

CITY OF LOVINGTON
REGULAR MEETING OF THE CITY COMMISSION
MONDAY, NOVEMBER 12, 2012 5:30 P.M.
TO BE HELD AT 214 SOUTH LOVE STREET

AGENDA

Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

OPENING MEETING

Call To Order
Roll Call
Invocation
Pledge of Allegiance
Approval of Agenda
Consideration of the Regular Minutes of October 22, 2012 & Called Meeting Minutes of October 29, 30 & 31, 2012 **TAB 1**

NON-ACTION ITEMS

Discussion of Quarterly Financial Report **TAB 2**
Discussion of City Per Diem and Travel Policy **TAB 3**
Discussion of City Personnel, Medical, and Law Enforcement IA Files Policy **TAB 4**
Discussion of draft Affordable Housing Ordinance **TAB 5**
Discussion of land lease or sale for temporary housing development **TAB 6**
Discussion of LEDA Housing Incentive RFP **TAB 7**

PUBLIC COMMENT

CLOSED SESSION

Pursuant to Section 10-15-1 NMSA 1978, Subsection H-7, Pending Litigation **TAB 7**

OPEN SESSION

ACTION ITEM

Consideration of Approval of City of Lovington vs. Doporto Settlement **TAB 8**

CLOSED SESSION

Pursuant to Section 10-15-1 NMSA 1978, Subsection H-2, Regarding Limited Personnel Matters **TAB 9**

OPEN SESSION

ACTION ITEM

Consideration of Approval for Hiring New City Manager **TAB 10**

ADJOURNMENT

CALLED MEETING OF THE CITY COMMISSION
MONDAY, OCTOBER 29, 2012 @ 5:00 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Present and answering roll call: Mayor Drummond, Commissioners Benge, Gandy, Trujillo and Granath

Call to Order: The meeting was called to order by Mayor Drummond at 5:02 P.M.

Invocation: Commissioner Gandy gave the invocation

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda with the elimination of pledge. Commissioner Trujillo so moved with a second from Commissioner Granath. Motion carried unanimously.

CLOSED SESSION

At 5:05, Commissioner Granath moved to convene in Closed Session pursuant to Section 10-15-1 NMSA 1978, Subsection H-7 regarding limited personnel matters. Commissioner Trujillo seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

At 6:57, Commissioner Trujillo moved to adjourn Closed Session and stating that matters discussed were limited only to those specified in the motion for closure and no action was taken. Commissioner Granath seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:00 P.M.

APPROVED: _____
DIXIE DRUMMOND, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CALLED MEETING OF THE CITY COMMISSION
TUESDAY, OCTOBER 30, 2012 @ 5:00 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Present and answering roll call: Mayor Drummond, Commissioners Bengé, Gandy, Trujillo and Granath

Call to Order: The meeting was called to order by Mayor Drummond at 5:05 P.M.

Invocation: Commissioner Gandy gave the invocation

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda with the elimination of pledge. Commissioner Trujillo so moved with a second from Commissioner Gandy. Motion carried unanimously.

CLOSED SESSION

At 5:07, Commissioner Granath moved to convene in Closed Session pursuant to Section 10-15-1 NMSA 1978, Subsection H-7 regarding limited personnel matters. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

At 6:41, Commissioner Granath moved to adjourn Closed Session and stating that matters discussed were limited only to those specified in the motion for closure and no action was taken. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:45 P.M.

APPROVED: _____
DIXIE DRUMMOND, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CALLED MEETING OF THE CITY COMMISSION
WEDNESDAY, OCTOBER 31, 2012 @ 5:00 p.m.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Present and answering roll call: Mayor Drummond, Commissioners Bengé, Gandy, and Granath

Call to Order: The meeting was called to order by Mayor Drummond at 5:05 P.M.

Invocation: Commissioner Gandy gave the invocation

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda with the elimination of pledge. Commissioner Gandy so moved with a second from Commissioner Granath. Motion carried unanimously.

CLOSED SESSION

At 5:09, Commissioner Granath moved to convene in Closed Session pursuant to Section 10-15-1 NMSA 1978, Subsection H-7 regarding limited personnel matters. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye; Commissioner Trujillo did not arrive until 6:00 p.m.

At 7:10 Commissioner Granath moved to adjourn Closed Session stating that matters discussed were limited only to those specified in the motion for closure and no action was taken. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

ADJOURNMENT

The meeting adjourned at 7:14 P.M.

APPROVED: _____
DIXIE DRUMMOND, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CALLED MEETING OF THE CITY COMMISSION
WEDNESDAY, OCTOBER 31, 2012 @ 7:00 p.m.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Also present: Interim City Manager Williams, City Clerk Hogue, Chief of Police Bryant, City Attorney McMahon and Administrative Assistant Gutierrez.

Call to Order: The meeting was called to order by Mayor Drummond at 7:15 P.M.

OPEN SESSION

At 7:17, Mayor Drummond moved to convene in Regular Session pursuant to Section 10-15-1 NMSA 1978, Subsection H-7 regarding limited personnel matters for hiring new City Manager. Commissioner Bengé seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

At 7:20, Mayor Drummond moved to adjourn Regular Session stating that matters discussed were limited only to those specified in the motion for closure and no action was taken. Commissioner Bengé seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, aye; and Commissioner Granath, aye. Mayor Drummond said they voiced their opinions to each other in Closed Session. No decision was made at the time. Commissioners will call references for the City Manager Candidates. They will make a decision in the next Regular Commission Meeting.

OTHER

Mayor Drummond called for other comment. Interim City Manager Williams informed the Commissioners that they were invited to the Lea County Hall of Fame on November 13, 2012.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:24 P.M.

APPROVED: _____
DIXIE DRUMMOND, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

**Date Requested/Reported:
November 2, 2012**

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input checked="" type="checkbox"/>	Info Only
<input type="checkbox"/>	Other Action

**Agenda Date:
November 12, 2012**

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: James R. Williams

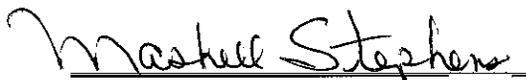
STAFF DISCUSSION TO COMMISSION:

The City Finance Director has prepared the quarterly financial report as requested.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Information only. Finance Director will be present to answer any questions.

FISCAL IMPACT:


Department Head


**James R. Williams
Interim City Manager**

MUNICIPALITY: LOVINGTON DEPARTMENT OF FINANCE AND ADMINISTRATION
 LOCAL GOVERNMENT DIVISION

09/30/2012

Prepared By: Mashell Stephens

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

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

Signature: Mashell Stephens Date: 10/16/12

Fund #	FUND NAME	BEGINNING CASH BALANCE CURRENT FY (1)	REVENUES TO DATE (2)	TRANSFERS TO DATE (3)	EXPENDITURES TO DATE (4)	ADJUSTMENTS (5)	QTR ENDING CASH BALANCE (1)+(2)-(3)+(4)+(5) (6)	INVESTMENTS (7)	CASH + INVESTMENTS (8)	REQUIRED RESERVES (9)	AVAILABLE CASH (8) - (9)
101	GENERAL FUND (GF)	\$2,750,603	2,550,604	0	2,410,638	0	\$2,890,579	366,462	\$3,257,041	200,886	\$3,056,156
201	CORRECTION	\$62,437	10,162	0	4,328	0	\$68,271	0	\$68,271		\$68,271
202	ENVIRONMENTAL GRT	\$0	0	0	0	0	\$0	0	\$0		\$0
206	EMS	\$0	14,886	0	4,034	0	\$10,852	0	\$10,852		\$10,852
207	ENHANCED 911	\$0	0	0	0	0	\$0	0	\$0		\$0
209	FIRE PROTECTION FUND	\$0	76,537	0	13,053	0	\$63,484	0	\$63,484		\$63,484
211	LEPF	\$18	33,200	0	0	0	\$33,218	0	\$33,218		\$33,218
214	LODGERS' TAX	\$31,177	18,371	0	31,515	0	\$8,033	0	\$8,033		\$8,033
216	MUNICIPAL STREET RECREATION	\$335,821	53,241	0	0	0	\$389,062	0	\$389,062		\$389,062
217	RECREATION	\$14,208	(544)	0	11,825	0	\$1,840	0	\$1,840		\$1,840
218	INTERGOVERNMENTAL GRANTS	\$0	0	0	0	0	\$0	0	\$0		\$0
219	SENIOR CITIZEN	\$25	12,693	0	0	0	\$12,718	0	\$12,718		\$12,718
223	DWI PROGRAM	\$0	0	0	0	0	\$0	0	\$0		\$0
299	OTHER	\$607,028	119,845	0	67,341	0	\$659,532	30,504	\$690,036		\$690,036
300	CAPITAL PROJECT FUNDS	\$0	0	0	0	0	\$0	0	\$0		\$0
401	G. O. BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
402	REVENUE BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
403	DEBT SERVICE OTHER	\$0	0	0	0	0	\$0	0	\$0		\$0
500	ENTERPRISE FUNDS										
	Water Fund	\$2,481,315	1,152,827	(444,238)	595,615	0	\$2,594,290	69,956	\$2,664,246		\$2,664,246
	Solid Waste	\$912,419	137,315	444,238	445,388	0	\$1,048,584	59,698	\$1,108,282		\$1,108,282
	Waste Water	\$0	0	0	0	0	\$0	0	\$0		\$0
	Airport	\$0	0	0	0	0	\$0	0	\$0		\$0
	Ambulance	\$273,923	94,740	0	131,165	0	\$237,498	0	\$237,498		\$237,498
	Cemetery	\$0	0	0	0	0	\$0	0	\$0		\$0
	Housing	\$0	0	0	0	0	\$0	0	\$0		\$0
	Parking	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund)	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund)	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund)	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund)	\$0	0	0	0	0	\$0	0	\$0		\$0
	INTERNAL SERVICE FUNDS	\$30,529	0	0	832	0	\$29,697	0	\$29,697		\$29,697
700	TRUST AND AGENCY FUNDS	\$0	0	0	0	0	\$0	0	\$0		\$0
	GRAND TOTAL	\$7,489,502	\$4,273,879	\$0	\$3,715,723	\$0	\$8,047,658	\$526,620	\$8,574,278	\$200,886	\$8,373,392

GENERAL FUND - MUNICIPALITY

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
	REVENUES						
Taxes:							
Property Tax - Current Year	\$312,689		\$312,689	\$6,352		(\$306,337)	2.03%
Property Tax - Delinquent	\$18,000		\$18,000	\$7,091		(\$10,909)	39.39%
Property Tax - Penalty & Interest	\$0		\$0			\$0	n/a
Oil and Gas - Equipment	\$0		\$0			\$0	n/a
Oil and Gas - Production	\$0		\$0			\$0	n/a
Franchise Fees	\$180,000		\$180,000	\$67,295		(\$112,705)	37.39%
Gross receipts - Local Option	\$3,210,000		\$3,210,000	\$940,814		(\$2,269,186)	29.31%
Gross Receipts - Infrastructure	\$310,000		\$310,000	\$91,020		(\$218,980)	29.36%
Gross Receipts - Environment	\$0		\$0			\$0	n/a
Gross Receipts - Other Dedication	\$0		\$0			\$0	n/a
Intergovernmental -State Shared:							
Gross receipts	\$3,370,000		\$3,370,000	\$1,005,632		(\$2,364,368)	29.84%
Cigarette Tax	\$0		\$0			\$0	n/a
Gas Tax [1 cent]	\$0		\$0			\$0	n/a
Gas Tax [2 cent]	\$0		\$0			\$0	n/a
Motor Vehicle	\$16,000		\$16,000	\$5,258		(\$10,742)	32.87%
Grants - Federal	\$0		\$0			\$0	n/a
Grants - State	\$0		\$0			\$0	n/a
Grants - Local	\$0		\$0			\$0	n/a
Legislative Appropriations	\$0		\$0			\$0	n/a
Small Cities Assistance			\$0			\$0	n/a
Licenses and Permits	\$2,000		\$2,000	\$1,288		(\$713)	64.38%
Charges for Services	\$1,008,850		\$1,008,850	\$394,608		(\$614,242)	39.11%
Fines and Forfeits	\$140,400		\$140,400	\$30,407		(\$109,993)	21.66%
Interest on Investments	\$2,000		\$2,000	\$811		(\$1,189)	40.57%
Miscellaneous	\$1,375		\$1,375	\$30		(\$1,345)	2.18%
TOTAL GENERAL FUND REVENUES	\$8,571,314	\$0	\$8,571,314	\$2,550,604		(\$6,020,710)	29.76%
EXPENDITURES							
Executive-Legislative	\$271,073		\$271,073	\$46,182	\$0	\$224,892	17.04%
Judicial	\$63,495		\$63,495	\$15,637	\$0	\$47,858	24.63%
Elections	\$0		\$0		\$0	\$0	n/a
Finance & Administration	\$2,286,422		\$2,286,422	\$817,051	\$0	\$1,469,371	35.73%
Public Safety	\$2,039,664		\$2,039,664	\$541,894	\$0	\$1,497,770	26.57%
Highways & Streets	\$704,853		\$704,853	\$146,789	\$0	\$558,064	20.83%
Senior Citizens	\$323,659		\$323,659	\$69,350	\$0	\$254,309	21.43%
Sanitation	\$0		\$0		\$0	\$0	n/a
Health and Welfare	\$0		\$0		\$0	\$0	n/a
Culture and Recreation	\$0		\$0		\$0	\$0	n/a
Economic Development & Housing	\$8,500		\$8,500	\$454	\$0	\$8,046	5.34%
Airport	\$0		\$0		\$0	\$0	n/a
Other - Miscellaneous	\$2,390,326		\$2,390,326	\$773,271	\$0	\$1,617,055	32.35%
TOTAL GENERAL FUND EXPENDITURES	\$8,087,992	\$0	\$8,087,992	\$2,410,628	\$0	\$5,677,364	29.81%
OTHER FINANCING SOURCES							
Transfers In	\$162,000	\$0	\$162,000			(\$162,000)	0.00%
Transfers (Out)	(\$40,000)	\$0	(\$40,000)			\$40,000	0.00%
TOTAL - OTHER FINANCING SOURCES	\$122,000	\$0	\$122,000	\$0		(\$122,000)	0.00%
Excess (deficiency) of revenues over expenditures				\$139,977			

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS			
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
CORRECTIONS REVENUES	201							
Correction Fees	201	35,000	0	35,000	10,162		(24,838)	29.03%
Miscellaneous	201	0	0	0	0		0	n/a
TOTAL Revenues		35,000	0	35,000	10,162		(24,838)	29.03%
EXPENDITURES	201	39,000	0	39,000	4,328	0	34,672	11.10%
OTHER FINANCING SOURCES								
Transfers In	201	0	0	0	0		0	n/a
Transfers (Out)	201	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	201				5,834			
ENVIRONMENTAL REVENUES	202							
GRT - Environmental	202	0	0	0	0		0	n/a
Miscellaneous	202	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	202	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	202	0	0	0	0		0	n/a
Transfers (Out)	202	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	202				0			
EMS REVENUES	206							
State EMS Grant	206	14,886	0	14,886	14,886		0	100.00%
Miscellaneous	206	0	0	0	0		0	n/a
TOTAL Revenues		14,886	0	14,886	14,886		0	100.00%
EXPENDITURES	206	14,886		14,886	4,034	0	10,852	27.10%
OTHER FINANCING SOURCES								
Transfers In	206	0	0	0	0		0	n/a
Transfers (Out)	206	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	206				10,852			
E911 REVENUES	207							
State-E-911 Enhancement	207	0	0	0	0		0	n/a
Network & Data Base Grant	207	0	0	0	0		0	n/a
Miscellaneous	207	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	207	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	207	0	0	0	0		0	n/a
Transfers (Out)	207	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	207				0			
FIRE PROTECTION REVENUES	209							
State - Fire Marshall Allotment	209	78,443	0	78,443	76,537		(1,906)	97.57%
Miscellaneous	209	0	0	0	0		0	n/a
TOTAL Revenues		78,443	0	78,443	76,537		(1,906)	97.57%

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
EXPENDITURES	209	78,443		78,443	13,053	0	65,390	16.64%
OTHER FINANCING SOURCES								
Transfers In	209	0	0	0	0		0	n/a
Transfers (Out)	209	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	209				63,484			
LAW ENFORCEMENT PROTECTION REVENUES	211							
State-Law Enforcement Protection	211	33,200	0	33,200	33,200		0	100.00%
Miscellaneous	211	0	0	0	0		0	n/a
TOTAL Revenues		33,200	0	33,200	33,200		0	100.00%
EXPENDITURES	211	33,200	0	33,200		0	33,200	0.00%
OTHER FINANCING SOURCES								
Transfers In	211	0	0	0	0		0	n/a
Transfers (Out)	211	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	211				33,200			
LODGERS' TAX REVENUES	214							
Lodgers' Tax	214	62,000	0	62,000	18,371		(43,629)	29.63%
Miscellaneous	214	0	0	0	0		0	n/a
TOTAL Revenues		62,000	0	62,000	18,371		(43,629)	29.63%
EXPENDITURES	214	60,000		60,000	31,515	0	28,485	52.53%
OTHER FINANCING SOURCES								
Transfers In	214	0	0	0	0		0	n/a
Transfers (Out)	214	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	214				(13,144)			
MUNICIPAL STREET REVENUES	216							
GRT - Infrastructure (1/8 cent)	216	0	0	0	0		0	n/a
GRT - Municipal	216	0	0	0	0		0	n/a
Gasoline Tax - (1 cent / 2 cent)	216	171,000	0	171,000	53,241		(117,759)	31.13%
Motor Vehicle - Registration (all)	216	0	0	0	0		0	n/a
State Grants	216	0	0	0	0		0	n/a
Federal Grants	216	0	0	0	0		0	n/a
Miscellaneous	216	0	0	0	0		0	n/a
TOTAL Revenues		171,000	0	171,000	53,241		(117,759)	31.13%
EXPENDITURES	216	0		0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	216	0	0	0	0		0	n/a
Transfers (Out)	216	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expen	216				53,241			
RECREATION REVENUES	217							
Cigarette Tax - (1 cent)	217	0	0	0	0		0	n/a
Miscellaneous	217	44,500	0	44,500	(544)		(45,044)	(1.22%)
TOTAL Revenues		44,500	0	44,500	(544)		(45,044)	(1.22%)
EXPENDITURES	217	42,931		42,931	11,825	0	31,106	27.54%

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET			ACTUALS		Budget Balance	Budget Variance %
		Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
OTHER FINANCING SOURCES								
Transfers In	217	40,000	0	40,000			(40,000)	0.00%
Transfers (Out)	217	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		40,000	0	40,000	0		(40,000)	0.00%
Excess (deficiency) of revenues over expenses	217				(12,368)			
INTERGOVERNMENTAL GRANTS REVENUES	218							
State Grants	218	0	0	0	0		0	n/a
Federal Grants	218	0	0	0	0		0	n/a
Miscellaneous	218	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	218	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	218	0	0	0	0		0	n/a
Transfers (Out)	218	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenses	218				0			
SENIOR CITIZENS REVENUES	219							
State Grants	219	130,000	0	130,000	11,293		(118,707)	8.69%
Federal Grants	219	24,000	0	24,000	1,400		(22,600)	5.83%
Miscellaneous	219	8,000	0	8,000	0		(8,000)	0.00%
TOTAL Revenues		162,000	0	162,000	12,693		(149,307)	7.84%
EXPENDITURES	219	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	219	0	0	0	0		0	n/a
Transfers (Out)	219	162,000	0	162,000			(162,000)	0.00%
TOTAL - OTHER FINANCING SOURCES		162,000	0	162,000	0		(162,000)	0.00%
Excess (deficiency) of revenues over expenses	219				12,693			
DWI REVENUES	223							
State - Formula Distribution (DFA)	223	0	0	0	0		0	n/a
State - Local Grant (DFA)	223	0	0	0	0		0	n/a
State Other	223	0	0	0	0		0	n/a
Federal Grants	223	0	0	0	0		0	n/a
Miscellaneous	223	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	223	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	223	0	0	0	0		0	n/a
Transfers (Out)	223	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenses	223				0			
OTHER - SPECIAL REVENUES	299							
REVENUES	299	75,340	0	75,340	119,845		44,505	159.07%
EXPENDITURES	299	66,933	0	66,933	67,341	0	(408)	100.61%
TOTAL - OTHER FINANCING SOURCES	299	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenses	299				52,504			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
Lab Fees							
REVENUES	2,700	0	2,700	96		(2,604)	3.56%
EXPENDITURES	2,700		2,700	96	0	2,604	3.56%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
Judicial Education Fees							
REVENUES	5,600	0	5,600	1,517		(4,083)	27.09%
EXPENDITURES	5,600		5,600	1,517	0	4,083	27.09%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
Court Automation Fees							
REVENUES	11,000	0	11,000	3,027		(7,973)	27.52%
EXPENDITURES	11,000		11,000	3,027	0	7,973	27.52%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
Designated Franchise							
REVENUES	56,040	0	56,040	14,076		(41,964)	25.12%
EXPENDITURES	33,855		33,855	8,675	0	25,180	25.62%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				5,401			
Fire Department - A							
REVENUES	0	0	0	9,353		9,353	n/a
EXPENDITURES	0	0	0	6,865	0	(6,865)	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				2,488			
WWTP-SAGA							
REVENUES	0	0	0	38,096		38,096	n/a
EXPENDITURES	0	0	0	6,838	0	(6,838)	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				31,258			
Waste Water Treatment Plant							
REVENUES	0	0	0	5		5	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				5			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS		Budget Balance	Budget Variance %
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)		
Revolving Loan							
REVENUES	0	0	0	1		1	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				1			
CDBG Housing							
REVENUES	0	0	0			0	n/a
EXPENDITURES	0	0	0		0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
Pension							
REVENUES	0	0	0	53,675		53,675	n/a
EXPENDITURES	0	0	0	39,242	0	(39,242)	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				14,432			
Supply Fund							
REVENUES	0	0	0			0	n/a
EXPENDITURES	0	0	0	1,081	0	(1,081)	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				(1,081)			
Downtown Donation							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	13,778	0	13,778		0	13,778	0.00%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET			ACTUALS			
	Approved Budget	Resolutions Adj. Budget	Adjusted Budget	Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
FUND 299 SUMMARY							
Revenue - TOTAL	\$75,340	\$0	\$75,340	\$119,845		44,505	159.07%
Expenditures - TOTAL	\$66,933	\$0	\$66,933	\$67,341	\$0	(408)	100.61%
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Water Fund							
Charges for Services	\$4,388,000		\$4,388,000	\$1,151,886		(\$3,236,114)	26.25%
Interest on Investments	\$3,400		\$3,400	\$942		(\$2,458)	27.70%
Gross Receipts - dedicated	\$0		\$0	\$0		\$0	n/a
Grants - Federal	\$0		\$0	\$0		\$0	n/a
Grants - State	\$0		\$0	\$0		\$0	n/a
Legislative Appropriation	\$0		\$0	\$0		\$0	n/a
Other	\$0		\$0	\$0		\$0	n/a
TOTAL REVENUES - Water Fund	\$4,391,400	\$0	\$4,391,400	\$1,152,827		(\$3,238,573)	26.25%
EXPENDITURES							
Water Fund	\$2,934,715		\$2,934,715	\$595,615	\$0	\$2,339,100	20.30%
OTHER FINANCING SOURCES							
Transfers In	\$0		\$0	\$0		\$0	n/a
Transfers (Out)	\$1,738,000		\$1,738,000	(\$444,238)		(\$2,182,238)	(25.56%)
TOTAL-OTHER FINANCING SOURCES	\$1,738,000	\$0	\$1,738,000	(\$444,238)		(\$2,182,238)	(25.56%)
Excess (deficiency) of revenues over expenditures				\$112,975			
REVENUES							
Solid Waste							
Charges for Services	\$93,000		\$93,000	\$137,315		\$44,315	147.65%
Interest on Investments	\$0		\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0		\$0	\$0		\$0	n/a
Grants - Federal	\$0		\$0	\$0		\$0	n/a
Grants - State	\$0		\$0	\$0		\$0	n/a
Legislative Appropriation	\$0		\$0	\$0		\$0	n/a
Other	\$3,000		\$3,000			(\$3,000)	0.00%
TOTAL REVENUES - Solid Waste Fund	\$96,000	\$0	\$96,000	\$137,315		\$41,315	143.04%
EXPENDITURES							
Solid Waste	\$1,781,951		\$1,781,951	\$445,388	\$0	\$1,336,563	24.99%
OTHER FINANCING SOURCES							
Transfers In	\$1,738,000		\$1,738,000	\$444,238		(\$1,293,762)	25.56%
Transfers (Out)	\$0		\$0			\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$1,738,000	\$0	\$1,738,000	\$444,238		(\$1,293,762)	25.56%
Excess (deficiency) of revenues over expenditures				\$136,165			
REVENUES							
Waste Water							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Waste Water Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Waste Water	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRAN CES Y-T-D	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget			\$	%
REVENUES							
Airport							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Airport Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Airport	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			
REVENUES							
Ambulance							
Charges for Services	\$442,070		\$442,070	\$94,740		(\$347,330)	21.43%
Interest on Investments	\$0		\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0		\$0	\$0		\$0	n/a
Grants - Federal	\$0		\$0	\$0		\$0	n/a
Grants - State	\$0		\$0	\$0		\$0	n/a
Legislative Appropriation	\$0		\$0	\$0		\$0	n/a
Other	\$0		\$0	\$0		\$0	n/a
TOTAL REVENUES - Ambulance Fund	\$442,070	\$0	\$442,070	\$94,740		(\$347,330)	21.43%
EXPENDITURES							
Ambulance	\$374,299		\$374,299	\$131,165	\$0	\$243,134	35.04%
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				(\$36,424)			
REVENUES							
Cemetery							
Charges for Services	\$0	\$0	\$0	\$0		\$0	n/a
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a
Gross Receipts - dedicated	\$0	\$0	\$0	\$0		\$0	n/a
Grants - Federal	\$0	\$0	\$0	\$0		\$0	n/a
Grants - State	\$0	\$0	\$0	\$0		\$0	n/a
Legislative Appropriation	\$0	\$0	\$0	\$0		\$0	n/a
Other	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL REVENUES - Cemetery Fund	\$0	\$0	\$0	\$0		\$0	n/a
EXPENDITURES							
Cemetery	\$0	\$0	\$0	\$0	\$0	\$0	n/a
OTHER FINANCING SOURCES							
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a
TOTAL-OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a
Excess (deficiency) of revenues over expenditures				\$0			

ENTERPRISE FUNDS

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

ENTERPRISE FUNDS

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

INTERNAL SERVICE / TRUST & AGENCY FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative)			
	Approved Budget	Budget Adjustments	Adjusted Budget					\$	%
INTERNAL SERVICE FUNDS [600]									
REVENUES									
Charges for Services	\$800		\$800	\$0		(\$800)	0.00%		
Interest on Investments	\$2		\$2	\$0		(\$2)	1.00%		
Miscellaneous revenues			\$0			\$0	n/a		
TOTAL REVENUES	\$802	\$0	\$802	\$0		(\$802)	0.01%		
EXPENDITURES									
Operating Expenditures	\$29,000		\$29,000	\$832	\$0	\$28,168	2.87%		
Miscellaneous	\$0		\$0	\$0	\$0	\$0	n/a		
TOTAL EXPENDITURES	\$29,000	\$0	\$29,000	\$832	\$0	\$28,168	#REF!		
OTHER FINANCING SOURCES									
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a		
Excess (deficiency) of revenues over expenditures				(\$832)					
TRUST AND AGENCY FUNDS [700]									
REVENUES									
Investments	\$0	\$0	\$0	\$0		\$0	n/a		
Interest on Investments	\$0	\$0	\$0	\$0		\$0	n/a		
Tax Revenues	\$0	\$0	\$0	\$0		\$0	n/a		
Miscellaneous revenues	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL REVENUES	\$0	\$0	\$0	\$0		\$0	n/a		
EXPENDITURES									
General Government/Benefits	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Capital Outlay	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
Miscellaneous	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	n/a		
OTHER FINANCING SOURCES									
Transfers In	\$0	\$0	\$0	\$0		\$0	n/a		
Transfers (Out)	\$0	\$0	\$0	\$0		\$0	n/a		
TOTAL - OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0		\$0	n/a		
Excess (deficiency) of revenues over expenditures				\$0					



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

Date Requested/Reported:
November 2, 2012

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input checked="" type="checkbox"/>	Info Only
<input type="checkbox"/>	Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: James R. Williams

STAFF DISCUSSION TO COMMISSION:

City staff have prepared a travel and per diem policy for your review. This policy conforms with State of New Mexico DFA regulations.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Information only. Please review and provide changes as you feel necessary. Staff would like to present this to the Commission at the November 26, 2012 Commission Meeting for your approval.

FISCAL IMPACT:

Maskell Stephens

Department Head

James R. Williams

James R. Williams
Interim City Manager

CITY OF LOVINGTON
Travel and Per Diem Policy

- I. Purpose
 - a. To govern the payment of per diem rates and mileages and the reimbursement of expenses for all salaried and non-salaried City employees in the course of their normal duties.

- II. Per Diem Rates Proration
 - a. Applicability: Per diem rates shall be paid to officers and employees of the City only in accordance with the provisions of this section. Per diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the agency, the officer or employee is entitled to reimbursement only for actual expenses as outlined in Section III.

 - b. Per Diem Rate Computation: Per diem rates for travel by public officers and employees shall be computed as follows:
 - i. Overnight travel: Regardless of the number of hours traveled, travel of officers and employees where overnight lodging is required shall be reimbursed as follows:
 - 1. In state areas \$85.00
 - 2. In state special areas \$135.00
 - 3. Out of state areas \$115.00
 - 4. Actual lodging and meal expenses under 2.42.2.9 NMAC.

 - ii. Return from overnight travel: on the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:
 - 1. For less than 2 hours, none
 - 2. For 2 hours, but less than 6 hours, \$12.00
 - 3. For 6 hours or more, but less than 12 hours, \$20.00
 - 4. For 12 hours or more, \$30.00

- iii. Special area designations: For all officers and employees, the in state special area shall be Santa Fe.
- iv. Travel for educational purposes: A public officer or employee shall not be reimbursed for more than 30 calendar days of per diem in any fiscal year for attending educational or training programs unless approval has been obtained from the City Manager.
- v. Per diem in conjunction with other leave: While travelling, if an employee takes sick, annual, or authorized leave without pay for more than four hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the City Manager.
- vi. Illness or emergency: The City Manager may grant permission, in writing, to pay per diem rates and travel reimbursement to an employee or public officer who become ill or is notified of a family emergency while travelling on official business and must either remain away from home or discontinue the official business to return home.

III. Reimbursement of actual expenses in lieu of per diem rates:

- a. Applicability: Upon written request of a public officer or an employee, department heads or the City Manager may grant written approval for the individual to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.
- b. Overnight travel: For overnight travel for officers and employees where overnight lodging is required, the individual will be reimbursed as follows:
 - i. Actual reimbursement for lodging: An officer or employee may elect to be reimbursed actual expenses for lodging, including tax. Officers or employees who incur lodging expenses in excess of \$215.00 per night must obtain approval from the City Manager prior to encumbering the expenditure.
 - ii. Actual reimbursement for meals: Actual expenses for meals are limited to a maximum of \$30.00 for in-state travel and \$45.00 for out-of state travel for a 24-hour period.
 - iii. Receipts required: The officer or employee must submit receipts for actual meal and lodging expenses incurred.

1. If receipts are not submitted, reimbursement for the expense will not be made.
2. Charges incurred for internet access will be considered a part of lodging expense.
3. Alcohol purchases will not be eligible for reimbursement as part of a meal.
4. Meal purchases must include an itemized receipt.

IV. Travel Advances

a. Per Diem

- i. Officers and employees will be advanced 80% of per diem rates. Upon return and signing the travel certification, the officer or employee will be provided the remaining 20% within 5 business days.

b. Actual Expenses

- i. Employees and officers may be issued the City Visa or credit card. Lodging and meals charged to the card must follow the policies established in Section III.
- ii. Employees may pay out of pocket for the lodging and meal expenses and submit receipts for reimbursement upon return. Expenses incurred must follow the policies established in Section III.
- iii. Employees or officers travelling utilizing actual expense reimbursement may not be advanced funds.

V. Reimbursements for Other Expenses

- a. Receipts not required: Officers and employees may be reimbursed without receipts for the following expenses in an amount of \$6.00 per day, not to exceed a total of \$30.00 per trip:
 - i. Taxi or other transportation fares at the destination of the traveler;
 - ii. Gratuities as allowed by the City Manager;
 - iii. Parking fees

- iv. If costs exceed more than \$6.00 per day or \$30.00 per trip is claimed, receipts must accompany the entire amount of the reimbursement claim.
- b. Receipts required: Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:
 - i. Actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;
 - ii. A rental car, provided less expensive public transportation is not available or appropriate.

VI. Required Documentation

- a. Employees are required to submit the approved travel and education request form prior to travel.
 - i. The employee making the request must sign the form prior to it being submitted for approval by the City Manager.
 - ii. The Department Head must sign the travel and education request form prior to submission to the City Manager for approval.
 - iii. A meeting announcement, agenda, brochure, etc. must accompany the travel and education request when submitting the request. The information must include, at a minimum, the date, time, location, and topic or information as to what the training or event will cover.
- b. City staff will fill out public officers travel and educational requests. However, prior to approval said officer must sign it. The same documentation as required in a, iii must be included.
- c. Upon return from travel, public officers must submit proof of attendance at the event. Appropriate types of documentation includes:
 - i. Name badge issue by event
 - ii. Agenda provided at event
 - iii. Certificate of attendance



Date Requested/Reported:
November 2, 2012

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input checked="" type="checkbox"/>	Info Only
<input type="checkbox"/>	Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: James R. Williams

STAFF DISCUSSION TO COMMISSION:

City staff have prepared a policy that addresses access and control of personnel, medical, and law enforcement internal investigation files.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Information only. Please review and provide changes as you feel necessary. Staff would like to present this to the Commission at the November 26, 2012 Commission Meeting for your approval.

FISCAL IMPACT:


Department Head


James R. Williams
Interim City Manager

**CITY OF LOVINGTON
PERSONNEL RECORDS POLICY**

- I. Purpose
 - a. This policy provides guidance to employees about their privileges and obligations with respect to their own personnel records and guides City of Lovington personnel responsible for producing and maintaining personnel records in the appropriate handling of those records.

- II. Definitions
 - a. Personnel File: For the purposes of this policy, a personnel file consists of any employment related or personal information about a City of Lovington employee, former employee, or applicant for employment gathered by the City of Lovington.

 - b. Employee Medical Record: a file that contains any employment related protected health information.

 - c. Law Enforcement Internal Affairs Investigation File: a file that contains internal affairs investigation records.

 - d. Employment related information includes information related to an individuals:
 - i. Application
 - ii. Selection
 - iii. Appointment
 - iv. Contract for employment
 - v. Promotions, demotions, transfers
 - vi. Salary
 - vii. Leave
 - viii. Benefits
 - ix. Performance evaluation forms
 - x. Suspension, disciplinary actions, termination

 - e. Personal information includes an individual's:
 - i. Home address
 - ii. Social security number
 - iii. Medical history
 - iv. Personal financial data
 - v. Martial status
 - vi. Dependents

vii. Beneficiaries

III. Policy

- a. The City Clerk/Human Resources Director maintains the official personnel record for each current and former employee of the City of Lovington. All personnel files will be kept in a locked filing cabinet(s) located in the vault room at City Hall.
- b. The following individuals are allowed access to personnel files:
 - i. City Manager
 - ii. Human Resources Director
 - iii. Department Head of employee
 - iv. Employee
- c. The following individuals are allowed access to employee medical files:
 - i. Human Resources Director
 - ii. Employee
- d. The Chief of Police is the only individual who has access to the Law Enforcement Internal Affairs Investigation File.
- e. No separate personnel or medical files may be maintained at any other department unless specifically required by Federal or State regulations or law. In the event separate files must be maintained at a Departments main office, a written request and copy of the statute or regulation must be submitted to the Human Resources Director. The Human Resources Director will provide the requesting Department Head with written approval to maintain separate files.
- f. Other individuals wishing to access personnel files must obtain written permission from the employee.

IV. Access Procedure

- a. An employee or other authorized individual who wants to review the contents of their personnel file will make a request to the City Clerk/Human Resources director.
 - i. Former employees, or people unknown to the City Clerk/Human Resources Director must present identification and/or proof of permission to access the personnel file.

1. The original documentation of permission to access the file will be kept on file.
 2. Copies of identification will be made on site and will be kept on file.
- b. Personnel files shall be reviewed in the presence of the City Clerk or Human Resources staff.
 - c. The individual inspecting the file may remove no part of the personnel file from the office.
 - d. The employee may request photocopies or scans of the file, or portions of the file. Human Resources staff will make the copies.
 - e. Other individuals (i.e. former employees, employers) whom request copies of a personnel file, or portions of the file, will be required to pay the required photocopying fee. The Human Resources staff will make the copies.
 - f. When an employee or individual requests access to a personnel file, the individual will be required to sign the access log in the file and state the reason for access.

V. Removal of Items from Personnel Files

- a. An employee may request to have a document removed from the personnel file. The following process will be utilized:
 - i. Employee will provide to the Human Resources Director a written request to remove the document(s) from the file and a justification for the reason(s) why.
 - ii. The Human Resources Director will review the request. If the Human Resources Director agrees with the removal, the Director will obtain written permission from the City Manager for this action. A copy of this determination will be provided to the employee.
 - iii. In the event that the Human Resources Director does not agree with the request, he/she will inform the employee, in writing, that the request has been denied. The employee does have the right to prepare a written explanation or clarification of why they may not agree with the document and in the presence of the Human

Resources staff may attach this documentation to the contested document. In addition, the employee may appeal the decision following the established City of Lovington appeals process as outlined in Ordinance 435.

VI. Security of Records

- a. All personnel files shall be kept in a locked filing cabinet, located in the vault at City Hall. The City Clerk shall maintain the key to the cabinet(s).
- b. All medical record files shall be secured in a separate locked filing cabinet, located in the vault at City Hall. The City Clerk shall maintain the key to the cabinet(s).
- c. All law enforcement internal investigation files shall be secured in a separate locked filing cabinet, located in the vault at City Hall. The City Clerk shall maintain the key to the cabinet(s).
- d. All records will be electronically scanned into a file on the City server. The files will be secured through password protection.



Date Requested/Reported:
November 1, 2012

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input checked="" type="checkbox"/>	Info Only
<input type="checkbox"/>	Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: **James R. Williams**

STAFF DISCUSSION TO COMMISSION:

City staff have prepared a draft of an affordable housing ordinance for your review. The adoption of this ordinance will allow the City to create additional incentives and/or assistance in the form of loans or grants to help promote the development of housing in Lovington. Although work is being done to utilize LEDA funds for this type of work, this ordinance will allow the City to provide even more incentives if budget and funding permits.

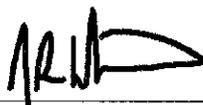
At a future meeting, it will be necessary for the Commission to approve or disapprove this draft of the ordinance. If it is approved, the draft will need to be submitted to the New Mexico Mortgage Finance Authority (MFA) for their review and approval prior to the City beginning the adoption of the ordinance.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Information only.

FISCAL IMPACT:

Department Head



James R. Williams
Interim City Manager

**CITY OF LOVINGTON
ORDINANCE No. _____**

LOVINGTON AFFORDABLE HOUSING PROGRAM

AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM PURSUANT TO THE AFFORDABLE HOUSING ACT; DEFINING TERMS; ESTABLISHING APPLICATION REQUIREMENTS AND REVIEW CRITERIA; AND ESTABLISHING PROCEDURES TO ADMINISTER AN AFFORDABLE HOUSING PROGRAM

WHEREAS, the City of Lovington (the "City") is a unit of local government under the Constitution and laws of the State of New Mexico (the "State"); and

WHEREAS, under an exception to the "anti-donation" clause as set forth in Article IX, § 14 of the New Mexico Constitution, the City is not prohibited from:

- A. Donating land it owns for the construction on it of affordable housing;
- B. Donating an existing building owned by the City for conversion or renovation into affordable housing; or
- C. Providing or paying the costs of infrastructure necessary to support affordable housing projects;

WHEREAS, the Affordable Housing Act, NMSA 1978, § 6-27-1 et seq. (the "Act") implements the provisions of Subsections E and F of Section 14, Article 9 of the New Mexico Constitution; and

WHEREAS, the City Commission ("Commission"), the governing body of the City of Lovington, desires to implement an affordable housing program for Lovington; and

WHEREAS, the New Mexico Mortgage Finance Authority ("MFA") has reviewed and approved the form and terms of this Ordinance prior to final adoption hereof.

NOW THEREFORE, be it ordained by the governing body of the City of Lovington, State of New Mexico:

Section 01. SHORT TITLE.

This article may be cited as the "Lovington Affordable Housing Ordinance."

Section 02. PURPOSE.

This ordinance is adopted to implement Lovington's Affordable Housing Program. In accordance with N.M. Constitution Article IX, Section 14, the Affordable Housing Act, NMSA 1978, Section 6-27-1 et seq. (the "Act") and New Mexico Mortgage Finance Authority Act Rules, the purpose of the Lovington Affordable Housing Ordinance is to:

- A. Establish procedures to ensure that both State and local housing assistance grantees are Qualifying Grantees who meet the requirements of the Act and the Rules promulgated pursuant to the Act both at the time of the award and throughout the term of any grant or loan under the Program;
- B. Establish an application and award timetable for State housing assistance grants or loans to permit the selection of the Qualifying Grantee(s) by the City;

- C. Create an evaluation process to determine:
 - (i) The financial and management stability of the Applicant;
 - (ii) The demonstrated commitment of the Applicant to the community;
 - (iii) A cost-benefit analysis of the project proposed by the applicant;
 - (iv) The benefits to the community of a proposed project;
 - (v) The type or amount of assistance to be provided;
 - (vi) The scope of the Affordable Housing Project;
 - (vii) Any substantive or matching contribution by the Applicant to the proposed project;
 - (viii) A performance schedule for the Qualifying Grantee with performance criteria; and
 - (ix) Any other rules or procedures the City believes are necessary for a full review and evaluation of the Applicant and the application or which MFA believes is necessary for a full review of the City's evaluation of the Applicant;
- D. Require long-term affordability of Lovington's Affordable Housing Projects so that a project cannot be sold shortly after completion and taken out of the affordable housing market to ensure a quick profit for the Qualifying Grantee;
- E. Require that the City enter into a contract with the qualifying grantee consistent with the Act, which contract shall include remedies and default provisions in the event of the unsatisfactory performance by the qualifying grantee and which contract shall be subject to the review of MFA in its discretion;
- F. Require that a grant or loan for a Project must impose a contractual obligation on the Qualifying Grantee that the affordable housing units in any Project be occupied by Persons of Low or Moderate Income;
- G. Provide for adequate security against the loss of public funds or property in the event that the Qualifying Grantee abandons or otherwise fails to complete the Project;
- H. Require review and approval of a housing grant project budget by the City and/or MFA before any expenditure of grant funds or transfer of granted property;
- I. Require that a condition of grant or loan approval be proof of compliance with all applicable State and local laws, rules and ordinances;
- J. Provide definitions for "low-income and moderate-income" and setting out requirements for verification of income levels;
- K. Provide the City with a valid Affordable Housing Program; and
- L. Require that the City have an existing valid affordable housing plan or housing elements contained in this plan are met prior to making authorizing a housing assistance grant.

Section 03. GENERAL DEFINITIONS.

The following words and terms shall have the following meanings.

- A. "Act" shall mean the Affordable Housing Act, NMSA 1978, Section 6-27-1 et seq.
- B. "Affordable" shall mean consistent with minimum rent and/or income limitations set forth in the MFA Act, and in guidelines established by MFA.
- C. "Affordable Housing" means residential housing primarily for Persons or Households of Low or Moderate Income and whose monthly cost does not exceed 30% of household's gross monthly income.
- D. "Affordable Housing Funds" shall mean any or all funds awarded or to be awarded, loaned or otherwise distributed under the Act for payment of the costs of infrastructure for Affordable Housing under an Affordable Housing Plan.

- E. "Affordable Housing Plan" or "Plan" shall mean a plan pursuant to an Affordable Housing Program that contemplates one or more Affordable Housing Projects, which may be developed in one or more phases.
- F. "Affordable Housing Program" or "Program" shall mean any programs the City and/or MFA establish pursuant to the Act or the Plan.
- G. "Affordable Housing Project" or "Project" shall mean any work or undertaking, whether new construction, acquisition of existing Residential Housing, remodeling, improvement, rehabilitation or conversion, which may be undertaken in one or more phases, as part of an Affordable Housing Plan, as approved by the City and/or MFA for the primary purposes as allowed by the Act.
- H. "Affordability Period" shall mean:
 - (i) If the fair market value of any Housing Assistance Grant or the total amount of Affordable Housing Funds that have been awarded, loaned, donated, or otherwise conveyed to the Qualifying Grantee is less than \$15,000, then the Affordability Period shall be not less than five (5) years.
 - (ii) If the fair market value of any Housing Assistance Grant or the total amount of Affordable Housing funds is at least \$15,000 but less than \$40,000, then the Affordability Period shall be not less than ten (10) years.
 - (iii) If the fair market value of any Housing Assistance Grant or the total amount of Affordable Housing Funds is at least \$40,000 but less than \$100,000, then the Affordability Period shall be not less than fifteen (15) years,
 - (iv) If the fair market value of any Housing Assistance Grant or the total amount of Affordable Housing Funds is \$100,000 or greater, then the Affordability Period shall be not less than twenty (20) years,
- I. "Applicant" shall mean, subject to further qualifications in Section 5.C., an individual; a governmental housing agency; regional housing authority; a for-profit organization, including a corporation, limited liability company, partnership, joint venture, syndicate or association or a nonprofit organization meeting the appropriate criteria of the City and/or MFA.
- J. "Application" shall mean an application to participate in one or more Affordable Housing Programs or Affordable Housing Plans under the Act submitted by an Applicant to the City and/or MFA.
- K. "Builder" shall mean an individual or entity licensed as a general contractor to construct Residential Housing in the State that satisfies the requirements of a Qualifying Grantee and has been approved by the City and/or MFA to participate in an Affordable Housing Program. The term shall also include an individual or entity that satisfies the requirements of a Qualifying Grantee and has been approved by the City and/or MFA to participate in an Affordable Housing Program, who is not licensed as a general contractor in the State, provided such individual or entity contracts with a general contractor licensed in the State to construct Residential Housing.
- L. "Building" shall mean a structure capable of being renovated or converted into Affordable Housing or a structure that is to be demolished and is located on land donated for use in connection with an Affordable Housing Project.
- M. "City" shall mean Lovington, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.
- N. "Congregate Housing Facility" shall mean Residential Housing designed for occupancy by more than four Persons of Low or Moderate Income living independently of each other. The facility may contain group dining, recreational, health care or other communal living facilities and each unit in a Congregate Housing Facility shall contain at least its own living, sleeping, and bathing facilities.
- O. "Federal Government" shall mean the United States of America and any agency or instrumentality corporate or otherwise of the United States of America.

- P. "Household" shall mean one or more persons occupying a housing unit.
- Q. "Housing Assistance Grant" means the donation, provision, or payment by the City or MFA of:
- (i) Land upon which the affordable housing will be constructed;
 - (ii) An existing building that will be renovated, converted, or demolished and reconstructed as Affordable Housing; or
 - (iii) The costs of acquisition, development, construction, financing, and operating or owning affordable housing; or
 - (iv) The costs of financing or infrastructure necessary to support Affordable Housing.
- R. "HUD" shall mean the United States Department of Housing and Urban Development.
- S. "Infrastructure Improvement" includes, but is not limited to;
- (i) Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
 - (ii) Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
 - (iii) Water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
 - (iv) Areas for motor vehicle use for road access, ingress, egress and parking;
 - (v) Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for access, ingress, egress and parking;
 - (vi) Parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
 - (vii) Landscaping, including earthworks, structures, plants, trees and related water delivery systems
 - (viii) Electrical transmission and distribution facilities;
 - (ix) Natural gas distribution facilities;
 - (x) Lighting systems;
 - (xi) Cable or other telecommunications lines and related equipment;
 - (xii) Traffic control systems and devices including signals, controls, markings and signs;
 - (xiii) Inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection.
- T. "Infrastructure Purpose" shall mean:
- (i) Planning, design engineering, construction, acquisition or installation of infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of the infrastructure, provided the City may determine it appropriate to reduce or waive building permit fees sewer and water hookup fees and other fees with respect to an Affordable Housing Project for which Affordable Housing Funds and/or Housing Assistance Grants are awarded, loaned, donated or otherwise distributed under the Act;
 - (ii) Acquiring, converting, renovating or improving existing facilities for infrastructure, including facilities owned, leased or installed by the owner;
 - (iii) Acquiring interests in real property or water rights for infrastructure, including interests of the owner; and
 - (iv) Incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.
- U. "MFA" shall mean the New Mexico Mortgage Finance Authority.
- V. "MFA Act" shall mean the Mortgage Finance Authority Act, enacted as Chapter 303 of the Laws of 1975 of the State of New Mexico, as amended (NMSA 1978, Sections 58-18-1 through 58-18-27).

- W. "Mortgage" shall mean a mortgage, mortgage deed, deed of trust or other instrument creating a lien, subject only to title exceptions as may be acceptable to the City and/or MFA, on a fee interest in real property located within the State or on a leasehold interest that has a remaining term at the time of computation that exceeds or is renewable at the option of the lessee until after the maturity day of the Mortgage Loan.
- X. "Mortgage Lender" shall mean any bank or trust company, mortgage company, mortgage banker, national banking association, savings bank, savings and loan association, credit union, building and loan association and any other lending institution; provided that the mortgage lender maintains an office in the State, is authorized to make mortgage loans in the State and is approved by the City and/or MFA and either the Federal Housing Authority, Veterans' Affairs, Federal National Mortgage Association ("Fannie Mae"), or Federal Home Loan Mortgage Corporation ("Freddie Mac").
- Y. "Mortgage Loan" shall mean a financial obligation secured by a Mortgage, including a Mortgage Loan for a Project
- Z. "Multiple Family Housing Project" shall mean Residential Housing that is designed for occupancy by more than four persons or families living independently of each other or living in a Congregate Housing Facility, at least sixty percent (60%) of whom are Persons of Low or Moderate Income, including without limitation Persons of Low or Moderate Income who are elderly and handicapped as determined by the City and/or MFA, provided that the percentage of low-income persons and families shall be at least the minimum, if any, required by federal tax law.
- AA. "Multi-Family Housing Program" shall mean a program involving a Congregate Housing Facility, a Multiple Family Housing Project or a Transitional Housing Facility.
- BB. "Persons of Low or Moderate Income" shall mean persons and families within Lovington who earn up to 120% of the Area Median Income. For purposes of this definition, the word "families" shall mean a group of persons consisting of, but not limited to, the head of a household; his or her spouse, if any; and children, if any, who are allowable as personal exemptions for Federal income tax purposes.
- CC. "Ordinance" shall mean this Ordinance _____
- DD. "Policies and Procedures" shall mean Policies and Procedures of MFA, including but not limited to, Mortgage Loan Purchasing, Selling, Servicing and Reservation Procedures, which MFA may update and revise from time to time MFA deems appropriate,
- EE. "Public Service Agencies" shall include, but are not limited to, any entities that support Affordable Housing and which believe that the program or project proposed by the Applicant is worthy and advisable, but which are not involved, either directly or indirectly, in the Affordable Housing Program or Project for which the Applicant is applying.
- FF. "Qualifying Grantee" means:
- (i) An individual who is qualified to receive assistance pursuant to the Act and is approved by the City; and
 - (ii) A governmental housing agency, regional housing authority, corporation, limited liability company, partnership, joint venture, syndicate, association or a nonprofit organization that:
 - (a) Is organized under State or local laws and can provide proof of such organization;
 - (b) If a non-profit organization, has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and
 - (c) Is approved by the City.
- GG. "Recertification" shall mean the recertification of Applicants and/or Qualifying Grantees participating in any Affordable Housing Programs or in any programs under the Act as determined necessary from time to time by the City and/or MFA.

- HH. "Rehabilitation" shall mean the substantial renovation or reconstruction of an existing single-family residence or a Multi-Family Housing Project, which complies with requirements established by MFA. Rehabilitation shall not include routine or ordinary repairs, improvements or maintenance, such as interior decorating, remodeling or exterior painting, except in conjunction with other substantial renovation or reconstruction.
- II. "Residential Housing" shall mean any building, structure or portion thereof that is primarily occupied, or designed or intended primarily for occupancy, as a residence by one or more Households and any real property that is offered for sale or lease for the construction or location thereon of such a building, structure or portion thereof. "Residential Housing" includes congregate housing, manufactured homes and housing intended to provide or providing transitional or temporary housing for homeless persons.
- JJ. "Residential Use" shall mean that the structure or the portion of the structure to benefit from the Affordable Housing Funds or Housing Assistance Grant, is designed primarily for use as the principal residence of the occupant or occupants and shall exclude vacation or recreational homes.
- KK. "RFP" shall mean any request for proposal made by the City.
- LL. "Rules" shall mean the New Mexico Finance Authority Affordable Housing Rules adopted pursuant to NMSA 1978, Section 6-27-8(B), as amended.
- MM. "State" shall mean the State of New Mexico.
- NN. "Transitional Housing Facility" shall mean residential housing that is designed for temporary or transitional occupancy by Persons of Low or Moderate Income or special needs.

Section 04. REQUIREMENTS FOR GOVERNMENTAL ENTITIES

This ordinance is created and shall be administered in accordance with the Affordable Housing Act, NMSA 1978, Section 6-27-1 et seq. and in accordance with MFA Affordable Housing Act Rules. All Affordable Housing contributions authorized by this Ordinance will be in compliance with the Act and Plan and any recipients of all such contributions will comply with MFA Affordable Housing Rules.

Section 05. GENERAL REQUIREMENTS.

The following requirements shall apply to all Housing Assistance Grants and/or Affordable Housing Funds awarded, loaned or otherwise distributed by the City under the Act to a Qualifying Grantee.

- A. All Affordable Housing contributions authorized by this Ordinance shall be in compliance with the Lovington Affordable Housing Plan, New Mexico Mortgage Finance Authority Act Rules and the Affordable Housing Act.
- B. Request for Proposals. The City, in its discretion, may issue one or more RFPs to solicit applications or shall otherwise identify a Qualifying Grantee for the use of any Affordable Housing Funds or Housing Assistance Grants to be awarded, loaned, donated or otherwise distributed under the Act.
- C. Applicant Eligibility. The following Applicants are eligible under the Act to apply for Affordable Housing Funds or a Housing Assistance Grant to provide housing or related services to Persons of Low or Moderate Income in the community:
 - (i) All individuals who are qualified to receive assistance pursuant to the Act, the Rules, and this Ordinance that are approved by the City;
 - (ii) All regional housing authorities and any governmental housing agencies;
 - (iii) All for-profit organizations, including any corporation, limited liability company, partnership, joint venture, syndicate or association;
 - (iv) All non-profit organizations meeting the following requirements:

- (a) A primary mission of the nonprofit organization must be to provide housing or housing-related services to Persons of Low or Moderate Income; and
- (b) The non-profit organization must have received its 501(c)(3) designation prior to submitting an application;
- (c) Have no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
- (v) All non-individual Applicants must:
 - (a) Be organized under State or local laws and provide proof of such organization and be approved by the City;
 - (b) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated entity that will maintain such an accounting system consistent with generally accepted accounting principles;
 - (c) Have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and
 - (d) Have no significant outstanding or unresolved monitoring findings from the City, MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the City, MFA, or auditor stating that the findings are in the process of being resolved.

D. Applications.

- (i) Process for Applying. Applicants wishing to apply for a Housing Assistance Grant, including the use of any Affordable Housing Funds, or to participate in any Affordable Housing Program are required to submit to the City the following (as applicable):
 - (a) One original Application, together with all required schedules, documents, or such other information which may be required by the City or in any RFP;
 - (b) A proposal describing the nature and scope of the Affordable Housing Project proposed by the Applicant and which describes the type and/or amount of assistance which the Applicant proposes to provide to Persons of Low or Moderate Income;
 - (c) Executive summary and project narrative(s) that address the evaluation criteria set forth in any RFP issued by the City for the Affordable Housing Funds or the Housing Assistance Grant;
 - (d) A proposed budget for the Affordable Housing Project or for a Housing Assistance Grant;
 - (e) Current independent financial audit;
 - (f) If the Applicant is a non-profit organization:
 - (i) Proof of 501(c)(3) tax status;
 - (ii) Documentation that confirms that no part of its net earnings inures to the benefit of any member, founder, contributor or individual;
 - (g) If an Applicant is a legal entity, including a non-profit organization:
 - (i) A current annual budget for the Applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the Applicant is applying for a Housing Assistance Grant, or as otherwise may be required by City and/or MFA in its discretion;

- (ii) An approved mission statement that the Applicant has among its purposes significant activities related to providing housing or housing-related services to Persons or Households of Low or Moderate Income;
- (iii) A list of members of the Applicant's current board of directors or other governing body, including designated homeless participation, where required by City and/or MFA;
- (iv) Evidence (or a certification as may be allowed by City and/or MFA) that the Applicant has a functioning accounting system that is operated in accordance with generally accepted accounting principles; or has a designated entity that will maintain such an accounting system consistent with generally accepted accounting principles;
- (v) Evidence that the Applicant has no significant outstanding or unresolved monitoring findings from City, MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from City, MFA, or its most recent independent financial audit, it has a certified letter from City, MFA, or the auditor stating that the findings are in the process of being resolved;
- (vi) An organizational chart, including job titles and qualifications for the Applicant's employees or as otherwise may be required by City and/or MFA in its discretion. Job descriptions may be submitted as appropriate;
- (vii) Documentation that the Applicant is duly organized under State or local law and certification that the Applicant is in good standing with any State authorities, including the Public Regulation Commission and the Secretary of State;
- (h) Information as may be required by the City in order for it to determine the financial and management stability of the Applicant;
- (i) Information as may be required by the City in order for it to determine the demonstrated commitment of the Applicant to the community;
- (j) A completed cost-benefit analysis of the Affordable Housing Project proposed by the Applicant. Any cost-benefit analysis must include documentation that clearly evidences that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act;
- (k) Information supporting the benefits to the community of the Affordable Housing Project proposed by the Applicant;
- (l) Proof of substantive or matching funds or contributions and/or in-kind donations to the proposed Affordable Housing Project in connection with the Application for funds under the Act. Nothing contained herein shall prevent or preclude an Applicant from matching or using local, private, or federal funds in connection with a specific Housing Assistance Grant or a grant of Affordable Housing Funds under the Act;
- (m) Any certifications or other proof which the City may require in order for the City to confirm that the Applicant is in compliance with all applicable federal, State and local laws, rules and ordinances;
- (n) A verification signed by the Applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the Applicant's information knowledge, and belief;

- (o) Certifications as may be required by the City and signed by chief executive officer, board president, or other authorized official of the Applicant, provided that the City at its discretion may waive any of the foregoing requirements not deemed applicable;
 - (p) Applicant shall submit adequate information, as required by the City and/or MFA, of the Affordable Housing Project proposed by the Applicant. The information provided must clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to Persons of Low or Moderate Income, and that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act.
- (ii) Additional Requirements for Multi-Family Housing Projects. Applicants who are submitting applications in connection with a Multi-Family Housing Program must also submit the following additional information:
- (a) A verified certificate that, among other things:
 - (i) Identifies every Multi-Family Housing Program, including every assisted or insured project of HUD, RHS, FHA and any other state or local government housing finance agency in which such Applicant has been or is a principal;
 - (ii) Except as shown on such certificate, states that:
 - (A) No mortgage on a project listed on such certificate has ever been in default, assigned to the Federal Government or foreclosed, nor has any mortgage relief by the mortgagee been given;
 - (B) There has not been a suspension or termination of payments under any HUD assistance contract in which the Applicant has had a legal or beneficial interest;
 - (C) Such Applicant has not been suspended debarred or otherwise restricted by any department or agency of the Federal Government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and
 - (D) The Applicant has not defaulted on an obligation covered by a surety or performance bond.

If such Applicant cannot certify to each of the above, such Applicant shall submit a signed statement to explain the facts and circumstances that such Applicant believes will explain the lack of certification. The City may then determine if such Applicant is or is not qualified.

- (b) The experience of the Applicant in developing, financing and managing Multiple-Family Housing Projects; and
 - (c) Whether the Applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in noncompliance with any applicable civil rights laws.
- (iii) Additional Requirements for Mortgage Lenders. If the Applicant is a Mortgage Lender, the City shall consider, among other things:
- (a) The financial condition of the Applicant;
 - (b) The terms and conditions of any loans to be made;

- (c) The aggregate principal balances of any loans to be made to each Applicant compared with the aggregate principal balances of the loans to be made to all other Applicants;
 - (d) The City's assessment of the ability of the Applicant or its designated servicer to act as originator and servicer of Mortgage Loans for any Multi-Family Housing Programs or other programs to be financed; and
 - (e) Previous participation by the Applicant in MFA's programs and HUD, Federal Housing Authority, or Rural Housing Service programs.
- (iv) Submission Procedure.
- (a) Time, Place and Method of Submission Delivery.
 - (i) If the City has issued an RFP, all Applications must be received by the City no later than the deadline set forth in the RFP; otherwise, all Applications must be received by the deadline the City has established in connection with the respective award or grant. So that any Qualifying Grantees may be selected prior to January of the year in which any MFA Housing Assistance Grant would be made, the City shall issue any RFP's, solicit any Applications, or otherwise identify any Qualifying Grantees no later than October 15 of any year in order to allow sufficient time for prospective applicants to respond to any such RFP, solicitation, or otherwise, and further to allow MFA not less than forty-five (45) days in which to review any such applications or otherwise determine or confirm that an Applicant is a Qualifying Grantee under the Act and consistent with the Rules.
 - (i) Applications shall be submitted by Applicants to the City in the form required by the City and shall contain all information which is required by this Ordinance and any RFP which may have been issued.
 - (b) Additional Factors. The Application procedures shall take into consideration:
 - (i) Timely completion and submission to the City of an application or other appropriate response to any solicitation by the City;
 - (ii) Timely submission of all other information and documentation related to the program required by the City as set forth in this ordinance or as set forth in the rules;
 - (iii) Timely payment of any fees required to be paid to the City at the time of submission of the Application; and
 - (iv) Compliance with program eligibility requirements as set forth in the Act, the Rules and this Ordinance.
 - (c) Submission Format.
 - (i) City forms or MFA forms (if available) must be used when provided and no substitutions will be accepted; however, attachments may be provided as necessary.
 - (ii) An Applicant's failure to provide or complete any element of an application, including all requirements of the City or as may be listed on any RFP, may result in the rejection of the Application prior to review.
 - (iii) Illegible information, information inconsistent with other information provided in the application, and/or incomplete forms will be treated as missing information and evaluated accordingly.

- (iv) The City and MFA reserve the right to request further information from any Applicant so long as the request is done fairly and does not provide any Applicant an undue advantage over another Applicant.
- (v) The City in its discretion may cancel any RFP or reject any or all proposals in whole or part submitted by any Applicant.
- (vi) Neither the City nor MFA shall be responsible for any expenses incurred by an Applicant in preparing and submitting an Application. However, the City or MFA, as applicable may establish and collect fees from Applicants who file Applications. Notice that fees will be charged and the amount of any such fees shall be included by the City or MFA, as applicable, in any RFP or otherwise shall be advertised as part of the Application solicitation process.
- (vii) Review by City. On receipt of an Application, the City shall:
 - (A) Determine whether the Application submitted by the Applicant is complete and responsive;
 - (B) Determine whether the Applicant is a Qualifying Grantee as defined herein and in the Act;
 - (C) Review and analyze whether the Applicant has shown a demonstrated need for activities to promote and provide affordable housing and related services to Persons of Low or Moderate Income;
 - (D) Determine whether the Applicant has demonstrated experience related to providing housing or services to Persons of Low Or Moderate Income, as well as experience and/or the capacity to administer the Affordable Housing Program or Project for which the Applicant has applied;
 - (E) Determine whether the Applicant's proposal provides a plan for coordinating with other service providers in the community; whether the Applicant's plan addresses how Persons of Low Income or Moderate Income in need of housing and/or housing related supportive services can receive supportive services and referrals to federal, State and local resources; and, whether the Applicant's plan addresses outreach efforts to reach the population to be served as identified by the City in any RFP or otherwise;
 - (F) Determine whether the Applicant has support from Public Service Agencies, or such other support as may be required by the City and/or MFA in its discretion, for its proposed services in the community;
 - (G) Ascertain the amount of any matching funds or in-kind services specific to the program that may be utilized by the Applicant in connection with the program;
 - (H) Ascertain whether any local, private, or federal funds will be used by the Applicant in connection with the specific grant for which the Applicant is applying;

- (I) Ascertain whether the Applicant has and can demonstrate the capability to manage the implementation; of the Program for which the Applicant is applying;
 - (J) If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable Housing Funds and/or other Program funds, confirm that the Applicant had no outstanding findings or matters of non-compliance with program requirements from the City or MFA, as applicable or if it has any such findings, it has a certified letter from the City, MFA, or auditor stating that the findings are in the process of being resolved
 - (K) If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable Housing Funds and/or other Program funds, confirm that the Applicant reasonably committed and expended the funds under the prior Program and/or met anticipated production levels as set forth in any contract with the City or MFA, as applicable, for those prior Program funds;
 - (L) Evaluate the Applicant's proposal in part based upon the Applicant's current financial audit;
 - (M) Evaluate the Applicant's proposed budget for the Project for which the Applicant is applying for Affordable Housing Funds or a Housing Assistance Grant which proposed budget must be approved by the City before Applicant can be approved as a Qualifying Grantee and any expenditure of grant funds under the Act or granted property is transferred to the Applicant;
 - (N) On receipt of an Application from a Builder, the City will analyze the Builder's ability to construct and sell sufficient Residential Housing units to Persons of Low or Moderate Income within the time or times as may be required by the City;
 - (O) Consider other factors it deems appropriate to ensure a reasonable geographic allocation for all Affordable Housing Programs.
- (vi) Certification by City to MFA. City shall certify an application to MFA in writing upon:
- (A) Completion of its review of the Application;
 - (B) Determination that the Application is complete;
 - (C) Determination that the requirements of the Act, the Rules and this Ordinance have been satisfied; and
 - (D) Determination that the Applicant is a Qualifying Grantee.
- (vii) Review by MFA. MFA upon its receipt of the certification from the City may, in its discretion, review the application and any of the materials submitted by the Applicant to the City. MFA may also request any additional information from the Applicant, which it may require in order to determine whether the Applicant is a Qualifying Grantee under the Act and the Application is complete. MFA will then notify the City of its determination of whether or not the Application is complete and that the requirements of the Act and the Rules have been satisfied and the Applicant is a Qualifying Grantee. Unless the period is extended for good

cause shown, MFA shall act on an Application within forty-five (45) days of its receipt of any Application, which MFA deems to be complete, and, if not acted upon, the Application shall be deemed to be approved.

(viii) Notification of Acceptance. The City, upon completion of the review of the Application using the criteria as set forth in this Ordinance and/or any RFP issued by the City and upon its receipt of notification from MFA that it agrees that the Application is complete and that the Act and Rules have been satisfied and the Applicant is a Qualifying Grantee, shall provide written notice to each Applicant of the approval or disapproval of its Application. The City's and MFA's determination of any Application shall be conclusive.

E. Additional Requirements. Upon acceptance, the following additional requirements shall apply:

- (i) Contractual Requirements. The Qualifying Grantee shall enter into one or more contracts with the City, which contract(s) shall be consistent with the Act and subject to the review of MFA, in its discretion, and which contract(s) shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee.
- (ii) Security Provisions; Collateral Requirements. In accordance with the Act, the Rules and this Ordinance, the City shall require the Qualifying Grantee to execute documents, which will provide adequate security against the loss of public funds or property in the event the Qualifying Grantee abandons or fails to complete the Affordable Housing Project, and which shall further provide, as may be permitted by law, for the recovery of any attorney fees and costs which the City and/or MFA may incur in enforcing the provisions of this Ordinance, the Rules, the Act and/or any agreement entered into by the City and the Qualifying Grantee, and which documents may include, but are not limited to the following: note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the City may require in order to allow for any funds which the Qualifying Grantee may receive under a Housing Assistance Grant or Affordable Housing Funds to be adequately secured and to allow the City and MFA to ensure that such funds shall be utilized by the Qualifying Grantee in accordance with the Act, the Rules and this Ordinance.
- (iii) Performance Schedule and Criteria. The Qualifying Grantee shall be required to abide by a reasonable performance schedule and performance criteria that the City, in its discretion, may establish.
- (iv) Examination of Books and Records. The Qualifying Grantee shall submit to and the City shall cause to be made such examinations of the books and records of each Qualifying Grantee as the City and/or MFA deems necessary or appropriate to determine the Qualifying Grantee's compliance with the terms of the Act, the Rules, this Ordinance and any contracts between the Qualifying Grantee and the City. The City and/or MFA may require each Qualifying Grantee to pay the costs of any such examination.
- (v) Infrastructure Cost Reimbursement Contracts.
 - (a) Cost Reimbursements. Payment to a Qualifying Grantee under cost reimbursable contract provisions shall be made upon the City's receipt from the Qualifying Grantee of certified and documented invoices for actual expenditures allowable under the terms of any agreement between the Qualifying Grantee and City.
 - (b) Cost Reimbursements For Units of Service. Payment under any unit cost contract provisions shall be made upon the City's receipt from the Qualifying Grantee of a

certified and documented invoice showing the number of units of service provided during the billing period.

- (c) Rate at which Costs Incurred. Under unit cost or cost reimbursable contracts, it is anticipated that costs will be incurred by the Qualifying Grantee at an approximate level rate during the term of any agreement between the Qualifying Grantee and City. If the City determines that the Qualifying Grantee is under spending or overspending, then the City may reduce the budget and/or exercise such other budgetary fiscal controls it deems appropriate.
 - (d) Invoices. Qualifying Grantees shall not submit invoices more than once a month, unless written approval is obtained in advance from the City. Failure to submit invoices within twenty (20) days of the close of the month for which payment is sought may result in the non-availability of funds for reimbursement
 - (e) No Dual Application of Costs. The Qualifying Grantee shall certify that any direct or indirect costs claimed by the Qualifying Grantee will not be allocable to or included as a cost of any other program, project, contract, or activity operated by the Qualifying Grantee and which has not been approved by the City in advance, in writing.
 - (f) Prohibition of Substitution of Funds. Any Affordable Housing Funds or other amounts received by Qualifying Grantee may not be used by Qualifying Grantee to replace other amounts made available or designated by the State or local governments through appropriations for use for the purposes of the Act.
 - (g) Cost Allocation. The Qualifying Grantee shall clearly identify and distribute all costs incurred pertaining to the Affordable Housing Project by a methodology and cost allocation plan at times and in a manner prescribed by, or acceptable to City.
 - (vi) Additional information. Qualifying Grantees shall provide the City with any and all information which the City reasonably may require in order for it to confirm that the Qualifying Grantees continue to satisfy the requirements of the Act, the Rules and this Ordinance throughout the term of any contract and/or any Affordability Period or otherwise as maybe required by the City or MFA in its discretion. At a minimum, on an annual basis, the City shall certify to MFA in writing that to the best of its knowledge the Qualifying Grantee is in compliance with applicable provisions of the Act, the Rules and this Ordinance.
 - (vii) Compliance. All projects qualified to receive assistance pursuant to the Act, the Rules and this Ordinance shall also comply with all requirements, as amended from time to time.
- F. Affordable Housing Requirements. All Affordable Housing Funds or Housing Assistance Grants awarded under the Act are to be used by Qualifying Grantees for the benefit of Persons of Low or Moderate Income subject to the provisions off the Act and with particular regard to their housing related needs.
- (i) Single Family Property. Qualifying Grantees shall agree that they shall maintain any single-family property which has been acquired, rehabilitated, converted, leased, repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as Affordable Housing for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.
 - (ii) Multi-Family Property.

- (a) Single Apartment within a Multi-Family Property. Qualifying Grantees shall agree that, if any single apartments are to be rehabilitated, converted, leased, repaired, constructed, or otherwise are to benefit from Affordable Housing Funds; those apartments shall be leased to Persons of Low or Moderate Income at the time of any such award. Qualifying Grantees, who are the landlords and/or owners of such properties, shall further agree to contribute at least sixty percent (60%) of the cost of the rehabilitation, conversion, lease, repair, and/or construction. Qualifying Grantees also shall agree that the Persons of Low or Moderate Income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases and provided that there is no just cause for the landlord to terminate any Lease agreement with those tenants.
- (b) Multiple Apartments Qualifying Grantees shall agree that, if multiple apartments or an entire multi-family property are to be acquired, rehabilitated, converted, leased, repaired, constructed, or otherwise are to benefit from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, they shall maintain not less than sixty percent (60%) of the housing units as Affordable Housing for so long as any or all of the Affordable Housing funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.
- (iii) Nonresidential Property. Qualifying Grantees shall agree that they shall maintain any non-residential property which has been acquired, rehabilitated, converted, leased, repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as a facility which provides housing related-services to Persons of Low or Moderate Income for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.
- (iv) Housing Assistance Grant Affordability Requirements. Qualifying Grantees shall agree that they shall maintain any land or buildings received as a Housing Assistance Grant either as single-family or multi-family Affordable Housing in accordance with Sections 5.F.(i) and (ii) or as a facility which provides housing related-services to Persons of Low or Moderate Income in accordance with Section 5.F.(iii) (as applicable) for the duration of the Affordability Period. Qualifying Grantees shall agree that they shall maintain any land or buildings for which they have received the costs of infrastructure as a Housing Assistance Grant either as single-family or multi-family Affordable Housing or as a facility which provides housing related-services to Persons of Low or Moderate Income (as applicable) for the duration of the Affordability Period. In calculating the Affordability Period for Housing & Assistance Grants of either land or buildings, the fair market value of the land or buildings or the costs of infrastructure at the time of the donation by the State or County shall apply.
- (v) Affordability Period. The City, in its discretion, may increase the Affordability Period in any contract, note, Mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the City may enter into with any

- Qualifying Grantee or beneficiary of the Affordable Housing Funds or of the Housing Assistance Grant. See definition of Affordability Period in Section 3.H. of this Ordinance.
- G. Consent to Jurisdiction. Each Qualifying Grantee shall consent to the jurisdiction of the courts of the State of New Mexico over any proceeding to enforce compliance with the terms of the Act, the Rules and this ordinance and any agreement between the Qualifying Grantee and the City and/or MFA.
- H. Recertification Procedures.
- (i) The Qualifying Grantee must meet the requirements of the Act, the Rules and this Ordinance both at the time of any award and throughout the term of any grant and contract related thereto.
 - (ii) The City may establish procedures for recertifying Qualifying Grantees from time to time.
 - (iii) Qualifying Grantees that fail to satisfy the requirements for Recertification shall cease to be eligible and shall be denied further participation in Affordable Housing programs until the requirements of the City and MFA are satisfied.
- F. Compliance with the Law. Qualifying Grantee shall provide the City with any certifications or other proof that it may require in order for the City and MFA to confirm that the Qualifying Grantee and the Qualifying Grantee's proposed Project are in compliance with all applicable federal, State and local laws, rules and ordinances.
- I. Extension of Affordable Housing Programs. MFA shall have the power to create variations or extensions of Affordable Housing Programs, or additional Programs that comply with the Act and the Rules.
- J. City Grant Requirements.
- (i) The City is authorized to make Housing Assistance Grants under the Act. Upon determination that the City will make a Housing Assistance Grant, including the use of any Affordable Housing Funds, the City shall provide MFA with the following:
 - (a) Documentation that confirms that the City has an existing valid Affordable Housing Plan;
 - (b) A copy of the proposed ordinance which provides for the authorization of the Housing Assistance Grant, including the use of any Affordable Housing Funds, together with a "Written certification that the proposed grantee is in compliance with Act and the Rules so that MFA may confirm both that the ordinance is in compliance with the Act, that the Application is complete, and that the proposed grantee is a Qualifying Grantee under the Act and the Rules.
 - (ii) Prior to the submission of the ordinance to the Commission, the Commission must approve the budget submitted by the Applicant.
 - (iii) An ordinance authorizing the City to make a Housing Assistance Grant and/or distribute Affordable Housing Funds:
 - (a) Must authorize the grant, including use of Affordable Housing Funds if any;
 - (b) Must state the requirements and purpose of the grant; and
 - (c) Must authorize the transferor disbursement to the Qualifying Grantee only after a budget is submitted to and approved by the Commission;
 - (d) Must comply with the Rules, as amended;
 - (e) May provide for matching or using local, private or federal funds either through direct participation with a federal agency pursuant to federal law or through indirect participation through MFA.

- (iv) MFA shall act to approve the proposed Housing Assistance Grant authorized by the City within forty-five (45) days of its receipt of the documentation required above in this Section 5.K.(i), (ii) and (iii).
 - (v) The City, in its discretion, may also hold any award of Affordable Housing Funds or any Housing Assistance Grant made by the City in suspense pending the issuance by the City of any RFP or pending the award of the Affordable Housing Funds or of the Housing Assistance Grant by the City to the Qualifying Grantee without the issuance of an RFP by the City. Any award of Affordable Housing Funds or a Housing Assistance Grant by the City shall subject the Qualifying Grantee of the award or grant to the oversight of the City and MFA under this Ordinance and the Rules.
- L. Upon amendment of this ordinance, it must be submitted to MFA for review of any and all changes for determination that the amended ordinance remains in compliance with the Act, these Rules, and other applicable law.

Section 06. DISCRIMINATION PROHIBITED.

The development, construction, occupancy and operation of an Affordable Housing Program or an Affordable Housing Project financed or assisted under the Act shall be undertaken in a manner consistent with principles of non-discrimination and equal opportunity, and the City shall require compliance by all Qualifying Grantees with all applicable federal and State laws and regulations relating to affirmative action, non-discrimination and equal opportunity.

Section 07. ADMINISTRATION.

The City and MFA shall administer any Affordable Housing programs in accordance with provisions of the Act, the Rules, Lovington Affordable Housing Plan, this Ordinance, any applicable state and federal laws and regulations as each of which may be amended or supplemented from time to time. The City and MFA, in establishing, funding and administering the Affordable Housing Programs and by making, executing, delivering and performing any award, contract, grant or any other activity or transaction contemplated by the Act, shall not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment, determination or award and will not contravene the provisions of or otherwise cause a default under any of its agreements, indentures, or other instruments to which it may be bound.

Section 08. TERMINATION.

The Commission may repeal this Ordinance and terminate the City's Affordable Housing Program and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing or in accordance with the terms of the contract. If an ordinance or a contract is repealed or terminated, all contract provisions of the contract regarding termination shall be satisfied.

Section 09. REPEALER.

All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance are repealed by this Ordinance but only to the extent of that inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.

Section 10. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 11. EFFECTIVE DATE.

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the county clerk and it shall be in full force and effect 30 days after it has been so recorded in accordance with NMSA 1978, Section 4-37-9 (1997).

PASSED, APPROVED, SIGNED AND ADOPTED this ____ day of _____, 2012.



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

Date Requested/Reported:
November 6, 2012

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input checked="" type="checkbox"/>	Info Only
<input type="checkbox"/>	Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: **James R. Williams**

STAFF DISCUSSION TO COMMISSION:

The City has been approached by David Hicks in regards to a temporary housing development. Mr. Hicks has expressed interest in 10 acres of land, located in the area of 3rd Street and Gum. The site in question is owned by the City, and is approximately 30 acres. Mr. Hicks has advised they would be interested in either purchasing or leasing 10 acres of this land, and has requested hook-up to city utilities. They intend on placing 80 to 100 temporary housing units on the site, and the company Mr. Hicks is working with intends to have a two year contract. Staff are requesting direction for the following issues:

- Is the City interested in leasing or selling the 10 acres in this area?
- This area is not annexed into the City. It is in the ETZ, and is zoned R-1. This type of development does not meet the zoning criteria. The City has an option to annex the area and classify the zone to meet the needs of this type of housing development or, as part of a potential lease agreement require the tenant to obtain a variance.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Information and request direction.

FISCAL IMPACT:

Department Head



James R. Williams
Interim City Manager



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

**Date Requested/Reported:
November 6, 2012**

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input checked="" type="checkbox"/>	Info Only
<input type="checkbox"/>	Other Action

**Agenda Date:
November 12, 2012**

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: James R. Williams

STAFF DISCUSSION TO COMMISSION:

The Lovington EDC has prepared an RFP in order to provide for incentives to housing developers. Program highlights are as follows:

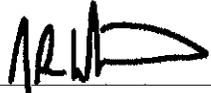
- A maximum of \$300,000 will be allotted from the LEDA to fund this program.
- This project will provide up front funding to developers for the installation of infrastructure (streets, sidewalks, water lines, sewer lines, etc.)
- All projects must have 100% financing in place.
- Project design must be complete within 90 days of award.
- Construction/installation of infrastructure for the project must be 50% complete within 6 months of award, with total completion accomplished within 1 year of award. Completion date may be extended for projects exceeding 20 units.
- The incentive consists of a maximum \$500 grant for each unit.
- There is an optional incentive of a no interest loan up to \$2,000 for single family housing or \$1000 for multi family housing.
- Loan is due upon sale of the unit. In the event the property is not sold, the loan must be paid at the end of two years.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Information only. Will require action at next regular Commission Meeting.

FISCAL IMPACT:

Department Head



**James R. Williams
Interim City Manager**



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

Date Requested/Reported:
November 6, 2012

Resolution
 Ordinance
 Info Only
 Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: MAYOR AND COMMISSIONERS

FROM: Patrick McMahon

STAFF DISCUSSION TO COMMISSION: City Attorney McMahon has requested a closed session during this meeting regarding a Pending Litigation

RECOMMENDATION (ACTION MOTION): Motion to go into closed session pursuant to Section 10-15-1 NMSA 1978, Subsection H-7, Pending Litigation Doporto vs. City of Lovington

FISCAL IMPACT: Unknown

DEPARTMENT HEAD

**James Williams,
Interim City Manager**



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

Date Requested/Reported: { } Resolution
November 6, 2012 { } Ordinance
 { } Info Only
 {x} Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: MAYOR AND COMMISSIONERS

FROM: Patrick McMahon

STAFF DISCUSSION TO COMMISSION: Consideration of Approval for City of Lovington vs. Doporto Settlement Agreement

RECOMMENDATION (ACTION MOTION): Motion to Approve Settlement Agreement

FISCAL IMPACT: Unknown

DEPARTMENT HEAD

**James Williams,
Interim City Manager**



**REQUEST FOR COMMISSION
ACTION OR INFORMATION**

Date Requested/Reported:
November 1, 2012

- | | |
|-------------------------------------|--------------|
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Proclamation |
| <input type="checkbox"/> | Info Only |
| <input checked="" type="checkbox"/> | Other Action |

Agenda Date:
November 12, 2012

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: James R. Williams

STAFF DISCUSSION TO COMMISSION:

Mayor Drummond has requested a closed session during this meeting regarding limited personnel matters.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Motion to go into closed session pursuant to Section 10-15-1 NMSA 1978, Subsection H-2, regarding limited personnel matters.

FISCAL IMPACT:

Department Head



**James R. Williams
Interim City Manager**



Date Requested/Reported:
November 1, 2012

<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Proclamation
<input type="checkbox"/>	Info Only
<input checked="" type="checkbox"/>	Other Action

Agenda Date:
November 12, 2012

Tab No.

TO: *MAYOR AND COMMISSIONERS*

FROM: James R. Williams

STAFF DISCUSSION TO COMMISSION:

Mayor Drummond has requested an action item placed on the agenda to consider approval of hiring the new City Manager.

RECOMMENDATION (ACTION MOTION OR INFO ONLY):

Act in the best interests of the City of Lovington.

FISCAL IMPACT:

Department Head



James R. Williams
Interim City Manager