

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Cynthia D. Calderon

Patricia A. Taylor

Joseph D. Calderón

Garry A. Buie

Don R. Gerth

City Manager

J. J. Murphy

February 6, 2017



Hobbs City Commission
Regular Meeting
City Hall, City Commission Chamber
200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico

Monday, February 6, 2017 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Cynthia D. Calderon
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Garry A. Buie
Commissioner - District 5

Don R. Gerth
Commissioner - District 6

A G E N D A

*City Commission Meetings are
Broadcast Live on KHBX FM 99.3 Radio
and Available via Livestream at www.hobbsnm.org*

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the January 17, 2017, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

PUBLIC COMMENTS *(For non-agenda items.)*

CONSENT AGENDA *(The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.)*

2. Consideration of Approval of the Columbarium Burial Agreement Form and Columbarium Niche Door Inscription Guidelines *(Doug McDaniel)*
3. Resolution No. 6510 - Adoption of Title VI Plan *(Todd Randall)*

DISCUSSION

4. Re-Opening of the Waste Isolation Pilot Plant (WIPP) *(Todd Shrader, DOE Carlsbad Field Office Manager)*
5. Citizen Survey *(J. J. Murphy, Britt Lusk)*

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

6. Resolution No. 6511 - Opposing the Legalization of Recreational Marijuana Use in the State of New Mexico *(J. J. Murphy)*
7. Resolution No. 6512 - Approving the City of Hobbs 2016 Fiscal Year Audit Report as Prepared by the City's Audit Firm, RPC CPA + Consultants, LLP *(Toby Spears)*
8. Resolution No. 6513 - Approving the FY 2017 2nd Quarter Financial Report for the New Mexico Department of Finance and Administration *(Toby Spears)*
9. Resolution No. 6514 - Approving the FY 2017 2nd Quarter Lodgers' Tax Financial Report for the New Mexico Department of Finance and Administration *(Toby Spears)*
10. Resolution No. 6515 - Approving an Affordable Senior Housing Funding Commitment and Letter of Financial Support to Yes Housing, Inc., for a Proposed Affordable Senior Housing Complex to be Located Northeast of the Intersection of Berry and Grimes Streets *(Kevin Robinson)*
11. Resolution No. 6516 - Approving an Affordable Senior Housing Funding Commitment and Letter of Financial Support to Chelsea Investments Corporation for a Proposed Affordable Senior Housing Complex to be Located Northwest of the Intersection of Dunnam and Fowler Streets *(Kevin Robinson)*
12. Resolution No. 6517 - Affirming or Denying a Variance Granted by the City of Hobbs Planning Board Allowing a Subdivision on Property Located Within the Extraterritorial Jurisdiction Not Adjacent to Public Property *(Mike Stone)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

13. Next Meeting Date: **TO BE DETERMINED**

- ▶ The Hobbs City Commission will not have a quorum for its next regularly-scheduled meeting on ***Tuesday, February 21, 2017***. A discussion will be held to schedule the date of the next meeting.

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9207 at least 72 hours prior to the meeting or as soon as possible.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: February 1, 2017
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of January 17, 2017

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

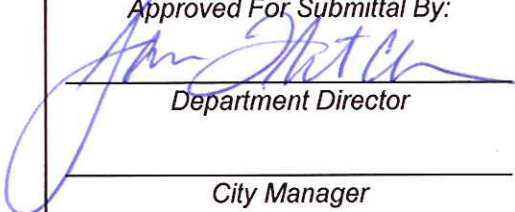
Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Minutes of the regular meeting of the Hobbs City Commission held on Tuesday, January 17, 2017, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Cynthia Calderon
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present:

J. J. Murphy, City Manager
Mike Stone, City Attorney
Efren Cortez, Assistant City Attorney
Chris McCall, Police Chief
Brian Dunlap, Deputy Police Chief
Charles Cunningham, Police Captain
Michael Walker, Police Captain
Manny Gomez, Fire Chief
Barry Young, Deputy Fire Chief
Paul Thompson, Fire Captain
Raymond Bonilla, Community Services Director
Art De La Cruz, Code Enforcement Superintendent
Todd Randall, City Engineer
Meghan Mooney, Director of Communications
Toby Spears, Finance Director
Tanya Sanchez, Accounting Operations Supervisor
Deborah Corral, Assistant Finance Director
Ronny Choate, General Services Director
Shawn Williams, Fire Marshal
Tim Woomer, Utilities Director
Nicholas Goulet, Human Resources Director
Karen Nevarez, Assistant Human Resources Director
Ron Roberts, Information Technology Director
Doug McDaniel, Parks and Recreation Director
Matt Hughes, Golf Course Superintendent
Britt Lusk, Teen Center Supervisor
Sandy Farrell, Library Director
Ann Betzen, Executive Assistant/Risk Manager
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
26 citizens

Invocation and Pledge of Allegiance

Commissioner Taylor delivered the invocation and Commissioner Cynthia Calderon led the Pledge of Allegiance.

Approval of Minutes

Commissioner Joseph Calderón moved that the minutes of the regular meeting held on January 3, 2017, and the special Commission meeting held on January 4, 2017, be approved as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming Monday, January 16, 2017, as "Dr. Martin Luther King, Jr., Day". Mayor Cobb proclaimed Monday, January 16, 2017, as "Dr. Martin Luther King, Jr., Day". Mayor Cobb presented the proclamation to Mr. Joe Cotton, Reverend B.J. Choice, Ms. Evelyn Rising and Ms. Wanda Bell. Mr. Cotton stated a Dr. Martin Luther King March was held and it was a united event which was well attended and enjoyed by all.

Public Comments

Reverend Choice thanked Mr. J. J. Murphy, City Manager, for his service to the City of Hobbs. He stated Mr. Murphy is responsive to him and sets a high bar as a City Manager. Reverend Choice wished Mr. Murphy well in his endeavors.

Ms. Pat Huntley brought a small dog friend, "Ned", who was rescued after a flood but was not cared for properly by the people who adopted him. Ms. Huntley read an inspiring story of a woman who would not give up helping abandoned animals.

Mayor Cobb expressed appreciation to Ms. Huntley for what she does in the community by rescuing animals.

Commissioner Joseph Calderón stated Ms. Huntley is an angel and applauded her for what she does in assisting abandoned animals.

In response to Ms. Helen Houston's question, Mr. Art De La Cruz, Code Enforcement Superintendent, stated animals may be tied up in a yard but they must be tethered. He also stated that animals in the community need to be spayed, neutered and leashed when in public parks or neighborhoods. Ms. Houston stated her grandchild was bitten by a stray dog.

Mayor Cobb stated that enforcement of animals roaming at large are based on complaints and citizens need to notify the City. He stated it is hard to locate animals running at large.

Ms. Matilda Gonzales thanked Mr. Murphy and the Hobbs Police and Fire Departments for assisting and relocating her family when the ceiling collapsed at their apartment at La Pradera.

Mayor Cobb stated La Pradera is one of the City's Affordable Housing Projects and the Commission is aware of the flooding situation. Fire Chief Manny Gomez stated two other apartments had the same situation with a total of three within one week.

In reply to Mr. Robert Lujan's inquiry, Mayor Cobb stated the Commission recently approved a Federal grant for the Police Department that would provide police officers to interact with citizens in community meetings. He stated meetings with the community will begin soon.

Consent Agenda

There were no items presented for consent agenda.

Discussion

There were no items presented for discussion.

Action Items

Consideration of Approval of Travel and Professional Development Training Expenses for J. J. Murphy to Attend the Harvard Kennedy School Program Entitled "Leadership for the 21st Century".

Mr. Murphy requested permission from the Commission to attend the professional development training at the Harvard Kennedy School Program Entitled "Leadership for the 21st Century". He stated registration for the training class was discussed with Mayor Cobb in early December, 2016, and the City Commission approved his training budget during the regular budgetary process. He stated if the Commission approves the professional development training, he will offer three concessions as follows:

1. He will agree not to attend any more training except those sessions hosted by the New Mexico Municipal League and/or International City Manager Association.

2. He will repay the tuition if he is not the City Manager in 30 days after attending the training; and
3. He will reimburse the City and be responsible for the cost of the airfare.

In reply to Commissioner Buie's question, Mr. Murphy stated he is responsible for a \$200 million budget and makes important decisions in the organization. He stated other leaders of large communities attend similar training to learn new techniques in business management. Mr. Murphy stated his contract expires on August 23, 2017. He stated he desires to stay in Hobbs and is willing to negotiate to extend his contract without a salary increase.

Commissioner Joseph Calderón stated he and Commissioner Newman observed a City mid-level supervisory training during which employees stated what things they felt needed to be changed within the City for it to become successful with its employees. He stated the Hobbs Municipal Schools also sends members of its staff to similar training at the University of Virginia.

Commissioner Newman stated what he observed and heard at the supervisory training is that communication throughout the organization needed to improve.

Commissioner Newman stated the tuition for the professional development training at Harvard has already been paid by the City without the Commission's approval. He stated this is not right in his perspective. Commissioner Newman stated the City will lose the tuition money if the Commission votes "no" as the registration fee has already been paid.

In response to Commissioner Joseph Calderón's inquiry, Police Chief Chris McCall stated the FBI Academy Training is a part of succession planning to step forward and grow the department. He stated the best training he has attended are the FBI Academy Training, Harvard and the LEADS Training at the University of Virginia. He stated they have all helped him grow professionally and personally.

Commissioner Buie questioned a memo that was sent to Department Heads to cut back on travel. Mr. Murphy stated he continues to approve travel everyday for employees and yet today, he approved travel for three City employees. He stated 20% of the Travel and Training Budget was cut in Spring 2016 and he requested that Department Heads scrutinize travel and training. Mr. Murphy stated not many requests for travel and training have been denied. He stated 50 employees have traveled for training in the past four months.

In reply to Commissioner Newman's inquiry, Mr. Murphy stated 40 hours will be credited as professional development toward his educational requirements as a Credentialed City Manager.

In reply to Commissioner Taylor's question, Mr. Murphy stated the amount being requested for travel was budgeted in the FY 17 Budget.

Commissioner Cynthia Calderon stated she has reviewed the City Manager's contract which clearly states the City Commission should approve travel for the City Manager. She stated the tuition has already been paid without the approval of the City Commission.

In response to Commissioner Cynthia Calderon's inquiry, Mr. Murphy stated historically the City Commission approves the City Manager's Training and Travel budget line item during the budget approval process and the Mayor approves the individual training and travel throughout the year. He stated it is not black and white but a gray area. Mr. Murphy stated the City Commission can firm up the language in the contract. He stated his proposed amended employment contract, which stated the Mayor would solely approve all training and travel for the City Manager, was voted down.

In reply to Commissioner Cynthia Calderon's question, Mr. Mike Stone, City Attorney, stated a standard contract is given to the City Manager when first hired and then the Commission will negotiate the specific terms of the contract.

Commissioner Cynthia Calderon stated the terms of the City Manager's contract need to be followed. She stated that all supervisors do need to be educated.

Mr. Nicholas Maxwell raised his hand to speak. Mr. Stone stated it is the discretion of the Mayor if he wishes to have public input on an agenda item. He stated Section 10-15-1 of the Open Meetings Act states the public has the right to attend and listen to the Commission meetings.

Mayor Cobb stated there has already been enough conversation regarding the training item. He declined Mr. Maxwell's request to speak regarding the matter.

Following a brief discussion, Commissioner Joseph Calderón moved to approve the professional development training expenses for J. J. Murphy to attend the Harvard Kennedy School Program Entitled "Leadership for the 21st Century in the amount of \$7,600.00 with the following specifications:

1. He will agree not to attend any more training except those sessions hosted by the New Mexico Municipal League and/or International City Manager Association.
2. He will repay the tuition if he is not the City Manager in 30 days after attending the training; and
3. He will reimburse the City and be responsible for the cost of the airfare.

Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman no, Cynthia Calderon yes, Taylor yes, Joseph Calderón Buie no, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1099 - Amending Chapter 8.32 of the Hobbs Municipal Code Pertaining to Adoption of the 2015 International Fire Code.

Fire Marshal Shawn Williams explained the proposed ordinance and stated the Fire Department is seeking to adopt the International Fire Code 2015 Edition. He stated the adoption of the Fire Code will provide consistency with the International Building Code 2015 Edition recently adopted by the City of Hobbs and the State of New Mexico.

In response to inquiries by Commissioners Cynthia Calderon and Buie, Fire Marshal Williams stated the adoption of the 2015 International Fire Code will assist in bringing buildings into compliance with code. He stated there could be a cost associated in bringing the buildings up to code but it will help prevent incidents such as the ones at La Pradera.

In response to a citizen inquiry, Fire Marshal Williams stated the adoption of the new code is primarily for commercial buildings.

Proper publication having been made, and there being no further public comment or further discussion, Commissioner Newman moved that Ordinance No. 1099 be adopted as presented. Commissioner Calderón seconded the motion and the vote was recorded as follows: Cynthia Calderon yes, Taylor yes, Newman yes, Gerth yes, Joseph Calderón yes, Buie yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1100 - Amending Section 2.28.040 of the Hobbs Municipal Code to Allow Meetings of the Community Affairs Board to be Held Every Other Month.

Mr. Doug McDaniel, Parks and Recreation Director, explained the proposed ordinance and stated the City's current ordinance requires the Community Affairs Board to meet on a monthly basis. He stated the Board has expressed a desire to have the City Commission approve a change in the ordinance that would allow for bi-monthly meetings. The Board believes that it can accomplish all of its duties with bi-monthly meetings along with having the ability to call a special meeting, if necessary.

In reply to Commissioner Buie's question, Mr. McDaniel stated the Cemetery Board changed its meeting to meet every other month and the Community Affairs Board has requested to follow suit.

Mayor Cobb stated if an issue needs an immediate attention, the Community Affairs Board can hold a special meeting to meet those needs.

Proper publication having been made, and there being no public comment or further discussion, Commissioner Gerth moved that Ordinance No. 1100 be adopted as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

Resolution No. 6509 - Authorizing Budgetary Adjustment #4 for the Fiscal Year 2016-2017.

Ms. Deborah Corral, Assistant Finance Director, stated the budget is prepared prior to the beginning of the fiscal year and it becomes necessary to adjust the budget for items not contemplated at the time of its preparation or for issues that arise during the fiscal year. She stated the expenditures increased by \$4,683,613.66 changing the total expenditures from \$215,885,947.14 to \$220,569,560.80. Ms. Corral further stated the total revenues increased by \$4,470,710.62 changing the total revenues from \$133,104,304.27 to \$137,575,014.89. She stated these changes do not alter the general fund reserve which remains at 12%.

There being no further discussion, Commissioner Buie moved that Resolution No. 6509 be adopted as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Consideration of Approval of Bid No. 1550-17 for C.O.R.E./HWLC Off-Site Utility Extension Project and Recommendation to Accept Bid from Desert Utility & Paving, LLC, in the Amount of \$406,390.00 Plus GRT.

Mr. Todd Randall, City Engineer, explained the bid and stated the C.O.R.E./HWLC Off-Site Utility Extension Project consists of utility improvements in support of the C.O.R.E. project and surrounding development including water line, water valves, sewer line, sewer manholes, street lights and foundations, conduit, pull boxes, and wiring. He stated the utility improvements are a portion of the total development that also include the construction of Synergy Park Blvd., Suerte Drive and Scenic Drive as well as the railroad corridor drainage improvements project which is currently under construction.

There being no discussion, Commissioner Joseph Calderón moved to approve the bid from Desert Utility & Paving, LLC, for C.O.R.E./HWLC Off-Site Utility Extension Project in the amount of \$455,437.82 including GRT. Commissioner Taylor seconded the motion

and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Gerth yes, Cobb yes. The motion carried.

Consideration of Approval of Task Order to Pettigrew & Associates for an Elevated Reservoir Feasibility Study.

Mr. Tim Woomer, Utilities Director, explained the task order and stated a 2016 Water Trust Board Grant/Loan/Match in the amount of \$586,400.00 has been authorized for the design of the City of Hobbs' North East reclaimed water distribution pipeline and to conduct a feasibility study to evaluate the construction of an elevated storage reservoir at a proposed Hobbs Industrial Airpark (H.I.A.P.) area site. He stated out of 16 firms, only two firms submitted a study. Pettigrew & Associates and Molzen-Corbin Engineering responded and the proposal submitted by Pettigrew & Associates was ranked the highest. Mr. Woomer stated a task order has been prepared for Pettigrew & Associates to complete up to three components, or deliverables, of the study. He explained each deliverable and stated each one will be individually authorized through a formal Notice to Proceed (NTP) depending on the findings and conclusions of the previous deliverable as follows:

1. **Deliverable #1A:** Evaluate the existing Harden Elevated Water Reservoir (0.5MG) in relationship to meeting current construction standards and develop a general work plan, including preliminary cost estimates to disassemble, transport and reassemble the tank at the proposed HIAP site - \$27,555.00.
2. **Deliverable #1B & C:** Provide a general work plan and preliminary cost estimates for the construction of (1) a new 0.5 MG typical multi-leg, elevated reservoir, and (2) a new 0.5MG pedestal spheroid elevated reservoir - \$21,730.00.
3. **Deliverable #1D:** Prepare a formal, engineer-stamped, comparison report based on the information gathered for City usage, as well as reference material required for application and submission of State funding requests - \$19,645.00.

Mayor Cobb stated it is more expensive to maintain the tank than to construct. He commended Mr. Woomer for a great idea.

In reply to Commissioner Taylor's inquiry, Mr. Woomer stated a new tower is more effective than maintaining an old tower.

Commissioner Joseph Calderón moved to approve the task order to Pettigrew & Associates for an elevated reservoir feasibility study in the amount of \$68,930.00. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Comments by City Commissioners, City Manager

Mr. Murphy stated the City is engaged with private vendors that are interested in operating the Taylor Ranch project.

Mr. Murphy stated City staff were scrutinized in recent months for having traveled to Italy to view Myrtha Pools. He stated Nor-Lea Hospital in Lovington, New Mexico, will be buying and installing Myrtha Pools at their new facility along with gym equipment from Techno Gym just as the City of Hobbs.

Commissioner Gerth thanked everyone for their attendance at tonight's meeting. He stated Commissioners can get heated with one another over topics but leave the building as friends.

Commissioner Cynthia Calderon thanked all the City employees for all of their hard work.

Commissioner Taylor also thanked everyone for their attendance at tonight's meeting.

Commissioner Taylor thanked Mr. Murphy for his actions on recent complaints she had received. She also thanked Mr. Murphy for the Taylor Ranch Project still being on the table.

Commissioner Taylor thanked Mr. Lujan for his persistence on the interaction of police officers with citizens in community meetings.

Commissioner Newman acknowledged Mr. Nick Calderon, husband of Commissioner Cynthia Calderon, in the audience.

Mayor Cobb thanked everyone for attending the meeting.

Adjournment

There being no further discussion or business, Commissioner Joseph Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion. The vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:25 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: CONSIDER ADOPTION OF THE COLUMBARIUM BURIAL AGREEMENT AND COLUMBARIUM NICHE DOOR INSCRIPTION GUIDELINES

DEPT. OF ORIGIN: Parks and Recreation
DATE SUBMITTED: January 31, 2017
SUBMITTED BY: Doug McDaniel, Parks and Recreation Director

Summary:

With the assistance of the Legal Department, an agreement has been drafted and approved by the Cemetery Board that governs the purchase and use, in perpetuity, of columbarium niches at Prairie Haven Memorial Cemetery. There was no such document in place previously. The agreement details purchase price, maintenance, repairs, disinterment and conveys all needed information to the purchaser. If adopted, this agreement will be used going forward and will also be executed by those who have previously purchased columbarium niches. Guidelines for inscriptions on columbarium niche doors have also been approved by the Cemetery Board and are attached for adoption. Inscriptions are limited to text, as detailed in the guidelines, with only military ranks and/or professional titles allowed.

Fiscal Impact:

Reviewed by: [Signature]
Finance Department

Each columbarium niche that is purchased generates \$530.00 of revenue. If two sets of cremains are to be placed in the niche, a total of \$1,060.00 of revenue is generated. (A maximum of two sets of cremains may be placed in each niche.)

Attachments: Copy of Columbarium Burial Agreement, Copy of Columbarium Niche Door Inscription Guidelines

Legal Review:

Approved As To Form:
[Signature]
City Attorney

Recommendation:

Staff recommends Adoption of the Columbarium Burial Agreement and Columbarium Niche Door Inscription Guidelines.

Approved For Submittal By:

[Signature]
Department Director
[Signature]
Acting City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

PRAIRIE HAVEN MEMORIAL PARK
COLUMBARIUM BURIAL AGREEMENT

This Agreement is made and entered into this ____ day of _____, 20 ____, between the CITY OF HOBBS, a municipal corporation organized and existing under the laws of the State of New Mexico, (hereinafter referred to as the "CITY"), and _____ (hereinafter referred to as "PURCHASER").

WHEREAS, pursuant to NMSA 1978, §3-40-1(A), CITY currently has established, maintains, and regulates a cemetery commonly known as Prairie Haven Memorial Park; and

WHEREAS, pursuant to NMSA 1978, §3-40-5(C) the Cemetery Board with approval of the Hobbs City Commission has adopted Rules and Regulations for the operation of Prairie Haven Memorial Park; and

WHEREAS, CITY owns columbaria units, located at Prairie Haven Memorial Park, which offers citizens an alternative to burying cremated remains; and

WHEREAS, CITY and PURCHASER wish to contract for the perpetual use of one such columbarium unit "niche"; and

NOW, THEREFORE, it is understood and agreed by CITY and PURCHASER that this Agreement will control the perpetual use of the individual outlined columbarium unit niche (herein after referred to as "NICHE") pursuant to all provisions contained herein.

CITY and PURCHASER agree as follows:

1. DEFINITIONS.

"Cemetery" means a place dedicated to and used and intended to be used for the permanent interment of remains.

"Columbarium" means a structure or space in a structure used, or intended to be used, to contain cremated remains.

"Cremated Remains" means remains after incineration in a crematory.

"Niche" means a recess in a columbarium used, or intended to be used, for the permanent interment of cremated remains.

"Purchaser" means a person in whose name the niche is recorded in the Office of the City Clerk as owner of the exclusive right of burial, or who holds from the City Clerk a conveyance of the exclusive rights of burial from the original recorded person.

2. DESCRIPTION OF COLUMBARIUM NICHE. CITY is the owner of and has the right to convey that certain NICHE as described in the City of Hobbs Columbaria Information Sheet, which is attached hereto and incorporated herein by reference.

3. TERM OF AGREEMENT. The term of this Agreement shall be “perpetual” as it is the explicit intent of the Parties that the NICHE described herein serve as the final resting place for the cremated remains of PURCHASER.

4. PURCHASE PRICE. Upon execution of this Agreement, PURCHASER shall remit the sum of \$530.00 which shall constitute the Placement Fee and the Perpetual Care Fee for said NICHE. Each niche may hold two (2) sets of cremated remains. Should two (2) sets of cremated remains be requested, PURCHASER shall remit the sum of \$530.00 outlined herein for EACH set for a total of \$1,060.00 which shall constitute the Placement Fee and Perpetual Care Fee for said NICHE. In the event that placement of the cremated remains shall be required on Saturdays, Sundays, and/or City observed Holidays, PURCHASER shall remit an additional \$400.00 for said placement.

PURCHASER may satisfy the sums outlined herein through execution of a “payment plan” referred to as an Installment Loan Contract with the Office of the City Clerk. The payment plan outlined herein shall only be allowed if niche is purchased “Pre-Need.” The prices outlined herein have been established via Hobbs Municipal Code Section 12.32.060.

5. NO DEED TO ISSUE. Unlike burial lots, niches at Prairie Haven Memorial Park are enclosures in an above-ground structure and do not permanently occupy any land beneath the surface of the earth. As such, PURCHASER explicitly understands that purchase of NICHE shall not result in PURCHASER obtaining title to the real property associated with the columbaria. As such, PURCHASER will not receive a deed of any form as a result of the purchase of NICHE.

6. MAINTENANCE, REPAIRS, AND ALTERATIONS. CITY shall be responsible for any and all maintenance and repairs of the columbarium units located at Prairie Haven Memorial Park. PURCHASER may provide for inscriptions on the door of NICHE so long as said inscriptions are within the guidelines of the Columbarium Niche Door Inscription Form Guidelines, incorporated herein by reference, which were in place at the time of purchase.

7. REMOVAL OF CREMATED REMAINS – DISINTERMENT. It is the intent of CITY and PURCHASER to be bound by the Disinterment Procedures as outlined in the Rules and Regulations for the operation of Prairie Haven Memorial Park as they apply to burials. Specifically, all disinterments must be scheduled through a licensed Funeral Director. CITY and PURCHASER shall not otherwise remove cremated remains from NICHE. Parties intend that criminal statutes apply to the unlawful removal of cremated remains from NICHE or defacing of columbarium units. Specifically, “Disturbing Marked Burial Ground,” per NMSA 1978, §30-12-12, and “Defacing Tombs,” per NMSA 1978, §30-12-13, shall apply respectively.

8. CONVEYANCE LIMITATIONS. PURCHASER shall not grant, bargain, sell, convey or assign NICHE or any portion thereof. Should PURCHASER attempt to grant, bargain, sell, convey or assign NICHE or any portion thereof, CITY shall have the right to re-enter and

repossess the same, and all rights, title and interests of said "grantee" shall extinguish and said NICHE or any portion thereof shall revert to CITY.

If the cremated remains are being placed in NICHE pursuant to written instructions, PURCHASER shall assume all liability for placement of said cremated remains in NICHE. Where no written instructions regarding the disposition of a decedent's remains exist, PURCHASER affirms that s/he has the right to place cremated remains of decedent in NICHE as their final resting place as allowable by NMSA 1978, §24-12A-2(A)(1-6) or (B).

PURCHASER'S intent shall be explicitly stated as follows (please mark one option):

_____ I am purchasing NICHE as my own final resting place (Pre-Need).

_____ I am purchasing NICHE as the resting place of a deceased person.

Pursuant to the Rules and Regulations as adopted by the Hobbs Cemetery Board and the Hobbs City Commission, citizens may purchase a niche and ask that two (2) cremated remains be allowed in the niche. If such a request is made, there will be incurred a fee of \$530.00 for EACH cremated remains placed in the niche as noted in Paragraph 4 above.

_____ I am purchasing NICHE as my own final resting place (Pre-Need) and the resting place of another _____ who is currently deceased / living (circle one).

9. TERMINATION. The PURCHASER may terminate this Agreement only if no cremated remains have been placed in NICHE prior to termination. In the event PURCHASER seeks to terminate Agreement, s/he must do so in writing and cause said writing to be delivered to the Office of the City Clerk located at 200 E. Broadway, Hobbs, New Mexico 88240. If termination notice served, within thirty (30) days of receipt CITY shall purchase NICHE from PURCHASER and PURCHASER shall simultaneously execute a Release of Claims. The purchase price for NICHE upon termination shall be the price outlined in Paragraph 4 herein and reflected on the executed City of Hobbs Columbaria Information Sheet.

10. MISCELLANEOUS.

Severability. The invalidity of any provision of this Agreement, as determined by a Court of competent jurisdiction, shall in no way affect the validity of any other provision hereof.

Captions. Paragraph and sub-paragraph captions are intended solely for reference purposes.

Prior Agreement. This Agreement contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective.

Choice of Law. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction shall lie with the Fifth Judicial District Court located in Lovington, New Mexico.

Attorney's Fees. If either party files an action to enforce any agreement contained in this Agreement or for breach of any covenant or condition, the prevailing party shall be entitled to its reasonable attorney's fees. All fees shall be fixed by the Court.

11. SUCCESSOR'S BOUND. The covenants, conditions and agreements contained in this Agreement shall bind and inure to the benefit of the CITY and PURCHASER and their respective successors and assigns.

The foregoing constitutes the entire agreement between the parties and may be modified only in writing signed by both parties.

IN WITNESS WHEREOF, the CITY has caused this instrument to be executed in its corporate name by its Mayor and its corporate seal to be affixed hereto and attested by its CITY Clerk and PURCHASER, this the day and year first above written.

ATTEST:

PURCHASER

THE CITY OF HOBBS, NEW MEXICO

By: _____

By: _____
SAMUEL D. COBB, Mayor

JAN FLETCHER, City Clerk

STATE OF NEW MEXICO)
) ss:
COUNTY OF LEA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by SAMUEL D. COBB, Mayor of the City of Hobbs, New Mexico, a municipal corporation, on behalf of said municipal corporation.

My Commission Expires:

_____ NOTARY PUBLIC

STATE OF NEW MEXICO)
) ss:
COUNTY OF LEA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, on behalf of PURCHASER, Inc.

My Commission Expires:

_____ NOTARY PUBLIC



Cemetery Division
(p) 575-397-9296
(f) 575-397-9371

**CITY OF HOBBS
COLUMBARIUM NICHE DOOR
INSCRIPTION FORM GUIDELINES**

LINE LIMITS:

LINES #1- 5 19 CHARACTERS OF TEXT AT 3/4" STANDARD FONT

LINE #6 17 CHARACTERS OF TEXT AT 3/4" STANDARD FONT

LINES #7-11 19 CHARACTERS OF TEXT AT 3/4" STANDARD FONT

INSCRIPTION NOTES:

CHARACTER TEXT INCLUDES SPACES BETWEEN LETTERS

NO EMBLEMS/SYMBOLS/ARTWORK ALLOWED

MILITARY RANKING AND/OR PROFESSIONAL TITLE ALLOWED

(SUBJECT TO APPROVAL BY PARKS SUPERINTENDENT)

Purchaser



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6th, 2017

SUBJECT: RESOLUTION No. 6510 - ADOPTION OF TITLE VI PLAN

DEPT. OF ORIGIN: Engineering Department

DATE SUBMITTED: January 31st, 2017

SUBMITTED BY: Todd Randall, City Engineer

Summary:

A City Title VI Plan is required to be created, adopted and implemented in conjunction with the requirements for the City's Federal Transportation Funding. Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes require recipients and subrecipients of federal financial funds to ensure no person is excluded from participation in, denied benefits of, or is subject to discrimination on the basis of race, color, national origin, gender, age, or disability in any federal-assisted program or activity. Recipients and subrecipients must also comply with Executive Orders, which reflect federal policies regarding environmental justice and limited-English proficiency.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

Federal Grant projects are an important source of revenue to make improvements in the City. Without an adopted Title VI Plan would not be eligible for Federal Transportation Funding.

Attachments:

Resolution, Title VI Plan

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Consideration of approving the Resolution for the Mayor to execute the City of Hobbs Title VI Plan.

Approved For Submittal By:

[Signature]
Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Ordinance No. _____

Approved _____

Other _____

Continued To: _____

Referred To: _____

Denied _____

File No. _____

CITY OF HOBBS

RESOLUTION NO. 6510

**APPROVING THE
TITLE VI PROGRAM**

WHEREAS, the Federal Transit Administration (FTA) of the United States Department of Transportation (USDOT) requires the submission of a Title VI Program once every three years; and

WHEREAS, the attached Title VI Program has been prepared to meet that requirement in order to ensure the continuation of the receipt of Federal Transportation funding.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be, and hereby is, authorized to execute the Title VI Program plan for the City of Hobbs.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Title VI Plan

City of Hobbs, New Mexico

Adopted February 6th, 2017

I. Nondiscrimination Statement of Policy

Title VI Policy Statement

The City of Hobbs is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The City of Hobbs assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Hobbs program, activity or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Environmental Justice/Limited English Proficiency Policy Statement

The City of Hobbs is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the City of Hobbs also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the City of Hobbs to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

City of Hobbs efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.

- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

City of Hobbs programs and services covered by Title VI

The City of Hobbs Title VI Plan applies to all of the City of Hobbs programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA, FAA funded programs).

Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);

- 13.28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
14.28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

II. FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

The City of Hobbs (hereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) or Federal Aviation Administration (FAA), is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *non-discrimination, In Federally-Assisted Programs Of The Department of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the DOT, including the FHWA and FAA."

Specific Assurances

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs and activities:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient shall insert the following notification in all solicitations for bids, Request For Proposals for work, or material subject to the Acts and the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Hobbs in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend the right to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties.
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. For work funded by the Federal Aviation Administration, the recipient shall insert the "Required Contract Provisions for Airport Improvement Program and for Obligated Sponsors" in all contracts and shall abide by the grant Assurances issued by the Federal Aviation Administration in lieu of the clauses contained in the Appendices.
9. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

10. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

11. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, the City of Hobbs also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration or Federal Aviation Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration or Federal Aviation Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, Federal Aviation Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Hobbs gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under Federal-Aid Highway Program or Federal Aviation Administration program. This ASSURANCE is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest and other participants in the Federal-Aid Highway Program or Federal Aviation Administration program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

By _____

Dated: _____

Appendix A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- 1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time-to-time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
- 2. Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by THE Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Hobbs, New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the City of Hobbs, New Mexico Department of Transportation or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance:** In the event of the contractor's non-compliance with the nondiscrimination provisions of this contract, the City of Hobbs will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating or suspending the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the City of Hobbs or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the City of Hobbs to enter into any litigation to protect the interests of the City of Hobbs. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

Covenant Running with the Land Assurance

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of New Mexico will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of New Mexico all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(Habendum Clause)

TO HAVE AND TO HOLD said lands and interests therein unto the State of New Mexico and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the State of New Mexico, its successors and assigns.

The State of New Mexico, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the State of New Mexico will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have a right to enter or re-enter said

lands and facilities on said land, and the above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such clause is necessary in order to Make clear the purposes of Title VI of the Civil Rights Act of 1964.)

Appendix C

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Hobbs, pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Hobbs will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Hobbs will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Hobbs and its assigns.*

(* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix D

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Hobbs pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to the deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Hobbs will there upon revert to and vest in and become the absolute property of the City of Hobbs and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 *et seq.*)

III. Public Participation Plan (PPP)

The City of Hobbs Public Participation Plan (PPP) describes how the City of Hobbs will ensure all members of the public have equal access to outreach, involvement, and participation in transportation programs, activities, and services.

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. No person shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any transportation program, activity, or service.

The City of Hobbs ensures open communication, distribution of information, and notification to members of the public through dissemination of public meeting announcements, City of Hobbs meeting notices, and agendas. Communication and distribution of information for members of the public will be made available on the City of Hobbs website, in the local Hobbs News Sun newspaper, on local radio and TV broadcasting stations, on the City of Hobbs social media sites, and at public meetings in a format that is accessible for limited English proficient (LEP) individuals. This will include translation of relevant documents into other languages as appropriate, and may include the presence of translators at public meetings. Through local knowledge community liaisons can assist with outreach efforts. The City of Hobbs will ensure that the input and feedback from all individuals, groups of individuals, and entities will be considered in the development of transportation programs, activities, and services. Input received from minority populations will be considered equally and in the same fashion any other input would be considered.

The needs of those traditionally underserved by the existing system will be sought and considered by the City of Hobbs. The City of Hobbs will consider Environmental Justice (EJ) concerns by avoiding, minimizing, or mitigating disproportionately high and adverse effects on underserved individuals. The City of Hobbs is further committed to ensuring access to participation and reducing barriers in the decision-making process for low income and minority individuals.

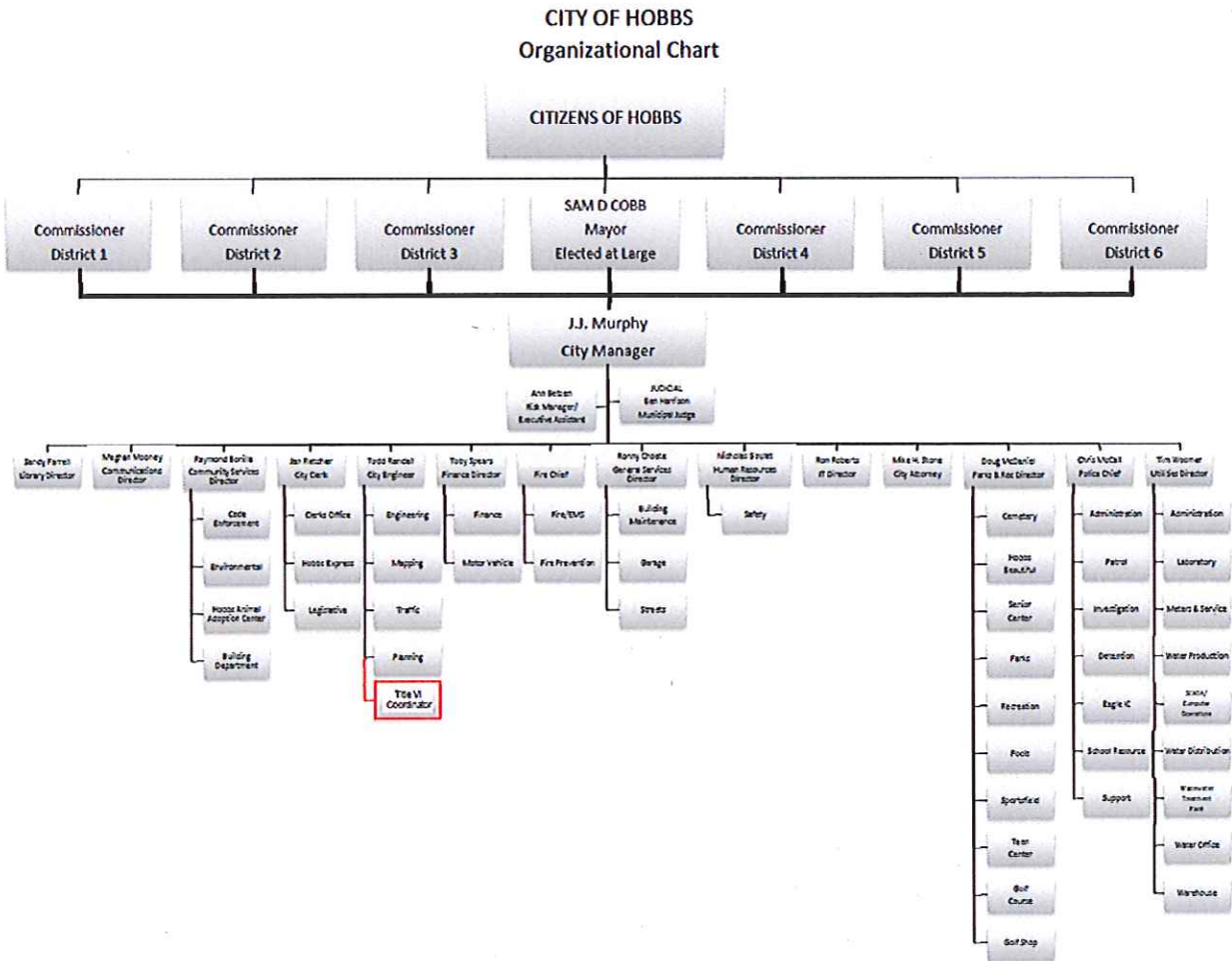
The City of Hobbs will review data from the most recent decennial census and/or the 5-year American Community Survey to assess the populations affected by a particular project that is due to receive federal funds, including minority, Hispanic, or low income

community members. Efforts will be made to ensure that all groups are adequately represented and considered in the planning process and during project implementation.

The City of Hobbs additionally adopted a Citizen Participation Plan on April 4, 2016. The document is located in Appendix E-2.

IV. Organization/Staff Responsibilities

Organizational Overview: The City of Hobbs is a governing system which provides services for its residents.



Title VI Coordinator Responsibilities: The Title VI Coordinator, Shelia Baker, is responsible for the development and implementation of the Title VI plan. The Coordinator will also ensure that all entities of the City of Hobbs are compliant with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting a Title VI plan and annual reports for the City of Hobbs
- Developing procedures for receiving, processing, investigating and reporting Title VI complaints.
- Maintaining a Title VI complaint log, and report to NMDOT on a periodic basis.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments of identified Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

V. Primary Program Area & Review Procedures

The Title VI Coordinator for the City of Hobbs will monitor all program areas within the agency to ensure nondiscrimination in those areas as they relate to transportation issues.

Program areas under the City of Hobbs pertaining to nondiscrimination efforts include planning, environmental, right of way, and construction and maintenance. The activities conducted by these program areas include coordination and data collection. Nondiscrimination is achieved by ensuring the following procedures:

- Activities conducted within each program area will comply with Title VI
- All members of the public will receive equal access to outreach, involvement, and participation in transportation programs, activities, and services.
- Language assistance resources will be available to LEP individuals to ensure their access to participation and reduce barriers in the decision-making process.
- The needs of traditionally underserved individuals, including low-income and minority populations, will be considered to avoid, minimize, or mitigate disproportionately high and adverse effects.

VI. Title VI Complaint Procedures

The City of Hobbs strives to ensure that all individuals, groups of individuals, and entities have the right to equal access to all transportation programs, activities, and services. If any persons believe they have been subjected to discrimination under any transportation programs, activities, or services due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a Title VI complaint. The Title VI Complaint Form is available in English and Spanish.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally funded or not) due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

Submittal to NMDOT, FHWA, or FAA

An individual, group of individuals or entity may file a formal Title VI complaint. Complaints must be submitted to the NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180-day period of the alleged discriminatory act (or latest occurrence).

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints must be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also require relevant information. The City of Hobbs may specify if there is a particular individual(s) that the City of Hobbs should not investigate the complaint due to conflict of interest or other reasons.

Title VI complaints may also be forwarded to either the New Mexico Department of Transportation, the Federal Highway Administration, or the Federal Aviation Administration for investigation, if the complaint is forwarded to one of these agencies. The City of Hobbs will provide the name and contract information for the person handling the Title VI complaint to the complainant.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

The Title VI Complaint Form is located in Appendix E-1.

Title VI complaints may be filed directly with the following agencies:

New Mexico Department of Transportation
Construction and Civil Rights Bureau
1570 Pacheco St. Suite A10
Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

Federal Aviation Administration
Office of Civil Rights
800 Independence Ave. SW
Washington, D.C., 20591

VII. Title VI Program Management Procedures

The mission that the City of Hobbs follows is safety, engaged team members, responsive, visionary, inclusive, customer driven, and enhance quality of life.

The Planning Division within the City of Hobbs aims to provide support to the City Manager, the City Commission and the Planning Board. Services are provided to the citizens of Hobbs regarding comprehensive long range planning, development processing, growth management, strategic planning, and implementation of related projects.

Transportation projects in the City of Hobbs are considered through planning process that involves evaluation by city staff, funding identification, community input, regional coordination when applicable, and project approval by decision-makers.

The needs of those traditionally underserved by the existing system are sought and considered by the City of Hobbs for the public participation plan procedures. The City of Hobbs considers Environmental Justice (EJ) concerns by avoiding, minimizing, or mitigating disproportionately high and adverse effects on underserved individuals. The City of Hobbs is further committed to ensuring access to participation and reducing barriers in the decision-making process for low income and minority individuals.

The City of Hobbs accommodates requests and provides information for people that are LEP by addressing the appropriate mix of written and oral language assistance.

The City of Hobbs Title VI Coordinator shall ensure the following:

- The transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Ongoing review of the City of Hobbs operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the Southeast Regional Transportation Planning Organization racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings. Also reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.
- Ensure all documents are available in Spanish, as needed.

VIII. Title VI Related Training

The City of Hobbs Title VI Coordinator shall ensure that staff is trained and familiar with City of Hobbs related policies and procedures. The City of Hobbs will complete at least one of the following Title VI related training sessions:

- Periodic refresher session for senior management
- Periodic training/ discussion sessions
- FHWA Training Resources (e.g. webinars and courses)
- NMDOT Office of Equal Opportunities Resources (e.g. on-site Title VI Training)

IX. Limited English Proficiency (LEP) Plan

Recipients of federal funding should conduct a Four Factor Analysis to prevent discrimination of the basis on limited English Proficiency.

The City of Hobbs will refer to the U.S. DOT "Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient persons" dated December 14, 2005 resource when performing the Four Factor Analysis, with a summary below.

The Four Factor Analysis includes the following factors:

- **Number or Proportion of LEP Individuals:** a summary of LEP persons in the service area and a description of efforts to provide meaningful opportunities for the LEP population to be involved in programs and services.
- **Frequency of Contact with the Program:** a record of how often LEP persons access or come into contact with programs and services.
- **Nature and Importance of the Program:** a description of how LEP individuals have access to benefits and services from programs and services.
- **Resources Available:** a summary of the resources that the organization can use for providing assistance to LEP populations.

In addition, the City of Hobbs will address the appropriate mix of written and oral language assistance. The City of Hobbs shall do the following:

- Documents shall be translated, when there is potential for need.
- Oral translation shall be readily available, when there is potential for need.
- Be immediately responsive when language assistance is requested.

X. External Communication (Notification to public beneficiaries)

The City of Hobbs will provide information to members of the public detailing their Title VI obligation and notify members of the public of the protections against discrimination afforded to them by Title VI. Requirements including:

- **Dissemination of Information:** the City of Hobbs will disseminate this information to members of the public via accessible printed and electronic media, including posting on the City of Hobbs website and the local Hobbs News Sun newspaper.

- Contents of Notification: At a minimum, the notification will include the following:
 1. Statement that the City of Hobbs operates all Federal Program(s) without regard to race, color, national origin, sex, age, or disability.
 2. Identify the procedures to be followed by residents of the City of Hobbs to request additional information regarding your organizations Title VI obligation.
 3. Identify procedures to be followed by members of the public to file a discrimination complaint against the City of Hobbs.

X. Data Collection

The City of Hobbs will collect data on the race, ethnicity, national origin, income status and gender of individuals potentially affected by transportation programs, activities, and services made possible through federal grants and programs. The data described may be collected from the U.S. Census, State Education Departments and school districts, community-based organizations, geographic information systems (GIS), local data collecting agencies, Southeast Regional Transportation Planning Organization, other relevant sources, depending on the project. Analysis of the data will identify potential persons impacted, including low income and minority individuals, the transportation needs in the planning area, the people to include in decision making processes, etc.

Records will be reviewed regularly to maintain accurate, timely, current, sufficient, and complete databases and assure compliance with Title VI requirements.

XI. Notice of Rights

The Notice of Rights will be placed electronically on the City of Hobbs website as well as posted at the Administration building. It will be provided in both English and Spanish. A sample notice expected to be used by the City of Hobbs is below.

Your Rights Against Discrimination Under Title VI of the Civil Rights Act of 1964

The City of Hobbs operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any City of Hobbs program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with the City of Hobbs or the New Mexico Department of Transportation.

To file a Title VI discrimination complaint, please contact:

New Mexico Department of Transportation
Construction and Civil Rights Bureau
1570 Pacheco St. Suite A10
Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

Federal Aviation Administration
Office of Civil Rights
800 Independence Ave. SW
Washington, D.C., 20591

City of Hobbs
Engineering Department
200 E. Broadway
Hobbs, NM 88240
Phone: (575) 397-9200

Appendix E-1

Sample Title VI Compliant Form (English)

Section I		
Name:		
Address:		
Telephone (Home/Cell):	Telephone (Work):	
Email Address:		
Section II		
Are you filing this complaint on your own behalf: Yes <input type="checkbox"/> No <input type="checkbox"/>		
*If you answered "yes" to this question, go to Section III.		
If you answered "no" please enter the name and relationship of the person you are filing the complaint against:	Name:	
	Relationship:	
If you are filing a complaint as a third party, please explain why in the space below:		
Have you have obtained permission of the aggrieved party if you are filing on behalf of a third party: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Section III		
I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
Date of Alleged Discrimination (Month, Day, Year):	Date:	
Explain, as clearly as possible, that happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. If more space is needed, please attach additional sheets to this form:		

Section IV

Have you previously filed a Title VI complaint? Yes No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes No

If yes, please check and name all that apply:

Federal Agency: _____

Federal Court: _____

State Agency: _____

State Court: _____

Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

Signature: _____

Date: _____

Please submit this form in person at the address below, or mail form to:

New Mexico Department of Transportation
Construction and Civil Rights Bureau
1570 Pacheco St. Suite A10
Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

Federal Aviation Administration
Office of Civil Rights
800 Independence Ave. SW
Washington, D.C., 20591

Shelia Baker
City of Hobbs
200 E. Broadway
Hobbs, NM 88240
Phone: (575) 397-9200

Sample Title VI Compliant Form (Spanish)

Sección I	
Nombre:	
Dirección:	
Teléfono (Casa/Celular):	Teléfono (Trabajo):
Correo electrónico:	
Sección II	
¿Está usted presentando esta queja en su propio nombre: Sí <input type="checkbox"/> No <input type="checkbox"/>	
* Si usted contestó "sí" a esta pregunta, pase a la Sección III.	
Si su respuesta es "no", por favor escriba el nombre y la relación de la persona que está presentando la queja:	Nombre:
	Relación:
Si usted está presentando una queja por la parte de otra persona, por favor, explica por qué en el siguiente espacio:	
¿Si usted está presentando en nombre de otra persona, ¿se ha obtenido el permiso de la parte perjudicada?,: Sí <input type="checkbox"/> No <input type="checkbox"/>	
Sección III	
Creo que la discriminación que experimenté fue basada en (marque todos los que seapliquen):	
<input type="checkbox"/> Raza	<input type="checkbox"/> Color
<input type="checkbox"/> Origen Nacional	
Fecha de la discriminación alegada (Mes, Día, Año):	Fecha (hoy):
Explique, lo más claramente posible, lo que sucedió y por qué usted cree que fue discriminado. Describe todas las personas quien estuvieron involucradas. Incluya el nombre y la información de contacto de la persona (s) que discriminó (si se conoce), así como los nombres e información de contacto de cualquier testigo. Si necesita más espacio, adjunte hojas adicionales a este formulario:	

Sección IV

¿Ha previamente presentado una queja del Título VI? Sí No

Sección V

¿Ha presentado esta queja con cualquier otra agencia federal, estatal o local, o ante cualquier tribunal federal o estatal? Sí No

En caso afirmativo, marque el nombre de todas las que correspondan:

Agencia Federal: _____

Tribunal Federal: _____

Agencia Estatal: _____

Tribunal Estatal: _____

Agencia Local: _____

Sírvanse proporcionar información acerca de una persona de contacto en la corte o la agencia donde se presentó la queja.

Nombre: _____

Título: _____

Agencia: _____

Dirección: _____

Teléfono: _____

Sección VI

Nombre de la agencia/compañía contra la cual se está presentando la queja:

Persona de contacto:

Título:

Teléfono:

Firma: _____

Fecha: _____

Por favor, envíe por carta o entregue este formulario en persona a la dirección indicada más abajo:

New Mexico Department of Transportation
Construction and Civil Rights Bureau
1570 Pacheco St. Suite A10

Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

Federal Aviation Administration
Office of Civil Rights
800 Independence Ave. SW
Washington, D.C., 20591

Shelia Baker
City of Hobbs
200 E. Broadway
Hobbs, NM 88240
Phone: (575) 397-9200

Appendix E-2

City of Hobbs Citizen Participation Plan



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 4, 2016

SUBJECT: ADOPTION OF POLICY UPDATE FOR CITIZEN PARTICIPATION PLAN

DEPT. OF ORIGIN: Engineering Department
DATE SUBMITTED: March 29, 2016
SUBMITTED BY: Todd Randall, City Engineer

Summary:

A City Citizen Participation Plan is recommended to be updated in conjunction with the requirements for the City's Community Development Block Grant. The Resolution specifies that City policy concerning the same issue is hereby updated and re-adopted by the new policy. The recommendation is that each time the City embarks on a CDBG project, the HUD policies need to be re-adopted.

This policy states that the City will, in accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, prepare and adopt this Citizen Participation Plan. The City of Hobbs will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income.

Fiscal Impact:

Reviewed By: _____

Finance Department

Community Development Block Grant projects are an important source of revenues to upgrade low to moderate income areas in the City. The public investment will improve the tax base and lend to private development in Hobbs.

Attachments:

Resolution, Citizen Participation Plan

Legal Review:

Approved As To Form: _____

City Attorney

Recommendation:

To make a motion to approve the Resolution for the Mayor to adopt the City of Hobbs Citizen Participation Plan.

Approved For Submittal By: _____

Department Director

City Manager

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COMMISSION ACTION TAKEN**

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

CITY OF HOBBS

RESOLUTION NO. 6425


A CONCEPT RESOLUTION OF SUPPORT FOR ADOPTING A POLICY
UPDATE FOR CITIZEN PARTICIPATION PLAN (2016)

WHEREAS, the need exists within Hobbs for continued neighborhood improvement projects in several low and moderate income neighborhoods and the City therefore desires to apply to the HUD CDBG Grant Program to obtain funding for neighborhood infrastructure projects; and


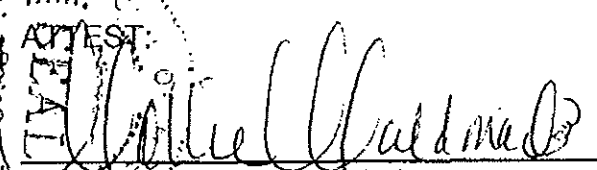
WHEREAS, there is a need to adopt a policy update of existing City of Hobbs policy for the "Citizen Participation Plan" to encourage citizen participation in the City of Hobbs CDBG Programs and Projects, particularly from the low and moderate income persons.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be, and hereby is, authorized to adopt the policy update for the "Citizen Participation Plan", which is attached hereto and made a part of this resolution and the City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4th day of April, 2016.



SAM D. COBB, Mayor


ATTEST:


JAN FLETCHER, City Clerk

City of Hobbs CITIZEN PARTICIPATION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Hobbs has prepared and adopted this Citizen Participation Plan.

Objective A

The City of Hobbs will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income.

Action items:

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of City upcoming meetings, actions and functions.*
2. *Develop press releases on City meetings, actions and hearings and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

The City of Hobbs will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

Action Items:

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

The City of Hobbs will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the City.*

Action items:

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the City upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

The City of Hobbs will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

Action Items:

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

The City of Hobbs will provide timely written answers to written complaints and grievances within 15 working days where practical.

Action Items:

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

The City of Hobbs will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

Action items:

- 1. Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
- 2. Maintain records of public hearing attendees and proceedings to verify compliance with this objective.*



Chief Executive Officer

April 4, 2016

Date



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: A RESOLUTION OPPOSING THE LEGALIZATION OF RECREATIONAL MARIJUANA USE IN THE STATE OF NEW MEXICO

DEPT. OF ORIGIN: Administration
DATE SUBMITTED: February 1, 2017
SUBMITTED BY: J. J. Murphy, City Manager

Summary: The City of Hobbs has long supported the Community Drug Coalition of Lea County ("CDC") and the Palmer Drug Abuse Program ("PDAP"). The CDC and PDAP are committed to reducing the problems of drug and alcohol abuse in our community by providing education, intervention and treatment initiatives. The CDC and PDAP have requested the City of Hobbs to approve this Resolution Opposing the Legalization of Marijuana for Recreational Use in the State of New Mexico.

Fiscal Impact:

Reviewed By:  _____
Finance Department

This Resolution has little to no fiscal impact to the City of Hobbs

Attachments:

Proposed Resolution

Legal Review:

Approved As To Form:  _____
City Attorney

Recommendation:

Approve the Resolution

Approved For Submittal By:

Department Director

City Manager

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Resolution No. _____	Continued To: _____
Ordinance No. _____	Referred To: _____
Approved _____	Denied _____
Other _____	File No. _____

CITY OF HOBBS

RESOLUTION NO. 6511

A RESOLUTION OPPOSING THE LEGALIZATION OF
RECREATIONAL MARIJUANA USE IN THE STATE OF NEW MEXICO

WHEREAS, The Community Drug Coalition of Lea County (CDC) and the Palmer Drug Abuse Program (PDAP) are committed to reducing the problems of drug and alcohol abuse in our community by providing education, intervention and treatment initiatives; and

WHEREAS, the CDC and PDAP have adopted a position of opposition against any legalization of the use of marijuana for recreational purposes; and

WHEREAS, The Office of National Drug Policy steadfastly opposes legalization of marijuana and other drugs because legalization would increase the availability and use of illicit drugs, and pose significant health and safety risks to all Americans, particularly young people; and

WHEREAS, Marijuana is classified as a Schedule I drug, meaning it has a high potential for and acts upon specific sites in the brain that ultimately lead to the "high" that users experience when they smoke marijuana that affects the brain in areas of pleasure, memory, thinking, concentrating, sensory and time perception, and coordinated movement; and

WHEREAS, Marijuana's "high" can affect functions in a variety of ways, causing distorted perceptions, impairing coordination, causing difficulty with thinking and problem solving, and creating problems with learning and memory; and

WHEREAS, research tells us that chronic marijuana use may increase the risk of schizophrenia in vulnerable individuals, and high doses of the drug can produce acute psychotic reactions and researchers have also found that adolescents' long-term use of marijuana may be linked with lower IQ (as much as an 8 point drop) later in life; and

WHEREAS, marijuana affects heart and respiratory functions, resulting in a nearly five-fold increase in the risk of heart attack in the first hour after smoking the drug in some cases as well as causing other health problems that affects the safety and health of the citizens of Hobbs, New Mexico.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City of Hobbs supports the CDC and PDAP in its commitment to reducing the problems of drugs and alcohol abuse in our community and hereby adopts the position of opposition by the CDC and PDAP for the

legalization of marijuana for recreational use by any of its citizens and encourages the New Mexico State Legislature and citizens to join them in this position.

PASSED, APPROVED AND ADOPTED this 6th day of February, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: Resolution approving 2016 fiscal year audit.
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: 01/27/17
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Seeking approval of the 2016 Fiscal Year Audit performed RPC CPA + Consultants, LLP of Albuquerque, NM per NM State Auditor guidelines, Section 2.2.2.10.J (3)(d) of 2.2.2 NMAC.

Fiscal Impact:

No fiscal impact.

Reviewed By: _____


Finance Department

Attachments: Resolution

Legal Review:

Approved As To Form: _____


City Attorney

Recommendation:

Approval of resolution.

Approved For Submittal By:


Department Director

City Manager

CITY CLERK=S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

CITY OF HOBBS

RESOLUTION NO. 6512

A RESOLUTION APPROVING THE CITY OF
HOBBS 2016 FISCAL YEAR AUDIT REPORT AS
PREPARED BY RPC CPA + CONSULTANTS, LLP

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS,
NEW MEXICO that the City Commission hereby approves and accepts the City of
Hobbs 2016 Fiscal Year Audit Report as prepared by RPC CPA + CONSULTANTS,
LLP.

PASSED, ADOPTED AND APPROVED THIS 6TH day of February, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Timothy M. Keller
State Auditor



Sanjay Bhakta, CPA, CGFM, CFE, CGMA
Deputy State Auditor

State of New Mexico
OFFICE OF THE STATE AUDITOR

Via E-mail

January 24, 2017

SAO Ref. No. 6086

JJ Murphy, City Manager
City of Hobbs

jjmurphy@hobbsnm.org

Re: Authorization to Release FY2016 City of Hobbs Audit Report

The Office of the State Auditor ("Office") received the audit report for your agency on 12/7/2016. The Office has completed the review of the audit report required by Section 12-6-14(B) NMSA 1978 and 2.2.2.13 NMAC. This letter is your authorization to make the final payment to the Independent Public Accountant ("IPA") who contracted with your agency to perform the financial and compliance audit. In accordance with the audit contract, the IPA is required to deliver to the agency the number of copies of the report specified in the contract.

Pursuant to Section 12-6-5 NMSA 1978, the audit report does not become a public record until five days after the date of this release letter, unless your agency has already submitted a written waiver to the Office. Once the five-day period has expired, or upon the Office's receipt of a written waiver:

- the Office will send the report to the Office to the Department of Finance and Administration, the Legislative Finance Committee and other relevant oversight agencies;
- the Office will post the report on its public website; and
- the agency and the IPA shall arrange for the IPA to present the report to the governing authority of the agency, per 2.2.2.10.J(4), at a meeting held in accordance with the Open Meetings Act, if applicable.

The IPA's findings and comments are included in the audit report on pages 177-183. It is ultimately the responsibility of the governing authority of the agency to take corrective action on all findings and comments.

Sincerely,

A handwritten signature in cursive script that reads "Timothy M. Keller".

Timothy M. Keller
State Auditor

cc: RPC CPAs + Consultants, LLP



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: Resolution approving the FY2017 DFA 2nd Quarter (December 2016) Financial Report
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: January 24, 2017
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Submitting the FY 2017 2nd Quarter DFA Financial Report for the approval of the governing body. While the Department of Finance and Administration requires that the 4th Quarter DFA Report is approved by resolution, it is recommended that all other quarterly reports are also approved. The ending cash balance represents actual revenue and expenditure activity from July 1, 2016 – December 31, 2016.

Fiscal Impact:

Reviewed By: _____

Finance Department

Ending Cash Balance at 12/31/2016 is \$108,243,917.55 for all funds (restricted and unrestricted). The City of Hobbs year-to-date actual revenues and expenditures for the period are \$46,574,055.09 and \$54,564,916.27 respectively.

Attachments:

- 2nd Quarter DFA Report
- Cash Balance By Fund Report
- Resolution approving 2nd Quarter DFA Report

Legal Review:

Approved As To Form: _____

City Attorney

Recommendation:

Motion to approve the resolution.

Approved For Submittal By:

Department Director
ACM TR.
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
File No. _____
Denied

CITY OF HOBBS
RESOLUTION NO. 6513

A RESOLUTION APPROVING THE FY2017
DFA 2nd QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 4TH quarter DFA Financial Report to be approved annually, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended December 31, 2016 was \$108,243,917.55 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2016 crosswalk the amounts to the DFA 2nd Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 2nd Quarter Financial Report be approved.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

City of Hobbs
Cash Balance by Fund
12/31/2016

	ENDING CASH June 30, 2016	JULY - JUNE FY2017 REVENUES	ACTUAL Cash TRANSFERS	JULY - JUNE FY2017 EXPENDITURES	FY17 BALANCE SHEET ADJUSTMENTS	ENDING CASH December 31, 2016
GOVERNMENTAL FUNDS						
001 GENERAL	58,340,110.88	26,018,767.48	(1,504,932.92)	27,506,077.65	(41,509.11)	55,389,376.90
002 LAND ACQUISITION	500,000.00	82,542.64		256,350.17	-	326,192.47
	<u>58,840,110.88</u>	<u>26,101,310.12</u>	<u>(1,504,932.92)</u>	<u>27,762,427.82</u>	<u>(41,509.11)</u>	<u>55,715,569.37</u>
SPECIAL REVENUES						
110 LOCAL GOV CORR	208,018.04	130,330.65		40,922.08	-	297,426.61
120 POLICE PROTECTION	66,756.22	87,000.00		22,131.45	-	131,624.77
130 P D N (porif, drug, narcotics)	1,918.75				-	1,918.75
150 COPS GRANT	1,000.00	87,161.64	105,650.66	192,812.30		1,000.00
160 HWLC	21,855,151.47			6,404,585.15	-	15,450,566.32
170 OLDER AMERICAN	1,000.00	119,270.97	311,292.25	430,563.22	-	1,000.00
180 GOLF	1,000.00	463,125.02	766,891.67	1,230,010.44	6.25	1,000.00
190 CEMETERY	1,000.00	66,417.13	202,864.99	269,282.12	-	1,000.00
200 AIRPORT	295,033.20	19,789.09		27,225.00	-	287,597.29
230 LODGERS' TAX	188,954.74	463,684.98		194,161.53	-	458,478.19
270 PUBLIC TRANSPORTATION	1,000.00	269,926.87	118,233.35	388,160.22	-	1,000.00
280 FIRE PROTECTION	567,070.62	505,874.94		136,492.93	-	936,452.63
290 EMER MEDICAL SERV	11.00	26,365.40		12,361.47	-	14,014.93
370 COMM DEVE CONST	1,000.00			168.82	-	831.18
	<u>23,188,914.04</u>	<u>2,238,946.69</u>	<u>1,504,932.92</u>	<u>9,348,876.73</u>	<u>6.25</u>	<u>17,583,910.67</u>
CAPITAL PROJECTS FUNDS						
460 BEAUTIFICATION IMPROVEME.	1,732,739.94			6,390.06	-	1,726,349.88
480 STREET IMPROVEMENTS	1,555,269.56	995,965.31		795,593.06	-	1,755,641.81
490 CITY COMM. IMPROVEMENTS	1,000.00	1,019,671.38			-	1,020,671.38
	<u>3,289,009.50</u>	<u>2,015,636.69</u>	<u>-</u>	<u>801,983.12</u>	<u>-</u>	<u>4,502,663.07</u>
DEBT SERVICE FUNDS						
510 UTILITY BOND	-	-	38,108.40	37,108.40	-	1,000.00
530 2005 WASTEWATER BOND ISSU	1,989,842.96			1,921,489.12	-	68,353.84
	<u>1,989,842.96</u>	<u>-</u>	<u>38,108.40</u>	<u>1,958,597.52</u>	<u>-</u>	<u>69,353.84</u>
TOTAL GOVERNMENTAL FUNDS	<u>87,307,877.38</u>	<u>30,355,893.50</u>	<u>38,108.40</u>	<u>39,871,885.19</u>	<u>(41,502.86)</u>	<u>77,871,496.95</u>
ENTERPRISE FUNDS						
100 SOLID WASTE	1,149,697.45	3,122,088.14		2,924,903.74	-	1,346,881.85
440 JOINT UTILITY EXTENSIONS CAI	3,159,027.63			707,858.75	-	2,451,168.88
600 JOINT UTILITY	3,908,278.93			1,914,615.37	1,991.90	1,991,671.66
610 JOINT UTILITY CONST	-	22,948.82	370,071.31	392,020.13	-	1,000.00
620 WASTE WATER PLANT CONST	1,946,302.44	764,335.64		1,989,265.57	-	721,372.51
630 JOINT UTILITY - WASTEWATER	7,308,981.80			1,266,387.09	-	6,042,594.71
650 JOINT UTILITY INCOME - WAST	0.00	3,089,261.24	(382,838.67)	-	-	2,706,422.57
660 JOINT UTILITY INCOME	(0.00)	3,234,677.34	(38,108.40)		(66.47)	3,196,635.51
680 METER DEPOSIT RES	714,835.12	218,296.66		51,439.01	-	881,692.77
TOTAL ENTERPRISE FUNDS	<u>18,187,123.37</u>	<u>10,451,607.84</u>	<u>(50,875.76)</u>	<u>9,246,489.66</u>	<u>1,925.43</u>	<u>19,339,440.36</u>
INTERNAL SERVICE FUNDS						
640 MEDICAL INSURANCE	203,976.07	3,161,725.15		2,577,272.36	-	788,428.86
670 WORKERS COMP TRUST	946,447.33	328,750.83		270,460.36	-	1,004,737.80
690 INTERNAL SUPPLY	-	175,448.44	12,767.36	160,104.96	-	28,110.84
TOTAL INTERNAL SERVICE FUNDS	<u>1,150,423.40</u>	<u>3,665,924.42</u>	<u>12,767.36</u>	<u>3,007,837.68</u>	<u>-</u>	<u>1,821,277.50</u>
TRUST AND AGENCY FUNDS						
700 MOTOR VEHICLE	1,346.72	1,509,818.54		1,484,938.86	433.20	25,793.20
710 MUNI JUDGE BOND FUND	175,016.84				(11,531.00)	186,547.84
720 RETIREE HEALTH INSURANCE T	9,000,000.00	511,719.09		892,086.48	(14,376.11)	8,634,008.72
730 CRIME LAB FUND	74,570.55	58,533.00		61,065.00	-	72,038.55
750 FORECLOSURE TRUST FUND	71.88				-	71.88
760 RECREATION TRUST	103,032.51	16,970.00			-	120,002.51
770 LIBRARY TRUST	5,029.12	1,023.00		280.86	-	5,771.26
780 SENIOR CITIZEN TRUST	8,053.05	1,368.00		179.85	-	9,241.20
790 PRAIRIE HAVEN MEM	5,353.80	44.08			-	5,397.88
800 COMMUNITY PARK TRUST	1,432.05	11.80			-	1,443.85
820 EVIDENCE TRUST FUND	122,464.85	34.13			-	122,498.98
830 HOBBS BEAUTIFUL	22,684.49	186.73			-	22,871.22
860 CITY AGENCY TRUST	5,247.38	920.96		152.69	-	6,015.65
TOTAL TRUST AND AGENCY FUNDS	<u>9,524,303.24</u>	<u>2,100,629.33</u>	<u>-</u>	<u>2,438,703.74</u>	<u>(25,473.91)</u>	<u>9,211,702.74</u>
GRAND TOTAL ALL FUNDS	<u>116,169,727.39</u>	<u>46,574,055.09</u>	<u>0.00</u>	<u>54,564,916.27</u>	<u>(65,051.34)</u>	<u>108,243,917.55</u>

MUNICIPALITY: City of Hobbs

DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

Period Ending: 12/31/16

SUBMIT TO LOCAL GOVERNMENT DIVISION NO LATER THAN 30 DAYS
AFTER THE CLOSE OF EACH QUARTER

Prepared By: Deborah Corral

I HEREBY CERTIFY THAT THE CONTENTS IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THIS REPORT DEPICTS ALL FUNDS:

Signature

Date

YEAR-TO-DATE TRANSACTIONS

Fund #	FUND NAME	BEGINNING	YEAR-TO-DATE TRANSACTIONS				QTR ENDING	INVESTMENTS	CASH	REQUIRED	AVAILABLE
		CASH BALANCE CURRENT FY (1)	REVENUES TO DATE (2)	TRANSFERS TO DATE (3)	EXPENDITURES TO DATE (4)	ADJUSTMENTS (5)	CASH BALANCE (1)+(2)-(3)+(4)+(5) (6)		+ INVESTMENTS (8)	RESERVES (9)	
101	GENERAL FUND (GF)	\$58,340,111	26,018,767	(1,504,933)	27,506,078	41,509	\$55,389,377	0	\$55,389,377	2,292,173	\$53,097,204
201	CORRECTION	\$208,018	130,331	0	40,922	0	\$297,427	0	\$297,427		\$297,427
202	ENVIRONMENTAL GRT	\$0	0	0	0	0	\$0	0	\$0		\$0
206	EMS	\$11	26,365	0	12,361	0	\$14,015	0	\$14,015		\$14,015
207	ENHANCED 911	\$0	0	0	0	0	\$0	0	\$0		\$0
209	FIRE PROTECTION FUND	\$567,071	505,875	0	136,493	0	\$936,453	0	\$936,453		\$936,453
211	LEPF	\$66,756	87,000	0	22,131	0	\$131,625	0	\$131,625		\$131,625
214	LODGERS' TAX	\$188,955	463,685	0	194,162	0	\$458,478	0	\$458,478		\$458,478
216	MUNICIPAL STREET	\$1,555,270	995,965	0	795,593	0	\$1,755,642	0	\$1,755,642		\$1,755,642
217	RECREATION	\$21,855,151	0	0	6,404,585	0	\$15,450,566	0	\$15,450,566		\$15,450,566
218	INTERGOVERNMENTAL GRANTS	\$0	0	0	0	0	\$0	0	\$0		\$0
219	SENIOR CITIZEN	\$1,000	119,271	311,292	430,563	0	\$1,000	0	\$1,000		\$1,000
223	DWI PROGRAM	\$0	0	0	0	0	\$0	0	\$0		\$0
299	OTHER	\$503,919	439,631	223,884	837,323	0	\$330,111	0	\$330,111		\$330,111
300	CAPITAL PROJECT FUNDS	\$4,893,768	1,019,671	0	714,418	0	\$5,199,021	0	\$5,199,021		\$5,199,021
401	G. O. BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
402	REVENUE BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
403	DEBT SERVICE OTHER	\$1,989,843	0	38,108	1,958,598	0	\$69,354	0	\$69,354		\$69,354
500	ENTERPRISE FUNDS										
	Water Fund	\$4,623,114	3,475,923	331,963	2,358,075	(1,925)	\$6,071,000	0	\$6,071,000		\$6,071,000
	Solid Waste	\$1,149,697	3,122,088	0	2,924,904	0	\$1,346,882	0	\$1,346,882		\$1,346,882
	Waste Water	\$9,255,284	3,853,597	(382,839)	3,255,653	0	\$9,470,390	0	\$9,470,390		\$9,470,390
	Airport	\$295,033	19,789	0	27,225	0	\$287,597	0	\$287,597		\$287,597
	Ambulance	\$0	0	0	0	0	\$0	0	\$0		\$0
	Cemetery	\$1,000	66,417	202,865	269,282	0	\$1,000	0	\$1,000		\$1,000
	Housing	\$0	0	0	0	0	\$0	0	\$0		\$0
	Parking	\$0	0	0	0	0	\$0	0	\$0		\$0
	Golf	\$1,000	463,125	766,892	1,230,010	(6)	\$1,000	0	\$1,000		\$1,000
	Other Enterprise (enter fund	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund	\$0	0	0	0	0	\$0	0	\$0		\$0
600	INTERNAL SERVICE FUNDS	\$1,150,423	3,665,924	12,767	3,007,838	0	\$1,821,278	0	\$1,821,278		\$1,821,278
700	TRUST AND AGENCY FUNDS	\$9,524,303	2,100,629	0	2,438,704	25,474	\$9,211,703	0	\$9,211,703		\$9,211,703
GRAND TOTAL		\$116,169,727	\$46,574,055	\$0	\$54,564,916	\$65,051	\$108,243,918	\$0	\$108,243,918	\$2,292,173	\$105,951,744

FORM MODIFIED 12/09/08

LAST UPDATE: 1/23/17 3:23 PM

GENERAL FUND - MUNICIPALITY

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Taxes:							
Property Tax - Current Year	2,438,717	\$0	\$2,438,717	\$1,101,700		(\$1,337,017)	45.18%
Property Tax - Delinquent	0	\$0	\$0	\$0		\$0	n/a
Property Tax - Penalty & Interest	0	\$0	\$0	\$0		\$0	n/a
Oil and Gas - Equipment	31,545	\$0	\$31,545	\$423		(\$31,122)	1.34%
Oil and Gas - Production	165,121	\$0	\$165,121	\$84,944		(\$80,177)	51.44%
Franchise Fees	1,015,000	\$0	\$1,015,000	\$465,944		(\$549,056)	45.91%
Gross receipts - Local Option	20,000,000	(\$1,000,000)	\$19,000,000	\$10,381,234		(\$8,618,766)	54.64%
Gross Receipts - Infrastructure	0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - Environment	0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - Hold Harmless	0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - Other Dedication	0	\$0	\$0	\$0		\$0	n/a
Intergovernmental -State Shared:							
Gross receipts	19,975,000	(\$1,000,000)	\$18,975,000	\$10,284,458		(\$8,690,542)	54.20%
Cigarette Tax	0	\$0	\$0	\$0		\$0	n/a
Gas Tax [1 cent]	0	\$0	\$0	\$0		\$0	n/a
Gas Tax [2 cent]	0	\$0	\$0	\$0		\$0	n/a
Motor Vehicle	387,000	\$0	\$387,000	\$171,933		(\$215,067)	44.43%
Grants - Federal	56,695	\$0	\$56,695	\$25,145		(\$31,550)	44.35%
Grants - State	106,523	\$20,000	\$126,523	\$445,140		\$318,617	351.83%
Grants - Local	250,000	\$3,900,000	\$4,150,000	\$25,000		(\$4,125,000)	0.60%
Legislative Appropriations	0	\$0	\$0	\$0		\$0	n/a
Small Cities Assistance	0	\$0	\$0	\$0		\$0	n/a
Licenses and Permits	12,000	\$0	\$12,000	\$3,500		(\$8,500)	29.17%
Charges for Services	3,405,350	\$0	\$3,405,350	\$948,920		(\$2,456,430)	27.87%
Fines and Forfeits	424,000	\$0	\$424,000	\$263,489		(\$160,511)	62.14%
Interest on Investments	90,000	\$0	\$90,000	\$214,560		\$124,560	238.40%
Miscellaneous	857,220	\$0	\$857,220	\$1,602,379		\$745,159	186.93%
TOTAL GENERAL FUND REVENUES	\$49,214,171	\$1,920,000	\$51,134,171	\$26,018,767		(\$25,115,403)	50.88%
EXPENDITURES							
Executive-Legislative	8,216,576	\$0	\$8,216,576	\$1,856,969	\$0	\$6,359,607	22.60%
Judicial	495,598	\$0	\$495,598	\$234,409	\$0	\$261,189	47.30%
Elections	0	\$0	\$0	\$0	\$0	\$0	n/a
Finance & Administration	1,077,591	\$2,000	\$1,079,591	\$487,870	\$0	\$591,721	45.19%
Public Safety	17,887,304	\$5,720,000	\$23,607,304	\$7,756,227	\$0	\$15,851,077	32.86%
Highways & Streets	3,882,255	\$0	\$3,882,255	\$2,365,395	\$0	\$1,516,860	60.93%
Senior Citizens	0	\$0	\$0	\$0	\$0	\$0	n/a
Sanitation	0	\$0	\$0	\$0	\$0	\$0	n/a
Health and Welfare	9,465,028	\$0	\$9,465,028	\$4,243,761	\$0	\$5,221,267	44.84%
Culture and Recreation	16,113,819	\$2,000,000	\$18,113,819	\$3,271,757	\$0	\$14,842,061	18.06%
Economic Development & Housing	0	\$0	\$0	\$0	\$0	\$0	n/a
Airport	0	\$0	\$0	\$0	\$0	\$0	n/a
Other - Miscellaneous	19,916,875	\$0	\$19,916,875	\$7,289,689	\$0	\$12,627,185	36.60%
TOTAL GENERAL FUND EXPENDITURES	\$77,055,045	\$7,722,000	\$84,777,045	\$27,506,078	\$0	\$57,270,967	32.45%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	(\$4,389,002)	(\$9,550,000)	(\$13,939,002)	(\$1,504,933)		\$12,434,069	10.80%
TOTAL - OTHER FINANCING SOURCES	(\$4,389,002)	(\$9,550,000)	(\$13,939,002)	(\$1,504,933)		\$12,434,069	10.80%
Excess (deficiency) of revenues over expenditures				(\$2,992,243)			

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
CORRECTIONS REVENUES	201							
Correction Fees	201	215,000	0	215,000	128,196		(86,804)	59.63%
Miscellaneous	201	338	0	338	2,134		1,796	631.48%
TOTAL Revenues		215,338	0	215,338	130,331		(85,007)	60.52%
EXPENDITURES	201	167,000	0	167,000	40,922	0	126,078	24.50%
OTHER FINANCING SOURCES								
Transfers In	201	0	0	0	0		0	n/a
Transfers (Out)	201	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	201				89,409			
ENVIRONMENTAL REVENUES	202							
GRT - Environmental	202	0	0	0	0		0	n/a
Miscellaneous	202	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	202	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	202	0	0	0	0		0	n/a
Transfers (Out)	202	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	202				0			
EMS REVENUES	206							
State EMS Grant	206	20,000	6,365	26,365	26,365		0	100.00%
Miscellaneous	206	0	0	0	0		0	n/a
TOTAL Revenues		20,000	6,365	26,365	26,365		0	100.00%
EXPENDITURES	206	20,000	6,365	26,365	12,361	0	14,004	46.89%
OTHER FINANCING SOURCES								
Transfers In	206	0	0	0	0		0	n/a
Transfers (Out)	206	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	206				14,004			
E911 REVENUES	207							
State-E-911 Enhancement	207	0	0	0	0		0	n/a
Network & Data Base Grant	207	0	0	0	0		0	n/a
Miscellaneous	207	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	207	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	207	0	0	0	0		0	n/a
Transfers (Out)	207	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	207				0			
FIRE PROTECTION REVENUES	209							
State - Fire Marshall Allotment	209	385,430	0	385,430	505,875		120,445	131.25%
Miscellaneous	209	0	0	0	0		0	n/a
TOTAL Revenues		385,430	0	385,430	505,875		120,445	131.25%

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
EXPENDITURES	209	223,800	0	223,800	136,493	0	87,307	60.99%
OTHER FINANCING SOURCES								
Transfers In	209	0	0	0	0		0	n/a
Transfers (Out)	209	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	209				369,382			
LAW ENFORCEMENT PROTECTION REVENUES	211							
State-Law Enforcement Protection	211	87,000	0	87,000	87,000		0	100.00%
Miscellaneous	211	0	0	0	0		0	n/a
TOTAL Revenues		87,000	0	87,000	87,000		0	100.00%
EXPENDITURES	211	87,000	0	87,000	22,131	0	64,869	25.44%
OTHER FINANCING SOURCES								
Transfers In	211	0	0	0	0		0	n/a
Transfers (Out)	211	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	211				64,869			
LODGERS' TAX REVENUES	214							
Lodgers' Tax	214	950,000	(150,000)	800,000	461,105		(338,895)	57.64%
Miscellaneous	214	1,200	0	1,200	2,580		1,380	215.00%
TOTAL Revenues		951,200	(150,000)	801,200	463,685		(337,515)	57.87%
EXPENDITURES	214	855,491	0	855,491	194,162	0	661,330	22.70%
OTHER FINANCING SOURCES								
Transfers In	214	0	0	0	0		0	n/a
Transfers (Out)	214	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	214				269,523			
MUNICIPAL STREET REVENUES	216							
GRT - Infrastructure (1/8 cent)	216	0	0	0	0		0	n/a
GRT - Municipal	216	0	0	0	0		0	n/a
Gasoline Tax - (1 cent / 2 cent)	216	785,000	0	785,000	399,368		(385,632)	50.87%
Motor Vehicle - Registration (all)	216	0	0	0	0		0	n/a
State Grants	216	687,500	0	687,500	297,796		(389,704)	43.32%
Federal Grants	216	363,612	0	363,612	286,593		(77,019)	78.82%
Miscellaneous	216	2,000	0	2,000	12,208		10,208	610.40%
TOTAL Revenues		1,838,112	0	1,838,112	995,965		(842,147)	54.18%
EXPENDITURES	216	2,965,473	0	2,965,473	795,593	0	2,169,880	26.83%
OTHER FINANCING SOURCES								
Transfers In	216	0	0	0	0		0	n/a
Transfers (Out)	216	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	216				200,372			
RECREATION REVENUES	217							
Cigarette Tax - (1 cent)	217	0	0	0	0		0	n/a
Miscellaneous	217	36,000,000	2,500,000	38,500,000	0		(38,500,000)	0.00%
TOTAL Revenues		36,000,000	2,500,000	38,500,000	0		(38,500,000)	0.00%
EXPENDITURES	217	57,847,867	2,500,000	60,347,867	6,404,585	0	53,943,282	10.61%

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
OTHER FINANCING SOURCES								
Transfers In	217	41,215	0	41,215	0		(41,215)	0.00%
Transfers (Out)	217	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		41,215	0	41,215	0		(41,215)	0.00%
Excess (deficiency) of revenues over expen	217				(6,404,585)			
INTERGOVERNMENTAL GRANTS REVENUES	218							
State Grants	218	0	0	0	0		0	n/a
Federal Grants	218	0	0	0	0		0	n/a
Miscellaneous	218	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	218	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	218	0	0	0	0		0	n/a
Transfers (Out)	218	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	218				0			
SENIOR CITIZENS REVENUES	219							
State Grants	219	100,030	0	100,030	60,354		(39,676)	60.34%
Federal Grants	219	58,948	0	58,948	28,087		(30,861)	47.65%
Miscellaneous	219	52,110	0	52,110	30,830		(21,280)	59.16%
TOTAL Revenues		211,088	0	211,088	119,271		(91,817)	56.50%
EXPENDITURES	219	948,229	0	948,229	430,563	0	517,665	45.41%
OTHER FINANCING SOURCES								
Transfers In	219	737,141	0	737,141	311,292		(425,848)	42.23%
Transfers (Out)	219	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		737,141	0	737,141	311,292		(425,848)	42.23%
Excess (deficiency) of revenues over expen	219				0			
DWI REVENUES	223							
State - Formula Distribution (DFA)	223	0	0	0	0		0	n/a
State - Local Grant (DFA)	223	0	0	0	0		0	n/a
State Other	223	0	0	0	0		0	n/a
Federal Grants	223	0	0	0	0		0	n/a
Miscellaneous	223	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	223	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	223	0	0	0	0		0	n/a
Transfers (Out)	223	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	223				0			
OTHER - SPECIAL REVENUES	299							
REVENUES	299	1,008,378	0	1,008,378	439,631		(568,747)	43.60%
EXPENDITURES	299	2,100,636	0	2,100,636	837,323	0	1,263,313	39.86%
TOTAL - OTHER FINANCING SOURCES	299	592,258	0	592,258	223,884		(368,374)	37.80%
Excess (deficiency) of revenues over expen	299				(173,808)			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
Public Transportation							
REVENUES	805,731	0	805,731	269,927		(535,804)	33.50%
EXPENDITURES	1,245,502	0	1,245,502	388,160	0	857,342	31.16%
OTHER FINANCING SOURCES							
Transfers In	439,771	0	439,771	118,233		(321,538)	26.89%
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	439,771	0	439,771	118,233		(321,538)	26.89%
Excess (deficiency) of revenues over expenditures				0			
Land Acquisition							
REVENUES	0	0	0	82,543		82,543	n/a
EXPENDITURES	500,000	0	500,000	256,350	0	243,650	51.27%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				(173,808)			
COPS Grant							
REVENUES	202,647	0	202,647	87,162		(115,485)	43.01%
EXPENDITURES	355,134	0	355,134	192,812	0	162,321	54.29%
OTHER FINANCING SOURCES							
Transfers In	152,487	0	152,487	105,651		(46,836)	69.29%
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	152,487	0	152,487	105,651		(46,836)	69.29%
Excess (deficiency) of revenues over expenditures				0			
PDN (Parif, drug, narcotics)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
SAFER Grant							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
FUND 299 SUMMARY							
Revenue - TOTAL	\$1,008,378	\$0	\$1,008,378	\$439,631		(\$68,747)	43.60%
Expenditures - TOTAL	\$2,100,636	\$0	\$2,100,636	\$837,323	\$0	1,263,313	39.86%
TOTAL - OTHER FINANCING SOURCES	\$592,258	\$0	\$592,258	\$223,884		(\$368,374)	37.80%

CAPITAL PROJECTS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
GRT- Dedication	\$0	\$0	\$0	\$0		\$0	n/a
GRT- Hold Harmless	\$0	\$0	\$0	\$0		\$0	n/a
GRT- Infrastructure	\$2,126,582	\$0	\$2,126,582	\$1,019,671		(\$1,106,911)	47.95%
Bond Proceeds	\$0	\$0	\$0	\$0		\$0	n/a
Local Grants	\$0	\$0	\$0	\$0		\$0	n/a
CDBG funding	\$500,000	\$0	\$500,000	\$0		(\$500,000)	0.00%
State Grants	\$0	\$0	\$0	\$0		\$0	n/a
Federal Grants (other)	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriations	\$0	\$0	\$0	\$0		\$0	n/a
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a
Miscellaneous	\$1,300,000	\$0	\$1,300,000	\$0		(\$1,300,000)	0.00%
TOTAL CAPITAL PROJECTS REVENUES	\$3,926,582	\$0	\$3,926,582	\$1,019,671		(\$2,906,911)	25.97%
EXPENDITURES							
Parks/Recreation	\$1,126,179	\$0	\$1,126,179	\$6,390	\$0	\$1,119,789	0.57%
Housing	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Equipment & Buildings	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Facilities	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Transit	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Utilities	\$4,352,654	\$0	\$4,352,654	\$707,859	\$0	\$3,644,796	16.26%
Airports	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Infrastructure	\$1,000,000	\$0	\$1,000,000	\$169	\$0	\$999,831	0.02%
Debt Service Payments (P&I)-GO Bonds	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Debt Service Payments (P&I)-Rev. Bonds	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Other	\$0	\$0	\$0	\$0	\$0	\$0	n/a
TOTAL CAPITAL PROJECTS EXPENDITURE	\$6,478,834	\$0	\$6,478,834	\$714,418	\$0	\$5,764,416	11.03%
OTHER FINANCING SOURCES							
Transfers In	\$500,000	\$0	\$500,000	\$0		(\$500,000)	0.00%
Transfers (Out)	(\$2,018,982)	\$0	(\$2,018,982)	\$0		\$2,018,982	0.00%
TOTAL - OTHER FINANCING SOURCES	(\$1,518,982)	\$0	(\$1,518,982)	\$0		\$1,518,982	0.00%
Excess (deficiency) of revenues over expenditures				\$305,254			

DEBT SERVICE

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)			
	Approved Budget	Budget Adjustments	Adjusted Budget					\$	%
GENERAL OBLIGATION BONDS [FUND 401]									
REVENUES:									
General Obligation - (Property tax)	\$0	\$0	\$0	\$0		\$0	n/a		
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a		
Other - Misc	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL REVENUES	\$0	\$0	\$0	\$0		\$0	n/a		
EXPENDITURES									
General Obligation - Principal	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
General Obligation - Interest	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Other Costs (Fiscal Agent Fees/Other Fees/Misc)	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
OTHER FINANCING SOURCES									
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a		
Excess (deficiency) of revenues over expenditures [401]				\$0					
REVENUE BONDS [FUND 402]									
REVENUES:									
Bond Proceeds	\$0	\$0	\$0	\$0		\$0	n/a		
Revenue Bonds - GRT	\$0	\$0	\$0	\$0		\$0	n/a		
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a		
Revenue Bonds - Other	\$0	\$0	\$0	\$0		\$0	n/a		
REVENUE BOND REVENUE - TOTAL	\$0	\$0	\$0	\$0		\$0	n/a		
EXPENDITURES									
Revenue Bonds - Principal	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Revenue Bonds - Interest	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Other Revenue Bond Payments	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Other Costs (Fiscal Agent Fees/Other Fees/Misc)	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
TOTAL DEBT SERVICE FUND EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
OTHER FINANCING SOURCES									
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a		
Excess (deficiency) of revenues over expenditures [402]				\$0					
OTHER DEBT SERVICE [FUND 403]									
REVENUES:									
Investment Income	\$0	\$0	\$0	\$0		\$0	n/a		
Loan Revenue	\$0	\$0	\$0	\$0		\$0	n/a		
OTHER DEBT SERVICE REVENUE - TOTAL	\$0	\$0	\$0	\$0		\$0	n/a		
EXPENDITURES									
NMFA Loan Payments	\$2,400,126	\$0	\$2,400,126	\$1,958,598	\$0	(\$441,529)	81.60%		
Board of Finance Loan Payments	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Other Debt Service - Misc	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
TOTAL DEBT SERVICE FUND EXPENDITURES	\$2,400,126	\$0	\$2,400,126	\$1,958,598	\$0	(\$441,529)	81.60%		
OTHER FINANCING SOURCES									
Transfers In	\$2,400,126	\$0	\$2,400,126	\$38,108		(\$2,362,018)	1.59%		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$2,400,126	\$0	\$2,400,126	\$38,108		(\$2,362,018)	1.59%		
Excess (deficiency) of revenues over expenditures [403]				(\$1,920,489)					

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Water Fund							
Charges for Services	\$5,500,500	\$0	\$5,500,500	\$3,189,326		(\$2,311,174)	57.98%
Interest on Investments	\$3,500	\$0	\$3,500	\$45,352		\$41,852	1295.76%
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$238,000	\$0	\$238,000	\$22,949		(\$215,051)	9.64%
Other	\$400,000	\$0	\$400,000	\$218,297		(\$181,703)	54.57%
TOTAL REVENUES - Water Fund	\$6,142,000	\$0	\$6,142,000	\$3,475,923		(\$2,666,077)	56.59%
EXPENDITURES							
Water Fund	\$9,185,759	\$0	\$9,185,759	\$2,358,075	\$0	\$6,827,685	25.67%
OTHER FINANCING SOURCES							
Transfers In	\$6,934,072	\$0	\$6,934,072	\$370,071		(\$6,564,001)	5.34%
Transfers (Out)	(\$5,504,000)	\$0	(\$5,504,000)	(\$38,108)		\$5,465,892	0.69%
TOTAL-OTHER FINANCING SOURCES	\$1,430,072	\$0	\$1,430,072	\$331,963		(\$1,098,109)	23.21%
Excess (deficiency) of revenues over expenditures				\$1,449,811			
REVENUES							
Solid Waste							
Charges for Services	\$6,050,000	\$0	\$6,050,000	\$3,122,088		(\$2,927,912)	51.60%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Solid Waste Fund	\$6,050,000	\$0	\$6,050,000	\$3,122,088		(\$2,927,912)	51.60%
EXPENDITURES							
Solid Waste	\$6,050,000	\$0	\$6,050,000	\$2,924,904	\$0	\$3,125,096	48.35%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$197,184			
REVENUES							
Waste Water							
Charges for Services	\$4,925,000	\$0	\$4,925,000	\$2,579,442		(\$2,345,558)	52.37%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$1,063,291	\$0	\$1,063,291	\$509,819		(\$553,472)	47.95%
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$3,521,290	\$0	\$3,521,290	\$754,929		(\$2,766,361)	21.44%
Legislative Appropriation	\$731,000	\$0	\$731,000	\$9,407		(\$721,593)	1.29%
Other	\$1,059,040	\$0	\$1,059,040	\$0		(\$1,059,040)	0.00%
TOTAL REVENUES - Waste Water Fund	\$11,299,621	\$0	\$11,299,621	\$3,853,597		(\$7,446,024)	34.10%
EXPENDITURES							
Waste Water	\$15,211,109	\$9,550,000	\$24,761,109	\$3,255,653	\$0	\$21,505,456	13.15%
OTHER FINANCING SOURCES							
Transfers In	\$2,466,189	\$9,550,000	\$12,016,189	\$0		(\$12,016,189)	0.00%
Transfers (Out)	(\$4,826,406)	\$0	(\$4,826,406)	(\$382,839)		\$4,443,567	7.93%
TOTAL-OTHER FINANCING SOURCES	(\$2,360,217)	\$9,550,000	\$7,189,783	(\$382,839)		(\$7,572,622)	(5.32%)
Excess (deficiency) of revenues over expenditures				\$215,106			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Airport							
Charges for Services	\$38,000	\$0	\$38,000	\$17,428		(\$20,572)	45.86%
Interest on Investments	\$300	\$0	\$300	\$2,361		\$2,061	786.99%
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Airport Fund	\$38,300	\$0	\$38,300	\$19,789		(\$18,511)	51.67%
EXPENDITURES							
Airport	\$36,000	\$0	\$36,000	\$27,225	\$0	\$8,775	75.63%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				(\$7,436)			
REVENUES							
Ambulance							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Ambulance Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Ambulance	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Cemetery							
Charges for Services	\$168,690	\$0	\$168,690	\$66,417		(\$102,273)	39.37%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Cemetery Fund	\$168,690	\$0	\$168,690	\$66,417		(\$102,273)	39.37%
EXPENDITURES							
Cemetery	\$528,581	\$0	\$528,581	\$269,282	\$0	\$259,299	50.94%
OTHER FINANCING SOURCES							
Transfers In	\$359,891	\$0	\$359,891	\$202,865		(\$157,026)	56.37%
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$359,891	\$0	\$359,891	\$202,865		(\$157,026)	56.37%
Excess (deficiency) of revenues over expenditures				\$0			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Housing							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Housing Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Housing	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Parking Facilities							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Parking Facilities	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Parking Facilities	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Golf							
Charges for Services	\$857,613	\$0	\$857,613	\$463,125		(\$394,488)	54.00%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REV. - Other Enterprise Fund	\$857,613	\$0	\$857,613	\$463,125		(\$394,488)	54.00%
EXPENDITURES							
Other Enterprise Fund	\$3,016,110	\$0	\$3,016,110	\$1,230,010	\$0	\$1,786,100	40.78%
OTHER FINANCING SOURCES							
Transfers In	\$2,158,497	\$0	\$2,158,497	\$766,892		(\$1,391,605)	35.53%
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$2,158,497	\$0	\$2,158,497	\$766,892		(\$1,391,605)	35.53%
Excess (deficiency) of revenues over expenditures				\$6			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Other Enterprise (enter fund name)							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REV. - Other Enterprise Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Other Enterprise Fund	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Other Enterprise (enter fund name)							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REV. - Other Enterprise Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Other Enterprise Fund	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			

INTERNAL SERVICE / TRUST & AGENCY FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget	
	Approved Budget	Budget Adjustments	Adjusted Budget			Positive (Negative)	
						\$	%
INTERNAL SERVICE FUNDS [600]							
REVENUES							
Charges for Services	\$7,723,960	\$0	\$7,723,960	\$3,665,924		(\$4,058,035)	47.46%
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Miscellaneous revenues	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES	\$7,723,960	\$0	\$7,723,960	\$3,665,924		(\$4,058,035)	47.46%
EXPENDITURES							
Operating Expenditures	\$7,723,960	\$11,000	\$7,734,960	\$3,007,838	\$0	\$4,727,122	38.89%
Miscellaneous	\$0	\$0	\$0	\$0	\$0	\$0	n/a
TOTAL EXPENDITURES	\$7,723,960	\$11,000	\$7,734,960	\$3,007,838	\$0	\$4,727,122	#REF!
OTHER FINANCING SOURCES							
Transfers In	\$549,000	\$0	\$549,000	\$12,767		\$536,233	2.33%
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL - OTHER FINANCING SOURCES	\$549,000	\$0	\$549,000	\$12,767		(\$536,233)	n/a
Excess (deficiency) of revenues over expenditures				\$670,854			
TRUST AND AGENCY FUNDS [700]							
REVENUES							
Investments	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Tax Revenues	\$0	\$0	\$0	\$0		\$0	n/a
Miscellaneous revenues	\$1,878,332	\$0	\$1,878,332	\$2,100,629		\$222,298	111.83%
TOTAL REVENUES	\$1,878,332	\$0	\$1,878,332	\$2,100,629		\$222,298	111.83%
EXPENDITURES							
General Government/Benefits	\$914,407	\$0	\$914,407	\$829,280	\$0	\$85,127	90.69%
Capital Outlay	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	n/a
Miscellaneous	\$963,924	\$0	\$963,924	\$1,609,423	\$0	(\$645,499)	166.97%
TOTAL EXPENDITURES	\$1,878,332	\$0	\$1,878,332	\$2,438,704	\$0	(\$560,372)	129.83%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				(\$338,074)			



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6th, 2017

SUBJECT: Approving the 2nd quarter fiscal year 2017 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance
DATE SUBMITTED: January 27th, 2017
SUBMITTED BY: Toby Spears, Finance Director

Summary:

The NM Department of Finance Administration recommends approving the City of Hobbs quarterly lodgers' tax process. The following attachment is for the 2nd quarter 2017 DFA report.

Fiscal Impact:

Reviewed By: 
Finance Department

The December 31st, 2016 Cash Balance for the Lodgers' Tax Fund is \$458,478.19. The current balance of unencumbered events are as follows:

Security and Sanitation (15%)	\$ 0.00
Non-Profit/For Profit/Public Entity (20%)	\$ 52,453.58
City and County (40%)	\$(178,871.68)
Airline (25%)	\$ (107,590.45)

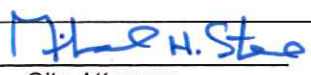
The current revised budget for annual lodgers' tax is \$800,000.

Note: transfers for NMML, Rockwind Marketing, National Fast Pitch, Hobbs Slam & Jam and Security (15%) in the amount of \$199,070.47 will be transferred in 3rd quarter to the General and Golf Special Revenue. After the transfer, cash will be at \$259,407.72

Attachments:

Resolution
12-31-2016 Financial Report

Legal Review:

Approved As To Form: 
City Attorney

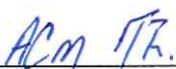
Recommendation:

To be determined by City Commission.

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS
RESOLUTION NO. 6514

A RESOLUTION APPROVING THE FY2017
LODGERS' TAX DFA 2nd QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 2nd quarter Lodgers' Tax DFA Financial Report to be approved annually, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended December 31, 2016 was \$458,478.19 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual year-to-date lodgers' tax revenue and expenditures for fiscal year 2017 crosswalk the amounts to the DFA 2nd quarter financial report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 2nd quarter lodgers' tax financial report be approved.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



FINANCE DEPARTMENT

200 E. Broadway
Hobbs, NM 88240

575-397-9235 bus
575-397-9450 fax

January 27th, 2017

Paula Flores
Special Projects Analyst
Department of Finance & Administration
Local Government Division
Bataan Memorial Bldg, Suite 201
Santa Fe, NM 87501

Re: 2nd quarter lodgers' tax quarterly report

Enclosed is the following:

2nd quarter lodgers' tax report for fiscal year 2017

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Spears", written over a horizontal line.

Toby Spears, CPA
Finance Director
CITY OF HOBBS

STATE OF NEW MEXICO

DEPARTMENT OF FINANCE AND ADMINISTRATION

Local Government Division - Budget and Finance Bureau

Lodgers' Tax Quarterly Report

INSTRUCTIONS

1. Provide quarterly and year-to-date revenue for the quarterly reporting period. Money received through joint powers agreements must be reported separately. Other sources includes private grants, donations, reimbursements, etc.
2. Allocate revenue to the promotional, non-promotional and general funds based on the percent of tax imposed. Administrative costs may not exceed 10% of the gross pro
3. Provide a "book cash balance" for both the promotional and non-promotional funds for the quarterly reporting period and year to date amounts.
4. Provide quarterly and year-to-date transfers-in and transfers - out.
[Note: The Lodgers' Tax Act does not allow transfers from the Lodgers' Tax Fund to the General Fund or other Funds of the local public body.]
5. Provide quarterly and year-to-date expenditures on the expenditures tab. Contractual service expenditures must comply with the Lodgers' Tax Act, terms of the contract and the Procurement Code 13-1-28 through 13-1-199 NMSA 1978.

REPORTING ENTITY: City of Hobbs 5 (PERCENT IMPOSED) QUARTER ENDING: 12/31/2016

1. REVENUE SUMMARY:	QUARTERLY AMOUNT	YEAR-TO-DATE (Y-T-D) AMOUNT	2. REVENUE ALLOCATION:	QUARTERLY AMOUNT	YEAR-TO-DATE (Y-T-D) AMOUNT
	(THIS REPORTING PERIOD)	(SUM OF ALL QUARTERS)		(THIS REPORTING PERIOD)	(SUM OF ALL QUARTERS)
LODGERS' TAX PROCEEDS \$	<u>251,230</u>	<u>461,105</u>	NON-PROMOTIONAL FUND	\$ <u>0</u>	\$ <u>0</u>
INVESTMENT INCOME	<u>1,764</u>	<u>2,580</u>	PROMOTIONAL FUND	\$ <u>252,994</u>	\$ <u>463,685</u>
LATE PENALTIES			ADMINISTRATIVE COST	\$ <u>0</u>	\$ <u>0</u>
CONVENTION CENTER FINANCING FEES			(10% IS THE MAXIMUM OF GROSS TAX PROCEEDS, Le. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)		
HOSPITALITY FEE ACT FEES					
1. _____					
2. _____					
TOTAL REVENUE \$	<u>252,994</u>	<u>463,685</u>			

4. TRANSFERS: IN

INTERGOVERNMENT, INTERFUND TRANSFERS - IN

(e.g. JPAs, GRANTS TRANSFERRED TO LODGERS' TAX FUND)

1. _____	\$ _____	\$ _____
2. _____		
	\$ <u>0</u>	\$ <u>0</u>

3. CASH BALANCES:

Carryover From Previous Fiscal Year: Non-Promotional	\$ <u>15,511</u>
Carryover From Previous Fiscal Year: Promotional	<u>173,443</u>
(Note: 2 years maximum carryover before money must be spent).	
NON-PROMOTIONAL FUND	\$ <u>0</u> \$ <u>0</u>
PROMOTIONAL FUND	\$ _____ \$ <u>285,035</u>
Grand Total (Non-Promo)	\$ _____ \$ <u>15,511</u>
Grand Total (Promo)	\$ _____ \$ <u>458,478</u>

TRANSFERS:OUT

NON-PROMOTIONAL FUND

INTERFUND TRANSFERS - (OUT)

(e.g. FROM NON-PROMOTIONAL TO VENDOR OR PROMOTIONAL)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ <u>0</u>	\$ <u>0</u>

PROMOTIONAL FUND

INTERFUND TRANSFERS - (OUT)

(e.g. FROM PROMOTIONAL TO VENDOR OR NON-PROMOTIONAL)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ <u>0</u>	\$ <u>0</u>

INTERGOVERNMENTAL TRANSFERS - (OUT)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ <u>0</u>	\$ <u>0</u>

INTERGOVERNMENTAL TRANSFERS - (OUT)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ <u>0</u>	\$ <u>0</u>

5. EXPENDITURE SUMMARY:

NON-PROMOTIONAL FUND

PROMOTIONAL FUND

CATEGORY/DESCRIPTION		YEAR-TO-DATE (Y-T-D)		YEAR-TO-DATE (Y-T-D)	
CONTRACTUAL SERVICES		Quarterly Amount	AMOUNT	Quarterly Amount	AMOUNT
EVENT or ACTIVITY		(This reporting period)	(SUM OF ALL QUARTERS)	(This reporting period)	(SUM OF ALL QUARTERS)
DATE					
see attached sheet				123,786	\$ 194,162
ADVERTISING CONTRACT(S)					
*VENDOR:					
EVENT/ACTIVITY					
DATE					
SUB-TOTAL		0	0	123,786	194,162
*Add additional sheets if necessary.					
OPERATING EXPENSES (IDENTIFY)			0		
TOURIST RELATED EVENTS (LIST)					
EVENT DATE					
PUBLIC SAFETY (FIRE / EMS / POLICE)					
SANITATION SVCS.					
PUBLIC SAFETY					
SANITATION SVCS.					
PUBLIC SAFETY					
SANITATION SVCS.					
SUB-TOTAL		0	0	0	0
CAPITAL OUTLAY (IDENTIFY)					
BUILDINGS & STRUCTURES					
EQUIPMENT & MACHINERY					
DEBT SERVICE (IDENTIFY)					
SUB-TOTAL					
EXPENDITURES TOTAL		\$ 0	\$ 0	\$ 123786	\$ 194162

CITY OF HOBBS
EVENT SUMMARIES
12/31/2016

PROMOTIONAL
ITEMS

16-10	HOBBS USSSA (17 EVENTS)	20,000.00
17-04	HISPANO CHAMBER OF COMMERCE - FIESTA DE SEPTIEMBRE	17,314.72
17-06	LEA COUNTY COMMISSION OF THE ARTS	2,500.00
17-07	LIGHT OF LEA COUNTY	8,902.54
17-08	SOUTHWEST SYMPHONY	25,000.00
17-09	HOBBS USSSA	40,444.27
17-10	WESTERN HERITAGE MUSEUM COMPLEX	20,000.00
17-12	CYCLE CITY PROMOTIONS	35,000.00
17-17	LEA COUNTY EVENT CENTER 2017	25,000.00
		<hr/>
		194,161.53

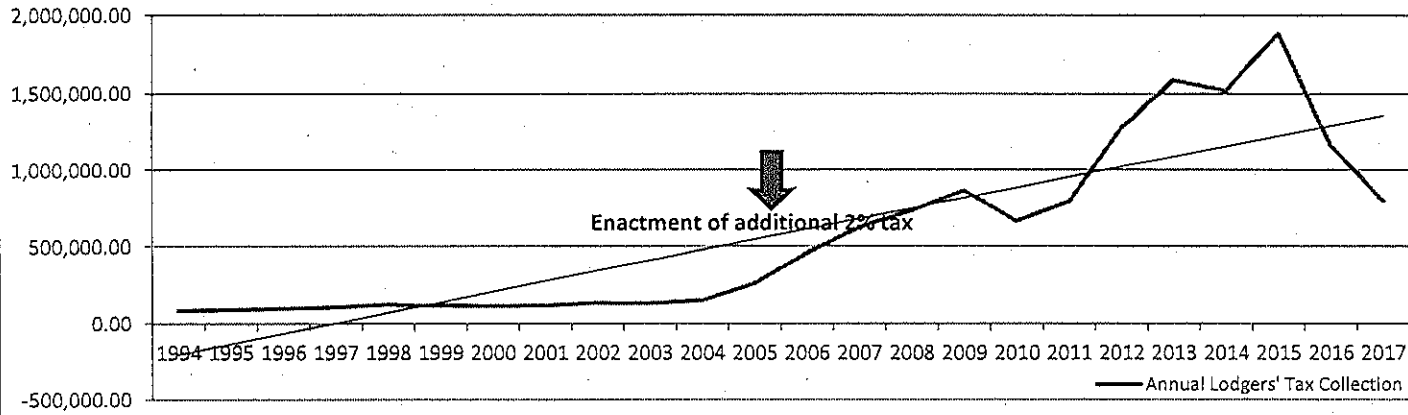
12/31/16

CITY OF HOBBS LODGERS' TAX PROGRAM
EXPENDITURE REPORT FOR THE 2ND QUARTER OF 2016 - 2017

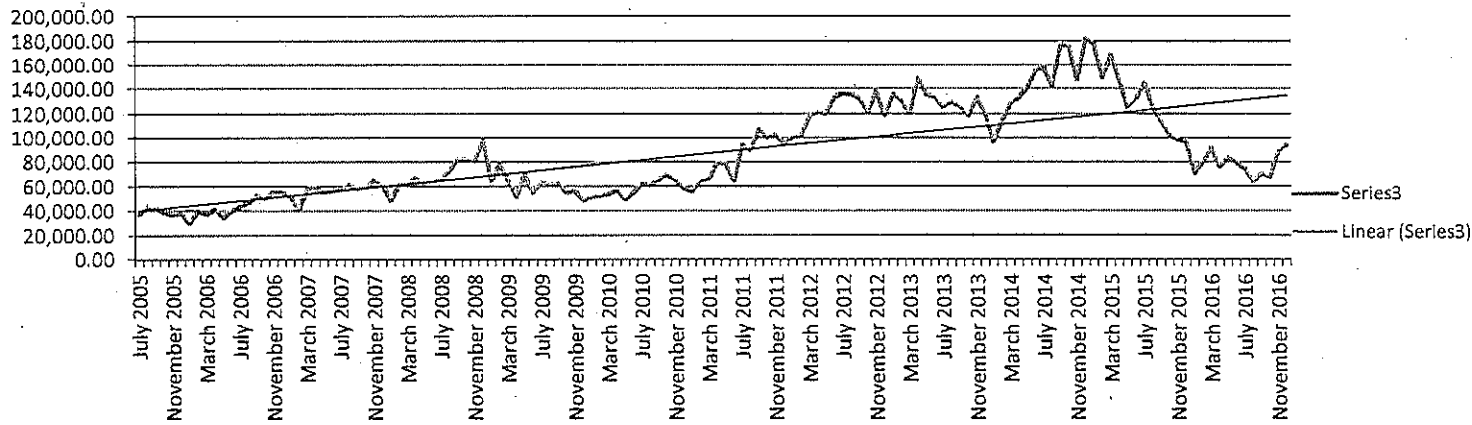
		PROMO	NON PROMO	TOTAL
CASH BAL.	6/30/16	173,443.28	15,511.46	188,954.74
FIRST QUARTER INCOME		209,875.23		209,875.23
FIRST QUARTER INTEREST		815.54		815.54
	TOTAL REVENUE	210,690.77	0.00	210,690.77
FIRST QUARTER EXPENSES		70,375.27		70,375.27
CASH BAL.	9/30/16	313,758.78	15,511.46	329,270.24
SECOND QUARTER INCOME		251,229.76		251,229.76
SECOND QUARTER INTEREST		1,764.45		1,764.45
	TOTAL REVENUE	252,994.21	0.00	252,994.21
SECOND QUARTER EXPENSES		123,786.28		123,786.28
CASH BAL.	12/31/16	442,966.71	15,511.46	458,478.17
THIRD QUARTER INCOME				0.00
THIRD QUARTER INTEREST				0.00
	TOTAL REVENUE	0.00	0.00	0.00
THIRD QUARTER EXPENSES				0.00
CASH BAL.	3/31/17	442,966.71	15,511.46	458,478.17
FOURTH QUARTER INCOME(FORCE EXTRA TO PROMO)				0.00
FOURTH QUARTER INTEREST				0.00
	TOTAL REVENUE	0.00	0.00	0.00
FOURTH QUARTER EXPENSES**				0.00
CASH BAL.	6/30/17	442,966.71	15,511.46	458,478.17
YEAR TO DATE INCOME		461,104.99	0.00	461,104.99
YEAR TO DATE INTEREST		2,579.99	0.00	2,579.99
	TOTAL REVENUE	463,684.98	0.00	463,684.98
YEAR TO DATE EXPENSES		194,161.55	0.00	194,161.55
YEAR TO DATE CASH BALANCES		442,966.71	15,511.46	458,478.17

CITY OF HOBBS LODGERS' TAX PROGRAM							
12/31/2016	AWARD					ACTUAL	
	PROJECT	DATE	AMOUNT	ACTUAL		OUTSTANDING	CATEGORY
12/31/2016	CASH BALANCE			EXPENSE		GRANT	
						458,478.19	
Proof of Cash:							
Beginning Cash Available for Profit, Non-Profit, and Public Entities (20%)						47,192.44	
16-10	HOBBS USSSA (17 EVENTS)	4/20/2015	123,000.00	122,531.16		468.84	NP
16-27	CINCO DE MAYO COMMITTEE (CITY MGR APPROVED)	1/15/2016	10,000.00	4,340.88		5,659.12	NP
17-01	IMPACTO	4/18/2016	4,500.00	4,500.00		0.00	NP
17-02	HOBBS CHAMBER OF COMMERCE - HOBBS HOLIDAY TOURNEY	4/18/2016	8,443.43	0.00		8,443.43	NP
17-03	HISPANO CHAMBER OF COMMERCE - MARIACHI CHRISTMAS	4/18/2016	13,450.00	0.00		13,450.00	NP
17-04	HISPANO CHAMBER OF COMMERCE - FIESTA DE SEPTIEMBRE	4/18/2016	17,500.00	17,314.72		185.28	NP
17-05	HOBBS KENNEL CLUB - 2017	4/18/2016	2,600.00	0.00		2,600.00	NP
17-06	LEA COUNTY COMMISSION OF THE ARTS	4/18/2016	10,000.00	2,500.00		7,500.00	NP
17-07	LIGHT OF LEA COUNTY	4/18/2016	10,000.00	8,902.54		1,097.46	NP
17-08	SOUTHWEST SYMPHONY	4/18/2016	25,000.00	25,000.00		0.00	NP
17-09	HOBBS USSSA	4/18/2016	70,000.00	40,444.27		29,555.73	NP
17-10	WESTERN HERITAGE MUSEUM COMPLEX	4/18/2016	20,000.00	20,000.00		0.00	NP
17-11	TUFF HEDEMAN	4/18/2016	18,000.00	0.00		18,000.00	P
17-12	CYCLE CITY PROMOTIONS	4/18/2016	35,000.00	35,000.00		0.00	P
	TOTAL REMAINING ALLOCATION FOR PROFIT, NON-PROFIT AND PUBLIC ENTITIES		367,493.43	280,533.57		86,959.86	
Add:	20% Monthly Tax Revenue (starting April 1st, 2013)					92,221.00	
	Cash Available for Allocation					52,453.58	
Beginning Cash Available for Local Government (City and County) (40%)						84,946.37	
17-17	LEA COUNTY EVENT CENTER 2017	4/18/2016	50,000.00	25,000.00		25,000.00	LOCAL GOV
15-20	CITY OF HOBBS PUBLIC TRANSPORTATION TAXI	4/21/2014	0.00	0.00		0.00	LOCAL GOV
16-21	CITY OF HOBBS NMML 2016	1/19/2016	175,000.00	18,594.00		156,406.00	LOCAL GOV
16-19	CITY OF HOBBS ROCKWIND GOLF COURSE MARKETING	1/19/2016	132,559.10	19,205.05		113,354.05	LOCAL GOV
17-15	CITY OF HOBBS ROCKWIND GOLF COURSE MARKETING- 2017	4/18/2016	25,000.00	0.00		25,000.00	LOCAL GOV
17-17	CITY OF HOBBS VETERANS MEMORIAL - 2017	4/18/2016	50,000.00	0.00		50,000.00	LOCAL GOV
17-16	CITY OF HOBBS SLAM AND JAM 2017	4/18/2016	78,500.00	0.00		78,500.00	LOCAL GOV
	TOTAL REMAINING ALLOCATION FOR LOCAL GOVERNMENT		511,059.10	62,799.05		448,260.05	
Add:	40% Monthly Tax Revenue (starting April 1st, 2013)					184,442.00	
	Cash Available for Allocation					(178,871.68)	
Beginning Cash Available for Fire, EMS, Sanitation (15%)							
	CITY OF HOBBS - FIRE AND POLICE SUBSIDY 2015		283,028.74	283,028.74		0.00	SEC.
	CITY OF HOBBS - FIRE AND POLICE SUBSIDY 2016		174,960.59	174,960.59		0.00	
	TOTAL REMAINING ALLOCATION FOR CITY OF HOBBS POLICE AND FIRE		457,989.33	457,989.33		0.00	
Add:	15% Monthly Tax Revenue (starting April 1st, 2013)		174,960.59			69,165.75	
	Cash Available for Allocation					0.00	
Beginning Cash Available for Airline subsidy (25%)						56,630.92	
	EDC - 2017 AIRLINE SUBSIDY (\$220,502.38 GENERAL FUND)	4/18/2016	279,497.62	0.00		279,497.62	
Add:	25% Monthly Tax Revenue (starting April 1st, 2013)					115,276.25	
	TOTAL REMAINING ALLOCATION FOR AIRLINE SUBSIDY		279,497.62	0.00		279,497.62	
	Cash Available for Allocation					(107,590.45)	

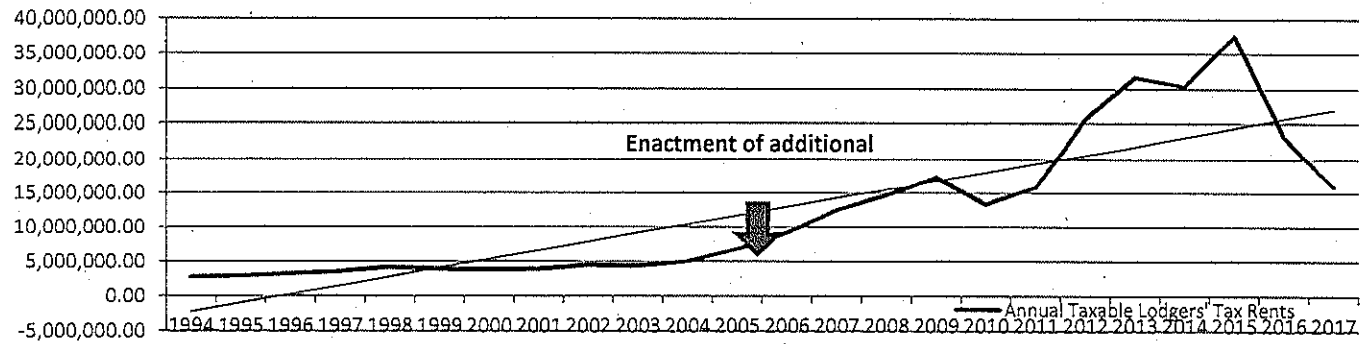
Annual Lodgers' Tax Collection



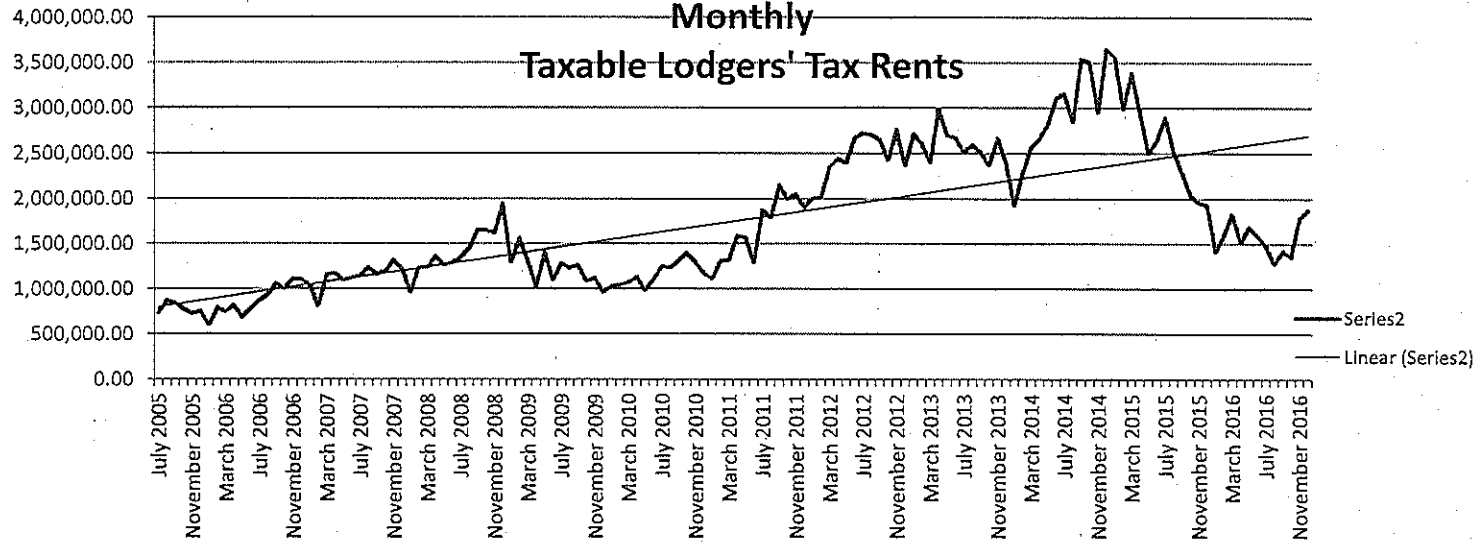
Monthly Lodgers' Tax Collection



Annual Taxable Lodgers' Tax Rents



Monthly Taxable Lodgers' Tax Rents





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: RESOLUTION TO APPROVE AN AFFORDABLE SENIOR HOUSING FUNDING COMMITMENT AND LETTER OF FINANCIAL SUPPORT TO YES HOUSING, INC. FOR A PROPOSED AFFORDABLE SENIOR HOUSING COMPLEX TO BE LOCATED NORTHEAST OF THE INTERSECTION OF BERRY AND GRIMES.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: January 30, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: YES Housing, Inc. has proposed to finance and develop a 56 unit affordable senior housing complex on developer controlled property located northeast of the corner of Berry and Grimes. The project will be restricted to seniors with all of the proposed units income and rent restricted to 60% or below area median income.

The projects Total Development Cost is \$13,000,000.00 so a local contribution of 10% of TDC would earn the Developer 10 points in scoring toward LIHTC funding. Municipal Code Chapter 3.14 allows the City to extend financial incentives to stimulate the development and construction of Affordable Senior Housing projects for multi-family housing. In order to qualify, the project must be considered as an Affordable Housing Project according to the City's Affordable Housing Plan. The Project must also be approved and funded by the NMMFA and comply with State MFA rules.

The Resolution proposes that the City make a conditional offer of financial assistance in an amount to be determined but not to exceed 10% of TDC, to include waiver of development fees to YES Housing, Inc. if the proposed project is funded by the state and developed. The Letter of Financial Support gives approval to the Project and commits the funding, contingent on the Developer receiving an allocation of LIHTC's during the 2017 cycle.

Fiscal Impact: Reviewed By: [Signature] Finance Department

A budget adjustment in the amount of \$_____ would need to be submitted to New Mexico Department of Finance and Administration for approval. Once approved by DFA the monies would be uploaded to the fiscal year 2017 budget.

This resolution will cause the City to incur a maximum expense as reflected above for the development of this Affordable Senior Housing project in fund 01-0100-44901-00169, if the application is funded by NMMFA.

Attachments: Resolution, Draft Letter of Commitment, Funding Request from YES Housing, Inc.

Legal Review: Approved As To Form: [Signature] City Attorney

Recommendation: Staff recommends consideration of the Resolution to approve the commitment to YES Housing, Inc.

Approved For Submittal By: [Signature] Department Director
[Signature] City Manager
CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN
Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6515

RESOLUTION TO APPROVE AN AFFORDABLE SENIOR HOUSING FUNDING COMMITMENT AND LETTER OF FINANCIAL SUPPORT TO YES HOUSING, INC. FOR A PROPOSED AFFORDABLE SENIOR HOUSING COMPLEX TO BE LOCATED NORTHEAST OF THE INTERSECTION OF BERRY AND GRIMES.

WHEREAS, the City Commission has previously approved YES Housing, Inc. as a qualified housing developer of affordable multi-family housing and certified this company as a "Pre-Qualifying Grantee"; and

WHEREAS, YES Housing, Inc. intends to submit an application to the NMMFA for an affordable senior housing development, to include 56 units of affordable senior housing units located NE of the intersection of Berry and Grimes; and

WHEREAS, a proposed letter of financial support is attached to this resolution, along with the local contribution funding request to the City from YES Housing, Inc.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby approves the Letter of Financial Support for the proposed Affordable Senior Housing Project, and the Mayor is hereby authorized to sign the letter, a copy of which is attached hereto as Exhibit "A" and made a part of this Resolution.

2. The City of Hobbs hereby approves a commitment of financial support in an amount not to exceed _____ as a contribution to YES Housing, Inc., under the City of Hobbs Affordable Housing Funding Programs, subject to NMMFA funding.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Office of the Mayor

200 E. Broadway St.
Hobbs, NM 88240

575-397-9206 bus
575- 397-9227 fax

City of Hobbs, New Mexico

February 2, 2017

Ms. Michelle DenBleyker
YES Housing, Inc.
104 Roma NW
Albuquerque, NM 87102

RE: City of Hobbs issuance of a Letter of Financial Support and Conditional Approval of YES Housing, Inc.'s Application for Affordable Housing Incentive Funding.

Dear Ms. DenBleyker:

This letter is an affirmation that the City of Hobbs welcomes and supports YES Housing, Inc.'s proposed 56 unit affordable senior housing development, to be located northeast of the intersection of Berry and Grimes, in the City of Hobbs.

The City Commission has approved a commitment of financial support in an amount not to exceed _____ as Gap Financing to YES Housing, Inc.'s proposed affordable senior housing complex, under the City of Hobbs Affordable Housing Funding Programs, and subject to the conditions as stated in the attached Resolution. Also, the City shall waive all applicable City development fees including building permit fees and utility connection fees on the project. These commitments are subject to approval and funding of your project by NMMFA, City governmental appropriations and/or referendum. This offer will expire on December 31, 2017.

The proposed senior housing development will be subject to all rules, regulations and requirements as promulgated within the City of Hobbs Municipal Code, Major Thoroughfare Plan, Building Codes and Fire Codes. This project will require full buffering from adjacent properties, drainage improvements that reduce post development off site discharge and a security system tied into the Hobbs Public Security System. Additionally, the property will be subject to a long term maintenance agreement to maintain the exterior in an "as new" condition to include building facades, landscaping, lighting and any public hardscape.

If we can be of any assistance during the development process please feel free to call us. Should you or your staff have any questions please contact JJ Murphy, City Manager at (575) 397-9206. We look forward to working with you.

Sincerely,

CITY OF HOBBS, NEW MEXICO

Sam D. Cobb – Mayor



January 29, 2017

Kevin Robinson
Planning Department
200 E. Broadway
Hobbs, NM 88240

RE: West Berry Senior Apartments
616 West Berry Dr., Hobbs, NM 88240 – 56 units
Affordable Housing Funding – Resolution No. 1050

Dear Mr. Robinson:

The enclosed is a request for Affordable Housing Funds, for the new construction of the above-mentioned community. We are requesting **\$1,300,000**, as a forgivable, zero percent (0%), due on sale loan, as well as a waiver of the City of Hobbs Permit Fees.

Please feel free to contact me if you have any questions.

Thank you for your consideration.

Sincerely,

Michelle Den Bleyker
Vice President of Real Estate Development
(432) 530-7978

mdenbleyker@yeshousing.org

West Berry Senior Apartments (to be named)

Narrative Description of Project

Location:	616 West Berry Hobbs, NM 88240
Unit Mix:	44 one-bedroom units 12 two-bedroom units
Rent/Income Mix:	18 units at or below 30% of median income 19 units at or below 50% of median income 19 units at or below 60% of median income

YES Housing, Inc. is pleased to submit the West Berry Senior Apartments (to be named in the future) application for consideration, to the New Mexico Mortgage Finance Authority's Low Income Housing Tax Credit program.

This application provides for the new construction of West Berry Senior Apartments, a two-story, 56-unit, senior, affordable development. YES will provide social services appropriate to the Senior residents of West Berry, utilizing an on-site service coordinator.

This new walkable community will consist of 44 one-bedroom units, and 12 two-bedroom/2 bath units totaling 56 units and will include community spaces for resident activities, provision of services, management office, and laundry room.

The NM Mortgage Finance Authority design standards will be followed – including the requirement that the units be meet a Home Energy Rating System (HERS) rating of 65. This high level of efficiency shall help keep the monthly utility costs low for the residents.

We believe that the new construction of West Berry Senior Apartments will enhance the City of Hobbs with additional safe, affordable, energy efficient, beautiful housing, while satisfying the MFA's criteria and standards, and furthering YES' mission in the state of New Mexico.

**MFA MULTIFAMILY PROJECT APPLICATION
SCHEDULE A: DEVELOPMENT COST BUDGET**

Project Name: West Berry Senior Apartments

Date: 1/29/2017

Total Units: 56 Low Income Units: 56

*Round figures to nearest dollar

	TOTAL ACTUAL COST	COMMERCIAL	RESIDENTIAL	FEDERAL HTC REQUESTS ONLY	
				RESIDENTIAL COSTS ONLY	
				ACQUISITION BASIS	REHAB/NEW CONSTRUCTION BASIS
ACQUISITION COSTS					
Land Acquisition	400,000		400,000		
Building Acquisition					
Other (a)	37,000		37,000		
SUBTOTAL	437,000	-	437,000	-	-
TOTALS FROM SCHEDULE "D" CONTRACTOR'S AND MORTGAGOR'S COST BREAKDOWN					
Demolition (I)					-
Accessory Structures (II)					-
Site Construction (III)	750,000		750,000		750,000
Buildings and Structures (IV)	5,691,840		5,691,840		5,691,840
Off-Site Improvements (V)					
Other Costs (VI)					
SUBTOTAL (VII)	6,441,840	-	6,441,840	-	6,441,840
OTHER CONSTRUCTION COSTS					
Contractor Overhead	136,567		136,567		136,567
Contractor Profit	409,701		409,701		409,701
General Requirements	409,701		409,701		409,701
Construction Contingency	386,510		386,510		386,510
Gross Receipts Tax (GRT)	589,482		589,482		589,482
Landscaping			-		-
Furniture, Fixtures, & Equipment	75,000		75,000		75,000
Other (b)	171,372		171,372		171,372
SUBTOTAL	2,178,333	-	2,178,333	-	2,178,333
PROFESSIONAL SERVICES/FEES					
Architect (Design)	432,985		432,985		432,985
Architect (Supervision)	45,000		45,000		45,000
Attorney (Real Estate)	31,000		31,000		31,000
Engineer/Survey	25,000		25,000		25,000
Other (c)	45,000		45,000		45,000
SUBTOTAL	578,985	-	578,985	-	578,985
CONSTRUCTION FINANCING					
Hazard Insurance			-		-
Liability Insurance	80,000		80,000		80,000
Performance Bond			-		-
Interest	225,000		225,000		225,000
Origination\Discount Points	57,000		57,000		57,000
Credit Enhancement			-		-
Inspection Fees	17,000		17,000		17,000
Title and Recording	85,000		85,000		85,000
Legal	17,000		17,000		17,000
Taxes	8,500		8,500		8,500
Other (d)			-		-
SUBTOTAL	489,500	-	489,500	-	489,500

--CONTINUED ON NEXT PAGE--

FOOTNOTES

- | | |
|--|--|
| 1) Subtotal from Section I. Schedule "D" | 4) Subtotal from Section IV. Schedule "D" |
| 2) Subtotal from Section II. Schedule "D" | 5) Subtotal from Section V. Schedule "D" |
| 3) Subtotal from Section III. Schedule "D" | 6) Subtotal from Section VI. Schedule "D" |
| | 7) Subtotal from Section VII. Schedule "D" |

**MFA MULTIFAMILY PROJECT APPLICATION
SCHEDULE A: DEVELOPMENT COST BUDGET**

Project Name: West Berry Senior Apartments

Date: 1/29/2017

Total Units: 56 Low Income Units: 56

*Round figures to nearest dollar

	TOTAL ACTUAL COST	COMMERCIAL	RESIDENTIAL	FEDERAL HTC REQUESTS ONLY	
				ACQUISITION BASIS	RESIDENTIAL COSTS ONLY REHAB/NEW CONSTRUCTION BASIS
PERMANENT FINANCING COSTS					
Bond Premium			-		
Credit Report			-		
Origination\Discount Points	3,500		3,500		
Credit Enhancement			-		
Title and Recording	21,000		21,000		
Legal			-		
Costs of Bond Issuance			-		
Pre-Paid MIP			-		
Reserves and Escrows			-		
Other (e)			-		
SUBTOTAL	24,500	-	24,500		
SOFT COSTS					
Market Study	8,500		8,500		8,500
Enviromental	2,500		2,500		2,500
Tax Credit Fees	68,904		68,904		
Appraisal			-		-
Hard Relocation Costs			-		
Accounting/Cost Certification	21,000		21,000		
Other (f)	50,000		50,000		50,000
SUBTOTAL	150,904	-	150,904	-	61,000
SYNDICATION					
Organization			-		
Bridge Loan			-		
Tax Opinion	30,000		30,000		
Other (g)			-		
SUBTOTAL	30,000	-	30,000		
TDC before Dev. Fees & reserves	10,331,062	-	10,331,062	-	9,749,658
RESERVES					
Rent Up	35,000		35,000		
Operating	152,187		152,187		
Replacement			-		
Escrows/Working Capital			-		
Other (h)			-		
SUBTOTAL	187,187	-	187,187	-	-
DEVELOPER FEES					
Developer Fee	1,176,000		1,176,000		1,176,000
Consultant Fee			-		
Relocation Consultant			-		
SUBTOTAL	1,176,000	-	1,176,000	-	1,176,000
Total Development Cost TDC)	11,694,249	-	11,694,249	-	10,925,658

Applicant is required to provide detail on each "Other" row.

ACQUISITION COSTS [Other (a)]	
DESCRIPTION OF COST	AMOUNT
Closing costs/Title	25,000
Broker's Fee	12,000
TOTAL	37,000

OTHER CONSTRUCTION COSTS [Other (b)]	
DESCRIPTION OF COST	AMOUNT
Builder's Risk	27,634
Payment and Performance Bond	83,738
Construction Management	60,000
TOTAL	171,372

PROFESSIONAL SERVICES/FEEES [Other (c)]	
DESCRIPTION OF COST	AMOUNT
Green Modeling/HERS Testing	30,000
Phase 1/Compaction Testing	5,000
Geotechnical	10,000
TOTAL	45,000

CONSTRUCTION FINANCING COSTS [Other (d)]	
DESCRIPTION OF COST	AMOUNT
TOTAL	-

PERMANENT FINANCING COSTS [Other (e)]	
DESCRIPTION OF COST	AMOUNT
TOTAL	-

SOFT COSTS [Other (f)]	
DESCRIPTION OF COST	AMOUNT
Soft Cost Contingency	50,000
TOTAL	50,000

SYNDICATION [Other (g)]	
DESCRIPTION OF COST	AMOUNT
TOTAL	-

RESERVES [Other (h)]	
DESCRIPTION OF COST	AMOUNT
TOTAL	-

MFA MULTIFAMILY PROJECT APPLICATION
Schedule A-1: Sources of Funds

Project Name: West Berry Senior Apartments

Date: 1/29/2017

Financing Sources	Lender/Program	Contact Person Name/Telephone No.	Construction Amount	Permanent Amount	Interest Rate	Payment		Term	
						Amount	Frequency	Amort. Yrs.	Loan Yrs.
First Mortgage	Conventional 1st Mortgage	TBD	2,579,676	350,000	6.50%	26,547	annual	30	30
Second Mortgage	MFA Home Loan		540,000	600,000		7,500	annual	80	40
Third Mortgage									
Other Mortgage									
Other Mortgage									
Grant	AHP Grant		420,000	420,000					
Grant	City of Hobbs Contribution		1,300,000	1,300,000					
Deferred Developer Fee			790,000	360,574					
		Subtotal:	5,629,676	3,030,574					
Other Equity									
Other Equity									
Tax Credit Proceeds	Equity Investor	TBD	6,064,573	8,663,675					
		Total:	11,694,249	11,694,249					

Note: Total of Permanent Amount Column Must Equal Total Development Cost in Schedule A.

Are you willing to defer your developer fee without interest, if MFA's evaluation results in a need to do so?

Yes

If you plan to issue bonds, indicates amounts.

N/A
N/A

Tax Exempt
Taxable

Complete highlighted cells

Equity Installment Schedule

	Date	Amount
Initial Installment	closing	1,732,735
2nd Installment	50%	1,732,735
3rd Installment	100%	2,599,103
4th Installment	stabilization	2,165,919
5th Installment	FINAL	433,184
Total		8,663,675

Estimated annual tax credits times 10 years	9,120,570
Multiply by tax investor ownership percentage	1
Total tax credits	9,119,658
Expected credit price	1
Expected cash equity	8,663,675

**MFA MULTIFAMILY PROJECT APPLICATION
SCHEDULE B: UNIT TYPE AND RENT SUMMARY**

Project Name: West Berry Senior Apartments

Date: 1/29/2017

Section A		Restricted Units at 60% of Median					
Number BR/Unit Type	Efficiency	1-BR	2-BR	3-BR	-BR	Totals	
Net Sq. Ft./Unit		659	1,041			1,700	
Number of Units		15	4			19	
Gross Monthly Rent/Unit ⁽¹⁾		676	811				
Minus: Utility Allowance		57	74				
Net Monthly Rent/Unit		619	737				
Annual Rental Income (All Units)		111,420	35,376			146,796	
Vacancy Allowance (%):		7.00%					

Section B		Restricted Units at 50% of Median					
Number BR/Unit Type	Efficiency	1-BR	2-BR	3-BR	-BR	Totals	
Net Sq. Ft./Unit		659	1,041			1,700	
Number of Units		15	4			19	
Gross Monthly Rent/Unit ⁽¹⁾		563	676				
Minus: Utility Allowance		57	74				
Net Monthly Rent/Unit		506	602				
Annual Rental Income (All Units)		91,080	28,896			119,976	
Vacancy Allowance:		7.00%					

Section C		Restricted Units at 40% of Median					
Number BR/Unit Type	Efficiency	1-BR	2-BR	3-BR	-BR	Totals	
Net Sq. Ft./Unit		659	1,041			1,700	
Number of Units		14	4			18	
Gross Monthly Rent/Unit ⁽¹⁾		451	541				
Minus: Utility Allowance		57	74				
Net Monthly Rent/Unit		394	467				
Annual Rental Income (All Units)		66,192	22,416			88,608	
Vacancy Allowance:		7.00%					

Section D		Restricted Units at 30% of Median					
Number BR/Unit Type	Efficiency	1-BR	2-BR	3-BR	-BR	Totals	
Net Sq. Ft./Unit							
Number of Units							
Gross Monthly Rent/Unit ⁽¹⁾							
Minus: Utility Allowance							
Net Monthly Rent/Unit							
Annual Rental Income (All Units)							
Vacancy Allowance:		7.00%					

Section E		Market Rate / Unrestricted Units					
Number BR/Unit Type	Efficiency	1-BR	2-BR	3-BR	-BR	Totals	
Net Sq. Ft./Unit							
Number of Units							
Gross Monthly Rent/Unit ⁽¹⁾							
Minus: Utility Allowance							
Net Monthly Rent/Unit							
Annual Rental Income (All Units)							
Vacancy Allowance:		7.00%					

Section F		Total All Units (Total Section A-E)					
Number BR/Unit Type	Efficiency	1-BR	2-BR	3-BR	-BR	Totals	
Net Sq. Ft./Unit							
Number of Units		44	12			56	
Gross Monthly Rent/Unit ⁽¹⁾							
Minus: Utility Allowance							
Net Monthly Rent/Unit							
Annual Rental Income (All Units)		268,692	86,688			355,380	
Units Receiving Rental Assistance (To be included in Sections A-E)							
Non-Revenue Generating Units ⁽²⁾							
Vacancy Allowance:		7.00%					

⁽¹⁾Not to exceed rent limits for program applied for.

⁽²⁾Non-Revenue Generating Units (Not to be included in Sections A-E) Specify Use:

**MFA MULTIFAMILY PROJECT APPLICATION
SCHEDULE C: OPERATING EXPENSE BUDGET**

Project Name: West Berry Senior Apartments

Date: 1/29/2017

		Total Units: 56	Total Budget	Per Unit Cost
INCOME				
1	Annual Rental Income Per Schedule B/Section F		355,380	6,346
2	Parking Income			0
3	Laundry Income		2,500	45
4	Other Income (Specify)			0
	Income Subtotal		357,880	6,391
5	Less Vacancy @ 7%		(25,052)	-447
6	Commercial Income			0
7	Less Vacancy @ 50%			0
8	TOTAL INCOME		332,828	5,943
EXPENSES				
ADMINISTRATIVE EXPENSES				
9	Accounting and Audit		12,000	214
10	Advertising		1,200	21
11	Legal		1,500	27
12	Property Management Fee @ 6.00%		19,970	357
13	Gross Receipts Tax (GRT) on Management Fee			0
14	Management Salaries/Taxes		45,500	813
15	Office Supplies and Postage		2,500	45
16	Telephone		3,100	55
17	Annual Compliance Fees (\$45 per LI unit)		2,520	45
18	Other (Specify):			0
19	SUBTOTAL ADMINISTRATIVE EXPENSES		88,290	1,577
UTILITY EXPENSES				
20	Fuel (Heat and Water)			0
21	Electricity		16,575	296
22	Water and Sewer		13,000	232
23	Gas			0
24	Garbage/Trash		7,000	125
25	Other (Specify):			0
26	SUBTOTAL UTILITY EXPENSES		36,575	653
MAINTENANCE EXPENSES				
27	Elevator			0
28	Exterminating		2,500	45
29	Grounds		2,000	36
30	Repairs		4,000	71
31	Maintenance Salaries and Taxes		40,560	724
32	Maintenance Supplies		1,800	32
33	Pool			0
34	Snow Removal			0
35	Decorating		1,100	20
36	SUBTOTAL MAINTENANCE		51,960	928
FIXED EXPENSES				
37	Real Estate Taxes		50,000	893
38	In Lieu of Taxes			0
39	Other Tax Assessments		500	9
40	Insurance		25,000	446
41	Other (Specify):			0
42	SUBTOTAL FIXED EXPENSES		75,500	1,348
SUBTOTAL EXPENSES BEFORE RESERVES				
RESERVE FOR REPLACEMENT/OTHER RESERVES				
43	Reserve for Replacement (Annual) ⁽¹⁾		14,000	250
44	Other (Specify):			0
45	Other (Specify):			0
46	Other (Specify):			0
47	Other (Specify):			0
48	SUBTOTAL RESERVES (Do not include debt service)		14,000	250
49	Enrichment Services		2,500	45
50	TOTAL EXPENSES		268,825	4,800
51	NET OPERATING INCOME (Total Income Minus Total Expenses)		64,003	1,143

(1) Minimum reserves per unit per year: \$250/unit/year for Senior Housing (new construction only), and \$300/unit/year for all other new construction and rehabilitation projects.

Management Agent/Applicant Certification: The operating budget provided above is that which will serve as the project's operating budget for its first year of operations, pursuant to agreement by the following parties:

Management Agent Signature: _____ Date: _____

Printed Name/Title: _____

CASH FLOW PROJECTION

Annual Inflation Factors

West Berry Senior Apartments

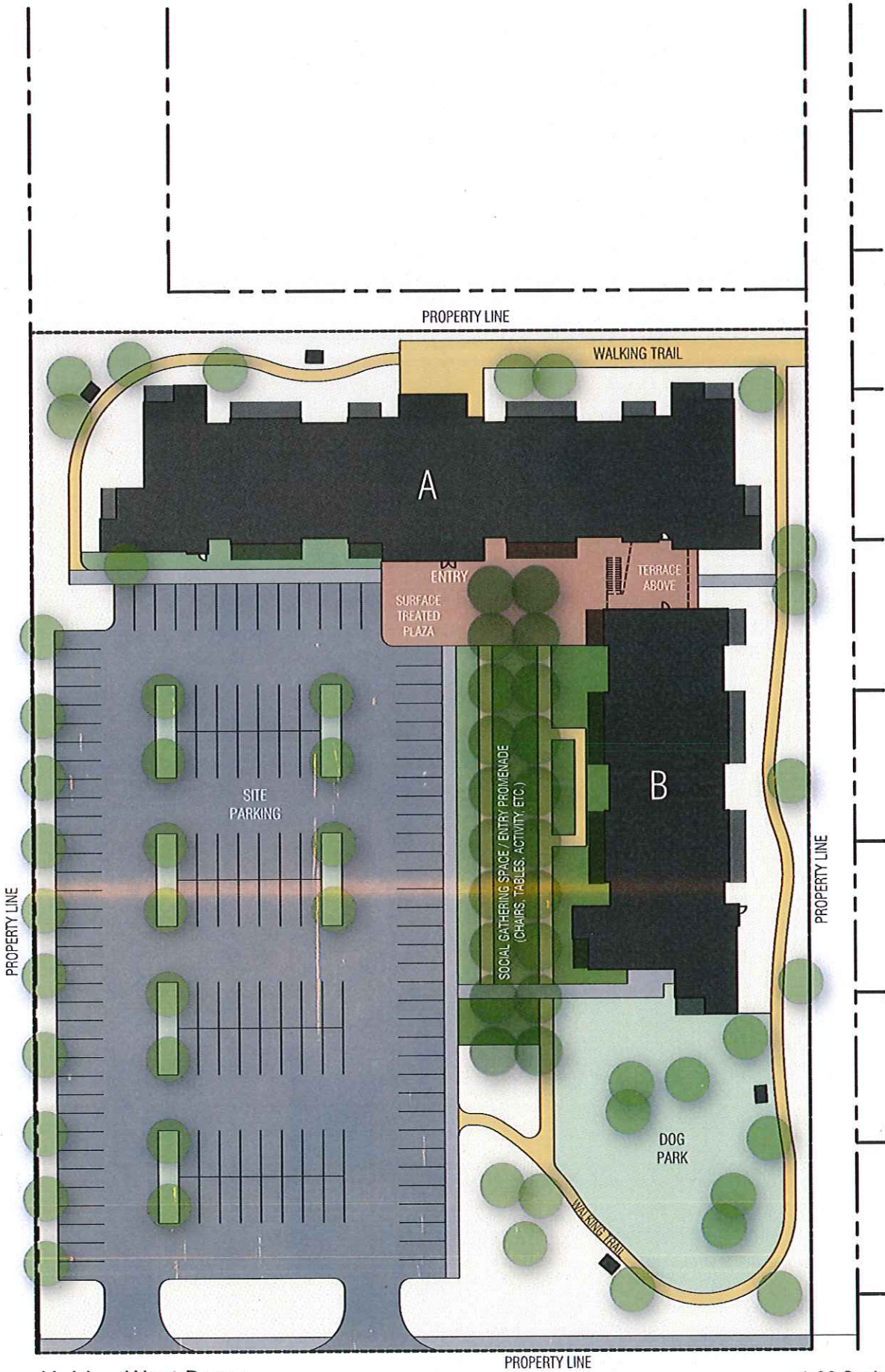
West Berry Senior Apartments

Residential Rents: 2.00%
 Expenses (except Mgmt fees) 3.00%
 Replacement Reserves: 3.00%

Vacancy: 7%
 Commercial Vacancy 50%

Date: 1/29/2017

Annual Projections (Post Construction Perio	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Income															
Residential Income	357,880	365,038	372,338	379,785	387,381	395,128	403,031	411,092	419,313	427,700	436,254	444,979	453,878	462,956	472,215
Vacancy Loss	-25,052	-25,553	-26,064	-26,585	-27,117	-27,659	-28,212	-28,776	-29,352	-29,939	-30,538	-31,149	-31,771	-32,407	-33,055
Commercial Income	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commercial Income Vacancy Loss	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Effective Gross Income (EGI)	332,828	339,485	346,275	353,200	360,264	367,469	374,819	382,315	389,962	397,761	405,716	413,830	422,107	430,549	439,160
Expenses															
Expenses (less reserves and mgt fees)	234,855	241,901	249,158	256,632	264,331	272,281	280,429	288,842	297,507	306,433	315,625	325,094	334,847	344,892	355,239
Mgmt fees + GRT (increases with EGI)	19,970	20,369	20,776	21,192	21,616	22,048	22,489	22,939	23,398	23,866	24,343	24,830	25,326	25,833	26,350
Reserves	14,000	14,420	14,853	15,298	15,757	16,230	16,717	17,218	17,735	18,267	18,815	19,379	19,961	20,559	21,176
Total Expenses	268,825	276,690	284,787	293,123	301,704	310,539	319,635	328,999	338,640	348,585	358,783	369,303	380,134	391,285	402,765
Net Operating Income	64,003	62,795	61,488	60,078	58,560	56,930	55,184	53,316	51,322	49,196	46,933	44,527	41,973	39,264	36,395
Annual Debt Service (Hard Debt)															
First Mortgage	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547	26,547
Second Mortgage	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500
Third Mortgage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fourth Mortgage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Debt Service	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047	34,047
Net Project Cash Flow	29,956	28,748	27,441	26,031	24,513	22,883	21,137	19,269	17,275	15,149	12,886	10,480	7,926	5,217	2,348
Debt Service Coverage - First	2.41	2.37	2.32	2.26	2.21	2.14	2.08	2.01	1.93	1.85	1.77	1.68	1.58	1.48	1.37
Debt Service Coverage - All Debt	1.88	1.84	1.81	1.76	1.72	1.67	1.62	1.57	1.51	1.44	1.38	1.31	1.23	1.15	1.07



Hobbs, West Berry
 Preliminary Site Plan

1:60 Scale

1/27/2017

DEKKER
 PERICH
 SABATINI

PROJECT DATA

LOCATION West Berry Drive & North Grimes Street, Hobbs, New Mexico
 SITE AREA 3.74 acres

APARTMENT PARKING 112 spaces (2.0 per unit)
 COMMUNITY BUILDING PARKING 16 spaces
 HC SPACES 8 spaces (included in apartment parking)

 TOTAL PARKING 128 spaces

DENSITY 14.97 du/acre
 OCCUPANCY TYPE R-2 apartments
 CONSTRUCTION TYPE V-A fully sprinklered
 SETBACK PROVIDED 140' front
 25' sides
 20' rear

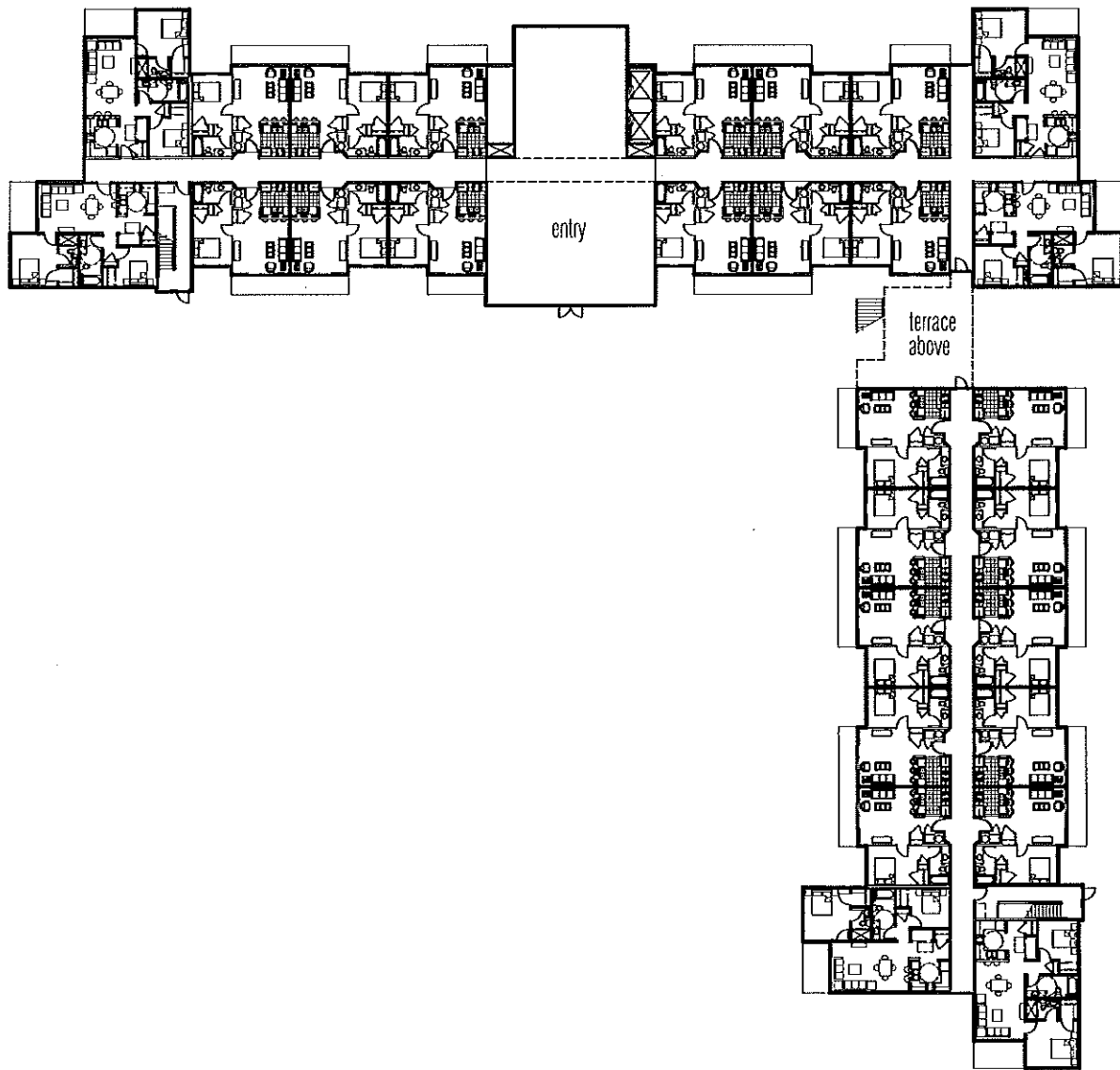
ACCESSIBILITY
 1 BD 2 ANSI Type A
 2 BD 1 ANSI Type A

 TOTAL ANSI TYPE A 3 (all remaining units are ANSI Type B)

RESIDENTIAL BUILDING TYPES (TWO STORY)						
BUILDING	1BR	2BR	GROSS SF	# OF BLDG'S	TOTAL	
A	24	8	33,812 sf	1	33,812 sf	
B	20	4	19,870 sf	1	19,870 sf	
TOTAL					53,682 sf	

UNIT TYPES				
TYPE	GROSS SF	# OF UNITS	TOTAL	
1 BD / 1BA (TYPE B) - NO PORCH / BALCONY	582 sf	2	1164 sf	
1 BD / 1BA (TYPE B)	659 sf	40	26360 sf	
1 BD / 1BA (TYPE A)	659 sf	2	1318 sf	
2 BD / 2BA (TYPE B)	1,041 sf	11	11451 sf	
2 BD / 2BA (TYPE A)	1,041 sf	1	1041 sf	
TOTAL		56	41,334 sf	
COMMUNITY BUILDING			5,290 sf	
CIRCULATION / MISC.			7,058 sf	
<hr/>				
TOTAL BUILDING AREA			53,682 sf	

Hobbs, West Berry
 Preliminary Project Summary

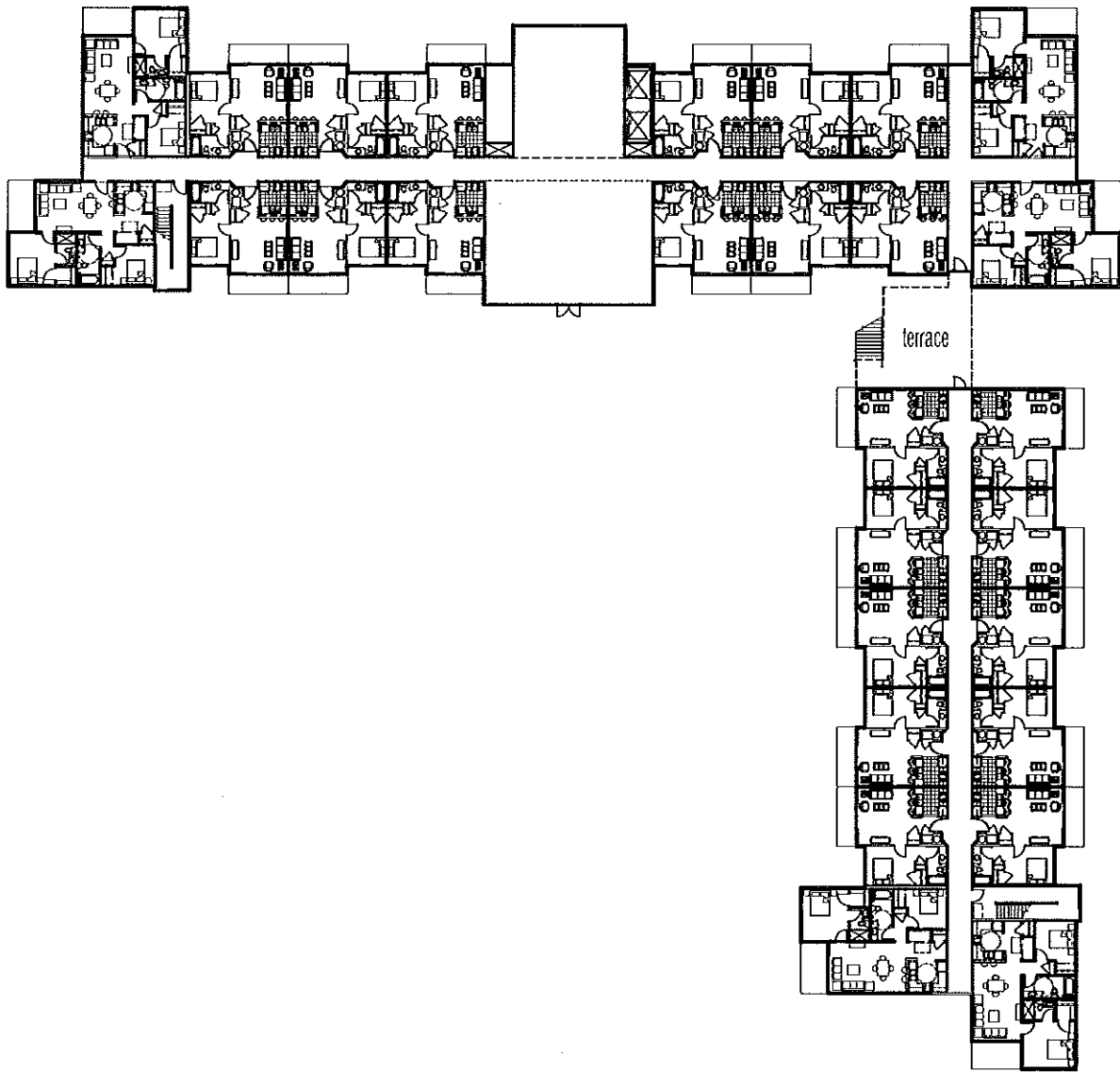


Hobbs, West Berry
Preliminary Building Floor Plan (level 1)

1:30 Scale

1/27/2017

BEKKER
PERICH
SABATINI



Hobbs, West Berry
Preliminary Building Floor Plan (level 2)

1:30 Scale

1/27/2017

BEKKER
PERICH
SABATINI

3-COAT STUCCO

METAL PANEL

METAL PANEL

GLAZING/WINDOWS



Hobbs, West Berry
Preliminary Partial South Elevation

1/27/2017



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: RESOLUTION TO APPROVE AN AFFORDABLE SENIOR HOUSING FUNDING COMMITMENT AND LETTER OF FINANCIAL SUPPORT TO CHELSEA INVESTMENTS CORPORATION FOR A PROPOSED AFFORDABLE SENIOR HOUSING COMPLEX TO BE LOCATED NORTHWEST OF THE INTERSECTION OF DUNNAM AND FOWLER.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: January 30, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Chelsea Investments Corporation has proposed to finance and develop a senior housing complex on developer controlled property located northwest of the corner of Dunnam and Fowler. The project will be restricted to seniors and 48 of the proposed 58 units will be income and rent restricted to 60% or below area median income while 9 units will be unrestricted or market rate with 1 manager unit on site.

The projects Total Development Cost is \$13,304,890.00 so a local contribution of 10% of TDC would earn the Developer 10 points in scoring toward LIHTC funding. Municipal Code Chapter 3.14 allows the City to extend financial incentives to stimulate the development and construction of Affordable Senior Housing projects for multi-family housing. In order to qualify, the project must be considered as an Affordable Housing Project according to the City's Affordable Housing Plan. The Project must also be approved and funded by the NMMFA and comply with State MFA rules.

The Resolution proposes that the City make a conditional offer of financial assistance in an amount to be determined but not to exceed 10% of TDC, to include waiver of development fees to Chelsea Investments Corporation if the proposed project is funded by the state and developed. The Letter of Financial Support gives approval to the Project and commits the funding, contingent on the Developer receiving an allocation of LIHTC's during the 2017 cycle.

Fiscal Impact: Reviewed By: [Signature] Finance Department

A budget adjustment in the amount of \$_____ would need to be submitted to New Mexico Department of Finance and Administration for approval. Once approved by DFA the monies would be uploaded to the fiscal year 2017 budget.

This resolution will cause the City to incur a maximum expense as reflected above for the development of this Affordable Senior Housing project in fund 01-0100-44901-00169, if the application is funded by NMMFA.

Attachments: Resolution, Draft Letter of Commitment, Funding Request from Chelsea Investments Corporation.

Legal Review: Approved As To Form: [Signature] City Attorney

Recommendation: Staff recommends consideration of the Resolution to approve the commitment to Chelsea Investments Corporation

Approved For Submittal By: [Signature] Department Director
[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN
Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6516

RESOLUTION TO APPROVE AN AFFORDABLE SENIOR HOUSING FUNDING COMMITMENT AND LETTER OF FINANCIAL SUPPORT TO CHELSEA INVESTMENTS CORPORATION FOR A PROPOSED AFFORDABLE SENIOR HOUSING COMPLEX TO BE LOCATED NORTHWEST OF THE INTERSECTION OF DUNNAM AND FOWLER.

WHEREAS, the City Commission has previously approved Chelsea Investments Corporation as a qualified housing developer of affordable multi-family housing and certified this company as a "Pre-Qualifying Grantee"; and

WHEREAS, Chelsea Investments Corporation intends to submit an application to the NMMFA for an affordable senior housing development, to include 58 units of affordable senior housing units located in the NW of the intersection of Dunnam and Fowler; and

WHEREAS, a proposed letter of financial support is attached to this resolution, along with the local contribution funding request to the City from Chelsea Investments Corporation

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby approves the Letter of Financial Support for the proposed Affordable Senior Housing Project, and the Mayor is hereby authorized to sign the letter, a copy of which is attached hereto as Exhibit "A" and made a part of this Resolution.

2. The City of Hobbs hereby approves a commitment of financial support in an amount not to exceed _____ as a contribution to Chelsea Investments Corporation, under the City of Hobbs Affordable Housing Funding Programs, subject to NMMFA funding.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Office of the Mayor

200 E. Broadway St.
Hobbs, NM 88240

575-397-9206 bus
575- 397-9227 fax

City of Hobbs, New Mexico

February 2, 2017

Ms. Robin Pelton
Chelsea Investments Corporation
6339 Paseo Del Lago
Carlsbad, CA 92011

RE: City of Hobbs issuance of a Letter of Financial Support and Conditional Approval of Chelsea Investments Corporation's Application for Affordable Housing Incentive Funding.

Dear Ms. Pelton:

This letter is an affirmation that the City of Hobbs welcomes and supports Chelsea Investments Corporation's proposed 48 unit affordable senior housing development, to be located northwest of the intersection of Dunnam and Fowler, in the City of Hobbs.

The City Commission has approved a commitment of financial support in an amount not to exceed _____ as Gap Financing to Chelsea Investments Corporation's proposed affordable senior housing complex, under the City of Hobbs Affordable Housing Funding Programs, and subject to the conditions as stated in the attached Resolution. Also, the City shall waive all applicable City development fees including building permit fees and utility connection fees on the project. These commitments are subject to approval and funding of your project by NMMFA, City governmental appropriations and/or referendum. This offer will expire on December 31, 2017.

The proposed senior housing development will be subject to all rules, regulations and requirements as promulgated within the City of Hobbs Municipal Code, Major Thoroughfare Plan, Building Codes and Fire Codes. This project will require full buffering from adjacent properties, drainage improvements that reduce post development off site discharge and a security system tied into the Hobbs Public Security System. Additionally, the property will be subject to a long term maintenance agreement to maintain the exterior in an "as new" condition to include building facades, landscaping, lighting and any public hardscape.

If we can be of any assistance during the development process please feel free to call us. Should you or your staff have any questions please contact JJ Murphy, City Manager at (575) 397-9206. We look forward to working with you.

Sincerely,

CITY OF HOBBS, NEW MEXICO

Sam D. Cobb – Mayor

Project Narrative-Hobbs Senior Project, Courtyard at Parkside

Site of the Old Boys and Girls Club Hobbs, NM

February 2017

DEVELOPMENT PROGRAMMING SUMMARY

The proposed Hobbs Senior development, Courtyard at Parkside, involves the purchase of the old Boys and Girls Club by an affiliate of Chelsea Investment Corporation and its demolition. In its place, a fifty-eight (58) unit, three-story affordable housing apartment project will be constructed. The proposed project will also include two (2) commercial spaces for a small café/deli, hair salon or other retail space deemed to be important to the building, the residents and downtown consumers. The development will include an onsite management office with 24 hours emergency maintenance; elevator service; a community room with a lounge, kitchen and computer lab; a laundry room and close-by (across the street) offsite surface parking. Supportive services and education classes such as financial literacy and others to be determined, will be provided to the residents free of charge in the community room. A courtyard with a shaded picnic/BBQ area, a community garden, outdoor reading area, and activity court for use by the residents. Attractive low-maintenance, xeriscape landscaping is also proposed. The community will be smoke-free.

The building will be three (3) stories with surface parking located across the street. A land lease with the Boys and Girls Club for the surface parking will be executed. All units will be accessed off of interior corridors on the 1st, 2nd and 3rd floors. Elevators will provide handicap accessibility to all of the residential units in the building as well as the indoor common area amenities. The exterior façade will be comprised of a multi-color 2-coat stucco system (to be designed by a licensed architect) that will complement Parkside Terrace, the new Boys and Girls Club as well as other buildings in the adjacent downtown area. The proposed common areas and units will be designed to be energy efficient and sustainable as will be the construction practices.

The proposed development will serve seniors 55+ years old and contain forty-six (46) one bedroom and twelve (12) two bedroom apartment homes. The one-bedroom square feet will be approximately 649 square feet and the two-bedroom will be approximately 799 square feet. Forty-eight (48) of these will offer restricted affordable rents ranging from approximately \$254 to \$704 (subject to change based on the annual approved rents provided by New Mexico Mortgage Housing Authority). The rents will be restricted and maintained affordable for at least thirty-five (35) years and income limits will apply. The area median income ranges (AMI'S) will be 30%, 40%, 45%, 50% and 60%. Fifteen (15) percent or nine (9) of the units will be set aside for market renters with rents starting at 80% AMI. The apartment units will be all electric. The owner/landlord will pay the fees for sewer, water, hot water and trash removal service making the units even more budget-friendly for the residents. The apartment unit amenities will include a frost-free refrigerator, range, dishwasher, window coverings and heat/air conditioning. All appliances and HVAC and water heater equipment will be energy efficient.

DEVELOPMENT TEAM

The development owner will be comprised of Lea County Housing Inc. (LCHI) in partnership with a to-be-formed affiliate of Chelsea Investment Corporation ("Chelsea"). Chelsea is an award-winning full service multi-family affordable housing provider established in 1984 and LCHI is a qualified 501(c) 3 non-profit improving access to affordable housing in Lea County since 2004. At the end of 2016 LCHI and Chelsea will act as Co-General Partners with LCHI maintaining a 51% controlling general partnership interest and receiving 10% of the development fees.

THE SITE AND LOCATION

The prime site is located within a short distance from downtown Hobbs' main commercial corridor along Broadway, having access to numerous amenities including shops, restaurants, banks, grocery store, Family Dollar, City Hall and offices, access to the Hobbs Express public transportation and the new public park to be built adjacent to Parkside Terrace. The site is exceptionally well-served by supportive retail and service businesses, public transportation and civic/cultural amenities.

This development will be very important to the economic development and continued rejuvenation of the downtown Hobbs area. It will provide additional consumers for the various businesses located in the downtown area. It will also improve the corner of Dunnam and Fowler by eliminating an older building that has no other purpose at this time and presents a blight to the neighborhood. The building also has environmental issues such as asbestos. The location is very good for the residents, too, since there is public transportation. For a nominal fee, the Hobbs Express provides transportation for the residents to take them to medical and drug facilities, shopping such as Wal-Mart, and entertainment areas such as the Zia Casino, the Eagle 9 movie theater and the City Playhouse, golf courses and other locations providing important services. Veterans ride free. Through the demand response program, riders may also schedule a pickup from any specific location within City limits and receive curb-to-curb transportation service...a service not provided by most transit systems. Safe Ride and Care-a Van also provide transportation for seniors.

SENIOR TARGET MARKET (55+ YEARS OF AGE)

The project will also provide much needed affordable housing for seniors. With the exception of assistive living facilities, there are no senior projects with affordable housing programs in Hobbs. Further there are none in Jal, Eunice and/or Tatum. While Hobbs will be the primary target market for the residents, these locations will also be targeted since they are within Lea County. There is an existing older USDA project located in Lovington for seniors, but unfortunately, it remains 100% occupied with a waitlist. The rents at the assistive living facilities, even the ones that permit independent living/market renters, have monthly rents that range from approximately \$2,700 to \$2,900 (includes at least one daily meal) and are not affordable to most seniors. The Hobbs Senior Center is very active and will provide additional services including entertainment (i.e. Bingo, dances, billiards, and dominoes) as well as exercise, diabetes and other health classes, computer training, income tax preparation assistance as well as other assistive services. The Center's van provides free rides to the members to the Senior Center, medical and other appointments, grocery shopping beauty/hair care salons, etc. The Lea Regional Hospital, the Nor-Lea District Clinic, Kymera Family Practice, and other medical facilities located in close proximity to the site provide excellent health services. There are even special health services that are strictly designed with seniors in mind.

FUNDING FOR THE PROJECT

Funding is anticipated to be primarily provided by the low income housing tax credits and HOME funds via New Mexico Mortgage Finance Authority (MFA), a tax credit equity partner, The Richman Group, and loans via a financial lending institution, Citi Bank, and the City of Hobbs. The developer will also defer some of the development fee. The developer will apply to MFA for Low Income Housing Tax Credits for the project in the February 2017 tax credit allocation round.

CONSTRUCTION SCHEDULE

If CIC is awarded the tax credit allocation by MFA, it will immediately begin the due diligence activities to close the deal and to finalize the sale of the land/building and execute the land lease agreement. The final closing is anticipated for March 2018. CIC will keep the construction general contractor informed and updated on the closing date so the contractor will be mobilized and ready to begin construction as soon as the closing date is finalized. Based on the anticipated closing date, construction is projected to start in March 2018 with completion in March 2019 and 100% occupancy being achieved in April, 2019

EXHIBIT A: PROJECT SUMMARY

**Hobbs Senior (Hobbs, NM)
9% Tax Credits
58 Units**

PROJECT DEAL STRUCTURE

Development Costs:		
Land	\$3,448/unit	200,000
Land Lease Payment (Parking)	\$862/unit	50,000
Hard Costs -- Residential	\$149,077/unit	8,646,466
Hard Costs - Commercial	\$6,658/unit	386,153
Hard Cost Contingency	\$7,787/unit	451,631
Soft Costs	\$61,070/unit	3,542,043
Reserves	\$2,737/unit	158,763
Total Development Costs	\$231,639/unit	13,435,056
Total Residential Dev. Costs		13,048,903
Sources:		
Permanent Loan	\$20,343/unit	1,179,900
Federal LIHTC Equity	\$187,498/unit	10,874,897
Local Contribution	\$22,498/unit	1,304,890
Deferred Developer Fee	\$1,299/unit	75,369
Total Sources	\$231,639/unit	13,435,056
Prevailing Wage (Y/N):		N
Developer Fee	100%	1,008,000
Deferred Fee	7%	75,369

FINANCING ASSUMPTIONS

Tax Credit Rate		9.00%
Annual Federal Tax Credits		1,144,840
Federal Tax Credit Price		\$ 0.9500
State Tax Credit Price		\$ -
Opr. Exp./Unit/Year		3,800
Replacement Reserves/Unit/Year		250
Vacancy Rate		7.00%
DCR		1.20
Perm Loan Amort		30
Interest Rate - Permanent Loan		5.75%
Interest Rate - Construction Loan		4.00%
Net Rentable	48,053	\$179.94/sq ft
Circulation	20%	12,013
Gross SF	60,066	\$143.95/sq ft

PROJECT UNIT & INCOME MIX

AMI	Studio	1BR	2BR	3BR	Totals
	0	649	799	0	
30%	0	4	2	0	6
40%	0	12	3	0	15
45%	0	0	0	0	0
50%	0	16	3	0	19
60%	0	7	1	0	8
80%	0	0	0	0	0
Mrkt	0	7	2	0	9
Mgr	0	0	1	0	1
Totals	0	46	12	0	58
	0%	79%	21%	0%	100%

PROJECT TIMING AND CREDIT DELIVERY

Tax Credit Allocation	6/31/2017
Construction Begin - Initial Closing	March-18
Construction Complete	March-19
Lease Up Complete	April-19
Conversion/Stabilization	July-19
8609	November-19
Estimated 1st Year Credit Delivery	2019 222,060
Estimated 2nd Year Credit Delivery	2020 1,144,840
Estimated 3rd Year Credit Delivery	2021 1,144,840

EXHIBIT C: OPERATING BUDGET & INCOME ANALYSIS

Hobbs Senior (Hobbs, NM)

2016 Tax Credit Rents

			Avg Underwriting @		54.6%	Avg Regulated @		100.0%			
Rent:	Program	%AMI	Units	Sq Ft/Unit Proposed	Total Sq. Ft.	Market Rents	Gross Rents	Utility Allowance	Monthly Net Rent	Discount to Market	Annual Rent
1BR	TC	30%	4	649	2,596	800	338	84	254	68%	12,192
1BR	TC	40%	12	649	7,788	800	451	84	367	0%	52,848
1BR	TC	50%	16	649	10,384	800	563	84	479	40%	91,968
1BR	TC	60%	7	649	4,543	800	676	84	592	26%	49,728
1BR	Mkt	100%	7	649	4,543	800	800		800	0%	67,200
2BR	TC	30%	2	799	1,598	1,050	405	107	298	72%	7,152
2BR	TC	40%	3	799	2,397	1,050	541	107	434	0%	15,624
2BR	TC	50%	3	799	2,397	1,050	676	107	569	46%	20,484
2BR	TC	60%	1	799	799	1,050	811	107	704	33%	8,448
2BR	Mkt	100%	2	799	1,598	1,050	1,050		1,050	0%	25,200
2 BR	TC	MGR	1	799	799	0	0	0	0	0%	0
Commercial Space 1	TC	Commercial Space	0		1,434						
Commercial Space 2	TC	Commercial Space	0		1,606						
Community Room	TC				5,571				0		0
Total Rents			58		48,053						350,844
Circulation			25.00%		12,013						
Construction Square Feet		Construction Square Feet			60,066						
Applicable Percentage Calc			%	LIHTC	Market	Total					
Per Unit			84.21%	48	9	57					
Per Floor Area			84.11%	32,502	6,141	38,643					
Laundry				\$ 12.00	Per unit/ Per month						8,352
Other Income (App. Fees, Late, etc.)				\$ -	Per unit/ Per month						0
Rental Assistance											0
Sub-Total											25,144
Less: Vacancies @				7%							
Commercial Income				3,040.00	sq ft	\$ -					0
Less Vacancies @ 50%											0
Net Commercial Income											0
Total Income											\$334,052
Total Expenses				\$ 3,800	Per Unit						220,400
Net Operating Income											\$113,652
Reserves				\$250.00/unit							14,500
HOME Loan Payment				0.000%							0
Net Income Available for Debt Service											99,152

Perm Loan :	
Debt Service Coverage	1.20
Interest	5.75%
Term	15
Amortization	30

MFA Possible Perm Loan Sizing 1,179,900

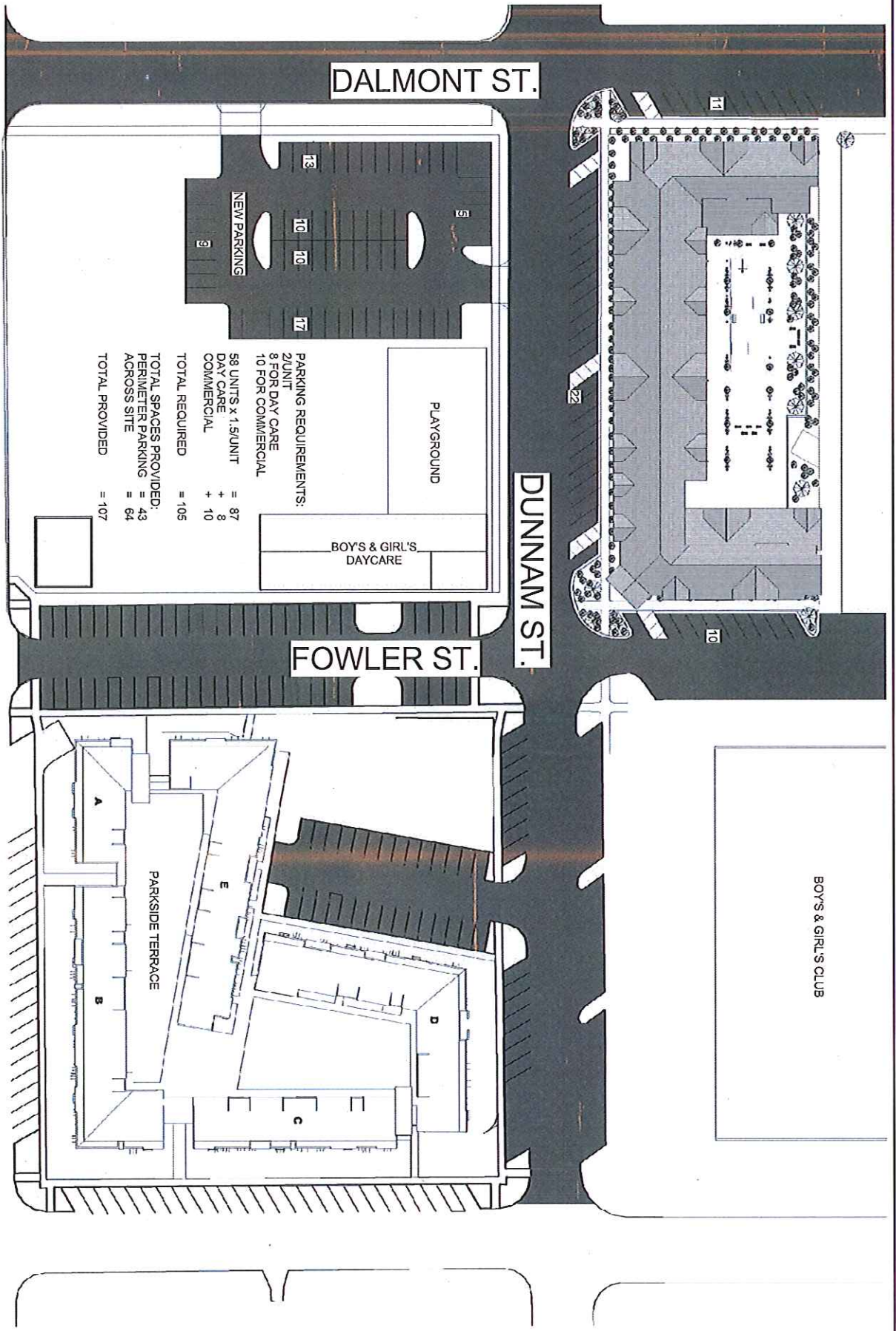
MFA Loan Amount	1,179,900
Monthly Payment	6,886
Annual Payment	82,627
Cash Flow After D/S	16,525

Proposed Hobbs Senior Project (aka Courtyard at Parkside)

Calculation of 10% Total Development Cost Local Contribution

Total Development Cost (TDC)	\$13,435,058
Minus Commercial Space Hard Costs	- <u>386,153</u>
	\$13,048,905
10% Local Contribution	\$13,048,905
	X <u>10%</u>
	\$ 1,304,890
TOTAL LOCAL CONTRIBUTION	\$ 1,304,890

① Site
1" = 60'-0"



BLOCK SITE PLAN

COURTYARD AT PARKSIDE

210 EAST DUNNAM
HOBBS, NM

NO. 0

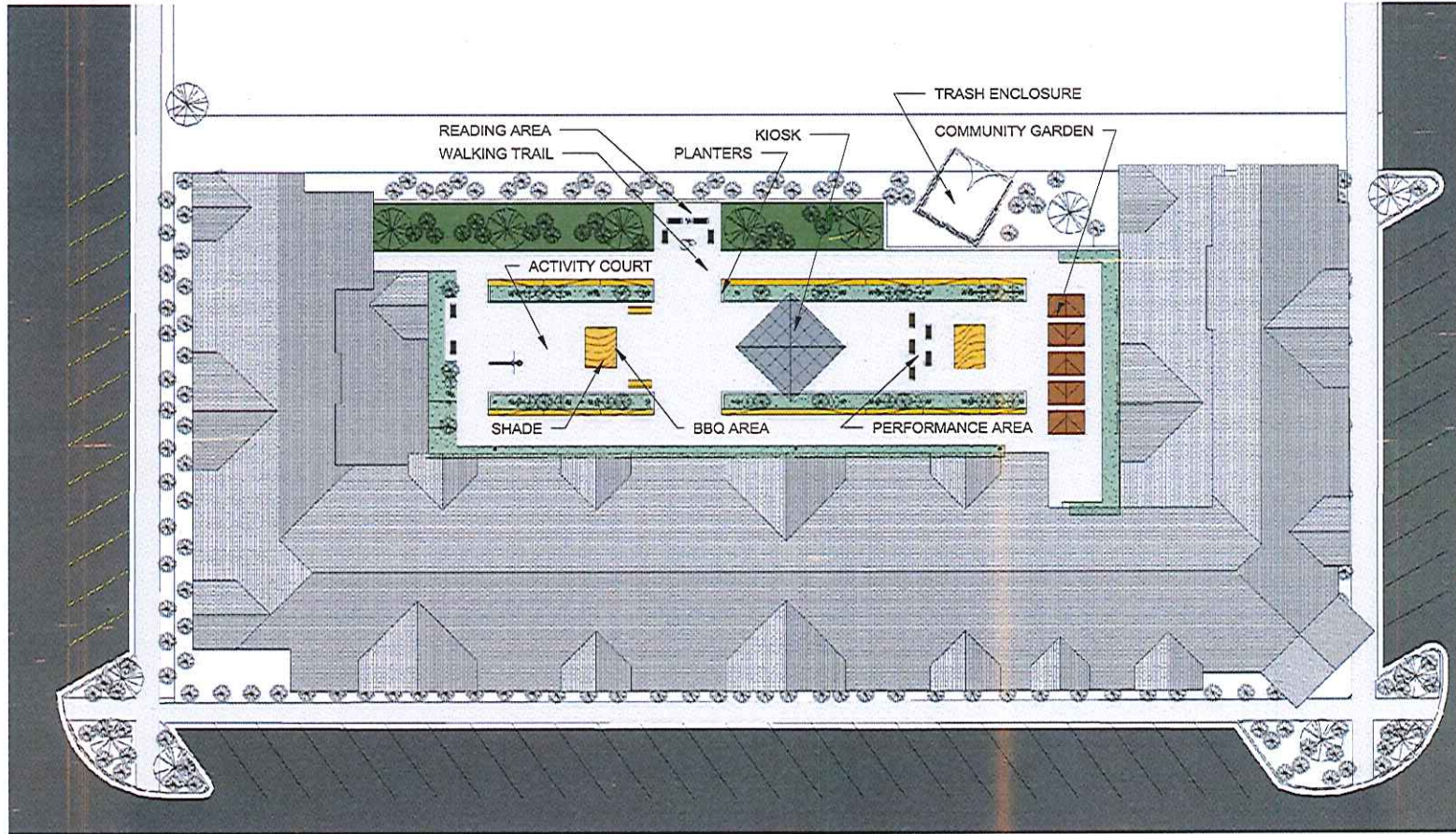
JOB No.: Project Number
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 CHECKED: JDH
 DATE: Jan. 30, 2017



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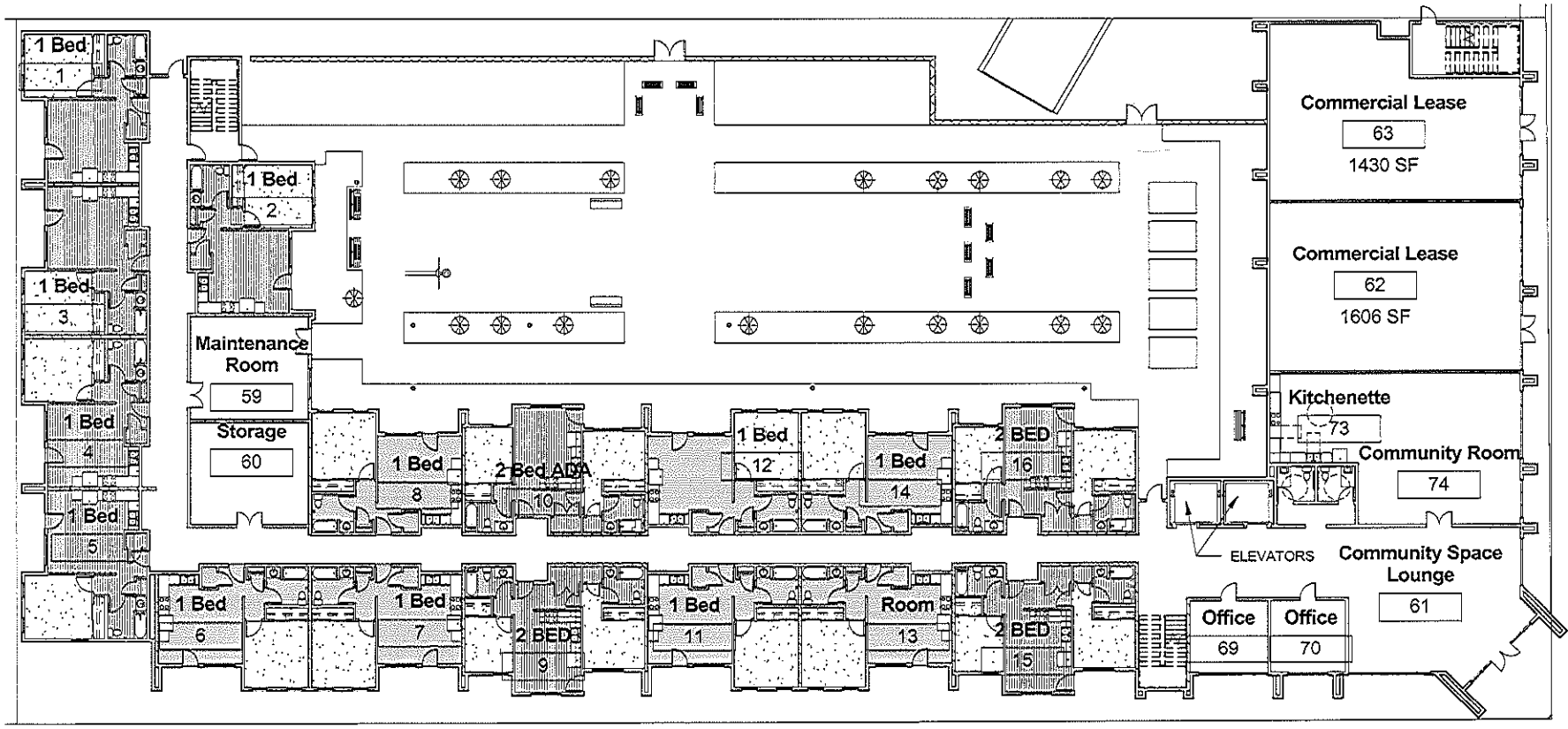
① Site Copy 1
1" = 30'-0"

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 11000 WENHAM, NH 03088
 ALBANY, NH 03001
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CHECKED:	JDH
DATE:	Jan. 30, 2017

ENLARGED SITE PLAN
COURTYARD AT PARKSIDE
 210 EAST DUNNAM
 HOBBS, NH



① LEVEL 1
3/64" = 1'-0"

- 12 ONE BEDROOM UNITS
- 4 TWO BEDROOM UNITS
- 2 COMMERCIAL SPACES
- COMMUNITY CENTER
- 16 UNITS TOTAL 1ST LEVEL
- **SITE TOTAL: 58UNITS**

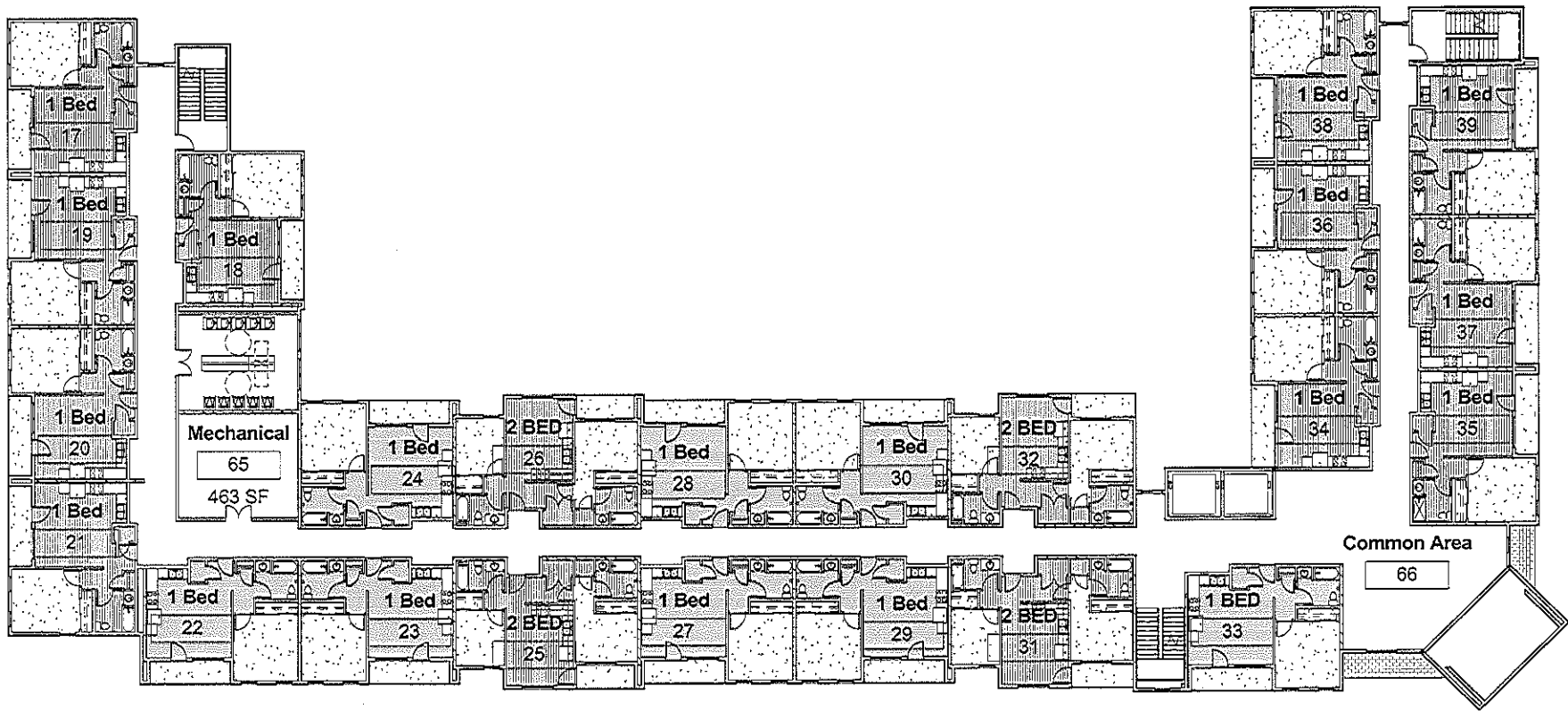
1100 N. MULLINE SUITE C
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Job # No: Project Number
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CHECKED: JDH
DATE: Jan. 30, 2017

LEVEL 1 FLOOR PLAN
COURTYARD AT PARKSIDE
sheet no:
210 EAST DUNNAM
HOBBS, NM
A10



① LEVEL 2
3/64" = 1'-0"

- 19 ONE BEDROOM UNITS
- 4 TWO BEDROOM UNITS
- 23 UNITS TOTAL 2ND LEVEL

JLEBS & ZUZU, LLC

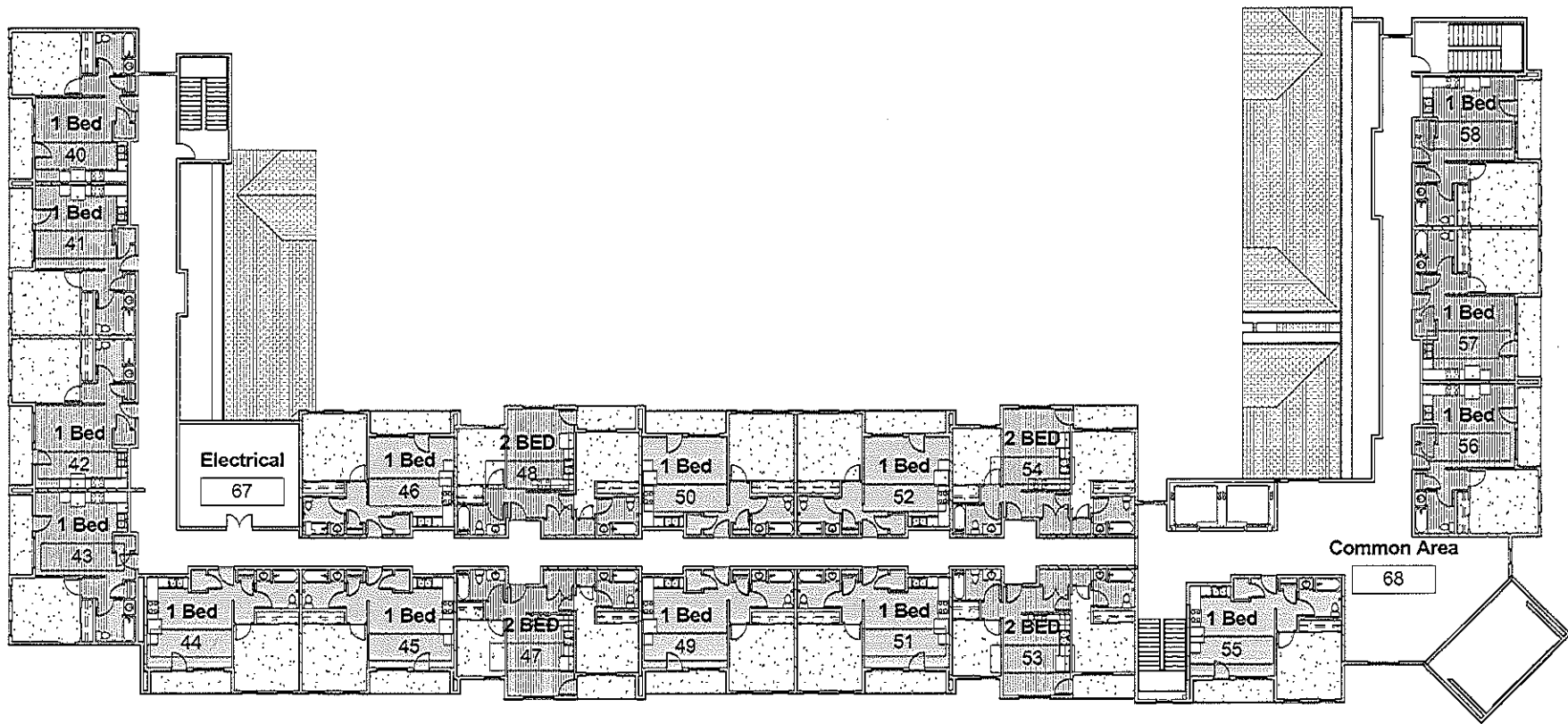
ARCHITECTS & CONTRACTORS
MANAGING HOUSE CALLS

11001 MEHALLE, SUITE C
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Job No: _____ Project Number _____
DRAWN: _____ UM
CHECKED: _____ JDH
DATE: _____ Jan. 30, 2017

LEVEL 2 FLOOR PLAN
COURTYARD AT PARKSIDE
210 EAST DUNNWAY
HOBBS, NM
sheet no. **ALL**



① LEVEL 3
3/64" = 1'-0"

- 15 ONE BEDROOM UNITS
- 4 TWO BEDROOM UNITS
- 19 UNITS TOTAL 2ND LEVEL

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ARCHITECTS & CONTRACTORS
MARKING HOUSE CALL



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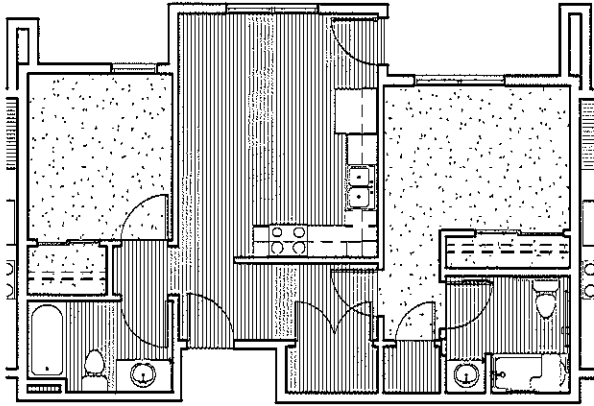
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DRAWN: UM
CHECKED: JDH
DATE: Jan. 30, 2017

LEVEL 3 FLOOR PLAN
COURTYARD AT PARKSIDE

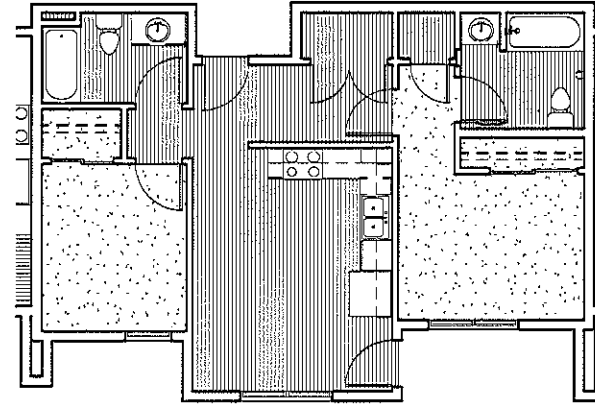
210 EAST DUNNAM
HOBBS, NM

sheet no:

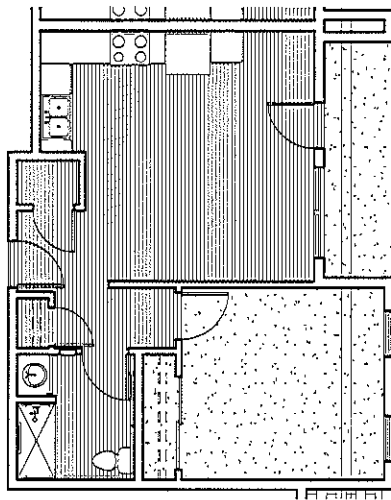
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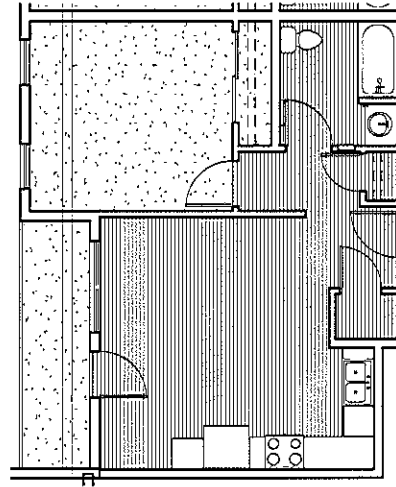
④ ENLARGED PLAN - TWO BEDROOM ADA -
799 SF
1/8" = 1'-0"



③ ENLARGED PLAN - TWO BEDROOM - 799
SF
1/8" = 1'-0"



② ENLARGED PLAN - ONE BEDROOM ADA -
649 SF
1/8" = 1'-0"



① ENLARGED PLAN - ONE BEDROOM - 649
SF
1/8" = 1'-0"

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ENLARGED FLOOR PLANS
COURTYARD AT PARKSIDE

210 EAST DUNNAM
HOBBS, NM

Sheet no:
A13



① 3D View 1



② 3D View 3

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COURTYARD AT PARKSIDE

210 EAST DUNNAM
HOBBS, NM

3D IMAGE

sheet no:

A20



① 3D View 2

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DATE:	Jan. 30, 2017

COURTYARD AT PARKSIDE
210 EAST DUNNAM
HOBBS, NM

3D IMAGE sheet no: A21



① 3D View 4

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JOB No:	Project Number
DRAWN:	UM
CHECKED:	JDH
DATE:	Jan. 30, 2017

COURTYARD AT PARKSIDE

210 EAST DUNNAM
HOBBBS, NM

3D IMAGE
sheet no:
A22



① 3D View 5

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 MAKING HOUSES CALL



JOB NO:	Project Number
DRAWN:	UM
CHECKED:	JDH
DATE:	Jan. 30, 2017

COURTYARD AT PARKSIDE

210 EAST DUNNAM
 HOBBS, NM

3D IMAGE
 sheet no:

A23



① 3D View 6

JEDDS & ZUZU, LLC
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 ALBUQUERQUE, NM 87112
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 www.jeddszuzu.com

JOB NO: Project Number
 DRAWN: JM
 CHECKED: JDH
 DATE: Jan. 30, 2017

COURTYARD AT PARKSIDE
 210 EAST DUNNAN
 HOBBS, NM

3D IMAGE
 sheet no: A2.1



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: February 6, 2017

SUBJECT: RESOLUTION TO AFFIRM OR DENY A VARIANCE GRANTED BY THE CITY OF HOBBS PLANNING BOARD OF MUNICIPAL CODE TITLE 16 ALLOWING A SUBDIVISION ON PROPERTY LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION NOT ADJACENT TO PUBLIC PROPERTY.

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: February 1, 2017
SUBMITTED BY: Mike Stone – Legal Department

Summary: Pursuant to State law and our City Ordinance, the City has concurrent jurisdiction with Lea County for all subdivisions in the Extraterritorial Zone (property within a five mile radius of the City limits).

The City of Hobbs Planning Board granted a variance request from Edgar E. Escarcega allowing the subdivision of property in the ETZ under Municipal Code Chapter 16.12 – Alternate Summary Procedure. Municipal Code 16.12.010 – B allows administrative approval for a compliant subdivision and states:

B. The land shall abut on a street or streets of adequate width in a partially platted area and is so situated that no additional streets, alleys, easements for utilities or other public property are required; or if required to conform to other public streets, alleys or other public ways and such additional property is shown on the plat as "Herein Dedicated."

Therefore, to subdivide the property, the property owner is required to dedicate at least a utility easement for public purpose to ensure future public infrastructure and development.

The proposed subdivided property along the North boundary is a County developed and maintained roadway. The property below the roadway has never been dedicated to the County and is owned by Mr. Escarcega. Our Ordinance requires the property to be "dedicated" to ensure access across and under the roadway for public infrastructure and roadway maintenance. If the property is not dedicated, or at least a public utility easement dedicated for public purpose, the City would not be able to install water lines, sewer lines or drainage without obtaining an easement from the property owner in the future. Thus, to subdivide the property, we require, at a minimum, a "dedicated utility easement" to ensure the ability to construct future infrastructure to benefit the public (i.e. Install a water line under the roadway to provide service to the area).

Variances from Municipal Code Title 16 are allowed if there are specific findings as stated in MC 16.04.020 – A:

A. Hardships. Where the Planning Board finds that extraordinary hardships may result from strict compliance with this title, it may vary the regulations contained in this title, so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of such regulations.

In order to protect the public interest and allow administrative approval of the proposed subdivision this office has determined that an additional public meeting is necessary to establish the necessary findings related to this variance.

Options for the City Commission to consider are 1) Vote to APPROVE the variance as per the Planning Board's decision; 2) Vote to DENY the variance request; or 3) APPROVE a variance with the requirement the property owner grants a public utility easement for public purpose.

Fiscal Impact:

Reviewed By: 
Finance Department

Action on the appeal does not appear to have a direct fiscal impact on the City budget.

Attachments: Resolution, Planning Board packet, excerpts from Municipal Code Title 16.

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Study the issues and render a decision on the information presented.

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____	Continued To: _____
Ordinance No. _____	Referred To: _____
Approved _____	Denied _____
Other _____	File No. _____

CITY OF HOBBS

RESOLUTION NO. 6517 A

A RESOLUTION APPROVING A VARIANCE FROM MUNICIPAL CODE 16.12.010 – B FOR A SUBDIVISION LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION NOT ADJACENT TO PUBLIC PROPERTY.

WHEREAS, a variance request from Municipal Code 16.12.010 – B was reviewed by the Hobbs Planning Board at the regular meeting in January 2017 and after discussion, the variance request was allowed by the Planning Board by a vote of 5-1; and

WHEREAS, upon sufficient findings it has been determined that compliance with Municipal Code 16.12.010 – B would result in an extraordinary hardship for the property owner; and

WHEREAS, upon sufficient findings it has been determined that granting this variance from Municipal Code 16.12.010 – B does “secure the public interest”; and

WHEREAS, upon sufficient findings it has been determined that granting this variance from Municipal Code 16.12.010 – B does not “have the effect of nullifying the intent and purpose of such regulations”.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

A. The City of Hobbs hereby APPROVES the requested variance and affirms the decision of the Planning Board to allow a variance from Municipal Code 16.12.010 – B as requested by Edgar E. Escarcega.

B. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017.

ATTEST:

SAM D. COBB, Mayor

JAN FLETCHER, City Clerk

CITY OF HOBBS

RESOLUTION NO. 6517 B

**A RESOLUTION DENYING A VARIANCE FROM MUNICIPAL CODE 16.12.010–
B FOR A SUBDIVISION LOCATED WITHIN THE EXTRATERRITORIAL
JURISDICTION NOT ADJACENT TO PUBLIC PROPERTY.**

WHEREAS, a variance request from Municipal Code 16.12.010 – B was reviewed by the Hobbs Planning Board at the regular meeting in January 2017 and after discussion, the variance request was allowed by the Planning Board by a vote of 5-1; and

WHEREAS, upon sufficient findings it has been determined that compliance with Municipal Code 16.12.010 – B would not result in an extraordinary hardship for the property owner; and

WHEREAS, upon sufficient findings it has been determined that granting this variance from Municipal Code 16.12.010 – B does not “secure the public interest”; and

WHEREAS, upon sufficient findings it has been determined that granting this variance from Municipal Code 16.12.010 – B does “have the effect of nullifying the intent and purpose of such regulations”.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

A. The City of Hobbs hereby DENIES the requested variance and rescinds the decision of the Planning Board to allow a variance from Municipal Code 16.12.010 – B as requested by Edgar E. Escarcega.

B. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

CITY OF HOBBS

RESOLUTION NO. 6517 C

A RESOLUTION APPROVING A VARIANCE FROM MUNICIPAL CODE 16.12.010 – B FOR A SUBDIVISION LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION NOT ADJACENT TO PUBLIC PROPERTY IF THE OWNER WILL GRANT A PUBLIC UTILITY EASEMENT UNDER THE COUNTY ROADWAY ON THE NORTH 45' OF THE PROPERTY

WHEREAS, a variance request from Municipal Code 16.12.010 – B was reviewed by the Hobbs Planning Board at the regular meeting in January 2017 and after discussion, the variance request was allowed by the Planning Board by a vote of 5-1; and

WHEREAS, upon sufficient findings it has been determined that compliance with Municipal Code 16.12.010 – B would result in an extraordinary hardship for the property owner, if the owner will grant a public utility easement under the County roadway on the North 45' of the property; and

WHEREAS, upon sufficient findings it has been determined that granting this variance from Municipal Code 16.12.010 – B does “secure the public interest”, if the owner will grant a public utility easement under the County roadway on the North 45' of the property; and

WHEREAS, upon sufficient findings it has been determined that granting this variance from Municipal Code 16.12.010 – B does not “have the effect of nullifying the intent and purpose of such regulations”, if the owner will grant a public utility easement under the County roadway on the North 45' of the property.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

A. The City of Hobbs hereby APPROVES the requested variance to allow a variance from Municipal Code 16.12.010 – B, if the owner will grant a utility easement under the County roadway on the North 45' of the property.

B. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 6th day of February, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk