

# 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

*May 1, 2023*



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

May 1, 2023 - 6:00 p.m.

Sam D. Cobb, Mayor

R. Finn Smith  
Commissioner – District 1

Christopher R. Mills  
Commissioner – District 2

Larron B. Fields  
Commissioner – District 3

Joseph D. Calderón  
Commissioner – District 4

Dwayne Penick  
Commissioner – District 5

Don R. Gerth  
Commissioner – District 6

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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 April 17, 2023, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

### PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming the Month of May, 2023, as “*Motorcycle Awareness Month*”
3. Proclamation Proclaiming the Month of May, 2023, as “*Building Safety Month*” (*Ken Awtry, Building Inspector*)

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.)

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. 7333 – Authorizing the Deletion and Removal of a Ricoh Copier from the City’s Public Inventory (Christa Belyeu, Information Technology Director)
5. Resolution No. 7334 – Approving the FY 2023 Department of Finance and Administration (DFA) 3<sup>rd</sup> Quarter Financial Report for Lodgers’ Tax (Toby Spears, Finance Director)
6. Resolution No. 7335 – Approving the FY 2023 Department of Finance and Administration (DFA) 3<sup>rd</sup> Quarter Financial Report (Deb Corral, Assistant Finance Director)
7. Resolution No. 7336 – Adopting Budgetary Adjustment #5 for FY 2022-2023 (Deb Corral, Assistant Finance Director)

DISCUSSION

8. 2022 Annual Report – Information Technology Department (Christa Belyeu, Information Technology Director)

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

9. Resolution No. 7337 – Authorizing a Memorandum of Agreement Between the City of Hobbs and Lea County for the Implementation of Commercial Airline Services in the Amount of \$300,000.00 (Toby Spears, Finance Director)
10. PUBLICATION: Proposed Ordinance Amending Section 10.04.050 and 10.04.060 of the Hobbs Municipal Code Amending the Penalty Assessment Program (Efren Cortez, City Attorney)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

11. Next Meeting Date:
  - City Commission Regular Meeting:
    - **Monday, May 15, 2023, at 6:00 p.m.**

## ADJOURNMENT

If you are an individual with a disability who needs 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: May 1, 2023

**SUBJECT: City Commission Meeting Minutes**

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: April 27, 2023  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

The following minutes are submitted for approval:

- Regular City Commission meeting held on April 17, 2023

**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 Monday, April 17, 2023, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico. This meeting was also available 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 Sam Cobb called the meeting to order at 6:00 p.m. and welcomed everyone to the meeting. The 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  
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager  
Valerie Chacon, Deputy City Attorney  
August Fons, Police Chief  
Marina Barrientes, Police Captain  
Chad Wright, Police Captain  
Barry Young, Fire Chief  
Mark Doporto, Deputy Fire Chief  
Kevin Shearer, Fire Battalion Chief  
Shawn Williams, Fire Marshal  
Adam Marinovich,  
Toby Spears, Finance Director  
Deb Corral, Assistant Finance Director  
Bob Hamilton, Acting Library Director  
Todd Randall, City Engineer  
Bobby Arther, Municipal Judge  
Shelia Baker, General Services Director  
Tim Woomeer, Utilities Director  
Julie Nymeyer, Executive Assistant  
Bryan Wagner, Parks and Open Spaces Director  
Matt Hughes, Rockwind Golf Course Superintendent  
Doug McDaniel, Recreation Director  
Christa Belyeu, I.T. Director  
Meghan Mooney, Communications Director  
Janie Lara, Clerk Assistant  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
58 citizens

### **Invocation and Pledge of Allegiance**

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

### **Approval of Minutes**

Commissioner Calderón moved the minutes of the regular meeting of April 3, 2023, be approved as written. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried.

### **Proclamations and Awards of Merit**

Mayor Cobb proclaimed April 17, 2023, as “*Hobbs Eagles Cheerleaders Day*” in honor of the Hobbs Eagles Cheerleaders winning the New Mexico Cass 5A Co-Ed Spirit Championship. Coaches Brittane McCleery, Rene Gritz and Bailey Pilkington and members of the Hobbs Eagles Cheerleaders accepted the proclamation and thanked the Commission for the recognition.

Mayor Cobb proclaimed April 23 – 29, 2023, as “*National Library Week*”. Mr. Bob Hamilton, Acting Library Director, and Ms. Melody Maldonado, Technical Services Librarian, accepted the proclamation on behalf of the Hobbs Public Library.

Mr. Manny Gomez, City Manager, recognized the following City Employees for their Milestone Service Awards for the month of April, 2023.

- 5 years – Carmen Zaragoza, Hobbs Fire Department
- 5 years – Tracy South, Human Resources Department
- 10 years – Marina Barrientes, Hobbs Police Department
- 10 years – Scot Youngblood, Engineering Department
- 10 years – Chantley Wilson, Utilities Department
- 15 years – Jana White, General Services Department
- 20 years – Cecilia Tarango, Utilities Department
- 20 years – Randy Lawson, Utilities Department

Mr. Gomez reviewed highlights about the work of each employee. He expressed gratitude to each and every employee for their hard work and also thanked the employees’ families for their contributions to the organization.

### **Public Comments**

Mr. Hector Ramirez of Drive Train stated he would like additional clarification on the truck parking ordinance.

Mr. Thomas Navarette stated he would also like to make comments about the truck parking ordinance.

Mayor Cobb stated he would allow public comments about the truck ordinance when we reach that item on the agenda.

Mr. Nick Maxwell informed the Commission he is opposed to the City opting in to local elections which is a violation of State law.

Mr. Harold Martin expressed concern about the traffic speeding problem, especially in District 5, but all throughout the community as well.

Mr. Donnie Huerta complained about 18-wheeled trucks parking in the neighborhood area of Northwest and Marquis Streets. He stated he attempted to do a petition for speed bumps in the area but was unsuccessful.

### **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 item(s):

Resolution No. 7329 – Authorizing the Opening of a Special Revenue Fund in Accordance with State Audit Rule 2.2.10(O)

Resolution No. 7330 – Approving Amendment No. 1 to an Infrastructure Extension Development Agreement with ALJO, LLC, Concerning the Development of Public Infrastructures and Extending the Completion Date to December 1, 2023

Consideration of Approval of a Revision of the Monthly Retention Incentive Amount for the Hobbs Police Department per the Allocation Disbursement from New Mexico House Bill 68

Consideration of Approval and Acceptance of the Payment Dispersion of Retention Funding as Provided by the Law Enforcement Retention Fund (LERFA) per New Mexico House Bill 68

Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolutions and supporting documentation are attached and made a part of these minutes.

## **Discussion**

Ms. Shelia Baker, General Services Director, presented the 2022 Annual Report for the General Services Department. She reviewed the functions of the Building Maintenance, CORE Building Maintenance, City Garage and Street Department along with staffing levels, accomplishments and goals for 2023.

## **Action Items**

*FINAL ADOPTION: Ordinance No. 1150 - Amending Chapter 10 of the Hobbs Municipal Code Prohibiting Parking of Heavy Trucks and Trailers on Streets*

Ms. Valerie Chacon, Deputy City Attorney, explained the ordinance which would make parking any heavy truck with a gross vehicle weight greater than 26,000 pounds or any trailer longer than 20 feet (exclusive of the trailer tongue) a penalty assessment misdemeanor.

In response to Mayor Cobb's question and an inquiry by Commissioner Calderon, Ms. Chacon stated the ordinance prohibits heavy trucks from parking anywhere on public streets. Mayor Cobb stated he has received comments from citizens that this should not apply in commercial areas. Commissioner Penick stated the discussion was related to neighborhoods. Mayor Cobb stated we have no zoning in Hobbs to distinguish between the two,

At Mr. Gomez' request, Ms. Chacon read the definition of Section 10.05.040 regarding the prohibition and exceptions of parking heavy trucks and trailers.

In response to Commissioner Field's comment, Ms. Chacon stated the temporary parking of school buses would be acceptable.

Mr. Gomez stated the City is here tonight for final adoption of the ordinance. He explained the intent of the ordinance is safety by decreasing the potential for motor vehicle accidents and diminished travel space on roadways which are often caused by heavy trucks. He stated the City receives many complaints about site obstructions along streets. Mr. Gomez stated parking of unhitched trailers is prohibited.

Commissioner Mills stated the language of the ordinance has been narrowly tailored to a limited problem. The language is for semi-trucks and it will be important for the City Commission to receive reports on citations and locations to be able to evaluate the effectiveness of the ordinance. He stated it can always be changed if needed.

Commissioner Fields stated it is a definite problem in certain areas of District 3.

Commissioner Penick stated it is a problem in every district creating a safety hazard. He stated there has to be a starting point somewhere and owners of these trucks need to find a safe place off the street to park.

Mr. Hector Ramirez of Drive Train, 112 South Cochran, stated he repairs large trucks which are towed or driven to his location. While he has a large lot on his repair site to hold these trucks while being repaired, he is concerned that signage at the entry points into the community prohibiting parking of heavy trucks on public streets could drive business away from him.

Mayor Cobb stated it will be important for businesses to comply with the ordinance.

An unnamed citizen, owner of a hot shot service company, stated they have goose neck trailers connected to one-ton trucks.

Mr. Gomez stated trailers in excess of 20 feet are prohibited in the ordinance. He again stated the intent of the ordinance is to address safety issues.

In further response to the citizen's inquiry, Mayor Cobb stated it is legal to park in the yard but it cannot be parked on the sidewalk or contain flammable liquid which would create a fire hazard. Mr. Gomez stated a semi-truck is permissible with a cab only.

Mayor Cobb stated the City issues citations for blocking the sidewalk based on complaints received. He explained the City does not drive around all day looking for offenders.

Commissioner Mills commented that camping trailers are prohibited under current law now.

Mayor Cobb requested comments from the public on the proposed ordinance.

Mr. Nick Maxwell stated the ordinance seems discriminatory in nature towards oil and gas businesses. He commented temporary parking is not well defined and he is opposed to the ordinance.

Proper publication having been made, and there being no further public comment or discussion by the Commission, Commissioner Fields moved that Ordinance No. 1150 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1151 - Proposed Ordinance Amending Chapter 1 of the Hobbs Municipal Code Establishing Non-Traffic Penalty Assessments

Ms. Chacon explained the ordinance amending Chapter 1 of the Hobbs Municipal Code to establish a non-traffic penalty assessment. Currently, a violation of the Hobbs Municipal Code is generally punishable by a fine of more than \$500 or imprisonment for not more than 90 days or both. Staff has identified various sections of the Hobbs Municipal Code that, if violated, should not warrant incarceration for any amount of time, and should not constitute a criminal conviction. Pursuant to that authority, the proposed ordinance would make it a penalty assessment to violate the specific sections of the Hobbs Municipal Code so designated as non-traffic penalty assessments by the City Commission. Ms. Chacon stated this would mean only a fine would apply and no jail time could be imposed if the person is found to have committed the violation and the proposed ordinance sets out the necessary citation procedures.

Mayor Cobb stated the fees are not included and the City would later decide on the amount of these fees. Mr. Gomez added the fees would be determined by ordinance.

Commissioner Fields stated it is important for offenders to understand the fines they will be paying and the intent to clean up Hobbs.

Commissioner Mills provided an example of a business owner company in another City who received a citation for weeds at their business location in Hobbs.

Mayor Cobb requested public comments on the proposed ordinance.

Mr. Nick Maxwell stated he opposes the ordinance as someone who is cited should be able to appear and plead before the Judge.

Ms. Chacon stated that will be an option. Mayor Cobb stated the Judge will have that discretion.

Commissioner Mills commented the real focus of the City's ordinances is compliance.

Mr. Harold Martin stated he would like to see the neighborhoods clean. He reported concern with the area on Northwest starting at Marquis and was informed Code Enforcement is shorthanded. Mr. Martin provided a suggestion on issuing citations to businesses whose plastic bags are found littering the City streets.

Ms. Chacon explained the Court proceedings outlined in Section 1.14.070 of the ordinance.

Proper publication having been made, and there being no further public comment or discussion by the Commission, Commissioner Penick moved that Ordinance No. 1151 be adopted as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

*PUBLICATION: Proposed Ordinance Authorizing the City of Hobbs to Opt In to Local Elections for the Election of Municipal Officers*

Ms. Jan Fletcher, City Clerk, explained the proposed ordinance allowing the City of Hobbs to opt in to the election of its municipal officers at the regular local election. The law provides that municipalities can opt in and conduct their elections in November of odd years and be combined with other non-partisan elections such as the Hobbs Municipal School Board, New Mexico Junior College and other special districts. It would allow unity of process and procedures. Ms. Fletcher stated having the City election during a combined election would provide added convenience for voters with the hope of encouraging more voter turnout during the election. She stated it would be a cost saving measure for the City as the County would administer this election and pay for its costs. The County would then be reimbursed for these costs from the secretary of state's office. Mr. Keith Manes, Lea County Clerk, was here at the last meeting for the discussion of this topic and indicated he is in support of this process.

Ms. Fletcher stated if the City chooses to opt in, the ordinance shall determine if the terms of office for the current municipal officials would be lengthened or shortened to correspond with the new election date. She stated it is important to note this adjustment would be for the mayor, six city commissioners and the municipal judge. If the terms of office are shortened, it would apply to all of these officials. If the terms of office are lengthened, it would also apply to all of these officials.

Ms. Fletcher stated the City of Hobbs currently has a provision in its charter requiring all municipal voters to show a voter photo ID to vote in a municipal election. If the City of Hobbs chooses to opt in to the regular local election, this provision would no longer be enforceable as the City would not be conducting a municipal election. This is not something that can be done during a regular local election as it is not provided by State Law. Opting in does not enact any new legislative changes to the voting process – it only enacts administrative changes.

Commissioner Mills stated he is pro Voter I.D. as are 99.9% of the voters.

In response to Commissioner Fields' question, Ms. Chacon explained the difference between a legislative act and an administrative act of the Commission. Commissioner Fields stated he can see the benefits and cost savings but understands there are differences of opinion on the topic.

In response to Commissioner Gerth's inquiry, Ms. Chacon cited a case entitled Johnson vs. City of Alamogordo related to administrative and executive acts.

Commissioner Mills stated he would not be voting to lessen his term of office.

Mayor Cobb stated it is agreed everyone would have to leave their differences at the door. He commented the City is not yet through with the HB6 issue and the veto message from the Governor was loud and clear. Mayor Cobb stated he believes the City needs continuity of its leadership to deal with the issue. He commended Mr. Toby Spears for doing a great job in compiling all of the data related to HB6. He stated it is the City's obligation to continue its work with Covenant Behavioral Health. Mayor Cobb commented the Commission has made commitments to staff and is working on a Strategic Plan with an obligation to continue its work for the citizens of Hobbs. Mayor Cobb stated he believes an extension of the terms of office is an appropriate solution.

Commissioner Penick stated he is struggling with the decision as he feels lengthening his own term of office is self-serving to himself.

Commissioner Fields stated he feels he is doing a good job for his constituents and feels he could continue to do more.

Commissioner Mills stated it is a very hard decision but he believes passing the election to the County is the right thing to do and it requires adjusting the terms of office. He encouraged citizens to call their Commissioners and let them know how they feel about it.

Commissioner Smith stated he has struggled with the issue because of the Voter I.D. He stated he is also struggling with lengthening the term of office. Commissioner Smith encouraged citizen input on the issue if publication is approved. He again stated the Voter I.D. is a big hang up for him and he understands that differences with the State are a fact of life.

Mayor Cobb stated he would accept a motion to approve publication of the ordinance with Option 2 to lengthen the terms of office. Commissioner Mills moved to approve publication of the ordinance with lengthened terms of office. Commissioner Calderon seconded the motion and the vote was recorded as follows: Smith yes, Penick no, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

Consideration of Approval of a GSA Contract with Eaton Corporation to Furnish and Install Two New 300 HP Variable Frequency Drives in the Amount of \$208,724.00 Including NMGRT

Mr. Tim Woomeer, Utilities Director, requested approval of a GSA Contract with Eaton Corporation to purchase of two 300 HP Variable Frequency Drives to replace two

VFD's on the Effluent Water Reuse System. He stated both the current Variable Frequency Drives are 10 years old, related failures, and serve the critical function of moving Reclaimed Wastewater (Effluent Water) to the beneficial reuse sites. Mr. Woomer stated this project should qualify for a rebate from our electrical energy provider, Xcel Energy, to help offset the cost. The newly installed drives will have a three year warranty by utilizing Eaton Corporation for the products and installation.

Commissioner Fields moved to approve purchase of the Variable Frequency Drives from the Eaton Corporation in the amount of \$208,724.00. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

Resolution No. 7331 – Adopting Budgetary Adjustment #4 for FY 2022-2023

Ms. Deb Corral, Assistant Finance Director, stated the fiscal budget of the City of Hobbs is adopted by resolution, and reviewed and approved by the Department of Finance and Administration. She stated the budget is prepared prior to the beginning of the fiscal year, and as such, from time to time it becomes necessary to adjust the budget for items not contemplated at the time of its preparation or for issues that arise during the fiscal year. Ms. Corral explained Budgetary Adjustment #4 and stated total revenue is being increased by \$1,333,943.92 and total expense is being increased by \$2,365,680.80 providing a budgeted ending cash balance of \$78,064,269.20 for all funds. She stated the General Fund reserve will move from 46% to 44%.

Commissioner Smith moved that Resolution No. 7331 be adopted as presented. Commissioner Calderón seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7332 – Authorizing an Allocation of Lodgers' Tax Funds for Various Events for FY 2023

Mr. Toby Spears, Finance Director, stated on April 12, 2023, the Lodgers' Tax Board met and recommended that funding for various events for Fiscal Year 2023 should be forwarded to the Commission for consideration. The entities requesting lodgers' tax funding are as follows:

<b>Hobbs Airfield Speedway – Flashlight Cash Day's</b>	\$	3,790.00
No Prep Race		
<b>Hobbs USSSA – (Slow Pitch)</b>	\$	11,500.00
Hobbs Superslam NIT (\$9,000.00)		
JB Memorial (\$2,500.00)		

<b>Hobbs USSSA – (Fast Pitch)</b> Jewelz on the Turf NIT – (\$9,000.00) NM/West Texas All State – (\$3,500.00)	\$ 12,500.00
<b>Permian Basin USSSA –</b> BBall Moms Are the Best (\$19,760.00) Last Chance for Rings (\$24,400.00)	\$ 44,160.00
<b>Southwest Symphony, Inc. –</b> AMERICANA!	\$ 1,280.00
<b>EDC of Lea County/FlyHobbs</b> 2024 FLYHobbs Marketing Campaign	\$ 200,000.08
<b>United Way of Lea County</b> TURFS – Flag Bowl	\$ 9,295.00

Mr. Spears stated the 2023 adjusted budgeted lodgers' tax revenues are projected to be \$1,400,000.00. He reviewed the estimated cash balances for the fund.

Commissioner Mills stated he attended part of the meeting which lasted almost three hours. He stated he heard the detail of the events and the data was thoroughly reviewed and vetted by the Lodgers' Tax Board.

Following a brief discussion, Commissioner Penick moved that Resolution No. 7332 be adopted as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

#### **Comments by City Commissioners, City Manager**

Mr. Gomez announced the following items:

- Coffee with Cops will be held on April 19, 2023, in the foyer of City Hall.
- Gus Macker will be held on April 22-23, 2023
- Light of Lea County was held on April 15, 2023
- May 15 – Sept 15 of each year is the Water Conservation Period

Mr. Gomez thanked Mr. Bob Hamilton for serving the Hobbs Public Library as the Acting Library Director.

Commissioner Gerth stated the truck ordinance that passed tonight is a safety issue for vehicles and children. He thanked the Commission for adopting the ordinance.

Commissioner Mills stated he receives many calls on traffic issues and he observed vehicles racing on prom night. He stated street racing is a problem and the City only has so many resources available. Commissioner Mills stated it is not a lack of effort by the Hobbs Police Department to enforce ordinances as these are hard problems to fix with limited resources.

Commissioner Fields congratulated the milestone recipients on 95 years of experience. He stated the City has the power of intentions to do the will of the people and decisions are hard to make. He stated the Commissioners look over their material, and even may pray about it, but all of the decisions made are to make Hobbs a better place.

Mayor Cobb again thanked the Lea County Legislative Delegation for the projects approved for the City of Hobbs. He stated the City must continue its work with the Legislature, on both sides of the aisle, for the betterment of the community.

### **Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 8:25 p.m.

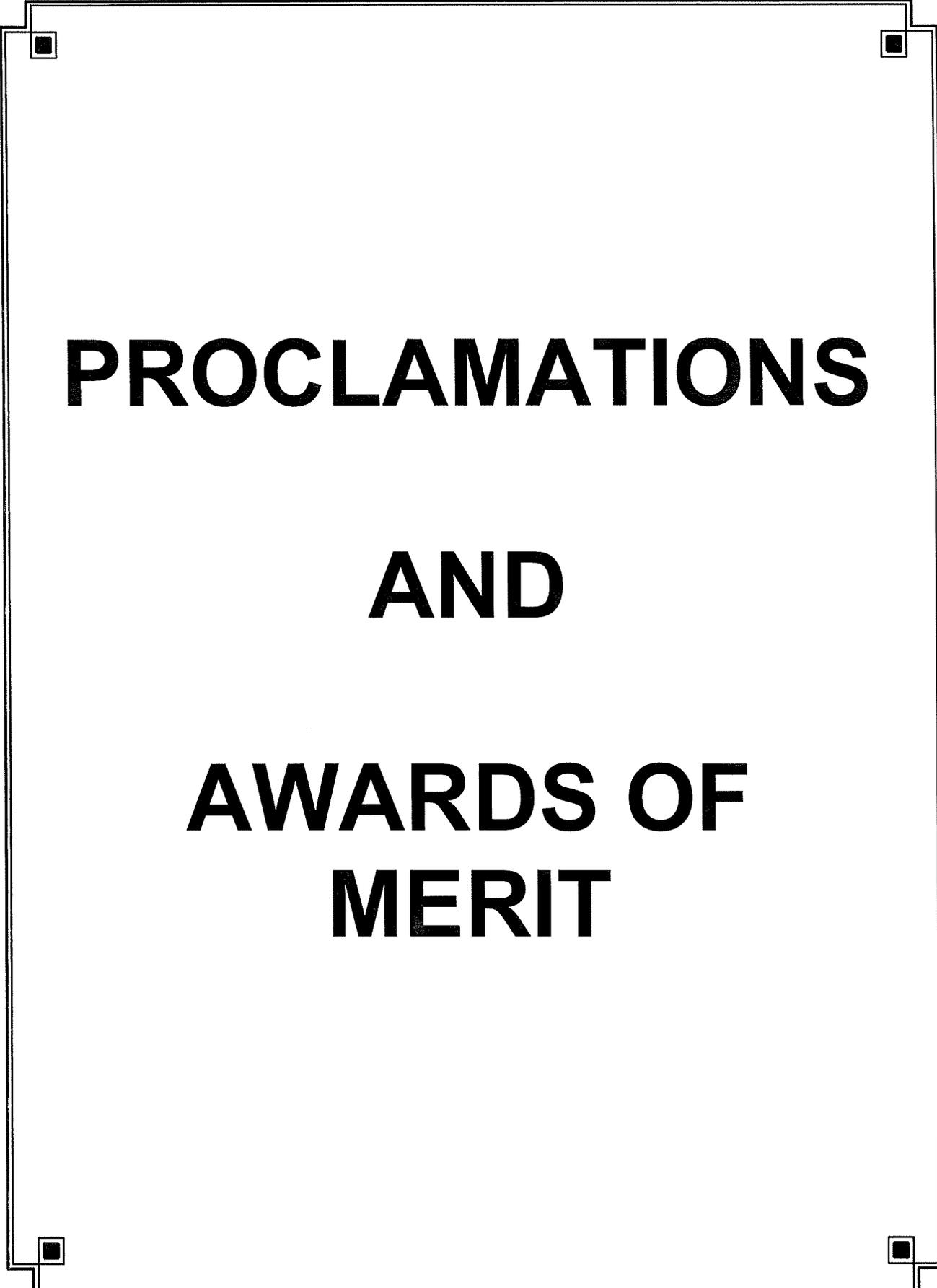
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SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk



**PROCLAMATIONS**

**AND**

**AWARDS OF  
MERIT**

Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, New Mexico's extensive road systems provide some of the most magnificent riding in the United States, making Hobbs an ideal location for motorcycle use; and

**WHEREAS**, many registered motorcyclists, who undergo extensive training and testing in order to obtain a license, call Hobbs home and enjoy the roadways we have to offer; and

**WHEREAS**, riders face a higher risk on the road than those operating vehicles. Statistics show that those operating vehicles are at fault in the majority of all accidents involving a motorcycle; and

**WHEREAS**, it is imperative that motorists always exercise caution and stay alert while traveling on Hobbs road systems; and

**WHEREAS**, the National Highway Traffic Safety Administration has declared May as "Motorcycle Awareness Month"; it is the desire of this Mayor's Office to join the NHTSA in raising awareness of the growing number of motorcyclists on Hobbs roadways in order to help prevent accidents and most importantly, save lives.

**NOW THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, do hereby proclaim the month of May, 2023 to be

### **"MOTORCYCLE AWARENESS MONTH"**

In Hobbs, and encourage all New Mexicans to renew their commitment to safe driving practices, to watch for motorcyclists, and to be aware of all who share the road.

**IN WITNESS, WHEREOF**, I have hereunto set my hand this 1st day of May, 2023, and cause the seal of the City of Hobbs to be affixed hereto.

\_\_\_\_\_  
Sam D. Cobb, Mayor

ATTEST:

  
\_\_\_\_\_  
Jan Fletcher, City Clerk



Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, the City of Hobbs is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life when disasters strike, and;

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

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

**WHEREAS**, these modern building codes include safeguards to protect the public from natural hazards such as high winds, snowstorms, tornadoes, wildland fires, and floods and;

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

**WHEREAS**, "It Starts with You", the theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

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

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the month of May, 2023, as

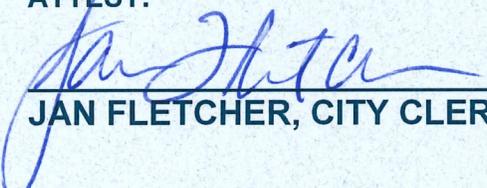
### "BUILDING SAFETY MONTH"

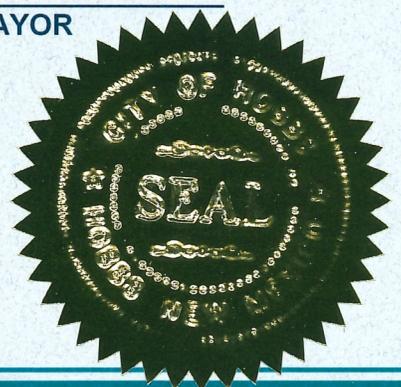
Accordingly, I encourage our citizens to join us as we participate in Building Safety Month activities.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 1st day of May, 2023, and cause the seal of the City of Hobbs to be affixed hereto.

**SAM D. COBB, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**JAN FLETCHER, CITY CLERK**





# **CONSENT AGENDA**



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2023

**SUBJECT:** Copier Disposal  
**DEPT. OF ORIGIN:** Information Technology Department  
**DATE SUBMITTED:** April 10, 2023  
**SUBMITTED BY:** Christa Belyeu, IT Director

**Summary:**

The IT Department is requesting to delete from its public inventory and dispose of one (1) Ricoh copier, located in the building inspections division. This copier is no longer functional and will be destroyed and deleted from fixed assets. Audie's will pick up and destroy.

**Fiscal Impact:**

Reviewed By: Efren A. Cortez  
*Finance Department*

Digitally signed by Efren A. Cortez, DN: cn=Efren A. Cortez, o=City of Hobbs, ou=Finance Director, email=ecortez@hobbsnm.org, c=US Date: 2023.04.20 16:34:16 -0600

Delete and destroy Ricoh Aficio MP C4502A  
SN W512L400352.  
Acquired 5/14/2012  
Cost \$13,683.45  
Accumulated depreciation \$13,683.45  
Book Value \$0

**Attachments:**

Resolution  
6342 Capital Asset Worksheet.pdf

**Legal Review:**

Approved As To Form: Efren A. Cortez  
*City Attorney*

Digitally signed by Efren A. Cortez, DN: cn=Efren A. Cortez, o=City of Hobbs, ou=City Attorney's Office, email=ecortez@hobbsnm.org, c=US Date: 2023.04.18 15:45:26 -0600

**Recommendation:**

Motion to approve the resolution.

Approved For Submittal By:

Christa Belyeu  
Digitally signed by Christa Belyeu, DN: cn=Christa Belyeu, o=City of Hobbs, ou=IT Director, email=cbelyeu@hobbsnm.org, c=US Date: 2023.04.18 15:18:59 -0600

*Department Director*

*City Manager*

**CITY CLERKS USE ONLY  
COMMISSION ACTION TAKEN**

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

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

Denied

CITY OF HOBBS

RESOLUTION NO. 7333

A RESOLUTION RELATING TO THE DELETION AND REMOVAL  
OF A RICOH COPIER FROM THE CITY'S PUBLIC INVENTORY

WHEREAS, the City of Hobbs desires to delete from its public inventory and dispose of one (1) Ricoh Copier, Serial Number W512L400352, currently on the City of Hobbs Information Technology Department inventory; and

WHEREAS, the Ricoh Copier is no longer functional and will be picked up and destroyed by Audie's Copiers; and

WHEREAS, the value of the Ricoh Copier purchased on May 14, 2012, was \$13,683.45, with current accumulated depreciation of \$13,683.45 making the book value \$0; and

WHEREAS, the City of Hobbs Information Technology Department will perform data security, will remove and physically destroy all hard drives.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hobbs, New Mexico, that:

A. The City desires to delete from its public inventory and dispose of the items of personal property, attached hereto and incorporated herein by reference and the governing body hereby makes the official, specific finding that each item of property on the attached list:

1. is obsolete; and
2. is worn-out, unusable, or obsolete to the extent that the item is no longer economical or safe for continued use by the City of Hobbs; and
3. that all such items should be deleted from the City's public inventory and destroyed.

B. A copy of this official finding and proposed disposition of the property sought to be disposed of shall be made a permanent part of the official minutes of the governing body.

PASSED, ADOPTED, AND APPROVED this 1<sup>st</sup> day of May, 2023.

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SAM D. COBB, Mayor

ATTEST:

---

JAN FLETCHER, City Clerk

CAPITAL ASSET WORKSHEET

ASSET # 6342  
 CLASS EQ EQUIPMENT MASTER ASSET  
 SUBCL 609 OFFICE EQUIP, M FUND SOURCE  
 COMMODITY ACQUIS METH  
 DEPT 0145 COMPUTER OPERAT ACQUIS DATE 05/14/2012  
 LOC CODE 0410 ENGINEERING ACQUIS COST 13,683.45  
 LOC MEMO ENGINEERING ACRES 0.000  
 ROOM QTY  
 STORAGE LOC ENGINEERING UNIT PRICE 13,683.45  
 PURCH MEMO  
 STATUS A ACTIVE  
 CONDITION SOY BOOK 0.00  
 CUSTODIAN FIXED ASSET CUSTODIAN CURRENT BOOK 0.00  
 TITLEHOLDER EST SALVAGE 0.00  
 TAG # 8067 REPL COST 13,683.45  
 SERIAL # W512L400352 LAST INVENT 03/10/2016  
 MANUFACTURER IMPROVE MEMO  
 MODEL RICOH AFICIO MP RETIRE DATE  
 MODEL YEAR DISP CODE  
 LICENSE # DISP PRICE 0.00  
 SALE PRICE 0.00

DESCRIPTION RICOH AFICIO MP COPIER - ENGINEERING  
 MAINT CONT Y INSURED N  
 VENDOR DESC Vendor Name Mi CARRIER  
 TYPE G INSURED VAL 0.00  
 EXPIRE DATE EXPIRE DATE  
 ANNUAL COST 0.00 POLICY CST 0.00  
 MEMO MEMO  
 DEPRECIATE Y  
 DEPREC PRIN 13,683.45  
 FIRST YR/PR 2012/11 LAST YR/PR 2017/10  
 EST LIFE 5  
 PERIODS TAKEN 60  
 ACCUM DEPREC 13,683.45

VEND # PO # DOCUMENT # INVOICE # INV DATE INV AMT

GL Accounts

TYPE	ORG	OBJ	PROJ	PERCENT
Asset	910	16012		100.00
Contra	910	16015		100.00
Depreciation Expense	910	48000		100.00
Accumulated Depreciation	910	16112		100.00

PO Accounts

ORG	OBJ	PROJ	AMOUNT
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**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1st, 2023

SUBJECT: Approving the 3rd quarter fiscal year 2023 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance  
DATE SUBMITTED: April 20, 2023  
SUBMITTED BY: Toby Spears, Finance Director

**Summary:**

The NM Department of Finance Administration recommends approving the City of Hobbs quarterly lodgers' tax process. The following attachment is for the 3rd quarter 2023 DFA report.

**Fiscal Impact:**

Reviewed By:   
Finance Department

The March 31, 2023 Cash Balance for the Lodgers' Tax Fund is \$1,011,069.03.

Total lodgers' tax revenue for the 3rd quarter fiscal year 2023 was \$ 342,864.79 and total expenditures were \$305,346.11. Breakdown of the **encumbered cash balances at March 31, 2023** by category are as follows:

Profit, Non-profit, Public Entities (20%)	=	\$ 258,439.83
Local Government (40%)	=	\$ 416,230.38
Fire, EMS, Sanitation (15%)	=	\$ 0.00
Airline Subsidy (25%)	=	\$ 336,398.82

**Attachments:**

DFA Quarterly Report  
Resolution  
3-31-2023 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. 7334

A RESOLUTION APPROVING THE FY 2023  
LODGERS' TAX DFA 3RD QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 1st quarter Lodgers' Tax DFA Financial Report to be approved annually, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended March 31, 2023 was \$1,011,069.03 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual quarter-to-date lodgers' tax revenue and expenditures for fiscal year 2023 crosswalk the amounts to the DFA 3rd quarter financial report;

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

PASSED, ADOPTED AND APPROVED this 1st day of May, 2023

\_\_\_\_\_  
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

DFAM.GD/BFB 9/96 -revised 6/13; 12/22

**IF YOU DO NOT COLLECT LODGERS TAX  
 PLEASE CHECK MARK N/A**   
*Make sure to sign the form prior to submitting*

**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 proceeds.
  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: 3/31/2023

1. REVENUE SUMMARY:	QUARTERLY	YEAR-TO-DATE (Y-T-D)
	AMOUNT (THIS REPORTING PERIOD)	AMOUNT (SUM OF ALL QUARTERS)
LODGERS' TAX PROCEEDS 1 - 30 Days	\$ 342,865	\$ 1,071,332
LODGERS' TAX PROCEEDS >30 Days		
INVESTMENT INCOME	10,643	22,275
LATE PENALTIES		
CONVENTION CENTER FINANCING FEES		
HOSPITALITY FEE ACT FEES		
2. OTHER		
<b>TOTAL REVENUE</b>	<b>\$ 353,508</b>	<b>\$ 1,093,608</b>

2. REVENUE ALLOCATION:	QUARTERLY	YEAR-TO-DATE (Y-T-D)
	AMOUNT (THIS REPORTING PERIOD)	AMOUNT (SUM OF ALL QUARTERS)
NON-PROMOTIONAL FUND	\$	\$
PROMOTIONAL FUND	\$ 305,346	\$ 1,169,474
ADMINISTRATIVE COST	\$	\$

(10% IS THE MAXIMUM OF GROSS TAX PROCEEDS, **Cumulative**)  
 i.e. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)

**4. TRANSFERS: IN**

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

**3. CASH BALANCES:**

Carryover From Previous Fiscal Year:	\$ 1,086,935
(Note: 2 years maximum carryover before money must be spent).	
NON-PROMOTIONAL FUND	\$ _____
PROMOTIONAL FUND	\$ (75,866)
<b>Grand Total</b>	<b>\$ (75,866)</b>

**TRANSFERS:OUT**

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

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

INTERGOVERNMENTAL TRANSFERS - (OUT)	
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
	\$ 0

INTERGOVERNMENTAL TRANSFERS - (OUT)	
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
	\$ 0

I hereby attest the information provided is accurate to the best of my knowledge. Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**CITY OF HOBBS  
EVENT SUMMARIES  
3/31/2023**

**AMOUNT  
SPENT**

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23-03	Hobbs Airfield Speedway, LLC	5,452.93
20-27	CITY OF HOBBS - MARKETING/BRANDING CAMPAIGN	5,616.00
23-14	City of Hobbs - CORE Marketing	64,309.48
23-15	City of Hobbs - CORE Operating	375,000.00
	City of Hobbs - Police/Fire	160,988.27
23-02	EDC - MARKETING/AIRLINE SUBSIDY (91,191.40)	329,956.17
22-01	Western Heritage Museum	26,181.00
23-04	Juneteenth 2022	4,900.00
23-05	United Way of Lea County - Flag Bowl	4,320.00
23-08	Southwest Symphony	10,645.54
23-09	Hobbs Airfield Speedway, LLC	11,549.57
23-10	Permian Basin USSSA	18,000.00
23-11	NAACP - State Conference	11,201.44
23-18	Permian Basin USSSA - November 7th, 8th Event	5,747.49
23-13	City of Hobbs - NM Recreation and Parks Association State Conf.	41,700.12
23-01	Hobbs USSSA	11,500.00
23-06	Western Heritage Museum	8,511.50
23-07	Hobbs USSSA	8,598.50
23-17	Impacto JAG Promotions - October 2022 Event	12,500.00
23-19	Hobbs Chamber of Commerce - 2022 Holiday Tournament	20,287.63
23-22	Cycle City Promotions - 2 Events	25,000.00
23-23	Southwest Symphony (3 events)	3,000.00
23-31	Sheri's House of Hope	4,508.72

**TOTAL**

**1,169,474.36**

3/31/23

CITY OF HOBBS LODGERS' TAX PROGRAM  
EXPENDITURE REPORT FOR THE 3rd QUARTER OF 2022 - 2023

		PROMO	NON PROMO	TOTAL
CASH BAL.	6/30/22	1,071,424.11	15,511.46	1,086,935.57
FIRST QUARTER INCOME		353,990.78		353,990.78
FIRST QUARTER INTEREST		3,800.64		3,800.64
TOTAL REVENUE		<u>357,791.42</u>	0.00	<u>357,791.42</u>
FIRST QUARTER EXPENSES		<u>355,502.29</u>		<u>355,502.29</u>
CASH BAL.	9/30/22	1,073,713.24	15,511.46	1,089,224.70
SECOND QUARTER INCOME		374,476.82		374,476.82
SECOND QUARTER INTEREST		7,831.55		7,831.55
TOTAL REVENUE		<u>382,308.37</u>	0.00	<u>382,308.37</u>
SECOND QUARTER EXPENSES		<u>508,625.96</u>		<u>508,625.96</u>
CASH BAL.	12/31/22	947,395.65	15,511.46	962,907.11
THIRD QUARTER INCOME		342,864.79		342,864.79
THIRD QUARTER INTEREST		10,643.24		10,643.24
TOTAL REVENUE		<u>353,508.03</u>	0.00	<u>353,508.03</u>
THIRD QUARTER EXPENSES		<u>305,346.11</u>		<u>305,346.11</u>
CASH BAL.	3/31/23	995,557.57	15,511.46	1,011,069.03
FOURTH QUARTER INCOME(FORCE EXTRA TO PROMO)				0.00
FOURTH QUARTER INTEREST				0.00
TOTAL REVENUE		<u>0.00</u>	0.00	<u>0.00</u>
FOURTH QUARTER EXPENSES**				<u>0.00</u>
CASH BAL.	6/30/23	995,557.57	15,511.46	1,011,069.03
YEAR TO DATE INCOME			0.00	1,071,332.39
YEAR TO DATE INTEREST			0.00	0.00
TOTAL REVENUE		<u>0.00</u>	0.00	<u>1,071,332.39</u>
YEAR TO DATE EXPENSES		<u>1,169,474.36</u>	0.00	<u>1,169,474.36</u>
YEAR TO DATE CASH BALANCES		<u>995,557.57</u>	15,511.46	<u>1,011,069.03</u>

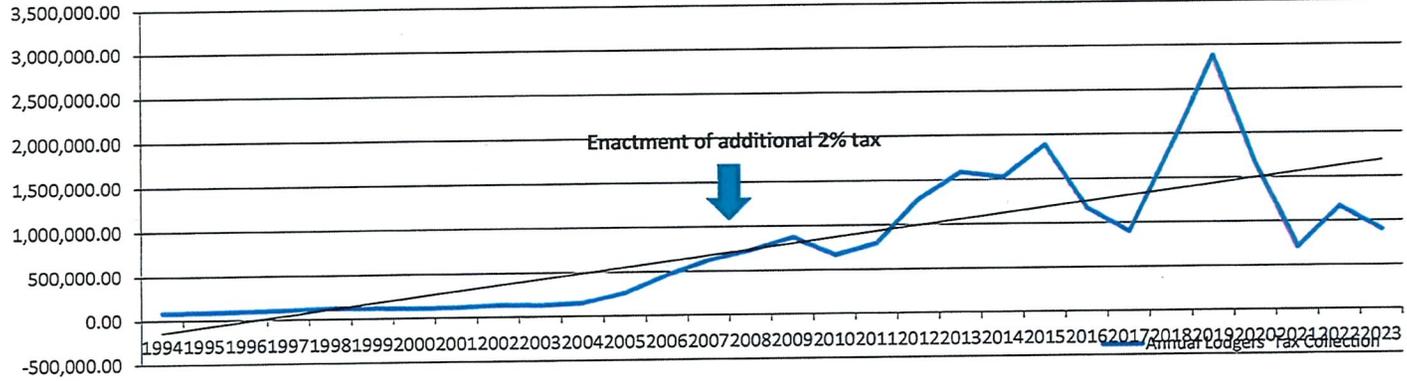
CITY OF HOBBS LODGERS' TAX REPORT

March 31, 2023

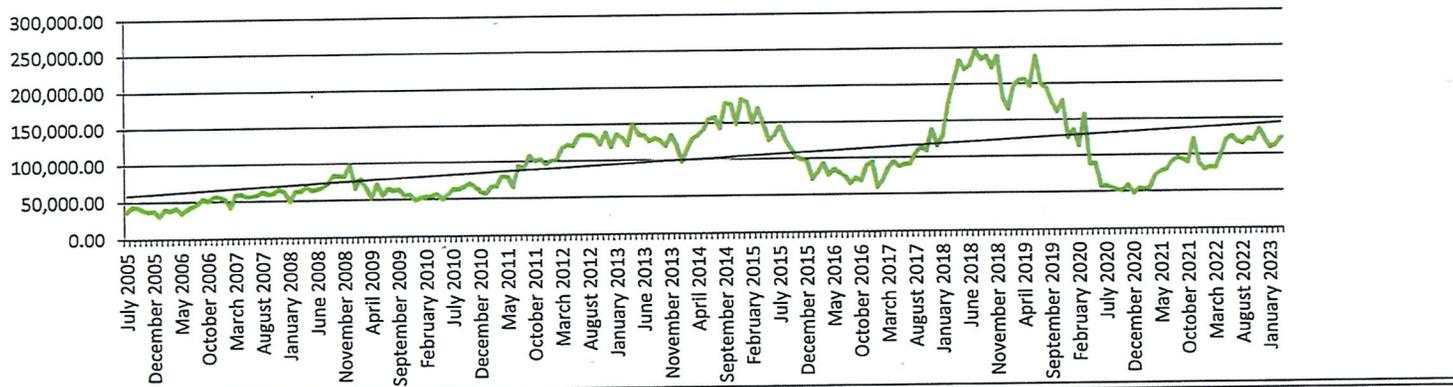
		RECEIPTS				EXPENDITURES			NET CHANGE		Cash
Month	Month	Gross Taxable Revenue	Lodgers' Tax	Other Income	TOTAL	Contract for Services	Advert & Promotion	TOTAL	For Month	YTD	Balance
<b>CASH BALANCE</b>		<b>1,826,158.69</b>	<b>1,668,566.83</b>	<b>28,209.69</b>	<b>1,696,776.52</b>		<b>2,111,012.10</b>				
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	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>				
July 2022		2,344,993.40	117,249.67	724.61	117,974.28		18,764.47	18,764.47	99,209.81	99,209.81	1,186,145.38
August 2022		2,301,976.00	115,098.80	1,312.73	116,411.53		87,372.03	87,372.03	29,039.50	128,249.31	1,215,184.88
September 2022		2,432,846.20	121,642.31	1,763.30	123,405.61		249,365.79	249,365.79	(125,960.18)	2,289.13	1,089,224.70
October 2022		2,381,193.20	119,059.66	1,928.75	120,988.41		-	-	120,988.41	123,277.54	1,210,213.11
November 2022		2,688,695.60	134,434.78	2,574.32	137,009.10		192,300.35	192,300.35	(55,291.25)	67,986.29	1,154,921.86
December 2022		2,419,647.60	120,982.38	3,328.48	124,310.86		316,325.61	316,325.61	(192,014.75)	(124,028.46)	962,907.11
<b>SUBTOTAL</b>		<b>14,569,352.00</b>	<b>728,467.60</b>	<b>11,632.19</b>	<b>740,099.79</b>	<b>0.00</b>	<b>864,128.25</b>	<b>864,128.25</b>			
January 2023		2,182,112.60	109,105.63	3,183.80	112,289.43		35,371.75	35,371.75	76,917.68	76,917.68	1,039,824.79
February 2023		2,242,822.80	112,141.14	3,788.90	115,930.04		53,799.13	53,799.13	62,130.91	62,130.91	1,101,955.70
March 2023		2,432,360.40	121,618.02	3,670.54	125,288.56		216,175.23	216,175.23	-90,886.67	-90,886.67	1,011,069.03
April 2023		0.00			0.00			0.00	0.00	0.00	1,011,069.03
May 2023		0.00			0.00			0.00	0.00	0.00	1,011,069.03
June 2023		0.00			0.00			0.00	0.00	0.00	1,011,069.03
<b>SUBTOTAL</b>		<b>6,857,295.80</b>	<b>342,864.79</b>	<b>10,643.24</b>	<b>353,508.03</b>	<b>0.00</b>	<b>305,346.11</b>	<b>305,346.11</b>			
<b>CASH BALANCE</b>		<b>1,011,069.03</b>	<b>1,071,332.39</b>				<b>1,169,474.36</b>				

CITY OF HOBBS LODGERS' TAX PROGRAM					
3/31/2023	AWARD				ACTUAL OUTSTANDING GRANT
	PROJECT	DATE	AMOUNT	ACTUAL EXPENSE	
3/31/2023	CASH BALANCE				1,011,069.03
<b>Proof of Cash:</b>					
<b>Beginning Cash Available for Profit, Non-Profit, and Public Entities (20%)</b>					<b>260,237.81</b>
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	11,500.00	0.00
23-03	Hobbs Airfield Speedway, LLC	5-12-22	20,971.00	9,518.47	11,452.53
23-06	Western Heritage Museum	7-13-22	8,511.50	8,511.50	0.00
23-07	Hobbs USSSA	7-13-22	10,000.00	8,598.50	1,401.50
23-08	Southwest Symphony	7-13-22	12,127.38	10,645.54	1,481.84
23-09	Hobbs Airfield Speedway, LLC	7-13-22	16,730.00	11,549.57	5,180.43
23-10	Permian Basin USSSA	7-13-22	18,000.00	18,000.00	0.00
23-11	NAACP - State Conference	7-13-22	15,498.75	11,201.44	4,297.31
23-16	Southwest Symphony - Super Heroes	10-17-22	2,909.88	0.00	2,909.88
23-17	Impacto JAG Promotions - October 2022 Event	10-17-22	12,500.00	12,500.00	0.00
23-18	Permian Basin USSSA - November 7th, 8th Event	10-17-22	10,000.00	5,747.49	4,252.51
23-19	Hobbs Chamber of Commerce - 2022 Holiday Tournament	11-21-22	22,144.87	20,287.63	1,857.24
23-20	Tuff Hedeman Bull Riding	11-21-22	20,000.00	0.00	20,000.00
23-21	United Way of Lea County, MLK Day of Service	11-21-22	7,297.50	0.00	7,297.50
23-22	Cycle City Promotions - 2 Events	11-21-22	45,000.00	25,000.00	20,000.00
23-23	Southwest Symphony (3 events)	11-21-22	4,500.00	3,000.00	1,500.00
23-33	Impacto JAG Promotions - February 2023 Event	1-17-23	10,000.00	0.00	10,000.00
23-24	Hobbs USSSA - Blind as a Bat	1-11-23	2,500.00	0.00	2,500.00
23-25	Hobbs USSSA - Hobbs Superslam	1-11-23	9,000.00	0.00	9,000.00
23-26	Permian Basin USSSA - See What You Got	1-11-23	25,000.00	0.00	25,000.00
23-27	Permian Basin USSSA - King of the Turf	1-11-23	25,000.00	0.00	25,000.00
23-28	Southwest Symphony, Inc. Texas Guitar Quartet	1-11-23	1,000.00	0.00	1,000.00
23-29	Hobbs Airfield Speedway, LLC - Flashlight Cash Day's No Prep	1-11-23	3,800.00	0.00	3,800.00
23-30	New Mexico Junior College - NJCAA 2023 Outdoor Natl Championship	1-11-23	49,775.00	0.00	49,775.00
23-31	Sheri's House of Hope	1-11-23	9,743.30	4,508.72	5,234.58
TOTAL REMAINING ALLOCATION FOR PROFIT, NON-PROFIT AND PUBLIC ENTITIES			179,693.38	0.00	226,064.46
Add:	20% Monthly Tax Revenue (starting April 1st, 2013)				214,266.48
<b>Cash Available for Allocation</b>					<b>248,439.83</b>
<b>Beginning Cash Available for Local Government (City and County) (40%)</b>					<b>441,505.68</b>
20-27	CITY OF HOBBS - MARKETING/BRANDING CAMPAIGN	3/2/2020	250,000.00	42,507.15	207,492.85
23-12	City of Hobbs - Rockwind Golf Marketing	7-13-2022	64,650.00	0.00	64,650.00
23-13	City of Hobbs - NM Recreation and Parks Association State Conf.	7-13-2022	49,995.00	41,700.12	8,294.88
23-14	City of Hobbs - CORE Marketing	7-13-2022	99,650.00	64,279.48	35,370.52
23-15	City of Hobbs - CORE Operating	7/13/2022	500,000.00	375,000.00	125,000.00
23-32	City of Hobbs - Slam and Jam	1/11/2023	13,000.00	0.00	13,000.00
TOTAL REMAINING ALLOCATION FOR LOCAL GOVERNMENT			977,295.00	523,486.75	453,808.25
Add:	40% Monthly Tax Revenue (starting April 1st, 2013)				428,532.96
<b>Cash Available for Allocation</b>					<b>416,230.39</b>
<b>Beginning Cash Available for Fire, EMS, Sanitation (15%)</b>					
TOTAL REMAINING ALLOCATION FOR CITY OF HOBBS POLICE AND FIRE			160,988.27	160,988.27	0.00
Add:	15% Monthly Tax Revenue (starting April 1st, 2013)				160,988.27
<b>Cash Available for Allocation</b>					<b>-</b>
<b>Beginning Cash Available for Airline subsidy (25%)</b>					<b>229,800.95</b>
23-02	EDC - MARKETING/AIRLINE SUBSIDY (91,191.40)	5-12-22	491,191.40	329,956.17	161,235.23
Add:	25% Monthly Tax Revenue (starting April 1st, 2013)				267,833.10
TOTAL REMAINING ALLOCATION FOR AIRLINE SUBSIDY					
<b>Cash Available for Allocation</b>					<b>336,398.82</b>

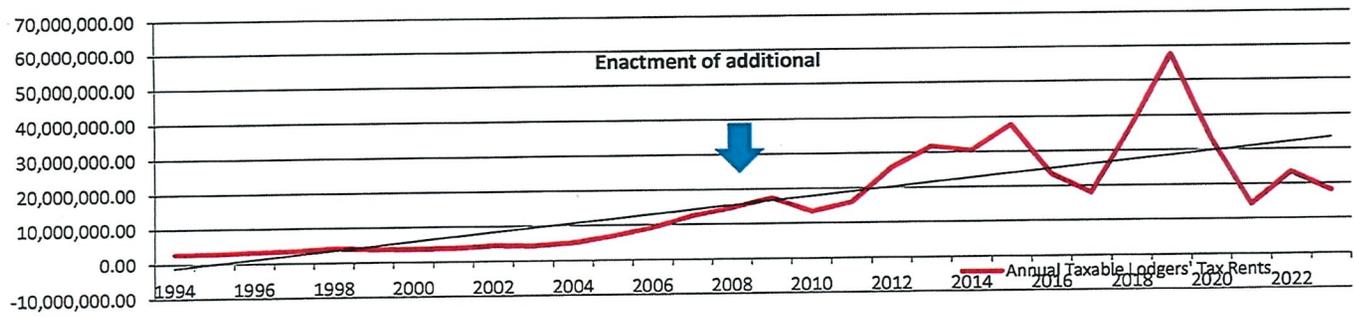
### Annual Lodgers' Tax Collection

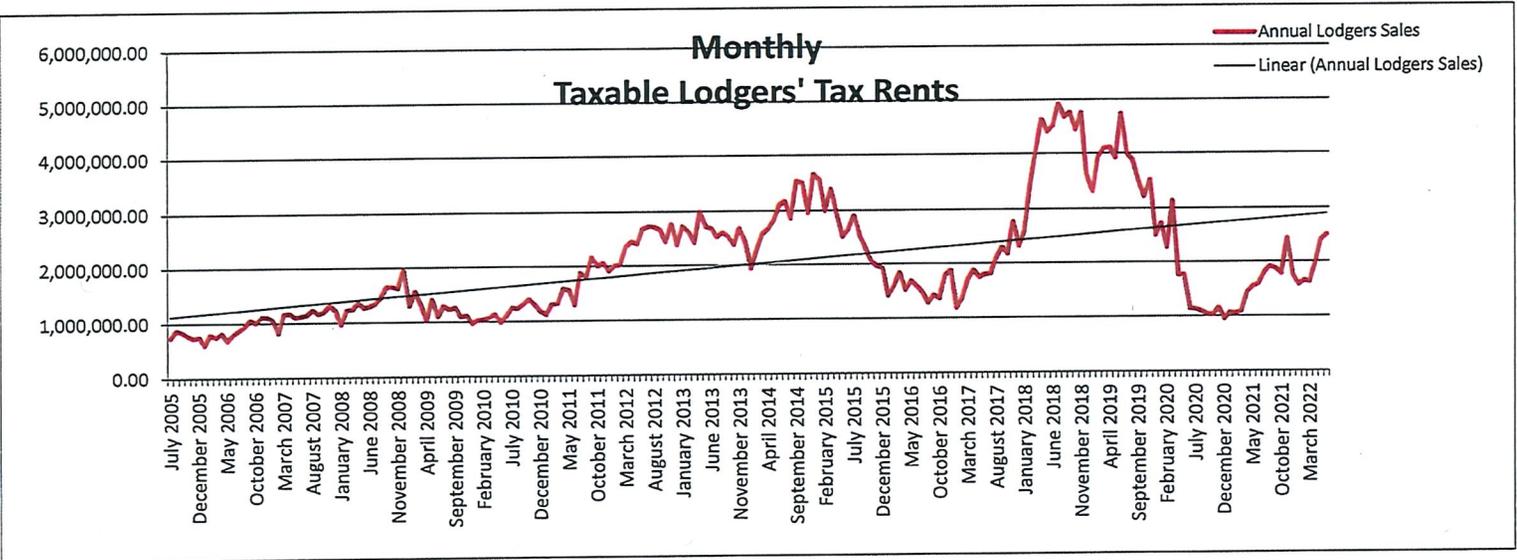


### Monthly Lodgers' Tax Collection



### Annual Taxable Lodgers' Tax Rents







# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2023

**SUBJECT:** Resolution approving the FY2023 DFA 3<sup>rd</sup> Quarter (March 2023) Financial Report  
**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** April 12, 2023  
**SUBMITTED BY:** Deborah Corral, Assistant Finance Director

**Summary:**

Submitting the FY2023 3<sup>rd</sup> Quarter DFA Financial Report for the approval of the Governing Body. The Department of Finance and Administration only **requires** that the 4<sup>th</sup> Quarter DFA Report be approved by resolution, however, it **recommends** all quarterly reports be approved by the governing body.

**Fiscal Impact:**

Reviewed By: [Signature]  
Finance Department

The ending cash balance represents actual revenue and expenditure activity from 07/01/22-03/31/23.

- Actual Ending Cash Balance at 03/31/2023 is \$161,194,677.56 for all funds (restricted and unrestricted).
- The City of Hobbs year-to-date actual revenues and expenditures for the period are \$102,169,920.22 and \$83,491,892.64 respectively.

**Attachments:**

- 3rd Quarter DFA Report Recap
- March 31, 2023 City of Hobbs Cash Report
- Resolution approving 3<sup>rd</sup> Quarter DFA Report

**Legal Review:**

Approved As To Form: [Signature]  
City Attorney

**Recommendation:**

Motion to approve the 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: \_\_\_\_\_  
File No. \_\_\_\_\_  
Denied

CITY OF HOBBS  
RESOLUTION NO. 7335

A RESOLUTION APPROVING THE FY2023  
DFA 3<sup>rd</sup> QUARTER FINANCIAL REPORT

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

WHEREAS, the ending cash balance for the period ending March 31, 2023 was \$161,194,677.56 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2023 crosswalk the amounts to the DFA 3<sup>rd</sup> Quarter Financial Report;

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

PASSED, ADOPTED AND APPROVED this 1<sup>st</sup> day of May, 2023.

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

ATTEST:

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

City of Hobbs  
Cash Balance by Fund  
3/31/2023

	Ending Cash 06/30/2022	June - July FY2023 Revenues	Actual Cash TRANSFERS	June - July FY2023 Expenditures	FY23 Balance Sheet Adjustments	Ending Cash 03/31/23
<b>GOVERNMENTAL FUNDS</b>						
11000 001 GENERAL	69,874,044.71	52,373,071.08	(3,505,837.19)	42,781,672.23	41,155.12	75,918,451.25
29900 002 LAND ACQUISITION	381,763.30	448,885.31			-	830,648.61
	70,255,808.01	52,821,956.39	(3,505,837.19)	42,781,672.23	41,155.12	76,749,099.86
<b>SPECIAL REVENUES</b>						
20100 110 LOCAL GOV CORR	1,074,296.19	125,417.32		78,666.75	-	1,121,046.76
21100 120 POLICE PROTECTION	15,820.35	123,000.00		77,741.87	-	61,078.48
29900 130 P D N (parif, drug, narcotics)	1,918.75				-	1,918.75
29900 150 COPS GRANT	26,251.09	8,881.98	-		-	35,133.07
21700 160 HWLC	1,000.00	1,208,557.18	1,835,545.08	3,043,923.41	178.85	1,000.00
21900 170 OLDER AMERICAN	1,000.00	156,348.98	547,571.83	703,920.81	-	1,000.00
51800 180 GOLF	1,000.00	733,904.23	1,359,491.22	2,093,351.49	43.96	1,000.00
50600 190 CEMETERY	1,000.00	153,346.98	410,842.93	564,338.86	(148.95)	1,000.00
50400 200 AIRPORT	477,531.99	161,298.23		1,466.79	-	637,363.43
30300 210 LEGISLATIVE APPROP	1,000.00	198,466.01	-	340,184.97	(140,718.96)	-
21800 220 INTERGOVERNMENTAL GRANTS	4,835,515.50	4,835,515.50	-		-	9,671,031.00
21400 230 LODGERS' TAX	1,086,935.57	1,093,607.82	(647,613.87)	521,860.49	-	1,011,069.03
27000 240 LG Abatement Fund (Opioid)		115,586.30			-	115,586.30
28000 250 Cannabis Regulation Act Fund	-	464,806.87		12,218.56	-	452,588.31
29900 270 PUBLIC TRANSPORTATION	46,432.79	502,002.62	-	612,638.17	(64,202.76)	-
20900 280 FIRE PROTECTION	1,069,786.59	794,276.84		296,136.94	-	1,567,926.49
20600 290 EMER MEDICAL SERV	792.28	20,000.00		17,971.89	-	2,820.39
21200 300 LAW ENFORCEMENT RECRUITME	-	2,850,000.00		840,475.74	-	2,009,524.26
30200 370 COMM DEVE CONST	110,420.82		-	21,765.04	-	88,655.78
	8,750,701.92	13,545,016.86	3,505,837.19	9,226,661.78	(204,847.86)	16,779,742.05
<b>CAPITAL PROJECTS FUNDS</b>						
39900 460 BEAUTIFICATION IMPROVEMENT	1,538,849.89				-	1,538,849.89
21600 480 STREET IMPROVEMENTS	4,817,036.89	741,719.71		108,682.55	-	5,450,074.05
39900 490 CITY COMM. IMPROVEMENTS	7,720,652.90	2,094,572.78	-	61,295.60	-	9,753,930.08
	14,076,539.68	2,836,292.49	-	169,978.15	-	16,742,854.02
<b>DEBT SERVICE FUNDS</b>						
40400 510 UTILITY BOND	0.00		204,669.36	204,669.36	-	0.00
40400 530 2005 WASTEWATER BOND ISSU	1,989,842.96		1,921,489.13	2,271,164.09	-	1,640,168.00
	1,989,842.96	-	2,126,158.49	2,475,833.45	-	1,640,168.00
<b>TOTAL GOVERNMENTAL FUNDS</b>	<b>95,072,892.57</b>	<b>69,203,265.74</b>	<b>2,126,158.49</b>	<b>54,654,145.61</b>	<b>(163,692.74)</b>	<b>111,911,863.93</b>
<b>ENTERPRISE FUNDS</b>						
50200 100 SOLID WASTE	2,683,078.04	6,022,850.73		5,876,760.41	-	2,829,168.36
39900 440 JOINT UTILITY EXTENSIONS CAPI	1,000.00	600,000.00	-	599,536.97	-	1,463.03
50100 600 JOINT UTILITY	1,000.00	-	4,216,000.45	4,216,000.45	-	1,000.00
50100 610 JOINT UTILITY CONST	1,000.00		677,803.27	677,803.27	-	1,000.00
50300 620 WASTE WATER PLANT CONST	7,325,364.88		-	371,041.36	-	6,954,323.52
50300 630 JOINT UTILTY - WASTEWATER	1,030.00		3,390,355.37	3,390,385.37	-	1,000.00
50300 650 JOINT UTILTY INCOME - WASTE	9,536,173.55	6,488,032.82	(5,311,844.50)	30,647.50	-	10,681,714.37
50100 660 JOINT UTILITY INCOME	7,436,818.88	6,729,188.10	(5,098,473.08)		43.14	9,067,490.76
50100 680 METER DEPOSIT RES	1,220,767.82	250,077.42		80,781.71	-	1,390,063.53
<b>TOTAL ENTERPRISE FUNDS</b>	<b>28,206,233.17</b>	<b>20,090,149.07</b>	<b>(2,126,158.49)</b>	<b>15,242,957.04</b>	<b>43.14</b>	<b>30,927,223.57</b>
<b>INTERNAL SERVICE FUNDS</b>						
69900 640 MEDICAL INSURANCE	3,201,377.27	5,236,798.26	(292,191.30)	5,802,847.05	-	2,343,137.18
69900 670 WORKERS COMP TRUST	1,160,937.04	608,021.42		578,419.75	-	1,190,538.71
69900 690 INTERNAL SUPPLY	67,797.49	179,736.83	-	190,751.12	-	56,783.20
69900 740 INSURANCE - RISK	5,284,206.75	1,982,927.78	-	1,837,386.85	-	5,429,747.68
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>9,714,318.55</b>	<b>8,007,484.29</b>	<b>(292,191.30)</b>	<b>8,409,404.77</b>	<b>-</b>	<b>9,020,206.77</b>
<b>TRUST AND AGENCY FUNDS</b>						
79900 700 MOTOR VEHICLE	23,966.39	4,030,738.88		4,048,882.99	1,408.80	4,413.48
79900 710 MUNI JUDGE BOND FUND	107,575.34				(458.00)	108,033.34
79900 720 RETIREE HEALTH INSURANCE TRI	8,915,123.87	791,924.66	292,191.30	1,094,630.47	749.96	8,903,859.40
79900 730 CRIME LAB FUND	75,261.05	40,795.17		39,945.67	-	76,110.55
79900 750 FORECLOSURE TRUST FUND	71.88				-	71.88
79900 770 LIBRARY TRUST	6,220.10	476.95			-	6,697.05
79900 780 SENIOR CITIZEN TRUST	4,699.94	496.00			-	5,195.94
79900 790 PRAIRIE HAVEN MEM	5,839.42	116.02			-	5,955.44
79900 800 COMMUNITY PARK TRUST	1,562.02	31.02			-	1,593.04
79900 820 EVIDENCE TRUST FUND	210,724.33	(4,169.98)			-	206,554.35
79900 830 HOBBS BEAUTIFUL	8,042.66	8,035.35		816.50	-	15,261.51
79900 860 CITY AGENCY TRUST	2,169.85	577.05		1,109.59	-	1,637.31
<b>TOTAL TRUST AND AGENCY FUNDS</b>	<b>9,361,256.85</b>	<b>4,869,021.12</b>	<b>292,191.30</b>	<b>5,185,385.22</b>	<b>1,700.76</b>	<b>9,335,383.29</b>
<b>GRAND TOTAL ALL FUNDS</b>	<b>142,354,701.14</b>	<b>102,169,920.22</b>	<b>0.00</b>	<b>83,491,892.64</b>	<b>(161,948.84)</b>	<b>161,194,677.56</b>

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

**Report Recap - Fiscal Year 2022-2023 - Hobbs (City) - FY2023 Q3**

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Fund	Cash	Investments	Revenues	Transfers	Expenditures	Adjustments	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	69,874,045.00	0.00	52,373,071.08	-3,505,837.19	42,781,672.23	-41,155.12	75,918,451.54	3,565,139.35	72,353,312.19
20100 Corrections	1,074,297.00	0.00	125,417.32	0.00	78,666.75	0.00	1,121,047.57	0.00	1,121,047.57
20600 Emergency Medical Services	793.00	0.00	20,000.00	0.00	17,971.89	0.00	2,821.11	0.00	2,821.11
20900 Fire Protection	1,069,787.00	0.00	794,276.84	0.00	296,136.94	0.00	1,567,926.90	0.00	1,567,926.90
21100 Law Enforcement Protection	15,821.00	0.00	123,000.00	0.00	77,741.87	0.00	61,079.13	0.00	61,079.13
21200 Law Enforcement Recruitment/Retention	0.00	0.00	2,850,000.00	0.00	840,475.74	0.00	2,009,524.26	0.00	2,009,524.26
21400 Lodgers' Tax	1,086,936.00	0.00	1,093,607.82	-647,613.87	521,860.49	0.00	1,011,069.46	0.00	1,011,069.46
21600 Municipal Street	4,817,037.00	0.00	741,719.71	0.00	108,682.55	0.00	5,450,074.16	0.00	5,450,074.16
21700 Recreation	1,000.00	0.00	1,208,557.18	1,835,545.08	3,043,923.41	-178.85	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	156,348.98	547,571.83	703,920.81	0.00	1,000.00	0.00	1,000.00
26000 American Rescue Plan Act	4,835,516.00	0.00	4,835,515.50	0.00	0.00	0.00	9,671,031.50	0.00	9,671,031.50
27000 LG Abatement Opioid Fund	0.00	0.00	115,586.30	0.00	0.00	0.00	115,586.30	0.00	115,586.30
28000 Cannabis Regulation Act	0.00	0.00	464,806.87	0.00	12,218.56	0.00	452,588.31	0.00	452,588.31
29900 Other Special Revenue	456,366.00	0.00	959,769.91	0.00	612,638.17	64,202.76	867,700.50	0.00	867,700.50
30200 CDBG (HUD) Project	110,421.00	0.00	0.00	0.00	21,765.04	0.00	88,655.96	0.00	88,655.96
30300 State Legislative Appropriation Project	1,000.00	0.00	198,466.01	0.00	340,184.97	140,718.96	0.00	0.00	0.00
39900 Other Capital Projects	9,260,503.00	0.00	2,694,572.78	0.00	660,832.57	0.00	11,294,243.21	0.00	11,294,243.21

40400 NMFA Loan Debt Service	1,989,843.00	0.00	0.00	2,126,158.49	2,475,833.45	0.00	1,640,168.04	0.00	1,640,168.04
50100 Water Enterprise	8,659,587.00	0.00	6,979,265.52	-204,669.36	4,974,585.43	-43.14	10,459,554.59	0.00	10,459,554.59
50200 Solid Waste Enterprise	2,683,079.00	0.00	6,022,850.73	0.00	5,876,760.41	0.00	2,829,169.32	0.00	2,829,169.32
50300 Wastewater/Sewer Enterprise	16,862,569.00	0.00	6,488,032.82	-1,921,489.13	3,792,074.23	0.00	17,637,038.46	0.00	17,637,038.46
50400 Airport Enterprise	477,532.00	0.00	161,298.23	0.00	1,466.79	0.00	637,363.44	0.00	637,363.44
50600 Cemetery Enterprise	1,000.00	0.00	153,346.98	410,842.93	564,338.86	148.95	1,000.00	0.00	1,000.00
51800 Golf Course Enterprise	1,000.00	0.00	733,904.23	1,359,491.22	2,093,351.49	-43.96	1,000.00	0.00	1,000.00
69900 Other Internal Service	9,714,319.00	0.00	8,007,484.29	-292,191.30	8,409,404.77	0.00	9,020,207.22	0.00	9,020,207.22
79900 Other Trust & Agency	9,361,257.00	0.00	4,869,021.12	292,191.30	5,185,385.22	-1,700.76	9,335,383.44	0.00	9,335,383.44
<b>Totals</b>	<b>142,354,708.00</b>	<b>0.00</b>	<b>102,169,920.22</b>	<b>0.00</b>	<b>83,491,892.64</b>	<b>161,948.84</b>	<b>161,194,684.42</b>	<b>3,565,139.35</b>	<b>157,629,545.00</b>



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2023

**SUBJECT:** Resolution Adopting Budgetary Adjustment #5 for the Fiscal Year 2022-2023  
**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** April 24, 2023  
**SUBMITTED BY:** Deborah Corral, Assistant Finance Director

**Summary:**

The fiscal budget of the City of Hobbs is adopted by resolution, and reviewed and approved by the Department of Finance & Administration. The budget is prepared prior to the beginning of the fiscal year, and as such, from time to time it becomes necessary to adjust the budget for items not contemplated at the time of its preparation or for issues that arise during the fiscal year.

Enclosed is a budgetary adjustment #5 for the current year. A summary of the funds adjusted is attached to this resolution. After this adjustment is approved by the Commission, it must be forwarded to the Department of Finance & Administration for their approval.

**Fiscal Impact:**

Reviewed By:   
Finance Department

Total revenue is increased by \$5,864.25 and total expense increased by \$5,864.25 providing a budgeted ending cash balance of \$78,064,269.20 for all funds.

This budget adjustment also includes interfund transfers to cover balances while grant funds are waiting reimbursement.

General fund reserve remains at 44%.

**Attachments:**

- Budget Cash Balance Sheet
- Budgeted Adjustments Detail
- Resolution approving Budget Adjustment for the fiscal year 2022-2023

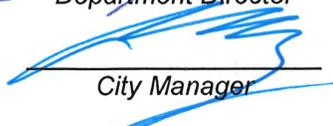
**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Motion to approve the resolution.

Approved For Submittal By:

  
Department Director  
  
City Manager

CITY CLERKS USE ONLY  
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7336

BUDGETARY ADJUSTMENT #5

FISCAL YEAR 2022-2023

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

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

WHEREAS, included in this budgetary adjustment total revenue is increased by \$5,864.25 total expense is increased by \$5,864.25

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

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

PASSED, ADOPTED AND APPROVED this 1st day of May, 2023.

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

ATTEST:

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

**City of Hobbs BAR #5  
FY23 Fund Summary**

	Beginning Cash 6/30/2022	Total Revenue	Interfund Transfer	Total Expenditures	Ending Cash	
001 GENERAL	69,874,044.71	61,240,688.16	(8,686,339.96)	85,214,640.48	37,213,752.43	44%
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>61,340,688.16</b>	<b>(8,686,339.96)</b>	<b>85,314,640.48</b>	<b>37,595,515.73</b>	
110 LOCAL GOV CORR	1,074,296.19	145,750.00	(125,000.00)	487,615.69	607,430.50	
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	1,753,230.00	3,650,619.81	5,403,849.81	1,000.00	
170 OLDER AMERICAN	1,000.00	204,762.00	971,124.20	1,175,886.20	1,000.00	
180 GOLF	1,000.00	957,000.00	4,063,016.88	5,020,016.88	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	2,409,773.50	200,000.00	2,330,729.81	280,043.69	
220 Intergovernmental Grants	4,835,515.50	4,875,323.67	-	9,710,839.17	-	
230 LODGERS' TAX	1,086,935.57	1,402,000.00	(923,045.00)	998,248.06	567,642.51	
240 LG Abatement Fund (Opioid)	-	489,000.00	-	489,000.00	-	
250 Cannabis Excise Tax Fund	-	600,000.00	(582,000.00)	18,000.00	-	
270 PUBLIC TRANSPORTATION	46,432.79	1,784,884.28	200,000.00	1,425,296.70	606,020.37	
280 FIRE PROTECTION	1,069,786.59	637,109.25	-	1,078,962.52	627,933.32	
290 EMER MEDICAL SERV	792.28	20,000.00	-	20,000.00	792.28	
300 Law Enforcement Retention Fund	-	2,850,000.00	-	2,850,000.00	-	
<b>Special Revenue Subtotals</b>	<b>8,640,281.10</b>	<b>18,654,406.70</b>	<b>8,235,078.55</b>	<b>32,202,228.94</b>	<b>3,327,537.41</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	2,463,245.52	(464,806.80)	6,703,940.04	111,535.57	
490 CITY COMM. IMPROVEMENTS	7,720,652.90	2,200,000.00	(2,259,515.58)	63,000.00	7,598,137.32	
<b>Capital Project Subtotals</b>	<b>14,186,960.50</b>	<b>5,413,245.52</b>	<b>(2,259,515.58)</b>	<b>8,091,167.66</b>	<b>9,249,522.78</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 CAPITAL PROJE	1,000.00	850,000.00	2,259,515.58	3,109,515.58	1,000.00	
600 JOINT UTILITY	1,000.00	-	6,996,527.31	6,996,527.31	1,000.00	
610 JOINT UTILITY CONST	1,000.00	-	3,809,606.09	3,809,606.09	1,000.00	
620 WASTE WATER PLANT CONST	7,325,364.88	1,413,107.66	10,392,587.97	19,130,060.51	1,000.00	
630 JOINT UTILTIY - WASTEWATER	1,030.00	-	5,938,903.24	5,938,933.24	1,000.00	
650 JOINT UTILTIY INCOME - WASTEWATER	9,536,173.55	8,166,300.00	(17,239,115.12)	31,500.00	431,858.43	
660 JOINT UTILITY INCOME	7,436,818.88	8,569,000.00	(12,648,309.23)	-	3,357,509.65	
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>27,348,407.66</b>	<b>(490,284.16)</b>	<b>47,906,479.63</b>	<b>7,225,674.53</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	2,000,000.00	451,261.41	2,535,468.16	5,200,000.00	
<b>Internal Service Subtotal</b>	<b>9,646,521.06</b>	<b>10,555,000.00</b>	<b>116,385.28</b>	<b>11,099,668.16</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 TRUST FUND	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	20,965.28	-	13,660.65	15,347.29	
860 CITY AGENCY TRUST	2,169.85	1,500.00	-	2,000.00	1,669.85	
<b>Trust &amp; Agency Subtotals</b>	<b>9,361,256.85</b>	<b>5,453,965.28</b>	<b>334,876.13</b>	<b>5,692,160.65</b>	<b>9,457,937.61</b>	
<b>Grand Total All Funds</b>	<b>142,354,701.14</b>	<b>128,765,713.32</b>	<b>(0.00)</b>	<b>193,056,145.26</b>	<b>78,064,269.20</b>	
		5,864.25			5,864.25	

## Expense

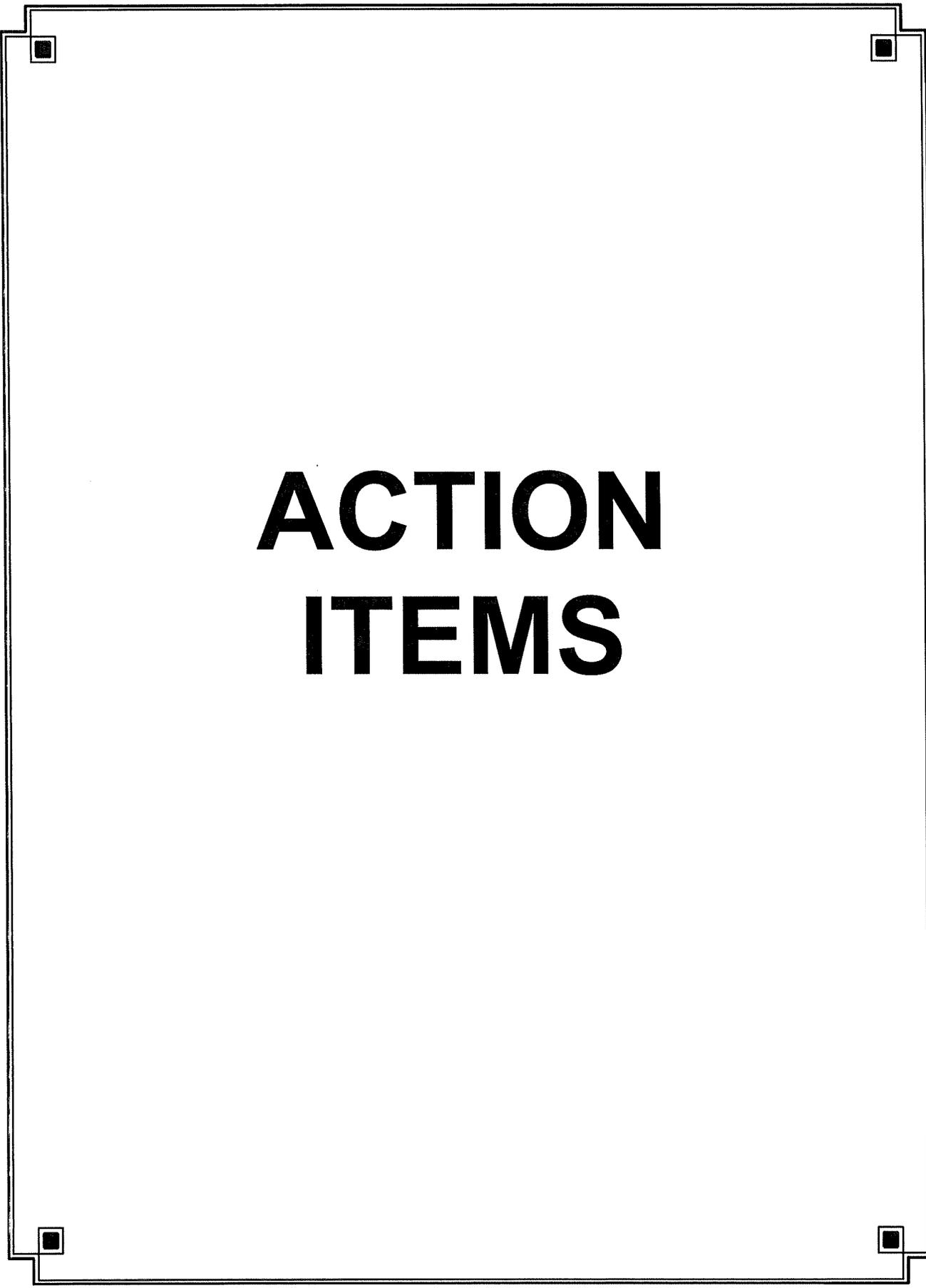
Fund	Org	Obj	Proj	Dept Description	Description	Prelim Budget	BAR #4 Request	Total Budget	Comment
220	224022	41111	00368	INTERGOVERNMENTAL GRANT FUND	LERF - FICA	2,412.16	<b>416.73</b>	2,828.89	fica expense for LERF distribution
220	224022	41119	00368	INTERGOVERNMENTAL GRANT FUND	LERF - Proj. Retention Diff Disb	31,531.76	<b>5,447.52</b>	36,979.28	incentive expense for LERF distribution
							<b>5,864.25</b>		

## Revenue

Fund	Org	Obj	Proj	Dept Description	Description	Prelim Budget	BAR #4 Request	Total Budget	Comment
220	229999	30701	00368	INTERGOVERNMENTAL GRANT FUND	LERF - PROJ. RETENTION DIFF DISB	(33,943.92)	<b>(5,864.25)</b>	(39,808.17)	

## Cash Transfers

Fund	Org	Obj	Proj	Dept Description	Description	Prelim Budget	BAR #4 Request	Total Budget	Comment
001	019999	30810		GENERAL FUND REVENUE	TRANSFER TO - 21	-	<b>200,000.00</b>	200,000.00	interfund transfers to cover timing difference between
210	219999	30830		LEGISLATIVE APPROP FUND	transfer from 1	-	<b>(200,000.00)</b>	(200,000.00)	expense and revenue
001	019999	30808		GENERAL FUND REVENUE	TRANSFER TO - 27	-	<b>200,000.00</b>	200,000.00	interfund transfers to cover timing difference between
270	279999	30834		PUBLIC TRANS REVENUE	TRANSFER FROM - 1	-	<b>(200,000.00)</b>	(200,000.00)	expense and revenue
							<b>-</b>		



# **ACTION ITEMS**



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2023

**SUBJECT:** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF HOBBS AND LEA COUNTY FOR THE IMPLEMENTATION OF COMMERCIAL AIRLINE SERVICES TO AND FROM HOBBS, NEW MEXICO IN THE AMOUNT OF \$300,000.00

**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** April 19, 2023  
**SUBMITTED BY:** Toby Spears, Finance Director

**Summary:** On August 18<sup>th</sup>, 2022, the Board of County Commissioners of Lea County approved the request of County Commissioner Jonathan Sena, to use a portion of his discretionary funds, up to \$300,000.00 as a grant to the City of Hobbs for the implementation of commercial airline services to and from Hobbs, New Mexico. This resolution authorizes the Mayor to execute a Memorandum of Agreement with the City of Hobbs and Lea County.

**Fiscal Impact:**

Reviewed By:   
Finance Department

Budget revenue and expense amounts are approximately \$300,000.00

**Attachments:**

Resolution; MOA, MRG at February 2023

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

The Commission should consider approval of this measure.

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. 7337

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF HOBBS AND LEA  
COUNTY FOR THE IMPLEMENTATION OF COMMERCIAL AIRLINE SERVICES TO  
AND FROM HOBBS, NEW MEXICO IN THE AMOUNT OF \$300,000.00

WHEREAS, on August 18, 2022, the Lea County Board of County Commissioners adopted Resolution No. 22-Aug-172R titled "A Resolution Approving \$300,000.00 Appropriation from District 4 Fiscal Year 2022-2023 Discretionary Funding to the City of Hobbs for Expenses Related to Subsidy of Commercial Air Service"; and

WHEREAS, to receive and appropriately direct the expenditure of the funds, the City of Hobbs and Lea County seek to enter into a Memorandum of Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor be and is hereby directed to execute a Memorandum of Agreement with Lea County for the implementation of commercial airline service to and from Hobbs, New Mexico in the amount of \$300,000.00 as authorized by Resolution No. 22-Aug-172R for FY 22-23.

PASSED, ADOPTED AND APPROVED this 1<sup>st</sup> day of May, 2023.

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

ATTEST:

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

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

This Memorandum of Agreement is made on the date of the signatures below by and between Lea County, New Mexico, (hereinafter "County") and the City of Hobbs (hereinafter "City").

**PURPOSE**

The purpose of this Memorandum of Agreement is to memorialize the terms and agreement, including changes thereto, between County and City regarding County's grant of \$300,000.00 for expenses related to the subsidy of commercial air service.

WHEREAS, at its regular meeting on August 18 17, 2022, the Board of County Commissioners of Lea County approved the request of County Commissioner Jonathan Sena to use a portion of his discretionary funds, \$300,000.00, as a grant to the City for expenses related to the subsidy of commercial air service; and

WHEREAS, the City wishes to accept the funds for expenses related to the subsidy of commercial air service.

**AGREEMENT**

1. The County will provide a grant of \$300,000.00 to the City.
2. The City will use the grant funds for expenses related to the subsidy of commercial air service.
3. The City will upon receipt of the final billing for the FY 23 fiscal year determine the exact amount of grant funds needed to fulfill the contract and any remaining used funds.
4. The City will return any unused portion of the grant funds to the County within 15 days of the payment of the final invoice for the FY 23 fiscal year.
5. The City will provide an oral report to the Board of County Commissioners of Lea County within 30 days of the payment of the final invoice.

**SOVEREIGN IMMUNITY**

County and City and their public employees (as defined in the New Mexico Tort Claims Act) do not waive sovereign immunity, do not waive any defense(s), and/or do not waive any limitation(s) pursuant to the New Mexico Tort Claims Act. No provision in this Memorandum of Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act as it relates to County and City and their public employees.

**GOVERNING LAW**

This Memorandum of Agreement shall be construed in accordance with the laws of the State of New Mexico.

**EFFECTIVE DATE**

This Memorandum of Agreement shall be in full force and effect upon execution and approval of the parties hereto.

ATTEST:

CITY OF HOBBS

BY: \_\_\_\_\_  
Sam Cobb,  
Mayor

Date: \_\_\_\_\_

ATTEST:

LEA COUNTY, NEW MEXICO

BY: \_\_\_\_\_  
Dean Jackson,  
Lea County Chair

Date: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
Efren A. Cortez  
City Attorney

Date: \_\_\_\_\_

By: \_\_\_\_\_  
John W. Caldwell  
County Attorney

Date: \_\_\_\_\_

## United Airlines

HOBIAH Accounting Estimate:

Feb 2023

FPS: UA Flight Profitability System

This is not an invoice

HOBIAH Month	Flight Statistics				Fuel Adjustment		Revenue Result		MRG Rate Driven Totals				Results	
	RT's	LF	Pax/Flt	Fare	\$/Gallon	RT Cost	Pax Rev	Total Rev	RT Charge	Pax Charge	Rev Charge	Charge	Monthly	Cumulative
Jul 2022	31.0	76%	38.0	\$138	\$4.30	\$16,300	\$325,367	\$363,340	\$505,294	\$16,374	\$20,653	\$542,322	\$178,982	\$178,982
Aug 2022	30.0	70%	35.1	\$127	\$3.55	\$15,475	\$266,989	\$301,237	\$464,245	\$14,638	\$16,948	\$495,830	\$194,593	\$373,576
Sep 2022	29.5	75%	37.7	\$138	\$3.62	\$15,552	\$306,937	\$343,689	\$458,779	\$15,430	\$19,483	\$493,692	\$150,003	\$523,578
Oct 2022	31.0	75%	37.4	\$144	\$3.71	\$15,651	\$332,775	\$374,751	\$485,175	\$16,083	\$21,124	\$522,382	\$147,630	\$671,209
Nov 2022	30.0	77%	38.3	\$159	\$3.58	\$15,508	\$364,997	\$404,828	\$465,235	\$15,965	\$23,169	\$504,368	\$99,540	\$770,749
Dec 2022	31.0	76%	38.1	\$151	\$3.12	\$15,002	\$357,457	\$407,980	\$465,056	\$16,395	\$22,690	\$504,142	\$96,162	\$866,910
Jan 2023	29.5	68%	33.9	\$142	\$3.67	\$15,607	\$283,487	\$315,691	\$460,401	\$13,895	\$17,995	\$492,291	\$176,600	\$1,043,511
Feb 2023	28.0	77%	38.4	\$139	\$3.32	\$15,222	\$299,619	\$335,154	\$426,211	\$14,944	\$19,019	\$460,174	\$125,020	\$1,168,531
Mar 2023														
Apr 2023														
May 2023														
Jun 2023														
	240.0	74%	37.1	\$142	\$3.61	\$15,541	\$2,537,627	\$2,846,670	\$3,730,396	\$123,724	\$161,081	\$4,015,201	\$1,168,531	\$1,168,531

DENHOB Accounting Estimate:

Feb 2023

FPS: UA Flight Profitability System

This is not an invoice

DENHOB Month	Flight Statistics				Fuel Adjustment		Revenue Result		MRG Rate Driven Totals				Results	
	RT's	LF	Pax/Flt	Fare	\$/Gallon	RT Cost	Pax Rev	Total Rev	RT Charge	Pax Charge	Rev Charge	Charge	Monthly	Cumulative
Jul 2022	14.0	57%	28.4	\$120	\$4.74	\$17,013	\$95,418	\$109,350	\$238,186	\$5,835	\$6,434	\$250,456	\$141,106	\$141,106
Aug 2022	13.0	56%	27.9	\$114	\$3.91	\$16,183	\$82,427	\$93,165	\$210,383	\$5,322	\$5,558	\$221,263	\$128,099	\$269,204
Sep 2022	12.5	61%	30.7	\$114	\$3.93	\$16,203	\$87,392	\$99,555	\$202,541	\$5,623	\$5,893	\$214,057	\$114,502	\$383,707
Oct 2022	14.0	61%	30.5	\$118	\$3.95	\$16,223	\$100,500	\$114,707	\$227,126	\$6,268	\$6,777	\$240,171	\$125,464	\$509,171
Nov 2022	12.0	66%	33.2	\$119	\$4.08	\$16,353	\$95,058	\$110,244	\$196,240	\$5,843	\$6,410	\$208,492	\$98,249	\$607,419
Dec 2022	13.0	63%	31.3	\$122	\$3.61	\$15,883	\$99,411	\$115,601	\$206,483	\$5,960	\$6,704	\$219,147	\$103,545	\$710,964
Jan 2023	13.5	53%	26.3	\$134	\$3.94	\$16,213	\$94,918	\$107,038	\$218,879	\$5,198	\$6,401	\$230,478	\$123,440	\$834,404

Feb 2023	12.0	57%	28.5	\$117	\$3.79	\$16,063	\$79,977	\$93,152	\$192,760	\$5,007	\$5,393	\$203,160	\$110,007	\$944,412
Mar 2023														
Apr 2023														
May 2023														
Jun 2023														
	104.0	59%	29.5	\$120	\$4.00	\$16,273	\$735,100	\$842,812	\$1,692,597	\$45,055	\$49,571	\$1,787,224	\$944,412	\$944,412



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 1, 2023

SUBJECT: PUBLICATION OF AN ORDINANCE AMENDING SECTION 10.04.050 AND 10.04.060 OF THE HOBBS MUNICIPAL CODE AMENDING THE PENALTY ASSESSMENT PROGRAM

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: April 24, 2023
SUBMITTED BY: Amber C. Leija, Municipal Prosecutor

Summary: On August 1, 2016, the City Commission adopted Ordinance No. 1095, including section 10.04.050 which enacted a penalty assessment program and set forth fine amounts for certain traffic violations deemed "penalty assessment misdemeanors." Ordinance No. 1095 also included section 10.04.060 which adopted court fees of twenty-nine dollars (\$29) for adjudicated penalty assessments. During the 2023 regular session of the NM Legislature, the Legislature enacted House Bill (H.B.) 139 which will eliminate the previously enacted and applied court fees of twenty-nine dollars (\$29) beginning July 1, 2024. As a result, the proposed ordinance will also repeal the court fees outlined in section 10.04.060(A). The court fees of \$29 will still be assessed pursuant to Hobbs Municipal Code Section 1.16.020 until July 1, 2024, and be repealed thereafter. The proposed ordinance will increase each penalty assessment (i.e. fine) by twenty-nine dollars (\$29). Additionally, a penalty assessment of \$179 has been added for the parking of heavy trucks and trailers as outlined in section 10.05 as adopted via Ordinance No. 1150.

Fiscal Impact:

Reviewed By: Finance Department

The increase of \$29 for each adjudicated penalty assessment misdemeanor shall be placed in the General Fund from the date of enactment. The \$29 court costs which will be collected until July 1, 2024, will continue to be remitted to the State of New Mexico.

Attachments:

Proposed Ordinance

Legal Review:

Approved As To Form: City Attorney

Recommendation:

The Commission should consider publication of the proposed Ordinance.

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 10.04.050 AND  
10.04.060 OF THE HOBBS MUNICIPAL CODE

WHEREAS, on August 1, 2016, the City of Hobbs adopted a Penalty Assessment Program via Ordinance No. 1095; and

WHEREAS, Ordinance No. 1095 enacted Section 10.04.050 and Section 10.05.060 of the Hobbs Municipal Code which set forth penalty assessments for certain traffic violations and enacted court fees for adjudicated traffic penalties respectively; and

WHEREAS, during the 2023 NM Legislative session, the NM Legislature enacted House Bill (H.B.) 139 which will eliminate the court fees of twenty-nine dollars (\$29) for adjudicated traffic violations as of July 1, 2024; and

WHEREAS, the City of Hobbs seeks to increase each penalty assessment misdemeanor by twenty-nine dollars (\$29).

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Sections 10.04.050 and 10.04.060 of the Hobbs Municipal Code, are hereby amended as more specifically described as follows:

**10.04.050 Adopted.**

- A. As used in the Uniform Traffic Ordinance, a penalty assessment program is hereby adopted.
- B. A "penalty assessment misdemeanor" means violation of any of the following listed sections of the Uniform Traffic Ordinance for which, except as provided in Subsection E of this section, the listed penalty assessment is established:

Common Name of Offense	Section Violated	Penalty Assessment
Obedience to Officers	12-3-2	<del>45.00</del> \$74.00
Use of Coaster Wagons and Similar Devices	12-3-6	<del>45.00</del> \$74.00
Obedience to Required Traffic Control Device	12-5-3	<del>45.00</del> \$74.00
Red Light	12-5-6	<del>45.00</del> \$74.00
Pedestrian Control Signals	12-5-7	<del>45.00</del> \$74.00
Flashing Signals	12-5-8	<del>45.00</del> \$74.00
Lane Control Signals	12-5-9	<del>45.00</del> \$74.00
Display of Unauthorized Signs, Signals or Markings	12-5-10	<del>45.00</del> \$74.00
Interference with Official Traffic Control Devices or Railroad Signals	12-5-11	<del>45.00</del> \$74.00
Traffic Lanes	12-5-14	<del>45.00</del> \$74.00
Basic (Speeding) Rule	12-6-1.1	<del>45.00</del> \$74.00
Speed Limits	12-6-1.2	
(1) Up to and including 10 miles per hour above the speed limit		<del>45.00</del> \$74.00
(2) From 11 and up to and including 15 miles per hour above the speed limit		<del>60.00</del> \$89.00
(3) From 15 and up to and including 20 miles per hour above the speed limit		<del>95.00</del> \$124.00
(4) From 21 and up to and including 25 miles per hour above the speed limit		<del>130.00</del> \$159.00
(5) From 26 and up to and including 30 miles per hour above the speed limit		<del>155.00</del> \$184.00
(6) From 31 and up to and including 35 miles per hour above the speed limit		<del>180.00</del> \$209.00
Minimum Speed Regulation	12-6-1.5	<del>45.00</del> \$74.00
Special Speed Limitations	12-6-1.7	<del>45.00</del> \$74.00
Improper Passing	12-6-2.1 through 12-6-2.7	<del>45.00</del> \$74.00

Obedience to Signs Designating One-Way Streets and Alleys	12-6-2.9	<del>45.00</del> \$74.00
Rotary Traffic Islands	12-6-2.10	<del>45.00</del> \$74.00
Driving on Streets Laned for Traffic	12-6-2.12	<del>45.00</del> \$74.00
Following Too Closely	12-6-2.13	<del>45.00</del> \$74.00
Driving on Divided Streets	12-6-2.14	<del>45.00</del> \$74.00
Controlled Access Violation	12-6-2.15 through 12-6-2.16	<del>45.00</del> \$74.00
Failure to Yield	12-6-4.1 through 12-6-4.2	<del>45.00</del> \$74.00
Vehicles Entering Stop or Yield Intersections	12-6-4.3	<del>45.00</del> \$74.00
Improper Turning	12-6-5.1 through 12-6-5.6	<del>45.00</del> \$74.00
Starting Parked Vehicle	12-6-5.7	<del>45.00</del> \$74.00
Turning and Stopping Movements and Required Signals	12-6-5.8	<del>45.00</del> \$74.00
Signals by Hand and Arm or Signal Device	12-6-5.9 through 12-6-5.10	<del>45.00</del> \$74.00
Parking Violations	12-6-6.1 through 12-6-6.14	<del>25.00</del> \$54.00
<u>Heavy Truck and Trailer Parking Violation</u>	<u>10.05.040</u>	<u>\$179.00</u>
Emerging from Alley, Building, Driveway or Private Road	12-6-7.1	<del>45.00</del> \$74.00
Stop When Traffic Obstructed	12-6-7.2	<del>45.00</del> \$74.00
Stopping for School Bus	12-6-7.3	<del>150.00</del> \$179.00
Operation of Vehicle on Approach of Emergency Vehicle	12-6-7.4A	<del>80.00</del> \$109.00
Railroad Grade Crossing Violations	12-6-7.5 through 12-6-7.8	<del>45.00</del> \$74.00
Stopping, Standing or Parking in Passenger Curb Loading Zone	12-6-8.3	<del>25.00</del> \$54.00
Stopping, Standing or Parking in Freight Curb Loading Zone	12-6-8.4	<del>25.00</del> \$54.00
Stopping, Standing and Parking of Busses and Taxicabs	12-6-9.3	<del>25.00</del> \$54.00
Restricted Use of Bus and Taxicab Stands	12-6-9.4	<del>25.00</del> \$54.00
Operation Without Oversize-Overweight Permit	12-6-11.1	<del>80.00</del> \$109.00
No Slow-Moving Vehicle Emblem or Flashing Amber Light	12-6-11.2	<del>25.00</del> \$54.00
Operators and Chauffeurs Must Be Licensed	12-6-12.5 A, B, C	<del>70.00</del> \$99.00

Unattended Motor Vehicle	12-6-12.8	<del>45.00</del>	\$74.00
Limitations on Backing	12-6-12.9	<del>45.00</del>	\$74.00
Obstruction to Driver's View or Driving Mechanism	12-6-12.10	<del>45.00</del>	\$74.00
Restriction on Use of Television in Motor Vehicles	12-6-12.11	<del>45.00</del>	\$74.00
Coasting Prohibited	12-6-12.12	<del>45.00</del>	\$74.00
Following Fire Apparatus Prohibited	12-6-12.13	<del>115.00</del>	\$144.00
Crossing Fire Hose Prohibited	12-6-12.14	<del>115.00</del>	\$144.00
Driving Through Safety Zones Prohibited	12-6-12.15	<del>45.00</del>	\$74.00
Vehicles Shall Be Driven Only on Streets, Private Roads, and Driveways	12-6-12.16	<del>45.00</del>	\$74.00
Driving on Sidewalk and Private Property	12-6-12.17	<del>45.00</del>	\$74.00
Prohibited Activities While Driving	12-6-12.18	<del>80.00</del>	\$109.00
Processions	12-6-12.20	<del>45.00</del>	\$74.00
Offenses by Persons Owning or Controlling Vehicles	12-6-12.22	<del>70.00</del>	\$99.00
Permitting Unauthorized Persons to Drive	12-6-12.23	<del>70.00</del>	\$99.00
Unlawful Riding	12-6-13.2	<del>45.00</del>	\$74.00
Unhitched Trailer on Street	12-6-13.3	<del>45.00</del>	\$74.00
Littering	12-6-13.5	<del>300.00</del>	\$329.00
Trains and Buses Not to Obstruct Streets	12-6-13.6	<del>45.00</del>	\$74.00
Boarding or Alighting from Vehicles	12-6-13.7	<del>45.00</del>	\$74.00
Improper Opening of Doors	12-6-13.8	<del>25.00</del>	\$54.00
Occupied Moving House Trailer	12-6-13.9	<del>25.00</del>	\$54.00
Animals on Street	12-6-13.10	<del>25.00</del>	\$54.00
Driving on Steep Grades	12-6-13.11	<del>45.00</del>	\$74.00
Child Restraint	12-6-13.12	<del>45.00</del>	\$74.00
Seat Belts	12-6-13.13	<del>45.00</del>	\$74.00
Open Container (1st Offense)	12-6-13.14	<del>45.00</del>	\$74.00
Pedestrian Obedience to Traffic Control Devices and Regulations	12-6-14.2 through 12-6-14.7	<del>45.00</del>	\$74.00
Drivers to Exercise Due Care	12-6-14.8	<del>45.00</del>	\$74.00
Electric Personal Assistive Mobility Devices	12-6-16	<del>10.00</del>	\$39.00
Prohibited Use of Electronic Device While Driving (First Offense)	12-6-18	<del>80.00</del>	\$109.00
Prohibited Use of Electronic Device While Driving (Second and Subsequent Offense)	12-6-18	<del>130.00</del>	\$159.00
Operating Motorcycles on Streets Laned for Traffic	12-7-2	<del>45.00</del>	\$74.00
Clinging to Other Vehicles	12-7-3	<del>45.00</del>	\$74.00

Riding on Motorcycles	12-7-4	<del>45.00</del> \$74.00
Eye Protective Devices or Windshields	12-7-5	<del>45.00</del> \$74.00
Mandatory Use of Protective Helmets	12-7-6	<del>300.00</del> \$329.00
Footrests and Handlebars	12-7-7	<del>45.00</del> \$74.00
Motorcycle Maneuverability	12-7-8	<del>45.00</del> \$74.00
Off-Highway Motor Vehicles - Registration; Plate Requirement	12-7-9.1	<del>20.00</del> \$49.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	12-7-9.2 A, B, C, D	<del>210.00</del> \$239.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	12-7-9.2 E	<del>60.00</del> \$89.00
Driving of Off-Highway Motor Vehicles Adjacent to Streets	12-7-9.3	<del>20.00</del> \$49.00
Operation of Off-Highway Motor Vehicles on Private Lands	12-7-9.4	<del>20.00</del> \$49.00
Off-Highway Motor Vehicle Safety Permit; Requirements, Issuance	12-7-9.8	<del>60.00</del> \$89.00
Operating and Equipment - Safety Requirements	12-7-9.9 A (1, 12)	<del>210.00</del> \$239.00
Operating and Equipment - Safety Requirements	12-7-9.9 A (3, 4, 5, 6, 9) B, C, D	<del>110.00</del> \$139.00
Operating and Equipment - Safety Requirements	12-7-9.9A (7)	<del>60.00</del> \$89.00
Operating and Equipment - Safety Requirements	12-7-9.9A (8, 11) E	<del>20.00</del> \$49.00
Mopeds - Standards	12-7-10	<del>45.00</del> \$74.00
Operation of Bicycles	12-8-3 through 12-8-12	<del>25.00</del> \$54.00
Handicap Parking	12-9-9	500.00
Improper Equipment	12-10-1.1 through 12-10-1.51, excluding 12-10-1.12.1	<del>45.00</del> \$74.00
Sun Screening Material on Windshields and Windows	12-10-1.12.1	<del>75.00</del> \$104.00
Restrictions Upon Use of Streets by Certain Vehicles	12-10-3.1	<del>45.00</del> \$74.00
Minimum Vehicle Size	12-10-3.2	<del>45.00</del> \$74.00
Projecting Loads on Passenger Vehicles	12-10-3.3	<del>45.00</del> \$74.00
Special Projecting Load Limits	12-10-3.4	<del>45.00</del> \$74.00
Trailers and Towed Vehicles	12-10-3.5	<del>45.00</del> \$74.00
Width of Vehicles	12-10-3.6	<del>45.00</del> \$74.00
Height and Length of Vehicles and Loads	12-10-3.7	<del>45.00</del> \$74.00

Display of Current Valid Registration Plate	12-10-4	<del>60.00</del> \$89.00
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- C. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to an accident resulting in injury or death to a person.
- D. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety (90) days.
- E. The penalty assessment for speeding in violation of Section 12-6-1.2(A)(4), regarding speeding in a construction or safety zone posted as a double fine zone, shall be twice the penalty assessment for speeding for the equivalent miles per hour over the speed limit set out under the adopted penalty assessment program contained herein.
- F. Nothing contained in this chapter is intended to diminish the Municipal Judge's authority to designate the specified offenses under the traffic ordinance to which fines may be accepted by the traffic violations bureau under Section 12-11-2 of the Uniform Traffic Ordinance.

( Ord. No. 1095 , 8-1-2016)

**10.04.060 Fees.**

~~A. As outlined in Section 12-12-1.3 of the Uniform Traffic Ordinance, and Section 1.16.020 of the Hobbs Municipal Code, any person convicted of violating any provision of the traffic ordinance shall be assessed the following fees in addition to the individual prescribed penalty for each violation:~~

- ~~1. A corrections fee of twenty dollars (\$20.00);~~
- ~~2. A judicial education fee of three dollars (\$3.00);~~
- ~~3. A court automation fee of six dollars (\$6.00).~~

~~B. In addition to the fees outlined herein, a~~Any person convicted of violating any provision of the traffic ordinance shall be assessed a "penalty assessment fee" of ten dollars (\$10.00) which, upon collection, shall be deposited in a special fund in the municipal treasury for use by the municipality only for municipal jailer training; for the construction planning, construction, operation and maintenance of the municipal jail; for paying the costs of housing the municipality's prisoners in other detention facilities in the state; or complying with match or contribution requirements for the receipt of federal funds relating to jails. However, if the municipality has a balance in this special fund that is over the amount projected to be needed for the next fiscal year for the purposes set forth in this subsection, the municipality may transfer the unneeded balance to its general fund.

~~B.~~ In addition to the fees outlined herein, and as outlined in Section 12-6-12.2(O) of Uniform Traffic Ordinance and Section 1.16.060 of the Hobbs Municipal Code, any person

convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of 12-6-12.1(A), (B), (C), or (D) shall be assessed, in addition to any other fee or fine, the following fees:

1. A fee of eighty-five dollars (\$85.00) to defray the costs of chemical and other tests utilized to determine the influence of alcohol or drugs;
2. A fee of seventy-five dollars (\$75.00) to fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs or for other traffic safety purposes.

The municipality shall maintain these fees in separate funds and transfer the fees collected in this subsection to the administrative office of the courts for credit to the crime laboratory fund and the traffic safety fund. No reference to the State DWI provision (NMSA 1978, § 66-8-102) in Section 1.16.060 of the Hobbs Municipal Code shall operate to conflict with or override this provision.

**DC.** As used in the Uniform Traffic Ordinance, "convicted" means the defendant has been found guilty of a criminal charge by the Municipal Judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay the penalty assessment in lieu of trial.

**ED.** All fees outlined herein shall be distributed as prescribed by law and outlined in the Uniform Traffic Ordinance, the Hobbs Municipal Code, and State Statutes.

( Ord. No. 1095 , 8-1-2016)

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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JAN FLETCHER, City Clerk