

# Commission Meeting Agenda



## Mayor

Samuel D. Cobb

## City Commission

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

## City Manager

Manny Gomez

*April 18, 2022*



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

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

Sam D. Cobb, Mayor

R. Finn Smith  
Commissioner – District 1

Joseph D. Calderón  
Commissioner – District 4

Christopher R. Mills  
Commissioner – District 2

Dwayne Penick  
Commissioner – District 5

Larron B. Fields  
Commissioner – District 3

Don R. Gerth  
Commissioner – District 6

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

---

**A G E N D A**

City Commission Meetings are  
Broadcast Live on KHBX FM 99.3 Radio and  
Available via Livestream at [www.hobbsnm.org](http://www.hobbsnm.org)

**CALL TO ORDER AND ROLL CALL**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes of the April 4, 2022, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

## **PROCLAMATIONS AND AWARDS OF MERIT**

2. Proclamation Proclaiming the Month of April, 2022, as *“Autism Awareness Month”*
3. Proclamation Proclaiming April 10-16, 2022, as *“National Animal Protection Officer Appreciation Week”*
4. Proclamation Proclaiming April 10-16, 2022, as *“National Public Safety Telecommunicators Week”*
5. Recognition of City Employees - Milestone Service Awards for the Month of April, 2022 (*Manny Gomez, City Manager*)
  - 5 years – Tabresha Price, Hobbs Police Department
  - 10 years – Josie Dominguez, Hobbs Police Department
  - 15 years – Guillermo Galvan, General Services Department
  - 20 years – Christopher Davis, Hobbs Fire Department
  - 20 years – Delma Martinez, Utilities Department

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

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

**CONSENT AGENDA** (*The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.*)

6. Resolution No. 7183 – Authorizing the Mayor to Make Appointments to the Lea County Community Improvement Corporation Board (*Mayor Sam Cobb*)

## **DISCUSSION**

None

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

7. **APPEAL HEARING:** Upholding or Overturning the Decision of the Utilities Board Regarding the Application of Cultura Verde, LLC, to Connect to City Utility Service at 916 Elm Blvd., Hobbs, New Mexico. (*Valerie Chacon, Deputy City Attorney*)
8. **PUBLIC HEARING:** Resolution No. 7184 - Concerning the Issuance of a Restaurant Liquor License to Dragon China Buffet ABC, Inc., d/b/a Buffertime, Located at 1801 North Turner Street, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
9. Consideration of Approval of the New Mexico Opioid Allocation Agreement for the Distribution of Settlement Proceeds from Settlements with Johnson & Johnson, McKesson Corporation, AmerisourceBergen Corporation and Cardinal Health, Inc. (*Efren Cortez, City Attorney*)
10. Resolution No. 7185 – Authorizing an Allocation of Lodgers’ Tax Funds for Cinco de Mayo 2022 (*Toby Spears, Finance Director*)
11. Resolution No. 7186 – Approving a Development Agreement with Property Management Plus, LLC, Concerning the Development of Market Rate Single-Family Housing (*Kevin Robinson, Planning Director*)

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

12. Next Meeting Date:
  - City Commission:  
Regular Meeting ***Monday, May 2, 2022, at 6:00 p.m.***

## **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk’s Office at (575) 397-9200 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk’s Office if a summary or other type of accessible format is needed.



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 18, 2022

**SUBJECT: City Commission Meeting Minutes**

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: April 14, 2022  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

The following minutes are submitted for approval:

- Regular Commission Meeting of April 4, 2022

**Fiscal Impact:**

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

N/A

**Attachments:**

Minutes as referenced under "Summary".

**Legal Review:**

Approved As To Form: \_\_\_\_\_  
*City Attorney*

**Recommendation:**

Motion to approve the minutes as presented.

Approved For Submittal By:  
  
\_\_\_\_\_  
*Department Director*  
  
\_\_\_\_\_  
*City Manager*

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, April 4, 2022, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

### **Call to Order and Roll Call**

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

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

Also present:

Manny Gomez, City Manager  
Efren Cortez, City Attorney  
August Fons, Interim Police Chief  
Barry Young, Fire Chief  
Mark Doporto, Deputy Fire Chief  
Kevin Shearer, Battalion Chief  
Toby Spears, Finance Director  
Bobby Arther, Municipal Judge  
Nicholas Goulet, Human Resources Director  
Shelia Baker, General Services Director  
Doug McDaniel, Recreation Director  
Bryan Wagner, Parks and Open Spaces Director  
Matt Hughes,  
Todd Randall, City Engineer  
Kevin Robinson, Planning Director  
Tim Woomer, Utilities Director  
Ron Roberts, Information Technology Director  
Sandy Farrell, Library Director  
Bob Hamilton, Reference Librarian  
Julie Nymeyer, Administrative Assistant  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
78 citizens

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

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

### **Organizational Meeting of the Commission**

#### **Selection of Mayor Pro-Tem per Section 5-1 of the Hobbs City Charter.**

Mayor Cobb explained the requirement for an organizational meeting of the City Commission and stated pursuant to Section 5-1 of the Hobbs City Charter, the Commission shall elect one of its members to serve as Mayor Pro-Tem.

Commissioner Gerth nominated Commissioner Calderón to serve as Mayor Pro-Tem. Commissioner Smith seconded the motion and there being no other nominations, the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

### **Closed Session**

The Commission convened in closed session at 5:00 p.m. on Monday, April 4, 2022, for the discussion of the acquisition or disposal of real property located at the Hobbs Industrial Air Park. [NMSA 1978, §10-15-1(H)(8)]. The matters discussed in the closed meeting were limited only to that specified above. No action was taken during the meeting.

### **Approval of Minutes**

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

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

A proclamation proclaiming April 4, 2022, as “Hobbs Eagles Cheerleaders Day” was presented by Mayor Cobb to Coaches Brittanee McCleery and Rene Gritz along with members of the Hobbs Eagles Cheerleaders Team with congratulations for a job well done.

Mayor Cobb proclaimed the week of April 3 – 9, 2022, as “National Library Week”. He presented the proclamation to Ms. Sandy Farrell, Library Director, Mr. Bob Hamilton, Reference Librarian, and members of the Library Board and Friends of the Library. Ms. Farrell updated the Commission and public on the current activities at the Hobbs Public Library.

### **Public Comments**

Mayor Cobb stated due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, March 21, 2022. There were no public comments during the meeting.

Mr. B. J. Choice addressed several comments to the Commission regarding the assassination of Martin Luther King which happened 54 years ago on April 4, 1968.

Mr. Danny Fletcher of Holtec International briefed the Commission and stated Holtec and the Eddy Lea Energy Alliance are awaiting issuance of a license from the NRC by mid-summer. He also stated Holtec wishes to be a good community partner and is here to help sponsor a little league team and have a presence in the community. Mr. Fletcher stated Holtec is also meeting with the Hobbs Municipal Schools to help with the STEM program.

### **Consent Agenda**

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

There being no discussion, Commissioner Calderón moved for approval of the following Consent Agenda Item(s):

*Resolution No. 7173 – Approving the Final Plan for BWR Subdivision Submitted by Grimes Land Co. for Property Located Southwest of the Intersection of Alabama and World Drive Within the City of Hobbs Extraterritorial Jurisdiction*

*Resolution No. 7174 – Approving the Final Plan for T & S Subdivision Submitted by Six S Ventures for Property Located Southeast of the Intersection of Alabama and World Drive Within the City of Hobbs Extraterritorial Jurisdiction*

*Resolution No. 7175 – Approving the Final Plan for the Kass-McKinley Subdivision as Recommended by the Planning Board*

*Resolution No. 7176 – Approving the Vacation of an Alleyway Adjacent to Lots 7, 8 and 9 of Block 13 Within the Green Meadow Subdivision, Second Unit, Within the Extraterritorial Jurisdiction*

Resolution No. 7177 – Authorizing the Submission of a Grant Application to the State of New Mexico, Department of Tourism, for the Hobbs Clean and Beautiful Program

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

**Discussion**

None

**Action Items**

FINAL ADOPTION: Ordinance No. 1141 – Amending Chapter 2.56 of the Hobbs Municipal Code Related to the Personnel Rules for the City of Hobbs

Mr. Cortez stated the City of Hobbs first adopted its personnel rules in 2003 via Ordinance No. 916. Later, Article 1, Article 4, Article 7, and Article 8 of the personnel rules were amended in part via Ordinance No. 1058 on January 7, 2013. He explained the ordinance before the Commission tonight amends Chapter 2.56 of the Hobbs Municipal Code related to personnel rules for City of Hobbs employees. The proposed changes seek to ensure that the City of Hobbs' personnel rules are concise, up-to-date, account for cultural shifts, updates in the law, and philosophical changes in the organization. He stated the proposed ordinance was first discussed by the Commission at its meeting on March 7, 2022, and publication was accomplished on March 16, 2022. He stated it is a very comprehensive 58-page document.

Commissioner Mills requested clarification of Section 2.56.230 regarding the reclassification of employees. Mr. Cortez explained that a position is reclassified, not people. He stated a reclassification would not be a reduction in pay unless a demotion process was involved. A lengthy discussion was held regarding the duties contained in an employee's job description.

Mr. Cortez gave kudos to Mr. Manny Gomez, City Manager, for his commitment to the process of getting this ordinance updated.

Mr. Gomez stated the purpose of the update is to connect and foster a positive relationship with the employees. He stated it is a document that is used daily and training will be held so that staff will have an awareness of the changes. Mr. Gomez expressed thanks to the H. R. Department for their work on this project.

Proper publication having been made, and there being no further discussion or comment from the public, Commissioner Calderón moved that Ordinance No. 1141 be adopted as presented. Commissioner Fields seconded the motion and the vote was recorded as

follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

HEARING: Resolution No. 7178 – Enforcing or Rescinding Resolution No. 7158 as it Applies to Condemned Property Located at 220 S. Avenue C

Ms. Rocio Ocano, Assistant City Attorney, stated the City Commission adopted Resolution No. 7158 on February 7, 2022, finding the property located at 220 S. Avenue C to be damaged, dilapidated and a menace to the public comfort, health and safety and requiring its removal from the municipality. The property owner Gutberto Burciaga, filed a written objection to the condemnation of said property. Pursuant to HMC Section 8.24.040 and NMSA 1978, §3-18-5, a condemnation hearing is to be held by the Commission to determine if Resolution No. 7158, as it applies to the specific property, should be enforced or rescinded.

Ms. Rocio Ocano introduced the interpreter, Ms. Laura Perez, who works frequently with the Municipal Court. Through the use of the interpreter, it was determined Mr. Burciaga is not in the audience.

Ms. Ocano displayed photographs of the property taken in September 2021 and April 2022. There has been no attempt by the property owner to bring the property into compliance with Code. Mr. Scott Shed, Building Official, stated he visually viewed the property and there has been no change in its condition. Mr. Shawn Williams, Fire Marshal, confirmed there has been a fire at the back outside area of the property.

In response to Commissioner Penick's question, Ms. Ocano stated photographs of the property were taken today by the Code Enforcement Department.

In response to Commissioner Mills' question, Ms. Ocano stated this is not an adjudicatory hearing so the rules of evidence do not apply.

Mr. Efren Cortez, City Attorney, stated the City must meet the preponderance of evidence standard and the property still presents a health and safety hazard. He said the property owner would have the right to a de novo appeal.

In response to Commissioner Gerth's question, Mr. Shed stated an inside inspection was not done as permission from the property owner is required to enter into the structure.

In response to Commissioner Mills' question, Ms. Jan Fletcher, City Clerk, stated a Notice of Hearing was sent by regular mail to Mr. Burciaga on March 9, 2022, and mailed to his addresses at 220 South Avenue C and also to 407 West Shipp Drive which have not been returned back to the City. Commissioner Mills stated he felt the notice should have been sent by certified mail to the property owner as the City is unable to know if he is aware of tonight's hearing.

Ms. Jessica Silva, Code Enforcement Superintendent, stated the only contact she has had with Mr. Burciaga, after numerous attempts, is when the condemnation resolution was posted on the property and it was that day when Mr. Burciaga filed his written objection through the use of his daughter as an interpreter. Ms. Silva stated there is no electricity or water service at the property. She stated an extension cord is connected to a mobile home two houses down currently providing electricity to the property.

In response to Commissioner Mills' further inquiry about notice of the hearing, Ms. Ocano stated certified mail is not required under the Hobbs Municipal Code. Mr. Cortez concurred with Ms. Ocano.

In response to Commissioner Fields' question, Ms. Silva stated there are no photographs of the inside of the structure as the property owner will not allow the City inside. Ms. Silva stated the water service was disconnected on February 14, 2022, and he is unable to obtain electric service because he has tampered with the meter in the past.

Based on the evidence presented and hearing from three City employees about the unsafe condition of the property, Ms. Ocano stated a hazard still exists at 220 South Avenue C and it remains open and accessible to the public.

Commissioner Calderón moved that Resolution No. 7178 be adopted enforcing Resolution No. 7158 as it relates to property located at 220 S. Avenue C. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills no, Fields yes, Penick yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

*Resolution No. 7179 – Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (909 North Cochran, 1117 North Denson, 606 East Byers, 700 and 708 East Cain, 304 West Shipp)*

Ms. Ocano and Ms. Silva explained the resolution and stated the City has identified properties which present health, life and safety hazards and warrant remediation. The properties are located at 909 North Cochran, 1117 North Denson, 606 East Byers, 700/708 East Cain and 304 West Shipp which are ruined, damaged and dilapidated. Photographs of the properties were displayed for the Commission to view.

Following some brief comments, Commissioner Calderón moved that Resolution No. 7179 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Consideration of Approval and Ratification of Final Adjusting Change Orders for the Phase 11 Waterline Replacement Project

Mr. Tim Woomer, Utilities Director, stated the City of Hobbs Utilities Department has completed the Phase 11 Waterline Replacement Project. The Project (Bid 1579-20) included the installation of new PVC water distribution waterlines in various parts of the City, replacing old, dilapidated and undersized steel/AC distribution lines. Mr. Woomer stated these two Change Orders represent the Final Adjusting Change Order and Reconciliation of the contract work and material quantities to the actual as-built work performed and material quantities installed.

Mr. Woomer reviewed the costs as follows:

Original Contract Amount:	\$1,040,427.02
Change Order #1:	-\$67,750.32
Total Work Completed:	\$856,881.31
Final Change Order #2:	-\$115,795.39
<b>Change to Original Contract:</b>	<b>-\$183,545.71</b>

Following a short discussion, Commissioner Mills moved for approval and ratification of the final adjusting change orders as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 7180 – Approving a Memorandum of Agreement Between the City of Hobbs and Lea County for Municipal Water Service to the Lea County Regional Airport

Mr. Todd Randall, City Engineer, stated the City has awarded and is currently constructing water (12") and sewer (12") along US 62/180, which will have the capacity to serve the Lea County Airport and surrounding area (\$1,440,982 contract with Ferguson Construction - not including GRT). Mr. Randall explained the terms of the Agreement and stated Lea County's contribution would be \$600,000 for the off-site water and sewer infrastructure. Staff is requesting approval authorizing the Mayor and/or City Manager to execute the Agreement.

In response to Commissioner Smith's question, Mr. Randall stated the Lea County Commission approved the Agreement at its March 31, 2022, meeting.

There being no further discussion, Commissioner Fields moved that Resolution No. 7180 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes,

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

*FINAL ADOPTION: Ordinance No. 1142 – Consenting to the Annexation of Tract 5 of the Lynch Subdivision Being a Portion of Section 9, Township 18 South, Range 38 East, Which is Presently Not Included in the City Limits*

Mr. Kevin Robinson, Development Director, explained the proposed annexation ordinance and stated the property is located in Tract 5 of the Lynch Subdivision within Section 9, Township 18 South, Range 38 East, and contains +/- 19.346 acres. He stated the annexation proposal was presented to the Planning Board at the February 15, 2022, meeting and the Board recommended approval to the Commission. Mr. Robinson displayed a map for the Commission to view and stated the property is adjacent to College Lane and Ja-Rob and the property owner has requested the annexation. He stated the City has received plans for additional homes to be constructed in this area.

Proper publication having been made, and there being no further discussion or comment from the public, Commissioner Smith moved that Ordinance No. 1142 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

*Resolution No. 7181 – Approving the Vacation of a Portion of Fowler Between Broadway and Taylor Located East of City Hall*

Mr. Randall stated the property being vacated is that portion of Fowler located between Broadway to the south and Taylor to the north. He stated Fowler, in this area, lies between City Hall occupying the entire block to the west and the Employee Parking Lot occupying the entire Block to the east. Preceding this vacation will be the closure of the south end of the vacated property and the north end of the vacated property will remain open to facilitate access to City Hall and from the Employee Parking Lot. The Planning Board reviewed this issue on December 12, 2021 and voted in favor of recommending approval to the Commission.

In response to Commissioner Fields' question, Mr. Randall stated Fowler would be closed off and not accessible from Broadway.

Mayor Cobb stated bollards would be added at the closure point for employee safety. He reminded the Commission that the City acquired the property at the corner of Fowler and Taylor, formerly owned by the chiropractic office.

There being no further discussion, Commissioner Gerth moved that Resolution No. 7181 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes,

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

Resolution No. 7182 – Approving a Development Agreement with Stuard Homes, LLC, Concerning the Development of Market Rate Single-Family Housing

Mr. Kevin Robinson, Development Director, stated Stuard Homes, LLC, has requested a development agreement concerning the development of market rate single-family housing units located within the municipal boundaries and is requesting infrastructure incentives of \$100,000.00. He stated this is the 12<sup>th</sup> development agreement proposed by Stuard Homes and 147 homes have been added as a result of the previous agreements.

There being no discussion, Commissioner Fields moved that Resolution No. 7182 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

**COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

Mayor Cobb stated the next regular City Commission meeting will be held on Monday, April 18, 2022, at 6:00 p.m.

Mr. Manny Gomez, City Manager, announced the grand opening ceremony for the Veterans Memorial Park will be held on Memorial Day, Monday, May 30, 2022. He thanked the Veterans Advisory Committee and Veterans Advisory Board for their work.

Mr. Gomez reminded the Commission of the Swing Fore Nine Golf Tournament on Saturday, April 9, 2022, with all proceeds to benefit the families of the University of the Southwest golf team who lost their lives in the recent horrific vehicle crash.

Mr. Gomez stated the new aerial unit at Hobbs Fire Station No. 1 will be placed in service on Friday, April 8, 2022, with a brief ceremony at 10:00 a.m.

Commissioner Gerth stated it was great to see a big crowd in the audience tonight and congratulations to the Hobbs High Cheerleaders.

Commissioner Calderón asked Ms. Tanya Sanchez, Community Services Coordinator, to provide a report on the trash cleanup held on March 26, 2022, held in District 4.

Ms. Sanchez reported the cleanup went well and over two trailers full of passenger tires were taken to the Lea County Convenience Center to be shred and two trailers full of commercial tires were taken to Denver City, Texas. The tires delivered to Denver City

weighed 4,320 pounds and cost the city \$172.80 for disposal. The Parks and Open Space Department paid \$188.00 for two staff trucks with trailers and fuel for travel.

Ms. Sanchez stated City staff and volunteers picked up over two and a half tons of trash which filled up a 30 yard roll-off container from Waste Management. Multiple piles of bulky solid waste were set aside for the City to pick up at a later date with heavy equipment. She stated once the bulky material is removed, the City will mow the area, remove dead trees and mitigate weed growth for a cleaner appearance.

Commissioner Calderon thanked Ms. Sanchez for the presentation and her help in promoting the cleanup. He thanked everyone who came out to help with the cleanup and encouraged everyone to take pride in their community by helping keep it clean.

Mayor Cobb stated the Governor has called a Special Legislative Session on Tuesday, April 5, 2022.

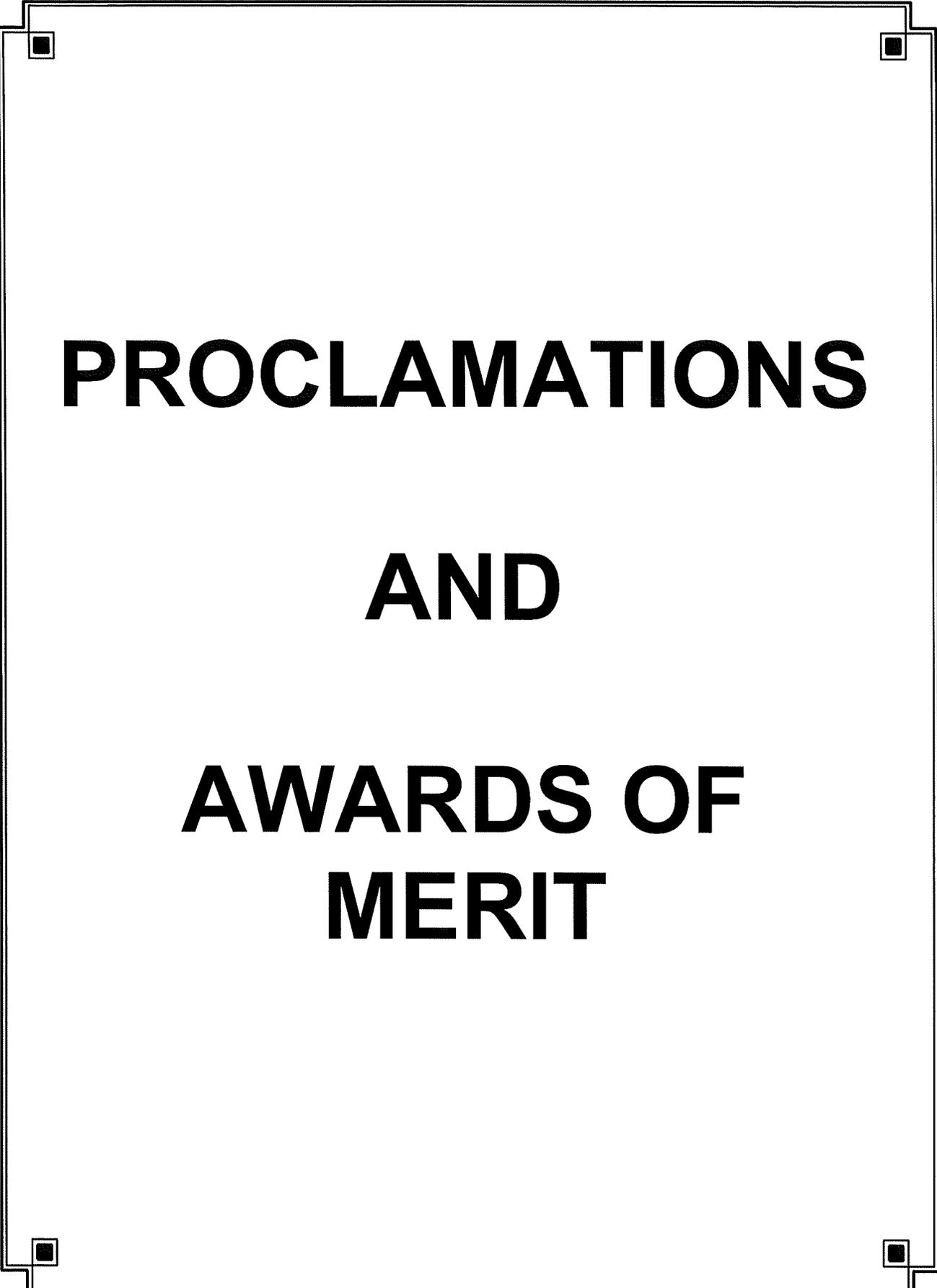
### **Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:40 p.m.

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

ATTEST:

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



**PROCLAMATIONS**

**AND**

**AWARDS OF  
MERIT**

Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, Autism Spectrum Disorder (ASD) is a neurobiological disorder that interferes with the development of communication and social interaction skills; and

**WHEREAS**, one of every forty-four children born this year will be later diagnosed as having an Autism Spectrum Disorder; and

**WHEREAS**, more than 3.5 million Americans are currently living with an ASD diagnosis, making Autism the fastest growing developmental disorder; and

**WHEREAS**, Autism is a lifelong condition that presents challenges to education, employment, housing and community development; and

**WHEREAS**, early intervention, evidence-based practices and proven support greatly improve the outcomes and reduce the lifelong costs of care of individuals with Autism and their families; and

**WHEREAS**, April is recognized as Autism Awareness Month in the United States.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the month of April, 2022 to be,

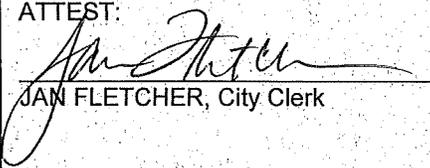
### "AUTISM AWARENESS MONTH"

and commend the many professionals, families, advocates and volunteers working to promote greater understanding of Autism in order to improve the quality of life of those affected by Autism.

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

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

ATTEST:

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



Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, the National Animal Care & Control Association has designated the second week of April each year as National Animal Protection Officer Appreciation Week; and

**WHEREAS**, Animal Protection Officers "aka Animal Control Officers" are dedicated to helping pets and people in the community every day; and

**WHEREAS**, every day, Animal Protection Officers put themselves in potentially dangerous situations by protecting people from dangerous animals and seek justice in cases of abused, neglected and abandoned animals by conducting humane investigations and protect the welfare of helpless animals and pets from injury, disease, and starvation; and

**WHEREAS**, Animal Protection Officers provide the essential functions of enforcing State Laws pertaining to animal care along with City Animal Regulations, and protecting the public from diseases such as rabies, and educating the public on the proper care of our community's per; and

**WHEREAS**, The City of Hobbs recognizes the Animal Protection Officers for the many dedicated and long hours of service they perform in providing the highest and most efficient level of customer service to the residents of our community; and

**NOW THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim April 10-16, 2022, as:

### **"NATIONAL ANIMAL PROTECTION OFFICER APPRECIATION WEEK"**

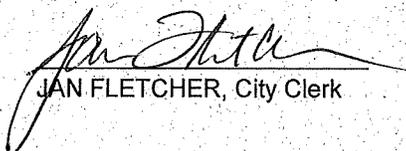
in Hobbs, N.M. and encourage all citizens to join us in expressing their sincere appreciation for the service and dedication of our Animal Protection Officers.

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

Signed this 18<sup>th</sup> day of April, 2022.

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

ATTEST:

  
JAN FLETCHER, City Clerk



Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, emergencies can occur at any time that require police, fire or emergency medical services; and

**WHEREAS**, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

**WHEREAS**, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Lea County Communications Authority; and

**WHEREAS**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

**WHEREAS**, Public Safety Telecommunicators have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

**WHEREAS**, each dispatcher exhibits compassion, understanding and professionalism during the performance of their jobs every year.

**NOW, THEREFORE**, I Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the week of April 10 - 16, 2022, to be

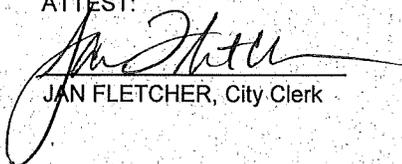
**“National Public Safety Telecommunicators Week”**

in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this 18<sup>th</sup> day of April, 2022.

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

ATTEST:

  
JAN FLETCHER, City Clerk



# April Milestones 2022

## 5 years

Tabresha Price	Police Detention-Jail	04/27/2017
----------------	-----------------------	------------

## 10 years

Josie Dominguez	PD Community Service	04/02/2012
-----------------	----------------------	------------

## 15 years

Guillermo Galvan	Streets/ Highways	04/23/2007
------------------	-------------------	------------

## 20 years

Christopher Davis	Fire/ Ambulance	04/01/2002
-------------------	-----------------	------------

Delma Martinez	Water Office	04/22/2002
----------------	--------------	------------



# **CONSENT AGENDA**



# CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 18, 2022

**SUBJECT: Resolution Authorizing the Mayor to Make Appointments to the Lea County Community Improvement Corporation Board**

DEPT. OF ORIGIN: Mayor's Office  
DATE SUBMITTED: April 14, 2022  
SUBMITTED BY: Sam D. Cobb, Mayor

Summary:

The Mayor would like to making the following appointments to the Lea County Community Improvement Corporation Board:

Re-Appoint: Sam Cobb  
Appoint: Larron Fields

All appointees to serve a three-year term commencing March 31, 2022.

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

There is no effect on the current year budget.

Attachments:  
Resolution

Legal Review: *Approved As To Form:*  \_\_\_\_\_  
*City Attorney*

Recommendation:  
Motion to approve Resolution.

*Approved For Submittal By:*

\_\_\_\_\_  
*Department Director*

\_\_\_\_\_  
*City Manager*

**CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN**

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

CITY OF HOBBS

RESOLUTION NO. 7183

A RESOLUTION AUTHORIZING THE MAYOR  
TO MAKE APPOINTMENTS TO THE  
LEA COUNTY COMMUNITY IMPROVEMENT CORPORATION BOARD

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is authorized to appoint the following individuals to the Lea County Community Improvement Corporation Board, each to serve a three-year term commencing March 31, 2022.

Re-Appoint: Sam Cobb

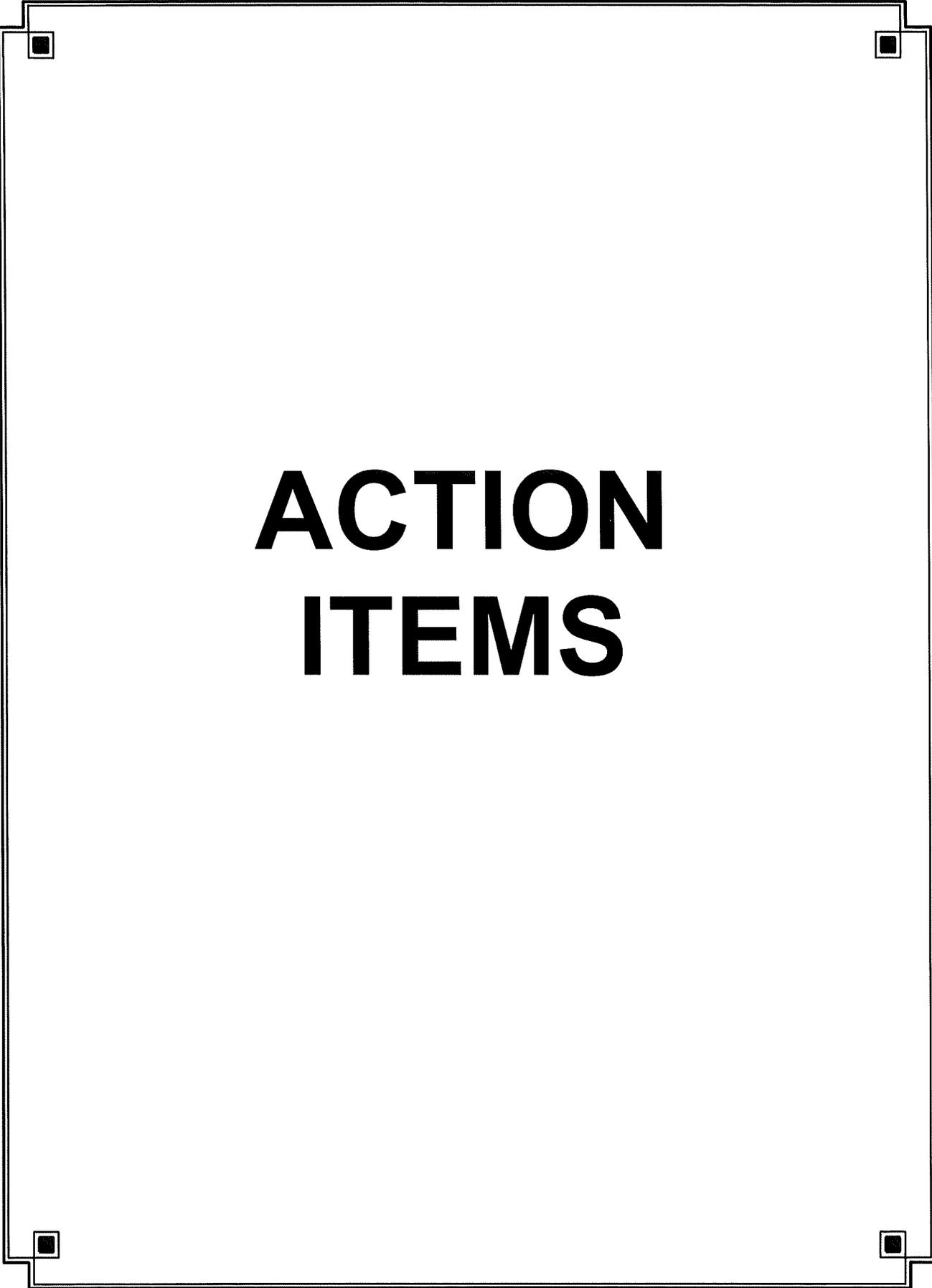
Appoint: Larron Fields

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

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

ATTEST:

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



# **ACTION ITEMS**



## Hobbs City Commission

IN RE CULTURA VERDE, LLC,  
Applicant for Municipal Water Service.

Appeal No. 2022- 001\_\_\_\_\_

### NOTICE OF APPEAL HEARING

An appeal hearing in this matter is set before the City of Hobbs Utilities Board as follows:

Date of Hearing: Monday, April 18, 2022

Time of Hearing: 6:00 p.m.

Length of Hearing: 1 hour

Place of Hearing: City Commission Chamber, City Hall, 200 East Broadway, Hobbs, NM

Matter to be Heard: Appeal of denial of application and cultivation plan submitted by Cultura Verde, LLC, to the City of Hobbs Utilities Board

**NOTICE: ALL WITNESSES MUST BE PRESENT TO TESTIFY AT THE TIME AND PLACE OUTLINED IN THIS NOTICE. FURTHER, ALL EVIDENCE MUST BE MARKED AND READY TO PRESENT AT THE TIME AND PLACE OUTLINED IN THIS NOTICE. A TOTAL OF 8 COPIES MUST BE PROVIDED.**

SAM D. COBB, MAYOR

A blue ink signature of Sam D. Cobb, Mayor, written over a horizontal line.

Notice mailed or delivered on the date of filing to parties listed below:

*Via Email March 22, 2022*  
Cultura Verde, LLC  
c/o Eric Aranda, Nichol Fuchs  
1701 East Main  
Hobbs, NM 88240  
[nicolereleaf@gmail.com](mailto:nicolereleaf@gmail.com)  
[Cultura\\_verde\\_nm@yahoo.com](mailto:Cultura_verde_nm@yahoo.com)  
*Petitioner/Applicant*

*Via Email March 22, 2022*  
City Attorney's Office  
200 E. Broadway  
Hobbs, NM 88240  
[ecortez@hobbsnm.org](mailto:ecortez@hobbsnm.org)  
*Respondent*

RECEIVED

MAR 17 2022

OFFICE OF THE CITY CLERK  
HOBBS, NEW MEXICO

Eric Aranda  
Cultura Verde, LLC  
Mailing Address: 1701 East Main  
Hobbs, New Mexico 88240  
Physical Address: 916 Elm Blvd  
Hobbs, New Mexico 88240  
575-631-1252

Tim Woomer  
Public Utilities Director  
City of Hobbs  
200 East Broadway  
Hobbs, New Mexico 88240  
575-397-9315

March 17, 2022

Dear Mr. Woomer:

This letter is in response to the "Decision of the Utilities Board" and the decision of the Utilities Board to UPHOLD the Utilities Director's decision related to Cultura Verde's request to connect to the city of Hobbs's water service. Cultura Verde would like to appeal this decision and requests an appeal hearing with the City Commission. The basis for this appeal is that Cultura Verde does meet the evidentiary standard to overturn the Utilities Director's decision pursuant to Hobbs Municipal Code 5.06.110.

It is requested that the appeal be heard as soon as possible.

Respectfully,

*Eric Aranda*

Eric Aranda

**CITY OF HOBBS UTILITIES BOARD**

**APPEAL HEARING BEFORE THE UTILITIES BOARD**

**In re:**

**Cultura Verde, LLC  
APPEAL OF UTILITIES  
DIRECTOR'S DECISION**

**March 7, 2022**

**DECISION OF THE UTILITIES BOARD**

**THIS MATTER** comes before the Utilities Board on an appeal of the Utilities Director's decision to deny, Cultura Verde, LLC ("Cannabis Establishment") request to connect to City of Hobbs water services, pursuant to Chapter 5.06 of the Hobbs Municipal Code. Pursuant to Hobbs Municipal Code 5.06.110 (C) Appeal Process and Considerations, the appeals hearing was heard by the Utilities Board on March 4, 2022, at 5:00 p.m. The City of Hobbs was represented by Assistant City Attorney, Rocio A. Ocano, and Cultura Verde, LLC was represented by Eric Jesus Aranda. Cultura Verde, LLC did not provide witnesses to testify during the hearing. The City of Hobbs provided the testimony of the City Engineer, Todd Randall. At the conclusion of the appeals hearing, the Utilities Board finds as follows:

**FINDINGS OF FACT**

1. February 1, 2022, Mr. Aranda on behalf of Cultura Verde, LLC (hereinafter Cultura Verde) submitted a request to the Utilities Director to connect to the City of Hobbs water service. Along with the request, Cultura Verde's submitted its cultivation plan.
2. On February 4, 2022, the City of Hobbs Utilities Director, Tim Woomer, denied Cultura Verde's request to connect to the City of Hobbs water service. The denial was issued due to the following two deficiencies: (1) the lack of Renewable Energy

Generation and Energy Efficiency Measures in the original cultivation plan pursuant to Hobbs Municipal Code, Sec. 5.06.110(A)(4); and (2) Cultura Verde's lack of access to the minimum of a 10 inch water line pursuant to Hobbs Municipal Code, Sec. 5.06.110(A).

3. On February 7, 2022, the Utilities Director's decision was subsequently appealed by Cultura Verde.
4. It was established that Cultura Verde provided the Utilities Director with an updated cultivation plan which included a plan for Renewable Energy Generation and Energy Efficiency Measures.
5. The appeals hearing was heard on Thursday, March 3, 2022 at 5:00 p.m. in the City of Hobbs Commission Chambers at City Hall, 200 E. Broadway in Hobbs, New Mexico.
6. The decision of the Utilities Board to UPHOLD the decision of the Utilities Director's was conducted through a public hearing.

#### **LEGAL CONCLUSIONS**

7. Cultura Verde did not meet the evidentiary standard to overturn the Utilities Director's decision pursuant to Hobbs Municipal Code 5.06.110.
8. Cultura Verde did not meet the requirement under Hobbs Municipal Code 5.06.110 (C)(1)(a) for a Variance from the water line requirement based on the submitted cultivation plan.

9. Cultura Verde met the requirements under Hobbs Municipal Code 5.06.110 (C)(1)(b) by providing the Utilities Board with a satisfactory written opinion of a New Mexico licensed certified professional engineer of record.
10. Cultura Verde met the requirement under Hobbs Municipal Code 5.06.110 (C)(1)(c) by providing the Utilities Board with the appropriate letters.

**IT IS ORDERED** that the Utilities Director's decision to deny Cultura Verde's request to connect to the City of Hobbs' water service be and is hereby UPHELD.

SO ORDERED,

  
BJ Choice, Utilities Board Chair



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 18, 2022

SUBJECT: Resolution Regarding the Restaurant Liquor License Application of Dragon China Buffet ABC, Inc., d/b/a Buffertime, 1801 North Turner Street, Hobbs, New Mexico, for the Sale of Beer and Wine Only

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: April 11, 2022
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

Dragon China Buffet ABC, Inc., d/b/a Buffertime, has applied to the State of New Mexico, Alcoholic Beverage Control, and received preliminary approval for the issuance of a restaurant liquor license at 1801 North Turner Street for the sale of beer and wine only.

This application was received by the City Clerk's Office on March 14, 2022, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the Hobbs News-Sun and properly notified the applicant of such hearing by certified mail and email.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing this application.

Attachments:

Application packet from State of New Mexico, Alcohol and Gaming Division; Affidavit of Publication; Area Map; Resolution

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Motion to approve or disapprove issuance of the restaurant license; second; vote.

Approved For Submittal By:
[Signature] Department Director
[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN
Resolution No.
Ordinance No.
Approved
Other
Continued To:
Referred To:
Denied
File No.

CITY OF HOBBS

RESOLUTION NO. 7184

A RESOLUTION CONCERNING THE ISSUANCE OF A  
RESTAURANT LIQUOR LICENSE TO  
DRAGON CHINA BUFFET ABC, INC., D/B/A BUFFETTIME,  
1801 NORTH TURNER STREET, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of Dragon China Buffet ABC, Inc., for the issuance of a restaurant liquor license for the sale of beer and wine at Buffetttime located at 1801 North Turner Street, Hobbs, New Mexico, and said application has received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on April 18, 2022, on the question of whether or not the proposed restaurant liquor license should be granted for the sale of beer and wine.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the restaurant liquor license application of Dragon China Buffet ABC, Inc., d/b/a Buffetttime, 1801 North Turner Street, Hobbs, New Mexico, be and is hereby \_\_\_\_\_ (approved or disapproved) for the sale of beer and wine.

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

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

ATTEST:

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



**NMRLD**  
 NEW MEXICO  
 REGULATION &  
 LICENSING DEPARTMENT

**RECEIVED**

MAR 14 2022

OFFICE OF THE CITY CLERK  
 HOBBS, NEW MEXICO

STATE OF NEW MEXICO  
 MICHELLE LUJAN GRISHAM, GOVERNOR  
 Linda M. Trujillo, Superintendent  
 Andrew Vallejos, Director

March 8, 2022

Certified Mail No.: 9171 9690 0935 0155 2408 22

**City of Hobbs**  
 Attn: Jan Fletcher  
 200 East Broadway  
 Hobbs, NM 88240

**Lic. No. /Appl. No.:** Application No. 1221774  
 Name of Applicant: Dragon China Buffet ABC, Inc.  
 Doing Business As: Buffetttime  
 Proposed Location: 1801 N. Turner Street Road 18, Hobbs, New Mexico 88240

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

**Notice of the Public Hearing** required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;



ABC has no preference in the option you choose.

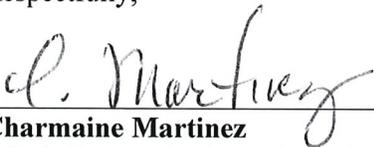
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

**THE APPLICANT IS SEEKING RESTAURANT A – BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY**

**Within thirty (30) days** after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,

  
\_\_\_\_\_  
**Charmaine Martinez**  
Admin Law Judge | Hearing Officer  
NM Regulation & Licensing Department  
Alcoholic Beverage Control Division  
Phone: (505) 476-4804 Fax: (505) 476-4595  
Email: [Charmaine.Martinez2@state.nm.us](mailto:Charmaine.Martinez2@state.nm.us)

**Enclosures:**

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement
4. Copy of Floor Plan





AGD USE ONLY: Payment| Application Fee \$ 200 Received on: 1-25-22 Receipt No. 2444506  
License Fee \$ 100 Received on: 1-25-22 Receipt No. 2444506  
Application # 1221774 Local Option District: \_\_\_\_\_

### RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for:  New Restaurant Liquor License

Applicant is:  Individual  Limited Liability Company  Corporation  Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER  
**Dragon China Buffet ABC INC. 1801 N Turner St. Hobbs, NM 88240 575-397-2828**

D/B/A Name to be used: **BUFFETTIME** Business Phone #: **575-397-2828**

Email Address (required): **thebuffetime@gmail.com**

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)  
**1801 N Turner St Road 18 Hobbs, NM 88240, Lea County**

Mailing Address: **1801 N Turner St.**

Agent/Contact Person: **Weizhou Lin** Phone#: **917-528-9333** Email: **weizlin1994@gmail.com**

Are alcoholic beverages currently being dispensed at the proposed location?  Yes  No If Yes, License # / Type: \_\_\_\_\_

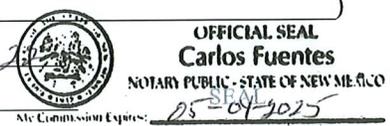
I, (print name) **Weizhou Lin**, as (title) **President**  
being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: [Signature] Date: 01/18/2022

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Lea)

SUBSCRIBED AND SWORN TO before me this 18 day of January, 2022  
By: Weizhou Lin Notary Public: [Signature] My Commission Expires: 05-04-2025



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_ City, County, Village

Public Hearing held on \_\_\_\_\_, 20\_\_\_\_. Check one:  Approved  Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY:  Approved  Disapproved

Signed by Director: \_\_\_\_\_





**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
 NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

- Owned by Applicant, copy of deed/document attached       Leased by Applicant, copy of lease/document attached  
 Other (provide details): \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

- A. Owner(s): Guo Hui Lin, Qiong Lin  
 B. Date and Term of Lease: November 1, 2020-November 1, 2030

3. Premises location is Zoned (example C-1, see Zoning Statement): Not Zoned

**Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Belvue Baptist Church Miles/feet: 0.8 miles  
 Address/location of Church: 2020 N Adobe Dr, Hobbs, NM 88240

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Sanger School Miles/feet: 0.5 Miles  
 Address/location of School: 2020 N Adobe Dr, Hobbs, NM 88240

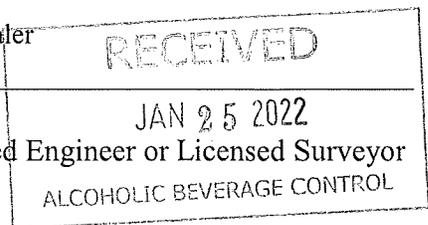
6. Distance from military installation \*(Property line of military installation to closest point of licensed premises-shortest distance.)

Name of Military Installation, *circle one*: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),  
 Miles: 125 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation:  Hotel       Lounge       Package Grocery       Restaurant       Racetrack  
 Small Brewer       Craft Distiller       Winery       Wholesaler  
 Other (specify): \_\_\_\_\_

\*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.





PLANNING DEPARTMENT

200 E. Broadway Street, Hobbs, NM 88240  
Ph. 1-505-397-9232 Fax 1-505-397-9227

January 18, 2022

RE: Zoning Certification for an existing Restaurant located at 1801 N. Turner in Hobbs, New Mexico.

Dear Mr. Lin:

Pursuant to your request for a current zoning certification for an existing Restaurant located at 1801 N. Turner, in Hobbs, New Mexico, please be advised that the City of Hobbs has not adopted a zoning ordinance to regulate land uses and location of different types of development or specific business uses throughout the City at this time. Consequently, the City of Hobbs has no current regulations which govern zoning districts and/or land uses, or use of vacant land. Therefore, the proposed land use as referred to herein, including a Restaurant, on the above referenced property in Hobbs is considered a use by right as of this date of January 18, 2022. Therefore, the proposed use is in conformance with applicable zoning law as of this date.

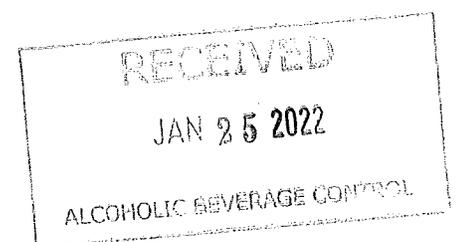
Please note that the City does have a Major Thoroughfare Plan, Subdivision Regulations, Flood Zone, Fire Zone, Landscaping Regulations, Building Code, Liquor License and other development regulations that must be followed for improvements and changes in building occupancy types, including yard setback requirements. This letter is in regards to that portion of the above referenced real property that exists within the corporate limits of the City of Hobbs, NM on January 18, 2022. If you have any questions or need further information, please contact me at (575) 397-9232.

Sincerely,

CITY OF HOBBS, NEW MEXICO

A handwritten signature in cursive script, appearing to read "Kevin Robinson", is written over a horizontal line.

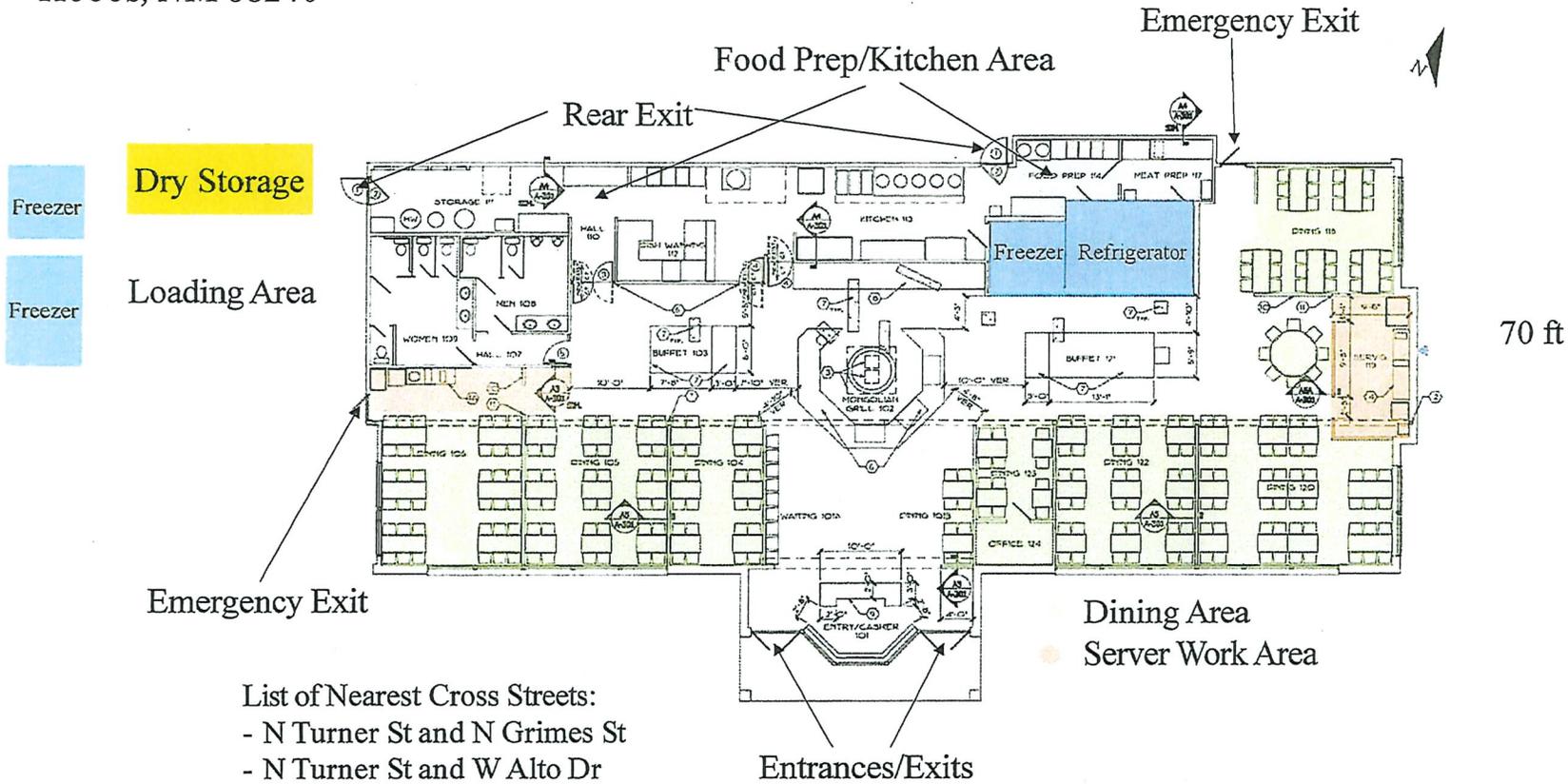
**Kevin Robinson - Planning Department**



Weizhou Lin  
**BUFFETTME**  
 1801 N Turner St  
 Hobbs, NM 88240

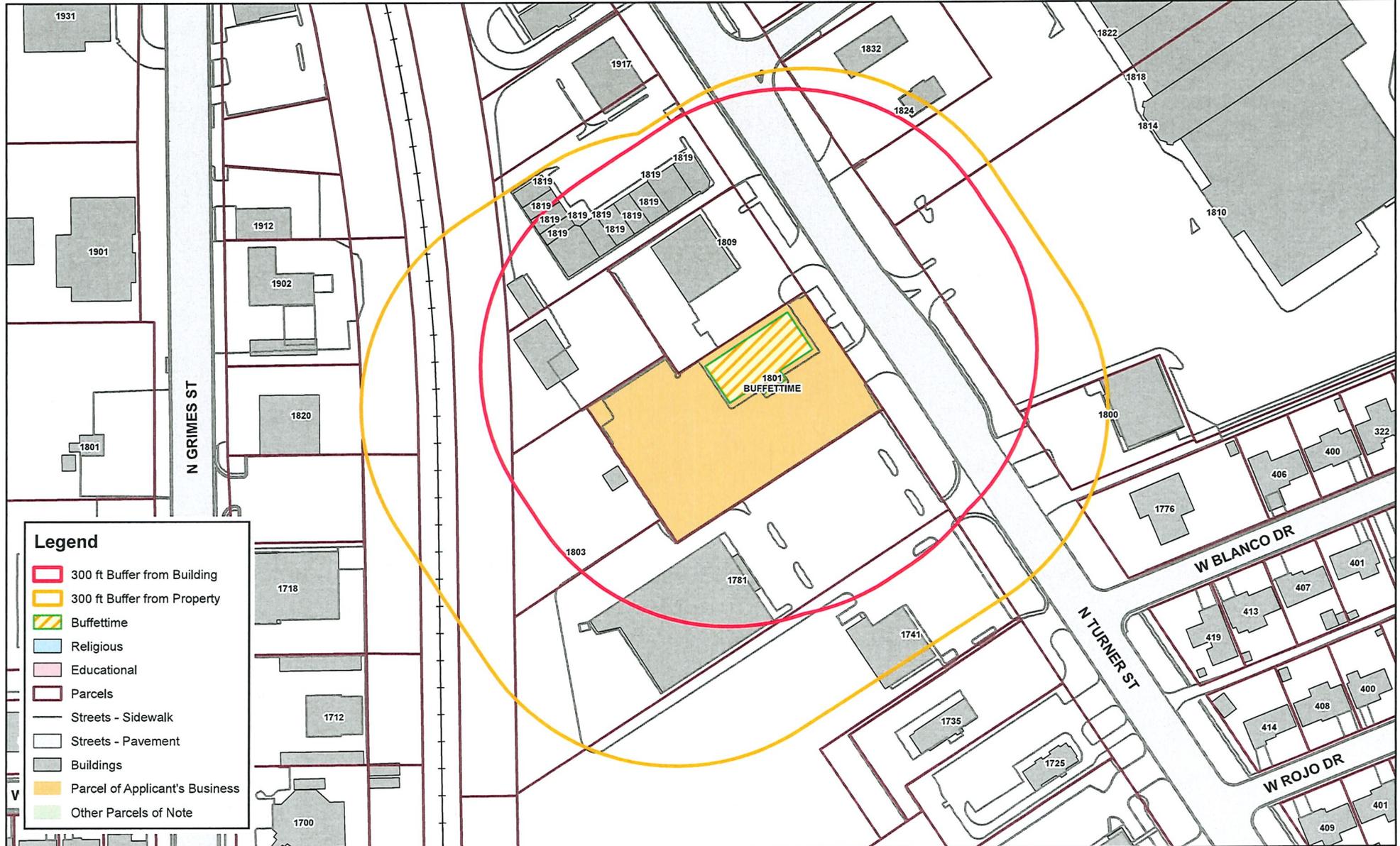
Building Sq Ft = 7136

RECEIVED  
 JAN 25 2022  
 ALCOHOLIC BEVERAGE CONTROL



# Buffetime

## 300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

SY

Date: 3/18/2022

1 inch = 175 feet

Time: 12:55:22 PM

DISCLAIMER: THE CITY OF HOBBS MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND REGARDING ANY GIS DATA PROVIDED HEREIN OR THE SOURCES OF SUCH DATA. THE CITY OF HOBBS SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. DATA CONTAINED WITHIN THIS PRODUCT IS PROVIDED BY THE CITY OF HOBBS FOR INFORMATIONAL PURPOSES ONLY AND NOT IN COMPLIANCE WITH ANY LEGAL REQUIRED SURVEYING STANDARD.

# Affidavit of Publication

STATE OF NEW MEXICO  
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

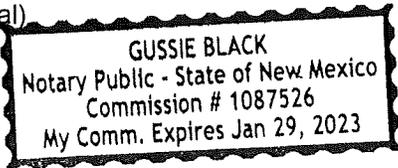
Beginning with the issue dated  
March 16, 2022  
and ending with the issue dated  
March 30, 2022.

  
\_\_\_\_\_  
Publisher

Sworn and subscribed to before me this  
30th day of March 2022.

  
\_\_\_\_\_  
Business Manager

My commission expires  
January 29, 2023  
(Seal)



This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

**LEGAL LEGAL**  
**LEGAL NOTICE**  
March 16 and 30, 2022

**NOTICE OF PUBLIC LIQUOR HEARING**

**NOTICE IS HEREBY GIVEN** that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, April 18, 2022, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

**NOTICE TO PERSONS WITH DISABILITIES:** If you have a disability and require special assistance to participate in the hearing, please contact Jan Fletcher at least three days before the hearing date at (575) 397-9200.

**HEARING FORMAT:** The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) by 4:30 p.m. on the date of the hearing.

If you are in need of an interpreter to participate in the hearing, please contact Jan Fletcher at (575) 397-9200 at least three days before the hearing date.

**APPLICATION FOR RESTAURANT A BEER AND WINE LIQUOR LICENSE**

Application #: 1221774  
Applicant: Dragon China Buffet ABC, LLC  
D/B/A Name: Buffertime  
Proposed Address: 1801 North Turner St.  
Hobbs, NM 88240

DATED this 14th day of March, 2022.

/s/ Sam D. Cobb  
SAM D. COBB, Mayor

#37433

67108146 00264655  
CITY OF HOBBS FINANCE DEPT  
200 E. BROADWAY ST  
HOBBS, NM 88240



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 18, 2022

**SUBJECT:** APPROVAL OF THE NEW MEXICO OPIOID ALLOCATION AGREEMENT FOR THE DISTRIBUTION OF SETTLEMENT PROCEEDS FROM SETTLEMENTS WITH JOHNSON & JOHNSON, MCKESSON CORPORATION, AMERISOURCEBERGEN CORPORATION, AND CARDINAL HEALTH, INC.

**DEPT. OF ORIGIN:** Legal Department  
**DATE SUBMITTED:** April 11, 2022  
**SUBMITTED BY:** Efren A. Cortez, City Attorney

**Summary:** The City of Hobbs held civil claims against Janssen (i.e. Johnson & Johnson), McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc. for their role in the distribution of opioids into Hobbs, New Mexico, which substantially contributed to the ongoing opioid epidemic that has negatively impacted the community and resulted in numerous lives lost. On December 16, 2021, the City of Hobbs opted into the settlement group against the four entities in order that its claims would be resolved in exchange for the City's share of a \$195,547,175.00 settlement between the four entities and the State of New Mexico. As a result, the City of Hobbs has agreed to participate in the distribution of settlement proceeds wherein the State of New Mexico takes 45% of the settlement amount and the fifty-four (54) involved local governments divide the remaining 55% (\$107,550,946.25). Under the terms of the allocation agreement:

- The Lea County Region, including the City of Hobbs, receives 2.0400522723% of the settlement;
- The division is based on: 1) number of opioid pills shipped (measured MMEs); 2) rates of opioid use disorder; and 3) number opioid overdose deaths, all averaged out over 9+ years;
- The City of Hobbs estimated recovery, after administrative fees and attorneys' fees, is approximately \$489,000.00;
- The Johnson & Johnson payment will be issued in June 2022 while the remaining three entities will pay out their portion of the settlement over the next 18 years;
- The City of Hobbs' claims against Johnson & Johnson, McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc. will be dismissed.

**Fiscal Impact:**

Reviewed By: 

Finance Department

The settlement proceeds of approximately \$489,000.00 will be placed in a separate account for designated use in compliance with Exhibit B of the New Mexico Opioid Allocation Agreement.

**Attachments:**

New Mexico Opioid Allocation Agreement; Settlement Participation Form (Distributor); Settlement Participation Form (Janssen)

**Legal Review:**

Approved As To Form: 

City Attorney

**Recommendation:**

The Commission should consider approval.

Approved For Submittal By:

\_\_\_\_\_  
*Department Director*

\_\_\_\_\_  
*City Manager*

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

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

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

## NEW MEXICO OPIOID ALLOCATION AGREEMENT

### A. Definitions

As used in this New Mexico Opioid Allocation Agreement (“NMOAA”):

1. “Local Government” shall mean every litigating county and city, each county regardless of population, each city with a population exceeding 10,000, and any Special District as that term is defined in the Master Settlement Agreements within the geographic boundaries of the State of New Mexico.<sup>1</sup> For avoidance of doubt, Local Governments within this definition are identified on Exhibit A hereto.
2. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this NMOAA.
3. “Opioid Related Expenditure” shall mean an expenditure consistent with the categories enumerated in Exhibit E to the Distributor Master Settlement Agreement and the J&J Master Settlement Agreement found at <https://nationalopioidsettlement.com/> and attached hereto as Exhibit B.
4. “Parties” shall mean the State of New Mexico and Participating Local Governments.
5. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, including but not limited to those persons or entities identified as Defendants in the matter captioned *In re: Opioid Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio.
6. “Participating Local Government” is any Local Government that agrees to be bound by a Settlement by Participation Agreement necessary to effectuate that Settlement or other similar document.
7. “Settlement” shall mean the settlement reached with the Distributor Opioid Defendants, namely McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc. (each a “Settling Distributor”) and the settlement reached with Janssen (“J&J”)<sup>2</sup> (referenced as “National Distributor Settlement” and “J&J Settlement”) with certain states and local government entities that the State of New Mexico and its Local Governments have the option to join. For avoidance of doubt, a Settlement shall not include the resolution of any other legal or equitable claims alleged against any other Supply Chain Participant other than the Settling Distributors and J&J.

---

<sup>1</sup> The population figures contained in this NMOAA shall be derived from the published U.S. Census Bureau’s population estimates for July 1, 2019, released May 2020 as set forth in the Master Settlement Agreements.

<sup>2</sup> “Janssen” means Johnson & Johnson, Janssen Pharmaceuticals, Inc., OrthoMcNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceuticals, Inc.

8. “Master Settlement Agreements” shall mean the agreements documenting a Settlement. For the purposes of this NMOAA the Distributor Master Settlement Agreement and the J&J Master Settlement Agreement found at <https://nationalopioidsettlement.com/> are Master Settlement Agreements under the meaning of this NMOAA.
9. “State” shall mean the State of New Mexico.

**B. Allocation of the Opioid Settlement Proceeds**

1. The Parties shall in good faith negotiate to identify an appropriate settlement administrator to receive and distribute Opioid Funds pursuant to this NMOAA (“Settlement Administrator”). The costs of the Settlement Administrator shall be paid jointly by the Parties prior to the distribution of Opioid Funds under this NMOAA with the State bearing 50% of those costs and the Local Governments bearing 50% of those costs.
2. Opioid Funds shall not be considered funds of the State or any Local Government unless and until such time as an allocation is made to the State or any Local Government pursuant to this Section.
3. If each and every Local Government as defined in Section A.1 joins the Master Settlements Agreements no later than March 7, 2022, after paying the costs of the Settlement Administrator, the Settlement Administrator shall allocate the remainder of the Opioid Funds as follows: (i) 45% to the State of New Mexico (“State Share”) and (ii) 55% to the Local Governments (the “LG Share”); provided, however, that the Settlement Administrator shall set aside the portion of the LG Share into the Attorney Fee Backstop Fund as provided in Section D below.
4. The LG Share will be divided into regions, each of which will be referred to as a “Region” and will consist of either: (1) a single Participating County that does not have any Participating Cities as listed on Exhibit C, (2) a single Participating County and all of its Participating Cities as listed on Exhibit C beneath the Participating County, or (3) a single Participating City. Two or more Regions may at their discretion form a group (“Multicounty Region”). Regions that do not choose to form a Multicounty Region will be their own Region.
5. The LG Share will be distributed to each Region as set forth in Exhibit C. In Regions with more than one member, members of the Region may agree to have the funds allocated to the Region suballocated amongst themselves in any manner they collectively choose or to have all funds allocated to the Region distributed to a single member of the Region. By July 1, 2022, each Region with more than one member shall communicate to the Settlement Administrator how the Region’s portion of the LG Share shall be distributed to the Region or that the members of the Region have agreed to extend the deadline to reach agreement. Absent a different agreement timely being reached among the members of the Region, the default allocation to members of a Region with more than one member is the formula from Exhibit G to the Master

Settlement Agreements. The Settlement Administrator shall make all distributions to Regions with more than one member or their members in accordance with instructions received or the default allocation described in the previous sentence; provided, however, that the Settlement Administrator shall not make any distributions to a Region with more than one member prior to July 1, 2022, or such later deadline to reach an agreement agreed to by the members of a Region and timely communicated to the Settlement Administrator.

6. Except as provided herein or as provided by court order, 100% of the State Share and the LG Share, regardless of allocation, shall be utilized only for Opioid Related Expenditures.

**C. Compliance Reporting and Accountability**

1. Every Participating Local Government shall create a separate fund or project on its financial books and records that is designated for the receipt and expenditure of each entity's portion of the LG Share, called the "LG Abatement Fund." Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Local Government. A Local Government may invest LG Abatement Fund funds consistent with the investment of other funds of a Local Government.
2. Funds in a LG Abatement Fund may be expended by a Local Government only for Opioid Related Expenditures. For avoidance of doubt, funds in a LG Abatement Fund may not be expended for costs, disbursements, or payments made or incurred prior to the Settlement.
3. As part of the State or a Participating Local Government's annual audit pursuant to the State Audit Act, NMSA 1978, Chapter 12, Article 6, both the State fund and each LG Abatement Fund shall be audited to provide reasonable assurances that the LG Abatement Fund disbursements are consistent with the terms of this NMOAA. If any such audit reveals an expenditure inconsistent with the terms of this NMOAA, the State or the Local Government shall immediately redirect an amount equal to the funds associated with the inconsistent expenditure from another revenue source that may permissibly be expended for such purposes to an Opioid Related Expenditure. Either the State or the Participating Local Government who has been found to have expended funds inconsistently with this NMOAA will be ineligible to receive further distributions of the LG Share unless and until such a redirection is accomplished and confirmed by the State Auditor. The Settlement Administrator shall be instructed to hold either the State or that Local Government's future portion of the LG Share in escrow until instructed to release those funds by the State Auditor.
4. Local Governments may combine their respective portion of the LG Share with other Local Governments or the State.

#### **D. Payment of Counsel and Opioid Litigation Expenses**

1. Each of the Litigating Local Governments has contracted with outside counsel (“Counsel”) for representation in the Litigation. In consideration for Counsel’s representation, each of the Litigating Local Governments contracted with its Counsel for a contingency fee applied to each Litigating Local Government’s recovery.<sup>3</sup>
2. The Master Settlement Agreements provide for the payment of attorney’s fees and legal expenses owed by States and Participating Local Governments to outside counsel retained for Opioid Litigation. To effectuate this, the Court in the MDL Litigation has established a fund to compensate attorneys for services rendered and expenses incurred that have benefitted plaintiffs generally in the litigation (the “National Attorney Fee Fund”). The National Attorney Fee Fund is subdivided into sub-funds, including the Contingency Fee Sub-fund.
3. Because there is uncertainty regarding what Counsel will recover as compensation from the National Attorney Fee Fund, the Parties agree that the Participating Local Governments will create a New Mexico attorney’s fees and costs fund (the “New Mexico Backstop Fund”) to compensate Counsel only in the event Counsel does not recover an amount equal to a 15% contingent fee from of the Contingency Fee Sub-fund of the National Attorney Fee Fund. For the avoidance of doubt, collectively, Counsel is limited to being paid, at most, and assuming adequate funds are available under the Contingency Fee Sub-fund of the National Attorneys Fee Fund and the New Mexico Backstop Fund, attorney’s fees totaling fifteen percent (15%) of the LG Share.
4. Counsel must first seek recovery from the Contingency Fee Sub-fund of the National Attorney Fee Fund before applying to the New Mexico Backstop Fund and may not recover from the New Mexico Backstop Fund any amounts recovered from the Contingency Fee Sub-fund of the National Attorney Fee Fund. Counsel need only make a single application to the Contingency Fee Sub-fund of the National Attorney Fee Fund before applying to the New Mexico Backstop Fund.
5. After paying the LG Share of the costs of the Settlement Administrator, the Administrator shall deposit in the New Mexico Backstop Fund an amount equal to 15% of the LG Share and distribute the remainder of the funds allocated to Local Governments as set forth in Section B.5 above. No funds from the State Share shall be used to pay Local Governments’ attorneys’ fees and no funds from the State Share shall be paid to the New Mexico Backstop Fund.
6. To ensure that all Counsel for Litigating Local Governments receive compensation, if there is only one Litigating Local Government in a Region, then that counsel will apply for its contingency fee based on the Region’s recovery. If there is more than one

---

<sup>3</sup> For purposes of this NMOAA, the parties agree not to dispute that such contingency fee agreements are permissible under the State Procurement Code, NMSA 1978 Sections 13-1-28 to -199. However, nothing in this NMOAA should be construed to indicate that the State agrees that such contingency fee agreements are permissible under the State Procurement Code.

Litigating Local Government in a Region, then the Counsel will apply for its contingency fee based on Exhibit G to the Master Settlement Agreements unless the Local Government receives an alternative, negotiated amount in which case the fifteen percent maximum recovery shall be based on that recovery amount.

7. Payments to Counsel shall be made from the New Mexico Backstop Fund in the same percentages and over the same period as the Contingency Fee Fund for each National Settlement as set forth in Exhibit R §(II)(S)(1) of the Distributor Settlement Agreement and Exhibit R §(II)(A)(1) of the Janssen Settlement Agreement.
8. Any funds remaining in the New Mexico Backstop Fund in excess of the amounts needed to cover the deficiency in attorney's fees as provided in this Section shall be distributed as follows. A Litigating Local Government whose Counsel did not need to recover their entire fifteen percent contingent fee from the New Mexico Backstop Fund will receive a direct allocation from the New Mexico Backstop Fund calculated by subtracting from the amount calculated in accordance with Section D.6 the amount distributed to the Local Government's counsel from the New Mexico Backstop Fund.
9. If, after making the distributions provided for in Section D.8, there remains any funds in the New Mexico Backstop fund, those funds will be distributed to Regions in accordance with Exhibit C and Section B.5.

#### **E. Other Terms**

1. The Parties agree to make such amendments as necessary to implement the intent of this NMOAA. After this NMOAA becomes effective, amendments may only be made to this NMOAA if approved in writing by the Office of the Attorney General and at least two-thirds of the Participating Local Governments. Amendments to the amount or timing of the distribution of funds to the Participating Local Governments require participation of one hundred percent (100%) of the Participating Local Governments that would be impacted by the amendment.
2. This NMOAA shall be governed by and construed under the laws of the State of New Mexico using New Mexico law. Any action related to the provisions of this NMOAA, except as otherwise provided in the Master Settlement Agreements, must be adjudicated by the New Mexico state courts of Santa Fe County in the State of New Mexico.
3. This NMOAA does not supersede or alter the terms of the Master Settlement Agreements except to the extent those terms allow for a State-Subdivision Agreement to do so.
4. If any part of this NMOAA is declared invalid or becomes inoperative for any reason, such invalidity or failure shall not affect the validity and enforceability of any other provision.

5. This NMOAA may be executed in counterparts, each of which shall be deemed an original and all of which together shall be considered one and the same agreement. A signature transmitted by facsimile or electronic image shall be deemed an original signature for purposes of executing this NMOAA.
6. Each person signing this NMOAA represents that he or she is fully authorized to enter into the terms and conditions of, and to execute, this NMOAA on behalf of the named governmental entity.

**SIGNATURE BLOCKS TO BE INSERTED**

**IN WITNESS WHEREOF**, the parties hereby execute the NMOAA as of the date set forth below.

**ON BEHALF OF THE LOCAL GOVERNMENTS:**

\_\_\_\_\_ Date: \_\_\_\_\_  
Albuquerque Public School District  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Bernalillo County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Catron County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Chaves County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Cibola County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
City of Alamogordo  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
City of Albuquerque  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
City of Artesia

Printed: \_\_\_\_\_

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

City of Carlsbad

Printed: \_\_\_\_\_

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

City of Clovis

Printed: \_\_\_\_\_

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

City of Deming

Printed: \_\_\_\_\_

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

City of Española

Printed: \_\_\_\_\_

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

City of Farmington

Printed: \_\_\_\_\_

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

City of Gallup

Printed: \_\_\_\_\_

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

City of Hobbs

Printed: \_\_\_\_\_

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

City of Las Cruces

Printed: \_\_\_\_\_

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

City of Las Vegas

Printed: \_\_\_\_\_

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

City of Lovington

Printed: \_\_\_\_\_

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

City of Portales

Printed: \_\_\_\_\_

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

City of Rio Rancho

Printed: \_\_\_\_\_

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

City of Roswell

Printed: \_\_\_\_\_

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

City of Santa Fe

Printed: \_\_\_\_\_

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

City of Sunland Park

Printed: \_\_\_\_\_

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

Colfax County

Printed: \_\_\_\_\_

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

Curry County

Printed: \_\_\_\_\_

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

De Baca County

Printed: \_\_\_\_\_

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

Doña Ana County

Printed: \_\_\_\_\_

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

Eddy County

Printed: \_\_\_\_\_

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

Grant County

Printed: \_\_\_\_\_

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

Guadalupe County

Printed: \_\_\_\_\_

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

Harding County

Printed: \_\_\_\_\_

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

Hidalgo County

Printed: \_\_\_\_\_

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

Lea County

Printed: \_\_\_\_\_

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

Lincoln County

Printed: \_\_\_\_\_

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

Los Alamos County

Printed: \_\_\_\_\_

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

Luna County

Printed: \_\_\_\_\_

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

McKinley County

Printed: \_\_\_\_\_

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

Mora County

Printed: \_\_\_\_\_

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

Otero County

Printed: \_\_\_\_\_

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

Quay County

Printed: \_\_\_\_\_

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

Rio Arriba County

Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Roosevelt County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
San Juan County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
San Miguel County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Sandoval County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Santa Fe County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Sierra County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Socorro County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Taos County  
Printed: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Torrance County

Printed: \_\_\_\_\_

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

Town of Bernalillo

Printed: \_\_\_\_\_

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

Union County

Printed: \_\_\_\_\_

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

Valencia County

Printed: \_\_\_\_\_

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

Village of Los Lunas

Printed: \_\_\_\_\_

**ON BEHALF OF THE STATE OF NEW MEXICO:**

**Brian McMath** Digitally signed by Brian McMath  
Date: 2022.03.08 17:04:09 -07'00' Date: March 7, 2022

Office of the Attorney General

State of New Mexico

Printed: Brian E. McMath

**Exhibit A**  
**NM Subdivisions Required to Participate in Both Opioid Deals**  
**To Assure 100% Payment**

Bernalillo County	City of Albuquerque
Catron County	City of Alamogordo
Chaves County	City of Artesia
Cibola County	City of Carlsbad
Colfax County	City of Clovis
Curry County	City of Deming
De Baca County	City of Española
Doña Ana County	City of Farmington
Eddy County	City of Gallup
Grant County	City of Hobbs
Guadalupe County	City of Las Cruces
Harding County	City of Las Vegas
Hidalgo County	City of Lovington
Lea County	City of Portales
Lincoln County	City of Rio Rancho
Los Alamos County	City of Roswell
Luna County	City of Santa Fe
McKinley County	City of Sunland Park
Mora County	Town of Bernalillo
Otero County	Village of Los Lunas
Quay County	
Rio Arriba County	
Roosevelt County	Albuquerque Public School District
San Juan County	
San Miguel County	
Sandoval County	
Santa Fe County	
Sierra County	
Socorro County	
Taos County	
Torrance County	
Union County	
Valencia County	

**EXHIBIT E**

**List of Opioid Remediation Uses**

**Schedule A  
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).<sup>14</sup>

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
1. Expand training for first responders, schools, community support groups and families; and
  2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.
- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
  2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
  3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
  4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

---

<sup>14</sup> As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

**Schedule B**  
**Approved Uses**

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

**A. TREAT OPIOID USE DISORDER (OUD)**

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:<sup>15</sup>

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

---

<sup>15</sup> As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 ("*DATA 2000*") to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication–Assisted Treatment.

**B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED  
(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

**D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
  1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARI*”);
  2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
  3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
  4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
  5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
  6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

**E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children's Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION
----------------------

**F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“PDMPs”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
  2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
  3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
  7. Increasing electronic prescribing to prevent diversion or forgery.
  8. Educating dispensers on appropriate opioid dispensing.

**G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

**H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

**I. FIRST RESPONDERS**

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

**J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

#### **K. TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

#### **L. RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“ADAM”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

<b>Region</b>	<b>Percentage</b>
<b>Albuquerque City</b>	22.7540246633%
<b>Bernalillo County</b>	18.6169292699%
<b>Catron County</b>	0.1129940051%
<b>Chaves County</b>	2.5358877708%
Roswell City	
<b>Cibola County</b>	0.7723148257%
<b>Colfax County</b>	0.7448541610%
<b>Curry County</b>	1.4056466248%
Clovis City	
<b>De Baca County</b>	0.0650725663%
<b>Dona Ana County</b>	7.0811945176%
Las Cruces City	
Sunland Park City	
<b>Eddy County</b>	2.5979985848%
Artesia City	
Carlsbad City	
<b>Grant County</b>	1.8057321396%
<b>Guadalupe County</b>	0.1869187026%
<b>Harding County</b>	0.0102668257%
<b>Hidalgo County</b>	0.1965507765%
<b>Lea County</b>	2.0400522723%
Hobbs City	
Lovington City	
<b>Lincoln County</b>	1.2208675842%
<b>Los Alamos County</b>	0.5915454490%
<b>Luna County</b>	0.8374453274%
Deming City	
<b>McKinley County</b>	1.0214669791%
Gallup City	
<b>Mora County</b>	0.1903934157%
<b>Otero County</b>	2.5746166552%
Alamogordo City	
<b>Quay County</b>	0.4733520608%
<b>Rio Arriba County</b>	4.5982959101%
Española City	
<b>Roosevelt County</b>	0.3148139409%
Portales City	
<b>San Juan County</b>	3.8184895185%
Farmington City	
<b>San Miguel County</b>	1.6661207044%
Las Vegas City	
<b>Sandoval County</b>	4.5573671729%
Bernalillo Town	

Rio Rancho City	
<b>Santa Fe City</b>	4.5408953413%
<b>Santa Fe County</b>	3.5143193357%
<b>Sierra County</b>	1.0308488455%
<b>Socorro County</b>	0.7363065077%
<b>Taos County</b>	1.7429125688%
<b>Torrance County</b>	0.7071523256%
<b>Union County</b>	0.1108929666%
<b>Valencia County</b>	3.8283030105%
Los Lunas Village	

<b>Region</b>	<b>Percentage</b>
<b>Albuquerque City</b>	22.7540246633%
<b>Bernalillo County</b>	18.6169292699%
<b>Catron County</b>	0.1129940051%
<b>Chaves County</b>	2.5358877708%
Roswell City	
<b>Cibola County</b>	0.7723148257%
<b>Colfax County</b>	0.7448541610%
<b>Curry County</b>	1.4056466248%
Clovis City	
<b>De Baca County</b>	0.0650725663%
<b>Dona Ana County</b>	7.0811945176%
Las Cruces City	
Sunland Park City	
<b>Eddy County</b>	2.5979985848%
Artesia City	
Carlsbad City	
<b>Grant County</b>	1.8057321396%
<b>Guadalupe County</b>	0.1869187026%
<b>Harding County</b>	0.0102668257%
<b>Hidalgo County</b>	0.1965507765%
<b>Lea County</b>	2.0400522723%
Hobbs City	
Lovington City	
<b>Lincoln County</b>	1.2208675842%
<b>Los Alamos County</b>	0.5915454490%
<b>Luna County</b>	0.8374453274%
Deming City	
<b>McKinley County</b>	1.7937565726%
Gallup City	
<b>Mora County</b>	0.1903934157%
<b>Otero County</b>	2.5746166552%
Alamogordo City	
<b>Quay County</b>	0.4733520608%
<b>Rio Arriba County</b>	4.5982959101%
Española City	
<b>Roosevelt County</b>	0.5396810214%
Portales City	
<b>San Juan County</b>	3.8184895185%
Farmington City	
<b>San Miguel County</b>	1.6661207044%
Las Vegas City	
<b>Sandoval County</b>	4.5573671729%

Bernalillo Town	
Rio Rancho City	
<b>Santa Fe City</b>	4.5408953413%
<b>Santa Fe County</b>	3.5143193357%
<b>Sierra County</b>	1.0308488455%
<b>Socorro County</b>	0.7363065077%
<b>Taos County</b>	1.7429125688%
<b>Torrance County</b>	0.7071523256%
<b>Union County</b>	0.1108929666%
<b>Valencia County</b>	3.8283030105%
Los Lunas Village	

**Subdivision Settlement Participation Form**

Governmental Entity: City of Hobbs	State: New Mexico
Authorized Official: Sam D. Cobb	
Address 1: 200 E Broadway	
Address 2:	
City, State, Zip: Hobbs, NM. 88240	
Phone: (575) 397-9200	
Email: scobb@hobbsnm.org	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“*Distributor Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature:   
Name: Sam D. Cobb  
Title: Mayor  
Date: 12/16/2021

### Settlement Participation Form

Governmental Entity: City of Hobbs	State: New Mexico
Authorized Official: Sam D. Cobb	
Address 1: 200 E Broadway	
Address 2:	
City, State, Zip: Hobbs, NM. 88240	
Phone: (575) 397-9200	
Email: scobb@hobbsnm.org	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature:   
Name: Stan D. Cobb  
Title: Mayor  
Date: 12/16/2021



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 18th, 2022

SUBJECT: Authorizing an allocation of Lodgers' Tax to fund Cinco De Mayo Fiesta Committee event for Fiscal Year 2022

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

**Summary:**

The Lodgers' Tax Board failed to meet quorum on April 13<sup>th</sup>, 2022. The request from Cinco De Mayo is a time sensitive event that is scheduled for May 7<sup>th</sup> thru May 8<sup>th</sup>, 2022. The request is for \$18,800.00.

**Fiscal Impact:**

Reviewed By:   
Finance Department

March 31, 2022 Cash Balance (per Lodgers' Tax ordinance) for the Lodgers' Tax Fund is as follows:

Security and Sanitation (15%)	\$ 0.00
Non-Profit/For Profit/Public Entity (20%)	\$ 212,953.19
City and County (40%)	\$ 585,621.27
Airline (25%)	\$ 266,191.48
TOTAL CASH AVAILABLE	\$1,064,765.94

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

**Attachments:**

- Exhibit 1
- Financial Report for March 31, 2022
- Resolution

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

To be determined by City Commission.

Approved For Submittal By:

  
Department Director

City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7185

A RESOLUTION AUTHORIZING ALLOCATION OF  
LODGERS' TAX FUNDS FOR FISCAL YEAR 2022

WHEREAS, the Lodgers' Tax Advisory Board failed to make quorum on April 13, 2022, and a funding request has been made which is considered time sensitive to the event for Fiscal Year 2022;

	Event	Amount Requested	Lodgers' Tax Board Recommendation	City Commission Recommendation
	Cinco de Mayo	\$18,800.00		

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

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

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

ATTEST:

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

# Cinco de Mayo Fiesta Committee

"Cinco de Mayo Fiesta"



**City of Hobbs**  
**Annual Funding Guidelines**  
**Lodgers' Tax Requests for Proposal (RFP)**  
**from 05/01/2020 - 06/30/2021** *2022*

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

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

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

For internal control purposes of lodgers' tax funds, the organization must provide valid proof of expenditures and contracts. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices and contracts must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, bank statement or other documentation to determine whether or not the transaction is valid for lodgers' tax.

2. The organization requesting Lodgers' Tax funding shall designate a representative to serve in the capacity of spokesperson for that organization. The representative or designee must make all attempts to attend the Lodgers' Tax meeting or City Commission meeting as appropriate when requesting funding to answer questions.
3. All Requests for Proposal's (RFP's) for Lodgers' Tax **annual** funding must be received by **March 20, 2020**. (This is to include all events to occur during the period indicated above for which your organization is requesting funding.)
4. A proposed budget must be submitted with the RFP for annual Lodgers' Tax funding explaining how fees and other revenues are to be used and include a detailed list of estimated expenses for any and all events on an annual basis.
5. Event Summaries from prior year funding will be required during the annual presentation process. Event summaries should include the number in attendance, the number of overnight stays and the actual revenue and expenditures. **Any unspent funding at the end of the funding cycle (05/01/2020-06/30/2021) will revert back to the City of Hobbs Lodgers' Tax Fund. Expenses will NOT be reimbursed after August 31, 2021.**
6. In addition to the above listed criteria, organizations requesting funding may be asked to provide the following information:

- Proof of non-profit status and copy of last years IRS form 990
- Proof of agency good standing with the NM Corporation Commission
- Proof of Workers-Comp or Liability Insurance Coverage

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

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

*[Signature]*  
 Representative

*Comitee de Mayo Fiesta* *COMITEE* *03-24-2022*  
 Name of Organization date

Received at City Hall:  
 (date and time)

*T-5*

**Request for Lodgers' Tax Assistance**

**Contact Information**

Organization	CINCO de Mayo Fiesta Committee		
Name of Contact	HERMILA Ojeda		
Address	108 S. Willow		
City, State Zip	Hobbs	NM	88240
Phone#/Fax#	575-318-4273		575-391-9650
email			

**Event Budget**

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

NON-LODGERS' TAX

**Lodgers' Tax Budget Summary**

	Event 1	Event 2	Event 3	Event 4	Event 5	Total
Printing	300.00	-	-	-	-	-
Print Media	1600.00	-	-	-	-	-
Electronic Media	3500.00	-	-	-	-	-
Other	<del>2450.00</del> 1350	-	-	-	-	-
<b>TOTAL LODGERS' TAX REQ. SUMMARY</b>	<del>19500.00</del> 18800.00	-	-	-	-	-

LODGERS' TAX

18800.00 T.S

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

## Lodgers' Tax Budget - Event Number 1

### Event Information

**Name of Event** CINCO de Mayo Fiesta  
**Date** MAY 7th and 8th 2022  
**Location** Hobbs City Park  
**Description** CULTURAL EVENT, HISPANIC CELEBRATION  
 INCLUDES FOLKLO RICO DANCERS, BANDS  
 FOOD, MUSIC, SUNDAY 8th CITY PARK

1-8PM  
FREE TO  
PUBLIC

**Expected Attendance** 10 000 **# of Overnighters** 250  
**Is this an annual event?** YES **Is this a new event?**

#### PRINTING

	Cost	Quantity	Total		Cost	Quantity	Total
	Posters (save-the-date)				-	Flyers	
Programs	300	1000	-	Tickets			-
	<b>SUBTOTAL</b>				<b>SUBTOTAL</b>		
	Cost	Quantity	Total				
Mailings			-		<b>TOTAL PRINTING COSTS</b>		
							300.00

#### PRINT MEDIA

	Name	# of ads	Cost	Total
Newspaper	NEWS SUN			500.00
	NOTICIAS SOL			500.00
	<b>SUBTOTAL</b>			-
Magazine/Other				-
				-
	<b>SUBTOTAL</b>			-
<b>TOTAL PRINT MEDIA</b>				1000.00

#### ELECTRONIC MEDIA

	Name	# of spots	Cost	Total
Radio	KLMA FM	200	\$10.00	2000.00
Television	KIX-KPZA	75	\$10.00	750.00
	M79 MEDIA	75	\$10.00	750.00
Social Media	(WIOS 197)			-
<b>TOTAL ELECTR. MEDIA</b>				3500.00

#### OTHER EXPENSE

	Name	# of item	Cost	Total
Professional Performance Fees	TBA		\$11,000	-
Sound and Lighting Costs	AP Production		1,500	-
Sanction Fees	STAGE		1,000	-
Promotional Items (eg: tshirts, rings, etc.)	INSURANCE		1,000	← X
Other: (please list)				-
<b>TOTAL OTHER EXPENSE</b>				14500.00

**TOTAL REQUEST FOR EVENT 1**

19800.00

Instructions: Please complete all areas of GREEN that apply.

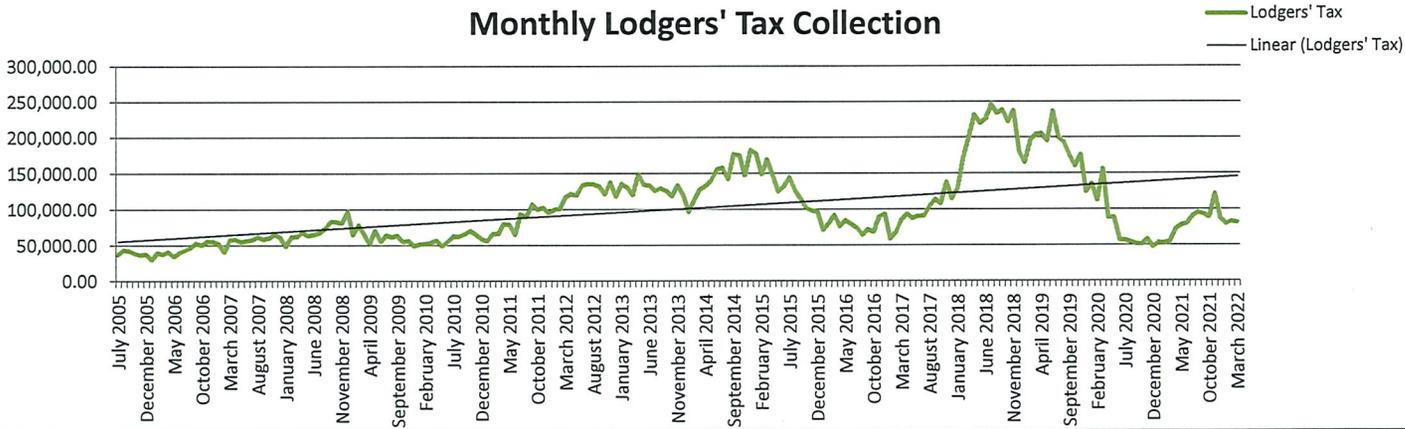
18800.00

CITY OF HOBBS LODGERS' TAX REPORT

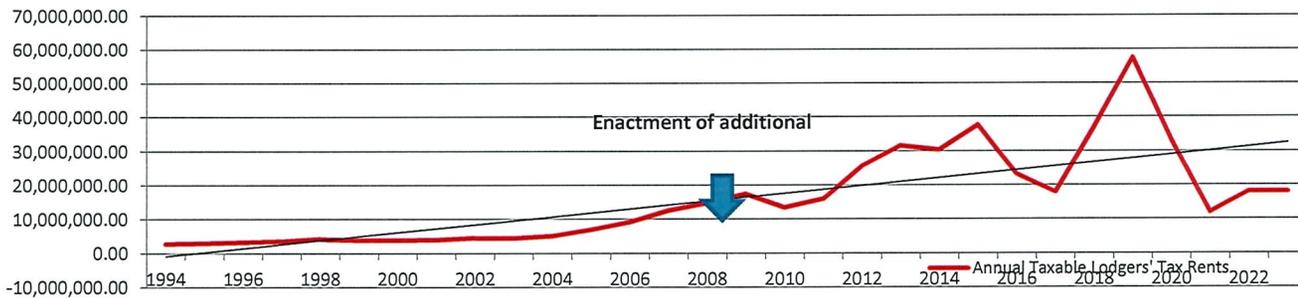
March 31, 2022

RECEIPTS		EXPENDITURES			NET CHANGE		Cash			
Month	Month	Gross Taxable Revenue	Lodgers' Tax	Other Income	Contract for Services	Advert & Promotion	For Month	YTD	Balance	
239999-		TOTAL			TOTAL					
<b>CASH BALANCE</b>		<b>2,240,394.27</b>	<b>2,564,005.38</b>	<b>28,913.17</b>	<b>2,592,918.55</b>	<b>1,735,444.83</b>				
July 2019		3,999,605.20	199,980.26	3,069.28	203,049.54	115,183.30	115,183.30	87,866.24	87,866.24	2,328,260.51
August 2019		3,877,290.40	193,864.52	3,228.61	197,093.13	20,802.36	20,802.36	176,290.77	264,157.01	2,504,551.28
September 2019		3,491,240.40	174,562.02	2,921.34	177,483.36	443,966.30	443,966.30	-266,482.94	-2,325.93	2,238,068.34
October 2019		3,204,691.60	160,234.58	2,587.53	162,822.11	6,512.10	6,512.10	156,310.01	153,984.08	2,394,378.35
November 2019		3,518,379.60	175,918.98	2,569.68	178,488.66	181,025.21	181,025.21	-2,536.55	151,447.53	2,391,841.80
December 2019		2,494,241.80	124,712.09	2,951.55	127,663.64	266,151.54	266,151.54	-138,487.90	12,959.63	2,253,353.90
<b>SUBTOTAL</b>		<b>20,585,449.00</b>	<b>1,029,272.45</b>	<b>17,327.99</b>	<b>1,046,600.44</b>	<b>0.00</b>	<b>1,033,640.81</b>	<b>1,033,640.81</b>		
January 2020		2,717,522.20	135,876.11	2,391.51	138,267.62	20,231.18	20,231.18	118,036.44	118,036.44	2,371,390.34
February 2020		2,264,832.20	113,241.61	2,497.81	115,739.42	71,341.67	71,341.67	44,397.75	44,397.75	2,415,788.09
March 2020		3,125,023.00	156,251.15	2,471.46	158,722.61	275,365.18	275,365.18	(116,642.57)	(116,642.57)	2,299,145.52
April 2020		1,766,006.00	88,300.30	1,853.80	90,154.10	17,726.00	17,726.00	72,428.10	72,428.10	2,371,573.62
May 2020		1,769,172.20	88,458.61	1,008.72	89,467.33	423,782.67	423,782.67	(334,315.34)	(334,315.34)	2,037,258.28
June 2020		1,143,332.00	57,166.60	658.40	57,825.00	268,924.59	268,924.59	(211,099.59)	(211,099.59)	1,826,158.69
<b>SUBTOTAL</b>		<b>12,785,887.6</b>	<b>639,294.38</b>	<b>10,881.7</b>	<b>6,501,76.08</b>	<b>0</b>	<b>10,773,71.29</b>	<b>10,773,71.29</b>		
FY 2020			1,668,566.83							
<b>CASH BALANCE</b>		<b>1,826,158.69</b>	<b>1,668,566.83</b>	<b>28,209.69</b>	<b>1,696,776.52</b>	<b>2,111,012.10</b>				
July 2020		1,138,913.00	56,945.65	399.99	57,345.64	-	-	57,345.64	57,345.64	1,883,504.33
August 2020		1,090,902.80	54,545.14	313.84	54,858.98	72,707.57	72,707.57	(17,848.59)	39,497.05	1,865,655.74
September 2020		1,040,277.60	52,013.88	204.53	52,218.41	155,580.47	155,580.47	(103,362.06)	(63,865.01)	1,762,293.68
October 2020		1,028,334.80	51,416.74	168.11	51,584.85	191,580.00	191,580.00	(139,995.15)	(203,860.16)	1,622,298.53
November 2020		1,162,426.00	58,121.30	142.03	58,263.33	110,232.00	110,232.00	(51,968.67)	(255,828.83)	1,570,329.86
December 2020		949,227.00	47,461.35	-	47,461.35	177,572.38	177,572.38	(130,111.03)	(385,939.86)	1,440,218.83
<b>SUBTOTAL</b>		<b>6,410,081.20</b>	<b>320,504.06</b>	<b>1,228.50</b>	<b>321,732.56</b>	<b>0.00</b>	<b>707,672.42</b>	<b>707,672.42</b>		
January 2021		1,067,524.20	53,376.21	89.40	53,465.61	48,389.35	48,389.35	5,076.26	5,076.26	1,445,295.09
February 2021		1,055,811.40	52,790.57	103.49	52,894.06	29,089.12	29,089.12	23,804.94	23,804.94	1,469,100.03
March 2021		1,094,322.80	54,716.14	71.28	54,787.42	369,287.22	369,287.22	-314,499.80	-314,499.80	1,154,600.23
April 2021		1,438,003.40	71,900.17	60.84	71,961.01	0.00	0.00	71,961.01	71,961.01	1,226,561.24
May 2021		1,548,735.60	77,436.78	56.89	77,493.67	0.00	0.00	77,493.67	77,493.67	1,304,054.91
June 2021		1,593,608.60	79,680.43	137.09	79,817.52	199,724.39	199,724.39	-119,906.87	-119,906.87	1,184,148.04
<b>SUBTOTAL</b>		<b>7,798,006.00</b>	<b>389,900.30</b>	<b>518.99</b>	<b>390,419.29</b>	<b>0.00</b>	<b>646,490.08</b>	<b>646,490.08</b>		
FY 2021			710,404.36							
<b>CASH BALANCE</b>		<b>1,184,148.04</b>								
July 2021		1,801,674.20	90,083.71	45.30	90,129.01	-	-	90,129.01	90,129.01	1,274,277.05
August 2021		1,915,939.00	95,796.95	45.20	95,842.15	25,355.08	25,355.08	70,487.07	160,616.08	1,344,764.12
September 2021		1,868,698.40	93,434.92	51.06	93,485.98	222,127.13	222,127.13	(128,641.15)	31,974.93	1,216,122.97
October 2021		1,780,151.80	89,007.59	38.65	89,046.24	51,709.00	51,709.00	37,337.24	69,312.17	1,253,460.21
November 2021		2,429,424.60	121,471.23	47.62	121,518.85	-	-	121,518.85	190,831.02	1,374,979.06
December 2021		1,744,665.80	87,233.29	96.08	87,329.37	305,240.26	305,240.26	(217,910.89)	(27,079.87)	1,157,068.17
<b>SUBTOTAL</b>		<b>11,540,553.80</b>	<b>577,027.69</b>	<b>323.91</b>	<b>577,351.60</b>	<b>0.00</b>	<b>604,431.47</b>	<b>604,431.47</b>		
January 2022		1,577,475.40	78,873.77	57.30	78,931.07	15,947.15	15,947.15	62,983.92	62,983.92	1,220,052.09
February 2022		1,654,709.20	82,735.46	55.26	82,790.72	0.00	0.00	82,790.72	82,790.72	1,302,842.81
March 2022		1,627,879.20	81,393.96		81,393.96	319,470.83	319,470.83	-238,076.87	-238,076.87	1,064,765.94
April 2022		0.00			0.00		0.00	0.00	0.00	1,064,765.94
May 2022		0.00			0.00		0.00	0.00	0.00	1,064,765.94
June 2022		0.00			0.00		0.00	0.00	0.00	1,064,765.94
<b>SUBTOTAL</b>		<b>4,860,063.80</b>	<b>243,003.19</b>	<b>112.56</b>	<b>243,115.75</b>	<b>0.00</b>	<b>335,417.98</b>	<b>335,417.98</b>		
<b>CASH BALANCE</b>		<b>1,064,765.94</b>	<b>820,030.88</b>							

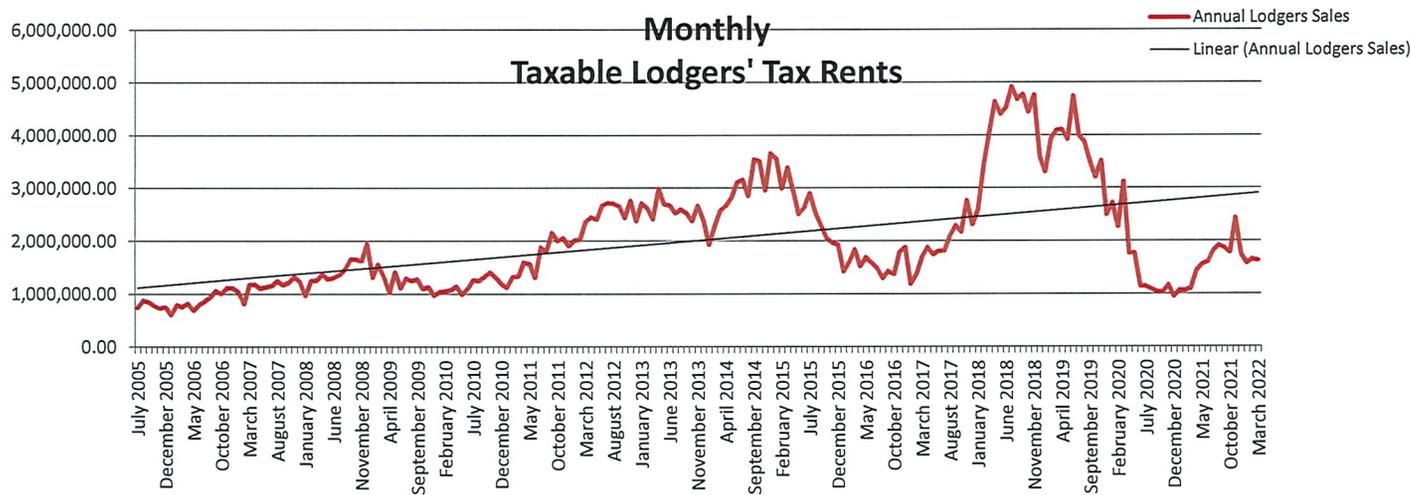
### Monthly Lodgers' Tax Collection



### Annual Taxable Lodgers' Tax Rents



### Monthly Taxable Lodgers' Tax Rents



CITY OF HOBBS LODGERS' TAX PROGRAM						
3/31/2022	AWARD					
	PROJECT	DATE	AMOUNT	ACTUAL EXPENSE	ACTUAL OUTSTANDING GRANT	CATEGORY
3/31/2022	CASH BALANCE				1,064,765.94	
<b>Proof of Cash:</b>						
Beginning Cash Available for Profit, Non-Profit, and Public Entities (20%)					172,134.71	
22-01	Western Heritage Museum	7-14-21	26,181.00	0.00	26,181.00	
22-02	Southwest Symphony	7-14-21	34,717.00	15,947.15	18,769.85	
22-03	United Way of Lea County	7-14-21	88,500.00	79,513.37	8,986.63	
22-04	Hobbs Chamber of Commerce	7-14-21	49,178.95	15,544.73	33,634.22	
22-05	Cycle City Promotions	7-14-21	50,000.00	50,000.00	0.00	
22-06	Hobbs Airfield Speedway, LLC	7-14-21	10,200.00	1,709.00	8,491.00	
22-11	Tuff Hedeman Bull Riding	10-14-21	20,000.00	0.00	20,000.00	
22-14	Hobbs High School Softball Boosters	1-12-22	7,125.00	0.00	7,125.00	
TOTAL REMAINING ALLOCATION FOR PROFIT, NON-PROFIT AND PUBLIC ENTITIES			428,549.81	0.00	123,187.70	
Add:	20% Monthly Tax Revenue (starting April 1st, 2013)				164,006.18	
Cash Available for Allocation					212,953.19	
Beginning Cash Available for Local Government (City and County) (40%)					597,785.56	
20-27	CITY OF HOBBS - MARKETING/BRANDING CAMPAIGN	3/2/2020	250,000.00	36,891.15	213,108.85	
22-07	CITY OF HOBBS - CORE (OPERATING)	4/14/2021	500,000.00	375,000.00	125,000.00	
22-08	CITY OF HOBBS - CORE (MARKETING)	4/14/2021	98,400.00	85,009.80	13,390.20	
22-09	CITY OF HOBBS - ROCKWIND GOLF (MARKETING)	4/14/2021	67,400.00	46,380.67	21,019.33	
22-12	CITY OF HOBBS - HOBBS TREE LIGHTING	10-14-21	18,713.81	11,467.18	7,246.63	
22-13	CITY OF HOBBS - GUS MACKER		24,610.00	0.00	24,610.00	
TOTAL REMAINING ALLOCATION FOR LOCAL GOVERNMENT			959,123.81	554,748.80	404,375.01	
Add:	40% Monthly Tax Revenue (starting April 1st, 2013)				328,012.35	
Cash Available for Allocation					585,621.27	
Beginning Cash Available for Fire, EMS, Sanitation (15%)						
TOTAL REMAINING ALLOCATION FOR CITY OF HOBBS POLICE AND FIRE			123,004.63	123,004.63	0.00	
Add:	15% Monthly Tax Revenue (starting April 1st, 2013)				123,004.63	
Cash Available for Allocation					(0.00)	
Beginning Cash Available for Airline subsidy (25%)					105,957.99	
22-10	EDC - AIRLINE SUBSIDY	04/14/2021	150,000.00	105,225.77	44,774.23	
Add:	25% Monthly Tax Revenue (starting April 1st, 2013)				205,007.72	
TOTAL REMAINING ALLOCATION FOR AIRLINE SUBSIDY						
Cash Available for Allocation					266,191.48	



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 18, 2022

SUBJECT: CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT WITH PROPERTY MANAGEMENT PLUS, LLC CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY HOUSING.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: April 11, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Property Management Plus, LLC has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries. The developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$78,000.00.

Fiscal Impact:

Budget Available \$800,320.00
Single Family Housing #010100-44901-170

Reviewed By:

Finance Department

Digitally signed by Efraim A. Cortez, DN: cn=Efraim A. Cortez, o=City of Hobbs, ou=Finance Director, email=ecortez@hobbsnm.org, c=US, Date: 2022.04.11 18:33:21 -0600

Attachments: Resolution and Development Agreement.

Legal Review:

Approved As To Form
Efraim A. Cortez
City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

Approved For Submittal By:

Kevin Robinson
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7186.

**A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH PROPERTY MANAGEMENT PLUS, LLC CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY.**

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with Property Management Plus, LLC concerning the development of market rate single-family housing; and

WHEREAS, the aforementioned Development Agreement allows for an incentive of reimbursement of public infrastructure for this type of development, said agreement being in the best interest of the City.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby approves the Development Agreement, which is attached hereto and made a part of this Agreement as Exhibit #1 and the Mayor, and/or his designee, is hereby authorized to execute the Agreement.
2. That City staff and officials are authorized to do any and all deeds to carry out the intent of this Resolution.

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

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

ATTEST:

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

## MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

**THIS AGREEMENT** is entered into on this 18<sup>th</sup> day of April 2022 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and Property Management Plus, LLC, 3228 N. Grimes St., Hobbs, NM 88240, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

### RECITALS:

\*\* The City requires to contract with a Market Rate Single Family Development Company to deliver Single Family Market Rate Housing to the Citizens of Hobbs, New Mexico.

\*\* Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of ratification of this agreement, within the Municipal Boundaries.

\*\* Any outstanding Development Agreements between the Developer and the City of Hobbs concerning the production of Market Rate Single Family Housing shall become null and void upon the ratification of this agreement herewith.

**NOW, THEREFORE**, the City of Hobbs and Developer do hereby agree as follows:

#### **A. Work To Be Performed.**

1. The Developer shall furnish to the City its Professional Housing Developer Services for certain work regarding the Market Rate Single Family Housing. All single family structures completed under this agreement shall be located within the municipal boundaries and shall have received a certificate of occupancy after ratification of this agreement.

2. Developer shall furnish to City its professional Housing Developer Services as provided by this Agreement. The specific duties include the production and delivering to the public Market Rate Single Family Housing Units in Hobbs. Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time.

3. Specific activities required are to develop privately owned real property in the City including designing, building and transferring to the public individual market rate single family housing units. The City's subsidy may include any or all of the following funding assistance from the City:

Incentives are available for installed public municipal infrastructure only, providing compliance with:

- a. Incentive not to exceed per square footage basis:
  - i. \$10.00 per sq. ft. north of Sanger
  - ii. \$20.00 per sq. ft. south of Sanger
  - iii. Calculation based on living area only
- b. Incentive not to exceed per unit basis:
  - i. \$10,000.00 per single family unit
  - ii. \$5,000.00 per multi-family unit

- c. Incentive not to exceed fair share per linear foot of infrastructure basis:
  - i. \$180.00 per lineal front footage of complete public infrastructure installed, and further broken down as follows:
    - 1. Water (\$25 / lf):
      - a. Twenty Five (\$25) per equivalent front foot of lot to which water service is provided (8" minimum service single family & 10" minimum service for multi-family);
    - 2. Sewer (\$35 / lf):
      - a. Thirty Five (\$35) per equivalent front foot of lot to which sewer service is provided (8" minimum service single family & 10" minimum service for multi-family);
    - 3. Street (\$90/ lf):
      - a. Ninety (\$90) per equivalent front foot of lot to which street is provided (built to Minor Residential standards as promulgated within the City of Hobbs Major Thoroughfare Plan);
    - 4. Sidewalk:
      - a. Thirty (\$30) per equivalent front foot of lot to which sidewalk (includes driveway with ADA accessible path) is provided;

Based on quantities of required publicly owned infrastructure installed supporting the project, the City Engineer shall determine if the value of the infrastructure is adequate as an equal exchange of value for the amount of City subsidy contributed to the market rate single family housing unit. The City Engineer shall resolve any issues concerning value or extent of infrastructure and amount of square footage of constructed housing units. Specifically, the City Engineer will determine the value or unit costs of the publicly owned infrastructure according to any City of Hobbs Annual Pavement/Concrete/Utility Contracts or public infrastructure projects and estimates.

#### **B. Payment For Services.**

- 1) The City shall pay for said services at the rates agreed to and as specified above in the Infrastructure details, as shown herein. Payment will not be made by the City for any unit until a certificate of occupancy is issued, based on this Agreement.
- 2) The total compensation to be paid to the Developer during the term of this Agreement shall not exceed Seventy Eight Thousand Dollars (\$78,000.00), unless the Agreement is amended by the City Commission.
- 3) City subsidy shall be paid when each individual single family unit is complete and certificate of occupancy is issued, provided the certificate of occupancy for the unit is issued after ratification of this agreement. Payment will be made within fifteen (15) days following a written request from the Developer and upon City inspection of project completion.
- 4) Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time. Such usage either now or in the future, for a period not to exceed 10 years from date of issuance of a C.O.,

shall require Developer to return any incentive funds received for any unit thus utilized, upon demand by the City. Developer shall record a "Declaration of Restrictive Covenants", attached hereto as Exhibit 2, to restrict such usage and to notify parties involved in future conveyances.

**C. Construction Requirements.**

Construction shall be of energy-efficient design per New Mexico Energy Conservation Code 2009, utilizing either stucco or brick on the exterior of all buildings.

**D. Assignment of Agreement.**

This Section refers to assignability of this Agreement, and not to assignability of the Project to be developed for housing. Developer shall not assign or transfer any interest in this Agreement. Except that Developer is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which the Developer is the principal party or to an affiliated company, working with the Developer on the Project. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Consent shall not unreasonably be withheld by either party.

**E. Insurance Requirements and Hold Harmless Provision.**

1. Developer agrees to obtain and maintain appropriate insurance during the course of the development of market rate single family housing with the City of Hobbs, as follows, and shall indemnify and hold harmless City, its employees, agents, officers and officials from any and all claims, losses, causes of action, and/or liabilities resulting from the conduct, negligence, errors or omissions of Developer or any employee or agent of Developer while engaged in performing the services called for herein.

2. The Developer shall maintain insurance coverage for General Liability, Automobile Liability, Errors and Omissions Insurance, and Workers' Compensation, subject to review and approval of the City Attorney.

**F. Governing Law and Provisions.**

1. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement, including the expenses of in house counsel.

**G. Final Payment and Release of Claims.**

1. Developer, upon final payment of all amounts due under this Agreement, releases the City and its officers and employees from all liabilities, claims and obligations whatsoever arising

from or under this Agreement.

2. City, upon Developer's final completion of all work items and covenants required of the Developer under this Agreement, shall release the Developer from all liabilities, claims and obligations whatsoever arising from or under this Agreement, on the day that is ten (10) years following the date of the City's issuance of a final certificate of occupancy on the Project.

#### **H. Amendments.**

This Agreement shall not be altered, changed, or amended except by written instrument approved and executed by both parties hereto.

#### **I. Breach.**

1. The following events constitute a breach of this Agreement by Developer:
  - a) Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.
2. The following events constitute a breach of this Agreement by City:
  - a) City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement, including making timely and appropriate payments to the Developer.

#### **J. Remedies Upon Breach.**

1. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.
2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

#### **K. Termination.**

This Agreement shall be terminated upon the completion of all tenants herein specified or 365 days from date of ratification whichever comes first. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not be eligible for payment.

#### **L. Notice.**

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by regular mail, postage prepaid, to the City, ATTN: City Attorney, 200 E. Broadway, Hobbs, NM 88240; to Developer ATTN and Property Management Plus, LLC, 3228 N. Grimes St., Hobbs, NM 88240 and to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

**M. Entire Agreement.**

The foregoing constitutes the entire agreement between the parties hereto and may be modified only in writing by the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first written above.

**City of Hobbs**

**Property Management Plus, LLC**

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

\_\_\_\_\_  
By: Nadeem Kassis

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Efren Cortez, City Attorney