

**CITY OF FARMINGTON
CITY COUNCIL WORK SESSION AGENDA
August 20, 2013 – 9:00 a.m.**

DEPARTMENT HEAD REPORTS

1. Consideration of Resolution No. 2013-1484 approving the first revision to the FY14 Budget and Requesting State Approval (Andy Mason) ----- 1

Action Requested of Council:

Adopt Resolution No. 2013-1484.

Background/Rationale:

The attached resolution, budget adjustment and recap sheet detail the various revenue and expense accounts requiring adjustment.

Staff Recommendation:

Adopt Resolution No. 2013-1484.

Instructions Upon Approval:

The budget adjustment will be submitted to the State Department of Finance and Administration for review and approval.

Budgetary Impact:

Budget Adjustment #1 reflects all necessary revenue and expense budget adjustments.

2. Resolution No. 2013-1483 amending and replacing Resolution No. 94-772 regarding participation by telephone in meetings of the City Council and authorizing telephone participation by members of the City's advisory boards, commissions and committees (Jay Burnham)----- 2

Action Requested of Council:

Adopt Resolution No. 2013-1483.

Background/Rationale:

Recently the City Clerk's and City Attorney's offices have received several inquiries from staff for the City's advisory boards and commissions asking whether board members could participate in board meetings over the phone. The concern is that some of these boards struggle to get a quorum to some of their meetings.

We explained that the City Council adopted a resolution back in 1994 (Resolution No. 94-772) authorizing telephone participation by council members at City Council meetings, but the resolution didn't apply to our boards and commissions so members of advisory boards are not authorized to participate by telephone. After consulting with the City Manager, we all thought that we would bring the matter to the Council for their consideration of whether they want to extend telephone participation to the advisory boards and commissions.

The proposed draft resolution would continue to authorize telephone participation to the Council, but would extend the same authorization to our advisory boards and commissions on the same conditions that apply to the Council and comply with statutory requirements.

Staff Recommendation:

Adopt the proposed resolution.

Instructions Upon Approval:

Distribute copies of the resolution to all advisory boards and commissions.

Budgetary Impact:

None.

3. Resolution No. 2013-1482 urging the Environmental Improvement Board to not adopt any "regional haze rule" State Implementation Plan (SIP) that involves closing down units at San Juan Generating Station (Jay Burnham) **[Tabled at the August 13, 2013 Regular City Council Meeting]**----- 3
4. Discussion of and direction to staff regarding Phase II of the Foothills Drive widening design project (Jeff Smaka) **[Tabled at the August 6, 2013 City Council Work Session]**----- 4

Action Requested of Council:

Direct staff on how to proceed with Phase II of the Foothills Drive widening design project.

Background/Rationale:

On July 23rd, the Council authorized staff to negotiate with Souder-Miller for Phase I of the project. The Foothills/College Boulevard Access and Circulation Study proposed Phase I of the project to consist of widening Foothills from Holmes Drive to Lakewood Street. Construction of this phase is currently budgeted in the FY16/FY17 Capital Improvement Plan ("CIP"). Phase II of the Foothills Widening Project (construction of Lakewood Street, north) is not budgeted in the CIP 5-year plan.

Option 1

City staff has begun negotiations with Souder-Miller for Phase I of the project. The scope of the project can be modified during the negotiation process to have the design consultant study the feasibility of modifying the proposed street cross-section to add a separate biking and walking trail with the existing Foothills right-of-way from Holmes Drive to Lakewood Street. Additionally, during the budget process for FY15, staff could propose the design of Phase II of the Foothills Widening Project in the CIP 201 Street Fund.

Option 2

Council could direct staff to cease negotiations with Souder-Miller on Phase I of the project and direct them to issue a new Request for Qualification-Based Proposals ("RFQP") for the Foothills Widening Project to combine the two phases recommended in the "Foothills/College Boulevard Access and Circulation Study" into one design project. Estimated cost for the new RFQP with the additional project design is \$600,000. Current funding in the 201 Street Fund for FY14 Foothills Design is \$300,000; therefore, a budget adjustment would be required to expend the additional \$300,000 in the 201 fund. Projected FY14 ending cash balance in the 201 Street Fund will be approximately \$2.5 million.

Option 3

Proceed with the negotiations with Souder-Miller with a modification to have the design consultant study the feasibility of modifying the proposed street cross-section to add a separate biking and walking trail within the existing Foothills right-of-way and direct staff to immediately advertise a separate RFQP for Phase II of the project with the subject modification. Estimated cost for the new RFQP for Phase II is \$300,000. This project is not currently budgeted in FY14; therefore, Council would need to direct staff to make a budget adjustment in the 201 Fund to add this project to the FY14 CIP. Projected cash balance in the 201 Street Fund at the end of FY14 is approximately \$2.5 million.

Based on the premise that we have successfully negotiated and executed a contract on Phase I with Souder-Miller, they would be at a disadvantage in the second RFQP process based upon language in the procurement code:

13-1-120. Competitive sealed qualifications-based proposals; architects; engineers; landscape architects; surveyors; selection process.

- A. *For each proposed state public works project, local public works project or construction management contract, the architect, engineer, landscape architect, construction management and surveyor selection committee, state highway and transportation department selection committee or local selection committee, as appropriate, shall evaluate statements of qualifications and*

performance data submitted by at least three businesses in regard to the particular project and may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services.

B. The appropriate selection committee shall select, ranked in the order of their qualifications, no less than three businesses deemed to be the most highly qualified to perform the required services, after considering **the following criteria together with any criteria, except price,** established by the using agency authorizing the project:

- (1) specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required;
- (2) capacity and capability of the business, including any consultants, their representatives, qualifications and locations, to perform the work, including any specialized services, within the time limitations;
- (3) past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules;
- (4) proximity to or familiarity with the area in which the project is located;
- (5) the amount of design work that will be produced by a New Mexico business within this state;
- (6) **the volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services, with the objective of effecting an equitable distribution of contracts among qualified businesses and of assuring that the interest of the public in having available a substantial number of qualified businesses is protected; provided, however, that the principle of selection of the most highly qualified businesses is not violated; and**
- (7) notwithstanding any other provisions of this subsection, price may be considered in connection with construction management contracts, unless the services are those of an architect, engineer, landscape architect or surveyor.

C. Notwithstanding the requirements of Subsections A and B of this section, if fewer than three businesses have submitted a statement of qualifications for a particular project, the appropriate committee may:

- (1) rank in order of qualifications and submit to the secretary or local governing authority of the public body for award those businesses which have submitted a statement of qualifications; or
- (2) recommend termination of the selection process pursuant to [Section 13-1-131](#) NMSA 1978 and sending out of new notices of the resolicitation of the proposed procurement

pursuant to [Section 13-1-104](#) NMSA 1978. Any proposal received in response to the terminated solicitation is not public information and shall not be made available to competing offerors.

- D. *The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, the appropriate selection committee's final ranking and evaluation scores for all proposals shall become public information. Businesses which have not been selected for contract award shall be so notified in writing within fifteen days after an award is made.*

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Staff Recommendation:

- Phase I Foothills Widening - continue negotiation with Souder-Miller to design this phase to include the analysis of a modified street cross-section with a separate bike and walking trail from Holmes Drive to Lakewood Street.
- Phase II Foothills Widening - consider including this design project as a proposed FY15 CIP 201 Fund Street project.

Budgetary Impact:

- Phase I - none
- Phase II – proposed design project for FY15 - estimated cost \$300,000

5. Housing code ordinance (Jennifer Breakell) ----- 5

Action Requested of Council:

Discussion of and direction to staff on whether to proceed with drafting a housing code ordinance and, if so, what elements to include.

Background/Rationale:

At the July 16, 2013 Work Session, Council requested that staff review existing municipal housing codes in New Mexico in hopes of developing a housing code for the City.

Staff Recommendation:

In light of the consensus direction to staff that this presentation is research only, a staff recommendation is premature.

Instructions Upon Approval:

Draft the proposed ordinance.

COUNCIL BUSINESS

6. Discussion and direction to staff regarding a request from the City of Bloomfield for a \$2500 sponsorship for the 2013 Fireball Run (Councilor Darnell)----- 6

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.

RESOLUTION NO. 2013-1484

A RESOLUTION APPROVING THE FIRST REVISION TO THE FY14 BUDGET
AND REQUESTING STATE APPROVAL

WHEREAS, the City Council of the City of Farmington hereby finds that it is necessary and proper to make this first revision to the City's FY14 budget due to various revenue and expense budget adjustments; and

WHEREAS, revenue will be increased by \$1,790,268 for a grand total of \$207,345,418 and expenditures will increase by \$4,544,468 for a total expenditure budget of \$243,140,499; and

WHEREAS, the City has sufficient financial resources to fund this revision; and

WHEREAS, it is necessary to submit these budget adjustments to the New Mexico Department of Finance and Administration for review and approval.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Farmington:

That the attached first revision to the City of Farmington's FY13 Budget is hereby approved; and

That a copy of this Resolution and the approved budget revision shall be forwarded to the Department of Finance and Administration for state review and approval.

PASSED, SIGNED, APPROVED AND ADOPTED this 20th day of August, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

County/ Municipality:

CITY OF FARMINGTON

Department of Finance and Administration

Local Government Division

Budget Recapitulation

(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 16121

Fiscal Year 2014

FY14 PRELIMINARY BUDGET

| (A) PROPERTY TAX CATEGORY | (B) ESTIMATED VALUATIONS | (C) OPERATING TAX RATE | (D) TOTAL PRODUCTION [C X D] | FOR LOCAL GOVERNMENT USE: |
|---------------------------------|--------------------------------|------------------------------|---------------------------------------|---------------------------|
| RESIDENTIAL | 632,692,470 | 0.001419 | 897,791 | |
| NON-RESIDENTIAL | 382,495,659 | 0.002128 | 813,951 | |
| OIL & GAS PRODUCTION | 5,818,619 | 0.002225 | 12,946 | |
| OIL & GAS EQUIPMENT | 1,228,754 | 0.002225 | 2,734 | |
| COPPER | | | - | |
| Collection Rate | | | 97.00% | |
| TOTAL PRODUCTION | | | 1,675,599 | |

FY14 BUDGET REVISION # 2

| (E) FUND TITLE | (F) FUND NUMBER | (G) UNAUDITED BEGINNING CASH BALANCE @ JULY 1 | (H) BUDGETED REVENUES | (I) BUDGETED TRANSFERS | (J) BUDGETED EXPENDITURES | (K) ESTIMATED ENDING FUND CASH BALANCE | (L) LOCAL RESERVES UNAVAILABLE FOR BUDGETING | (M) ADJUSTED ENDING CASH RESERVES |
|-----------------------------|-----------------------|--------------------------------------------------------|-----------------------------|------------------------------|---------------------------------|-------------------------------------------------|----------------------------------------------------------|-----------------------------------------------|
| General Fund | 101 | 13,039,856 | 45,178,429 | 8,044,876 | 54,567,555 | 11,695,606 | 4,547,296 | 7,148,309 |
| GRT-Streets | 201 | 7,811,159 | 8,340,942 | (304,638) | 13,472,832 | 2,374,631 | | 2,374,631 |
| GRT-Parks | 202 | 942,619 | 2,437,481 | | 2,936,866 | 443,234 | | 443,234 |
| Parks Development Fees | 211 | 354,040 | 17,000 | | 48,000 | 323,040 | | 323,040 |
| Library Gifts and Grants | 213 | 322,464 | 146,700 | | 127,500 | 341,664 | | 341,664 |
| Parks/Rec Gifts and Grants | 214 | 939,828 | 684,200 | | 968,197 | 655,831 | | 655,831 |
| Museum Gifts and Grants | 217 | 184,494 | 140,000 | | 145,000 | 179,494 | | 179,494 |
| Red Apple Transit | 221 | 184,494 | 693,200 | 445,481 | 1,226,681 | 96,494 | | 96,494 |
| General Gov'n't Grants | 222 | 184,494 | 558,838 | 68,220 | 626,201 | 185,351 | | 185,351 |
| CDBG Grants | 223 | 184,494 | 1,006,513 | | 1,006,513 | 184,494 | | 184,494 |
| Lodgers Tax | 230 | 184,802 | 1,318,105 | 25,000 | 1,308,313 | 219,594 | | 219,594 |
| State Police Protection | 240 | 83,711 | 98,900 | | 182,611 | (0) | | (0) |
| Region II Narcotics | 246 | (88,897) | 462,000 | 30,000 | 489,306 | (86,203) | | (86,203) |
| GOPS Grant | 248 | (35,956) | 253,500 | | 68,588 | 148,956 | | 148,956 |
| Law Enforcement Block Grant | 249 | 32,631 | 45,129 | | 77,760 | 0 | | 0 |
| State Fire | 250 | 109,428 | 860,317 | (162,806) | 806,939 | 0 | | 0 |
| Penalty Assessment | 251 | 12,352 | 155,000 | | 155,000 | 12,352 | | 12,352 |
| Public Works Capital Grants | 401 | 1,386,546 | 2,310,928 | | 2,729,571 | 967,903 | | 967,903 |
| GRT 2012 Bond Projects | 402 | 5,560,768 | 3,059,000 | | 8,611,708 | 8,060 | | 8,060 |
| General Gov'n't Fund 408 | 408 | 5,635,409 | 15,000 | (2,655,750) | 2,994,659 | (0) | | (0) |
| Airport Grants | 409 | 144,798 | 1,419,688 | 29,253 | 1,480,000 | 113,739 | | 113,739 |
| MRA | 411 | 144,798 | 3,000 | 500,000 | 500,000 | 147,798 | | 147,798 |
| Sales Tax Bond Retirement | 501 | 193,218 | 3,600 | 1,632,294 | 1,632,294 | 196,818 | | 196,818 |
| Electric Enterprise | 601 | 63,376,017 | 101,370,867 | (6,429,504) | 103,332,441 | 54,984,939 | 14,591,299 | 40,393,640 |
| Water Enterprise | 602 | 8,918,222 | 14,354,732 | (779,720) | 17,389,501 | 5,103,733 | | 5,103,733 |
| Wastewater Enterprise | 603 | 7,610,720 | 7,973,210 | (341,220) | 12,418,954 | 2,823,756 | | 2,823,756 |
| Sanitation Enterprise | 604 | 2,213,380 | 5,741,000 | (101,486) | 5,541,724 | 2,311,170 | | 2,311,170 |
| Golf Enterprise | 610 | 27,980 | 1,195,928 | - | 1,339,734 | (115,826) | | (115,826) |
| Health Insurance | 701 | 688,154 | 7,502,211 | - | 6,956,051 | 1,234,314 | | 1,234,314 |
| | | | | | | | | |
| | | | | | | | | |
| Page Total | | 120,346,025 | 207,345,418 | - | 243,140,499 | 84,550,944 | 19,138,595 | 65,412,348 |
| Grand Total | | | | | | | | |

Check [] if form a revision. Rev. No. _____ Revision Date _____ Page 1 of 1

FY14 BUDGET ADJUSTMENT #1

| <u>FUND</u> | <u>PROGRAM/PROJECT</u> | <u>DEPT./DIVISION</u> | <u>ACCOUNT #</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------|--------------------|------------------|---------------------|
| 1. 101 | Transfer from sanitation fund to general fund | GENERAL FUND | 101-0000-391.71-00 | 101,486 | |
| 101 | Waste Management and sanitation Expense | GENERAL FUND | 101-XXXX-XX XX-XX | | 101,486 |
| 604 | Transfer to general fund from sanitation fund | SANITATION FUND | 604-5550-491.80-60 | | 101,486 |
| | | | | <u>101,486</u> | <u>202,972</u> |
| Due to a change in accounting procedure, direct bill expenses are being changed to a transfer to maintain financial history. This transfer is authorized in the FY14 | | | | | |
| 2. | Encumbrance Adjustment | | | | |
| 602 | Watermain Construction | WATER ENTERPRISE FUND | 602-5543-651.70-60 | | 746,609 |
| 603 | Sewer and Lift Station Improvements-PHBLV | WASTEWATER ENTERPRISE FUND | 603-5535-751.70-60 | | 730,224 |
| | | | | <u>-</u> | <u>1,476,833</u> |
| Encumbrances remaining at 6/30/13- Expense budget is increased for FY13 expenses paid in FY14. | | | | | |
| 3. | 402- Set up beginning balances FY14 402 Earmarked Expenses | | | | |
| 402 | Animal Shelter | GRT 2012 BOND PROJECTS | 402-3530-453.70-60 | | (321,505) |
| 402 | Remodel Civic Center Exhibit Hall | GRT 2012 BOND PROJECTS | 402-3550-451.70-60 | | 30,105 |
| 402 | Farmington Museum Expansion | GRT 2012 BOND PROJECTS | 402-3560-451.70-60 | | (239,625) |
| 402 | Replace Fire Station #1 | GRT 2012 BOND PROJECTS | 402-4510-422.70-60 | | 156,118 |
| 402 | Storm Water System-Lakewood Detention | GRT 2012 BOND PROJECTS | 402-5245-431.70-60 | | (35,806) |
| 402 | General Government Expenditures -contingency | GRT 2012 BOND PROJECTS | 402-1510-411.70-60 | | 34,171 |
| | | | | <u>-</u> | <u>(376,542)</u> |
| Adjust FY14 Budget Balances - 402 fund | | | | | |
| 4. | 408- Set up beginning balances FY14 408 Earmarked Expenses (prior to FY14 Cash Reserve Transfer) | | | | |
| 408 | Roof Municipal Court | GENERAL GOVERNMENTAL FUND | 408-1005-411.70-70 | | |
| 408 | Fiber Installation Various Locations | GENERAL GOVERNMENTAL FUND | 408-2505-411.70-70 | | (47,703) |
| 408 | Roof Repair | GENERAL GOVERNMENTAL FUND | 408-3205-411.70-70 | | (28,880) |
| 408 | Roof Replacement - Vehicle Maintenance | GENERAL GOVERNMENTAL FUND | 408-3205-411.70-15 | | 2,955 |
| 408 | Police/Safety City Data/Phone Network Upgrade | GENERAL GOVERNMENTAL FUND | 408-4005-421.70-70 | | (18,650) |
| 408 | Fire PPE Building | GENERAL GOVERNMENTAL FUND | 408-4005-421.70-70 | | 2,671 |
| 408 | Additional Paving | GENERAL GOVERNMENTAL FUND | 408-5245-431.70-60 | | 24,010 |
| 408 | Ricketts Park Renovations complete | GENERAL GOVERNMENTAL FUND | 408-3510-456.70-60 | | (20,000) |
| 408 | General Government Expenditures - non-earmarked | GENERAL GOVERNMENTAL FUND | 408-1510-411.70-60 | | 8,521 |
| | | | | <u>-</u> | <u>(77,076)</u> |
| Adjust FY14 budget balances- 408 Fund excluding FY14 Cash Reserve Transfer noted separately in BA #5. | | | | | |
| 5. | FY14 Cash Reserve Transfer | | | | |
| 408 | FY14 Cash Reserve Transfer | GENERAL GOV'T FUND | 408-0000-391.70-00 | 1,344,250 | |
| 408 | FY14 Cash Reserve Transfer | GENERAL GOV'T FUND | 408-1510-411.70-60 | | 1,344,250 |
| 101 | FY14 Cash Reserve Transfer | GENERAL FUND | 101-1510-411.80-26 | | 1,344,250 |
| | | | | <u>1,344,250</u> | <u>2,688,500</u> |
| Transfer funds per the Cash Reserve Policy based on FY13 6/30/13 cash balance. | | | | | |
| 6. | Adjust Grants to actual award balance- | | | | |
| 214 | NM Clean & Beautiful Grant-Revenue | PARKS GIFTS & GRANTS FUND | 214-0000-334.10-21 | 15,500 | |
| 214 | NM Clean & Beautiful Grant-Expenditure | PARKS GIFTS & GRANTS FUND | 214-3519-455.xx-xx | | 27,500 |
| 223 | CDBG Grant-Revenue | CDBG GRANT FUND | 223-0000-361.00-00 | 200,324 | |
| 223 | CDBG Grant-Expense | CDBG GRANT FUND | 223-5005-463.xx-xx | | 179,302 |
| 240 | State Police-LEPF Grant revenue | STATE POLICE PROTECTION FUND | 240-0000-334.10-00 | (6,000) | |
| 240 | State Police-LEPF Grant Expense rollover from FY13 | STATE POLICE PROTECTION FUND | 240-4010-421.60-28 | | 77,711 |
| 249 | Byrne Justice Assistance Grant (JAG) Revenue | LAW ENFORCEMENT BLOCK GRANT | 249-0000-331.xx-xx | 5,129 | |
| 249 | Byrne Justice Assistance Grant (JAG) Expense-FY13 rollover | LAW ENFORCEMENT BLOCK GRANT | 249-4010-421.xx-xx | | 37,760 |
| 250 | 08AFG Grant Award | STATE FIRE FUND | 250-0000-331.30-01 | 11,619 | |
| 250 | 10AFG Grant Award | STATE FIRE FUND | 250-0000-331.30-01 | 3,213 | |
| 250 | 10AFG Grant-Expense | STATE FIRE FUND | 250-4510-424.xx-xx | | 3,764 |
| 250 | 11AFG Grant Award | STATE FIRE FUND | 250-0000-331.30-01 | 270,000 | |
| 250 | 11AFG/ Grant-Expense | STATE FIRE FUND | 250-4510-424.xx-xx | | 180,953 |
| 250 | Purchase helmets & equipment | STATE FIRE FUND | 250-4510-422.xx-xx | | 103 |
| 250 | State Fire Grant - Revenue | STATE FIRE FUND | 250-0000-334.10-15 | 94,747 | |
| 250 | State Fire Grant-Additional FY14 & Rollover from FY13 | STATE FIRE FUND | 250-4510-422.xx-xx | | 136,895 |
| 250 | Wildland rollover from FY13 | STATE FIRE FUND | 250-4510-422.xx-xx | | 175,792 |
| | | | | <u>594,532</u> | <u>819,781</u> |
| Adjustment to grants for new grants received or adjusting to actual award amount. | | | | | |
| 7. | Panther Trail to be accounted for in 201 fund | | | | |
| 401 | Panther Trail FMS reimbursement moved to 201 fund | CAPITAL GRANT PROJECTS | 401-0000-338.07-00 | (450,000) | |
| 401 | Panther Trail anticipated Expense moved to 201 fund | CAPITAL GRANT PROJECTS | 401-5245-434.70-60 | | (450,000) |
| 201 | Panther Trail Revenue-FMS reimbursement | GRT STREETS FUND | 201-0000-338.07-00 | 200,000 | |
| 201 | Panther Trail Expenditures moved from 401 fund | GRT STREETS FUND | 201-5245.432.70-60 | | 260,000 |
| | | | | <u>(250,000)</u> | <u>(190,000)</u> |
| Panther Trail anticipated revenue to be reimbursed by Farmington Municipal Schools and the related expenses were budgeted in the Capital Grant Projects fund but Streets Fund requiring the budget to be moved. The budgeted amount has been reduced as well with the project coming in under budget. | | | | | |
| Grand Total | | | | <u>1,790,268</u> | <u>4,544,468</u> |

RESOLUTION NO. 2013-1483

A RESOLUTION AMENDING AND REPLACING RESOLUTION NO. 94-772 REGARDING PARTICIPATION BY TELEPHONE IN MEETINGS OF THE CITY COUNCIL AND AUTHORIZING TELEPHONE PARTICIPATION BY MEMBERS OF THE CITY'S ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

WHEREAS, Paragraph C of Section 10-15-1 NMSA concerning Open Meetings authorizes public bodies in New Mexico to establish a policy allowing members to participate in meetings telephonically under certain specific circumstances; and

WHEREAS, the City Council has adopted Resolution 94-772 which established a policy allowing telephone participation by members of the Council; and

WHEREAS, Resolution 94-772, as written, does not apply to members of the City's advisory boards, commissions and committees or authorize those members the opportunity to participate by telephone; and

WHEREAS, the City Council has determined that telephone participation in meetings is sometimes helpful and necessary in order to carry out the City's business; and

WHEREAS, members of the City's boards, commissions and committees should have the same opportunity to participate in meetings by telephone when it is necessary to carry out the duties of those boards, commissions and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON, that the Mayor and members of the City Council and all duly appointed and serving members of the City's various advisory boards, commissions and committees are authorized to participate by telephone or other electronic means in meetings of the City Council or the City's boards, commissions or committees provided that:

A. Participation by telephone or other electronic means as authorized by this resolution will only be allowed if it would be difficult or impossible for the member to attend the meeting in person and such participation is not authorized as a matter of convenience.

B. Participation by telephone or other electronic means will only be allowed when the conference telephone or other electronic device being used will function so as to allow: (1) that member to be identified when speaking, (2) all participants in the meeting to hear each other at the same time, and (3) members of the public in the audience to also hear members who speak during the meeting, including the member participating electronically.

BE IT FURTHER RESOLVED that this Resolution replaces previous Resolution No. 94-772 and said Resolution No. 94-772 is hereby rescinded.

PASSED, APPROVED, SIGNED AND ADOPTED this 20th day of August, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk