



CITY OF LAS VEGAS
1700 N. GRAND AVE. LAS VEGAS, NEW MEXICO 87701
505-454-1401 FAX: 505-425-7335

Mayor Tonita Gurule-Giron

**CITY OF LAS VEGAS
REGULAR CITY COUNCIL AGENDA
March 21, 2018–Wednesday– 6:00 p.m.
City Council Chambers
1700 N. Grand Avenue**

(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MOMENT OF SILENCE**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES (February 14th and February 21st, 2018)**
- VII. **MAYOR'S APPOINTMENTS/REPORTS**
- VIII. **MAYOR'S RECOGNITIONS/PROCLAMATIONS**
- IX. **PUBLIC INPUT**
(not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting)
- X. **CITY MANAGER'S REPORT**
- XI. **FINANCE REPORT**
- XII. **CONSENT AGENDA**

(Items may be moved to New Business at the request of any Councilor with approval of the Governing Body)

1. Approval of Resolution #18-16 Budget Adjustment Resolution.

Tana Vega, Interim Finance Director The City of Las Vegas is requesting increases to the FY 2018 budgeted revenues and expenditures, transfers to and from within various funds of the FY 2018 budget.

2. Approval to award request for proposals #2018-17 for printing and mailing services to The Masters Touch for the Utilities Department.

Maria Gilvarry, Utilities Director Printing and mailing services are necessary to ensure efficient and prompt delivery of utility bills to the City of Las Vegas customers each month.

3. Approval to publish Ordinance #18-02 amending Chapter 389-4 and 389-15A2 Imposition of tax and use of monies.

Virginia Marrujo, Media Coordinator The City of Las Vegas Lodgers Tax Advisory Board is regulated by NMSA Lodgers Tax Act 3038-13 – 3-38-24, NMSA 6-6-4.1, and by City of Las Vegas Ordinance Chapter 389 – 1 to 389 – 18. City council is charged with administering the funds and the board is to make recommendations for the expenditure of funds authorized pursuant to this article for advertising, publicizing and promoting tourist related attractions, facilities and events in the City.

XIII. BUSINESS ITEMS

1. Conduct a public hearing and Approval/Disapproval to adopt Ordinance No. 18-01.

Maria Gilvarry, Utilities Director This loan is for the purposes of obtaining funding in the amount of \$4,570,000.00 with interest for financing the acquisition of water storage rights. The loan will be repaid from the distributions of the revenues from GRT. The funding agency requires that the loan be approved through ordinance.

XIV. COUNCILORS' REPORTS

XV. EXECUTIVE SESSION

THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.

- A. Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

XVI. ADJOURN

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

NOTE: A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, NM 87701

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORK
SESSION HELD ON WEDNESDAY, FEBRUARY 14, 2018 AT 5:30 IN THE
CITY COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: Barbara A. Casey
Vincent Howell
David L. Romero
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Chris Lopez, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Romero thanked God for healing touches to City Councilors, constituents and all others.

APPROVAL OF AGENDA

Councilor Ulibarri made a motion to approve the agenda as is. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	David A. Ulibarri, Jr.	Yes
Vincent Howell	Yes	Barbara A. Casey	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

PUBLIC INPUT

Acting City Manager Ann Marie Gallegos advised that there was no one signed up for public input.

DISCUSSION ITEMS

1. Award request for bid #2018-16 for the Bradner fill line project Hays Plumbing and Heating, Inc.

Utilities Director Maria Gilvarry advised that this project included construction of the Bradner reservoir fill pipeline section of Phase I of the Raw Water Conveyance pipeline and added that it was a waterline that would be installed that would take water from either the river, Peterson Dam or from Storrie Lake and put into Bradner Dam. She advised that the installation of this line would improve water quality and that it was funded by Water Trust Board Grant Loan (75/25) of 1.3 million dollars. Utilities Director Gilvarry stated that AUI and Hays Plumbing submitted bids, both being good companies although Hays Plumbing came in with the lower bid and met the qualifications, the bid was reviewed by engineers and found no issues.

Councilor Casey asked how many projects Hays Plumbing was currently working on.

Utilities Director Gilvarry advised that they were currently finishing up the Cinder Road project although were on hold with the Storrie project due to the weather and probably would not be able to continue until late this year.

Councilor Howell asked what the projected start date of the project was after it would be approved.

Utilities Director Gilvarry advised that they would begin mid to late March 2018 and added that this project would be much shorter than the Bradner rehabilitation project.

Councilor Howell asked Ms. Gilvarry if she could give an understanding of what New Mexico Representative Salazar spoke about at the Legislative Session regarding the reauthorization funding for the Bradner Rehabilitation project.

Utilities Director Gilvarry stated that Representative Salazar advised that he had submitted a request for the reauthorization which was the City's and the engineers' request to extend the Bradner funding until the end of the year due to the fact that it would be expiring June 30th. She explained that the extension would allow enough time to meet the completion of the project under the funding time frame.

Mayor Gurulé-Girón asked a question regarding the ground breaking ceremony publicity.

Public Information Officer Lee Einer advised that he would look into that matter.

Councilor Casey asked how much the City paid on the contract with C.E.S every year.

Acting City Manager Gallegos and Utilities Director advised that the City pays 1% of the contract to the C.E.S contract and informed that the amount was \$161,000.00.

The Governing Body agreed to place the item as a consent agenda item.

2. Resolution No. 18-16 for submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Utilities Director Gilvarry advised that the resolution would allow the City to submit an application to NMFA for new money financing to purchase perpetual water storage rights at Storrie Lake. Funding amount requested is \$4,570,000.00. The Funding agency requires that the application be submitted through an approved resolution. Utilities Director Gilvarry added that it could be reduced due to a portion of \$410,000.00 set up to pay for the debt reserve for the last year.

Councilor Casey was concerned regarding the application of the loan dated: February 8, 2018, having Mrs. Gallegos as the contact person and explained that she was hoping it would read "Ann Marie Gallegos, Interim City Manager" in order to clarify that Mrs. Gallegos was not the Acting Finance Director at this point

and time. She added that she did not want to have any legal problems being that there was a strict prohibition of her doing two jobs at the same time.

Acting City Manager Gallegos advised Councilor Casey that the language requested would be added to the application.

Councilor Casey asked a question regarding some of the questions of the application referring to owning the land and asked if the City owned the land at Storrie Lake.

Utilities Director Gilvarry clarified that the City would own the easement and referred to what the City would be acquiring.

Councilor Casey asked how much we would be paying yearly on the loan until the year 2020.

Acting City Manager Gallegos advised that the first payment would be \$390,000.00 and would be between that and \$425,000.00 per year for 11 years.

Brief discussion took place regarding GRT collections.

The Governing Body agreed to place the item as a consent agenda item.

3. Publication of Ordinance No. 18-01 to enter into a loan agreement with the New Mexico Finance Authority.

Utilities Director Gilvarry advised that this loan was for the purpose of obtaining funding in the amount of \$4,570,000.00 with interest for financing the acquisition of water storage rights. The loan will be repaid from the distributions of the revenues from GRT. The funding agency requires that the loan be approved through ordinance.

The Governing Body agreed to place the item as a consent agenda item.

4. Review and approval of contract between the City of Las Vegas and Superior Ambulance.

Fire Chief Billy Montoya advised that the City of Las Vegas Fire Department went out for request for proposals and Superior Ambulance was the sole bidder for the proposal.

Fire Chief Montoya introduced Superior Ambulance CEO Chris Archuleta and advised they had presented in December for approval to enter into negotiations with Superior Ambulance and advised that all Attorneys had come to an agreement, the price remained at \$175,000.00 and stated that there would be three dedicated ambulances strictly for the City of Las Vegas.

Councilor Casey asked a question regarding the contract stating if there is something that is creating a problem for the ambulance to get where it needed to go, using the example of no lights or no street signs, which the City is responsible for. Councilor Casey asked how this problem would be handled by the City so that the ambulance service could perform their duties as specified in the contract.

Acting Public Works Danny Gurulé advised that the signage was being ordered and that those matters were being addressed.

Acting City Manager Gallegos advised that Councilor Howell had recently requested signage and that they were working with Public Facilities on those issues. She asked Fire Chief Montoya if they have had any issues regarding not identifying locations.

Fire Chief Montoya advised that he had not received word of any issues and added that the agreement with Superior Ambulance did include that they use GPS in their units.

Councilor Casey asked Mr. Archuleta if they usually collected the demographic data that is required in the contract normally and if he had read and agreed with the terms of the contract.

Mr. Archuleta informed that they do collect the data, put it on record and added that they would formulate a process that Fire Chief Montoya would need to present to Council. He advised Councilor Casey he reviewed and agreed to the terms of the contract.

Councilor Casey requested an amendment on the language regarding the agreement, page 8, Article 16. Amendments to specify "both parties" for more

clarification. She thanked and commended Mr. Archuleta for suggesting that his ambulance personnel take classes in Spanish, as there was a need for that in this community.

Councilor Howell thanked Chief Montoya for addressing the issues regarding Dalbey Street and added that he heard of a recent incident at the New Mexico Behavioral Health involving an ambulance called that was not able to locate the building there, causing someone to pass away due to the ambulance not arriving at the building. He felt that the issue should be addressed.

Mr. Archuleta advised that he was not aware of that information but would look into it.

Fire Chief Montoya advised that usually when a call would come in from New Mexico Behavioral Health, they had security stand by and meet first responders at Gallegos Road so that they may direct them straight to the building to avoid confusion. He added that quarterly meetings would take place to discuss issues at hand.

The Governing Body agreed to place the item as a consent agenda item.

5. Change out the existing hangar door at the Las Vegas Municipal Airport. Replace high voltage switch with a low voltage push button.

Acting Public Works Director Gurule advised that the hangar door did not open and the cable was starting to fray, making it unsafe. A new door will be safer and more efficient. Replacing the high voltage switch with a low voltage switch will be safer for the user.

Interim City Manager Gallegos advised that after an investigative report the door was determined to be a safety hazard and should be replaced as soon as possible.

Acting Public Works Director Gurule informed that the door would be 58 feet long by 16 feet with all hardware included.

Interim City Manager Gallegos informed that the project would take about 3 weeks to complete.

Councilor Casey stated that bid documents were not included in the packet and asked if this project was put out for bid.

Acting Public Works Director Gurule advised that Overhead Door was selected for the project and had worked with the City before.

Interim City Manager Gallegos advised that it was an SPD contract.

Mayor Gurulé-Girón asked Interim City Manager Gallegos to explain how the SPD contract worked.

Interim City Manager Gallegos advised that it was a contract through the State Purchasing Division which have gone out with their proposals and identified three to four different vendors they can go through and added that they had utilized Overhead Door on other projects and were happy with their product. She explained that electrical work needed to be updated prior to installation of the door, that the cost of \$77,000.00 would come from the Airport Construction Fund and she would obtain the contract number if needed.

Councilor Casey asked what type of door would be used and what it would be made of.

Acting Public Works Director Gurule informed that they would purchase the motor-driven,bi-fold door.

Mayor Gurulé-Girón asked for explanation of the exclusions and the clarifications of the contract.

Acting Public Works Director Gurule stated that the hardware would be included with the door, that they would exclude the plaster work of the building.

Mayor Gurulé-Girón asked how that would affect the warranty.

Acting Public Works Director Gurule advised that it would remain as a one year warranty.

Brief discussion took place regarding the acquiring of permits if needed.

The Governing Body agreed to place the item as consent agenda item.

EXECUTIVE SESSION

Interim City Manager Gallegos advised there was no need to go into Executive Session.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David L. Romero	Yes
David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Tonita Gurulé-Girón

ATTEST:

Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR
MEETING HELD ON WEDNESDAY, FEBRUARY 21, 2018 AT 6:00 P.M. IN
THE CITY COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David L. Romero
Vincent Howell
David A. Ulibarri, Jr.
Barbara A. Casey

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Chris Lopez, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for a moment of silence to remember the children who lost their lives in Florida and for prayers to keep the children of our community safe.

APPROVAL OF AGENDA

Councilor Casey made a motion to approve the agenda as is. Councilor Romero and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
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Barbara A. Casey	Yes	David L. Romero	Yes
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City Clerk Fresquez re-read the motion and advised that the motion carried.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes for January 10th, January 17th and January 23rd, 2018. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David L. Romero	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

MAYOR'S APPOINTMENTS/REPORTS

Mayor Gurulé-Girón advised that there were no appointments or reports at this time.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

City Clerk Fresquez read a proclamation on behalf of Susana Martinez, Governor of the State of New Mexico, proclaiming the month of February 2018 as "New Mexico Aviation Appreciation Month" throughout the state of New Mexico.

Mayor Gurulé-Girón added that she received certificates at the Route 66 Air Tour that were presented to Santa Rosa Route 66, Grants, Milan, Las Vegas and Winslow Arizona Airports for their importance to general aviation.

City Clerk Fresquez presented Certificates of Recognition to medalists from the Special Olympics Las Vegas Athlete Achievement for 2017.

Mayor Gurulé-Girón congratulated all the members of the Special Olympics for being incredible athletes and for a job well done.

PUBLIC INPUT

Lorenzo Flores spoke of his support for Councilor Ulibarri, Jr. to continue to represent Ward 1 and also stated that they working hard to get Carla Aragon into Ward 4. Mr. Flores spoke briefly about the recall for Councilor Barbara Casey and added that a recall would be submitted to recall Councilor Vincent Howell.

Marshall Poole, AWC board member presented a detailed report regarding the Animal Welfare Coalition.

Lalo Sanchez spoke of concerns pertaining to crosswalks, animal/dog control, Police Officers and refugees.

Mayor Gurulé-Girón responded to Mr. Sanchez regarding sidewalks and advised him that there would be a possibility of no funding (CDBG) although the City was working diligently on those issues.

Interim City Manager Gallegos spoke in regards to animal control and that one position was vacant for an Animal Control Officer.

PRESENTATIONS

Grants Writer Robert Archuleta gave a detailed overview of the Downtown Action Plan. Mr. Archuleta advised that Architectural Research Consultants was selected through an RFP as a consultant for the project and to update the downtown action plan known as the Metropolitan Redevelopment Act. Grants Writer Archuleta gave a detailed overview of the Downtown Action Plan.

Mayor Gurulé-Girón asked if this plan was the plan that the City had previously spent \$100,000.00 on and asked how this plan tied into the “Wayfinding” plan.

Grants Writer Archuleta advised that he believed this was an update of the 2010 Downtown Action Plan and stated that the “Wayfinding” plan was a small portion of the scope of work.

Brief discussion took place regarding the funding for the “Wayfinding” action plan.

Architectural Research Consultants Planner Liza Miller informed Council of the experience of ARC Planning, Inc.

Ben Savoca with ARS presented a detailed report on the Metropolitan Redevelopment Act Plan.

Brief discussion took place regarding projects being part of the ICIP plan.

Mayor Gurulé-Girón stated that if projects were not tied into the ICIP plan it would reduce the priority through the rank and rating process for any future funding and asked Interim City Manager Gallegos to follow-up with the status of the “Wayfinding” plan and how it would be incorporated into the plan.

Interim City Manager Ann Marie Gallegos informed the Governing Body that as of December 31st, Cisneros chose not to renew their contract with the City and some of those responsibilities had been passed down to Media Coordinator Virginia Marrujo and the Community Development Department.

Joaquin Garofalo Lodger’s Tax Board member gave a detailed presentation regarding the Lodger’s Tax Rate Increase. *-A complete copy of the report may be obtained from the City of Las Vegas City Clerk’s Office.*

Mayor Gurulé-Girón commended Mr. Garofalo and the Lodger’s Tax Board for an outstanding job regarding the precise accounting of Lodger’s tax dollars and for their recommendations as an advisory board.

CITY MANAGER’S REPORT

Utilities Director Maria Gilvarry reported that the second Notice of Obligation had been received from New Mexico State Engineer regarding the Bradner Rehabilitation Project which would obligate the remainder of the funds that the City had from the 10 million dollars of Legislative appropriation for Bradner. She stated that it was now encumbered and were ready to move forward and reminded Council of the extension requested through the end of the year from the Legislature and were waiting for approval.

Utilities Director Gilvarry reported that the “Four Ward in Four Weeks Cleanup” program was moving forward, beginning on March 12th, spending six days in every ward walking through and cleaning up the community.

Recycling Coordinator Alvin Jiron informed that the project was important for the community and stated that they were recruiting help from staff in order to beautify

the community in time for the spring events. He advised during the clean up, amnesty days would be available beginning with Ward 1 and encouraged Council to get involved in the program and invited them to speak on the radio on Fridays regarding their specific ward.

Utilities Director Gilvarry reported that they were receiving support from many departments and looking forward to enjoying a beautiful community and advised Councilors to notify City Manager's Office prior to speaking on the radio so that they may have the opportunity to schedule accordingly.

Interim City Manager Gallegos reported that the naming of the Intranet would be taking place soon after the Governing Body would submit their votes and asked to have their recommendations turned into City Manager's Office by Friday.

FINANCE REPORT

Interim Finance Director Tana Vega presented the Finance Report for the month ending January 31, 2018, reporting General Fund Revenue at 63% of budgeted revenues and expenditures at 51%.

Interim Finance Director Vega informed that the Recreation Department revenues came in at 50% and expenditures were at 51%.

Interim Finance Director Vega reported 53% revenue for the Enterprise Funds and 48% for expenditures.

CONSENT AGENDA

City Clerk Casandra Fresquez read the consent agenda as follows:

1. Approval to award request for bid #2018-16 for the Bradner fill line project to Hays Plumbing and Heating, Inc.
2. Approval of Resolution No. 18-06 for submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Resolution 18-06 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 18-06**

**AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION
FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE
NEW MEXICO FINANCE AUTHORITY.**

WHEREAS, City of Las Vegas, New Mexico (the "Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the City of Las Vegas City Council ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to purchase water storage rights the benefit of the Governmental unit and its citizens ("Project"); and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS:

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this _____ day of _____ 2018.

Tonita Gurulé-Girón, Mayor

ATTEST:

Casandra Fresquez, City Clerk

3. Approval to publish Ordinance No. 18-01 to enter into a loan agreement with the New Mexico Finance Authority.

4. Approval of contract for emergency medical services between the City of Las Vegas and Superior Ambulance.

5. Approval to replace the existing hangar door at the Las Vegas Municipal Airport and replace high voltage switch with a low voltage push button.

Councilor Casey made a motion to approve the consent agenda as read into the record. Councilor Howell and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Conduct a public hearing and Approval/Disapproval of transfer of ownership and change of location of dispenser liquor license No. 0054 with package sales submitted by Love's Travel Stops and Country Stores, Inc. DBA Love's Travel Stop No. 733, proposed location at 2401 North Grand Avenue, Las Vegas, NM 87701, Application No. 1074243.

Councilor Casey made a motion to go into Public Hearing. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
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Vincent Howell

Yes

David L. Romero

Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Clerk Fresquez asked anyone who wished to speak on the issue, to stand and be sworn in. Edwin B. Tatum was sworn in.

Mr. Tatum advised he was speaking on behalf of Love's Travel Stop Country Stores and advised that they would be a good corporate citizen and informed they were located in 48 states. Mr. Tatum requested the approval of transfer of ownership and change of location of dispenser liquor license No. 0054 with package sales, moving from Highway General Market-Tequilas to Love's Travel Stop No. 733.

City Clerk Casandra Fresquez advised that the Director of Alcohol and Gaming had reviewed the referenced application and granted preliminary approval. The liquor license application had been forwarded to our Governing Body for consideration of the liquor license application and all zoning and publications requirements had been met.

Councilor Casey made a motion to close Public Hearing. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell

Yes

Barbara A. Casey

Yes

David L. Romero

Yes

David A. Ulibarri, Jr.

Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Casey made a motion to reconvene into regular session, accept the record proper and approve of transfer of ownership and change of location of dispenser liquor license No. 0054 with package sales submitted by Love's Travel Stops and Country Stores, Inc. DBA Love's Travel Stop No. 733, proposed location at 2401 North Grand Avenue, Las Vegas, NM 87701, Application No. 1074243. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.

Yes

Vincent Howell

Yes

David L. Romero

Yes

Barbara A. Casey

Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

2. Conduct a public hearing and Approval/Disapproval of transfer of ownership and change of location of inter-local dispenser liquor license No. 2667 with on premise consumption with patio service submitted by Highway General Market, LLC DBA Tequila's Bar & Grill, located at 227 S. Pacific Street, Las Vegas, NM 87701, Application No. 1077902.

Councilor Casey made a motion to go into Public Hearing. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes
Vincent Howell	Yes	David L. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Clerk Fresquez asked anyone who wished to speak on the issue, to stand and be sworn in. Wanda Martinez was sworn in.

City Clerk Fresquez advised that the Director of Alcohol and Gaming had reviewed the referenced application and granted preliminary approval. The liquor license application had been forwarded to our Governing Body for consideration of the liquor license application. All zoning and publications requirements had been met and stated that publications were posted in the Las Vegas Optic on January 24th and February 7th, 2018.

Councilor Casey asked if this would allow Tequila's to continue business as usual.

City Clerk Fresquez informed that it was on premise only with patio service and no package sales.

Councilor Howell a question regarding if drinks would be served at Tequila's.

Wanda Martinez advised that there would be no sale of packaged liquor and that the license was for bar sales. Councilor Howell made a motion to close Public Hearing and accept the record proper. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David L. Romero	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Casey made a motion to reconvene into regular session. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David L. Romero	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Casey made a motion to approve of transfer of ownership and change of location of inter-local dispenser liquor license No. 2667 with on premise consumption with patio service submitted by Highway General Market, LLC DBA Tequila's Bar & Grill, located at 227 S. Pacific Street, Las Vegas, NM 8770, Application No. 1077902. Councilor Ulibarri, Jr. and Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David L. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

3. Approval of 2017 Audit.

Interim Finance Director Tana Vega advised that the Office of the State Auditor had released the 2017 audit for review and final approval by Mayor and Council. She advised that Ray Roberts from RPC Auditing Firm was present and available to answer questions.

Councilor Casey stated she wanted to clarify, for the record “ This is the regular audit and is not the Special Audit”.

Mayor Gurulé-Girón also stated for the record “ This company is ranked 9th in the nation”.

Councilor Howell welcomed Mr. Roberts and clarified that the opinion of the audit, was a non modified audit and asked for clarification regarding “None noted” under Section I-Summary of Auditor's' Results, a. Material weaknesses identified?

Mr. Roberts explained that “material weakness” which was, something has gone wrong or could go wrong that would cause the financial statements to be materially misdated. He advised that they did not see anything that would cause the financial statements to materially misdated.

Councilor Howell asked if they had done a Federal Audit at the Housing Authority Department and questioned if it was a modified audit.

Mr. Roberts advised that they had completed the Audit for Housing Authority although they still had an unmodified opinion and had a significant efficiency in that case with one finding regarding Capital Assets.

Councilor Casey made a motion to approve the 2017 Audit. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara A. Casey	Yes
David L. Romero	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Gurulé-Girón thanked the Finance Department and everyone involved in the 2017 Audit and advised a corrective action plan for Housing was being worked on.

Mr. Roberts, a parent of a Special Olympics athlete stated that he was thankful for the presentation given to recognize the Special Olympics athletes.

4. Approval/Disapproval of Resolution 18-13, authorizing the sale of City Owned Property as per attached legal description and plat, and know as City Right-of-Way on the east side of Railroad Avenue, between Lincoln Avenue and douglas Avenue.

Planning & Zoning Coordinator Maria Perea advised that Allan Affeldt, owner of the Castaneda Hotel, had expressed an interest in purchasing a .020± acre parcel on City Right-of-Way on the east side of Railroad Avenue, between Lincoln Avenue

and Douglas Avenue, to utilize the area as angle parking for the Castaneda Hotel when renovations are complete.

Carlos Lopez, Project Manager for Castaneda Hotel advised that their request from the City, was to purchase 15 feet on the east side of Railroad Avenue for angle parking and to lease City property located at the Transportation Department parking lot for additional parking for both properties.

Councilor Howell stated that he agreed with that idea and added it would help the Railroad district with renovation projects.

Councilor Casey made a motion to approve of Resolution 18-13, authorizing the sale of City Owned Property as per attached legal description and plat, and known as City Right-of-Way on the east side of Railroad Avenue, between Lincoln Avenue and Douglas Avenue. Councilor Romero seconded the motion.

Resolution 18-13 was presented as follows:

CITY OF LAS VEGAS

CITY COUNCIL

RESOLUTION NO. 18-13

A RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY DESCRIBED AS PER ATTACHED LEGAL DESCRIPTION AND PLAT, AND KNOWN AS CITY RIGHT-OF-WAY ON THE EAST SIDE OF RAILROAD AVENUE, BETWEEN LINCOLN AVENUE AND DOUGLAS AVENUE, LAS VEGAS, NEW MEXICO TO MR. ALLAN AFFELDT, OWNER OF THE CASTANEDA HOTEL.

WHEREAS, the City of Las Vegas, New Mexico is the record owner of certain Right-of-Way property on Railroad Avenue; and

WHEREAS, Mr. Allan Affeldt, owner of the Castaneda Hotel desires to purchase a portion of Right-of-Way along the east side of Railroad Avenue to serve as angle parking for the Castaneda Hotel.

WHEREAS, pursuant to Section 3-54-1A, NMSA 1978; and to Resolution No. 06-08 approved on February 15, 2006, the City Council of the City of Las Vegas desires to sell this parcel of land as is; and

NOW THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico hereby resolves that:

1. Subject to the provisions of Section 3-54-1A, NMSA 1978 and Resolution No. 06-08, the Mayor of the City of Las Vegas is authorized to sign the Purchase Agreement with Mr. Allan Affeldt, owner of the Castaneda Hotel, for the following described parcel of land:

A parcel of land being a portion of the R/W of Railroad Avenue adjacent to that property shown on Winston & Assoc., LLC. Plat # 017-192, recorded in Plat Book 74, Page 87 in the Office of the San Miguel County Clerk. Said parcel being located within the City of Las Vegas, San Miguel County, New Mexico, and lying within the Las Vegas Land Grant, projected Section 23, Township 16 North, Range 16 East, N.M.P.M. Said parcel being more particularly described as follows:

Beginning at the New Mexico State "RADIO" Triangulation Station, thence S 62°51'26" E a distance of 1747.72 feet to the NE'ly most corner of said property shown on plat # 017-192. Thence N 77°10'26" W a distance of 183.50 feet to the NE'ly most corner and **TRUE POINT OF BEGINNING** of this parcel. Said NE'ly most corner being located along the E'ly R/W line of Railroad Avenue. Thence along said E'ly R/W line S 12°50'09" W a distance of 421.97 feet to the SE'ly most corner of this parcel. Thence leaving said E'ly R/W line N 77°09'55" W a distance of 20.67 feet to the SW'ly most corner of this parcel. Thence N 12°50'09" E a distance of 421.97 feet to the NW'ly most corner of this parcel. Thence S 77°09'55" E a distance of 20.67 feet to the **True Point of Beginning** of this parcel.

Said parcel contains 0.200 acres more or less.

A copy of Preliminary Plat # 018-017 is attached.

2. Mr. Allan Affeldt, owner of the Castaneda Hotel, has already taken care of obtaining a survey of the property.
3. The City of Las Vegas will be responsible for obtaining an appraisal for above property prior to actual sale of property.
4. After the appraisal, should the Property which is the subject of this Resolution be valued in excess of Twenty-Five Thousand Dollars (\$25,000), then this sale shall be approved by Ordinance which shall be subject to the negative referendum provisions of Section 3-54-1A, NMSA 1978 and Resolution No. 06-08.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2018.

Tonita Gurulé-Girón, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Danelle Smith, City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David L. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

5. Approval/Disapproval of Resolution 18-14, authorizing the lease of City Owned Property as per attached legal description, and known as the Transportation Department Parking Lot located at 500 Railroad Avenue, Las Vegas, New Mexico.

Planning & Zoning Coordinator Maria Perea advised that Allan Affeldt, owner of the Castaneda Hotel, has expressed an interest in leasing the Transportation Department Parking Lot during the evening hours when the Transportation Department is closed so hotel patrons can utilize the lot.

Brief discussion took place regarding the lease of the City Owned property on 500 Railroad Avenue.

Councilor Casey made a motion to approve of Resolution 18-14, authorizing the lease of City Owned Property as per attached legal description, and known as the Transportation Department Parking Lot located at 500 Railroad Avenue, Las Vegas, New Mexico. Councilor Ulibarri, Jr. seconded the motion.

Resolution 18-14 was presented as follows:

CITY OF LAS VEGAS

CITY COUNCIL

RESOLUTION NO. 18-14

A RESOLUTION AUTHORIZING THE LEASE OF TRANSPORTATION DEPARTMENT PARKING LOT FOR USE BY CASTANEDA HOTEL PATRONS WHEN NOT UTILIZED BY CITY STAFF, WHICH WILL BE POSTED ON SITE TO MR. ALLAN AFFELDT, OWNER OF THE CASTANEDA HOTEL.

WHEREAS, the City of Las Vegas, New Mexico is the record owner of certain property located at 500 Railroad Avenue; and

WHEREAS, Mr. Allan Affeldt, owner of the Castaneda Hotel desires to lease the parking lot of the Transportation Department located at 500 Railroad Avenue, for use of Castaneda Hotel patron when not utilized by City Staff.

WHEREAS, pursuant to Section 3-54-1A, NMSA 1978; and to Resolution No. 06-08 approved on February 15, 2006, the City Council of the City of Las Vegas desires to lease said parking lot; and

NOW THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico hereby resolves that:

1. Subject to the provisions of Section 3-54-1A, NMSA 1978 and Resolution No. 06-08, the Mayor of the City of Las Vegas is authorized to sign the Lease Agreement with Mr. Allan Affeldt, owner of the Castaneda Hotel, for the following described parcel of land:

See Exhibit "A" attached for legal description

2. The City of Las Vegas will be responsible for obtaining an appraisal for above property prior to lease agreement being signed.
3. Should the Property which is the subject of this Resolution be valued in excess of twenty-five Thousand Dollars (\$25,000) then this Lease shall be approved by Ordinance which shall be subject to the negative referendum provisions of Section 3-54-1A, NMSA 1978 and Resolution No. 06-08.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2018.

Tonita Gurulé-Girón, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Danelle Smith, City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David L. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Carlos Lopez clarified that with the finance structure Allan Affed was previously the owner although with the new market tax credit structure the ownership is under Winslow Arts Trust that goes into a non-profit structure intended to perpetuate future projects in the community.

Interim City Manager Gallegos advised that the next step, was to seek appraisal, bring back to Council in order to move forward.

COUNCILORS' REPORTS

Councilor Casey commended the Community Development Department for the set-up for Las Vegas Night although had questions regarding the amount of \$24,831.87 budget and asked if this was a preliminary amount given to Council in January, or would the cost increase now.

Interim City Manager Gallegos advised that they had stayed within the budget, were able to raise 100% of the monies and were finalizing the report that would be brought back to Council in March.

Media Coordinator Virginia Marrujo advised that money was saved by utilizing the creativity of the individuals within the Community Development Department with supplies given by sponsors.

Brief discussion took place regarding the \$20,000.00 coming from revenues placed into the contributions/donations that were expended for Las Vegas Night.

Councilor Casey stated that Council members were asked if they wanted to spend the night at La Fonda during Las Vegas Night at the Legislature and asked if that was covered by the City as well.

Interim City Manager Gallegos informed that mileage and per diem was submitted by Mayor and Council for reimbursements and was paid out of the Executive Office.

Councilor Casey stated for the record that personally she did not agree with paying for hotels with taxpayers monies for Councilors or others.

Councilor Casey stated that the City had lost their Events Planner/Film Liaison Tiara Shorty recently and spoke of a recent successful premiere for the movie made in Las Vegas and considered that the City needed to fill the position as soon as possible in order to promote the film industry in Las Vegas, also to have someone to work with directors and individuals interested in film. Councilor Casey advised that she was concerned about the Community Development staff being overworked.

Interim City Manager Gallegos informed that she would be meeting with the Community Development director in filling the position and commended the Community Development employees for their teamwork in the department.

Councilor Casey stated that she was impressed with the shadow boxes that Virginia Marrujo created. She advised that she was concerned about the 4th of July Fiestas and the department being short staffed, overtime worked by the Police Department and some issues from vendors and merchants brought up in the instance of the fiestas taking place for 6 days.

Interim City Manager Gallegos advised that Virginia Marrujo had taken on the responsibilities of organizing the fiestas and had already scheduled a Fiesta Committee meeting for February 23, 2018.

Media Arts Coordinator Marrujo reported that they were moving ahead with vendors, entertainment contracts and advised the fiestas would take place June 29th through July 4th, 2018.

Brief discussion took place regarding planning several events taking place during the 4th of July Fiestas.

Councilor Casey advised that her main concern was that the Fiestas would continue to be the wonderful event that has always been. She spoke briefly regarding Las Vegas Night and asked how many Legislators had attended due to her not seeing any within the hours that she was present and felt the purpose of Las Vegas Night was to have conversation with Legislatures from other parts of the state and promote Las Vegas and ongoing projects.

Media Arts Coordinator Marrujo advised there were two sign-in books, one for visitors and one for Legislators and specified that the sign-in book for Legislators included 5-7 signatures.

Councilor Casey suggested to the Community Development Department to plan Las Vegas Night early during a short session and asked to possibly consider for the 60-day session, to plan around the halfway point before the end of the session so that if there would be any legislation that would need to be introduced, they can talk to Legislators to submit those bills for discussion.

Media Coordinator Marrujo advised they had already begun collaboration with San Miguel County, Highlands University and Luna Community College and stated that they had already contacted Legislators in regards to wanting to participate next year with hopes of having a full day for the event.

Interim City Manager Gallegos stated that Las Vegas Night was a success and that the focus would be to continue to make the event bigger and stronger in the future.

Councilor Casey advised that she had concerns regarding the Town Hall meetings held for Ward 1 and Councilors and for not being informed of the event taking place. She stated that one of the Town Hall meetings for Ward 4 was held at the Senior Center and was evident of it being a campaign event.

Mayor Gurulé-Girón advised Councilor Casey to watch her tone and her allegations and stated that that was not the case. She stated by looking at the Charter law, that she had the authority to notify the public shortly after the end of the year on a public address, and asked City Clerk Fresquez to clarify.

City Clerk Fresquez made the clarification of it being an annual State-of-the-City report to the community.

Mayor Gurulé-Girón stated that she chose to do it as a Town Hall meeting, that there was no political agenda and she did not appreciate Councilor Casey making that statement. She advised that notices were put out and stated that when they had held Town Hall meetings in Councilor Howell's ward, the entire Council was not notified.

Councilor Howell stated that was not true and that he mentioned it at the Council meetings, spoke to each individual Councilor and advised that City Manager Tim Dodge was present at the Town Hall meeting during the time of his first term and added that he never held a meeting during his second term.

Disagreements took place among the Governing Body regarding the issues of the Town Hall meetings.

Mayor Gurulé-Girón advised Councilor Casey that it was unacceptable for her to bring up allegations and that her comments were about things that she perceived were happening.

Councilor Casey stated that she did not think it was perception when one of the candidates for Ward 4 provided door prizes with campaign material in it and a candidate for Ward 1 also provided door prizes with campaign material in it. She advised that she had been to many Town Hall meetings but never to one that had door prizes with campaign material in them or even door prizes for that matter. Councilor Casey advised that the meetings were very informative, that she did not have the proof of what the intent was although stated for the record that she did not believe that they were truly ethical in nature and that was her opinion.

Councilor Casey informed that the Optic was hosting a Candidate Forum on Tuesday, February 27, 2018 at 7:00 at Highlands University Lecture Hall G35 with the Optic providing the questions for Candidate and encouraged everyone to attend.

Mayor Gurulé-Girón asked who scheduled the forum and who the moderators were.

Jason Brooks from the Las Vegas Optic advised that the moderators were the editorial board.

Councilor Howell took the opportunity to clarify that he never held a Town Hall meeting or a Ward meeting that former City Manager Richard Trujillo attended.

Councilor Howell stated that Las Vegas Night was a success and thanked Community Development for all their work, and thanked Mr. Old for the wooden plaques used to introduce the Las Vegas Night at the Legislatures, he praised the Mariachi Cardenal for their performance. Councilor Howell advised that Representative Salazar did the reading concerning the City of Las Vegas during the House memorial.

Councilor Howell advised that there may be many changes coming soon and advised that he spoke with the Mayor and Councilors regarding putting out an RFP

for the City Manager position. Councilor Howell made a motion to put out an RFP to search for a City Manager.

Mayor Gurulé-Girón stated that he could not do that, it is an action item and it had to be on the agenda.

Councilor Howell advised that they verified with the Municipal League that it was allowed during the Councilors' Reports.

Mayor Gurulé-Girón stated that she disagreed with Councilor Howell and asked to see the policy on that and advised that the Open Meetings Act was being violated by Councilor Howell.

Lengthy discussion took place regarding the process for Council of placing items on the agenda.

Acting City Attorney David Silva stated that if it was an action item it did require the 72 hour notice although advised that he did not believe that it was a violation of the Open Meetings Act.

Councilor Howell stated that he changed his motion to have the RFP considered to to be put on the agenda for the next council meeting which would meet the requirement of 72 hours notice.

Further discussion took place regarding the process of placing items on the agenda.

Councilor Casey advised that the reasoning of seeking legal counsel from the Municipal League and New Mexico State Auditors Legal Office, was because oftentimes when the Council wanted to place items that were necessary on the agenda were often rejected. She informed that they were advised by both the legal Counsels that they were able to make any kind of a motion on items that were not on the agenda during the time of Councilors' Comments and advised that that was what Councilor Howell was attempting to do.

Mayor Gurulé-Girón asked Acting City Attorney Silva to have the Municipal League provide something in writing in regards to allowing Council to make motions during Councilors' Reports.

Mayor Gurulé-Girón asked City Clerk Fresquez to notify on the Open Meetings Act regarding the 72 hour requirement.

City Clerk Fresquez advised that she had previously informed Councilor Howell that there was a form that could be signed, requesting an item to be placed on the agenda by a majority from Council.

EXECUTIVE SESSION

Mayor Gurulé-Girón advised that there was no need for Executive Session at this time.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	David L. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Tonita Gurulé-Girón

ATTEST:

Casandra Fresquez, City Clerk

GENERAL FUND REVENUE COMPARISON
THRU FEBRUARY 28, 2018 67% OF YEAR LAPSED (08 of 12 months)
FISCAL YEAR 2018

Total Budget to Actual Comparison

	A	B	C	D	E	G (E/B) FY 2018 % REV
	FY 2017	FY 2018	FY 2018	FY 2017	FY 2018	
	BUDGET	BUDGET	YTD - BUDGET	YTD - ACTUAL	YTD - ACTUAL	
PROPERTY TAX	1,373,000	1,291,000	860,667	1,384,040	1,053,532	82%
GROSS RECEIPT TAX 1.225	3,550,000	3,550,000	2,366,667	3,450,931	2,432,019	69%
FRANCHISE TAX	800,000	775,000	516,667	776,759	482,389	62%
GROSS RECEIPT TAX .75	2,445,000	2,440,000	1,626,667	2,268,187	1,597,746	65%
1/8 INFRASTRUCTURE	351,000	360,000	240,000	364,816	254,367	71%
GRT .25 (JAN 2011)	697,000	725,000	483,333	982,914	719,240	99%
GRT -HOLD HARMLESS (JULY 2015	(110,400)	(110,400)	-73,600	(110,400)	(73,571)	67%
LICENSE & FEES	70,500	61,000	40,667	49,782	71,267	117%
INTERGOVERNMENTAL	71,500	83,716	55,811	75,542	55,088	66%
LOCAL-FINES	62,000	77,000	51,333	80,604	40,088	52%
LOCAL-MISC	1,715,000	1,737,235	1,158,157	1,842,195	1,182,613	68%
TOTAL	11,024,600	10,989,551	7,326,367	11,165,370	7,814,780	71%

(License& Fees-Business Licenses, Liquor Licenses and Building Permits,Development Fees)
(Local Fines- Court Fines, Library Fines, Traffic Safety Fines)

GENERAL FUND EXPENDITURE COMPARISON
THRU FEBRUARY 28, 2018 67% OF YEAR LAPSED (08 of 12 months)
FISCAL YEAR 2018

Total Budget to Actual Comparison

	A	B	C	D	E	F	H (E/B) % BDGT
	FY 2017	FY 2018	FY 2018	FY 2017	FY 2018	FY 2018	
	BUDGET	BUDGET	YTD - BUDGET	YTD - ACTUAL	YTD - ACTUAL	AVAIL. BAL.	
JUDICIAL	317,921	307,959	205,306	314,539	188,129	119,830	61%
EXECUTIVE	483,117	397,969	265,313	391,291	246,514	151,456	62%
ADMINISTRATION	250,724	272,858	181,905	239,718	144,130	128,728	53%
CITY ATTORNEY	242,572	231,944	154,629	196,227	114,942	117,102	50%
PERSONNEL/HR	301,188	278,960	185,973	281,386	167,622	111,338	60%
FINANCE	628,990	452,393	301,595	556,994	284,664	167,729	63%
COMMUNITY DEV.	561,189	533,845	355,897	405,762	263,412	270,433	49%
POLICE	3,990,907	3,854,744	2,569,829	3,833,534	2,344,267	1,510,477	61%
CODE ENFORCEMENT	182,250	136,113	90,742	141,476	77,377	58,736	57%
ANIMAL SHELTER	137,635	135,490	90,327	115,943	88,320	47,170	65%
FIRE	1,357,699	1,257,365	838,243	1,180,326	766,546	490,819	61%
PUBLIC WORKS/AIRPORT	511,127	474,004	316,003	456,965	226,261	247,743	48%
PARKS	338,273	286,222	190,815	254,430	184,147	102,075	64%
AIRPORT	0	0	0	0	0	0	0%
LIBRARY	239,494	205,217	136,811	195,861	101,048	104,169	49%
MUSEUM	151,900	150,845	100,563	141,427	86,970	63,875	58%
GENERAL SERVICES	2,358,253	2,358,248	1,572,165	2,355,812	1,114,221	1,244,027	47%
SALARY CONTINGENCY	0	0	0	0	0	0	0%
TRANSFERS	740,703	698,517	465,678	729,667	479,672	218,845	69%
TOTAL	12,793,942	12,032,693	8,021,795	11,791,358	6,878,140	5,154,553	57%

**City of Las Vegas
General Fund
Two Year Analysis of Gross Receipt Taxes - Cash Basis
For Fiscal Years Ended February 28**

Fund: 101 - GENERAL		2016-2017	2017-2018	Variances
Revenue		YTD Activity	YTD Activity	Increase (Decrease)
101-0000-410-5103	GROSS RECEIPTS TAX 1.225	\$ 2,404,545.62	\$ 2,432,019.45	\$ 27,473.83
101-0000-410-5113	MUNICIPAL GROSS TAX .75	1,580,377.88	1,597,746.27	17,368.39
101-0000-410-5114	MUNICIPAL GRT .25%	657,367.35	719,239.85	61,872.50
101-0000-410-5115	GRT HOLD HARMLESS	-	-	
101-0000-430-5354	1/8 INFRASTRUCTURE	254,679.35	254,367.28	(312.07)
101-0000-450-5603	OTHR ADMN FEES/GRT	91,733.86	72,247.85	(19,486.01)
TOTAL GROSS RECEIPTS TAXES		4,988,704.06	5,075,620.70	86,916.64
Total General Fund Revenues		\$ 7,634,642.92	\$ 7,814,780.04	\$ 180,137.12
% of Gross Receipts Taxes of Total Revenues		65%	65%	
Current tax rate	8.3958%			
State Share	5.125%			
County Share	1.2083%			
City Share	2.0625%			
Expenditures & Transfers		\$ 7,818,627.03	\$ 6,878,142.66	\$ (940,484.37)
		\$ (183,984.11)	\$ 936,637.38	\$ 1,120,621.49

The State withheld these amounts from our share of gross receipts taxes as an administrative fee, therefore, our total amount collected excludes these amounts.

GASB requires that all revenue be presented for reporting purposes.

ENTERPRISE FUNDS-REVENUE COMPARISON
THRU FEBRUARY 28,- 67% YEAR LAPSED (8 of 12 months)
FISCAL YEAR 2018

<u>Total Budget to Actual Comparison</u>							G (E/B) %
A	B	C		D		E	
	FY 2017	FY 2018	FY 2018	FY 2017	FY 2018		
	BUDGET	BUDGET	YTD - BUDGET	YTD - ACTUAL	YTD - ACTUAL	BUDGET	
WASTE WATER (610)	2,859,638	2,866,100	1,910,733	2,783,241	2,016,736	70%	
NATURAL GAS (620)	5,237,000	5,236,000	3,490,667	5,211,845	2,829,760	54%	
SOLID WASTE (630)	3,404,700	3,419,400	2,279,600	3,518,794	2,283,636	67%	
WATER (640)	4,743,050	4,800,150	3,200,100	4,825,859	3,401,794	71%	
Total of Enterprise Funds	16,244,388	16,321,650	10,881,100	16,339,739	10,531,925	65%	

WASTE WATER (610)
 NATURAL GAS (620)
 SOLID WASTE (630)
 WATER (640)
Total of Enterprise Funds

ENTERPRISE FUNDS-EXPENDITURES COMPARISON
THRU FEBRUARY 28,- 67% YEAR LAPSED (8 of 12 months)
FISCAL YEAR 2018

<u>Total Budget to Actual Comparison</u>							H (E/B) %
A	B	C	D	E	F		
	FY 2017 BUDGET	FY 2018 BUDGET	FY 2018 YTD - BUDGET	FY 2017 ACTUAL	FY 2018 YTD - ACTUAL	FY 2018 AVAIL. BAL.	BUDGET
WASTE WATER(610)	2,541,860	3,297,778	2,198,519	2,295,004	1,991,637	1,306,141	
NATURAL GAS (620)	5,938,026	5,938,908	3,959,272	4,583,702	2,916,165	3,022,743	49%
SOLID WASTE (630)	4,088,165	3,733,787	2,489,191	3,618,120	2,252,585	1,481,202	60%
WATER (640)	4,214,893	5,681,820	3,787,880	3,432,077	3,458,033	2,223,787	61%
Total of Enterprise Funds	16,782,944	18,652,293	12,434,862	13,928,903	10,618,420	8,033,873	57%

WASTE WATER(610)
 NATURAL GAS (620)
 SOLID WASTE (630)
 WATER (640)
Total of Enterprise Funds

**RECREATION DEPARTMENT-REVENUE COMPARISON
THRU FEBRUARY 28, 2018 - 67% OF YEAR LAPSED 7 OF 12 MONTHS
FISCAL YEAR 2018**

A	B	C	D	E	G (E/B)
FY 2017 BUDGET	FY 2018 BUDGET	FY 2018 YTD - BUDGET	FY 2017 YTD - ACTUAL	FY 2018 YTD - ACTUAL	% REV #DIV/0!
0	0	0			67%
100,000	115,000	76,667	34,264	76,611	27%
0	20,000	13,333		5,313	0%
3,000	0	0	1,320	0	23%
20,000	20,000	13,333	16,840	4,570	15%
20,000	20,000	13,333	19,092	3,080	34%
29,800	108,964	72,643	18,408	36,557	67%
300,000	400,000	266,667	300,000	266,560	57%
472,800	683,964	455,976	389,924	392,690	

RECREATION-TAXES (Cig)
WELLNESS CENTER
OPEN SWIM
YAFL
YABL
SUMMER FUN PROGRAM
RECREATION-OTHER
GEN FUND TRANSFER
TOTAL

**RECREATION DEPARTMENT- EXPENDITURE COMPARISON
THRU FEBRUARY 28, 2018 - 67% OF YEAR LAPSED 7 OF 12 MONTHS
FISCAL YEAR 2018**

A	B	C	D	E	F	H (E/B) % BDGT
FY 2017 BUDGET	FY 2018 BUDGET	FY 2018 YTD - BUDGET	FY 2017 ACTUAL	FY 2018 YTD - ACTUAL	FY 2018 AVAIL. BAL.	
443,266	533,351	355,567	389,973	335,709	220,480	57%
1,450	0	0	600	0	0	0%
3,117	4,050	2,700	2,845	2,835	1,215	70%
56,693	138,562	92,375	32,960	47,621	51,266	63%
6,600	8,000	5,333	1,847	4,774	3,226	60%
511,126	683,963	455,975	428,225	390,938	276,187	59%

EMPLOYEE EXP.
YAFL
YABL
OTHER OPERATING EXP.
CAPITAL OUTLAY
TOTAL

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03/02/2018 **DEPT:** Finance

MEETING DATE: 03/21/2018

ITEM/TOPIC:. Resolution 18-16

ACTION REQUESTED OF COUNCIL: Approval/Disapproval of Resolution 18-16

BACKGROUND/RATIONALE: The City of Las Vegas is requesting increases and decreases to the FY2018 Budgeted revenues, expenditures, transfers to and from within various funds of the FY2018 Budget.

STAFF RECOMMENDATION: Approval


COMMITTEE RECOMMENDATION:

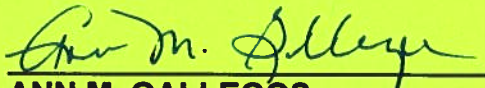
THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.


SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:


TONITA GURULE-GIRON
MAYOR


TANA VEGA
FINANCE DIRECTOR
(PROCUREMENT)


ANN M. GALLEGOS
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

INTERIM CITY ATTORNEY
(ALL CONTRACTS MUST BE
REVIEWED)

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION 18-16
FISCAL YEAR 2017-2018
BUDGET ADJUSTMENT REQUEST

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2017-2018; and

WHEREAS, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2017-2018 fiscal year budget; to include an increase of \$8,706 Grant funding - Senior Ctr. Grant, \$25,000 - CLG Grant and \$25,000 as matching from Capital Improvement Funds, \$1,224 increase in the NMFA Debt Service for payment of Interest and Principal, and \$629,813 increase for the Water Grants - Bradner Dam Legislative Appropriation (carryover funds).

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2017-2018;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 21st day of March, 2018.

ATTEST:

Tonita Gurule-Giron, Mayor

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Interim City Attorney

3/2/2018

Addendum
Resolution
18-16

CITY OF LAS VEGAS
RESOLUTION #18-16
BUDGET ADJUST REQUEST
FISCAL YEAR 2018

Fund				Revenues	Transfers	Expenditures	
Senior Ctr	282-0000-540-5535	Senior Ctr Grant		\$ 8,706.00			Area Agency on Aging
Senior Ctr	282-6100-750-6603	Senior Employ. Program				\$ 8,706.00	Area Agency on Aging
Historical Pres	218-0000-500-5000	CLG Grants		\$ 25,000.00			CLG Grant
Historical Pres	218-0000-900-9000	Transfer In			25,000.00		Matching
Historical Pres	218-0000-700-8000	Infrastructure-Old City Hall				\$ 50,000.00	Capital Improve
Historical Pres	220-0000-900-9000	Transfer Out			(25,000.00)		Matching from CaplImprov
NMFA Debt Serv	645-0000-100-1101	Cash Balance		\$ 1,224.00			Cash Balance
NMFA Debt Serv	645-0000-630-7000	Interest & Principal#3570				\$ 1,224.00	Int & Princ Expense
Water Grants	646-0000-500-5000	Bradner Project		\$ 629,813.00			Legislative Appropr
Water Grants	646-0000-650-8000	Bradner Project				\$ 629,813.00	Bradner Dam Project
Total				\$ 664,743.00	\$ -	\$ 689,743.00	

Regular

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03/02/18

DEPT: Utilities

MEETING DATE: 03/21/18

ITEM/TOPIC: Award request for proposals #2018-17 for printing and mailing services for the Utilities department.

ACTION REQUESTED OF COUNCIL: Approval / Disapproval to award RFP #2018-17 to The Masters Touch.

BACKGROUND/RATIONALE: Printing and mailing services are necessary to ensure efficient and prompt delivery of utility bills to the City of Las Vegas customers each month.

Advertised: January 17, 2018 – Las Vegas Optic, Albuquerque Journal and City website

Proposal Opening: February 7, 2018

Number of Bidders: 6 – TPSi, Postal Pros, The Masters Touch, LLC, LithExcel Marketing, The Data Center, Data Prose

Funding Source: City Funding

Budget Line Item: 546-0000-610-7306

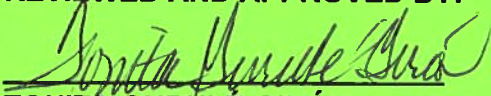
STAFF RECOMMENDATION: Approval to award RFP #2018-17 to The Masters Touch.

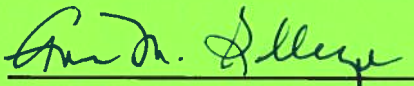
COMMITTEE RECOMMENDATION: This item was discussed at the regular meeting of the Utility Advisory Committee on March 13, 2018. Their recommendation will be provided at the Council meeting.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.


SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:


TONITA GURULE-GIRON
MAYOR


ANN MARIE GALLEGOS
INTERIM CITY MANAGER

TANA VEGA
INTERIM FINANCE DIRECTOR
(PROCUREMENT)

CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES
AND RESOLUTIONS MUST BE
REVIEWED)

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:
Printing and Mailing Services

Offeror: TPSI

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	18
2. Capacity and Capability	<u>25</u>	15
3. Past Record of Performance	<u>20</u>	15
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	15
5. Proximity to Las Vegas New Mexico	<u>10</u>	10
TOTAL	<u>100</u>	73

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

**RATING SHEET FOR:
Printing and Mailing Services**

Offeror: TPSi

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>15</u>
2. Capacity and Capability	<u>25</u>	<u>15</u>
3. Past Record of Performance	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>20</u> ^{pl}
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>7</u>
TOTAL	<u>100</u>	<u>72</u> ^{pl}

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

**RATING SHEET FOR:
Printing and Mailing Services**

Offeror: TPSI

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	10
2. Capacity and Capability	<u>25</u>	20
3. Past Record of Performance	<u>20</u>	15
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	10
5. Proximity to Las Vegas New Mexico	<u>10</u>	5
TOTAL	<u>100</u>	60

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services

Offeror: TPSI

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>15</u>
2. Capacity and Capability	<u>25</u>	<u>15</u>
3. Past Record of Performance	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>19</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>7</u>
TOTAL	<u>100</u>	<u>71</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: Postal Pros Southwest

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	20
2. Capacity and Capability	<u>25</u>	25
3. Past Record of Performance	<u>20</u>	18
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	25
5. Proximity to Las Vegas New Mexico	<u>10</u>	10
TOTAL	<u>100</u>	98

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: Postal Pros Southwest

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>10</u>
2. Capacity and Capability	<u>25</u>	<u>15</u>
3. Past Record of Performance	<u>20</u>	<u>5</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>5</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>2</u>
TOTAL	<u>100</u>	<u>37</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>Postal Pros</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>10</u>
2. Capacity and Capability	<u>25</u>	<u>15</u>
3. Past Record of Performance	<u>20</u>	<u>10</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>15</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>10</u>
TOTAL	<u>100</u>	<u>60</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>Brad Sawters / Postal Pros</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>10</u>
2. Capacity and Capability	<u>25</u>	<u>15</u>
3. Past Record of Performance	<u>20</u>	<u>5</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>10</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>2</u>
TOTAL	<u>100</u>	<u>42</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: The Masters Touch

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	20
2. Capacity and Capability	<u>25</u>	25
3. Past Record of Performance	<u>20</u>	20
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	25
5. Proximity to Las Vegas New Mexico	<u>10</u>	5
TOTAL	<u>100</u>	95

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services

Offeror: The Master's Touch LLC

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>16</u>
2. Capacity and Capability	<u>25</u>	<u>25</u>
3. Past Record of Performance	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>20</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>81</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>The Masters Touch LLC</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>20</u>
2. Capacity and Capability	<u>25</u>	<u>25</u>
3. Past Record of Performance	<u>20</u>	<u>20</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>25</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>95</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>The Masters</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>15</u>
2. Capacity and Capability	<u>25</u>	<u>20</u>
3. Past Record of Performance	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>20</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>75</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>Lith Excel</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>20</u>
2. Capacity and Capability	<u>25</u>	<u>25</u>
3. Past Record of Performance	<u>20</u>	<u>20</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>25</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>10</u>
TOTAL	<u>100</u>	<u>100</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: *Lith excel Marketing Services Provider*

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<i>10</i>
2. Capacity and Capability	<u>25</u>	<i>25</i>
3. Past Record of Performance	<u>20</u>	<i>5</i>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<i>25</i>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<i>5</i>
TOTAL	<u>100</u>	<i>70</i>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: WBC Inc dba Lith Excel

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>15</u>
2. Capacity and Capability	<u>25</u>	<u>20</u>
3. Past Record of Performance	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>20</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>10</u>
TOTAL	<u>100</u>	<u>80</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: WBC Inc dba Lith Excel

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>10</u>
2. Capacity and Capability	<u>25</u>	<u>25</u>
3. Past Record of Performance	<u>20</u>	<u>5</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>25</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>70</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>The Data Center</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>20</u>
2. Capacity and Capability	<u>25</u>	<u>25</u>
3. Past Record of Performance	<u>20</u>	<u>20</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>25</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>95</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: The Data Center

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	19
2. Capacity and Capability	<u>25</u>	21
3. Past Record of Performance	<u>20</u>	17
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	19
5. Proximity to Las Vegas New Mexico	<u>10</u>	10 ^{PR}
TOTAL	<u>100</u>	86 ^{PR}

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

**RATING SHEET FOR:
Printing and Mailing Services**

Offeror: The Data Center

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>15</u>
2. Capacity and Capability	<u>25</u>	<u>20</u>
3. Past Record of Performance	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>20</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>75</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>The Data Center</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	15
2. Capacity and Capability	<u>25</u>	20
3. Past Record of Performance	<u>20</u>	15
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	20
5. Proximity to Las Vegas New Mexico	<u>10</u>	7
TOTAL	<u>100</u>	77

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR: Printing and Mailing Services		
Offeror: <u>Data Prose</u>		
ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	20
2. Capacity and Capability	<u>25</u>	20
3. Past Record of Performance	<u>20</u>	20
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	25
5. Proximity to Las Vegas New Mexico	<u>10</u>	5
TOTAL	<u>100</u>	90

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: Data Prose LLC.

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience		
	<u>20</u>	<u>20</u>
2. Capacity and Capability		
	<u>25</u>	<u>25</u>
3. Past Record of Performance		
	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office		
	<u>25</u>	<u>25</u>
5. Proximity to Las Vegas New Mexico		
	<u>10</u>	<u>10</u>
TOTAL	<u>100</u>	<u>95</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

**RATING SHEET FOR:
Printing and Mailing Services**

Offeror: Data Prose

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience		
	<u>20</u>	<u>10</u>
2. Capacity and Capability		
	<u>25</u>	<u>10</u>
3. Past Record of Performance		
	<u>20</u>	<u>15</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office		
	<u>25</u>	<u>20</u>
5. Proximity to Las Vegas New Mexico		
	<u>10</u>	<u>5</u>
TOTAL	<u>100</u>	<u>60</u>

EVALUATION SHEET

OFFERORS:

Proposal must address each of the following criteria.

RATING SHEET FOR:

Printing and Mailing Services

Offeror: DATA PROSE

ITEM	POSSIBLE POINTS	POINTS AWARDED
RFP - PRINTING AND MAILING SERVICES		
1. Personal/Personnel Experience	<u>20</u>	<u>20</u>
2. Capacity and Capability	<u>25</u>	<u>25</u>
3. Past Record of Performance	<u>20</u>	<u>18</u>
4. Turnaround time of 24 hours after receipt of Data to U.S. Post office	<u>25</u>	<u>23</u>
5. Proximity to Las Vegas New Mexico	<u>10</u>	<u>10</u>
TOTAL	<u>100</u>	<u>96</u>

	TPSi 69.00	Postal Pros 59.25	The Masters Touch 86.50	LithExcel 80.00	The Data Center 83.25	Data Prose 85.25
Laser printing 8 1/2 x 11 perforated; two-color						
printing front and back billing statements, to						
include paper stock, inserting bill statements, and						
remittance envelopes.	\$0.12	\$0.0935 each	\$0.15 each	\$0.31 each	\$0.105 each	\$0.063 each
Custom printed #10 White-Window, Carrier Envelopes	0.016	\$0.0245 each	\$0.025 each	\$0.35 each	\$0.03 each	\$0.016 each
Custom printed #9 White-Remittance Envelopes	0.012	\$0.022 each	\$0.023 each	\$0.30 each	\$0.014 each	\$0.013 each
Initial Programming and setup	No Charge	No Charge	No Charge	\$2,500.00	No Charge	Waived
Additional Inserts and Mailing	\$0.00	\$0.00	\$0.015 each	\$0.010 each	\$0.005 each	0.01 each
Postal Delivery - Price Each	No price given	\$0.375 each	\$0.02 each	\$0.013 each	\$0.378 each	\$0.378 each
Billing statement, page-two	0	\$0.06 each	\$0.03 each	\$0.08 each	\$0.085 each	\$0.03 each
Custom printed carrier envelopes	0.016	\$0.0245 each	\$0.025 each	\$0.0465 each	\$30.72 per thousand	N/A Per email Confirmation
Custom printed remittance envelopes	0.012	\$0.02 each	\$0.023 each	\$0.0450 each	\$27.65 per thousand	N/A Per email confirmation
Other additional Costs/Optional Services	\$125.00/hour	\$125.00/hour		\$135.00/(HR)		\$125.00/hour

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03-09-18

DEPT: Community Development

MEETING DATE: 03-21-18

ITEM/TOPIC:

Approval or disapproval of publication for ordinance 18-02 amending Lodgers Tax increase from 4% to 5%.

ACTION REQUESTED OF COUNCIL:

Approval or disapproval of publication for ordinance 18-02 amending Lodgers Tax increase from 4% to 5%.

BACKGROUND/RATIONALE:

The City of Las Vegas Lodgers Tax Advisory Board is regulated by NMSA Lodgers Tax Act 3-38-13 - 3-38-24, NMSA 6-6-4. 1, and by City of Las Vegas Ordinance Chapter 389 - 1 to 389 - 18. City council is charged with administering the funds and the board is to make recommendations for the expenditure of funds authorized pursuant to this article for advertising, publicizing and promoting tourist related attractions, facilities and events in the City.

STAFF RECOMMENDATION:

Consideration by Mayor and Council to publicize the ordinance of 18-02 for the 1% increase of which proceeds will be solely used for tourism-related infrastructure.

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.



SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



TONITA GURULÉ-GIRÓN
MAYOR

TANA VEGA
INTERIM FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS
INTERIM CITY MANAGER

CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES AND
RESOLUTIONS MUST BE
REVIEWED)

Approved to form 1/3/18

CITY OF LAS VEGAS
CITY COUNCIL
ORDINANCE NO. 18-02

AN ORDINANCE AMENDING LODGERS TAX ORDINANCE 389-4 AND 389-15A2
IMPOSITION OF TAX AND USE OF MONIES

WHEREAS, the City of Las Vegas imposed an occupancy tax of gross taxable rent for lodging within the City paid to vendors and

WHEREAS, the City of Lodgers Tax board wishes to increase the Lodger's Tax to 5% and

WHEREAS, the 1% increase of the proceeds will be solely used for tourism-related infrastructure and

WHEREAS, the increase will improve and assist with the City of Las Vegas' economic development, now therefore,

Be it ordained that Lodger's Tax Ordinance 389-4 is amended by the Governing Body of the City of Las Vegas, to include the following,

§ 389-4 Imposition of tax.

There is hereby imposed an occupancy tax of 5% of gross taxable rent for lodging paid to vendors within the City.

§ 389-15 Use of monies.

A.

The City shall use 1/2 of the proceeds of the first 3% of the tax and not less than 1/4 of the proceeds from the tax in excess of 3% only for advertising, publicizing and promoting tourist-related attractions, facilities and events. The proceeds from this portion of the tax shall be used within two years of the close of the fiscal year in which they were collected and shall not be accumulated beyond that date or used for any other purpose. The City shall use no less than 1% for establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for attraction or transportation systems of the City specifically for tourist-related.

PASSED, ADOPTED AND APPROVED, THIS DAY _____ OF _____ 2018 BY:

TONITA GURULÉ-GIRÓN
MAYOR

ATTEST

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO
LEGAL SUFFICIENCY ONLY:

City Legal Representative

Article I: Lodgers' Tax

[Adopted 8-20-2003 by Ord. No. 03-12 (Ch. 5, Art. 8, of the 1972 Code)]

§ 389-1 Title.

This article shall be known as and cited as the "Lodgers' Tax Ordinance."

§ 389-2 Purpose.

The purpose of this article is to impose a tax, which will be borne by persons using commercial accommodations, which tax will provide revenues for the purpose of advertising, publicizing and promoting facilities, tourist attractions and acquisition, construction and maintenance of tourist attractions as authorized in § 389-15 of this article.

§ 389-3 Definitions.

As used in the chapter, the following terms shall have the meanings indicated:

BOARD

The Advisory Board established herein to make recommendations to the City Council, keep minutes of its proceedings and submit its recommendations, correspondence and other pertinent documents to the City Council.

CITY

The City of Las Vegas, New Mexico.

CITY CLERK

The City Clerk of Las Vegas, New Mexico.

CITY MANAGER

The chief administrative officer of the municipality authorized to enforce and carry out all ordinances, rules and regulations of the municipality and to delegate this authority as deemed necessary.

DIVISION

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

GROSS TAXABLE RENT

The total amount of the rent paid for lodging, not including the state gross receipts tax or local sales tax.

LODGING

A.

The rooms or other accommodations furnished by a vendor to a vendee by a taxable service of lodgings.

B.

The transaction of furnishing rooms or other accommodations by a vendor to a vendee who for a rent uses, possesses or has the right to use or possess any room or other units of accommodation in or at a taxable premises.

OCCUPANCY TAX

The tax on lodging authorized by the Lodgers' Tax Act. [1]

PERSON

A corporation, firm, other body corporate, partnership, association or individual. "Person" includes an executor, administrator, trustee, receiver or other representative appointed according to law and acting in a representative capacity. "Person" does not include the United States of America, the State of New Mexico, any corporation, department, instrumentality or agency of the federal government or the state government, or any political subdivision of the state.

RENT

The consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to any occupancy tax authorized in the Lodgers' Tax Act.^[2]

TAXABLE PREMISES

A hotel, apartment, apartment hotel, apartment house, lodge, lodging housing, rooming house, motor hotel, guesthouse, guest ranch, ranch resort, guest resort, mobile home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp, cabin or other premises used for lodging;

THE LODGERS' TAX ACT

NMSA 1978, §§ 3-38-13 through 3-38-24, as it may be amended.

TOURIST

A person who travels for the purpose of business, pleasure or culture to the City.

TOURIST-RELATED EVENTS

Events that are planned for, promoted to, and attended by tourists.

TOURIST-RELATED FACILITIES AND ATTRACTIONS

Facilities and attractions that are intended to be used by or visited by tourists.

TOURIST-RELATED TRANSPORTATION SYSTEMS

Transportation systems that provide transportation for tourists to and from tourist-related facilities, attractions and events.

VENDEE

A natural person to whom lodgings are furnished in the exercise of the taxable lodging.

VENDOR

A person furnishing lodgings in the exercise of the taxable service of lodging.

[1]

Editor's Note: See NMSA 1978, § 3-38-13 et seq.

[2]

Editor's Note: See NMSA 1978, § 3-38-13 et seq.

§ 389-4 Imposition of tax.

There is hereby imposed an occupancy tax of 4% 5% of gross taxable rent for lodging paid to vendors within the City. ~~paid to vendors.~~

§ 389-5 Licensing.

A.

No vendor shall engage in business of providing lodging in the City before obtaining a license as provided in this section.

B.

Applicants for a vendor's license shall submit an application to the City Manager or designee stating:

(1)

The name of the vendor, including identification of any person, as defined in this article, who owns or operates place of lodging and the name or trade names under which the vendor proposes to do business and the post office address thereof;

(2)

A description of the facilities, including the number of rooms and the usual schedule of rates therefore;

(3)

A description of the facilities provided by vendor or others to users of the lodgings, such as restaurant, bar, cleaning, laundry, courtesy car, stenographer, tailor or others, and a statement identifying the license issued, to whom issued, the authority issuing, and the period for which issued. If applicable, also the identification number provided by the Bureau of Revenue of the State of New Mexico;

(4)

The nature of the business practices of the vendor and to what extent, if any, his business is exempt from the lodgers' tax;

(5)

Other information responsibly necessary to effect a determination of eligibility for such license.

C.

The City Manager or designee shall review applications for license within 10 days of receipt thereof, and grant the license in due course if the applicant is doing business subject to the lodgers' tax.

D.

An applicant who is dissatisfied with the decision of the City Manager or designee may appeal the decision to the City Council by written notice to the City Clerk of such appeal to be made within 15 days of the date of decision of the City Manager or designee on the application. The matter shall be referred to the City Council for hearing at the regular or special meeting in the usual course of business. The decision of the City Council made thereof shall be expressed in writing and be communicated in the same manner as the decision of the City Manager or designee is transmitted. The action of the City Council shall be deemed final.

E.

If the City Council finds for the applicant, the City Manager or designee shall issue the appropriate license or other notice conforming to the decision made by the City Council.

§ 389-6 Exemptions.

The occupancy tax shall not apply:

A.

If a vendee:

(1)

Has been a permanent resident of the taxable premises for a period of at least 30 consecutive days; or

(2)

Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 30 consecutive days.

B.

If the rent paid by the vendee is less than \$2 a day;

C.

To lodging accommodations at institutions of the federal government, the state and/or political subdivision thereof;

D.

To lodging accommodations at religious, charitable, educational, or philanthropic institutions, including without limitations such accommodations at summer camps operated by such institutions;

E.

To clinics, hospitals or other medical facilities;

F.

To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; or

G.

If the taxable premises does not have at least three rooms or three other units of accommodation for lodging.

§ 389-7 Collection of tax and reporting procedures.

[Amended 7-7-2004 by Ord. No. 04-11]

A.

Every vendor providing lodgings shall collect the lodgers' tax on behalf of the City and shall act as a trustee therefor.

B.

The lodgers' tax shall be collected from vendees and shall be charged separately from the rent fixed by the vendor for the lodgings.

C.

Each vendor licensed under this article shall be liable to the City of Las Vegas for the tax provided herein on the rent paid for lodgings at the vendor's respective place of business.

D.

Each vendor shall file a report, on forms provided by the City, of receipts for lodging in the preceding calendar month and shall submit the proceeds of the lodgers' tax to the City, which shall include sufficient information to enable the City to audit the report and shall be verified on oath by the vendor. Said report and proceeds shall be submitted to the City on or before the 25th of each month or be postmarked on or before the 25th of each month. If the 25th falls on a weekend or legal holiday, the report shall be submitted on the following regular business day. Vendors submitting reports to the City after the due date shall be liable for the tax, plus a civil penalty as provided for in § 389-9 herein.

E.

The City Council shall furnish to the Board that portion of any proposed budget, report or audit filed or received by the City, pursuant to either NMSA 1978, Chapter 6, Article 6 (§ 6-6-1 et

seq.), or the Audit Act that relates to the expenditure of lodgers' tax funds, within the 10 days of the filing or receipt of such proposed budget, report, or audit by the City.

E.

The City Council shall report to the Division, on a quarterly basis, any expenditure of lodgers' tax funds pursuant to NMSA 1978, §§ 3-38-15 and 3-38-21, and shall furnish a copy of such report to the Board when it is filed with the Division.

§ 389-8 Duties of vendor.

The vendor shall maintain adequate records of facilities subject to the tax and of proceeds received for the use thereof. Such records shall be maintained in Las Vegas, New Mexico, and shall be open to the inspection of the City during reasonable hours and shall be retained for three years.

§ 389-9 Failure to make return; computation; civil penalties and notice; collection of delinquencies; lien.

A.

Every vendor is liable for the payment of the proceeds of any occupancy tax that the vendor failed to remit to the City, whether due to his failure to collect the tax or otherwise. He shall be liable for the tax plus a civil penalty equal to the greater of 10% of the amount not remitted or \$100. The City Manager or designee shall give the delinquent vendor written notice of the delinquency, which notice shall be mailed to the vendor's local address.

B.

If payments are not received within 15 days of the mailing of the notice, the City may bring an action in law or equity in the District Court for the collection of any amounts due, including without limitation penalties thereon, interest on the unpaid principal at a rate not exceeding 1% a month. If the City attempts collection through an attorney or the City Attorney, for any purpose with regard to this article, the vendor shall be liable to the City for all costs, fees paid to the attorney or City Attorney, and all other expenses incurred in connection therewith.

C.

The occupancy tax imposed by the City constitutes a lien in favor of the City upon the real and personal property of the vendor providing lodgings. The lien may be enforced as provided in NMSA 1978, §§ 3-36-1 through 3-36-7. Priority of the lien shall be determined from the date of filing.

D.

Under process or order of the Court, no person shall sell the property of a vendor without first ascertaining from the City Manager or designee the amount of any occupancy tax due to the City. Any occupancy tax due the City shall be paid from the proceeds of the sale before payment is made to any judgment creditor or any other person with a claim on the proceeds of the sale.

E.

An action to enforce the Lodgers' Tax Act may be brought by:

(1)

The Attorney General of the State of New Mexico or the Fourth Judicial District Attorney; or

(2)

A vendor who is collecting the proceeds of an occupancy tax in San Miguel County.

F.

The Fourth Judicial District Court may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the provisions of this article.

G.

The District Court shall award costs and reasonable attorneys' fees to the prevailing party in a court action to enforce the provisions of this article.

§ 389-10 Violations and criminal penalties.

Any person who violates the provisions of this article for a failure to submit reports when due or to pay the tax, to remit proceeds thereof to the City or to properly account for any lodging and tax proceeds pertaining thereto shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not exceed \$500 or by imprisonment not to exceed 90 days, or both.

§ 389-11 Refunds and credits.

If any person believes he has made a payment of any lodgers' tax in excess of that for which he was liable, he may claim a refund thereof by directing to the City Manager or designee, no later than 90 days from the date payment was made, a written claim for refund. Every claim for refund shall state the nature of the person's complaint and the affirmative relief requested. The City Manager or designee shall allow the claim in whole or in part or may deny it. Refunds of tax and interest erroneously paid and amounting to \$100 or more may be made only with the approval of the City Council.

§ 389-12 Vendor audits.

A.

Should the total lodgers' tax revenue in any one year exceed \$250,000, then the City Council shall select for annual random audit(s) one or more vendors to verify the amount of gross rent subject to the occupancy tax and to ensure that the full amount of occupancy tax on the rent is collected from each vendor thus audited.

B.

The City Council shall determine each year the number of vendors within the City to audit.

C.

The audit(s) may be performed by the City Manager or designee or by any other designee of the City Council. A copy of the audit(s) shall be filed annually with the Division.

§ 389-13 Confidentiality of return and audit.

It is unlawful for any employee of the City to reveal to any individual, other than another employee of the City, any information contained in the return or audit of any taxpayer, including vendors subject to the Lodgers' Tax Act, except to a court of competent jurisdiction in response to an order thereof in an action related to taxes to which the City is a party, and in which information sought is material to the inquiry; to the taxpayer himself or to his authorized representative; and in such manner, for statistical purpose, the information revealed is not identified as applicable to any individual taxpayer.

§ 389-14 Administration of monies collected.

A.

The City Council shall administer the lodgers' tax monies. The Mayor shall appoint a five-member Advisory Board that consists of two members who are owners or operators of lodging subject to the occupancy tax within the City, two members who are owners or operators of industries located within the City that primarily provide services or products to tourists, and one member who is a resident of the City and represents the general public.

B.

The Board shall submit to the City Council recommendations for the expenditure of funds authorized pursuant to this article for advertising, publicizing and promoting tourist-related attractions, facilities, and events in the City.

§ 389-15 Use of monies.

A.

The City shall use 1/2 of the proceeds of the first 3% of the tax and not less than 1/4 of the proceeds from the tax in excess of 3% only for advertising, publicizing and promoting tourist-related attractions, facilities and events. The proceeds from this portion of the tax shall be used within two years of the close of the fiscal year in which they were collected and shall not be accumulated beyond that date or used for any other purpose. The City shall use no less than 1% for establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for attraction or transportation systems of the City specifically for tourist-related.

[Amended 7-15-2015 by Ord. No. 15-09]

B.

The City may use the balance of the proceeds of the tax to defray the cost of:

(1)

Collecting and otherwise administering the tax, including the performance of audits required by the Lodgers' Tax Act and this article, pursuant to guidelines issued by the Department of Finance and Administration of the State of New Mexico.

(2)

~~The City shall use no less than 1% for establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for attraction or transportation systems of the City specifically for tourist related.~~

(2)

Establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for tourist-related facilities, attraction or transportation systems of the City.

(3)

The principal of and interest on any prior redemption premiums due in connection with and any other charges pertaining to revenue bonds authorized by NMSA 1978, § 3-38-23 or 3-38-24.

(4)

Advertising, publicizing and promoting tourist-related attractions, facilities and events of the City and tourist facilities or attractions within the area.

(5)

Providing police and fire protection and sanitation service for tourist-related events, facilities and attraction located in the City; or

(6)

Any combination of the foregoing purposes or transactions stated in the section.

§ 389-16 Revenue bonds.

A.

Revenue bonds may be issued at any time or from time to time by the City to defray wholly or in part the costs of any one, all or any combination of purposes authorized in NMSA 1978, § 3-38-21, Subsections B through E, or § 389-15 of this article.

B.

The revenue bonds may be payable from and such payment may be secured by a pledge of and lien on the revenues derived from:

(1)

The proceeds of the occupancy tax imposed herein after deduction of those amounts required to be expended pursuant to NMSA 1978, § 3-38-15, Subsections D and E, and the administration costs pertaining to the tax in an amount not to exceed 10% of the occupancy tax receipts collected by the City in any fiscal year, excluding from the computation of such cost the administration costs ultimately recovered from delinquent vendors by civil action as penalties, costs of collection and attorneys' fee but not as interest on unpaid principal.

(2)

The tourist-related facilities, attractions or transportation systems to which the bonds pertain, after provision is made for the payment of the operation and maintenance expenses of such facilities, attractions or transportation systems; or

(3)

A combination of such net revenues from both sources described in Subsection B(1) and (2).

C.

The bonds shall bear interest at a rate or rates as authorized in the Public Securities Act, and the first interest payment may be for any period authorized in the Public Securities Act.

D.

Except as otherwise provided in the Lodgers' Tax Act, revenue bonds authorized in the Lodgers' Tax Act shall be issued in accordance with the provisions of , NMSA 1978, §§ 3-31-2 through 3-31-6.

§ 389-17 Contracting for services.

A.

The City Council may contract for the management of programs and activities funded with revenue from the tax authorized herein. The City Council shall require such contractors periodically report to it, such reports being due at least quarterly, listing the expenditures for those periods. Within 10 days of receiving such reports, the City Council shall furnish copies of them to the Board. Funds provided to the contracting person or governmental agency shall be

maintained by that person or agency in a separate account established for that purpose and shall not be commingled with any other money.

B.

A person or governmental agency with whom the City contracts under this section to conduct an activity authorized by NMSA 1978, § 3-38-21, shall maintain complete and accurate financial records of each expenditure of the occupancy tax revenue made and, upon request of the City Council, shall make such records available for inspection.

C.

The occupancy tax revenue spent for a purpose authorized by the Lodgers' Tax Act and this article may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses and other administrative cost only if those administrative costs are incurred directly for that purpose.

D.

A person or governmental agency with whom the City contracts under this section may subcontract with the approval of the City Council. A subcontractor shall be subject to the same terms and conditions the contractor as regarding separate financial accounts, periodic reports and inspection of records.

§ 389-18 Division rules.

The City shall follow any rules and regulations promulgated by the Division pursuant to the Lodgers' Tax Act.

Regular

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03/02/18

DEPT: Utilities

MEETING DATE: 03/21/18

ITEM/TOPIC: Conduct a public hearing and adopt Ordinance No. 18-01 to enter into a loan agreement with the New Mexico Finance Authority.

ACTION REQUESTED OF COUNCIL: Approval / Disapproval to conduct a public hearing and adopt ordinance no. 18-01.

BACKGROUND/RATIONALE: This loan is for the purposes of obtaining funding in the amount of \$4,570,000.00 with interest for financing the acquisition of water storage rights. The loan will be repaid from the distributions of the revenues from GRT. The funding agency requires that the loan be approved through ordinance.

STAFF RECOMMENDATION: Approval to conduct a public hearing and adopt ordinance no. 18-01.

COMMITTEE RECOMMENDATION: This item was discussed at the regular Utility Advisory Committee meeting on March 13, 2018. Their recommendation will be provided at the Council Meeting.

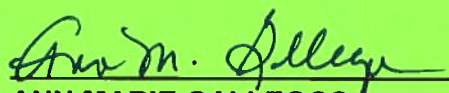
THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.


SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:


TONITA GURULÉ-GIRON
MAYOR

TANA VEGA
INTERIM FINANCE DIRECTOR
(PROCUREMENT)


ANN MARIE GALLEGOS
INTERIM CITY MANAGER

CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES
AND RESOLUTIONS MUST BE
REVIEWED)

CITY OF LAS VEGAS, NEW MEXICO
ORDINANCE NO. 18-01

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF LAS VEGAS, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$4,570,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF WATER STORAGE RIGHTS FOR USE BY THE GOVERNMENTAL UNIT, PAYING A LOAN PROCESSING FEE, AND FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE DISTRIBUTIONS OF THE REVENUES OF THE ONE-QUARTER OF ONE PERCENT MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX IMPOSED PURSUANT TO SECTION 7-19D-12, NMSA 1978; PROVIDING FOR THE DISTRIBUTIONS OF THE REVENUES OF THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX FROM THE STATE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND THE INTERCEPT AGREEMENT.

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the Governmental Unit is a legally and regularly created, established, organized and existing municipality under the general laws of the State; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts borrowed under the Loan Agreement and that it is in the best interest of the Governmental Unit and its residents that the Loan Agreement and Intercept Agreement be executed and delivered and that the financing of the Project take place by executing and delivering the Loan Agreement; and

WHEREAS, the Governmental Unit may use the Pledged Revenues to finance the Project and the Project will provide for the public health, peace and safety of the Governmental Unit and its citizens; and

WHEREAS, pursuant to the Act, the Governmental Unit has by the Tax Ordinance imposed the Municipal Capital Outlay Gross Receipts Tax pursuant to Section 7-19D-12, NMSA 1978, as

amended, on the gross receipts of all persons engaging in business within the Governmental Unit, which provides for the Pledged Revenues; and

WHEREAS, the Governing Body has determined that it may lawfully pledge the Pledged Revenues for the payment of amounts due under the Loan Agreement; and

WHEREAS, as described in the Term Sheet, the Pledged Revenues have not heretofore been pledged to secure the payment of any obligation which is currently outstanding; and

WHEREAS, the Loan Agreement shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues and shall not constitute a general obligation of the Governmental Unit, or a debt or pledge of the faith and credit of the Governmental Unit or the State; and

WHEREAS, the Governmental Unit desires to provide that distributions of the Pledged Revenues be redirected to the Finance Authority or its assigns pursuant to an Intercept Agreement between the Governmental Unit and the Finance Authority (the "Intercept Agreement") for the payment of amounts due under the Loan Agreement; and

WHEREAS, the Loan Agreement shall be executed and delivered pursuant to Sections 3-31-1 through 3-31-12, NMSA 1978, as amended, and with an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues; and

WHEREAS, the Governing Body intends by this Ordinance to authorize the execution and delivery of the Loan Agreement in the amount and for the purposes set forth herein; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the City Clerk this Ordinance and the forms of the Loan Agreement and Intercept Agreement, which are incorporated by reference and considered to be a part hereof; and

WHEREAS, the Governing Body hereby determines that the Project to be financed with the Loan is to be used for governmental purposes of the Governmental Unit and will not be used for purposes which would cause the Loan Agreement to be deemed a "private activity bond" as defined by the Internal Revenue Code of 1986, as amended; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use and pledge of the Pledged Revenues to the Finance Authority (or its assigns) for the payment of amounts due under the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii) the authorization, execution and delivery of the Loan Agreement and Intercept Agreement which are required to have been obtained by the date of this Ordinance, have been obtained or are reasonably expected to be obtained.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS THAT:

Section 1. Definitions. As used in the Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

“Act” means the general laws of the State, including Sections 3-31-1 through 3-31-12 and Sections 6-21-1 through 6-21-31, NMSA 1978, as amended, Section 7-19D-12, NMSA 1978, as amended, and enactments of the Governing Body relating to the Loan Agreement and the Intercept Agreement, including this Ordinance and the Tax Ordinance.

“Aggregate Annual Debt Service Requirement” means the total principal and interest payments due and payable pursuant to the Loan Agreement and on all Parity Obligations secured by a pledge of any of the Pledged Revenues for any one Fiscal Year.

“Authorized Officers” means the Mayor, City Manager, City Treasurer, and City Clerk of the Governmental Unit.

“Bonds” means public project revolving fund revenue bonds, if any, issued hereafter by the Finance Authority to fund or reimburse the Loan Agreement.

“Closing Date” means the date of execution, delivery and funding of the Loan Agreement.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder.

“Completion Date” means the date of final payment of the cost of the Project.

“Distributing State Agency” means the department or agency of the State, as described on the Term Sheet, authorized to distribute the Pledged Revenues on behalf of the Governmental Unit.

“Expenses” means the cost of execution of the Loan Agreement and the costs of issuance of the Bonds, if any, and the periodic and regular fees and expenses incurred by the Finance Authority and the Trustee in administering the Loan Agreement, including legal fees.

“Finance Authority” means the New Mexico Finance Authority.

“Finance Authority Debt Service Account” means the debt service account in the name of the Governmental Unit established under the Indenture and held by the Finance Authority to pay principal and interest on the Loan Agreement as the same become due.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Governmental Unit as its fiscal year.

“Governing Body” means the City Council of the Governmental Unit, or any future successor governing body of the Governmental Unit.

“Governmental Unit” means the City of Las Vegas, New Mexico.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to the entire Ordinance and not solely to the particular section or paragraph of the Ordinance in which such word is used.

“Indenture” means the General Indenture of Trust and Pledge dated as of June 1, 1995, as amended and supplemented, by and between the Finance Authority and the Trustee, or the Subordinated General Indenture of Trust and Pledge dated as of March 1, 2005, as supplemented, by and between the Finance Authority and the Trustee, as determined by the Finance Authority pursuant to a Pledge Notification or Supplemental Indenture (as defined in the Indenture).

“Intercept Agreement” means the Intercept Agreement dated the Closing Date between the Governmental Unit and Finance Authority providing for the direct payment by the Distributing State Agency to the Finance Authority of Pledged Revenues in amounts sufficient to pay principal and interest due on the Loan Agreement, and any amendments or supplements to the Intercept Agreement.

“Loan” means the funds to be loaned to the Governmental Unit by the Finance Authority pursuant to the Loan Agreement.

“Loan Agreement” means the Loan Agreement dated the Closing Date between the Finance Authority and the Governmental Unit which provides for the financing of the Project and requires payments by or on behalf of the Governmental Unit to the Finance Authority and/or the Trustee and any amendments or supplements thereto, and including the exhibits attached to the Loan Agreement.

“Loan Agreement Principal Amount” means the original principal amount of the Loan Agreement as shown on the Term Sheet.

“Loan Agreement Reserve Account” means the loan agreement reserve account in the name of the Governmental Unit established under the Indenture, funded from the proceeds of the Loan Agreement or by the Governmental Unit, and administered by the Trustee pursuant to the Indenture.

“Loan Agreement Reserve Requirement” means the amount shown as the Loan Agreement Reserve Account Deposit on the Term Sheet attached as Exhibit “A” to the Loan Agreement, which amount shall not to exceed the least of (i) ten percent (10%) of the Loan Agreement Principal Amount, (ii) 125% of the average annual principal and interest requirements under the Loan Agreement, or (iii) the maximum annual principal and interest requirements under the Loan Agreement.

“NMSA 1978” means the New Mexico Statutes Annotated, 1978 compilation, as amended and supplemented.

“Ordinance” means this Ordinance No. 18-01 as adopted by the Governing Body on March 21, 2018, approving the Loan Agreement and pledging the Pledged Revenues to the payment of the Loan Agreement, as amended from time to time.

“Parity Obligations” means the Loan Agreement and any other obligations, now or hereafter issued or incurred, payable from or secured by a lien or pledge of the Pledged Revenues and issued with a lien on the Pledged Revenues on parity with the Loan Agreement, including those obligations described on the Term Sheet, if any.

“Pledged Revenues” means the revenues derived from the one-quarter of one percent (0.25%) Municipal Capital Outlay Gross Receipts Tax enacted pursuant to Section 7-19D-12, NMSA 1978, as amended, and the Tax Ordinance, distributed to the Governmental Unit monthly by the Distributing State Agency.

“Processing Fee” means the processing fee to be paid by the Governmental Unit on the Closing Date to the Finance Authority for the costs of originating and servicing the Loan, as shown on the Term Sheet.

“Program Account” means the account in the name of the Governmental Unit established pursuant to the Indenture and held by the Trustee for the deposit of the net proceeds of the Loan Agreement for disbursement to the Governmental Unit for payment of the costs of the Project.

“Project” means acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping or rehabilitating any independent fire district project or facilities, including where applicable purchasing, otherwise acquiring or improving the ground for the project, or any combination of such purposes, all within the Governmental Unit, as described in the Term Sheet.

“Tax Ordinance” means Governmental Unit Ordinance No. 06-11 adopted by the Governing Body on June 7, 2006 pursuant to Section 7-19D-12, NMSA 1978, which imposes a one-quarter of one percent (0.25%) Municipal Capital Outlay Gross Receipts Tax on the gross receipts of persons engaging in business within the Governmental Unit.

“State” means the State of New Mexico.

“Term Sheet” means Exhibit “A” to the Loan Agreement.

“Trustee” means BOKF, NA, or any successor trustee company, national or state banking association or financial institution at the time appointed Trustee by the Finance Authority.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Governing Body and officers of the Governmental Unit directed toward the Project and the execution and delivery of the Loan Agreement and the Intercept Agreement be, and the same hereby are, ratified, approved and confirmed.

Section 3. Authorization of the Project, the Loan Agreement, and the Intercept Agreement. The Project and the method of financing the Project through execution and delivery of the Loan Agreement and the Intercept Agreement are hereby authorized and ordered. The Project is for the benefit of the Governmental Unit.

Section 4. Findings. The Governmental Unit hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the Governmental Unit and its residents and the issuance, execution and delivery of the Loan Agreement is necessary and advisable.

B. Moneys available and on hand for the Project from all sources other than the Loan are not sufficient to defray the cost of the Project.

C. The Pledged Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement.

D. It is economically feasible to defray, in whole or in part, the costs of the Project by the execution and delivery of the Loan Agreement.

E. The Project and the execution and delivery of the Loan Agreement and the Intercept Agreement pursuant to the Act to provide funds for the financing of the Project are necessary and in the interest of the public health, safety, and welfare of the residents of the Governmental Unit.

F. The Governmental Unit will finance the Project, in whole or in part, with the net proceeds of the Loan.

G. Other than as described in the Term Sheet, the Governmental Unit does not have any outstanding obligations payable from Pledged Revenues which it has incurred or will incur prior to the initial execution and delivery of the Loan Agreement and the Intercept Agreement.

H. The net effective interest rate on the Loan does not exceed twelve percent (12.0%) per annum, which is the maximum rate permitted by State law.

I. Pursuant to Section 7-19D-12, NMSA 1978, as amended, the Governmental Unit has heretofore adopted the Tax Ordinance, which imposes a Municipal Capital Outlay Gross Receipts Tax of one-quarter of one percent (0.25%) on the gross receipts of persons engaging in business within the Governmental Unit.

Section 5. Loan Agreement and Intercept Agreement - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of a three-fourths majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the residents of the Governmental Unit and completing the Project, it is hereby declared necessary that the Governmental Unit, pursuant to the Act, execute and deliver the Loan Agreement and the Intercept Agreement evidencing a special, limited obligation of the Governmental Unit to pay a principal amount of \$4,570,000, plus interest, and the execution and delivery of the Loan Agreement and the Intercept Agreement are hereby authorized. The Governmental Unit shall use the proceeds of the Loan to (i) finance the Project, (ii) fund the Loan Agreement Reserve Account, (iii) make a deposit to the Finance Authority Debt Service Account, and (iv) pay the Processing Fee and Expenses.

B. Detail. The Loan Agreement and Intercept Agreement shall be in substantially the forms presented at the meeting of the Governing Body at which this Ordinance was adopted. The Loan shall be in an aggregate principal amount of \$4,570,000, shall be payable in installments of principal due on _____ 1 of the years designated in Exhibit "B" to the Loan Agreement and bear interest payable on _____ 1 and _____ 1 of each year, commencing on _____ 1, 2018 at the rates designated in Exhibit "B" to the Loan Agreement.

Section 6. Approval of Loan Agreement and Intercept Agreement. The forms of the Loan Agreement and the Intercept Agreement as presented at the meeting of the Governing Body at which this Ordinance was adopted are hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan Agreement and the Intercept Agreement with such changes, insertions and omissions as are consistent with this Ordinance and as may be approved by such individual Authorized Officers, and the City Clerk is hereby authorized to affix the seal of the Governmental Unit on the Loan Agreement and the Intercept Agreement and attest the same. The execution of the Loan Agreement and the Intercept Agreement by an Authorized Officer shall be conclusive evidence of such approval.

Section 7. Special Limited Obligation. The Loan Agreement shall be secured by the pledge of the Pledged Revenues as set forth in the Loan Agreement and shall be payable solely from the Pledged Revenues. The Loan Agreement, together with interest thereon and other obligations of the Governmental Unit thereunder, shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues as provided in this Ordinance and the Loan Agreement and shall not constitute a general obligation of the Governmental Unit or the State, and the holders of the Loan Agreement may not look to any general or other fund of the Governmental Unit for payment of the obligations thereunder. Nothing contained in this Ordinance or in the Loan Agreement, or any other instruments, shall be construed as obligating the Governmental Unit (except with respect to the application of the Pledged Revenues), as incurring a pecuniary liability or a charge upon the general credit of the Governmental Unit or against its taxing power, nor shall a breach of any agreement contained in this Ordinance, the Loan Agreement, or any other instrument impose any pecuniary liability upon the Governmental Unit or any charge upon its general credit or against its taxing power. The Loan Agreement shall never constitute an indebtedness of the Governmental Unit within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the Governmental Unit or a charge against its general credit or taxing power. Nothing herein shall prevent the Governmental Unit from applying other funds of the Governmental Unit legally available therefore to payments required by the Loan Agreement, in its sole and absolute discretion.

Section 8. Disposition of Proceeds: Completion of the Project.

A. Program Account, Finance Authority Debt Service Account and Loan Agreement Reserve Account. The Governmental Unit hereby consents to creation of the Finance Authority Debt Service Account to be held and maintained by the Finance Authority and to the Program Account and Loan Agreement Reserve Account to be held and maintained by the Trustee pursuant to the Indenture, each in connection with the Loan. The Governmental Unit hereby approves: (i) the deposit of a portion of the proceeds of the Loan Agreement in the Program Account and the Finance Authority Debt Service Account; (ii) the deposit of funds in the amount of the Loan Agreement Reserve Requirement in the Loan Agreement Reserve Account as set forth in

the Term Sheet; and (iii) the payment of the Processing Fee to the Finance Authority, all as set forth in the Term Sheet.

The proceeds derived from the execution and delivery of the Loan Agreement shall be deposited promptly upon the receipt thereof in the Finance Authority Debt Service Account and the Program Account and Loan Agreement Reserve Account, and the Processing Fee shall be paid to the Finance Authority, all as provided in the Loan Agreement and the Indenture.

Until the Completion Date, the money in the Program Account shall be used and paid out solely for the Project in compliance with applicable law and the provisions of the Loan Agreement and the Indenture.

The Governmental Unit will complete the Project with all due diligence.

B. Completion of the Project. Upon the Completion Date, the Governmental Unit shall execute and send to the Finance Authority a certificate stating that payment for the Project has been completed. As soon as practicable after the Completion Date, and, in any event, not more than sixty (60) days from the Completion Date, any balance remaining in the Program Account shall be transferred and deposited into the Finance Authority Debt Service Account, as provided in the Loan Agreement and the Indenture.

C. Finance Authority and Trustee Not Responsible. The Finance Authority and the Trustee shall in no manner be responsible for the application or disposal by the Governmental Unit or by its officers of the funds derived from the Loan Agreement or of any other funds herein designated.

Section 9. Deposit of Pledged Revenues, Distributions of the Pledged Revenues and Flow of Funds.

A. Deposit of Pledged Revenues. Pursuant to the Intercept Agreement, the Pledged Revenues shall be paid directly by the Distributing State Agency to the Finance Authority for deposit in the Finance Authority Debt Service Account and remittance to the Trustee in an amount sufficient to pay principal, interest, premium, if any, and other amounts due under the Loan Agreement, including sufficient Pledged Revenues in the Loan Agreement Reserve Account to maintain the Loan Agreement Reserve Requirement.

B. Termination on Deposits to Maturity. No payment shall be made into the Finance Authority Debt Service Account if the amounts in the Finance Authority Debt Service Account and Loan Agreement Reserve Account total a sum at least equal to the entire aggregate amount to become due as to principal and interest on, and any other amounts due under, the Loan Agreement in which case moneys in such account in an amount at least equal to such principal and interest requirements shall be used solely to pay such obligations as the same become due, and any moneys in excess thereof in such accounts shall be transferred to the Governmental Unit and used as provided below.

C. Use of Surplus Revenues. After making all the payments hereinabove required to be made by this Section, any moneys remaining in the Finance Authority Debt Service Account shall be transferred to the Governmental Unit on a timely basis and shall be applied to any

other lawful purpose, including, but not limited to, the payment of any Parity Obligations or bonds or obligations subordinate and junior to the Loan Agreement, or other purposes authorized by the Governmental Unit, the Constitution and laws of the State, as the Governmental Unit may from time to time determine.

Section 10. Lien on Pledged Revenues. Pursuant to this Ordinance and the Loan Agreement, the Pledged Revenues are hereby authorized to be pledged to, and are hereby pledged, and the Governmental Unit grants a security interest therein for, the payment of the principal, interest, and any other amounts due under the Loan Agreement subject to the uses thereof permitted by and the priorities set forth in this Ordinance. The Loan Agreement constitutes an irrevocable and first lien, but not necessarily an exclusive first lien, on the Pledged Revenues with the lien thereon of the Parity Obligations as set forth herein and in the Loan Agreement. The Governmental Unit shall not create a lien on the Pledged Revenues superior to that of the Loan Agreement.

Section 11. Authorized Officers. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Ordinance, the Loan Agreement, the Intercept Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Ordinance, the Loan Agreement and the Intercept Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Ordinance, the Loan Agreement and the Intercept Agreement, including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan Agreement and the Intercept Agreement, and the publication of the summary of this Ordinance set out in Section 17 of this Ordinance (with such changes, additions and deletions as may be necessary).

Section 12. Amendment of Ordinance. Prior to the date of the initial delivery of the Loan Agreement to Finance Authority, the provisions of this Ordinance may be supplemented or amended by ordinance or resolution of the Governing Body with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. This Ordinance may be amended by ordinance of the Governing Body without receipt by the Governmental Unit of any additional consideration, but only with the prior written consent of the Finance Authority.

Section 13. Ordinance Irrepealable. After the Loan Agreement and Intercept Agreement have been executed and delivered, this Ordinance shall be and remain irrepealable until all obligations due under the Loan Agreement shall be fully paid, canceled and discharged, as provided therein.

Section 14. Severability Clause. 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 such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 15. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Mayor and the City Clerk of the Governmental Unit, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 17 below) shall be published in a newspaper which maintains an office and is of general circulation in the Governmental Unit, or posted in accordance with law, and such Ordinance shall be in full force and effect thereafter, in accordance with law.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

City of Las Vegas, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. 18-01 duly adopted and approved by the City Council of the City of Las Vegas, New Mexico, on March 21, 2018. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 1700 N. Grand Avenue, Las Vegas, New Mexico.

The title of the Ordinance is:

CITY OF LAS VEGAS, NEW MEXICO
ORDINANCE NO. 18-01

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF LAS VEGAS, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$4,570,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF WATER STORAGE RIGHTS FOR USE BY THE GOVERNMENTAL UNIT, PAYING A LOAN PROCESSING FEE, AND FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE DISTRIBUTIONS OF THE REVENUES OF THE ONE-QUARTER OF ONE PERCENT MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX IMPOSED PURSUANT TO SECTION 7-19D-12, NMSA 1978; PROVIDING FOR THE DISTRIBUTIONS OF THE REVENUES OF THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX FROM THE STATE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL

AND INTEREST DUE ON THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND THE INTERCEPT AGREEMENT.

A summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with Section 6-14-6, NMSA 1978.

(End of Form of Summary for Publication)

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF MARCH, 2018.

CITY OF LAS VEGAS, NEW MEXICO

ATTEST:

Tonita Gurulé-Girón, Mayor

Casandra Fresquez, City Clerk