

**Regular Meeting of the Legal Committee
Held in the Roswell Convention Center
Thursday, May 26, 2022**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 22-14.

ROLL CALL

The meeting convened at 4:00 p.m. with Chair Heldenbrand presiding, Councilor Arnold, Councilor Corn and Councilor Oropesa present.

Staff present: Christopher Josh Nairn-Mahan, Kevin Maevers, Jessica Collier, Parker Patterson, Scott Stark, Juanita Jennings, Joe Neeb,

Guests present: Marcos Nava, Alex Urquides, Mike Espiritu, Andrea Moore, Larry Connolly, Alma Salas, Beth Neeb, Barry Foster, Mayor Jennings.

Public present via GoToMeeting: None

APPROVAL OF AGENDA

Councilor Corn moved to approve the May 26, 2022, Legal Committee meeting agenda. Councilor Arnold as a second. A voice vote was 4-0, and the motion passed.

APPROVAL OF MINUTES

Council Corn approved the Special Legal Committee meeting from April 25, 2022 and the Legal Committee meeting on April 28, 2022. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed.

REGULAR ITEMS

1. Armstrong Task Order E – Scott Stark discussed the Armstrong Task Order E Preliminary Engineering Report for Runway 17/35. Armstrong Consultants was selected as the on-call airport engineering services provider through the RFP 20-007 process. A Professional Services Agreement (PSA) was negotiated and executed by the City Manager. This project is a listed project on the PSA. The project is listed on the master project list. Staff are asking for approval to spend \$263,652.42 for engineering services. The city has applied for, and expects to receive, an AIP Grant in the amount of \$263,652.42 related to this project. Per City Policy, an expenditure over \$60,000.00 requires authorization by the City Council. Councilor Corn moved to send to the full city council the recommendation to approve an expenditure of \$263,652.42 for engineering services. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed.
2. Roswell-Chaves County Economic Development Corporation Renewal and Amendment – Juanita Jennings discussed the Renewal and Amendment. The RCCEDC works in partnership with the City of Roswell to provide services to businesses and to

expand business and economic development in our area. In 2019 all contracts were updated to reflect scope of work for funding level. The contemplated Agreement would provide a revised and updated scope of work to support the RCCEDC's work and continue the City's existing relation with the RCCEDC. In 2020 the contract amount was \$75,000, FY21 the contract amount was \$100,000. The RCCEDC is currently requesting an increase of \$100,000 for FY23 \$200,000. On May 14, 2022 RCCEDC presented to the special Finance Committee meeting. At that meeting the Finance committee approved a funding request of \$150,000. Councilor Corn made a motion to change the language of the contract in Section 1(e) strike award at least (3) and add offer, and award to qualifying applicants. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed. Councilor Corn made a motion to recommend the agreement to the Finance Committee for their approval on the monetary amount. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed.

3. Hispano Chamber of Commerce Agreement Renewal – Juanita Jennings discussed the Agreement. The Hispano Chamber of Commerce works in partnership with the City of Roswell to provide services to businesses and to expand business and economic development in our area. In 2019 all contracts were updated to reflect scope of work for funding level. The contemplated Agreement would provide a revised and updated scope of work to support the Hispano Chamber of Commerce work and continue the City's existing relation with the Hispano Chamber. In 2020 the contract amount was \$25,000, FY21 the contract amount was \$30,000. The Hispano Chamber is currently requesting an increase of \$20,000 for FY23 total of \$50,000. Councilor Corn moved to approve the contract and move to Finance Committee for funding. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed.
4. Resolution 22-XX Record Retention Schedule – Parker Patterson discussed the resolution. Municipal records retention is not governed by the NM Public Records Act, NMSA 1978 Sec. 14-3-1 et seq., or by the rules promulgated by the State Commission for Public Records. Consequently, the City must set its own records retention policy. The proposed policy is promulgated and recommended by the NMML. Councilor Oropesa moved to recommend to full City Council on the consent agenda. Councilor Arnold as the second. A voice vote was 4-0, and the motion passed.
5. Resolution 22-XX: Governing Body of Order – Parker Patterson discussed the resolution. The City Council adopted the Governing Body Rules of Order in Resolution 16-58. The Council subsequently amended the Rules of Order in Resolution 17-65. The Rules of Order provide procedural guidelines for the operation of meetings by the City Council and standing committees. Failure to strictly follow the Rules of Order will not invalidate any action of the City Council. Among the changes proposed in this amendment would be a provision that neither the City Council nor any standing committee may take up any item on which action was taken by another standing committee within the previous 6 months, unless requested by 6 Councilors, one of whom must have been on the prevailing side. For discussion only.

6. Conditional Use Permits – Councilor Corn made a motion to table this item to the next Legal Committee meeting. Councilor --- Arnold as the second. A voice vote was 4-0, and the motion passed.
7. Department Reports – Clerk, Legal, Safety and Human Resources. Discussion only, no action taken.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS



Councilor Heldenbrand recommended to have a hard deadline to receive items for the agenda. The time is as follows 3pm on Wednesday before the Legal Committee meeting.

PUBLIC PARTICIPATION

Mike Espiritu, and Marcos Nava

ADJOURN

The meeting adjourned at 5:30 p.m.



Meeting of the City of Roswell Legal Committee

May 26, 2022 4:00 PM



Item 1 Armstrong Task Force E

Consider recommending approval of an expenditure for design and construction engineering services.



Item 2

Roswell-Chavez County Economic Development Corporation Service Agreement

Consider recommending approval of a renewal and amendment of the RCCEDC Services Agreement.

Roswell-Chaves County EDC Service Agreement Renewal



- The City Council is asked to approved the Scope of Services Agreement for FY23

Background:

- In 2019 all community partner service agreements were updated to be consistent with clearly defined Scope of Services that included metrics and reporting measurements. This agreement continues the partnership with Scope of Work for FY23.
- This new agreement will follow the fiscal year and budget cycle. The current amount of the contract is \$100,000 per year.
- New funding request for FY23 in the amount of \$100,000 to cover the cost of a new personnel cost for digital marketing and designer as well as an increase in salary for current Program Manager and increase cost of other daily functions.
- On 5/14/22 EDC presented to the Finance Committee. Finance Committee approved \$150,000 allocation for FY23 (3-0) with Foster being absent.
- On 5/20/22 the Finance Committee voted (4-0) to allocate \$100,000 for FY23 for EDC.



Scope of Work

- Total contract amount being requested is \$200,000 per year.
- Scope of Work
 - Business Development & Retention
 - Technical Services
- Metrics
 - Quarterly reports on the following: Recruitment Efforts, growth activities, Profit and Loss Actuals vs. Budget Financial Reports, educational opportunities, job creation report, business retention report, industry business solicitation report, metrics, housing & retail report, promotional campaigns, cooperative efforts with area organizations.
 - Annual report to City Council, proposed annual budget, end of year financial report (audit), proposed annual budget, list of new industrial/economic based businesses projected and/or acquired for City of Roswell and Chaves County, list of trends in possible job losses, overview of operations & Strategic plan for proceeding year and planned future operations to solicit new business, etc.
 - Annual Strategic Plan to the City Manager



Item 3 Hispano Chamber of Commerce Service Agreement

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Consider recommending approval of the
Hispano Chamber of Commerce Business Development and
Retention Service Agreement



Hispano Chamber of Commerce Service Agreement

- The City Council is asked to approved the Scope of Services Agreement for FY23

Background:

- In 2019 all community partner service agreements were updated to be consistent with clearly defined Scope of Services that included metrics and reporting measurements. This agreement continues the partnership with Scope of Work for FY23.
- This new agreement will follow the fiscal year and budget cycle. The current amount of the contract is \$30,000 per year.
- New funding request for FY23 in the amount of \$20,000 to cover the cost of a part-time office/social media staff member in order to have more online presence is being requested.
- 4/27/22 presented to Legal Committee and tabled for 5/26/22 meeting.
- Hispano Chamber provided their Annual report to the City Council at the May 12th meeting as outlined in their contract.



Scope of Work

- Total contract amount being requested is \$50,000 per year.
- Scope of Work
 - 40% to be used for Business Development & Retention allocated for these efforts
 - 20% is allocated to Professional Enhancements
 - 40% is allocated to Administrative Costs
- Metrics
 - Quarterly reports on the following: Activities, Profit and Loss Actuals vs. Budget Financial Reports, Educational opportunities provided to members and non-members, recruitment efforts and growth of participation in activities, staffing and board changes, promotional campaigns, cooperative efforts with area organizations.
 - Annual report to City Council, proposed annual budget, list of new members, non-renewals and overview and strategic plan for proceeding year.



Item 4

Resolution 22-XX: Records Retention

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Consider recommending adoption of a proposed resolution adopting a records retention schedule for the City of Roswell.

Res. 22-XX: Records Retention

- State records retention is governed by the NM Public Records Act, NMSA 1978 Sec. 14-3-1 *et seq.*
- Public Records Act applies to all organizations of the state government
- Generally, Public Records Act does not apply to municipal records
- The NMML promulgates a recommended municipal records retention plan
- Res. 22-XX would adopt the NMML plan



Item 5

Resolution 22-XX: Amending Governing Body Rules of Order

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Discuss and consider a Resolution amending the GBRO.

Res. 22-XX: GBRO

- City Council adopted the Governing Body Rules of Order in Resolution 16-58
- Council subsequently amended the Rules of Order in Resolution 17-65
- Rules of Order provide procedural guidelines for the operation of meetings by the City Council and standing committees
- Failure to strictly follow the Rules of Order will not invalidate any action of the City Council



Item 6 Conditional Use Permits

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Discuss and Consider conditional use permits.



Conditional Use Permits

- Conditional use permits are a type of special exception to the requirements of the Zoning Ordinance
- “Any use which may be established in the particular zoning district in which it is allowed only upon meeting the conditions and limitations as prescribed by this ordinance.”
- Conditional uses should be distinguished from special uses and variances



Item 7 Department Reports

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Discuss and consider Department Reports.

Thank you