracts and agreements;

K. No member, officer or employee of the **City of Lovington** or its designees or agents, no member of the governing body of the locality of which the program is situation, and no other public official that exercises any functions or responsibilities with respect to the Project during his/her tenure, or for one (1) year thereafter, shall have any interests, direct or indirect, in any contract or subcontract, or the process thereof, for work to be performed in connection with the Project that is the subject of this Agreement. The **City of Lovington** shall incorporate in all contracts or subcontracts a provision prohibiting such interest pursuant to this certification;

L. Any monies received by the **City of Lovington** as a result of the sale or foreclosure of the security and any funds recovered by the **City of Lovington** pursuant to said promissory note and security agreement shall be returned to EDD within thirty (30) days after they are received by the **City of Lovington**. Any property acquired or developed by the **City of Lovington** as a result of this Project, shall be used by the **City**

**of Lovington** for future economic development purposes only.

**SECTION 5. EDD RESPONSIBILITES:**

A. EDD shall review requests for reimbursement and certify to DFA, in writing, compliance with the Appropriation, the Ordinance, the PPA and this Agreement. EDD shall then transmit the requests for reimbursement to DFA's Capitol Outlay Bureau, Local Government Division (the "Bureau"). The Bureau will forward the requests for payment, supporting documentation and EDD certification to the New Mexico Board of Finance for payment to the **City of Lovington**.

B. EDD shall, at their discretion, review and audit the Project if it is deemed to be necessary or desirable.

**SECTION 6. TERM OF AGREEMENT:**

This Agreement shall become effective on the date it is fully executed and shall terminate on November 30, 2015.

**SECTION 7. LIABILITY:**

No party shall be responsible for liability incurred as a result of the other party's acts or omissions. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act. The **City of Lovington** and EDD may agree to reimburse one another under these liability provisions, subject to sufficient appropriation by the New Mexico Legislature or sufficient funds being available to the party, as determined by the party responsible for payment.

**SECTION 8. DISPOSTION OF PROPERTY; RECORDS; RETURN OF SURPLUS FUNDS:**

- A. Property purchased under this Agreement for the Project shall remain with the purchasing party unless otherwise agreed upon.
- B. The **City of Lovington** shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Project, the purposes for which such funds were used and such other records as EDD may require,

C. If, upon the expiration of the Project or the termination date of this Agreement, any surplus funds are possessed by the **City of Lovington**, the **City of Lovington** shall return said funds shall revert in accordance with law.

**SECTION 9. STRICT ACCOUNTABILITY:**

The City of Lovington shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EDD and the New Mexico State Auditor upon request, and shall maintain all such records for a period of six (6) years following completion of all the records and any audits.

**SECTION 10. REPORTS:**

The City of Lovington shall submit bi-annual reports during the life of this Agreement to EDD respecting direct and indirect job creation attributable to the State appropriation and a Final Report to EDD either on or before the termination of this Agreement or upon final reimbursement to the **City of Lovington**, whichever occurs first. The Final Report shall contain a description of work accomplished, the methods and procedures used, a detailed budget breakdown of expenditures, a description of any problems or delays encountered and the reasons therefore, and such other information as may be requested by EDD.

**SECTION 11. NOTICES; REPRESENTATIVES OF THE PARTIES:**

Any notice required to be given to either party by this Agreement. shall be in writing and shall be delivered in person, by courier service or by U.S. Mail, either first class or certified, return receipt requested, postage prepaid, as follows. The parties hereby designate the individuals named below as their representative responsible for overall administration of this Agreement.

To EDD:  
Antoinette Vigil, Finance Development Team Leader  
Joseph M. Montoya State Office Building  
1100 St. Francis Drive  
Santa Fe, New Mexico 87505

To **The City of Lovington**  
**James R. Williams**  
**214 S. Love Street**  
**Lovington, NM 88260**

**SECTION 12. AMENDMENTS:**

This Agreement shall not be altered, changed or amended, except by instrument in writing executed by all of the Parties hereto.

**SECTION 13. GOVERNING LAW:**

This Agreement shall be governed by the laws of the State of New Mexico.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the last date of signature below,

**CITY OF LOVINGTON , NEW MEXICO**

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

Its: Mayor \_\_\_\_\_

Date: \_\_\_\_\_

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

Its: Attorney for the City of Lovington

**ECONOMIC DEVELOPMENT DEPARTMENT**

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

Its: Cabinet Secretary

Date: \_\_\_\_\_

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

Its: General Counsel

## **PROJECT PARTICIPATION AGREEMENT**

The City of Lovington, NEW MEXICO and Lovington Warehouse a New Mexico corporation (the Project Party), agree:

1. Recitals:

A. Pursuant to the Local Economic Development Act, NMSA 1978, §§ 5-10-1 through 5-10-13, (LEDA); the City of Lovington adopted the Ordinance #495, authorizing the City of Lovington to consider applications for economic development assistance; and Ordinance No. [Note New Ordinance Number] approving an Economic Development Project.

B. The Project Party has submitted an application to the City of Lovington for assistance under the LEDA Ordinance. In the application, the Project Party has proposed that the project will grade and pave eight hundred ten (810) forty (40) feet wide on both sides of the railroad track which it will own and develop in accordance with the Application for Development Incentives Plan. The application also proposes that the City of Lovington act as Fiscal Agent for approximately 2 years granted by the City of Lovington through the Economic Development Department. The Project Party will then develop the property using the grant monies to build loading and unloading areas from the railroad to Lovington Warehouse.

C. The City of Lovington has adopted Ordinance No. [X] finding that the Project Party is a qualifying entity as defined in Section 5-10-3 (G) NMSA 1978 and approving this Project Participation Agreement (this agreement) as meeting the requirements of LEDA.

2. Contribution by Lovington Warehouse: In order to implement the Project, the City of Lovington will act as Fiscal Agent and Project Management to the Project entity after certification.

3. Substantive Contribution from the Project Party: The Project Party will provide a minimum of 5 jobs within the City of Lovington. These jobs will be provided directly through the Project Party and or through its Tenants of Lessees. Additionally the Project Party agrees to provide a minimum of seventy thousand (70,000) square feet of warehouse space for warehousing and distribution services at a discounted rate not to exceed two dollars (\$2) per square foot for the duration of this agreement. The terms and obligations of the parties under the Ordinance and Application are incorporated into this Agreement by reference.

4. Security Provided to the City of Lovington: The City of Lovington will require a [X – describe type of security – ie, Special Warranty Deed to be placed in Escrow (such escrow funded by the Project Party) transferring the property and all development to the COMMUNITY]. Should the Project Party cease operation during the term of this agreement clawback provisions are \$100,000. Any funds recovered by the City pursuant to said promissory note and security agreement shall be returned to EDD

within thirty (30) days after they are received by the City, and any property acquired or developed by the City as a result of this Project, shall be used by the City for future economic development purposes only.

5. Review: City of Lovington will review project timeline, progress and job creation annually until two year anniversary of this agreement. Job creation reporting will be supported by reports and documentation from the New Mexico Department of Workforce Solutions demonstrating the headcount of the operation to demonstrate compliance with this Agreement at each review cycle annually, and another at thirty (30) days prior to the anniversary date of this Agreement, for a period of two years.

6. Ratification: The City of Lovington and Lovington Warehouse hereby ratify all actions consistent with this Agreement the Project Party or their respective agents may have taken in furtherance of the Project.

7. Miscellaneous: This Agreement binds and insures to the benefit of the loading and unloading grading and paving upgrade for Lovington Warehouse and their respective successors and assigns. This Agreement may be amended or modified, and the performance by any party of its obligations hereunder may be waived, only in a written instrument duly executed by the parties. This Agreement may be executed in any number of counterparts, each of which is an original and all of which taken together constitute one instrument. This Agreement is governed by and is to be construed in accordance with the laws of the State of New Mexico, without giving effect to its choice-of-law principles.

8. Term of Participation Agreement: Will be agreed upon through the City of Lovington and Lovington Warehouse by the 30<sup>th</sup> of November until the second year anniversary.

Adopted by the City of Lovington

On the [day] of [month], [year]

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Its Mayor

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Attest: City Clerk

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Lovington Warehouse – Mark Saxton

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Approval of Theater LEDA Funding  
**DEPARTMENT:** Economic Development  
**SUBMITTED BY:**  
**DATE SUBMITTED:** December 2, 2013

**STAFF SUMMARY:**

The Lovington EDC has presented their recommendations for funding the Lea Theater Project. Attached is a draft of the project participation agreement for Commission review and approval if this project is awarded LEDA funding.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_  
(Finance Director)

LEDA Funding will be utilized to secure the \$400,000 loan.  
\$50,000 in start up funding.  
\$200,000 in matching funds for donations and grants that are obtained.  
Assistance with loan service payment.

**ATTACHMENTS:**

Draft of PPA

**RECOMMENDATION:**

Motion to approve project and agreement as amended by legal.

\_\_\_\_\_  
Department Head

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

## PROJECT PARTICIPATION AGREEMENT

This Agreement is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2013 by and between the City of Lovington, New Mexico, a municipal corporation (hereinafter referred to as "City") and the Lea Community Foundation for the Arts (hereinafter "Foundation").

### **1. Recitals**

- A. Pursuant to the Local Economic Development Act, NMSA 1978, §§ 5---10---1 through 5---10---13, (LEDA); the City adopted the Ordinance No. 495 (LEDA Ordinance), authorizing the City of Lovington to consider applications for economic assistance.
- B. The Foundation has submitted an application to the City for assistance under the LEDA Ordinance. In the application, the Foundation has proposed to purchase the Lea Theater, begin operations of the Theater, and initiate renovations to the Theater.

### **2. Contribution by Lea Community Foundation for the Arts**

- A. The Foundation will obtain a bank loan in the amount of four hundred thousand dollars (\$400,000) for a term of ten (10) years at a reasonable rate.
- B. The Foundation will adopt bylaws that create a permanent position on the Foundation's Board of Directors for the Lovington Economic Development Corporation Director.
- C. The Foundation will make minimum loan payments out of its operating budget as possible. After the initial three (3) years of the project, the Foundation is expected to be fiscally stable and capable of making project loan payments from the Foundation's operating fund.
- D. The Foundation is expected to solicit donations and grants to complete the renovations needed for this project.

### **3. Contribution by City of Lovington**

- A. The City will provide funds to guarantee the four hundred thousand dollar (\$400,000) loan obtained by the Foundation.
- B. The City will provide a one---time grant of fifty thousand dollars (\$50,000) to cover the Foundation's start---up costs and an operational reserve. This funding will be provided upon closing on the Theater property.

- C. The City will be prepared to assist the Foundation with minimum loan payments during the initial three (3) years of the Project.
- D. Two hundred thousand dollars (\$200,000) in dollar for dollar matching funds will be allocated for any donations received by the Foundation. The donations and matching funds are to be used to pay down the loan principle until the loan is paid in full.
- E. The maximum pledged amount for this project shall not exceed four hundred fifty thousand dollars (\$450,000)

**4. Security Provided to the City of Lovington**

The City will take a lien against the Theater property naming the Lovington Economic Development Corporation in second position behind the lending institution. Furthermore, the City of Lovington will be named in third position.

**5. Specific Project Objectives and Completion Dates**

<b>Objective</b>	<b>Completion Date</b>
Acquire Lea Theater	December 31, 2013
Complete Foundation Bylaws and filing with State of New Mexico	December 31, 2013
Licensing contracts with film distributors completed	January 31, 2014
Cinema digital upgrades, phase one lighting, and cosmetic upgrades complete	March 31, 2014
Theater reopened and operating	April 30, 2014

**6. Review**

The Lovington Economic Development Corporation will review the project timeline, progress, and the Foundation's finances each quarter for the duration of this agreement.

**7. Termination**

If it is determined that the Foundation has become insolvent or fails to meet the project objectives, the Lovington Economic Development Corporation will obtain possession of the Theater property and assume operation.

## **8. Miscellaneous**

Disbursements for this project will be made from the LEDA Fund to the Lovington Economic Development Corporation, which will in turn disburse funds to the Foundation.

## **9. Amendments**

This agreement may be amended or modified, and the performance by any part of its obligations hereunder may be waived, only in a written instrument duly executed by both the City and the Foundation.

## **10. Term of Participation Agreement**

This agreement will be effective upon execution and terminate when all loans are paid in full or within ten (10) years, whichever occurs first. Once this agreement is terminated, the City will relinquish all interest and oversight of the Theater.

## **11. Insurance Requirements and Hold Harmless Provision**

- A. The Foundation agrees to maintain appropriate insurance for the duration of this agreement. The Foundation will provide a Certificate of Insurance to be attached to this agreement, with the City of Lovington shown as an additional insured party.
- B. The Foundation shall indemnify, defend, and hold harmless the City, its employees, agents, officers and officials from any and all claims, demands, losses, causes of action, costs, expenses, and liability of any nature whatsoever, including court costs, attorney's fees, and any expenses incurred in enforcing this provision, which may result from, arise out of, be related to, or in any way be connected with the City of Lovington providing financial assistance to the Foundation; provided, however, that nothing shall be construed to require or obligate the Foundation to indemnify the City of Lovington against or hold the City harmless from the City's own negligent acts or omissions.

## **12. Governing Law and Provisions**

- A. 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.

- B. 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.

**13. 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 Lovington**

**Lea Community Foundation  
for the Arts**

\_\_\_\_\_  
By: Dixie Drummond, Mayor

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Carol Ann Hogue, City Clerk

\_\_\_\_\_  
Patrick McMahon, City Attorney

City Manager

\_\_\_\_\_  
By: James R. Williams

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 9, 2013

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Approval of Accounts Payable  
**DEPARTMENT:** Finance  
**SUBMITTED BY:** Mashell Stephens, Finance Director  
**DATE SUBMITTED:** December 6, 2013

**STAFF SUMMARY:**

Staff have prepared the accounts payable for your review and approval.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_  
(Finance Director)

See accounts payable detail.

**ATTACHMENTS:**

Accounts Payable Detail

**RECOMMENDATION:**

Motion to approve accounts payable.

\_\_\_\_\_  
Department Head

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

**Vendor Name**

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4River Equipment	929.00
ALCO Stores, Inc	222.07
Alsco	707.46
Amazon	48.58
American Library Sales	250.09
American Medical Group, Inc	881.19
Artesia Fire Equipment	6,423.62
BeGeo Investment LLC	877.00
Benchmark	222.22
Blaine Industrial Supply	1,541.29
Blooming Gardens	5,465.00
Bob's Thriftway	703.24
Bound Tree Medical, LLC	251.30
Brodart-McNaughton Inc.	966.00
C & S Motor Parts Co.	476.38
C. W. Associates	38.00
Caprock Communications	142.50
Copies, Inc.	284.95
Cowboys Corner	128.85
Deans, Inc	622.08
Don Chalmers Ford	14,907.96
Elite K-9 Inc	117.90
FacilityDude.com	2,656.51
Farmer Brothers Company	359.94
Foremost Medical Equipment	1,140.00
Forrest Tire Co.	1,075.24
Frenship Vet Clinic	25.00
Galls/Quartermaster	340.00
Gempler's, Inc	275.00
General Welding Supply	974.50
H & K Pest Control Co.	426.60
Haarmeyer Electric	334.94

City of Lovington (New)  
Summary A/P Ledger - A/P Summary CCMeting - General  
From 12/1/2013 Through 12/31/2013

Higginbotham-Bartlett Co.	3,649.58
High Plains Refrigeration, Inc	128.18
Hobbs Animal Clinic	25.00
Jack Hamilton Tire Co.	299.33
Kid's Reference Company, Inc.	277.83
Lea County Roadside	132.50
Lea County Veterinary Service	25.00
Lovington Auto Supply	369.56
Lovington Leader	1,106.77
Lovington Veterinary	20.00
Lovington Veterinary Clinic	150.00
Lyle Signs	1,200.00
Master Printers	79.00
Med-Vet International	244.94
Michael's Prescription Corner	669.00
MicroMarketing LLC	71.33
MidAmerica Books	250.14
Mustang Country	467.50
Neve's Uniforms	266.00
New Mexico Jr. College	600.00
Noble Industrial Supply Corp	524.63
OCLC, Inc.	208.19
P & D Petroleum, Inc	15,640.26
Permian GMC	333.45
Pro-Treat Power Equipment	699.97
Professional Ambulance Sales	525.00
Radio Accounting Service	390.00
Recorded Books LLC	100.72
Roberts Oil & Lube	905.39
Rogers All Electric Service	253.20
RoseRush Services LLC	2,505.00
Salt Lake County Library Syste	14.95
Seidl Diesel Service	817.12
Squeaky Clean	4,547.53

City of Lovington (New)  
Summary A/P Ledger - A/P Summary CCMeeting - General  
From 12/1/2013 Through 12/31/2013

Staples Advantage	2,280.20
Stericycle, Inc.	591.94
SWAT, LLC	1,520.37
Symbol Arts	85.00
The Bedroom Shoppe	5,000.00
The Cop Shop	202.20
The Gale Group	877.21
The Radar Shop Inc	82.00
Tlo LLC	3.00
Tom's Sharp Shop	36.54
Trey's Plumbing	160.31
U S Food Service	3,654.88
Valentine Auto Service	2,670.53
VerMed	548.55
W-H-B, Inc.	2,040.13
Watson Truck & Supply	38.60
Western Fire Extinguisher	3,692.45
WMC INC	<u>1,050.00</u>
Total Page One	<u><u>105,845.39</u></u>

<b>Subtotal from Page One</b>		<b>105,845.39</b>
Aaron Lawson	80% per diem for Firefighter Training Academy in Socorro	145.60
Aaron Lawson	20% per diem for Firefighter Training Academy in Socorro	36.40
Accounting & Consulting	Finance-2nd Half of Payment for Audit	10,859.37
Admn. Office of the Courts	DWI & Court Automation Fees for Oct., 2013	1,469.00
ALCO Stores, Inc	Vet/Animal Control-Supplies	58.01
Amanda Addison	Police-Reimb Meals Training in Hobbs	17.40
Andy Moreno, Jr.	Clothing Allowance after 6 month probation	250.05
Artesia Daily Press	Lodgers Tax-Advertising Fall Festival	275.97
AT&T Mobility	Gen-Cell Phone Bills Dec 2013	2,379.97
Cruz Neblett	Police-Reimb Meal/Training in Hobbs	19.55
Daniel Elizando	Swimming Pool- Landscaping	450.00
Daniel Elizando	Swimming Pool-Dirt Work for Pool Landscaping	525.00
Daniel Elizando	Swimming Pool-8hr dirty Work for Landscaping	600.00
Deanna Williamson	80% per diem for Firefighter Training Academy in Socorro	145.60
Deanna Williamson	20% per diem for travel to Socorro-FF Training	36.40
EMS Technology Solutions, LLC	Ambulance-Annual License Fee	2,640.00
Forrest Tire company	Ambulance-Yoko Geolandar	378.81
Geoffrey Herweg	Police-Reimb for Otterbox	53.44
Ian Myers	80% per diem for Firefighter Training Academy in Socorro	145.60
Ian Myers	20% per diem for travel to Socorro-FF Training	36.40
IBM Corp.	Police-BPS Modem	129.30
James Hay	80% per diem for travel to Albuquerque;K-9 Drug Detection	288.00
Jami Bailey	Youth Center-Reimb for Christmas Trays/Glitter Box	75.88
Jared Cobb	Quarterly stipend for cell phone	180.00
Jeffrey Silveira	80% per diem for Firefighter Training Academy in Socorro	145.60
Jeffrey Silveira	20% per diem for travel to Socorro-FF Training	36.40

City of Lovington (New)  
 Summary A/P Ledger - A/P Summary CCMeeting - General  
 From 12/1/2013 Through 12/31/2013

Jim Trujillo	Judicial-Alternate Judge Nov 4 & 6 2013	128.25
Jim Trujillo	Judicial-Alternate Judge Nov 22, Nov 26 2013	128.25
Johnnie's Floral & Gifts	Finance-Fresh Arrangement/Bosses Day/Cobb	34.74
Johnnie's Floral & Gifts	Finance-Fresh Arrangement/Bosses Day/Williams	34.74
Jonathon Gonzales	80% per diem for Firefighter Training in Socorro	145.60
Jonathon Gonzales	20% per diem for travel to Socorro-FF Training	36.40
Jose Lara/L A Graphics	Police-Graphic Herwig Office	68.00
Jose Lara/L A Graphics	Police-Graphic on unit 32	524.64
Jose Lara/L A Graphics	Police-Graphics on unit 33	524.64
Justin Myers	80% per diem for Firefighter Training Academy in Socorro	145.60
Justin Myers	20% per diem for travel to Socorro-FF Training	36.40
Justin Myers	20% per diem for travel to Ruidoso- Fire Conference	55.00
Kim Martin	Police-Reimb overnight Paperwork to Capers	19.95
KLEA Radio	Lodgers Tax-Advertising Arts/Crafts	300.00
Lea County Electric	Gen-Electric Bill Sept 2013	21,856.43
Lea County Septic Tank Service	Parks-Porta Potty	316.50
Lea County Treasurer	Judicial-Inmate Housing Oct 2013	2,751.00
Lovington Chamber of Commerce	Lodgers Tax-Vistor Upkeep Nov 2013	1,000.00
Lovington Leader	Lodgers Tax-Advertising Arts/Crafts Oct 2013	350.00
New Mexico Gas Company	Gen-Utility Gas Bill Oct 2013	247.11
New Mexico Municipal League	Finance-Gov Program Reg Ava Benge	300.00
NM Judicial Education Center	Judicial Education Fees for Oct., 2013	640.00
Noalmark Broadcasting Corp.	Lodgers Tax-Advertising Fall Festival	341.80
Parkway Cleaners	Ambulance-Uniform Cleaning Oct 2013	38.93
Parkway Cleaners	Police-Uniform Cleaning Oct 2013	154.10
Phillips 66 Co.	Gen-Fuel Card	281.97
Reid Insurance Group, Inc.	Finance-Business Auto Ins	62,723.00
Reid Insurance Group, Inc.	Finance-Commercial Property	40,003.00
Reid Insurance Group, Inc.	Finance-Contractor's License Bond	237.50
Reid Insurance Group, Inc.	Finance-General Liability Ins	120,590.00

City of Lovington (New)  
 Summary A/P Ledger - A/P Summary CCMeeting - General  
 From 12/1/2013 Through 12/31/2013

Reid Insurance Group, Inc.	Finance-Inland Marine Ins	2,521.00
Rosa Arroyo	Clothing Allowance after 6 month probation	250.05
Shell Oil Co.	Gen-Gas Card	42.75
Staples	Finanace-Office Supplies	511.99
Staples	Police-Office Supplies	49.79
Staples	Police-Wireless Router	79.99
Staples Advantage	Judicial-Office Supplies	128.78
Timothy Brighton	80% per diem for Firefighter Training Academy in Socorro	145.60
Timothy Brighton	20% per diem for travel to Socorro-FF Training	36.40
Ty Gleaves	80% per diem for Firefighter Training Academy in Socorro	145.60
Ty Gleaves	20% per diem for travel to Socorro-FF Training	36.40
Visa	Fire-Jacket Chief	226.43
Visa	Finance-Meals Region II Board Meeting	9.75
Visa	Swimming Pool-Park Benches	2,260.45
Visa	Finance-ICMA Annual Dues	600.00
Visa	Finance-Meals COG Meeting	46.24
Windstream	General-Phone Bill	4,377.22
Windstream	Finance-Phone Bill Chamber Sept 2013	237.00
WTG Fuels, Inc	Police-Fuel Card	<u>4,762.66</u>
<b>TOTAL</b>		<u>397,704.79</u>

**Vendor Name**

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ALCO Stores, Inc	5.09
American Medical Group, Inc	384.54
Blaine Industrial Supply	277.65
Bob's Thriftway	64.87
California Cont. Supplies, Inc	839.72
Cardinal Laboratories	112.15
Certified Laboratories	249.60
Constructors, Inc	16,565.63
Cowboys Corner	47.60
Culligan Water Conditioning	24.50
Detroit Industrial Tool	260.94
DPC Industries Inc.	787.47
Farmer Brothers Company	11.54
Gebo Credit Corporation	14.95
General Welding Supply	85.00
Haarmeyer Electric	848.70
Higginbotham-Bartlett Co.	317.30
Hospital Services Corporation	34.24
Industrial Muncipal Products	2,701.62
Lovington Auto Supply	204.12
M & R Tire Service, LLC	680.50
Master Printers	1,110.50
Milford Pipe & Supply, Inc	27.52
New Mexico Self Insurers Fund	0.00
NM Utility Operator Certificat	60.00
NM Water & Wastewater Assoc.	301.00
NMWWA-SE Section	54.00
NXKEM Products	3,941.56
Odessa Pumps & Equipment	760.00
P & D Petroleum, Inc	1,744.61
Patriot Pipe & Supply LTD	125.60
Polydyne Inc.	504.00
Solid Waste Authority	4,179.77
The JG Press, Inc.	49.00
Video Stop	27.98
Visa	0.00
Visa Card Service	0.00
Vista Control Systems, Inc.	874.00
W-H-B, Inc.	1,218.38
Western Fire Extinguisher	<u>805.67</u>
Total Page One	<u><u>40,301.32</u></u>

<b>Subtotal from Page One</b>		<b>40,301.32</b>
Accounting & Consulting	Water-2nd Half of Payment for Audit 2013	5,348.64
AT&T Mobility	Water-Call Phone Bill Oct 2013	697.89
Dana Kepner Co.	Water Supplies	2,862.95
Kandy Kane Water Well Service	Water-Camera Inspection of Well #11	1,466.45
Kandy Kane Water Well Service	Water-Labor to install Pump/Motor	6,380.25
Lea County Electric	Water-Electric Bill Sept 2013	23,851.89
New Mexico Gas Company	Water-Utiliy Gas Bill Oct 2013	195.20
Phillips 66 Co.	Waste-Water-Unleaded Fuel	10.30
Staples	Waste-Water-Office Supplies	127.43
Sylvester Zarate	Water-Cut/Install Doors at Booster 1 & 2	786.00
Waste Management of New Mexico	Solid Waste Polycarts	115,906.09
Waste Management of New Mexico	Solid Waste-Roll-Offs Oct 2013	6,426.16
Waste Management of New Mexico	Solid Waste-Polycarts	118,050.00
Windstream	Water-Phone Bill Oct 2013	462.01
Windstream	WasteWater-Internet Service Oct 2013	<u>123.59</u>
<b>TOTAL</b>		<b><u>322,996.17</u></b>