

**CITY OF FARMINGTON
CITY COUNCIL WORK SESSION AGENDA
December 3, 2013 – 9:00 a.m.**

DEPARTMENT HEAD REPORTS

1. Resolution No. 2013-1493 establishing a Regular Municipal Election for the City of Farmington to be held on Tuesday, March 4, 2014 (Dianne Smylie)----- 1

Action Requested of Council:

Adopt Resolution No. 2013-1493.

Background/Rationale:

State Election Code requires the Council to adopt a resolution authorizing regular municipal elections.

Budgetary Impact:

\$44,000 has been budgeted for the election.

2. Election worker compensation (Dianne Smylie)----- 2

Action Requested of Council:

Authorize a \$10 mileage stipend for election workers who attend the 2014 municipal election training and a \$15 stipend for alternate workers who stand-by on Election Day.

Background/Rationale:

Section 3-8-21D of the Municipal Election Code allows the governing body to authorize payment for mileage to election workers who attend the municipal election training and Section 3-8-19F allows the governing body to authorize compensation for alternate workers who stand-by on Election Day.

Precinct workers play an essential role in the election process and the stipends will entice workers to attend the election training and ensure that alternates are available on Election Day.

Budgetary Impact:

A maximum cost of \$480 will be incurred if the stipends are approved.

3. Proposed ordinance approving the annexation of 55.41 acres of land contiguous to and west of the current city limits and located north of U.S. Highway 64 (Jay Burnham and Mary Holton) ----- 3

Action Requested of Council:

Discuss and direct staff to schedule the proposed ordinance for final action at the December 10, 2013 regular City Council meeting.

Background/Rationale:

The owners of a majority of the acres of a tract of land contiguous to and west of the current city limits have petitioned the City for annexation. Petition No. ANX 13-3, with zoning as described in the ordinance, was approved by the Planning and Zoning Commission on October 24, 2013 and by the Council on November 12, 2013. Pursuant to Section 3-7-17.1 NMSA, 1978 Compilation, the San Juan County Commission on November 5, 2013 was provided an opportunity to review and comment on the City's intention to annex said property.

Staff Recommendation:

Schedule the proposed ordinance for final action at the December 10, 2013 regular City Council meeting.

Budgetary Impact:

A cost-benefit analysis was presented and approved by the Council as part of Petition No. ANX 13-03 on November 12, 2013. This cost-benefit analysis was based on estimates identified by City departments and revenues estimated from gross receipts and property taxes.

COUNCIL BUSINESS

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. 2013-1493

A RESOLUTION ESTABLISHING A REGULAR MUNICIPAL ELECTION FOR THE CITY OF FARMINGTON TO BE HELD TUESDAY, MARCH 4, 2014

WHEREAS, under the statutes of the State of New Mexico, an election is required to be held for the purpose of electing municipal officials whose term of office expires in the year 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON THAT:

- A. A regular municipal election for the election of municipal officers shall be held on March 4, 2014. Polls will open at 7:00 a.m. and close at 7:00 p.m.
- B. At the regular municipal election, persons shall be elected to fill the following elective offices:
 1. One Mayor for a four-year term;
 2. One Councilor for a four-year term (District 3);
 3. One Councilor for a four-year term (District 4);
 4. One Municipal Judge for a four-year term; and
 5. One Part-Time Municipal Judge for a four-year term.
- C. The following precincts are consolidated for the regular municipal election: 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58 and 59 that are located within the municipal boundary.
- D. The following locations are designated as Voting Convenience Centers (polling places) for the conduct of the regular municipal election:
 1. Farmington Museum at Gateway Park, 3041 E. Main Street;
 2. Sycamore Park Community Center, 1051 Sycamore Street;
 3. Farmington City Hall, 800 Municipal Drive;
 4. Farmington Public Library, 2101 Farmington Avenue;
 5. Piñon Hills Seventh-Day Adventist Church, 5001 Foothills Drive; and
 6. Farmington School District Administration Building, 2001 N. Dustin Avenue.

Voters who are registered in any of the above-mentioned precincts within the municipal boundary shall be allowed to vote at one of the six designated Voting Convenience Centers on Election Day. Voters will not be assigned a specific polling place on Election Day. Early and Absentee voting is also available.
- E. All Declarations of Candidacy shall be filed with the City Clerk on Tuesday, January 7, 2014 between the hours of 8:00 a.m. and 5:00 p.m. The candidate shall file with the City Clerk a certified copy of the candidate's current affidavit of voter registration on file with the San Juan County Clerk, certified by the County Clerk's office and dated not earlier than the adoption of this resolution.
- F. All Declarations of Write-In Candidacy shall be filed with the City Clerk on Tuesday, January 14, 2014 between the hours of 8:00 a.m. and 5:00 p.m. The candidate shall file with the City Clerk a certified copy of the candidate's current affidavit of voter registration on file with the San Juan County Clerk, certified by the County Clerk's office and dated not earlier than the adoption of this resolution.
- G. Persons desiring to register to vote in the regular municipal election must register with the San Juan County Clerk not later than 5:00 p.m. on Tuesday, February 4, 2014, the date on which the County Clerk will close registration books.
- H. Absentee Voting. Applications for absentee ballots may be obtained only from the City Clerk. All applications for an absentee ballot must be completed and accepted by the City Clerk prior to 5:00 p.m. on February 28, 2014. After 5:00 p.m. on that day, all unused

absentee ballots will be publicly destroyed by the City Clerk. The City Clerk will accept completed absentee ballots delivered by mail, or in person by the voter casting the absentee ballot, by a member of the voter's immediate family or by the caregiver to the voter until 7:00 p.m. on March 4, 2014.

Early voting. Early voting on paper ballots counted by an M-100 electronic vote tabulator will be conducted in the office of the City Clerk during the regular hours and days of business (Monday through Friday, 8:00 a.m. to 5:00 p.m.) beginning on Wednesday, February 12, 2014 and closing at 5:00 p.m. on Friday, February 28, 2014. Early voting will not be available on Monday, February 17, 2014 as all City offices will be closed in observance of President's Day.

- I. The casting of votes by qualified municipal electors shall be recorded on paper ballots to be counted by M-100 electronic vote tabulators.
- J. The boundaries of the official districting map adopted pursuant to Sec. 2-2-31 of the Farmington City Code has be revised and amended to reflect annexations and changes to district boundaries as shown upon the official districting map on file in the office of the City Clerk and is effective as of the date of adoption of this resolution.

ADOPTED AND APPROVED this 3rd day of December, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

3-8-19 . Precinct boards; appointments; compensation.

A. In order to qualify as a member of a precinct board, a person shall:

(1) be a resident qualified elector of the municipality and a resident of the precinct or consolidated precinct within the jurisdiction of the precinct board. However, if there is a shortage or absence of precinct board members in certain precincts or consolidated precincts, a person who is a resident qualified elector of the municipality and a nonresident of the precinct or consolidated precinct may be appointed;

(2) be able to read and write;

(3) have the necessary capacity to carry out the functions of the office with acceptable skill and dispatch; and

(4) execute the precinct board member's oath of office.

B. No person shall be qualified for appointment or service on a precinct board if that person is a:

(1) candidate for any municipal office;

(2) spouse, parent, child, brother or sister of any candidate to be voted for at the election;

(3) sheriff, deputy sheriff, marshal, deputy marshal or state or municipal policeman;

(4) spouse, parent, child, brother or sister of the municipal clerk or any deputy or assistant municipal clerk; or

(5) municipal clerk or deputy or assistant municipal clerk.

C. Not less than thirty-five days before the day of the municipal election, the governing body shall appoint a precinct board for each polling place. The precinct board shall consist of no fewer than three members. Each board shall have no fewer than three election judges and no fewer than two election clerks. Election judges may also be appointed as election clerks. Not less than two alternates shall be appointed who shall become either election judges or election clerks or both as the need arises. On the thirty-fifth day before the day of the election, the municipal clerk shall post and maintain in the clerk's office until the day of the election the names of the election judges, election clerks and alternates for each polling place. The posting of the names of the election judges, election clerks and alternates for each polling place may be proved by an affidavit signed by the municipal clerk. The municipal clerk shall, by mail, notify each person appointed, request a written acceptance and keep a record of all notifications and acceptances. The notice shall state the date by which the person must accept the appointment. If any person appointed to a precinct board, or as an alternate, fails to accept an appointment within seven days after the notice is sent, the position shall be deemed vacant and the position shall be filled as provided in this section.

D. The county clerk shall furnish upon request of the municipal clerk the names and addresses of qualified precinct board members for general elections, and such precinct board members may be appointed as precinct board members for municipal elections.

E. The municipal clerk shall appoint a qualified elector as a precinct board member to fill any vacancy that may occur between the day when the list of precinct board members is posted and the day of the election. If a vacancy occurs on the day of the election, the precinct board members present at the polling place may appoint by a majority vote a qualified elector to fill the vacancy. If the vacancy was filled after the date of the election school, that person need not attend an election school in order to validly serve on the precinct board.

F. Members of a precinct board shall be compensated for their services at the rate provided in [Section 1-2-16 NMSA 1978](#) for the day of the election. The governing body may authorize payment to alternates who are

required by the precinct board or municipal clerk to stand by on election day at the rate of not more than twenty dollars (\$20.00) for the day of the election.

G. Compensation shall be paid within thirty days following the date of election.

History: 1953 Comp., § 14-8-10, enacted by Laws 1971, ch. 306, § 8; 1978 Comp., § 3-8-11, recompiled as 1978 Comp., § 3-8-19 by Laws 1985, ch. 208, § 27; 1987, ch. 323, § 9; 1997, ch. 266, § 8; 1999, ch. 278, § 5.

3-8-21 . Municipal clerk; precinct board; election training.

A. The municipal clerk shall conduct or cause to be conducted election training not less than five days prior to the election. All major details of the conduct of elections shall be covered at the training, with special emphasis given to recent changes in the Municipal Election Code [[Chapter 3, Articles 8 and 9](#) NMSA 1978]. The training session shall be open to the public, with notice published not less than four days prior to the training.

B. Notice of the training shall be mailed to each precinct board member and alternate not less than seven days prior to the training.

C. Two or more municipalities may jointly conduct election training.

D. The governing body may authorize payment of mileage to precinct board members who attend election training.

History: 1978 Comp., § 3-8-21, enacted by Laws 1985, ch. 208, § 29; 1987, ch. 323, § 10; 2009, ch. 278, § 8.

ORDINANCE NO. 2013-_____

AN ORDINANCE APPROVING THE ANNEXATION OF 55.41 ACRES OF LAND CONTIGUOUS TO AND WEST OF THE CURRENT CITY LIMITS AND LOCATED NORTH OF US HIGHWAY 64

WHEREAS, the owners of a majority of the number of acres of a tract of land adjacent to the City of Farmington's present City limits have petitioned the City of Farmington for the annexation of that tract, which is contiguous to the City limits of the City of Farmington; and

WHEREAS, on October 24, 2013, the Planning and Zoning Commission and on November 12, 2013, the City Council of the City of Farmington, have determined that the annexation of such territory to the City of Farmington is in the best interests of the citizens of the City of Farmington; and

WHEREAS, pursuant to Section 3-7-17.1, NMSA, 1978 Compilation, on November 5, 2013, the San Juan County Commission reviewed and was provided the opportunity to comment on the City of Farmington's intention to annex said property.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON THAT:

SECTION 1. The City of Farmington, pursuant to the provisions of Section 3-7-17, NMSA, 1978 Compilation, does hereby, by the adoption of this ordinance, express its consent to the annexation to the City of Farmington of the contiguous territory below described, and does hereby annex the following described territory contiguous to the present boundaries of the City of Farmington, to-wit:

A tract of land lying in Section 11, T29N, R14W, N.M.P.M., San Juan County, New Mexico, being more particularly described as follows:

ANNEXATION TRACT

COMMENCING at the Northwest Corner of the above said Section 11 and S58°19'24"E for a distance of 1988.48 feet to the True Point of Beginning of said Annexation tract;

- THENCE: S87°17'43"E for a distance of 2149.05 feet to a point on the west City Limits boundary line;
- THENCE: ALONG said west City Limits boundary and S02°31'45"W for a distance of 386.38 feet to a point on the north boundary line of the Little Creek Subdivision, Phase II as recorded in Book 1560, page 176 on July 11, 2013;
- THENCE: CONTINUING along said north boundary of Little Creek Subdivision, Phase II and N88°03'15"W for a distance of 669.85 feet to the Northwest Corner of said Little Creek Subdivision, Phase II and the Northeast Corner of Little Creek Subdivision, Phase I as recorded in Book 1510, page 306 on June 2, 2010;
- THENCE: LEAVING said Northeast Corner and along the north boundary line of said Little Creek Subdivision, Phase I the following courses and distances and N88°31'18"W for a distance of 180.11 feet;

THENCE: S03°27'28"W for a distance of 28.54 feet;
 THENCE: N88°03'15"W for a distance of 380.13 feet to the Northwest
 Corner of said Little Creek Subdivision, Phase I;
 THENCE: LEAVING said Northwest Corner and along the west boundary line
 of said Little Creek Subdivision, Phase I the following courses
 and distances and S03°27'28"W for a distance of 1154.58 feet;
 THENCE: S88°49'51"E for a distance of 19.94 feet;
 THENCE: S01°28'46"W for a distance of 173.38 feet and the Southwest
 Corner of said Little Creek Subdivision, Phase I;
 THENCE: LEAVING said Southwest Corner and N88°50'41"W for a distance of
 158.32 feet to the Center Section Corner of said Section 11;
 THENCE: CONTINUING along the north/south mid-section line of said
 Section 11 and S04°24'57"W for a distance of 480.95 feet to a
 point on the south right of way line of US highway 64;
 THENCE: LEAVING said north/south mid-section line and ALONG the said
 south right of way line the following courses and distances and
 N83°29'02"W for a distance of 300.02 feet;
 THENCE: N82°29'08"W for a distance of 116.44 feet;
 THENCE: ALONG the arc of a tangential curve to the left for distance of
 184.33 feet whose radius is 2449.90 feet with a chord of
 N84°38'29"W for a distance of 184.29 feet;
 THENCE: LEAVING said south right of way line and N03°29'24"E for a
 distance of 426.17 feet to the east/west mid-section line of
 said section 11;
 THENCE: ALONG said east/west mid-section and N88°50'15"W for a distance
 of 185.65 feet;
 THENCE: LEAVING said east/west mid-section line and N03°27'28"E for a
 distance of 1785.77 feet and back to the point of beginning;
 Said Annexation tract of land contains 55.41 acres, more or
 less.

SECTION 2. That the City Clerk be, and she hereby is, directed, pursuant to said statute, to file a copy of this Ordinance, together with a copy of the plat of the territory so annexed, in the Office of the County Clerk and to send copies of the Ordinance to the Secretaries of Finance and Administration and Taxation and Revenue as provided by law.

SECTION 3. That upon such annexation, the territory so annexed shall be zoned, pursuant to the Unified Development Code of the City of Farmington, as follows:

ZONE SF-7 SINGLE-FAMILY RESIDENTIAL DISTRICT:

A tract of land lying in the North Half (N1/2) of Section 11, T29N, R14W, N.M.P.M., San Juan County, New Mexico, being more particularly described as follows:

COMMENCING at the Northwest Corner of the above said Section 11 and S58°19'24"E for a distance of 1988.48 feet to the True Point of Beginning of said ZONE SF-7 tract;

THENCE: S87°17'43"E for a distance of 2149.05 feet to a point on the
 west City Limits boundary line;
 THENCE: ALONG said west City Limits boundary and S02°31'45"W for a
 distance of 386.38 feet to a point on the north boundary line
 of the Little Creek Subdivision, Phase II as recorded in Book
 1560, page 176 on July 11, 2013;

THENCE: CONTINUING along said north boundary of Little Creek Subdivision, Phase II and N88°03'15"W for a distance of 669.85 feet to the Northwest Corner of said Little Creek Subdivision, Phase II and the Northeast Corner of Little Creek Subdivision, Phase I as recorded in Book 1510, page 306 on June 2, 2010;

THENCE: LEAVING said Northeast Corner and along the north boundary line of said Little Creek Subdivision, Phase I the following courses and distances and N88°31'18"W for a distance of 180.11 feet;

THENCE: S03°27'28"W for a distance of 28.54 feet;

THENCE: N88°03'15"W for a distance of 380.13 feet to the Northwest Corner of said Little Creek Subdivision, Phase I;

THENCE: LEAVING said Northwest Corner and along the west boundary line of said Little Creek Subdivision, Phase I the following courses and distances and S03°27'28"W for a distance of 250.09 feet;

THENCE: LEAVING said west boundary line of said Little Creek Subdivision, Phase I and N88°03'15"W for a distance 925.83 feet;

THENCE: N03°27'28"E for a distance of 695.06 feet and back to the point of beginning;

Said ZONE SF-7 tract of land contains 26.01 acres, more or less.

ZONE SF-5 SINGLE-FAMILY RESIDENTIAL DISTRICT:

A tract of land lying in the North Half (N1/2) of Section 11, T29N, R14W, N.M.P.M., San Juan County, New Mexico, being more particularly described as follows:

COMMENCING at the Northwest Corner of the above said Section 11 and S58°19'24"E for a distance of 1988.48 feet and S03°27'28"W for a distance of 695.06 feet to the True Point of Beginning of said ZONE SF-5 tract;

THENCE: S88°03'15"E for a distance of 925.83 feet to a point on the west City Limits boundary line;

THENCE: ALONG said west City Limits boundary and S03°27'28"W for a distance of 450.16 feet;

THENCE: LEAVING said City Limits boundary line and N88°03'15"W for a distance of 925.83 feet;

THENCE: N03°27'28"E for a distance of 450.16 feet and back to the point of beginning;

Said ZONE SF-5 tract of land contains 9.56 acres, more or less.

ZONE IND INDUSTRIAL DISTRICT:

A tract of land lying in Section 11, T29N, R14W, N.M.P.M., San Juan County, New Mexico, being more particularly described as follows:

COMMENCING at the Northwest Corner of the above said Section 11 and S58°19'24"E for a distance of 1988.48 feet and S03°27'28"W for a distance of 1145.22 feet to the True Point of Beginning of said ZONE IND tract;

THENCE: S88°03'15"E for a distance of 925.83 feet to a point on the west City Limits line;

THENCE: ALONG said City Limits line and S03°27'28"W for a distance of 454.33 feet;

THENCE: S88°49'51"E for a distance of 19.94 feet;

THENCE: S01°28'46"W for a distance of 173.38 feet; to a point on the east/west mid-section line of said section 11;
THENCE: ALONG said east/west mid-section line and N88°50'41"W for a distance of 158.32 feet to the mid-section of said section 11;
THENCE: LEAVING said east/west mid-section line and ALONG the north/south mid-section line and S04°24'57"W for a distance of 180.46 feet to a point on the north right of way line of US Highway 64;
THENCE: ALONG said north right of way line and N83°29'00"W for a distance of 302.63 feet;
THENCE: N82°29'28"W for a distance of 97.59 feet;
THENCE: ALONG the arc of a curve to the left whose radius is 2749.90 for a distance of 205.40 feet with a chord of N84°37'32"W for a distance of 205.36 feet;
THENCE: LEAVING said north right of way line and N03°29'24"E for a distance of 126.16 feet and back to a point on the said east/west mid-section line;
THENCE: ALONG said east/west mid-section line and N88°50'15"W for a distance of 185.65 feet;
THENCE: LEAVING said east/west mid-section line and N03°27'28"E for distance of 640.54 and back to the point of beginning;
Said Zone IND tract of land contains 15.68 acres, more or less.

SECTION 4. That the annexation of such territory to the City of Farmington shall be deemed complete within thirty (30) days after the filing of a copy of this Ordinance together with a copy of the plat of the territory so annexed, in the Office of the County Clerk unless an appeal be made to the District Court as provided by law.

PASSED, APPROVED, SIGNED AND ADOPTED this ____ day of December, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk