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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 10-059 Council District: N/A

For Meeting of August 17, 2009

(Adoption Date)

TITLE: A RESOLUTION ACCEPTING STATE FUNDING FOR AND AUTHORIZING THE CITY TO SERVE AS THE FISCAL AGENT ON BEHALF OF JARDIN DE LOS NINOS. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO SIGN THE NECESSARY AGREEMENTS ON THE CITY'S BEHALF. THE RESOLUTION AMENDS THE CITY'S ADOPTED FY2010 BUDGET TO REFLECT THE ACTIONS CALLED FOR UNDER THIS RESOLUTION.

PURPOSE(S) OF ACTION: To authorize the City to accept from the State of New Mexico and serve as the fiscal agent for the funds allocated to Jardin de los Ninos for \$30,000 in emergency operating funds. The resolution authorizes the City Manager to execute the necessary agreements with both the State and Jardin, as well as to amend the City's FY2010 budget.

Name of Drafter: David Dollahon <i>DD</i>		Department: Community Development		Phone: 528-3060	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>DD</i>	528-3067	Budget	<i>Richardson</i>	541-2281
Legal	<i>Andy Nunez</i>	541-2128	Assistant City Manager	<i>[Signature]</i>	541-2271
	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: Recently, Governor Richardson, with support from State Senator Mary Kay Papen and State Representative Andy Nunez, made an emergency allocation of operating assistance to Jardin de los Ninos, henceforth referred to as "Jardin." This allocation is necessary to keep Jardin in a financial position to keep operating as the City's only child care center for homeless and near homeless families.

In order to comply with the requirements of the State of New Mexico, specifically the Anti-Donation Clause of the State Constitution, the City or some other instrumentality of the State must agree to serve as the fiscal agent for these funds to be allocated to Jardin. The City is willing to serve as the fiscal agent and to accept and approve an agreement between the State and the City, which is currently being developed by the State's Department of Finance and Administration, Local Government Division. Additionally, City staff will execute a sub-agreement with Jardin for the use of the State's funding, as the fiscal agent. Jardin has completed the necessary paperwork for the City to serve as its fiscal agent. As the State funding must be reflected in the City's adopted FY2010 budget, staff is proposing the following actions:

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- 1) Authorizing the City Manager to sign the agreement between the City and the State, once provided by the State;
- 2) Authorizing the City Manager to direct staff to develop and for him to execute a sub-agreement between the City and Jardin for the use of these funds, in keeping with the requirements of the City's fiscal agency policy and the State Agreement;
- 3) Accept the fiscal agency fee of \$500 from Jardin; and
- 4) Amend the City's FY2010 adopted budget to reflect both the fiscal agency fee from Jardin and the funding from the State on Jardin's behalf.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
General Fund (Fund 1000)/ 10100010-546550	\$500.00	\$500.00
State Operating Grants (Fund 2760) TBD-722190-30705	\$30,000.00	\$30,000.00

1. Resolution
2. Exhibit "A" – Budget Adjustment to the City's FY2010

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution authorizing acceptance of an agreement with the State of New Mexico for emergency operating funds for Jardin de los Ninos, agreeing to serve as Jardin's fiscal agent for the State funds, and amending the City's FY2010 Budget.
2. Vote NO and disapprove the Resolution which does not authorize acceptance of an agreement with the State of New Mexico for emergency operating funds for Jardin de los Ninos, does not obligate the City to serve as Jardin's fiscal agent for the State funds, and does not amend the City's FY2010 Budget.
3. Modify the Resolution and vote YES to approve the modified Resolution. This action would be based on the Council's discretion.
4. Table or Postpone action on the requested Resolution. Direction would be required of the Council to staff.

RESOLUTION NO. 10-059

A RESOLUTION ACCEPTING STATE FUNDING FOR AND AUTHORIZING THE CITY TO SERVE AS THE FISCAL AGENT ON BEHALF OF JARDIN DE LOS NINOS. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO SIGN THE NECESSARY AGREEMENTS ON THE CITY'S BEHALF. THE RESOLUTION AMENDS THE CITY'S ADOPTED FY2010 BUDGET TO REFLECT THE ACTIONS CALLED FOR UNDER THIS RESOLUTION.

The City Council is informed that:

WHEREAS, Governor Richardson, with support from State Senator Mary Kay Papen and State Representative Andy Nunez, have made \$30,000 available to Jardin de los Ninos; and

WHEREAS, in order to comply with the State Constitution's Anti-Donation Clause, the City or some other instrumentality of the State must serve as the fiscal agent for these State funds on Jardin's behalf; and

WHEREAS, the City has received a request from Jardin de los Ninos to serve as the fiscal agent; and

WHEREAS, once the State of New Mexico develops the funding agreement, the City must execute the agreement, as well as enter into a sub-agreement with Jardin de los Ninos; and

WHEREAS, in order to expedite this process, City Staff have developed this Resolution for City Council's review and consideration to authorize certain actions by the City Manager on the City's behalf related to this matter.

NOW THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the City Manager of the City of Las Cruces is hereby authorized to accept and execute an Agreement between the State of New Mexico and the City related to accepting and serving as the fiscal agent for operating assistance to Jardin de los Ninos, once developed and submitted by the State of New Mexico Department of Finance and Administration, Local Government Division.

(II)

THAT the City Staff are hereby authorized to develop a sub-agreement between Jardin de los Ninos and the City of Las Cruces, with the City agreeing to serve as the Fiscal Agent for the operating funds from the State of New Mexico, provided that said sub-agreement is in keeping with the State's requirements, the City's adopted fiscal agent policy and this Resolution. The City Manager is authorized to execute the sub-agreement on the City's behalf.

(III)

THAT the City's FY2010 adopted budget, is hereby amended and approved, as reflected in Exhibit "A," attached hereto and made part of this resolution.

(IV)

THAT City staff is hereby authorized to do all deeds necessary to the accomplishment of the herein above.

DONE and APPROVED this ____ day of _____, 2009.

APPROVED:

(SEAL)

Mayor

ATTEST:

VOTE:

City Clerk

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Moved by: _____

Councillor Archuleta: _____

Councillor Small: _____

Seconded by: _____

Councillor Jones: _____

Councillor Thomas: _____

Approved as to Form:



City Attorney

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010**

FUND	DIVISION		FUND TYPE	
State Operating Grants Fund 2760	Finance		Special Revenue	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
RESOURCES				
Beginning Balance	\$ 832	832		832
REVENUES				
552003 Jardin de los Ninos	\$ 0	0	30,000	30,000
552003 Boys & Girls Club	0	0		0
552004-23003 NM Dept of Health (Summer Food)	245,000	253,836		253,836
552004-23004 NM Dept of Health (Diabetes)	0	0		0
552013-21002 Branigan Library State Aid	4,062	0		0
552019-23005 UNM Pedestrian Safety	0	0		0
552003-22001 NM Main Street (Facility Assessment)	35,000	0		0
552021-22002 NM Dept of Cultural Affairs (MoA)	0	0		0
552008-30630 New Mexico Forest Re-Leaf Grant	0	0		0
552021-22003 NM Arts	4,257	0		0
552023-20450 NM Economic Development(Advertising)	0	2,700		2,700
552024-21001 NM Humanities Grant	0	0		0
552003-30704 NM DFA Homeless Veterans Shelter	0	0		0
Total Revenues	\$ 288,319	256,536	30,000	286,536
Total Resources	\$ 289,151	257,368	30,000	287,368
EXPENDITURES				
27200030-30701 Jardin de los Ninos	\$ 0	0	30,000	30,000
27200050-30703 Boys & Girls Club	0	0		0
27205080-23003 NM Dept of Health (Summer Food)	245,000	253,836		253,836
27205100-23004 NM Dept of Health (Diabetes)	0	0		0
27205060-22001 NM Main Street (Facility Assessment)	35,000	0		0
27205120-21002 Branigan Library State Aid	4,062	0		0
27205140-23005 UNM Pedestrian Safety	0	0		0
27205150-22002 NM Dept of Cultural Affairs (MoA)	0	0		0
552008-30630 New Mexico Forest Re-Leaf Grant	0	0		0
27205150-22003 NM Arts	4,257	0		0
27200080-30704 NM DFA Homeless Veterans Shelter	0	0		0
27184020-20450 NM Economic Development(Advertising)	0	2,700		2,700
Total Expenditures	\$ 288,319	256,536	30,000	286,536
ENDING BALANCE	\$ 832	832	0	832

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010**

FUND				
General Fund 1000				
		FY 2008/09 Projected*	FY 2009/10 Adopted	FY 2009/10 Adjusted
BEGINNING BALANCE		\$ 20,409,862	14,454,454	14,454,454
REVENUES				
512011 to 015 & 911500 Gross Receipts Taxes		\$ 53,960,000	53,699,000	53,699,000
511010 Property Taxes		8,029,209	8,369,756	8,369,756
514010 to 50 Franchise Fees		2,761,175	2,830,644	2,830,644
546301 to 08 Administrative Transfers		1,866,442	2,020,234	2,020,234
533001 Police Fines		1,075,782	1,098,373	1,098,373
521002 Subdivision Fees		270,000	276,750	276,750
All Other Revenues		5,279,035	5,470,876	5,471,376
TOTAL REVENUES		\$ 73,241,643	73,765,633	73,766,133
TOTAL RESOURCES		\$ 93,651,505	88,220,087	88,220,587
EXPENDITURES				
Administration		\$ 1,843,217	2,097,512	2,097,512
Community Development		1,531,820	1,879,236	1,879,236
Facilities		8,762,163	11,750,833	11,750,833
Financial Services		3,377,571	3,505,997	3,505,997
Fire		8,690,432	8,651,060	8,651,060
Human Resources		916,325	958,900	958,900
Judicial		1,313,729	1,567,634	1,567,634
Legal		1,614,796	1,845,985	1,845,985
Legislative		764,069	703,581	703,581
Police		19,635,046	18,629,434	18,629,434
Public Services		7,863,009	6,344,190	6,344,190
Public Works		5,930,298	5,487,983	5,487,983
Reserves		1,540,632	1,799,483	1,799,483
Transfers		15,413,944	8,579,373	8,579,373
Total General Fund Expenditures		\$ 79,197,051	73,801,201	73,801,201
Adjustment due to change in accruals.		0	0	
ENDING BALANCE		\$ 14,454,454	14,418,886	14,419,386
Required 1/12th Reserve		6,599,754	6,150,100	6,150,100
UN-RESERVED ENDING BALANCE		\$ 7,854,700	8,268,786	8,269,286

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.