

# Commission Meeting Agenda



## Mayor

Samuel D. Cobb

## City Commission

R. Finn Smith – District 1  
Christopher R. Mills – District 2  
Larron B. Fields – District 3  
Joseph D. Calderón – District 4  
Dwayne Penick – District 5  
Don R. Gerth – District 6

## City Manager

Manny Gomez

*July 18, 2022*



## **Hobbs City Commission**

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

**Monday, July 18, 2022 - 6:00 p.m.**

Sam D. Cobb, Mayor

R. Finn Smith  
Commissioner – District 1

Joseph D. Calderón  
Commissioner – District 4

Christopher R. Mills  
Commissioner – District 2

Dwayne Penick  
Commissioner – District 5

Larron B. Fields  
Commissioner – District 3

Don R. Gerth  
Commissioner – District 6

This meeting is open to the public to attend. The public is invited to address public comments to the Commission in person at the meeting or submit written comments prior to the meeting. Written comments should be submitted no later than 4:30 p.m. on July 18, 2022, addressed to the City Clerk by email at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334.

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## **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](http://www.hobbsnm.org)

### **CALL TO ORDER AND ROLL CALL**

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES**

1. Minutes of the July 5, 2022, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

### **PROCLAMATIONS AND AWARDS OF MERIT**

2. Proclamation Proclaiming the Month of July as "Parks and Recreation Month" (*Bryan Wagner, Parks and Open Spaces Director; and Doug McDaniel, Recreation Director*)

3. Recognition of City Employees - Milestone Service Awards for the Month of July, 2022 (*Manny Gomez, City Manager*)
  - 5 years – Maria Ramon, Library
  - 5 years – Jordan Headley, Hobbs Fire Department
  - 5 years – Zane Wiseman, Hobbs Police Department
  - 5 years – Rebeca Lewis, Hobbs Fire Department
  - 5 years – Daniela Silva, Parks Department
  - 10 years – Jennifer Hernandez, Water Office
  - 20 years – Leonard Trevino, Parks Department
  - 25 years – Placido Ramirez, Parks Department

**PUBLIC COMMENTS** (*Citizens who wish to speak must sign the Public Comment Registration Form located in the Commission Chamber prior to the beginning of the meeting.*)

Due to COVID-19, public comment may be submitted in person or in writing. Written comments should be submitted to the Deputy City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, July 18, 2022.

**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. 7221 – Supporting Installation of a Surrender Safety Device at a City of Hobbs' Safe Haven Site and Authorizing the City to Seek Funding for the Installation and Maintenance of the Surrender Safety Device (*Rocio Ocano, Assistant City Attorney*)
5. Resolution No. 7222 – Approving the FY 2022 DFA 4<sup>th</sup> Quarter Financial Report (*Deb Corral, Assistant Finance Director*)
6. Resolution No. 7223 – Approving the FY 2022 DFA 4<sup>th</sup> Quarter Financial Report for Lodgers' Tax (*Toby Spears, Finance Director*)
7. Resolution No. 7224 – Rescinding Condemnation Designation of Property at 118 North Jefferson which has Previously Been Determined to be Ruined, Damaged, Dilapidated and a Menace to Public Comfort, Health and Safety (*Rocio Ocano, Assistant City Attorney; and Jessica Silva, Code Enforcement Officer*)
8. Resolution No. 7225 – Authorizing Removal of Uncollectible Utility Accounts Receivable in the Amount of \$18,819.90 for the Period of June 2017 through June 2018 (*Tim Woomer, Utilities Director*)

9. Consideration of Approval Authorizing the Hobbs Police Department to Enter Into a Memorandum of Understanding with the Lea County Sheriff's Office to Share in Grant Funding from the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (*August Fons, Police Chief*)
10. Resolution No. 7226 - Amending the City of Hobbs 401(A) Plan with DST Retirement Solutions, LLC (*Toby Spears, Finance Director*)

## **DISCUSSION**

None

## **ACTION ITEMS** (*Ordinances, Resolutions, Public Hearings*)

11. Resolution No. 7227 – Adopting the FY 22-23 Final Budget (*Deb Corral, Assistant Finance Director*)
12. Resolution No. 7228 – Authorizing an Allocation of Lodgers' Tax to Fund Various Events for FY 23 (*Toby Spears, Finance Director*)
13. Resolution No. 7229 – Approving the FY 2024-2028 Infrastructure Capital Improvements Plan (ICIP) (*Todd Randall, City Engineer and Kevin Robinson, Development Director*)
14. Resolution No. 7230 – Authorizing the Mayor to Execute an Extension of the Agreement with S & H Enterprises, Inc., to Supply Industrial Process Water (*Rocio Ocano, Assistant City Attorney*)

## **COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

15. Next Meeting Date:
  - City Commission Regular Meetings:
    - ***Monday, August 1, 2022, 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) 397-9200 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: July 18, 2022

**SUBJECT: City Commission Meeting Minutes**

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: July 12, 2022  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

The following minutes are submitted for approval:

- Regular Commission Meeting of July 5, 2022

**Fiscal Impact:**

Reviewed By: \_\_\_\_\_  
*Finance Department*

N/A

**Attachments:**

Minutes as referenced under "Summary".

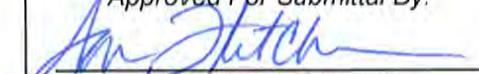
**Legal Review:**

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

Minutes of the regular meeting of the Hobbs City Commission held on Tuesday, July 5, 2022, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

**Call to Order and Roll Call**

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

Mayor Sam D. Cobb  
Commissioner R. Finn Smith  
Commissioner Christopher Mills  
Commissioner Larron B. Fields  
Commissioner Joseph D. Calderón  
Commissioner Dwayne Penick (*via telephone*)  
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager  
Efren Cortez, City Attorney  
Valerie Chacon, Deputy City Attorney  
August Fons, Police Chief  
Shane Blevins, Police Captain  
Barry Young, Fire Chief  
Kevin Shearer, Battalion Chief  
Toby Spears, Finance Director  
Deb Corral, Assistant Finance Director  
Todd Randall, City Engineer  
Kevin Robinson, Development Director  
Bobby Arther, Municipal Judge  
Meghan Mooney, Communications Director  
Shelia Baker, General Services Director  
Doug McDaniel, Recreation Director  
Angela Courter, Senior Affairs Coordinator  
Matt Hughes, Rockwind Community Links Superintendent  
Tim Woomeer, Utilities Director  
Ron Roberts, Information Technology Director  
Christa Belyeu, Assistant Information Technology Director  
Sandy Farrell, Library Director  
Julie Nymeyer, Executive Assistant  
Kristen Salas, Clerk Record Specialist  
Mollie Maldonado, Deputy City Clerk  
16 citizens

**Invocation and Pledge of Allegiance**

Commissioner Fields delivered the invocation and Commissioner Calderón led the Pledge of Allegiance.

### **Closed Session**

Mayor Cobb stated the Commission convened in closed session at 5:00 p.m. on Tuesday, July 5, 2022, for the discussion of the acquisition or disposal of real property located at the Hobbs Industrial Air Park. [NMSA 1978, §10-15-1(H)(8)]. The matters discussed in the closed meeting were limited only to that specified above. No action was taken during the meeting.

### **Approval of Minutes**

Commissioner Calderón moved the minutes of the regular meeting of June 21, 2022, be approved as written. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

### **Public Comments**

Mayor Cobb stated due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at mmaldonado@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, July 5, 2022.

Mr. Steve Townsend addressed several comments to the Commission regarding the fireworks ordinance and the use of illegal aerial fireworks inside the City limits.

### **Consent Agenda**

Mayor Cobb explained the process for the consent agenda which is reserved for items which are routine when the agenda is lengthy. He stated any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.

Commissioner Calderón moved for approval of the following Consent Agenda items:

*Consideration of Approval of a Professional Services Agreement with Friends of the Hobbs Public Library, Inc.*

*Resolution No. 7217 – Approving the Final Plan for the Subdivision of Lot 6, Midway Acres Subdivision, Unit Two Located in Section 23, Tract 17 South, Range 37 East, N.M.P.M. in Lea County, New Mexico*

There being no discussion, Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes,

Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

### **Discussion**

#### Top 10 Projects for the FY 2024-2028 Infrastructure Capital Improvements Plan (ICIP)

Mr. Todd Randall, City Engineer, and Mr. Kevin Robinson, Development Director, stated the City of Hobbs Planning Board selected their Top 10 ICIP projects from all of last year's remaining projects and additional projects recommended for this year's ICIP. The City Commission is requested to discuss and individually rank the ICIP projects to establish the Top 5 Projects for inclusion within the Plan. Each Commissioner is being asked to assign a ranking of 1 through 10 to each project as recommended by City of Hobbs Planning Board with 1 being the most important project for the community. Each Commissioner's rankings will be tallied during the next public meeting on July 18, 2022, and the results determining the Top 5 Projects will be included in the resolution adopting the 2024-2028 ICIP. Once adopted, the resolution will be submitted to the New Mexico Department of Finance and Administration in August.

Last year, the Top 5 projects were:

1. Sewer Main Replacement
2. Joe Harvey Blvd. Improvements
3. Drainage Master Plan & Improvements
4. Street Improvements/Resurfacing
5. Public Safety/Security Improvements

Mr. Randall briefly described the projects identified for consideration by the Planning Board as follows:

1. Sewer Main Replacement
2. Drainage Master Plan & Improvements
3. Joe Harvey Blvd. Improvements
4. Street Improvements/Resurfacing
5. West College Lane Realignment
6. Public Facility Roof Reconstruction
7. Fire/Police Training Facility
8. Municipal Facility Security Improvements
9. HPD Body Camera System
10. West Bender Widening Project & Drainage

Mr. Randall requested each Commissioner to submit their ranking sheet to the City Clerk's Office prior to the next Commission meeting.

**Action Items**

Resolution No. 7218 – Approving a Proposed Collective Bargaining Agreement with the Hobbs Police Officers Association (IUPA Local 701)

Mr. Efren Cortez, City Attorney, stated the City of Hobbs and the Hobbs Police Officers Association, I.U.P.A. Local 701 ("Union") participated in collective bargaining negotiations on April 8, 2022. The City and Union previously negotiated a collective bargaining agreement ("CBA") between the parties that is set to expire on June 30, 2021. The City and Union have finalized negotiations and approval of the proposed CBA by the City Commission is required for full implementation.

Mr. Cortez noted some of the provisions which have changed: (1) The CBA is for three (3) years and shall retroactively begin on July 1, 2022, and end on June 30, 2025; (2) The Union will move into a "step plan" for compensation which factors in experience with the Hobbs Police Department for compensation increases; (3) The starting pay for Crime Scene Technicians with the HPD will be \$21.67 an hour; (4) The starting pay for Detention Officers with HPD will be \$21.50 an hour; (5) The starting pay for Detention Supervisors with the HPD will be \$24.19 an hour; (6) The starting pay for certified Police Officers with the HPD will be \$29.00 an hour; (7) The starting pay for Detectives will be \$30.45 an hour; (8) The Union will not be eligible for Cost of Living Adjustments (COLA) or merit increases; and (9) Other sections amended from the prior CBA are Articles 1, 9, 14, 15, and 28.

There being no discussion, Commissioner Calderón moved that Resolution No. 7218 be adopted as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. Copies of the resolution and CBA are attached and made a part of these minutes.

Consideration to Upgrade to a Utility Billing Software

Ms. Deb Corral, Assistant Finance Director, stated the City Utilities Department currently uses SpringBrook as their Utility Billing Software. Due to internal issues related to cut off times with regard to credit cards, reporting from this software has increasingly become a problem. Staff would like to move utility billing from its current platform and onto Enterprise ERP Utility Billing (formally MUNIS Utility Billing). Ms. Corral stated this move would allow a more fluid transfer of information between central accounting and the Utility Billing Office to be on the same software. Additionally, it would simplify internal processes such as daily journal entries, receivables and AP check exports to work within the same system to accomplish these tasks. Ms. Corral stated \$125,000.00 is included in the FY 23 carryover budget for this project and it is anticipated the cost will be \$91,100.00 for one time licensing, training and implementation costs.

There being no discussion, Commissioner Gerth moved to approve the upgrade for the Utility Billing Software as recommended. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 7219 – Authorizing the Opening of a New Special Revenue Fund, Cannabis Regulation Act Fund, in Accordance with State Audit Rule 2.2.2.10 (O)

Ms. Corral stated a new special revenue fund needs to be opened for FY 23 due to the new excise tax being collected on the non-medical sale of cannabis. State Audit Rule 2.2.2.10(O) mandates the creation of a special revenue fund to allow for good accounting practices for audit and reporting purposes.

Following a brief discussion on the allowable uses of the funds, Commissioner Mills moved that Resolution No. 7219 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7220 – Approving a Development Agreement with Lemke Development Inc., Concerning the Development of Market Rate Single-Family Housing

Mr. Robinson stated Lemke Development, Inc., has requested a Development Agreement concerning the development of market rate 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 \$100,000.00. He stated this will be the tenth Development Agreement for Lemke Development, Inc., and a total of 135 units have been created as a result of the prior agreements.

There being no discussion, Commissioner Smith moved that Resolution No. 7220 be adopted as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Proposed Ordinance Consenting to the 7773 Annexation of a Tract of Land Located in Section 16, Township 18 South, Range 38 East

Mr. Robinson explained the proposed 7773 Annexation of a tract of land located in Section 16, Township 18 South, Range 38 East containing +/- 8.38 acres. He stated the property is located southwest of the intersection of Millen Drive and Ja-Rob Lane. The annexation

proposal was reviewed by the Planning Board at its meeting on June 27, 2022, and recommended for approval to the Commission.

There being no discussion, Commissioner Mills moved that the Commission publish notice of its intent to adopt the ordinance at a later date. Commissioner Smith seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the proposed ordinance and supporting documentation are attached and made a part of these minutes.

*Proposed Ordinance Consenting to the Torres Annexation of a Tract of Land Location in Section 10, Township 18 South, Range 38 East*

Mr. Robinson explained the proposed Torres Annexation of a tract of land located in Section 10, Township 18 South, Range 38 East, containing +/- 5.06 acres. He stated the property is located southeast of the intersection of Alegre Drive and Grimes Street. The annexation proposal was reviewed by the Planning Board at its June 27, 2022, meeting and recommended for approval to the Commission.

There being no discussion, Commissioner Fields moved that the Commission publish notice of its intent to adopt the ordinance at a later date. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the proposed ordinance and supporting documentation are attached and made a part of these minutes.

**COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

Mr. Gomez thanked Mr. Todd Randall and Mr. Kevin Robinson, and City staff, for their work and presentation of the ICIP Projects. Mr. Gomez requested the Commission give consideration to the Street Improvements/Resurfacing Project as a top priority which is very important to the community, not only in terms of economic development, but also in safety. He stated a third party has reviewed the City's Streets and identified West Bender as a need for total reconstruction.

Mr. Gomez stated the Fire/Police Training Facility is to plan, design and re-purpose the National Guard Armory Facility into a regional training facility which can be used for training by the Fire and Police Departments.

Mr. Gomez emphasized the importance of the Municipal Facility Safety and Security Renovations Project. He stated the existing City Hall Building was renovated in 2006 and with many active threats going on these days, it is important to keep the facility properly maintained for employee safety.

Mr. Gomez commented that the HPD Body Camera System speaks for itself and is very important to keep officers safe and defend the liability of the City.

Mr. Gomez stated the American Flag will be flying at half-staff by order of the President in memory of the victims of the shooting in Highland Park, Illinois.

In conclusion, Mr. Gomez thanked the Parks and Open Spaces Department, Recreation Department, Hobbs Police Department, Hobbs Fire Department, and all other City staff for their work last weekend for the public fireworks display, Movies Under the Stars and for preserving safety and property each and every day. He stated the fireworks display on July 1<sup>st</sup> was well attended as was the Movies Under the Stars. He also thanked the Lea County Communication Authority for implementing a fireworks hotline phone number. Mr. Gomez reported that the Hobbs Fire Department responded to a total of 180 fireworks calls, six dumpster fires, two tree fires, two grass fires, two fires from fireworks debris and issued three citations. He stated no injuries were reported.

Commissioner Gerth thanked everyone for their attendance at the meeting tonight.

Commissioner Fields agreed with Mr. Townsend and stated the fireworks in his area were very loud. He apologized to the residents of District 3 and stated several of the projects in his district are on delay. Commissioner Fields stated he met with Mr. Bryan Wagner and Mr. Matt Hughes today, and he is anxious for the Charlie Brown Park Project to begin soon.

Commissioner Calderón praised Police Chief August Fons, Mr. Gene Strickland and other community representatives who walked the neighborhoods in the extreme heat to visit with constituents and hear their concerns. Chief Fons stated it is a great outreach program and Commissioner Calderón is the one who deserves the praise.

Commissioner Penick stated many of his constituents were very disappointed that the fireworks display was not held on the evening of July 4<sup>th</sup>. He explained the reason it was held on July 1<sup>st</sup> was due to the vendor unavailability on July 4<sup>th</sup>.

Commissioner Penick also commented that the City needs to work out an arrangement with the County to implement a spay and neuter program.

Commissioner Penick stated he received three phone calls today regarding the poor conditions at the Prairie Haven Cemetery.

Mayor Cobb stated he will be going to Silver City with Mr. Gomez and Mr. Spears to meet with the Legislative Finance Committee regarding a reset of House Bill 6.

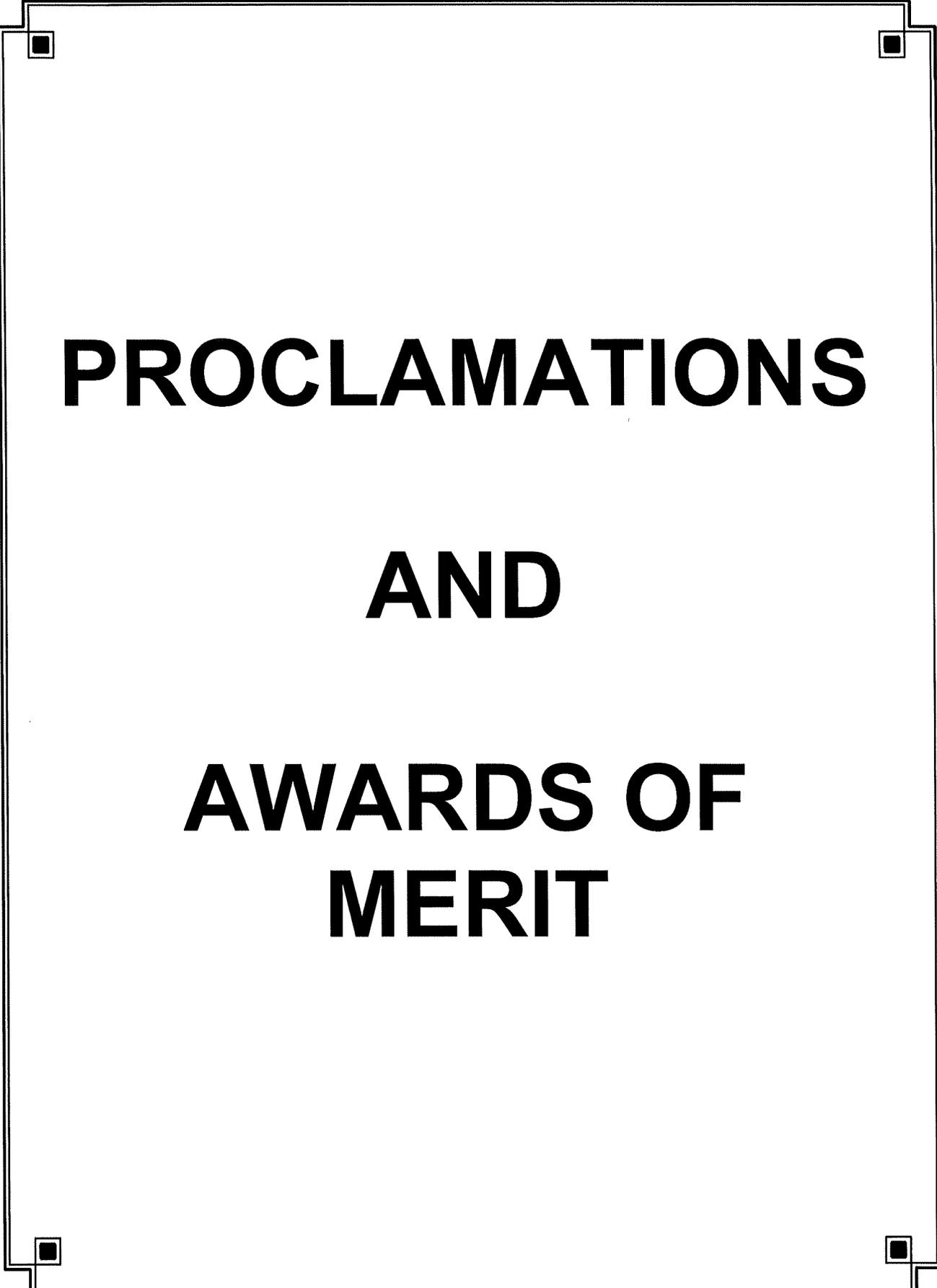
**Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:10 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**, parks and recreation programs and facilities are an integral part of communities throughout this country, including Hobbs; and

**WHEREAS**, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, parks and recreation programs build healthy, active communities and also improve the mental and emotional health of all citizens; and

**WHEREAS**, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation areas are fundamental to the environmental well-being of our community; and

**WHEREAS**, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U. S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS**, Hobbs recognizes the benefits derived from parks and recreation resources.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim July, as

### **“PARKS AND RECREATION MONTH”**

in the City of Hobbs.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 18<sup>th</sup> day of July, 2022, and cause the seal of the City of Hobbs to be affixed hereto.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

  
JAN FLETCHER, City Clerk



# Milestones

July 2022

## 5 years

Maria Ramon	Library	07/31/17
Jordan Headley	Fire	07/31/17
Zane Wiseman	HPD	07/05/17
Rebeca Lewis	Fire	07/03/17
Daniela Silva	Parks	07/02/17

## 10 years

Jennifer Hernandez	Water Office	07/11/12
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## 20 years

Leonard Trevino	Parks	07/22/02
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## 25 years

Placido Ramirez	Parks	07/08/97
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# **CONSENT AGENDA**



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

SUBJECT: A RESOLUTION IN SUPPORT OF INSTALLING A SURRENDER SAFETY DEVICE AT A CITY OF HOBBS' SAFE HAVEN SITE AND AUTHORIZING THE CITY OF HOBBS TO SEEK FUNDING FOR THE INSTALLATION AND MAINTENANCE OF SAID SURRENDER SAFETY DEVICE.

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: July 11, 2022
SUBMITTED BY: Rocio A. Ocano, Assistant City Attorney

Summary: This Resolution is a statement of public policy that will reiterate to citizens that the City's governing body has an interest in the welfare of infants. Specifically, it will communicate to citizens that the City of Hobbs' governing body supports the installation and maintenance of a surrender safety device at a City of Hobbs' safe haven site. Additionally, this Resolution will authorize the City of Hobbs to seek funding for the costs associated with the installation and maintenance of the surrender safety device.

Fiscal Impact: It would have a total fiscal impact of approximately \$7,500.00. The 2023 Final Budget has approximately \$18,500.00 available in Expenditures and \$11,000.00 of Donation Revenue. The breakdown of Expenditures is as follows: \$11,000 (initial fee); \$300.00 (annual fee service); \$3,500 (installation); \$1,200 (electrical and alarm); \$300.00 (alarm service); \$500.00 (delivery); and additional costs. The recurring annual costs associated with maintaining the surrender safety device would be approximately \$1,800.00.

Reviewed By: [Signature]
Finance Department

Attachments:
Resolution.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:
The Commission should consider adopting the attached Resolution.

Approved For Submittal By:
[Signature]
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. 7221

A RESOLUTION IN SUPPORT OF INSTALLING A SURRENDER SAFETY DEVICE AT  
A CITY OF HOBBS' SAFE HAVEN SITE AND AUTHORIZING THE CITY OF HOBBS  
TO SEEK FUNDING FOR THE INSTALLATION AND MAINTENANCE OF SAID  
SURRENDER SAFETY DEVICE

WHEREAS, the Safe Haven for Infants Act (NMSA § 24-22-1 (1978)) was enacted by the State of New Mexico Legislature and has been in effect since 2001; and

WHEREAS, the purpose of the Safe Haven for Infants Act is to promote the safety of infants and to immunize a parent from criminal prosecution for leaving an infant, ninety days of age or less, at a safe haven site; and

WHEREAS, the Safe Haven for Infants Act defines "safe haven site" as a hospital, law enforcement agency, or fire station that has staff on site at the time an infant is left at such a site; and

WHEREAS, the Safe Haven for Infants Act does not expressly prohibit the surrender of infants through "surrender safety devices"; and

WHEREAS, the City of Hobbs is committed to protecting the lives of infants; and

WHEREAS, it is in the best interest of the public health, welfare, and safety of the City of Hobbs' inhabitants to prevent the unsafe surrenders of infants; and

WHEREAS, the City of Hobbs should incur reasonable expenditures to secure the installation of a "surrender safety device" at a City of Hobbs' safe haven site; and

WHEREAS, the City of Hobbs' expected expenditures associated with the installation and maintenance of a "surrender safety device" consist of a total fiscal impact, for fiscal year 2023, of approximately \$7,500.00; and

WHEREAS, after fiscal year 2023, the City of Hobbs' expected annual expenditures associated with maintaining said "surrender safety device" would consist of a total fiscal impact of approximately \$1,800.00; and

WHEREAS, the City of Hobbs is authorized to seek funding sources to cover all expenditures associated with the installation and maintenance of the "surrender safety device" concerning fiscal year 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, that the City Commission hereby supports the installation of a "surrender safety device" at a safe haven site in the City of Hobbs.

PASSED, ADOPTED AND APPROVED this 18th day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

**SUBJECT:** Resolution approving the FY2022 DFA 4<sup>th</sup> Quarter (June 2022) Financial Report  
**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** July 08, 2022  
**SUBMITTED BY:** Deborah Corral, Assistant Finance Director

**Summary:**

- The State of New Mexico requires the FY22 4<sup>th</sup> Quarter (June 2022) DFA Quarterly Financial Report be approved by the governing body.
- The ending cash balance for 06/30/22 will be incorporated into the Fiscal Year 2023 Final Budget.

**Fiscal Impact:**

Reviewed By: \_\_\_\_\_

*Finance Department*

- The ending cash balance represents actual revenue and expenditure activity from July 1, 2021 – June 30, 2022.
- Ending Cash Balance at 06/30/22 is \$142,354,701.14 for all funds (restricted and unrestricted).
- The City of Hobbs year-to-date actual revenues and expenditures for the period are \$120,435,042.44 and \$120,843,503.46 respectively.

**Attachments:**

4<sup>th</sup> Quarter DFA Report Recap  
Resolution approving 4<sup>th</sup> 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. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
File No. \_\_\_\_\_ Denied

CITY OF HOBBS  
RESOLUTION NO. 7222

A RESOLUTION APPROVING THE FY2022  
DFA 4<sup>th</sup> QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the FY2022 DFA 4<sup>TH</sup> Quarter Financial Report be approved by the governing body; and

WHEREAS, the ending cash balance for the period ended June 30, 2022 was \$142,354,701.14 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2022 crosswalk the amounts to the DFA 4<sup>th</sup> Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 4<sup>th</sup> Quarter Financial Report be approved.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

City of Hobbs  
Cash Balance by Fund  
06/30/2022

		Ending Cash 06/30/2021	June - July FY2022 Revenues	Actual Cash TRANSFERS	June - July FY2022 Expenditures	FY22 Balance Sheet Adjustments	Ending Cash 06/30/22
<b>GOVERNMENTAL FUNDS</b>							
11000	001 GENERAL	79,692,583.32	62,816,611.53	(5,734,359.74)	67,233,929.35	(333,138.95)	69,874,044.71
29900	002 LAND ACQUISITION	370,005.05	13,040.00		1,281.75	-	381,763.30
		80,062,588.37	62,829,651.53	(5,734,359.74)	67,235,211.10	(333,138.95)	70,255,808.01
<b>SPECIAL REVENUES</b>							
20100	110 LOCAL GOV CORR	1,009,548.34	145,380.29		80,632.44	-	1,074,296.19
21100	120 POLICE PROTECTION	39,073.62	79,200.00		102,453.27	-	15,820.35
29900	130 P D N (parif, drug, narcotics)	1,918.75				-	1,918.75
29900	150 COPS GRANT	1,000.00	133,005.74	-	107,754.65	-	26,251.09
21700	160 HWLC	1,000.00	1,810,815.65	2,160,137.65	3,970,876.99	76.31	1,000.00
21900	170 OLDER AMERICAN	1,000.00	234,973.57	771,420.62	1,006,394.19	-	1,000.00
51800	180 GOLF	1,000.00	1,097,929.01	1,879,676.77	2,977,573.27	32.51	1,000.00
50600	190 CEMETERY	1,000.00	247,692.08	346,800.97	594,493.05	-	1,000.00
50400	200 AIRPORT	305,835.97	174,560.23		2,864.21	-	477,531.99
30300	210 LEGISLATIVE APPROP	-	1,945,833.50	17,773.50	1,962,607.00	-	1,000.00
21800	220 INTERGOVERNMENTAL GRANTS	-	4,835,515.50	-		-	4,835,515.50
21400	230 LODGERS' TAX	1,184,148.04	1,165,268.97	(889,777.60)	372,703.84	-	1,086,935.57
29900	270 PUBLIC TRANSPORTATION	70,302.21	706,319.40	43,003.41	773,192.23	-	46,432.79
20900	280 FIRE PROTECTION	913,093.62	588,239.22		431,546.25	-	1,069,786.59
20600	290 EMER MEDICAL SERV	582.73	31,225.00		31,015.45	-	792.28
30200	370 COMM DEVE CONST	186,193.20		-	75,772.38	-	110,420.82
		3,715,696.48	13,195,958.16	4,329,035.32	12,489,879.22	108.82	8,750,701.92
<b>CAPITAL PROJECTS FUNDS</b>							
39900	460 BEAUTIFICATION IMPROVEMENT	1,538,849.89				-	1,538,849.89
21600	480 STREET IMPROVEMENTS	3,991,956.59	1,090,955.65		265,875.35	-	4,817,036.89
39900	490 CITY COMM. IMPROVEMENTS	7,659,699.88	2,519,459.32	(2,385,686.67)	72,819.63	-	7,720,652.90
		13,190,506.36	3,610,414.97	(2,385,686.67)	338,694.98	-	14,076,539.68
<b>DEBT SERVICE FUNDS</b>							
40400	510 UTILITY BOND	0.00		307,004.89	307,004.89	-	0.00
40400	530 2005 WASTEWATER BOND ISSU	1,989,842.96		2,442,796.14	2,442,796.14	-	1,989,842.96
		1,989,842.96	-	2,749,801.03	2,749,801.03	-	1,989,842.96
<b>TOTAL GOVERNMENTAL FUNDS</b>		98,958,634.17	79,636,024.66	(1,041,210.06)	82,813,586.33	(333,030.13)	95,072,892.57
<b>ENTERPRISE FUNDS</b>							
50200	100 SOLID WASTE	2,684,706.80	7,613,169.98		7,614,798.74	-	2,683,078.04
39900	440 JOINT UTILITY EXTENSIONS CAPI	1,000.00	635,736.20	1,402,378.09	2,038,114.29	-	1,000.00
50100	600 JOINT UTILITY	1,000.00	-	5,550,720.28	5,550,720.38	(0.10)	1,000.00
50100	610 JOINT UTILITY CONST	1,000.00		805,331.48	805,331.48	-	1,000.00
50300	620 WASTE WATER PLANT CONST	7,773,078.39	73,094.89		520,808.50	-	7,325,364.88
50300	630 JOINT UTILITY - WASTEWATER	1,000.00		3,611,938.12	3,611,908.12	-	1,030.00
50300	650 JOINT UTILITY INCOME - WASTE	7,409,090.12	8,218,227.04	(6,054,734.26)	36,408.35	-	9,536,173.55
50100	660 JOINT UTILITY INCOME	6,148,526.09	7,951,340.25	(6,663,056.65)		(9.19)	7,436,818.88
50100	680 METER DEPOSIT RES	1,146,891.55	353,189.05		279,312.78	-	1,220,767.82
	<b>TOTAL ENTERPRISE FUNDS</b>	25,166,292.95	24,844,757.51	(1,347,422.94)	20,457,403.64	(9.29)	28,206,233.17
<b>INTERNAL SERVICE FUNDS</b>							
69900	640 MEDICAL INSURANCE	4,664,841.53	7,297,117.72	(616,290.00)	8,144,291.98	-	3,201,377.27
69900	670 WORKERS COMP TRUST	1,150,237.21	709,392.57		698,692.74	-	1,160,937.04
69900	690 INTERNAL SUPPLY	65,139.47	219,116.34		216,458.32	-	67,797.49
69900	740 INSURANCE - RISK	2,896,457.75	1,831,658.20	2,388,633.00	1,832,542.20	-	5,284,206.75
	<b>TOTAL INTERNAL SERVICE FUNDS</b>	8,776,675.96	10,057,284.83	1,772,343.00	10,891,985.24	-	9,714,318.55
<b>TRUST AND AGENCY FUNDS</b>							
79900	700 MOTOR VEHICLE	29,528.42	4,778,571.82		4,785,547.55	(1,413.70)	23,966.39
79900	710 MUNI JUDGE BOND FUND	106,707.34				(868.00)	107,575.34
79900	720 RETIREE HEALTH INSURANCE TRI	9,000,000.00	1,105,001.10	616,290.00	1,821,805.88	(15,638.65)	8,915,123.87
79900	730 CRIME LAB FUND	75,784.55	51,308.35		51,831.85	-	75,261.05
79900	750 FORECLOSURE TRUST FUND	71.88				-	71.88
79900	770 LIBRARY TRUST	5,984.15	809.55		573.60	-	6,220.10
79900	780 SENIOR CITIZEN TRUST	3,319.94	1,380.00			-	4,699.94
79900	790 PRAIRIE HAVEN MEM	5,833.22	6.20			-	5,839.42
79900	800 COMMUNITY PARK TRUST	1,560.28	1.74			-	1,562.02
79900	820 EVIDENCE TRUST FUND	262,627.64	(51,903.31)			-	210,724.33
79900	830 HOBBS BEAUTIFUL	17,060.33	10,476.24		19,493.91	-	8,042.66
79900	860 CITY AGENCY TRUST	2,121.56	1,323.75		1,275.46	-	2,169.85
	<b>TOTAL TRUST AND AGENCY FUNDS</b>	9,510,599.31	5,896,975.44	616,290.00	6,680,528.25	(17,920.35)	9,361,256.85
<b>GRAND TOTAL ALL FUNDS</b>		142,412,202.39	120,435,042.44	(0.00)	120,843,503.46	(350,959.77)	142,354,701.14

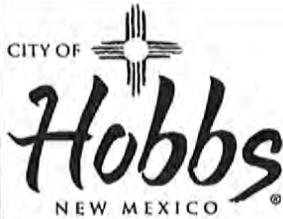
**State of New Mexico**  
**Local Government Budget Management System (LGBMS)**

**Report Recap - Fiscal Year 2021-2022 - Hobbs (City) - FY2022 Q4**

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Fund	Cash	Investments	Revenues	Transfers	Expenditures	Adjustments	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	79,692,584.00	0.00	62,764,465.28	-5,734,359.74	67,233,929.35	333,138.95	69,821,899.14	5,602,827.45	64,219,071.69
20100 Corrections	1,009,549.00	0.00	145,380.29	0.00	80,632.44	0.00	1,074,296.85	0.00	1,074,296.85
20600 Emergency Medical Services	583.00	0.00	31,225.00	0.00	31,015.45	0.00	792.55	0.00	792.55
20900 Fire Protection	913,094.00	0.00	588,239.22	0.00	431,546.25	0.00	1,069,786.97	0.00	1,069,786.97
21100 Law Enforcement Protection	39,074.00	0.00	79,200.00	0.00	102,453.27	0.00	15,820.73	0.00	15,820.73
21400 Lodgers' Tax	1,184,149.00	0.00	1,165,268.97	-889,777.60	372,703.84	0.00	1,086,936.53	0.00	1,086,936.53
21600 Municipal Street	3,991,957.00	0.00	1,090,955.65	0.00	265,875.35	0.00	4,817,037.30	0.00	4,817,037.30
21700 Recreation	1,000.00	0.00	1,810,815.65	2,160,137.65	3,970,876.99	-76.31	1,000.00	0.00	1,000.00
21800 Intergovernmental Grants	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21900 Senior Citizens	1,000.00	0.00	234,973.57	771,420.62	1,006,394.19	0.00	1,000.00	0.00	1,000.00
26000 American Rescue Plan Act	0.00	0.00	4,835,515.50	0.00	0.00	0.00	4,835,515.50	0.00	4,835,515.50
28000 Cannabis Regulation Act	0.00	0.00	52,146.25	0.00	0.00	0.00	52,146.25	0.00	52,146.25
29900 Other Special Revenue	443,227.00	0.00	852,365.14	43,003.41	882,228.63	0.00	456,366.92	0.00	456,366.92
30200 CDBG (HUD) Project	186,194.00	0.00	0.00	0.00	75,772.38	0.00	110,421.62	0.00	110,421.62
30300 State Legislative Appropriation Project	0.00	0.00	1,945,833.50	17,773.50	1,962,607.00	0.00	1,000.00	0.00	1,000.00
39900 Other Capital Projects	9,199,550.00	0.00	3,155,195.52	-983,308.58	2,110,933.92	0.00	9,260,503.02	0.00	9,260,503.02
40400 NMFA Loan Debt Service	1,989,843.00	0.00	0.00	2,749,801.03	2,749,801.03	0.00	1,989,843.00	0.00	1,989,843.00
50100 Water Enterprise	7,297,418.00	0.00	8,304,529.30	-307,004.89	6,635,364.64	9.29	8,659,587.06	0.00	8,659,587.06
50200 Solid Waste Enterprise	2,684,707.00	0.00	7,613,169.98	0.00	7,614,798.74	0.00	2,683,078.24	0.00	2,683,078.24

50300 Wastewater/Sewer Enterprise	15,183,169.00	0.00	8,291,322.03	-2,442,796.14	4,169,125.97	0.00	16,862,568.92	0.00	16,862,568.92
50400 Airport Enterprise	305,836.00	0.00	174,560.23	0.00	2,864.21	0.00	477,532.02	0.00	477,532.02
50600 Cemetery Enterprise	1,000.00	0.00	247,692.08	346,800.97	594,493.05	0.00	1,000.00	0.00	1,000.00
51800 Golf Course Enterprise	1,000.00	0.00	1,097,929.01	1,879,676.77	2,977,573.27	-32.51	1,000.00	0.00	1,000.00
69900 Other Internal Service	8,776,676.00	0.00	10,057,284.83	1,772,343.00	10,891,985.24	0.00	9,714,318.59	0.00	9,714,318.59
79900 Other Trust & Agency	9,510,600.00	0.00	5,896,975.44	616,290.00	6,680,528.25	17,920.35	9,361,257.54	0.00	9,361,257.54
<b>Totals</b>	<b>142,412,210.00</b>	<b>0.00</b>	<b>120,435,042.44</b>	<b>0.00</b>	<b>120,843,503.46</b>	<b>350,959.77</b>	<b>142,354,708.75</b>	<b>5,602,827.45</b>	<b>136,751,881.30</b>



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18th, 2022

SUBJECT: Approving the 4th quarter fiscal year 2022 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance  
DATE SUBMITTED: July 11, 2022  
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 4th quarter 2022 DFA report.

**Fiscal Impact:**

Reviewed By:   
Finance Department

The June 30, 2022 Cash Balance for the Lodgers' Tax Fund is \$1,086,935.58

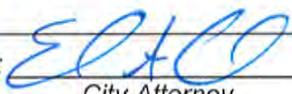
Total lodgers' tax revenue for the 4th quarter fiscal year 2022 was \$ 343,900.10 and total expenditures were \$322,631.99. Breakdown of the cash balances by category are as follows:

Profit, Non-profit, Public Entities (20%)	=	\$ 349,162.93
Local Government (40%)	=	\$ 671,789.90
Fire, EMS, Sanitation (15%)	=	\$ 0.00
Airline Subsidy (25%)	=	\$ 65,982.75

**Attachments:**

- DFA Quarterly Report
- Resolution
- 6-30-2022 Financial Report

**Legal Review:**

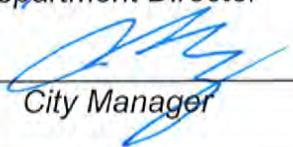
Approved As To Form:   
City Attorney

**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. 7223

A RESOLUTION APPROVING THE FY 2022  
LODGERS' TAX DFA 4TH QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 4th 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 June 30, 2022 was \$1,086,935.58 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual quarter-to-date lodgers' tax revenue and expenditures for fiscal year 2022 crosswalk the amounts to the DFA 4th quarter financial report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 4th quarter lodgers' tax financial report be approved.

PASSED, ADOPTED AND APPROVED this 18th day of July, 2022

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

STATE OF NEW MEXICO  
 DEPARTMENT OF FINANCE AND ADMINISTRATION  
 Local Government Division - Budget and Finance Bureau  
 Lodgers' Tax Quarterly Report

**INSTRUCTIONS**

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

REPORTING ENTITY: City of Hobbs 5 (PERCENT IMPOSED) QUARTER ENDING: 6/30/2022  
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	\$ 343,900	\$ 1,163,931	NON-PROMOTIONAL FUND	\$ 0	\$ 0
INVESTMENT INCOME	842	1,338	PROMOTIONAL FUND	\$ 344,743	1,165,269
LATE PENALTIES			ADMINISTRATIVE COST	\$ 0	\$ 0
CONVENTION CENTER FINANCING FEES			( 10% IS THE MAXIMUM OF GROSS TAX PROCEEDS, i.e. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)		
HOSPITALITY FEE ACT FEES					
1. _____					
2. _____					
<b>TOTAL REVENUE</b>	<b>\$ 344,743</b>	<b>\$ 1,165,269</b>			

**3. CASH BALANCES:**

Carryover From Previous Fiscal Year: Non-Promotional	\$ 15,511
Carryover From Previous Fiscal Year: Promotional	1,168,637
(Note: 2 years maximum carryover before money must be spent).	
NON-PROMOTIONAL FUND	\$ 0
PROMOTIONAL FUND	\$ (97,212)
Grand Total (Non-Promo)	\$ _____
Grand Total (Promo)	\$ 1,086,936

4. TRANSFERS: IN		
INTERGOVERNMENT, INTERFUND TRANSFERS - IN		
(e.g. JPAs, GRANTS TRANSFERRED TO LODGERS' TAX FUND)		
1. _____	\$ _____	\$ _____
2. _____		
	\$ 0	\$ 0

**TRANSFERS:OUT**

NON-PROMOTIONAL FUND		
INTERFUND TRANSFERS - (OUT)		
(e.g. FROM NON-PROMOTIONAL TO VENDOR OR PROMOTIONAL)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0
INTERGOVERNMENTAL TRANSFERS - (OUT)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

PROMOTIONAL FUND		
INTERFUND TRANSFERS - (OUT)		
(e.g. FROM PROMOTIONAL TO VENDOR OR NON-PROMOTIONAL)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0
INTERGOVERNMENTAL TRANSFERS - (OUT)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0



**CITY OF HOBBS  
EVENT SUMMARIES  
6/30/2022**

**AMOUNT  
SPENT**

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22-02	Southwest Symphony	7-14-21	29,963.30
22-03	United Way of Lea County	7-14-21	79,513.37
22-04	Hobbs Chamber of Commerce	7-14-21	24,651.77
22-11	Tuff Hedeman Bull Riding	10-14-21	20,000.00
22-14	Hobbs High School Softball Boosters	1-12-22	7,125.00
22-15	Cinco De Mayo Committee	4-13-22	5,675.86
22-05	Cycle City Promotions	7-14-21	50,000.00
22-06	Hobbs Airfield Speedway, LLC	7-14-21	5,774.54
	CITY OF HOBBS - Branding/NM True	03-20-20	31,047.15
22-07	CITY OF HOBBS - CORE (OPERATING)	4/14/2021	500,000.00
22-08	CITY OF HOBBS - CORE (MARKETING)	4/14/2021	94,820.20
22-09	CITY OF HOBBS - ROCKWIND GOLF (MARKETING)	4/14/2021	62,898.67
22-12	CITY OF HOBBS - TREE LIGHTING	10/14/2021	11,467.18
22-13	CITY OF HOBBS - GUS MACKER	1/18/2022	14,956.25
22-10	EDC - AIRLINE SUBSIDY	04/14/2021	150,000.00
	CITY OF HOBBS POLICE AND FIRE (SECURITY)	04/14/2021	<u>174,588.15</u>

**TOTAL**

**1,262,481.44**

6/30/22

CITY OF HOBBS LODGERS' TAX PROGRAM  
EXPENDITURE REPORT FOR THE 4TH QUARTER OF 2021 - 2022

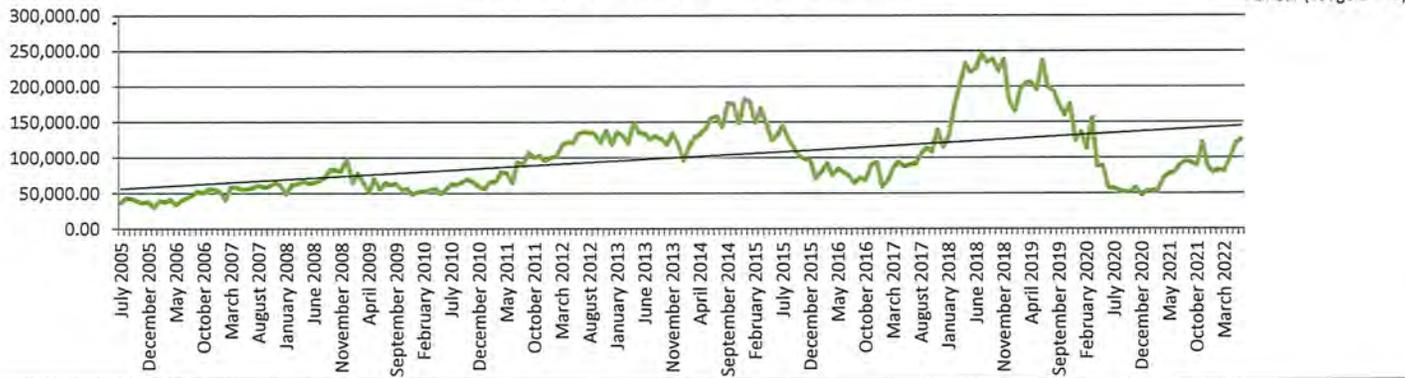
		PROMO	NON PROMO	TOTAL
CASH BAL.	6/30/21	1,168,636.64	15,511.46	1,184,148.10
FIRST QUARTER INCOME		279,315.58		279,315.58
FIRST QUARTER INTEREST		141.56		141.56
TOTAL REVENUE		<u>279,457.14</u>	0.00	<u>279,457.14</u>
FIRST QUARTER EXPENSES		<u>247,482.21</u>		<u>247,482.21</u>
CASH BAL.	9/30/21	1,200,611.57	15,511.46	1,216,123.03
SECOND QUARTER INCOME		297,712.11		297,712.11
SECOND QUARTER INTEREST		182.35		182.35
TOTAL REVENUE		<u>297,894.46</u>	0.00	<u>297,894.46</u>
SECOND QUARTER EXPENSES		<u>356,949.26</u>		<u>356,949.26</u>
CASH BAL.	12/31/21	1,141,556.77	15,511.46	1,157,068.23
THIRD QUARTER INCOME		243,003.19		243,003.19
THIRD QUARTER INTEREST		171.61		171.61
TOTAL REVENUE		<u>243,174.80</u>	0.00	<u>243,174.80</u>
THIRD QUARTER EXPENSES		<u>335,417.98</u>		<u>335,418.04</u>
CASH BAL.	3/31/22	1,049,313.59	15,511.46	1,064,824.99
FOURTH QUARTER INCOME(FORCE EXTRA TO PROMO)		343,900.10		343,900.10
FOURTH QUARTER INTEREST		842.47		842.47
TOTAL REVENUE		<u>344,742.57</u>	0.00	<u>344,742.57</u>
FOURTH QUARTER EXPENSES**		<u>322,631.99</u>		<u>322,631.99</u>
CASH BAL.	6/30/22	1,071,424.17	15,511.46	1,086,935.57
YEAR TO DATE INCOME			0.00	1,163,930.98
YEAR TO DATE INTEREST			0.00	0.00
TOTAL REVENUE		<u>0.00</u>	0.00	<u>1,163,930.98</u>
YEAR TO DATE EXPENSES		<u>1,262,481.44</u>	0.00	<u>1,262,481.44</u>
YEAR TO DATE CASH BALANCES		<u>1,071,424.17</u>	15,511.46	<u>1,086,935.57</u>

CITY OF HOBBS LODGERS' TAX REPORT

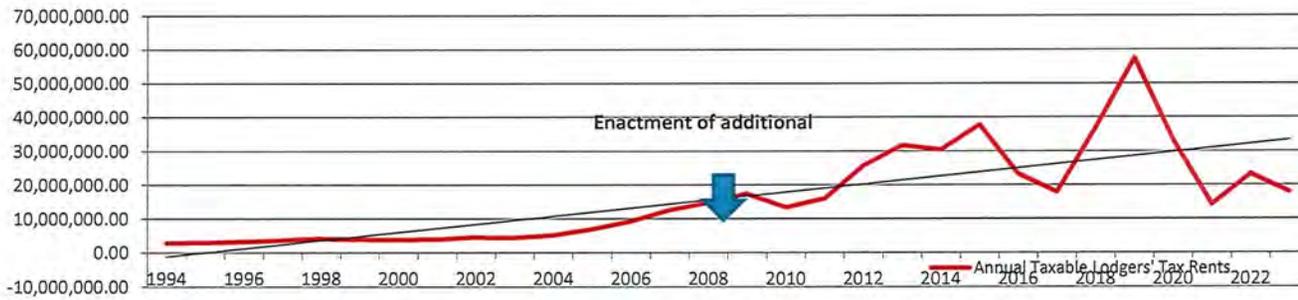
June 30, 2022

		RECEIPTS				EXPENDITURES			NET CHANGE		Cash
Month	Month	Gross Taxable Revenue	239999- Lodgers' Tax	Other Income	TOTAL	Contract for Services	Advert & Promotion	TOTAL	For Month	YTD	Balance
<b>CASH BALANCE</b>		<b>2,240,394.27</b>	<b>2,564,005.38</b>	<b>28,913.17</b>	<b>2,592,918.55</b>		<b>1,735,444.83</b>				
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
<b>SUBTOTAL</b>		<b>20,585,449.00</b>	<b>1,029,272.45</b>	<b>17,327.99</b>	<b>1,046,600.44</b>	<b>0.00</b>	<b>1,033,640.81</b>	<b>1,033,640.81</b>			
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		1,766,006.00	88,300.30	1,853.80	90,154.10		17,726.00	17,726.00	72,428.10	72,428.10	2,371,573.62
May 2020		1,769,172.20	88,458.61	1,008.72	89,467.33		423,782.67	423,782.67	(334,315.34)	(334,315.34)	2,037,258.28
June 2020		1,143,332.00	57,166.60	658.40	57,825.00		268,924.59	268,924.59	(211,099.59)	(211,099.59)	1,826,158.69
<b>SUBTOTAL</b>		<b>12,785,887.6</b>	<b>639,294.38</b>	<b>10,881.7</b>	<b>6,501,76.08</b>	<b>0</b>	<b>1,077,371.29</b>	<b>1,077,371.29</b>			
FY 2020			1,668,566.83								
<b>CASH BALANCE</b>		<b>1,826,158.69</b>	<b>1,668,566.83</b>	<b>28,209.69</b>	<b>1,696,776.52</b>		<b>2,111,012.10</b>				
July 2020		1,138,913.00	56,945.65	399.99	57,345.64		-	-	57,345.64	57,345.64	1,883,504.33
August 2020		1,090,902.80	54,545.14	313.84	54,858.98		72,707.57	72,707.57	(17,848.59)	39,497.05	1,865,655.74
September 2020		1,040,277.60	52,013.88	204.53	52,218.41		155,580.47	155,580.47	(103,362.06)	(63,865.01)	1,762,293.68
October 2020		1,028,334.80	51,416.74	168.11	51,584.85		191,580.00	191,580.00	(139,995.15)	(203,860.16)	1,622,298.53
November 2020		1,162,426.00	58,121.30	142.03	58,263.33		110,232.00	110,232.00	(51,968.67)	(255,828.83)	1,570,329.86
December 2020		949,227.00	47,461.35	-	47,461.35		177,572.38	177,572.38	(130,111.03)	(385,939.86)	1,440,218.83
<b>SUBTOTAL</b>		<b>6,410,081.20</b>	<b>320,504.06</b>	<b>1,228.50</b>	<b>321,732.56</b>	<b>0.00</b>	<b>707,672.42</b>	<b>707,672.42</b>			
January 2021		1,067,524.20	53,376.21	89.40	53,465.61		48,389.35	48,389.35	5,076.26	5,076.26	1,445,295.09
February 2021		1,055,811.40	52,790.57	103.49	52,894.06		29,089.12	29,089.12	23,804.94	23,804.94	1,469,100.03
March 2021		1,094,322.80	54,716.14	71.28	54,787.42		369,287.22	369,287.22	-314,499.80	-314,499.80	1,154,600.23
April 2021		1,438,003.40	71,900.17	60.84	71,961.01		0.00	0.00	71,961.01	71,961.01	1,226,561.24
May 2021		1,548,735.60	77,436.78	56.89	77,493.67		0.00	0.00	77,493.67	77,493.67	1,304,054.91
June 2021		1,593,608.60	79,680.43	137.09	79,817.52		199,724.39	199,724.39	-119,906.87	-119,906.87	1,184,148.04
<b>SUBTOTAL</b>		<b>7,798,006.00</b>	<b>389,900.30</b>	<b>518.99</b>	<b>390,419.29</b>	<b>0.00</b>	<b>646,490.08</b>	<b>646,490.08</b>			
FY 2021			710,404.36								
<b>CASH BALANCE</b>		<b>1,184,148.04</b>									
July 2021		1,801,674.20	90,083.71	45.30	90,129.01		-	-	90,129.01	90,129.01	1,274,277.05
August 2021		1,915,939.00	95,796.95	45.20	95,842.15		25,355.08	25,355.08	70,487.07	160,616.08	1,344,764.12
September 2021		1,868,698.40	93,434.92	51.06	93,485.98		222,127.13	222,127.13	(128,641.15)	31,974.93	1,216,122.97
October 2021		1,780,151.80	89,007.59	38.65	89,046.24		51,709.00	51,709.00	37,337.24	69,312.17	1,253,460.21
November 2021		2,429,424.60	121,471.23	47.62	121,518.85		-	-	121,518.85	190,831.02	1,374,979.06
December 2021		1,744,665.80	87,233.29	96.08	87,329.37		305,240.26	305,240.26	(217,910.89)	(27,079.87)	1,157,068.17
<b>SUBTOTAL</b>		<b>11,540,553.80</b>	<b>577,027.69</b>	<b>323.91</b>	<b>577,351.60</b>	<b>0.00</b>	<b>604,431.47</b>	<b>604,431.47</b>			
January 2022		1,577,475.40	78,873.77	57.30	78,931.07		15,947.15	15,947.15	62,983.92	62,983.92	1,220,052.09
February 2022		1,654,709.20	82,735.46	55.26	82,790.72		0.00	0.00	82,790.72	82,790.72	1,302,842.81
March 2022		1,627,879.20	81,393.96	59.05	81,453.01		319,470.83	319,470.83	-238,017.82	-238,017.82	1,064,824.99
April 2022		1,977,060.60	98,853.03	90.76	98,943.79		20,000.00	20,000.00	78,943.79	78,943.79	1,143,768.78
May 2022		2,402,337.40	120,116.87	236.22	120,353.09		0.00	0.00	120,353.09	120,353.09	1,264,121.87
June 2022		2,498,604.00	124,930.20	515.49	125,445.69		302,631.99	302,631.99	-177,186.30	-177,186.30	1,086,935.57
<b>SUBTOTAL</b>		<b>11,738,065.80</b>	<b>586,903.29</b>	<b>1,014.08</b>	<b>587,917.37</b>	<b>0.00</b>	<b>658,049.97</b>	<b>658,049.97</b>			
<b>CASH BALANCE</b>		<b>1,086,935.57</b>	<b>1,163,930.98</b>				<b>1,262,481.44</b>				

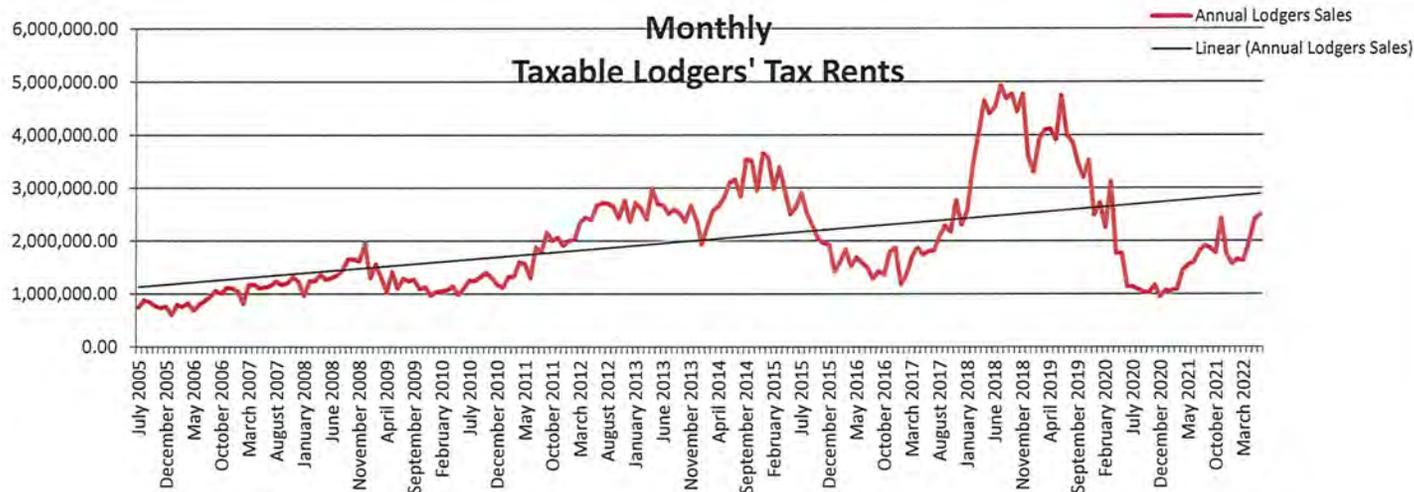
### Monthly Lodgers' Tax Collection



### 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

July 11th, 2022

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

Re: 4th quarter lodgers' tax quarterly report

Enclosed is the following:

4th quarter lodgers' tax report for fiscal year 2022

Sincerely,

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

Toby Spears, CPA, CFE  
Finance Director  
CITY OF HOBBS



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

**SUBJECT:** RESCINDING CONDEMNATION OF 118 N. JEFFERSON THAT HAS BEEN PREVIOUSLY BEEN DETERMINED TO BE RUINED, DAMAGED, DILAPIDATED AND A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY

**DEPT. OF ORIGIN:** Legal Department  
**DATE SUBMITTED:** July 12, 2022  
**SUBMITTED BY:** Rocio A. Ocano, Assistant City Attorney and Jessica Silva, Code Enforcement Officer

**Summary:**

The City of Hobbs is proposing a Resolution to rescind the condemnation designation from the property located at 118 N. Jefferson, Hobbs, NM 88240. This properties was previously condemned pursuant to Resolution No. 7214, and this property is no longer ruined, damaged, dilapidated and a menace to public comfort, health and safety. Pursuant to Section 8.24.010 of the Hobbs Municipal Code, the City of Hobbs may condemn a property if it is determined ruined, damaged, dilapidated and a menace to public comfort, health and safety and require such properties to be removed. The property located at 118 N. Jefferson has been remediated, therefore, rendering the property in compliance with the Hobbs Municipal Code. This Resolution will rescind the condemnation designation from 118 N. Jefferson, Hobbs, NM 88240, for this property is no longer ruined, damaged, dilapidated, or a menace to public comfort, health and safety.

**Fiscal Impact:**

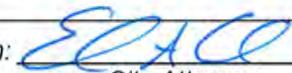
There is no fiscal impact for this proposed resolution.

Reviewed By:   
Finance Department

**Attachments:**

- 1. Proposed Resolution
- 2. Pictures of the property

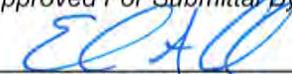
**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

The Commission should adopt the Resolution.

Approved For Submittal By:

  
Department Director

  
City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

CITY OF HOBBS

RESOLUTION NO. 7224

A RESOLUTION RESCINDING CONDEMNATION DESIGNATION OF 118 N. JEFFERSON, WHICH HAS PREVIOUSLY BEEN DETERMINED TO BE RUINED, DAMAGED, DILAPIDATED AND A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and NMSA § 3-18-5, the City may condemn a property if the property is determined to be ruined, damaged, dilapidated and a menace to public comfort, health and safety and required such property to be removed; and

WHEREAS, the City has inspected the property located at 118 N. Jefferson, Hobbs, NM 88240, which has been previously condemned by this commission pursuant to Resolution No. 7214; and

WHEREAS, the City finds the property located at 118 N. Jefferson, Hobbs, NM 88240 is in compliance with the Hobbs Municipal Code; and

WHEREAS, the City Commission desires to rescind the condemnation designation of this property, for this property is no longer ruined, damaged, dilapidated, or a menace to the public comfort, health and safety.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hobbs that the condemnation of the property located at 118 N. Jefferson, Hobbs NM

88240 is hereby rescinded.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk



06/23/2022



06/23/2022



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

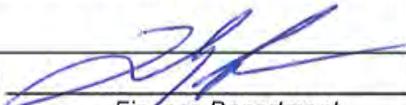
**SUBJECT: Resolution to Remove Uncollectable Utility Accounts**

DEPT. OF ORIGIN: Finance Department  
DATE SUBMITTED: July 11, 2022  
SUBMITTED BY: Tim Woomer, Utilities Director

**Summary:**

Accounts receivable for the period of June 2017 through June 2018 resulting from water, garbage and sewer services totaling \$18,819.90 are deemed uncollectable based on efforts made to collect on the account and locate the debtor. In accordance with 3-37-7, NMSA 1978 account with balances resulting from activity four years or older are to be removed from the list of accounts receivable to the City of Hobbs.

**Fiscal Impact:**

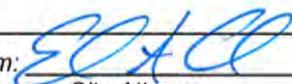
Reviewed By:   
Finance Department

There would be no fiscal impact on a cash basis of accounting.

**Attachments:**

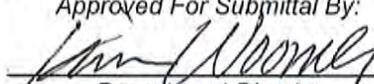
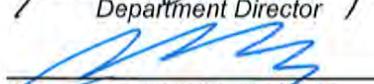
Resolution. Uncollectable accounts.

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Approve the resolution to remove the uncollectable accounts from the list of accounts receivable.

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. 7225

A RESOLUTION AUTHORIZING THE REMOVAL OF  
ACCOUNTS RECEIVABLE FOR WATER, GARBAGE AND SEWER SERVICES  
THAT HAVE BEEN DETERMINED TO BE UNCOLLECTABLE  
FOR THE PERIOD OF JULY 1, 2017 THROUGH JUNE 30, 2018

WHEREAS, the City of Hobbs Water Department has determined that certain accounts have been deemed uncollectable based on efforts to collect on accounts and to locate the debtor; and

WHEREAS, according to NMSA 1978, §3-37-7, that accounts with balances resulting from activity that is four years old or older be removed from the list of accounts receivable; and

WHEREAS, for the period of July 1, 2017, through June 30, 2018, the amount of uncollectable accounts total \$18,819.90.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor is hereby authorized and directed to approve the removal of uncollectable accounts for water, garbage and sewer in the amount of \$18,819.90.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of July 2022.

\_\_\_\_\_  
SAM D COBB, MAYOR

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

**CITY OF HOBBS UTILITIES  
WRITE OFF HISTORY**

<b>YEAR</b>	<b>WRITE OFF DATES</b>		<b>WRITE OFF</b>
2010	Through 03/31/2006	\$	463,942.24
2011	Through 03/31/2007	\$	94,781.81
2012	Through 03/31/2008	\$	103,086.25
2013	Through 03/31/2009	\$	75,956.97
2014	Through 12/31/2010	\$	128,840.13
2015	Through 12/31/2011	\$	51,211.98
2016	Through 06/30/2012	\$	13,189.16
2017	Through 06/30/2013	\$	35,252.01
2018	Through 06/30/2014	\$	30,685.58
2019	Through 06/30/2015	\$	23,208.70
2020	Through 06/30/2016	\$	201,106.51
2021	Through 06/30/2017	\$	27,306.64
2022	Through 06/30/2018	\$	18,819.90
	<b>TOTAL</b>	<b>\$</b>	<b>1,267,387.88</b>

<b>PAYMENTS COLLECTED</b>		<b>YEARLY PAYMENTS</b>		<b>TOTAL PAYMENTS</b>
<b>BEGINNING BALANCE</b>	<b>\$</b>	<b>1,267,387.88</b>		
2009-2010	\$	(687.94)	\$	(687.94)
2010-2011	\$	(7,418.23)	\$	(8,106.17)
2011-2012	\$	(11,569.09)	\$	(19,675.26)
2012-2013	\$	(11,124.69)	\$	(30,799.95)
2013-2014	\$	(5,250.10)	\$	(36,050.05)
2014-2015	\$	(9,389.92)	\$	(45,439.97)
2015-2016	\$	(8,362.35)	\$	(53,802.32)
2016-2017	\$	(11,274.85)	\$	(65,077.17)
2017-2018	\$	(10,274.49)	\$	(75,351.66)
2018-2019	\$	(8,506.73)	\$	(83,858.39)
2019-2020	\$	(7,152.58)	\$	(91,010.97)
2020-2021	\$	(7,379.62)	\$	(98,390.59)
2021-2022	\$	(8,555.38)	\$	(106,945.97)
<b>ENDING BALANCE</b>	<b>\$</b>	<b>1,160,441.91</b>	<b>\$</b>	<b>(106,945.97)</b>

# Utility Billing

## Collections Proof List

User: klewis  
 Printed: 07/11/2022 - 1:09PM  
 Sort By: Account Number  
 Batch: 00007.07.2022 - Write Offs



Account No	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
Customer Name							
005448-000	01-03-2285		-60.05	-155.03	-104.27	0.00	-15.00
MANUEL CANO			0.00	0.00	0.00	0.00	0.00
005573-002	01-03-2460		-58.98	-51.82	-85.21	0.00	0.00
LUCINDA CHAPARRO			0.00	0.00	0.00	0.00	0.00
006384-000	02-03-2225		-87.78	-22.88	-62.08	-75.00	-25.00
MORENA VAUGHN			0.00	0.00	0.00	0.00	0.00
006667-000	42-04-3345		-25.67	-54.20	-82.94	0.00	-35.00
ROSSLEE MACKEY			0.00	0.00	0.00	0.00	0.00
007431-001	14-03-2910		-24.12	-32.65	-80.30	0.00	0.00
PATRICIA MARTINEZ			0.00	0.00	0.00	0.00	0.00
007501-000	43-04-2410		-34.48	-117.44	-89.30	0.00	-25.00
SAL CANO			0.00	0.00	0.00	0.00	0.00
007703-000	03-06-3335-04		0.00	0.00	0.00	0.00	-50.00
GERARDO CAMARGO			0.00	0.00	0.00	0.00	0.00
008920-000	05-01-0580-04		-22.31	-32.93	-996.60	0.00	-15.00
PRINT SHOP OF HOBBS			0.00	0.00	0.00	0.00	0.00
009087-002	05-03-1690		-9.70	-28.77	-41.25	0.00	0.00
PAULA FERNANDEZ			0.00	0.00	0.00	0.00	0.00
009612-000	06-01-0185-04		-26.69	-74.51	-88.30	0.00	-25.00
ENRIQUE MIRAMONTES			0.00	0.00	0.00	0.00	0.00
009747-002	03-06-3315		0.00	-12.93	-46.70	0.00	0.00
VICTOR VEGA			0.00	0.00	0.00	0.00	0.00
009847-000	06-03-1105-04		-20.93	-28.52	-50.69	0.00	0.00
DAVID CARLSON			0.00	0.00	0.00	0.00	0.00
010281-000	06-05-3223-02		-46.78	-57.96	-26.17	0.00	0.00
WILLIAM C STONE, MD			0.00	0.00	0.00	0.00	0.00
010293-001	18-01-0160		-471.50	-177.47	-70.48	0.00	0.00
TROY TEAGUE			0.00	0.00	0.00	0.00	0.00
010396-003	07-01-0350		-47.99	0.00	-87.82	-125.00	0.00
TRACY CARPENTER			0.00	0.00	0.00	0.00	0.00
010648-000	07-02-1550		-22.03	-44.87	-95.78	0.00	0.00
WASHINGTON PL APT STB			0.00	0.00	0.00	0.00	0.00

Account No	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
011389-000	07-04-4105-05		-22.54	-29.80	-80.29	0.00	-15.00
LAREN HOLLER			0.00	0.00	0.00	0.00	0.00
011535-000	07-05-4540-04		-42.10	-94.23	-73.74	0.00	-25.00
RUBY KREEBS			0.00	0.00	0.00	0.00	0.00
011726-000	07-05-5315		-10.69	-11.14	-45.76	0.00	0.00
SHERRI NELSON			0.00	0.00	0.00	0.00	0.00
011811-005	13-05-4275		-24.46	-50.19	-58.99	0.00	0.00
BELINDA CAMPOS			0.00	0.00	0.00	0.00	0.00
012258-001	16-02-2495-05		-34.55	-52.89	-87.67	0.00	-35.00
ISAAC LEWIS			0.00	0.00	0.00	0.00	0.00
012473-001	10-06-4223-28		-90.56	-204.66	-100.66	0.00	0.00
PRISCILLA SIMPSON			0.00	0.00	0.00	0.00	0.00
013029-000	09-02-1255		-158.69	-233.32	-111.71	0.00	-25.00
EVELYN WILLIAMS			0.00	0.00	0.00	0.00	0.00
013257-001	10-03-1285		-6.54	-21.41	-40.97	0.00	0.00
TERRY HECKARD			0.00	0.00	0.00	0.00	0.00
013454-002	10-06-4220		-88.06	-125.05	-38.51	0.00	0.00
VALERIE MILLER			0.00	0.00	0.00	0.00	0.00
014132-000	10-05-2745		-24.13	-31.91	-86.03	0.00	-25.00
CAROL ABEYTA			0.00	0.00	0.00	0.00	0.00
014210-006	04-05-4090		-31.44	-57.30	-88.17	0.00	0.00
RAYMOND NASH JR			0.00	0.00	0.00	0.00	0.00
014263-001	07-06-6227		-24.61	-31.61	-84.58	0.00	-15.00
STEVEN CURRIE			0.00	0.00	0.00	0.00	0.00
014275-000	10-05-3215-05		-9.61	-47.54	-18.09	0.00	0.00
LYDIA QUINONEZ			0.00	0.00	0.00	0.00	0.00
015463-003	07-02-2914		0.00	0.00	-11.46	0.00	0.00
EDWARD HOLGUIN			0.00	0.00	0.00	0.00	0.00
015953-003	04-03-1645-00		-3.18	-4.21	-25.96	0.00	0.00
RONNIE JACKSON			0.00	0.00	0.00	0.00	0.00
016345-000	12-05-4720		-102.39	-105.52	-69.64	0.00	0.00
RICHARD MC CANN			0.00	0.00	0.00	0.00	0.00
016405-000	12-05-4905-00		0.00	0.00	-3.70	0.00	0.00
LUCILLE WILLIAMS			0.00	0.00	0.00	0.00	0.00
016530-001	12-04-3905-17		-9.85	-8.01	-11.17	0.00	0.00
ARACELI QUIROGA			0.00	0.00	0.00	0.00	0.00
016862-003	01-01-0395		-58.95	-119.92	-63.84	0.00	0.00
DOROTHY LAY			0.00	0.00	0.00	0.00	0.00
016970-001	14-05-4450		0.00	-16.38	-24.58	0.00	0.00
JUANITA PEREZ			0.00	0.00	0.00	0.00	0.00

Account No Customer Name	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
017120-000	13-03-1770-03		-22.00	-33.05	-65.57	0.00	-25.00
GRISALDA ORTIZ			0.00	0.00	0.00	0.00	0.00
017517-000	13-05-4220-08		-29.66	-75.83	-89.30	0.00	-25.00
DAVE SOLOMON			0.00	0.00	0.00	0.00	0.00
017697-005	04-03-1682		0.00	0.00	0.00	-185.00	0.00
GILBERT GARZA			0.00	0.00	0.00	0.00	0.00
018057-000	14-02-1755-00		-66.73	-7.22	-19.66	0.00	0.00
EULA COPELAND			0.00	0.00	0.00	0.00	0.00
018379-001	08-04-4885		-96.31	0.00	0.00	0.00	0.00
DIANE GILFORD			0.00	0.00	0.00	0.00	0.00
019718-001	11-04-2930		0.00	0.00	-11.02	0.00	0.00
TYSON PIERCE			0.00	0.00	0.00	0.00	0.00
019798-001	15-05-4090		-18.27	-39.04	-79.71	0.00	0.00
DEBRA JEAN LESTER			0.00	0.00	0.00	0.00	0.00
020615-000	16-03-3020-02		-232.09	-210.94	-80.31	0.00	-30.00
JACK ADCOCK			0.00	0.00	0.00	0.00	0.00
020845-002	07-01-0835		-88.85	-46.56	-74.56	0.00	0.00
LESLI BRUCE			0.00	0.00	0.00	0.00	0.00
021759-000	17-04-3026		0.00	0.00	-140.70	0.00	0.00
ABNEY CHOICE MECHANICS			0.00	0.00	0.00	0.00	0.00
022033-000	17-06-4945		-24.83	-55.83	-82.14	0.00	-25.00
GARY WALKER			0.00	0.00	0.00	0.00	0.00
022794-000	15-03-1940		-36.73	-92.88	-46.70	0.00	0.00
SONYA TERRELL			0.00	0.00	0.00	0.00	0.00
023280-000	14-02-1208-11		-7.96	-10.53	-34.12	0.00	0.00
ARMANDO VILLALOBOS			0.00	0.00	0.00	0.00	0.00
024116-002	16-03-3505		-1.37	-6.02	-29.49	0.00	0.00
RACHEL SERGENT			0.00	0.00	0.00	0.00	0.00
024167-001	16-05-5737		-30.82	-51.70	-51.17	0.00	-50.00
AMBER D MILLER			0.00	0.00	0.00	0.00	0.00
024193-002	12-02-1405		-6.21	-24.67	-53.20	0.00	0.00
DEBBIE DOMINGUEZ			0.00	0.00	0.00	0.00	0.00
024630-003	15-01-0155		0.00	0.00	-6.07	0.00	0.00
TERRA LEVY			0.00	0.00	0.00	0.00	0.00
024643-001	03-01-0413		-32.19	-33.94	-86.02	0.00	0.00
JOSEPH SPALDING			0.00	0.00	0.00	0.00	0.00
024966-002	09-02-0720		-27.77	-20.45	-59.90	0.00	0.00
NATIVIDAD QUIROZ			0.00	0.00	0.00	0.00	0.00
024970-000	07-02-2905		-9.33	-116.83	-234.23	0.00	0.00
DEANNA RICHARDSON			0.00	0.00	0.00	0.00	0.00

Account No Customer Name	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
025791-001	08-03-3240		-11.74	-25.99	-45.06	0.00	0.00
RONALD WHITE			0.00	0.00	0.00	0.00	0.00
026603-000	07-03-3495-08		0.00	0.00	-5.28	0.00	0.00
MICHAEL KARLOVEC			0.00	0.00	0.00	0.00	0.00
027776-001	43-04-1925		-0.68	-1.81	-18.40	0.00	0.00
TEDDIE SPELLMAN			0.00	0.00	0.00	0.00	0.00
027922-000	12-02-1520		-35.81	-22.88	-62.10	0.00	-15.00
TEMPLE NEAL			0.00	0.00	0.00	0.00	0.00
028001-000	04-05-3940		0.00	0.00	0.00	0.00	-50.00
MOISES RODRIGUEZ JR			0.00	0.00	0.00	0.00	0.00
028353-001	13-03-2175		0.00	0.00	-15.71	0.00	0.00
ASHLEY BONDS			0.00	0.00	0.00	0.00	0.00
028785-002	07-05-5205		-3.16	-15.70	-31.14	0.00	0.00
LISA FRANCO			0.00	0.00	0.00	0.00	0.00
029993-001	12-05-4575		-17.01	-36.51	-63.91	0.00	0.00
LAVONDA DAVIS			0.00	0.00	0.00	0.00	0.00
030023-000	05-05-3578		0.00	-1.54	-17.21	0.00	0.00
SANDRA PRIETO			0.00	0.00	0.00	0.00	0.00
030561-003	43-04-2305		-65.37	-42.64	-54.80	0.00	0.00
MICHAEL MARTINEZ			0.00	0.00	0.00	0.00	0.00
031144-001	13-01-0395		-40.67	-73.65	-80.96	0.00	0.00
SUE KENDRICK			0.00	0.00	0.00	0.00	0.00
031520-000	16-01-1205		-31.08	-55.78	-80.31	0.00	0.00
TIGERBIRD INVESTMENTS			0.00	0.00	0.00	0.00	0.00
031652-001	04-05-3790		-140.40	-157.31	-62.08	0.00	0.00
RICHARD STOVER			0.00	0.00	0.00	0.00	0.00
032063-001	07-06-5815		-34.64	-19.38	-33.59	0.00	0.00
JEREMIAH EVERHART			0.00	0.00	0.00	0.00	0.00
032361-000	16-01-1676		0.00	0.00	0.00	0.00	-50.00
TRACEY WESTBY			0.00	0.00	0.00	0.00	0.00
032432-001	01-03-2275		-107.95	-215.10	-59.81	0.00	0.00
HECTOR FIERRO JR			0.00	0.00	0.00	0.00	0.00
032497-000	15-06-4890		-3.26	-12.56	-28.68	0.00	0.00
SEIDY CHAVIRA			0.00	0.00	0.00	0.00	0.00
032502-000	07-02-2516		-44.22	-101.73	-104.27	0.00	0.00
JORRELL SPARENBERG			0.00	0.00	0.00	0.00	0.00
032563-000	07-02-2928		-25.37	-50.72	-83.76	0.00	-50.00
CHARLES JR MAYFIELD			0.00	0.00	0.00	0.00	0.00
032872-003	09-04-3057		-12.74	-16.85	-56.32	0.00	0.00
MIGUEL DOMINGUEZ			0.00	0.00	0.00	0.00	0.00

Account No Customer Name	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
033706-000	17-03-1172		-1.82	-3.35	-15.55	0.00	0.00
MALLORY FRANCIS			0.00	0.00	0.00	0.00	0.00
033833-000	45-02-1315		-19.35	-25.59	-80.08	0.00	0.00
CARLA ROBERTS			0.00	0.00	0.00	0.00	0.00
033936-001	08-03-2285		-18.24	-16.86	-30.18	0.00	0.00
NANCY CRUZ			0.00	0.00	0.00	0.00	0.00
034196-001	10-03-1400		0.00	0.00	-2.12	0.00	0.00
IRMA CARDOZA			0.00	0.00	0.00	0.00	0.00
034259-000	14-03-2390		0.00	-10.55	-24.58	0.00	0.00
STEPHEN SMITH			0.00	0.00	0.00	0.00	0.00
034742-000	04-03-2178		-10.93	-23.92	-56.00	0.00	0.00
RAFAEL URUETA JR			0.00	0.00	0.00	0.00	0.00
034854-000	06-01-0465		-13.78	-26.99	-54.37	0.00	0.00
SCOTTY WALKER			0.00	0.00	0.00	0.00	0.00
034923-000	07-01-1095		-16.50	-27.57	-40.97	0.00	0.00
AGNES GRILL			0.00	0.00	0.00	0.00	0.00
035279-000	02-03-2365		-54.74	-114.96	-92.97	0.00	0.00
JOSE PEREZ - OROZCO			0.00	0.00	0.00	0.00	0.00
035502-001	17-03-1170		-214.29	-216.87	-93.46	0.00	0.00
KASANDRA LUJAN			0.00	0.00	0.00	0.00	0.00
035542-002	07-02-1564		-7.76	-8.23	-13.65	0.00	0.00
ARMAND SINGLETON			0.00	0.00	0.00	0.00	0.00
035600-000	02-03-2610		-39.85	-45.02	-55.56	0.00	0.00
ZACHARY KING			0.00	0.00	0.00	0.00	0.00
035959-001	15-04-2455		-6.59	-0.70	-0.82	0.00	0.00
ALLEN SCOTT			0.00	0.00	0.00	0.00	0.00
035990-000	09-04-2460		-0.25	0.00	0.00	0.00	0.00
AZUCENA CASTILLO			0.00	0.00	0.00	0.00	0.00
036126-001	07-04-4485		0.00	0.00	-0.25	0.00	0.00
COURTNEY WARD			0.00	0.00	0.00	0.00	0.00
036140-002	10-01-0160		-34.96	-52.90	-62.45	0.00	0.00
CRISTAL PONCE			0.00	0.00	0.00	0.00	0.00
036181-000	07-01-0585		-5.37	-7.08	-741.55	0.00	0.00
VASARI LLC			0.00	0.00	0.00	0.00	0.00
036444-001	16-05-5155		-25.50	-36.03	-52.41	0.00	0.00
JAVIER SOLIS			0.00	0.00	0.00	0.00	0.00
037051-001	12-03-1960		0.00	0.00	-2.43	0.00	0.00
MICHAEL SPECHT			0.00	0.00	0.00	0.00	0.00
037140-003	09-03-1955-08		-10.28	-24.65	-31.14	0.00	0.00
LEE JACKSON			0.00	0.00	0.00	0.00	0.00

Account No Customer Name	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
037147-000	09-04-3078		-35.71	-73.94	-89.30	0.00	0.00
ANGEL AGUIRRE			0.00	0.00	0.00	0.00	0.00
038173-002	08-01-0520-01		0.00	0.00	-2.21	0.00	0.00
CHANLENG KUN			0.00	0.00	0.00	0.00	0.00
038307-001	17-06-4680		-3.87	-14.82	-36.05	0.00	0.00
ERICA VIERA			0.00	0.00	0.00	0.00	0.00
038338-000	14-03-2115-19		0.00	-4.49	-21.30	0.00	0.00
BARBARA DIAZ			0.00	0.00	0.00	0.00	0.00
038423-000	07-02-2525-43		-25.34	-30.88	-79.23	0.00	0.00
UDELIA RIVERA			0.00	0.00	0.00	0.00	0.00
038871-000	14-03-2495		-42.79	-95.15	-94.22	0.00	0.00
RHONDA LOPEZ			0.00	0.00	0.00	0.00	0.00
038962-000	11-01-0650		-8.85	-10.11	-18.89	0.00	0.00
JOHNNY SHERFFIELD			0.00	0.00	0.00	0.00	0.00
039254-000	06-01-0005		-6.88	-103.37	-47.53	0.00	0.00
SAUL CHAVARRIA			0.00	0.00	0.00	0.00	0.00
039391-001	14-05-4550		-10.93	-23.50	-39.33	0.00	0.00
SAM CRAWFORD			0.00	0.00	0.00	0.00	0.00
039638-000	15-07-0705		0.00	-1.70	-6.56	0.00	0.00
DENON GREEN			0.00	0.00	0.00	0.00	0.00
039658-000	11-01-0280		-8.48	-18.24	-27.86	0.00	0.00
JEREMY WOOD			0.00	0.00	0.00	0.00	0.00
040051-001	15-01-0040		-8.43	-28.18	-32.91	0.00	0.00
QUINCY NASH			0.00	0.00	0.00	0.00	0.00
040101-000	14-05-4550		-63.51	-28.64	-48.32	0.00	0.00
DONALD STREUN JR			0.00	0.00	0.00	0.00	0.00
040812-000	39-04-3175		-16.39	-27.09	-70.21	0.00	0.00
JOSHUA KETCHERSID			0.00	0.00	0.00	0.00	0.00
040932-000	14-03-3415		-15.86	-32.29	-52.68	0.00	0.00
CAMERON STROUP			0.00	0.00	0.00	0.00	0.00
041158-000	10-03-1215		0.00	0.00	-12.50	0.00	0.00
THOMAS LASTER			0.00	0.00	0.00	0.00	0.00
041223-000	01-04-2795		-11.28	-25.57	-41.15	0.00	0.00
MICHELLE VIGIL			0.00	0.00	0.00	0.00	0.00
042068-000	10-06-4190		0.00	0.00	-12.54	0.00	0.00
DEBORAH MYRICK			0.00	0.00	0.00	0.00	0.00
042093-001	09-04-3290		-36.10	-92.18	-93.87	0.00	0.00
MANUEL FRANCO			0.00	0.00	0.00	0.00	0.00
042101-000	17-03-1227		-4.12	-12.27	-39.12	0.00	0.00
SARAH GARCIA			0.00	0.00	0.00	0.00	0.00

Account No	Reference No	Tax Lot	WTR DEP	SWR	GBG	MIS	PEN
042134-000	17-02-0354		-4.33	-5.72	-24.60	0.00	0.00
LUIS ALANIZ			0.00	0.00	0.00	0.00	0.00
042589-000	16-01-2105		-10.29	-43.71	-39.33	0.00	0.00
DANIELLE GONZALES			0.00	0.00	0.00	0.00	0.00
042681-000	12-05-5340		-17.02	-85.67	-27.86	0.00	0.00
KASANDRA BOLEYN			0.00	0.00	0.00	0.00	0.00
042753-000	07-02-2919		-4.55	-6.02	-25.40	0.00	0.00
CYNTHIA JURADO			0.00	0.00	0.00	0.00	0.00
042803-000	03-03-1753		-40.66	-118.39	-84.39	0.00	0.00
JESSE RIOS			0.00	0.00	0.00	0.00	0.00
042804-000	14-02-1790		-185.36	-105.82	-62.10	0.00	0.00
CANDICE SCHOFIELD			0.00	0.00	0.00	0.00	0.00
042855-000	14-02-1530		0.00	-4.88	-22.12	0.00	0.00
MONICA SANCHEZ			0.00	0.00	0.00	0.00	0.00
042859-000	07-01-1040		-4.33	-5.72	-27.64	0.00	0.00
DEJZA ROBLES			0.00	0.00	0.00	0.00	0.00
042891-000	15-07-0495		-6.83	-9.03	-35.02	0.00	0.00
JESUS OCHOA			0.00	0.00	0.00	0.00	0.00
042930-000	16-02-2320		-29.00	-32.61	-38.87	0.00	0.00
TANAIRI CERVANTES			0.00	0.00	0.00	0.00	0.00
042937-001	09-04-2545		-2.28	-3.01	-9.47	0.00	0.00
MIGUEL ORTEGA			0.00	0.00	0.00	0.00	0.00
042941-000	07-02-2588		-8.86	-14.44	-25.07	0.00	0.00
MICHAEL PATTERSON			0.00	0.00	0.00	0.00	0.00
043060-000	07-02-2010		0.00	0.00	-9.14	0.00	0.00
MEAGAN TRAVIS			0.00	0.00	0.00	0.00	0.00
043084-000	17-03-1186		-11.30	-16.31	-54.91	0.00	0.00
BRANDON CAVAZOS			0.00	0.00	0.00	0.00	0.00
043178-000	07-04-4433		0.00	-6.73	-20.48	0.00	0.00
ERNESTO DELEON JR			0.00	0.00	0.00	0.00	0.00
043556-000	15-04-2570		-6.28	-8.69	-17.98	0.00	0.00
JOSE JR TOVAR			0.00	0.00	0.00	0.00	0.00
043615-000	17-03-1177		0.00	0.00	-3.96	0.00	0.00
DAVID NELSON			0.00	0.00	0.00	0.00	0.00
			-4,116.42	-5,543.15	-8,125.33	-385.00	-650.00
			0.00	0.00	0.00	0.00	0.00
					Batch Total:		-18,819.90



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

**SUBJECT:** AUTHORIZING THE HOBBS POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LEA COUNTY SHERIFF'S OFFICE TO SHARE IN GRANT FUNDING FROM THE 2022 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.

**DEPT. OF ORIGIN:** Police Department  
**DATE SUBMITTED:** July 12, 2022  
**SUBMITTED BY:** Nathan Eubank, Sergeant Hobbs Police Department

**Summary:** The Hobbs Police Department and the Lea County Sheriff's Office request to enter into a Memorandum of Understanding to share grant funding available from the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The JAG grant total is \$21,728.00. the grant is split 60/40 between the two entities with Hobbs Police Department receiving 60% (\$13,036.80) and the Lea County Sheriff's Department receiving 40% (\$8,691.20).

**Fiscal Impact:**

*Reviewed By:* \_\_\_\_\_  
*Finance Department*

The City of Hobbs will be the fiscal agent for the full \$21,728.00 in grant funding. HPD will receive \$13,036.80 and LCSO will receive \$8,691.20.

**Attachments:**

Memorandum of Understanding; Edward Byrne Memorial Justice Assistance Grant Allocation Page

*Efren A. Cortez* Digitally signed by Efren A. Cortez

**Legal Review:**

*Approved As To Form: Cortez* Hobbs, Lea County Attorney's Office  
email: ecortez@hobbsnm.org, call: 505-755-2022, 07/12/2022 10:56:00  
*City Attorney*

**Recommendation:**

The Commission should consider approval of the MOU.

Approved For Submittal By:

*[Signature]*  
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. \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF HOBBS AND  
LEA COUNTY, NEW MEXICO**

This Memorandum of Understanding is made this \_\_\_\_\_ day of July 2022, by and between the City of Hobbs and Lea County.

WHEREAS, the 2022 Edward Byrne Memorial Justice Assistance Grant Program has awarded \$21,728 to the City of Hobbs and Lea County, New Mexico

And;

WHEREAS, the funding will be distributed as follows:

The Grant Total \$21,728 will be divided 60/40 with the City of Hobbs Police Department receiving \$13,036.80 and the Lea County Sheriff's Department receiving \$8,691.20.

NOW, THEREFORE it is hereby agreed by the parties that the City of Hobbs will act as the fiscal agent.

**AGREED:**

**CITY OF HOBBS, NEW MEXICO**

**LEA COUNTY, NEW MEXICO**

By: \_\_\_\_\_  
Sam Cobb, Mayor

By: \_\_\_\_\_  
Dean Jackson  
Commission Chairman

**CITY OF HOBBS POLICE DEPT.**

**LEA COUNTY SHERIFF'S DEPT.**

By:   
August Fons, Chief of Police

By: \_\_\_\_\_  
Corey Helton, Sheriff

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Efren Cortez  
City of Hobbs Attorney

By: \_\_\_\_\_  
John Caldwell  
Lea County Attorney

**2022 New Mexico LOCAL JAG ALLOCATIONS**

Listed below are all jurisdictions in the state that are eligible for FY 2022 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

**Finding your jurisdiction:**

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (\*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
NM	BERNALILLO COUNTY	County	\$32,964	
NM	ALBUQUERQUE CITY	Municipal	\$654,411	\$687,375
NM	CHAVES COUNTY	County	*	
NM	ROSWELL CITY	Municipal	\$33,249	\$33,249
NM	CURRY COUNTY	County	*	
NM	CLOVIS CITY	Municipal	\$21,842	\$21,842
NM	DONA ANA COUNTY	County	\$16,954	
NM	LAS CRUCES CITY	Municipal	\$42,427	\$59,381
NM	EDDY COUNTY	County	*	
NM	CARLSBAD CITY	Municipal	\$14,809	\$14,809
NM	LEA COUNTY	County	*	
NM	HOBBS CITY	Municipal	\$21,728	\$21,728
NM	LUNA COUNTY	County	*	
NM	DEMING CITY	Municipal	\$10,549	\$10,549
NM	MCKINLEY COUNTY	County	\$15,581	
NM	GALLUP CITY	Municipal	\$33,049	\$48,630
NM	SANDOVAL COUNTY	County	*	
NM	RIO RANCHO CITY	Municipal	\$13,180	\$13,180
NM	SANTA FE COUNTY	County	*	
NM	SANTA FE CITY	Municipal	\$22,786	\$22,786
NM	BELEN CITY	Municipal	\$10,121	
NM	FARMINGTON CITY	Municipal	\$48,602	
NM	LOS LUNAS CITY	Municipal	\$13,609	
NM	OTERO COUNTY	County	\$11,664	
NM	SAN JUAN COUNTY	County	\$41,312	
NM	VALENCIA COUNTY	County	\$27,017	

**2022 New Mexico LOCAL JAG ALLOCATIONS**

Listed below are all jurisdictions in the state that are eligible for FY 2022 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

**Finding your jurisdiction:**

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (\*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
	Local total		\$1,085,854	



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

SUBJECT: Resolution amending the City of Hobbs 401(A) Plan with DST Retirement Solutions, LLC (formerly Nationwide Retirement Solutions)

DEPT. OF ORIGIN: Finance  
DATE SUBMITTED: July 14, 2022  
SUBMITTED BY: Toby Spears, Finance Director

**Summary:**

The City of Hobbs adopted a 401(A) Retirement Plan for certain employees in July of 2003. DST Retirement Solutions, LLC (formerly Nationwide Retirement Solutions) plan sponsor is requesting an amended plan document (by resolution) to comply with IRS rules by July 31, 2022.

The plan also updates existing trustees which are: City Attorney, Finance Director and City Clerk

**Fiscal Impact:**

Reviewed By:   
Finance Department

No fiscal impact.

**Attachments:**

Resolution  
Plan Document

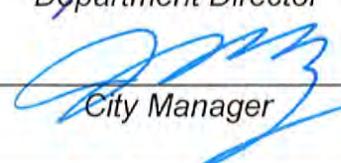
**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Approve resolution for amended 401(A) Plan.

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. 7226

A RESOLUTION AMENDING THE CITY OF HOBBS 401 (A) PLAN WITH  
DST RETIREMENT SOLUTIONS, LLC,  
(FORMERLY NATIONWIDE RETIREMENT SOLUTIONS)

WHEREAS, the City of Hobbs adopted a 401 (A) Retirement Plan for certain employees in July, 2003; and

WHEREAS, DST Retirement Solutions, LLC (formerly Nationwide Retirement Solutions) is requesting an amended plan document to comply with IRS rules by July 31, 2022; and

WHEREAS, the plan also updates the trustees which are the City Attorney, City Clerk and Finance Director.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City of Hobbs 401(A) Plan with DST Retirement Solutions, LLC (formerly Nationwide Retirement Solutions) is amended as stated herein, and that the Mayor be and hereby is, authorized and directed to effectuate this resolution on behalf of the City of Hobbs and any other required documentation evidencing the adoption of said resolution.

PASSED, ADOPTED AND APPROVED this 18th day of July, 2022

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

## **Third Six-Year Cycle Pre-Approved Defined Contribution Plans: Issuance of Opinion Letters; Plan Adoption Deadline; and Opening of Determination Letter Program**

Announcement 2020-7

The Internal Revenue Service (IRS) intends to issue opinion letters for pre-approved defined contribution plans that were restated for changes in plan qualification requirements listed in Notice 2017-37, 2017-29 I.R.B. 89 (the 2017 Cumulative List) and that were filed with the IRS during the submission period for the third six-year remedial amendment cycle under Rev. Proc. 2016-37, 2016-29 I.R.B. 136 (newly approved plans). The IRS expects to issue the letters on June 30, 2020, or, in some cases, as soon as possible thereafter. An employer adopting a newly approved plan will be required to adopt the plan document by July 31, 2022. Starting August 1, 2020, and ending July 31, 2022, the IRS will accept from any employer eligible to submit a determination letter request an application for an individual determination letter under the third six-year remedial amendment cycle for pre-approved defined contribution plans.

### *Background*

Rev. Proc. 2016-37 describes a staggered remedial amendment system for pre-approved plans that are qualified under § 401(a) of the Internal Revenue Code (Code). The revenue procedure provides separate six-year remedial amendment cycles for pre-approved defined benefit and pre-approved defined contribution plans.

Rev. Proc. 2017-41, 2017-29 I.R.B. 92, modifies the pre-approved letter program by combining the former master and prototype and volume submitter programs into a single opinion letter program. Under this program, providers of pre-approved plans may continue to apply for new opinion letters once every six years. Rev. Proc. 2017-41 sets forth the

procedures for providers to obtain opinion letters for qualified pre-approved plans submitted with respect to the third (and subsequent) six-year remedial amendment cycles.

The on-cycle submission period for providers of pre-approved defined contribution plans to submit opinion letter requests under the third six-year remedial amendment cycle (set forth in Rev. Proc. 2016-37, and extended by Rev. Proc. 2017-41 and Rev. Proc. 2018-42, 2018-36 I.R.B. 424) was October 2, 2017, through December 31, 2018. Rev. Proc. 2017-41 required pre-approved plan providers to restate their pre-approved defined contribution plans for the qualification requirements included on the 2017 Cumulative List and to apply for new opinion letters during this submission period.

Rev. Proc. 2016-37 and Rev. Proc. 2017-41 provide that the IRS will review plans that have been submitted during the applicable on-cycle submission period for a six-year remedial amendment cycle, taking into account the applicable Cumulative List of Changes in Plan Qualification Requirements that identifies changes in the qualification requirements of the Code. When the review process for a cycle of pre-approved plans has neared completion, the IRS will announce the date by which an adopting employer must adopt a newly approved plan. Depending on the date the review process is completed, employers will have approximately two years to adopt the newly approved plans and, if eligible, to apply for an individual determination letter.

#### *Deadline for Employer Adoption of Pre-approved Defined Contribution Plans*

The end of the third six-year remedial amendment cycle for pre-approved defined contribution plans is January 31, 2023. An adopting employer whose defined contribution plan is eligible for the six-year remedial amendment cycle and who adopts, by July 31, 2022, a newly approved plan, will be considered to have adopted the plan within the third six-year remedial amendment cycle.

*Opening of Individual Determination Letter Program for Pre-approved Defined Contribution Plans*

An adopting employer of a pre-approved defined contribution plan may apply for an individual determination letter (if otherwise eligible) during the period beginning August 1, 2020, and ending July 31, 2022. See Rev. Proc. 2020-4, 2020-1 I.R.B. 148, for additional information regarding determination letter application procedures for adopting employers of pre-approved plans with respect to the third six-year remedial amendment cycle, including sections 8 and 12B of the revenue procedure, relating to the circumstances under which an employer may apply for a determination letter.

*Effective Date*

This announcement is effective as of June 1, 2020.

*Paperwork Reduction Act*

The collection of information contained in Rev. Proc. 2017-41 has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-1674.

*Drafting Information*

The principal author of this announcement is Arslan Malik of the Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). For further information regarding this announcement contact Employee Plans at (513) 975-6319 (not a toll-free number).

**Subject line: Please DocuSign: Your Third Cycle Plan Restatement Package**

Dear Plan Sponsor,

The Internal Revenue Service ("IRS") requires all pre-approved plan documents to be completely restated and adopted every six years to conform with newly required legislative and regulatory provisions and to comply with your Plan's operation since the last restatement period. This is known as a restatement cycle (the current restatement cycle is referred to as the Third Cycle Restatement). The Third Cycle documents must be adopted no later than July 31, 2022.

**Additional information**

In order for your Plan to maintain its qualified status, your Plan documents which have been restated to include the required changes for the Third Cycle must now be reviewed and adopted. The Plan documents include the Adoption Agreement, Basic Plan Document ("BPD"), Summary Plan Description ("SPD"), IRS favorable opinion letter, Hardship Amendment and either the Trust Agreement or Special Trustee Agreement.

Please review the documents attached in this email (sent from "Plan Restatement via DocuSign") and follow the instructions to execute the documents. Once executed, the completed documents will be emailed to you and us so that they can be posted to the Plan Sponsor Web.

**What you need to do**

After accessing DocuSign via this email, you will be able to review all of your documents and execute where indicated. As you are reviewing your updated Plan documents, which should reflect the plan provisions previously adopted in your prior document, please remember that we are here to help should you have any questions.

**Note:** For your convenience, please find our Frequently Asked Questions at the end of this communication.

**We're here to help**

We appreciate the opportunity to be of service for your Plan and our continued partnership. If you have any questions or need additional information, you can contact us at [PlanRestatement@sscinc.com](mailto:PlanRestatement@sscinc.com) or you can contact your Specialist at 800-255-7566. Our Specialists are available Monday through Thursday, 8 a.m. to 8 p.m. and Friday, 8 a.m. to 6 p.m. Eastern time.

Nationwide Retirement Solutions

Please do not reply to this email as the inbox is not monitored.

This email was sent to [\[InAddress\]](#).

This email was sent by: Nationwide, 10 W. Nationwide Boulevard, Columbus, OH 43215

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PNE-1911AO (11/21)

## Third Cycle Plan Document Restatement Package Frequently Asked Questions (FAQs)

### The Restatement Package Contents

**Q1: This restated document looks like my current document. Why do I need to execute a new document?**

A1: The restated document incorporates the required changes by the IRS for the third six-year remedial amendment period as defined in the Cumulative List in [Notice 2017-37](#).

If you recently began your Plan, amended your existing Plan or if you haven't amended since the last restatement period then your current document is referred to as the Pension Protection Act ("PPA") document. The IRS requires your document to be updated based off of a predefined rolling 6 years period regardless of when you adopted or last amended your document.

The Third Cycle document is similar in appearance to the PPA document, but it contains the language updates required by newly enacted legislative and regulatory updates. Now that the IRS has reviewed and approved the language in the Third Cycle document, they require the adoption of the Third Cycle documents by executing and dating the Adoption Agreement and, if applicable, the Trust Agreement or the Special Trustee Agreement.

**Q2: Do I need to review each provision of the Adoption Agreement?**

A2: **Yes.** Your Adoption Agreement was restated reflecting the current Plan's provisions on file with our office, but as the Plan Sponsor, it is your responsibility to ensure that all the information in the Third Cycle Adoption Agreement is accurate.

In addition, since a restatement is a complete rewriting of your Plan document, there will be new plan provisions within your Adoption Agreement. These new provisions (in addition to all of your prior provisions) need to be reviewed carefully to make sure they comply with the way that you are currently administering your plan today and the way you have administered your Plan historically.

**Q3: What has changed in the new document?**

A3: Beyond rearranging the provisions to be more intuitive and minor updates to the provisions, there are three significant distinctions in the provisions of the documents between the Third Cycle documents and the old PPA documents.

First, the IRS will no longer provide a ruling on any trust and/or custodial provisions. Therefore, all of these provisions had to be removed from the Third Cycle documents which means that some plans will now have a separate Trust Agreement or a Special Trustee Agreement which will be used in conjunction with the Third Cycle documents. If needed, the Trust Agreement or Special Trustee Agreement will be included for your review and execution.

Second, the IRS required enhanced clarification in the provisions related to the Discretionary Match. If your plan has a discretionary match feature we have already reached out to you to understand your intent with these new provisions and we have integrated your elections that you have directed us to incorporate into your document.

Finally, the Computation Period of any Employer contributions now defines if a true-up calculation is needed or not.

As with every restatement, you should carefully review all of the elections in the Adoption Agreement and all related plan documentation to make sure they represent how you are administering your plan. Remember that you, as the Plan Sponsor, are responsible for the plan document, and for ensuring that the

plan document is in alignment with actual plan operation. Many of the pre-populated Adoption Agreement elections represent elective plan features, and the responses can be changed to match your plan design.

**Q4: Do I have to have my Plan restated by a certain date?**

A4: **Yes.** Your Third Cycle document **must be adopted no later than July 31, 2022** in order to keep your Plan tax qualified. For ease of administration, we suggest adopting (by signing and dating) the Third Cycle document as soon as possible after you have received and reviewed it but not later than 3 weeks from the date you receive this package.

**Q5: Will the Plan have any required amendments before the next restatement period?**

A5: **Probably.** Additional legislative and/or regulatory actions may require additional interim amendments prior to the next restatement period. If so, we will provide those interim amendments to you as needed. At the time of the next restatement any interim amendments will be incorporated into the language of the next restated document.

**Q6: Why are the Adoption Agreement and Basic Plan Document posted to the web?**

A6: We felt providing the documents electronically rather than by paper copy is a more efficient and timely method of delivery. This means that you will no longer have to print off these documents, execute the documents, and return an executed copy to Nationwide. By electronically executing these documents, Nationwide will be able to retrieve an executed copy of the document directly from the website, saving you both the time and money of returning these documents to Nationwide via the mail.

**Summary Plan Description**

**Q7: Does a new Summary Plan Description (SPD) need to be provided to each participant?**

A7: **Yes.** All participants and/or beneficiaries must receive a new SPD. The DOL requires participants be informed of any material changes made to the plan document. The DOL also requires periodic restatements of the SPD.

**Any other questions**

**Q8: Whom should I call if I have questions?**

A8: For questions about your restated documents, please email us at [PlanRestatement@sscinc.com](mailto:PlanRestatement@sscinc.com) or contact your Specialist with any questions that you may have at 800-255-7566. We're available Monday through Thursday, 8 a.m. to 8 p.m. and Friday, 8 a.m. to 6 p.m. Eastern time.

ADOPTION AGREEMENT FOR
DST RETIREMENT SOLUTIONS, LLC
NON-STANDARDIZED
GOVERNMENTAL 401(a) PRE-APPROVED PLAN

CAUTION: Failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

EMPLOYER INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in this Employer Information Section.)

1. EMPLOYER'S NAME, ADDRESS, TELEPHONE NUMBER, TIN AND FISCAL YEAR

Name: City of Hobbs, NM

Address: 200 E. Broadway Street

Hobbs City New Mexico State 88240 Zip

Telephone: 575-397-9229

Taxpayer Identification Number (TIN): 85-6000141

Employer's Fiscal Year ends: June 30th

- 2. TYPE OF GOVERNMENTAL ENTITY. This Plan may only be adopted a state or local governmental entity, or agency thereof, including an Indian tribal government and may not be adopted by any other entity, including a federal government and any agency or instrumentality thereof.
a. [ ] State government or state agency
b. [ ] County or county agency
c. [X] Municipality or municipal agency
d. [ ] Indian tribal government (see Note below)

NOTE: An Indian tribal government may only adopt this Plan if such entity is defined under Code §7701(a)(40), is a subdivision of an Indian tribal government as determined in accordance with Code §7871(d), or is an agency or instrumentality of either, and all of the Participants under this Plan employed by such entity substantially perform services as an Employee in essential governmental functions and not in the performance of commercial activities (whether or not an essential government function).

- 3. PARTICIPATING EMPLOYERS (Plan Section 1.39). Will any other Employers adopt this Plan as Participating Employers?
a. [X] No
b. [ ] Yes

MULTIPLE EMPLOYER PLAN (Plan Article XI). Will any Employers who are not Affiliated Employers adopt this Plan as part of a multiple employer plan (MEP) arrangement?

- c. [X] No
d. [ ] Yes (Complete a Participation Agreement for each Participating Employer.)

PLAN INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in the information in Question 9.)

4. PLAN NAME:

City of Hobbs, NM Money Purchase Plan

5. PLAN STATUS

- a. [ ] New Plan
b. [X] Amendment and restatement of existing Plan
CYCLE 3 RESTATEMENT (leave blank if not applicable)
1. [X] This is an amendment and restatement to bring a plan into compliance with the legislative and regulatory changes set forth in IRS Notice 2017-37 (i.e., the 6-year pre-approved plan restatement cycle).

6. EFFECTIVE DATE (Plan Section 1.16) (complete a. if new plan; complete a. AND b. if an amendment and restatement)
Initial Effective Date of Plan (except for restatements, cannot be earlier than the first day of the current Plan Year)

- a. July 1, 2003 (enter month day, year) (hereinafter called the "Effective Date" unless 6.b. is entered below)

**Non-Standardized Governmental 401(a)**

**Restatement Effective Date.** If this is an amendment and restatement, the effective date of the restatement (hereinafter called the "Effective Date") is:

- b. July 1, 2022 (enter month day, year; NOTE: The restatement date may not be prior to the first day of the current Plan Year. Plan contains appropriate retroactive effective dates with respect to provisions for appropriate laws.)

7. PLAN YEAR (Plan Section 1.43) means, except as otherwise provided in d. below:

- a.  the calendar year
- b.  the twelve-month period ending on June 30th (e.g., June 30th)

SHORT PLAN YEAR (Plan Section 1.47). This is a Short Plan Year (if the effective date of participation is based on a Plan Year, then coordinate with Question 14):

- c.  N/A
- d.  beginning on \_\_\_\_\_ (enter month day, year; e.g., July 1, 2020) and ending on \_\_\_\_\_ (enter month day, year).

8. VALUATION DATE (Plan Section 1.53) means:

- a.  every day that the Trustee (or Insurer), any transfer agent appointed by the Trustee (or Insurer) or the Employer, and any stock exchange used by such agent are open for business (daily valuation)
- b.  the last day of each Plan Year
- c.  the last day of each Plan Year quarter
- d.  other (specify day or days): \_\_\_\_\_ (must be at least once each Plan Year)

**NOTE:** The Plan always permits interim valuations.

9. ADMINISTRATOR'S NAME, ADDRESS AND TELEPHONE NUMBER

(If none is named, the Employer will be the Administrator (Plan Section 1.2).)

- a.  Employer (use Employer address and telephone number)
- b.  The Committee appointed by the Employer (use Employer address and telephone number)
- c.  Other:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street

\_\_\_\_\_ City State Zip

Telephone: \_\_\_\_\_

10. TYPE OF PLAN (select one)

- a.  Profit Sharing Plan.
- b.  Money Purchase Pension Plan.

11. CONTRIBUTION TYPES

The selections made below must correspond with the selections made under the Contributions and Allocations Section of this Adoption Agreement.

**FROZEN PLAN OR CONTRIBUTIONS HAVE BEEN SUSPENDED** (Plan Section 4.1(c)) (optional)

- a.  This is a frozen Plan (i.e., all contributions cease) (if this is a temporary suspension, select a.2):
  - 1.  All contributions ceased as of, or prior to, the effective date of this amendment and restatement and the prior Plan provisions are not reflected in this Adoption Agreement (may enter effective date at 3. below and/or select prior contributions at g. - j. (optional), skip questions 12-18 and 22-30)
  - 2.  All contributions ceased or were suspended and the prior Plan provisions are reflected in this Adoption Agreement (must enter effective date at 3. below and select contributions at b. - f.)

**Effective date**

- 3.  as of \_\_\_\_\_ (effective date is optional unless a.2. has been selected above or this is the amendment or restatement to freeze the Plan).

**CURRENT CONTRIBUTIONS**

The Plan permits the following contributions (select one or more):

- b.  **Employer contributions other than matching** (Questions 24-25)
  - 1.  This Plan qualifies as a Social Security Replacement Plan (Question 24.e. must be selected)
- c.  **Employer matching contributions** (Questions 26-28)
- d.  **Mandatory Employee contributions** (Question 30)
- e.  **After-tax voluntary Employee contributions**
- f.  **Rollover contributions** (Question 36)

## Non-Standardized Governmental 401(a)

## PRIOR CONTRIBUTIONS

The Plan used to permit, but no longer does, the following contributions (choose all that apply, if any):

- g.  **Employer matching contributions**  
 h.  **Employer contributions other than matching contributions**  
 i.  **Rollover contributions**  
 j.  **After-tax voluntary Employee contributions**

## ELIGIBILITY REQUIREMENTS

12. ELIGIBLE EMPLOYEES (Plan Section 1.17) means all Employees (including Leased Employees) EXCEPT those Employees who are excluded below or elsewhere in the Plan: (select a. or b.)
- a.  **No excluded Employees.** There are no additional excluded Employees under the Plan (skip to Question 13).
- b.  **Exclusions.** The following Employees are not Eligible Employees for Plan purposes (select one or more):
1.  Union Employees (as defined in Plan Section 1.17)
  2.  Nonresident aliens (as defined in Plan Section 1.17)
  3.  Leased Employees (Plan Section 1.29)
  4.  Part-time Employees. A part-time Employee is an Employee whose regularly scheduled service is less than \_\_\_\_\_ Hours of Service in the relevant eligibility computation period (as defined in Plan Section 1.55).
  5.  Temporary Employees. A temporary Employee is an Employee who is categorized as a temporary Employee on the Employer's payroll records.
  6.  Seasonal Employees. A seasonal Employee is an Employee who is categorized as a seasonal Employee on the Employer's payroll records.
  7.  Other: Employees, except City Manager, who participate in the State of New Mexico Defined Benefit Plan. (must be definitely determinable under Regulation §1.401-1(b). Exclusions may be employment title specific but may not be by individual name)

**NOTE:** If option 4. - 6. (part-time, temporary and/or seasonal exclusions) is selected, when any such excluded Employee actually completes 1 Year of Service, then such Employee will no longer be part of this excluded class. For this purpose, the Hours of Service method will be used for the 1 Year of Service override regardless of any contrary selection at Question 16.

13. CONDITIONS OF ELIGIBILITY (Plan Section 3.1)
- a.  **No age and service required.** No age and service required for all Contribution Types (skip to Question 14).
- b.  **Eligibility.** An Eligible Employee will be eligible to participate in the Plan upon satisfaction of the following (complete c. and d., select e. and f. if applicable):

**Eligibility Requirements**

- c.  **Age Requirement**
1.  No age requirement
  2.  Age 20 1/2
  3.  Age 21
  4.  Age \_\_\_\_\_ (may not exceed 26)
- d.  **Service Requirement**
1.  No service requirement
  2.  \_\_\_\_\_ (not to exceed 60) months of service (elapsed time)
  3.  1 Year of Service
  4.  \_\_\_\_\_ (not to exceed 5) Years of Service
  5.  \_\_\_\_\_ consecutive month period from the Eligible Employee's employment commencement date and during which at least \_\_\_\_\_ Hours of Service are completed.
  6.  \_\_\_\_\_ consecutive months of employment.
  7.  Other: \_\_\_\_\_ (e.g., date on which 1,000 Hours of Service is completed within the computation period) (must satisfy the Notes below)

**NOTE:** If c.4. or d.7. is selected, the condition must be an age or service requirement that is definitely determinable and may not exceed age 26 and may not exceed 5 Years of Service.

**NOTE:** Year of Service means Period of Service if the elapsed time method is chosen.

**Waiver of conditions.** The service and/or age requirements specified above will be waived in accordance with the following (leave blank if there are no waivers of conditions):

- e.  If employed on \_\_\_\_\_ the following requirements, and the entry date requirement, will be waived. The waiver applies to any Eligible Employee unless 3. selected below. Such Employees will enter the Plan as of such date (select 1. and/or 2. AND 3. if applicable):
1.  service requirement (may let part-time Eligible Employees into the Plan)
  2.  age requirement
  3.  waiver is for: \_\_\_\_\_

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**Amendment or restatement to change eligibility requirements**

- f.  This amendment or restatement (or a prior amendment and restatement) modified the eligibility requirements and the prior eligibility conditions continue to apply to the Eligible Employees specified below. If this option is NOT selected, then all Eligible Employees must satisfy the eligibility conditions set forth above.
  - 1.  The eligibility conditions above only apply to Eligible Employees who were not Participants as of the effective date of the modification.
  - 2.  The eligibility conditions above only apply to individuals who were hired on or after the effective date of the modification.

**14. EFFECTIVE DATE OF PARTICIPATION (ENTRY DATE) (Plan Section 3.2)**

An Eligible Employee who has satisfied the eligibility requirements will become a Participant in the Plan as of the:

- a.  date such requirements are met
- b.  first day of the month coinciding with or next following the date on which such requirements are met
- c.  first day of the Plan Year quarter coinciding with or next following the date on which such requirements are met
- d.  earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date on which such requirements are met
- e.  first day of the Plan Year coinciding with or next following the date on which such requirements are met
- f.  first day of the Plan Year in which such requirements are met
- g.  first day of the Plan Year in which such requirements are met, if such requirements are met in the first 6 months of the Plan Year, or as of the first day of the next succeeding Plan Year if such requirements are met in the last 6 months of the Plan Year.
- h.  other: \_\_\_\_\_ (must be definitely determinable)

**SERVICE**

**15. RECOGNITION OF SERVICE WITH OTHER EMPLOYERS (Plan Sections 1.40 and 1.55)**

- a.  No service with other employers is recognized except as otherwise required by law (e.g., the Plan already provides for the recognition of service with Employers who have adopted this Plan as well as service with Affiliated Employers and predecessor Employers who maintained this Plan; skip to Question 16).
- b.  Service with the designated employers is recognized as follows (select c. – e. and one or more of columns 1. - 3.; chose other options as applicable) (if more than 3 employers, attach an addendum to the Adoption Agreement or complete option h. under Section B of Appendix A):

	1.	2.	3.
Other Employer	Eligibility	Vesting	Contribution Allocation
c. <input type="checkbox"/> Employer name: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Employer name: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Employer name: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Limitations**

- f.  The following provisions or limitations apply with respect to the recognition of prior service: \_\_\_\_\_ (e.g., credit service with X only on/following 1/1/19)
- g.  The following provisions or limitations apply with respect to the recognition of service with other employers: \_\_\_\_\_ (e.g., credit service with X only on/following 1/1/19 or credit all service with entities the Employer acquires after 12/31/18)

**NOTE:** If the other Employer(s) maintained this qualified Plan, then Years (and/or Periods) of Service with such Employer(s) must be recognized pursuant to Plan Sections 1.40 and 1.55 regardless of any selections above.

**16. SERVICE CREDITING METHOD (Plan Sections 1.40 and 1.55)**

**NOTE:** If any Plan provision is based on a Year of Service, then the provisions set forth in the definition of Year of Service in Plan Section 1.55 will apply, including the following defaults, except as otherwise elected below:

- 1. A Year of Service means completion of at least 1,000 Hours of Service during the applicable computation period.
- 2. Hours of Service (Plan Section 1.24) will be based on actual Hours of Service except that for Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees), the monthly equivalency will be used.
- 3. For eligibility purposes, the computation period will be as defined in Plan Section 1.55 (i.e., shift to the Plan Year if the eligibility condition is one (1) Year of Service or less).
- 4. For vesting, allocation, and distribution purposes, the computation period will be the Plan Year.
- 5. Upon an Employee's rehire, all prior service with the Employer is taken into account for all purposes.

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- a.  **Elapsed time method.** (Period of Service applies instead of Year of Service) Instead of Hours of Service, elapsed time will be used for:
1.  all purposes (skip to Question 17)
  2.  the following purposes (select one or more):
    - a.  eligibility to participate
    - b.  vesting
    - c.  allocations, distributions and contributions
- b.  **Alternative definitions for the Hours of Service method.** Instead of the defaults, the following alternatives will apply for the Hours of Service method (select one or more):
1.  **Eligibility computation period.** Instead of shifting to the Plan Year, the eligibility computation period after the initial eligibility computation period will be based on each anniversary of the date the Employee first completes an Hour of Service
  2.  **Vesting computation period.** Instead of the Plan Year, the vesting computation period will be the date an Employee first performs an Hour of Service and each anniversary thereof.
  3.  **Equivalency method.** Instead of using actual Hours of Service, an equivalency method will be used to determine Hours of Service for:
    - a.  all purposes
    - b.  the following purposes (select one or more):
      1.  eligibility to participate
      2.  vesting
      3.  allocations, distribution and contributions

Such method will apply to:

    - c.  all Employees
    - d.  Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees)
    - e.  other: \_\_\_\_\_ (e.g., per-diem Employees only)

Hours of Service will be determined on the basis of:

    - f.  days worked (10 hours per day)
    - g.  weeks worked (45 hours per week)
    - h.  semi-monthly payroll periods worked (95 hours per semi-monthly pay period)
    - i.  months worked (190 hours per month)
    - j.  bi-weekly payroll periods worked (90 hours per bi-weekly pay period)
    - k.  other: \_\_\_\_\_ (e.g., option f. is used for per-diem Employees and option g. is used for on-call Employees).
  4.  **Number of Hours of Service required.** Instead of 1,000 Hours of Service, Year of Service means the applicable computation period during which an Employee has completed at least \_\_\_\_\_ (not to exceed 1,000) Hours of Service for:
    - a.  all purposes
    - b.  the following purposes (select one or more):
      1.  eligibility to participate
      2.  vesting
      3.  allocations, distributions and contributions
- c.  **Alternative for counting all prior service.** Instead of the default which recognizes all prior service for rehired Employees, the Plan will not recognize prior service and rehired Employee are treated as new hires for the following purposes: (select one)
1.  all purposes
  2.  the following purposes (select one or more):
    - a.  eligibility to participate
    - b.  vesting
    - c.  sharing in allocations or contributions
- d.  **Other service crediting provisions:** \_\_\_\_\_ (must be definitely determinable; e.g., for vesting a Year of Service is based on 1,000 Hours of Service but for eligibility a Year of Service is based on 900 Hours of Service.)

NOTE: Must not list more than 1,000 hours in this Section. This servicing credit provision will be used for:

1.  All purposes
2.  The following purposes (select one or more):
  - a.  eligibility to participate
  - b.  vesting
  - c.  allocations, distributions and contributions

**VESTING**

17. VESTING OF PARTICIPANT'S INTEREST – EMPLOYER CONTRIBUTIONS (Plan Section 6.4(b))
- a.  N/A (no Employer contributions; skip to Question 19)
  - b.  The vesting provisions selected below apply. Section B of Appendix A can be used to specify any exceptions to the provisions below.

**NOTE:** The Plan provides that contributions for converted sick leave and/or vacation leave are fully Vested.

**Vesting for Employer contributions other than matching contributions**

- c.  N/A (no Employer contributions (other than matching contributions); skip to f.)
- d.  100% vesting. Participants are 100% Vested in Employer contributions (other than matching contributions) upon entering Plan.
- e.  The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer contributions (other than matching contributions):
  - 1.  6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
  - 2.  4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
  - 3.  5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
  - 4.  Cliff: 100% vesting after \_\_\_\_\_ (not to exceed 15) years
  - 5.  Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
<u>1 year</u>	<u>20%</u> %
<u>2 years</u>	<u>40%</u> %
<u>3 years</u>	<u>60%</u> %
<u>4 years</u>	<u>80%</u> %
<u>5 years</u>	<u>100%</u> %
<u>City Manager Only</u>	<u>100%</u> %

**Vesting for Employer matching contributions**

- f.  N/A (no Employer matching contributions)
- g.  The schedule above will also apply to Employer matching contributions.
- h.  100% vesting. Participants are 100% Vested in Employer matching contributions upon entering Plan.
- i.  The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer matching contributions:
  - 1.  6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
  - 2.  4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
  - 3.  5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
  - 4.  Cliff: 100% vesting after \_\_\_\_\_ (not to exceed 15) years
  - 5.  Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

**NOTE:** If any Part-time/Seasonal/Temporary Employees who are not covered under Social Security are participating in this Plan as a Social Security Replacement Plan, any contributions used to satisfy the minimum contribution requirements of Question 24.e. will be 100% vested.

18. VESTING OPTIONS
- Excluded vesting service.** The following Years of Service will be disregarded for vesting purposes (select all that apply; leave blank if none apply):
- a.  Service prior to the initial Effective Date of the Plan or a predecessor plan (as defined in Regulations §1.411(a)-5(b)(3))
  - b.  Service prior to the computation period in which an Employee has attained age \_\_\_\_\_.
  - c.  Service during a period for which an Employee did not make mandatory Employee contributions.

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**Vesting for death, Total And Permanent Disability and Early/Normal Retirement.** Regardless of the vesting schedule, a Participant will become fully Vested upon (select all that apply; leave blank if none apply):

- d.  Death
- e.  Total and Permanent Disability
- f.  Early Retirement Date
- g.  Normal Retirement Age

**RETIREMENT AGES**

19. NORMAL RETIREMENT AGE ("NRA") (Plan Section 1.33) means:

This Question 19 and Question 20 may be skipped if the Plan does not base any benefits, distributions or other features on Normal Retirement Age.

- a.  **Specific age.** The date a Participant attains age 65
- b.  **Age/participation.** The later of the date a Participant attains age \_\_\_\_\_ or the \_\_\_\_\_ anniversary of the first day of the Plan Year in which participation in the Plan commenced
- c.  Other: \_\_\_\_\_ (must be definitely determinable)

**NOTE:** If this is a Money Purchase Pension Plan and in-service distributions at Normal Retirement Age are permitted, then the Normal Retirement Age cannot be less than age 62, or age 50 if substantially all Participants are qualified public safety employees (as defined in Code §72(t)(1)). The "substantially all" requirement for qualified public safety employees will no longer be a requirement as of the effective date of the final regulations once they are issued & effective. If an age less than 62 is inserted (unless the age 50 safe harbor is applicable for a qualified public safety employee), no reliance will be afforded on the Opinion Letter issued to the Plan that such age is reasonably representative of the typical retirement age for the industry in which the Participants works. Effective for Employees hired during Plan Years beginning on or after the later of (1) January 1, 2015, or (2) the close of the first legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is three (3) months after the final regulations are published in the Federal Register, an NRA of less than age 62 must comply with the final regulations under §401(a).

**Qualified public safety employees.** Normal Retirement Age for public safety employees (as defined in Code §72(t)(1)) (leave blank if not applicable)

- d.  Age \_\_\_\_\_ (may not be less than 50 for a Money Purchase Pension Plan or 40 for a Profit Sharing Plan)

20. NORMAL RETIREMENT DATE (Plan Section 1.34) means, with respect to any Participant, the:

- a.  date on which the Participant attains "NRA"
- b.  first day of the month coinciding with or next following the Participant's "NRA"
- c.  first day of the month nearest the Participant's "NRA"
- d.  Anniversary Date coinciding with or next following the Participant's "NRA"
- e.  Anniversary Date nearest the Participant's "NRA"
- f.  Other: \_\_\_\_\_ (e.g., first day of the month following the Participant's "NRA").

21. EARLY RETIREMENT DATE (Plan Section 1.15)

- a.  N/A (no early retirement provision provided)
- b.  Early Retirement Date means the:
  - 1.  date on which a Participant satisfies the early retirement requirements
  - 2.  first day of the month coinciding with or next following the date on which a Participant satisfies the early retirement requirements
  - 3.  Anniversary Date coinciding with or next following the date on which a Participant satisfies the early retirement requirements

**Early retirement requirements**

- 4.  Participant attains age \_\_\_\_\_  
**AND, completes....** (leave blank if not applicable)
  - a.  at least \_\_\_\_\_ Years (or Periods) of Service for vesting purposes
  - b.  at least \_\_\_\_\_ Years (or Periods) of Service for eligibility purposes
- c.  Early Retirement Date means: \_\_\_\_\_ (must be definitely determinable)

**COMPENSATION**

22. COMPENSATION with respect to any Participant is defined as follows (Plan Sections 1.10 and 1.23).

**Base definition**

- a.  Wages, tips and other compensation on Form W-2
- b.  Code §3401(a) wages (wages for withholding purposes)
- c.  415 safe harbor compensation

**NOTE:** Plan Section 1.10(c) provides that the base definition of Compensation includes deferrals that are not included in income due to Code §§401(k), 125, 132(f)(4), 403(b), 402(h)(1)(B)(SEP), 414(h)(2), & 457.

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**Determination period.** Compensation will be based on the following "determination period" (this will also be the Limitation Year unless otherwise elected at option f. under Section B of Appendix A):

- d.  the Plan Year  
 e.  the Fiscal Year coinciding with or ending within the Plan Year  
 f.  the calendar year coinciding with or ending within the Plan Year

**Adjustments to Compensation** (for Plan Section 1.10). Compensation will be adjusted by:

- g.  **No adjustments** (skip to Question 23, below)  
 h.  **Adjustments.** Compensation will be adjusted by (select all that apply):
1.  excluding salary reductions (401(k), 125, 132(f)(4), 403(b), SEP, 414(h)(2) pickup, & 457)
  2.  excluding reimbursements or other expense allowances, fringe benefits (cash or non-cash), moving expenses, deferred compensation (other than deferrals specified in 1. above) and welfare benefits.
  3.  excluding Compensation paid during the "determination period" while not a Participant in the Plan.
  4.  excluding Military Differential Pay
  5.  excluding overtime
  6.  excluding bonuses
  7.  other: PTO buyout, cell phone stipends and auto allowance. (e.g., describe Compensation from the elections available above or a combination thereof as to a Participant group (e.g., no exclusions as to Division A Employees and exclude bonuses as to Division B Employees); and/or describe another exclusion (e.g., exclude shift differential pay)).

23. **POST-SEVERANCE COMPENSATION (415 REGULATIONS)**

**415 Compensation (post-severance compensation adjustments)** (select all that apply at a.; leave blank if none apply)

**NOTE:** Unless otherwise elected under a. below, the following defaults apply: 415 Compensation will **include** (to the extent provided in Plan Section 1.23), post-severance regular pay, leave cash-outs and payments from nonqualified unfunded deferred compensation plans.

- a.  The defaults listed above apply except for the following (select one or more):
1.  Leave cash-outs will be **excluded**
  2.  Nonqualified unfunded deferred compensation will be **excluded**
  3.  Disability continuation payments will be **included** for all Participants and the salary continuation will continue for the following fixed or determinable period: \_\_\_\_\_
  4.  Other: \_\_\_\_\_ (must be definitely determinable)

**Plan Compensation (post-severance compensation adjustments)**

- b.  **Defaults apply.** Compensation will **include** (to the extent provided in Plan Section 1.10 and to the extent such amounts would be included in Compensation if paid prior to severance of employment) post-severance regular pay, leave cash-outs, and payments from nonqualified unfunded deferred compensation plans. (skip to Question 24)  
 c.  **Exclude all post-severance compensation.** Exclude all post-severance compensation for allocation purposes.  
 d.  **Post-severance adjustments.** The defaults listed at b. apply except for the following (select one or more):
1.  Exclude all post-severance compensation
  2.  Regular pay will be **excluded**
  3.  Leave cash-outs will be **excluded**
  4.  Nonqualified unfunded deferred compensation will be **excluded**
  5.  Military Differential Pay will be **included**
  6.  Disability continuation payments will be **included** for all Participants and the salary continuation will continue for the following fixed or determinable period: \_\_\_\_\_
- e.  Other: \_\_\_\_\_ (must be definitely determinable)

**CONTRIBUTIONS AND ALLOCATIONS**

24. **EMPLOYER CONTRIBUTIONS (OTHER THAN MATCHING CONTRIBUTIONS)** (Plan Section 4.1(b)(3)) (skip to Question 26 if Employer contributions are NOT selected at Question 11.b.)

**CONTRIBUTION FORMULA** (select one or more of the following contribution formulas):

- a.  **Discretionary contribution (no groups).** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may make a discretionary contribution, to be determined by the Employer. Any such contribution will be allocated to each Participant eligible to share in allocations in the same ratio as each Participant's Compensation bears to the total of such Compensation of all Participants.  
 b.  **Discretionary contribution (Grouping method).** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may designate a discretionary contribution to be made on behalf of each Participant group selected below (only select 1. or 2.). The groups must be clearly defined in a manner that will not violate the definite predetermined allocation formula requirement of Regulation §1.401-1(b)(1)(ii). The Employer must notify the Trustee in writing of the amount of the Employer Contribution being given to each group.
1.  Each Participant constitutes a separate classification.
  2.  Participants will be divided into the following classifications with the allocation methods indicated under each classification.

**Definition of classifications.** Define each classification and specify the method of allocating the contribution among members of each classification. Classifications specified below must be clearly

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defined in a manner that will not violate the definitely determinable allocation requirement of Regulation §1.401-1(b)(1)(ii).

Classification A will consist of \_\_\_\_\_  
The allocation method will be:  pro rata based on Compensation  
 equal dollar amounts (per capita)

Classification B will consist of \_\_\_\_\_  
The allocation method will be:  pro rata based on Compensation  
 equal dollar amounts (per capita)

Classification C will consist of \_\_\_\_\_  
The allocation method will be:  pro rata based on Compensation  
 equal dollar amounts (per capita)

Classification D will consist of \_\_\_\_\_  
The allocation method will be:  pro rata based on Compensation  
 equal dollar amounts (per capita)

Additional Classifications: \_\_\_\_\_ (specify the classifications and which of the above allocation methods (pro rata or per capita) will be used for each classification).

**NOTE:** If more than four (4) classifications, the additional classifications and allocation methods may be attached as an addendum to the Adoption Agreement or may be entered under Additional Classifications above.

**Determination of applicable group.** If a Participant shifts from one classification to another during a Plan Year, then unless selected below, the Participant is in a classification based on the Participant's status as of the last day of the Plan Year, or if earlier, the date of termination of employment. If selected below, the Administrator will apportion the Participant's allocation during a Plan Year based on the following:

- a.  Beginning of Plan Year. The classification will be based on the Participant's status as of the beginning of the Plan Year.
- b.  Months in each classification. Pro rata based on the number of months the Participant spent in each classification.
- c.  Days in each classification. Pro rata based on the number of days the Participant spent in each classification.
- d.  One classification only. The Employer will direct the Administrator to place the Participant in only one classification for the entire Plan Year during which the shift occurs.

c.  **Fixed contribution** equal to (only select one):

1.  \_\_\_\_\_% of each Participant's Compensation for each:

- a.  Plan Year
- b.  calendar quarter
- c.  month
- d.  pay period
- e.  week

2.  \$\_\_\_\_\_ per Participant.

3.  \$\_\_\_\_\_ per Hour of Service worked while an Eligible Employee

a.  up to \_\_\_\_\_ hours (leave blank if no limit)

4.  other: 15% of each Participant's Compensation and an annual lump sum discretionary amount for City Manager. (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b)) **NOTE:** Under Question 24.c.4., the Employer may only describe the allocation of Nonelective Contributions from the elections available under Question 24.c of this Adoption Agreement and/or a combination thereof as to a Participant group (e.g., a monthly contribution applies to Group A).

d.  **Sick leave/vacation leave conversion.** The Employer will contribute an amount equal to an Employee's current hourly rate of pay multiplied by the Participant's number of unused accumulated sick leave and/or vacation days (as selected below). Only unpaid sick and vacation leave for which the Employee has no right to receive in cash may be included. In no event will the Employer's contribution for the Plan Year exceed the maximum contribution permitted under Code §415(c).

The following may be converted under the Plan: (select one or both):

- 1.  Sick leave
- 2.  Vacation leave

**Eligible Employees.** Only the following Participants shall receive the Employer contribution for sick leave and/or vacation leave (select 3. and/or 4; leave blank if no limitations provided, however, that this Plan may not be used to only provide benefits for terminated Employees)

- 3.  **Former Employees.** All Employees terminating service with the Employer during the Plan Year and who have satisfied the eligibility requirements based on the terms of the Employer's accumulated benefits plans checked below (select all that apply; leave blank if no exclusions):
  - a.  The Former Employee must be at least age \_\_\_\_\_ (e.g., 55)
  - b.  The value of the sick and/or vacation leave must be at least \$\_\_\_\_\_ (e.g., \$2,000)
  - c.  A contribution will only be made if the total hours is over \_\_\_\_\_ (e.g., 10) hours
  - d.  A contribution will not be made for hours in excess of \_\_\_\_\_ (e.g., 40) hours

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4.  **Active Employees.** Active Employees who have not terminated service during the Plan Year and who meet the following requirements (select all that apply; leave blank if no exclusions):
- a.  The Employee must be at least age \_\_\_\_\_ (e.g., 55)
  - b.  The value of the sick and/or vacation leave must be at least \$\_\_\_\_\_ (e.g., \$2,000)
  - c.  A contribution will only be made if the total hours is over \_\_\_\_\_ (e.g., 10) hours
  - d.  A contribution will not be made for hours in excess of \_\_\_\_\_ (e.g., 40) hours
- e.  **Social Security Replacement Plan.** Except as provided below, the Employer will contribute an amount equal to 7.5% of each eligible Participant's Compensation for the entire Plan Year, reduced by mandatory Employee contributions that are picked-up under Code §414(h) and Employer contributions to this Plan actually contributed to the Participant's Account during such Plan Year. (may only be selected if Question 11.b.1. has also been selected) **AND**, only the following Employees will NOT be eligible for the Social Security Replacement Plan contribution: (select all that apply)
1.  Part-time Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A part-time Employee is an Employee whose regularly scheduled service is less than \_\_\_\_\_ Hours of Service in the relevant eligibility computation period (as defined in Plan Section 1.55).
  2.  Seasonal Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A seasonal Employee is an Employee who is categorized as a seasonal Employee on the Employer's payroll records.
  3.  Temporary Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A temporary Employee is an Employee who is categorized as a temporary Employee on the Employer's payroll records.
  4.  Employees in elective positions (filled by an election, which may be by legislative body, board or committee, or by a jurisdiction's qualified electorate)
  5.  Other: \_\_\_\_\_ (any other group of Employees that is definitely determinable and not eligible for the Social Security Replacement Plan contribution).

The minimum contribution of 7.5% stated above will be satisfied by:

- a.  the Employee only (specify the contribution at the mandatory Employee contributions Question 30)
- b.  the Employer only
- c.  both the Employee and the Employer. The Employee shall contribute the amount specified in Question 30 for mandatory Employee contributions) and the Employer shall contribute \_\_\_\_\_% of each eligible Participant's Compensation.

NOTE: If a. or c. above is selected, then the mandatory Employee contribution must be picked-up by the Employer at Question 30. Also, if b. or c. above is selected, then the allocation conditions in Question 25 below do not apply to the Employer contribution made pursuant to this provision.

- f.  Other: \_\_\_\_\_ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and if this is a Money Purchase Pension, it must not be a discretionary contribution formula). **NOTE:** Under Question 24.f., the Employer may only describe the allocation of Nonelective Contributions from the elections available under Question 24 and/or a combination thereof as to a Participant group or contribution type (e.g., pro rata allocation applies to Group A; contributions to other Employees will be allocated in accordance with the classifications allocation provisions of Plan Section 4.3 with each Participant constituting a separate classification).

25. ALLOCATION CONDITIONS (Plan Section 4.3). If 24.a., b., c., or f. is selected above, indicate requirements to share in allocations of Employer contributions (select a. OR b. and all that apply at c. - e.)

- a.  **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 26).
- b.  **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)  
**Conditions for Participants NOT employed on the last day of the Plan Year**
  1.  A Participant must complete at least 1 (not to exceed 500) Hours of Service if the actual hours/equivalency method is selected (or at least \_\_\_\_\_ (not to exceed 3) months of service if the elapsed time method is selected).
  2.  A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
  3.  Participants will NOT share in the allocations, regardless of service.
  4.  Participants will share in the allocations, regardless of service.
  5.  Other: \_\_\_\_\_ (must be definitely determinable and not subject to Employer discretion)

**Conditions for Participants employed on the last day of the Plan Year**

6.  No service requirement.
7.  A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
8.  A Participant must complete at least 1 Hours of Service during the Plan Year.
9.  Other: \_\_\_\_\_ (must be definitely determinable and not subject to Employer discretion)

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**Waiver of conditions for Participants NOT employed on the last day of the Plan Year.** If b.1., 2., 3., or 5. above is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c.  Death
- d.  Total and Permanent Disability
- e.  Termination of employment on or after Normal Retirement Age
  - 1.  or Early Retirement Date

26. EMPLOYER MATCHING CONTRIBUTIONS (Plan Section 4.1(b)(2) and Plan Section 4.12). (skip to Question 29 if matching contributions are NOT selected at Question 11.c.) The Employer will (or may with respect to any discretionary contribution) make the following matching contributions:

A. **Employee contributions taken into account.** For purposes of applying the matching contribution provisions below, the following amounts are being matched (hereafter referred to as "matched Employee contributions" (select one or more):

- a.  Elective deferrals to a **457 plan**. Enter Plan name(s): \_\_\_\_\_
- b.  Elective deferrals to a **403(b) plan**. Enter Plan name(s): \_\_\_\_\_
- c.  Voluntary Employee Contributions
- d.  Other: \_\_\_\_\_ (specify amounts that are matched under this Plan and are provided for within this Adoption Agreement)

B. **Matching Formula.** (select one)

- e.  **Fixed - uniform rate/amount.** The Employer will make matching contributions equal to \_\_\_\_\_% (e.g., 50) of the Participant's "matched Employee contributions"
  - 1.  that do not exceed \_\_\_\_\_% of a Participant's Compensation (leave blank if no limit)  
Additional matching contribution (choose 2. if applicable):
  - 2.  plus an additional matching contribution of a discretionary percentage determined by the Employer,
    - a.  but not to exceed \_\_\_\_\_% of Compensation. Such contribution is subject to the Instructions and Notice requirement of Section 4.12.

f.  **Fixed - tiered.** The Employer will make matching contributions equal to a uniform percentage of each tier of each Participant's "matched Employee contributions", determined as follows:

**NOTE:** Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	, _____%
Next _____	_____%
Next _____	_____%
Next _____	_____%

g.  **Fixed - Years of Service.** The Employer will make matching contributions equal to a uniform percentage of each Participant's "matched Employee contributions" based on the Participant's Years of Service (or Periods of Service if the elapsed time method is selected), determined as follows (add additional tiers if necessary):

Years (or Periods) of Service	Matching Percentage
_____	_____%
_____	_____%
_____	_____%

For purposes of the above matching contribution formula, a Year (or Period) of Service means a Year (or Period) of Service for:

- 1.  vesting purposes
- 2.  eligibility purposes

h.  **Flexible Discretionary Match.** (may not be elected if this Plan is a Money Purchase Pension Plan) "Flexible Discretionary Match" means a Matching Contribution which the Employer in its sole discretion elects to make to the Plan. Except as specified below, the Employer retains discretion over the formula or formulas for allocating the Flexible Discretionary Match, including the Discretionary Matching Contribution rate or amount, the limit(s) on Elective Deferrals or Employee Contributions subject to match, the per Participant match allocation limit(s), the Participants or categories of Participants who will receive the allocation, and the time period applicable to any matching formula(s) (collectively, the "Flexible Discretionary Matching Formula"), except as the Employer otherwise elects in its Adoption Agreement. Such contributions will be subject to the Instructions and Notice requirement of Section 4.12, reproduced below, unless the Employer elects to use a "Rigid Discretionary Match" in Election 26.B.h.1. below.

The discretionary matching contribution under this Question 26.B.h. is a "Flexible Discretionary Match" unless the Employer elects to use a "Rigid Discretionary Match." (Choose 1. if applicable.)

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1.  **Rigid Discretionary Match.** A "Rigid Discretionary Match" means a Matching Contribution which the Employer in its sole discretion elects to make to the Plan. Such discretion will only pertain to the amount of the annual contribution. The Employer must select the allocation method for this Contribution by selecting among those Adoption Agreement options which confer no Employer Discretion regarding the allocation of such discretionary amount, for example, the limit(s) on Elective Deferrals or Employee Contributions subject to match, the per Participant match allocation limit(s), the Participants who will receive the allocation, and the time period applicable to any matching formula(s). This "Rigid Discretionary Match" is not subject to the Instructions and Notice requirement of Section 4.12.

Section 4.12 provides: INSTRUCTIONS TO ADMINISTRATOR AND NOTIFICATION TO PARTICIPANTS. For Plan Years beginning after the end of the Plan Year in which this document is first adopted, if a "Flexible Discretionary Match" contribution formula applies (i.e., a formula that provides an Employer with discretion regarding how to *allocate* a matching contribution to Participants) and the Employer makes a "Flexible Discretionary Match" to the Plan, the Employer must provide the Plan Administrator or Trustee written instructions describing (1) how the "Flexible Discretionary Match" formula will be allocated to Participants (e.g., a uniform percentage of Elective Deferrals or a flat dollar amount), (2) the computation period(s) to which the "Flexible Discretionary Match" formula applies, and (3) if applicable, a description of each business location or business classification subject to separate "Flexible Discretionary Match" allocation formulas. Such instructions must be provided no later than the date on which the "Flexible Discretionary Match" is made to the Plan. A summary of these instructions must be communicated to Participants who receive an allocation of the "Flexible Discretionary Match" no later than 60 days following the date on which the last "Flexible Discretionary Match" contribution is made to the Plan for the Plan Year.

- i.  **Discretionary - tiered.** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may make matching contributions equal to a discretionary percentage of a Participant's "matched Employee contributions," to be determined by the Employer, of each tier, to be determined by the Employer. Such discretion will only pertain to the amount of the contribution. The tiers may be based on the rate of a Participant's "matched Employee contributions" or Years of Service. Such contribution is subject to the Instructions and Notice requirement of Section 4.12.

**NOTE:** Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____ %
Next _____	_____ %
Next _____	_____ %
Next _____	_____ %

- j.  Other: \_\_\_\_\_ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and if this is a Money Purchase Pension Plan, it must not be a discretionary contribution formula. **NOTE:** Under Question 26.B.j., the Employer may only describe the allocation of Matching Contributions from the elections available under Question 26 and/or a combination thereof as to a Participant group or contribution type (e.g., fixed – uniform rate applies to Group A; contributions to other Employees will be allocated as a tiered contribution.)

27. MATCHING CONTRIBUTION PROVISIONS

- A. **Maximum matching contribution.** The total matching contribution made on behalf of any Participant for any Plan Year will not exceed:
- a.  N/A (no Plan specific limit on the amount of matching contribution)
  - b.  \$\_\_\_\_\_.
  - c.  \_\_\_\_\_% of Compensation.
- B. **Period of determination.** Any matching contribution other than a "Flexible Discretionary Match" will be applied on the following basis (and "matched Employee contributions" and any Compensation or dollar limitation used in determining the matching contribution will be based on the applicable period. Skip if the only Matching Contribution is a Flexible Discretionary Match.):
- d.  the Plan Year (potential annual true-up required)
  - e.  each payroll period (no true-up)
  - f.  each month (potential monthly true-up required)
  - g.  each Plan Year quarter (potential quarterly true-up required)
  - h.  each payroll unit (e.g., hour) (no true-up)
  - i.  Other (specify): \_\_\_\_\_ The time period described must be definitely determinable under Treas. Reg. §1.401-1(b). This line may be used to apply different options to different matching contributions (e.g., Discretionary matching contributions will be allocated on a Plan Year period while fixed matching contributions will be allocated on each payroll period.) Such contribution period is subject to the Instructions and Notice requirement of Section 4.12.

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28. ALLOCATION CONDITIONS (Plan Section 4.3) Select a. OR b. and all that apply of c. - h.
- a.  **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 29).
- b.  **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)  
**Conditions for Participants NOT employed on the last day of the Plan Year.**
1.  A Participant must complete more than \_\_\_\_\_ Hours of Service (or \_\_\_\_\_ months of service if the elapsed time method is selected).
  2.  A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
  3.  Participants will NOT share in the allocations, regardless of service.
  4.  Participants will share in the allocations, regardless of service.
  5.  Other: \_\_\_\_\_ (must be definitely determinable)

**Conditions for Participants employed on the last day of the Plan Year**

6.  No service requirement.
7.  A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
8.  A Participant must complete at least \_\_\_\_\_ Hours of Service during the Plan Year.
9.  Other: \_\_\_\_\_ (must be definitely determinable and not subject to Employer discretion)

**Waiver of conditions for Participants NOT employed on the last day of the Plan Year.** If b.1., 2., 3., or 5. is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c.  Death
- d.  Total and Permanent Disability
- e.  Termination of employment on or after Normal Retirement Age
  1.  or Early Retirement Date

**Conditions based on period other than Plan Year.** The allocation conditions above will be applied based on the Plan Year unless otherwise selected below. If selected, the above provisions will be applied by substituting the term Plan Year with the specified period (e.g., if Plan Year quarter is selected below and the allocation condition is 250 Hours of Service per quarter, enter 250 hours (not 1000) at b.8. above).

- f.  The Plan Year quarter.
- g.  Payroll period.
- h.  Other: \_\_\_\_\_ (must be definitely determinable and not subject to Employer discretion and may not be longer than a twelve month period).

29. FORFEITURES (Plan Sections 1.21 and 4.3(e))

**Timing of Forfeitures.** Except as provided in Plan Section 1.21, a Forfeiture will occur:

- a.  N/A (may only be selected if all contributions are fully Vested (default provisions at Plan Section 4.3(e) apply))
- b.  As of the earlier of (1) the last day of the Plan Year in which the former Participant incurs five (5) consecutive 1-Year Breaks in Service, or (2) the distribution of the entire Vested portion of the Participant's Account.
- c.  As of the last day of the Plan Year in which the former Participant incurs five (5) consecutive 1-Year Breaks in Service.
- d.  As soon as reasonably practical after the date the Participant severs employment.

**Use of Forfeitures.** (skip if this is NOT a Money Purchase Pension Plan; for Profit Sharing Plans, Forfeitures are disposed of in accordance with Employer direction that is consistent with Section 4.3(e)).

Forfeitures will be (select one):

- e.  added to the Employer contribution and allocated in the same manner
- f.  used to reduce any Employer contribution
- g.  allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
- h.  other: \_\_\_\_\_ (describe the treatment of Forfeitures in a manner that is definitely determinable and that is not subject to Employer discretion)

30. MANDATORY EMPLOYEE CONTRIBUTIONS (Plan Section 4.8) (skip if mandatory Employee contributions NOT selected at Question 11.d.)

**Type of mandatory Employee Contribution.** The mandatory Employee contribution is being made in accordance with the following: (select one)

- a.  The mandatory Employee contribution is a condition of employment.
- b.  The Employee must make, on or before first being eligible to participate under any Plan of the Employer, an irrevocable election to contribute the mandatory Employee contribution to the Plan. No Eligible Employee will become a Participant unless the Employee makes such an irrevocable election.

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**Amount of mandatory Employee Contribution** (select one)

- c.  An Eligible Employee must contribute to the Plan \_\_\_\_\_% (not to exceed 25%) of Compensation.
- d.  An Eligible Employee must, prior to his or her first Entry Date, make a one-time irrevocable election to contribute to the Plan from \_\_\_\_\_% (not less than 1%) to \_\_\_\_\_% (not to exceed 25%) of Compensation.

**Conditions of Mandatory Employee Contributions**

- e.  **Additional provisions and conditions:** \_\_\_\_\_ (must be definitely determinable; e.g., Only full-time Employees must make mandatory Employee contributions)

**Employer pick-up contribution.** The mandatory Employee contribution is "picked-up" by the Employer under Code §414(h)(2) unless elected below. (select if applicable)

- f.  The mandatory Employee contribution is not "picked-up" by the Employer.

**DISTRIBUTIONS**31. **FORM OF DISTRIBUTIONS** (Plan Sections 6.5 and 6.6)

Distributions under the Plan may be made in (select all that apply; must select at least one):

- a.  lump-sums
- b.  substantially equal installments
- c.  partial withdrawals, provided the minimum withdrawal is \$\_\_\_\_\_ (leave blank if no minimum)
- d.  partial withdrawals or installments are only permitted for Participants or Beneficiaries who must receive required minimum distributions under Code §401(a)(9) except for the following (leave blank if no exceptions):
1.  Only Participants (and not Beneficiaries) may elect partial withdrawals or installments
  2.  Other: \_\_\_\_\_ (e.g., partial is not permitted for death benefits. Must be definitely determinable and not subject to Employer discretion.)
- e.  annuity: \_\_\_\_\_ (describe the form of annuity or annuities)
- f.  other: \_\_\_\_\_ (must be definitely determinable and not subject to Employer discretion)

**NOTE:** Regardless of the above, a Participant is not required to request a withdrawal of his or her total Account for an in-service distribution, a hardship distribution, or a distribution from the Participant's Rollover Account.

**Cash or property.** Distributions may be made in:

- g.  cash only, except for (select all that apply; leave blank if none apply):
1.  insurance Contracts
  2.  annuity Contracts
  3.  Participant loans
  4.  all investments in an open brokerage window or similar arrangement
- h.  cash or property, except that the following limitation(s) apply: (leave blank if there are no limitations on property distributions):
1.  \_\_\_\_\_ (must be definitely determinable and not subject to Employer discretion)

**Joint and Survivor Annuity provisions.** (Plan Sections 6.5(e) and 6.6(e) (select one) The Joint and Survivor Annuity provisions do not apply to the Plan unless selected below (choose if applicable)

- i.  **Joint and Survivor Annuity applicable as normal form of distribution.** The Joint and Survivor annuity rules set forth in Plan Sections 6.5(e) and 6.5(f) apply to all Participants (if selected, then annuities are a form of distribution under the Plan even if e. above is not selected)
- j.  **Joint and Survivor Annuity rules apply based on Participant election.** Plan Section 6.5(f) will apply and the joint and survivor rules of Code §§401(a)(11) and 417 (as set forth in Plan Sections 6.5(e) and 6.6(e) will apply only if an annuity form of distribution is selected by a Participant.

**AND,** if i. or j. is selected above, the one-year marriage rule does not apply unless selected below (choose if applicable).

1.  The one-year marriage rule applies.

**Spousal consent requirements.** Spousal consent is not required for any Plan provisions (except as otherwise elected in i. above for the joint and survivor annuity rules) unless selected below (choose if applicable)

- k.  **Required for all distributions.** A Spouse must consent to all distributions (other than required minimum distributions).
- l.  **Beneficiary designations.** A married Participant's Spouse will be the Beneficiary of the entire death benefit unless the Spouse consents to an alternate Beneficiary.

**AND,** if k. or l. is selected, the one-year marriage rule does not apply unless selected below (choose if applicable).

1.  The one-year marriage rule applies.

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32. CONDITIONS FOR DISTRIBUTIONS UPON SEVERANCE OF EMPLOYMENT. Distributions upon severance of employment pursuant to Plan Section 6.4(a) will not be made unless the following conditions have been satisfied:
- A. **Accounts in excess of \$5,000**
- a.  Distributions may be made as soon as administratively feasible following severance of employment.
  - b.  Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
  - c.  Distributions may be made as soon as administratively feasible after the last day of the Plan Year quarter coincident with or next following severance of employment.
  - d.  Distributions may be made as soon as administratively feasible after the Valuation Date coincident with or next following severance of employment.
  - e.  Distributions may be made as soon as administratively feasible after \_\_\_\_\_ months have elapsed following severance of employment.
  - f.  No distributions may be made until a Participant has reached Early or Normal Retirement Date.
  - g.  Other: \_\_\_\_\_ (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)
- B. **Accounts of \$5,000 or less**
- h.  Same as above
  - i.  Distributions may be made as soon as administratively feasible following severance of employment.
  - j.  Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
  - k.  Other: \_\_\_\_\_ (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)
- C. **Timing after initial distributable event.** If a distribution is not made in accordance with the above provisions upon the occurrence of the distributable event, then a Participant may elect a subsequent distribution at any time after the time the amount was first distributable (assuming the amount is still distributable), unless otherwise selected below (may not be selected with 32.f. and 32.h.):
- l.  Other: \_\_\_\_\_ (e.g., a subsequent distribution request may only be made in accordance with l. above (i.e., the last day of another Plan Year); must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)
- D. **Participant consent (i.e., involuntary cash-outs).** Should Vested Account balances less than a certain dollar threshold be automatically distributed without Participant consent (mandatory distributions)?
- NOTE:** The Plan provides that distributions of amounts of \$5,000 or less are only paid as lump-sums.
- m.  No, Participant consent is required for all distributions.
  - n.  Yes, Participant consent is required only if the distribution is over:
    1.  \$5,000
    2.  \$1,000
    3.  \$\_\_\_\_\_ (less than \$1,000)

**NOTE:** If 2. or 3. is selected, rollovers will be included in determining the threshold for Participant consent.

**Automatic IRA rollover.** With respect to mandatory distributions of amounts that are \$1,000 or less, if a Participant makes no election, the amount will be distributed as a lump-sum unless selected below.

    4.  If a Participant makes no election, then the amount will be automatically rolled over to an IRA provided the amount is at least \$\_\_\_\_\_ (e.g., \$200).
- E. **Rollovers in determination of \$5,000 threshold.** Unless otherwise elected below, amounts attributable to rollover contributions (if any) will be **included** in determining the \$5,000 threshold for timing of distributions, form of distributions, or consent rules.
- o.  Exclude rollovers (rollover contributions will be **excluded** in determining the \$5,000 threshold)
- NOTE:** Regardless of the above election, if the Participant consent threshold is \$1,000 or less, then the Administrator must include amounts attributable to rollovers for such purpose. In such case, an election to exclude rollovers above will apply for purposes of the timing and form of distributions.
33. DISTRIBUTIONS UPON DEATH (Plan Section 6.8(b)(2))
- Distributions upon the death of a Participant prior to the "required beginning date" will:
- a.  be made pursuant to the election of the Participant or "designated Beneficiary"
  - b.  begin within 1 year of death for a "designated Beneficiary" and be payable over the life (or over a period not exceeding the "life expectancy") of such Beneficiary, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2
  - c.  be made within 5 (or if lesser \_\_\_\_\_) years of death for all Beneficiaries

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- d.  be made within 5 (or if lesser \_\_\_\_\_) years of death for all Beneficiaries, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2 and be payable over the life (or over a period not exceeding the "life expectancy") of such "surviving Spouse"

**NOTE:** The elections above must be coordinated with the Form of distributions (e.g., if the Plan only permits lump-sum distributions, then options a., b. and d. would not be applicable).

34. OTHER PERMITTED DISTRIBUTIONS (select all that apply; leave blank if none apply)

A. IN-SERVICE DISTRIBUTIONS (Plan Section 6.11)

In-service distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (if applicable, answer a. - e.; leave blank if not applicable):

- a.  In-service distributions may be made to a Participant who has not separated from service provided the following has been satisfied (select one or more) (options 2. - 5. may only be selected with Profit Sharing Plans):
1.  Age. The Participant has reached: (select one)
    - a.  Normal Retirement Age
    - b.  age 62
    - c.  age 59 1/2 (may not be selected if a Money Purchase Pension Plan)
    - d.  age 70 1/2 (may not be less than age 62 for Money Purchase Pension Plans)
  2.  the Participant has been a Participant in the Plan for at least \_\_\_\_\_ years (may not be less than five (5))
  3.  the amounts being distributed have accumulated in the Plan for at least 2 years
  4.  other: \_\_\_\_\_ (must satisfy the definitely determinable requirement under Regulations §401-1(b); may not be subject to Employer discretion; and must be limited to a combination of items a.1. – a.3. or a Participant's disability.)

**More than one condition.** If more than one condition is selected above, then a Participant only needs to satisfy one of the conditions, unless selected below:

5.  A Participant must satisfy each condition

**NOTE:** Distributions from a Transfer Account attributable to a Money Purchase Pension Plan are not permitted prior to age 62.

**Account restrictions.** In-service distributions are permitted from the following Participant Accounts:

- b.  all Accounts
- c.  only from the following Accounts (select one or more):
1.  Account attributable to Employer matching contributions
  2.  Account attributable to Employer contributions other than matching contributions
  3.  Rollover Account
  4.  Transfer Account
- Permitted from the following assets attributable to (select one or both):
- a.  non-pension assets
  - b.  pension assets (e.g., from a Money Purchase Pension Plan)
5.  Mandatory Employee Contribution Account
6.  Other: \_\_\_\_\_ (specify Account(s) and conditions in a manner that satisfies the definitely determinable requirement under Regulation §1.401-1(b) and is not subject to Employer discretion)

**Limitations.** The following limitations apply to in-service distributions:

- d.  N/A (no additional limitations)
- e.  Additional limitations (select one or more):
1.  The minimum amount of a distribution is \$\_\_\_\_\_.
  2.  No more than \_\_\_\_\_ distribution(s) may be made to a Participant during a Plan Year.
  3.  Distributions may only be made from Accounts which are fully Vested.
  4.  In-service distributions may be made subject to the following provisions: \_\_\_\_\_ (must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and not be subject to Employer discretion).

B. HARDSHIP DISTRIBUTIONS (Plan Sections 6.12) (may not be selected if this is a Money Purchase Pension Plan)

Hardship distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (leave blank if not applicable):

- f.  Hardship distributions are permitted from the following Participant Accounts:
1.  all Accounts
  2.  only from the following Accounts (select one or more):
    - a.  Account attributable to Employer matching contributions
    - b.  Account attributable to Employer contributions other than matching contributions
    - c.  Rollover Account (if not available at any time under Question 36)
    - d.  Transfer Account (other than amounts attributable to a money purchase pension plan)
    - e.  Mandatory Employee Contribution Account
    - f.  Other: \_\_\_\_\_ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

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**NOTE:** Hardship distributions are NOT permitted from a Transfer Account attributable to pension assets (e.g., from a Money Purchase Pension Plan).

**Additional limitations.** The following limitations apply to hardship distributions:

3.  N/A (no additional limitations)
4.  Additional limitations (select one or more):
- a.  The minimum amount of a distribution is \$\_\_\_\_\_.
  - b.  No more than \_\_\_\_\_ distribution(s) may be made to a Participant during a Plan Year.
  - c.  Distributions may only be made from Accounts which are fully Vested.
  - d.  A Participant does not include a Former Employee at the time of the hardship distribution.
  - e.  Hardship distributions may be made subject to the following provisions: \_\_\_\_\_ (must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and not be subject to Employer discretion).

**Beneficiary Hardship.** Hardship distributions for Beneficiary expenses are NOT allowed unless otherwise selected below.

5.  Hardship distributions for expenses of Beneficiaries are allowed
- Special effective date** (may be left blank if effective date is same as the Plan or Restatement Effective Date; select a. and, if applicable, b.)
- a.  effective as of \_\_\_\_\_
  - b.  eliminated effective as of \_\_\_\_\_.

**MISCELLANEOUS**

## 35. LOANS TO PARTICIPANTS (Plan Section 7.4)

- a.  New loans are NOT permitted.
- b.  New loans are permitted.

**NOTE:** Regardless of whether new loans are permitted, if the Plan permits rollovers and/or plan-to-plan transfers, then the Administrator may, in a uniform manner, accept rollovers and/or plan-to-plan transfers of loans into this Plan.

## 36. ROLLOVERS (Plan Section 4.6) (skip if rollover contributions are NOT selected at 11.f.)

**Eligibility.** Rollovers may be accepted from all Participants who are Employees as well as the following (select all that apply; leave blank if not applicable):

- a.  Any Eligible Employee, even prior to meeting eligibility conditions to be a Participant
- b.  Participants who are Former Employees

**Distributions.** When may distributions be made from a Participant's Rollover Account?

- c.  At any time
- d.  Only when the Participant is otherwise entitled to any distribution under the Plan

## 37. HEART ACT (Plan Section 4.11) (select one or more)

- a.  **HEART ACT Continued benefit accruals.** Continued benefit accruals will apply
- b.  **Distributions for deemed severance of employment.** The Plan permits distributions for deemed severance of employment.

**Non-Standardized Governmental 401(a)**

**Reliance on Provider Opinion Letter.** The Provider has obtained from the IRS an Opinion Letter specifying the form of this document satisfies Code §401 as of the date of the Opinion Letter. An adopting Employer may rely on the Provider's IRS Opinion Letter *only* to the extent provided in Rev. Proc. 2017-41 or subsequent guidance. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017-41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.

An Employer who has ever maintained or who later adopts an individual medical account, as defined in Code §415(l)(2)) in addition to this Plan may not rely on the opinion letter issued by the Internal Revenue Service with respect to the requirements of Code§415.

This Adoption Agreement may be used only in conjunction with the basic Plan document #03. This Adoption Agreement and the basic Plan document will together be known as FIS Business Systems LLC Non-Standardized Governmental 401(a) Pre-Approved Plan #03-001.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

**Execution for Page Substitution Amendment Only.** If this paragraph is completed, this Execution Page documents an amendment to Adoption Agreement Election(s) \_\_\_\_\_ effective \_\_\_\_\_, by substitute Adoption Agreement page number(s) \_\_\_\_\_. The Employer should retain all Adoption Agreement Execution Pages and amended pages. (*Note: The Effective Date may be retroactive or may be prospective.*)

The Provider, DST Retirement Solutions, LLC will notify the Employer of any amendment to this Pre-approved Plan or of any abandonment or discontinuance by the Provider of its maintenance of this Pre-approved Plan. In addition, this Plan is provided to the Employer either in connection with investment in a product or pursuant to a contract or other arrangement for products and/or services. Upon cessation of such investment in a product or cessation of such contract or arrangement, as applicable, the Employer is no longer considered to be an adopter of this Plan and FIS Business Systems LLC no longer has any obligations to the Employer that relate to the adoption of this Plan. For inquiries regarding the adoption of the Pre-approved Plan, the Provider's intended meaning of any Plan provisions or the effect of the Opinion Letter issued to the Provider, please contact the Provider or the Provider's representative.

Provider Name: DST Retirement Solutions, LLC

Address: PO Box 219325

Kansas City Missouri 64121-9325

Telephone Number: 18002158659

Email address (optional): \_\_\_\_\_

The Employer, by executing below, hereby adopts this Plan (add additional signature lines as needed). NOTE: If more than one Plan type is adopted, the Plan Provider must provide multiple plan documents for Employer signature.

EMPLOYER: City of Hobbs, NM

By: \_\_\_\_\_

\_\_\_\_\_  
DATE SIGNED

**APPENDIX A  
SPECIAL EFFECTIVE DATES AND OTHER PERMITTED ELECTIONS**

**A. Special effective dates** (leave blank if not applicable):

a.  **Special effective date(s):** \_\_\_\_\_ . For periods prior to the specified special effective date(s), the Plan terms in effect prior to its restatement under this Adoption Agreement will control for purposes of the designated provisions. A special effective date may not result in the delay of a Plan provision beyond the permissible effective date under any applicable law. (The Employer has reliance on the IRS Opinion Letter only if the features described in the preceding sentence constitute protected benefits within the meaning of Code Section 411(d)(6) and the regulations thereunder, and only if such features are permissible in a "Cycle 3" preapproved plan, i.e., the features are not specifically prohibited by Revenue Procedure 2017-41 (or any superseding guidance))

**B. Other permitted elections** (the following elections are optional):

a.  **No other permitted elections**

**The following elections apply** (select one or more):

- b.  **Deemed 125 compensation** (Plan Section 1.23). Deemed 125 compensation will be included in Compensation and 415 Compensation.
- c.  **Break-in-Service Rules.** The following Break-in-Service rules apply to the Plan.(select 1. or 2.)
  - 1.  **Reemployed after five (5) 1-Year Breaks in Service ("rule of parity" provisions)** (Plan Section 3.5(e)). The "rule of parity" provisions in Plan Section 3.5(d) will apply for (select one or both):
    - a.  eligibility purposes
    - b.  vesting purposes
  - 2.  **Break-in-Service rules for rehired Employees.** The following Break-in-Service rules set forth in Plan Sections 3.2 and 3.5 apply: (select one or both)
    - a.  all Break-in-Service rules set forth in such Sections.
    - b.  only the following: \_\_\_\_\_ (specify which provisions apply to the Plan)
- d.  **Beneficiary if no beneficiary elected by Participant** (Plan Section 6.2(f)). In the event no valid designation of Beneficiary exists, then in lieu of the order set forth in Plan Section 6.2(f), the following order of priority will be used: \_\_\_\_\_ (specify an order of beneficiaries; e.g., children per stirpes, parents, and then step-children).
- e.  **Joint and Survivor Annuity/Pre-Retirement Survivor Annuity.** If the Plan applies the Joint and Survivor Annuity rules, then the normal form of annuity will be a joint and 50% survivor annuity (i.e., if 31.i. or 31.j. is selected) and the Pre-Retirement Survivor Annuity will be equal to 50% of a Participant's interest in the Plan unless selected below (select 1. and/or 2.).
  - 1.  **Normal form of annuity.** Instead of a joint and 50% survivor annuity, the normal form of the qualified Joint and Survivor Annuity will be: (select one)
    - a.  joint and 100% survivor annuity
    - b.  joint and 75% survivor annuity
    - c.  joint and 66 2/3% survivor annuity
  - 2.  **Pre-Retirement Survivor Annuity.** The Pre-Retirement Survivor Annuity (minimum Spouse's death benefit) will be equal to 50% of a Participant's interest in the Plan unless a different percentage is selected below: (select one)
    - a.  100% of a Participant's interest in the Plan.
    - b.  \_\_\_\_\_% (may not be less than 50%) of a Participant's interest in the Plan.
- f.  **Limitation Year** (Plan Section 1.30). The Limitation Year for Code §415 purposes will be \_\_\_\_\_ (must be a consecutive twelve month period) instead of the "determination period" for Compensation.
- g.  **415 Limits when 2 defined contribution plans are maintained** (Plan Section 4.4). If any Participant is covered under another qualified defined contribution plan maintained by the Employer or an Affiliated Employer, or if the Employer or an Affiliated Employer maintains a welfare benefit fund, as defined in Code §419(e), or an individual medical account, as defined in Code §415(l)(2), under which amounts are treated as "annual additions" with respect to any Participant in this Plan, then the provisions of Plan Section 4.4(b) will apply unless otherwise specified below:
  - 1.  Specify, in a manner that precludes Employer discretion, the method under which the plans will limit total "annual additions" to the "maximum permissible amount" and will properly reduce any "excess amounts": \_\_\_\_\_

h.  **Recognition of Service with other employers** (Plan Sections 1.40 and 1.55). Service with the following employers (in addition to those specified at Question 15) will be recognized as follows (select one or more):

	<b>Eligibility</b>	<b>Vesting</b>	<b>Contribution Allocation</b>
1. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
2. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
3. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>

4.  Employer name: \_\_\_\_\_ a.  b.  c.
5.  Employer name: \_\_\_\_\_ a.  b.  c.
6.  Employer name: \_\_\_\_\_ a.  b.  c.

**Limitations**

7.  The following provisions or limitations apply with respect to the recognition of prior service: \_\_\_\_\_ a.  b.  c.   
 (e.g., credit service with X only on/following 1/1/19)
- i.  **Other vesting provisions.** The following vesting provisions apply to the Plan (select one or more):
1.  **Special vesting provisions.** The following special provisions apply to the vesting provisions of the Plan: \_\_\_\_\_ (must be definitely determinable and satisfy the parameters set forth at Question 17)
  2.  **Pre-amendment vesting schedule.** (Plan Section 6.4(b)). If the vesting schedule has been amended and a different vesting schedule other than the schedule at Question 17 applies to any Participants, then the following provisions apply (must select one of a. – d.):
 

**Applicable Participants.** The vesting schedules in Question 17 only apply to:

    - a.  Participants who are Employees as of \_\_\_\_\_ (enter date).
    - b.  Participants in the Plan who have an Hour of Service on or after \_\_\_\_\_ (enter date).
    - c.  Participants (even if not an Employee) in the Plan on or after \_\_\_\_\_ (enter date).
    - d.  Other: \_\_\_\_\_ (e.g., Participants in division A. Must be definitely determinable.)
- j.  **Minimum distribution transitional rules** (Plan Section 6.8(e)(5))
- NOTE:** This Section does not apply to (1) a new Plan, (2) an amendment or restatement of an existing Plan that never contained the provisions of Code §401(a)(9) as in effect prior to the amendments made by the Small Business Job Protection Act of 1996 (SBJPA), or (3) a Plan where the transition rules below do not affect any current Participants.
- The "required beginning date" for a Participant is:
1.  April 1st of the calendar year following the year in which the Participant attains age 70 1/2. (pre-SBJPA rules continue to apply)
  2.  April 1st of the calendar year following the later of the year in which the Participant attains age 70 1/2 or retires (the post-SBJPA rules), with the following exceptions (select one or both; leave blank if both applied effective as of January 1, 1996):
    - a.  A Participant who was already receiving required minimum distributions under the pre-SBJPA rules as of \_\_\_\_\_ (may not be earlier than January 1, 1996) was allowed to stop receiving distributions and have them recommence in accordance with the post-SBJPA rules. Upon the recommencement of distributions, if the Plan permits annuities as a form of distribution then the following apply:
      1.  N/A (annuity distributions are not permitted)
      2.  Upon the recommencement of distributions, the original Annuity Starting Date will be retained.
      3.  Upon the recommencement of distributions, a new Annuity Starting Date is created.
    - b.  A Participant who had not begun receiving required minimum distributions as of \_\_\_\_\_ (may not be earlier than January 1, 1996) may elect to defer commencement of distributions until retirement. The option to defer the commencement of distributions (i.e., to elect to receive in-service distributions upon attainment of age 70 1/2) applies to all such Participants unless selected below:
      1.  The in-service distribution option was eliminated with respect to Participants who attained age 70 1/2 in or after the calendar year that began after the later of (1) December 31, 1998, or (2) the adoption date of the restatement to bring the Plan into compliance with the SBJPA.
- k.  **Other spousal provisions** (select one or more)
1.  **Definition of Spouse.** The term Spouse includes a spouse under federal law as well as the following: \_\_\_\_\_
  2.  **Automatic revocation of spousal designation** (Plan Section 6.2(g)). The automatic revocation of a spousal Beneficiary designation in the case of divorce does not apply.
  3.  **Timing of QDRO payment.** A distribution to an Alternate Payee shall not be permitted prior to the time a Participant would be entitled to a distribution.
- l.  **Applicable law.** Instead of using the applicable laws set forth in Plan Section 9.4(a), the Plan will be governed by the laws of: \_\_\_\_\_
- m.  **Total and Permanent Disability.** Instead of the definition at Plan Section 1.50, Total and Permanent Disability means: \_\_\_\_\_ (must be definitely determinable).
- n.  **Inclusion of Reclassified Employees** (Plan Section 1.17(a)). The Employer does not exclude Reclassified Employees subject to the following provisions: (leave blank if not applicable): \_\_\_\_\_

- o.  **Claims procedures** (Plan Section 2.10). The claims procedures forth in Plan Section 2.10(a) – (b) apply unless otherwise elected below or unless the Administrator has operationally adopted alternative procedures.
  - 1.  The claims procedures set forth in Plan Section 2.10(c) – (g) apply instead of Plan Section 2.10(a).
  - 2.  The claims procedures set forth in Plan Section 2.10(c)-(g) apply as follows: \_\_\_\_\_  
(specify which provisions apply and/or modified)
  
- p.  **Age 62 In-Service Distributions For Transferred Money Purchase Assets** (Plan Section 6.11)  
In-service distributions will be allowed for Participants at age 62. (applies only for Transfer Accounts from a Money Purchase Pension Plan) (skip this question if the Plan is a Money Purchase Pension Plan or if in-service distributions are already permitted for Transferred Accounts at Question 34)  
  
**Limitations.** The following limitations apply to these in-service distributions:
  - 1.  The Plan already provides for in-service distributions and the restrictions set forth in the Plan (e.g., minimum amount of distributions or frequency of distributions) are applicable to in-service distributions at age 62.
  - 2.  N/A (no limitations)
  - 3.  The following elections apply to in-service distributions at age 62 (select one or more):
    - a.  The minimum amount of a distribution is \$\_\_\_\_\_ (may not exceed \$1,000).
    - b.  No more than \_\_\_\_\_ distribution(s) may be made to a Participant during a Plan Year.
    - c.  Distributions may only be made from Accounts which are fully Vested.
    - d.  In-service distributions may be made subject to the following provisions: \_\_\_\_ (must be definitely determinable and not subject to discretion).
  
- q.  **QLACs.** (Plan Section 6.8(e)(4)) A Participant may elect a QLAC (as defined in Plan Section 6.8(e)(4)) or any alternative form of annuity permitted pursuant to a QLAC in which the Participant's Account has been invested.

## ADMINISTRATIVE PROCEDURES

The following are optional administrative provisions. The Administrator may implement procedures that override any elections in this Section without a formal Plan amendment. In addition, modifications to these procedures will not affect an Employer's reliance on the Plan.

A. **Loan Limitations.** (complete only if loans to Participants are permitted; leave blank if none apply)

- a.  Limitations (select one or more):
1.  Loans will be treated as Participant directed investments.
  2.  Loans will only be made for hardship or financial necessity as specified below (select a. or b.)
    - a.  hardship reasons specified in Plan Section 6.12
    - b.  financial necessity (as defined in the loan program).
  3.  The minimum loan will be \$\_\_\_\_\_.
  4.  A Participant may only have \_\_\_\_\_ (e.g., one (1)) loan(s) outstanding at any time.
  5.  All outstanding loan balances will become due and payable in their entirety upon the occurrence of a distributable event (other than satisfaction of the conditions for an in-service distribution (including a hardship distribution), if applicable).
  6.  The home loan term will be \_\_\_\_\_ years. (if not selected, the Administrator establishes the term for repayment of a home loan)
  7.  **Account restrictions.** Loans will only be permitted from the following Participant Accounts (select all that apply or leave blank if no limitations apply):
    - a.  Account(s) attributable to Employer matching contributions
    - b.  Account attributable to Employer contributions other than matching contributions
    - c.  Rollover Account
    - d.  Transfer Account
    - e.  Other: \_\_\_\_\_
- AND**, if loans are restricted to certain accounts, the limitations of Code §72(p) will be applied:
- f.  by determining the limits by only considering the restricted accounts.
  - g.  by determining the limits taking into account a Participant's entire interest in the Plan.

**Additional Loan Provisions** (select all that apply; leave blank if none apply)

- b.  **Loan payments.** Loans are repaid by (if left blank, then payroll deduction applies unless Participant is not subject to payroll (e.g., partner who only has a draw)):
1.  payroll deduction
  2.  ACH (Automated Clearing House)
  3.  check
    - a.  Only for prepayment
- c.  **Interest rate.** Loans will be granted at the following interest rate (if left blank, then 3. below applies):
1.  \_\_\_\_\_ percentage points over the prime interest rate
  2.  \_\_\_\_\_%
  3.  the Administrator establishes the rate at the time the loan is made
- d.  **Refinancing.** Loan refinancing is allowed.

B. **Life Insurance.** (Plan Section 7.5)

- a.  Life insurance may not be purchased.
- b.  Life insurance may be purchased...
1.  at the option of the Administrator
  2.  at the option of the Participant

**Limitations**

3.  N/A (no limitations)
4.  The purchase of initial or additional life insurance will be subject to the following limitations (select one or more):
  - a.  Each initial Contract will have a minimum face amount of \$\_\_\_\_\_.
  - b.  Each additional Contract will have a minimum face amount of \$\_\_\_\_\_.
  - c.  The Participant has completed \_\_\_\_\_ Years (or Periods) of Service.
  - d.  The Participant has completed \_\_\_\_\_ Years (or Periods) of Service while a Participant in the Plan.
  - e.  The Participant is under age \_\_\_\_\_ on the Contract issue date.
  - f.  The maximum amount of all Contracts on behalf of a Participant may not exceed \$\_\_\_\_\_.
  - g.  The maximum face amount of any life insurance Contract will be \$\_\_\_\_\_.

C. **Plan Expenses.** Will the Plan assess against an individual Participant's Account certain Plan expenses that are incurred by, or are attributable to, a particular Participant based on use of a particular Plan service?

- a.  No
- b.  Yes

## Non-Standardized Governmental 401(a)

**Use of Forfeitures**

Forfeitures of Employer contributions other than matching contributions will be:

- c.  added to the Employer contribution and allocated in the same manner
- d.  used to reduce any Employer contribution
- e.  allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
- f.  other: \_\_\_\_\_ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion)

Forfeitures of Employer matching contributions will be:

- g.  N/A. Same as above or no Employer matching contributions.
- h.  used to reduce the Employer matching contribution.
- i.  used to reduce any Employer contribution.
- j.  other: \_\_\_\_\_ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion)

**D. Directed investments**

- a.  Participant directed investments are NOT permitted.
- b.  Participant directed investments are permitted from the following Participant Accounts:
1.  all Accounts
  2.  only from the following Accounts (select one or more):
    - a.  Account attributable to Employer contributions
    - b.  Rollover Account
    - c.  Transfer Account
    - d.  Other: \_\_\_\_\_ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

**E. Rollover Limitations.** Will the Plan accept rollover contributions and/or direct rollovers from the sources specified below?

- a.  No, Administrator determines in operation which sources will be accepted.
- b.  Yes

**Rollover sources.** Indicate the sources of rollovers that will be accepted (select one or more)

1.  **Direct Rollovers.** The Plan will accept a direct rollover of an eligible rollover distribution from (select one or more):
  - a.  a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), excluding after-tax employee contributions
  - b.  a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), including after-tax employee contributions
  - c.  a plan described in Code §403(a) (an annuity plan), excluding after-tax employee contributions
  - d.  a plan described in Code §403(a) (an annuity plan), including after-tax employee contributions
  - e.  a plan described in Code §403(b) (a tax-sheltered annuity), excluding after-tax employee contributions
  - f.  a plan described in Code §403(b) (a tax-sheltered annuity), including after-tax employee contributions
  - g.  a plan described in Code §457(b) (eligible deferred compensation plan)

**Direct Rollovers of Participant Loan.** The Plan will NOT accept a direct rollover of a Participant loan from another plan unless selected below (leave blank if default applies)

- h.  The Plan will accept a direct rollover of a Participant loan
- i.  The Plan will only accept a direct rollover of a Participant loan only in the following situation(s):  
 \_\_\_\_\_ (e.g., only from Participants who were employees of an acquired organization).

2.  **Participant Rollover Contributions from Other Plans (i.e., not via a direct plan-to-plan transfer).** The Plan will accept a contribution of an eligible rollover distribution (select one or more):
  - a.  a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan)
  - b.  a plan described in Code §403(a) (an annuity plan)
  - c.  a plan described in Code §403(b) (a tax-sheltered annuity)
  - d.  a governmental plan described in Code §457(b) (eligible deferred compensation plan)
3.  **Participant Rollover Contributions from IRAs:** The Plan will accept a rollover contribution of the portion of a distribution from a traditional IRA that is eligible to be rolled over and would otherwise be includible in gross income. Rollovers from Roth IRAs or a Coverdell Education Savings Account (formerly known as an Education IRA) are not permitted because they are not traditional IRAs. A rollover from a SIMPLE IRA is allowed if the amounts are rolled over after the individual has been in the SIMPLE IRA for at least two years.

**F. Trustee(s) or Insurer(s).** Information regarding Trustee(s)/Insurer(s) (required for the Summary Plan Description and, if requested, the Trust Agreement)

(Note: Select a. if not using provided trust. MUST select b and following questions as applicable):

- a.  Do not produce the trust agreement
- b.  Complete the following UNLESS not selecting supporting forms:

Trustee/Insurer (select a. OR one or more of d. - e.)

c.  Insurer. This Plan is funded exclusively with Contracts (select one or more of 1. - 4)

Name of Insurer(s)

- 1.  \_\_\_\_\_
- 2.  \_\_\_\_\_
- 3.  Use Employer address/telephone number/email
- 4.  Use following address/telephone number/email
  - a. Street: \_\_\_\_\_
  - b. City: \_\_\_\_\_
  - c. State: \_\_\_\_\_
  - d. Zip: \_\_\_\_\_
  - e. Telephone: \_\_\_\_\_
  - f. Email: \_\_\_\_\_

d.  Individual Trustee(s)

e.  Corporate Trustee

Name of Trust

f. Specify name of Trust (required for FIS trust): City of Hobbs, NM Money Purchase Plan

Individual Trustees (if d. selected above, complete g. - j.)

Directed/Discretionary Trustees. The individual Trustee(s) executing this Adoption Agreement are (select g. or h.)

g.  Select for each individual Trustee (skip to next question)

h.  The following selections apply to all individual Trustee(s) (select 1. - 4. as applicable)

- 1.  A discretionary Trustee over all plan assets (may not be selected with 2. - 4.)
- 2.  A nondiscretionary (directed) Trustee over all plan assets (may not be selected with 1., 3. or 4.)
- 3.  The individual Trustee(s) will serve as a discretionary Trustee over the following assets: \_\_\_\_\_ (may not be selected with 1. or 2.)
- 4.  The individual Trustee(s) will serve as a nondiscretionary (directed) Trustee over the following assets: \_\_\_\_\_ (may not be selected with 1. or 2.)

Individual Trustee(s) (complete if d. selected above)

i.  Individual Trustee(s) are (select one or more of a. - j.; enter address at j. below)

a. Name Toby Spears

Title/Email:

- 1. Title Finance Director
- 2. Email \_\_\_\_\_ (optional) tspears@hobbsnm.org

Trustee is: (complete if g. selected above; select 3. - 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. - 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be select with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

b. Name Jan Fletcher

Title/Email:

- 1. Title City Clerk
- 2. Email \_\_\_\_\_ (optional) jfletcher@hobbsnm.org

Trustee is: (complete if g. selected above; select 3. - 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. - 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be select with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

c. Name Efren Cortez

Title/Email:

- 1. Title City Attorney
- 2. Email \_\_\_\_\_ (optional) ecortez@hobbsnm.org

Trustee is: (complete if g. selected above; select 3. - 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. - 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be select with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

d. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Non-Standardized Governmental 401(a)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

e. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

f. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

g. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

h. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

i. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
- 6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

j. Name \_\_\_\_\_

Title/Email:

- 1. Title \_\_\_\_\_
- 2. Email \_\_\_\_\_ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

- 3.  Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)
- 4.  A discretionary Trustee over the following plan assets: \_\_\_\_\_ (may not be selected with 3. or 5.)
- 5.  Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

## Non-Standardized Governmental 401(a)

6.  A nondiscretionary (directed) Trustee or Custodian over the following plan assets \_\_\_\_\_ (may not be selected with 3. or 5.)

j.  **Individual Trustee Address** (complete if d. selected above)

1.  Use Employer address/telephone number/email  
 2.  Use following address/telephone number/email  
 a. Street: \_\_\_\_\_  
 b. City: \_\_\_\_\_  
 c. State: \_\_\_\_\_  
 d. Zip: \_\_\_\_\_  
 e. Telephone: \_\_\_\_\_  
 f. Email: \_\_\_\_\_

**Corporate Trustee Name/Type/Address** (complete if e. selected above)

- k.  Name \_\_\_\_\_  
**Address/telephone number/email**  
 1.  Use Employer address/telephone number/email  
 2.  Use following address/telephone number/email  
 a. Street: \_\_\_\_\_  
 b. City: \_\_\_\_\_  
 c. State: \_\_\_\_\_  
 d. Zip: \_\_\_\_\_  
 e. Telephone: \_\_\_\_\_  
 f. Email: \_\_\_\_\_

**Directed/Discretionary.** The Corporate Trustee is (select 3. - 6. as applicable)

3.  A discretionary Trustee over all plan assets (may not be selected with 4. - 6.)  
 4.  A nondiscretionary (directed) Trustee over all plan assets (may not be selected with 3., 5. or 6.)  
 5.  A discretionary Trustee over the following plan assets over the following assets: \_\_\_\_\_ (may not be selected with 3. - 4.)  
 6.  A nondiscretionary (directed) Trustee over the following plan assets \_\_\_\_\_ (may not be selected with 3. - 4.)

**Signee** (optional):

7.  Name of person signing on behalf of the corporate Trustee \_\_\_\_\_  
 8.  Email address of person signing on behalf of the corporate Trustee \_\_\_\_\_

**Special Trustee for collection of contributions.** The Employer appoints the following Special Trustee with the responsibility to collect delinquent contributions (*optional*)

- l.  **Name** \_\_\_\_\_  
**Title:**  
 1. \_\_\_\_\_  
**Address/telephone number/email**  
 2.  Use Employer address/telephone number/email  
 3.  Use following address/telephone number/email  
 a. Street: \_\_\_\_\_  
 b. City: \_\_\_\_\_  
 c. State: \_\_\_\_\_  
 d. Zip: \_\_\_\_\_  
 e. Telephone: \_\_\_\_\_  
 f. Email: \_\_\_\_\_

**Custodian(s) Name/Address .** The Custodian(s) are (*optional*)

- m.  **Name(s)** \_\_\_\_\_  
**Address/telephone number/email**  
 1.  Use Employer address/telephone number/email  
 2.  Use following address/telephone number/email  
 a. Street: \_\_\_\_\_  
 b. City: \_\_\_\_\_  
 c. State: \_\_\_\_\_  
 d. Zip: \_\_\_\_\_  
 e. Telephone: \_\_\_\_\_  
 f. Email: \_\_\_\_\_

**Investment in common, collective or pooled trust funds.** The nondiscretionary Trustee, as directed or the discretionary Trustee acting without direction (and in addition to the discretionary Trustee's authority to invest in its own funds), may invest in any of the following trust funds: (*optional*)

- n.  \_\_\_\_\_ (Specify the names of one or more trust funds in which the Plan can invest)

**Choice of law**

- o.  This trust will be governed by the laws of the state of:  
 1.  State in which the Employer's principal office is located  
 2.  State in which the corporate trustee or insurer is located

**Non-Standardized Governmental 401(a)**

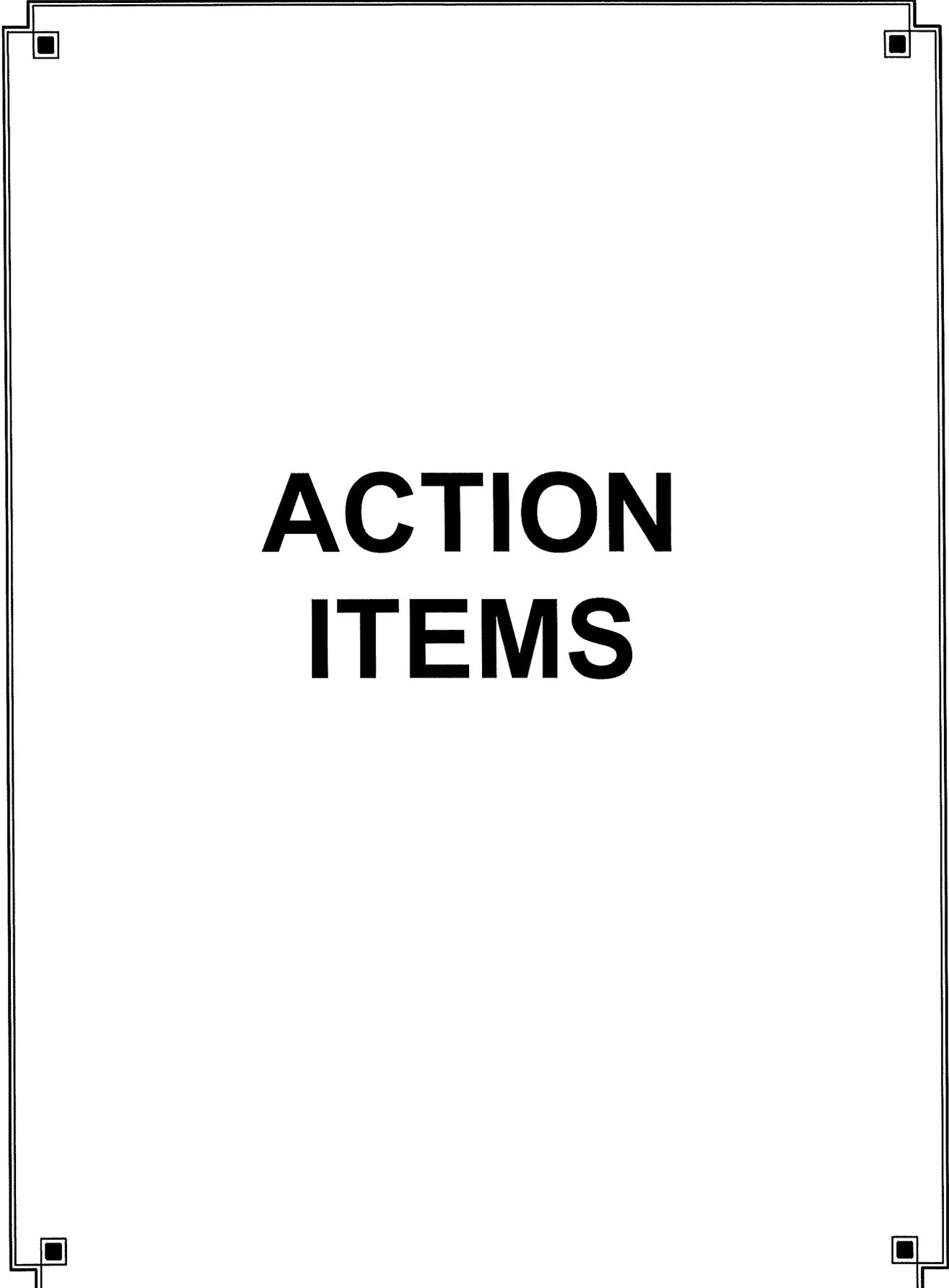
3.  Other \_\_\_\_\_

**Non-Standardized Governmental 401(a)**

FIS BUSINESS SYSTEMS LLC NON-STANDARDIZED GOVERNMENTAL 401(A) MODIFICATIONS  
CITY OF HOBBS, NM MONEY PURCHASE PLAN

The enclosed Plan is being submitted for expedited review as a Non-Standardized Plan.

No modifications from the approved specimen plan have been made to this Plan.



# **ACTION ITEMS**



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

**SUBJECT:** Resolution adopting the Fiscal Year 2022-2023 Final Budget  
**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** July 12, 2022  
**SUBMITTED BY:** Deborah Corral, Assistant Finance Director

**Summary:**

- The Preliminary FY 2022-2023 budget for the City of Hobbs was approved on May 16, 2022.
- Presented here is the Final Budget which incorporates into that preliminary budget, the ending cash balance as of June 30, 2022 as the Beginning Balance of the FY23 Budget.
- This budget also incorporates carryovers (items budgeted in the 2021-2022 fiscal year that were not completed) as well as new requests.
- Adjustments to transfers have been made to meet State of New Mexico fund balance requirements, while maximizing the cash balance in the General Fund.

**Fiscal Impact:**

Reviewed By: \_\_\_\_\_

*Finance Department*

- Approval of this Final Budget by the City Commission and the Department of Finance & Administration will govern spending in accordance with the budget document as adjusted for the fiscal year beginning July 1, 2022.

**Attachments:**

- Budgeted Cash Balances
- Schedule of Budgeted Carryovers and New Requests
- Resolution approving Budget Adjustment for the fiscal year 2022-2023

**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. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
File No. \_\_\_\_\_  
Denied

CITY OF HOBBS  
RESOLUTION NO. 7227

BUDGETARY ADJUSTMENT  
FISCAL YEAR 2022-2023

WHEREAS, the City Commission of the City of Hobbs, New Mexico, has found it necessary to amend certain items within the fiscal year budget in order to provide for additional revenues, expenditures, and transfers not contemplated at the time of the preparation of the 2022-2023 preliminary budget.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the items of the 2022-2023 fiscal budget be amended.

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 Director of Public Finance of the State of New Mexico and that a copy of this Resolution be forwarded to his office in Santa Fe, New Mexico, for approval.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

**City of Hobbs Final Budget  
FY23 Fund Summary**

	Beginning Cash 06/30/2022	Total Revenue	Interfund Transfer	Total Expenditures	Ending Cash
001 GENERAL	69,874,044.71	58,450,731.51	(8,805,606.70)	83,617,956.53	35,901,212.99
002 LAND ACQUISITION	381,763.30	100,000.00	-	100,000.00	381,763.30
<b>General Fund Subtotal</b>	<b>70,255,808.01</b>	<b>58,550,731.51</b>	<b>(8,805,606.70)</b>	<b>83,717,956.53</b>	<b>36,282,976.29</b>
110 LOCAL GOV CORR	1,074,296.19	145,750.00	-	487,615.69	732,430.50
120 POLICE PROTECTION	15,820.35	123,000.00	-	138,820.35	-
130 P D N (parif, drug, narcotics)	1,918.75	-	-	-	1,918.75
150 COPS GRANT	26,251.09	-	-	-	26,251.09
160 RECREATION (CORE)	1,000.00	1,740,730.00	3,473,173.46	5,213,903.46	1,000.00
170 OLDER AMERICAN	1,000.00	223,100.00	940,786.20	1,163,886.20	1,000.00
180 GOLF	1,000.00	957,000.00	3,981,816.88	4,938,816.88	1,000.00
190 CEMETERY	1,000.00	227,850.00	806,613.75	1,034,463.75	1,000.00
200 AIRPORT	477,531.99	174,724.00	-	20,500.00	631,755.99
210 Legislative Appropriations	1,000.00	1,344,773.50	-	1,265,729.81	80,043.69
220 Intergovernmental Grants	4,835,515.50	4,835,515.50	-	9,671,031.00	-
230 LODGERS' TAX	1,086,935.57	902,000.00	(848,045.00)	998,248.06	142,642.51
240 LG Abatement Fund (Opioid)	-	489,000.00	-	489,000.00	-
270 PUBLIC TRANSPORTATION	46,432.79	1,784,884.28	-	1,425,296.70	406,020.37
280 FIRE PROTECTION	1,069,786.59	500,500.00	-	772,353.27	797,933.32
290 EMER MEDICAL SERV	792.28	20,000.00	-	20,000.00	792.28
<b>Special Revenue Subtotals</b>	<b>8,640,281.10</b>	<b>13,468,827.28</b>	<b>8,354,345.29</b>	<b>27,639,665.17</b>	<b>2,823,788.50</b>
370 COMM DEVE CONST	110,420.82	750,000.00	464,806.80	1,324,227.62	1,000.00
460 BEAUTIFICATION IMPROVEMENT	1,538,849.89	-	-	-	1,538,849.89
480 STREET IMPROVEMENTS	4,817,036.89	1,513,245.52	(464,806.80)	1,978,940.04	3,886,535.57
490 CITY COMM. IMPROVEMENTS	7,720,652.90	2,100,000.00	(2,009,515.58)	63,000.00	7,748,137.32
<b>Capital Project Subtotals</b>	<b>14,186,960.50</b>	<b>4,363,245.52</b>	<b>(2,009,515.58)</b>	<b>3,366,167.66</b>	<b>13,174,522.78</b>
510 UTILITY BOND	-	-	307,004.14	307,004.14	-
530 WASTEWATER BOND	1,989,842.96	-	2,442,795.60	2,442,795.60	1,989,842.96
<b>Debt Service Subtotals</b>	<b>1,989,842.96</b>	<b>-</b>	<b>2,749,799.74</b>	<b>2,749,799.74</b>	<b>1,989,842.96</b>
100 SOLID WASTE	2,683,078.04	7,750,000.00	-	8,290,336.90	2,142,741.14
440 JOINT UTILITY EXTENSIONS CAPITA	1,000.00	850,000.00	2,009,515.58	2,859,515.58	1,000.00
600 JOINT UTILITY	1,000.00	-	6,949,623.10	6,949,623.10	1,000.00
610 JOINT UTILITY CONST	1,000.00	-	3,449,936.09	3,449,936.09	1,000.00
620 WASTE WATER PLANT CONST	7,325,364.88	13,107.66	9,892,587.97	17,230,060.51	1,000.00
630 JOINT UTILTIY - WASTEWATER	1,030.00	-	5,887,242.87	5,887,272.87	1,000.00
650 JOINT UTILTIY INCOME - WASTEW	9,536,173.55	8,116,300.00	(16,687,454.75)	31,500.00	933,518.80
660 JOINT UTILITY INCOME	7,436,818.88	8,569,000.00	(12,241,735.02)	-	3,764,083.86
680 METER DEPOSIT RES	1,220,767.82	375,000.00	-	375,000.00	1,220,767.82
690 INTERNAL SUPPLY	67,797.49	225,000.00	-	225,000.00	67,797.49
<b>Utility Subtotals</b>	<b>28,274,030.66</b>	<b>25,898,407.66</b>	<b>(740,284.16)</b>	<b>45,298,245.05</b>	<b>8,133,909.11</b>
640 MEDICAL INSURANCE	3,201,377.27	7,830,000.00	(334,876.13)	7,839,200.00	2,857,301.14
670 WORKERS COMP TRUST	1,160,937.04	725,000.00	-	725,000.00	1,160,937.04
740 INSURANCE - RISK	5,284,206.75	1,400,000.00	451,261.41	1,935,468.16	5,200,000.00
<b>Internal Service Subtotal</b>	<b>9,646,521.06</b>	<b>9,955,000.00</b>	<b>116,385.28</b>	<b>10,499,668.16</b>	<b>9,218,238.18</b>
700 MOTOR VEHICLE	23,966.39	4,000,000.00	-	4,000,000.00	23,966.39
710 MUNI JUDGE BOND FUND	107,575.34	-	-	-	107,575.34
720 RETIREE HEALTH INSURANCE TRUS'	8,915,123.87	1,370,000.00	334,876.13	1,620,000.00	9,000,000.00
730 CRIME LAB FUND	75,261.05	52,000.00	-	52,000.00	75,261.05
750 FORECLOSURE TRUST FUND	71.88	-	-	-	71.88
770 LIBRARY TRUST	6,220.10	1,500.00	-	1,500.00	6,220.10
780 SENIOR CITIZEN TRUST	4,699.94	3,000.00	-	3,000.00	4,699.94
790 PRAIRIE HAVEN MEM	5,839.42	-	-	-	5,839.42
800 COMMUNITY PARK TRUST	1,562.02	-	-	-	1,562.02
820 EVIDENCE TRUST FUND	210,724.33	5,000.00	-	-	215,724.33
830 HOBBS BEAUTIFUL	8,042.66	10,462.28	-	430.65	18,074.29
860 CITY AGENCY TRUST	2,169.85	1,500.00	-	1,500.00	2,169.85
<b>Trust &amp; Agency Subtotals</b>	<b>9,361,256.85</b>	<b>5,443,462.28</b>	<b>334,876.13</b>	<b>5,678,430.65</b>	<b>9,461,164.61</b>
<b>Grand Total All Funds</b>	<b>142,354,701.14</b>	<b>117,679,674.25</b>	<b>(0.00)</b>	<b>178,949,932.96</b>	<b>81,084,442.43</b>
		4,402,089.25		48,068,226.29	

43%

FY23 Final Budget - Expense

Expense									
FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22 ENCUMBRANCES	FY22 AVAILABLE BUDGET	Additions/ Adjustments	Total Budget Request	Notes/Comments
001	010100	42541		SPECIAL PROJECTS	-	-	9,375.00	9,375.00	Carryover \$4,750 Contract 2022-19 - Options 4th Qtr Pmnt; \$1,250 Contract 2022-44 - Cavern City child advocacy - 4th Qtr Pmnt; \$3,375 Contract 2022-46 - Faith in Action - 4th Qtr Pmnt)
001	010100	42601	00332	MADDOX ECD MKTG GRANT	-	-	15,800.00	15,800.00	Remaining balance of Denver flight marketing
001	010100	42601		PROFESSIONAL SERVICES	-	-	60,000.00	60,000.00	Carryover \$35,000 (Contract 2022-27 - EDC); \$25,000 (Contract 2022-28 - EDC)
001	010100	44901	00054	PUBLIC ARTS INITIATIVE	-	188,472.00		188,472.00	FY22 Budget Carryover
001	010100	44901	00169	AFFORDABLE HOUSING	135,011.00	1,425,000.00		1,560,011.00	FY22 Budget Carryover
001	010100	44901	00170	HOUSING INCENTIVE (SF HOUSING)	400,955.00	722,321.00		1,123,276.00	FY22 Budget Carryover
001	010100	44901	00281	MEMORIAL FOR VETERANS	18,892.29	64,112.76		83,005.05	FY22 Budget Carryover
001	010100	44901	00291	HOBBS BRANDING PROJECT	-	213,108.85		213,108.85	FY22 Budget Carryover
001	010100	44901	00316	SPECIAL PROJECT - DISTRICT 2	-	269,500.00		269,500.00	FY22 Budget Carryover
001	010100	44901	00317	SPECIAL PROJECT - DISTRICT 3	-	300,000.00		300,000.00	FY22 Budget Carryover
001	010100	44901	00318	SPECIAL PROJECT - DISTRICT 4	-	250,000.00		250,000.00	FY22 Budget Carryover
001	010100	44901	00319	SPECIAL PROJECT - DISTRICT 5	3,204.36	216,993.96		220,198.32	FY22 Budget Carryover
001	010100	44901	00320	SPECIAL PROJECT - DISTRICT 6	18,895.56	270,254.55		289,150.11	FY22 Budget Carryover
001	010100	44901	00324	HOSPITAL DEVELOPMENT AGREEMENT	-	5,000,000.00		5,000,000.00	FY22 Budget Carryover
001	010125	44901	00290	GATEWAY - WAYFINDING SIGNS	-	40,000.00		40,000.00	FY22 Budget Carryover
001	010140	42209		AUDIT	-	-	1,510.00	1,510.00	FY23 increase to audit contract actual
001	010140	42210		SERVICE/MAINT. CONTRACT	-	-	3,755.54	3,755.54	Carryover Contract 2022-48 - LL&D Armored Svc - June Pmnt
001	010140	42601		PROFESSIONAL SERVICES	-	-	232,430.92	232,430.92	Carryover for pending projects
001	010145	42414		COPY MACHINE MAINT & REPAIR	-	-	27,963.04	27,963.04	Carryover for IT Projects
001	010145	42601		PROFESSIONAL SERVICES	-	-	10,810.20	10,810.20	Carryover for IT Projects
001	010145	42701		COMPUTER/COMP EQUIPMENT	-	-	138,799.96	138,799.96	Carryover for IT Projects
001	010145	42706		EQUIPMENT UNDER 5000.00	-	-	140,136.77	140,136.77	Carryover for IT Projects
001	010145	43001		COMPUTER/COMP EQUIPMENT OVER 5	38,251.90	112,958.78		151,210.68	FY22 Budget Carryover
001	010150	42203		DUES AND SUBSCRIPTIONS	-	-	5,671.19	5,671.19	Carryover for encumbrance with Thomas Rueters (Westlaw) subscription
001	010160	44901	00146	COURT SOFTWARE	-	8,509.90		8,509.90	FY22 Budget Carryover
001	010201	42718		TOWING	-	-	25,000.00	25,000.00	Towing expense line overlooked in prelim budget
001	010201	43006		EQUIPMENT OVER 5000	-	18,555.15		18,555.15	FY22 Budget Carryover
001	010201	44901	00209	EVIDENTIARY VEH STORAGE/PROCES	-	55,700.31		55,700.31	FY22 Budget Carryover
001	010202	41101		SALARIES - CERTIFIED	-	-	21,195.20	21,195.20	Update to Lieutenants Pay
001	010202	41111		FICA	-	-	1,621.43	1,621.43	Update to Lieutenants Pay
001	010202	41112		PERA	-	-	5,992.94	5,992.94	Update to Lieutenants Pay
001	010202	42701		COMPUTER/COMP EQUIPMENT	-	-	74,332.50	74,332.50	Carryover PO 22203730 for pending Toughbook order
001	010202	43003		VEHICLE REPLACEMENT	8,346.45	35,440.28		43,786.73	FY22 Budget Carryover

FY23 Final Budget - Expense

FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22	FY22 AVAILABLE	Additions/ Adjustments	Total Budget Request	Notes/Comments
					ENCUMBRANCES	BUDGET			
001	010202	43006		EQUIPMENT OVER 5000	291.45	21,203.28		21,494.73	FY22 Budget Carryover
001	010203	43001		COMPUTER/COMP EQUIPMENT OVER 5	-	18,075.00		18,075.00	FY22 Budget Carryover
001	010203	43006		EQUIPMENT OVER 5000	-	30,143.99		30,143.99	FY22 Budget Carryover
001	010206	43004		VEHICLE - NEW	-	7,055.84		7,055.84	FY22 Budget Carryover
001	010207	43006		EQUIP OVER 5000.00	19,761.75	20,238.25		40,000.00	FY22 Budget Carryover
001	010207	44901	00113	EAGLE IC	-	20,877.12		20,877.12	FY22 Budget Carryover
001	010207	44901	00247	SECURITY EQUIPMENT PROJECT	-	212,088.82		212,088.82	FY22 Budget Carryover
001	010207	44901	00257	HPD INTERNET NETWORK	-	165,785.87		165,785.87	FY22 Budget Carryover
001	010208	42232		SERVICE-JANITOR	-	-	11,330.16	11,330.16	Carryover PO 22202891 janitorial service
001	010208	42401		RADIO INSTRUMENTS	-	-	7,274.70	7,274.70	Carryover PO 22200573 prof communications
001	010208	42601	00338	NM BOARD OF VET MED SPAY/NETERGRNT	-	-	19,000.00	19,000.00	Carryover of grant award
001	010208	42601	00339	CARROLL PETRIE SPAY/NEUTER GRNT	-	-	20,000.00	20,000.00	Carryover of grant award
001	010208	42601	00340	MADDOXMATCHING SPAY/NEUTER GRNT	-	-	20,000.00	20,000.00	Carryover of grant award
001	010208	42601		PROFESSIONAL SERVICES	-	-	152,157.51	152,157.51	Carryover PO 22201186, 22203844, 22203840, 22202871, 22203852, 22203853, 22203822 prof svc contracts
001	010208	42706		EQUIP UNDER 5000.00	-	-	9,389.30	9,389.30	Carryover PO 22203085, 22203129 outstanding equip purchases
001	010208	43003		VEHICLE REPLACEMENT	30,767.03	11,385.98		42,153.01	FY22 Budget Carryover
001	010208	43006		EQUIP OVER 5000.00	-	102,853.00		102,853.00	FY22 Budget Carryover
001	010208	43013		BUILDING IMPROVEMENTS	8,391.84	9,085.97		17,477.81	FY22 Budget Carryover
001	010220	42401		RADIO INSTRUMENTS	-	-	18,394.00	18,394.00	Carryover PO 22202000, 22203223, 22204373 equipment backordered due to supply issues
001	010220	42411	00328	FIREHOUSE SUBS FOUNDATION GRAN	-	-	43,080.00	43,080.00	Carryover PO 22203925 - Firehouse subs foundation grant - not all items received yet
001	010220	42411		MAINT. OF UNIFORMS & EQUIP	-	-	38,249.75	38,249.75	Carryover PO 22202069, 22204380 - not all items received yet due to supply issues
001	010220	42601		PROFESSIONAL SERVICES	-	-	6,808.75	6,808.75	Carryover to pay outstanding contracts
001	010220	42638	00250	RESTRICTED EXP -CONOCO/PHILLIP	-	-	653.34	653.34	Carryover remaining donation
001	010220	42638	00252	RESTRICTED EXP -oxy	-	-	2,808.67	2,808.67	Carryover remaining donation
001	010220	42638	00253	RESTRICTED EXP - DEVON	-	-	298.35	298.35	Carryover remaining donation
001	010220	42638	00342	RESTRICTED EXP -HOFF	-	-	10,000.00	10,000.00	Budget of Donation made to HFD by HOFF in June2022
001	010220	42638		RESTRICTED EXPENTITURES	-	-	10,000.00	10,000.00	Carryover for HOFF donation not expended yet
001	010220	42706		EQUIPMENT UNDER 5000.00	-	-	3,708.30	3,708.30	Carryover PO 22203920 batteries backordered - supply issues
001	010220	43006		EQUIPMENT OVER 5000	7,519.00	72,084.00		79,603.00	FY22 Budget Carryover
001	010220	43013		BUILDING IMPROVEMENTS	-	65,659.20		65,659.20	FY22 Budget Carryover
001	010220	44901	00343	EXPENSE - SAFE HAVEN BABY BOX	-	-	18,800.00	18,800.00	Expense budget for Safe Haven Baby Box
001	010310	42601	00341	LIBRARY DONATION - OXY	-	-	2,000.00	2,000.00	Oxy Donation to Hobbs Public Library
001	010310	46325		BOND ISSUE C FUNDS	-	42,289.85		42,289.85	FY22 Budget Carryover
001	010310	46327		OTHER LIBRARY MATERIALS GRANTS	-	17,828.00		17,828.00	FY22 Budget Carryover
001	010310	46327		OTHER LIBRARY MATERIALS GRNT	-	-	17,828.00	17,828.00	Library ARPA Grant

FY23 Final Budget - Expense

FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22	FY22 AVAILABLE	Additions/ Adjustments	Total Budget	Notes/Comments
					ENCUMBRANCES	BUDGET		Request	
001	010320	42322		CHRISTMAS SKYLINES	-	-	3,890.88	3,890.88	Carryover PO 22204330 Drive Train - have not received product
001	010320	42540		PARK FACILITIES IMPROVEMENTS	-	-	11,096.43	11,096.43	Carryover PO (22204181 \$1,407.25 - Auld Sign - have not received products from vendor); (22204223 \$9,689.18- CES - shade structure for HPD)
001	010320	42540		PARK FACILITIES IMPROVEMENTS	-	-	9,689.18	9,689.18	Carryover PO 22204223 - CES - shade structure for HPD
001	010320	42601		PROFESSIONAL SERVICES	-	-	2,900.00	2,900.00	Carryover PO 22204200 - Communitool - labor tracking software being built
001	010320	43003		VEHICLE REPLACEMENT	-	100,772.00		100,772.00	FY22 Budget Carryover
001	010320	43006		EQUIPMENT OVER 5000	30,475.03	53,524.97		84,000.00	FY22 Budget Carryover
001	010320	43011		LAND IMPROVEMENTS	12,580.92	25,363.61		37,944.53	FY22 Budget Carryover
001	010320	43013		BUILDING IMPROVEMENTS	3,681.19	23,505.61		27,186.80	FY22 Budget Carryover
001	010320	44901	00099	PARK PLAYGROUNDS	68,312.87	190,364.39		258,677.26	FY22 Budget Carryover
001	010320	44901	00337	CHARLIE BROWNPARK IMP	-	110,000.00	45,000.00	155,000.00	FY22 Budget Carryover
001	010321	43011		LAND IMPROVEMENTS	75,104.41	4,895.59		80,000.00	FY22 Budget Carryover
001	010321	43801		BLEACHER COVERS-COMPLEX 1 & 2	10,610.00	11,285.00		21,895.00	FY22 Budget Carryover
001	010321	44901	00186	BASEBALL COMPLEX	16,589.28	7,928.74		24,518.02	FY22 Budget Carryover
001	010326	43006		EQUIPMENT OVER 5000	-	126,896.39		126,896.39	FY22 Budget Carryover
001	010330	42601		PROFESSIONAL SERVICES	-	-	28,000.00	28,000.00	Carryover for Fireworks
001	010330	42601		PROFESSIONAL SERVICES	-	-	17,250.00	17,250.00	Carryover Contract 2022-10 - Boys & Girls Club 4th qtr pmnt
001	010330	42642	00246	GUS MACKER - LODGERS TAX	328.69	-	49,995.00	50,323.69	Carryover of Lodgers' Tax award & projected FY23 Award
001	010330	43006		EQUIPMENT OVER 5000	-	22,000.00		22,000.00	FY22 Budget Carryover
001	010332	43006		EQUIPMENT OVER 5000	-	7,000.00		7,000.00	FY22 Budget Carryover
001	010335	42601		PROFESSIONAL SERVICES	-	-	37,619.54	37,619.54	Carryover Contract 2021-40 - Halff Assoc - Aquaticws Feasibility Study
001	010335	43006		EQUIPMENT OVER 5000	30.75	23,500.00		23,530.75	FY22 Budget Carryover
001	010335	44901	00176	SPLASH PADS	-	248,107.68		248,107.68	FY22 Budget Carryover
001	010410	42526		TRAFFIC CALMING PROGRAM	-	-	4,323.77	4,323.77	Carryover PO 22204426 Ramirez & Sons
001	010410	44901	00079	MAJOR THOUROUGHFARE PLAN IMP	-	12,930.88		12,930.88	FY22 Budget Carryover
001	010410	44901	00160	DRAINAGE MASTER PLAN	-	486,853.02		486,853.02	FY22 Budget Carryover
001	010410	44901	00224	CENTRAL/GRIMES/JHB INTER. IMP	-	775,000.00		775,000.00	FY22 Budget Carryover
001	010412	42404		SIGNALS AND SIGNS	-	-	2,461.24	2,461.24	Carryover PO 22203633 - AM Signal
001	010412	43003		VEHICLE REPLACEMENT	39,480.00	5,520.00		45,000.00	FY22 Budget Carryover
001	010412	44901	00159	TRAFFIC SIGNAL COMM UPGRADE	17,241.14	56,621.81		73,862.95	FY22 Budget Carryover
001	010412	44901	00260	CITYWIDE NETWORK	52,508.76	315,223.76		367,732.52	FY22 Budget Carryover
001	010413	42209		AUDIT	-	-	158.00	158.00	FY23 increase to audit contract actual
001	010415	44901	00158	AERIALS DTM AND CONTOURS	38,988.20	33,438.20		72,426.40	FY22 Budget Carryover
001	010420	43003		VEHICLE REPLACEMENT	39,480.00	5,520.00		45,000.00	FY22 Budget Carryover
001	010421	43007		FURNITURE/APPLIANCE	-	-	55,380.53	55,380.53	move carryover from 43013 for city hall chair purchase

FY23 Final Budget - Expense

FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22	FY22 AVAILABLE	Additions/ Adjustments	Total Budget	Notes/Comments
					ENCUMBRANCES	BUDGET		Request	
001	010421	43013		BUILDING IMPROVEMENTS	48,880.79			48,880.79	FY22 Budget Carryover
001	010421	44901	00242	BUILDING ROOF UPGRADES	38,238.88	40,142.30		78,381.18	FY22 Budget Carryover
001	010421	44901	00279	SECURITY UPGRADES - CITYWIDE	11,839.09	54,182.45		66,021.54	FY22 Budget Carryover
001	010421	44901	00285	HVAC REPLACEMENT PROJECT	42,727.51	10,070.17		52,797.68	FY22 Budget Carryover
001	010422	42601		PROFESSIONAL SERVICES	-	-	20,000.00	20,000.00	Increase to encumber J5Contract due to staff illness
001	010422	43003		VEHICLE REPLACEMENT	42,381.00	2,619.00		45,000.00	FY22 Budget Carryover
001	010423	43006		EQUIPMENT OVER 5000	-	-	66,305.00	66,305.00	FY22 Budget Carryover (moved from 010423-43003 Vehicle Replacement to 010423-43006 Equip over \$5000)
001	010423	44901	00148	PAVING REHABILITATION	105,524.32	986,878.83		1,092,403.15	FY22 Budget Carryover
<b>001 Total</b>								<b>16,673,261.66</b>	
100	104010	42601	00313	CLEANUP EFFORTS	-	390,336.90		390,336.90	Cleanup Effort & Fence Carryover
<b>100 Total</b>								<b>390,336.90</b>	
110	114011	44901	00243	JAIL	16,695.00	420.69		17,115.69	FY22 Budget Carryover
<b>110 Total</b>								<b>17,115.69</b>	
120	124012	42353		TRAINING	-	-	7,910.18	7,910.18	LEPF Carryover of prior year funds received
120	124012	42706		EQUIPMENT UNDER 5000.00	-	-	7,910.17	7,910.17	LEPF Carryover of prior year funds received
<b>120 Total</b>								<b>15,820.35</b>	
160	164016	42357	00246	LODGERS TAX ADVERTISING	-	-	98,400.00	98,400.00	Lodgers' Tax Projected FY23 award
160	164016	42501		BUILDING AND GROUNDS	-	-	3,465.11	3,465.11	Carryover PO 22204376 - Sunbird - CORE Window tinting - invoice not received
160	164016	43001		COMPUTER/COMP EQUIP OVER 5000.	30,176.94	54,584.03		84,760.97	FY22 Budget Carryover
160	164016	43006		EQUIP OVER 5000.00	25,500.00	140,010.14		165,510.14	FY22 Budget Carryover
160	164016	44901	00200	HWLC (DESIGN)	18,124.34	53,406.25		71,530.59	FY22 Budget Carryover
160	164016	44901	00228	HWLC (CONSTRUCTION)	-	192,240.25		192,240.25	FY22 Budget Carryover
160	164016	44901	00254	ART FOR CORE (1)	-	5,301.78		5,301.78	FY22 Budget Carryover
<b>160 Total</b>								<b>621,208.84</b>	
170	174017	42321	00331	VACCINE OUTREACH GRANT	-	-	1,656.00	1,656.00	Carryover of grant award
170	174017	43006		EQUIPMENT OVER 5000	-	8,460.15		8,460.15	FY22 Budget Carryover
<b>170 Total</b>								<b>10,116.15</b>	
180	184315	42614		TESTING	-	-	6,000.00	6,000.00	Carryover PO 22203436 - US Golf Assoc - invoice for service not received
180	184315	43003		VEHICLE REPLACEMENT	-	108,000.00		108,000.00	FY22 Budget Carryover
180	184315	43006		EQUIP OVER 5000.00	-	51,778.28		51,778.28	FY22 Budget Carryover
180	184315	44901	00164	GOLF COURSE RENOVATION	-	1,155,000.00		1,155,000.00	FY22 Budget Carryover
180	184316	42601	00217	PROFESSIONAL SERVICES	4,500.00	-	64,650.00	69,150.00	Carryover of Lodgers' Tax award & projected FY23 Award
180	184316	43006		EQUIP OVER 5000.00	5,425.01	21,954.99		27,380.00	FY22 Budget Carryover
180	184316	43013		BUILDING IMPROVEMENTS	-	54,459.80		54,459.80	FY22 Budget Carryover
<b>180 Total</b>								<b>1,471,768.08</b>	
190	194019	43011		LAND IMPROVEMENTS	185,182.53	2,502.55		187,685.08	FY22 Budget Carryover
<b>190 Total</b>								<b>187,685.08</b>	
210	214021	44901	00260	LEG APPROP- CITYWIDE FIBER NET	-	754,392.81		754,392.81	FY22 Budget Carryover

FY23 Final Budget - Expense

FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22	FY22 AVAILABLE	Additions/ Adjustments	Total Budget	Notes/Comments
					ENCUMBRANCES	BUDGET		Request	
210	214021	44901	00279	LEG APPROP - SECURITY UPGRADES	-	500,000.00		500,000.00	FY22 Budget Carryover
210	214021	44901	00302	LEG APPROP - FIRE TRUCK & AERI	-	11,337.00		11,337.00	FY22 Budget Carryover
<b>210 Total</b>								<b>1,265,729.81</b>	
220	224022	44901	00322	AMERICAN RESCUE PLAN EXPENSE	-	4,835,515.50		4,835,515.50	FY22 Budget Carryover
<b>220 Total</b>								<b>4,835,515.50</b>	
230	234023	42238		CHAMBER ADVERTISING EXPENSE	-	-	29,361.60	29,361.60	Carryover Contract 2022-29 - EDC
230	234023	42238		CHAMBER ADVERTISING EXPENSE	-	-	66,886.46	66,886.46	Carryover of Lodgers' Tax awards (\$26,181 Western Heritage; \$16,905.46 Hobbs Airfield; \$12,300 Cinco de Mayo; \$11,500 USSSA)
<b>230 Total</b>								<b>96,248.06</b>	
270	274027	43003		VEHICLE REPLACEMENT	-	280,000.00		280,000.00	FY22 Budget Carryover
270	274027	43006		EQUIPMENT OVER 5000	-	30,713.00		30,713.00	FY22 Budget Carryover
270	274027	43008		IMPROVEMENTS/RENOVATIONS	-	82,103.00		82,103.00	FY22 Budget Carryover
<b>270 Total</b>								<b>392,816.00</b>	
280	284028	42204		UNIFORMS	-	-	9,969.88	9,969.88	Carryover PO 22203060, 22203935 - not all items received
280	284028	42324		MISCELLANEOUS AND EMERGENCY	-	-	2,812.81	2,812.81	Carryover PO 22204155 - artesia fire - not all items received.
280	284028	43002		COMPUTER SOFTWARE OVER 5000	-	10,800.01		10,800.01	FY22 Budget Carryover
280	284028	43003		VEHICLE REPLACEMENT	-	127,556.26		127,556.26	FY22 Budget Carryover
280	284028	43006		EQUIPMENT OVER 5000	8,024.50	12,289.81		20,314.31	FY22 Budget Carryover
<b>280 Total</b>								<b>171,453.27</b>	
370	374037	44901	00232	NEW CDBG PROJECT	34,394.94	39,832.68		74,227.62	FY22 Budget Carryover
370	374037	44901	00326	CDBG - MIDWEST INFRASTRUCTURE	-	1,250,000.00		1,250,000.00	FY22 Budget Carryover
<b>370 Total</b>								<b>1,324,227.62</b>	
440	444044	44901	00073	JT UTIL EXTENSION	859,409.70	197,642.78		1,057,052.48	FY22 Budget Carryover
440	444044	44901	00200	HWLC (INFR/UTIL)	135,249.10	661,250.90		796,500.00	FY22 Budget Carryover
440	444044	44901	00289	WEST HOBBS WATER/SEWER EXT.	504,978.29	500,984.81		1,005,963.10	FY22 Budget Carryover
<b>440 Total</b>								<b>2,859,515.58</b>	
480	484048	44901	00046	MISC. STREET/DRAINAGE IMPS.	221,694.00	13,713.50		235,407.50	FY22 Budget Carryover
480	484048	44901	00178	WEST BENDER IMPROVEMENTS	20,576.77	498,896.75		519,473.52	FY22 Budget Carryover
480	484048	44901	00179	COLLEGE LANE INTERSECTION	-	550,000.00		550,000.00	FY22 Budget Carryover
480	484048	44901	00244	RR CROSSING IMPROVEMENTS	-	295,047.32		295,047.32	FY22 Budget Carryover
480	484048	44901	00284	TRAFFIC SIGNAL COOP - HAWK SYS	-	-	266,667.00	266,667.00	2023 HAWK Signal Coop Grant
480	484048	44901	00295	DaI Paso Map Grant	37,688.79	74,655.91		112,344.70	FY22 Budget Carryover
<b>480 Total</b>								<b>1,978,940.04</b>	
600	604610	42407		EQUIPMENT MAINTENANCE/REPAIR	-	-	7,000.00	7,000.00	Carryover PO 22202128 - Texan Waste - warranty issues - invoice dispute
600	604620	42501		BUILDING AND GROUNDS	-	-	16,006.85	16,006.85	Carryover PO 22204272 \$934.61; 22204199 \$15,072.24 CES not complete
600	604620	42523		RECONDITION WATER PROD. WELLS	-	-	5,957.00	5,957.00	Carryover PO 22204300 James Cooke
600	604620	43003		VEHICLE REPLACEMENT	67,218.00	12,782.00		80,000.00	FY22 Budget Carryover
600	604630	42209		AUDIT	-	-	432.00	432.00	FY23 increase to audit contract actual
600	604630	42601		PROFESSIONAL SERVICES	-	-	124,834.38	124,834.38	Carryover for Munis UB Upgrade

FY23 Final Budget - Expense

FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22	FY22 AVAILABLE	Additions/ Adjustments	Total Budget	Notes/Comments
					ENCUMBRANCES	BUDGET		Request	
600	604640	43003		VEHICLE REPLACEMENT	31,982.37	2,040.00		34,022.37	FY22 Budget Carryover
600	604650	43015		UTILITY EQUIPMENT	-	35,000.00		35,000.00	FY22 Budget Carryover
600	604685	42370		SUPPLIES - ELECTRONIC	-	-	3,352.00	3,352.00	Carryover PO 22203257 - Vector Controls
600	604685	42705		SECURITY EQUIPMENT	-	-	15,032.26	15,032.26	Carryover PO 22203362 - D&D Automation CES
600	604685	42715		UTILITY EQUIPMENT	-	-	23,870.25	23,870.25	Carryover PO 22203699 - brandon/clark
<b>600 Total</b>								<b>345,507.11</b>	
610	614061	43005		SECURITY EQUIPMENT	-	50,000.00		50,000.00	FY22 Budget Carryover
610	614061	43006		EQUIP OVER 5000.00	-	102,466.11		102,466.11	FY22 Budget Carryover
610	614061	44901	00091	AUTOMATED METER READING SYS	-	390,825.00		390,825.00	FY22 Budget Carryover
610	614061	44901	00094	WATERLINE REPLACEMENT	17,593.51	1,057,649.42		1,075,242.93	FY22 Budget Carryover
610	614061	44901	00095	NEW WATER WELL	45,395.31	504,604.69		550,000.00	FY22 Budget Carryover
610	614061	44901	00107	WATER DEVELOPMENT/40 YR PLAN	-	62,680.70		62,680.70	FY22 Budget Carryover
610	614061	44901	00203	WATER PRODUCTION PRV STATION	65,692.89	259,307.11		325,000.00	FY22 Budget Carryover
610	614061	44901	00287	BPS & WATERWELL METER RPLCMNT	15,349.31	103,372.04		118,721.35	FY22 Budget Carryover
<b>610 Total</b>								<b>2,674,936.09</b>	
620	624062	43013		BUILDING IMPROVEMENTS	-	91,455.00		91,455.00	FY22 Budget Carryover
620	624062	44901	00037	WWTP PLANT TREATMENT/ EXPANSIO	-	68,179.88		68,179.88	FY22 Budget Carryover
620	624062	44901	00096	REFURBISH LIFT STATION	15,351.56	89,087.27		104,438.83	FY22 Budget Carryover
620	624062	44901	00096	REFURBISH LIFT STATION	-	-	2,000.00	2,000.00	Carryover PO 22201488 - Tessco
620	624062	44901	00097	SEWER LINE REPLACEMENT	59,025.25	6,387,902.66		6,446,927.91	FY22 Budget Carryover
620	624062	44901	00205	DIGESTER PROJECT	65,083.81	7,038.92		72,122.73	FY22 Budget Carryover
620	624062	44901	00248	MANHOLE REHAB PROJECT	-	483,682.00		483,682.00	FY22 Budget Carryover
620	624062	44901	00259	GROUNDWATER REMEDIATION	3,422.18	106,805.68		110,227.86	FY22 Budget Carryover
620	624062	44901	00286	CENTRIFUGE UNIT #1 REFURBISH	289,162.80	338,546.50		627,709.30	FY22 Budget Carryover
620	624062	44901	00321	SCADA System Replacement Proj	-	4,000,000.00		4,000,000.00	FY22 Budget Carryover
<b>620 Total</b>								<b>12,006,743.51</b>	
630	634370	43015		UTILITY EQUIPMENT	69,404.05	311,276.42		380,680.47	FY22 Budget Carryover
630	634375	42215		RECONDITIONING OF PUMPS	-	-	12,177.44	12,177.44	Carryover PO 22204352 - Centrifuge Svc - service scheduled 07/18 - due to contractors schedule
630	634375	42307		SMALL HAND TOOLS	-	-	185.23	185.23	Carryover PO 22203898 - Grainger - waiting on 2 fuses
630	634375	42403		MACHINE REPAIR AND MAINTENANCE	-	-	7,596.97	7,596.97	Carryover PO 22204357 \$662.43 Teledyne - parts not received; 22203981 \$5,002.46 - Southwest Valve - additional parts still on backorder from manufacturer; 22203460 \$1,932.08 - Grainger - waiting on micrometers from manufacturer)
630	634375	43015		UTILITY EQUIPMENT	60,469.13	28,858.87		89,328.00	FY22 Budget Carryover
630	634380	42215		RECONDITIONING OF PUMPS	-	-	2,441.00	2,441.00	Carryover PO 22203943 - James Cooke - still waiting for pump
630	634380	43015		UTILITY EQUIPMENT	66,254.15	34,428.79		100,682.94	FY22 Budget Carryover
630	634380	43801		VFD/REBUILD #1 & #2 PUMPS	-	97,690.09		97,690.09	FY22 Budget Carryover
<b>630 Total</b>								<b>690,782.14</b>	

FY23 Final Budget - Expense

FUND	ORG	OBJ	PROJ	ACCOUNT DESCRIPTION	FY22 ENCUMBRANCES	FY22 AVAILABLE BUDGET	Additions/ Adjustments	Total Budget Request	Notes/Comments
640	644064	42641		WELLNESS PROGRAM	-	25,000.00		25,000.00	partial carryover for wellness testing expense
<b>640 Total</b>								<b>25,000.00</b>	
740	744074	42608		CLAIMS BY OTHERS GEN LIABILIT	-	-	13,068.16	13,068.16	Carryover PO 22202938 \$7,845.28; 22203959 \$5,222.88
<b>740 Total</b>								<b>13,068.16</b>	
830	834083	42301		SUPPLIES	-	-	223.31	223.31	Carryover of grant award
830	834083	42357		ADVERTISING	-	-	207.34	207.34	Carryover of grant award
<b>830 Total</b>								<b>430.65</b>	
<b>Grand Total</b>								<b>48,068,226.29</b>	

FY23 Final Budget -Revenue

Revenue									
FUND	ORG	OBJ	PROJECT	ACCOUNT DESCRIPTION	ENCUMBRANCES	AVAILABLE BUDGET	Additions/ Adjustments	Total Budget Request	Notes/Comments
001	019999	30101		PROPERTY TAX	-	-	(45,417.00)	(45,417.00)	To increase property tax to projection
001	019999	30105		OIL & GAS PRODUCTION	-	-	145,471.00	145,471.00	to decrease line item to projection
001	019999	30106		OIL & GAS EQUIPMENT	-	-	24,212.00	24,212.00	to decrease line item to projection
001	019999	30605	00341	LIBRARY DONATION - OXY	-	-	(2,000.00)	(2,000.00)	Oxy Donation to Hobbs Public Library
001	019999	30605	00343	DONATIONS - SAFE HAVEN BABY BOX	-	-	(11,000.00)	(11,000.00)	Donation projection - Safe Haven Baby Box
001	019999	30631	00250	RESTRICTED DONATIONS - CONOCO/	-	-	(653.34)	(653.34)	Carryover of unspent prior year donation
001	019999	30631	00252	RESTRICTED DONATIONS - OXY	-	-	(2,808.67)	(2,808.67)	Carryover of unspent prior year donation
001	019999	30631	00253	RESTRICTED DONATIONS - DEVON	-	-	(298.35)	(298.35)	Carryover of unspent prior year donation
001	019999	30701	00338	NM BOARD OF VET MED SPAY/NEUTR GRNT	-	-	(19,000.00)	(19,000.00)	Carryover of Grant Award
001	019999	30708	00337	CHARLIEBROWN PARK- LEA COUNTY	-	-	(110,000.00)	(110,000.00)	Carryover of Grant Award
001	019999	30708	00340	MADDOX MATCHING SPAY/NEUTER GRNT	-	-	(20,000.00)	(20,000.00)	Carryover of Grant Award
001	019999	30712		GRANT-BULLETPROOF VESTS	-	-	(11,377.66)	(11,377.66)	Carryover of Grant Award
001	019999	30715		LIBRARY GRANT	-	-	(17,828.00)	(17,828.00)	Carryover Library ARPA Grant
001	019999	30719		STATE GRANTS-ODWI AND OBD	-	-	(50,915.99)	(50,915.99)	Carryover of Grant Award
<b>001 Total</b>								<b>(121,616.01)</b>	
210	219999	30718	00260	LEG. APPROP-CITYWIDE FIBER NET	-	-	(769,773.50)	(769,773.50)	Carryover of Grant Award
210	219999	30718	00279	LEG. APPROP - SECURITY UPGRADE	-	-	(500,000.00)	(500,000.00)	Carryover of Grant Award
210	219999	30718	00323	LEG APPROP. - 1ST TEE	-	-	(75,000.00)	(75,000.00)	Carryover of Grant Award
<b>210 Total</b>								<b>(1,344,773.50)</b>	
270	279999	30729		FED/ST FUNDING 27	-	-	(650,884.28)	(650,884.28)	Carryover of Grant Award
<b>270 Total</b>								<b>(650,884.28)</b>	
370	379999	30702	00326	CDBG - MIDWEST INFRASTRUCTURE	-	-	(750,000.00)	(750,000.00)	Carryover of Grant Award
<b>370 Total</b>								<b>(750,000.00)</b>	
440	449999	30708	00289	LEA COUNTY MOA - MUNI WTR - AIRPORT	-	-	(600,000.00)	(600,000.00)	Carryover of Grant Award
440	449999	30708	00325	HMS MOU - ROADWAY IMPROVEMEN	-	-	(250,000.00)	(250,000.00)	Carryover of Grant Award
<b>440 Total</b>								<b>(850,000.00)</b>	
480	489999	30701	00178	WEST BENDER REHAB	-	-	(461,245.52)	(461,245.52)	Carryover of Grant Award
480	489999	30701	00284	TRAFFIC SIGNAL COOP - HAWK SYS	-	-	(200,000.00)	(200,000.00)	2023 HAWK Signal Coop Grant
<b>480 Total</b>								<b>(661,245.52)</b>	
620	629999	30701	00097	SEWER LINE REPLACEMENT	-	-	(13,107.66)	(13,107.66)	Carryover of Grant Award
<b>620 Total</b>								<b>(13,107.66)</b>	
830	839999	30752		STATE GRANTS 83	-	-	(10,462.28)	(10,462.28)	Carryover of Grant Award
<b>830 Total</b>								<b>(10,462.28)</b>	
<b>Grand Total</b>								<b>(4,402,089.25)</b>	
<b>Transfers</b>									

FY23 Final Budget -Revenue

FUND	ORG	OBJ	PROJECT	ACCOUNT DESCRIPTION	ENCUMBRANCES	AVAILABLE BUDGET	Additions/ Adjustments	Total Budget Request	Notes/Comments
001	019999	30803		TRANSFER TO - 17	-	-	10,116.15	10,116.15	
001	019999	30804		TRANSFER TO - 18	-	-	1,407,118.08	1,407,118.08	
001	019999	30805		TRANSFER TO - 19	-	-	187,685.08	187,685.08	
001	019999	30828		TRANSFER FROM - 23	-	-	(184,995.00)	(184,995.00)	
001	019999	30890		TRANSFER TO 16	-	-	362,989.56	362,989.56	
001	019999	30895		TRANSFER TO 74	-	-	451,261.41	451,261.41	
160	169999	30828		TRANSFER FROM - 23	-	-	(598,400.00)	(598,400.00)	
160	169999	30851		TRANSFER FROM 1	-	-	(362,989.56)	(362,989.56)	
170	179999	30830		TRANSFER FROM - 1	-	-	(10,116.15)	(10,116.15)	
180	189999	30802		TRANSFER FROM - 1	-	-	(1,407,118.08)	(1,407,118.08)	
180	189999	30828		TRANSFER FROM - 23	-	-	(64,650.00)	(64,650.00)	
190	199999	30832		TRANSFER FROM - 1	-	-	(187,685.08)	(187,685.08)	
232	239999	30804		TRANSFER TO - 18	-	-	64,650.00	64,650.00	
230	239999	30815		TRANSFER TO - 1	-	-	184,995.00	184,995.00	
231	239999	30890		TRANSFER TO 16	-	-	598,400.00	598,400.00	
370	379999	30899		TRANSFER FROM 48	-	-	(464,806.80)	(464,806.80)	
440	449999	30843		TRANSFER FROM - 49	-	-	(2,009,515.58)	(2,009,515.58)	
480	489999	30860		TRANSFER TO 37	-	-	464,806.80	464,806.80	
490	499999	30868		TRANSFER TO - 44	-	-	2,009,515.58	2,009,515.58	
530	539999	30844		TRANSFER FROM - 65	-	-	(312,710.32)	(312,710.32)	
600	609999	30845		TRANSFER FROM - 66	-	-	(345,507.63)	(345,507.63)	
610	619999	30846		TRANSFER FROM - 66	-	-	(2,674,936.09)	(2,674,936.09)	
620	629999	30847		TRANSFER FROM - 65	-	-	(4,669,270.97)	(4,669,270.97)	
630	639999	30844		TRANSFER FROM - 65	-	-	(690,752.14)	(690,752.14)	
640	649999	30801		TRANSFER TO - 72	-	-	84,876.13	84,876.13	
650	659999	30820		TRANSFER TO - 53	-	-	312,710.32	312,710.32	
651	659999	30821		TRANSFER TO - 62	-	-	4,669,270.97	4,669,270.97	
652	659999	30822		TRANSFER TO - 63	-	-	690,752.14	690,752.14	
660	669999	30824		TRANSFER TO - 60	-	-	345,507.63	345,507.63	
660	669999	30825		TRANSFER TO - 61	-	-	2,674,936.09	2,674,936.09	
720	729999	30891		TRANSFER FROM 64	-	-	(84,876.13)	(84,876.13)	
740	749999	30851		TRANSFER FROM 1	-	-	(451,261.41)	(451,261.41)	
							0.00		



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18th, 2022

SUBJECT: Authorizing an allocation of Lodgers' Tax to fund various events for fiscal year 2023

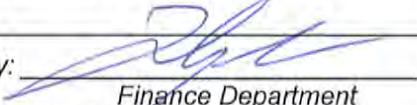
DEPT. OF ORIGIN: Finance  
DATE SUBMITTED: July 11th, 2022  
SUBMITTED BY: Toby Spears, Finance Director

**Summary:**

On July 13<sup>th</sup>, 2022, the Lodgers' Tax Board met and recommended awarding to the Commission, various events for Fiscal Year 2023. The entities requesting lodgers' tax are as follows:

- Hobbs USSSA – 3 Tournaments - \$10,000.00
- Permian Basin USSSA – 2 tournaments - \$18,000.00
- Southwest Symphony - \$12,127.38
- Hobbs Airfield Speedway – 4 events - \$16,730.00
- NAACP – New Mexico State Conference - \$15,498.75
- City of Hobbs – Rockwind Community Links Marketing - \$64,650.00
- City of Hobbs – New Mexico Recreation and Parks Assoc. State Conference - \$49,995.00
- City of Hobbs – CORE Marketing - \$99,650.00

**Fiscal Impact:**

Reviewed By:   
Finance Department

June 30, 2022 Estimated Cash Balance (per Lodgers' Tax ordinance) for the Lodgers' Tax Fund is as follows:

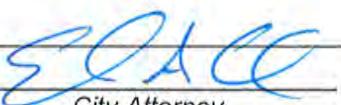
Security and Sanitation (15%)	\$ 0.00
Non-Profit/For Profit/Public Entity (20%)	\$ 349,162.93
City and County (40%)	\$ 671,789.90
Airline (25%)	\$ 65,982.75
<b>TOTAL CASH AVAILABLE</b>	<b>\$1,086,935.58</b>

The 2023 budgeted lodgers' tax revenues are projected to be \$900,000.00.

**Attachments:**

- Estimated Financial Report for June 30, 2022
- Resolution
- Requests

**Legal Review:**

Approved As To Form:   
City Attorney

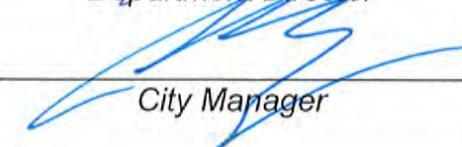
**Recommendation:**

To be determined by City Commission.

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

CITY OF HOBBS

RESOLUTION NO. 7228

A RESOLUTION AUTHORIZING AN ALLOCATION OF  
LODGERS' TAX FUNDS FOR FISCAL YEAR 2023

WHEREAS, the Lodgers' Tax Advisory Board met on July 13, 2022 and recommends awarding fund to various events for fiscal year 2023;

	Amount Requested	Lodger's Tax Board Recommendation	City Commission Recommendation
Hobbs USSSA	\$10,000.00	\$ 10,000.00	_____
Permian Basin USSSA	\$18,000.00	\$ 18,000.00	_____
Southwest Symphony	\$12,127.38	\$ 12,127.38	_____
Hobbs Airfield Speedway	\$16,730.00	\$ 16,730.00	_____
NAACP – (Hobbs Chapter)	\$15,498.75	\$ 15,498.75	_____
City of Hobbs – Rockwind Community Links Marketing	\$64,650.00	\$ 64,650.00	_____
City of Hobbs – NM Recreation and Parks Assoc. State Conference.	\$49,995.00	\$ 49,995.00	_____
City of Hobbs – CORE Marketing	\$99,650.00	\$ 99,650.00	_____

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is authorized to allocate Lodgers' Tax Funds in the total amounts as specified herein.

PASSED, ADOPTED AND APPROVED this 18th day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

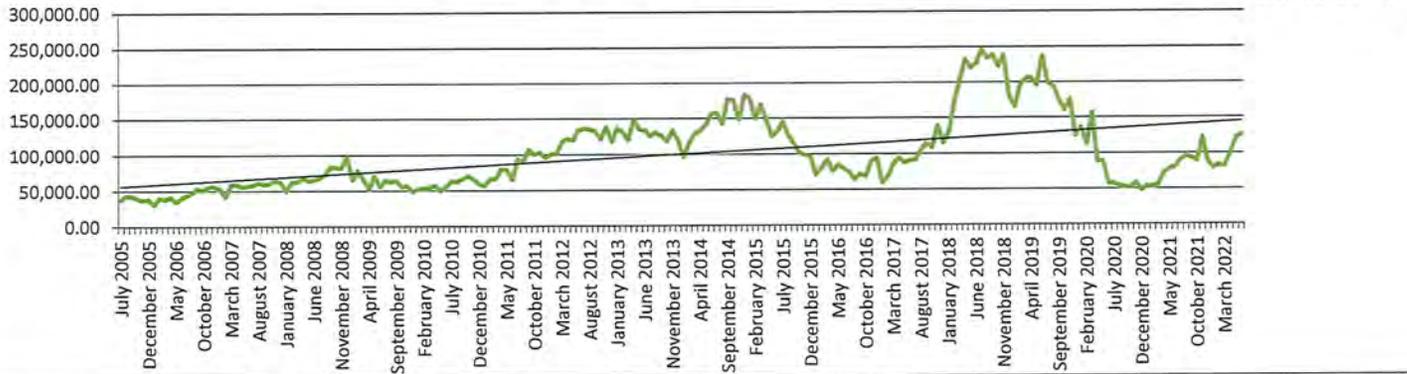
\_\_\_\_\_  
JAN FLETCHER, City Clerk

CITY OF HOBBS LODGERS' TAX REPORT

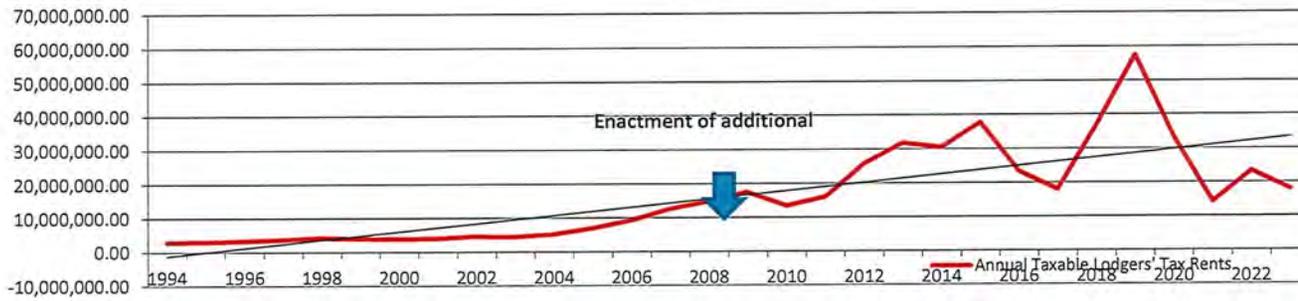
June 30, 2022

		RECEIPTS				EXPENDITURES			NET CHANGE		Cash
Month	Month	Gross Taxable Revenue	Lodgers' Tax	Other Income	TOTAL	Contract for Services	Advert & Promotion	TOTAL	For Month	YTD	Balance
<b>CASH BALANCE</b>		<b>2,240,394.27</b>	<b>2,564,005.38</b>	<b>28,913.17</b>	<b>2,592,918.55</b>		<b>1,735,444.83</b>				
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
<b>SUBTOTAL</b>		<b>20,585,449.00</b>	<b>1,029,272.45</b>	<b>17,327.99</b>	<b>1,046,600.44</b>	<b>0.00</b>	<b>1,033,640.81</b>	<b>1,033,640.81</b>			
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		1,766,006.00	88,300.30	1,853.80	90,154.10		17,726.00	17,726.00	72,428.10	72,428.10	2,371,573.62
May 2020		1,769,172.20	88,458.61	1,008.72	89,467.33		423,782.67	423,782.67	(334,315.34)	(334,315.34)	2,037,258.28
June 2020		1,143,332.00	57,166.60	658.40	57,825.00		268,924.59	268,924.59	(211,099.59)	(211,099.59)	1,826,158.69
<b>SUBTOTAL</b>		<b>12,785,887.6</b>	<b>639,294.38</b>	<b>10,881.7</b>	<b>650,176.08</b>	<b>0</b>	<b>1,077,371.29</b>	<b>1,077,371.29</b>			
FY 2020			1,668,566.83								
<b>CASH BALANCE</b>		<b>1,826,158.69</b>	<b>1,668,566.83</b>	<b>28,209.69</b>	<b>1,696,776.52</b>		<b>2,111,012.10</b>				
July 2020		1,138,913.00	56,945.65	399.99	57,345.64		-	-	57,345.64	57,345.64	1,883,504.33
August 2020		1,090,902.80	54,545.14	313.84	54,858.98		72,707.57	72,707.57	(17,848.59)	39,497.05	1,865,655.74
September 2020		1,040,277.60	52,013.88	204.53	52,218.41		155,580.47	155,580.47	(103,362.06)	(63,865.01)	1,762,293.68
October 2020		1,028,334.80	51,416.74	168.11	51,584.85		191,580.00	191,580.00	(139,995.15)	(203,860.16)	1,622,298.53
November 2020		1,162,426.00	58,121.30	142.03	58,263.33		110,232.00	110,232.00	(51,968.67)	(255,828.83)	1,570,329.86
December 2020		949,227.00	47,461.35	-	47,461.35		177,572.38	177,572.38	(130,111.03)	(385,939.86)	1,440,218.83
<b>SUBTOTAL</b>		<b>6,410,081.20</b>	<b>320,504.06</b>	<b>1,228.50</b>	<b>321,732.56</b>	<b>0.00</b>	<b>707,672.42</b>	<b>707,672.42</b>			
January 2021		1,067,524.20	53,376.21	89.40	53,465.61		48,389.35	48,389.35	5,076.26	5,076.26	1,445,295.09
February 2021		1,055,811.40	52,790.57	103.49	52,894.06		29,089.12	29,089.12	23,804.94	23,804.94	1,469,100.03
March 2021		1,094,322.80	54,716.14	71.28	54,787.42		369,287.22	369,287.22	-314,499.80	-314,499.80	1,154,600.23
April 2021		1,438,003.40	71,900.17	60.84	71,961.01		0.00	0.00	71,961.01	71,961.01	1,226,561.24
May 2021		1,548,735.60	77,436.78	56.89	77,493.67		0.00	0.00	77,493.67	77,493.67	1,304,054.91
June 2021		1,593,608.60	79,680.43	137.09	79,817.52		199,724.39	199,724.39	-119,906.87	-119,906.87	1,184,148.04
<b>SUBTOTAL</b>		<b>7,798,006.00</b>	<b>389,900.30</b>	<b>518.99</b>	<b>390,419.29</b>	<b>0.00</b>	<b>646,490.08</b>	<b>646,490.08</b>			
FY 2021			710,404.36								
<b>CASH BALANCE</b>		<b>1,184,148.04</b>									
July 2021		1,801,674.20	90,083.71	45.30	90,129.01		-	-	90,129.01	90,129.01	1,274,277.05
August 2021		1,915,939.00	95,796.95	45.20	95,842.15		25,355.08	25,355.08	70,487.07	160,616.08	1,344,764.12
September 2021		1,868,698.40	93,434.92	51.06	93,485.98		222,127.13	222,127.13	(128,641.15)	31,974.93	1,216,122.97
October 2021		1,780,151.80	89,007.59	38.65	89,046.24		51,709.00	51,709.00	37,337.24	69,312.17	1,253,460.21
November 2021		2,429,424.60	121,471.23	47.62	121,518.85		-	-	121,518.85	190,831.02	1,374,979.06
December 2021		1,744,665.80	87,233.29	96.08	87,329.37		305,240.26	305,240.26	(217,910.89)	(27,079.87)	1,157,068.17
<b>SUBTOTAL</b>		<b>11,540,553.80</b>	<b>577,027.69</b>	<b>323.91</b>	<b>577,351.60</b>	<b>0.00</b>	<b>604,431.47</b>	<b>604,431.47</b>			
January 2022		1,577,475.40	78,873.77	57.30	78,931.07		15,947.15	15,947.15	62,983.92	62,983.92	1,220,052.09
February 2022		1,654,709.20	82,735.46	55.26	82,790.72		0.00	0.00	82,790.72	82,790.72	1,302,842.81
March 2022		1,627,879.20	81,393.96	59.05	81,453.01		319,470.83	319,470.83	-238,017.82	-238,017.82	1,064,824.99
April 2022		1,977,060.60	98,853.03	90.76	98,943.79		20,000.00	20,000.00	78,943.79	78,943.79	1,143,768.78
May 2022		2,402,337.40	120,116.87	236.22	120,353.09		0.00	0.00	120,353.09	120,353.09	1,264,121.87
June 2022		2,498,604.00	124,930.20	515.49	125,445.69		302,631.99	302,631.99	-177,186.30	-177,186.30	1,086,935.57
<b>SUBTOTAL</b>		<b>11,738,065.80</b>	<b>586,903.29</b>	<b>1,014.08</b>	<b>587,917.37</b>	<b>0.00</b>	<b>658,049.97</b>	<b>658,049.97</b>			
<b>CASH BALANCE</b>		<b>1,086,935.57</b>	<b>1,163,930.98</b>				<b>1,262,481.44</b>				

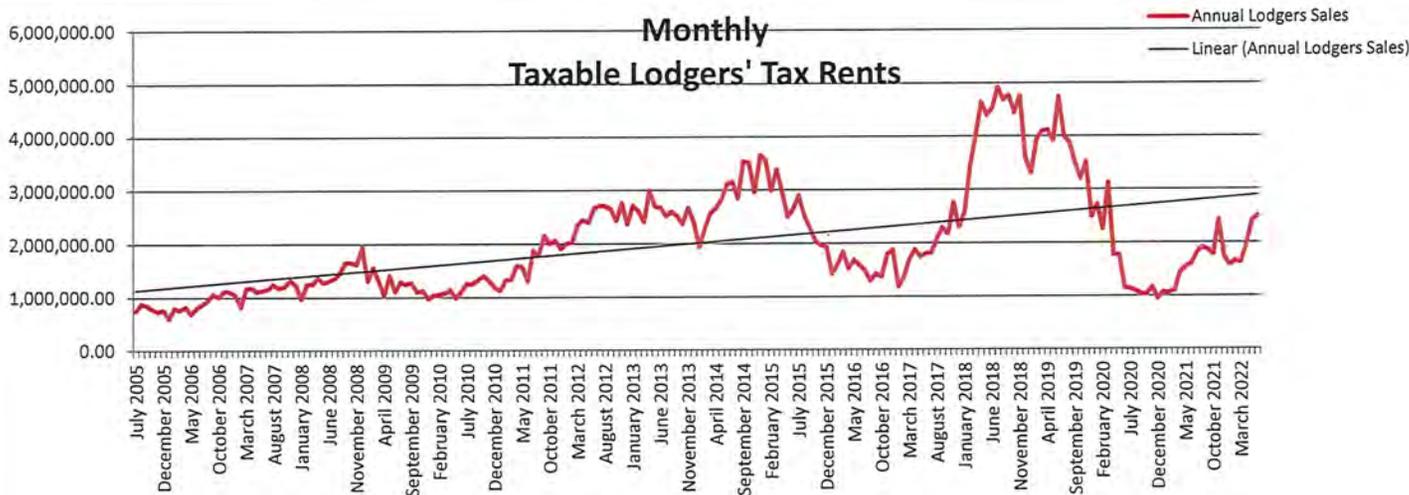
### Monthly Lodgers' Tax Collection



### Annual Taxable Lodgers' Tax Rents



### Monthly Taxable Lodgers' Tax Rents



CITY OF HOBBS LODGERS' TAX PROGRAM					
6/30/2022	AWARD				
	PROJECT	DATE	AMOUNT	ACTUAL EXPENSE	ACTUAL OUTSTANDING GRANT CATEGORY
6/30/2022	CASH BALANCE				1,086,935.57
Proof of Cash:					
Beginning Cash Available for Profit, Non-Profit, and Public Entities (20%)					240,065.84
22-01	Western Heritage Museum	7-14-21	26,181.00	0.00	26,181.00
22-02	Southwest Symphony	7-14-21	34,717.00	29,963.30	4,753.70
22-03	United Way of Lea County	7-14-21	88,500.00	79,513.37	8,986.63
22-04	Hobbs Chamber of Commerce	7-14-21	49,178.95	24,651.77	24,527.18
22-05	Cycle City Promotions	7-14-21	50,000.00	50,000.00	0.00
22-06	Hobbs Airfield Speedway, LLC	7-14-21	10,200.00	1,709.00	8,491.00
22-11	Tuff Hedeman Bull Riding	10-14-21	20,000.00	20,000.00	0.00
22-14	Hobbs High School Softball Boosters	1-12-22	7,125.00	7,125.00	0.00
22-15	Cinco De Mayo Committee	4-13-22	18,800.00	5,675.86	13,124.14
23-01	Hobbs USSSA	5-12-22	11,500.00	0.00	11,500.00
23-03	Hobbs Airfield Speedway, LLC	5-12-22	20,971.00	4,065.54	16,905.46
23-04	Juneteenth 2022	5-12-22	4,900.00		4,900.00
23-05	United Way of Lea County - Flag Bowl	5-12-22	4,320.00		4,320.00
TOTAL REMAINING ALLOCATION FOR PROFIT, NON-PROFIT AND PUBLIC ENTITIES			428,549.81	0.00	123,689.11
Add:	20% Monthly Tax Revenue (starting April 1st, 2013)				232,786.20
Cash Available for Allocation					348,162.93
Beginning Cash Available for Local Government (City and County) (40%)					444,307.87
20-27	CITY OF HOBBS - MARKETING/BRANDING CAMPAIGN	3/2/2020	250,000.00	36,891.15	213,108.85
22-07	CITY OF HOBBS - CORE (OPERATING)	4/14/2021	500,000.00	500,000.00	0.00
22-08	CITY OF HOBBS - CORE (MARKETING)	4/14/2021	98,400.00	94,820.20	3,579.80
22-09	CITY OF HOBBS - ROCKWIND GOLF (MARKETING)	4/14/2021	67,400.00	62,898.67	4,501.33
22-12	CITY OF HOBBS - HOBBS TREE LIGHTING	10-14-21	18,713.81	11,467.18	7,246.63
22-13	CITY OF HOBBS - GUS MACKER	1-18-2022	24,610.00	14,956.25	9,653.75
TOTAL REMAINING ALLOCATION FOR LOCAL GOVERNMENT			959,123.81	721,033.45	238,090.36
Add:	40% Monthly Tax Revenue (starting April 1st, 2013)				465,572.39
Cash Available for Allocation					671,789.90
Beginning Cash Available for Fire, EMS, Sanitation (15%)					
TOTAL REMAINING ALLOCATION FOR CITY OF HOBBS POLICE AND FIRE			174,589.65	174,588.15	1.50
Add:	15% Monthly Tax Revenue (starting April 1st, 2013)				174,588.15
Cash Available for Allocation					(1.50)
Beginning Cash Available for Airline subsidy (25%)					266,191.48
22-10	EDC - AIRLINE SUBSIDY	04/14/2021	150,000.00	150,000.00	0.00
23-02	EDC - MARKETING/AIRLINE SUBSIDY (91,191.40)	5-12-22	491,191.48		491,191.48
Add:	25% Monthly Tax Revenue (starting April 1st, 2013)				290,982.75
TOTAL REMAINING ALLOCATION FOR AIRLINE SUBSIDY					
Cash Available for Allocation					65,982.75

# Hobbs USSSA

“Sanction and State Fees for Three Tournaments ”



**City of Hobbs  
Annual Funding Guidelines  
Lodgers' Tax Requests for Proposal (RFP)  
from 05/01/2022 - 06/30/2023**

The City of Hobbs and the Hobbs City Commission wish to ensure that your events have the greatest chance of success. The following guidelines have been adopted by the City Commission to outline procedures for the annual expenditures of Lodgers' Tax funds.

1. The City of Hobbs is accountable to the City Commission for Lodgers' Tax Funds and is responsible for the placement of any orders involving expenditures of Lodgers' Tax funds. The table below details eligible & non-eligible expenses per Ordinance # 1052

Eligible	Non-Eligible
Professional Performance Fees	Administrative Office Overhead
Sound and Lighting as Related to Performance	Website Costs
Advertising/Promotion Items	Real Property
Sanitation	Tangible Property
Sanction Fees	

For internal control purposes of lodgers' tax funds, the organization must provide valid proof of expenditures and contracts. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices and contracts must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, bank statement or other documentation to determine whether or not the transaction is valid for lodgers' tax. **Note: If cancellation of an event results in a refund of any deposit, this refund must be returned to the City of Hobbs Lodgers' Tax Fund.**

2. The organization requesting Lodgers' Tax funding shall designate a representative to serve in the capacity of spokesperson for that organization. The representative or designee must make all attempts to attend the Lodgers' Tax meeting or City Commission meeting as appropriate when requesting funding to answer questions.
3. All Requests for Proposal's (RFP's) for Lodgers' Tax **annual** funding must be received by **March 18th, 2022**. (This is to include all events to occur during the period indicated above for which your organization is requesting funding.)
4. A proposed budget must be submitted with the RFP for annual Lodgers' Tax funding explaining how fees and other revenues are to be used and include a detailed list of estimated expenses for any and all events on an annual basis.
5. Event Summaries from prior year funding will be required during the annual presentation process. Event summaries should include the number in attendance, the number of overnight stays and the actual revenue and expenditures. **Any unspent funding at the end of the funding cycle (05/01/2022-06/30/2023) will revert back to the City of Hobbs Lodgers' Tax Fund. Expenses will NOT be reimbursed after August 31, 2023.**
6. In addition to the above listed criteria, organizations requesting funding may be asked to provide the following information:
  - Proof of non-profit status and copy of last years IRS form 990
  - Proof of agency good standing with the NM Corporation Commission
  - Proof of Workers-Comp or Liability Insurance Coverage

Advertising not included in the initial request for funding is the RESPONSIBILITY AND OBLIGATION OF THE ORGANIZATION PLACING SUCH ORDER.

I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

Julie Rodriguez  
Representative

Hobbs USSSA  
Name of Organization

7/8/2022  
date

Lodgers Tax Budget - Event Number 1

Event Information

Name of Event Jewelz on the Turf NIT-All American Games Tryouts  
Date May 27-29 2022  
Location All Youth Fields and Ziaplex  
USSSA State Tournament Qualifier & National Invitational Event  
All American Games Tryout held Friday night by USSSA Pride Players  
Expected Attendance 1800 # of Overnights 1000  
Is this an annual event? yes Is this a new event? no  
Total Request for Event \$ 9000.00

Lodgers Tax Budget - Event Number 2

Event Information

Name of Event NM/WTX ALL STATE  
Date August 6-7 2022  
Location All youth fields and Ziaplex  
Description USSSA NM/WTX All State Event formed from MVP players from the summer events from all over NM and WTX.  
Expected Attendance 1500 # of Overnights 700  
Is this an annual event? yes Is this a new event? no  
Total Request for Event \$ 3000.00

**Lodgers Tax Budget - Event Number 1**  
**Event Information**

Name of Event JB Memorial  
Date May 30 2022  
Location Ziaplex  
USSSA State Tournament Qualifier  
Expected Attendance 1500 # of Overnights 500  
Is this an annual event? yes Is this a new event? no  
Total Request for Event \$ 2500.00

**Lodgers Tax Budget - Event Number 2**  
**Event Information**

Name of Event Mens E State  
Date August 13-14 2022  
Location Ziaplex  
Description USSSA State Tournament  
Expected Attendance 1500 # of Overnights 500  
Is this an annual event? yes Is this a new event? no  
Total Request for Event \$ 3500.00

**Lodgers Tax Budget - Event Number 3**  
**Event Information**

Name of Event Mixed State Championships B,C,D,E  
Date August 27-28 2022  
Location Ziaplex  
Description USSSA State Tournament  
Expected Attendance 1500 # of Overnights 500  
Is this an annual event? yes Is this a new event? no  
Total Request for Event \$ 3500.00

# CITY OF HOBBS LODGERS TAX REQUEST

## HOBBS USSSA

### 2022 SUMMARY OF EVENT REQUEST

SLOWPITCH	AMOUNT	
<del>Event 1</del>	<del>\$2500.00</del>	<del>JB Memorial 1 Pitch</del>
Event 2	\$3500.00	Mens E State Championship
Event 3	\$3500.00	Mixed State Championship B, C, D, E

FASTPITCH	AMOUNT	
<del>Event 1</del>	<del>\$9000.00</del>	<del>Jewelz on the Turf NIT-All American Games Tryouts</del>
Event 2	\$3000.00	NM/WTX ALL STATE

TOTAL REQUEST      ~~\$21,500.00~~      \$10,000

# Permian Basin USSSA

"National Sanction Fees "

**Request for Lodgers' Tax Assistance**

**Contact Information**

Organization	PERMIAN BASIN USSSA
Name of Contact	TOMMY HAWKINS
Address	4487 HACKBERRY CT.
City, State Zip	MIDLAND TX 79707
Phone#/Fax#	432-520-9100 432-557-3229
email	TOMMY.HAWKINS@WTUSSSA.COM

**Event Budget**

		Event 1	Event 2	Event 3	Event 4	Event 5	Total
Income	Sponsorships						-
	Sales						-
	Donations						-
	Prior Year Carryover						-
	Other (please explain)						-
	<b>Total Income</b>	-	-	-	-	-	-
		Event 1	Event 2	Event 3	Event 4	Event 5	Total
EXPENSE (NON- LODGERS' TAX	Cost of Sales Items						-
	Cost of Awards						-
	Building/Booth Rent						-
	Advertising						-
	Printing & Mailing						-
	Print Media						-
	Electronic Media						-
	Misc. (Please explain)						-
	<b>Total NON- LODGERS' Exp.</b>	-	-	-	-	-	-

NON -  
LODGERS'  
TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	-	-	-	-	-	-
Print Media	-	-	-	-	-	-
Electronic Media	-	-	-	-	-	-
Other	-	-	-	-	-	-
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	-	-	-	-	-	-

LODGERS'  
TAX

Instructions: Please complete all areas of PINK that apply. Lodgers' Tax Budget Summary must reconcile to Event Details



# Southwest Symphony

"One Hit Wonders! Concert "



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2022 - 06/30/2023**

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Sound and Lighting as Related to Performance	Website Costs
Advertising/Promotion Items	Real Property
Sanitation	Tangible Property
Sanction Fees	

For internal control purposes of lodgers' tax funds, the organization must provide valid proof of expenditures and contracts. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices and contracts must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, bank statement or other documentation to determine whether or not the transaction is valid for lodgers' tax. **Note: If cancellation of an event results in a refund of any deposit, this refund must be returned to the City of Hobbs Lodgers' Tax Fund.**

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3. All Requests for Proposal's (RFP's) for Lodgers' Tax **annual** funding must be received by **March 18th, 2022**. (This is to include all events to occur during the period indicated above for which your organization is requesting funding.)
4. A proposed budget must be submitted with the RFP for annual Lodgers' Tax funding explaining how fees and other revenues are to be used and include a detailed list of estimated expenses for any and all events on an annual basis.
5. Event Summaries from prior year funding will be required during the annual presentation process. Event summaries should include the number in attendance, the number of overnight stays and the actual revenue and expenditures. **Any unspent funding at the end of the funding cycle (05/01/2022-06/30/2023) will revert back to the City of Hobbs Lodgers' Tax Fund. Expenses will NOT be reimbursed after August 31, 2023.**
6. In addition to the above listed criteria, organizations requesting funding may be asked to provide the following information:
  - Proof of non-profit status and copy of last years IRS form 990
  - Proof of agency good standing with the NM Corporation Commission
  - Proof of Workers-Comp or Liability Insurance Coverage

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I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

*Leanni Salgado*  
 Representative

*Southwest Symphony*  
 Name of Organization

*7/7/2022*  
 date

**Request for Lodgers' Tax Assistance  
Contact Information**

Organization	Southwest Symphony
Name of Contact	Leanne Salgado
Address	PO Box 101
City, State Zip	Hobbs, NM 88241
Phone#/Fax#	(office)575-738-1041/575-390-8069(cell)
email	director@swsymphony.org

**Event Budget**

		Event 1	Event 2	Event 3	Event 4	Event 5	Total	
Income	Sponsorships						-	
	Sales						-	
	Donations						-	
	Prior Year Carryover						-	
	Other (please explain)						-	
	<b>Total Income</b>	-	-	-	-	-	-	-
		Event 1	Event 2	Event 3	Event 4	Event 5	Total	
EXPENSE (NON- LODGERS' TAX	Cost of Sales Items	Please see attached budget						-
	Cost of Awards						-	
	Building/Booth Rent						-	
	Advertising						-	
	Printing & Mailing						-	
	Print Media						-	
	Electronic Media						-	
	Misc. _____ (Please explain) _____						-	
	<b>Total NON- LODGERS' Exp.</b>	-	-	-	-	-	-	-

NON -  
LODGERS'  
TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	1,097.50	-	-	-	-	1,097.50
Print Media	957.00	-	-	-	-	957.00
Electronic Media	1,130.88	-	-	-	-	1,130.88
Other	8,942.00	-	-	-	-	8,942.00
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	<b>12,127.38</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12,127.38</b>

LODGERS'  
TAX

Instructions: Please complete all areas of PINK that apply. Lodgers' Tax Budget Summary must reconcile to Event Details

## Lodgers' Tax Budget - Event Number 1 Event Information

Name of Event Southwest Symphony 2022-2023 - One Hit Wonders! Concert  
 Date November 17, 2022  
 Location Hobbs, NM  
 Description We are requesting funding for Southwest Symphony's Cultural Arts Series event - One Hit Wonders!. This is the first of 7 concerts for our Proposed 2022-2023 Season of public concerts to be performed in Hobbs, NM between September 2022-May2023.

Expected Attendance	200	# of Overnights	10
Is this an annual event?	Yes	Is this a new event?	No

### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)	1.00	100		100.00	Flyers Tickets	
Programs	2.10	250	525.00		0.89		250
SUBTOTAL			625.00	SUBTOTAL			222.50
Mailings	0.50	500	250.00	TOTAL PRINTING COSTS			1,097.50

### PRINT MEDIA

	Name	# of ads	Cost	Total
	Newspaper	Hobbs News Sun	7	120.00
Lovington Leader		1	117.00	117.00
SUBTOTAL			957.00	
Magazine/Other	Name	# of ads	Cost	Total
				-
	SUBTOTAL			-
TOTAL PRINT MEDIA				957.00

### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
	Radio	Noalmark Broadcasting	1	640.88
MTD Radio		1	440.00	440.00
Television				-
Social Media	Social Media	1	50.00	50.00
TOTAL ELECTR. MEDIA				1,130.88

### OTHER EXPENSE

	Name	# of item	Cost	Total
	Professional Performance Fees	Cultural Arts Series	1	8,375.00
Sound and Lighting Costs				-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)	Digital Billboard - 3 locations	1	297.00	297.00
	Promo Magnets	300	0.75	225.00
	Postcards	150	0.30	45.00
				-
				-
TOTAL OTHER EXPENSE				8,942.00

**TOTAL REQUEST FOR EVENT 1**

**12,127.38**

Instructions: Please complete all areas of PINK that apply.

Proposed Budget  
2022-2023 Season

	CAS	SWSO	CAS	SWSO	CAS	CAS	SWSO			
CONCERTS	One Hit Wonders	Youth Series	LCU Choir	SWSO & Guest	Playing By Air	TX Guitar Quartet	SWSO			Lodgers' Tax
	Tydings	Tydings	Church	Tydings	Tydings	Church	Tydings	Oper. Exp.	TOTAL	Request
<b>SWS PERSONNEL:</b>										<b>22-23</b>
Artistic Dir.		\$2,000.00		\$1,200.00			\$1,200.00		\$4,400.00	
SWS Musicians		\$17,500.00		\$13,000.00			\$13,000.00		\$43,500.00	
<b>OUTSIDE ARTISTIC:</b>										
Performance Fee	\$15,000.00		\$5,000.00		\$7,500.00	\$6,000.00			\$33,500.00	\$33,500.00
Residency Fee		\$300.00		\$300.00	\$2,500.00				\$2,800.00	
<b>TRAVEL/LODGING:</b>										
Airfare		\$500.00		\$500.00		\$500.00	\$500.00		\$2,000.00	
Hotel	\$2,000.00	\$6,200.00		\$10,000.00	\$900.00	\$400.00	\$9,500.00		\$29,000.00	
Mileage		\$4,800.00		\$5,000.00		\$500.00	\$5,000.00		\$15,300.00	
Meals	\$500.00	\$500.00	\$500.00	\$800.00	\$300.00	\$250.00	\$300.00		\$3,150.00	
U-haul										
Hospitality					\$50.00	\$50.00			\$100.00	
Rental Car	\$500.00	\$400.00		\$400.00	\$400.00		\$400.00		\$2,100.00	
<b>ADMINISTRATIVE:</b>										
Executive Director								\$48,600.00	\$48,600.00	
Prog. Coordinator								\$20,000.00	\$20,000.00	
YS/OF Coordinator								\$17,500.00	\$17,500.00	
<b>OFFICE EXPENSES:</b>										
Rent								\$6,600.00	\$6,600.00	
Utilities/Phone								\$4,000.00	\$4,000.00	
Office Supplies/expenses								\$6,500.00	\$6,500.00	
Postage								\$2,500.00	\$2,500.00	
Taxes								\$5,000.00	\$5,000.00	
<b>DEVELOPMENT:</b>										
Friends of the Symphony								\$4,000.00	\$4,000.00	
Ex Dir. Prof. Exp.								\$3,000.00	\$3,000.00	
<b>TECHNICAL:</b>										
Lts/sound/bkln	\$2,250.00			\$2,000.00	\$500.00	\$500.00			\$5,250.00	
Stage Crew	\$500.00	\$100.00		\$200.00			\$100.00		\$900.00	
Piano Tuning									\$0.00	
<b>SPACE/RENTAL</b>	\$200.00	\$200.00	\$500.00	\$200.00	\$200.00	\$250.00	\$200.00		\$1,750.00	
<b>MARKETING</b>	\$3,000.00	\$3,000.00	\$3,000.00	\$3,500.00	\$3,000.00	\$3,000.00	\$3,000.00		\$21,500.00	\$21,500
radio/newspaper										
billboard/social media										
Website annual fee								\$250.00	\$250.00	
<b>PRINTING:</b>										
Program Booklets								\$2,100.00	\$2,100.00	\$2,100.00
Brochures (Season)								\$250.00	\$250.00	\$250.00
Misc. magnets/posters/tickets								\$592.50	\$592.50	\$592.50
<b>OTHER:</b>										
WAA membership								\$275.00	\$275.00	
Mem.								\$600.00	\$600.00	
Liability Ins.								\$1,600.00	\$1,600.00	
NMPA dues								\$100.00	\$100.00	
ASCAP/BMI								\$1,000.00	\$1,000.00	
Music Rental		\$500.00					\$500.00		\$1,000.00	
Misc./Benevolence fund								\$1,000.00	\$1,000.00	
<b>TOTAL</b>	<b>\$23,950.00</b>	<b>\$36,000.00</b>	<b>\$9,000.00</b>	<b>\$37,100.00</b>	<b>\$15,350.00</b>	<b>\$11,450.00</b>	<b>\$33,700.00</b>	<b>\$125,467.50</b>	<b>\$291,717.50</b>	<b>\$57,942.50</b>



## **WORKERS COMP COVERAGE**

Southwest Symphony employs one three-quartered time, salaried employee, as Executive Director and two part time hourly employees. The part time employees are hired on a contractual basis. Per the NM Worker's Compensation Act chapter 52, Article 1978: SWS Inc. is not required by law to carry coverage. Southwest Symphony however, has provisions in our General Liability, which upon investigation, will cover the contractual hires in the event of injury, under third party liability coverage. The City of Hobbs is listed as additional insured on this policy.

See attached.

# SOUTHWEST SYMPHONY

## 2022-2023 PROPOSED SEASON FIRST PERFORMANCE

The Cultural Arts Series concerts are recommended by the Programming Committee in October. A Rubric selection process is used to rank the artists. Concert expenses may include: space rental, lights/sound, backline equipment, stage crew, piano tuning, rental car, hospitality, meals, hotel, mileage and music rental.

**SEPTEMBER 2022 – Tydings Auditorium, Hobbs, NM**

**ONE HIT WONDERS! – THE SONGS YOU HATE TO LOVE**

Songs that made a music group famous or infamous, for a brief moment in time . . . Songs that stuck in your brain – for better or worse . . . Songs that inspired wild dancing and wilder fashion . . . Songs we remember in spite of ourselves . . . Relive your favorites from the 60s – 70s – 80s – 90s.

[www.ohwshow.com](http://www.ohwshow.com)

**PROJECTED TOTAL COST: \$23,950.00**

Performance fee: \$15,000

Additional expenses of \$8,950.00 includes operating and concert expenses and all marketing.



Simply Design Studio and Print Shop, LLC  
 1401 N Turner St Ste 10  
 Hobbs, NM 88240  
 575-408-8274  
 info@simplyprintshop.com  
 www.simplyprintshop.com

# Estimate

**ADDRESS**

Southwest Symphony  
 Southwest Symphony

ESTIMATE # 1118

DATE 01/12/2022

DATE	ACTIVITY	DESCRIPTION :	QTY	RATE	AMOUNT
	Brochures	Double Sided Full color, 8.5"x11" Tri fold, bleed, folding	500	0.50	250.00
	Magnet		300	0.75	225.00
	Posters	Full color, 8.5"x11" posters 100 at \$1.00 each   200 at \$.85 each	100	1.00	100.00
	Tickets	Full color, 2"x5.5" one sided, stapled, perforation, ticket booklets	250	0.89	222.50
	Postcards	Direct Mailer Postcards	150	0.30	45.00
	Booklets	8.5"x5.5" Full Color Program Insert 8 pages - 250 at \$1.80   300 at \$1.60 12 pages - 250 at \$2.00   300 at \$1.80 16 pages - 250 at \$2.30   300 at \$2.10	1,000	2.10	2,100.00

SUBTOTAL	2,942.50
TAX	0.00
<b>TOTAL</b>	<b>\$2,942.50</b>

Feb. 11, 2022

Christy,

Here is our Hobbs News-Sun advertising quote for Southwest Symphony current season.

7 ads at \$120.00 per 3 x 6 black & white (3 column wide x 6 inches tall) ad per concert for in-person concert

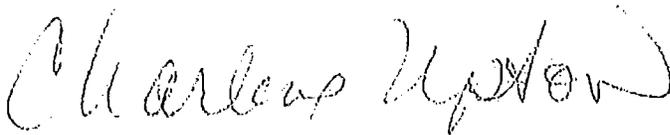
4 ads at \$120.00 per 3 x 6 black & white (3 column wide x 6 inches tall) ad per concert for virtual concert

Ad rates are as quoted for a minimum of 7 ads per in-person concert and as many ads as requested for virtual concerts with a minimum of 4 ads per virtual events.

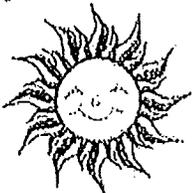
We here at the Hobbs News-Sun are anxiously anticipating the return of the wonderful Southwest Symphony events to our community!

We look forward to serving you!!

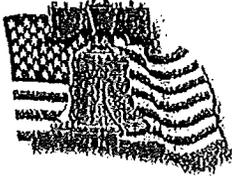
Thanks again!



Charlene Upton  
Advertising Executive  
Hobbs News-Sun  
Ter2@hobbsnews.com  
santafesundown@aol.com  
575-391-5411  
575-631-3112



LAND of the FREE...Home of the BRAVE



# Lowington LEADER

---

1/24/02

Advertising quote for a 3 column by 6-inch ad for the 2022-2023 season.

Estimated number of insertions for the season— 7 —black and white.

Cost per ad (3X6): \$117 per insertion

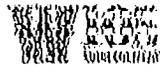
Thank you,

A handwritten signature in black ink, appearing to be 'John Graham', with a long horizontal line extending to the right.

John Graham



KTUM



KWMW



KIDX



KNMB



KRUI

2022-2023

MTD RADIO PROPOSAL

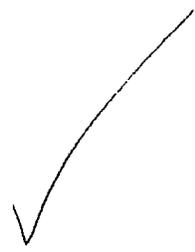


KTUM-FM B107 The Blaze -- Top 40 music format  
KWMW-FM Your Country W105 -- Country Music Format  
KNMB Mix 96.7 -- Hot AC/Pop Music  
KIDX-FM 101.5 The Kid -- Classic Rock

\*Rates based on :30-second commercials, 6am-7pm

LIGHT COVERAGE:

3-commercials per day 7-days prior to each show  
1/2 Paid, 1/2 Nonprofit Matching from Stations  
22-Ads per show, per station - Cost per station \$110 + tax  
Total Cost per show: \$440 + tax  
Annual Cost: \$1760 + tax



MEDIUM COVERAGE:

6-commercials per day 7-days prior to each show  
1/2 Paid, 1/2 Nonprofit Matching from Stations  
42-Ads per show, per station, Cost \$210 + tax  
Total Cost per show: \$840 + tax  
Annual Cost: \$3360 + tax

HEAVY COVERAGE:

9-commercials per day 7-days prior to each show  
1/2 Paid, 1/2 Nonprofit Matching from Stations  
62-Ads per show, per station, Cost \$310 + tax  
Total Cost per show: \$1240 + tax  
Annual Cost: \$4960 + tax

ADDED VALUE TO INCLUDE:

- FREE DJ Live Reads
- Social Media Promotions
- On Air Interviews and Giveaways (if applicable)

[lori@mtdradio.com](mailto:lori@mtdradio.com)

916 W. Ave D, Lovington NM 88260

c 575-390-3569





619 N Turner St. Hobbs, NM 88240 575-397-4969

## Proposed Advertising Schedule

### Southwest Symphony

This proposal is for advertising on the four English language radio stations in Hobbs.

KIXN-FM (Country)

KZOR-FM (Adult Contemporary)

KLEA-FM (Kool 95.7 – Classic Hits)

KEJL AM-FM (Classic Rock)

Proposed Schedule: For each of seven concerts, 2022-2023 season.

30 30-second ads on each of four radio stations prior to each of the seven concerts. \$150.00 per concert, per station.

4-station total: \$600 per concert plus \$40.88 tax.

Total: Four Station, seven concert season: \$4,486.16

If you have any questions, please let me know.

Al Lobeck

Certified Radio Marketing Consultant

575-390-0648

1/11/22

# BENDER BILLBOARD

BENDER BILLBOARD  
PO BOX 1315  
HOBBS, NM 8841  
575-390-3951

1/14/2022

To whom it may concern:

This letter serves as an advertising proposal for Southwest Symphony's 2022-2023 concert season.

Again, we are offering our three digital billboards; located at the intersections of Grimes and Turner(one face); Millen Dr and Lovington Hwy(two faces); all three are in Hobbs, NM.

During this advertising period, ads will be rotated between seven concerts, informational/ticket ad and an annual Christmas ad. These ads will be utilizing our Silver Package, each one costing \$99, for a total monthly invoice of \$297.

Sincerely,

Judy Pennell  
[Benderbillboard@live.net](mailto:Benderbillboard@live.net)  
575.390.3951

## Hotel information

Rooms we have paid for each season.

This season all rooms were 2-night stays: total of each concert

SWSO concert: 56 rooms (62 people)

Farewell Angelina : 10 rooms (10 people)

SWSO Tour: 68 rooms (76 people)

SWSO: 80 rooms (92 people)

**A total of 214 rooms**

2022-2023 Season projection - 2-night stays except for Playing by Air-3 nights

One Hit Wonders: 20 rooms (10 people)

SWSO Tour : 68 rooms (76 people)

SWSO w/ guest: 96 rooms (108 people) (extra 8 rooms for the band included)

Playing by Air: 9 rooms (9 people)

TX Guitar quartet: 8 rooms (8 people)

SWSO: 80 rooms (92 people)

**A total of 281 rooms**

Just the symphony # rooms this year are 204 and next year 228 rooms

# Hobbs Airfield Speedway

*"Summer Meltdown No Prep Race"  
"Bracket Race and JV Dragsters Bash"  
"No Prep Flashlight Cash Days"  
"Limpy on the Flashlight"*



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2022 - 06/30/2023**

The City of Hobbs and the Hobbs City Commission wish to ensure that your events have the greatest chance of success. The following guidelines have been adopted by the City Commission to outline procedures for the annual expenditures of Lodgers' Tax funds.

1. The City of Hobbs is accountable to the City Commission for Lodgers' Tax Funds and is responsible for the placement of any orders involving expenditures of Lodgers' Tax funds. The table below details eligible & non-eligible expenses per Ordinance # 1052

Eligible	Non-Eligible
Professional Performance Fees	Administrative Office Overhead
Sound and Lighting as Related to Performance	Website Costs
Advertising/Promotion Items	Real Property
Sanitation	Tangible Property
Sanction Fees	

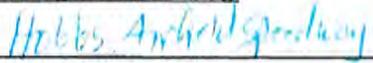
For internal control purposes of lodgers' tax funds, the organization must provide valid proof of expenditures and contracts. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices and contracts must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, bank statement or other documentation to determine whether or not the transaction is valid for lodgers' tax. **Note: If cancellation of an event results in a refund of any deposit, this refund must be returned to the City of Hobbs Lodgers' Tax Fund.**

2. The organization requesting Lodgers' Tax funding shall designate a representative to serve in the capacity of spokesperson for that organization. The representative or designee must make all attempts to attend the Lodgers' Tax meeting or City Commission meeting as appropriate when requesting funding to answer questions.
3. All Requests for Proposal's (RFP's) for Lodgers' Tax **annual** funding must be received by **March 18th, 2022**. (This is to include all events to occur during the period indicated above for which your organization is requesting funding.)
4. A proposed budget must be submitted with the RFP for annual Lodgers' Tax funding explaining how fees and other revenues are to be used and include a detailed list of estimated expenses for any and all events on an annual basis.
5. Event Summaries from prior year funding will be required during the annual presentation process. Event summaries should include the number in attendance, the number of overnight stays and the actual revenue and expenditures. **Any unspent funding at the end of the funding cycle (05/01/2022-06/30/2023) will revert back to the City of Hobbs Lodgers' Tax Fund. Expenses will NOT be reimbursed after August 31, 2023.**
6. In addition to the above listed criteria, organizations requesting funding may be asked to provide the following information:
  - Proof of non-profit status and copy of last years IRS form 990
  - Proof of agency good standing with the NM Corporation Commission
  - Proof of Workers-Comp or Liability Insurance Coverage

Advertising not included in the initial request for funding is the RESPONSIBILITY AND OBLIGATION OF THE ORGANIZATION PLACING SUCH ORDER.

I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

  
 \_\_\_\_\_  
 Representative

  
 \_\_\_\_\_  
 Name of Organization

7-6-22  
 \_\_\_\_\_  
 date

**Request for Lodgers' Tax Assistance**

**Contact Information**

Organization	Hobbes Airfield Speedway
Name of Contact	Jamal R. Awwad
Address	529 W. Gold Ave.
City, State Zip	Hobbes, NM 88240
Phone#/Fax#	575-631-5099
email	Saturdays312@yahoo.com

**Event Budget**

		Event 1	Event 2	Event 3	Event 4	Event 5	Total
Income	Sponsorships						-
	Sales	8,100	5,000	8,000	10,000		31,100.00
	Donations						-
	Prior Year Carryover						-
	Other (please explain)						-
	<b>Total Income</b>		-	-	-	-	-
		Event 1	Event 2	Event 3	Event 4	Event 5	Total
EXPENSE (NON- LODGERS' TAX	Cost of Sales Items	2900	2900	2900	2900		11600.00
	Cost of Awards	9,000	1500	4,000	6000		16500.00
	Building/Booth Rent						-
	Advertising						-
	Printing & Mailing						-
	Print Media						-
	Electronic Media						-
	Misc. (Please explain)						-
	<b>Total NON- LODGERS' Exp.</b>	7900.00	4400.00	6900.00	8900.00	-	-

NON-  
LODGERS'  
TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	-	-	-	-	-	-
Print Media	-	-	-	-	-	-
Electronic Media	1545.	1095.	1545.	1545.	-	5730.00
Other (Talent)	2500.	2500.	3500.	2500.	-	11000.00
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	4045.00	3595.00	5045.00	4045.00	-	16730.00

LODGERS'  
TAX

Instructions: Please complete all areas of PINK that apply. Lodgers' Tax Budget Summary must reconcile to Event Details



## Lodgers' Tax Budget - Event Number 2

### Event Information

Name of Event Fall Jr Dragsters Bash  
 Date Sept. 17<sup>th</sup> 2022  
 Location 5333 N. A. Street Hobbs NM  
 Description Bracket Race and Jr. Dragsters Bash  
All Jr Dragsters Racers Free Entry!!

Expected Attendance 700 # of Overnighters 200  
 Is this an annual event? Yes Is this a new event? NO

#### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)				-	Flyers	
Programs			-	Tickets			-
SUBTOTAL					SUBTOTAL		
	Cost	Quantity	Total		TOTAL PRINTING COSTS		
Mailings			-				-

#### PRINT MEDIA

	Name	# of ads	Cost	Total
	Newspaper			
				-
SUBTOTAL				-
Magazine/Other				-
				-
	SUBTOTAL			
TOTAL PRINT MEDIA				-

#### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
	Radio	<u>W105</u>	<u>1</u>	<u>645.00</u>
Television				-
Social Media	<u>Face Book</u>	<u>3</u>	<u>150.00</u>	<u>450.00</u>
TOTAL ELECTR. MEDIA				<u>1095.00</u>

#### OTHER EXPENSE

	Name	# of Item	Cost	Total
Professional Performance Fees	<u>John Myers Jr.</u>	<u>1</u>	<u>2500.00</u>	<u>2500.00</u>
Sound and Lighting Costs	<u>(Talent)</u>			-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)				-
TOTAL OTHER EXPENSE				<u>2500.00</u>

**TOTAL REQUEST FOR EVENT 2**

3595.00

Instructions: Please complete all areas of PINK that apply.



## Lodgers' Tax Budget - Event Number 4 Event Information

Name of Event: No Pop Flash Light/Cash Day's, Limpy on the Flash Light  
 Date: Oct, 29<sup>th</sup> 2022  
 Location: 5333 N. A Street Hobbs NM  
 Description: Flash Light Cash Day's Hosted by Chris Limpy  
Small Time, Daily, Time Street, Tail Gate and Run what Ya Brung

Expected Attendance: 800 # of Overnighters: 250  
 Is this an annual event? Yes Is this a new event? No

PRINTING							
Posters (save-the-date) Programs	Cost	Quantity	Total	Flyers Tickets	Cost	Quantity	Total
					-		
			-				-
SUBTOTAL			-	SUBTOTAL			-
Mailings	Cost	Quantity	Total				
			-				
TOTAL PRINTING COSTS							-

PRINT MEDIA				
Newspaper	Name	# of ads	Cost	Total
SUBTOTAL				-
Magazine/Other	Name	# of ads	Cost	Total
				-
SUBTOTAL				-
TOTAL PRINT MEDIA				-

ELECTRONIC MEDIA				
Radio	Name	# of spots	Cost	Total
		<u>W 105</u>	<u>1</u>	<u>645.00</u>
	<u>Brng spot LLC</u>	<u>1</u>	<u>450</u>	<u>450.00</u>
Television				-
				-
Social Media				-
	<u>Facebook</u>	<u>3</u>	<u>150.00</u>	<u>450.00</u>
TOTAL ELECTR. MEDIA				<u>1545.00</u>

OTHER EXPENSE				
Professional Performance Fees Sound and Lighting Costs Sanction Fees Promotional Items (eg: tshirts, rings, etc.) Other: (please list)	Name	# of item	Cost	Total
		<u>Chris Collison (Limp)</u>	<u>1</u>	<u>2500.00</u>
	<u>(Talent)</u>			-
				-
				-
				-
				-
				-
				-
				-
				-
				-
TOTAL OTHER EXPENSE				<u>2500.00</u>

**TOTAL REQUEST FOR EVENT 4** 4045.00

Instructions: Please complete all areas of PINK that apply.

New Mexico  
State Conference  
NAACP

*"New Mexico State Conference NAACP"*



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2022 - 06/30/2023**

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Professional Performance Fees	Administrative Office Overhead
Sound and Lighting as Related to Performance	Website Costs
Advertising/Promotion Items	Real Property
Sanitation	Tangible Property
Sanction Fees	

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I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

Joe Cotton  
 Representative

NM State Conference NAACP  
 Name of Organization

7/7/2022  
 date

**Request for Lodgers' Tax Assistance  
Contact Information**

Organization	NM State Conference NAACP
Name of Contact	Joe Cotton
Address	P.O. Box 3804
City, State Zip	Hobbs,NM 88241
Phone#/Fax#	575-318-6413
email	hobbsnaacp@gmail.com

**Event Budget**

Income		Event 1	Event 2	Event 3	Event 4	Event 5	Total
	Sponsorships	open recp	Musical	Breakfast	Luncheon	Banquet	-
Sales	\$2,500	\$3,000	\$1,500	\$12,500	\$22,500	42,000.00	
Donations						-	
Prior Year Carryover						-	
Other (please explain)						-	
<b>Total Income</b>		<b>2,500.00</b>	<b>3,000.00</b>	<b>1,500.00</b>	<b>12,500.00</b>	<b>22,500.00</b>	<b>42,000.00</b>

EXPENSE (NON- LODGERS' TAX		Event 1	Event 2	Event 3	Event 4	Event 5	Total
	Cost of Sales Items						
Cost of Awards				\$50	\$350	\$300	700.00
Building/Booth Rent					\$1,500	\$1,500	3,000.00
Advertising	\$250	1,000.00			2,500.00	3,500.00	7,250.00
Printing & Mailing	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,500.00	5,500.00
Print Media	150.00	150.00			350.00	500.00	1,150.00
Electronic Media							-
Misc. (Please explain)							-
<b>Total NON- LODGERS' Exp.</b>		<b>1,400.00</b>	<b>2,150.00</b>	<b>1,050.00</b>	<b>5,700.00</b>	<b>7,300.00</b>	<b>17,600.00</b>

NON -  
LODGERS'  
TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	1,150.00	1,737.50	131.25	1,425.00	1,035.00	5,478.75
Print Media	-	1,470.00	-	-	-	1,470.00
Electronic Media	-	300.00	-	100.00	100.00	500.00
Other	-	2,950.00	-	1,600.00	3,500.00	8,050.00
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	<b>1,150.00</b>	<b>6,457.50</b>	<b>131.25</b>	<b>3,125.00</b>	<b>4,635.00</b>	<b>15,498.75</b>

LODGERS'  
TAX

# Lodgers' Tax Budget - Event Number 1

## Event Information

Name of Event	NM State NAACP Conference
Date	October 28-30, 2022
Location	Lea County Event Center and Hobbs Hotels
Description	opening reception for conference

Expected Attendance	250	# of Overnighters	75	
Is this an annual event?		Is this a new event?		

### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)	2.00	350		700.00	Flyers Tickets	
Programs			-				-
	<b>SUBTOTAL</b>		<b>700.00</b>		<b>SUBTOTAL</b>		<b>-</b>
	Cost	Quantity	Total				
Mailings	1.50	300	450.00		<b>TOTAL PRINTING COSTS</b>		<b>1,150.00</b>

### PRINT MEDIA

	Name	# of ads	Cost	Total
	Newspaper			
				-
<b>SUBTOTAL</b>				-
Magazine/Other				-
				-
	<b>SUBTOTAL</b>			
<b>TOTAL PRINT MEDIA</b>				<b>-</b>

### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
Radio				-
Television				-
Social Media				-
				-
				-
<b>TOTAL ELECTR. MEDIA</b>				<b>-</b>

### OTHER EXPENSE

	Name	# of item	Cost	Total
Professional Performance Fees				-
Sound and Lighting Costs				-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)				-
				-
				-
				-
				-
				-
<b>TOTAL OTHER EXPENSE</b>				<b>-</b>

<b>TOTAL REQUEST FOR EVENT 1</b>	<b>1,150.00</b>
----------------------------------	-----------------

Instructions: Please complete all areas of PINK that apply.

## Lodgers' Tax Budget - Event Number 2

### Event Information

Name of Event	NM State Conference NAACP
Date	Oct. 28-30, 2022
Location	Lea County Event Center and Hobbs area hotels
Description	gospel musical explosion, featuring local and state wide entertainment

Expected Attendance	250	# of Overnigheters	100
Is this an annual event?		Is this a new event?	

#### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)	2.25	250		562.50	Flyers	2.75
Programs	1.95	250	487.50	Tickets			-
SUBTOTAL			1,050.00	SUBTOTAL			687.50
Mailings			-	TOTAL PRINTING COSTS			1,737.50

#### PRINT MEDIA

	Name	# of ads	Cost	Total
	Newspaper	Hobbs News-Sun	3	265.00
Lovington Leader		3	225.00	675.00
SUBTOTAL			1,470.00	
Magazine/Other				-
				-
	SUBTOTAL			-
TOTAL PRINT MEDIA				1,470.00

#### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
	Radio	KZOR	15	10.00
KLEMA		15	10.00	150.00
Television				-
Social Media				-
TOTAL ELECTR. MEDIA				300.00

#### OTHER EXPENSE

	Name	# of item	Cost	Total
Professional Performance Fees	test			-
Sound and Lighting Costs				-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)	Entertainers -- TBC	3	150.00	450.00
	Greater St. John Men's Chorus	1	2,500.00	2,500.00
				-
				-
				-
TOTAL OTHER EXPENSE				2,950.00

<b>TOTAL REQUEST FOR EVENT 2</b>	<b>6,457.50</b>
----------------------------------	-----------------

Instructions: Please complete all areas of PINK that apply.

## Lodgers' Tax Budget - Event Number 3 Event Information

Name of Event NM State Conference NAACP  
 Date Oct. 28-30, 2022  
 Location Area Selected Hotel  
 Description \_\_\_\_\_

Expected Attendance	60	# of Overnigheters	75	
Is this an annual event?		Is this a new event?		

### PRINTING

				Flyers Tickets			
	Cost	Quantity	Total		Cost	Quantity	Total
Posters (save-the-date)			-			0.00	
Programs			-	1.75	75	131.25	
	SUBTOTAL					131.25	
			-				
Mailings			-	TOTAL PRINTING COSTS 131.25			

### PRINT MEDIA

			Cost	Total
	Name	# of ads		
Newspaper				-
				-
	SUBTOTAL			-
Magazine/Other				-
				-
	SUBTOTAL			-
TOTAL PRINT MEDIA				-

### ELECTRONIC MEDIA

			Cost	Total
	Name	# of spots		
Radio				-
Television				-
Social Media				-
TOTAL ELECTR. MEDIA				-

### OTHER EXPENSE

	Name	# of item	Cost	Total
Professional Performance Fees	test			-
Sound and Lighting Costs				-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)				-
				-
				-
				-
				-
TOTAL OTHER EXPENSE				-

<b>TOTAL REQUEST FOR EVENT 3</b>	<b>131.25</b>
----------------------------------	---------------

Instructions: Please complete all areas of PINK that apply.

## Lodgers' Tax Budget - Event Number 4 Event Information

Name of Event: NM State Conference NAACP  
 Date: October 28-30, 2022  
 Location: Lea County Event Center  
 Description: conference luncheon for attendees and guests, including speaker and entertainment

Expected Attendance	250	# of Overnighters	100
Is this an annual event?		Is this a new event?	

### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)	2.25	250		562.50	Flyers	
Programs	1.95	250	487.50	Tickets	1.25	300	375.00
<b>SUBTOTAL</b>			<b>1,050.00</b>	<b>SUBTOTAL</b>			<b>375.00</b>
	Cost	Quantity	Total				
Mailings			-	<b>TOTAL PRINTING COSTS</b>			<b>1,425.00</b>

### PRINT MEDIA

	Name	# of ads	Cost	Total
	Newspaper			
				-
<b>SUBTOTAL</b>			-	
Magazine/Other	Name	# of ads	Cost	Total
				-
				-
<b>SUBTOTAL</b>				-
			<b>TOTAL PRINT MEDIA</b>	-

### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
	Radio	KZOR	5	10.00
KLEMA		5	10.00	50.00
Television				-
Social Media				-
			<b>TOTAL ELECTR. MEDIA</b>	<b>100.00</b>

### OTHER EXPENSE

	Name	# of item	Cost	Total
Professional Performance Fees	test			-
Sound and Lighting Costs				-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)	Speaker	1	1,500.00	1,500.00
	Guest Soloist	1	100.00	100.00
				-
				-
				-
			<b>TOTAL OTHER EXPENSE</b>	<b>1,600.00</b>

<b>TOTAL REQUEST FOR EVENT 4</b>	<b>3,125.00</b>
----------------------------------	-----------------

Instructions: Please complete all areas of PINK that apply.

## Lodgers' Tax Budget - Event Number 5 Event Information

Name of Event	NM State Conference NAACP		
Date	Joe Cotton		
Location	Lea County Event Center		
Description	Closing event for state conference with awards		

Expected Attendance	300	# of Overnights	100
Is this an annual event?		Is this a new event?	

### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)				-	Flyers	
Programs	1.95	300	585.00	Tickets	1.50	300	450.00
	<b>SUBTOTAL</b>				<b>SUBTOTAL</b>		
			585.00				450.00
Mailings			-	<b>TOTAL PRINTING COSTS</b>			
			-				1,035.00

### PRINT MEDIA

	Name	# of ads	Cost	Total
	Newspaper			
				-
<b>SUBTOTAL</b>				-
Magazine/Other				-
				-
	<b>SUBTOTAL</b>			
<b>TOTAL PRINT MEDIA</b>				-

### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
	Radio	KZOR	5	10.00
KLEMA		5	10.00	50.00
Television				-
Social Media				-
<b>TOTAL ELECTR. MEDIA</b>				100.00

### OTHER EXPENSE

	Name	# of item	Cost	Total
Professional Performance Fees	test			-
Sound and Lighting Costs				-
Sanction Fees				-
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)	Speaker	1	2,500.00	2,500.00
	Entertainment	1	1,000.00	1,000.00
				-
				-
				-
<b>TOTAL OTHER EXPENSE</b>				3,500.00

**TOTAL REQUEST FOR EVENT 5**

**4,635.00**

Instructions: Please complete all areas of PINK that apply.

# City of Hobbs Rockwind Community Links

*"Marketing Rockwind Community Links FY 2023"*



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2022 - 06/30/2023**

The City of Hobbs and the Hobbs City Commission wish to ensure that your events have the greatest chance of success. The following guidelines have been adopted by the City Commission to outline procedures for the annual expenditures of Lodgers' Tax funds.

1. The City of Hobbs is accountable to the City Commission for Lodgers' Tax Funds and is responsible for the placement of any orders involving expenditures of Lodgers' Tax funds. The table below details eligible & non-eligible expenses per Ordinance # 1052

Eligible	Non-Eligible
Professional Performance Fees	Administrative Office Overhead
Sound and Lighting as Related to Performance	Website Costs
Advertising/Promotion Items	Real Property
Sanitation	Tangible Property
Sanction Fees	

For internal control purposes of lodgers' tax funds, the organization must provide valid proof of expenditures and contracts. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices and contracts must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, bank statement or other documentation to determine whether or not the transaction is valid for lodgers' tax. **Note: If cancellation of an event results in a refund of any deposit, this refund must be returned to the City of Hobbs Lodgers' Tax Fund.**

2. The organization requesting Lodgers' Tax funding shall designate a representative to serve in the capacity of spokesperson for that organization. The representative or designee must make all attempts to attend the Lodgers' Tax meeting or City Commission meeting as appropriate when requesting funding to answer questions.
3. All Requests for Proposal's (RFP's) for Lodgers' Tax **annual** funding must be received by **March 18th, 2022**. (This is to include all events to occur during the period indicated above for which your organization is requesting funding.)
4. A proposed budget must be submitted with the RFP for annual Lodgers' Tax funding explaining how fees and other revenues are to be used and include a detailed list of estimated expenses for any and all events on an annual basis.
5. Event Summaries from prior year funding will be required during the annual presentation process. Event summaries should include the number in attendance, the number of overnight stays and the actual revenue and expenditures. **Any unspent funding at the end of the funding cycle (05/01/2022-06/30/2023) will revert back to the City of Hobbs Lodgers' Tax Fund. Expenses will NOT be reimbursed after August 31, 2023.**
6. In addition to the above listed criteria, organizations requesting funding may be asked to provide the following information:
  - Proof of non-profit status and copy of last years IRS form 990
  - Proof of agency good standing with the NM Corporation Commission
  - Proof of Workers-Comp or Liability Insurance Coverage

Advertising not included in the initial request for funding is the RESPONSIBILITY AND OBLIGATION OF THE ORGANIZATION PLACING SUCH ORDER.

I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

BENJAMIN KIRKES  
 Representative

ROCKWIND COMMUNITY LINKS  
 Name of Organization

7/1/2022  
 date

**Request for Lodgers' Tax Assistance  
Contact Information**

Organization	CITY OF HOBBS
Name of Contact	BEN KIRKES
Address	5001 JACK GOMEZ BLVD.
City, State Zip	HOBBS, NM 88240
Phone#/Fax#	575-397-9297
email	BKIRKES@HOBBSNM.ORG

**Event Budget**

		Event 1	Event 2	Event 3	Event 4	Event 5	Total
Income	Sponsorships						-
	Sales						-
	Donations						-
	Prior Year Carryover						-
	Other (please explain)						-
	<b>Total Income</b>	-	-	-	-	-	-
		Event 1	Event 2	Event 3	Event 4	Event 5	Total
EXPENSE (NON- LODGERS' TAX	Cost of Sales Items						-
	Cost of Awards	22,600.00					22,600.00
	Building/Booth Rent						-
	Advertising	9,460.00					9,460.00
	Printing & Mailing	3,700.00					3,700.00
	Print Media	4,000.00					4,000.00
	Electronic Media	4,000.00					4,000.00
	Misc. (Please explain)						-
	<b>Total NON- LODGERS' Exp.</b>	43,760.00	-	-	-	-	-

NON -  
LODGERS'  
TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	-	-	-	-	-	-
Print Media	38,200.00	-	-	-	-	38,200.00
Electronic Media	17,350.00	-	-	-	-	17,350.00
Other	9,100.00	-	-	-	-	9,100.00
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	64,650.00	-	-	-	-	64,650.00

LODGERS'  
TAX

# Lodgers' Tax Budget - Event Number 1

## Event Information

Name of Event	ANNUAL ADVERTISING AND PROMOTIONS FOR ROCKWIND COMMUNITY LINKS		
Date	JULY 1ST 2022-JUNE 30TH 2023		
Location	5001 JACK GOMEZ BLVD. HOBBS NM 88240		
Description	ROCKWIND COMMUNITY LINKS IS RANKED AS ONE OF THE HIGHEST COURSES TO PLAY IN THE STATE ON MULTIPLE PLATFORMS. THE GOAL IS ATTRACT GOLFERS TO BUILD THE TOTAL NUMBER OF ROUNDS PLAYED, AND REACH THOSE WHO CAN TRAVEL/STAY AND PLAY		

Expected Attendance	25000	# of Overnighters	1500	
Is this an annual event?	ANNUAL	Is this a new event?	NO	

PRINTING							
	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)				-	Flyers	
Programs			-	Tickets			-
	SUBTOTAL				SUBTOTAL		
			-				-
Mailings			-		TOTAL PRINTING COSTS		
			-				-

PRINT MEDIA				
	Name	# of ads	Cost	Total
Newspaper	HOBBS NEWS SUN	15	500.00	7,500.00
	OTHER REGIONAL PAPERS	15	500.00	7,500.00
	SUBTOTAL			15,000.00
Magazine/Other	New Mexico, Golfweek, Divot ETC	8	1,400.00	11,200.00
	Permlan Basin Oil and Gas/Energy	8	1,500.00	12,000.00
	SUBTOTAL			23,200.00
	TOTAL PRINT MEDIA			38,200.00

ELECTRONIC MEDIA				
	Name	# of spots	Cost	Total
Radio	Regional TV advertising KRQE/ETC	400	10.00	4,000.00
	Regional Stations-KCRS/KISS FM	400	13.00	5,200.00
Television	Regional TV Commercials	3	2,300.00	6,900.00
Social Media	Facebook Posts for Tournaments	50	25.00	1,250.00
	SUBTOTAL			-
TOTAL ELECTR. MEDIA				17,350.00

OTHER EXPENSE				
	Name	# of item	Cost	Total
Professional Performance Fees				-
Sound and Lighting Costs				-
Sanction Fees	Anniversary Golf Tourney Guft Bag	124	25.00	3,100.00
Promotional Items (eg: tshirts, rings, etc.)				-
Other: (please list)	Media Events-travel writer visits	6	1,000.00	6,000.00
				-
				-
				-
				-
				-
TOTAL OTHER EXPENSE				9,100.00

<b>TOTAL REQUEST FOR EVENT 1</b>	<b>64,650.00</b>
----------------------------------	------------------

Instructions: Please complete all areas of PINK that apply.

# City of Hobbs Recreation Department

*"New Mexico Recreation and Parks Association State Conference"*



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2022 - 06/30/2023**

The City of Hobbs and the Hobbs City Commission wish to ensure that your events have the greatest chance of success. The following guidelines have been adopted by the City Commission to outline procedures for the annual expenditures of Lodgers' Tax funds.

1. The City of Hobbs is accountable to the City Commission for Lodgers' Tax Funds and is responsible for the placement of any orders involving expenditures of Lodgers' Tax funds. The table below details eligible & non-eligible expenses per Ordinance # 1052

Eligible	Non-Eligible
Professional Performance Fees Sound and Lighting as Related to Performance	Administrative Office Overhead
Advertising/Promotion Items	Website Costs
Sanitation	Real Property
Sanction Fees	Tangible Property

For internal control purposes of lodgers' tax funds, the organization must provide valid proof of expenditures and contracts. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices and contracts must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, bank statement or other documentation to determine whether or not the transaction is valid for lodgers' tax. **Note: If cancellation of an event results in a refund of any deposit, this refund must be returned to the City of Hobbs Lodgers' Tax Fund.**

2. The organization requesting Lodgers' Tax funding shall designate a representative to serve in the capacity of spokesperson for that organization. The representative or designee must make all attempts to attend the Lodgers' Tax meeting or City Commission meeting as appropriate when requesting funding to answer questions.
3. All Requests for Proposal's (RFP's) for Lodgers' Tax annual funding must be received by **March 18th, 2022**. (This is to include all events to occur during the period indicated above for which your organization is requesting funding.)
4. A proposed budget must be submitted with the RFP for annual Lodgers' Tax funding explaining how fees and other revenues are to be used and include a detailed list of estimated expenses for any and all events on an annual basis.
5. Event Summaries from prior year funding will be required during the annual presentation process. Event summaries should include the number in attendance, the number of overnight stays and the actual revenue and expenditures. Any unspent funding at the end of the funding cycle (05/01/2022-06/30/2023) will revert back to the City of Hobbs Lodgers' Tax Fund. Expenses will NOT be reimbursed after August 31, 2023.
6. In addition to the above listed criteria, organizations requesting funding may be asked to provide the following information:

- Proof of non-profit status and copy of last years IRS form 990
- Proof of agency good standing with the NM Corporation Commission
- Proof of Workers-Comp or Liability Insurance Coverage

Advertising not included in the initial request for funding is the RESPONSIBILITY AND OBLIGATION OF THE ORGANIZATION PLACING SUCH ORDER.

I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

Doug McDaniel  
 Representative

City of Hobbs/Recreation Dept.  
 Name of Organization

7/1/2022  
 date

Received at City Hall:  
 (date and time)

**Request for Lodgers' Tax Assistance  
Contact Information**

<b>Organization</b>	City of Hobbs Recreation Department
<b>Name of Contact</b>	Doug McDaniel, Director
<b>Address</b>	4827 N Lovington Highway
<b>City, State Zip</b>	Hobbs, NM 88240
<b>Phone#/Fax#</b>	(575) 397-9291 -office; (575) 392-041 - fax
<b>email</b>	dmcdaniel@hobbsnm.org

**Event Budget**

		Event 1	Event 2	Event 3	Event 4	Event 5	Total
<b>Income</b>	Sponsorships	21,000.00					21,000.00
	Sales						-
	Donations						-
	Prior Year Carryover						-
	Conf. Registration	10,800.00					10,800.00
	<b>Total Income</b>		31,800.00	-	-	-	-

		Event 1	Event 2	Event 3	Event 4	Event 5	Total	
<b>EXPENSE (NON- LODGERS' TAX)</b>	Cost of Sales Items						-	
	Cost of Awards	3,000.00					3,000.00	
	Building/Booth Rent						-	
	Advertising	1,000.00					1,000.00	
	Printing & Mailing	500.00					500.00	
	Print Media						-	
	Electronic Media						-	
	Misc. (Please explain)	Misc. Supplies	500.00					500.00
		Misc. Expenses	750.00					750.00
		Meals/Food	17,000.00					17,000.00
<b>Total NON- LODGERS' Exp.</b>		22,750.00	-	-	-	-	22,750.00	

NON -  
LODGERS'  
TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	1,690.00	-	-	-	-	1,690.00
Print Media	-	-	-	-	-	-
Electronic Media	-	-	-	-	-	-
Other	48,305.00	-	-	-	-	48,305.00
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	49,995.00	-	-	-	-	49,995.00

LODGERS'  
TAX

Instructions: Please complete all areas of PINK that apply. Lodgers' Tax Budget Summary must reconcile to Event Details

## Lodgers' Tax Budget - Event Number 1 Event Information

Name of Event	New Mexico Recreation and Parks Association State Conference						
Date	Tuesday, October 18 - Friday, October 21, 2022						
Location	CORE						
Description	Last held in-person at the CORE in August 2019, the NMRPA State Conference is returning to Hobbs in October 2022! It is anticipated that approximately 200 Parks & Recreation professionals, plus another 40 speakers/exhibitors will be in attendance.						
Expected Attendance	240	# of Overnights	600				
Is this an annual event?	No	Is this a new event?	No				
<b>PRINTING</b>							
Posters (save-the-date) Programs	Cost	Quantity	Total	Flyers Tickets	Cost	Quantity	Total
			-			19.00	10
	5.00	300	1,500.00				-
	<b>SUBTOTAL</b>		1,500.00		<b>SUBTOTAL</b>		190.00
	Cost	Quantity	Total				
Mallings			-		<b>TOTAL PRINTING COSTS</b>		1,690.00
<b>PRINT MEDIA</b>							
Newspaper	Name	# of ads	Cost	Total			
				-			
	<b>SUBTOTAL</b>			-			
Magazine/Other	Name	# of ads	Cost	Total			
				-			
	<b>SUBTOTAL</b>			-			
<b>TOTAL PRINT MEDIA</b>				-			
<b>ELECTRONIC MEDIA</b>							
Radio	Name	# of spots	Cost	Total			
				-			
	<b>SUBTOTAL</b>			-			
Television				-			
Social Media				-			
<b>TOTAL ELECTR. MEDIA</b>				-			
<b>OTHER EXPENSE</b>							
	Name	# of Item	Cost	Total			
Professional Performance Fees	DJ Alpine/Tuesday Night Social	1	510.00	510.00			
Sound and Lighting Costs				-			
Sanction Fees				-			
Promotional Items (eg: tshirts, rings, etc.)	Conference Promotional T-Shirts	288	15.00	4,320.00			
	Conference Welcome/Promo Item	275	25.00	6,875.00			
Other: (please list)	Speakers Welcome/Promo Gift	16	50.00	800.00			
	Promotional Banners	20	160.00	3,200.00			
	Keynote Speakers Fees (2)	2	10,000.00	20,000.00			
	Educ. Sessions Speakers Fees (14)	14	900.00	12,600.00			
				-			
				-			
<b>TOTAL OTHER EXPENSE</b>				48,305.00			
<b>TOTAL REQUEST FOR EVENT 1</b>				49,995.00			

Instructions: Please complete all areas of PINK that apply.

City of Hobbs  
Center of Recreational  
Excellence  
(CORE)

*"Annual Advertising and Promotion of the CORE for FY 2023"*



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2022 - 06/30/2023**

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I have read and fully understand the above guidelines for the Lodgers' Tax Funding.

Jarred De La Cruz  
 Representative

Center of Recreational Excellence (CORE)  
 Name of Organization

3/17/2022  
 date

Received at City Hall:





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: July 18, 2022

SUBJECT: A RESOLUTION APPROVING THE FY 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP).

DEPT. OF ORIGIN: Engineering / Planning
DATE SUBMITTED: July 11, 2022
SUBMITTED BY: Todd Randall, City Engineer and Kevin Robinson, Development Director

Summary: The City of Hobbs Planning Board selected their Top 10 ICIP projects from all of last year's remaining projects and additional projects recommended for this year's ICIP.

The City Commission is requested to discuss and individually rank the ICIP projects to establish the TOP 5 PROJECTS for inclusion within the Plan. Each Commissioner is being asked to assign a ranking to each project as recommended by City of Hobbs Planning Board of 1 through 10 with 1 being the most important project for the community. Each Commissioner's rankings will be tallied and the results determining the TOP 5 Projects included in this resolution adopting the 2024-2028 ICIP. The adopted resolution will be submitted to NMDFA in August.

Last year (per Resolution # 7089), the Top 5 Projects were: #1 Sewer Main Replacement; #2 Joe Harvey Blvd. Improvements; #3 Drainage Master Plan & Improvements; #4 Street Resurfacing; and #5. Public Safety / Security Improvements

Fiscal Impact:

Reviewed By: Finance Department

The City will be financially impacted negatively if the ICIP is not approved and sent to the State, as the City will be ineligible for State grant funding for City projects. The City projects listed in the FY2024-2028 ICIP should also be included in the FY2024-2028 City budgets respectively.

Attachments: Resolution, Draft ICIP Plan.

Legal Review:

Efren A. Cortez
Approved As To Form: City Attorney

Recommendation:

Staff requests that the Commission consider approval of the Resolution to adopt the ICIP Plan.

Approved For Submittal By:

Department Director
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7229

**A RESOLUTION APPROVING THE FISCAL YEAR 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP).**

WHEREAS, the City of Hobbs recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue strategic actions and objectives to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in the short and long range capital planning efforts.

WHEREAS, on June 22, 2022, the City of Hobbs Planning Board conducted a Public Hearing and discussed the proposed capital improvement plan, and after due review and with recommendations for minor modifications, the Planning Board unanimously approved the draft plan and recommended approval by the City Commission.

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

1. The City of Hobbs hereby adopts the attached Infrastructure Capital Improvements Plan, subject to availability of funds; and
2. The City intends that this Plan will be a working document and one of many steps toward improving rational, long range capital planning and budgeting for New Mexico's infrastructure.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

**Fiscal Year 2024 – 2028  
Local Infrastructure  
Capital Improvement Plan  
(ICIP)**



*City of Hobbs*

**MAYOR**

**Sam D. Cobb**

**CITY COMMISSION**

**Joseph D. Calderón, Mayor Pro Tem**

**R. Finn Smith**

**Christopher Mills**

**Larron B. Fields**

**Roy Dwayne Penick**

**Don R. Gerth**

**CITY MANAGER**

**Manny Gomez**



**CITY OF HOBBS  
2024 - 2028 ICIP Project List  
City Commission Recommendations  
Top 5 Priority List**

- #1**
- #2**
- #3**
- #4**
- #5**

**Infrastructure Capital Improvement Plan FY 2024-2028**

**Hobbs  
Project Summary**

Year	NEW RANK	Project Title	Proposed FY 2024	2025	2026	2027	2028	Total Project Cost	Amount Not Yet Funded
2024	1	Sewer Main Replacement	1,000,000	500,000	500,000	500,000	500,000	26,525,380	3,000,000
2024	2	Drainage Master Plan & Improvements	750,000	250,000	250,000	250,000	250,000	2,313,147	1,750,000
2024	3	Joe Harvey Blvd. Improvements	750,000	7,500,000	0	0		9,025,000	8,250,000
2024	4	Street Improvements / Resurfacing	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	78,713,755	50,000,000
2024	5	West College Lane Realignment	1,500,000	400,000	4,000,000	0		6,400,000	5,900,000
2024	6	Public Facility Roof Reconstruction	1,000,000	500,000	500,000	500,000	500,000	3,882,000	3,000,000
2024	7	Fire / Police Training Facility	300,000	750,000	750,000	750,000	0	2,550,000	2,550,000
2024	8	Municipal Facility Security Improvements	1,000,000	1,000,000	0	0	0	2,589,000	2,000,000
2024	9	HPD Body Camera System	3,000,000	500,000	500,000	500,000	500,000	8,000,000	5,000,000
2024	10	West Bender Widening Project & Drainage	500,000	1,500,000	5,500,000	0	0	8,026,103	7,500,000
2024	11	WWRF - Scada Improvements	1,000,000	500,000	500,000	500,000	0	7,500,000	2,500,000
2024	12	All Inclusive Playground	1,500,000	0	0	0	0	1,500,000	1,500,000
2024	13	Public Safety Vehicle and Equipment	750,000	1,750,000	1,750,000	1,750,000	1,750,000	15,037,145	7,750,000
2024	14	Mobile Rd Improvements	1,500,000	0	0	0	0	1,500,000	1,500,000
2024	15	SR 18 - Dal Paso Improvements	3,750,000	0	0	0	0	3,750,000	3,750,000
2024	16	East Skelly and Midwest Improvements	1,000,000	0	0	0	0	1,150,000	1,000,000
2024	18	HPD Mobile Command Post	1,100,000	0	0	0	0	1,100,000	1,100,000
2024	19	Pickleball Facilities	2,000,000	0	0	0	0	2,000,000	2,000,000
2024	20	Infrastructure / Utility Extensions	750,000	750,000	750,000	750,000	750,000	5,250,000	3,750,000
2024	21	Heavy Rescue / Haz-mat Apparatus	750,000	0	0	0	0	750,000	750,000
2024	21	Harry McAdams Park Improvements	2,500,000	0	0	0	0	2,550,000	2,500,000
2024	22	Ambulance	300,000	0	300,000	0	300,000	2,171,301	900,000
2024	23	HPD Improvements	300,000	2,500,000	0	0	0	2,800,000	2,800,000
2024	24	Water Wells Program	500,000	0	500,000	0	500,000	2,124,609	1,500,000
2024	25	Citywide Fiber Network	1,000,000	0	0	0	0	2,200,000	1,000,000
2024	26	Community Broadband Improvements	1,500,000	0	0	0	0	1,500,000	1,500,000
2024	27	School Zone Traffic Improvements	250,000	250,000	0	0	0	551,000	500,000
2024	28	SWAT Vehicle	300,000	0	0	0	0	300,000	300,000
2024	29	Municipal Vehicles and Equipment	500,000	1,500,000	1,500,000	1,500,000	1,500,000	13,787,145	6,500,000
2024	30	RR Crossing Upgrades and New Crossings	150,000	0	150,000	0	150,000	700,000	450,000
2024	31	Gateway Corridor Beautification	350,000	500,000	500,000	500,000	500,000	2,350,000	2,350,000
2024	32	Comprehensive / Strategic Plan	150,000	0	0	0	0	150,000	150,000
2024	33	Boone Cemetery Renovation	250,000	0	0	0	0	250,000	250,000

Year	NEW RANK	Project Title	Proposed FY 2024	2025	2026	2027	2028	Total Project Cost	Amount Not Yet Funded
2024	34	Ground Water Remediation - WWRF	1,000,000	1,000,000	300,000	0	0	2,500,000	2,300,000
2024	35	Water Main Replacement	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	8,488,910	5,000,000
2024	36	HIAP Lift Station	200,000	0	0	0	0	200,000	200,000
2024	37	Prairie Haven Improvements	200,000	350,000	350,000	350,000	200,000	1,450,000	1,450,000
2024	38	Water & Sewer Master Plan	300,000	0	0	0	0	600,000	300,000
2024	39	Rockwind Golf Course Drainage Improvements	1,000,000	0	0	0	0	2,000,000	1,000,000
2024	40	Green Meadows - Annexation & Improvements	600,000	500,000	0	0	0	1,100,000	1,100,000
2024	41	AMR - Water Meter Replacement Program	500,000	500,000	500,000	0	0	3,500,000	1,500,000
2024	42	Heizer Park Renovations	500,000	2,000,000	0	0	0	4,042,200	2,500,000
2024	43	Water production - PRV Stations	125,000	0	0	0	0	449,307	125,000
2024	44	Projection of Smith Ln	350,000	0	0	0	0	350,000	350,000
2024	45	Skate/Bike Park	1,600,000	0	0	0	0	1,600,000	1,600,000
2024	46	Public Facility HVAC Improvements	500,000	500,000	500,000	500,000	500,000	3,382,000	2,500,000
2024	47	Water Effluent Improvements	2,500,000	500,000	500,000	0	0	3,500,000	3,500,000
2024	48	Street Sign / Pavement Marking Replacement	150,000	150,000	150,000	150,000	150,000	852,453	750,000
2024	49	Manhole Repair Program	60,000	60,000	60,000	60,000	60,000	970,000	300,000
2024	50	MAP Roadway Rehabilitation Projects	600,000	600,000	600,000	175,000	175,000	2,150,000	2,150,000
2024	51	Arterial COOP Project	175,000	175,000	175,000	175,000	175,000	875,000	875,000
2024	52	ADA Intersection Improvement Project	50,000	50,000	50,000	50,000	50,000	255,000	250,000
2025	1	Outdoor Range Phase II	0	450,000	0	0	0	873,821	450,000
2025	2	Retention / Detention Basin Renovations	0	500,000	500,000	500,000	500,000	2,000,000	2,000,000
2025	3	Northwest Bypass	0	600,000	500,000	18,400,000	0	19,500,000	19,500,000
2025	4	Projection of Central West	0	75,000	750,000	0	0	825,000	825,000
2025	5	Traffic Signal Upgrades on SR 18	0	800,000	250,000	250,000	250,000	3,438,719	1,550,000
2025	6	Green Meadows Park Renovation	0	2,000,000	0	0	0	2,000,000	2,000,000
2025	7	Artificial Sportfield Turf	0	4,200,000	0	0	0	4,200,000	4,200,000
2025	8	Traffic Study Update	0	350,000	0	0	0	350,000	350,000
2025	9	SR 18 - Sewer Trunk Line Extension	0	3,500,000	0	0	0	3,500,000	3,500,000
2025	10	Rockwind Golf Course - Teaching Facility	0	800,000	0	0	0	800,000	800,000
2025	11	Varsity Grandstand Improvements	0	750,000	0	0	0	750,000	750,000
2025	12	Parks and Rec. Master Plan Study	125,000	0	0	0	0	125,000	125,000
2025	13	Install Equipment Wash Bays - 5	0	1,200,000	0	0	0	1,200,000	1,200,000
2025	14	Grimes Str Improvements	0	500,000	2,500,000	2,500,000	2,500,000	8,000,000	8,000,000
2026	1	Wildland Fire Apparatus	0	0	450,000	0	0	450,000	450,000
2026	2	New Elevated Water storage	0	0	5,000,000	0	0	5,000,000	5,000,000
2026	3	Water System Improvements (North Reservoir)	0	0	10,000,000	0	0	10,000,000	10,000,000
2026	4	Apache Dr/Fowler St Utilities Extension	0	0	75,000	750,000	0	825,000	825,000

Year	NEW RANK	Project Title	Proposed FY 2024	2025	2026	2027	2028	Total Project Cost	Amount Not Yet Funded
2026	5	Del Norte Park Expansion Area	450,000	4,500,000	0	0	0	4,950,000	4,950,000
2027	1	Millen Projection	0	0	0	0	3,000,000	3,000,000	3,000,000
2027	2	Fowler Street Extension	0	0	0	0	2,500,000	2,500,000	2,500,000
2027	3	Bender Median Renovations	0	0	0	0	750,000	750,000	750,000
2027	4	Turner Improvements	0	0	500,000	2,500,000	2,500,000	5,500,000	5,500,000
2028	1	Southeast Bypass	0	0	0	0	19,000,000	19,374,075	19,000,000
2028	2	Taylor Ranch Improvements	0	0	0	0	20,000,000	21,200,000	20,000,000
2028	3	Bensing South Projection	0	0	0	0	1,750,000	1,750,000	1,750,000

Number of projects:	Year: 1	Year: 2	Year: 3	Year: 4	Year: 5	Total Project Cost	Total Not Yet Funded:
<b>Grand Totals</b>	<b>53,935,000</b>	<b>58,260,000</b>	<b>52,660,000</b>	<b>44,860,000</b>	<b>72,260,000</b>	<b>380,122,070</b>	<b>281,975,000</b>



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

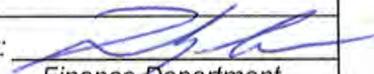
MEETING DATE: July 18, 2022

**SUBJECT:** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EXTENSION OF THE AGREEMENT WITH S&H ENTERPRISES, INC., TO SUPPLY INDUSTRIAL PROCESS WATER

**DEPT. OF ORIGIN:** Legal Department  
**DATE SUBMITTED:** July 12, 2022  
**SUBMITTED BY:** Rocío A. Ocano, Assistant City Attorney

**Summary:** On July 23, 1992, the City of Hobbs entered into an Agreement with S&H Enterprises, Inc., wherein S&H Enterprises, Inc., agreed to purchase industrial process water from waste water discharge from the City's Industrial Water Treatment Plant. The Agreement is set to expire on July 23, 2022, and the Parties are currently negotiating a new agreement. The Parties seek an extension of the current Agreement of sixty (60) days in order to provide continuity of service while the Parties secure a new agreement.

**Fiscal Impact:**

Reviewed By:   
Finance Department

S&H would pay the City of Hobbs the contract sum of \$1,500.00 per month during the term of the extension.

**Attachments:**

Resolution; Contract Extension; Resolution No. 3012; 1992 Agreement

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

The Commission should consider approval of this matter.

Approved For Submittal By:

  
Department Director

  
City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

CITY OF HOBBS

RESOLUTION NO. 7230

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EXTENSION  
OF THE AGREEMENT WITH S&H ENTERPRISES, INC., TO SUPPLY  
INDUSTRIAL PROCESS WATER

WHEREAS, on July 23, 1992, the City of Hobbs City Commission approved Resolution No. 3012, which authorized the City to enter into an Agreement to supply industrial process water to S&H Enterprises, Inc., at a point east of the City's fourteen (14) inch pipeline on the Eunice Highway; and

WHEREAS, the original term of the Agreement was ten (10) years with two (2) additional extensions of ten (10) years and the Agreement is set to expire on July 23, 2022; and

WHEREAS, the parties have engaged in contractual negotiations aimed at entering into a new agreement regarding the supply of industrial process water and seek an extension of the current contract to ensure continuity of service; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Mayor and City Manager are hereby authorized to execute any and all documents necessary to extend the Agreement outlined in Resolution No. 3012, for an additional period not to exceed sixty (60) days so as to afford the Parties the opportunity to enter into a new agreement.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk

**AGREEMENT EXTENSION BETWEEN THE CITY OF HOBBS AND S&H  
ENTERPRISES, INC.**

This Agreement Extension (“Agreement”) is made and entered into on the 24th day of July, 2022, by and between the City of Hobbs, a New Mexico municipal corporation (“City”), and Gary M. Schubert individually, and d/b/a S&H Enterprises, Inc., a New Mexico corporation (“Consumer”).

WHEREAS, the City and Consumer entered into an Agreement on July 23, 1992 (“1992 Agreement”), attached hereto and incorporated herein, wherein the City agreed to supply, and Consumer agreed to take, a minimum of two million gallons per day during the months of May, June, July, and August, and one million gallons per day for the remaining months, of industrial process water from waste water discharge from the City’s Industrial Water Treatment Plant; and

WHEREAS, in the 1992 Agreement Consumer agreed to pay the City \$1,500.00 per month payable on or before the fifteenth day of each month, representing .05 cents per 1,000 gallons for the first million gallons delivered daily; and

WHEREAS, the 1992 Agreement is set to expire on July 23, 2022, and the City and Consumer have entered into negotiations on a new agreement and now mutually seek an extension of the 1992 Agreement; and

WHEREAS, the 1992 Agreement on Page 5 states, “[t]he foregoing constitutes the entire agreement between the parties and may be modified only in writing signed by both parties”; and

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and agreements herein contained, and for other good and valuable consideration, the City and Consumer agree to amend Article IV of the 1992 Agreement titled “Term” (amendments in brackets) as follows:

ARTICLE IV.

Term

Section 1. Consumer shall have the option to take the quantities of industrial processed water, as defined in Article III hereof, for a minimum period of ten (10) years from the date commencing when Consumer is ready to receive such water, but not later than the date determined by Article I.

Section 2. Consumer shall have, and City hereby grants to Consumer, the right, at its option, at any time prior to six (6) months before the expiration of the Agreement, to renew and extend this Agreement for two (2) additional terms of ten (10) years. In case Consumer elects to renew and extend this Agreement, it shall signify its election by written notice mailed to the Hobbs City Manager within the above time limit. All terms, conditions and covenants contained in this Agreement shall be applicable to such extension, provided, however, that City reserves the right on the 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup>, and 25<sup>th</sup> anniversaries of this Agreement to require Consumer to elect on a right-of-first refusal basis to pay monthly to the City for waters to be taken for the remaining term in excess of the monthly average for the 36 months next preceding the 10<sup>th</sup>, 15<sup>th</sup>,

20<sup>th</sup>, and 25<sup>th</sup> anniversaries (“excess waters” hereinafter) a monthly sum equal to 75.0% of the highest bid amount received by City (if City chooses to solicit such bids) for such excess waters for the remaining term for uses and purposes comparable to those to which Consumer is using the water on the said anniversary, or at City’s option, City could choose to use such excess waters solely for necessary governmental purposes for the remaining term.

[Section 3. At any time prior to the expiration of all renewals and extensions contemplated in Section 2 herein, the City and Consumer may agree to a sixty-day extension of this Agreement to afford the City and Consumer the opportunity to renegotiate a new agreement or, alternatively, allow the City the opportunity to find an alternate consumer for the industrial process water. The 60-day extension will expire on September 22, 2022, or the date of execution of a new agreement, whichever occurs first. In the event the City and Consumer agree to an extension under this Section, all other provisions then in existence from the 1992 Agreement shall remain in full force and effect. Any extension will require the approval via affirmative majority vote of the City of Hobbs City Commission. An approved sixty-day extension in no way ensures Consumer that it will receive a new agreement for the purchase of the industrial process water.]

IN WITNESS WHEREOF, the City and Consumer have executed this Agreement Extension on the day and year first above written, effective beginning July 24, 2022.

CITY OF HOBBS

S&H ENTERPRISES, INC.

\_\_\_\_\_  
SAM D. COBB, Mayor

\_\_\_\_\_  
GARY M. SCHUBERT, President

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Efren A. Cortez, City Attorney

CITY OF HOBBS

RESOLUTION NO. 3012

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH S & H ENTERPRISES, INC., TO SUPPLY INDUSTRIAL PROCESS WATER.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be, and he hereby is, authorized to enter into an Agreement to supply industrial process water to S & H Enterprises, Inc., at a point east of the City's fourteen (14) inch pipeline on the Eunice Highway, upon the terms and conditions set forth in said Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

PASSED, ADOPTED AND APPROVED this 23 day of July, 1992.

ATTEST:

  
MAYOR

  
CITY CLERK

## AGREEMENT

This Agreement is made and entered into on the 23 day of July, 1992, by and between the CITY OF HOBBS, NEW MEXICO, a municipal corporation, (hereinafter referred to as "CITY") and GARY M. SCHUBERT AND KENT HILBURN, individually, and d/b/a S&H Enterprises, Inc., a New Mexico corporation, (hereinafter referred to as "CONSUMER").

WHEREAS, CITY has constructed an Industrial Water Treatment Plant that produces an effluent of industrial process water from waste water discharged into it from the Water Reclamation Facility and from the aquifer adjacent to the present treatment plants in Hobbs, New Mexico, and has entered into contracts with Conoco, Inc.; Amoco and Shell Oil Company, Inc., for the sale of said waste water, and the above mentioned corporations being unable to use all of the waste water being provided by City.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and agreements herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

### ARTICLE I.

#### Commencement of Deliveries

Deliveries, according to the terms of this Agreement, shall begin within thirty (30) days of the issuance of a discharge plan to CONSUMER by the New Mexico Environment Department ("Department").

### ARTICLE II.

#### Delivery Points and Pressure

CONSUMER shall provide, construct and maintain all equipment, pipeline and facilities necessary to receive the industrial water at a point east of CITY'S existing fourteen (14) inch pipeline on the Eunice Highway. Pressure at the point of delivery shall not be guaranteed by CITY. The initial tap, valve and meter necessary to connect CITY'S fourteen (14) inch line to CONSUMER'S twelve (12) inch line will be provided at no cost to CONSUMER by the City of Hobbs. Any additional tap requested by CONSUMER shall be at CONSUMER'S own cost and expense wherein they shall be required to provide all labor, valve and meter (Sparling propeller type or one of like kind and quality) necessary to effectuate such connection. All valves diverting this industrial water from CITY'S existing pipeline shall be under the control and supervision of CITY.

### ARTICLE III.

#### Price and Quantity

CITY shall agree to provide an exclusive right to CONSUMER and CONSUMER agrees to take a minimum of two million gallons per day during the months of May, June, July and August of each year this Agreement is in effect. CITY likewise will provide an exclusive right and CONSUMER agrees to take a minimum of one million gallons per day for the remaining months of each calendar year. CONSUMER shall pay the amount of \$1500 per month, payable on or before the fifteenth day of each month, representing .05 cents per 1,000 gallons for the first million gallons delivered daily. So long as CITY is not required to provide water as per the existing contracts as enumerated above, CITY shall provide CONSUMER, at no additional cost to CONSUMER, and CONSUMER agrees to take all effluent produced on a daily basis by CITY which is not required to be delivered under existing contracts or utilized for governmental purposes as described below. If at any given time, the daily output in excess of the minimum required by CITY to provide CONSUMER is less than the current water needs of CONSUMER, CITY shall make available at CONSUMER'S request secondary water currently held underground in the plume by CITY at the energy cost required to deliver said water to CONSUMER; provided however, that CITY'S obligation under this sentence shall be limited to the quantity of water representing the maximum efficient pumping capacity of the two existing wells drilled into the plume (which capacity currently is estimated to be 500 gallons per minute per well pumping 24 hours daily), and CITY agrees to reasonably maintain the two existing wells. As provided herein, secondary water shall mean that effluent water not approved or accepted for human consumption.

It is further agreed and understood, by and between the parties, that at no time will CITY provide CONSUMER with water from its current distribution system and shall only be required to provide effluent water or secondary water from the plume as provided herein. Effluent water shall not include water used by CITY for cemetery purposes.

### ARTICLE IV.

#### Term

Section 1. CONSUMER shall have the option to take the quantities of industrial processed water, as defined in Article III hereof, for a minimum period of ten (10) years from the date commencing when CONSUMER is ready to receive such water, but not later than the date as determined by Article I.

Section 2. CONSUMER shall have, and CITY hereby grants to CONSUMER, the right, at its option, at any time prior to six (6) months before the expiration of the Agreement, to renew and extend this Agreement for two (2) additional terms of ten (10) years. In case CONSUMER elects to renew and extend this Agreement, it shall signify its election by written notice mailed to the Hobbs City Manager within the above time limit. All terms, conditions and covenants contained in this Agreement shall be applicable to such extension, provided, however, that CITY reserves the right on the 10th, 15th, 20th and 25th anniversaries of this Agreement to require CONSUMER to elect on a right-of-first refusal basis to pay monthly to the CITY for waters to be taken for the remaining term in excess of the monthly average for the 36 months next preceding the 10th, 15th, 20th and 25th anniversaries ("excess waters" hereinafter) a monthly sum equal to 75.0% of the highest bid amount received by CITY (if CITY chooses to solicit such bids) for such excess waters for the remaining term for uses and purposes comparable to those to which CONSUMER is using the water on the said anniversary, or, at CITY'S option, CITY could choose to use such excess waters solely for necessary governmental purposes for the remaining term.

#### ARTICLE V.

##### Force Majeure

Section 1. The term "force majeure", as employed herein, shall mean Act of God, strikes, lockouts or other industrial disturbances, act of the public enemy, wars, blockages, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints and orders of the government, either Federal or State, civil or military, civil disturbances, explosions, sabotage, malicious mischief, breakage or accident to machinery or lines of pipe, freezing of wells or lines of pipe, temporary failure of water supply or temporary reduction in plant water production, temporary or permanent plugging of injection wells, inability of any party hereto to obtain necessary materials, supplies or permits due to existing or future rules, regulations, orders, laws or proclamations of government authorities (both Federal and State), including both civil and military, and any other causes, whether the kind herein enumerated or otherwise, not reasonably within the control of the party claiming suspension.

Section 2. It is understood and agreed that the settlement of strikes or other labor difficulties shall be entirely within the discretion of the party having the difficulty and that the above requirements that any force majeure shall be remedied with all reasonable dispatch shall not require the settlement of labor difficulties by acceding to the demands of the opposing party when such course is inadvisable in the discretion of the party having the difficulty.

Section 3. In the event either party hereto being rendered unable, wholly or in part by force majeure to carry out its obligations under this Agreement, it is agreed that such party give notice and full particulars of such force majeure in writing or by facsimile to the other party; thereupon, the obligations of the party giving the notice, so far as they are affected by force majeure, shall be suspended during, but no longer than, the continuance of the force majeure. The affected party shall use all reasonable means to remedy the force majeure, if possible, with all reasonable dispatch.

## ARTICLE VI.

### Hold Harmless, Waiver of Liability and Insurance

Section 1. Each party shall hold the other party harmless from any and all damages and claims that may arise by reason of the usage of the wastewater effluent or operations of either party or of any negligence on the part of the remaining party, its agents, or employees, in going about the premises in performance of this Agreement; and in case any action is brought against the other party for any acts solely involving the employees or agents of the remaining party, the use of the wastewater effluent, or operations of the remaining party, the remaining party shall assume full responsibility for the debt thereof.

Section 2. CONSUMER represents and certifies that it shall procure and provide to CITY, proof of insurance via a Certificate of Insurance naming the City of Hobbs as additional insured in a minimum amount of ONE MILLION DOLLARS (\$1,000,000) of Commercial General Liability insurance or Farmer's Comprehensive Liability insurance including products and completed operations during the term of this Agreement or any renewals thereof.

## ARTICLE VII.

### Miscellaneous

Section 1. The parties hereto acknowledge and agree that during the term of this Agreement that the application and usage of such wastewater effluent as produced by CITY is governed by and subject to the rules and regulations promulgated by the New Mexico Environment Department or any other applicable governmental agency or entity having jurisdiction over CONSUMER'S usage as provided herein. CONSUMER and CITY agree to and shall at all times adhere to and comply with all the requirements as mandated by the Department as it relates to the discharge plan currently or in the future granted to the CITY as well as the discharge plan granted to CONSUMER. CONSUMER agrees to provide a true and correct copy of any discharge plan as issued to CONSUMER by the Department. CITY

agrees to provide and be responsible for laboratory analysis and preparation of test results as follows:

A. CONSUMER shall provide sampling and CITY shall provide, at no charge, testing of total dissolved solids (TDS), chlorides and nitrates, as set forth in the discharge plan as issued to CONSUMER.

B. CITY, at no charge, will provide monthly testing of the effluent as it relates to sodium content and fecal coliform counts.

Section 2. CONSUMER shall have a five (5) day grace period in which to repair any equipment or systems problems which prevent the taking of effluent as provided in Article III. If after said five (5) days CONSUMER has not rectified any said defect or fails to take the quantities of effluent as specified in Article III herein, then they will be assessed \$100 damage per day figure as liquidated damages.

Section 3. Either party shall have the right to cancel said Agreement if for more than sixty (60) days either party is in violation of any of the terms and conditions of this Agreement or the discharge plan as issued to either party by the Department.

Section 4. All notices required under this Agreement shall be given in writing. Each notice shall be sent either by certified mail, postage prepaid and return receipt requested, to the party to be notified, or by personal delivery at the address set forth herein or at such other address as either party may from time to time designate in writing.

CITY: City Manager  
City of Hobbs  
300 North Turner  
Hobbs, New Mexico 88240

CONSUMER: Schubert & Hilburn  
c/o S&H Enterprises, Inc.  
P. O. Box 6056  
Hobbs, New Mexico 88240

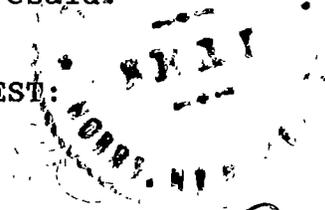
Section 5. If any part or portion of this Agreement shall be in violation of the laws or Constitution of New Mexico, only such part or portion hereof shall be thereby invalidated, and all other portions hereof shall remain valid and enforceable.

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

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

ATTEST:

THE CITY OF HOBBS, NEW MEXICO

  
Jane Edmundo  
CITY CLERK

By: Robert Love  
MAYOR

APPROVED AS TO FORM:

William A. Hobbs  
City Attorney

ATTEST:

S&H ENTERPRISES, INC.

[Signature]  
Secretary

By: [Signature]  
GARY M. SCHUBERT, President

By: [Signature]  
KENT HILBURN

By: [Signature]  
GARY M. SCHUBERT