

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Christopher R. Mills

Larron B. Fields

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

Acting City Manager

Manny Gomez

May 4, 2020



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

Monday, May 4, 2020 - 6:00 p.m.
Virtual Meeting Held by Video Conference

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Christopher R. Mills
Commissioner - District 2

Larron B. Fields
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Dwayne Penick
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 April 20, 2020, Regular Commission Meeting
2. Minutes of the April 27, 2020, Special Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

3. Proclamation Proclaiming the Month of May, 2020, as "*Building Safety Month*" (*Ben Maynes, Building Official*)

PUBLIC COMMENTS

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, public comment should be submitted in writing via email to the City Clerk at jfletcher@hobbsnm.org or via fax at (575) 397-9334 no later than 4:30 p.m. on May 4, 2020.

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.)*

4. Resolution No. 6930 - Adopting the Required Community Development Block Grant (CDBG) Annual Certificates and Commitments *(Todd Randall, City Engineer)*

DISCUSSION

5. Discussion of the Preliminary Budget for FY 2020-2021 *(Toby Spears, Finance Director)*

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

6. Resolution No. 6931 - Adopting Budget Adjustment #3 for FY 2019-2020 *(Toby Spears, Finance Director)*
7. Resolution No. 6932 - Approving the FY 2020 DFA 3rd Quarter Financial Report *(Toby Spears, Finance Director)*
8. Resolution No. 6933 - Approving the FY 2020 DFA 3rd Quarter Financial Report for Lodgers' Tax *(Toby Spears, Finance Director)*
9. Resolution No. 6934 - Approving a Development Agreement with Lemke Development, Inc., in the Amount of \$200,000.00 *(Kevin Robinson, Planning Department)*
10. Resolution No. 6935 - Approving the Final Plan for the Meadows Subdivision, Unit 3, Located Northeast of the Intersection of College and Ja-rob Lane as Submitted by Lemke Development, Inc., *(Kevin Robinson, Planning Department)*
11. Resolution No. 6936 - Approving the Final Plan for Tanglewood Unit 4 at Ranchview Estates Located Northwest of the Intersection of East Bender and Ranchland as Submitted by ALJO, LLC *(Kevin Robinson, Planning Department)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

12. Next Meeting Date:

- ▶ City Commission Regular Meeting
Monday, May 18, 2020, at 6:00 p.m.

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. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4, 2020

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: April 28, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of April 20, 2020
- ▶ Special Commission Meeting of April 27, 2020

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 Monday, April 20, 2020, in Hobbs, New Mexico. This was a virtual meeting held by video conferencing and viewable to the public via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

Mayor Cobb called the virtual meeting to order at 6:00 p.m. and welcomed everyone viewing through Livestream. Mayor Cobb called the roll and the following identified themselves as participating remotely through video conferencing and answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

The following staff members participated remotely in the meeting via video conference:

Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Barry Young, Deputy Fire Chief
Bryan Wagner, Parks and Open Space Director
Jan Fletcher, City Clerk

Mayor Cobb explained the guidelines issued by the New Mexico Attorney General's Office, Open Government Division (OGD), regarding the virtual public body meeting through video conferencing. He stated the following guidelines must be followed:

- At the start of the meeting, the Mayor should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.

**For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting.

Invocation and Pledge of Allegiance

Commissioner Penick delivered the invocation and Mayor Cobb led the Pledge of Allegiance.

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on Monday, April 6, 2020, be approved as presented. Commissioner Newman seconded the motion and the roll call vote was recorded as follows: Mills yes, Fields yes, Newman yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Recognition of City Employees - Milestone Service Awards for the Month of April, 2020.

Acting City Manager/Fire Chief Manny Gomez recognized the employees who have reached milestone service awards with the City of Hobbs for the month of April, 2020, which total over 75 years of service worked. Acting City Manager/Fire Gomez read their names, job titles and gave a brief summary of the job duties performed by each of the following employees:

- ▶ 5 years - Rebecca Townes, Parks Department
- ▶ 5 years - Chad Littlejohn, Environmental Services
- ▶ 15 years - Jeffrey Moyers, Hobbs Police Department
- ▶ 20 years - Eli Gomez, Hobbs Police Department
- ▶ 30 years – David McCann, General Services Department

Acting City Manager/Fire Chief Gomez thanked the Commission for recognizing the employees and their service to the City. He stated employees are the most important resource and asset within the organization. Acting City Manager/Fire Chief Gomez expressed thanks and appreciation to the employees and their families.

Proclamation Proclaiming the Month of April, 2020, as "Fair Housing Month".

Mayor Cobb proclaimed the month of April, 2020, as "Fair Housing Month". He read the proclamation as part of the record.

Public Comments

The public was given the opportunity to submit public comments prior to the meeting in writing via email to the City Clerk at jfletcher@hobbsnm.org or via fax at (575) 397-9334 by 4:30 p.m., on April 20, 2020. Mayor Cobb announced that one email was received from Ms. Josie Enriquez for Public Comment. Mayor Cobb read the following questions and comment submitted by Ms. Enriquez:

1. Are the commissioners who are pushing to open back up going to take full responsibility should a second wave hit, as being predicted, and the number of positives in Hobbs rises?
2. Have the commissions considered if there are enough test kits?
3. Were the people who came into contact with Lea County's two positive cases get tested as well as who came into contact with the first contacts?
4. Did the GEO/LCCF inmate who had been transported to the ER the day one of the positives was in the ER get quarantined upon his return to the prison? Was the inmate tested? Were the officers who did the transport tested?
5. How many tests in Hobbs/Lea County are pending results?
6. Are you going to feel "safe" visiting and having contact with an inmate at the city/county jail?
7. What is HPD's response to the current stay at home order? Are they now arresting more people? Are they holding off on serving warrants?
8. Why is Hobbs Express not reimbursing families for services used to transport children from their school to the Boys and Girls Club? I understand the contract has language to the affect that if services are stopped, you don't get your money back.

Please keep in mind that the New Mexico Corrections Department has continued to do transports throughout the state during this ordeal. A large population of inmates come from Bernalillo County which has the highest number of positives in the state.

Mayor Cobb stated he will forward the questions to Acting City Manager/Fire Chief Gomez for response to Ms. Enriquez.

Consent Agenda

There were no consent agenda items presented to the Commission.

Discussion

There were no items for discussion presented to the Commission.

Action Items

Resolution No. 6928 - Authorizing the Purchase of a 2020 Type 1 Medic Ambulance from Southwest Ambulance Sales in the Amount of \$217,524.00 Utilizing an HGAC Contract.

Deputy Fire Chief Barry Young stated the Hobbs Fire Department wishes to purchase a 2020 Type I Medix Ambulance utilizing an HGAC contract. He stated the purchase of this ambulance would replace a 2014 G4500 Type III Ambulance which is currently out of service due to damage suffered while returning back to Hobbs from Lubbock, Texas, during a non-emergency transport. Deputy Fire Chief Young stated based on the damage suffered by the ambulance coupled with its high mileage, it was determined there is no cost benefit to have the unit repaired. He stated the 2020 Type I Medix Ambulance would be placed into service as a front line response unit, allowing the department to transition an older unit into the non-emergency transport cycle. Deputy Fire Chief Young stated the department currently has six ambulances in its fleet, not counting the one which is out of service, and this purchase would allow the Department to maintain seven ambulances in operation for the community. He stated the total cost for purchasing the ambulance is \$217,524.00 and there is currently \$155,000.00 budgeted for this purchase. Deputy Fire Chief Young stated a reclassification of funds from another Department line item in the amount of \$65,000.00 would be necessary in order to fully fund this purchase.

Commissioner Calderón moved to approve Resolution No. 6928 authorizing the purchase of the ambulance as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick 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 to Authorize Construction of Steel Fencing at Everglade Cemetery by Tri-West Fence, LLC, of Albuquerque, New Mexico, in the Amount of \$96,611.02.

Mr. Bryan Wagner, Parks and Open Space Director, stated the City is requesting to award the project construction of steel fencing at Everglade Cemetery to Tri-West Fence, LLC, of Albuquerque, New Mexico. He stated price quotes were provided by Tri-West Fence, Scotts Fence, and Guadalupe Mountain Fence. He further stated staff recommends awarding to Tri-West Fence as they included all options in their

price and submitted before the deadline. Mr. Wagner stated the pricing is through New Mexico CES Purchasing Program. He stated the fencing project is budgeted this fiscal year and the Cemetery Board has been working with staff on this project for the past three years. Mr. Wagner stated the contractor will remove the existing fence and install a new fence per manufacturer specifications. He stated the deadline to expend the monies is mid-May, 2020, and they may need some extensions to move forward.

There being no discussion, Commissioner Calderón moved to accept the quote from Tri-West Fence, LLC, of Albuquerque, New Mexico for the removal and installation of a new fence in the amount of 96,611.02. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Acting City Manager/Fire Chief Gomez stated there are 38 viewers on Livestream for tonight's Commission meeting.

Acting City Manager/Fire Chief Gomez stated the second week of April was National Public Safety Telecommunicators Week which recognizes dispatchers. He stated he would like to take this opportunity to give much deserved thanks to the 9-1-1 Dispatchers and personnel at the Lea County Communication Authority for being the heroes behind the scene during Police and Fire calls.

Acting City Manager/Fire Chief Gomez stated there were allegations made on social media that the City is going after Business Registrations for not complying with the New Mexico Governor's orders. He stated the City nor the Hobbs Police Department are enforcing the Governor's orders regarding how businesses conduct business. Acting City Manager/Fire Chief Gomez stated the New Mexico State Police and New Mexico Department of Health enforce those orders. He stated he normally does not respond to such allegations but he understands the business community is hurting and citizens are uncertain. Acting City Manager/Fire Chief Gomez stated that "we stand with you and your success is our success". He asked citizens not to share false or misleading information. Acting City Manager/Fire Chief Gomez stated we are in this together and will get through it together.

Commissioner Penick stated he wants citizens to know that the City Commission stands behind the City and small businesses who are hurting and going bankrupt. He stated he personally understands the business community is hurting. Commissioner Penick stated the people reporting businesses for doing business may not be aware

of the needs of others. He encouraged citizens to be positive and not lash out at each other.

Commissioner Gerth stated he received a call from an elderly person who did not know where they could be checked for the coronavirus. He stated the City may need to put the location information on its website.

Commissioner Gerth stated the City's golf course needs to reopen soon.

Mayor Cobb stated he attended a meeting via telephone with many Mayors from New Mexico. He stated each area in the State is handling the COVID-19 situation differently. Mayor Cobb stated the municipalities need to work together and get a plan in place to reopen the communities or the Governor will not amend the health orders. He thanked Mr. David Shaw, CEO of the Nor-Lea Hospital District, and Mr. James Williams, Lovington City Manager, for drafting a plan to reopen Lea County to reengage the economy. Mayor Cobb stated it is an excellent draft and has what citizens need to know about reopening the community with an implementation plan and keeping in compliance with the Governor's orders.

Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:35 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the duly called special meeting of the Hobbs City Commission held on Monday, April 27, 2020, in Hobbs, New Mexico. This was a virtual meeting held by video conferencing and viewable to the public via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

Mayor Cobb called the virtual meeting to order at 6:00 p.m. and welcomed everyone viewing through Livestream. The City Clerk called the roll and the following identified themselves as participating remotely through video conferencing and answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

The following staff members participated remotely in the meeting via video conference:

Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Jan Fletcher, City Clerk

Mayor Cobb explained the guidelines issued by the New Mexico Attorney General's Office, Open Government Division (OGD), regarding the virtual public body meeting through video conferencing. He stated the following guidelines must be followed:

- At the start of the meeting, the Mayor should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.

**For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting.

Invocation and Pledge of Allegiance

Commissioner Fields delivered the invocation and Mayor Cobb led the Pledge of Allegiance.

Public Comments

The public was given the opportunity to submit public comments prior to the meeting in writing via email to the City Clerk at jfletcher@hobbsnm.org or via fax at (575) 397-9334 by 4:30 p.m., on April 20, 2020. Mayor Cobb announced that no public comments were received.

Action Items

Resolution No. 6929 – Asking the Governor to Implement Alternate Measures to Safely Reopen Certain Areas of the State

Mayor Cobb stated this is a very important resolution and due to its nature, he read the resolution aloud so that viewers on Livestream and radio listeners would know its full content.

The Resolution seeks to offer Governor Michelle Lujan Grisham possible alternatives to both continue to combat the spread of the novel coronavirus identified as COVID-19 and safely allow the economy of New Mexico to recover from the impact of the measures implemented by the Public Health Orders issued by the Secretary of the New Mexico Department of Health. The Resolution requests Governor Grisham to: (1) Continue her efforts to protect New Mexicans from the spread of COVID-19; (2) Implement a separate standard of preventative measures for those areas experiencing extremely low rates of positive tests; (3) Amend the New Mexico Department of Health's Public Health Order to remove the designation of "essential" to any business; and (4) Allow all businesses to operate within the physical distancing standards and capacity limits deemed necessary by the Department of Health.

Commissioner Penick stated it is time to open businesses as they are all essential. The closure is hurting families.

Commissioner Gerth agreed that this is the correct action for the City to take and stated it is time to open all businesses.

Commissioner Penick moved to approve Resolution No. 6929 asking the Governor to implement alternate measures to safely reopen certain areas of the State. Commissioner Mills seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Commissioner Mills stated this is an unprecedented time in New Mexico history. Many of the Governor's projections from one month ago did not happen. While the number of deaths is very sad, it is much lower than projected. Many businesses and families have lost their life's savings. Many medical procedures have not been able to take place such as chemotherapy. Mental health issues and domestic violence cases are on the rise. He stated it is important to start the planning process to reopen and that all things should be kept in perspective. Commissioner Mills outlined some statistics of other deaths which have occurred in the state because of diabetes, cancer and heart conditions. He stated it is time to move forward and allow the small businesses the same opportunity to operate in the same manner as the big box stores.

Commissioner Fields stated it is great to see the Commission come together on this important issue. He expressed sympathy to all of the small businesses. Commissioner Fields stated COVID has interrupted everyone's lives.

Commissioner Penick thanked the Commission for adopting this resolution tonight and for all the thoughts and efforts. First and foremost, he wants all citizens to be safe; however, the closure is now causing more harm than good. He stated he believes the small business owners will be smart in operating their businesses in a safe manner.

Mayor Cobb stated he was contacted by the Governor's Office yesterday to serve on the Mayor's Council for Economic Recovery. He stated he will advocate for this community and all communities in Lea County. Mayor Cobb encouraged anyone with comments to email them to him at scobb@hobbsnm.org or to contact any of the City Commissioners with comments.

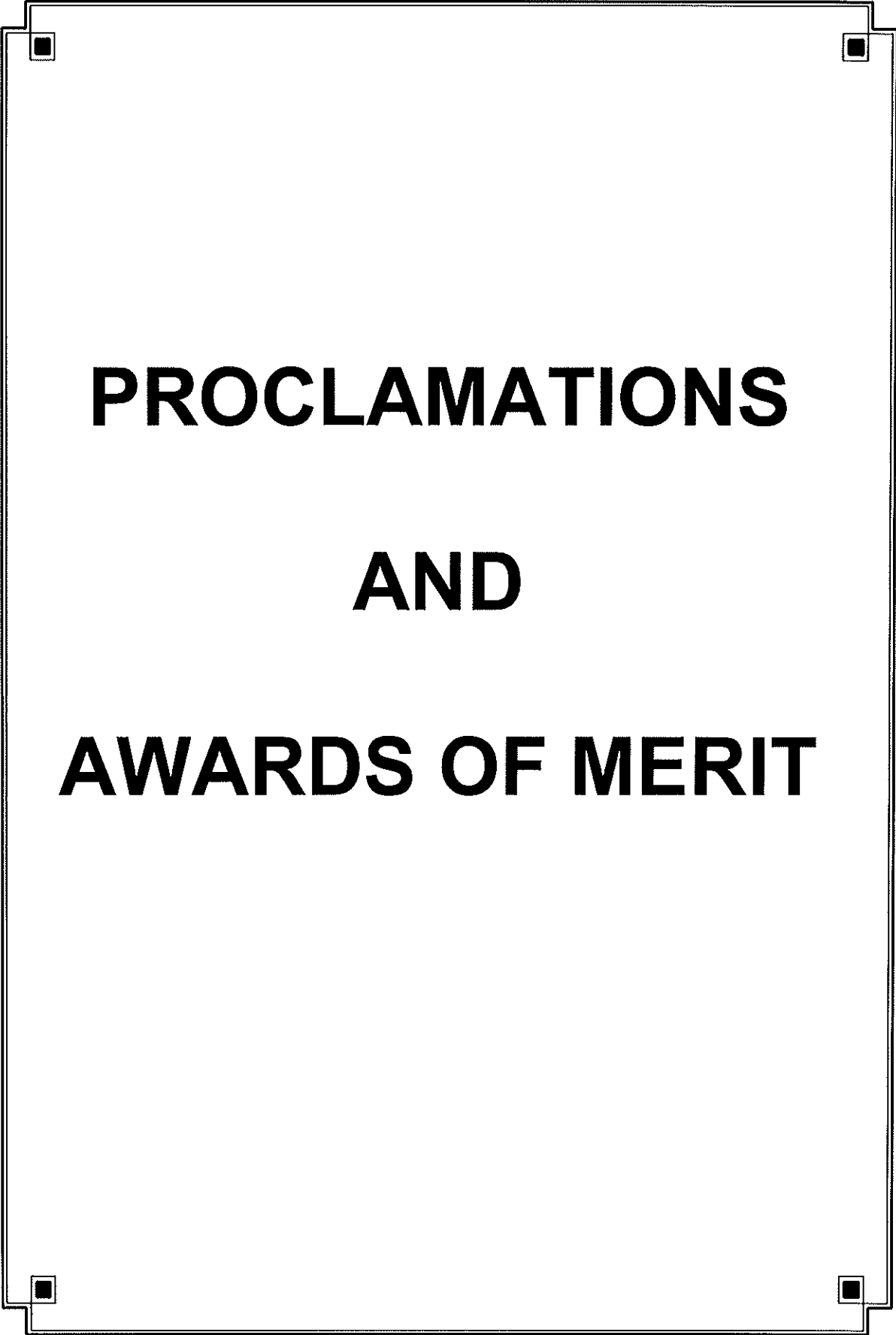
Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:35 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



PROCLAMATIONS

AND

AWARDS OF MERIT

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, the City of Hobbs is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council, a non-profit organization that brings together local, state and federal officials to create the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

WHEREAS, these modern building codes include safeguards to protect the public from natural disasters which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety – our local code officials – who assure us of safe, efficient and livable buildings that are essential to America's prosperity, and;

WHEREAS, "Safer Buildings, Safer Communities, Safer World", the theme for Building Safety Month 2020, encourages all Americans to raise awareness about the importance of safe and resilient construction; Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and;

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the month of May, 2020, as

"BUILDING SAFETY MONTH"

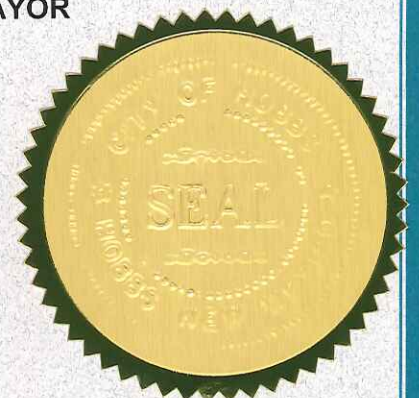
I encourage the community to join with the City of Hobbs in participation in Building Safety Month activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of May, 2020, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, MAYOR

ATTEST:


JAN FLETCHER, CITY CLERK





CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4th, 2020

SUBJECT: ADOPTION OF REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL CERTIFICATIONS AND COMMITMENTS (2018)

DEPT. OF ORIGIN: Engineering Department

DATE SUBMITTED: April 27th, 2020

SUBMITTED BY: Todd Randall, City Engineer

Summary:

Citizen Participation Plan:

The City certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)

Fair Housing:

The City certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin.

Residential Anti-Displacement and Relocation Assistance Plan:

The City certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity.

Section 3:

The City certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community.

Fiscal Impact:

Reviewed By:

[Signature] Finance Department

Community Development Block Grant projects are an important source of revenues to upgrade low and moderate income areas in the City.

Attachments:

Resolution, Citizen Participation Plan, Fair Housing Plan, Residential Anti-Displacement and Relocation Assistance Plan, Section 3 Plan

Legal Review:

Approved As To Form:

[Signature] City Attorney

Recommendation:

Consideration and approval of the Resolution to adopt the CDBG Annual Certifications and Commitments

Approved For Submittal By:

TODD RANDALL

Digitally signed by TODD RANDALL, DN: cn=TODD RANDALL, o=City of Hobbs, ou=Engineering Dept., email=t.randall@hobbsnm.org, Date: 2020.04.27 11:08:28 -0600

Department Director

[Signature] 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. 6930

A RESOLUTION AUTHORIZING ADOPTION OF THE REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL
CERTIFICATIONS AND COMMITMENTS (2020)

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the City of Hobbs wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

- Citizen Participation** certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)
- Fair Housing** certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin
- Residential Anti-Displacement & Relocation Assistance** certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity
- Section 3** certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community

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 above CDBG certifications and commitments that must be adopted annually.

PASSED, ADOPTED AND APPROVED at a duly called and convened regular meeting of the governing body of the City of Hobbs this 4th day of May, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

EXHIBIT 1-Z

CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

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

Objective A

_____ 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 county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality 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

_____ 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

_____ 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 county/municipality. 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 county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the _____ CITY COMMISSION _____ of the _____ CITY _____ of _____ HOBBS _____, adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the _____ CITY COMMISSION _____ of the _____ CITY _____ of _____ HOBBS _____ hereby wish all persons living, working, doing business in or traveling through this _____ CITY _____ to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the _____ CITY _____ of _____ HOBBS _____ to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the _____ CITY _____ of _____ HOBBS _____ will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the _____ CITY _____ of _____ HOBBS _____ shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the _____ CITY _____ of _____ HOBBS _____ shall undertake the following actions to affirmatively further fair housing:

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

1. FAIR HOUSING PROCLAMATION - CITY COMMISSION APRIL 2020
2. Poster and Proclamation displayed at City Hall
3. Water Bill to Resident - Fair Housing Statement and web-page reference
4. City of Hobbs Web-Page - Fair Housing w/ Links
 - * Office of Fair Housing Website
 - * Fair Housing Equal Opportunity for All
 - * Equal Housing Poster (English / Spanish)
5. Fair Housing Coloring Books in City Hall Lobby Area (Engineering Dept.)
6. Social Media posts on City of Hobbs Government Site

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, _____ CITY OF HOBBS _____ must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps _____ CITY OF HOBBS _____ will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. _____ CITY OF HOBBS _____'s Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within _____ CITY OF HOBBS _____ to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless CITY OF HOBBS has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between CITY OF HOBBS and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before CITY OF HOBBS enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, CITY OF HOBBS must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within _____ CITY OF HOBBS _____. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in _____ CITY OF HOBBS _____ and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, _____ CITY OF HOBBS _____ must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within _____ CITY OF HOBBS _____.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to _____ CITY OF HOBBS _____ for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if _____ CITY OF HOBBS _____ or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the CITY OF HOBBS determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. CITY OF HOBBS determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by _____ CITY OF HOBBS _____ covering the rehabilitation or demolition.

IX. Grievances

The _____ CITY OF HOBBS _____ will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

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

SECTION 3 PLAN REQUIRED ELEMENTS

The _____ CITY OF HOBBS _____ is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The _____ CITY OF HOBBS _____ has appointed NICHOLAS GOULET, HR DIRECTOR as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the _____ CITY OF HOBBS _____. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the _____ CITY OF HOBBS _____ shall:

1. Hiring
 - a. Advertise for all _____ CITY OF HOBBS _____ positions in local newspapers
 - b. List all _____ CITY OF HOBBS _____ job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in the _____ CITY OF HOBBS _____. This means that if two equally qualified persons apply and one is a resident of the _____ CITY OF HOBBS _____ and one is not, the resident will be hired
 - d. Maintain records of _____ CITY OF HOBBS _____ hiring as specified in the Annual CDBG Resolutions (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated on an annual basis.

2. Contracting

- a. The _____ CITY OF HOBBS _____ will compile a list of businesses, suppliers and contractors located in the _____ CITY OF HOBBS _____.
- b. These vendors will be contacted for bid or quotes whenever the _____ CITY OF HOBBS _____ requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the _____ CITY OF HOBBS _____ and one from outside the _____ CITY OF HOBBS _____, the contract will be awarded to the business located within the community.

3. Training

The CITY OF HOBBS shall maintain a list of all training programs operated by the CITY OF HOBBS and its agencies and will direct them to give preference to CITY OF HOBBS residents. The CITY OF HOBBS will also direct all CDBG sponsored training to provide preference to CITY OF HOBBS residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The CITY OF HOBBS shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The CITY OF HOBBS will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in CITY OF HOBBS and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for CITY OF HOBBS. Information contained in our Section 3 Plan reflects the status of the CITY OF HOBBS employees regarding lower income considerations based on their salary paid by the CITY OF HOBBS.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The CITY OF HOBBS herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution annually.

PASSED AND ADOPTED BY THE CITY COMMISSION of the CITY
of HOBBS on this 20 day of April, 2020.

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Plan Adoption Date: _____

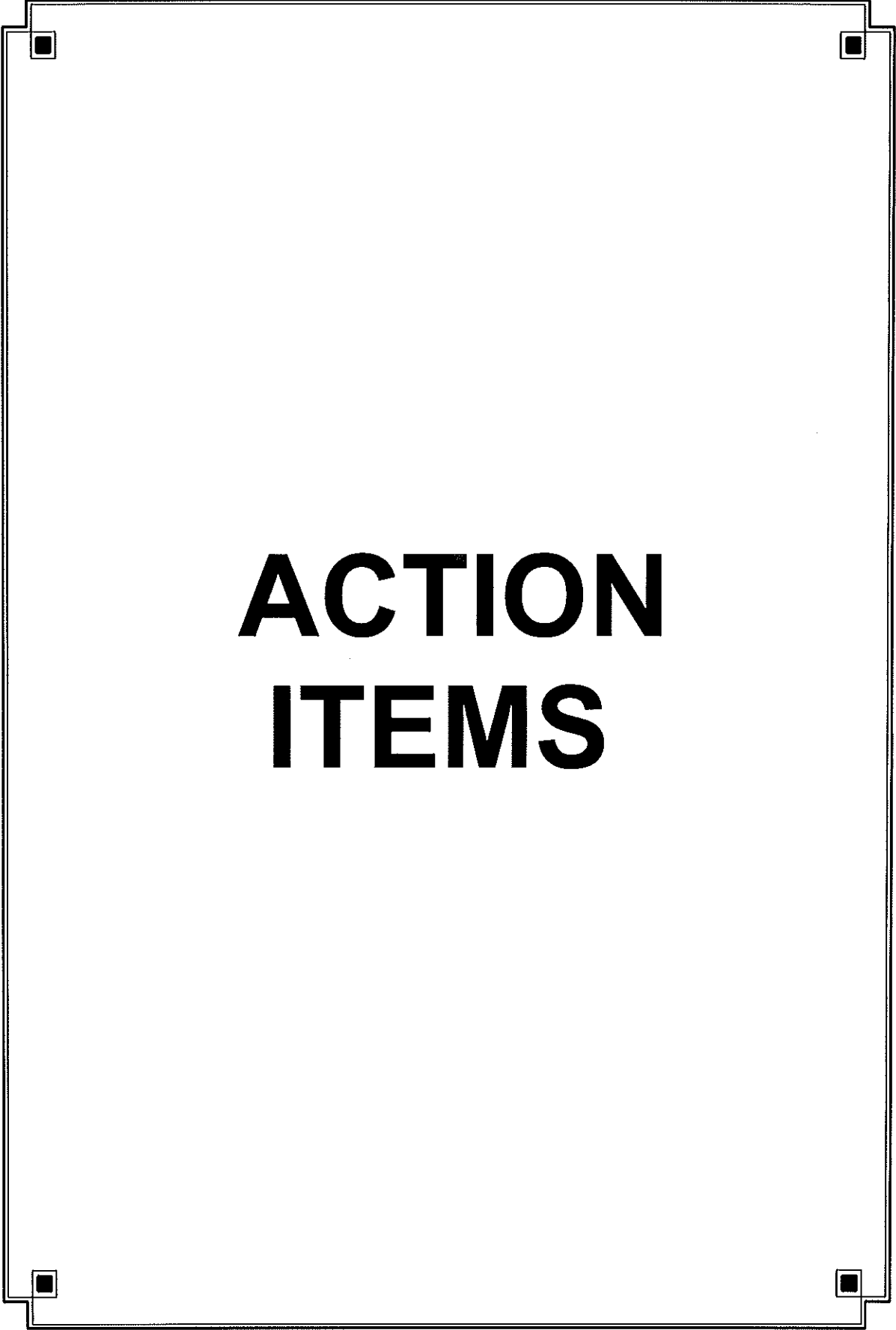
Adoption Instrument: _____

Certified By: _____

Date

SAM D COBB

MAYOR



ACTION ITEMS



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4, 2020

SUBJECT: Resolution Adopting Budgetary Adjustment #3 for the Fiscal Year 2019-2020
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: April 28, 2020
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

The fiscal budget of the City of Hobbs is adopted by resolution, and reviewed and approved by the Department of Finance & Administration. The budget is prepared prior to the beginning of the fiscal year, and as such, from time to time 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.

Enclosed is a budgetary adjustment #3 for the current year. A summary of the funds adjusted is attached to this resolution. After this adjustment is approved by the Commission, it must be forwarded to the Department of Finance & Administration for their approval.

Fiscal Impact:

Reviewed By: 
Finance Department

Total revenues increase by \$139,045.05 and total expenditures decrease by \$6,700,896.90 providing a budgeted ending cash balance of \$79,037,652.54 for all funds and a general fund reserve of 44%.

Attachments:

- Budget Cash Balance Sheet
- Budgeted Adjustments Detail
- Resolution approving Budget Adjustment for the fiscal year 2019-2020

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve the resolution.

Approved For Submittal By:


Department Director

City Manager

CITY CLERKS USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6931

BUDGETARY ADJUSTMENT #3

FISCAL YEAR 2019-2020

WHEREAS, the fiscal budget for the City of Hobbs is prepared, reviewed and approved prior to the beginning of the fiscal year; and

WHEREAS, from time to time it becomes necessary to adjust the budget due to items not contemplated at the time it is prepared; and

WHEREAS, included in this budgetary adjustment are decreases to expenditures in the amount of \$6,700,896.90, and increases to revenues in the amount of \$139,045.05; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced budget adjustments be approved.

BE IT FURTHER RESOLVED BY THE GOVERNING BODY of the City of Hobbs, New Mexico, that the budgetary adjustments be subject to the approval of the Department of Finance and Administration of the State of New Mexico and that a copy of this Resolution be forwarded to their office in Santa Fe, New Mexico, for approval.

PASSED, ADOPTED AND APPROVED this 4th day of May, 2020

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**City of Hobbs BAR #3
FY20 Fund Summary**

44%

	Beginning Cash from 06/30/19	Total Revenue	Interfund Transfer	Total Expenditures	Ending Cash
1 GENERAL	75,356,708.84	76,538,909.82	(7,550,089.90)	100,465,185.18	43,880,343.58
2 LAND ACQUISITION	349,146.16	100,000.00	-	100,000.00	349,146.16
General Fund Subtotal	75,705,855.00	76,638,909.82	(7,550,089.90)	100,565,185.18	44,229,489.74
11 LOCAL GOV CORR	701,933.24	192,500.00	-	709,040.01	185,393.23
12 POLICE PROTECTION	68,969.14	73,200.00	-	142,169.14	-
13 P D N (parif, drug, narcotics)	1,918.75	-	-	-	1,918.75
14 SAFER Grant	-	-	-	-	-
15 COPS GRANT	1,000.00	667,873.37	200,000.00	474,997.04	393,876.33
16 RECREATION (CORE)	150,000.00	4,844,778.63	3,444,133.99	8,264,987.62	173,925.00
17 OLDER AMERICAN	1,000.00	138,546.00	939,826.42	1,079,272.42	100.00
18 GOLF	1,000.00	942,700.00	3,515,520.61	4,459,220.61	-
19 CEMETERY	1,000.00	213,300.00	531,456.88	745,656.88	100.00
20 AIRPORT	289,510.72	38,500.00	-	117,500.00	210,510.72
23 LODGERS' TAX	2,240,394.35	2,325,000.00	(1,609,787.48)	1,450,309.00	1,505,297.87
27 PUBLIC TRANSPORTATION	1,000.00	1,221,669.99	438,087.48	1,277,216.47	383,541.00
28 FIRE PROTECTION	332,137.06	508,806.00	-	639,367.90	201,575.16
29 EMER MEDICAL SERV	184.16	20,000.00	-	20,000.00	184.16
Special Revenue Subtotals	3,790,047.42	11,186,873.99	7,459,237.90	19,379,737.09	3,056,422.22
37 COMM DEVE CONST	186,193.20	-	-	150,000.00	36,193.20
46 BEAUTIFICATION IMPROVEMENT	1,538,849.89	-	-	258,247.00	1,280,602.89
48 STREET IMPROVEMENTS	2,729,615.68	1,284,333.33	-	2,655,934.25	1,358,014.76
49 CITY COMM. IMPROVEMENTS	3,706,847.88	3,500,000.00	(5,491,327.25)	120,000.00	1,595,520.63
Capitol Project Subtotals	8,161,506.65	4,784,333.33	(5,491,327.25)	3,184,181.25	4,270,331.48
51 UTILITY BOND	-	-	307,609.34	307,609.34	-
53 WASTEWATER BOND	1,989,842.96	-	2,105,208.28	2,105,208.28	1,989,842.96
Debt Service Subtotals	1,989,842.96	-	2,412,817.62	2,412,817.62	1,989,842.96
10 SOLID WASTE	2,348,193.09	6,500,000.00	-	6,900,000.00	1,948,193.09
44 JOINT UTILITY EXTENSIONS CAPITAL PROJE	257,411.91	1,050,000.00	3,582,179.25	4,797,739.16	91,852.00
60 JOINT UTILITY	575,898.75	-	6,703,314.72	6,358,235.44	920,978.03
61 JOINT UTILITY CONST	1,000.00	-	3,448,353.05	3,448,353.05	1,000.00
62 WASTE WATER PLANT CONST	7,484,479.09	4,510,017.73	-	11,719,560.53	274,936.29
63 JOINT UTILTIY - WASTEWATER	1,000.00	-	7,550,339.70	4,189,892.21	3,361,447.49
65 JOINT UTILTIY INCOME - WASTEWATER	2,719,525.17	7,850,000.00	(10,278,525.17)	60,000.00	231,000.00
66 JOINT UTILITY INCOME	3,622,799.92	7,274,500.00	(9,836,299.92)	-	1,061,000.00
68 METER DEPOSIT RES	1,029,086.27	350,000.00	-	350,000.00	1,029,086.27
69 INTERNAL SUPPLY	53,727.58	300,000.00	-	300,000.00	53,727.58
Utility Subtotals	18,093,121.78	27,834,517.73	1,169,361.63	38,123,780.39	8,973,220.75
64 MEDICAL INSURANCE	4,103,595.96	6,876,000.00	-	6,931,000.00	4,048,595.96
67 WORKERS COMP TRUST	1,104,078.23	685,000.00	-	685,000.00	1,104,078.23
74 INSURANCE - RISK	-	921,981.00	2,000,000.00	920,981.00	2,001,000.00
Internal Service Subtotal	5,207,674.19	8,482,981.00	2,000,000.00	8,536,981.00	7,153,674.19
70 MOTOR VEHICLE	20,930.74	5,000,000.00	-	5,000,000.00	20,930.74
71 MUNI JUDGE BOND FUND	105,234.84	-	-	-	105,234.84
72 RETIREE HEALTH INSURANCE TRUST FUND	9,000,000.00	1,235,000.00	-	1,235,000.00	9,000,000.00
73 CRIME LAB FUND	71,235.55	79,000.00	-	79,000.00	71,235.55
75 FORECLOSURE TRUST FUND	71.88	-	-	-	71.88
76 RECREATION TRUST	-	-	-	-	-
77 LIBRARY TRUST	5,809.68	1,500.00	-	2,000.00	5,309.68
78 SENIOR CITIZEN TRUST	1,189.94	1,500.00	-	1,500.00	1,189.94
79 PRAIRIE HAVEN MEM	5,757.50	75.00	-	-	5,832.50
80 COMMUNITY PARK TRUST	1,540.03	20.00	-	-	1,560.03
82 EVIDENCE TRUST FUND	129,953.84	1,000.00	-	-	130,953.84
83 HOBBS BEAUTIFUL	19,733.26	-	-	-	19,733.26
86 CITY AGENCY TRUST	3,918.94	1,200.00	-	2,500.00	2,618.94
Trust & Agency Subtotals	9,365,376.20	6,319,295.00	-	6,320,000.00	9,364,671.20
Grant Total All Funds	122,313,424.20	135,246,910.87	-	178,522,682.53	79,037,652.54
		139,045.05		(6,700,896.90)	

Expense:

New Money - Expense

Fund	ORG	OBJ	PROJ	Dept Name	Description	Current Budget	Budget Request	New Budget	Comments
1	010202	42415		POLICE PATROL	VEH REPAIRS/UNINSURED	-	30,000.00	30,000.00	new budget to cover uninsured vehicle repairs for HPD
1	010220	42305	00304	FIRE/AMBULANCE	SUPPLIES - MED - HHS STIMULUS PM	-	59,639.05	59,639.05	Health and Human Services Stimulus Payment - expense budget
1	010220	42638	00250	FIRE/AMBULANCE	RESTRICTED EXP -CONOCO/PHILLIP	7,000.00	(2,000.00)	5,000.00	stimulus funds for medical supplies (offsetting revenue)
1	010320	44901	00184	PARKS	TAYLOR RANCH PARK	6,873,406.00	(6,870,441.95)	2,964.05	reduce budget to actual based on receipt of grant
1	010412	42404		TRAFFIC	SIGNALS AND SIGNS	125,000.00	7,500.00	132,500.00	reduce project budget due to current economic conditions
1	010412	42404		TRAFFIC	SIGNALS AND SIGNS	125,000.00	7,500.00	132,500.00	Additional funding for traffic signs and signals - budget depleted due to accidents
1 Total							(6,775,302.90)		
28	284028	43006		FIRE PROTECTION FUND	EQUIPMENT OVER 5000	31,515.90	74,406.00	105,921.90	Rescue Grant from Fire Protection Fund (offsetting revenue)
28 Total							74,406.00		
Grand Total							(6,700,896.90)		

Reclasses:

Fund	ORG	OBJ	PROJ	Dept Name	Description	Current Budget	Budget Request	New Budget	Comments
1	010125	42601		PLANNING	PROFESSIONAL SERVICES	80,000.00	12,000.00	92,000.00	reclass to encumber RRC Solesource contract
1	010140	42302		FINANCE/PURCHASING	TRAVEL, MEALS AND SCHOOLS	12,930.00	1,700.00	14,630.00	reclass for additional traveler - CM Approved
1	010140	42601		FINANCE/PURCHASING	PROFESSIONAL SERVICES	274,103.94	(1,700.00)	272,403.94	reclass for additional traveler - CM Approved
1	010145	42706		INFORMATION TECHNOLOGY	EQUIPMENT UNDER 5000.00	118,534.60	7,000.00	125,534.60	reclass to to operating acct - under \$5000 threshold per item
1	010145	43006		INFORMATION TECHNOLOGY	EQUIPMENT OVER 5000	92,123.77	(7,000.00)	85,123.77	reclass to to operating acct - under \$5000 threshold per item
1	010190	42706		MOTOR VEHICLE	EQUIPMENT UNDER 5000.00	-	3,000.00	3,000.00	reclass for security camera
1	010190	43006		MOTOR VEHICLE	EQUIPMENT OVER 5000	55,000.00	(3,000.00)	52,000.00	reclass for security camera
1	010201	42222		POLICE ADMINISTRATION	INSURANCE-GENERAL LIABILITY	520,981.00	(520,981.00)	-	reclass to patrol account
1	010201	42608		POLICE ADMINISTRATION	CLAIMS BY OTHERS, GENERAL LIAB	400,000.00	(400,000.00)	-	reclass to patrol account
1	010201	42706		POLICE ADMINISTRATION	EQUIPMENT UNDER 5000.00	10,000.00	38,000.00	48,000.00	reclass for hpd vehicle wraps (existing vehicles)
1	010201	43006		POLICE ADMINISTRATION	EQUIPMENT OVER 5000	43,694.15	(38,000.00)	5,694.15	reclass for hpd vehicle wraps (existing vehicles)
1	010202	41102		POLICE PATROL	OVERTIME	990,000.00	60,000.00	1,050,000.00	reclass salary to overtime to fund thru year end
1	010202	41101		POLICE PATROL	SALARIES - CERTIFIED	4,855,016.36	(60,000.00)	4,795,016.36	reclass salary to overtime to fund thru year end
1	010202	42222		POLICE PATROL	General Liability insurance	-	520,981.00	520,981.00	reclass to patrol account
1	010202	42608		POLICE PATROL	CLAIMS BY OTHERS, GENERAL LIAB	-	400,000.00	400,000.00	reclass to patrol account
1	010220	41101		FIRE/AMBULANCE	SALARIES	4,802,702.97	(250,000.00)	4,552,702.97	reclass to overtime - budget shortfall due to health crisis
1	010220	41102		FIRE/AMBULANCE	OVERTIME	675,000.00	250,000.00	925,000.00	reclass to overtime - budget shortfall due to health crisis
1	010220	43003		FIRE/AMBULANCE	VEHICLE REPLACEMENT	417,745.90	(2,000.00)	415,745.90	reclass to repair damage to weight room
1	010220	43003		FIRE/AMBULANCE	VEHICLE REPLACEMENT	417,745.90	(115,000.00)	302,745.90	reclass for ambulance purchase (\$65,000) and purchase of 2 new gurneys (\$50,000) (HGAC - will go to commission)
1	010220	43013		FIRE/AMBULANCE	BUILDING IMPROVEMENTS	357,336.71	2,000.00	359,336.71	reclass to repair damage to weight room
1	010220	43014		FIRE/AMBULANCE	PUBLIC SAFETY EQUIPMENT	155,000.00	115,000.00	270,000.00	reclass for ambulance purchase (\$65,000) and purchase of 2 new gurneys (\$50,000) (HGAC - will go to commission)
1	010410	42601		ENGINEERING	PROFESSIONAL SERVICES	70,000.00	(12,000.00)	58,000.00	reclass to encumber RRC Solesource contract
17	174017	42302		OLDER AMERICANS FUND	TRAVEL, MEALS AND SCHOOLS	897.00	2,000.00	2,897.00	reclass to travel for senior center - CM Approved
17	174017	42501		OLDER AMERICANS FUND	BUILDING AND GROUNDS	8,670.00	(2,000.00)	6,670.00	reclass to travel for senior center - CM Approved
29	294029	42302		E.M.S. GRANT FUND	TRAVEL, MEALS AND SCHOOLS	10,000.00	2,663.68	12,663.68	reclass to travel for nmjc training costs - CM approved
29	294029	42353		E.M.S. GRANT FUND	TRAINING	10,000.00	(2,663.68)	7,336.32	reclass to travel for nmjc training costs - CM approved
							-		

Revenue

New Money

Fund	ORG	OBJ	PROJ	Dept Name	Description	Current Budget	Budget Request	New Budget	Comments
1	019999	30631	00250	GENERAL FUND REVENUE	Restricted Donations - Conoco Phillips	-	(5,000.00)	(5,000.00)	Donation/Contribution received from Conoco Phillips in Feb 2020
1	019999	30702	00304	GENERAL FUND REVENUE	H.H.S STIMULUS PAYMEYT	-	(59,639.05)	(59,639.05)	Donation/Contribution received from Conoco Phillips in Feb 2020
1 Total							(64,639.05)		
28	289999	30730		FIRE PROTECTION REVENUE	FIRE MARSHAL GRANT	-	(74,406.00)	(74,406.00)	Rescue Grant from Fire Protection Fund (offsetting expense)
28 Total							(74,406.00)		
Grand Total							(139,045.05)		

Position reclass notification

Position	Position Desc	Status	Job Class	Job Class Desc	Bargain	Bargain Desc	Location	Location Desc	Proposed Pay	2920 Schedule
22004010	currently inactive - will be filled due to promotion from deactivated position	I	210	FUNION-210	FDUN	FIRE UNION	0220	FIRE/AMBULANCE	\$17.43	\$50,895.60
Position	Position Desc	Status	Job Class	Job Class Desc	Bargain	Bargain Desc	Location	Location Desc	Current Pay	2920 Schedule
22014029	currently filled - to be removed - employee moving to new postion due to promotion	A	200	FUNION-200	FDUN	FIRE UNION	0220	FIRE/AMBULANCE	\$16.60	\$48,472.00



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4, 2020

SUBJECT: Resolution approving the FY2020 DFA 3rd Quarter (March 2020) Financial Report
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: April 24, 2020
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Submitting the FY2020 3rd Quarter DFA Financial Report for the approval of the governing body. The Department of Finance and Administration only requires that the 4th Quarter DFA Report be approved by resolution, however, it **recommends** all quarterly reports be approved by the governing body.

Fiscal Impact:

Reviewed By: 
Finance Department


The ending cash balance represents actual revenue and expenditure activity from 07/01/19-03/31/20.

- Actual Ending Cash Balance at 03/31/20 is \$143,630,617.39 for all funds (restricted and unrestricted).
- The City of Hobbs year-to-date actual revenues and expenditures for the period are \$104,172,941.86 and \$82,901,825,99 respectively.

Attachments:

- 3rd Quarter DFA Report Recap
- March 31, 2020 City of Hobbs Cash Report
- Resolution approving 3rd Quarter DFA Report

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve the resolution.

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. 6932

A RESOLUTION APPROVING THE FY2020
DFA 3rd QUARTER FINANCIAL REPORT

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

WHEREAS, the ending cash balance for the period ended March 31, 2020 was \$143,630,617.39 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2020 crosswalk the amounts to the DFA 3rd Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 3rd Quarter Financial Report be approved.

PASSED, ADOPTED AND APPROVED this 4th day of May, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

City of Hobbs
Cash Balance by Fund
03/31/2020

		Ending Cash 06/30/2019	June - July FY2020 Revenues	Actual Cash TRANSFERS	June - July FY2020 Expenditures	FY20 Balance Sheet Adjustments	Ending Cash 03/31/2020
GOVERNMENTAL FUNDS							
11000	001 GENERAL	75,356,708.84	59,569,873.35	(3,643,656.22)	42,906,090.72	(112,551.69)	88,489,386.94
29900	002 LAND ACQUISITION	349,146.16	-	-	-	-	349,146.16
		<u>75,705,855.00</u>	<u>59,569,873.35</u>	<u>(3,643,656.22)</u>	<u>42,906,090.72</u>	<u>(112,551.69)</u>	<u>88,838,533.10</u>
SPECIAL REVENUES							
20100	110 LOCAL GOV CORR	701,933.24	184,658.59	-	58,664.65	-	827,927.18
21100	120 POLICE PROTECTION	68,969.14	73,200.00	-	38,559.83	-	103,609.31
29900	130 P D N (parif, drug, narcotics)	1,918.75	-	-	-	-	1,918.75
29900	140 SAFER Grant	-	-	-	-	-	-
29900	150 COPS GRANT	1,000.00	105,517.87	180,811.49	286,329.36	-	1,000.00
21700	160 HWLC	150,000.00	3,856,224.75	794,669.38	3,541,855.72	(7,610.73)	1,266,649.14
21900	170 OLDER AMERICAN	1,000.00	141,907.06	571,965.14	713,872.20	-	1,000.00
51800	180 GOLF	1,000.00	557,399.65	1,938,966.60	2,485,025.13	(5,946.44)	18,287.56
50600	190 CEMETERY	1,000.00	121,317.00	110,119.43	234,072.63	(2,636.20)	1,000.00
50400	200 AIRPORT	289,510.72	27,989.57	-	38,475.83	-	279,024.46
21400	230 LODGERS' TAX	2,240,394.35	1,459,330.09	(749,192.45)	651,386.47	-	2,299,145.52
29900	270 PUBLIC TRANSPORTATION	1,000.00	414,387.78	311,256.66	725,834.38	(189.94)	1,000.00
20900	280 FIRE PROTECTION	332,137.06	527,082.98	-	187,170.52	(160.00)	672,209.52
20600	290 EMER MEDICAL SERV	184.16	20,000.00	-	4,202.86	(1,579.84)	17,561.14
30200	370 COMM DEVE CONST	186,193.20	-	-	-	-	186,193.20
		<u>3,976,240.62</u>	<u>7,489,015.34</u>	<u>3,158,596.25</u>	<u>8,965,449.58</u>	<u>(18,123.15)</u>	<u>5,676,525.78</u>
CAPITAL PROJECTS FUNDS							
39900	460 BEAUTIFICATION IMPROVEMENT	1,538,849.89	-	-	-	-	1,538,849.89
21600	480 STREET IMPROVEMENTS	2,729,615.68	739,651.23	-	227,880.70	-	3,241,386.21
39900	490 CITY COMM. IMPROVEMENTS	3,706,847.88	2,539,173.09	(170,134.90)	70,917.32	-	6,004,968.75
		<u>7,975,313.45</u>	<u>3,278,824.32</u>	<u>(170,134.90)</u>	<u>298,798.02</u>	<u>-</u>	<u>10,785,204.85</u>
DEBT SERVICE FUNDS							
40400	510 UTILITY BOND	-	-	306,587.17	306,587.17	-	0.00
40400	530 2005 WASTEWATER BOND ISSUE	1,989,842.96	-	1,921,489.12	1,921,489.12	-	1,989,842.96
		<u>1,989,842.96</u>	<u>-</u>	<u>2,228,076.29</u>	<u>2,228,076.29</u>	<u>-</u>	<u>1,989,842.96</u>
TOTAL GOVERNMENTAL FUNDS		<u>89,647,252.03</u>	<u>70,337,713.01</u>	<u>1,572,881.42</u>	<u>54,398,414.61</u>	<u>(130,674.84)</u>	<u>107,290,106.69</u>
ENTERPRISE FUNDS							
50200	100 SOLID WASTE	2,348,193.09	5,398,576.72	-	5,272,326.59	-	2,474,443.22
39900	440 JOINT UTILITY EXTENSIONS CAPITAL PR	257,411.91	-	170,134.90	426,546.81	-	1,000.00
50100	600 JOINT UTILITY	575,898.75	-	3,422,452.66	3,999,725.63	(2,374.22)	1,000.00
50100	610 JOINT UTILITY CONST	1,000.00	-	950,399.78	953,115.34	(2,715.56)	1,000.00
50300	620 WASTE WATER PLANT CONST	7,484,479.09	3,593,603.20	-	2,911,488.58	(3,077.00)	8,169,670.71
50300	630 JOINT UTILITIY - WASTEWATER	1,000.00	-	2,400,341.58	2,400,864.99	(523.41)	1,000.00
50300	650 JOINT UTILITIY INCOME - WASTEWATER	2,719,525.17	6,544,905.90	(4,321,830.70)	35,457.74	(500.00)	4,907,642.63
50100	660 JOINT UTILITY INCOME	3,622,799.92	5,930,499.11	(4,679,439.61)	-	61.57	4,873,797.85
50100	680 METER DEPOSIT RES	1,029,086.27	326,359.19	-	242,168.32	-	1,113,277.14
TOTAL ENTERPRISE FUNDS		<u>18,039,394.20</u>	<u>21,793,944.12</u>	<u>(2,057,941.39)</u>	<u>16,241,694.00</u>	<u>(9,128.62)</u>	<u>21,542,831.55</u>
INTERNAL SERVICE FUNDS							
69900	640 MEDICAL INSURANCE	4,103,595.96	5,130,335.40	-	5,060,140.69	-	4,173,790.67
69900	670 WORKERS COMP TRUST	1,104,078.23	481,609.85	-	447,872.15	-	1,137,815.93
69900	690 INTERNAL SUPPLY	53,727.58	169,214.96	-	161,302.51	(6,496.56)	68,136.59
69900	740 INSURNACE - RISK	-	532,794.44	485,059.97	568,726.49	100,000.00	349,127.92
TOTAL INTERNAL SERVICE FUNDS		<u>5,261,401.77</u>	<u>6,313,954.65</u>	<u>485,059.97</u>	<u>6,238,041.84</u>	<u>93,503.44</u>	<u>5,728,871.11</u>
TRUST AND AGENCY FUNDS							
79900	700 MOTOR VEHICLE	20,930.74	4,792,337.76	-	4,807,786.73	(2,921.55)	8,403.32
79900	710 MUNI JUDGE BOND FUND	105,234.84	-	-	-	(343.00)	105,577.84
79900	720 RETIREE HEALTH INSURANCE TRUST FUI	9,000,000.00	780,260.46	-	1,148,464.51	3,487.25	8,628,308.70
79900	730 CRIME LAB FUND	71,235.55	66,111.50	-	65,261.50	-	72,085.55
79900	750 FORECLOSURE TRUST FUND	71.88	-	-	-	-	71.88
79900	770 LIBRARY TRUST	5,809.68	981.63	-	214.84	-	6,576.47
79900	780 SENIOR CITIZEN TRUST	1,189.94	2,130.00	-	-	-	3,319.94
79900	790 PRAIRIE HAVEN MEM	5,757.50	60.41	-	-	-	5,817.91
79900	800 COMMUNITY PARK TRUST	1,540.03	16.15	-	-	-	1,556.18
79900	820 EVIDENCE TRUST FUND	129,953.84	84,729.28	-	-	-	214,683.12
79900	830 HOBBS BEAUTIFUL	19,733.26	207.04	-	-	-	19,940.30
79900	860 CITY AGENCY TRUST	3,918.94	495.85	-	1,947.96	-	2,466.83
TOTAL TRUST AND AGENCY FUNDS		<u>9,365,376.20</u>	<u>5,727,330.08</u>	<u>-</u>	<u>6,023,675.54</u>	<u>222.70</u>	<u>9,068,808.04</u>
GRAND TOTAL ALL FUNDS		<u>122,313,424.20</u>	<u>104,172,941.86</u>	<u>-</u>	<u>82,901,825.99</u>	<u>(46,077.32)</u>	<u>143,630,617.39</u>

51800 Golf Course Enterprise	1,000.00	0.00	557,399.65	1,938,966.60	2,485,025.13	5,946.44	18,287.56	0.00	18,287.56
69900 Other Internal Service	5,261,402.00	0.00	6,313,954.65	485,059.97	6,238,041.84	-93,503.44	5,728,871.34	0.00	5,728,871.34
79900 Other Trust & Agency	9,365,377.00	0.00	5,727,330.08	0.00	6,023,675.54	-222.70	9,068,808.84	0.00	9,068,808.84
Totals	122,313,433.00	0.00	104,172,941.86	0.00	82,901,825.99	46,077.32	143,630,626.19	3,575,507.56	140,055,118.63



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4th, 2020

SUBJECT: Approving the 3rd quarter fiscal year 2020 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance
DATE SUBMITTED: April 27th, 2020
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 3rd quarter 2020 DFA report.

Fiscal Impact:

Reviewed By: 
Finance Department

The March 31st, 2020 Cash Balance for the Lodgers' Tax Fund is \$2,299,145.52

Total lodgers' tax revenue for the 3rd quarter fiscal year 2020 was \$405,368.87 and total expenditures were \$366,938.03. Breakdown of the cash balances by category are as follows:

Profit, Non-profit, Public Entities (20%)	= \$640,368.30
Local Government (40%)	= \$1,077,627.33
Fire, EMS, Sanitation (15%)	= \$ 0.00
Airline Subsidy (25%)	= \$ 581,149.89

Attachments:

Resolution
3-31-2020 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. 6933

A RESOLUTION APPROVING THE FY2020
LODGERS' TAX DFA 3rd QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 3rd 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 March 31, 2020 was \$2,299,145.52 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual quarter-to-date lodgers' tax revenue and expenditures for fiscal year 2020 crosswalk the amounts to the DFA 3rd quarter financial report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 3rd quarter lodgers' tax financial report be approved.

PASSED, ADOPTED AND APPROVED this 4th day of May, 2020

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

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:	<u>City of Hobbs</u>	<u>5</u> (PERCENT IMPOSED)	QUARTER ENDING:	<u>3/31/2020</u>
			MONTH/YEAR	
1. REVENUE SUMMARY:	QUARTERLY AMOUNT (THIS REPORTING PERIOD)	YEAR-TO-DATE (Y-T-D) AMOUNT (SUM OF ALL QUARTERS)	2. REVENUE ALLOCATION:	QUARTERLY AMOUNT (THIS REPORTING PERIOD)
				YEAR-TO-DATE (Y-T-D) AMOUNT (SUM OF ALL QUARTERS)
LODGERS' TAX PROCEEDS \$	<u>405,369</u>	\$ <u>1,434,641</u>	NON-PROMOTIONAL FUND	\$ <u>0</u> \$ <u>0</u>
INVESTMENT INCOME	<u>7,361</u>	<u>24,689</u>	PROMOTIONAL FUND	\$ <u>412,730</u> <u>1,459,330</u>
LATE PENALTIES			ADMINISTRATIVE COST	\$ <u>0</u> \$ <u>0</u>
CONVENTION CENTER FINANCING FEES				
HOSPITALITY FEE ACT FEES				
1. _____			(10% IS THE MAXIMUM OF GROSS TAX PROCEEDS,	
2. _____			i.e. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)	
TOTAL REVENUE \$	<u>412,730</u>	\$ <u>1,459,330</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>2,224,883</u>
(Note: 2 years maximum carryover before money must be spent).	
NON-PROMOTIONAL FUND	\$ <u>0</u> \$ <u>0</u>
PROMOTIONAL FUND	\$ _____ \$ <u>74,263</u>
Grand Total (Non-Promo)	\$ _____ \$ _____
Grand Total (Promo)	\$ _____ \$ <u>2,299,146</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>
INTERGOVERNMENTAL TRANSFERS - (OUT)		
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>

**CITY OF HOBBS
EVENT SUMMARIES
3/31/2020**

**TOTAL
AMOUNT**

			TOTAL AMOUNT
19-7	HOBBS USSSA (PERMIAN BASIN MIDLAND)	4/16/2018	5,902.36
	NMJC - NMJCA OUTDOOR TRACK AND FIELD	10/15/2018	7,805.00
20-2	HOBBS CHAMBER OF COMMERCE - HOBBS AUGUST NITES	4/11/2019	73,816.10
20-3	HOBBS CHAMBER OF COMMERCE - HOBBS HOLIDAY TOURNEY	4/11/2019	4,185.93
20-4	HOBBS CHAMBER OF COMMERCE - FEBREWARY FESTIVAL	4/11/2019	
20-5	CINCO DE MAYO COMMITTEE	4/11/2019	
20-6	JUNETEENTH 2020	4/11/2019	4,900.00
20-7	HOBBS HISPANO CHAMBER OF COMMERCE - MARIACHI CHRISTMAS	4/11/2019	16,181.43
20-8	HOBBS HISPANO CHAMBER OF COMMERCE - SEPTIEMBRE	4/11/2019	18,804.72
20-9	HOBBS KENNEL CLUB	4/11/2019	2,149.84
20-10	SOUTHWEST SYMPHONY 2020	4/11/2019	44,012.66
20-11	UNITED WAY - 2ND ANNUAL BENEFIT CONCERT	4/11/2019	10,000.00
20-12	HOBBS USSSA	4/11/2019	36,500.00
20-13	PERMIAN BASIN USSSA	4/11/2019	141,503.72
20-14	WESTERN HERITAGE MUSEUM	4/11/2019	40,012.27
20-15	HOBBS QUARTERBACK CLUB 2020	4/11/2019	9,800.00
20-17	CYCLE CITY PROMOTIONS - KICKER ARENACROSS/MONSTER	4/11/2019	49,942.81
19-18	CITY OF HOBBS - FIREFIGHTER CHALLENGE	1/9/2019	28,322.48
20-18	ROCKWIND COMMUNITY LINKS - 2020	4/11/2019	49,834.17
20-19	C.O.R.E - 2020 - MARKETING	4/11/2019	52,969.21
20-20	C.O.R.E - 2020 - OPERATING	4/11/2019	375,000.00
20-21	CITY OF HOBBS - NM PARKS ASSOCIATION STATE CONF	4/11/2019	13,420.79
20-26	CITY OF HOBBS - HOBBS TREE LIGHTING	10/9/2019	14,645.80
20-22	LEA COUNTY EVENT CENTER - FAIR AND RODEO - 2020	4/11/2019	107,378.30
	CITY OF HOBBS POLICE, FIRE, SANITATION	4/11/2019	215,000.00
20-23	EDC - 2020 AIRLINE SUBSIDY (Marketing)	4/11/2019	78,491.25
TOTAL			<u>1,400,578.84</u>

3/31/20

CITY OF HOBBS LODGERS' TAX PROGRAM
EXPENDITURE REPORT FOR THE 3rd QUARTER OF 2019 - 2020

		PROMO	NON PROMO	TOTAL
CASH BAL.	6/30/19	2,224,882.81	15,511.46	2,240,394.27
FIRST QUARTER INCOME		568,406.80		568,406.80
FIRST QUARTER INTEREST		9,219.23		9,219.23
TOTAL REVENUE		577,626.03	0.00	577,626.03
FIRST QUARTER EXPENSES		579,951.96		579,951.96
CASH BAL.	9/30/19	2,222,556.88	15,511.46	2,238,068.34
SECOND QUARTER INCOME		460,865.65		460,865.65
SECOND QUARTER INTEREST		8,108.76		8,108.76
TOTAL REVENUE		468,974.41	0.00	468,974.41
SECOND QUARTER EXPENSES		453,688.85		453,688.85
CASH BAL.	12/31/19	2,237,842.44	15,511.46	2,253,353.90
THIRD QUARTER INCOME		405,368.87		405,368.87
THIRD QUARTER INTEREST		7,360.78		7,360.78
TOTAL REVENUE		412,729.65	0.00	412,729.65
THIRD QUARTER EXPENSES		366,938.03		366,938.03
CASH BAL.	3/31/20	2,283,634.06	15,511.46	2,299,145.52
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.	6/30/20	2,283,634.06	15,511.46	2,299,145.52
YEAR TO DATE INCOME		1,434,641.32	0.00	1,434,641.32
YEAR TO DATE INTEREST		24,688.77	0.00	24,688.77
TOTAL REVENUE		1,459,330.09	0.00	1,459,330.09
YEAR TO DATE EXPENSES		1,400,578.84	0.00	1,400,578.84
YEAR TO DATE CASH BALANCES		2,283,634.06	15,511.46	2,299,145.52

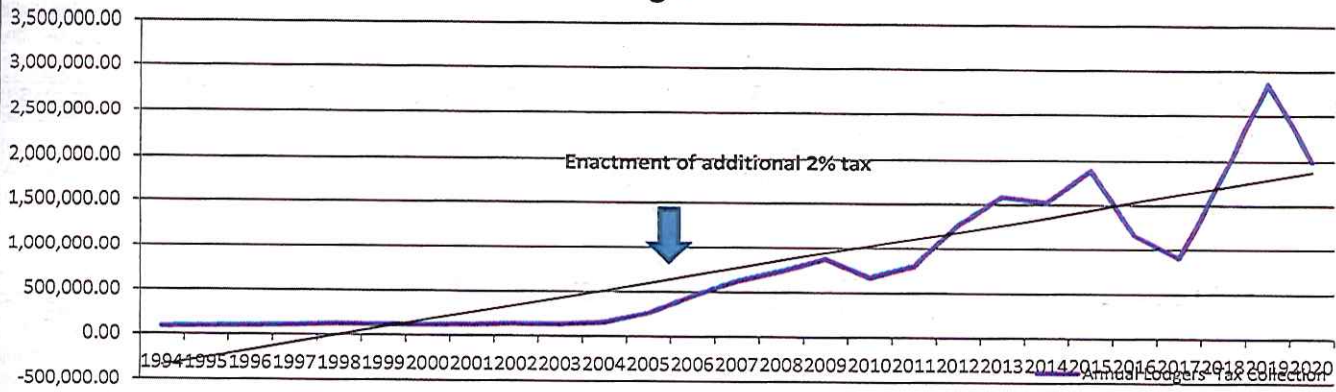
March 31, 2020

CITY OF HOBBS LODGERS' TAX REPORT

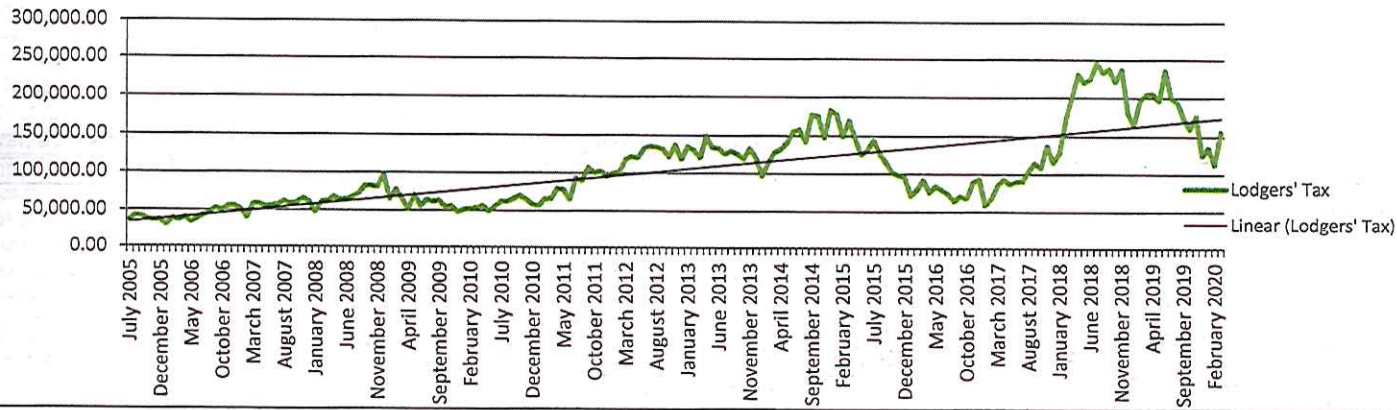
2020

		RECEIPTS 239999-				EXPENDITURES				NET CHANGE		Cash
Month	Month	Gross Taxable Revenue	Lodgers' Tax	Other Income	TOTAL	Contract for Services	Advert & Promotion	TOTAL	For Month	YTD	Balance	
SUBTOTAL		15,364,272.60	768,213.63	527.46	768,741.09	0.00	762,619.97	762,619.97				
SUBTOTAL		18,028,844.80	901,442.24	973.44	902,415.68	0.00	1,452,826.32	1,452,826.32				
CASH BALANCE	06/30/15	713,543.86	1,885,088.47	1,769.80	1,886,858.27		2,219,502.38	2,219,502.38				
CASH BALANCE	06/30/16	188,954.74	1,166,403.92	1,637.41	1,168,041.33	0.00	1,692,630.45	1,692,630.45				
CASH BALANCE		267,251.48	944,566.51	7,484.56			873,754.33					
July 2017		1,815,246.20	90,762.31	976.79	91,739.10		1,372.17	1,372.17	90,366.93	90,366.93	357,618.41	
August 2017		2,089,782.80	104,489.14	1,216.90	105,706.04		18,130.31	18,130.31	87,575.73	177,942.66	445,194.14	
September 2017		2,291,105.80	114,555.29	1,738.91	116,294.20		26,500.00	26,500.00	89,794.20	267,736.86	534,988.34	
October 2017		2,170,628.60	108,531.43	3,549.66	112,081.09		59,216.40	59,216.40	52,864.69	320,601.55	587,853.03	
November 2017		2,764,121.40	138,206.07	2,979.81	141,185.88		14,757.64	14,757.64	126,428.24	447,029.79	714,281.27	
December 2017		2,308,667.00	115,433.35	3,413.63	118,846.98		0.00	0.00	118,846.98	565,876.77	833,128.25	
SUBTOTAL		13,439,551.80	671,977.59	13,875.70	685,853.29	0.00	119,976.52	119,976.52				
January 2018		2,580,920.60	129,046.03	3,498.85	132,544.88		229,785.48	229,785.48	-97,240.60	-97,240.60	735,887.65	
February 2018		3,428,414.60	171,420.73	3,567.45	174,988.18		14,804.51	14,804.51	160,183.67	160,183.67	896,071.32	
March 2018		4,035,431.00	201,771.55	629.14	202,400.69		51,663.32	51,663.32	150,737.37	150,737.37	1,046,808.69	
April 2018		4,639,998.60	231,999.93	802.01	232,801.94		10,521.88	10,521.88	222,280.06	222,280.06	1,269,088.75	
May 2018		4,406,434.20	220,321.71	967.59	221,289.30		9,500.00	9,500.00	211,789.30	211,789.30	1,480,878.05	
June 2018		4,525,501.20	226,275.06	1,143.42	227,418.48		325,375.98	325,375.98	-97,957.50	-97,957.50	1,382,920.55	
SUBTOTAL		23,616,700.20	1,180,835.01	10,608.46	1,191,443.47	0.00	641,651.17	641,651.17				
CASH BALANCE		1,382,920.55	1,852,812.60	24,484.16	1,877,296.76		761,627.69					
July 2018		4,924,557.60	246,227.88	1,183.55	247,411.43		0.00	0.00	247,411.43	247,411.43	1,630,331.98	
August 2018		4,682,780.80	234,139.04	1,484.86	235,623.90		13,644.20	13,644.20	221,979.70	469,391.13	1,852,311.68	
September 2018		4,769,011.20	238,450.56	1,648.84	240,099.40		257,822.62	257,822.62	-17,723.22	451,667.91	1,834,588.46	
October 2018		4,439,774.00	221,988.70	1,737.41	223,726.11		3,957.73	3,957.73	219,768.38	671,436.29	2,054,356.84	
November 2018		4,759,001.40	237,950.07	2,214.46	240,164.53		73,306.33	73,306.33	166,858.20	838,294.49	2,221,215.04	
December 2018		3,604,288.40	180,214.42	2,697.34	182,911.76		234,378.56	234,378.56	-51,466.80	786,827.69	2,169,748.24	
SUBTOTAL		27,179,413.40	1,358,970.67	10,966.46	1,369,937.13	0.00	583,109.44	583,109.44				
January 2019		3,306,211.80	165,310.59	2,693.77	168,004.36		1,014.72	1,014.72	166,989.64	166,989.64	2,336,737.88	
February 2019		3,930,807.80	196,540.39	3,027.42	199,567.81		28,439.97	28,439.97	171,127.84	171,127.84	2,507,865.72	
March 2019		4,093,536.40	204,676.82	2,827.40	207,504.22		645,864.78	645,864.78	-438,360.56	-438,360.56	2,069,505.16	
April 2019		4,113,651.00	205,682.55	2,838.40	208,520.95		52,752.50	52,752.50	155,768.45	155,768.45	2,225,273.61	
May 2019		3,917,243.20	195,862.16	3,090.53	198,952.69		63,744.00	63,744.00	135,208.69	135,208.69	2,360,482.30	
June 2019		4,739,244.00	236,962.20	3,469.19	240,431.39		360,519.42	360,519.42	-120,088.03	-120,088.03	2,240,394.27	
SUBTOTAL		24,100,694.20	1,205,034.71	17,946.71	1,222,981.42	0.00	1,152,335.39	1,152,335.39				
CASH BALANCE		2,240,394.27	2,564,005.38	28,913.17	2,592,918.55		1,735,444.83					
July 2019		3,999,605.20	199,980.26	3,069.28	203,049.54		115,183.30	115,183.30	87,866.24	87,866.24	2,328,260.51	
August 2019		3,877,290.40	193,864.52	3,228.61	197,093.13		20,802.36	20,802.36	176,290.77	264,157.01	2,504,551.28	
September 2019		3,491,240.40	174,562.02	2,921.34	177,483.36		443,966.30	443,966.30	-266,482.94	-2,325.93	2,238,068.34	
October 2019		3,204,691.60	160,234.58	2,587.53	162,822.11		6,512.10	6,512.10	156,310.01	153,984.08	2,394,378.35	
November 2019		3,518,379.60	175,918.98	2,569.68	178,488.66		181,025.21	181,025.21	-2,536.55	151,447.53	2,391,841.80	
December 2019		2,494,241.80	124,712.09	2,951.55	127,663.64		266,151.54	266,151.54	-138,487.90	12,959.63	2,253,353.90	
SUBTOTAL		20,585,449.00	1,029,272.45	17,327.99	1,046,600.44	0.00	1,033,640.81	1,033,640.81				
January 2020		2,717,522.20	135,876.11	2,391.51	138,267.62		20,231.18	20,231.18	118,036.44	118,036.44	2,371,390.34	
February 2020		2,264,832.20	113,241.61	2,497.81	115,739.42		71,341.67	71,341.67	44,397.75	44,397.75	2,415,788.09	
March 2020		3,125,023.00	156,251.15	2,471.46	158,722.61		275,365.18	275,365.18	-116,642.57	-116,642.57	2,299,145.52	
April 2020		0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	2,299,145.52	
May 2020		0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	2,299,145.52	
June 2020		0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	2,299,145.52	
SUBTOTAL		8,107,377.40	405,368.87	7,360.78	412,729.65	0.00	366,938.03	366,938.03				
CASH BALANCE		2,299,145.52	1,434,641.32	24,688.77	1,459,330.09		1,400,578.84					

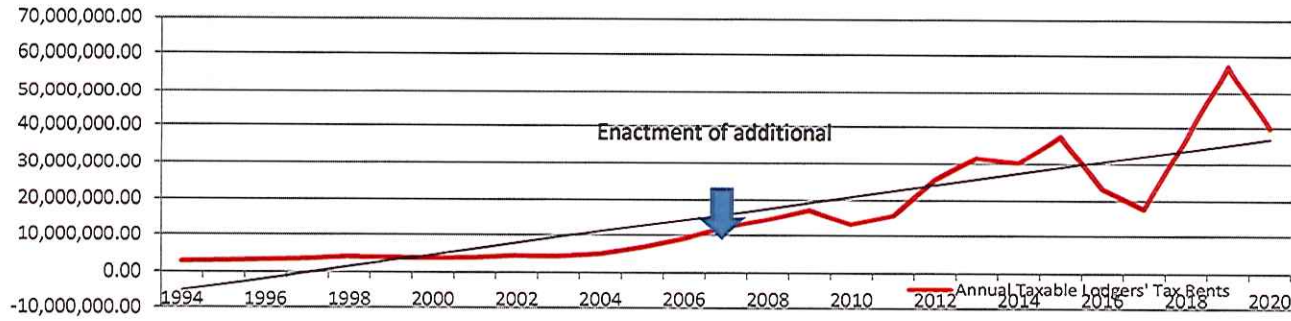
Annual Lodgers' Tax Collection



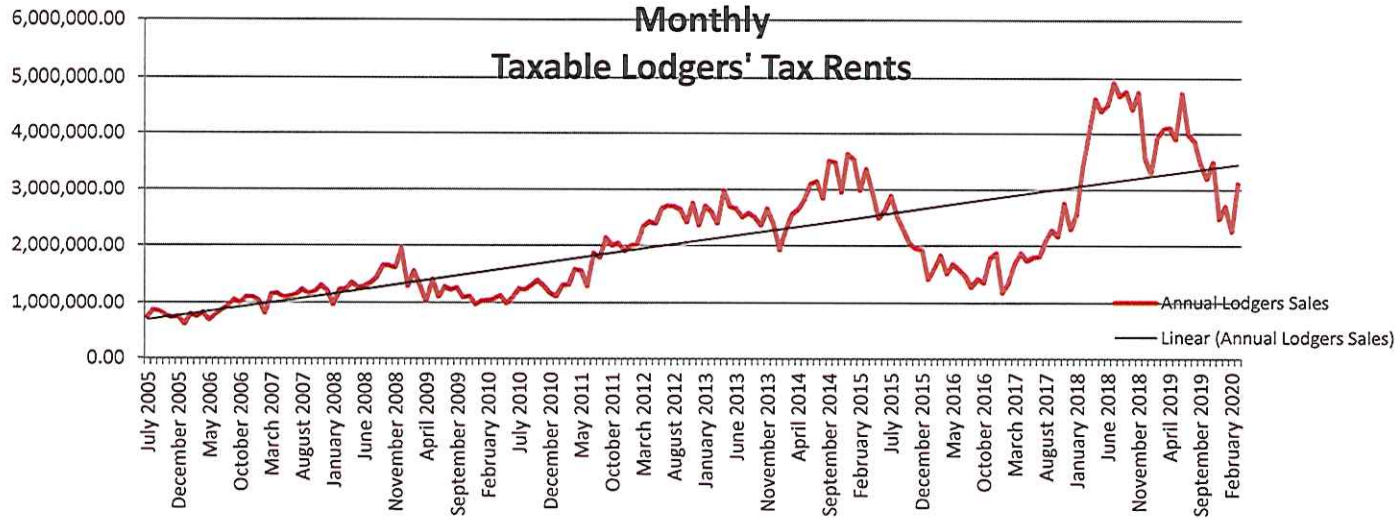
Monthly Lodgers' Tax Collection



Annual Taxable Lodgers' Tax Rents



Monthly Taxable Lodgers' Tax Rents





FINANCE DEPARTMENT

200 E. Broadway
Hobbs, NM 88240

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

April 27th, 2020

Jolene Gonzales, Special Projects Analyst
Department of Finance & Administration
Local Government Division
407 Galistero
Santa Fe, NM 87501

Re: 3rd quarter lodgers' tax quarterly report

Enclosed is the following:

3rd quarter lodgers' tax report for fiscal year 2020

Sincerely,

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

Toby Spears, CPA, CFE
Finance Director
CITY OF HOBBS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4, 2020

SUBJECT: CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT WITH LEMKE DEVELOPMENT, INC. CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY HOUSING.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: April 27, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Lemke Development, Inc. has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries. The developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$200,000.00.

Fiscal Impact:

Reviewed By:

[Signature]
Finance Department

FY20 Budget Available \$495,429.00

Single Family Housing #010100-44901-170

Attachments: Resolution and Development Agreement.

Legal Review:

Approved As To Form:

[Signature]
City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

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. 6934

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH LEMKE DEVELOPMENT, INC. CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY.

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with Lemke Development, Inc. concerning the development of market rate single-family housing; and

WHEREAS, the aforementioned Development Agreement allows for an incentive of reimbursement of public infrastructure for this type of development, said agreement being in the best interest of the City.

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 Development Agreement, which is attached hereto and made a part of this Agreement as Exhibit #1 and the Mayor, and/or his designee, is hereby authorized to execute the Agreement.
2. That City staff and officials are authorized to do any and all deeds to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4th day of May, 2020.

SAM D. COBB, Mayor

ATTEST:

Jan Fletcher, City Clerk

MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this 4th day of May, 2020 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and Lemke Development Inc., 4008 N. Grimes Street, Hobbs, NM 88240, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

RECITALS:

** The City requires to contract with a Market Rate Single Family Development Company to deliver Single Family Market Rate Housing to the Citizens of Hobbs, New Mexico.

** Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of the date of this agreement, within the Municipal Boundaries.

** Any outstanding Development Agreements between the Developer and the City of Hobbs concerning the production of Market Rate Single Family Housing shall become null and void upon the ratification of this agreement herewith.

NOW, THEREFORE, the City of Hobbs and Developer do hereby agree as follows:

A. Work To Be Performed.

1. The Developer shall furnish to the City its Professional Housing Developer Services for certain work regarding the Market Rate Single Family Housing. All single family structures completed under this agreement shall be located within the municipal boundaries and shall have received a certificate of occupancy after the date of this agreement.

2. Developer shall furnish to City its professional Housing Developer Services as provided by this Agreement. The specific duties include the production and delivering to the public Market Rate Single Family Housing Units in Hobbs. Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time.

3. Specific activities required are to develop privately owned real property in the City including designing, building and transferring to the public individual market rate single family housing units. The City's subsidy may include any or all of the following funding assistance from the City:

Incentives are available for installed public municipal infrastructure only, providing compliance with:

- a. Incentive not to exceed per square footage basis:
 - i. \$10.00 per sq. ft. north of Sanger
 - ii. \$20.00 per sq. ft. south of Sanger
 - iii. Calculation based on living area only
- b. Incentive not to exceed per unit basis:
 - i. \$10,000.00 per single family unit
 - ii. \$5,000.00 per multi-family unit

- c. Incentive not to exceed fair share per linear foot of infrastructure basis:
- i. \$180.00 per lineal front footage of complete public infrastructure installed, and further broken down as follows:
 1. Water (\$25 / lf):
 - a. Twenty Five (\$25) per equivalent front foot of lot to which water service is provided (8" minimum service single family & 10" minimum service for multi-family);
 2. Sewer (\$35 / lf):
 - a. Thirty Five (\$35) per equivalent front foot of lot to which sewer service is provided (8" minimum service single family & 10" minimum service for multi-family);
 3. Street (\$90/ lf):
 - a. Ninety (\$90) per equivalent front foot of lot to which street is provided (built to Minor Residential standards as promulgated within the City of Hobbs Major Thoroughfare Plan);
 4. Sidewalk:
 - a. Thirty (\$30) per equivalent front foot of lot to which sidewalk (includes driveway with ADA accessible path) is provided;

Based on quantities of required publicly owned infrastructure installed supporting the project, the City Engineer shall determine if the value of the infrastructure is adequate as an equal exchange of value for the amount of City subsidy contributed to the market rate single family housing unit. The City Engineer shall resolve any issues concerning value or extent of infrastructure and amount of square footage of constructed housing units. Specifically, the City Engineer will determine the value or unit costs of the publicly owned infrastructure according to any City of Hobbs Annual Pavement/Concrete/Utility Contracts or public infrastructure projects and estimates.

B. Payment For Services.

- 1) The City shall pay for said services at the rates agreed to and as specified above in the Infrastructure details, as shown herein. Payment will not be made by the City for any unit until a certificate of occupancy is issued, based on this Agreement.
- 2) The total compensation to be paid to the Developer during the term of this Agreement shall not exceed Two Hundred Thousand Dollars (\$200,000.00), unless the Agreement is amended by the City Commission.
- 3) City subsidy shall be paid when each individual single family unit is complete and certificate of occupancy is issued, provided the certificate of occupancy for the unit is issued after date of this agreement. Payment will be made within fifteen (15) days following a written request from the Developer and upon City inspection of project completion.
- 4) Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time. Such usage either now or in the future, for a period not to exceed 10 years from date of issuance of a C.O.,

shall require Developer to return any incentive funds received for any unit thus utilized, upon demand by the City. Developer shall record a "Declaration of Restrictive Covenants", attached hereto as Exhibit 2, to restrict such usage and to notify parties involved in future conveyances.

C. Construction Requirements.

Construction shall be of energy-efficient design per New Mexico Energy Conservation Code 2009, utilizing either stucco or brick on the exterior of all buildings.

D. Assignment of Agreement.

This Section refers to assignability of this Agreement, and not to assignability of the Project to be developed for housing. Developer shall not assign or transfer any interest in this Agreement. Except that Developer is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which the Developer is the principal party or to an affiliated company, working with the Developer on the Project. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Consent shall not unreasonably be withheld by either party.

E. Insurance Requirements and Hold Harmless Provision.

1. Developer agrees to obtain and maintain appropriate insurance during the course of the development of market rate single family housing with the City of Hobbs, as follows, and shall indemnify and hold harmless City, its employees, agents, officers and officials from any and all claims, losses, causes of action, and/or liabilities resulting from the conduct, negligence, errors or omissions of Developer or any employee or agent of Developer while engaged in performing the services called for herein.

2. The Developer shall maintain insurance coverage for General Liability, Automobile Liability, Errors and Omissions Insurance, and Workers' Compensation, subject to review and approval of the City Attorney.

F. Governing Law and Provisions.

1. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement, including the expenses of in house counsel.

G. Final Payment and Release of Claims.

1. Developer, upon final payment of all amounts due under this Agreement, releases the City and its officers and employees from all liabilities, claims and obligations whatsoever arising

from or under this Agreement.

2. City, upon Developer's final completion of all work items and covenants required of the Developer under this Agreement, shall release the Developer from all liabilities, claims and obligations whatsoever arising from or under this Agreement, on the day that is ten (10) years following the date of the City's issuance of a final certificate of occupancy on the Project.

H. Amendments.

This Agreement shall not be altered, changed, or amended except by written instrument approved and executed by both parties hereto.

I. Breach.

1. The following events constitute a breach of this Agreement by Developer:

a) Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

2. The following events constitute a breach of this Agreement by City:

a) City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement, including making timely and appropriate payments to the Developer.

J. Remedies Upon Breach.

1. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

K. Termination.

This Agreement shall be terminated upon the completion of all tenants herein specified or 365 days from date of ratification whichever comes first. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not eligible for payment.

L. Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by regular mail, postage prepaid, to the City, ATTN: City Attorney, 200 E. Broadway, Hobbs, NM 88240; to Developer ATTN and Lemke Development Inc., 4008 N. Grimes Street, Hobbs, NM 88240 and to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

M. Entire Agreement.

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

City of Hobbs

Developer

By: Sam D. Cobb, Mayor

By:

ATTEST:

APPROVED AS TO FORM:

JAN FLETCHER, City Clerk

Efren Cortez, City Attorney



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4, 2020

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR THE MEADOWS SUBDIVISION, UNIT 3, AS RECOMMENDED BY THE PLANNING BOARD.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: April 27, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Final Plan for The Meadows Subdivision, Unit 3 is submitted by Lemke Development, Inc. The subdivision is located northeast of the intersection of College and Ja-Rob within the municipal boundaries. The subdivision encompasses +/- 4.2 acres and will contain 22 single family residential lots. The Planning Board consider this item at the April 21, 2020 regular meeting and voted 4-0 to recommend approval.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The positive impact of the new development and new housing from GRT collections and monthly utility bills of the residents should offset any expenses that the City will incur from the maintenance responsibility of streets, water and sewer lines.

Attachments: Resolution, Final Plan, DRAFT Planning Board Minutes.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Approval of the Resolution to approve The Meadows Subdivision, Unit 3, as recommended by the Planning Board.

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. 6935

**A RESOLUTION TO APPROVE THE FINAL PLAN FOR MEADOWS
SUBDIVISION, UNIT 3, AS RECOMMENDED BY THE PLANNING BOARD.**

WHEREAS, Lemke Development, Inc. has submitted a Final Plan for Meadows Subdivision, Unit 3, for review by the City Planning Board; and

WHEREAS, the subdivision Final Plan was reviewed and approved by the Hobbs Planning Board at the April 21, 2020 meeting.

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

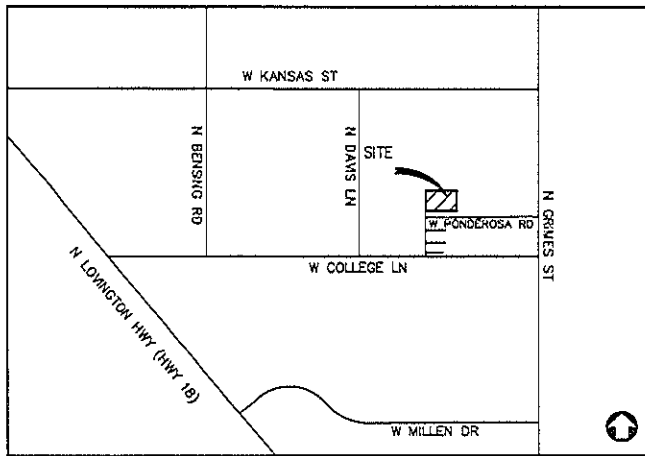
1. The City of Hobbs hereby grants Final Plan Approval to Meadows Subdivision, Unit 3, as recommended by the Planning Board; and
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 4th day of May, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK



VICINITY MAP
N.T.S.

NOTES

1. BASIS OF BEARINGS IS NEW MEXICO STATE PLAN EAST ZONE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

EXISTING EASEMENTS:

- ① 40-FOOT PUBLIC INFRASTRUCTURE EASEMENT
FILED: SEPTEMBER 08, 2017, BK. 2121, PG. 34.
- ② 40-FOOT PUBLIC INFRASTRUCTURE EASEMENT
FILED: FEBRUARY 26, 2019, BK. 2146, PG. 583.

NEW EASEMENTS:

- ① 15-FOOT PUBLIC INFRASTRUCTURE EASEMENT BY THE FILING OF THIS PLAT.
- ② 20-FOOT PUBLIC INFRASTRUCTURE EASEMENT BY THE FILING OF THIS PLAT.
- ③ 10-FOOT PUBLIC INFRASTRUCTURE EASEMENT BY THE FILING OF THIS PLAT.

LEGEND

- ◆ FOUND QUARTER CORNER AS NOTED
- ✦ FOUND SECTION CORNER AS NOTED
- SET 18"x1/2" REBAR WITH BLUE PLASTIC CAP MARKED "F&C PS 22909"
- ⊗ CALCULATED CORNER NOT SET

DESCRIPTION

A tract of land located in the east half of the east half of the southwest quarter of Section 4, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, being and comprising all of Tract 1-A of The Meadows Subdivision as the same is shown and designated on the plat thereof, filed in the County Clerk's office of Lea County, New Mexico on November 13, 2019 in Book 2158, Page 564 and being more particularly described as follows:

Beginning at the southeast corner of the tract herein described, identical to northeast corner of The Meadows Subdivision, Unit II, being a point on the east boundary line of the southwest quarter of said Section 4, from which a 2-inch brass cap found for the southeast corner of the southwest quarter of said Section 4, bears S00°40'52"E, a distance of 1138.57 feet;

Thence, leaving the east boundary line of the southwest quarter of said Section 4 and following the north boundary line of The Meadows Subdivision, Unit II, S89°20'17"W, a distance of 652.02 feet to the southwest corner of the tract herein described, identical to the northeast corner of The Meadows Subdivision, Unit II, being a point on the west boundary line of the east half of the east half of the southwest quarter of said Section 4;

Thence, following the west boundary line of the east half of the east half of the southwest quarter of said Section 4, N00°39'43"W, a distance of 1501.58 feet to the northwest corner of said Tract 1-A, being a point on the north boundary line of the southwest quarter of said Section 4;

Thence, following the north boundary line of the southwest quarter of said Section 4, N89°20'03"E, a distance of 661.52 feet to a 3/8" rebar found for the northeast corner of said Tract 1-A, identical to the northeast corner of the southwest quarter of said Section 4;

Thence, following the east boundary line of the southwest quarter of said Section 4, S00°40'52"E, a distance of 1501.62 feet to the point of beginning.

This tract contains 22.812 Acres (993,710 sq.ft.), more or less.

FREE CONSENT AND DEDICATION

THE SUBDIVISION HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND/OR PROPRIETOR(S) THEREOF AND SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY DEDICATE ALL STREET AND PUBLIC RIGHT-OF-WAYS SHOWN HEREON TO THE CITY OF HOBBS IN FEE SIMPLE WITH WARRANTY COVENANTS AND DO HEREBY GRANT ALL EASEMENTS SHOWN HEREON. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED. SAID OWNER(S) WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND SUBDIVIDED.

OWNER: Lemke Development, Inc., a New Mexico corporation
By: John Lemke
Title: President

JOHN LEMKE _____ DATE _____

ACKNOWLEDGEMENT:

STATE OF _____)
)SS.
COUNTY OF _____)
ON THIS ____ DAY OF _____, 2020, BEFORE ME

PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

**PLAT OF
THE MEADOWS SUBDIVISION
UNIT III**

SECTION 4, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M.,
CITY OF HOBBS,
LEA COUNTY, NEW MEXICO
APRIL 2020

CERTIFICATE OF MUNICIPAL APPROVAL

I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FORGOING PLAT OF THE MEADOWS SUBDIVISION, UNIT III, TO THE CITY OF HOBBS, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. _____ ON THE ____ OF _____, 2020 A.D.

JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)SS.
COUNTY OF LEA)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2020 A.D. BY JAN FLETCHER.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

**CERTIFICATE OF APPROVAL
BY THE CITY OF HOBBS PLANNING BOARD:**

THE PLAT, RESTRICTIONS AND DEDICATION APPROVED AND ACCEPTED THE ____ DAY OF _____, 2020 A.D. BY THE CITY PLANNING BOARD OF HOBBS NEW MEXICO.

CHAIRMAN: WILLIAM M. HICKS, III

ACKNOWLEDGMENT

STATE OF _____)
)SS.
COUNTY OF _____)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2020, BY WILLIAM M. HICKS.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

Fierro & Company
ENGINEERING | SURVEYING
6300 MONTANO RD. NW, SUITE C
ALBUQUERQUE, NM 87120
PH 505.352.8930
www.fierrocompany.com

SURVEYOR'S CERTIFICATION

I, ROBERT J. FIERRO, NEW MEXICO PROFESSIONAL SURVEYOR NO. 22909, DO HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION; THAT IT ACCURATELY MEETS THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS; AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

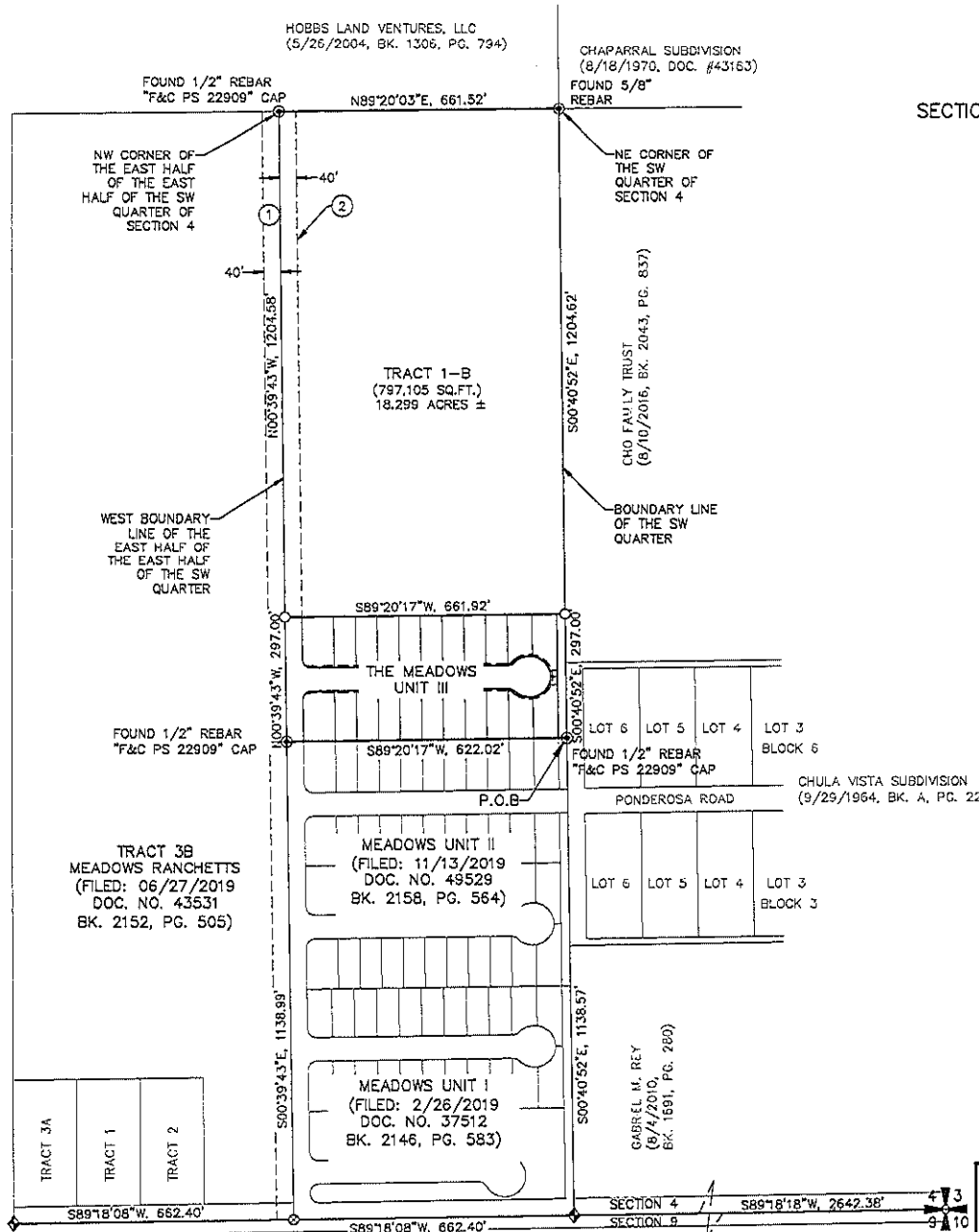
ROBERT J. FIERRO, _____ Date _____
N.M.P.S. No. 22909



STATE OF NEW MEXICO
COUNTY OF LEA
FILED

_____, 2020,
AT _____ O'CLOCK ____ M AND RECORDED IN
CABINET _____
SLIDE _____
_____, LEA COUNTY CLERK
BY _____ DEPUTY

PLAT OF
THE MEADOWS SUBDIVISION
UNIT III
 SECTION 4, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M.,
 CITY OF HOBBS,
 LEA COUNTY, NEW MEXICO
 APRIL 2020



0 200' 400'
 SCALE: 1" = 200'



Fierro & Company
 ENGINEERING | SURVEYING
 6300 MONTANO RD. NW, SUITE C
 ALBUQUERQUE, NM 87120
 PH. 505.352.8930
 www.fierrocompany.com

STATE OF NEW MEXICO
 COUNTY OF LEA
 FILED

_____, 2020,
 AT _____ O'CLOCK _____ M AND RECORDED IN
 CABINET _____
 SLIDE _____
 _____ LEA COUNTY CLERK
 BY _____ DEPUTY

PLAT OF
THE MEADOWS SUBDIVISION
UNIT III

SECTION 4, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M.,
CITY OF HOBBS,
LEA COUNTY, NEW MEXICO
APRIL 2020

SEE SHEET 2

TRACT 1-B
(797,105 SQ.FT.)
18.299 ACRES ±

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	31.42	20.00	90°00'00"	N44°20'17"E	28.28
C2	16.11	20.00	46°08'36"	S67°35'25"E	15.68
C3	48.33	50.00	55°22'44"	S72°12'29"E	46.47
C4	70.48	50.00	80°45'52"	N39°43'13"E	64.79
C5	70.48	50.00	80°45'52"	N41°02'39"W	64.79
C6	48.33	50.00	55°22'44"	S70°53'03"W	46.47
C7	16.11	20.00	46°08'36"	S66°15'59"W	15.68
C8	31.42	20.00	90°00'00"	N45°38'43"W	28.28

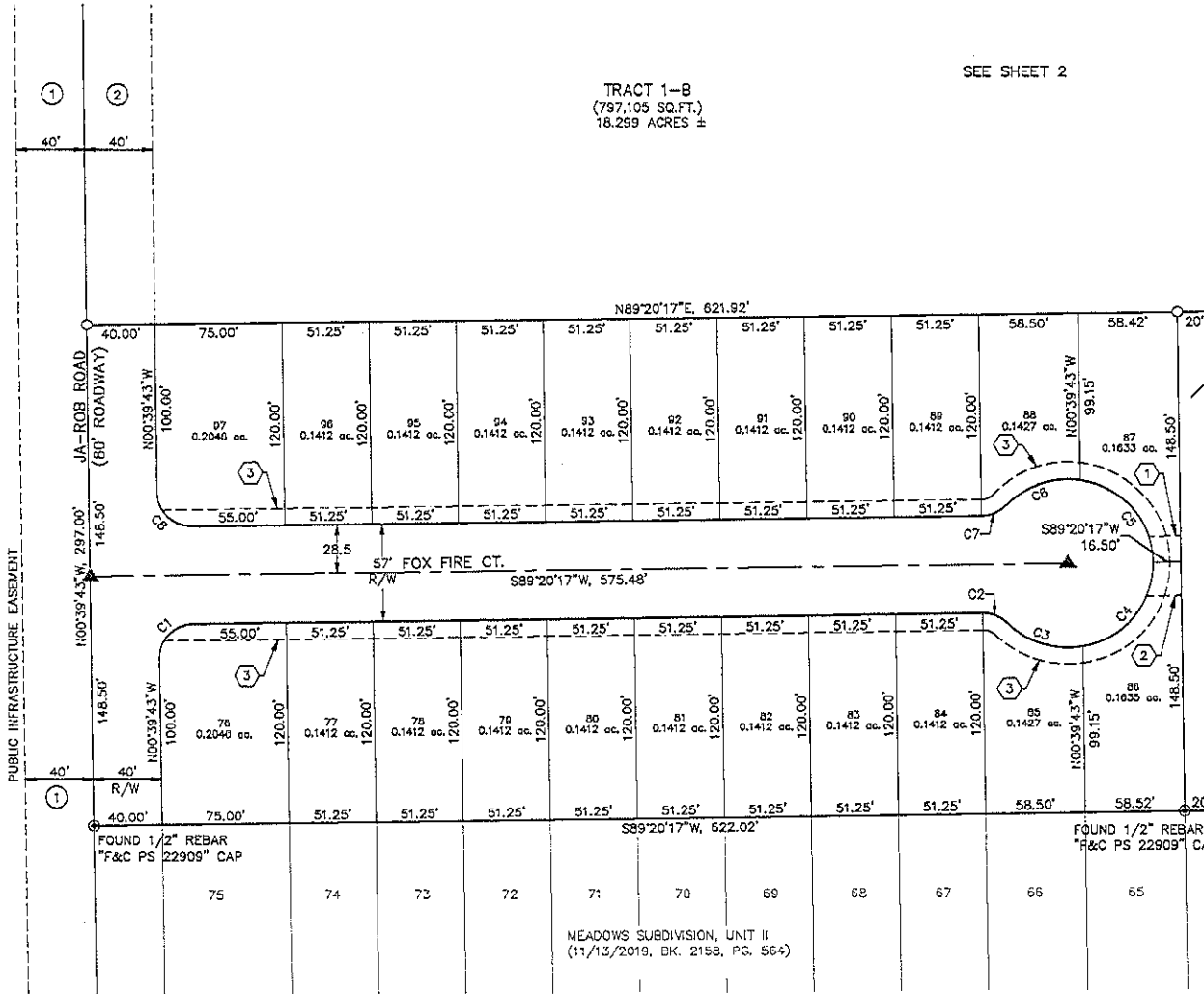
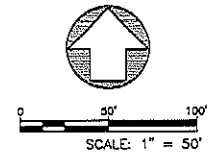
CHO FAMILY TRUST
(8/10/2016, BK. 2043, PG. 837)

20' DRAINAGE AND PUBLIC
INFRASTRUCTURE CORRIDOR
DEDICATED TO THE PUBLIC
0.1364 ACRES

15' PUBLIC RIGHT-OF-WAY

PUBLIC
RIGHT-OF-WAY

LOT 6, BLOCK 6
CHULA VISTA SUBDIVISION
(9/29/1954, BK. A, PG. 223)



TRACT 35, MEADOWS RANCHETTS
(6/27/2019, BK. 2152, PG. 305)

PUBLIC INFRASTRUCTURE EASEMENT



Fierro & Company
ENGINEERING | SURVEYING

6300 MONTANO RD. NW, SUITE C
ALBUQUERQUE, NM 87120
PH 505.352.8930
www.fierrocompany.com

SHEET 3 OF 3

STATE OF NEW MEXICO
COUNTY OF LEA
FILED

_____, 2020,
AT _____ O'CLOCK ____ M AND RECORDED IN
CABINET _____
SLIDE _____
_____, LEA COUNTY CLERK
BY _____ DEPUTY

**PLANNING BOARD MEETING
MINUTES
April 21, 2019**

The Planning Board Regular Session Meeting was held virtually by video conference on Tuesday, April 21, 2020 at 10:00 AM. It was broadcasted live on KHBX FM 99.3 Radio and available via Livestream at www.hobbsnm.org.

Mr. Guy Kesner Vice Chairman presiding.

Members Present:

Guy Kesner, Vice Chairman
Bill Ramirez
Brett Drennan
Ben Donahue

Members Absent

Tres Hicks, Chairman
Larry Sanderson
Philip Ingram

Also present were members of the public and City staff as follows:

Kevin Robinson, Development Director
Julie Nymeyer, Staff Secretary
Eric Scramlin, Deputy City Attorney

Dwayne Penick, City Commissioner
Todd Randall, City Engineer
Christa Bleu

1) Call To Order.

Vice Chairman Kesner called the meeting to order at 10:04 am. He then did roll call and members present were as follows, Brett Drennan, Ben Donahue, Bill Ramirez and Guy Kesner. He said also present were Todd Randall, Kevin Robinson, Julie Nymeyer, Eric Scramlin and Commissioner Penick.

2) Review and Consider Approval of Agenda.

The first item of business was to review and approve the Agenda for the April 21, 2020 meeting. Mr. Kesner asked if there were any additions or changes? Mr. Randall said no. Mr. Drennan made a motion, seconded by Mr. Ramirez to approve the agenda as presented. The vote on the motion was 4-0 and the motion carried.

3) Review and Consider Approval of Minutes.

March 17, 2020 – Regular Meeting

Mr. Kesner asked if everyone has had a chance to read the Regular Meeting Minutes from March 17, 2020. Mr. Ramirez made a motion, seconded by Mr. Drenna to approve the Regular Meeting Minutes as presented. The vote on the motion was 4-0 and the motion carried as presented.

4) **Communications from Citizens.**

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, public comment should be submitted in writing via email to the City of Hobbs Planning Department at krobinson@hobbsnm.org or via fax at (575)-397-9227 no later than 9:30 a.m. on April 21, 2020.

Mr. Kesner said that the public could make communications by email or fax and asked if there were any communications? Mr. Randall said there were no communications from citizens.

5) **Review and Consider Final Plat Approval for The Meadows Subdivision Unit 3, as submitted by property owner, Lemke Development, Inc.**

Mr. Robinson said this is an issue has an urgency because the developer cannot convey the lots without going to the Planning Board and the City Commission. He said this is the Meadows Unit 3 Subdivision off of Jarob Lane. Mr. Randall said they have received final engineering certification. He said the only change is the addition of easements. He said that was added to encompass the infrastructure such as transformers, pedestals and water meters. He said that is the only change from the original preliminary plat. Mr. Kesner said this information is in the original packet that the public can see on the website.

Mr. Kesner asked if there were any variance to this subdivision. Mr. Robinson said no there are no variances. He said they are compliant with municipal code title 16.

Mr. Ramirez asked if the utilities were underground and buried? Mr. Robinson said yes. He said there is a 57 foot right-of-way and there is an easement located adjacent to the right-of-way which would allow all the infrastructure. Mr. Kesner asked if the electricity, gas, telephone and cable goes into the 5 foot back of curb easement? Mr. Randall said yes.

Mr. Kesner if there was a motion to approve the item. Mr. Drennan made a motion, seconded by Mr. Ramirez to approve the Final Plat of The Meadows Subdivision Unit 3. The vote on the motion was 4-0 and the motion carried. Mr. Randall said this will go to the May 4th, City Commission meeting.

6) **Adjournment.**

With nothing further to discuss Mr. Ramirez made a motion, seconded by Mr. Donahue to adjourn the meeting at 10:14 am. The vote on the motion was 4-0 and the motion carried.

Guy Kesner, Vice Chairman

DRAFT



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 4, 2020

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR TANGLEWOOD UNIT 4 AT RANCHVIEW ESTATES SUBDIVISION. Located northwest of the intersection of East Bender and Ranchland within the municipal boundaries, submitted by ALJO, LLC.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: April 28, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Final Plan for Tanglewood Unit 4 At Ranchview Estates Subdivision is submitted by ALJO, LLC. The subdivision is located northwest of the intersection of East Bender and Ranchland within the municipal boundaries. The subdivision encompasses +/- 17 acres and will contain 64 single family residential lots. A Bond is being presented to the City of Hobbs to ensure completion of public infrastructures. The dollar amount of uninstalled public infrastructure is estimated to be \$371,500.00 not including GRT. The City Engineer has approved the Engineer of Records completion estimate. The Bond, in the amount of \$482,950.00, has been approved by the Finance Director, City Attorney and the Development Director. The Planning Board consider this item at an April 28, 2020 special meeting and voted 4-0 to recommend approval.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The positive impact of the new development and new housing from GRT collections and monthly utility bills of the residents should offset any expenses that the City will incur from the maintenance responsibility of streets, water and sewer lines.

Attachments: Resolution, EOR Estimate, Bond and Final Plan.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Approval of the Resolution to approve the Tanglewood Unit 4 At Ranchview Estates Subdivision, as recommended by the Planning Board.

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. 6936

A RESOLUTION TO APPROVE THE FINAL PLAN FOR TANGLEWOOD UNIT 4 AT RANCHVIEW ESTATES SUBDIVISION.

WHEREAS, ALJO, LLC has submitted a Final Plan for Tanglewood Unit 4 At Ranchview Estates Subdivision; and

WHEREAS, a Bond has been submitted in an amount to secure the placement of all public infrastructures not in place as of this date.

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

1. The City of Hobbs hereby grants Final Plan Approval to Tanglewood Unit 4 at Ranchview Estates Subdivision; and
2. 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 May, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK



April 20, 2020

Mr. Todd Randall
City Engineer
City of Hobbs
200 E. Broadway
Hobbs, New Mexico 88240

Re: **Tanglewood Unit 4**
Hobbs, New Mexico

Dear Mr. Randall:

Periodic inspection indicates that the construction having taken place as of this date has been completed pursuant to the plans, and specifications.

The engineer's estimate for the work remaining based on contractor quotes is approximately \$371,500.00 not including NMGRT.

See attached quote and spread sheet.

If you have any questions regarding the project, please contact our office.

Sincerely,

the Ross Group

Philip L. Ross, PE



Phone: 877 816 2800

PO Box 32577
Waco, Texas 76703-4200

SUBDIVISION IMPROVEMENTS PERFORMANCE BOND

BOND NO. CNB-36225-00

KNOW ALL MEN BY THESE PRESENTS:

THAT we, ALJO Development Company, LLC, as Principal, and INSURORS INDEMNITY COMPANY, a corporation organized and doing business and under and by virtue of the laws of the State of Texas and duly licensed to conduct surety business in the State of New Mexico, as Surety, are held and firmly bound unto City of Hobbs, as Obligee, in the sum of Four Hundred and Eighty-Two Thousand Nine Hundred and Fifty Dollars and Zero Cents Dollars (\$ 482,950.00) for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal, has agreed to construct in Tanglewood Unit 4 Ranch View Estates, Subdivision, in Hobbs, NM the following improvements: Tanglewood Unit 4, Base Prep and Asphalt Paving.

NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement or agreements during the original term thereof or of any extension of said term that may be granted by the Obligee with or without notice to the Surety, this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact, this 20th day of April, 2020.

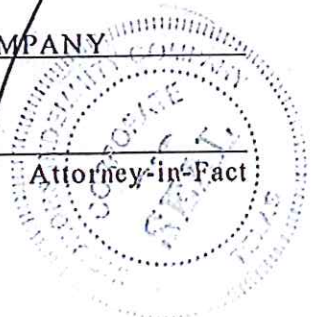
ALJO Development Company, LLC Principal

BY: _____

INSURORS INDEMNITY COMPANY

BY: _____ Attorney-in-Fact

William W. Burke



POWER OF ATTORNEY of INSURORS INDEMNITY COMPANY
Waco, Texas

KNOW ALL PERSONS BY THESE PRESENTS:

Number: CNB-36225-00

That INSURORS INDEMNITY COMPANY, Waco, Texas, organized and existing under the laws of the State of Texas, and authorized and licensed to do business in the State of Texas and the United States of America, does hereby make, constitute and appoint

William W. Burke of the City of Las Cruces, State of NM

as Attorney in Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, all of the following classes of document, to-wit:

Indemnity, Surety and Undertakings that may be desired by contract, or may be given in any action or proceeding in any court of law or equity; Indemnity in all cases where indemnity may be lawfully given and with full power and authority to execute consents and waivers to modify or change or extend any bond or document executed for this Company.

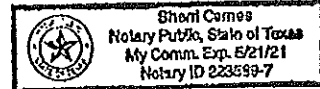
Attest: Tammy Tieperman
Tammy Tieperman, Secretary

INSURORS INDEMNITY COMPANY
By: Dave E. Talbert
Dave E. Talbert, President

State of Texas
County of McLennan

On the 11th day of November, 2014, before me a Notary Public in the State of Texas, personally appeared Dave E. Talbert and Tammy Tieperman, who being by me duly sworn, acknowledged that they executed the above Power of Attorney in their capacities as President, and Corporate Secretary, respectively, of Insurors Indemnity Company, and acknowledged said Power of Attorney to be the voluntary act and deed of the Company.

Shari Carnes
Notary Public, State of Texas



Insurors Indemnity Company certifies that this Power of Attorney is granted under and by authority of the following resolutions of the Company adopted by the Board of Directors on November 11, 2014:

RESOLVED, that all bonds, undertakings, contracts or other obligations may be executed in the name of the Company by persons appointed as Attorney in Fact pursuant to a Power of Attorney issued in accordance with these Resolutions. Said Power of Attorney shall be executed in the name and on behalf of the Company either by the Chairman and CEO or the President, under their respective designation. The signature of such officer and the seal of the Company may be affixed by facsimile to any Power of Attorney, and, unless subsequently revoked and subject to any limitation set forth therein, any such Power of Attorney or certificate bearing such facsimile signature and seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signature and seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

RESOLVED, that Attorneys in Fact shall have the power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and any such instrument executed by such Attorneys in Fact shall be binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary or Assistant Secretary of the Company.

I, Tammy Tieperman, Secretary of Insurors Indemnity Company, do hereby certify that the foregoing is a true excerpt from the Resolutions of the said Company as adopted by its Board of Directors on November 11, 2014, and that this Resolution is in full force and effect. I certify that the foregoing Power of Attorney is in full force and effect and has not been revoked.

In Witness Whereof, I have set my hand and the seal of INSURORS INDEMNITY COMPANY on this 20th day of April, 2020

Tammy Tieperman
Tammy Tieperman, Secretary

NOTE: IF YOU HAVE ANY QUESTION REGARDING THE VALIDITY OR WORDING OF THIS POWER OF ATTORNEY, PLEASE CALL 800 933 7444 OR WRITE TO US AT P. O. BOX 32577, WACO, TEXAS 76703 OR EMAIL US AT BONDDEPT@INSURORSINDEMNITY.COM.



Phone: 877 816 2800 | PO Box 32577
Waco, Texas 76703-4200

IMPORTANT NOTICE - AVISO IMPORTANTE

To obtain information or make a complaint:

You may call Insurors Indemnity Company's toll-free telephone number for information or to make a complaint at:

1-877-816-2800

You may also write to Insurors Indemnity Company at:

P.O. Box 32577
Waco, TX 76703-4200

Or
225 South Fifth Street
Waco, TX 76701

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at

1-800-252-3439

You may write the Texas Department of Insurance at:

Consumer Protection (111-1A)
P.O. Box 149091
Austin, TX 78714-9091
Fax: 512-490-1007

Web: <http://www.tdi.texas.gov>

E-mail: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim, you should contact the agent or the company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis de Insurors Indemnity Company's para informacion o para someter una queja al

1-877-816-2800

Usted tambien puede escribir a Insurors Indemnity Company:

P.O. Box 32577
Waco, TX 76703-4200

O
225 South Fifth Street
Waco, TX 76701

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

Consumer Protection (111-1A)
P.O. Box 149091
Austin, TX 78714-9091
Fax: 512-490-1007

Web: <http://www.tdi.texas.gov>

E-mail: ConsumerProtection@tdi.texas.gov

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concemiente a su prima o a un reclamo, debe comunicarse con el agente o la compania primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA:

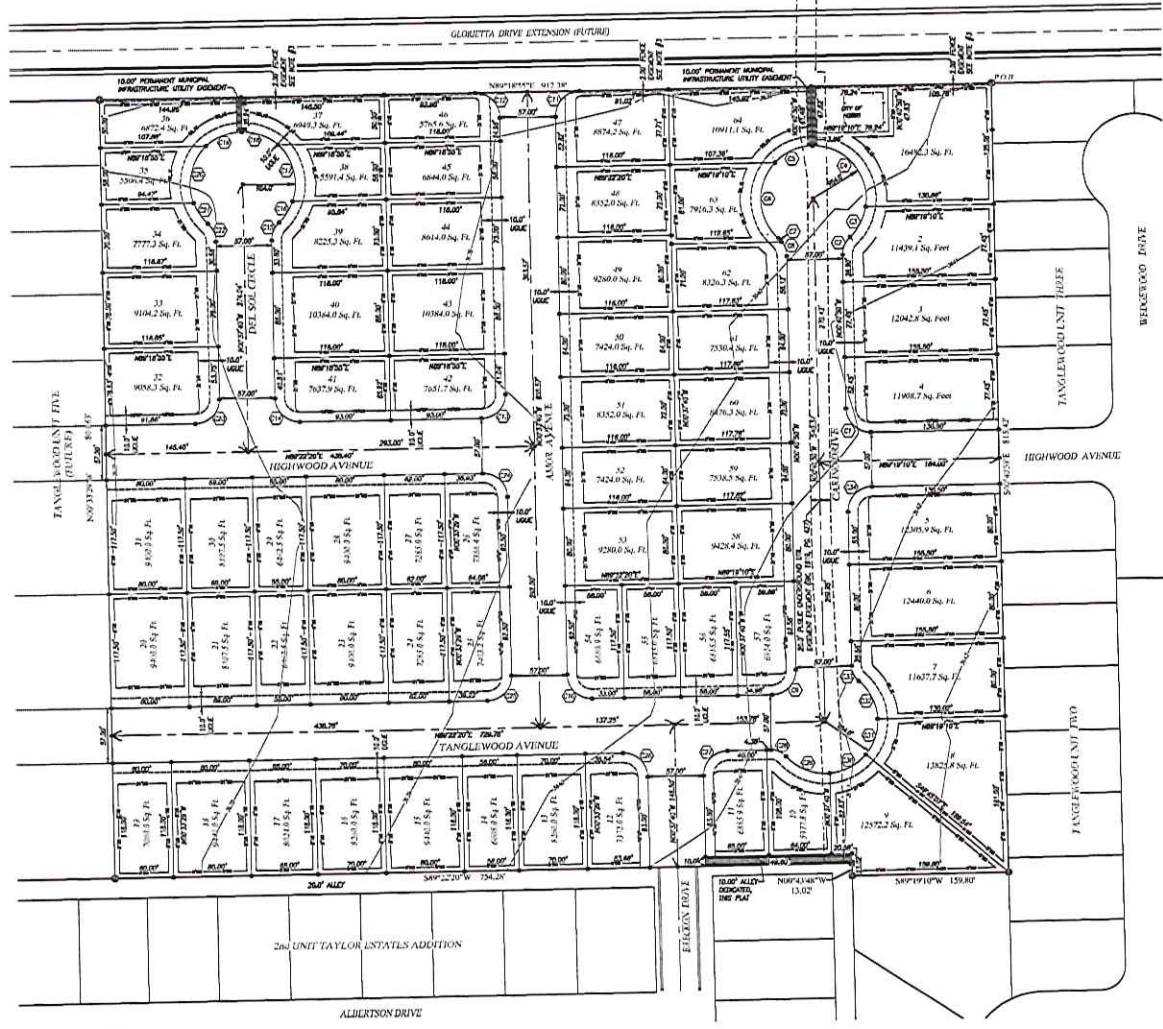
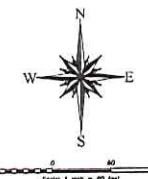
Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

TRACT 3 (REMAINDER), LEDGESTONE SUBDIVISION #3

TANGLEWOOD UNIT FOUR
AT RANCHVIEW ESTATES SUBDIVISION
TO THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO
LOCATED IN THE IN THE SOUTH HALF OF SECTION 23,
TOWNSHIP IN SOUTH RANGE IN EAST, N.M.P.M., CITY OF HOBBS,
LEA COUNTY, NEW MEXICO

OWNER'S STATEMENT, DEDICATION AND AFFIDAVIT
THE FOLLOWING SUBDIVISION OF A PORTION OF TRACT 11, AS SHOWN ON THAT CERTAIN PLAT RECORDED IN HOBBS IN 1916, IN HOBBS RECORD BOOK 17, PAGE 549 OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO AND SITUATED WITHIN THE COMPANY'S BOUNDARIES OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, LOCATED IN THE SOUTH HALF OF SECTION 23, TOWNSHIP IN SOUTH RANGE IN EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



LEGEND
● - INDICATES 1/2" STEEL ROD WITH CAP MARKED "JASC PS 12641"
○ - INDICATES 3/4" STEEL ROD WITH CAP MARKED "JASC PS 12641"
- - - - - INDICATES DIMENSION POINT
- - - - - INDICATES 5.0 FOOT BUILDING SETBACK LINE (SEE NOTE #1)
- - - - - INDICATES 15.0 FOOT BUILDING SETBACK LINE (SEE NOTE #2)
- - - - - INDICATES 21.6 FOOT BUILDING SETBACK LINE (SEE NOTE #3)
- - - - - INDICATES CENTERLINE OF HIGHWAY
- - - - - INDICATES UNDERGROUND UTILITY EASEMENT

NOTES
1) REARERS SHOWN HEREON ARE MEASUREMENTS AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983 UNITS, DISTANCES ARE SURFACE MEASURES.
2) LOT SIDE AND REAR SETBACK LINES ARE 5.0 FEET EXCEPT ALONG FRONT-OF-YARD DRIVE, REAR 15.0 FOOT SIDE SETBACK LINES APPLY. LOT FRONT SETBACK LINES ARE 21.6 FEET.
3) A TWO FOOT UTILITY "TRENCH" EASEMENT IS HEREBY RECEIVED ALONG LOT LINES ADJOINING THE NORTH LINE OF THIS SUBDIVISION PARCELS. A TEN FOOT UNDERGROUND UTILITY EASEMENT IS HEREBY RECEIVED AROUND AND WITHIN ALL OTHER LOTS ADJOINING NORTH-OF-NEED. ALL RIGHTS-OF-WAY ARE INDICATED THIS PLAN.
4) THIS PROPERTY IS BEING SUBDIVIDED AS THE SAME APPEARS HEREON, WITH ALL RIGHTS-OF-WAY AS SHOWN HEREON SUBJECT TO THE PUBLIC COMPASSION CONVEYANCE UNIT FOUR, AT RANCHVIEW ESTATES SUBDIVISION TO THE CITY OF HOBBS, WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DECISIONS OF THE UNDERGROUND UTILITY AND PROVISIONS THEREOF. NOTICE IS HEREBY GIVEN THAT THERE HAS BEEN FILED IN THE OFFICE OF THE COUNTY CLERK OF LEA COUNTY, NEW MEXICO, CERTAIN RESTRICTIVE COVENANTS APPLICABLE TO THE ABOVE DESCRIBED PROPERTY, WHICH SAID COVENANTS ARE RECORDED ON PAGE _____ OF BOOK _____ MISCELLANEOUS RECORDS OF LEA COUNTY.

CHURN TABLE with columns for CURB, DRIVE, SIDEWALK, etc. and rows for lots 1-40.

RECOMMEND AT A 1/2" STEEL ROD WITH CAP MARKED "JASC PS 12641" FOUND AT THE NORTHWEST CORNER OF PARCELS UNIT THREE AT RANCHVIEW ESTATES SUBDIVISION TO THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, AS SHOWN ON THAT PLAT RECORDED IN HOBBS FILED ON PAGE 549 OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, AND SITUATED WITHIN THE COMPANY'S BOUNDARIES OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, LOCATED IN THE SOUTH HALF OF SECTION 23, TOWNSHIP IN SOUTH RANGE IN EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

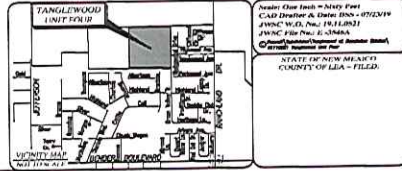
CITY CLERK
COUNTY CLERK
STATE OF NEW MEXICO
THIS INSTRUMENT HAS BEEN ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2020 A.D.
BY _____
COUNTY CLERK

CITY CLERK
COUNTY CLERK
STATE OF NEW MEXICO
THIS INSTRUMENT HAS BEEN ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2020 A.D.
BY _____
COUNTY CLERK

CITY CLERK
COUNTY CLERK
STATE OF NEW MEXICO
THIS INSTRUMENT HAS BEEN ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2020 A.D.
BY _____
COUNTY CLERK

SURVEYOR'S CERTIFICATE
I, GARY C. EGDSON, NEW MEXICO PROFESSIONAL SURVEYOR NO. 12541, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE USUAL STANDARDS FOR SURVEYS IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GARY C. EGDSON
PROFESSIONAL SURVEYING SERVICES
JOHN WEST SURVEYING COMPANY
412 N. DAL PASO | HOBBS, N.M. 88240
(773) 851-1117 | WWW.JWSURV.COM



Scale: One Inch = Sixty Feet
Cadastral No. (Date From) 47029749
JASC PS No. (Date From) 19118923
JASC PS No. (Date From) 19118923
JASC PS No. (Date From) 19118923
STATE OF NEW MEXICO
COUNTY OF LEA - FILED