# CITY OF LOVINGTON
# REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MARCH 25, 2013 @ 5:30 P.M.
TO BE HELD AT 214 SOUTH LOVE STREET

## AGENDA

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

## OPEN MEETING

Call to Order
Roll Call
Invocation- Commissioner Trujillo
Pledge of Allegiance- Commissioner Trujillo
Approval of Agenda
Consideration of Approval of the Regular Meeting Minutes of March 11, 2013 — TAB 1

## NON-ACTION ITEMS

Discussion of Housing Authority Board Appointment — TAB 2
Discussion of Vendor License Fees — TAB 3
Discussion of Industrial Water Rates — TAB 4
Discussion of Windstream Internet Service — TAB 5
Discussion of Legislative Session Update — TAB 6

## ACTION ITEMS

Consideration of Approval of Equipment Use at Chaparral Park — TAB 7
Consideration of Approval of County Display Board Agreement — TAB 8
Consideration of Approval of Public Fireworks Display Funding — TAB 9
Consideration of Approval of Lodger's Tax Requests — TAB 10

## PUBLIC COMMENT

## ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the 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, MARCH 11, 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.

**Not Present:** Chief of Police Bryant

**Also present:** City Manager Williams, Detective Rodriguez, 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:** Mayor Drummond gave the invocation

**Pledge of Allegiance:** Mayor Drummond led the pledge

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

**Approval of the Regular Minutes of February 25, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of February 25, 2013. Commissioner Gandy so moved. Commissioner Benge seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Discussion of Public Hearing Date for Restaurant Beer & Wine License Application:** Mayor Drummond stated that City Manager Williams received a certified letter from NM Regulation & Licensing Division for a beer & wine application requested by Francisco J. Hernandez dba Taqueria Jalisco 928 W. Ave D, Lovington, NM. Mrs. Drummond stated that a public hearing needs to be set. Commissioner Gandy requested a separate meeting that is set for March 28, 2013 @ 5:30 p.m. A public hearing notice has been published in the Lovington Leader.

**Discussion of Vendor License Fees:** Mayor Drummond mentioned that there have been complaints of vendors selling in the downtown area. City Clerk Hogue stated that a vendor license cost $500 and they need to have a $5,000 bond in place. Raelynn Stuart addressed the Commissioners that vendors are not establishing connections with our town. Vendors should have a written permission from the property owners and to insure they are paying gross receipts. Linda Pritchett dba Johnnie's Floral also addressed the Commissioners that all vendors need to contribute to paying taxes. Commissioner Trujillo suggested assessing penalties to all vendors who do not pay gross receipts. Mayor Drummond asked Mr. Williams to look into the State Regulations. Elaine Vigil

addressed the Commissioners and mentioned that all the vendors are detoriating downtown Mainstreet. She suggested having all vendors move to a flea market area down on East Ave D.

## ACTION ITEMS:

**Consideration of Approval of Central Plaza NMDOT Contract Amendment:** City Manager Williams received an amendment from the NMDOT in regards to the Central Plaza Enhancement project. The reason for the amendment is due to having to move the funding from the 2011/2012 cycle to the 2012/2013 funding cycle. Grant fund of $262,500 to the City. The local 25% match is $87,500 for a project total of $350,000. Mayor Drummond called for a motion to approve the amendment. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Equipment Use at Chaparral Park:** City Manager Williams received a request from Danny Kirkpatrick of First Baptist Church in regards to using a Jumper/Bounce House at Chaparral Park on May 30, 2013. Mayor Drummond called for a motion to approve the equipment use at the park. Commissioner Trujillo so moved. Commissioner Gandy seconded. Connie Sevier of Western States Insurance addressed the Commissioners she stated that jumpers are excluded from liability. Commissioners Trujillo & Gandy withdrew motion. Commissioner Gandy made motion to table until later date to get further information on insurance policy. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Replat at 119 E. Simpson Dr:** Mayor Drummond called for a motion to approve the replat at 119 E. Simpson Dr. property. MaryAnn Marquez attended the meeting requested by P&Z committee. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Variance at 1801 N. Main St:** Mayor Drummond called for a motion to approve the variance at 1801 N. Main St requested by Catalyst Oilfield. Commissioner Trujillo so moved to approve the variance if the sale of property is contingent. Commissioner Gandy seconded. Motion was approved.

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

## PUBLIC COMMENT:

Mayor Drummond called for public comment:

- Evelyn Holguin of EDC introduced Jack Allston of JBA & Associates, LLC of Rio Rancho, New Mexico. Mr. Allston will be doing large strategic planning workshop on strengths & weakness for the City of Lovington. This plan is for the board-industrial, community developments, etc. MainStreet qualifies as a MRA.

- Kallie Richards mentioned to the Commissioners that Senate Bill 479 & 480 in the House passed Senate it requires approval of State Engineer for pre-approved planning.

**CLOSED SESSION:**

At 6:15 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-7 Pending Litigation and Subsection H-8-Discussion of the purchase, acquisition, or disposal of real property. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

At 6:30 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 Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

**OTHER:** City Manager Williams:

- MainStreet 101 will be on Thursday, March 14, 2013 from 12:00 p.m. to 1:00 p.m.
- Day of Service will be March 16, 2013 @ 9:00 a.m. - all employees will work on Ave D Park to give back to the community.
- Asked Commissioners if they would honor agreement with Dan's trucking water service.
- Last wind tore down swimming pool fence on West side- fencing company coming down tomorrow.
- Light pole was damaged at softball complex and will be replaced.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:40 p.m.

**APPROVED:** _____
**DIXIE DRUMMOND, MAYOR**

**ATTEST:** _____
**CAROL ANN HOGUE, CITY CLERK**

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

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

**SUBJECT:** Discussion of Housing Authority Appointment
**DEPARTMENT:** Housing Authority
**SUBMITTED BY:**
**DATE SUBMITTED:** March 5, 2013

***STAFF SUMMARY:***

The Lovington Housing Authority has submitted Maria Rios for reappointment to the Lovington Housing Authority for a five year term.

***FISCAL IMPACT:*** *REVIEWED BY:* _____ *(Finance Director)*

***ATTACHMENTS:***

***RECOMMENDATION:***

Discussion only.

_____ **Department Head**

_____ **City Manager**

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

**TYPE:** ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

**SUBJECT:** Discussion of Vendor License Fees
**DEPARTMENT:** Executive
**SUBMITTED BY:** James R. Williams, City Manager
**DATE SUBMITTED:** March 18, 2013

***STAFF SUMMARY:***

Based on the discussion held at the March 11, 2013 Commission meeting, staff have researched if we are able to obtain GRT paid by vendors in our community. NM Taxation and Revenue has informed us that in order to obtain the information, we would have to have a release signed by each vendor.

Staff agree that vendor fees should be increased. We would recommend a fee of at least $2,500 annually. Prior to issuing the vendor license, we would require the $5,000 bond and written permission from the property owner of the location they wish to utilize. We would also recommend a partial refund of the annual fee based on the amount of taxes paid on the goods sold in Lovington. In order to qualify for a refund, of up to $2,000, based on the amount of taxes paid. Proof of taxes paid would be provided from NM Taxation and Revenue after a release is signed.

The current penalty for violation of the vendor ordinance is a fine of up to $300 or imprisonment of up to 90 days, or by a combination of the fine and imprisonment.

***FISCAL IMPACT:***

*REVIEWED BY:* Mashell Stephens
*(Finance Director)*

Unknown

***ATTACHMENTS:***

N/A

***RECOMMENDATION:***

Discussion only.

**Department Head**

**City Manager**

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

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

**SUBJECT:** Discussion of Industrial Water Rates
**DEPARTMENT:** Water Department
**SUBMITTED BY:** Wyatt Duncan, Water Foreman
**DATE SUBMITTED:** March 18, 2013

***STAFF SUMMARY:***

In order to ensure the City's expenses are adequately covered for providing water and preserving this resource, City staff are recommending a revision to the Industrial Water Rates. In 2010, Ordinance 499 was adopted which established this tier and established. A monthly minimum of $9.25 is charged for the first 5,000 gallons, and for each additional 1,000 gallons over the minimum $2.35. The ordinance specifies that this rate may be adjusted to meet the needs of the City and normal rate adjustments would take effect September 15 of each year.

Staff are recommending the following items be addressed, if favorable by the Commission:

1. Amend Chapter 13.12 to include definitions for Residential, Commercial, and Industrial users.
2. Develop an Industrial Water Rate II, to include definition of this tier. A suggested definition is "customers who obtain service from the waterworks system of the City for use or sale of such water off site of their principal place of business or from City of Lovington supply sites."
3. The Industrial Water Rate II would assess a fee of $7.10 for the first 1,000 gallons and $0.67 for each additional 100 gallons.
4. Provide funding for and develop a water fill station at the Lovington Convenience Center.

***FISCAL IMPACT:***

*REVIEWED BY:* Marshall Stephens
*(Finance Director)*

The proposal listed above will incur normal fees associated with ordinance/code publication and adoption.

Users who transport water off site may obtain 6,000 to 8,000 gallons per load. This would result in a charge ranging between $40.60 - $54.10. The proposed rate structure would make the City competitive with other nearby municipalities.

The cost of the water fill station will be presented at a future date and will be incorporated into the next fiscal year operating budget if the Commission finds this issue favorable.

***ATTACHMENTS:***

Chapter 13.12 of Lovington Municipal Code - Rates, Billing, and Collection

***RECOMMENDATION:***

Discussion only.

**Department Head**

**City Manager**

# Chapter 13.12

# RATES, BILLING AND COLLECTION

Sections:


Article I. General

13.12.010 Disposition of funds.
13.12.020 Rate adjustments.
13.12.030 Establishment defined.
13.12.040 Deposits required.

Article II. Water Rates

13.12.050 Residential water rates.
13.12.060 Commercial water rates.
13.12.065 Industrial water rates.
13.12.070 Connection charge—City main to city meter.
13.12.071 Transfer charges.
13.12.080 Failure of meter—Charges—Appeal.
13.12.090 Charge for turning water on or off.
13.12.100 Delinquent rents-Discontinuance of service.
13.12.110 Collection date—Penalty.
13.12.111 Tampering with public utilities.

Article III. Sewer Rates

13.12.120 Definitions.
13.12.130 Applicability of article.
13.12.140 Determination of use charges.
13.12.150 Disposition of revenues.
13.12.160 Use charge schedule.
13.12.170 Maximum charge.
13.12.180 Additional costs for discharge of pollutants.
13.12.190 Surcharge schedule.
13.12.200 User charge—Reviewed.
13.12.210 Billing—Delinquency.
13.12.220 Rate increases.
13.12.230 All services to be charged for.
13.12.240 Violation—Penalty.


## Article I. General

### 13.12.010 Disposition of funds.

The sums received from the charges imposed by this chapter shall be deposited into a fund known as the joint waterworks and sewer system fund, and is to be used solely for the purpose of water and sewer operating and maintenance purposes. (Prior code § 4-3-13)

### 13.12.020 Rate adjustments.

Where, because of special conditions, the sewer rate or water rate would be unfair, inequitable or not in conformity with the rates paid by other users for similar service, the city commission may, on petition of the owner or upon its own motion, by resolution adjust such rate by increasing, decreasing, setting the same within minimum or maximum limits or putting the same on a fixed rale. (Prior code § 4-3-1 I)

### 13.12.030 Establishment defined.

For the purpose of this chapter, all establishments shall be considered commercial establishments, except single-family dwelling units; provided, that any duplexes or apartments rented in whole or in part to tenants shall be considered residential establishments, if each unit is separately metered. (Prior code § 4-3-9)

### 13.12.040 Deposits required.

Each residential garbage customer within the extraterritorial zone shall make a cash deposit with the city of thirty-live dollars. Each residential water customer in an owner occupied residence within the city limits shall make a cash deposit with the city of fifty dollars, and each residential water customer in a non-owner occupied

residence within the city of eighty dollars, unless the owner of the non-owner occupied residence provides written notice to the city that they do not wish to be responsible for any unpaid water/sewer/garbage bill incurred by the renter. Such written notice shall comply with NMSA 1978, Section 3-23-6 (1995 Repl. Pamp.). In the event of such written notice, the deposit for such non-owner occupied residence shall be two hundred dollars. Each commercial establishment shall make a cash deposit with the city of forty dollars to guarantee the payment of water bills, and each commercial establishment shall make a cash deposit of ten dollars to guarantee the payment of sewer bills. In the event of discontinuance of the service, the deposit will be refunded to the customer after the deduction of any bill due to the city for water service, sewer service, garbage service and any other bill and in the event that the deposit is insufficient to pay any bill due to the city, the city shall have a lien upon the land for the balance thereof. Interest will not be paid by the city on the deposits. (Ord. 473, 2006: Ord. 445 (part), 2003)

## Article II. Water Rates

### 13.12.050 Residential water rates.

The water rates to be charged and collected by the city from each residence obtaining service from the waterworks systems of the city shall be as follows:

Amended rates shall become effective September 15, 2007 and shall be automatically adjusted to conform to periodic adjustments of the Consumer Price Index (C.P.I.). Rate adjustments will take effect September 15th of each year.

| | |
|---|---|
| First 3,000 gallons | Monthly minimum of $15.91 |
| Over 3,000 gallons | Additional $1.41 for each additional 1,000 gallons or part thereof |

(Ord. 482, 2007: Ord. 470, 2006: Ord. 442 (part), 2002: Ord. 427 (part), 2000: Ord. 408 (part), 1997: Ord. 375 (part), 1993: amended during 1992 codification; Ord. 318, 1983: prior code § 4-3-14)

### 13.12.060 Commercial water rates.

The water rates to be charged and collected by the city from each commercial establishments obtaining service from the waterworks systems of the city shall be as follows:

Amended rates shall become effective September 15, 2007 and shall be automatically adjusted to conform to periodic adj ustments of the Consumer Price Index (C.P.I.). Rate adjustments will take effect September 15th of each year.

| | |
|---|---|
| First 5,000 gallons | Monthly minimum of$23.92 |
| Over 5,000 gallons | Additional $1.45 for each additional 1,000 gallons or part thereof |

(Ord. 483, 2007: Ord. 471, 2006: Ord. 442 (part), 2002: Ord. 427 (part), 2000: Ord. 408 (part), 1997: Ord. 375 (part), 1993: amended during 1992 codification: Ord. 317, 1983: prior code § 4-3-15)

**13.12.065 Industrial Water Rates.**

The water rates to be charged and collected by the city from each Industrial Customer obtaining service from the waterworks systems of the city shall be as follows:

Amended Rates shall become effective August 15, 2010 and may be adjusted to meet the needs of the City. the City may use water rates as an economic development incentive tool in keeping with the City's Economic Development Plan. Normal rate adjustments will take effect September 15th of each year.

| | |
|---|---|
| First 5,000 gallons | Monthly minimum of $1.85 per 1,000 gallons or part thereof |
| Over 5,000 gallons | Additional $2.35 for each additional 1,000 gallons or part thereof |

(Ord. 499, 2010)

**13.12.070 Connection charge—City main to city meter.**

A charge will be made for each water connection as follows:

From the city main to the city meter for any size tap, the cost of material and labor required for installation will be charged.

These charges will be reviewed and updated on a quarterly basis, in order to reimburse the city for the cost of providing such connection. (Ord. 316, 1982: Ord. 255, 1976: prior code § 4-3-16)

**13.12.071 Transfer charges.**

A charge of ten dollars shall be made for transfer from one residential location to another. Said transfer shall be made only when all outstanding water bills have been paid upon the residence from which the transfer is made. (Ord. 375 (part), 1993)

**13.12.080 Failure of meter—Charges—Appeal.**

In the event any of the water meters fail to operate because they have become clogged by sand or for any other reason fail to function, so as to record the amount of water used, the water superintendent shall estimate the amount of water consumed based on former meter readings, condition of the premises and other pertinent data. If any person feels aggrieved by a bill based on such estimate, he may appeal the decision to the city commission. The city commission may, if it considers the position of the water user equitable and just, remit all or a part of such water bill except that it shall not remit the base minimum amount of such bill. (Prior code §4-3-18)

**13.12.090 Charge for turning water on or off.**

If the water supply to any property is turned on or off for any reason, a charge of $50 may be made for turning the water on or off, at the discretion of the City Manager. If it is necessary to turn the water on or off other than between the hours of 8:00 a.m. and 5:00 p.m., there shall be a charge of $50 made each time the water is turned on or off.(Ord. 261, 1977; Ord. 501, 2011: prior code § 4-3-20)

**13.12.100 Delinquent rents—Discontinuance of service.**

All water rents shall be charged against the property served and against the owner thereof, and if for any reason any sums owing therefor become delinquent, after due notice to property owner or his agent of intent to discontinue service and an opportunity by property owner to contest the cutoff, the water shall be cut off and in no case shall it be turned on to the same property until such delinquencies shall have been paid in full. Change of ownership or occupation shall not affect the application of this section. (Amended during 1992 codification: prior code § 4-3-19)

**13.12.110 Collection date—Penalty.**

All bills shall be due and payable on the first day of each month for the previous month's service. If such bills are not paid on or before the tenth day of the month, a penalty of ten percent of the amount of the bill shall be added. (Prior code § 4-3-10)

**13.12.111 Tampering with public utilities.**

A. It shall be unlawful for any person to connect or attach or cause to be connected or attached, any kind of pipe, wire or other contrivance to any pipe, fire hydrant, line, wire or other conductor or appurtenance thereto, carrying gas, water electricity, television signals, telephone signals or other conveyances provided by or belonging to a public utility (whether publicly or privately owned) in such a manner as to enable such person or other persons to receive, consume or use gas, water, electricity, television signals, telephone signals or other utility service without the same passing through a meter, without obtaining the proper permit, without paying the required fee or in any other manner so as to evade payment for such public utility service.

B. It also shall be unlawful for any person to damage, tamper with or destroy any pipe, line, wire, meter or any other part of any public utility, including cable television, water, gas, electricity and telephone and telegraph systems.

C. If any meter, pipe, line, wire, fixture or other installation or appurtenance thereto provided by a public utility primarily for the purpose of serving a particular account is found to have been tampered with or altered in violation of Subsection A of this section, the person or other customer whose name appears on the records of the public utility affected as the person or firm responsible for payment of such account shall be held prima facie responsible for such violation.

D. Any act which, if uncorrected, would result in any utility customer being billed or charged by such utility for a lesser amount of utility service than actually furnished shall be deemed in violation of Subsection A hereof.

E. Conviction for violation of this section shall not affect the offenders civil liability for damages done to facilities or responsibility to pay for gas, water, electricity, television signals, telephone signals or other utility service used but not paid for.

F. Anyone convicted of a violation of this ordinance, 13.12.111, shall be fined not more than five hundred dollars or imprisoned for not more than ninety (90) days, or both. (Ord. 445 (part), 2003)

**Article III. Sewer Rates**

**13.12.120 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at twenty degrees Celsius expressed in milligrams per liter.

"Capital charge" means that portion of the total waste water service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

"City" means the city of Lovington.

"Commercial customers" means those customers which have three or more living units served by a single water meter, or which have one or more businesses served by a single water meter.

"Industrial customer" means any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand gallons per day of sanitary waste and which is identified in the Standard Industrial Classification Manual under divisions A, B, D, E, I. Any nongovernmental user which discharges wastewater which contains toxic pollutants, poisonous solids, liquids or gases in sufficient quantities to contaminate the sludge, injure or interfere with the treatment system process, or which constitutes a hazard to

humans or animals, creates a public nuisance, creates a hazard or has an adverse effect on the receiving waters.

"Infiltration/inflow" means the total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, stormwaters, surface runoffs, street wash waters, or drainage.

"Living unit" means a residential unit providing complete, independent, living facilities for one family, including permanent provisions for living, sleeping, cooking, eating and sanitation.

"Municipality" means (1) a city, town, borough, county, parish, district, association or other public body (including an intermunicipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste, or other waste; (2) a special district such as water, sewer, sanitary, utility, drainage or similar entity whose principal responsibility is the treatment, transport, or disposal of liquid waste of the general public in a particular geographic area.

"Normal sewage" means sewage which, when analyzed, shows by weight a daily average of not more than two hundred milligrams per liter of BOD and not more than two hundred milligrams per liter of TSS, and which is otherwise acceptable into the city's sanitary sewerage system.

"Residential customers" means those customers which have no more than two living units served by a single water meter.

"Surcharge" means a charge added to the normal user charge when the BOD, TSS, or other pollutant concentration from a user exceeds the range of concentration of these pollutants in normal domestic sewage.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment and collection system.

"Wastewater treatment system" means (1) the transport of wastewaters from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished; (2) to remove pollutants, dispose, recycle, or reuse the treated wastewaters and residues which result from the treatment process, and can include one or more connected or integrated treatment plants. (Ord. 311 § 1, 1982)

### 13.12.130 Applicability of article.

This article shall take precedence over any terms or conditions of agreements or contracts between the city and the users, including, commercial, industrial, special districts, other municipalities, or federal agencies or installations which are inconsistent with this article. (Ord. 311 § 2, 1982)

### 13.12.140 Determination of use charges.

The city will apply charges for operation and maintenance pertaining to extraneous flows (i.e., infiltration/inflow) in the same manner that it distributes the cost of opera-

tion and maintenance among users or user classes for their actual use. (Ord. 311 § 3, 1982)

**13.12.150 Disposition of revenues.**

The city will apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. 311 § 4, 1982)

**13.12.160 Use charge schedule.**

A. There is levied on all persons, firms, corporations, organizations, political units and political subdivisions and all other entities using the wastewater collection and treatment system of the city, a schedule of charges as provided in this section.

B. Users connected to and served by the sewer system of the city shall be classified as either domestic, industrial or commercial.

C. The following schedule of charges, which include a portion designated as the user charge, used for payment of costs of operation and maintenance, and replacement, of the wastewater collection and treatment system, shall be amended as follows:

Residential use rates:

Amended rates effective September 15, 2007:

| | |
|---|---|
| First 3,000 gallons | Monthly minimum of $11.48 |
| Over 3,000 gallons | Additional $0.78 for each additional 1,000 gallons or part thereof |

Commercial use rates:

Amended rates effective September 15, 2007:

| | |
|---|---|
| First 5,000 gallons | Monthly minimum of $17.73 |
| Over 5,000 gallons | Additional $0.78 for each additional 1,000 gallons or part thereof. |

The rates set forth above shall be automatically adjusted to conform to periodic adjustments of the Consumer Price Index (C.P.I.). Rate adjustments will take effect September 15th of each year.

D. The monthly rates for sewer service furnished to domestic users shall be based on the average water consumption in the months of January, February and March.

E. All domestic users initiating service after April 1st of each year shall be charged on the basis of the water consumption of a typical user of the same or similar class and type of service until an average for the user is established for the following months of January, February and March.

F. The monthly rates for sewer services furnished to each commercial or industrial user shall be based on the water consumed by the commercial or industrial user each month at the rates set out in this section.

G. Users not connected to the city sewer system, including, but not limited to, septic tanks and cesspools, but who periodically discharge sewage into the city's sewage system, shall be charged the amount of two cents per gallon with the number of gallons being based upon the capacity of the container discharging its contents. (Ord. 484, 2007: Ord. 472, 2006: Ord. 442 (part), 2002; Ord. 427 (part), 2000; Ord. 421, 1999; Ord. 408 (part), 1997; Ord. 311 §§ 5—10, 1982)

**13.12.170 Maximum charge.**

The charge for fifty thousand gallons per month shall be the maximum charge for water consumed and returned to the sanitary sewer system by residential users, public schools and the courthouse; all such water received from residential users, public schools and the courthouse in excess of fifty thousand gallons per month shall be received without charge; and, upon satisfactory showing by a commercial user that the water consumed by the user in excess of fifty thousand gallons per month does not reach the sanitary sewer system of the city, no fee shall be charged for all such water received in excess of fifty thousand gallons per month and shown to the satisfaction of the city not to reach the sanitary sewer system of the city; provided, however, that no reduction shall be allowed to any commercial user whose water consumption is less than an average of fifty thousand gallons per month. (Ord. 320, 1983: Ord. 311 § 11, 1982)

**13.12.180 Additional costs for discharge of pollutants.**

Any user which discharges any toxic pollutants which cause an increase in operation, maintenance and replacement costs shall pay for such increased costs. (Ord. 311 § 15, 1982)

**13.12.190 Surcharge schedule.**

A. Every user who discharges sanitary sewage, industrial wastes, water or other liquids other than normal sewage shall be charged and pay a surcharge in addition to the charge for normal sewage.

B. The following surcharge schedule, which includes a portion designated as the user charge, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system. Charges shall be based on one hundred percent of metered water use in accordance with the following formula:

$$S = .00834 [\$.41 (Vs)(BOD - 200) + \$.41 (Vs)(SS - 200)]$$

Where:

| | |
|---|---|
| S = | $0.82 per lb. |
| S = | Surcharge in dollars monthly |
| Vs = | Sewage volume in thousand gallons per month |
| .00834 = | Conversion factor for pounds per thousand gallons |
| $.41 = | Unit charge for BOD in dollars per pound, of which $.37 represents the user charge portion and $.04 represents capital charges |
| BOD = | Five days strength index in milligrams per liter by weight. |
| 200 = | Allowed BOD and SS strengths in milligrams per liter by weight |
| $.41 = | Unit charge for suspended solids in dollars per pound, of which $.37 represents the user charge portion and $.04 represents capital charges. |
| SS = | Suspended solids strength index in milligrams per liter by weight |

(Ord. 311 §§ 12, 13, 1982)

**13.12.200 User charge—Reviewed.**

A. The user charge portion of the rate structure will be reviewed at least biannually to accomplish the following:

1. Ensure that the extant user charge rate is adequate to cover operation, maintenance and replacement costs;

2. Ensure that operation, maintenance, and replacement costs are being distributed proportionally among users and user classes.

B. The city shall notify each user annually in conjunction with a regular bill of the rate and that part of the user charge attributable to wastewater treatment services. (Ord. 311 §§ 14, 16, 1982)

**13.12.210 Billing—Delinquency.**

Bills for the service charges for the use of the wastewater collection and treatment system by a premises shall be rendered to the person or legal entity designated by the owner, his agent, tenant or occupant to receive the water bill. The bills for the service charges for use of the wastewater collection and treatment system shall be rendered monthly and the due date to pay such bills shall be the same as the date for the water bill rendered to the name and address designated for such premises. When any wastewater service bill is ten days in default, rendition of water service to such premises shall be discontinued until such

bill is paid following due notice and opportunity for hearing. (Ord. 311 § 17, 1982)

**13.12.220 Rate increases.**

The rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of the sewer system and for the payment of the principal of and interest on existing bonds, and shall, when necessary, be increased to provide for such operation and maintenance and for the payment of the principal of and interest on existing bonds. (Ord. 311 § 18, 1982)

**13.12.230 All services to be charged for.**

None of the facilities or services afforded by the sewer system shall be furnished without a charge being made therefor. In the event the city or any department, agency, or instrumentality thereof shall avail itself of any of the facilities or services so afforded, the reasonable value thereof shall be charged against the city, or such department, agency or instrumentality, and shall be paid for as the charges therefor accrue. The revenues so received from the city shall be deemed to be revenues from the operation of sewer system, and shall be used and accounted for in the same manner as any other revenues derived from its operation; provided, however, that nothing in this section shall be construed as requiring the city, or any department, agency, or instrumentality thereof to avail itself of the facilities or services afforded by the sewer system. (Ord. 311 § 19, 1982)

**13.12.240 Violation—Penalty.**

A. A person who continues discharging wastewater in violation of this article is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than two hundred dollars for each violation and for each day of violation.

B. In addition to proceeding under authority of subsection A of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges. (Ord. 311 § 20, 1982)

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

**TYPE:** ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

**SUBJECT:** Discussion of Windstream Internet Service
**DEPARTMENT:** Legislative
**SUBMITTED BY:** Neil Granath, Commissioner
**DATE SUBMITTED:** March 20, 2013

***STAFF SUMMARY:***

Commissioner Granath has requested a discussion on the internet services that Windstream provides.

***FISCAL IMPACT:*** *REVIEWED BY:* _____
*(Finance Director)*

***ATTACHMENTS:***

***RECOMMENDATION:***
Discussion only.

_____ _____
**Department Head** **City Manager**

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

**TYPE:** ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

**SUBJECT:** Legislative Session Update
**DEPARTMENT:** Executive
**SUBMITTED BY:** James R. Williams, City Manager
**DATE SUBMITTED:** March 19, 2013

***STAFF SUMMARY:***

The City Manager wishes to provide the Commission an update on legislation from the recent 60 day session.

***FISCAL IMPACT:*** *REVIEWED BY:* _____
*(Finance Director)*

***ATTACHMENTS:***

***RECOMMENDATION:***

Discussion only.

_____ _____
**Department Head** **City Manager**

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 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:** March 19, 2013

***STAFF SUMMARY:***

During the March 11, 2013 Commission Meeting, a request for approval for the use of a jumper/bounce house by First Baptist Church at Chaparral Park on March 30, 2013 was made. This issue was tabled until clarification was made as to if this particular equipment was covered under the liability insurance the church has in place.

The church was contacted and their certificate has been amended by their insurance carrier to include the language "Activities will include a Bounce House and food and beverages." In addition, a letter has been provided from their carrier specifically stating that this type of equipment is an acceptable activity.

***FISCAL IMPACT:***

*REVIEWED BY:* _____
*(Finance Director)*

N/A

***ATTACHMENTS:***

Amended certificate of liability.
Letter from insurance carrier.

***RECOMMENDATION:***

Motion to approve.

_____
**Department Head**

_____
**City Manager**

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/06/2013

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).

**PRODUCER**
Church Mutual Insurance Company
3000 Schuster Lane
Merrill WI 54452

CONTACT NAME: Julie F Alft
PHONE (A/C, No, Ext): 1-800-554-2642 Option 1
FAX (A/C, No): 855-264-2329
E-MAIL ADDRESS: jfalft@churchmutual.com

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A : Church Mutual Insurance Company | 18767 |
| INSURER B : | |
| INSURER C : | |
| INSURER D : | |
| INSURER E : | |
| INSURER F : | |

**INSURED**
FIRST BAPTIST CHURCH OF LOVINGTON
110 N 2ND ST
LOVINGTON NM 88260-4206

**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 | GENERAL LIABILITY<br>[X] COMMERCIAL GENERAL LIABILITY<br>[ ] CLAIMS-MADE [X] OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>[X] POLICY [ ] PRO-JECT [ ] LOC | | | 0187926-02-257651 | 11/13/2010 | 11/13/2013 | EACH OCCURRENCE<br>DAMAGE TO RENTED PREMISES (Ea occurrence)<br>MED EXP (Any one person)<br>PERSONAL & ADV INJURY<br>GENERAL AGGREGATE<br>PRODUCTS - COMP/OP AGG | $ 1,000,000<br>$ 300,000<br>$ 10,000<br>$ 1,000,000<br>$ 3,000,000<br>$ 1,000,000 |
| | AUTOMOBILE LIABILITY<br>[ ] ANY AUTO<br>[ ] ALL OWNED AUTOS<br>[ ] HIRED AUTOS<br>[ ] SCHEDULED AUTOS<br>[ ] NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident)<br>BODILY INJURY (Per person)<br>BODILY INJURY (Per accident)<br>PROPERTY DAMAGE (Per accident) | $<br>$<br>$<br>$ |
| | [ ] UMBRELLA LIAB [ ] OCCUR<br>[ ] EXCESS LIAB [ ] CLAIMS-MADE<br>[ ] DED [ ] RETENTION $ | | | | | | EACH OCCURRENCE<br>AGGREGATE | $<br>$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? Y/N [ ]<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | | | | | WC STATU-TORY LIMITS [ ] OTH-ER<br>E.L. EACH ACCIDENT<br>E.L. DISEASE - EA EMPLOYEE<br>E.L. DISEASE - POLICY LIMIT | $<br>$<br>$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
AMENDED: Evidence of Liability Insurance for use of Chaparral Park, South Commercial Street, Lovington, NM for the Picnic Event on 3-30-13 from 11:00 AM to 3:00 PM. Activities will include a Bounce House and food and beverages 517

**CERTIFICATE HOLDER**
City of Lovington
214 S. Main Street
Lovington, NM 88260

**CANCELLATION**
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
Julie Alft

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March 19,2013

Church Mutual
INSURANCE COMPANY
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 First Baptist Church of Lovington.

Thank you.

Julie Alft

Julie Alft

Customer Service Representative

3000 Schuster Lane, P.O. Box 357, Merrill, WI 54452-0357 | 715.536.5577 800.554.2642 fax: 715.539.4650 | www.churchmutual.com

National Customer Service Center: P.O. Box 505, Merrill, WI 54452-0505 800.554.2642 toll-free fax: 855.264.2329

Claims: P.O. Box 342, Merrill, WI 54452-0342 800.554.2642 fax: 715.539.4651

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

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

**SUBJECT:** Consider Approval of County Display Board Agreement
**DEPARTMENT:** Executive
**SUBMITTED BY:** James R. Williams, City Manager
**DATE SUBMITTED:** March 18, 2013

***STAFF SUMMARY:***

Per previous discussions, City staff have determined the details of the proposed digital display matrix board the County wishes to provide funding for. We have discussed costs with the vendor and this project, as quoted to include a suitable pole for mounting, will cost $49,965. We have also been in contact with Auld sign, who will be facilitating the installation, and they have advised that we will be required to provide power and ethernet connection to the sign.

The location we have determined for this sign would be on the north Main Street entrance to the Motor Vehicle Department. In addition, a sign for the MVD will be placed on the pole.

***FISCAL IMPACT:***

*REVIEWED BY:* Marshall Stephens
*(Finance Director)*

The County agreement specifies the City will be reimbursed up to $50,000 for this project. The City may incur a small additional cost for materials and installation of the power and ethernet connection.

***ATTACHMENTS:***

Copy of City - County Agreement
Copy of Daktronics quote

***RECOMMENDATION:***

Motion to approve agreement.

**Department Head**

**City Manager**

DAKTRONICS

# Quote # 477944-1 Rev 1

Lea County Event Center
Lyn Edwards
50101 North Lovington Hwy
Hobbs, NM USA 88240
Phone: (575) 391-2900
Fax:
Email: ledwards@leacounty.net

18/Mar/2013
Quote valid for: 90 days
Terms: PAYMENT WITH ORDER
FOB: DESTINATION
Delivery: Call for Production Time

**Reference: City of Lovington Marquee**
**All Pricing in accordance with CES 2012-005 910-751 DAK Contract #AEPA IFB #012-H**

| Item No. | Model | Description | Qty | Price |
|---|---|---|---|---|
| 1 | AF-3550-64x128-20-RGB-2V | **Galaxy® 20mm RGB Outdoor LED Matrix Display 3550 Series; Standard Cabinet Separation Up To 18ft**<br>Matrix: 64 lines by 128 columns<br>Line Spacing: 20mm<br>LED Color: RGB- 68 Billion Colors<br>Face Configuration: 2V - two one sided displays - same content<br>View Angle: 140 degrees Horizontal x 70 degrees Vertical<br>Cabinet Dimensions: 4' 10" H X 8' 10" W X 0' 8" D (Approx. Dimensions)<br>Max Power: 1280 watts/display<br>Weight: Unpackaged 350 lbs per display; Packaged 510 lbs per display | 1 | $49,965.00 |
| | GalaxyPro® Outdoor Display Communication Kit | Choose One Of The Following Communication Methods: Wire Ethernet or Fiber Ethernet. Cable Not Included. | 1 | |
| | Venus® 1500 v4 Software | Venus® 1500 v4 License Code Compatible with Windows® XP, Vista™, or Windows® 7 | 2 | |
| | Physical Installation | See attachment A. Includes hardware for mounting display, installation of software on city computer and additional software training, pole covers, applicable permits, and installation of equipment. | 1 | |
| | Installation Supervision | On site installation supervision, service, and operator training. (Not to exceed 1 field day) | 1 | |
| | FREIGHT | Shipping to site | 1 | |
| ***Services*** | | | | |
| 2 | **G5G5-Gold Warranty** | **Five (5) Year Gold Coverage** | 1 | |
| | Venus® 1500 v4 Software Training - Web Seminar | Interactive web-based Venus® 1500 v4 training in a Daktronics hosted classroom environment (English only. To discuss other arrangements, please contact us at: softwaretraining@daktronics.com) | 1 | |

**Total Price Excluding Sales Tax: $49,965.00**

Please reference listed sales literature: DD1361543 for Venus® 1500 v4 Software, DD1558151 for Venus® 1500 v4 Software Training - Web Seminar, DD2334392 for AF-3550-64x128-20-RGB-2V, SL-05659 for G5G5-Gold Warranty

Please reference listed shop drawings: DWG-00609140 for AF-3550-64x128-20-RGB-2V

## Options

*Please contact your sales representative for additional information*

| | | | |
|---|---|---|---|
| **Galaxy®/GalaxyPro® External Temperature Sensor** | **External Temperature Sensor with 25 ft. Quick Connect Cable** | 1 | $215.00 |

**Exclusions:**

- **Electrical Installation**
- **Power**
- **Engineering Certification**
- **Labor to Pull Signal Cable**
- **Electrical Switch Gear or Distribution Equipment**
- **Foundation**
- **Hoist**
- **Signal Conduit**
- **Taxes**
- **Front End Equipment**

Unless expressly stated otherwise in this Quote # 477944-1 Rev 1 or the attachments, if Daktronics performs installation of the Equipment, the price quoted does not include the following services pertaining to physical installations: digging of footings (including dirt removal), any materials fabrication, installation of steel cages, rebar, or bolt attachments, or pouring and finishing of concrete footings. Those service may be provided for an additional cost beyond the quoted price. Purchaser shall be fully responsible for any and all additional costs plus overhead in the event anything unexpected of any nature whatsoever is found while digging the footings including but are not limited to rock, water, utility lines, pipes or any other unforeseen circumstance. The Purchaser acknowledges and agrees that it is fully responsible for all site conditions.

**Installation Responsibilities:**

If applicable please reference Attachment A for Installation Responsibilities.

**Ad/ID Copy Approval Process**

Daktronics will process your proofs on orders that include advertising and identification panels. Your digital files and copy layouts should conform to graphic file standards document, SL-04116. The digital data files and copy layouts must be submitted at the time of your order and our proofs need to be approved two weeks prior to your initial anticipated ship date. Advertising and identification panels not receiving proof approvals in time will be shipped without copy in our standard finish.

Brady Jacobsen
PHONE: 605-695-8079
FAX: 605-697-4700
EMAIL: Brady.Jacobsen@daktronics.com

Chris Lecy
PHONE: 605-697-4316
FAX: 605-697-4700
EMAIL: Chris.Lecy@daktronics.com

**Terms And Conditions:**

The Terms and Conditions which apply to this order available on request.

| | |
|---|---|
| SL-02375 Standard Terms and Conditions of Sale | (www.daktronics.com/terms_conditions/SL-02375.pdf) |
| SL-02374 Standard Warranty and Limitation of Seller's Liability | (www.daktronics.com/terms_conditions/SL-02374.pdf) |
| SL-07862 Software License Agreement | (www.daktronics.com/terms_conditions/SL-07862.pdf) |
| SL-04116 Graphic File Standards | (www.daktronics.com/terms_conditions/SL-04116.pdf) |

**Acceptance:**

The Undersigned has actual authority to execute this document and Daktronics, Inc is relying upon such authority.

The parties hereby acknowledge and agree that the terms and conditions contained within this Quote along with the terms and conditions of the Daktronics Standard Terms and Conditions, the Standard Warranty and Limitations of Liability, and/or the Software License Agreement (together, the "Terms and Conditions") constitute the full and final understanding of the parties regarding the sale of equipment and/or the provision of services and entirely replace and supersede any previous understanding or agreement between the parties. By executing this agreement, Purchaser acknowledges that it has had opportunity and means to review the Terms and Conditions as provided in the website addresses above. In the alternative, hardcopy of these Terms and Conditions will be provided upon request. Further it is acknowledged and agreed that the price of the equipment and/or the provision of services contained within this agreement are expressly conditioned upon Purchaser's acceptance of the Terms and Conditions without change. Any modification of the Terms and Conditions may require a corresponding change in price. Accordingly, the Purchaser acknowledges and agrees to these Terms and Conditions as evidenced by its attestation below.

Customer Signature _____ Date _____

Print Name _____ Title _____

**Purchase Order Information:**

Lea County Event Center PO# _____ PO Date _____

Purchaser hereby confirms that the equipment is to be delivered to, and may be installed by Purchaser or Daktronics (as indicated elsewhere herein) at the address indicated on page one (1) of the agreement unless otherwise specified below:

☐ Same as Bill to

Ship To:

Company

Contact Person

Address

City

State Zip

Telephone

Fax

Email

☐ Same as Ship to

End User:

*Company

Contact Person

Address

*City

*State *Zip

Telephone

Fax

Email

*Required Information

BILL TO (if different from quoted address):

Company

Contact Person

Address

City

State Zip

Telephone

Fax

Email

## ATTACHMENT A
## INSTALLATION RESPONSIBILITIES CHECKLIST: OUTDOOR

| Responsible Party: | | Description |
|---|---|---|
| Daktronics | Customer | |
| X | | 1. Generate and issue standard product attachment drawings. |
| X | | 2. Generate and issue standard product riser diagrams. |
| X | | 3. Generate and issue site specific equipment shop drawing and attachment detail submittals. |
| | X | 4. Provide approval of all engineering drawings, riser diagrams, shop drawings, equipment locations, color renderings, and ad copy layouts. |
| | X | 5. Customer is responsible to ensure the existing structure/building is adequate, including any necessary modifications, for the installation of the Equipment, including but not limited to (i) obtaining certified engineer drawings to the extent required by law, (ii) providing Daktronics with a waiver of liability regarding the existing structure and any modifications thereto, and (iii) providing Daktronics, upon reasonable request, documentation relating to the existing structure and modifications necessary for Daktronics perform its work. |
| | X | 6. Engineering design and certification stamp for new support structure design. |
| | X | 7. Unobstructed access to equipment and control room installation site until display is 100%. |
| X | | 8. Secure necessary construction permits. |
| | X | 9. Mark location of the new equipment as delineated in the quote. |
| | X | 10. Provide camera-ready artwork for ad panels and logos at time of order. |
| | X | 11. Provide all landscape protection, track, sidewalk, path, site restoration, and/or sprinkler system repair work. |
| X | | 12. Site clean-up after Daktronics work. |
| X | | 13. Crating and shipping of all equipment to facility via common or independent carrier. |
| X | | 14. Accept, lift, unload, and inspect all equipment from carrier. |
| X | | 15. Provide storage of all equipment in a safe, dry, and secure location until installation. |
| X | | 16. Provide equipment attachment hardware. |
| X | | 17. Install equipment attachment hardware. |
| X | | 18. Steel fabrication and install support structure - excluding catwalk(s), ladder-way(s). |
| X | | 19. Prime and paint main support structure. |
| X | | 20. Lift and mount equipment listed in this quotation. |
| | X | 21. Provide and install all required floor and wall boxes as per provided system riser diagram – provide written verification that all deck/wall boxes are installed and all cable has been pulled prior to installers' arrival. |
| | X | 22. Provide primary power feed up to and including demarcation point in the form of {transformer, disconnect with over current protection, distribution panel} per NEC. Note: Maximum voltage of 120 volts line to neutral for all display systems. |
| X | | 23. Provide secondary power conduits, power cable and power hook-up from the demarcation point to all Daktronics supplied load centers/termination panel at/within the equipment. |
| | X | 24. Provide and install signal cable conduit from control location to each equipment location. Conduit to be located five (5) feet off grade on the structure, as delineated in riser diagrams. |
| X | | 25. Provide and install signal cable conduit from five (5) feet off grade on structure to equipment signal termination points, as delineated in riser diagrams. |

| | | |
|---|---|---|
| | X | 26. Communication responsibility (DSL line, Network, Static IP address and associated monthly fees) as necessary for this system.<br>Supply static IP address five (5) days prior to installation. |
| | X | 27. Furnish signal cable. |
| | X | 28. Labor to pull all new signal cable (and remove existing cable, if required). |
| | X | 29. Low voltage electrical contactors and wiring. |
| X | | 30. Terminate signal cable at control equipment and display equipment. Mount and install fiber patch panel as required by riser diagram. Location of fiber patch panel to be (base of structure, catwalk, other). |
| | X | 31. Provide climate controlled, secured control room for all control systems (on/off venue site). |
| | X | 32. Required power outlets on clean dedicated power for all control systems. |
| | X | 33. Provide computer(s) for control software. |
| X | | 34. Unpack, set-up, hook-up, and testing of control system. |
| X | | 35. Perform 1 day of installation supervision. |
| X | | 36. Perform final systems testing and commissioning. |
| | X | 37. Final acceptance, per DF-1252. |

COMMUNICATIONS UPGRADE
LEA COUNTY – CITY OF LOVINGTON
FY 2011-2012

THIS AGREEMENT is made this _____ day of _____, 2012, between the City of Lovington, a municipal corporation, hereinafter known as "City", and the Lea County Board of County Commissioners, hereinafter known as "County".

1.0 COMPENSATION

Subject to the terms and conditions set forth below, County covenants and agrees to pay to City, a one-time payment of up to $50,000 for purchase of a display matrix board (see attached quote) to assist with the services to be rendered as set forth in Section 3, entitled Scope of Services.

2.0 PAYMENT

The sum of up to $50,000 shall be paid within thirty days of an invoice being submitted to the County Manager providing proof of the purchase of the display matrix board.

3.0 SCOPE OF SERVICES

City covenants and agrees with County that it will provide the following services:

3.1 City shall provide the address and location of the display matrix board.

3.2 The city agrees to maintain the upkeep of the location, grounds and supporting structure. The county agrees to maintain the display matrix unit.

4.0 TERM

This Agreement becomes effective on the date of execution by all interested parties. This Agreement will be considered complete when the payment for the display matrix board is negotiated.

IN WITNESS WHEREOF, we have hereunto affixed our hands and seals this _____ day of _____, 2012.

LEA COUNTY BOARD OF COMMISSIONERS

By: _____
Mike Gallagher, Manager

CITY OF LOVINGTON, NEW MEXICO

By: _____
Dixie Drummond, Mayor

ATTEST: Pat Chappelle
Lea County Clerk

By: _____
Kelli Williams, Deputy

ATTEST: City of Lovington

By: _____
Carol Ann Hoggue, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
County Attorney

By: _____
City Attorney

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

**TYPE:** ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

**SUBJECT:** Consider Approval of Public Fireworks Display Funding
**DEPARTMENT:** Chamber of Commerce
**SUBMITTED BY:** Rae Lynn Stewart
**DATE SUBMITTED:** March 19, 2013

***STAFF SUMMARY:***

The Lovington Chamber of Commerce has prepared a request to the City for financial assistance for the 2013 Fourth of July public fireworks display. The City has provided assistance of this type in the past.

***FISCAL IMPACT:***

*REVIEWED BY:* Marshell Stephens
*(Finance Director)*

$4,500 from General Fund

***ATTACHMENTS:***

Chamber of Commerce Request

***RECOMMENDATION:***

Motion to approve funding in the amount determined by the Commission.

**Department Head**

**City Manager**

Lovington
Chamber of Commerce

201 South Main Street
Lovington, New Mexico 88260
Business: (575) 396-5311
Facsimile: (575) 396-2823

**March 19, 2013**

Re: July 4th Fireworks

Dear Board of City Commissioners;

July 4th is right around the corner! In previous years myself and the Lovington Fire Chief has coordinated the 4th of July Firework Display. This year will be no different and like years past we are again requesting financial assistance from the City of Lovington. Last year the City of Lovington sponsored the Firework Display for the amount of **$4,500** which turned out to be a beautiful 35 minute show. We would like to request the same amount for this year's show.

Thank you for your consideration.

Sincerely,

RaeLynn Stuart
Executive Director

**CITY OF LOVINGTON**

COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 25, 2013

**TYPE:** ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

**SUBJECT:** Consideration of Approval of Lodger's Tax Requests
**DEPARTMENT:** Lodger's Tax
**SUBMITTED BY:** Imelda Gutierrez
**DATE SUBMITTED:** March 21, 2013

***STAFF SUMMARY:***

The Lodger's Tax Board met on March 20, 2013 and will allocate as follows:
Lovington MainStreet:$10,000
Lea County Museum:$6,000
Lovington USSSA Baseball:$1,000
Chamber of Commerce:$4,500

***FISCAL IMPACT:***

*REVIEWED BY:* Carol Ann Hogue
*(Finance Director)*

$21,500 from Lodger's Tax.

***ATTACHMENTS:***

Copy of draft minutes of meeting.

***RECOMMENDATION:***

Motion to approve Lodger's Tax Board Request.

**Department Head**

**City Manager**

**MEETING OF THE LODGERS' TAX BOARD**
**WEDNESDAY, MARCH 20, 2013 5:15 P.M.**
**CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PRESENT:** Chairman Kallie Richards, Members Maria Valencia, Lisa Spears and Shannon Pettigrew.

**NOT PRESENT:** Member Robbie Roberts and Finance Director Mashell Stephens

**ALSO PRESENT:** City Manager James Williams, City Clerk Carol Ann Hogue and Administrative Assistant Imelda Gutierrez.

**CALL TO ORDER:** The meeting was called to order by Chairman Richards at 5:15 P.M.

**APPROVAL OF AGENDA:** Chairman Richards called for a motion to approve agenda. Member Valencia so moved. Member Spears seconded. Motion was approved.

**APPROVAL OF REGULAR MEETING DECEMBER 18, 2012 MINUTES:** Member Valencia moved to approve the minutes of December 18, 2012. Member Pettigrew seconded. Motion carried unanimously.

**REQUEST FROM LOVINGTON USSSA BASEBALL LEAGUE:** President Evelyn Holguin addressed the members to request $2,500 for the 7th Annual Baseball League Tournament for 2 days in June 1st & 2nd, 2013. The tournament has brought in over 16-20 teams from out of town. The age groups are from 7-15. The teams were from as far as Pojoaque, Odessa, Andrews, Carlsbad, Artesia, Silver City, and Roswell. 1st place will receive a gold ring and 2nd place will receive a silver ring. Umpires will be brought in from El Paso, Texas for three days to avoid conflict of interest.

**REQUEST FROM LOVINGTON MAINSTREET:** Lovington MainStreet Director Tabitha Lawson addressed the members to request $15,173 to host the "Annual Beautification Day" that will take place on Saturday, April 20, 2013. This serves as the major clean-up day for Lovington, helping to greatly reduce the amount of litter in the community. The next major event is the 2nd Annual Farmer's Market. This draws participants from Lovington, Hobbs, Tatum, Seminole and other communities. This event will be larger by adding entertainment and Nor Lea General Hospital District is partnering to widen the impact of the Farmer's Market for vendors and consumers in the community. This event will be held every other Saturday beginning in June and going through October. The 4th Annual Smokin' on the Plaza will be held June 14-15, 2013. This event is sanctioned by the International Barbecue Cookers Association (IBCA) and is attracting the attention of contestants from not only New Mexico, but also surrounding states. We will be adding a Music Festival, ventriloquist, games and a motorcycle rally to the Smokin' on the Plaza event. Pat Wise mentioned the State Statute (3-28-1-1978) cannot use money for prizes.

**REQUEST FROM LEA COUNTY MUSEUM:** Lea County Museum Director Jim Harris addressed the members to request $10,000 for the second quarter of 2013. Mr. Harris indicated that funds would be used for upcoming cost for advertisement for summer concerts and programs. Including the New Mexico-Texas Challenge Marathon free concert with Alejandro Escovedo, a concert in the Town Hall in June with local singers/songwriters Duck Soup, Jimmie Dale Gilmore Band, Bobby Flores Band, Tim Keller and Billy Joe Shaver. A concert on March 14, 2013 in the Town Hall with touring musicians Coleen & Neal Walters and various programs in 2013. All of these programs are designed to bring individuals from outside of Lovington into town and to bring Lovington residents into the center of the community. In 2012, the Lea County Museum had 13,087 visitors.

**REQUEST FROM LOVINGTON CHAMBER OF COMMERCE:** Lovington Chamber Executive Director RaeLynn Stuart addressed the members to request $5,750 for the second quarter of 2013. Executive Director Stuart indicated that $3,000 is for Upkeep of the Visitor Center (1,000/month). Other funds will be for Home & Garden Show and Party in the Park advertisement and $750 will go towards the Visitor Tent Rental.

**REQUEST FROM NEW MEXICO HIGH SCHOOL RODEO ASSOCIATION:** RaeLynn Stuart addressed the members on behalf of the NMHSRA to request sponsorships. The rodeo state finals will be coming to Lea County June 5-9, 2013. This event will be held at Jake McClure Arena in Lovington. They will be awarding 14 saddles and 46 buckles at State Finals. It is a 501c3 non-profit corporation and all donations go directly to support the student's rodeo athletes. Various sponsorship packages were presented for the 2012-2013 New Mexico State High School Finals Rodeo.

- Platinum Package-$2,000
- Gold Package-$1,200
- Bronze Package-$500
- Copper Package-$250
- Copper Package-$100

**REQUEST FROM WILD BUNCH TOURNAMENTS:** Isaiah Sanchez on behalf of Alfredo Gomez addressed the members to request $8,000.00 for the Wild Bunch Tournaments which will be held on July 21-22, 2013. The league has decided to expand and add another division which means more teams. Members have asked for a more detailed request from Alfredo Gomez.

**ACTION:** Member Spears moved to allocate as follows:

| | |
|---|---|
| Lovington MainStreet | $ 10,000.00 |
| Lea County Museum | $ 6,000.00 |
| Lovington USSSA Baseball League | $ 1,000.00 |
| Chamber of Commerce | $ 4,500.00 |
| Total: | $ 21,500.00 |

Member Valencia seconded. Motion carried unanimously.

**ADJOURNMENT:**

There being no further business, Member Pettigrew moved for adjournment. Member Spears seconded. Motion carried unanimously. Meeting adjourned at 6:00 p.m.

**APPROVED:** _____
**KALLIE RICHARDS, CHAIRMAN**

**ATTEST:** _____
**CAROL ANN HOGUE, CITY CLERK**