

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

December 6, 2021



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

Monday, December 6, 2021 – 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. Members of the public are asked to wear a face mask and follow social distancing guidelines. 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 December 6, 2021, addressed to the City Clerk by email at 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

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the November 15, 2021, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming Monday, December 6, 2021, as “Hobbs Eagle Band Day”

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 or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, December 6, 2021.

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.)*

3. Resolution No. 7137 – Authorizing Appointments to Various City Advisory Boards *(Mayor Sam Cobb)*
4. Resolution No. 7138 – Authorizing the Continued Operation of the City of Hobbs Labor Management Relations Board *(Efren Cortez, City Attorney)*

DISCUSSION

None

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

5. **FINAL ADOPTION:** Ordinance No. 1136 - Repealing Section 1.08.010 of the Hobbs City Code and Enacting a New Section 1.08.010 Regarding Designation of City Districts *(Jan Fletcher, City Clerk)*
6. **FINAL ADOPTION:** Ordinance No. 1137 - Amending Chapter 5.06 of the Hobbs Municipal Code for the Possession, Cultivation, Manufacture and Sale of Cannabis *(Valerie Chacon, Deputy City Attorney)*
7. Resolution No. 7139 - Approving a Memorandum of Agreement Between Lea County and the City of Hobbs Regarding the Lea County Communications Authority (LCCA) *(Manny Gomez, City Manager)*

8. **PUBLICATION:** Proposed Ordinance Consenting to the Del Norte Heights Annexation of a Portion of Section 16, Township 18 South, Range 38 East, Containing Approximately 82 Acres (*Kevin Robinson, Planning Department*)
9. Resolution No. 7140 – Determining that Certain Structures are Ruined, Damaged and Dilapidated, are a Menace to Public Comfort, Health and Safety and Requires Removal from the Municipality (1124 West Cain, 711 North Cochran, 1411 East Alameda, 1413 East Alameda, and 1415 East Alameda) (*Jessica Silva, Code Enforcement Officer, and Valerie Chacon, Deputy City Attorney*)
10. Resolution No. 7141 – Approving the Submission of a Grant Application for the Hobbs Fire Department with the Department of Homeland Security Assistance to Firefighters Grant Program (*Barry Young, Fire Chief*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

11. Next Meeting Date:

- City Commission:
Regular Meeting – ***Monday, December 20, 2021, 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: December 6, 2021

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: November 30, 2021
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of November 15, 2021

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. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Minutes of the regular meeting of the Hobbs City Commission held on Monday, November 15, 2021, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at 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
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager
Efren Cortez, City Attorney
Valerie Chacon, Deputy City Attorney
Barry Young, Fire Chief
Kevin Shearer, Battalion Chief
John Ortolano, Police Chief
Doug McDaniel, Recreation Director
Bryan Wagner, Parks and Open Spaces Director
Matt Hughes, Rockwind Community Links Superintendent
Nicholas Goulet, Human Resources Director
Toby Spears, Finance Director
Shelia Baker, General Services Director
Kevin Robinson, Development Director
Todd Randall, City Engineer
Ron Roberts, Information Technology Director
Meghan Mooney, Communications Director
Bob Hamilton, Reference Librarian
Julie Nymeyer, Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
19 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Calderón moved the minutes of the regular Commission Meeting held on November 1, 2021, be approved as written. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Recognition of City Employees - Milestone Service Awards for the Month of November, 2021

City Manager Manny Gomez recognized the employees who have reached milestone service awards with the City of Hobbs for the month of November, 2021, which total 30 years of service worked. He read their names, job titles and gave a brief summary of the job duties performed by each of the following employees:

- 5 years - Marcus Ayala, Hobbs Fire Department
- 25 years - Marcos Juarez, Parks Department

City Manager Gomez thanked the Commission for recognizing the employees and their service to the City. He stated the City's employees are the most important resource and asset within the organization. He expressed thanks and appreciation to the employees and their families.

Recognition of the World Champion Hobbs Fire Department Combat Team

Hobbs Fire Chief Barry Young stated the Hobbs Fire Department (HFD) Combat Team traveled to Fort Pierce, Florida, on November 5-6, 2021, to compete in the World Firefighter Combat Challenge. He recognized the members of the HFD Combat Team as follows: Captain Rodney Smith, Captain Rico Rendon, Captain Mark Doporto, Driver/Engineer Jordan Headley and Driver/Engineer Lloyd Cochran. Fire Chief Young stated Captain Smith is the individual World Champion and the team was runner-up in the team event. He further stated the tandem team of Captain Smith and Driver/Engineer Headley placed third and the team brought home the Relay World Championship.

Fire Chief Young presented videos of the HFD Combat Challenge Team's winning relay challenge and Captain Smith's winning individual challenge race.

Captain Mark Doporto stated it is an honor and privilege to present the World Firefighter Combat Challenge World Champion trophy to the City of Hobbs. He also expressed his appreciation to the HFD Combat Team for all of their hard work in preparing for competition and representing HFD. Captain Doporto thanked everyone who supported the HFD Combat Team as they competed. He presented a Combat Team runner-up

medal to Hobbs Firefighter Union President, Mr. Joseph Meyers. Captain Doport presented a plaque of appreciation to B & G Transportation for their generous support of the HFD Combat Challenge Team.

Public Comments

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 or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, November 15, 2021.

Ms. Jan Fletcher, City Clerk, read a letter from Ms. Roberta Bruce, CEO of Bryan's Green Care, regarding the denial of the Cultivation Plan for her cannabis business.

Consent Agenda

Commissioner Calderón moved for approval of the following Consent Agenda Item(s):

Resolution No. 7133 - Amending Resolution No. 7129 Authorizing the Use of Coronavirus State and Local Fiscal Recovery Funds

Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Discussion

There were no items for discussion.

Action Items

Consideration and Approval of a Proposed Redistricting Plan for the City of Hobbs

Ms. Fletcher reviewed the proposed redistricting plan and explained Chapter 1.08 of the Hobbs Municipal Code requires adjustment of the City's districts every ten years following receipt of the U. S. Census data. She stated the City contracted with Research & Polling to assist with the demographic work on the project. Ms. Fletcher stated a Redistricting Committee was appointed and public meetings were conducted by the Committee on October 25, November 4 and November 8 to review and adjust the districts. She further stated after review and deliberation, the Committee voted 5 - 2 to recommend Plan H for consideration by the Commission.

Mr. Michael Sharp, Vice President of Researching & Polling, Inc., presented a PowerPoint presentation reviewing the demographic work. Under State law, districts are required for municipalities with populations greater than 10,000 citizens. Mr. Sharp stated everyone is counted in the Census and it was determined the greatest growth in Hobbs was in

District 2 while District 6 had the least growth. He further stated equal representation is a constitutional mandate. Mr. Sharp stated the Census determined the total population of Hobbs is 40,498. He added based on the total population, the target number of citizens per district should be 6,749. Mr. Sharp reviewed the districts and stated District 1 is within the percentage of citizens; however, Districts 3, 4 and 6 are below the percentage of citizens. He added Districts 2 and 5 are above the percentage and the population will need to be reduced. Mr. Sharp outlined the changes as recommended in Plan H for the new district boundaries.

Mayor Cobb thanked Mr. Sharp for his presentation.

In response to a question from Commissioner Smith, Mr. Sharp stated there were no concerns with regarding race from the Redistricting Committee with Plan "H". He stated District 3 does have a majority of Hispanic citizens and meets the minority voting rights issue.

In answer to Commissioner Mills' inquiry, Mr. Sharp stated party affiliation is not taken into consideration when redistricting as municipal districts are non-partisan.

There being no further questions, Commissioner Smith moved to approve Proposed Redistricting Plan "H" for the City of Hobbs as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Repealing Section 1.08.010 of the Hobbs City Code and Enacting a New Section 1.08.010 Regarding Designation of City Districts

Ms. Fletcher presented a proposed ordinance stating Chapter 1.08 of the Hobbs Municipal Code requires adjustment of the City's districts every ten years following receipt of the Census data. She stated the proposed ordinance designates the six single-member Commission districts, pursuant to Plan "H" as recommended by the Redistricting Committee, outlining the districts by street. Ms. Fletcher stated the proposed ordinance includes a new section, "Section 1.08.011 entitled Effect of Redistricting", which states no vacancy in the office of a City Commissioner shall be caused by redistricting. She explained this section will allow an incumbent City Commissioner to serve out their terms even if redistricting causes the Commissioner to reside outside the district the Commissioner was elected to represent. She commented that Redistricting Plan "H" does not affect the current Commissioners.

There being no discussion, Commissioner Fields moved to publish notice of intent to adopt the proposed ordinance repealing Section 1.08.010 of the Hobbs City Code and enacting a new Section 1.08.010 regarding designation of City Districts. Commissioner Mills seconded the motion. The vote was recorded as follows: Smith yes, Mills yes, Fields

yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the proposed ordinance is attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Amending Chapter 5.06 of the Hobbs Municipal Code for the Possession, Cultivation, Manufacture and Sale of Cannabis

Ms. Valerie Chacon, Deputy City Attorney, stated on October 4, 2021, the City Commission adopted Ordinance No. 1133, the Cannabis Regulation Ordinance, which sets forth the time, place and manner rules for cannabis establishments in Hobbs, New Mexico. She further stated the Cannabis Regulation Ordinance complies with NMSA 1978, Section 26-2C-1, et seq. Ms. Chacon explained the details of the proposed ordinance which will amend Section 5.06.110 of the City's current Cannabis Regulation Ordinance by:

- Allowing Level 1 Producers (201-1,000 mature cannabis plants) to connect to City water services;
- Creating an appeal process for a producer to obtain a variance from the 10" water line requirement;
- Revising the appeal process to set forth evidentiary standards in an appeal.
- Revising the appeal process to create an appellate review standard before the City Commission.

In response to Commissioner Gerth's question, Ms. Chacon stated the Cannabis Regulation Ordinance will still allow cannabis micro-producers to connect to the City's water services. She explained the amendment to the Cannabis Regulation Ordinance will also allow for Level 1 Producers with 201-1,000 mature plants to connect to the City's water services.

In answer to Mayor Cobb's question, Ms. Chacon stated the appeal process will be based on the Cultivation Plan which will be submitted to the Utilities Director. She explained if the Utilities Director denies the Cultivation Plan, the applicant will be able to move forward through the appeal process by requesting a variance through the Utilities Board and if unsuccessful, a final appeal before the City Commission.

In response to an inquiry from Commissioner Smith, Ms. Chacon stated the Utilities Director will deny a Cultivation Plan based on the lack of 10" waterlines to the facility. She further stated the cannabis business must demonstrate an adequate water supply for the business.

In answer to a question from Mayor Cobb, Ms. Chacon explained the purpose of a variance is to notify the adjacent property owners of the potential use of the property. She further explained the Cultivation Plan must be consistent with State law. Ms. Chacon stated the appeal process will allow for a possible variance to the Cannabis Regulation Ordinance requirements.

In response to Commissioner Gerth's inquiry, Ms. Chacon stated the goal is for everyone, including neighbors of the proposed cannabis businesses, to work together as a team. She stated the Cultivation Plan and any potential variances will go through the same channels as other businesses and permits. It will be the responsibility of the proposed cannabis business to show their business will not have an impact on the neighborhood water supply.

After a brief discussion regarding the City's permitting process, City Manager Gomez stated the City is fortunate to have several construction disciplines located in-house. He encouraged proposed cannabis business owners to communicate with the City's inspectors and staff.

Commissioner Mills stated all businesses are regulated through the Hobbs Municipal Code. He further stated the City is not trying to block the growth of any cannabis business. Commissioner Mills stated water pressure is a concern he hears about frequently and proposed cannabis businesses need to consider others in the area where they wish to conduct business.

Mayor Cobb stated the Utilities Board also requires compliance with the guidelines set forth in the Americans with Disabilities Act (ADA).

Commissioner Penick reminded everyone that something simple like the size of a pipeline may cover a wide variety of issues. He also stated the City is not trying to block the growth of cannabis businesses and everyone should have equal opportunity to grow.

Commissioner Fields stated he attended a zoom meeting recently related to cannabis. The City's attorneys are doing a great job and seeking to comply with the law. He stated the goal of the Commission is to be fair and equal to all businesses.

There being no further discussion, Commissioner Mills moved to publish notice of intent to adopt the proposed ordinance amending Chapter 5.06 of the Hobbs Municipal Code for the possession, cultivation, manufacture and sale of cannabis as presented. Commissioner Penick seconded the motion. The vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the proposed ordinance is attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Amending Section 3.10.040 of the Hobbs Municipal Code Amending the City's Economic Development Strategic Plan Ordinance

Mr. Efren Cortez, City Attorney, explained the proposed ordinance and stated the New Mexico Legislature passed Senate Bill 49 (SB49) on March 19, 2021, which amended the Local Economic Development Act (LEDA), NMSA 1978, §§ 5-10-1 through 5-10-17, to allow for the utilization of public support for retail businesses throughout New Mexico. He explained the City of Hobbs adopted Ordinance No. 915 in 2003, which created the City of Hobbs Economic Development Strategic Plan Ordinance. Mr. Cortez stated in light of

the changes by SB49, the City of Hobbs must amend its Economic Development Strategic Plan Ordinance to affirmatively state that cultural facilities and retail businesses constitute qualifying entities before any public support can be provided to these entities. He outlined the following amendments in the proposed ordinance:

- Amends Section 3.10.040 to state that cultural facilities and retail businesses constitute qualifying businesses;
- Amends the term "assets" to "public support" in compliance with NMSA 1978, § 5-10-3(K)

Mr. Cortez stated the purpose of the proposed amendments to the Hobbs Economic Development Strategic Plan Ordinance is to boost the economy in Hobbs. He further stated SB49 changed the definition of retail businesses for communities larger than 15,000 citizens. He added the amendments to the Hobbs Economic Development Strategic Plan Ordinance will be similar to what is practiced in Texas, which is where a large number of citizens go for shopping.

After a brief discussion regarding how changes to the current tax structure will occur and how the change to the tax structure will need to be approved by voters, Mr. Cortez stated this proposed ordinance will come back to the Commission for final approval on December 20, 2021, if approved tonight. He further explained, if the proposed ordinance is adopted, the Commission will be required to approve a resolution calling for a ballot question regarding the use of public support for retail businesses to be placed on the Municipal Officer Election ballot to be held on March 1, 2022. Mr. Cortez stated if the ballot question is approved by the voters, the change to the tax schedule will become effective on July 1, 2022, which is the beginning of the FY 23 budget. He added if the measure fails, funds will not be available to cultural facilities or retail businesses.

Mr. Cortez introduced Ms. Jennifer Grassham, President and CEO of the Economic Development Corporation of Lea County (EDC). Ms. Grassham stated changes to the current ordinance will attract more retail businesses to Hobbs. She further stated the funds available to retail businesses can be used as an incentive to businesses considering new stores in Hobbs. Ms. Grassham stated the EDC is in favor of the amendments to the Economic Development Strategic Plan Ordinance.

In response to a question from Commissioner Smith, Mr. Cortez confirmed any change in the tax structure will be subject to approval by the voters. He stated the first step is to see if the voters would approve public support for retail businesses. Mr. Cortez emphasized tonight's proposed ordinance is not related to a tax increase.

Mayor Cobb stated if the voters approve the measure in March, 2022, and the City has sufficient funds, the City will be able to allocate 10% of the reserves from the General Fund to be used by LEDA provided it does not impact the General Fund Operating funds. He further stated there are strict accounting measures which business owners will have

to submit if LEDA funds are used. Mayor Cobb stated the funding for cultural facilities and retail businesses will be incorporated into the annual budget process.

Mr. Cortez stated because of New Mexico's strict anti-donation clause, the LEDA funds are closely monitored and must be held in a separate fund to be monitored annually, dollar for dollar, by the Finance Department.

Commissioner Mills stated his biggest constituent concern, other than speed bumps, is local retail.

Mayor Cobb stated there are certain parameters for the retail businesses requesting LEDA funds. He further stated retail businesses are being held to a higher standard and often pay well. He commented now is a good time to diversify the economy and establish more retail establishments in Hobbs.

Mr. Cortez stated the businesses requesting LEDA funds must come before the Commission to present their Project Partnership Agreements in the form of an ordinance.

There being no further questions or comments, Commissioner Penick moved to publish notice of intent to adopt the proposed ordinance amending Section 3.10.040 of the Hobbs Municipal Code amending the City's Economic Development Strategic Plan. Commissioner Fields seconded the motion. The vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the proposed ordinance is attached and made a part of these minutes.

Mayor Cobb thanked Ms. Grassham for her presence at tonight's meeting.

Resolution No. 7134 - A Resolution Authorizing the Mayor to Approve Renewals of Medical, Benefit Value Advisor, Dental, Vision, Teladoc, Life Insurance, Short Term Disability, Long Term Disability, Critical Illness Coverage, Hospital Indemnity Coverage and Accident Coverage

Mr. Nicholas Goulet, Human Resources Director, introduced Ms. Charlene Fairchild, Account Executive for AON. She reviewed the health trends and stated the City moved to self-funded insurance in 2014. She stated the City has saved over \$7 million being self-funded while maintaining a very rich benefits program. Ms. Fairchild stated AON has looked for the best value for the City of Hobbs. She added the State of New Mexico passed Senate Bill 317 (SB317), which goes into effect January 1, 2022, and requires mental health care at a no-cost share to members. Ms. Fairchild stated SB317 will affect fully insured plans and other entities that are not self-funded. She further stated the City is not required to add a mental health benefit but is looking at options to enhance the mental health benefits for City employees.

In response to Commissioner Smith's inquiry, Ms. Fairchild confirmed funds for claims only come out when the claim is paid. She stated the City receives a report of claims on a weekly basis.

Mr. Goulet stated the City has received medical insurance quotes from United Health Care (UHC) and Blue Cross Blue Shield (BCBS). He stated both of the quotes are lower than the current rates for calendar year 2021 and are competitive to each other with BCBS having a 1.9% increase over UHC. Mr. Goulet stated staff recommends staying with the current provider BCBS. He further stated BCBS rates are proposed to be a reduction of 6.05% or \$499,677. He explained the City has had the current BCBS vendor for the last 11 years and would like to consider a passive enrollment process due to the continued impacts of COVID-19. Mr. Goulet stated the budget was based on current enrollment through September, 2021. In regard to medical insurance providers, AON received bids from BCBS, UHC and Cigna; however, the Cigna quote came in well above the others. Mr. Goulet outlined the proposed insurance costs as follows:

MEDICAL - BLUE CROSS/BLUE SHIELD

The current funding ratios for Medical are shared between the employer/employee as follows:

- Employee annual salary less than \$30,000: 90% employer/10% employee
- Employee annual salary between \$30,000 and \$70,000: 85% employer/15% employee
- Employee annual salary over \$70,000: 80% employer/20% employee

Mr. Goulet stated the total cost of available medical insurance will decrease by 6.05% from calendar year 2021. He further stated the combined calendar BCBS renewal for both active employees (\$6,864,814) and retirees (\$894,577) is approximately \$7,759,391. This is a reduction from \$8,259,067 in 2020.

BENEFIT VALUE ADVISOR - BLUE CROSS/BLUE SHIELD

The cost for Benefit Value Advisor is currently placed into the administrative fees for Blue Cross Blue Shield.

DENTAL-DELTA DENTAL

For calendar year 2021, rates are increasing by .02%. This is a very small increase resulting in minor changes for enrollees.

TELEMEDICINE – TELADOC

Staff is requesting an increase to the Teladoc platform. The MyStrength Complete addition will result in free mental health consultations for members. Currently, Teladoc is a 100% City provided benefit for medical plan enrolled participants for calendar year 2021. Estimated cost of Teladoc to the City based on current enrollment is \$32,314. With this change, the new program enrollment cost is \$53,944. Current savings to medical claims by use of the program through August, 2021, is \$62,557. Savings are based on the employee using other means for medical treatment. For example, an emergency room or specialty provider.

VSP - Vision Insurance

Staff proposes a dual level option with this year's renewal. VSP Signature and VSP Signature buy-up plan. The plan will offer frame/contact allowances to move from \$130 to \$180/\$225. This is an employee option plan and not paid for by the City.

SHORT TERM DISABILITY - THE HARTFORD

If approved, the City provided benefit will continue with the Hartford for the current short term disability plan without a rate increase and a projected cost of \$29,532 for 2022.

THE HARTFORD- PREMIUM PAID BY PARTICIPANT LONG TERM DISABILITY

Long Term Disability with the Hartford will be offered with 100% of the premium paid for by the participant. Rate Guarantee.

LIFE INSURANCE

Life Insurance renewal resulted in no changes year-over-year.

CRITICAL ILLNESS INSURANCE

100% of the premium paid for by the participant. No increase. Rate guarantee.

GROUP ACCIDENT INSURANCE PLAN

100% of the premium paid for by the participant. No Increase. Rate guarantee.

HOSPITAL INDEMNITY INSURANCE PLAN

100% of the premium paid for by the participant. No Increase. Rate guarantee.

FSA FLEXIBLE SPENDING ACCOUNT

Continuation of program through Chard Snyder. Administrative costs for employees are provided for by the City as an annual cost of \$5,175. The City realizes tax savings that more than make up for the cost of having this program.

In answer to a question from Commissioner Gerth, Mr. Goulet stated there have been 158 employees who used Teladoc so far this year.

Commissioner Smith stated programs like Teladoc are very important to lower costs in a self-funded insurance program.

In response to a question from City Manager Gomez, Mr. Goulet stated there are approximately 400 active employees and 65 retired employees currently enrolled in the City's insurance program.

Mayor Cobb stated the more that employees use Teladoc, the more they will become familiar with the program. They will also be more likely to share the program details with their coworkers.

There being no further discussion, Commissioner Fields moved to approve Resolution No. 7134 as presented to renew the City's health insurance with BCBS as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

Resolution No. 7135 - Determining that Certain Structures are Ruined, Damaged and Dilapidated, are a Menace to Public Comfort, Health and Safety and Requires Removal from the Municipality (812 East Humble)

Ms. Chacon explained the resolution and stated in the City of Hobbs' continuing promotion of safety and clean-up efforts within city limits, the Environmental Division of the City of Hobbs Community Services Department has identified properties which present health, life and safety hazards, which warrant remediation. She further stated the property located at 812 East Humble is a property that is ruined, damaged and dilapidated and a menace to the public comfort, health and safety. Ms. Chacon presented photographs of the property being proposed for condemnation.

In response to Commissioner Penick's question, Ms. Chacon stated the property being condemned is the property on the left in the aerial pictures being displayed.

There being no further discussion, Commissioner Penick moved to approve Resolution No. 7135 as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth

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

Resolution No. 7136 - Determining that Certain Structures are Ruined, Damaged and Dilapidated, are a Menace to Public Comfort, Health and Safety and Requires Removal from the Municipality (1602 West Marland)

Ms. Chacon stated the City has identified property located at 1602 West Marland as a property that is ruined, damaged and dilapidated and a menace to the public comfort, health and safety. She further stated the City has followed proper procedures to notify the property owner. Ms. Chacon stated the property was originally condemned in 2008; however, nothing came of the original condemnation. She stated this resolution will re-condemn this property.

There being no further discussion, Commissioner Penick moved to approve Resolution No. 7136 as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith abstain, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

Commissioner Smith stated he abstained from the vote due to having a financial interest in property adjacent to 1602 West Marland.

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

Mayor Cobb stated the next regular Commission meeting will be held at 6:00 p.m. on December 6, 2021.

City Manager Gomez stated the Divestment Ceremony went well at the National Guard Building on November 8, 2021. He stated the City will be looking into the possible uses of the building.

City Manager Gomez announced the Tree Lighting Ceremony will be held at the Shipp Street Pavilion on December 4, 2021, from 6:00 p.m. to 9 p.m.

City Manager Gomez read an email he received from a visitor who came to Hobbs from Lubbock, Texas, commending Mr. Matt Hughes, Golf Course Superintendent, and Mr. Marcos Juarez, Trail Supervisor, for the beautiful job they do in taking care of Harry McAdams Park and the Lovington Highway Trail.

Commissioner Smith stated Hobbs lost a legend last week in the passing of Dr. Mac McCormick.

Commissioner Penick thanked the Veterans Medical Clinic for their work on the new building to serve the local veterans.

Commissioner Fields expressed his appreciation to the HFD Combat Challenge Team for their hard work in bringing home the trophy. Commissioner Fields also commended the Legal Department for their hard work on the Cannabis Regulation Ordinance. He wished everyone a Happy Thanksgiving.

Commissioner Gerth stated the railroad crossings in town are horrible with the exception of the crossing located at Grimes and Turner. He stated he crosses them multiple times a day and they are in terrible condition.

Commissioner Smith stated the railroad crossing on Berry St. was recently improved.

Mayor Cobb wished everyone a Happy Thanksgiving.

Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. 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. The meeting adjourned at 8:32 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, the Hobbs High School Band has grown in nineteen years from 80 students to presently having 260 students; and

WHEREAS, the Hobbs High School Band, has seen growth from 10th - 12th grade students to now including 9th grade students as well. The Hobbs High School Band also plays and cheers at other Lea County events such as Eunice and Jal's final football games; and

WHEREAS, the Marching Band recently took fifth place in the Zia Marching Band which is a statewide competition with students participating from all over New Mexico; and

WHEREAS, when you mention the Taskervitch Band, people from far and wide recognize the Hobbs High School Band and Rusty Crowe as they are both well-known and highly respected throughout the state; and

WHEREAS, for nineteen years, Rusty and the Hobbs Eagle Band have been committed to making the Band first in all divisions and competitions and showcasing the Taskervitch Band as one of the basketball traditions we have all come to know and love.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim December 6, 2021, as

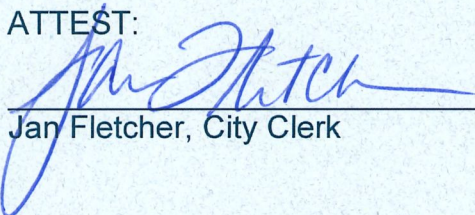
“Hobbs Eagle Band Day”

in the City of Hobbs and wish to recognize and express our pride and heartfelt appreciation to Rusty Crowe and the Hobbs High School Band for their continued service to the citizens of this community.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of December, 2021, and cause the seal of the City of Hobbs to be affixed hereto.

Sam D. Cobb, Mayor

ATTEST:



Jan Fletcher, City Clerk





CONSENT AGENDA



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: Resolution Authorizing the Mayor to Make Appointments to City Advisory Boards.

DEPT. OF ORIGIN: Mayor's Office
DATE SUBMITTED: November 25, 2021
SUBMITTED BY: Sam D. Cobb, Mayor

Summary:

The two-year terms of the following Advisory Board members expired on March 31, 2021.

Cemetery Board: Cindy Walker, Joann Zespy and Clarence Benford;

Community Affairs Board: Cathy Marshall, Ashley Pratt, Kevin Naegele and Pat Duran;

Library Board: Sarah Reid, Robin Needham and Sandra Goad;

Planning Board: Larry Sanderson, Philip Ingram and Guy Kesner;

Utilities Board: Kerry Romine and Byron Marshall.

The three-year term of the following Advisory Board member expired on January 1, 2021.

Lodgers' Tax Board: Jack Robertson.

Appointments are needed for five (5) individuals to the newly-created Veterans Board for two-year staggered terms. Term expirations will be determined by the Board at its first organizational meeting.

The Mayor would like to appoint the following Commissioners as liaison members:

- Finn Smith – Cemetery Board
- Don Gerth – Community Affairs Board
- Joe Calderon – Library Board
- Dwayne Penick – Planning Board
- Larron Fields – Utilities Board
- Chris Mills – Lodgers' Tax Board
- Dwayne Penick – Veterans Board

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. 7137

A RESOLUTION AUTHORIZING THE MAYOR
TO MAKE APPOINTMENTS TO
THE CITY OF HOBBS ADVISORY BOARDS

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is authorized to make appointments to the following advisory boards:

CEMETERY BOARD (Two-year terms expiring March 31, 2023)

- Cindy Walker – re-appoint
- Joann Zespy – re-appoint
- Clarence Benford – re-appoint
 - Commissioner Finn Smith – appoint as Liaison

COMMUNITY AFFAIRS BOARD (Two-year terms expiring March 31, 2023)

- Chanelle Scott - appoint
- Ashley Pratt - re-appoint
- Kevin Naegele - re-appoint
- Pat Duran - re-appoint
 - Commissioner Don Gerth - appoint as Liaison

LIBRARY BOARD (Two-year terms expiring March 31, 2023)

- Sarah Reid – re-appoint
- Robin Needham – re-appoint
- Sandra Goad – re-appoint
 - Commissioner Joe Calderon – appoint as Liaison

LODGERS' TAX BOARD (Three-year terms expiring January 1, 2024)

- Jack Robertson – re-appoint representing Tourist Industry
- Lahcen Tigui – appoint to fill Lodging Industry vacancy (term expires January 1, 2023)
 - Commissioner Chris Mills – appoint as Liaison

PLANNING BOARD (Two-year terms expiring March 31, 2023)

- Larry Sanderson – re-appoint
- Guy Kesner – re-appoint
- Brett Clay – appoint
 - Commissioner Dwayne Penick – appoint as Liaison

UTILITIES BOARD (Two-year terms expiring March 31, 2023)

Kerry Romine – re-appoint

Byron Marshall – re-appoint

Debra Hicks – appoint to fill vacancy (term expires March 31, 2022)

> Commissioner Larron Fields – appoint as Liaison

VETERANS BOARD – New

(Two-year terms per Ordinance No. 1132. In order to provide for staggered terms, the Board shall determine the expiration dates of the initial terms at its first organizational meeting. Two members' terms will expire in March of 2023 and three members' terms will expire in March of 2024.)

Robert Lujan

Michael Mings

Clarence Benford

Ramon Cruz

Mark Bowman

> Commissioner Dwayne Penick – appoint as Liaison

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: A RESOLUTION AUTHORIZING THE CONTINUED OPERATION OF THE CITY OF HOBBS LABOR MANAGEMENT RELATIONS BOARD

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: November 23, 2021
SUBMITTED BY: Efren A. Cortez, City Attorney

Summary: On February 19, 2020, the New Mexico Legislature adopted House Bill (HB) 364 which enacted substantial changes to the Public Employee Bargaining Act (NMSA 1978, §§ 10-7e-1 to 10-7e-25). The changes set numerous requirements on local governments seeking to keep their local labor boards. To date, the City of Hobbs has met all requirements under the Act. Pursuant to NMSA 1978, § 10-7e-10(E), the City of Hobbs must submit an affirmation to the New Mexico Public Employees Labor Relations Board between November 1 and December 31 of each odd-numbered year. This proposed Resolution meets this requirement.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

There is no direct fiscal impact for this Resolution.

Attachments:

Resolution; Form #18 – Biannual Affidavit; three (3) election letters

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

The City Commission should consider the Resolution.

Approved For Submittal By:

[Signature] Department Director

[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

CITY OF HOBBS

RESOLUTION NO. 7138

A RESOLUTION AUTHORIZING THE CONTINUED OPERATION OF
THE CITY OF HOBBS LABOR MANAGEMENT RELATIONS BOARD

WHEREAS, on February 19, 2020, the New Mexico Legislature adopted House Bill (HB) 364 which enacted substantial changes to the Public Employee Bargaining Act (NMSA 1978, §§ 10-7e-1 to 10-7e-25); and

WHEREAS, pursuant to NMSA 1978, § 10-7e-10, municipalities that desired to maintain a local labor board are required to complete a series of measures in order to maintain their board and failure to complete these measures resulted in the loss of the local labor board; and

WHEREAS, the City of Hobbs has met all conditions necessary to maintain its local labor board – the City of Hobbs Labor Management Relations Board; and

WHEREAS, on December 7, 2020, the City of Hobbs City Commission adopted Ordinance No. 1128 amending the City of Hobbs Labor Management Relations Ordinance and the Board subsequently adopted updated rules that comply with the Public Employee Bargaining Act; and

WHEREAS, pursuant to NMSA 1978, § 10-7e-10(D), in order to continue the existence of the City of Hobbs Labor Management Relations Board, the City of Hobbs must affirmatively elect to continue to maintain the Board; and

WHEREAS, pursuant to NMSA 1978, § 10-7e-10(D), in order to continue the existence of the City of Hobbs Labor Management Relations Board, each labor organization representing City of Hobbs employees must elect to continue to operate under the Board; and

WHEREAS, pursuant to NMSA 1978, § 10-7e-10(E), the City of Hobbs must submit an affirmation to the New Mexico Public Employees Labor Relations Board between November 1 and December 31 of each odd-numbered year; and

WHEREAS, as of this date, all conditions necessary to continue the existence and operation of the City of Hobbs Labor Management Relations Board have been met; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City of Hobbs City Commission approves the continued existence of the City of Hobbs Labor Management Relations Board under the requirements set forth by the Public Employee Bargaining Act (NMSA 1978, §§ 10-7e-1 to 10-7e-25) as well as the City of Hobbs Labor Management Relations Ordinance (HMC Chapter 2.60).

BE IT FURTHER RESOLVED that the City Manager and the Human Resources Director are authorized to submit any and all forms necessary to effectuate the continued existence and operation of the City of Hobbs Labor Management Relations Board to the New Mexico Public Employees Labor Relations Board before December 31, 2021.

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

November 18, 2021

VIA EMAIL

Royal Hopper, Union President
Fraternal Order of Police, Lea County Lodge No. 9

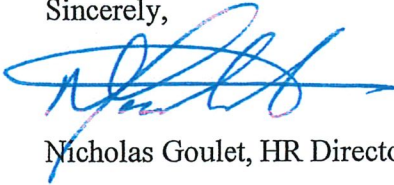
Re: City of Hobbs - Labor Management Relations Board

Dear Mr. Hopper:

As you may be aware, the City of Hobbs has a local Labor Management Relations Board (LMRB). The City would like to continue to operate under its LMRB. In order to do so, the City respectfully requests your labor organization's consideration in continuing the LMRB. Please indicate your position below, sign, date, and return to me no later than November 30, 2021.


Thank you.

Sincerely,



Nicholas Goulet, HR Director

- FOP, Lea County Lodge No. 9 affirmatively elects to continue to operate under the LRMB
 FOP, Lea County Lodge No. 9 elects to discontinue the LMRB



Royal Hopper, Union President

11/18/2021
Date

RECEIVED

NOV 18 2021

CITY OF HOBBS HR DEPT

November 18, 2021

VIA EMAIL

Joseph Meyers, Union President
Hobbs Fire Fighters Association, Local 4384

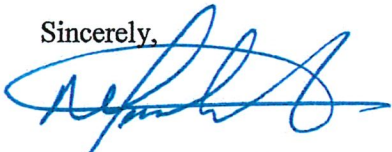
Re: City of Hobbs - Labor Management Relations Board

Dear Mr. Meyers:

As you may be aware, the City of Hobbs has a local Labor Management Relations Board (LMRB). The City would like to continue to operate under its LMRB. In order to do so, the City respectfully requests your labor organization's consideration in continuing the LMRB. Please indicate your position below, sign, date, and return to me no later than November 30, 2021.

Thank you.

Sincerely,



Nicholas Goulet, HR Director

- HFFA, Local 4384 affirmatively elects to continue to operate under the LRMB
- HFFA, Local 4384 elects to discontinue the LMRB

Joseph Meyers
Joseph Meyers, Union President

11/22/2021
Date

November 18, 2021

VIA EMAIL

Jorge Soriano, Union President
Hobbs Police Officer Association, International Union of Police Association, AFL-CIO, Local 701

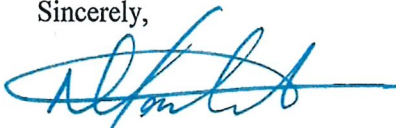
Re: City of Hobbs - Labor Management Relations Board

Dear Mr. Soriano:

As you may be aware, the City of Hobbs has a local Labor Management Relations Board (LMRB). The City would like to continue to operate under its LMRB. In order to do so, the City respectfully requests your labor organization's consideration in continuing the LMRB. Please indicate your position below, sign, date, and return to me no later than November 30, 2021.

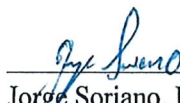
Thank you.

Sincerely,



Nicholas Goulet, HR Director

- HPOA, IUPA, AFL-CIO, Local 701 affirmatively elects to continue to operate under the LRMB
- HPOA, IUPA, AFL-CIO, Local 701 elects to discontinue the LMRB



Jorge Soriano, Union President

11/24/21

Date

**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

In re:

City of Hobbs Labor Management Relations Board

Local Labor Board

Address:

200 E. Broadway

Hobbs, New Mexico 88240

Telephone Number:

Fax Number:

Email: ngoulet@hobbsnm.org

PELRB No:

LOCAL BOARD AFFIRMATION OF ELECTION TO CONTINUE TO OPERATE

I, Scotty Holloman, Chair of the City of Hobbs Labor Management Relations Board,
hereby state and affirm as follows:

1) The City of Hobbs has affirmatively elected to continue to
operate under the City of Hobbs Labor Management Relations Board.

2) The following labor organizations represent employees of The City of Hobbs

- HPOA Local Union 701
- FOP Lea County Lodge No. 9
- IAFF Local 4384

3) Each labor organization representing employees of
The City of Hobbs _____ has submitted written notice to
City of Hobbs Labor Management Relations Board _____ that it affirmatively elects to continue to operate
under: City of Hobbs Labor Management Relations Board _____.

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct.

Scotty Holloman

Scotty Holloman

11/29/2021

Date

Address:
P.O. Box 3408
Hobbs, NM 88241
Telephone Number: 575-441-0056
Fax Number: _____
Email: Scotty.holloman@outlook.com

NOTARIZATION

[place notary seal below]

State of NM _____)

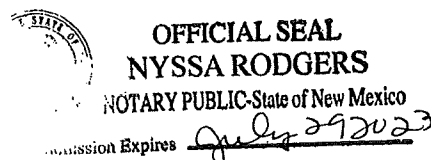
County of Lea _____)

Signed and sworn to (or affirmed) before me on November 29, 2021 (date) by
Scotty Holloman (name of applicant).

Nyssa Rodgers

Notary

My commission expires: July 29, 2023





ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: Ordinance Amending Section 1.08.010 of the Hobbs Municipal Code Regarding Designation of City Districts

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: November 9, 2021
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

Chapter 1.08 of the Hobbs Municipal Code requires adjustment of the City's districts every 10 years following receipt of the U. S. Census data. The City contracted with Research & Polling to assist with the demographic work on the project. A Redistricting Committee was appointed and public meetings were conducted to review and adjust the districts.

On November 15, 2021, the City Commission formally approved Redistricting Plan "H" as recommended by the Redistricting Committee. The attached ordinance designates the six single-member Commission districts of the City pursuant to Plan "H". Notice of intent to adopt the proposed ordinance was published in the Hobbs News-Sun on November 19, 2021, as required by NMSA 1978, §3-17-3.

Fiscal Impact:

Reviewed By: _____
Finance Department

Attachments:

Ordinance, map and legal notice.

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve adoption of the ordinance.

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

ORDINANCE NO. 1136

AN ORDINANCE REPEALING SECTION 1.08.010 OF THE
HOBBS MUNICIPAL CODE REGARDING DESIGNATION OF
CITY DISTRICTS AND ADOPTING A NEW SECTION 1.08.010

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 1.08.010 of the Hobbs Municipal Code is hereby repealed in its entirety and a new Section 1.08010 is hereby enacted as follows:

Chapter 1.08

CITY DISTRICTS DESIGNATED

1.08.010 City districts.

The City shall be divided into six (6) districts having boundaries as follows:

A. **District 1.** District 1 consists of those portions of voting precincts numbered 24, 25, 27, 28, 29, 30 and 32 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Gold Ave and Lovington Hwy, and proceeding easterly along the centerline of Gold Ave to Northwest Dr, northerly along the centerline of Northwest Dr to Iron Ave, easterly along the centerline of Iron Ave to North Acres Dr, southerly along the centerline of North Acres Dr to Gold Ave, easterly along the centerline of Gold Ave to Grimes St, northerly along the centerline of N Grimes St to Calle Sur St, easterly along the centerline of Calle Sur St to Hobbs municipal line, easterly and southerly along the Hobbs municipal line to unnamed road, southerly along unnamed road to Navajo Dr, westerly on the centerline of Navajo Dr to Dal Paso St, southerly along the centerline of Dal Paso St to Mesa Dr, westerly along the centerline of Mesa Dr to Fowler St, southerly along the centerline of Fowler St to Berry Dr, westerly along the centerline of Berry Dr to Turner St, northerly along the centerline of Turner St to Lovington Hwy, northerly along the centerline of Lovington Hwy to the point of beginning.

B. **District 2.** District 2 consists of those portions of voting precincts numbered 27, 40, 41, 42, and 43 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Dal Paso St and Lincoln Rd, and proceeding northerly along the centerline of Dal Paso St to Navajo Dr, easterly along the centerline of Navajo Dr (1 mi) to an unnamed road, northerly along the centerline of unnamed road (800 ft) to the Hobbs municipal line, easterly and southerly along Hobbs municipal line to Sanger St, westerly along the centerline of Sanger St to Stevens Dr, northerly along the centerline of Stevens Dr to Pecos Dr, westerly along the centerline of Pecos Dr to Jefferson St, northerly along the centerline of Jefferson St to Lincoln Rd, westerly along the centerline of Lincoln Rd to the point of beginning.

C. **District 3.** District 3 consists of all of those portions of voting precincts numbered 35, 44, 50, 51, 52, 53, 58 and 59 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Sanger St and Selman St, and proceeding easterly along the centerline of Sanger St to Dal Paso St, northerly along the centerline of Dal Paso St to Lincoln Rd, easterly along the centerline of Lincoln Rd to Jefferson St, southerly along the centerline of Jefferson St to Pecos Dr, easterly along the centerline of Pecos Dr to Stevens Dr, southerly along the centerline of Stevens Dr to Sanger St, easterly along the centerline of Sanger St to the Hobbs municipal line, southerly and westerly along the Hobbs municipal line to the centerline of Dal Paso St, northerly along the centerline of Dal Paso St to Scharbauer St, westerly along the centerline of Scharbauer St to Selman St, northerly along the centerline of Selman St to the point of beginning.

D. **District 4.** District 4 consists of those portions of voting precincts numbered 35, 36, 51, 52, 53, 54, 55 and 62 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of West County Rd and Marland Blvd, and proceeding easterly along the centerline of Marland Blvd to Grimes St, northerly along the centerline of Grimes St to Snyder St, easterly along the centerline of Snyder St to Turner St, northerly along the centerline of Turner St to Sanger St, easterly along the centerline of Sanger St to Selman St, southerly along the

centerline of Selman St to Scharbauer St, easterly along the centerline of Scharbauer St to Dal Paso St, southerly along the centerline of Dal Paso St to the Hobbs municipal line, westerly along the Hobbs municipal line to W Carlsbad Hwy, easterly along the centerline of W Carlsbad Hwy to West County Rd and the point of beginning.

E. **District 5.** District 5 consists of those portions of voting precincts numbered 19, 20, 22, 23, 27, 28, 30, 37, 38 and 56 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Lovington Hwy and West County Rd, and proceeding westerly along the centerline of West County Rd to Hobbs municipal line, westerly, northerly, easterly and southerly along the Hobbs municipal line to Calle Sur St, westerly along the centerline of Calle Sur St to Grimes St, southerly along the centerline of Grimes St to Gold Ave, westerly along the centerline of Gold Ave to North Acres Dr, northerly along the centerline of North Acres Dr to Iron Ave, westerly along the centerline of Iron Ave to Northwest Dr, southerly along the centerline of Northwest Dr to Gold Ave, westerly along the centerline of Gold Ave to Lovington Hwy, northerly along the centerline of Lovington Hwy to West County Rd to the point of beginning.

F. **District 6.** District 6 consists of those portions of voting precincts numbered 31, 33, 34, 35, and 61 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of West County Rd and Carlsbad Hwy, and proceeding westerly along Carlsbad Hwy to the Hobbs municipal line, northerly along the Hobbs municipal line to West County Rd, northerly along the centerline of West County Rd to Lovington Hwy, southerly along the centerline of Lovington Hwy to Turner St, southerly along the centerline of Turner St to Berry Dr, easterly along the centerline of Berry Dr to Fowler St, northerly along the centerline of Fowler St to Mesa Dr, easterly along the centerline of Mesa Dr to Dal Paso St, southerly along the centerline of Dal Paso St to Sanger St, westerly along the centerline of Sanger St to Turner St, southerly along Turner St to Snyder St, westerly along the centerline of Snyder St to Grimes St, southerly along the centerline of Grimes St to Marland Blvd, westerly along the centerline of Marland Blvd to West County Rd and the point of beginning.

All as set forth on the map of the City on file in the office of the City Clerk. Within one (1) year after publication of each United States Census, the City Commission shall review the districting of the City and shall either reaffirm by ordinance that the City is divided into six (6) districts that meet the requirements stated below or, in the event that population shifts have made such reaffirmation impossible, the Commission shall appoint a committee of no less than seven (7) persons to review and adjust the districting in order to insure that ethnicity/language minority groups, compactness, contiguity, substantial equality in population, community interests, and other criteria set out in the Voting Rights Act and court decisions are maintained in each single member district, and written recommendations shall be made to the Commission within sixty (60) days of the appointment of said committee. Any adjustment in district lines shall be approved by City ordinance; provided, however, that this review shall not occur more than once every ten (10) years in keeping with the current census practice even if the census should be taken more frequently in the future.

Section 1.08.011 Effect of Redistricting.

Notwithstanding the provisions of Section 4-5 of the Hobbs City Charter, no vacancy in the Office of a City Commissioner shall be caused by redistricting. All incumbent City Commissioners shall be entitled to serve out their terms, even if redistricting causes a City Commissioner to reside outside the district which that City Commissioner was elected to represent.

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021.

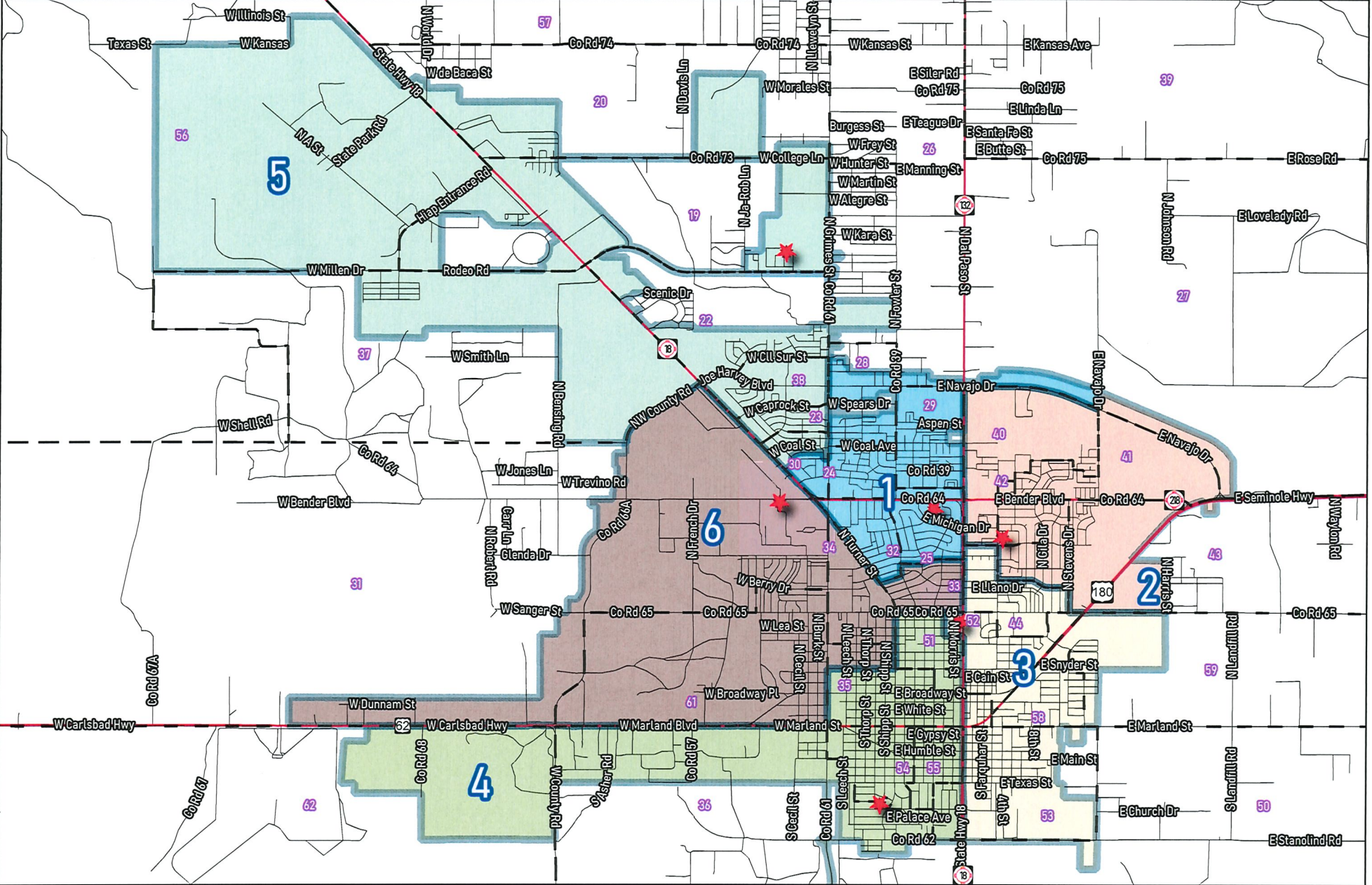
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

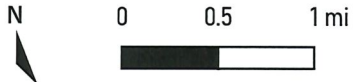
Hobbs City Commission

Plan H



Research & Polling, Inc. distributes this map assuming no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause in reliance upon any maps.

★ Commissioners
 - - - Precincts



Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

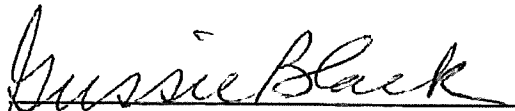
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated
November 19, 2021
and ending with the issue dated
November 19, 2021.



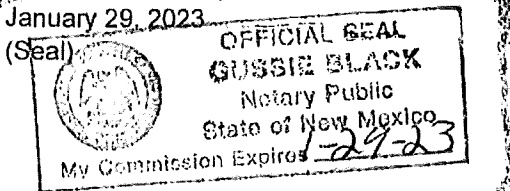
Publisher

Sworn and subscribed to before me this
19th day of November 2021.



Business Manager

My commission expires
January 29, 2023



LEGAL NOTICE November 19, 2021

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 6th day of December, 2021, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to repeal Section 1.08.010 regarding designation of City Districts and adoption a new Section 1.08.010. A summary of the ordinance is contained in its title as follows:

AN ORDINANCE REPEALING SECTION 1.08.010 OF THE HOBBS MUNICIPAL CODE REGARDING DESIGNATION OF CITY DISTRICTS AND ADOPTING A NEW SECTION 1.08.010

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 1.08.010 of the Hobbs Municipal Code is hereby repealed in its entirety and a new Section 1.08.010 hereby enacted as follows:

Chapter 1.08 CITY DISTRICTS DESIGNATED

1.08.010 City districts.

The City shall be divided into six (6) districts having boundaries as follows:

A. District 1. District 1 consists of those portions of voting precincts numbered 24, 25, 27, 28, 29, 30 and 31 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Gold Ave and Lovington Hwy, and proceeding easterly along the centerline of Gold Ave to Northwest Dr, northerly along the centerline of Northwest Dr to Iron Ave, easterly along the centerline of Iron Ave to North Acres Dr, southerly along the centerline of North Acres Dr to Go Ave, easterly along the centerline of Gold Ave to Grimes St, northerly along the centerline of N Grimes St to Calle Sur St, easterly along the centerline of Calle Sur St to Hobbs municipal line, easterly and southerly along the Hobbs municipal line to unnamed road, southerly along unnamed road to Navajo Dr, westerly along the centerline of Navajo Dr to Dal Paso St, southerly along the centerline of Dal Paso St to Mesa Dr, westerly along the centerline of Mesa Dr to Fowler St, southerly along the centerline of Fowler St to Berry Dr, westerly along the centerline of Berry Dr to Turner St, northerly along the centerline of Turner St to Lovington Hwy northerly along the centerline of Lovington Hwy to the point of beginning.

B. District 2. District 2 consists of those portions of voting precincts numbered 27, 40, 41, 42, and 43 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Dal Paso St and Lincoln Rd, and proceeding northerly along the centerline of Dal Paso St to Navajo Dr, easterly along the centerline of Navajo Dr (1 mi) to an unnamed road northerly along the centerline of unnamed road (800 ft) to the Hobbs municipal line, easterly and southerly along Hobbs municipal line to Sanger St, westerly along the centerline of Sanger St to Stevens Dr, northerly along the centerline of Stevens Dr to Pecos Dr, westerly along the centerline of Pecos Dr to Jefferson Dr, northerly along the centerline of Jefferson St to Lincoln Rd, westerly along the centerline of Lincoln Rd to the point of beginning.

C. District 3. District 3 consists of all of those portions of voting precincts numbered 35, 44, 50, 51, 52, 55, 58 and 59 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Sanger St and Selman St, and proceeding easterly along the centerline of Sanger St to Dal Paso St, northerly along the centerline of Dal Paso St to Lincoln Rd, easterly along the centerline of Lincoln Rd to Jefferson St, southerly along the centerline of Jefferson St to Pecos Dr, easterly along the centerline of Pecos Dr to Stevens Dr, southerly along the centerline of Stevens Dr to Sanger St, easterly along the centerline of Sanger St to the Hobbs municipal line, southerly and westerly along the Hobbs municipal line to the centerline of Dal Paso St, northerly along the centerline of Dal Paso St to Scharbauer St, westerly along the centerline of Scharbauer St to Selman St, northerly along the centerline of Selman St to the point of beginning.

Section 1.08.011 Effect of Redistricting.

Notwithstanding the provisions of Section 4-5 of the Hobbs City Charter, no vacancy in the Office of a City Commissioner shall be caused by redistricting. All incumbent City Commissioners shall be entitled to serve out their terms, even if redistricting causes a City Commissioner to reside outside the district which that City Commissioner was elected to represent.

A copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for view online at www.hobbsnm.org.

Due to COVID-19, the meeting is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to submit public comment related to this proposed ordinance, please submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on December 6, 2021.

/s/Jan Fletcher
Jan Fletcher, City Clerk

#37048

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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

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

LEGAL NOTICE
November 19, 2021

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 6th day of December, 2021, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to repeal Section 1.08.010 regarding designation of City Districts and adoption a new Section 1.08.010. A summary of the ordinance is contained in its title as follows:

AN ORDINANCE REPEALING SECTION 1.08.010 OF THE
HOBBS MUNICIPAL CODE REGARDING DESIGNATION OF
CITY DISTRICTS AND ADOPTING A NEW SECTION 1.08.010

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 1.08.010 of the Hobbs Municipal Code is hereby repealed in its entirety and a new Section 1.08.010 is hereby enacted as follows:

Chapter 1.08
CITY DISTRICTS DESIGNATED

1.08.010 City districts.

The City shall be divided into six (6) districts having boundaries as follows:

A. **District 1.** District 1 consists of those portions of voting precincts numbered 24, 25, 27, 28, 29, 30 and 32 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Gold Ave and Lovington Hwy, and proceeding easterly along the centerline of Gold Ave to Northwest Dr, northerly along the centerline of Northwest Dr to Iron Ave, easterly along the centerline of Iron Ave to North Acres Dr, southerly along the centerline of North Acres Dr to Gold Ave, easterly along the centerline of Gold Ave to Grimes St, northerly along the centerline of N Grimes St to Calle Sur St, easterly along the centerline of Calle Sur St to Hobbs municipal line, easterly and southerly along the Hobbs municipal line to unnamed road, southerly along unnamed road to Navajo Dr, westerly on the centerline of Navajo Dr to Dal Paso St, southerly along the centerline of Dal Paso St to Mesa Dr, westerly along the centerline of Mesa Dr to Fowler St, southerly along the centerline of Fowler St to Berry Dr, westerly along the centerline of Berry Dr to Turner St, northerly along the centerline of Turner St to Lovington Hwy, northerly along the centerline of Lovington Hwy to the point of beginning.

B. **District 2.** District 2 consists of those portions of voting precincts numbered 27, 40, 41, 42, and 43 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Dal Paso St and Lincoln Rd, and proceeding northerly along the centerline of Dal Paso St to Navajo Dr, easterly along the centerline of Navajo Dr (1 mi) to an unnamed road, northerly along the centerline of unnamed road (800 ft) to the Hobbs municipal line, easterly and southerly along Hobbs municipal line to Sanger St, westerly along the centerline of Sanger St to Stevens Dr, northerly along the centerline of Stevens Dr to Pecos Dr, westerly along the centerline of Pecos Dr to Jefferson St, northerly along the centerline of Jefferson St to Lincoln Rd, westerly along the centerline of Lincoln Rd to the point of beginning.

C. **District 3.** District 3 consists of all of those portions of voting precincts numbered 35, 44, 50, 51, 52, 53, 58 and 59 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Sanger St and Selman St, and proceeding easterly along the centerline of Sanger St to Dal Paso St, northerly along the centerline of Dal Paso St to Lincoln Rd, easterly along the centerline of Lincoln Rd to Jefferson St, southerly along the centerline of Jefferson St to Pecos Dr, easterly along the centerline of Pecos Dr to Stevens Dr, southerly along the centerline of Stevens Dr to Sanger St, easterly along the centerline of Sanger St to the Hobbs municipal line, southerly and westerly along the Hobbs municipal line to the centerline of Dal Paso St, northerly along the centerline of Dal Paso St to Scharbauer St, westerly along the centerline of Scharbauer St to Selman St, northerly along the centerline of Selman St to the point of beginning.

D. **District 4.** District 4 consists of those portions of voting precincts numbered 35, 36, 51, 52, 53, 54, 55 and 62 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of West County Rd and Marland Blvd, and proceeding easterly along the centerline of Marland Blvd to Grimes St, northerly along the centerline of Grimes St to Snyder St, easterly along the centerline of Snyder St to Turner St, northerly along the centerline of Turner St to Sanger St, easterly along the centerline of Sanger St to Selman St, southerly along the centerline of Selman St to Scharbauer St, easterly along the centerline of Scharbauer St to Dal Paso St, southerly along the centerline of Dal Paso St to the Hobbs municipal line, westerly along the Hobbs municipal line to W Carlsbad Hwy, easterly along the centerline of W Carlsbad Hwy to West County Rd and the point of beginning.

E. **District 5.** District 5 consists of those portions of voting precincts numbered 19, 20, 22, 23, 27, 28, 30, 37, 38 and 56 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of Lovington Hwy and West County Rd, and proceeding westerly along the centerline of West County Rd to Hobbs municipal line, westerly, northerly, easterly and southerly along the Hobbs municipal line to Calle Sur St, westerly along the centerline of Calle Sur St to Grimes St, southerly along the centerline of Grimes St to Gold Ave, westerly along the centerline of Gold Ave to North Acres Dr, northerly along the centerline of North Acres Dr to Iron Ave, westerly along the centerline of Iron Ave to Northwest Dr, southerly along the centerline of Northwest Dr to Gold Ave, westerly along the centerline of Gold Ave to Lovington Hwy, northerly along the centerline of Lovington Hwy to West County Rd to the point of beginning.

F. **District 6.** District 6 consists of those portions of voting precincts numbered 31, 33, 34, 35, and 61 lying within the City limits and being more particularly described as follows:

Beginning at the point of intersection of West County Rd and Carlsbad Hwy, and proceeding westerly along Carlsbad Hwy to the Hobbs municipal line, northerly along the Hobbs municipal line to West County Rd, northerly along the centerline of West County Rd to Lovington Hwy, southerly along the centerline of Lovington Hwy to Turner St, southerly along the centerline of Turner St to Berry Dr, easterly along the centerline of Berry Dr to Fowler St, northerly along the centerline of Fowler St to Mesa Dr, easterly along the centerline of Mesa Dr to Dal Paso St, southerly along the centerline of Dal Paso St to Sanger St, westerly along the centerline of Sanger St to Turner St, southerly along Turner St to Snyder St, westerly along the centerline of Snyder St to Grimes St, southerly along the centerline of Grimes St to Marland Blvd, westerly along the centerline of Marland Blvd to West County Rd and the point of beginning.

All as set forth on the map of the City on file in the office of the City Clerk. Within one (1) year after publication of each United States Census, the City Commission shall review the districting of the City and shall either reaffirm by ordinance that the City is divided into six (6) districts that meet the requirements stated below or, in the event that population shifts have made such reaffirmation impossible, the Commission shall appoint a committee of no less than seven (7) persons to review and adjust the districting in order to insure that ethnicity/language minority groups, compactness, contiguity, substantial equality in population, community interests, and other criteria set out in the Voting Rights Act and court decisions are maintained in each single member district, and written recommendations shall be made to the Commission within sixty (60) days of the appointment of said committee. Any adjustment in district lines shall be approved by City ordinance; provided, however, that this review shall not occur more than once every ten (10) years in keeping with the current census practice even if the census should be taken more frequently in the future.

Section 1.08.011 Effect of Redistricting.

Notwithstanding the provisions of Section 4-5 of the Hobbs City Charter, no vacancy in the Office of a City Commissioner shall be caused by redistricting. All incumbent City Commissioners shall be entitled to serve out their terms, even if redistricting causes a City Commissioner to reside outside the district which that City Commissioner was elected to represent.

A copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

Due to COVID-19, the meeting is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to submit public comment related to this proposed ordinance, please submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on December 6, 2021.

/s/Jan Fletcher
Jan Fletcher, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5.06 OF THE HOBBS MUNICIPAL CODE FOR THE POSSESSION, CULTIVATION, MANUFACTURE AND SALE OF CANNABIS

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: November 23, 2021
SUBMITTED BY: Valerie S. Chacon, Deputy City Attorney

Summary: On October 4, 2021, the City Commission adopted Ordinance No. 1133 (Cannabis Regulation Ordinance), which set forth the time, place and manner rules for cannabis establishments in Hobbs, New Mexico. The Cannabis Regulation Ordinance complies with House Bill (HB) 2, now codified as NMSA 1978, Section 26-2C-1, et seq. The proposed ordinance amends Section 5.06.110 of the City of Hobbs Cannabis Regulation Ordinance by:

- Allowing Level 1 Producers (201-1,000 mature cannabis plants) to connect to City water services;
• Creating an appeal process for a producer to obtain a variance from the 10" water line requirement;
• Revising the appeal process to set forth evidentiary standards in an appeal.
• Revising the appeal process to create an appellate review standard before the City Commission.

Pursuant to NMSA 1978, § 3-17-3, this proposed ordinance was published in the Hobbs News-Sun on November 19, 2021.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

There is no direct fiscal impact for this ordinance. Any gross receipts taxes (GRT) derived from the production, manufacture and sale of cannabis shall be distributed to the City of Hobbs pursuant to NMSA 1978, Section 7-1-6.4.

Attachments:

Ordinance; Affidavit of Publication

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

The Commission should consider adoption of this Ordinance.

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

ORDINANCE NO. 1137

AN ORDINANCE AMENDING CHAPTER 5.06 OF THE HOBBS MUNICIPAL CODE FOR THE POSSESSION, CULTIVATION, MANUFACTURE AND SALE OF CANNABIS

WHEREAS, on October 4, 2021, the City Commission adopted Ordinance No. 1133, the City of Hobbs Cannabis Regulation Ordinance, which authorized the City of Hobbs to exercise the authority granted to it by the Cannabis Regulation Act (NMSA 1978, §§ 26-2C-1 through 26-2C-42), to control and restrict the cultivation, manufacture and sale of cannabis and cannabis-derived products in Hobbs, New Mexico; and

WHEREAS, on September 27, 2021, prior to the adoption of the Cannabis Regulation Ordinance, the City of Hobbs City Commission held a work session wherein members of the public voiced their concerns and desires related to the Ordinance; and

WHEREAS, having considered the concerns of the public and so desiring to honor the wishes of the public to the greatest extent possible while protecting the health, safety, and welfare of the general public, the City Commission seeks to amend the Cannabis Regulation Ordinance, Chapter 5.06 of the Hobbs Municipal Code; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 5.06, is hereby amended as more specifically described as follows:

Chapter 5.06 POSSESSION, CULTIVATION, MANUFACTURE AND SALE OF CANNABIS

5.06.110 Cannabis Producers – restrictions.

Pursuant to Chapter 13.04 of the Hobbs Municipal Code, the City of Hobbs operates and maintains the public water distribution system in Hobbs, New Mexico. It has been a matter of public policy that water conservation is of high importance to the City of Hobbs as the geographical location of Hobbs, New Mexico, is situated in an area with no natural surface water. Pursuant to NMSA 1978, Section 26-2C-7(B)(3), the City of Hobbs municipal water supply is not designed to sustain agricultural activity and depletion of the municipal water supply presents a substantial risk to the health, safety and welfare of the residents of Hobbs, New Mexico.

- A. Cannabis producers engaged in cultivation of cannabis plants shall not connect to the City of Hobbs water service at the cannabis establishment wherein the cultivation activity shall occur. Exceptions to this subsection shall include personal use producers (as set forth in NMSA 1978, Section 26-2C-27), cannabis producer microbusinesses (1-200 mature cannabis plants), integrated cannabis microbusinesses (1-200 mature cannabis plants), ~~and~~ vertically integrated cannabis establishments (1-200 mature cannabis plants) engaged in the cultivation of two hundred (200) or fewer cannabis plants, and Level 1 Producers (201-1,000 mature cannabis plants). Cannabis producer microbusinesses, integrated cannabis microbusinesses, ~~and~~ vertically integrated cannabis establishments, and Level 1 Producers shall be required to connect to a 10 inch water line at minimum, to ensure adequate water services to neighboring properties, and submit a satisfactory cultivation plan to the City of Hobbs Utilities Director that exhibits the producer's steps to limit impact on neighboring properties through use of water reduction and water conservation opportunities, including:
1. drip irrigation or subsurface drip irrigation;
 2. water reclamation and reuse systems;
 3. measures to limit or prohibit evaporation;
 4. renewable energy generation and energy efficiency measures; and
 5. measures to limit or prohibit noxious odors.
- B. Upon review of the required minimum water line connection and cultivation plan, the City of Hobbs Utilities Director may approve or deny a request to connect to the City of Hobbs water service from a Cannabis producer microbusinesses, integrated cannabis microbusinesses, ~~and~~ vertically integrated cannabis establishments, or Level 1 Producers. Within ten (10) business days after the request, the City of Hobbs Utilities Director shall state in writing the basis of their decision to approve or deny the request. The City of Hobbs Utilities Director's decision may be appealed to the City of Hobbs Utilities Board. A written notice of appeal, stating the basis for the appeal, must be filed

with the City of Hobbs Utilities Director within fifteen (15) days of the City of Hobbs ~~Utility-Utilities~~ Director's written decision. Failure to timely file a written notice of appeal shall preclude the ~~applicant-appellant~~ from further appeal of the ~~Utility-Utilities~~ Director's decision. The appeal outlined herein may be:

1. an appeal of the Utilities Director's denial based on the minimum water line connection and requesting a variance from the minimum water line connection requirement; or

2. an appeal of the Utilities Director's denial based on the adequacy of the producer's cultivation plan.

- C. Appeal Process and Considerations. The appeal will be heard by the Utilities Board within thirty (30) days of the written notice of appeal. A request to continue the appeal hearing shall operate to waive the thirty (30) day requirement for the appeal hearing and the appeal hearing will be reset as soon as practical. Notice of the date and time of the appeal hearing shall be mailed to the ~~applicant-producer~~, via US Postal mail, to the ~~applicant's-producer's~~ address of record. The appeal hearing shall be recorded and witnesses in support of and opposed to the approval may testify before the Utilities Board. The parties may be represented by counsel. The City of Hobbs will be represented by the City Attorney or their designee. The appellant shall bear the burden of proof at the appeal hearing before the Utilities Board. A decision will be rendered by the Utilities Board via majority vote in an open meeting. Within ten (10) days of the Board's decision, the Utilities Board chair shall render a written decision either upholding or overturning the decision of the Utilities Director. The written decision of the Utilities Board may be appealed to the City Commission. A written notice of appeal, stating the basis for the appeal, must be filed with the City of Hobbs Utilities Board within fifteen (15) days of the Utilities Board's written decision. Failure to timely file a written appeal shall preclude the ~~applicant-appellant~~ from further appeal of the Utilities Board's decision.

1. Variance from Water Line Requirement. At the conclusion of the appeal hearing, the Utilities Board will render a decision either upholding or overturning the decision of the Utilities Director related to the producer's water line requirement. If the Utilities Board renders a decision to overturn the Utilities Director's decision, the Utilities Board may grant a preliminary variance, subject to review by the City Commission, from the requirement that the producer connect to a 10 inch water line. The Utilities Board may grant a preliminary variance if the record before the Utilities Board establishes that:

- a. based on the producer's submitted cultivation plan, the producer's current water line will allow adequate water service to producer's property for producer's intended use; and

- b. based on the written opinion of a New Mexico licensed certified professional engineer of record, the producer's intended water use will not limit or significantly impact the water services to neighboring properties; and
- c. the producer has exhibited acknowledgment and consent, via sworn letter(s) or direct testimony, from the majority of adjacent properties that share the common water line with the producer's property or no substantial evidence is presented that adjacent property owners are opposed to the producer's intended use of the common water line.

2. Adequacy of Producer's Cultivation Plan. At the conclusion of the appeal hearing, the Utilities Board will render a decision either upholding or overturning the decision of the Utilities Director related to the producer's cultivation plan. In their appeal review, the Utilities Board may consider an amended cultivation plan submitted by the producer which corrects any errors or directly addresses any deficiencies noted by the Utilities Director. If the Utilities Board renders a decision to overturn the Utilities Director's decision, the Utilities Board may grant approval of the producer's cultivation plan as written if the record before the Utilities Board establishes that:

- a. based on the cultivation plan before the Utilities Board, the producer has exhibited an ability to significantly and consistently conserve water utilizing any process that may be well established as a water conservation tool in the industry or that is proprietary or novel; and
- b. based on the written opinion of a New Mexico licensed certified professional engineer of record, the producer's intended cultivation practices will not limit or significantly impact the water services to neighboring properties; and
- c. the producer has established, via direct evidence and direct testimony, that they have corrected all deficiencies noted in their original cultivation plan which was previously denied by the Utilities Director.

D. The appeal of the Utilities Board's decision will be heard by the City Commission within thirty (30) days of the written notice of appeal. A request to continue the appeal hearing shall operate to waive the thirty (30) day requirement for the appeal hearing and the appeal hearing will be reset as soon as practical. Notice of the date and time of the appeal hearing shall be published once in the Hobbs News-Sun and also mailed to the applicant/producer, via US Postal mail, to the applicant's/producer's address of record. Notwithstanding the procedures outlined in Article III of Chapter 2.04 of the Hobbs Municipal Code, the appeal before the City Commission shall be limited to a review of the evidence and record established before the Utilities Board. The parties may be represented by counsel. The City of Hobbs will be represented by the City

Attorney or their designee. Prior to the appeal hearing, the parties, either pro se or through their counsel, may submit briefing regarding applicable law, points of error made by the Utilities Board, and other issues brought to the attention of the Utilities Board that may substantially impact the outcome of the City Commission's decision. The City Commission, through affirmative vote, may allow additional evidence and testimony to be presented for consideration. The parties, either pro se or through their counsel, may present argument before the City Commission and the City Commission reserves the right to ask questions of the parties. The appeal hearing shall be recorded, ~~and witnesses in support of and opposed to the approval may testify before the City Commission.~~ A decision will be rendered by the City Commission via majority vote in an open meeting. Within ten (10) days of the Commission's decision, the Mayor shall render a written decision either upholding or overturning the decision of the Utilities Board. The written decision of the City Commission shall be final.

- E. Cannabis producer microbusinesses, integrated cannabis microbusinesses, ~~and~~ vertically integrated cannabis establishments, and Level 1 Producers that connect to the City of Hobbs water service, as set forth herein, shall abide by all requirements as outlined in Chapter 13.04 of the Hobbs Municipal Code. Cannabis producers engaged in the cultivation of cannabis plants shall constitute "commercial consumers" and pay the applicable water and sewer service rates.
- F. Cannabis producer microbusinesses, integrated cannabis microbusinesses, ~~and~~ vertically integrated cannabis establishments, and Level 1 Producers that connect to the City of Hobbs water service, as set forth herein, shall abide by the City of Hobbs water conservation and water restriction ordinance as outlined in Chapter 13.20 of the Hobbs Municipal Code titled, "Regulations For Water Conservation, Water Restrictions and Water Waste."
- G. Cannabis producer microbusinesses, integrated cannabis microbusinesses, ~~and~~ vertically integrated cannabis establishments, and Level 1 Producers that connect to the City of Hobbs water service, as set forth herein, shall submit, and have approved by the Utilities Director, a cultivation plan as contemplated by 16.8.2.27(B) NMAC.
- H. Cannabis producer microbusinesses, integrated cannabis microbusinesses, ~~and~~ vertically integrated cannabis establishments, and Level 1 Producers that connect to the City of Hobbs water service, as set forth herein, shall submit, and have approved by the Utilities Director, cannabis waste procedures as contemplated by 16.8.2.27(E) NMAC.
- I. It shall be unlawful for any person who is less than twenty-one years of age to intentionally produce cannabis. A person that violates this subsection shall be subject to penalties as outlined in the Cannabis Regulation Act.
- J. It shall be unlawful for any person 21 years of age or older, unless licensed under the Act and permitted as required by this Chapter, to intentionally produce cannabis or any

cannabis product in excess of those amounts permitted by the Cannabis Regulation Act.
A person that violates this subsection shall be subject to penalties as outlined in the
Cannabis Regulation Act.

PASSED, ADOPTED AND APPROVED this ____ day of December, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

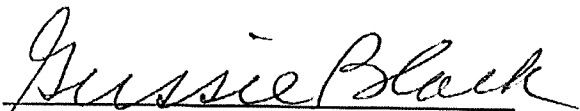
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated
November 19, 2021
and ending with the issue dated
November 19, 2021.



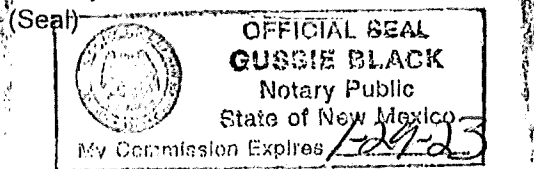
Publisher

Sworn and subscribed to before me this
19th day of November 2021.



Business Manager

My commission expires
January 29, 2023



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 NOTICE November 19, 2021

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 6th day of December, 2021, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance amending Chapter 5.06 of the Hobbs Municipal Code for the possession, cultivation, manufacture and sale of cannabis. A summary of the ordinance is contained in its title as follows:

AN ORDINANCE AMENDING CHAPTER 5.06 OF THE HOBBS MUNICIPAL CODE FOR THE POSSESSION, CULTIVATION, MANUFACTURE AND SALE OF CANNABIS

Chapter 5.06 POSSESSION, CULTIVATION, MANUFACTURE AND SALE OF CANNABIS

- 5.06.110 Cannabis Producers – restrictions.
- Allowing Level 1 Producers (201-1,000 mature cannabis plants) to connect to City water services;
 - Creating an appeal process for a producer to obtain a variance from the 10" water line requirement;
 - Revising the appeal process to set forth evidentiary standards in an appeal.
 - Revising the appeal process to create an appellate review standard before the City Commission.

A copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

Due to COVID-19, the meeting is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to submit public comment related to this proposed ordinance, please submit written comments by email to fletcher@hobbsnm.org by 4:30 p.m. on December 6, 2021.

/s/Jan Fletcher
Jan Fletcher, City Clerk

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN LEA COUNTY AND THE CITY OF HOBBS REGARDING THE LEA COUNTY COMMUNICATIONS AUTHORITY

DEPT. OF ORIGIN: City Manager's Office
DATE SUBMITTED: November 23, 2021
SUBMITTED BY: Manny Gomez, City Manager

Summary: On November 18, 2021, Lea County approved Resolution No. 21-NOV-264R approving a Memorandum of Agreement with the City of Hobbs regarding Lea County funding the cost of the Lea County Communication Authority (LCCA) dispatching for other Lea County Municipalities.

- Caps the City of Hobbs financial contribution for administrative and operations expenses of LCCA at \$1,500,000.00 annually (subject to CPI) or 50% of actual costs, whichever is less (III(H));
• Requires Lea County to enter into separate agreements for financial responsibility for the City of Lovington, the City of Eunice, and the Town of Tatum (III(G));
• Requires Lea County and the City of Hobbs to work to amend the 2017 JPA within 12 months (III(J));
• Requires that any "unilateral" decision affecting the LCCA by either the City of Hobbs or Lea County will be paid for by the implementing entity (III(H) and (I)).

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The City's \$1,500,000.00 portion of the MOA and JPA for FY 21-22 has been previously budgeted and approved during the existing FY21-22 budget.

Attachments:

Resolution; Proposed MOA with Lea County

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

The City Commission should consider the Resolution.

Approved For Submittal By:

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. 7139

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT
BETWEEN LEA COUNTY AND THE CITY OF HOBBS REGARDING
THE LEA COUNTY COMMUNICATIONS AUTHORITY

WHEREAS, on June 2, 2017, the New Mexico Department of Finance and Administration approved the Amended and Restated Joint Powers Agreement (“JPA”) between Lea County and the City of Hobbs to further the public interest and protect the safety, health, and welfare of City of Hobbs and Lea County residents; and

WHEREAS, Section 5.1 of the 2017 Amended and Restated JPA states in part, “Unless other parties are added to this agreement or as otherwise provided in this Agreement, COUNTY and City of Hobbs shall each provide fifty percent (50%) of the funds that are necessary for administrative and operational expenses that are routine expenses to run LCCA.”; and

WHEREAS, Section 4.5 of the 2017 Amended and Restated JPA authorizes the Lea County Communications Authority (“LCCA”) Governing Board to allow the addition of parties to the JPA under the conditions of admission to the JPA as the Governing Board determines; and

WHEREAS, Lea County has encouraged other municipalities located in Lea County, New Mexico, to join LCCA, at Lea County’s expense, in an effort to exercise LCCA’s power to establish and operate a Consolidated Communication Center in Lea County, New Mexico; and

WHEREAS, pursuant to Lea County’s efforts, the City of Lovington, the City of Eunice, and the Town of Tatum will soon join LCCA in 2022, and this measure will have an increased financial cost to the parties to the JPA which was previously considered in Section 5.1 of the 2017 JPA; and

WHEREAS, Section 5.1 of the 2017 Amended and Restated JPA authorizes the modification of the contributions by Lea County and the City of Hobbs upon the addition of additional parties to the JPA, such as is the case with the addition of the City of Lovington, the City of Eunice, and the Town of Tatum; and

WHEREAS, as a result of the change in circumstances, on November 18, 2021, the Lea County Commission approved a Memorandum of Agreement with the City of Hobbs which authorizes the modification of the contributions by Lea County and the City of Hobbs under Section 5.1 of the 2017 Amended and Restated JPA; and

WHEREAS, under the modified contributions in the Memorandum of Agreement, the City of Hobbs shall pay a maximum annual amount of \$1,500,000.00 or 50% of the administrative and operational expenses of LCCA, whichever is less; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the proposed Memorandum of Agreement with Lea County regarding the Lea County Communications Authority is hereby approved and the Mayor and City Manager are authorized to take any and all acts necessary to execute and enforce the same.

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**MEMORANDUM OF AGREEMENT
BETWEEN LEA COUNTY AND THE CITY OF HOBBS
REGARDING LEA COUNTY COMMUNICATIONS AUTHORITY**

Lea County and the City of Hobbs enter into the following Agreement:

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to provide a framework for cooperation between Lea County and the City of Hobbs to further the public interest and protect the safety, health and welfare of City of Hobbs and Lea County residents by adding members to the Lea County Communications Authority.

II. BACKGROUND

WHEREAS, on June 2, 2017, the New Mexico Department of Finance and Administration approved the Amended and Restated Joint Powers Agreement (JPA) between Lea County and the City of Hobbs to further the public interest and protect the safety, health, and welfare of City of Hobbs and Lea County residents; and

WHEREAS, the JPA recognized that Lea County and the City of Hobbs had entered into an agreement to design, construct, and operate a joint emergency communications and emergency operations center that resulted in the Lea County Communications Authority (LCCA) facility; and

WHEREAS, Lea County and the City of Hobbs shared equally in the costs of the architectural design, planning, and construction of the Emergency Communications Center with each entity also paying its prorated cost for the Lea County Sheriff's Office substation and the Hobbs Fire Department facility; and

WHEREAS, the JPA defines the area to be served as Lea County, New Mexico; and

WHEREAS, the JPA identifies one of the powers of the Authority as establishing and operating a Consolidated Communication Center for the County and the Municipalities; and

WHEREAS, under Section 4.5 of the JPA, the Governing Board may allow the addition of parties to the JPA under the conditions of admission to the JPA as it determines; and

WHEREAS, Section 5.1 allows for modification of the contributions by the parties to the JPA when additional parties are added to the JPA,

III. AGREEMENT

NOW THEREFORE, the parties hereby agree as follows:

A. The City of Lovington, the City of Eunice, the City of Jal, and the Town of Tatum (hereinafter collectively “entities” and separately “each entity”) may each individually join the LCCA, if such joinder is approved by the LCCA Governing Board and as long as the respective governing Board of each municipality approves the joinder no later than December 31, 2021.

B. Lea County by payment of any administrative and operational expenses that are routine expenses to run LCCA in excess of \$3,000,000.00 annually shall be deemed to have paid all the costs associated with each entity joining LCCA.

C. LCCA shall pay Computer Aided Dispatch (CAD) costs limited to the Integrated System Core and Master Tables (Hub), Records Management Suite, Mobile Suite, Professional Service, as defined in quotes received from Motorola Solutions. LCCA will pay for annual maintenance of the system as related to those above-named entities who elect to become members of LCCA.

D. Each entity shall be responsible for the costs of any other CAD modules it desires to have.

E. Each entity shall be responsible for its own infrastructure to support CAD, including but not limited to point-to-point VPN, wireless or cellular connections to mobile, and two-factor authentication as required by CJIS.

F. None of the above-named entities shall be a voting member of LCCA, and none shall have a seat on the Governing Board of LCCA.

G. Lea County shall enter into agreements with each of the above-named entities detailing the financial responsibility of Lea County for those entities.

H. As a condition of admission of the entities and subsequent modification of the contributions of the parties in Section 5.1 of the Amended and Restated JPA, the City of Hobbs shall, beginning with fiscal year 2021-2022, pay up to \$1,500,000.00 annually or 50% of the administrative and operational expenses of LCCA, whichever is less. The maximum annual amount to be paid by the City of Hobbs shall be adjusted annually beginning in fiscal year 2022-2023 by the Consumer Price Index (CPI), All Urban Consumers, US City Average, All Items less Food and Energy. The City of Hobbs, unless approved by the LCCA Governing Board, shall be responsible for any expenses incurred at the sole request of the City of Hobbs or its departments.

I. As a condition of admission of the entities and subsequent modification of the contributions of the parties in Section 5.1 of the Amended and Restated JPA, Lea County shall, beginning with fiscal year 2021-2022, be responsible for 50% of the administrative and operational expenses that are routine expenses to run LCCA and for any such expenses that exceeds the annual obligation of the City of Hobbs. Lea County, unless approved by the LCCA Governing Board, shall be responsible for any expenses incurred at the sole request of Lea County or its departments.

J. Within twelve (12) months from the execution of this MOA, Lea County and the City of Hobbs shall work together to submit an Amended JPA to the State of New Mexico to reflect any changes deemed necessary by Lea County and the City of Hobbs including, but not limited to, the modifications contemplated and outlined herein.

IV. NON-APPROPRIATION

The County's obligation to make payments under the terms of this MOA is contingent upon its appropriation of sufficient funds to make those payments and the New Mexico Department of Finance's (DFA) final approval of the County's budget. If the County does not appropriate sufficient funds or DFA does not approve the County's final budget, this Agreement will terminate upon written notice of that effect to the City of Hobbs. The determination by the Board of County Commissioners that sufficient funds have not been appropriated through its actions or DFA's actions is firm, binding, and not subject to review.

V. EFFECTIVE DATE

This MOA shall become effective when Lea County has signed it after its having been approved by the City of Hobbs City Commission and signed by the appropriate authorities of the City of Hobbs.

VI. IMPLEMENTATION DATE

The goal is to implement the above-named entities' participation in LCCA no later than January 10, 2022.

VII. TERM OF MOA

This MOA shall be effective for 10 years from the date it becomes effective, unless superseded by an Amended JPA. It may be renewed for terms up to 10 years on the approval of each party's governing board.

VIII. TERMINATION

This MOA, unless superseded by an Amended JPA, may be terminated by either party by providing 120-days advance, written notice to the other party.

IX. AMENDMENT

This MOA may be amended or modified only upon the written, mutual consent of both parties. Any amendment or modification must be approved by the governing board of each party, unless such amendment or modification is to correct a clerical error.

Each person signing below affirms that he/she has been authorized by resolution or act of the respective governing body to enter into this MOA:

FOR THE CITY OF HOBBS:

FOR THE COUNTY OF LEA:

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: DEL NORTE HEIGHTS ANNEXATION OF A PORTION OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 38 EAST--FIRST READING OF ORDINANCE TO APPROVE THE DEL NORTE HEIGHTS ANNEXATION OF A PORTION OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 38 EAST AND AUTHORIZE PUBLICATION OF ORDINANCE.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: November 29, 2021
SUBMITTED BY: Kevin Robinson – Planning Department

Summary: The Del Norte Heights Annexation Of A Portion Of Section 16, Township 18 South, Range 38 East area contains +/- 82 acres and is located north and northwest of the termination of Hermosa Street. The annexation proposal was presented to the Planning Board at the November 16, 2021 meeting. After review the Planning Board recommended approval to the Commission with a 4-0 vote. If the Commission authorizes publication of the attached Ordinance, final review and adoption of the Ordinance would occur in January.

Fiscal Impact: _____
Reviewed By: _____
Finance Department


The positive financial impact of the new development should offset any expenses that the City will incur from the new development being included within the City.


Attachments: Annexation Ordinance; Annexation Plat and Petition; and Draft Planning Board Minutes.

Legal Review: _____
Approved As To Form:

City Attorney

Recommendation:
Staff recommends that the Commission consider approval of the Publication of the Ordinance Consenting to the Del Norte Heights Annexation Of A Portion Of Section 16, Township 18 South, Range 38 East.

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
ORDINANCE NO. _____.

AN ORDINANCE CONSENTING TO THE DEL NORTE HEIGHTS ANNEXATION OF A PORTION OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 38 EAST, WHICH IS PRESENTLY NOT INCLUDED IN THE CITY LIMITS, AS REQUESTED BY THE OWNER OF THE PROPERTY, AND AS RECOMMENDED BY THE PLANNING BOARD.

WHEREAS, the owner of the property have petitioned the City of Hobbs to annex to the City an area in Section 16, Township 18 South, Range 38 East, N.M.P.M Lea County, New Mexico , and containing +/- 82 acres; and

WHEREAS, the property is contiguous to the present corporate limits of the City, and the Petitioner is the majority of land owned within the annexation boundary; and

WHEREAS, the Planning Board conducted a Public Meeting on November 16, 2021 regarding the annexation, and after discussion of the proposal, the Planning Board unanimously recommended approval of the Annexation by a 4-0 vote; and

WHEREAS, The City Commission has determined that it is in the best interests of the City of Hobbs to annex such territory.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, as follows:

1. That the petition requesting annexation of property into, which lands are presently outside of, the City limits hereby is approved and such territories are shown and described upon the Annexation Plat attached as Exhibit A, which is incorporated herein, hereby is annexed into the City of Hobbs.
2. That the Hobbs City Clerk will file the Annexation Ordinance and Plat with the Lea County Clerk after approval by the City Commission.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2021.

SAM D. COBB, MAYOR

ATTEST:

JAN FLETCHER, CITY CLERK

Legend

- Blue Pin: Dollar General
- Brown Box: Existing Municipal Boundaries



TRACT ONE
PITS L&C
BROOKVIEW TRACT (B)

REMAINDER UNPLATTED LANDS
DEL NORTE HEIGHTS, INC.
18000 P.H. 1846 179
APPROX. 217.743 ACRES

ANNEXATION PROPERTY OWNERS
PROPERTY OWNERS THIS ANNEXATION - PETITIONER
OWNER - DEL NORTE HEIGHTS, INC. 18000 P.H. 1846 179
4086 DEL NORTE HEAD-TS, INC. 254 216

DEL NORTE HEIGHTS, INC.
18000 P.H. 1846 179
82.00 ACRES

Subject Property



PETITION FOR ANNEXATION

COMES NOW, Del Norte Heights, Inc. (PETITIONER), and petitions the governing body of the City of Hobbs for its consent by ordinance for the annexation of that portion of the South half of the North half of Section 16, T18S, R38E, N.M.P.M., Lea County to the City of Hobbs, more particularly described as follows:

A TRACT OF LAND SITUATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A SPINDLE FOUND FOR THE EAST QUARTER CORNER OF SAID SECTION 16, THENCE N00°41'40"W ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 175.29 FEET TO A NAIL WITH WASHER MARKED "NM 12641 TX 4735" FOUND FOR THE POINT OF BEGINNING; THENCE S89°21'02"W A DISTANCE OF 748.35 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT; THENCE S00°36'16"E A DISTANCE OF 175.31 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT; THENCE S89°20'58"W ALONG THE CORPORATE BOUNDARY TO THE CITY OF HOBBS A DISTANCE OF 4537.76 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND IN THE WEST LINE OF SAID SECTION FOR A CORNER OF THIS TRACT; THENCE N00°41'51"W ALONG SAID WEST LINE A DISTANCE OF 700.51 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT; THENCE N89°20'58"E A DISTANCE OF 5286.43 FEET TO A 1/2" STEEL ROD AND CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT AND A POINT ON THE EAST LINE OF SAID SECTION; THENCE S00°38'18"E ALONG SAID EAST SECTION LINE A DISTANCE OF 525.21 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 82.00 ACRES MORE OR LESS.

REFER TO ATTACHED MAP & DEED

and Petitioner states in support of such Petition, pursuant to Section 3-7-17.1 of the New Mexico Statutes Annotated (1978) that:

1. The property petitioner wishes to be annexed and the real property is contiguous to the present municipal boundary of the City of Hobbs.
2. The petitioner is owner of a majority of the number of acres in the proposed annexation territory.
3. An Annexation Plat is attached hereto showing the boundaries of the real property proposed for annexation and the relationship of such property to the present municipal boundaries of the City of Hobbs.

Petitioner: Del Norte Heights, Inc.
Authentisign
 By: Dean Ailee Snyder
11/9/2021 11:16:02 AM MST
 Its: Vice- President/Co-Owner

11/09/2021

Date



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: Condemnation Recommendation Structure Contained on Attachment "A"
DEPT. OF ORIGIN: Hobbs Police Department - Community Services Division, Legal Department
DATE SUBMITTED: November 29, 2021
SUBMITTED BY: Jessica Silva, Code Enforcement Officer, Valerie Chacon, Deputy City Attorney

Summary:

In its continuing promotion of safety and clean up efforts in the City of Hobbs, the Hobbs Police Department-Community Services Division, has identified properties which present health, life, and safety hazards which warrant remediation. These structures are in dire need of repair. Properties in question are 1124 W. Cain, 711 N. Cochran, and a parcel containing three structures: 1411, 1413, & 1415 E. Alameda Attachment A contains information of the properties.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The demolition and clean-up of these properties will cost approximately \$70,748.33. The current budget in the "Professional Services" line item of the Environmental Budget (01340-42601) has an adequate balance to sustain this expenditure.

Attachments:

- 1. Resolution
- 2. Attachment "A"
- 3. Photos of Structures contained in Attachment A.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

The City Commission approve the adoption of the Resolution determining the structures are ruined, damaged and dilapidated and a menace to public health and safety which requires removal from the real property.

Approved For Submittal By:

[Signature]
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. 7140

A RESOLUTION DETERMINING THAT CERTAIN PROPERTIES THAT ARE RUINED, DAMAGED AND DILAPIDATED, ARE A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY AND REQUIRE REMOVAL FROM THE MUNICIPALITY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and Section 3-18-5 NMSA as amended, the City has inspected the premises described in Attachment "A", attached hereto and incorporated herein by reference, and finds that the structures thereon are ruined, damaged, and dilapidated, are a menace to the public comfort, health and safety and require removal from the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the structures described in Attachment "A" are found to be ruined, damaged and dilapidated, are a menace to the public comfort, health and safety, and should be removed.

BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; and that a copy of the same be published as required by law.

BE IT FURTHER RESOLVED that unless the owner, occupant or agent in charge of such premises, within ten (10) days from such service or posting and publication of this Resolution, has commenced removing such structures from the real property or has filed written objection with the City, the City shall cause the removal of such structures at the cost and expense of the property owner.

BE IT FURTHER RESOLVED that in cases where the City removes a structure so condemned, a lien shall be levied by the City against the real property involved in an amount equal to the reasonable cost of the services rendered, which lien may be foreclosed in default of satisfaction.

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021

SAM D. COBB, Mayor

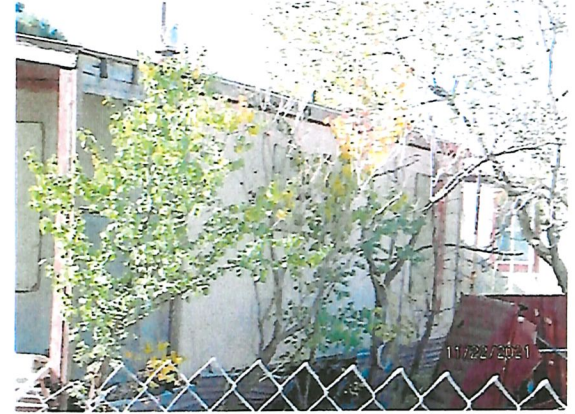
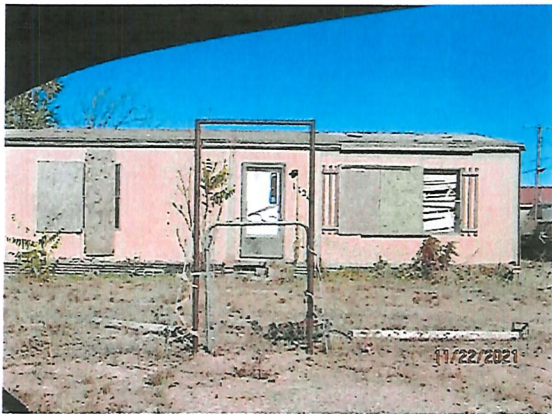
ATTEST:

JAN FLETCHER, City Clerk

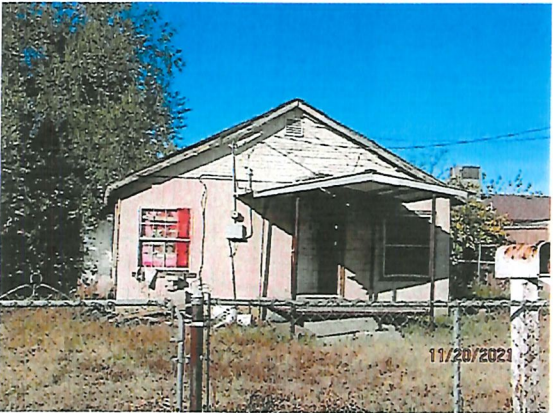
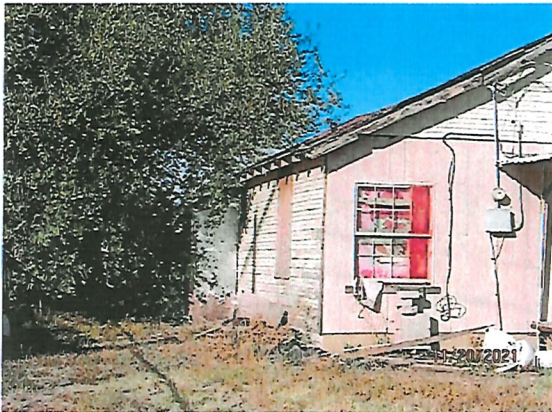
Attachment A

	Address	Owner	Owner's Address	Estimated Cost of Demolition
1	<p>1124 W. Cain Hobbs, Lea County, NM</p> <p>*Lots One (1), Block Three (3), First Unit of the Horizon Park Subdivision to the City of Hobbs, Lea County, New Mexico are referenced on that certain Plat filed June 19, 1981.</p>	<p>Maria Dominguez</p>	<p>PO Box 654 Lovington, NM, 88260</p>	<p>\$15,915.06</p>
2	<p>711 N. Cochran Hobbs, Lea County, NM</p> <p>*The North 54 feet of the South 86 feet of Lots One (1) and Two (2) of Block One Hundred Forty-Three (143) of the High Park Addition to the City of Hobbs, Lea County, New Mexico, as referenced on that certain Plat filed May 9, 1930.</p>	<p>-Enedelia Fuentes, -Jessica Soto, -Pricilla Marie Leon-Soto, -Jesus Soto Jr.</p>	<p>3207 Andrea Lane Dallas, TX, 75228</p> <p>2016 Housley Dr. Dallas, TX, 75228</p> <p>10 Mcgregor Range Rd. Chaparral, NM, 75228</p>	<p>\$20,508.00</p>
3	<p>1411, 1413 & 1415 E. Alameda Hobbs, Lea County, NM</p> <p>*Lot Twenty-Four (24), Block One (1). Morningside Heights Addition to the City of Hobbs, Lea County, New Mexico, as referenced on that certain Plat filed August 29, 1951.</p>	<p>-Emory H. & JoAnn Blakeney -Discover Bank</p>	<p>1501 E. Alameda Hobbs, NM, 88240</p> <p>Po Box 30416 Salt Lake City, UT,84130</p>	<p>\$34,325.27</p>

1124 W. Cain



711 N. Cochran



1411, 1413 & 1415 E. Alameda





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 6, 2021

SUBJECT: Assistance to Firefighters Grant (AFG)

DEPT. OF ORIGIN: Fire Department
DATE SUBMITTED: November 24, 2021
SUBMITTED BY: Barry Young, Fire Chief

Summary:

The Assistance to Firefighters Grant (AFG) was created to enhance the safety of the public and firefighters with respect to fire and related hazards by providing critically needed resources to equip and train personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience.

Fiscal Impact:

Reviewed By: Finance Department

The total cost of the cardiac monitors is approximately \$544,657.32. According to the grant portal, the grant will cover \$495,143.02, with the City responsible for \$49,514.30. Cost share requirements are based on the population of the community the department serves.

Attachments:

- 1. Resolution
2. AFG Notice of Funding Opportunity

Legal Review:

Approved As To Form: City Attorney

Recommendation:

Approval of resolution and to proceed with the application for the Assistance to Firefighters Grant (AFG).

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. 7141

A RESOLUTION APPROVING THE GRANT APPLICATION
WITH THE DEPARTMENT OF HOMELAND SECURITY FEDERAL
ASSISTANCE TO FIREFIGHTER GRANT PROGRAM

WHEREAS, the City of Hobbs Fire Department is eligible for funding from the Department of Homeland Security's Assistance to Firefighters Grant Program; and

WHEREAS, the grant will provide financial assistance directly to the Fire Department to purchase cardiac monitors; and

WHEREAS, cities with more than 20,000 residents, but less than 1,000,000 must agree to provide 10% of the funds requested in the grant; and

WHEREAS, the total cost of cardiac monitors is approximately \$544,657.32; and

WHEREAS, the grant will cover 90% or \$495,143.02 with the City being responsible for 10% or approximately \$49,514.30;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be authorized and directed to execute on behalf of the City of Hobbs this resolution approving the Grant Application with the Department of Homeland Security and the Federal Emergency Management Agency for funding to provide cardiac monitors to the Hobbs Fire Department.

PASSED, APPROVED AND ADOPTED this 6th day of December, 2021.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)**

Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program

NOTE: If you are going to apply for this funding opportunity and have not obtained an Employer Identification Number (EIN), a Data Universal Numbering System (DUNS) number, are not currently registered in the System for Award Management (SAM), or your SAM registration is not active, please take immediate action to obtain an EIN and DUNS Number, if applicable, and then register immediately in SAM or, if applicable, renew your SAM registration. It may take four weeks or more after you submit your SAM registration before your registration is active in SAM. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at:

<http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS, EIN, and SAM is also provided in Section D of this NOFO under the subsection titled “How to Register to Apply.” Detailed information regarding the time required for each registration is also provided in Section D of this NOFO under the subsection titled “Other Key Dates.”

Table of Contents

A. Program Description	3
1. Issued By	3
2. Assistance Listings Number	3
3. Assistance Listings Title	3
4. Funding Opportunity Title.....	3
5. Funding Opportunity Number	3
6. Authorizing Authority for Program.....	3
7. Appropriation Authority for Program	3
8. Announcement Type	3
9. Program Category.....	3
10. Program Overview, Objectives, and Priorities	3
11. Performance Measures	4
B. Federal Award Information	5
1. Available Funding for the NOFO:.....	5
2. Projected Number of Awards:.....	5
3. Period of Performance:.....	5
4. Projected Period of Performance Start Date(s):	5
5. Projected Period of Performance End Date(s):	5
6. Funding Instrument Type:.....	5
C. Eligibility Information.....	5
1. Eligible Applicants	5
2. Eligible Activities.....	6
3. Other Eligibility Criteria	7
4. Maintenance of Effort (MOE).....	7
5. Cost Share or Match	7
D. Application and Submission Information.....	8
1. Key Dates and Times	8
2. Agreeing to Terms and Conditions of the Award	10
3. Address to Request Application Package.....	10

4.	Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application	10
5.	Electronic Delivery.....	11
6.	How to Register to Apply.....	11
7.	Timely Receipt Requirements and Proof of Timely Submission.....	13
8.	Content and Form of Application Submission.....	14
9.	Funding Restrictions and Allowable Costs	14
E.	Application Review Information.....	19
1.	Application Evaluation Criteria.....	19
2.	Review and Selection Process.....	20
3.	Narrative Evaluation Criteria	21
F.	Federal Award Administration Information.....	23
1.	Notice of Award	23
2.	Difference between Application Request and Award	23
3.	Turndown Notifications	23
4.	Administrative and National Policy Requirements	24
5.	Reporting.....	26
6.	Monitoring and Oversight.....	29
G.	DHS Awarding Agency Contact Information.....	30
1.	Contact and Resource Information.....	30
2.	Systems Information.....	31
H.	Additional Information.....	31
1.	Termination Provisions	31
2.	Period of Performance Extensions	32
3.	Disability Integration.....	33
4.	Conflicts of Interest in the Administration of Federal Awards or Subawards	33
5.	Procurement Integrity.....	34
6.	Record Retention.....	38
7.	Actions to Address Noncompliance	39
8.	Audits	40
9.	Payment Information.....	42
10.	Whole Community Preparedness	42
11.	Appendix A – FY 2021 AFG Program Updates	43
12.	Appendix B – Programmatic Information and Priorities	45
13.	Appendix C – Award Administration Information	74

A. Program Description**1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number

97.044

3. Assistance Listings Title

Assistance to Firefighters Grant (AFG)

4. Funding Opportunity Title

Fiscal Year 2021 Assistance to Firefighters Grant

5. Funding Opportunity Number

DHS-21-GPD-044-00-98

6. Authorizing Authority for Program

Section 33 of the *Federal Fire Prevention and Control Act of 1974*, Pub. L. No. 93-498, as amended (15 U.S.C § 2229); and Section 4013 of the *American Rescue Plan Act of 2021*, Pub. L. No. 117-2

7. Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2021 (Pub. L. No. 116-260); and *American Rescue Plan Act of 2021* (Pub. L. No. 117-2)

8. Announcement Type

Initial

9. Program Category

Preparedness: Fire and Life Safety

10. Program Overview, Objectives, and Priorities**a. Overview**

The Fiscal Year (FY) 2021 Assistance to Firefighters Grant (AFG) Program is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA's) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The AFG Program provides financial assistance directly to eligible fire departments, nonaffiliated emergency medical service (EMS) organizations, and State Fire Training Academies (SFTAs) for critical training and equipment. The AFG Program has awarded approximately \$7.7 billion in grant funding to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience. Information about success stories for this program can be found at [Assistance to Firefighters Grants Program | FEMA.gov](#).

The AFG Program represents part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted

in the DHS Strategic Plan, the AFG Program supports the goal to Strengthen Preparedness and Resilience. In awarding grants, the FEMA Administrator is required to consider:

- The findings and recommendations of the Technical Evaluation Panel (TEP);
- The degree to which an award will reduce deaths, injuries and property damage by reducing the risks associated with fire related and other hazards;
- The extent of an applicant's need for an AFG Program grant and the need to protect the United States as a whole; and
- The number of calls requesting or requiring a firefighting or emergency medical response received by an applicant.

The 2018-2022 FEMA Strategic Plan creates a shared vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. The AFG Program supports the goal of Readyng the Nation for Catastrophic Disasters. We invite all of our stakeholders and partners to also adopt these priorities and join us in building a stronger Agency and a more prepared and resilient nation.

b. Objectives

The objectives of the AFG Program are to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience.

c. Priorities

Information on program priorities and objectives for the FY 2021 AFG Program can be found in Appendix B – Programmatic Information and Priorities.

11. Performance Measures

The grant recipient is required to collect data to allow FEMA to measure performance of the awarded grant in supporting AFG Program metrics, which are tied to the programmatic objectives and priorities. To measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient must submit sufficient information to demonstrate it has met the performance goal as stated in its award. FEMA will measure the recipient's performance of the grant by comparing the number of items, supplies, projects and activities needed and requested in its application with the number acquired and delivered by the end of the period of performance using the following programmatic metrics:

- Percentage of AFG Program personal protective equipment (PPE) recipients who equipped 100% of on-duty active members with PPE in compliance with applicable National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) standards.
- Percentage of AFG Program equipment recipients who reported that the grant award brought them into compliance with either state, local, NFPA or OSHA standards.
- Percentage of AFG Program grant recipients who reported having successfully replaced their fire vehicles in accordance with industry standards.
- Percentage of AFG Program training recipients who reported that the grant award allows their members to achieve firefighter training level I and firefighter training level II within one year of coming into service.

- Percentage of AFG Program wellness and fitness recipients who reported that the grant award allows their members to achieve minimum physical and/or mental operational readiness requirements through tailored health-related fitness programs.
- Percentage of AFG Program award recipients for modifications to facilities projects who reported that the grant award brought them into compliance with either state, local, NFPA, or OSHA standards on housing and readiness posture.

B. Federal Award Information

1. Available Funding for the NOFO: **\$414 million¹**
2. Projected Number of Awards: **2,500**
3. Period of Performance: **24 months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, refer to [Section H](#).

FEMA awards only include one budget period, so it will be same as the period of performance. *See* 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

4. Projected Period of Performance Start Date(s): **May 1, 2022 (will vary based on award date)**
5. Projected Period of Performance End Date(s): **April 30, 2024 (will vary based on award date)**
6. Funding Instrument Type: **Grant**

C. Eligibility Information

1. Eligible Applicants

- **Fire Departments:** Fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal or territorial authority (city, county, parish, fire district, township, town or other

¹Note that this figure differs from the total amount appropriated under the *Department of Homeland Security Appropriations Act, 2021*, Pub. L. No. 116-260. In this FY 2021 AFG Program NOFO, percentages of “available grant funds” refers to the total amount appropriated—\$360,000,000—by Pub. L. No. 116-260 to meet the statutory requirements of § 33 of the *Federal Fire Prevention and Control Act of 1974*, as amended (codified at 15 U.S.C. § 2229). A portion of these “available grant funds” will be allocated to the Fire Prevention and Safety (FP&S) Program, which will have a separate NOFO and application period. \$36,000,000 will be allocated to the FP&S Program for FY 2021. Additionally, the total available funding amount includes an additional \$90,000,000 appropriated through the American Rescue Plan Act of 2021, Pub. L. No. 117-2.

² The District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico are all defined as “States” in the Federal Fire Prevention and Control Act of 1974. *See* 15 U.S.C. § 2203(10).

governing body) to provide fire suppression to a population within a geographically fixed primary first due response area.

- **Nonaffiliated EMS organizations:** Nonaffiliated EMS organizations operating in any of the 50 states, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A nonaffiliated EMS organization is an agency or organization that is a public or private nonprofit emergency medical service entity providing medical transport that is not affiliated with a hospital and does not serve a geographic area in which emergency medical services are adequately provided by a fire department. FEMA considers the following as hospitals under the AFG Program:
 - Clinics;
 - Medical centers;
 - Medical college or university;
 - Infirmary;
 - Surgery centers; and
 - Any other institution, association, or foundation providing medical, surgical or psychiatric care and/or treatment for the sick or injured.

- **State Fire Training Academies:** An SFTA operates in any of the 50 states, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico.² Applicants must be designated either by legislation or by a Governor's declaration as the sole fire service training agency within a state, territory, or the District of Columbia. The designated SFTA shall be the only agency, bureau, division or entity within that state, territory or the District of Columbia, to be an eligible SFTA applicant under the AFG Program.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: ***1) a current employee, personnel, official, staff or leadership of the non-federal entity; and 2) duly authorized to apply for an award on behalf of the non-federal entity at the time of application.***

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff or leadership of the recipient and ***provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient.***

2. Eligible Activities

The FY 2021 AFG Program has three activities:

- Operations and Safety;
- Vehicle Acquisition; and
- Regional Projects.

Each activity has its own eligibility requirements. These requirements are outlined in

Appendix B – Programmatic Information and Priorities.

3. Other Eligibility Criteria

a. National Fire Incident Reporting System (NFIRS)

Although NFIRS reporting is not a requirement to apply for any AFG Program, fire departments that receive funding under this program must agree to provide information to the NFIRS for the period of performance covered by the assistance. If a recipient does not currently participate in the incident reporting system and does not have the capacity to report at the time of the award, that recipient must agree to provide information to the system for a 12-month period commencing as soon as possible after they develop the capacity to report. Capacity to report to NFIRS must be established prior to the end of the 24-month performance period. The recipient may be asked by FEMA to provide proof of compliance in reporting to NFIRS. Any recipient that stops reporting to NFIRS during their grant's period of performance may be subject to the remedies for noncompliance at 2 C.F.R. § 200.339, unless it has yet to develop the capacity to report to NFIRS, as described above. There is no NFIRS reporting requirement for nonaffiliated EMS organizations or SFTAs.

Note: Although data collection is an important tool for understanding and justifying assistance, participation in other data sources, (e.g., National Fire Operations Reporting System [NFORS]) does not satisfy the requirement for reporting to NFIRS.

b. National Incident Management System (NIMS) Implementation

AFG Program applicants are not required to comply with NIMS to apply for AFG Program funding or to receive an AFG Program award. However, any applicant who receives an FY 2021 AFG Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government) prior to the end of the grant's period of performance.

4. Maintenance of Effort (MOE)

Pursuant to 15 U.S.C. § 2229(k)(3), an applicant seeking an AFG Program grant shall agree to maintain, during the term of the grant, the applicant's aggregate expenditures relating to activities allowable under this NOFO, at not less than 80 percent of the average amount of such expenditures in the two fiscal years prior to the fiscal year an AFG Program grant is awarded.

In other words, an applicant agrees that if it receives a grant award, the applicant will keep its overall expenditures during the award's period of performance (including those funded with non-federal funding) for activities that could be allowable costs under this NOFO at a level that is at least 80% or more of the average of what the applicant spent on such costs for those activities in fiscal years 2019 and 2020.

5. Cost Share or Match

Recipient cost sharing is generally required as described below and pursuant to 15 U.S.C. § 2229(k)(1). In general, eligible applicants shall agree to make available non-federal funds to carry out an AFG Program award in an amount equal to not less than 15 percent of the grant awarded. Exceptions to this general requirement apply to entities serving smaller communities as follows:

- When serving a jurisdiction of 20,000 residents or fewer, the applicant shall agree to

make available non-federal funds in an amount equal to not less than 5% of the grant awarded;

- When serving a jurisdiction of more than 20,000 residents but not more than 1 million residents, the applicant shall agree to make available non-federal funds in an amount equal to not less than 10% of the grant awarded;
- When serving a jurisdiction of more than 1 million residents, the applicant shall agree to make available non-federal funds in an amount equal to not less than 15% of the grant awarded.

The cost share for SFTAs will apply the requirements above based on the total population of the state. The cost share for a Regional application will apply the requirements above based on the aggregate population of the primary first due response areas of the host and participating partner organizations that execute a Memorandum of Understanding (MOU) as described in Appendix B: Regional Applications.

FEMA has developed a cost share calculator tool in order to assist applicants with determining their cost share. The cost share tool is available at: <https://www.fema.gov/grants/preparedness/firefighters/assistance-grants>.

Types of Cost Share

- i. **Cash (Hard Match):** Cost share of non-federal cash is the only allowable recipient contribution for AFG Program activity (Vehicle Acquisition, Operations and Safety, and Regional).
- ii. **Trade-In Allowance/Credit:** On a case-by-case basis, FEMA may allow recipients already owning assets acquired with non-federal cash to use the trade-in allowance/credit value of those assets as cash for the purpose of meeting their cost share obligation. For FEMA to consider a trade-in allowance/credit value as cash, the allowance amount must be reasonable, and the allowance amount must be a separate entry clearly identified in the acquisition documents.
- iii. **In-kind (Soft Match):** In-kind cost share is not allowable for the AFG Program.

The award budget will not account for any voluntary committed cost sharing or overmatch. The use of an overmatch is not given additional consideration when scoring applications.

Economic Hardship Waivers

The FEMA Administrator may waive or reduce recipient cost share or MOE requirements in cases of demonstrated economic hardship. Please see Appendix C – Award Administration Information for additional information.

D. Application and Submission Information

1. Key Dates and Times

- a. **Application Start Date:** **Nov. 8, 2021**
- b. **Application Submission Deadline:** **Dec. 17, 2021 at 5 p.m. ET**
All applications **must** be received by the established deadline.