

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 11-203

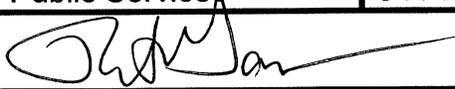
For Meeting of _____
(Ordinance First Reading Date)

For Meeting of April 4, 2011
(Adoption Date)

TITLE: A RESOLUTION REPEALING RESOLUTION NO. 03-357, AND AUTHORIZING THE REFORMATION OF THE EMPLOYEE BENEFIT COMMITTEE AS A CITY MANAGER POLICY.

PURPOSE(S) OF ACTION:

To repeal resolution 03-357.

COUNCIL DISTRICT: 1, 6		
<u>Drafter/Staff Contact:</u> Jennifer Martin	<u>Department/Section:</u> Public Services	<u>Phone:</u> 541-2296
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Employee Benefits Committee (EBC) was established May 7, 1979 and was reformed June 16, 2003 (Resolution 03-357). Its purpose is to administer the proceeds received from the sales of items sold in the vending machines located throughout the various city facilities, and proceeds from occasional drawings. These funds are then used for functions (holiday party and summer picnic) and services (retirement gifts, flowers/plants for births/funeral services/hospitalization) to city employees.

The current resolution was established to update the committee by-laws to include new internal processes for vendor contract and financial reporting.

As the EBC revenues are well within the authority of the City Manager, the EBC is reforming itself as a City Manager Policy. Upon approval of that policy, this resolution will be obsolete.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Resolution 03-357.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will repeal Resolution 03-357.
2. Vote "No"; Resolution 03-357 will remain in place.
3. Vote to "Amend"; the EBC will follow direction from Council.
4. Vote to "Table"; this will delay the restructure of the EBC.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 11-203**A RESOLUTION REPEALING RESOLUTION NO. 03-357, AND AUTHORIZING THE REFORMATION OF THE EMPLOYEE BENEFIT COMMITTEE AS A CITY MANAGER POLICY.**

The City Council of the City of Las Cruces is informed that:

WHEREAS, the Employee Benefits Committee (EBC) was established May 7, 1979 and was reformed June 16, 2003 (Resolution 03-357), attached hereto as Exhibit "A"; and

WHEREAS, its purpose is to administer the proceeds received from the sales of items sold in the vending machines located throughout the various city facilities, and proceeds from occasional drawings; and

WHEREAS, these funds are then used for functions (holiday party and summer picnic) and services (retirement gifts, flowers/plants for births/funeral services/ hospitalization) to city employees; and

WHEREAS, the current resolution was established to update the committee by-laws to include new internal processes for vendor contract and financial reporting; and

WHEREAS, the EBC revenues are well within the authority of the City Manager, the EBC is reforming itself as a City Manager Policy; and

WHEREAS, upon approval of that policy, this resolution will be obsolete.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the request to repeal Resolution No. 03-357 is enacted.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2011.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

Ray D. Liblesmily

City Attorney

RESOLUTION NO. 03- 357**A RESOLUTION REPEALING RESOLUTION NO. 79-282 AND AUTHORIZING THE REFORMATION OF THE EMPLOYEE BENEFITS COMMITTEE TO CONTRACT COLLECT AND CONTROL THE FUNDS RECEIVED FROM THE OPERATION OF FOOD AND BEVERAGE VENDING MACHINES LOCATED ON CITY PROPERTY.**

The City Council is informed that:

WHEREAS, City employees are the primary users and customers of the food and beverage vending machines located on City Premises, the net receipts from the vending machines should be expended for the benefit of said employees; and,

WHEREAS, the Employee Benefit Committee created by Resolution No. 79-282 should continue to exist to contract with, and receive and control the receipts from vending machine sales; and,

WHEREAS, the receipts received by the Employee Benefit Committee from the operation of the vending machine should be expended for employee related functions and consistent with State and City law; and,

WHEREAS, the regulations and by-laws of the Employee Benefit Committee should be updated to comply with City and State law; and,

WHEREAS, receipts from vending machine sales should be deposited into a special City fund and disbursements from that fund be made only to accomplish the stated purpose of the Employee Benefit Committee; and,

WHEREAS, any expenditures from this special City fund should be presented by the Chairperson of the Employee Benefit Committee to the Employee Benefit Committee for approval; and,

WHEREAS, the City Manager and the Department Directors of the City of Las Cruces should designate a representative to be appointed as a member of the Employee Benefit Committee for a term of two years.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces that:

(I)

The net receipts from the vending machines located on City property should be expended for the benefit of City employees.

(II)

The Employee Benefit Committee created by Resolution No. 79-282 shall continue to exist to contract with, and receive and control the receipts from vending machine sales.

(III)

The receipts received by the Employee Benefit Committee from the operation of the vending machines should be expended for employee related functions and consistent with State and City law.

(IV)

The regulations and by-laws of the Employee Benefit Committee shall be updated to comply with City and State law.

(V)

All vendors shall immediately enter into a Vending Services Agreement with the City or shall immediately remove any vending machines from City property.

(VI)

Receipts from vending machine sales shall be deposited into a special City fund and disbursements from that fund be made only to accomplish the stated purpose of the Employee Benefit Committee.

(VII)

Any expenditure from this special City fund shall be presented by the chairperson of the Employee Benefit Committee to the Employee Benefit Committee ~~designee~~ for approval.

Handwritten notes:
11/11/03
11/11/03
11/11/03

(VIII)

The City Manager and the Department Directors of the City of Las Cruces shall designate a representative to be appointed as a member of the Employee Benefit Committee for a term of two years.

(IX)

THAT City staff is hereby authorized and directed to do all acts and deeds necessary to accomplish the above.

DONE AND APPROVED this 16th day of June, 2003.

APPROVED:

William Mattiace
Mayor William Mattiace

ATTEST:

Shirley Clark
City Clerk

VOTE:

Mayor Mattiace _____ aye
Councillor Fietze _____ aye
Councillor Moore _____ aye
Councillor Archuleta _____ aye
Councillor Trowbridge _____ aye
Councillor Strain _____ aye
Councillor Miyagishima _____ aye

Moved by: Frietze

Seconded by: Strain

APPROVED: _____

APPROVED AS TO FORM:

Laura R. Cuy
City Attorney

Handwritten: 15537

Handwritten initials: JC

A RESOLUTION AUTHORIZING THE FORMATION OF
A SPECIAL COMMITTEE TO CONTRACT, COLLECT
AND CONTROL THE FUNDS RECEIVED FROM THE
OPERATION OF FOOD AND BEVERAGE VENDING
MACHINES.

The City Commission is informed that:

As the City employees are the primary users and customers of the food and beverage vending machines located on City premises, the net receipts received from the vending machines should be expended for the benefit of said employees; and

A committee to contract with and receive and control the receipts from vending machine operators should be formed; and

The receipts received by the committee from the operation of the vending machines shall be expended for, but not limited to, employee picnics, parties, flowers, special ceremonies, and employee awards.

NOW, THEREFORE, the City Commission of the City of Las Cruces, New Mexico, determines, resolves and orders as follows:

I

THAT the vending machines located in the following buildings are predominately used by City employees and should be placed under the jurisdiction of the employee committee:

Municipal Building
Municipal Service Center
City/County Building
Public Safety Building
Sanitation Building
Fire Stations #1 and 2

II

THAT the City Manager and the Directors of each Division of the City of Las Cruces or their respective designee be, and they are hereby, appointed as members to a special committee for the purpose of contracting with and receiving and controlling the receipts from vending machine operators.

III

THIS committee shall be known as the "Employee Benefit Committee." Said committee shall formulate its own by-laws, rules and regulations which shall be submitted to the City Commission for their approval. They shall establish and maintain their own bank account and said funds shall not become a part of the City of Las Cruces municipal funds.

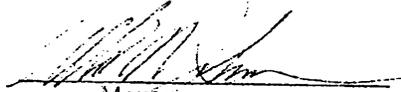
IV

THE committee shall, at its sole discretion, expend the proceeds received from the vending machine operators for, but not limited to, City employee picnics, parties, flowers, special ceremonies, and employee awards.

DONE AND APPROVED this 7th day of May, 1979.

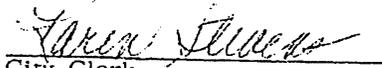
Resolution No. 79-282

DONE AND APPROVED this 7th day of May, 1979.



Mayor

ATTEST:



City Clerk

(SEAL)

Moved by: Camunez

Seconded by: Kosik

Approved as to Form:

3.7. O'neil

VOTE:

Commissioner Kosik: Aye

Commissioner Graham: Nay

Commissioner Camunez: Aye

Commissioner Johnson: Aye

Commissioner Hudson: Aye

RESOLUTION NO. 80-14

A RESOLUTION APPROVING THE BY-LAWS OF THE
EMPLOYEE BENEFIT COMMITTEE.

The City Commission is informed that:

On May 7, 1979, the City Commission approved the establish-
ment of an "Employee Benefit Committee " by the adoption of Resolution
No. 79-282. This Committee was established to provide employee
benefits by extending control of vending machines at locations
specified in Resolution No. 79-282, and allowing the Committee to
expnd the proceeds derived from the control of the vending machines
for employee benefits; and

Section 3 of Resolution No. 79-282 specifies that the Committee
shall formulate its own By-Laws which shall be submitted to the City
Commission for approval; and

The Committee has drafted and approved the By-Laws under
which this Committee will operate. Attached to this Resolution is the
proposed By-Laws for City Commission consideration.

NOW, THEREFORE, the City Commission of the City of Las Cruces,
New Mexico, orders, determines, and resolves as follows:

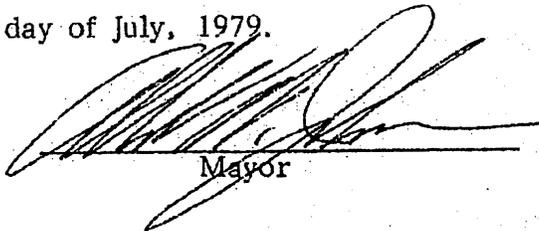
I

THAT the By-Laws attached hereto and marked "Exhibit A" is
hereby approved.

II

THAT the City Manager and City staff are hereby authorized to
do all deeds necessary in the implementation of the hereinabove.

DONE AND APPROVED this 16th day of July, 1979.


Mayor

ATTEST:


City Clerk

Moved by: Camunez

Seconded by: Hudson

VOTE:

Commissioner Kosik: Aye
Commissioner Graham: Aye
Commissioner Camunez: Aye
Commissioner Johnson: Aye
Commissioner Hudson: Aye

LAS CRUCES EMPLOYEE BENEFIT COMMITTEE

BY-LAWS

I. NAME

The name of this special committee shall be known as the Las Cruces Employee Benefit Committee referred to as "The Committee" hereinafter.

II. PURPOSE

The Committee is to administer the proceeds received from vending machines. The proceeds will be disbursed for City employee picnics, parties, flowers, special ceremonies and employee awards, and other employee-related functions in accordance with City Commission Resolution No. 79-282.

III. BENEFACTORS

Benefactors shall be composed of any permanent, full-time employee of the City of Las Cruces.

IV. COMMITTEE

The Committee, established by City Commission Resolution No. 79-282, shall be composed of the City Manager and the Directors of each Division or their respective designee. In addition, the Mayor shall serve as an Ex-officio member of this Committee. The Committee shall elect officers to serve for a two-year term.

1. Chairman: Shall preside over all meetings, and shall have primary responsibility for administration of the Committee.

2. Secretary: Shall keep an accurate record of all proceedings which shall be open for review at all times, shall give notice of all meetings, and keep all correspondence.

3. Treasurer: The Treasurer shall keep accurate records of all receipts and disbursements of the Committee. All payment checks shall bear the signature of the Treasurer, and the Chairman with the Secretary signing in the absence of either one. These three officers will make up the Executive Committee. The Treasurer shall open and keep an account at a local financial institution where savings earn interest and checks may be drawn. All vouchers for payment will be presented to the Committee for approval.

4. Executive Committee: The Executive Committee officers and/or Chairman are authorized to spend up to \$50.00 without calling a meeting. They will report the expenditure to the Committee at the next

V. MEETINGS (Cont'd)

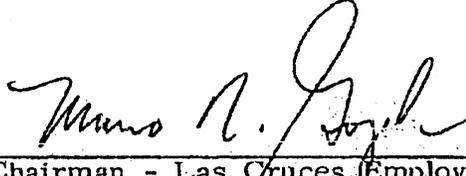
the membership of the Committee shall constitute a quorum. All members of the Committee shall be entitled to vote in any business brought before the Committee. A majority of votes cast shall govern. Robert's Rules of Order shall guide the Committee in its proceedings, except as otherwise provided in these By-Laws.

VI. AUDIT

The Committee shall appoint two members to review all receipts and cash disbursements of the fund. Said review is to be conducted semi-annually and a report of the review is to be submitted to the City Commission.

VII. AMENDMENTS TO BY-LAWS

Any By-Law may be amended or repealed in whole or in part at any time, upon a majority vote of the Committee subject to City Commission approval.



Chairman - Las Cruces Employee
Benefit Committee

July 16, 1979
Date

A RESOLUTION APPROVING THE AMENDED BY LAWS OF THE LAS CRUCES EMPLOYEE BENEFIT COMMITTEE

The City Council is informed that:

Resolution No. 80-14, executed July 16, 1979, approved the By-Laws of the Las Cruces Employee Benefit Committee.

The Employee Benefit Committee desires to establish a tax exempt status and has found it necessary to amend the Committee's By-Laws to conform with the Federal Income Tax Laws and Regulations. The Committee has drafted and approved the amended By-Laws, attached hereto.

NOW, THEREFORE, the City Council of the City of Las Cruces, New Mexico, determines, resolves and orders as follows:

I

THAT the existing Section VII of the By-Laws is hereby renumbered Section VIII.

II

THAT Section VII, entitled "Article of Dissolution" is hereby added to the By-Laws and reads as follows:

Should the Committee be dissolved for any reason, any funds remaining after debts have been paid shall be given and turned over to the City of Las Cruces general fund.

III

THAT the Committee Members are hereby authorized to do all deeds necessary in the implementation of the hereinabove.

DONE AND APPROVED this 6th day of April, 1987.

[Signature]
MAYOR

ATTEST:

[Signature]
City Clerk

(SEAL)

Moved by: Ferralez

Seconded by: Gunaji

APPROVED AS TO FORM:

[Signature]
Legal Department

VOTE:

Councillor Ferralez:	<u>Aye</u>
Councillor Gunaji:	<u>Aye</u>
Councillor Barba:	<u>Absent</u>
Councillor Valencia:	<u>Aye</u>
Councillor Tomlin:	<u>Aye</u>
Councillor Shelley:	<u>Absent</u>
Councillor Steinborn:	<u>Aye</u>

L RULES EMPLOYEE BENEFIT COMMITTEE

BYLAWS

I. NAME

The name of this special committee shall be known as the Las Cruces Employee Benefit Committee referred to as "The Committee" hereinafter.

II. PURPOSE

The Committee is to administer the proceeds received from vending machines. The proceeds will be disbursed for City employee picnics, parties, flowers, special ceremonies and employee awards, and other employee-related functions in accordance with City Council Resolution No. 79-282.

III. BENEFACTORS

Benefactors shall be composed of any permanent, full-time employee of the City of Las Cruces.

IV. COMMITTEE

The Committee, established by City Council Resolution No. 79-282, shall be composed of the City Manager and the Directors of each Division or their respective designee. In addition, the Mayor shall serve as an Ex-officio member of this Committee. The Committee shall elect officers to serve for a two-year term.

1. Chairman. The Chairman shall preside over all meetings, and shall have primary responsibility for administration of the Committee.

2. Secretary. The Secretary shall keep an accurate record of all proceedings which shall be open for review at all times, shall give notice of all meetings, and keep all correspondence.

3. Treasurer. The Treasurer shall keep accurate records of all receipts and disbursements of the Committee. All payment checks shall bear the signature of the Treasurer, and the Chairman with the Secretary signing in the absence of either one. These three officers will make up the Executive Committee. The Treasurer shall open and keep an account at a local financial institution where savings earn interest and checks may be drawn. All vouchers for payment will be presented to the Committee for approval.

4. Executive Committee. The Executive Committee officers and/or Chairman are authorized to spend up to \$50.00 without calling a meeting. They will report the expenditure to the Committee at the next regular meeting.

V. MEETINGS OF THE COMMITTEE

Meetings of the Committee shall be held once a month upon call of the Chairman or a quorum of the Committee. A simple majority of the membership of the Committee shall constitute a quorum. All members of the Committee shall be entitled to vote in any business brought before the Committee. A majority of votes cast shall govern. Robert's Rules of Order shall guide the Committee in its proceedings, except as otherwise provided in these Bylaws.

VI. AUDIT

The Committee shall appoint two members to review all receipts and cash disbursements of the fund. Said review is to be conducted semiannually and a report of the review is to be submitted to the City Council.

VII. ARTICLE OF DISSOLUTION

Should the Committee be dissolved for any reason, any funds remaining after debts have been paid shall be given and turned over to the City of Las Cruces general fund.

VIII. AMENDMENTS TO BYLAWS

Any Bylaw may be amended or repealed in whole or in part at any time, upon a majority vote of the Committee subject to City Council approval.


 CHAIRMAN
 Las Cruces Employee Benefit Committee

DATE

March 26, 1987

LAS CRUCES EMPLOYEE BENEFIT COMMITTEE

BY-LAWS

I. NAME

The name of this special committee shall be known as the Las Cruces Employee Benefit Committee referred to as "The Committee" hereinafter.

II. PURPOSE

The Committee is to administer the proceeds received from vending machines. The proceeds will be disbursed for City employee picnics, parties, flowers, special ceremonies and employee awards, and other employee-related functions in accordance with City Commission Resolution No. 79-282.

III. BENEFACTORS

Benefactors shall be composed of any permanent, full-time employee of the City of Las Cruces.

IV. COMMITTEE

The Committee, established by City Commission Resolution No. 79-282, shall be composed of the City Manager and the Directors of each Division or their respective designee. In addition, the Mayor shall serve as an Ex-officio member of this Committee. The Committee shall elect officers to serve for a two-year term.

1. Chairman: Shall preside over all meetings, and shall have primary responsibility for administration of the Committee.

2. Secretary: Shall keep an accurate record of all proceedings which shall be open for review at all times, shall give notice of all meetings, and keep all correspondence.

3. Treasurer: The Treasurer shall keep accurate records of all receipts and disbursements of the Committee. All payment checks shall bear the signature of the Treasurer, and the Chairman with the Secretary signing in the absence of either one. These three officers will make up the Executive Committee. The Treasurer shall open and keep an account at a local financial institution where savings earn interest and checks may be drawn. All vouchers for payment will be presented to the Committee for approval.

4. Executive Committee: The Executive Committee officers and/or Chairman are authorized to spend up to \$50.00 without calling a meeting. They will report the expenditure to the Committee at the next regular meeting.

V. MEETINGS OF THE COMMITTEE

Meetings of the Committee shall be held once a month upon call of the Chairman or a quorum of the Committee. A simple majority of

V. MEETINGS (Cont'd)

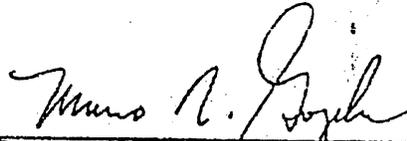
the membership of the Committee shall constitute a quorum. All members of the Committee shall be entitled to vote in any business brought before the Committee. A majority of votes cast shall govern. Robert's Rules of Order shall guide the Committee in its proceedings, except as otherwise provided in these By-Laws.

VI. AUDIT

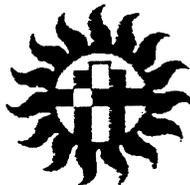
The Committee shall appoint two members to review all receipts and cash disbursements of the fund. Said review is to be conducted semi-annually and a report of the review is to be submitted to the City Commission.

VII. AMENDMENTS TO BY-LAWS

Any By-Law may be amended or repealed in whole or in part at any time, upon a majority vote of the Committee subject to City Commission approval.


 Chairman - Las Cruces Employee
 Benefit Committee

July 16, 1979
 Date



City of Las Cruces

INTER-DEPARTMENTAL MEMORANDUM

TO: JIM DAVILA ACTING PURCHASING AGENT

FROM: *FR* FERMIN A. RUBIO, CITY ATTORNEY

SUBJECT: ANTI-DONATION CLAUSE

DATE: APRIL 1, 1998

FILE: 1998 OPINION

I am in receipt of your memo, dated March 27, 1998. I have researched the subject of your memo and concur with your interpretation that the expenditure requested by the Branigan Library is in violation of the anti-donation clause and should not be paid. The expenditure in question is much like a birthday party or holiday party and is therefore impermissible. N.M.A.G. Op. No.97-02 sets out examples of permissible expenditures under the anti-donation clause.

(A). Permissible expenditures for entertainment, travel and meals:

1. Reasonable expenditures for meals and refreshments eaten during meetings at which City business is conducted
2. Reimbursement of travel, lodging and meal expenses of visiting officials, consultants and speakers, where the purpose of the visit is demonstrable related to City's statutory functions.
3. Reasonable expenditures for refreshments, decorations and entertainment in connection with graduation ceremonies and activities.
4. Reasonable expenditures for meals and refreshments in connection with employee professional development activities.
5. Expenditures in connection with recognition activities such as awards for retirement, service, meritorious performance by employees and students; awards should not consist of cash or other valuable property, which would constitute subsidies.
6. Expenditures for membership fees in professional and nonprofit organizations which relate to the City's statutory functions.

Memo to Jim Davila
April 1, 1998
Page 2

(B) Impermissible Expenditures:

1. Expenses for employee birthday or holiday parties.
2. Payment for entertainment such as sports events, plays, concerts, since such activities do not relate to City's statutory functions and benefit primarily the individual recipient
3. Purchases of tickets or entry fees for public functions attended by City representatives, unless those functions relate closely to City's statutory functions; enhancement of "public relations" is not sufficiently related to those functions.

I anticipate that the Purchasing Department will receive requests for expenditures that may not fit squarely into the above listed categories. If this becomes the case, my office will be available to assist you in making a determination as to whether the requested expenditure is permitted under the anti-donation clause.

If you have any questions regarding this matter, please call me.

FAR:lac

c: Jesus Nava, City Manager
Barbara Willis, Finance Director
Rollie Wright, Community Facilities Director
File

**Employee Benefit Committee
Estimated Deposits Report
February 2002 Thru May 2003**

Company Name	Total Deposit	
Coca-Cola Enterprises Bottle Companies	\$10,904.34	
Pepsi-Cola of Las Cruces	\$913.91	\$243.65 (2 Return Item's/Fee \$611.02)
CMC Vending & Food Services	\$206.52	
Woltex Vending Co.- El Paso	\$390.96	
Mesilla Valley Snacks	\$400.78	
Expenses		
Las Cruces Florist	\$580.25	
Las Cruces Trophy	\$106.41	
Frame and Art Center	\$1,086.76	
Employee Recognition Day	\$743.25	
Harvest Day		
Health Fair		
Summer Picnic	\$604.71	
Christmas Dance	\$7,412.48	
Music		
Catering & Party Services		
Liquor/Bartenders		
Insurnace		
50/50 Tickets		
Donations	\$35.00	
March of Dimes		
Miscellaneous		
Office Max	\$50.00	
Checking Account Balance	\$3,055.35	
Savings Account Balance	\$ 4,808.94	

COKE, PEPSI, AND CANDY MACHINE INVENTORY

LAS CRUCES CONVENTION CENTER

1 COKE MACHINE (OLD VERSION)
MAY NOT BE PART OF EBFC
EMPLOYEES STOCK OWN MACHINE

BRANIGAN CULTURAL CENTER

NONE

BRANIGAN CULTURAL CENTER FINE ARTS

NONE

BRANIGAN LIBRARY UPSTAIRS/LOBBY

1 PEPSI MACHINE 45 CENTS
1 COKE MACHINE 50 CENTS
1 CANDY MACHINE (PEPSI COMPANY) 35-50 CENTS

ANIMAL SHELTER

PEPSI 50 CENTS MONEY USED FOR PETTY CASH
COKE 60 CENTS MONEY USED FOR VET. ASST. PROGRAM

CITY HALL (UPSTAIRS WEST SIDE OF BLDG.)

1 CMC CANDY MACHINE 60-75 CENTS
1 COKE MACHINE 50 CENTS
1 PEPSI MACHINE 50 CENTS

DOWNSTAIRS CITY HALL

1 COKE MACHINE 50 CENTS
1 JUICE MACHINE 75 CENTS
1 PEPSI MACHINE 45 CENTS

JUDICIAL BUILDING

1 CANDY MACHINE (PEPSI COMPANY) 50-55 CENTS
1 COKE MACHINE (MAGISTRATE LOBBY) 50 CENTS
1-888-694-3031

MUNICIPAL LOBBY

1 CANDY MACHINE (MESILLA VALLEY SNACKS) 523-1474 \$.60-.75
1 COKE MACHINE

RALPH VERA

TRAFFIC DEPARTMENT

1 DR PEPPER MACHINE (COCA COLA BOTTLING) \$0.50

STREET DEPARTMENT

1 OCEAN SPRAY JUICE MACHINE (PEPSI BOTTLING)	\$0.45
1 COKE MACHINE	\$0.50
1 POWERADE MACHINE (COCA COLA BOTTLING)	\$1.00
1 SNACK MACHINE (MESILLA VALLEY SNACKS)	\$.60-.75
TOM PRODUCTS/OTHER PRODUCTS	

TRANSIT

1 COKE MACHINE (OLD MODEL, BY THE VENDO CO.) FRESNO, CALIFORNIA	\$0.50
1 PEPSI MACHINE(OLD MODEL, BY THE VENDO CO.) FRESNO, CALIFORNIA	\$0.50
1 SNACK MACHINE (DEBBIE PADILLA VENDING SERVICES-522-8418)	\$0.50

SERVICE STATION

1 DR PEPPER (COCA COLA BOTTLING CO.)	\$0.50
1 PEPSI MACHINE	\$0.50

SERVICE CENTER

1 SNACK MACHINE (MESILLA VALLEY SNACKS)	\$.60-.75
1 PEPSI MACHINE	\$0.45
1 COKE MACHINE	\$0.50

City Office Center

1 DR. PEPPER MACHINES	\$0.75
1 COKE MACHINE	\$0.50
1 POWERADE MACHINES	\$0.85
1 PEPSI MACHINES	\$0.50
1 SNACK MACHINE (MESILLA VALLEY SNACKS)	\$.60-.75

LAABS POOL

1 COKE MACHINES	\$1.00	BOTTLE
	\$0.60	CAN

MEERSCHIEDT REC. CENTER

1 PEPSI MACHINES	\$0.50
MESILLA VALLEY SNACKS TOM'S PRODUCTS	\$.50-1.00
1 COKE MACHINE	\$0.50

MESILLA PARK REC.

1 COKE MACHINE	\$0.50
1 SNACK SHOP TOM'S PRODUCT	\$.40-.50

MUNSON CENTER

MESILLA VALLEY SNACKS TOM' PRODUCTS	\$0.60	COKES
WAS TOLD EXEMPT FROM OUR POLICY		
	\$.40-\$.75	SNACKS

APODACA POOL

2 COKE MACHINES	\$0.50	CANS
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		\$1.00	BOTTLES
<u>EAST MESA REC CENTER</u>			
		NONE	
<u>TRANSIT OFFICE</u>			
		NONE	
<u>TRANSIT SHOP</u>			
1 COKE MACHINE		\$0.50	
1 PEPSI MACHINE		\$0.50	
VEN DESIGN MFG		\$0.25	
SNACK MART	DEBBIE PADILLA	\$0.50	
<u>FRENGER POOLS</u>			
2 COKE MACHINES		\$1.00	BOTTLES
		\$0.60	CANS
<u>CLUB FUSION</u>			
1 PEPSI MACHINE		\$0.75	
<u>BENAVIDEZ</u>			
SNACK SHOP AUTOMATIC PRODUCT		\$0.40-.50	
1 COKE MACHINE		\$0.50	
<u>CORRALITOS LANDFILL</u>			
1 PEPSI MACHINE PEPSI CAT #93015			
<u>TRANSFER STATION</u>			
1 PEPSI MACHINE		\$0.45	
1 COKE MACHINE		\$0.60	
1 SNACK SHOP MACHINE			
<u>RECYCLING</u>			
1 COKE MACHINE SER#25604			
1-800-385-7004	SOME PROBLEMS WITH MACHINE AND FILLING		
<u>WASTEWATER TREATMENT PLANT</u>			
1 CANDY MACHINE #25604			
1 COKE MACHINE			
<u>JU BLDG</u>			
<u>BAY AREA</u>			
1 NATURAL JUICE MACHINE (OUT OF SERVICE)			
524-0604			
1 PEPSI MACHINE		\$0.50	
1 WELCH'S JUICE #1632-3153DN	DIXIE NARCO CO.	\$0.75	
2 COKE MACHINES		\$0.50/.75	

COKE #1890-3189CO
DR PEPPER #0720-6542CX

1 MESILLA VALLEY SNACK MACHINE \$0.60

FRONT

1 COKE MACHINE \$0.50
#8PF02278
VENDO CO.

1 MESILLA VALLEY SNACK MACHINE \$0.60

UTILITIES FRONT BREAK ROOM

1 COKE MACHINE
1 VENDING MACHINE

UTILITIES BACK BREAK ROOM

2 COKE MACHINES CAN/BOTTLE
1 VENDING MACHINE
1JUICE MACHINE

FACILITIES PARKS BLDG

1 COKE BOTTLE MACHINE
1 COKE CAN MACHINE
1 SNACK MACHINE-CMC

SUPPORT SERVICES BLDG

1 COKE CAN
1 PEPSI CAN
1 CANDY MACHINE-CMC

SERVICE STATION

1 COKE CAN MACHINE
1 PEPSI

RADIO SHOP

1 COKE CAN MACHINE

ELECTRICAL SHOP

1 COKE CAN MACHINE

AIRPORT

1 COKE CAN MACHINE

VENDING SERVICES AGREEMENT

This Agreement is made and entered into this _____ day of _____, 200__ by and between the **City of Las Cruces**, a New Mexico municipal corporation, hereinafter referred to as "the City," and _____, hereinafter referred to as "the Vendor," for the purpose of permitting placement of vending machines at _____

RECITALS:

WHEREAS, the Vendor has submitted a letter of request to the Las Cruces Employee Benefits Committee for the purpose of placing vending machines at _____

WHEREAS, the Las Cruces Employee Benefits Committee desires to authorize the Vendor to place their vending machines at _____ in return for _____ percent of the gross revenues as authorized by Resolution No. 97-296.

WHEREAS, the City and the Vendor hereby agree, subject to the following terms and conditions stated in Articles I through III, that the City will authorize the Vendor to place vending machines at _____ to sell products from these machines.

NOW, THEREFORE, in consideration of the above recitals, the City and the Vendor mutually agree as follows:

ARTICLE I: REVENUE

1. The City and the Vendor agree that the Vendor will collect all revenues and will pay the City _____ percent of the gross revenues collected at the end of each month.

2. The Vendor agrees to maintain accounting records of the revenues collected from these machines and will make these records available to the City upon written request.

ARTICLE II: PLACEMENT AND MAINTENANCE

1. The Vendor agrees to place their machines in an area mutually agreeable to both the City and the Vendor and in the most feasible secure area that can be determined by both the City and the Vendor.

2. The Vendor agrees to maintain their machines on a regular basis and secure these machines so as to reduce the occurrence of possible vandalism or theft.

3. The City will not be responsible for property damage or personal injury caused by theft from or vandalism of the machines.

ARTICLE III: MISCELLANEOUS

1. This Agreement will be binding upon the successors and assigns of the parties.

2. No prior agreement or understanding, whether verbal or otherwise, of the parties or their agents will be enforceable unless included in this Agreement.

3. This Agreement will not be altered except by written instrument executed by the parties or their successors or assigns.

4. This Agreement expires two (2) years after the date of execution, but may be renewed by the written consent of both parties. However, the City reserves the right to terminate the Agreement for cause, if the Vendor fails to pay the City in accordance with Article I, or if the vending machines create an unsafe condition.

5. Nothing in this Agreement shall be construed as creating a partnership between the City and the Vendor.

6. This Agreement may be terminated by either party with thirty (30) days written notice. Said termination shall not affect the rights and obligations incurred by the parties prior to termination.

7. This Agreement is non-exclusive and the City reserves the right to negotiate other vending services agreements with other vendors for the facility.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first written above.

CITY OF LAS CRUCES

By: _____
James A. Ericson, City Manager

VENDOR

By: _____

(print name)

(print title)

APPROVED:

CITY ATTORNEY

By: _____
Assistant City Attorney



City of Las Cruces

COUNCIL ACTION FORM

For Meeting of June 16, 2003
(Adopted Date)

TITLE: A RESOLUTION REPEALING RESOLUTION NO. 79-282 AND AUTHORIZING THE REFORMATION OF THE EMPLOYEE BENEFIT COMMITTEE TO CONTRACT, COLLECT AND CONTROL THE FUNDS RECEIVED FROM THE OPERATION OF FOOD AND BEVERAGE VENDING MACHINES LOCATED ON CITY PROPERTY.

BACKGROUND:

The Employee Benefit Committee was established on May 7, 1979. Its purpose is to contract, collect and control the funds received from the sales of food and beverage items sold in the vending machines located throughout the various city facilities. These funds are then used for employee related functions (Christmas dance, summer picnic, framed prints for retirees, flowers/plants for funeral services/hospitalization, and other related events). Expenditures for these events must meet the Anti-Donation Clause as outlined in the attached memo from the City Attorney detailing what is permissible under the N.M.A.G. Op. No. 97-02. Funds are deposited in a checking and savings account which the committee has established according to the existing by-laws. Financial statements are prepared on a monthly basis and meeting minutes are prepared and kept to record all committee business.

By-laws state that the city manager, division directors or their designees shall be appointed to the committee. The committee is currently comprised of a representative from each department as designated by the director.

It has been recommended that the Employee Benefit Committee update its by-laws to accurately reflect participation on the committee, deposit the funds receipted into a special City fund and have disbursements from that fund be made only to accomplish the stated purpose of the committee, and to update service agreements with all vending machine vendors. Bylaws and vendor service agreements will be updated upon approval of this resolution.

SUPPORT INFORMATION:

1. Resolution No. 79-282
2. Resolution 80-14
3. Resolution 87-162
4. Existing By-laws
5. Copy of Memo ref. Anti-Donation Clause

(Continue on additional sheets as required)

Name Of Drafter: Marie Perez		Department: Administration		Phone: 528-3026	
Department	Signature	Phone	Department	Signature	Phone
Originating Department	<i>Marie Perez</i>	X 3026	Budget	<i>[Signature]</i>	
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	

Council Action Form

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Account Number	Amount of Expenditure	Budget Amount
NO FISCAL IMPACT		

6. Financial Report
7. List of Vending Machine Locations
8. Proposed Vending Services Agreement

COUNCIL OPTIONS:

1. Approve the Resolution;
2. Reject the Proposed Resolution and provide Committee with other direction.