

**CITY OF LOVINGTON**  
**REGULAR MEETING OF THE CITY COMMISSION**  
MONDAY, APRIL 22, 2013 @ 5:30 P.M.  
TO BE HELD AT 214 SOUTH LOVE STREET

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**AGENDA**

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Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

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**OPEN MEETING**

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Call to Order  
Roll Call  
Invocation- Commissioner Gandy  
Pledge of Allegiance- Commissioner Gandy  
Approval of Agenda  
Approval of the Regular Minutes of April 8, 2013 TAB 1

**NON-ACTION ITEMS:**

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Discussion of Commission Budget Work Session TAB 2  
Discussion of Library Board Appointment TAB 3  
Discussion of Condemnation of Property - 422 N. Chaves TAB 4

**ACTION ITEMS:**

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Consideration of Approval of Equipment Use at Chaparral Park - May 4, 2013 TAB 5  
Consideration of Approval to Vacating Parcels 1, 2, 3 & 4 of Apaula Heights Addition TAB 6  
Consideration of Approval to Advertise Ordinance 506 – Lovington Affordable Housing Ordinance TAB 7  
Consideration of Approval to Advertise Ordinance 507 – Creation of Lovington Parks and Recreation Board TAB 8  
Consideration of Approval to Advertise Ordinance 508 – Mobile Business License and Transient and Itinerant Vendor Licenses TAB 9  
Consideration of Approval to Advertise Ordinance 509 – Amend Industrial Water Rate Definition and Establish Industrial Water Rate II TAB 10  
Consideration of Approval to Advertise Ordinance 510 – Amend Notice to Abate and Removal of Nuisance by City - Lien TAB 11

**PUBLIC COMMENT**

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**CLOSED SESSION**

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Pursuant to Section 10-15-1 NMSA 1978, Subsection H-8, regarding the purchase, acquisition or disposal of real property or water rights TAB 12

**ADJOURNMENT**

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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.

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, APRIL 8, 2013 @ 5:30 P.M.  
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

**Also present:** City Manager Williams, Chief of Police Bryant, City Attorney McMahon, City Clerk Hogue, Administrative Assistant Gutierrez and Finance Director Stephens.

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

**Invocation:** Commissioner Granath gave the invocation

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

**Approval of Agenda:** Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Gandy so moved. Commissioner Granath seconded. Motion was approved.

**Approval of the Regular Minutes of March 25 & Called Minutes of March 28, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of March 25 & called minutes of March 28, 2013. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**PROCLAMATIONS:**

**Presentation of 2013 Ladies Basketball Championship Proclamation:** Mayor Drummond honored and congratulated the Lovington High School Ladies Varsity Basketball Team and presented the Proclamation 040813-01 for winning its 2<sup>nd</sup> consecutive State Basketball Championship.

**NON-ACTION ITEMS:**

**Discussion of Parks and Recreation Board:** Commissioner Granath requested to conduct a discussion regarding the creation of a Parks & Recreation Committee. It would be helpful to get organized in these areas. Mayor Drummond stated to add this on to the next meeting as an action item.

**Discussion of Quarterly Financial Report:** Finance Director Mashell Stephens prepared the Summary Budget Comparison- Revenue Report from March 1-31, 2013 for the Commissioners to review.

**ACTION ITEMS:**

**Consideration of Approval of Youth Center Board Appointment:** Mayor Drummond called for a motion to appoint Herb Smith to the serve on the board for a four year term. Commissioner Trujillo so moved. Commissioner Benge seconded. Motion was approved.

**Consideration of Approval of Housing Authority Board Appointment:** Mayor Drummond called for a motion to reappoint Maria Rios to serve on the board for a five year term. Commissioner Trujillo so moved. Commissioner Bengé seconded. Motion was approved.

**Consideration of Approval of Variance at 722 W. Ave C for Operation of a Beauty Salon:** Cheryl Dudley and Becca Perry addressed the Commissioners to request an approval for a 1-2 chair beauty salon at the above address. Mayor Drummond called for a motion to approve the request for this family and/or address only. Commissioner Gandy so moved. Commissioner Trujillo seconded. Motion was approved.

**Consideration of Approval of Accounts Payables:** Mayor Drummond called for a motion to approve the accounts payables as submitted. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

**PUBLIC COMMENT:** None

**CLOSED SESSION:**

At 5:50 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-2, Regarding Limited Personnel Matters. Commissioner Granath seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

At 6:15 p.m., Commissioner Granath moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the motion for closure and no action was taken. Commissioner Trujillo seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

**OTHER:** Commissioner Gandy:

- Autism Day @ Brian Urlacher Gym today from 4:00-6:00p.m.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:17 p.m.

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

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

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☒ INFORMATION ☐ OTHER ACTION

**SUBJECT:** Discussion of Commission Budget Work Session  
**DEPARTMENT:** Finance  
**SUBMITTED BY:** Mashelle Stephens, Finance Director  
**DATE SUBMITTED:** April 10, 2013

**STAFF SUMMARY:**

Staff have completed preparing the FY14 Budget and request a work session date be chosen during the week of May 6th. This will give staff ample time to make changes to the budget so it may be reviewed and modified prior to the May 27, 2013 Commission Meeting where it needs final Commission approval.

**FISCAL IMPACT:**

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

(Finance Director)

**ATTACHMENTS:**

**RECOMMENDATION:**

Discussion only.

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

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



**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☒ INFORMATION ☐ OTHER ACTION

**SUBJECT:** Discussion of Library Board Appointment  
**DEPARTMENT:** Library  
**SUBMITTED BY:** Tueredia McBride, Librarian  
**DATE SUBMITTED:** April 16, 2013

**STAFF SUMMARY:**

The Library Board has submitted Imogene Hanners for re-appointment to their Board for a five year term.

**FISCAL IMPACT:**

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

(Finance Director)

**ATTACHMENTS:**

**RECOMMENDATION:**

Discussion only. Action will need to be taken at the May 13, 2013 meeting.

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

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

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☒ INFORMATION ☐ OTHER ACTION

**SUBJECT:** Discussion of Condemnation of Property - 422 N. Chaves  
**DEPARTMENT:** Code Enforcement  
**SUBMITTED BY:** Laura Brock, Code Enforcement Officer  
**DATE SUBMITTED:** April 17, 2013

**STAFF SUMMARY:**

Officer Brock wishes to discuss moving forward on condemnation of a property located at 422 N. Chaves St.

**FISCAL IMPACT:**

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

(Finance Director)

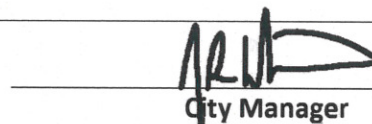
**ATTACHMENTS:**

Will be provided by Officer Brock at meeting.

**RECOMMENDATION:**

Discussion only.

  
Department Head

  
City Manager

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Consider Approval of Equipment Use at Chaparral Park  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** April 15, 2013

**STAFF SUMMARY:**

Iglesia Ministerio Vida has requested permission to hold an event, which will utilize a bounce house, at Chaparral Park on May 4, 2013 from 5 p.m. to 9 p.m.

The Church has provided a certificate of insurance, as well as a letter from the insurance provider providing coverage for the event as well as specifying the bounce house is an acceptable activity.

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

Certificate of Insurance  
Letter from insurance provider

**RECOMMENDATION:**

Motion to approve.

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

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





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/10/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Church Mutual Insurance Company 3000 Schuster Lane Merrill WI 54452		<b>CONTACT NAME:</b> Heather R Wolff <b>PHONE (A/C, No, Ext):</b> 1-800-554-2642 Option 1 <b>E-MAIL ADDRESS:</b> ncsg3@churchmutual.com <b>FAX (A/C, No):</b> 855-264-2329	
<b>INSURED</b> IGLESIA MINISTERIO VIDA INC 1517 S 2ND ST LOVINGTON NM 88260-5725		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Church Mutual Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 18767	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	<input checked="" type="checkbox"/> Y	<input type="checkbox"/>	0234586-02-243902	09/01/2010	09/01/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	<input type="checkbox"/>	<input type="checkbox"/>				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <b>EXCESS LIAB</b> DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> N/A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Evidence of Liability Insurance for Church Event from 5pm - 9pm on May 4, 2013 at Chaparral Park, Lovington, NM 88260. Commercial General Liability  
Additional Insured - City of Lovington. Subject to the coverage provided by the referenced policy. 167-A224

**CERTIFICATE HOLDER****CANCELLATION**

City of Lovington  
214 S Love  
Lovington, NM 88260-4219

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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April 10, 2013



Listening. | Learning. | Leading.®

James Williams, City Manager

City of Lovington

214 S Love

Lovington, NM 88260

James Williams,

Please be advised that the "bounce house" activity is an acceptable activity  
under the Liability coverage of Iglesia Ministerio Vida Inc, Lovington, NM.

Thank you,

A handwritten signature in black ink that reads "Heather Wolff". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Heather Wolff

Customer Service Representative



**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Consider Approval of Vacating Parcels in Apaula Heights  
**DEPARTMENT:** Planning and Zoning  
**SUBMITTED BY:**  
**DATE SUBMITTED:** April 16, 2013

**STAFF SUMMARY:**

The developers of the 7th and Polk area subdivision presented a request the Planning and Zoning board at the April 15, 2013 meeting to vacate parcels 1, 2, 3, and 4 of the Apaula Heights Addition. This is necessary so that the final steps to approve the Sunrise Addition may be performed.

The Planning and Zoning Board recommended approving the vacation of the specified parcels.

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

Map of affected parcels.

**RECOMMENDATION:**

Motion to approve vacation of parcels 1, 2, 3, and 4 of the Apaula Heights Addition.

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

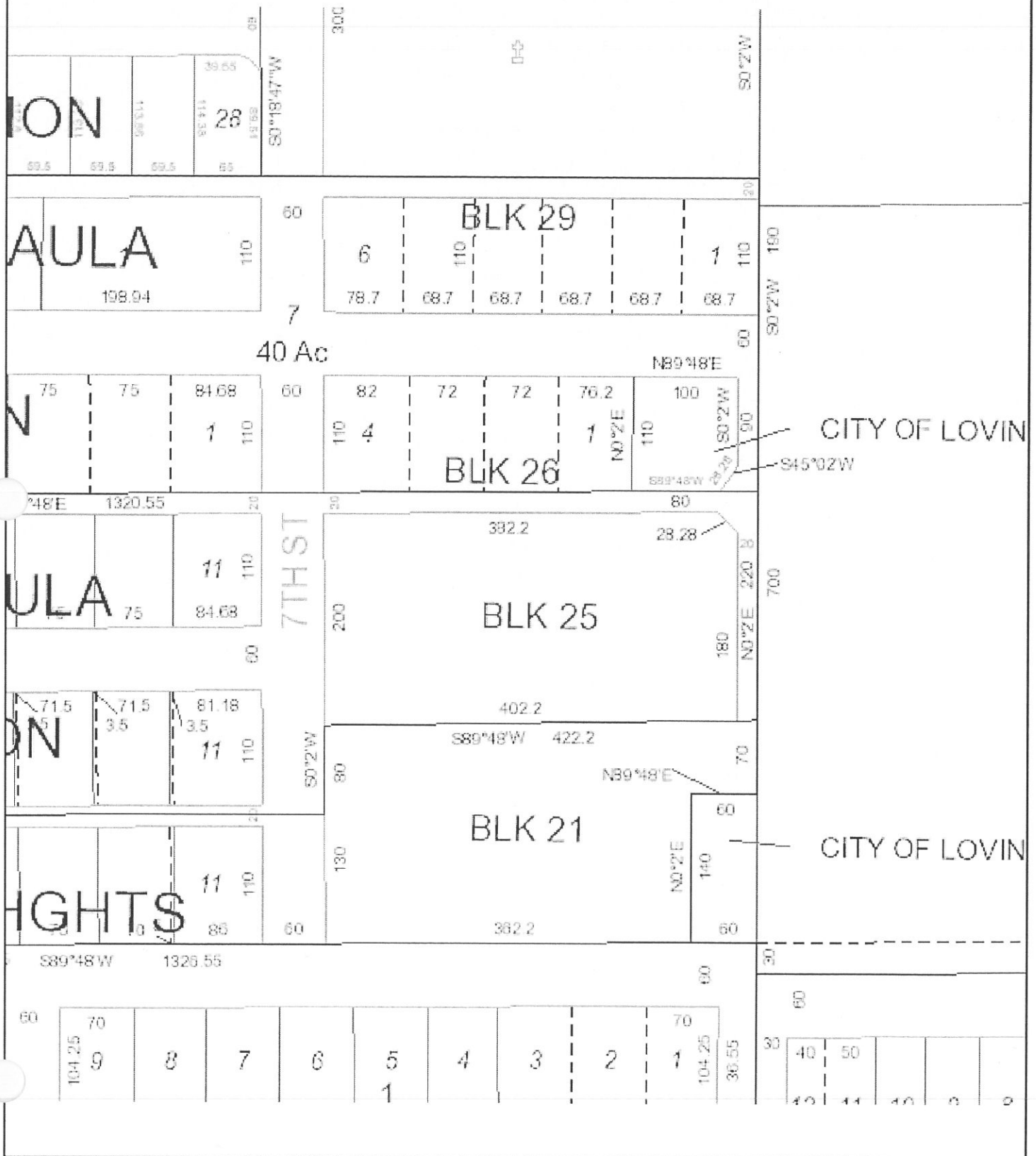
  
\_\_\_\_\_  
City Manager

# Lea County New Mexico

Printed Thu Apr 11 2013

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**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Consider Approval to Advertise Ordinance 506  
DEPARTMENT: Executive  
SUBMITTED BY: James R. Williams, City Manager  
DATE SUBMITTED: April 15, 2013

**STAFF SUMMARY:**

The NM Mortgage Finance Authority has reviewed the draft of the Lovington Affordable Housing Ordinance. In the initial submittal, only one minor change and two suggested changes were recommended. Staff have made the required and suggested changes and have received approval from MFA to adopt the ordinance.

Staff are requesting authority to advertise this ordinance with the intent to have the Commission consider adoption at the May 28, 2013 Commission Meeting.

**FISCAL IMPACT:**

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

(Finance Director)

**ATTACHMENTS:**

Approval letter from NM MFA.

**RECOMMENDATION:**

Motion to approve advertisement of Ordinance 506 - Lovington Affordable Housing

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

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

April 10, 2013

James R. Williams  
City Manager  
City of Lovington  
214 S. Love Street  
P.O. Box 1268  
Lovington, N.M. 88260

RE: City of Lovington Ordinance No. \_\_\_\_: An Ordinance Establishing an Affordable Housing Program Pursuant to the Affordable Housing Act; Defining Terms; Establishing Application Requirements and Review Criteria; and Establishing Procedures to Administer an Affordable Housing Program

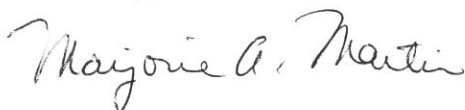
Dear Mr. Williams:

The New Mexico Mortgage Finance Authority (MFA), in accordance with the Affordable Housing Act (Section 62-7-1 NMSA 1978 et. seq.) ("Act"), and the Affordable Housing Act Rules ("Rules") adopted thereto, has reviewed the proposed City of Lovington Ordinance No. \_\_\_\_, fully described above. MFA has determined that the proposed Ordinance is in compliance with the requirements set out in the Act and the Rules.

Pursuant to the Rules, the City of Lovington should provide MFA with a certification that the proposed Ordinance was passed by the City Council, and with a copy of the approved Ordinance.

Thank you for the City of Lovington's continued efforts to provide affordable housing for the city's residents. Please feel free to contact me or MFA's Deputy Director of Programs Joseph Montoya, if you have any questions.

Sincerely,



Marjorie A. Martin  
MFA Attorney

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Consider Approval to Advertise Ordinance 507  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams  
**DATE SUBMITTED:** April 15, 2013

**STAFF SUMMARY:**

As directed by Commission at the April 8, 2013 meeting, staff have prepared Ordinance 507 which establishes the Lovington Parks and Recreation Board. Staff will provide details of the ordinance.

Staff are requesting approval of the Commission, once any changes or modifications approved at this meeting, to advertise this ordinance. It is the intention of staff to bring this ordinance back to commission for approval at the May 28, 2013 Commission Meeting.

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

Ordinance 507 - Lovington Parks and Recreation Board

**RECOMMENDATION:**

Motion to approve advertisement of Ordinance 507 - Lovington Parks and Recreation Board.

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

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



## **ORDINANCE NO. 507**

An ordinance of the City of Lovington, New Mexico, enacting a new Chapter of Title 2, Division V, Chapter 2.90 creating the Lovington Parks and Recreation Board, the membership thereof and providing rules and regulations for the conduct of business of such board, and defining the powers and the duties thereof.

**WHEREAS**, the City of Lovington provides parks and recreational facilities for the citizens of our community; and

**WHEREAS**, the input of our citizens in regards to such facilities is valued.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that:

Chapter 2.90 Parks and Recreation Board of the Lovington Municipal Code of the City of Lovington, New Mexico, in the following form, is hereby enacted:

### **2.90.010 Intent**

It is the intent of the City that the Parks and Recreation Advisory Board, hereinafter referred to as the "Board", shall:

- A. Represent the community at large and not any specific recreational organization; and
- B. The Board shall keep itself informed of City parks and recreation needs and to serve as a forum for public discussion; and
- C. To encourage the general use of parks and recreation programs including cooperation with other agencies and organizations that are involved in providing recreation services for the public good.

### **2.90.020 Membership and Appointment**

The Board shall consist of seven (7) members, one of whom shall be a duly elected and qualified member of the City Commission. The Mayor, with the approval and consent of the City Commission, shall appoint the remaining six (6) from citizens. Three (3) shall reside within the City limits of Lovington, one (1) within the Lovington Extraterritorial Zone, and two (2) members between the ages of fifteen (15) and twenty (20). The Mayor, recreation director, parks director, and superintendent of the Lovington Municipal Schools shall be ex officio members of the Board, but shall have no vote in any of its proceedings.

#### **2.90.030      Terms of Office**

Initially, the Mayor shall appoint to the Board three (3) members for one (1) year, two (2) members for two (2) years and one (1) member for three (3) years. The City Commission member so appointed shall serve for a term concurrent with their duly elected term as a member of the City Commission. Thereafter, the terms of all Board members, except the member who is a City Commissioner, shall be for three (3) years, and until their successors shall be appointed and qualified.

#### **2.90.040      Vacancies**

Vacancies occurring in the membership of the Board by reason of death, resignation, termination of residence in the city or removal from the Board for cause shall be filled by appointment by the Mayor, with the approval of the City Commission, for the unexpired part or portion of the vacant membership.

#### **2.90.050      Compensation**

Members of the parks and recreation board shall serve without compensation.

#### **2.90.060      Organization**

The Board members, when appointed, shall meet within fifteen (15) days after their appointment to organize by the election of one of their members as chairperson and one as vice chairperson. The terms of the officers so elected shall be for one year and until their successors are elected by an annual election of the membership of the Board.

#### **2.90.070      Meetings**

The Board shall hold a regular meeting at least once per quarter and convene such specially called meetings as it may deem appropriate. The Board meetings will comply with the New Mexico Open Meetings Act and reasonable notice shall be provided to the public. Minutes shall be kept of all Board meetings.

#### **2.90.080      Removal From Office**

Any member of the Board provided in this chapter may be removed by the City Commission. Any member of the Parks and Recreation Board who fails to attend three consecutive regular meetings of the Board, without valid reason approved by the Board, shall be deemed to have resigned his/her office, and upon notice of such resignation, the Mayor, with the approval of the City Commission, shall appoint someone to fill out such member's term.

**2.90.090      Duties**

The Board shall:

- A.      Carry out the policies of the City Commission and receive, study and recommend to the City Commission all requests by individuals or groups in reference to the activities, programs and plans of the commission.
- B.      Advise and consult with the City Commission on public reaction to the activities of the Board.
- C.      Make recommendations as to priority for additions to or construction of parks or recreation facilities.
- D.      Have no power to make any final determination upon any of the foregoing matters and shall have advisory powers only.

**Passed, adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2013.**

CITY OF LOVINGTON

\_\_\_\_\_  
DIXIE DRUMMOND, Mayor

ATTEST:

\_\_\_\_\_  
CAROL ANN HOGUE, City Clerk

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Consider Approval to Advertise Ordinance 508  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** April 15, 2013

**STAFF SUMMARY:**

After direction received by Commission at the March 25, 2013 meeting, staff have created Ordinance 508 to amend the Business Licenses and Regulations section of the municipal code.

Staff have incorporated a mobile business permit for use by established businesses who wish to conduct mobile business operations. A fee of \$100 per year would be charged for this activity.

The transient and itinerant merchant license would be amended to a license issued for a period of 7 consecutive days. A \$500 fee would be assessed each time the license is applied for.

Staff have also increased the fine amount to \$500 per violation.

Staff are requesting approval to advertise this ordinance with the intention of presenting it for approval at the May 28, 2013 Commission Meeting.

**FISCAL IMPACT:**

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

(Finance Director)

**ATTACHMENTS:**

Ordinance 508 - Modifying and Amending Business Licenses and Regulations

**RECOMMENDATION:**

Motion to approve advertisement of Ordinance 508 - Modifying Business License and Regulations

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

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

**ORDINANCE NO. 508**

AN ORDINANCE MODIFYING AND AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 5 CHAPTER 5.04 AND CHAPTER 5.56 BE AND HEREBY IS AMENDED AS FOLLOWS:

Chapter 5.04 – Business Registration and License Fees

**5.04.15 Mobile business activity fee – Imposition**

In addition to the business registration fee, there is imposed an annual mobile business activity fee of one hundred dollars for each calendar year for those persons who engage in mobile business activity. The mobile business activity fee may not be prorated for mobile business activity that occurs only once in any calendar year an/or for only a limited number of days in any calendar year.

Chapter 5.56 – Transient and Itinerant Merchants and Vendors

**5.56.110 License – Expiration**

A license issued under this chapter shall continue and be in force for a period not to exceed seven consecutive days for the sale of goods or merchandise between the hours of 8:00 a.m. and 8:00 p.m., which license shall expire at 8:00 p.m. on the seventh day. The fee required shall not be prorated or refunded.

**5.56.190 Violation – Penalty**

Anyone found guilty of violating the provision of this chapter shall be punished by a fine of up to five hundred dollars or imprisonment of up to ninety days, or by both such fine and imprisonment.

Passed, adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LOVINGTON

\_\_\_\_\_  
DIXIE DRUMMOND, Mayor

ATTEST:

\_\_\_\_\_  
CAROL ANN HOGUE, City Clerk



**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Consider Approval to Advertise Ordinance 509  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** April 15, 2013

**STAFF SUMMARY:**

Based on previous discussions with the Commission, staff have developed Ordinance 509 which amends our Water Rates, Billing, and Collection. Ordinance 509 will modify the definition of Chapter 13.12.065 - Industrial Water Rates to incorporate the definition that an Industrial Water Rate will be collected for businesses that obtain service for use in production or manufacturing services on the site of their place of business.

A new chapter, 13.12.068, has been added to establish Industrial Water Rates II. This chapter states that a rate of \$7.10 will be charged for the first 1,000 gallons or less, and each additional 100 gallons a charge of \$0.67. Charges will be collected from customers obtaining service for use or sale of water off site of their principal place of business or from City of Lovington supply sites.

Staff are requesting approval to advertise this ordinance, with the intention of presenting it for Commission approval at the May 28, 2013 Commission Meeting.

**FISCAL IMPACT:**

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

(Finance Director)

**ATTACHMENTS:**

Ordinance 509 - Chapter 13.12 - Rates, Billing, and Collection

**RECOMMENDATION:**

Motion to approve advertisement of Ordinance 509 - Chapter 13.12 - Rates, Billing, and Collection.

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

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

## ORDINANCE NO. 509

An ordinance of the City of Lovington, New Mexico, amending Section 13.12.06 and enacting a new Section 13.12.075 Industrial Water Rates II, of Title 13 - Rates, Billing and Collection, of the Lovington Municipal Code.

**WHEREAS**, the City of Lovington may provide potable water to Industrial Customers from its water facilities for the City's municipal water supply.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that:

Section 13.12.065 Industrial Water Rates, of the Lovington Municipal Code of the City of Lovington, New Mexico, in the following form, is hereby amended:

### **13.12.065 Industrial Water Rates**

An Industrial Water Rate shall be charged and collected for businesses that obtain service from the waterworks systems of the city for use in production or manufacturing services on the site of their place of business. The water rates to be charged and collected by the city from each Industrial Customer shall be as follows:

Section 13.12.068 Industrial Water Rates II, of the Lovington Municipal Code of the City of Lovington, New Mexico, in the following form, is hereby enacted:

### **13.12.068 Industrial Water Rates II**

An Industrial Water Rate II shall be charged and collected for customers or businesses that obtain service from the waterworks system of the City of Lovington for use or sale of such water off site from their principal place of business or from City of Lovington supply sites. The water rates to be charged and collected from each Industrial Customer II shall be as follows:

Amended rates shall become effective June 1, 2013 and may be adjusted to meet the needs of the City. Rate adjustments will take effect September 15<sup>th</sup> of each year.

First 1,000 gallons or less.	\$7.10
Over 1,000 gallons	Additional \$0.67 for each additional 100 gallons or part thereof

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

CITY OF LOVINGTON

\_\_\_\_\_  
DIXIE DRUMMOND, Mayor

ATTEST:

\_\_\_\_\_  
CAROL ANN HOGUE, City Clerk

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Consider Approval to Advertise Ordinance 510  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** April 16, 2013

**STAFF SUMMARY:**

The changes to Chapter 8.28 - Nuisances was previously approved for advertisement at the April 23, 2012 Commission Meeting but this action was not taken.

Staff have prepared an ordinance to address the amendment to the Municipal Code and are requesting approval to advertise with the intent to present the ordinance for adoption at the May 28, 2013 Commission Meeting.

**FISCAL IMPACT:**

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

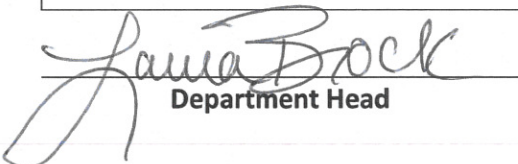
(Finance Director)

**ATTACHMENTS:**

Ordinance 510 - Amending Chapter 8.28 Nuisances

**RECOMMENDATION:**

Motion to approve advertisement of Ordinance 510.

  
Department Head

  
City Manager

## ORDINANCE NO. 510

AN ORDINANCE MODIFYING AND AMENDING TITLE 8, CHAPTER 8.28 NUISANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 8 CHAPTER 8.28 BE AND HEREBY IS AMENDED AS FOLLOWS:

### **8.28.050 Notice to abate**

If the provisions of Section 8.28.010 are not complied with, the City Manager or his/her authorized representative may whenever they he/she determines a nuisance exists and is then, or likely to become, detrimental to the public health or comfort of any person, shall notify the owner, lessee, occupant, or person having charge or control of any occupied or unoccupied lot or tract of land, of the non-compliance with the provisions of this chapter by the issuance of a ten-day written warning, requesting such person to abate or commence abatement of such condition.

### **8.28.080 Removal of Nuisance by City – Lien**

In those cases where the owner, lessee, occupant, or person having charge or control of any occupied or unoccupied lot or tract of land, is a non-resident of the City or cannot be determined, and compliance in its entirety with the provisions set forth in the notice to abate or commence abatement has not occurred within ten (10) days, the City Manager may cause such nuisance to be abated. In any event, should it appear to be a matter of public necessity for health and safety reasons, the City Manager may give notice that the nuisance be abated immediately, in which event, should there be no compliance, and the City Manager is authorized to cause such nuisance to be immediately. The actual cost of the abatement, plus any other penalties or costs allowed by law in connection therewith, under any of the circumstances herein set out, shall be billed to the owner of record, who shall have fifteen (15) days to submit payment in full. Failure to remit shall cause a lien to be placed upon the property from which such nuisance was abated. The lien shall be foreclosed in the manner provided by law.

PASSED, ADOPTED AND APPROVEVD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF LOVINGTON

\_\_\_\_\_  
DIXIE DRUMMOND, Mayor

ATTEST:

\_\_\_\_\_  
CAROL ANN HOGUE, City Clerk

**CITY OF LOVINGTON**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 22, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

**SUBJECT:** Closed Session  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** April 15, 2013

**STAFF SUMMARY:**

Staff have requested a closed session to discuss the purchase, acquisition, or disposal of real property or water rights.

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

**RECOMMENDATION:**

Motion to go into closed session, pursuant to Subsection H-8 regarding the purchase, acquisition, or disposal of real property or water rights.

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

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