

Public Swearing-In Ceremony and Organizational Meeting of the 2016-2018 Governing Body of the City of Farmington, New Mexico held on March 7, 2016 at 6:00 p.m. in the Council Chamber of City Hall. The open session was held in full conformity with the law and ordinances and rules of the municipality.

#### RECOGNITION OF VISITORS

Relatives and friends who were present in the audience were recognized by the current and newly-elected officials and also by the officers of the City (City Manager, City Attorney and City Clerk).

#### OATHS OF OFFICE

Pursuant to the provisions of Section 3-8-33, New Mexico Statutes Annotated, 1978 Compilation, as amended, the candidates elected in the Regular Biennial Municipal Election for the City of Farmington, New Mexico held March 1, 2016 appeared before City Clerk Dianne Smylie on this date, the sixth day following said election.

Ms. Smylie administered Oaths of Office to Councilor-elect Linda G. Rogers and Councilor-elect Sean E. Sharer. Each candidate executed written statements that they are legally qualified to hold their respective office and also acknowledging receipt of the Certificate of Election. The candidates were deemed to have taken office and the Organizational Meeting of the 2016-2018 Governing Body of the City of Farmington, New Mexico then followed.

#### ORGANIZATIONAL MEETING

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

There were also present:

CITY MANAGER	Rob Mayes
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie
DEPUTY CITY CLERK	Andrea Jones

The Meeting was convened by the Mayor. Thereupon, the following proceedings were duly had and taken, to wit:

#### INVOCATION

The invocation was offered by Reverend George Harris of Fellowship of Spirit.

#### PLEDGE OF ALLEGIANCE

Councilor Sharer led the Pledge of Allegiance.

#### ELECTION OF MAYOR PRO TEMPORE

The Mayor requested the re-election of Councilor McCulloch as Mayor Pro Tempore.

A motion was made by Councilor Duckett, seconded by Councilor Rodgers to re-elect Councilor McCulloch as Mayor Pro Tempore, and upon voice vote the motion carried unanimously.

## CONFIRMATION OF CITY OFFICERS

City Treasurer

The Mayor requested the confirmation of the appointment of Administrative Services Director Andy Mason as City Treasurer.

A motion was made by Councilor Rodgers, seconded by Councilor McCulloch to confirm the appointment of Andy Mason as City Treasurer for the City of Farmington, and upon voice vote the motion carried unanimously.

City Clerk

The Mayor requested confirmation of the reappointment of Dianne Smylie as City Clerk.

A motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the reappointment of Dianne Smylie as City Clerk for the City of Farmington, and upon voice vote the motion carried unanimously.

City Attorney

The Mayor requested confirmation of the reappointment of Jennifer Breakell as City Attorney.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to confirm the reappointment of Jennifer Breakell as City Attorney for the City of Farmington, and upon voice vote the motion carried unanimously.

City Manager

The Mayor requested confirmation of the reappointment of Rob Mayes as City Manager.

A motion was made by Councilor Rodgers, seconded by Councilor Duckett to confirm the reappointment of Rob Mayes as City Manager for the City of Farmington, and upon voice vote the motion carried unanimously.

## CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor Rodgers to close the meeting to discuss a limited personnel matter (City Manager Employment Agreement), pursuant to Section 10-15-1H(2) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers
	Sean E. Sharer
	Gayla A. McCulloch
	Nate Duckett

Those voting nay:	None
-------------------	------

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:12 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:32 p.m. with all members of the Council being present.

## AMENDMENTS TO THE EMPLOYMENT AGREEMENT/CITY MANAGER ROBERT J. MAYES

Mayor Roberts announced that the existing employment agreement between the City and City Manager Rob Mayes has been in place since May 22, 2012 and pointed out that Mr. Mayes has received annual salary increases in accordance with the City's pay plan since that time. Noting

that Mr. Mayes requested renegotiation of the terms of his agreement in October 2015, Mayor Roberts reported that staff has since conducted an in-depth analysis of benchmarking data that compared entities of similar population, number of employees and total budget with that of Farmington and he contended that Mr. Mayes is not receiving the appropriate salary based on the value that he provides. As a result, Mayor Roberts made the following recommendation and asked that it be recorded verbatim in the record of tonight's meeting:

[Begin verbatim Record]

Mayor Roberts: The recommendation specifically is that in Section 3: Compensation of this agreement, change Subparagraph A to read in its entirety as follows: "Employer agrees to pay Employee a base salary of \$159,585 annually to be paid in installments at the same time and manner as regular employees of the Employer." The second proposed revision to the contract is in Subparagraph A of Section 10: Severance...change the word "four" to "six". Now, I'll diverge from talking about the specific proposed changes to explain this one. This has to do with the severance package that currently exists in the contract if Rob were to be terminated by the Council at a time when he is ready, willing and able to continue to serve in that capacity. Currently he would get a severance package equal to four months of his then current salary and I'm proposing that we change that to six. Six is very common in our industry, in municipal governments, county governments. Probably 50 percent of those who would be surveyed would be in that six months' severance package range. Certainly, there would be some less than that, but there would be many more higher than that and I feel this is a fiscally conservative number to settle on. So moving forward with other proposed changes, in Section 10: also Severance, change Subparagraph B to read in its entirety as follows: "In the event Employee is terminated by Employer during the six months immediately following the seating and swearing-in of one or more new members of the governing body of Employer, or in the event Employee is terminated by Employer during any meeting of the governing body at which there are fewer than five members in attendance at the time of the decision and, if at the time of any such termination, Employee is willing and able to perform his duties under this Agreement, then the severance pay to which Employee shall be entitled shall be in an amount equal to eight months of the Employee's then current salary." Again, to diverge and to explain that proposal, this is simply a situation that would provide a bit of a disincentive to the Council trying to take action when any one of its members was not present...and that is simply the basis for it. I don't think this provision of the contract would ever come into play, but just in the event that things got bad enough that there was a manipulation occurring and someone said that, well, Councilor Duckett is going to be gone and the Manager only has a 2-2 support, we might be able to get him out on a vote next Tuesday night. It would be a disincentive to doing that. And then the final change is in Subparagraph C of Section 10: Severance also. We just change the word "four" to "six" and change the word "six" to "eight" to represent what I have already discussed. So, again, it is my opinion that these proposed contract amendments are reasonable and necessary. They have been earned by performance at a high level as evidenced by Rob's annual job performance evaluations over the past four years. Furthermore, they will place Rob in a more competitive position on both a local and regional basis. So Council, I want to open it up to discussion. If there are any comments, those would be appropriate at this time or any questions.

[End verbatim Record]

Councilor Duckett thanked Mayor Roberts for the benchmark data provided and echoed his support for Mr. Mayes. He applauded Mr. Mayes and his team in managing the City appropriately and expressed his appreciation for Mr. Mayes' leadership, vision and strategic thinking. Additionally, Councilor Duckett expressed support for providing Mr. Mayes with a salary that keeps him employed with the City and contended that he believes that the Mayor's proposal is fair.

Mr. Mayes thanked Mayor Roberts for taking his renegotiation request seriously and investing the time to collect all of the pertinent benchmark data. He expressed his appreciation for the recommended amendments to the contract and stated that he loves living here in Farmington and has no desire to leave.

Following further consideration, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to approve the amendments to the Employment Agreement between the City and Robert J. Mayes effective April 1, 2016, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Recognition of Samantha Chang

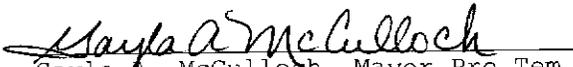
Mayor Roberts reintroduced Farmington High School Senior Samantha Chang, noting that she is a volunteer participant of the San Juan Mentors Program and stated that she has been job-shadowing him for approximately one month. He noted that Ms. Chang has an interest in politics and will spend 16 hours learning about local government through this program.

There being no further business to come before the Council, the meeting was adjourned at 6:52 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

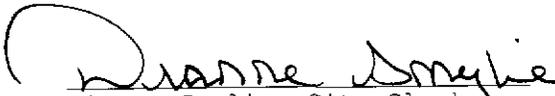
Approved this 22<sup>nd</sup> day of March, 2016.

Entered in the permanent record book this 23<sup>rd</sup> day of March, 2016.

  
Gayla A. McCulloch, Mayor Pro Tem

SEAL

ATTEST:

  
Dianne Smylie, City Clerk