

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Christopher R. Mills

Larron B. Fields

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

Acting City Manager

Manny Gomez

November 2, 2020



Hobbs City Commission

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

Monday, November 2, 2020 – 6:00 p.m.

Virtual Meeting Held by Video Conference

	Sam D. Cobb, Mayor	
Marshall R. Newman Commissioner – District 1	Christopher R. Mills Commissioner – District 2	Larron B. Fields Commissioner – District 3
Joseph D. Calderon Commissioner – District 4	Dwayne Penick Commissioner – District 5	Don R. Gerth Commissioner – District 6

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 October 19, 2020, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming November 8-14, 2020, as “*National Nurse Practitioner Week*” (*Shawwna Read Richards*)

PUBLIC COMMENTS

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, public comment should be submitted in writing via email to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on November 2, 2020.

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. 6989 – Approving the FY 2021 DFA 1st Quarter Financial Report for Lodgers' Tax *(Toby Spears, Finance Director)*
4. Resolution No. 6990 – Authorizing a Memorandum of Understanding with the University of the Southwest for Use of the Kitchen to Prepare Meal Services for the Senior Center *(Doug McDaniel, Recreation Director)*

DISCUSSION

5. Drainage Master Plan for Rockwind Community Links *(Zachary Boudreaux, Turf Drain of America)*
6. Recognition of the Hobbs Hispano Chamber of Commerce

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

7. Resolution No. 6991 – Approving the FY 2021 DFA 1st Quarter Financial Report *(Toby Spears, Finance Director)*
8. Resolution No. 6992 – Adopting Budgetary Adjustment #2 for FY 2020-2021 *(Toby Spears, Finance Director)*
9. Resolution No. 6993 – Authorizing Grant Funding for Certain Additional Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants *(Toby Spears, Finance Director)*
10. **PUBLIC HEARING**: Resolution No. 6994 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for Transfer of Ownership of Liquor License No. 0414 Located at 2810 Lovington Highway, Hobbs, New Mexico *(Efren Cortez, City Attorney)*
11. **PUBLIC HEARING**: Resolution No. 6995 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for Transfer of Ownership of Liquor License No. 0806 Located at 4308 North Grimes, Hobbs, New Mexico *(Efren Cortez, City Attorney)*

12. PUBLIC HEARING: Resolution No. 6996 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for Transfer of Ownership of Liquor License No. 0394 Located at 316 North Marland, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
13. PUBLIC HEARING: Resolution No. 6997 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for Transfer of Ownership of Liquor License No. 0036 Located at 100 East Marland, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
14. PUBLIC HEARING: Resolution No. 6998 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for Transfer of Ownership of Liquor License No. 1058 Located at 3709 North Dal Paso, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
15. PUBLIC HEARING: Resolution No. 6999 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for Transfer of Ownership of Liquor License No. 0885 Located at 5312 Lovington Highway, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
16. Resolution No. 7000 – Approving the Final Plan for Kass Glorietta Subdivision Located Northeast of the Intersection of Glorietta and Dal Paso (*Kevin Robinson, Development Director*)
17. Resolution No. 7001 – Approving the Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7, Located Southwest of Millen Drive and Zia Crossing Parkway (*Kevin Robinson, Development Director*)
18. FINAL ADOPTION: Ordinance No. 1127 - Approving a Real Estate Purchase Agreement to Sell and Convey Real Property Located at 3425 North Northwest to Troy Hudson and Melissa Hudson for the Purchase Price of \$155,000.00 (*Kevin Robinson, Development Director*)

 NOTE: Public Comment on proposed Ordinance No. 1127 should be submitted in writing via email to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on November 2, 2020
19. PUBLICATION: Proposed Ordinance Amending Chapter 2.60 of the Hobbs Municipal Code Related to Labor Management Relations (*Efren Cortez, City Attorney*)
20. Resolution No. 7002 – Approving 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 (*Nicholas Goulet, Human Resources Director*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

21. Next Meeting Date:

- City Commission Regular Meeting
Monday, November 16, 2020, at 6:00 p.m.

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: November 2, 2020

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 28, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of October 19, 2020

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

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

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, October 19, 2020, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, and Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone to the hybrid Commission Meeting. Ms. Jan Fletcher, City Clerk, called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman (*Telephonically*)
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick (*Telephonically*)
Commissioner Don Gerth

The following staff members were also in attendance:

Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Toby Spears, Finance Director
John Ortolano, Police Chief
Barry Young, Deputy Fire Chief
Shawn Williams, Fire Marshal
Doug McDaniel, Recreation Director
Ron Roberts, Information Technology Director
Tim Woomeer, Utilities Director
Kevin Robinson, Development Director
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
4 Citizens

Mayor Cobb explained the guidelines issued by the New Mexico Attorney General's Office, Open Government Division (OGD), regarding the virtual public body meeting through video conferencing. He stated the following guidelines must be followed:

- At the start of the meeting, the Mayor should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.

For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting. Mayor Cobb requested that Commissioner Newman and Commissioner Penick identify themselves when speaking telephonically.

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on Monday, October 5, 2020, be approved as written. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Newman 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 October 2020

Acting City Manager/Fire Chief Manny Gomez recognized the following City Employees for their Milestone Service Awards for the Month of October, 2020:

- 5 years – George Chafino, Water Distribution
- 5 years – Todd Dimock, Hobbs Police Department
- 5 years – Jamie Robertson, Library
- 10 years – Tina Funderburk, Hobbs Express
- 15 years – Joseff Amador, Computer Operations
- 15 years – Christopher Henry, Hobbs Fire Department
- 15 years – Nancy Warner, Golf Maintenance
- 20 years – Toby Spears, Finance Department

Acting City Manager/Fire Chief Gomez stated it was the employee's choice whether or not to be present due to COVID-19. He thanked the Commission for recognizing the employees and their years of service to the City. He stated these employees represent 90 years of service to the City of Hobbs. Acting City Manager/Fire Chief Gomez expressed heartfelt thanks and appreciation to all of the employees and their families.

Proclamation Proclaiming November 1, 2020, as "Extra Mile Day"

Mayor Cobb proclaimed November 1, 2020, as "Extra Mile Day". He read the proclamation and stated that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism and services in its community. Mayor Cobb requested the proclamation be entered into the record.

Public Comments

Mayor Cobb stated members of the public may attend the meeting and personally voice their comments or submit public comments in writing prior to the meeting via email to the City Clerk at jfletcher@hobbsnm.org or by fax to (575) 397-9334 by 4:30 p.m., on October 19, 2020.

Mr. Jeff Lee addressed comments to the Commission regarding COVID-19 restrictions. He also stated he is against the proposed Fireworks Ordinance.

Mr. Joe Cotton addressed the Commission regarding racism and substance abuse in the community. He stated these are the issues the community needs to be concerned about and, regardless of political beliefs, citizens need to respect each other's rights and opinions. He also stated we all live in Hobbs and need to be respectful to one another as we see each other out in public.

Consent Agenda

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

Resolution No. 6978 – Approving Policies and Fees to Use Artificial Turf Fields as Practice Fields.

Resolution No. 6979 – Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (407 West Alston and 900 North Thorp).

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

Mayor Cobb acknowledged Mr. Guy Kesner, City of Hobbs Planning Board member, in the audience.

Discussion

There were no items for discussion presented to the Commission.

Action Items

Resolution No. 6980 – Authorizing Grant Funding for Certain Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants.

Mr. Toby Spears, Finance Director, stated the City of Hobbs was awarded a Federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969.00. He stated the New Mexico Department of Finance and Administration (DFA) has oversight on this overall grant and has provided a recommended process as well as procedure guidelines to municipal governments. Mr. Spears further stated the City established an application process for small businesses headquartered in Hobbs, New Mexico. He stated on September 21, 2020, the City Commission approved Resolution No. 6973, which approved the application process for the Grant. Pursuant to that process, the small businesses identified in "Exhibit A" have successfully submitted an application for grant funding. Mr. Spears stated the approval of this resolution would authorize the Finance Department to encumber those funds from the balance of the grant funds and begin the reimbursement process to the businesses. He stated the City has received 44 applications of which, 13 have been previously approved, and nine have submitted all of the required documentation and are qualified for tonight's meeting as follows:

1. Jitter Properties (Hobbs Family Inn)
2. Jitter Enterprises (Saxony)
3. Virtuous Beauty Salon, LLC
4. Taqueria Villa Nueva
5. Cardenas Trucking
6. Wee Kids Kountry Klub
7. OMG Printing, Inc.
8. Babe's Sports Page
9. Ampersand Media & Design, LLC

Mr. Spears stated each approved applicant will receive funding up to \$5,000.00 and may apply for additional funds of up to \$20,000.00. He stated the funding is strictly for reimbursement and cannot be given as the result of loss of business income. Mr. Spears added businesses cannot seek reimbursement of the same expenses if they were reimbursed through a PPP loan or other source of funding from the Federal Government.

There being no further comment or discussion, Commissioner Calderón moved that Resolution No. 6980 be adopted as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

PUBLIC HEARING: Resolution No. 6981 – Regarding the Restaurant Liquor License Application of Las Comadres, LLC, d/b/a El Jimador Restaurant, 110 North Marland, for the Sale of Beer and Wine.

Mr. Efren Cortez, City Attorney, was appointed as the Hearing Officer. Mr. Fabian Palomar acted as the interpreter for Mr. Valentin Lozano Romo, representative for El Jimador Restaurant.

Ms. Jan Fletcher, City Clerk, administered the oath to Mr. Palomar as the interpreter and Mr. Romo as the representative for El Jimador Restaurant.

Mr. Romo, through the interpreter, presented testimony, in the hearing regarding the issuance of a restaurant liquor license to El Jimador Restaurant located at 110 North Marland, Hobbs, New Mexico.

In response to Mr. Cortez' inquiry, no members of the audience requested to speak in support of the application or against the issuance of a restaurant liquor license to El Jimador Restaurant.

Mr. Cortez stated the State of New Mexico Alcoholic Beverage Control has granted preliminary approval to the application for the issuance of a restaurant liquor license and a public hearing has to be held within 45 days of receipt of the application on whether or not the issuance of the proposed restaurant liquor license should be granted. He stated this item was tabled at the last Commission meeting and has been re-published to meet the State's criteria. Mr. Cortez stated the application can be denied for only three reasons which are as follows: (1) if the location is within 300 feet of a church or school, which is not applicable here; (2) if it is in violation of a zoning or other ordinance of the governing body, which is not applicable here; and (3) if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Mr. Cortez further stated disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or locations and a copy of the record must be submitted to the Alcoholic Beverage Control. Mr. Romo, through the interpreter, testified that all the above statements made by Mr. Cortez are true and correct to his knowledge.

There being no discussion, Commissioner Calderon moved that Resolution No. 6981 be approved for the issuance of a restaurant liquor license to Las Comadres, LLC, d/b/a El Jimador Restaurant, 110 North Marland, as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderon yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and application packet are attached and made a part of these minutes.

Mayor Cobb wished Mr. Romo success with the business in Hobbs.

PUBLIC HEARING: Resolution No. 6982 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for Transfer of Ownership of Liquor License No. 0414 Located at 2810 Lovington Highway, Hobbs, New Mexico.

PUBLIC HEARING: Resolution No. 6983 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for Transfer of Ownership of Liquor License No. 0806 Located at 4308 North Grimes, Hobbs, New Mexico.

PUBLIC HEARING: Resolution No. 6984 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for Transfer of Ownership of Liquor License No. 0394 Located at 316 North Marland, Hobbs, New Mexico.

PUBLIC HEARING: Resolution No. 6985 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for Transfer of Ownership of Liquor License No. 0036 Located at 100 East Marland, Hobbs, New Mexico.

PUBLIC HEARING: Resolution No. 6986 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for Transfer of Ownership of Liquor License No. 1058 Located at 3709 North Dal Paso, Hobbs, New Mexico.

PUBLIC HEARING: Resolution No. 6987 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for Transfer of Ownership of Liquor License No. 0885 Located at 5312 Lovington Highway, Hobbs, New Mexico.

In response to City Attorney Efen Cortez' inquiry, no members of the audience responded to speak on behalf of the applications of BW Gas & Convenience Retail, LLC, d/b/a Allsup's for the transfer of ownership of Liquor Licenses. Mr. Cortez requested all six liquor license requests be tabled due to no representative being present at tonight's meeting. He stated the transfer of ownership of liquor licenses can be heard at the next Commission meeting on November 2, 2020.

There being no further comment or discussion, Commissioner Calderón moved that Resolution Nos. 6981 through 6987 be tabled until the next Commission meeting on November 2, 2020, due to the applicant's representative not being present. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 6988 – Approving a Development Agreement with Lemke Development, Inc., in an Amount Not to Exceed \$200,000.00 Concerning the Development of Market Rate Single-Family Housing.

Mr. Kevin Robinson, Development Director, stated Lemke Development, Inc., has requested a development agreement concerning the development of single-family

housing units located within the municipal boundaries. He further stated the developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$200,000.00. Mr. Robinson stated the units will be located at the northeast intersection of College Lane and Ja-Rob Lane. He stated there will be approximately 72 units developed.

There being no discussion, Commissioner Gerth moved to approve Resolution No. 6988 as presented. Commissioner Calderón seconded the motion and the vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and development agreement are attached and made a part of these minutes

PUBLICATION: Proposed Ordinance Amending Chapter 8.12 of the Hobbs Municipal Code Related to Fireworks.

Mayor Cobb stated City staff received numerous complaints this past July 4th regarding the unbridled use of fireworks in the community and staff was instructed to come up with a solution. He stated it is evident that the proposed ordinance is not ready for publication and an open work session will need to be scheduled for discussion of this item.

There being no further comment or discussion, Commissioner Calderón moved that the proposed ordinance amending Chapter 8.12 of the Hobbs Municipal Code related to Fireworks be tabled until a work session is held. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the proposed ordinance is attached and made a part of these minutes.

Consideration of Approval to Purchase a 2020 John Deere Backhoe in the Amount of \$95,971.37 from 4 Rivers Equipment Exchange, LLC, Utilizing CES Contract Pricing.

Mr. Tim Woomeer, Utilities Director, stated the Utilities Department is requesting to purchase a 2020 John Deere Backhoe. He stated the backhoe comes with a one-year full machine warranty. Powertrain and hydraulics are a 60 months-5000 hour warranty. It is equipped with a 1.3 cubic yard long lip front bucket and an 18" heavy duty pin-on rear bucket. Mr. Woomeer further stated this purchase will utilize the CES Contract with 4 Rivers Equipment. He stated the purchase of this equipment will replace the 2001 John Deere backhoe that has reached its useful life expectancy and will be sold at the next auction. This equipment serves as one of the means of installing and maintaining new or pre-existing water and wastewater collection mains, water service laterals, water mainline control valves and fire hydrants in the water and wastewater systems within the City of Hobbs.

There being no discussion, Commissioner Calderón moved to approve the purchase of a 2020 John Deere Backhoe from 4 Rivers Equipment Exchange, LLC. in the amount of \$95,971.37. Commissioner Gerth seconded the motion and roll call vote was recorded as

follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Consideration of Approval to Accept the Proposal from Souder, Miller and Associates in the Amount of \$74,403.99 for the Stage One Abatement Plan for Wastewater Reclamation Facility (WWRF) Discharge Permit #37.

Mr. Woomer stated the City Utilities Department is requesting the implementation of the Stage One Abatement Plan Investigation to satisfy Section IV, Condition C, of the City of Hobbs Wastewater Reclamation Facility Discharge Permit #37. He stated the project is outlined in the Souder, Miller, and Associates (SMA) scope of work document titled Exhibit A, No. 1 C28632. Mr. Woomer stated the SMA Stage One Abatement Plan Scope of Work was approved by the New Mexico Environment Department on July 24, 2020, and is estimated to take 50 days to complete. He stated this project will be completed using a CES contract.

After a discussion regarding testing procedures and water quality in Hobbs, Commissioner Fields moved to accept the proposal from Souder, Miller and Associates for the Stage One Abatement Plan for the WWRF in the amount of \$74,403.99. Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 6989 – Supporting Increased COVID-19 Testing in Lea County.

Mayor Cobb stated the City of Hobbs seeks to support all efforts to help re-open area schools. He stated representatives of the State of New Mexico, in a series of public comments, have advised that an increase in COVID-19 testing would likely lower Lea County's positivity rate to a point where Lea County would meet the gating criteria to open schools as well as the economy. Mayor Cobb stated this resolution supports increased COVID-19 testing in Lea County.

There being no discussion, Commissioner Calderón moved to approve Resolution No. 6989 as presented. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Mayor Cobb reminded everyone of the free drive-through testing conducted by Nor-Lea Hospital at the Hobbs High School parking lot.

Comments by City Commissioners, City Manager

Acting City Manager/Fire Chief Gomez announced Harry McAdams Campground would be closed for construction as of October 19, 2020, for electrical upgrades.

Acting City Manager/Fire Chief Gomez stated the City of Hobbs will be hosting a trash clean-up in District 3 on Saturday, October 24, 2020, beginning at 8:00 a.m. at Mackey Baseball Field in the parking lot.

Acting City Manager/Fire Chief Gomez reassured the public the City's foremost concern is always the safety and welfare of the community. He stated the City of Hobbs does not have the ability to cancel the July 4th Holiday which is Federal Holiday. Acting City Manager/Fire Chief Gomez stated now is not the time to play with people's fears and worries with false media claims. He stated City staff was requested to re-visit the Fireworks Ordinance due to many complaints received by the public. He further stated the City's current Fireworks Ordinance can be viewed online at www.hobbsnm.org by clicking on the Municipal Code tab.

Commissioner Mills stated the City of Hobbs is open to the public and he encouraged citizens to attend the meetings or view them on Livestream. He also encouraged citizens to be active in their community and express their opinions.

Commissioner Mills apologized to Reverend Choice if he offended him in any way at the last Commission meeting as that was not his intent. He stated it is good to express one's opinions.

Commissioner Mills stated everyone has to assume responsibilities for themselves as the Governor cannot control every aspect of our lives. He did encourage everyone to put their personal attacks and petty arguments aside and work together during this trying time.

Commissioner Fields encouraged everyone to participate in the District 3 Clean-Up on Saturday, October 24, 2020, beginning at 8:00 a.m. at the Mackey Baseball Field in the parking lot.

Commissioner Gerth stated all of the City's ordinances need to be reviewed and if the City is not enforcing certain ordinances or if some are obsolete, then those ordinances need to be removed before adding new ones.

Mayor Cobb stated in the news today it was announced that Conoco Phillips has acquired Concho Resources which is a good sign of sustainability for our area.

Mayor Cobb stated the re-design of Covenant Hospital is moving forward.

Mayor Cobb encouraged everyone to get tested for COVID to help our schools and businesses to open.

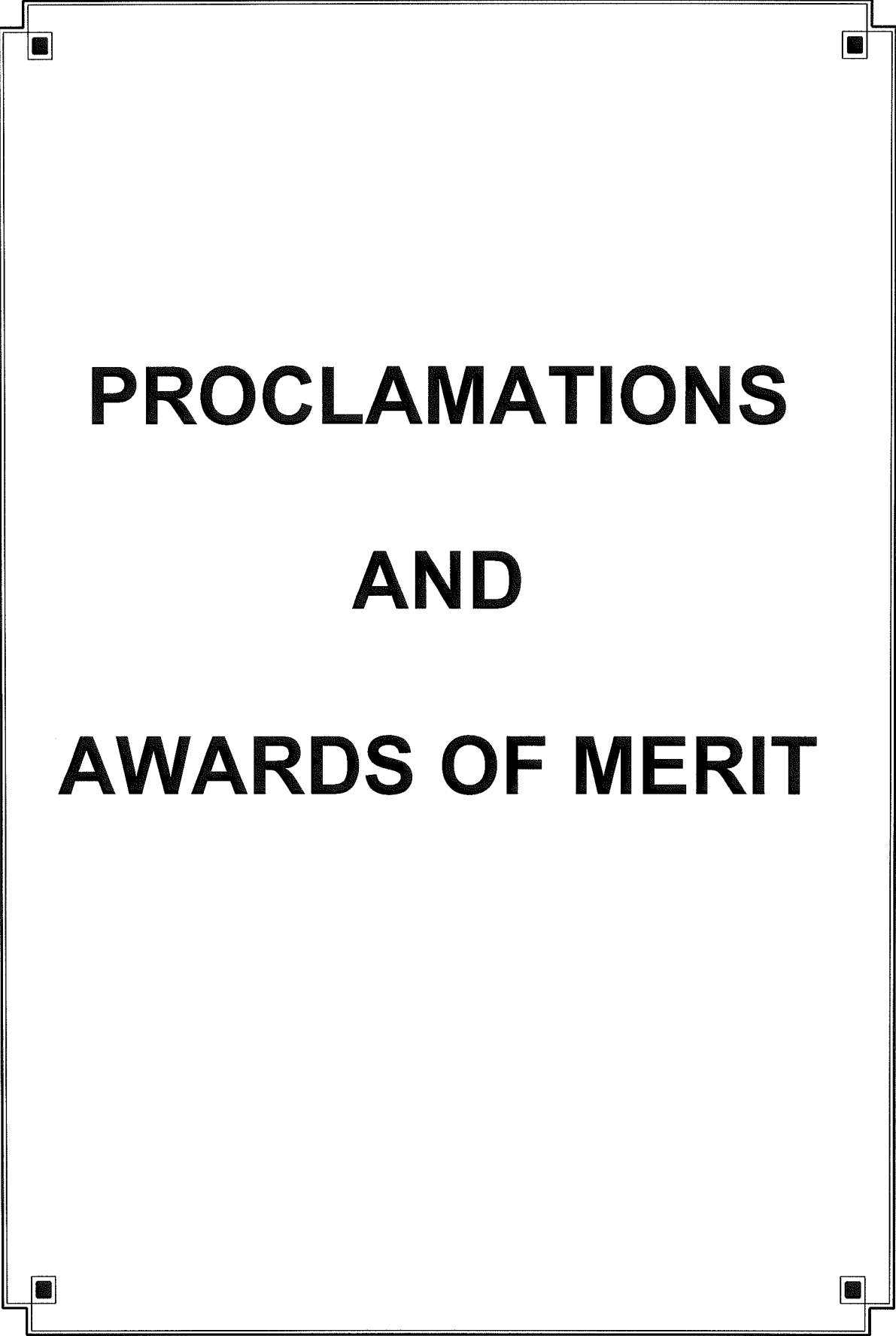
Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:20 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, nurse practitioners (NPs) serve as trusted health care providers for patients in our state; and

WHEREAS, in this year, 2020, we celebrate the International Year of the Nurse and the Midwife; and

WHEREAS, NPs are working tirelessly to diagnose and treat patients with COVID-19 and to combat community spread nationwide, while grieving NP colleagues who have lost their lives during the pandemic; and

WHEREAS, NPs work to expand access to care in underserved communities, end health disparities and combat systemic racism in health care; and

WHEREAS, NPs provide high-quality primary, acute and specialty care services while focusing on health promotion, disease prevention, health education and counseling, guiding patients to make smarter health and lifestyle choices every day; and

WHEREAS, NPs are highly skilled practitioners with advanced education and clinical training, building upon their initial registered nurse preparation; and

WHEREAS, the confidence that patients have in NP-delivered health care is evidenced by the more than one billion visits made annually to NPs across the country; and

WHEREAS, more than five decades of research demonstrates the high quality of care provided by NPs; and

WHEREAS, better utilization of NPs through modernized state laws and improved policies creates better health through a more accessible, efficient, cost-effective and higher quality health care system; and

WHEREAS, 22 states, the District of Columbia, Guam and the Northern Mariana Islands have implemented Full Practice Authority for NPs, granting patients full and direct access to the outstanding care offered by these health care providers; and

WHEREAS, leading governmental and policy entities including the National Academy of Medicine, National Council of State Boards of Nursing, National Governors Association and Federal Trade Commission have taken notice of the benefits of NP Full Practice Authority and have endorsed such a regulatory model; and

WHEREAS, the City of Hobbs is proud to recognize and honor the service of NPs to our state.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the week of November 8-14, 2020, as

"NATIONAL NURSE PRACTITIONER WEEK"

In recognition of the countless contributions that nurse practitioners have made over the past half century and will continue to make to the health and well-being of citizens in our state.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of November, 2020, and cause the seal of the City of Hobbs to be affixed hereto.

ATTEST:



JAN FLETCHER, CITY CLERK

SAM D. COBB, MAYOR



CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2nd, 2020

SUBJECT: Approving the 1st quarter fiscal year 2021 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance
DATE SUBMITTED: October 26th, 2020
SUBMITTED BY: Toby Spears, Finance Director

Summary:

The NM Department of Finance Administration recommends approving the City of Hobbs quarterly lodgers' tax process. The following attachment is for the 1st quarter 2021 DFA report.

Fiscal Impact:

Reviewed By: 
Finance Department

The September 30th, 2020 Cash Balance for the Lodgers' Tax Fund is \$1,762,293.68

Total lodgers' tax revenue for the 1st quarter fiscal year 2021 was \$163,504.67 and total expenditures were \$228,288.04. Breakdown of the cash balances by category are as follows:

Profit, Non-profit, Public Entities (20%)	= \$309,285.04
Local Government (40%)	= \$793,020.07
Fire, EMS, Sanitation (15%)	= \$ 0.00
Airline Subsidy (25%)	= \$659,988.57

Attachments:

Resolution
9-30-2020 Financial Report


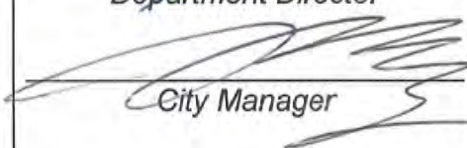
Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

To be determined by City Commission.

Approved For Submittal By:


Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS
RESOLUTION NO. 6989

A RESOLUTION APPROVING THE FY2021
LODGERS' TAX DFA 1ST QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 1st quarter Lodgers' Tax DFA Financial Report to be approved annually, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended September 30, 2020 was \$1,762,293.68 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual quarter-to-date lodgers' tax revenue and expenditures for fiscal year 2021 crosswalk the amounts to the DFA 1st quarter financial report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 1st quarter lodgers' tax financial report be approved.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

INSTRUCTIONS

1. Provide quarterly and year-to-date revenue for the quarterly reporting period. Money received through joint powers agreements must be reported separately. Other sources includes private grants, donations, reimbursements, etc.
 2. Allocate revenue to the promotional, non-promotional and general funds based on the percent of tax imposed. Administrative costs may not exceed 10% of the gross pro
 3. Provide a "book cash balance" for both the promotional and non-promotional funds for the quarterly reporting period and year to date amounts.
 4. Provide quarterly and year-to-date transfers-in and transfers - out.
- [Note: The Lodgers' Tax Act does not allow transfers from the Lodgers' Tax Fund to the General Fund or other Funds of the local public body.]
5. Provide quarterly and year-to-date expenditures on the expenditures tab. Contractual service expenditures must comply with the Lodgers' Tax Act, terms of the contract and the Procurement Code 13-1-28 through 13-1-199 NMSA 1978.

REPORTING ENTITY: City of Hobbs 5 (PERCENT IMPOSED) QUARTER ENDING: 9/30/2020
MONTH/YEAR

1. REVENUE SUMMARY:	QUARTERLY	YEAR-TO-DATE (Y-T-D)	2. REVENUE ALLOCATION:	QUARTERLY	YEAR-TO-DATE (Y-T-D)
	AMOUNT	AMOUNT		AMOUNT	AMOUNT
	(THIS REPORTING PERIOD)	(SUM OF ALL QUARTERS)		(THIS REPORTING PERIOD)	(SUM OF ALL QUARTERS)
LODGERS' TAX PROCEEDS	\$ 163,505	\$ 163,505	NON-PROMOTIONAL FUND	\$ 0	\$ 0
INVESTMENT INCOME	918	918			
LATE PENALTIES			PROMOTIONAL FUND	\$ 164,423	164,423
CONVENTION CENTER					
FINANCING FEES			ADMINISTRATIVE COST	\$ 0	\$ 0
HOSPITALITY FEE ACT					
FEES					
1. _____			(10% IS THE MAXIMUM OF GROSS TAX PROCEEDS,		
2. _____			i.e. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)		
TOTAL REVENUE	\$ 164,423	\$ 164,423			

3. CASH BALANCES:

Carryover From Previous Fiscal Year: Non-Promotional	\$ 15,511
Carryover From Previous Fiscal Year: Promotional	1,810,648
(Note: 2 years maximum carryover before money must be spent)	
NON-PROMOTIONAL FUND	\$ 0
PROMOTIONAL FUND	\$ (63,865)
Grand Total (Non-Promo)	\$ _____
Grand Total (Promo)	\$ 1,762,294

4. TRANSFERS: IN

INTERGOVERNMENT, INTERFUND TRANSFERS - IN

(e.g. JPAs, GRANTS TRANSFERRED TO LODGERS' TAX FUND)

1. _____	\$ _____	\$ _____
2. _____		
	\$ 0	\$ 0

TRANSFERS:OUT

NON-PROMOTIONAL FUND

INTERFUND TRANSFERS - (OUT)
(e.g. FROM NON-PROMOTIONAL TO VENDOR OR PROMOTIONAL)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

PROMOTIONAL FUND

INTERFUND TRANSFERS - (OUT)
(e.g. FROM PROMOTIONAL TO VENDOR OR NON-PROMOTIONAL)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

INTERGOVERNMENTAL TRANSFERS - (OUT)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

INTERGOVERNMENTAL TRANSFERS - (OUT)

1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

5. EXPENDITURE SUMMARY:

CATEGORY/DESCRIPTION		NON-PROMOTIONAL FUND		PROMOTIONAL FUND	
		YEAR-TO-DATE (Y-T-D)	YEAR-TO-DATE (Y-T-D)	YEAR-TO-DATE (Y-T-D)	YEAR-TO-DATE (Y-T-D)
CONTRACTUAL SERVICES		Quarterly Amount	AMOUNT	Quarterly Amount	AMOUNT
EVENT or ACTIVITY	DATE	(This reporting period)	(SUM OF ALL QUARTERS)	(This reporting period)	(SUM OF ALL QUARTERS)
see attached sheet				228,288	\$ 228,288
ADVERTISING CONTRACT(S)					
*VENDOR:					
EVENT/ACTIVITY	DATE				
SUB-TOTAL		0	0	228,288	228,288
*Add additional sheets if necessary.					
OPERATING EXPENSES (IDENTIFY)			0		
TOURIST RELATED EVENTS (LIST)					
EVENT	DATE				
PUBLIC SAFETY (FIRE / EMS / POLICE)					
SANITATION SVCS.					
PUBLIC SAFETY					
SANITATION SVCS.					
PUBLIC SAFETY					
SANITATION SVCS.					
SUB-TOTAL		0	0	0	0
CAPITAL OUTLAY (IDENTIFY)					
BUILDINGS & STRUCTURES					
EQUIPMENT & MACHINERY					
DEBT SERVICE (IDENTIFY)					
SUB-TOTAL					
EXPENDITURES TOTAL		\$ 0	\$ 0	\$ 228,288	\$ 228,288

CITY OF HOBBS
EVENT SUMMARIES
9/30/2020

TOTAL
AMOUNT

21-1	ROCKWIND COMMUNITY LINKS - 2020	4/11/2019	4,000.00
21-2	C.O.R.E - 2020 - MARKETING	4/11/2019	2,054.77
21-3	C.O.R.E - 2020 - OPERATING	4/11/2019	125,000.00
	CITY OF HOBBS POLICE, FIRE, SANITATION	4/11/2019	24,525.70
20-23	EDC - 2020 AIRLINE SUBSIDY (Marketing)	4/11/2019	<u>72,707.57</u>
	TOTAL		<u><u>228,288.04</u></u>

9/30/20

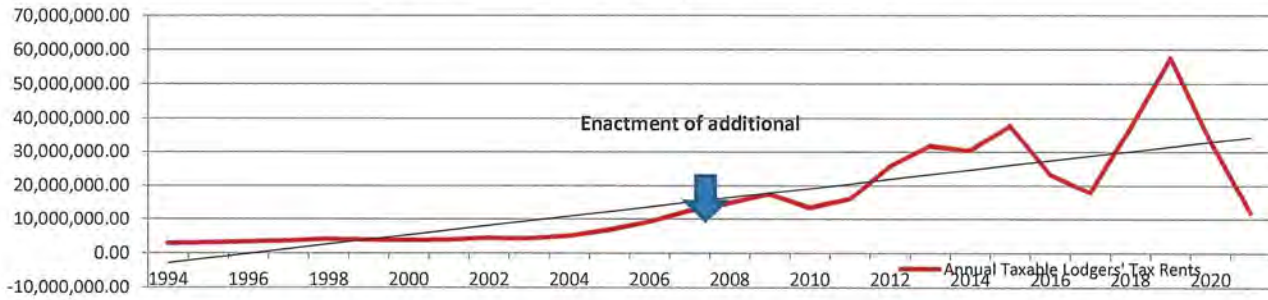
**CITY OF HOBBS LODGERS' TAX PROGRAM
EXPENDITURE REPORT FOR THE 1ST QUARTER OF 2020 - 2021**

		<u>PROMO</u>	<u>NON PROMO</u>	<u>TOTAL</u>
CASH BAL.	6/30/20	1,810,647.23	15,511.46	1,826,158.69
FIRST QUARTER INCOME		163,504.67		163,504.67
FIRST QUARTER INTEREST		918.36		918.36
TOTAL REVENUE		164,423.03	0.00	164,423.03
FIRST QUARTER EXPENSES		228,288.04		228,288.04
CASH BAL.	9/30/20	1,746,782.22	15,511.46	1,762,293.68
SECOND QUARTER INCOME				0.00
SECOND QUARTER INTEREST				0.00
TOTAL REVENUE		0.00	0.00	0.00
SECOND QUARTER EXPENSES				0.00
CASH BAL.	12/31/20	1,746,782.22	15,511.46	1,762,293.68
THIRD QUARTER INCOME				0.00
THIRD QUARTER INTEREST				0.00
TOTAL REVENUE		0.00	0.00	0.00
THIRD QUARTER EXPENSES				0.00
CASH BAL.	3/31/21	1,746,782.22	15,511.46	1,762,293.68
FOURTH QUARTER INCOME(FORCE EXTRA TO PROMO)				0.00
FOURTH QUARTER INTEREST				0.00
TOTAL REVENUE		0.00	0.00	0.00
FOURTH QUARTER EXPENSES**				0.00
CASH BAL.	6/30/21	1,746,782.22	15,511.46	1,762,293.68
YEAR TO DATE INCOME		163,504.67	0.00	163,504.67
YEAR TO DATE INTEREST		918.36	0.00	918.36
TOTAL REVENUE		164,423.03	0.00	164,423.03
YEAR TO DATE EXPENSES		228,288.04	0.00	228,288.04
YEAR TO DATE CASH BALANCES		1,746,782.22	15,511.46	1,762,293.68

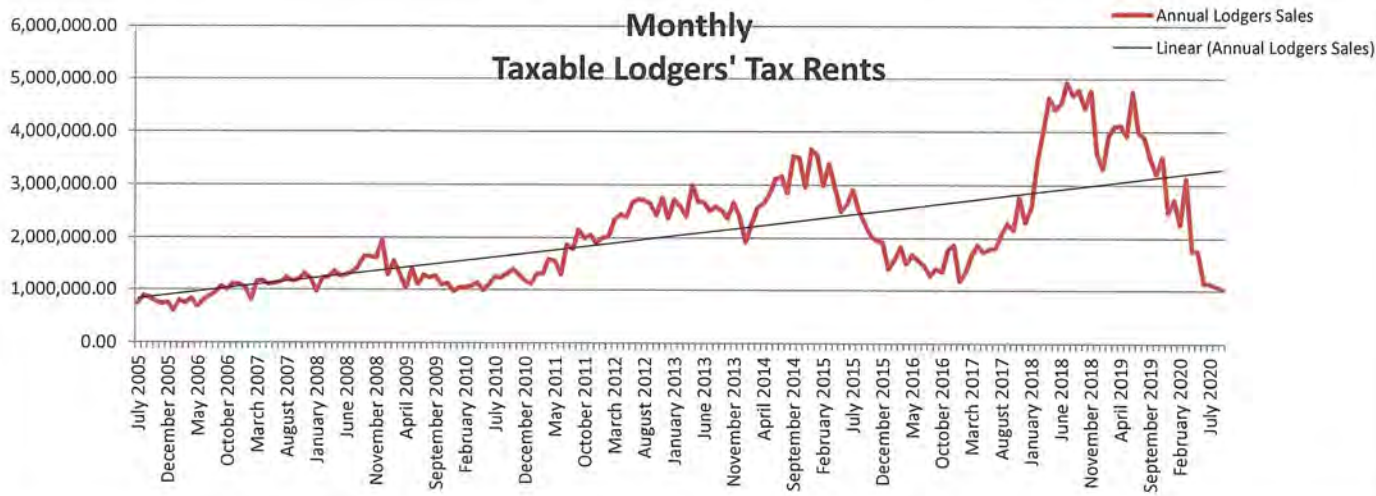
Monthly Lodgers' Tax Collection



Annual Taxable Lodgers' Tax Rents



Monthly Taxable Lodgers' Tax Rents





FINANCE DEPARTMENT

200 E. Broadway
Hobbs, NM 88240

575-397-9235 bus
575-397-9450 fax

October 26th, 2020

Jolene Gonzales, Special Projects Analyst
Department of Finance & Administration
Local Government Division
407 Galistero
Santa Fe, NM 87501

Re: 1st quarter lodgers' tax quarterly report

Enclosed is the following:

1st quarter lodgers' tax report for fiscal year 2021

Sincerely,

A handwritten signature in blue ink, appearing to read "Toby Spears", is written over a light blue circular stamp.

Toby Spears, CPA, CFE
Finance Director
CITY OF HOBBS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: A Resolution Authorizing the Mayor and City Manager to Execute a Memorandum of Understanding with the University of the Southwest for Use of University's Kitchen.

DEPT. OF ORIGIN: Recreation Department
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Doug McDaniel, Recreation Director

Summary:

This resolution authorizes the Mayor and the City Manager to execute a Memorandum of Understanding with the University of the Southwest detailing the terms and responsibilities of each entity for the use of the kitchen located on the campus of the USW to prepare meal services for the Senior Center. The usage fee outlined in this MOU is \$1,000 per month. The MOU will run through the current fiscal year and will end on June 30, 2021. This MOU will ensure the current Senior Center meal program remains uninterrupted through the fiscal year.

Fiscal Impact:

The \$8,000 associated with this MOU will need to be adjusted in BAR #2 anticipated in November 2020. (Professional Services 174017-42601).

Reviewed By: _____

[Signature]
Finance Department

Attachments:

Resolution
Memorandum of Understanding between the City and USW (FY 21-22)

Legal Review:

Approved As To Form: _____

[Signature]
City Attorney

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

CITY OF HOBBS

RESOLUTION NO. 6990

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE
A MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF THE
SOUTHWEST FOR USE OF THE UNIVERSITY'S KITCHEN

WHEREAS, the City of Hobbs and the University of the Southwest seek to maintain a harmonious relationship for the benefit of the residents of Hobbs, New Mexico; and

WHEREAS, the City and University seek to enter into an agreement wherein the City utilizes the University's kitchen to prepare meal services for the City of Hobbs Senior Center, which benefits an important population in Hobbs, New Mexico; and

WHEREAS, the City will pay the University \$1,000 a month as a usage fee to offset maintenance and operational expenses incurred by the daily operation of the kitchen; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor and City Manager be and are hereby directed to execute a Memorandum of Understanding with the University of the Southwest for use of the University's kitchen.

PASSED, ADOPTED AND APPROVED this ____ day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE UNIVERSITY OF THE SOUTHWEST AND THE
CITY OF HOBBS**

This Memorandum of Understanding is made this 12 day of October, 2020, by and between the City of Hobbs (hereinafter "CITY") and the University of the Southwest (hereinafter "USW").

PURPOSE

The purpose of this agreement is to establish guidelines for the usage, and access by CITY, its staff and contractors, at USW's kitchen facility on the campus of USW. CITY and USW aim to promote a working relationship between each to achieve the best results for the community. CITY and USW agree to cooperate as outlined in this Memorandum of Understanding.

DUTIES

I. USW DUTIES

USW will ensure the following obligations are met:

- A. USW will provide kitchen access, space, storage, and appliances for CITY's current contractor, Great Western Dining Service, Inc., as well as CITY's staff to prepare and deliver food for the CITY's meal services for the Senior Center.
- B. USW will determine the food storage space available to CITY for all food storage including freezer, walk-in refrigerator, and dry storage. Space shall be adequate for all food associated with the CITY's meal services for the Senior Center.
- C. USW will ensure that all available kitchen space is adequate to achieve the desired purpose of preparing food for the CITY's meal services for the Senior Center.
- D. USW will provide storage for all cleaning supplies and equipment used by CITY's current contractor, Great Western Dining Service, Inc., as well as CITY's staff, associated with the use of USW's kitchen and the meal services for the Senior Center.
- E. USW will provide all regular utilities and shall ensure that all utilities remain operational during use of the kitchen space

for preparation and delivery of the CITY's meals services for the Senior Center.

II. CITY DUTIES

CITY will ensure the following obligations are met:

- A. CITY will coordinate with Great Western Dining Services, Inc. to provide USW with a list of all staff that will be working to fulfill Great Western Dining Service, Inc.'s contract with the CITY by utilizing USW's kitchen space.
- B. CITY will ensure that all staff follow applicable rules and regulations for campus access and kitchen usage currently in place at USW. CITY further understands that failure to abide by this requirement will result in removal from campus of non-compliant individuals.
- C. CITY will ensure best practices and reasonable care are exercised in use of USW's kitchen.
- D. CITY shall remain responsive to any concerns raised by USW as to the care, use, and maintenance of USW's kitchen by CITY staff.

III. COMPENSATION

CITY will pay USW a sum of \$1,000 per month for use of the USW's kitchen facility. The payment from CITY to USW is to offset maintenance and operational expenses incurred with the daily operation of USW's kitchen. Compensation from CITY to USW will be made for the purpose set forth herein. Strict accountability of all receipts and payments will be maintained by CITY and USW.

MERGER OF AGREEMENT

This agreement incorporates all agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this Agreement. No prior statements, representations, promises or agreement of understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in the Agreement.

SOVEREIGN IMMUNITY

The City of Hobbs and their public employees (as defined in the New Mexico Tort Claims Act) do not waive sovereign immunity, do not waive any

defense(s), and/or do not waive any limitation(s) pursuant to the New Mexico Tort Claims Act. No provision in the Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act as it relates to the City and their public employees.

LIABILITY

Each party agrees to bear liability and responsibility for the negligent, reckless or deliberate acts or omissions of their own officers and employees, as limited by the New Mexico Tort Claims Act.

THIRD PARTY BENEFICIARIES

It is specifically agreed between the parties executing the Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to the Agreement to maintain, pursuant to the provisions of the Agreement, a suit of any nature, including but not limited to suits alleging wrongful death, bodily and/or personal injury to person(s), damages to property(ies), and/or any cause of action.

INSURANCE

Both CITY and USW will maintain liability insurance or qualify as a self-insured entity, as required by law.

TERM

This Memorandum of Understanding shall continue in full force and effect from November 1, 2020, until June 30, 2021, or until both parties mutually agree in writing otherwise.

SEVERABILITY

If any provision of this Memorandum of Understanding is found to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Understanding is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

GOVERNING LAW

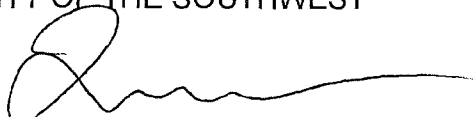
This Memorandum of Understanding shall be construed in accordance with the laws of the State of New Mexico.

EFFECTIVE DATE

This Memorandum of Understanding shall be in full force and effect upon execution and approval of the parties hereto and performance shall begin on November 1, 2020.

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

UNIVERSITY OF THE SOUTHWEST

BY: 

Dr. Quint C. Thurman
President

Date: 10/12/20

CITY OF HOBBS

BY: _____
Sam Cobb
Mayor

Date: _____

BY: _____
Manny Gomez
Acting City Manager

Date: _____

Approved as to Form:

By: _____
Efren A. Cortez
City Attorney

Date: _____

By: _____
Attorney for University of Southwest

Date: _____

ACTION ITEMS



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM


MEETING DATE: November 2, 2020

SUBJECT: Resolution approving the FY2021 DFA 1st Quarter (September 2020) Financial Report
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: October 26, 2020
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Submitting the FY2021 1st Quarter DFA Financial Report for the approval of the governing body. The Department of Finance and Administration only requires that the 4th Quarter DFA Report be approved by resolution, however, it **recommends** all quarterly reports be approved by the governing body.

Fiscal Impact:

Reviewed By: 

Finance Department


The ending cash balance represents actual revenue and expenditure activity from 07/01/20-09/30/20.

- Actual Ending Cash Balance at 09/30/20 is \$146,399,061.12 for all funds (restricted and unrestricted).
- The City of Hobbs year-to-date actual revenues and expenditures for the period are \$25,159,491.12 and \$26,441,352.04 respectively.

Attachments:

- 1st Quarter DFA Report Recap
- September 30, 2020 City of Hobbs Cash Report
- Resolution approving 1st Quarter DFA Report

Legal Review:


Approved As To Form: 

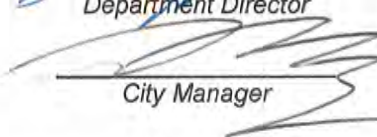
City Attorney

Recommendation:

Motion to approve the 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. 6991

A RESOLUTION APPROVING THE FY2021
DFA 1st QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico only requires the 4TH quarter DFA Financial Report to be approved annually, however, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended September 30, 2020 was \$146,399,061.12 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2021 crosswalk the amounts to the DFA 1st Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 1st Quarter Financial Report be approved.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

City of Hobbs
Cash Balance by Fund
09/30/2020

	Ending Cash 06/30/2020	June - July FY2020 Revenues	Actual Cash TRANSFERS	June - July FY2020 Expenditures	FY20 Balance Sheet Adjustments	Ending Cash 09/30/20
GOVERNMENTAL FUNDS						
11000 001 GENERAL	91,426,513.57	12,876,307.44	(818,194.05)	14,326,826.09	(90,622.72)	89,248,423.59
29900 002 LAND ACQUISITION	349,146.16	-	-	1,000.00	-	348,146.16
	<u>91,775,659.73</u>	<u>12,876,307.44</u>	<u>(818,194.05)</u>	<u>14,327,826.09</u>	<u>(90,622.72)</u>	<u>89,596,569.75</u>
SPECIAL REVENUES						
20100 110 LOCAL GOV CORR	856,783.06	66,344.71	-	19,887.44	-	903,240.33
21100 120 POLICE PROTECTION	63,885.81	80,400.00	-	7,033.01	(1,617.30)	138,870.10
29900 130 P D N (parif, drug, narcotics)	1,918.75	-	-	-	-	1,918.75
29900 150 COPS GRANT	1,000.00	21,537.89	-	80,813.98	(59,276.09)	1,000.00
21700 160 HWLC	585,453.07	165,700.63	346,341.90	883,514.17	(11,018.57)	225,000.00
21900 170 OLDER AMERICAN	1,000.00	63,195.46	166,265.82	229,209.05	252.23	1,000.00
51800 180 GOLF	1,000.00	342,378.01	366,731.71	725,070.54	(15,960.82)	1,000.00
50600 190 CEMETERY	14,477.08	57,143.42	94,435.09	165,059.34	(3.75)	1,000.00
50400 200 AIRPORT	273,054.13	1,472.62	-	18,392.41	-	256,134.34
30300 210 LEGISLATIVE APPROP	-	-	-	-	-	-
21400 230 LODGERS' TAX	1,826,158.69	164,423.03	(155,580.47)	72,707.57	-	1,762,293.68
29900 270 PUBLIC TRANSPORTATION	32,975.73	151,583.22	-	228,774.39	(44,215.44)	-
20900 280 FIRE PROTECTION	604,904.69	233,347.84	-	91,835.90	(1,499.94)	747,916.57
20600 290 EMER MEDICAL SERV	202.82	20,000.00	-	6,996.80	(75.00)	13,281.02
30200 370 COMM DEVE CONST	186,193.20	-	-	-	-	186,193.20
	<u>4,449,007.03</u>	<u>1,367,526.83</u>	<u>818,194.05</u>	<u>2,529,294.60</u>	<u>(133,414.68)</u>	<u>4,238,847.99</u>
CAPITAL PROJECTS FUNDS						
39900 460 BEAUTIFICATION IMPROVEMENT	1,538,849.89	-	-	-	-	1,538,849.89
21600 480 STREET IMPROVEMENTS	3,414,077.71	200,138.99	-	227,248.57	-	3,386,968.13
39900 490 CITY COMM. IMPROVEMENTS	5,622,342.68	549,795.88	(45,503.56)	15,319.10	-	6,111,315.90
	<u>10,575,270.28</u>	<u>749,934.87</u>	<u>(45,503.56)</u>	<u>242,567.67</u>	<u>-</u>	<u>11,037,133.92</u>
DEBT SERVICE FUNDS						
40400 510 UTILITY BOND	0.00	-	-	-	-	0.00
40400 530 2005 WASTEWATER BOND ISSUE	1,989,842.96	-	1,921,489.12	1,921,489.12	-	1,989,842.96
	<u>1,989,842.96</u>	<u>-</u>	<u>1,921,489.12</u>	<u>1,921,489.12</u>	<u>-</u>	<u>1,989,842.96</u>
TOTAL GOVERNMENTAL FUNDS	108,789,780.00	14,993,769.14	1,875,985.56	19,021,177.48	(224,037.40)	106,862,394.62
ENTERPRISE FUNDS						
50200 100 SOLID WASTE	2,484,591.03	1,849,135.68	-	1,799,996.26	-	2,533,730.45
39900 440 JOINT UTILITY EXTENSIONS CAPIT	1,000.00	-	45,503.56	45,503.56	-	1,000.00
50100 600 JOINT UTILITY	1,000.00	-	1,299,892.94	1,311,809.68	(11,916.74)	1,000.00
50100 610 JOINT UTILITY CONST	1,000.00	-	133,925.21	133,925.21	-	1,000.00
50300 620 WASTE WATER PLANT CONST	7,957,145.56	-	-	30,499.28	-	7,926,646.28
50300 630 JOINT UTILTY - WASTEWATER	1,000.00	-	927,502.82	932,711.77	(5,208.95)	1,000.00
50300 650 JOINT UTILITY INCOME - WASTE	5,840,103.73	1,948,277.88	(2,848,991.94)	7,659.46	(5,250.00)	4,936,980.21
50100 660 JOINT UTILITY INCOME	4,898,581.14	2,750,180.60	(1,433,818.15)	-	(0.51)	6,214,944.10
50100 680 METER DEPOSIT RES	1,118,043.91	112,061.19	-	88,550.22	-	1,141,554.88
TOTAL ENTERPRISE FUNDS	22,302,465.37	6,659,655.35	(1,875,985.56)	4,350,655.44	(22,376.20)	22,757,855.92
INTERNAL SERVICE FUNDS						
69900 640 MEDICAL INSURANCE	3,793,491.45	1,891,181.72	-	1,374,303.35	7.11	4,310,362.71
69900 670 WORKERS COMP TRUST	1,142,028.21	97,250.61	-	96,694.48	-	1,142,584.34
69900 690 INTERNAL SUPPLY	43,966.87	50,018.20	-	87,720.30	(1,747.00)	8,011.77
69900 740 INSURANCE - RISK	1,876,630.31	-	-	28,267.52	-	1,848,362.79
TOTAL INTERNAL SERVICE FUNDS	6,856,116.84	2,038,450.53	-	1,586,985.65	(1,739.89)	7,309,321.61
TRUST AND AGENCY FUNDS						
79900 700 MOTOR VEHICLE	17,511.25	1,168,044.12	-	1,160,449.84	1,188.10	23,917.43
79900 710 MUNI JUDGE BOND FUND	105,852.84	-	-	-	(151.00)	106,003.84
79900 720 RETIREE HEALTH INSURANCE TRL	9,000,000.00	271,013.63	-	298,860.15	(28,194.61)	9,000,348.09
79900 730 CRIME LAB FUND	73,717.55	22,357.66	-	23,153.00	-	72,922.21
79900 750 FORECLOSURE TRUST FUND	71.88	-	-	-	-	71.88
79900 770 LIBRARY TRUST	6,019.48	53.50	-	70.48	-	6,002.50
79900 780 SENIOR CITIZEN TRUST	3,319.94	-	-	-	-	3,319.94
79900 790 PRAIRIE HAVEN MEM	5,826.98	2.87	-	-	-	5,829.85
79900 800 COMMUNITY PARK TRUST	1,558.61	0.77	-	-	-	1,559.38
79900 820 EVIDENCE TRUST FUND	220,886.46	6,034.22	-	-	-	226,920.68
79900 830 HOBBS BEAUTIFUL	19,971.41	9.82	-	-	-	19,981.23
79900 860 CITY AGENCY TRUST	2,512.43	99.51	-	-	-	2,611.94
TOTAL TRUST AND AGENCY FUNDS	9,457,248.83	1,467,616.10	-	1,482,533.47	(27,157.51)	9,469,488.97
GRAND TOTAL ALL FUNDS	147,405,611.04	25,159,491.12	0.00	26,441,352.04	(275,311.00)	146,399,061.12

State of New Mexico
Local Government Budget Management System (LGBMS)

Report Recap - Fiscal Year 2020-2021 - Hobbs (City) - FY2021 Q1

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Fund	Cash	Investments	Revenues	Transfers	Expenditures	Adjustments	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	91,426,514.00	0.00	12,876,307.44	-818,194.05	14,326,826.09	90,622.72	89,248,424.02	1,193,902.17	88,054,521.85
20100 Corrections	856,784.00	0.00	66,344.71	0.00	19,887.44	0.00	903,241.27	0.00	903,241.27
20600 Emergency Medical Services	203.00	0.00	20,000.00	0.00	6,996.80	75.00	13,281.20	0.00	13,281.20
20900 Fire Protection	604,905.00	0.00	233,347.84	0.00	91,835.90	1,499.94	747,916.88	0.00	747,916.88
21100 Law Enforcement Protection	63,886.00	0.00	80,400.00	0.00	7,033.01	1,617.30	138,870.29	0.00	138,870.29
21400 Lodgers' Tax	1,826,159.00	0.00	164,423.03	-155,580.47	72,707.57	0.00	1,762,293.99	0.00	1,762,293.99
21600 Municipal Street	3,414,078.00	0.00	200,138.99	0.00	227,248.57	0.00	3,386,968.42	0.00	3,386,968.42
21700 Recreation	585,454.00	0.00	165,700.63	346,341.90	883,514.17	11,018.57	225,000.93	0.00	225,000.93
21900 Senior Citizens	1,000.00	0.00	63,195.46	166,265.82	229,209.05	-252.23	1,000.00	0.00	1,000.00
29900 Other Special Revenue	385,041.00	0.00	173,121.11	0.00	310,588.37	103,491.53	351,065.27	0.00	351,065.27
30200 CDBG (HUD) Project	186,194.00	0.00	0.00	0.00	0.00	0.00	186,194.00	0.00	186,194.00
30300 State Legislative Appropriation Project	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
39900 Other Capital Projects	7,162,193.00	0.00	549,795.88	0.00	60,822.66	0.00	7,651,166.22	0.00	7,651,166.22
40400 NMFA Loan Debt Service	1,989,843.00	0.00	0.00	1,921,489.12	1,921,489.12	0.00	1,989,843.00	0.00	1,989,843.00
50100 Water Enterprise	6,018,626.00	0.00	2,862,241.79	0.00	1,534,285.11	11,917.25	7,358,499.93	0.00	7,358,499.93
50200 Solid Waste Enterprise	2,484,592.00	0.00	1,849,135.68	0.00	1,799,996.26	0.00	2,533,731.42	0.00	2,533,731.42
50300 Wastewater/Sewer Enterprise	13,798,250.00	0.00	1,948,277.88	-1,921,489.12	970,870.51	10,458.95	12,864,627.20	0.00	12,864,627.20
50400 Airport Enterprise	273,055.00	0.00	1,472.62	0.00	18,392.41	0.00	256,135.21	0.00	256,135.21
50600 Cemetery Enterprise	14,478.00	0.00	57,143.42	94,435.09	165,059.34	3.75	1,000.92	0.00	1,000.92

51800 Golf Course Enterprise	1,000.00	0.00	342,378.01	366,731.71	725,070.54	15,960.82	1,000.00	0.00	1,000.00
69900 Other Internal Service	6,856,117.00	0.00	2,038,450.53	0.00	1,586,985.65	1,739.89	7,309,321.77	0.00	7,309,321.77
79900 Other Trust & Agency	9,457,249.00	0.00	1,467,616.10	0.00	1,482,533.47	27,157.51	9,469,489.14	0.00	9,469,489.14
Totals	147,405,621.00	0.00	25,159,491.12	0.00	26,441,352.04	275,311.00	146,399,071.08	1,193,902.17	145,205,168.91



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Resolution Adopting Budgetary Adjustment #2 for the Fiscal Year 2020-2021
DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: October 26, 2020
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

The fiscal budget of the City of Hobbs is adopted by resolution, and reviewed and approved by the Department of Finance & Administration. The budget is prepared prior to the beginning of the fiscal year, and as such, from time to time it becomes necessary to adjust the budget for items not contemplated at the time of its preparation or for issues that arise during the fiscal year.

Enclosed is a budgetary adjustment #2 for the current year. A summary of the funds adjusted is attached to this resolution. After this adjustment is approved by the Commission, it must be forwarded to the Department of Finance & Administration for their approval.

Fiscal Impact:

Reviewed By: 
Finance Department

Total revenue is decreased by \$432,615.29 and total expense increased by \$365,243.97 providing a budgeted ending cash balance of \$86,539,994.36 for all funds. This adjustment also includes inter-fund cash transfers. General fund reserve decreases from 47% to 46%.

Attachments:

- Budget Cash Balance Sheet
- Budgeted Adjustments Detail
- Resolution approving Budget Adjustment for the fiscal year 2020-2021

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve the resolution.

Approved For Submittal By:


Department Director

City Manager

**CITY CLERKS USE ONLY
COMMISSION ACTION TAKEN**

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

CITY OF HOBBS

RESOLUTION NO. 6992

BUDGETARY ADJUSTMENT #2

FISCAL YEAR 2020-2021

WHEREAS, the fiscal budget for the City of Hobbs is prepared, reviewed and approved prior to the beginning of the fiscal year; and

WHEREAS, from time to time it becomes necessary to adjust the budget due to items not contemplated at the time it is prepared; and

WHEREAS, included in this budgetary adjustment are decreases to revenue in the amount of \$432,615.29 and increases to expenditure in the amount of \$365,243.97.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced budget adjustments be approved.

BE IT FURTHER RESOLVED BY THE GOVERNING BODY of the City of Hobbs, New Mexico, that the budgetary adjustments be subject to the approval of the Department of Finance and Administration of the State of New Mexico and that a copy of this Resolution be forwarded to their office in Santa Fe, New Mexico, for approval.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**City of Hobbs Budget Adjustment Request #2
FY21 Fund Summary**

		Beginning Cash from 06/30/20	Total Revenue	Interfund Transfer	Total Expenditures	Ending Cash
001	GENERAL	91,426,513.57	52,901,222.70	(8,140,173.00)	93,057,333.35	43,130,229.92
002	LAND ACQUISITION	349,146.16	100,000.00	-	200,000.00	249,146.16
General Fund Subtotal		91,775,659.73	53,001,222.70	(8,140,173.00)	93,257,333.35	43,379,376.08
110	LOCAL GOV CORR	856,783.06	210,600.00	-	156,049.09	911,333.97
120	POLICE PROTECTION	63,885.81	80,400.00	-	144,285.81	-
130	P D N (parif, drug, narcotics)	1,918.75	-	-	-	1,918.75
150	COPS GRANT	1,000.00	539,558.92	60,000.00	422,358.31	178,200.61
160	RECREATION (CORE)	585,453.07	1,974,494.00	3,184,661.86	5,251,865.74	492,743.19
170	OLDER AMERICAN	1,000.00	140,146.00	962,103.77	1,102,249.77	1,000.00
180	GOLF	1,000.00	548,120.00	3,214,270.18	3,762,390.18	1,000.00
190	CEMETERY	14,477.08	164,600.00	623,444.69	801,521.77	1,000.00
200	AIRPORT	273,054.13	37,800.00	-	57,500.00	253,354.13
210	Legislative Appropriations	-	1,900,000.00	-	1,900,000.00	-
230	LODGERS' TAX	1,826,158.69	627,100.00	(954,307.50)	883,330.00	615,621.19
270	PUBLIC TRANSPORTATION	32,975.73	1,355,065.38	50,000.00	1,152,268.66	285,772.45
280	FIRE PROTECTION	604,904.69	505,200.00	-	709,277.90	400,826.79
290	EMER MEDICAL SERV	202.82	64,900.00	-	64,900.00	202.82
Special Revenue Subtotals		4,262,813.83	8,147,984.30	7,140,173.00	16,407,997.23	3,142,973.90
370	COMM DEVE CONST	186,193.20	-	-	150,000.00	36,193.20
460	BEAUTIFICATION IMPROVEN	1,538,849.89	-	-	-	1,538,849.89
480	STREET IMPROVEMENTS	3,414,077.71	1,109,333.33	-	2,424,219.65	2,099,191.39
490	CITY COMM. IMPROVEMENT	5,622,342.68	2,531,551.00	(5,541,819.74)	67,000.00	2,545,073.94
Capitol Project Subtotals		10,761,463.48	3,640,884.33	(5,541,819.74)	2,641,219.65	6,219,308.42
510	UTILITY BOND	-	-	307,004.92	307,004.92	-
530	WASTEWATER BOND	1,989,842.96	-	2,442,796.68	2,442,796.68	1,989,842.96
Debt Service Subtotals		1,989,842.96	-	2,749,801.60	2,749,801.60	1,989,842.96
100	SOLID WASTE	2,484,591.03	6,950,000.04	-	6,950,000.04	2,484,591.03
440	JOINT UTILITY EXTENSIONS C	1,000.00	680,677.98	5,541,819.74	6,222,497.72	1,000.00
600	JOINT UTILITY	1,000.00	-	6,975,118.20	6,621,135.47	354,982.73
610	JOINT UTILITY CONST	1,000.00	-	3,019,526.01	3,019,526.01	1,000.00
620	WASTE WATER PLANT CONS	7,957,145.56	145,380.16	547,330.18	8,398,855.90	251,000.00
630	JOINT UTILITY - WASTEWATE	1,000.00	-	4,414,165.22	4,414,165.22	1,000.00
650	JOINT UTILITY INCOME - WA	5,840,103.73	8,595,743.00	(7,404,292.08)	34,000.00	6,997,554.65
660	JOINT UTILITY INCOME	4,898,581.14	8,265,200.00	(10,301,649.13)	-	2,862,132.01
680	METER DEPOSIT RES	1,118,043.91	450,000.00	-	450,000.00	1,118,043.91
690	INTERNAL SUPPLY	43,966.87	225,000.00	-	225,000.00	43,966.87
Utility Subtotals		22,346,432.24	25,312,001.18	2,792,018.14	36,335,180.36	14,115,271.20
640	MEDICAL INSURANCE	3,793,491.45	7,584,055.00	-	7,639,055.00	3,738,491.45
670	WORKERS COMP TRUST	1,142,028.21	711,630.00	-	711,630.00	1,142,028.21
740	INSURANCE - RISK	1,876,630.31	2,060,788.87	1,000,000.00	1,585,788.87	3,351,630.31
Internal Service Subtotal		6,812,149.97	10,356,473.87	1,000,000.00	9,936,473.87	8,232,149.97
700	MOTOR VEHICLE	17,511.25	6,000,000.00	-	6,000,000.00	17,511.25
710	MUNI JUDGE BOND FUND	105,852.84	-	-	-	105,852.84
720	RETIREE HEALTH INSURANCE	9,000,000.00	1,032,356.00	-	1,032,356.00	9,000,000.00
730	CRIME LAB FUND	73,717.55	88,500.00	-	88,500.00	73,717.55
750	FORECLOSURE TRUST FUND	71.88	-	-	-	71.88
760	RECREATION TRUST	-	-	-	-	-
770	LIBRARY TRUST	6,019.48	1,500.00	-	1,500.00	6,019.48
780	SENIOR CITIZEN TRUST	3,319.94	3,000.00	-	3,000.00	3,319.94
790	PRAIRIE HAVEN MEM	5,826.98	55.00	-	-	5,881.98
800	COMMUNITY PARK TRUST	1,558.61	18.00	-	-	1,576.61
820	EVIDENCE TRUST FUND	220,886.46	5,000.00	-	-	225,886.46
830	HOBBS BEAUTIFUL	19,971.41	5,000.00	-	6,250.00	18,721.41
860	CITY AGENCY TRUST	2,512.43	1,000.00	-	1,000.00	2,512.43
Trust & Agency Subtotals		9,457,248.83	7,136,429.00	-	7,132,606.00	9,461,071.83
Grant Total All Funds		147,405,611.04	107,594,995.38	-	168,460,612.06	86,539,994.36
			(432,615.29)		365,243.97	

46%

Expense (New Money)									
Fund	ORG	OBJ	PROJECT	Dept Name	DESCRIPTION	Current Budget	Budget Request	New Budget	Comments
1	010160	42232		MUNICIPAL COURT	SERVICE-JANITOR	15,120.00	371.44	15,491.44	janitorial service - municipal court
1	010190	42232		MOTOR VEHICLE	SERVICE-JANITOR	15,000.00	235.84	15,235.84	janitorial service - mvd
1	010190	42232	00308	MOTOR VEHICLE	SERVICE-JANITOR (DAYPORTER - CARES GRANT)	-	38,000.00	38,000.00	to cover cost of dayporter service for remainder of year.
1	010203	41101		POLICE CRIMINAL INVI	SALARIES - CERTIFIED	1,837,309.76	(36,720.00)	1,800,589.76	reclass police sergeant position to police lieutenant position
1	010203	41111		POLICE CRIMINAL INVI	FICA	158,436.13	(2,809.08)	155,627.05	reclass police sergeant position to police lieutenant position
1	010203	41112		POLICE CRIMINAL INVI	PERA	513,660.10	(10,198.98)	503,461.12	reclass police sergeant position to police lieutenant position
1	010204	41101		POLICE SUPPORT	SALARIES - CERTIFIED	722,259.20	56,902.40	779,161.60	reclass police sergeant position to police lieutenant position
1	010204	41111		POLICE SUPPORT	FICA	65,883.30	4,353.03	70,236.33	reclass police sergeant position to police lieutenant position
1	010204	41112		POLICE SUPPORT	PERA	201,157.44	15,804.64	216,962.08	reclass police sergeant position to police lieutenant position
1	010206	41101		POLICE DETENTION-JA	SALARIES - NON CERTIFIED	1,557,653.76	58,738.40	1,616,392.16	reclass comm service director position to police captain position
1	010206	41111		POLICE DETENTION-JA	FICA	129,681.55	4,493.49	134,175.04	reclass comm service director position to police captain position
1	010206	41112		POLICE DETENTION-JA	PERA	435,756.37	16,314.59	452,070.96	reclass comm service director position to police captain position
1	010220	41101		FIRE/AMBULANCE	SALARIES	4,961,379.39	40.80	4,961,420.19	reclass fire inspector position to fire prevention specialist
1	010220	41111		FIRE/AMBULANCE	FICA	407,456.34	3.12	407,459.46	reclass fire inspector position to fire prevention specialist
1	010220	41112		FIRE/AMBULANCE	PERA	1,496,015.14	12.20	1,496,027.34	reclass fire inspector position to fire prevention specialist
1	010220	42638	00253	FIRE/AMBULANCE	RESTRICTED EXP - DEVON	5,384.11	500.00	5,884.11	increase budget - actual donation above projection - revenue offset expenses for FEMA Fire & Safety Prevention Grant - requires 5% match
1	010220	42638	00310	FIRE/AMBULANCE	FEMA FIRE & SAFETY PREVENTION GRANT	-	49,335.00	49,335.00	- offsetting revenue
1	010310	42232		LIBRARY	SERVICE-JANITOR	42,006.36	5,520.07	47,526.43	janitorial service - library to replace funds transferred for ABBA Technologies expense (ELIN Consortium related expense) not previously budgeted
1	010310	42501		LIBRARY	BUILDING AND GROUNDS	7,500.00	3,229.00	10,729.00	janitorial service - POSD
1	010320	42601		PARKS	PROFESSIONAL SERVICES	20,000.00	1,418.47	21,418.47	replace bulb/ballast at Zia Plex
1	010321	42517		SPORTS FIELDS	FIELD LIGHTING REPAIRS	5,000.00	28,000.00	33,000.00	reclass (2) half time parks mtc.positions to (1) full time position
1	010326	41101		HARRY MCADAMS	SALARIES	91,915.20	7,140.00	99,055.20	reclass (2) half time parks mtc.positions to (1) full time position
1	010326	41111		HARRY MCADAMS	FICA	10,139.38	(94.68)	10,044.70	reclass (2) half time parks mtc.positions to (1) full time position
1	010326	41112		HARRY MCADAMS	PERA	12,576.46	967.47	13,543.93	reclass (2) half time parks mtc.positions to (1) full time position
1	010326	41150		HARRY MCADAMS	SEASONAL SALARIES	25,625.60	(8,377.60)	17,248.00	reclass (2) half time parks mtc.positions to (1) full time position
1	010332	42232		TEEN RECREATION	SERVICE-JANITOR	11,004.00	2,013.96	13,017.96	janitorial service - teen center
1	010340	41101		ENVIRONMENTAL SER	SALARIES	377,915.20	(56,793.60)	321,121.60	reclass comm service director position to police captain position
1	010340	41111		ENVIRONMENTAL SER	FICA	33,200.51	(4,344.71)	28,855.80	reclass comm service director position to police captain position
1	010340	41112		ENVIRONMENTAL SER	PERA	51,732.99	(7,695.53)	44,037.46	reclass comm service director position to police captain position
1	010343	42204		ANIMAL ADOPTION	UNIFORMS	-	1,250.00	1,250.00	to cover budget not submitted in preliminary budet process
1	010343	42232		ANIMAL ADOPTION	SERVICE-JANITOR	-	15,610.65	15,610.65	janitorial service - animal adoption
1	010343	42301		ANIMAL ADOPTION	SUPPLIES-OFFICE	-	2,500.00	2,500.00	to cover budget not submitted in preliminary budet process
1	010343	42303		ANIMAL ADOPTION	SUPPLIES-JANITOR	-	5,000.00	5,000.00	to cover budget not submitted in preliminary budet process
1	010343	42304		ANIMAL ADOPTION	PRINTING AND DUPLICATING	-	550.00	550.00	to cover budget not submitted in preliminary budet process
1	010343	42313		ANIMAL ADOPTION	SAFETY EQUIPMENT	-	500.00	500.00	to cover budget not submitted in preliminary budet process
1	010343	42315		ANIMAL ADOPTION	FOOD AND LINEN	-	600.00	600.00	to cover budget not submitted in preliminary budet process
1	010343	42401		ANIMAL ADOPTION	RADIO, INSTRUMENTS	-	600.00	600.00	to cover budget not submitted in preliminary budet process

BAR #2 Detail

1	010343	42501		ANIMAL ADOPTION	BUILDING AND GROUNDS	-	10,000.00	10,000.00	to cover budget not submitted in preliminary budet process
1	010343	42601		ANIMAL ADOPTION	PROFESSIONAL SERVICES	-	95,000.00	95,000.00	to cover budget not submitted in preliminary budet process
1	010343	42601	00294	ANIMAL ADOPTION	Animal Care Fund Grant	-	247.00	247.00	to cover budget not submitted in preliminary budet process
1	010343	43013		ANIMAL ADOPTION	BUILDING IMPROVEMENTS	-	40,000.00	40,000.00	to cover kennel repair and maintenance
1	010412	42404		TRAFFIC	SIGNALS AND SIGNS	110,000.00	65,000.00	175,000.00	to cover expense related to accident involving street light
1	010420	42232		GENERAL SVCS-GARAGE	SERVICE-JANITOR	6,600.00	166.37	6,766.37	janitorial service - garage
1	010421	42232		BUILDING MAINTENANCE	SERVICE-JANITOR	70,000.00	30,679.70	100,679.70	janitorial service - city hall/streets & traffic/ budg mtc/PD
1	010421	42384		BUILDING MAINTENANCE	DA OFFICE - EXPENDITURES	17,000.00	14,193.25	31,193.25	janitorial service - DA's office
1	010425	42232		CRIME LAB	SERVICE-JANITOR	4,500.00	2,624.38	7,124.38	janitorial service - forensic lab
1 Total							450,881.09		
16	164016	44901	00228	HEALTH WELLNESS LEV	HWLC (CONSTRUCTION)	208,314.03	120,000.00	328,314.03	increase budget to cover projected final payment on construction contract - item was reduced in final budget process
16 Total							120,000.00		
17	174017	42601		OLDER AMERICANS FL	PROFESSIONAL SERVICES	-	8,000.00	8,000.00	to cover monthly fee for kitchen use MOU for meal prep of senior meals
17 Total							8,000.00		
18	184316	42232	00308	GOLF CLUBHOUSE	SERVICE-JANITOR (DAYPORTER - CARES GRANT)	-	31,000.00	31,000.00	to cover cost of dayporter service for remainder of year
18 Total							31,000.00		
19	194019	42501		CEMETERY FUND	BUILDING AND GROUNDS	20,000.00	88,000.00	108,000.00	\$13,000 security improvements at PHMP Cemetery Chapel/Office; \$39,000 replacing irrigation wire PHMP (damaged); \$36,000 replace sprinkler heads PHMP (damaged)
19 Total							88,000.00		
21	214021	44901	00303	LEG. APPROP	LEG APPROPRIATION - AMBULANCE	800,000.00	(400,000.00)	400,000.00	reduction of grant to purchase ambulance based on notice to state
21 Total							(400,000.00)		
27	274027	42232		PUBLIC TRANSPORTATION	SERVICE-JANITOR	9,600.00	1,201.64	10,801.64	janitorial service - hobbs express to cover ppe supplies for hobbs express - to be included in Covid
27	274027	42366		PUBLIC TRANSPORTATION	SHOP SUPPLIES	3,600.00	10,000.00	13,600.00	Emergency Relief grant reimbursemnt request
27 Total							11,201.64		
29	294029	44901	00311	E.M.S. GRANT FUND	EMS LOCAL SYSTEM IMPROVEMENT GRANT	-	44,900.00	44,900.00	grant application for (4) SMART STAT patient simulators - no match, 100% grant funded, offsetting revenue
29 Total							44,900.00		
60	604600	42232		ADMINISTRATIVE	SERVICE-JANITOR	10,000.00	11,261.24	21,261.24	janitorial service - Utilities
60 Total							11,261.24		
Grand Total							365,243.97		

Expense Reclasses									
Fund	ORG	OBJ	PROJECT	Dept Name	DESCRIPTION	Current Budget	Budget Request	New Budget	Comments
1	010100	44901	00281	CITY COMMISSION	MEMORIAL FOR VETERANS	653,079.33	646,920.67	1,300,000.00	reclass from turf project for project completion
1	010220	42302		FIRE/AMBULANCE	TRAVEL, MEALS AND SCHOOLS	60,000.00	(5,600.00)	54,400.00	reclass for prof. svc contract (CM approved)
1	010220	42601		FIRE/AMBULANCE	PROFESSIONAL SERVICES	112,000.00	11,300.00	123,300.00	reclass for prof. svc contract
1	010220	42613		FIRE/AMBULANCE	TRAINING	50,000.00	(5,700.00)	44,300.00	reclass for prof. svc contract
1	010310	42501		LIBRARY	BUILDING AND GROUNDS	7,500.00	(3,229.00)	4,271.00	reclass for ABBA technologies expense (ELIN Consortium)
1	010310	42701		LIBRARY	COMPUTER/COMPUTER EQUIPMENT	-	3,229.00	3,229.00	reclass for ABBA technologies expense (ELIN Consortium)
1	010321	44901	00186	SPORTS FIELDS	BASEBALL COMPLEX	4,281,487.56	(646,920.67)	3,634,566.89	reclass to memorial for veterans project
1	010342	42321		PUBLIC INFORMATION	SPECIAL EVENTS AND PRIZES	14,500.00	(5,500.00)	9,000.00	reclass to advertising
1	010342	42357		PUBLIC INFORMATION	ADVERTISING	40,064.27	5,500.00	45,564.27	reclass from special events
1	010421	42302		BUILDING MAINTENANCE	TRAVEL, MEALS AND SCHOOLS	1,300.00	(900.00)	400.00	reclass to communications for wifi install at building mtc
1	010421	42202		BUILDING MAINTENANCE	COMMUNICATIONS	1,600.00	900.00	2,500.00	reclass to communications for wifi install at building mtc
1	010421	42519		BUILDING MAINTENANCE	ELEVATOR MAINT.	30,000.00	17,000.00	47,000.00	reclass for monthly elevator billing
1	010421	42538		BUILDING MAINTENANCE	REPAIR-ELECTRICAL	25,000.00	(17,000.00)	8,000.00	reclass for monthly elevator billing
1	010421	43013		BUILDING MAINTENANCE	BUILDING IMPROVEMENTS	47,828.70	(7,500.00)	40,328.70	reclass for sewer project at forensic lab
1	010421	44901	00309	BUILDING MAINTENANCE	SEWER REPLACEMENT - FORENSIC LAB	-	7,500.00	7,500.00	reclass for sewer project at forensic lab
1 Total									
16	164016	42203		HEALTH WELLNESS LE	DUES AND SUBSCRIPTIONS	3,000.00	9,000.00	12,000.00	for annual technogym subscription renewal
16	164016	42390		HEALTH WELLNESS LE	SUPPLIES - RECREATION EQUIP	57,800.00	(19,000.00)	38,800.00	transfer to building and grounds and subs for anticipated expense of repair and maintenance not previously budgeted for
16	164016	42501		HEALTH WELLNESS LE	BUILDING AND GROUNDS	33,836.24	10,000.00	43,836.24	
16 Total									
61	614061	44901	00094	JOINT UTILITY CONST.	WATERLINE REPLACEMENT	965,538.08	250,000.00	1,215,538.08	transfer from manhole rehab - phase 11 waterline replacement
61 Total							250,000.00		
62	624062	44901	00248	WASTE WATER PLANT	MANHOLE REHAB PROJECT	483,682.00	(250,000.00)	233,682.00	transfer to waterline replacement - phase 11 project
62	624062	44901	00205	WASTE WATER PLANT	DIGESTER PROJECT	179,794.56	90,000.00	269,794.56	reclass for asphalt project
62	624062	44901	00248	WASTE WATER PLANT	MANHOLE REHAB PROJECT	573,682.00	(90,000.00)	483,682.00	reclass for asphalt project
62 Total							(250,000.00)		
Grand Total									

Revenue									
Fund	ORG	OBJ	PROJECT	Dept Name	DESCRIPTION	Current Budget	Budget Request	New Budget	Comments
1	019999	30631	00253		Restricted Donations - Devon	(2,000.00)	(500.00)	(2,500.00)	increase budget - actual donation above projection - expense offset
1	019999	30702	00310		FEMA FIRE & SAFETY PREVENTION GRANT	-	(46,985.71)	(46,985.71)	FEMA Grant - offsetting expense
1 Total							(47,485.71)		
21	219999	30718	00303		Leg. Approp - Ambulance	(800,000.00)	400,000.00	(400,000.00)	reduction of grant to purchase ambulance based on notice to state
21 Total							400,000.00		
27	279999	30729			FED/ST FUNDING 27	(1,442,066.38)	125,001.00	(1,317,065.38)	reduction of projection to actual based on finalized grant for FY21
27 Total							125,001.00		
29	299999	30701	00311		EMS LOVAL SYSTEMS IMPROVEMENT GRANT	-	(44,900.00)	(44,900.00)	grant application for (4) SMART STAT patient simulators - no match, 100% grant funded, offsetting expense
29 Total							(44,900.00)		
Grand Total							432,615.29		

Transfers									
<i>Fund</i>	<i>ORG</i>	<i>OBJ</i>	<i>PROJECT</i>	<i>Dept Name</i>	<i>DESCRIPTION</i>	<i>Current Budget</i>	<i>Budget Request</i>	<i>New Budget</i>	<i>Comments</i>
1	019999	30803			Transfer to 17	955,003.77	7,100.00	962,103.77	interfund transfer
14	179999	30830			Transfer from 1	(955,003.77)	(7,100.00)	(962,103.77)	interfund transfer
1	019999	30804			Transfer to 18	3,118,170.18	31,000.00	3,149,170.18	interfund transfer
18	189999	30802			Transfer from 1	(3,118,170.18)	(31,000.00)	(3,149,170.18)	interfund transfer
1	019999	30805			Transfer to 19	535,444.69	88,000.00	623,444.69	interfund transfer
19	199999	30832			Transfer from 1	(535,444.69)	(88,000.00)	(623,444.69)	interfund transfer
66	669999	30824			Transfer to 60	6,609,874.23	365,243.97	6,975,118.20	interfund transfer
60	609999	30845			Transfer from 66	(6,609,874.23)	(365,243.97)	(6,975,118.20)	interfund transfer
66	669999	30825			Transfer to 61	2,769,526.01	250,000.00	3,019,526.01	interfund transfer
61	619999	30846			Transfer from 66	(2,769,526.01)	(250,000.00)	(3,019,526.01)	interfund transfer
1	019999	30878			Transfer to 15	-	60,000.00	60,000.00	interfund transfer
15	159999	30802			transfer from 1	-	(60,000.00)	(60,000.00)	interfund transfer
1	019999	30808			Transfer to 27	-	50,000.00	50,000.00	interfund transfer
27	279999	30834			Transfer from 1	-	(50,000.00)	(50,000.00)	interfund transfer
Grand Total									

EIN	Position	Position Desc	New Departme	Job Class	Group BU	Location Desc	Personnel Status	CY FTE Percent	Hourly Rate	Salary + Cola+Merit	Seasonal Salary	Employer FICA	PERA/401A	Total Benefits	Total Salary & Benefits
										41101	41150	41111	41112		
<i>postion to be removed:</i>															
VACANT	20305003	POLICE SERGEANT	0203	370	PSSM	POLICE PATROL	FN	1.00	27.00	56,160.00		4,296.24	15,598.44	19,894.68	76,054.68
										36,720.00	-	2,809.08	10,198.98	13,008.06	49,728.06
<i>position to be added:</i>															
2,949.00	20410002	Police Lieutenant	0204	380	PSSM	POLICE SUPPORT	FE	1.00	41.84	87,027.20		6,657.58	24,171.80	30,829.39	117,856.59
										56,902.40	-	4,353.03	15,804.64	20,157.68	77,060.08
TOTAL INCREASE															27,332.02
<i>postion to be removed:</i>															
4070	34013001	DIRECTOR OF COMM S	0340	EXE4	EXE	ENVIRONMENTAL S	FX	1.0000	\$41.76	\$86,860.80		6,644.85	11,769.64	18,414.49	\$105,275.29
										56,793.60	-	4,344.71	7,695.53	12,040.24	\$68,833.84
<i>position to be added:</i>															
	20604001	POLICE CAPTIN	0206	390	PSSM	POLICE DETENTION	FE	1.00	43.19	89,835.20		6,872.39	24,951.73	31,824.12	121,659.32
										58,738.40	-	4,493.49	16,314.59	20,808.08	79,546.48
TOTAL INCREASE															10,712.64
<i>postion to be removed:</i>															
5464	32602005	MCADAMSPARKMAIN	0326	LT06	LT	HARRY MCADAMS I	PN	0.5000	\$14.14	\$14,705.60		1,124.98	1,992.61	3,117.59	\$17,823.19
6253	32604001	SEASONAL MAINTENA	0326	LT6T	SEA	HARRY MCADAMS I	SE	0.5000	\$12.32	\$0.00	12,812.80	980.18	-	980.18	\$13,792.98
										9,615.20	8,377.60	1,376.45	1,302.86	2,679.31	20,672.11
<i>position to be added:</i>															
	32602002	MCADAMS PARK MAIN	0326	LT06	LT	HARRY MCADAMS I	FN	1	12.32	25,625.60		1,960.36	3,472.27	5,432.63	31,058.23
										16,755.20	-	1,281.77	2,270.33	3,552.10	20,307.30
										7,140.00	(8,377.60)	(94.68)	967.47		
TOTAL DECREASE															(364.81)
<i>postion to be removed:</i>															
VACANT	22034006	FIRE INSPECTOR	0220	275	PSSM	FIRE/AMBULANCE	FN	1.0000	\$33.39	\$69,451.20		5,313.02	20,765.91	26,078.93	\$95,530.13
										45,410.40	-	3,473.90	13,577.71	17,051.61	62,462.01
<i>position to be added:</i>															
	22034007	FIRE PREVENTION SPE	0220	260	FU	FIRE/AMBULANCE	FN	1	33.42	69,513.60		5,317.79	20,784.57	26,102.36	95,615.96
										45,451.20	-	3,477.02	13,589.91	17,066.93	62,518.13
										40.80		3.12	12.20		
TOTAL DECREASE															56.12



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Resolution Authorizing Grant Funding for Certain Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants

DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: October 26, 2020
SUBMITTED BY: Toby Spears, CPA, CFE – Finance Director

Summary:

The City of Hobbs was awarded a federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969. The NM Department of Finance and Administration has oversight on this overall grant and has provided recommended process and procedure guidelines to municipal governments. The City established an overall application process for small businesses headquartered in Hobbs, New Mexico. On September 21, 2020, the City Commission approved via Resolution No. 6973 the application process for the Grant. Pursuant to that process, the small businesses identified in Exhibit A have successfully submitted an application for grant funding. Approval of this Resolution would authorize the Finance Department to encumber those funds from the balance of the fund and begin the reimbursement process to the businesses.


Fiscal Impact:

The funding has been established in the overall budget of \$658,969. (both revenue and expenditures)

Reviewed By: 
Finance Department

Attachments:
Resolution;
Exhibit A

Legal Review:

Approved As To Form: 
City Attorney

Recommendation: The Commission should consider the 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. 6993

A RESOLUTION AUTHORIZING GRANT FUNDING FOR CERTAIN
SMALL BUSINESSES PURSUANT TO THE CARES ACT RELIEF FUNDS
SMALL BUSINESS CONTINUITY GRANT

WHEREAS, on September 21, 2020, via Resolution No. 6973, the City Commission approved the application process for distribution of the federal CARES Act Relief Funds Small Business Continuity Grant to small businesses headquartered in Hobbs, New Mexico, which complies with the guidelines set by the New Mexico Department of Finance and Administration; and

WHEREAS, the small businesses outlined in Exhibit A, attached hereto and incorporated herein, have successfully submitted their Grant applications in compliance with Resolution No. 6973, and therefore should begin the reimbursement process; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City Manager and staff are directed to do all things appropriate and necessary to ensure that the Grant funds are disbursed to the benefit of the small businesses outlined in Exhibit A.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

EXHIBIT 'A'
Commission Meeting - November 2, 2020
Resolution No. 6993

City of Hobbs
 Workflow process for CARES ACT SBA Grant Program
 From September 22, 2020 thru December 4, 2020

DATE UPDATED:	10/30/2020
TIME UPDATED:	2:00:00 PM

#	Business Name	Business Address	RELATED PARTY	COMMENTS
1	QuickCuts	301 N. Grimes St.	no	Complete
2	Lawn Patrol, LLC	217 East Mesa Drive	yes	Complete - Isaac Martinez
3	Big Cheese Pizza of Hobbs #1 Inc	4118 N Calle Grande	no	Complete
4	Score Compliance	3309 N Grimes	no	Complete
5	MyPower, Inc.	601 N Shipp	yes	Complete - Efren Cortez
6	Travel Unlimited	1923 W Bender	no	Complete
7	ENM Trucking LLC	1404 Princess Jeanne	no	Complete
8	Fields Master Cleaners	3317 N Grimes	no	Complete
9	Threshold LLC	1400 N Turner St B3	no	Complete
10	Rock N' Taco	2401 N Brazos	no	Complete
11	Hobbs Orthopaedic & Sports Therapy	3830 N Grimes, Ste B	no	Complete
12	#2 Tia Juana's	3510 N. Lovington Hwy	no	Complete
13	#2 BRK LLC (Best Western Executive Inn)	309 N Marland Blvd	no	Complete
14	#2 Ampersand Media & Design LLC	113 E Broadway St	no	Complete
15	#2 Jerbs Custom Jewelry, LLC	316 W. Bender Blvd	no	Complete
16	#2 Jitter Properties (Hobbs Family Inn)	501 N. Marland Blvd	no	Complete
17	#2 Jitter Enterprises (Saxony)	501 N. Marland Blvd	no	Complete
18	#2 Dynamite Gaming, LLC	1920 North Rojo Dr.	yes	Complete - Brittny Huffman
19	RLR Trucking LLC	1510 Cordoba Ln	no	Complete
20	#2 R&B Ganaway Enterprises (Cherry Berry)	2827 N. Dal Paso ste. 125	no	Complete
21	#2 Bloom Ventures LLC	3420 N Grimes St. Suite 100	no	Complete
22	#2 Deep Investments Inc. (Comfort Suites/Mainstay Suites)	2708/2700 W. Scenic Drive	no	Complete
23	Professional Translation Services	3609 N Central	no	Complete
24	Trifecta Solutions LLC	221 S Ryco Lane	no	Complete
25	#2 Drive Train, Inc.	112 S. Cochran Street	no	Complete



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for a Transfer of Ownership of Liquor License No. 0414 Located at 2810 Lovington Highway


DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0414 located at 2810 Lovington Highway. The application has received preliminary approval from the State of New Mexico.

This application was received by the City Clerk's Office on September 2, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 19, 2020, and was tabled until November 2, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:

Reviewed By: 


Finance Department

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

Attachments:

1. Application packet from State of New Mexico, Alcoholic Beverage Control Division
2. Affidavit of Publication - Notice of Public Hearing
3. Map
4. Resolution

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

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. _____

CITY OF HOBBS

RESOLUTION NO. 6994

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0414
LOCATED AT 2810 LOVINGTON HWY., HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for the transfer of ownership of Liquor License No. 0414 at 2810 Lovington Highway, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on November 2, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036, 2810 Lovington Highway for a transfer of ownership of Liquor License No. 0414 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

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

Lic. No. License No. 0414
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102036
Proposed Location: 2810 Lovington Highway, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

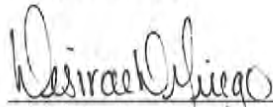
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0414.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment Application Fee \$
 Application Number:

Received on: _____
 Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0414 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's #36 Current
 Premises Address: 2810 Lovington Highway Hobbs New Mexico 88240
 Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

~~Allsup's Convenience Stores, LLC~~ ~~P.O. Box 1907 Clovis NM 88130~~ 138 Conant St, Beverly, MA 01915
BW Gas & Convenience Retail, LLC May 6-25-2020

D/B/A Name to be used: Allsup's #36 / 02036-7222 Business Phone #: 575-392-4487

Email Address (required): ~~www.eyesway.com~~ nicolas@eyesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

2810 Lovington Highway Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type: 0414

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cybermesa.com

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

Sign before a Notary Public:

Signature of Applicant: Thomas Nicholas Trkla

Date



NOTARY PUBLIC USE ONLY: (State of Massachusetts County of Essex)

SUBSCRIBED AND SWORN TO before me this 5th day of November

By: Nicole L. Reeves Notary Public: Nicole L. Reeves

Thomas Nicholas Trkla My Commission Expires 8/19/23

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

Public Hearing held on October 19, 2020 Check one: Approved Disapproved

Signature and Title of City/County Official: _____

SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

LEGAL NOTICE
October 23 and 30, 2020

AMENDED
NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the public hearing scheduled on October 19, 2020, has been continued and will be held by the City Commission of the City of Hobbs, New Mexico, on **Monday, November 2, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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Liquor License Number: 0414
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102036
Location: 2810 Lovington Highway, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0414. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 21st day of October, 2020.

JAN FLETCHER, City Clerk
#35930

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

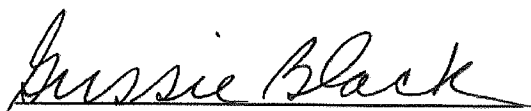
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Beginning with the issue dated
October 23, 2020
and ending with the issue dated
October 30, 2020.

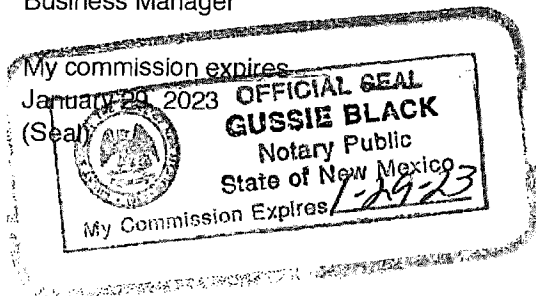


Publisher

Sworn and subscribed to before me this
30th day of October 2020.



Business Manager



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67108146

00247715

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

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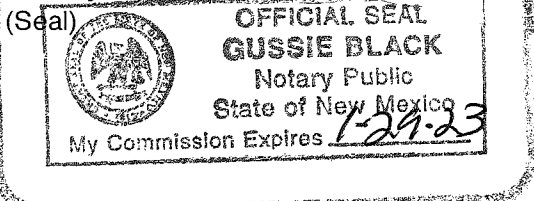
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/s/ Sam D. Cobb
SAM D. COBB, Mayor

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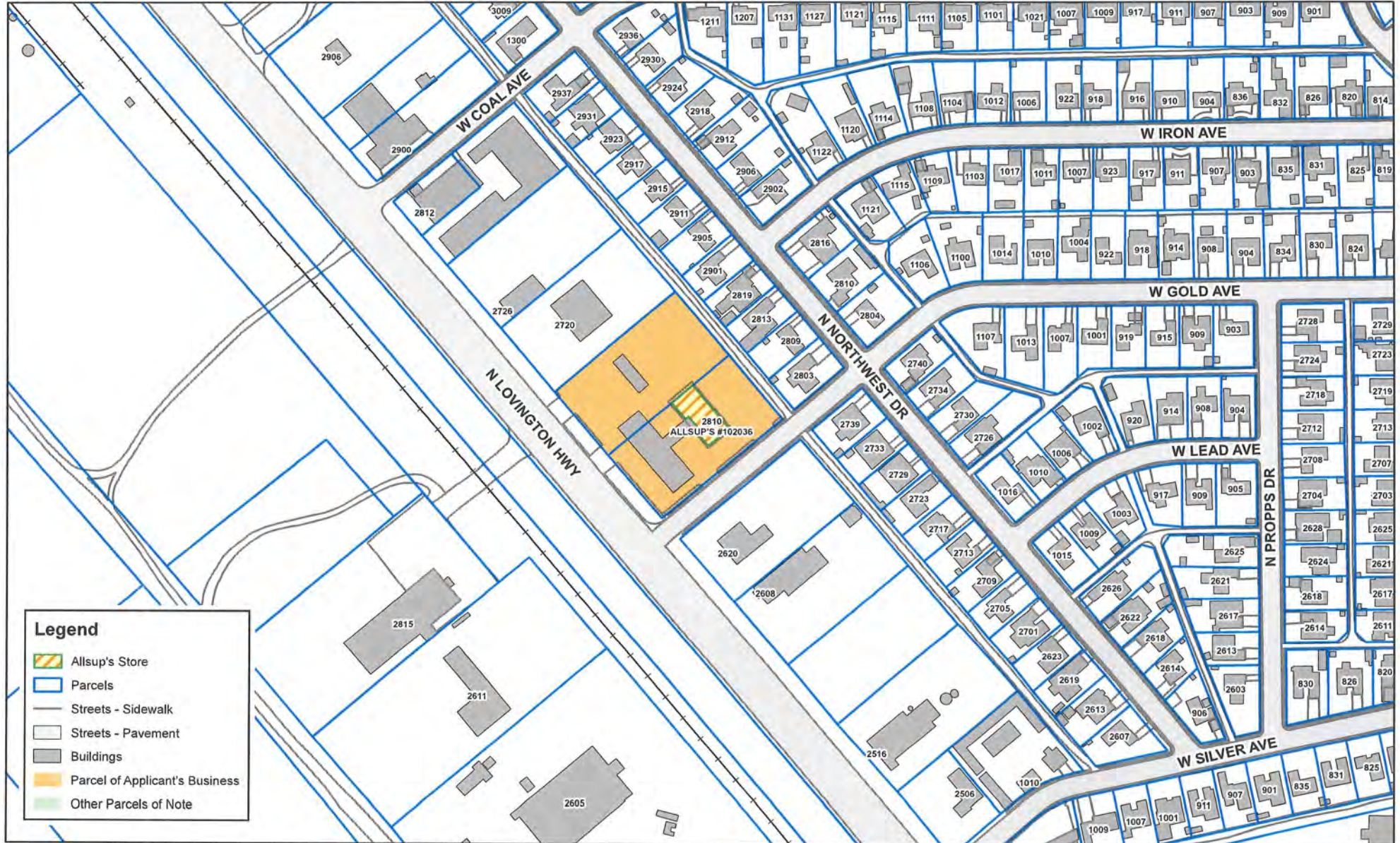
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CITY OF HOBBS FINANCE DEPT
200 E. BROADWAY ST
HOBBS, NM 88240

Allsup's #102036

300 ft Buffer Zone Map for Liquor License



Legend

- Allsup's Store
- Parcels
- Streets - Sidewalk
- Streets - Pavement
- Buildings
- Parcel of Applicant's Business
- Other Parcels of Note



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:57:19 AM

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CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for a Transfer of Ownership of Liquor License No. 0806 Located at 4308 North Grimes


DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0806 located at 4308 North Grimes. The application has received preliminary approval from the State of New Mexico.

This application was received by the City Clerk's Office on September 2, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 19, 2020, and was tabled until November 2, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:

Reviewed By: 
Finance Department

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

Attachments:


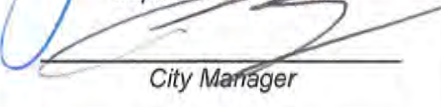
- 1. Application packet from State of New Mexico, Alcoholic Beverage Control Division
- 2. Affidavit of Publication - Notice of Public Hearing
- 3. Map
- 4. Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

<p>Approved For Submittal By:</p>  Department Director  City Manager	<p style="text-align: center;">CITY CLERK'S USE ONLY COMMISSION ACTION TAKEN</p> <table border="0"> <tr> <td>Resolution No. _____</td> <td>Continued To: _____</td> </tr> <tr> <td>Ordinance No. _____</td> <td>Referred To: _____</td> </tr> <tr> <td>Approved _____</td> <td>Denied _____</td> </tr> <tr> <td>Other _____</td> <td>File No. _____</td> </tr> </table>	Resolution No. _____	Continued To: _____	Ordinance No. _____	Referred To: _____	Approved _____	Denied _____	Other _____	File No. _____
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CITY OF HOBBS

RESOLUTION NO. 6995

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0806
LOCATED AT 4308 NORTH GRIMES, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for the transfer of ownership of Liquor License No. 0806 at 4308 North Grimes, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on November 2, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138, 4308 North Grimes for a transfer of ownership of Liquor License No. 0806 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0806
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102138
Proposed Location: 4308 North Grimes, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

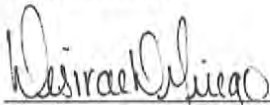
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0806.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment/ Application Fee \$ ___
 Application Number: _____

Received on: _____ Receipt No. ___
 Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
\$200.00 Application Fee, non-refundable.

License No. 0806 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's #138
 Current Premises Address: 4308 North Grimes, Hobbs New Mexico 88240
 Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

~~Allsup's Convenience Stores, LLC~~ ~~P.O. Box 1907 Clovis NM 88130~~ 138 Conant St, Beverly, MA 01915
BW Gas & Convenience Retail, LLC *Aug 6-25-2020*

D/B/A Name to be used: Allsup's #138 Business Phone #: 575-392-3671

Email Address (required): ~~amerov@yesway.com~~ **notices@YESWAY.COM**

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
 4308 North Grimes, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 0806

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: llaw@cybermesa.com

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

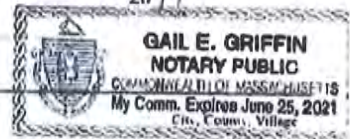
Sign before a Notary Public:

Signature of Applicant:

Thomas Nicholas Trkla

Date Nov 5, 2021

NOTARY PUBLIC USE ONLY: (State of Massachusetts County of Suffolk
 SUBSCRIBED AND SWORN TO before me this 5th day of November 2021
 By Thomas Nicholas Trkla Notary Public Gail E. Griffin
 My Commission Expires June 25, 2021



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: Hobbs

Public Hearing held on October 19, 2020 Check one: Approved Disapproved

Signature and Title of City/County Official: SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

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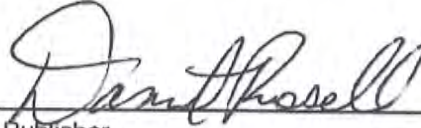
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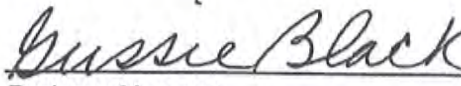
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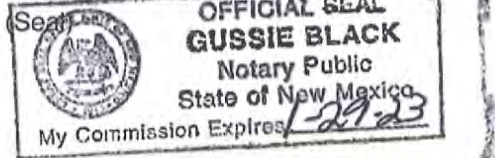
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My commission expires

January 29, 2023



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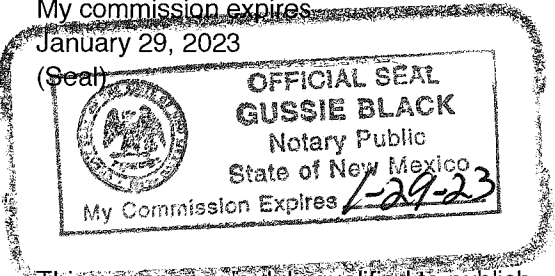
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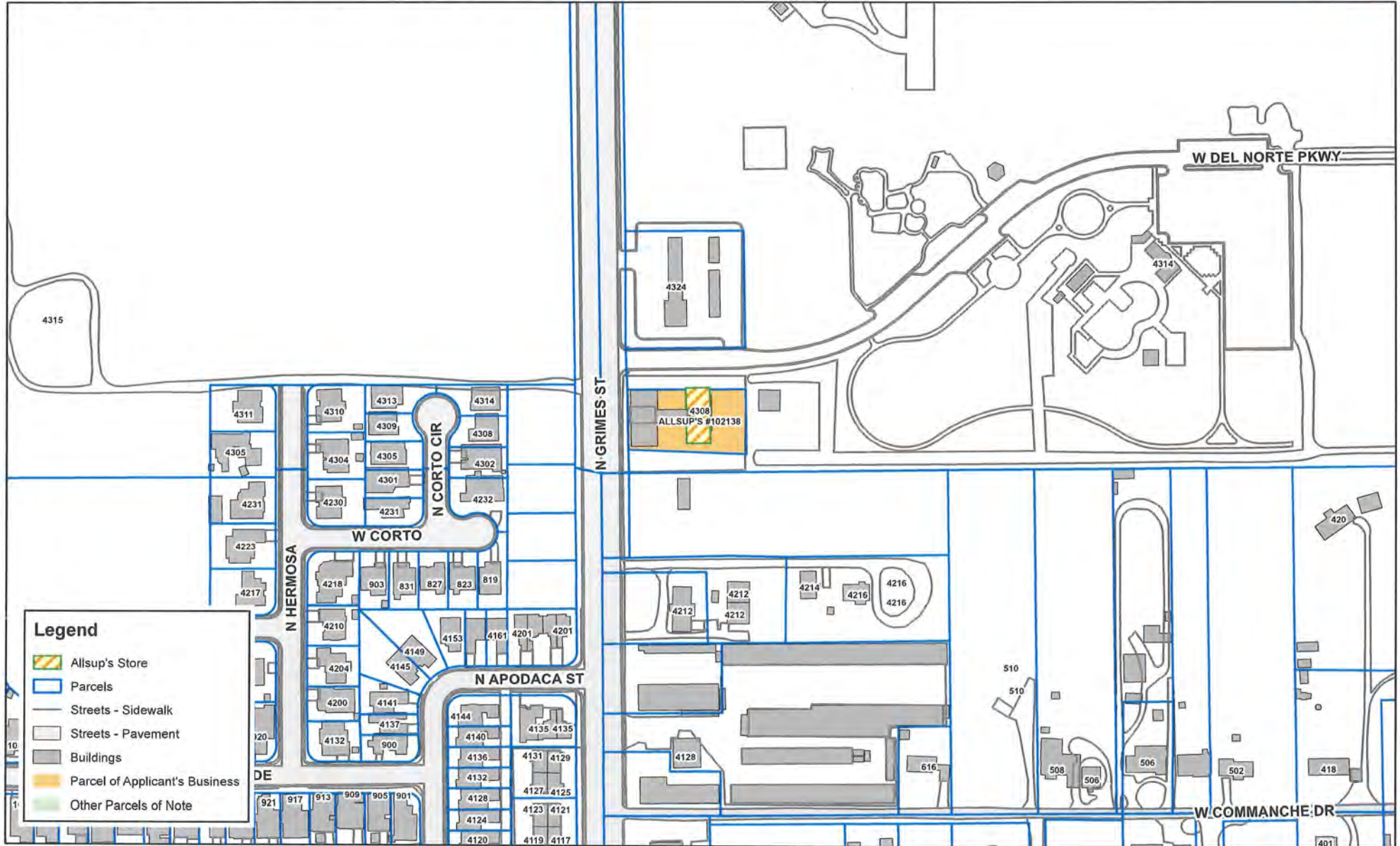
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CITY OF HOBBS FINANCE DEPT
200 E. BROADWAY ST
HOBBS, NM 88240

Allsup's #102138

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:56:25 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for a Transfer of Ownership of Liquor License No. 0394 Located at 316 North Marland

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0394 located at 316 North Marland. The application has received preliminary approval from the State of New Mexico.

This application was received by the City Clerk's Office on September 2, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 19, 2020, and was tabled until November 2, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:


Reviewed By: 
Finance Department

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

Attachments:

- 1. Application packet from State of New Mexico, Alcoholic Beverage Control Division
- 2. Affidavit of Publication - Notice of Public Hearing
- 3. Map
- 4. Resolution

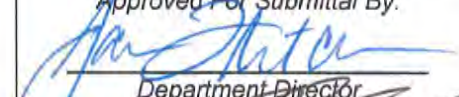
Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

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. 6996

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0394
LOCATED AT 316 NORTH MARLAND, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for the transfer of ownership of Liquor License No. 0394 at 316 North Marland, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on November 2, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142, 316 North Marland for a transfer of ownership of Liquor License No. 0394 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

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

Lic. No. License No. 0394
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102142
Proposed Location: 316 North Marland, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

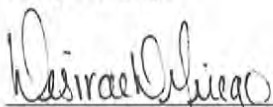
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0394.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment| Application Fee \$
 Application Number: _____

Received on: _____

Receipt No. _____

Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0394

Type of License: Dispenser

Check appropriate boxes:

Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only

Record Owner of Existing License: Allsup's Convenience Stores, Inc.

Current D/B/A Name: Allsup's #142

Current

Premises Address: 316 North Marland, Hobbs New Mexico 88240

Current

LOD: Hobbs

Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

~~Allsup's Convenience Stores, L.L.C.~~

~~P.O. Box 1907 Clovis NM 88130~~

138 Conant St, Beverly, MA 01915

BW GAS & Convenience Retail, LLC

Aug 6-25-2020

D/B/A Name to be used:

Allsup's #142/45

Business Phone #:

575-393-0810

Email Address (required):

~~amroz@yesway.com~~

notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

316 North Marland, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 0394

Agent/Contact Person: Linda L. Aikin

Phone#: 505-982-6224

Email: lla@ccybermesa.com

I, (print name) Thomas Nicholas Trkla, as (title) CEO, President and Chairman

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

Sign before a Notary Public:

Signature of Applicant:

Thomas Nicholas Trkla

Date: 11/5/2019

NOTARY PUBLIC USE ONLY: (State of Massachusetts, county of Essex)

SUBSCRIBED AND SWORN TO before me this 5th day of November

By Nicole C. Reeves
Thomas Nicholas Trkla

Notary Public: Nicole C. Reeves
My Commission expires 8/19/23



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: Hobbs

Public Hearing held on October 19, 2020 Check one: Approved Disapproved

Signature and Title of City/County Official:

SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

LEGAL NOTICE
October 23 and 30, 2020

AMENDED
NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the public hearing scheduled on October 19, 2020, has been continued and will be held by the City Commission of the City of Hobbs, New Mexico, on **Monday, November 2, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

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

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

Liquor License Number: 0394
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102142
Location: 316 North Marland, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0394. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 21st day of October, 2020.

JAN FLETCHER, City Clerk
#35928

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

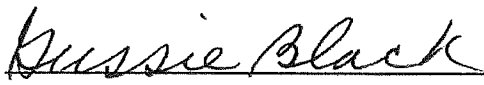
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
October 23, 2020
and ending with the issue dated
October 30, 2020.



Publisher

Sworn and subscribed to before me this
30th day of October 2020.



Business Manager

My commission expires
January 29, 2023

(Seal)



OFFICIAL SEAL
GUSSIE BLACK
Notary Public
State of New Mexico
My Commission Expires 1-29-23

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 October 23 and 30, 2020

AMENDED NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the public hearing scheduled on October 19, 2020, has been continued and will be held by the City Commission of the City of Hobbs, New Mexico, on **Monday, November 2, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

Liquor License Number: 0394
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102142
Location: 316 North Marland, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0394. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 21st day of October, 2020.

JAN FLETCHER, City Clerk
#35928

67108146

00247712

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

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

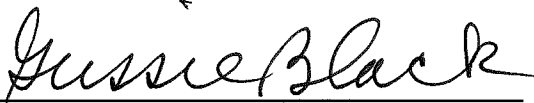
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



Publisher

Sworn and subscribed to before me this
30th day of September 2020.



Business Manager

My commission expires

January 29, 2023

(Seal)



OFFICIAL SEAL
GUSSIE BLACK
Notary Public
State of New Mexico

My Commission Expires 1-29-23

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
September 16 and 30, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on Monday, October 19, 2020, at 6:00 p.m., in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

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

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

Liquor License Number: 0394
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102142
Location: 316 North Marland, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0394. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 10th day of September, 2020.

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

#35822

67108146

00246411

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

Allsup's #102142

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020

1 inch = 250 feet

Time: 8:54:00 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for a Transfer of Ownership of Liquor License No. 0036 Located at 100 East Marland

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0036 located at 100 East Marland. The application has received preliminary approval from the State of New Mexico.

This application was received by the City Clerk's Office on September 2, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 19, 2020, and was tabled until November 2, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:

Reviewed By: 
Finance Department

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

Attachments:

- 1. Application packets from State of New Mexico, Alcoholic Beverage Control
- 2. Affidavit of Publication - Notice of Public Hearing
- 3. Map
- 4. Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

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. _____

CITY OF HOBBS

RESOLUTION NO. 6997

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0036
LOCATED AT 100 EAST MARLAND, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for the transfer of ownership of Liquor License No. 0036 at 100 East Marland, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on November 2, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144, 100 East Marland for a transfer of ownership of Liquor License No. 0036 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0036
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102144
Proposed Location: 100 E. Marland, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

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

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0036.

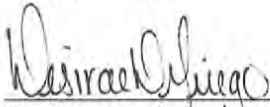
Alcoholic Beverage Control
(505) 476-4875

9171 9690 0935 0078 2608 53

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment/ Application Fee \$
 Application Number: _____

Received on: _____ Receipt No. _____
 Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
\$200.00 Application Fee, non-refundable.

License No. 0036 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's #144
 Current Promises Address: 100 E. Marland, Hobbs New Mexico 88240
 Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company: _____ ADDRESS (including city, state, zip) _____

~~Allsup's Convenience Stores, LLC~~ ~~P.O. Box 1907 Clovis NM 88130~~ 138 Conant St., Beverly, MA 01915

BW Gas & Convenience Retail, LLC King 6-25-2020
 D/B/A Name to be used: Allsup's #144 Business Phone #: 575-393-1503

Email Address (required): amoro@yesway.com notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
100 E. Marland, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 0036

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cs.burnesa.com

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

Sign before a Notary Public:

Signature of Applicant: Thomas Nicholas Trkla

Date: 11/5/2020

NOTARY PUBLIC USE ONLY: (State of Massachusetts , County of Essex

SUBSCRIBED AND SWORN TO before me this 5 day of November

By: Nicole L. Rivers Notary Public Nicole L. Rivers

Thomas Nicholas Trkla My Commission Expires: 8/1/23



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: Hobbs

Public Hearing held on October 19, 20 20 Check one: Approved Disapproved

Signature and Title of City/County Official: SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date _____

LEGAL NOTICE
October 23 and 30, 2020

AMENDED
NOTICE OF PUBLIC LIQUOR HEARING

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Liquor License Number: 0036
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102144
Location: 100 East Marland, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0036. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 21st day of October, 2020.

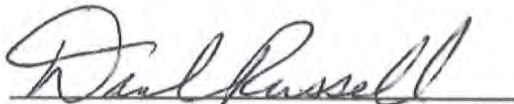
JAN FLETCHER, City Clerk
#35930

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

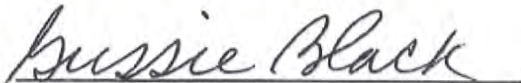
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Beginning with the issue dated
October 23, 2020
and ending with the issue dated
October 30, 2020.



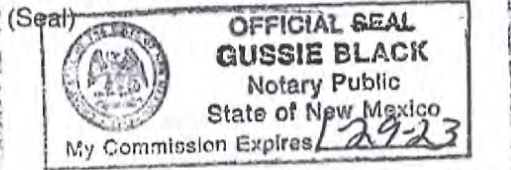
Publisher

Sworn and subscribed to before me this
30th day of October 2020.



Business Manager

My commission expires
January 29, 2023



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LEGAL NOTICE
October 23 and 30, 2020

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67108146

00247713

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

Affidavit of Publication

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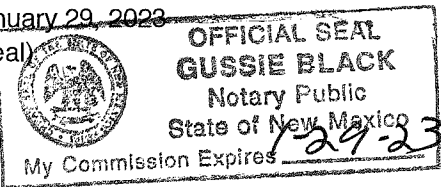


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/s/ Sam D. Cobb
SAM D. COBB, Mayor

#35821

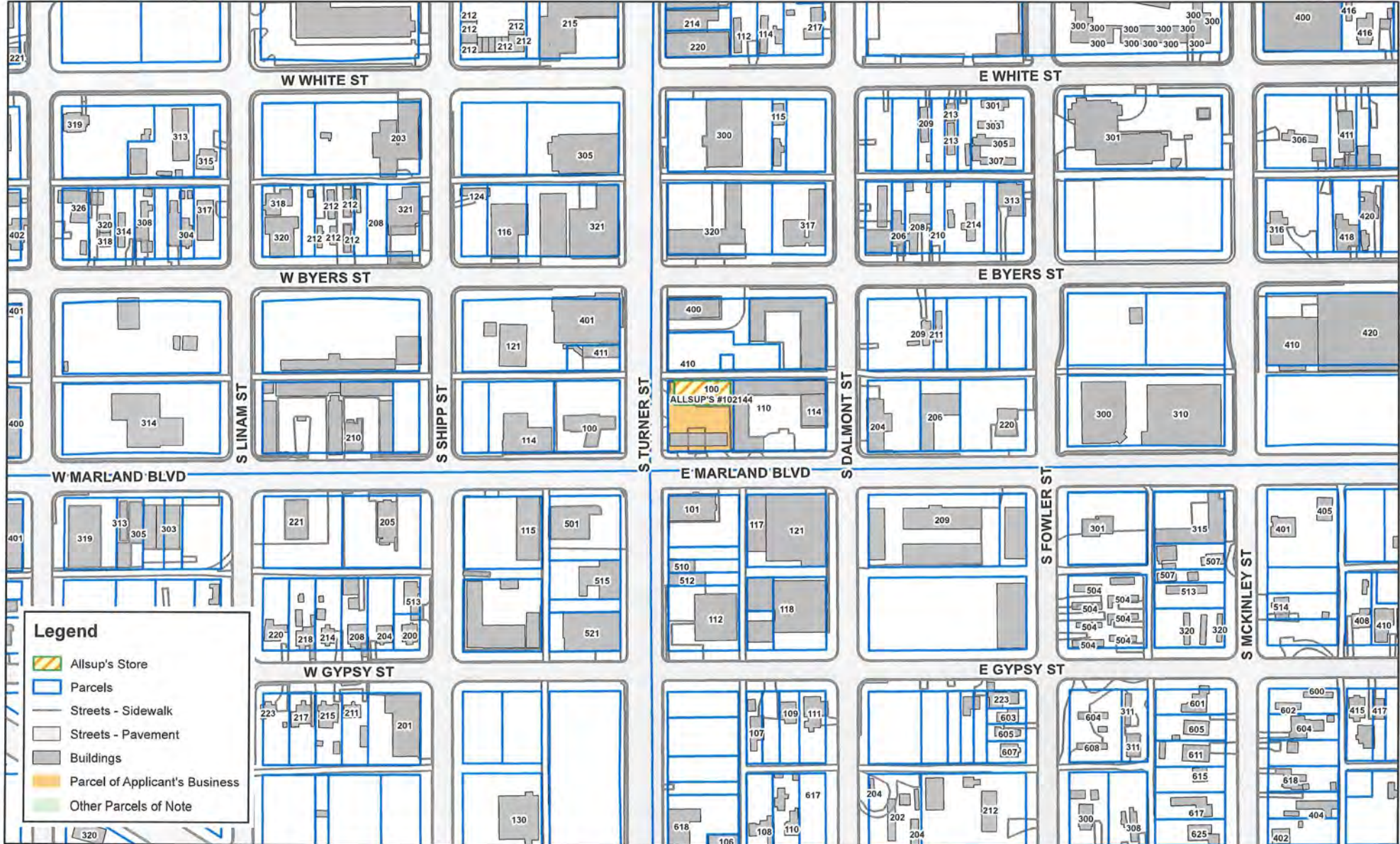
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00246402

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

Allsup's #102144

300 ft Buffer Zone Map for Liquor License



Legend

- Allsup's Store
- Parcels
- Streets - Sidewalk
- Streets - Pavement
- Buildings
- Parcel of Applicant's Business
- Other Parcels of Note



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:52:41 AM

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CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for a Transfer of Ownership of Liquor License No. 1058 Located at 3709 North Dal Paso

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 1058 located at 3709 North Dal Paso. The application has received preliminary approval from the State of New Mexico.

This application was received by the City Clerk's Office on September 2, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 19, 2020, and was tabled until November 2, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:


Reviewed By: 
Finance Department

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

Attachments:

- 1. Application packet from State of New Mexico, Alcoholic Beverage Control Division
- 2. Affidavit of Publication - Notice of Public Hearing
- 3. Map
- 4. Resolution

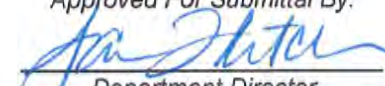
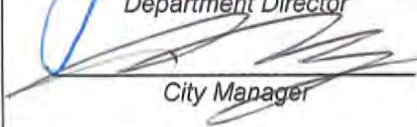
Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

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. 6998

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 1058
LOCATED AT 3709 NORTH DAL PASO, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for the transfer of ownership of Liquor License No. 1058 at 3709 North Dal Paso, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control;

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on November 2, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145, 3709 North Dal Paso for a transfer of ownership of Liquor License No. 1058 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 1058
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102145
Proposed Location: 3709 North Dal Paso Street, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

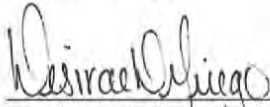
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 1058.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment/ Application Fee \$ _____
 Application Number: _____

Received on: _____
 Local Option District: _____

Receipt No. _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
 \$200.00 Application Fee, non-refundable.

License No. 1058 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's #145
 Current Premises Address: 3709 North Dal Paso Street, Hobbs New Mexico 88240
 Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company: ADDRESS (including city, state, zip)
~~Allsup's Convenience Stores, LLC~~ P.O. Box 1907 Clovis NM 88130 138 Conant St, Beverly, MA 01912
BW GAS & Convenience Retail, LLC Lea 6-25-2020

D/B/A Name to be used: Allsup's #145 Business Phone #: 575-393-1503

Email Address (required): notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
 3709 North Dal Paso Street, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01912

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 1058

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cybermesa.com

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

Sign before a Notary Public:

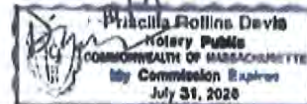
Signature of Applicant: Thomas Nicholas Trkla Date: 11/5/19

NOTARY PUBLIC USE ONLY: (State of Massachusetts County of Essex)

SUBSCRIBED AND SWORN TO before me this 5 day of November

By: Priscilla Rollins Davis Notary Public Priscilla Rollins Davis

Thomas Nicholas Trkla My Commission Expires: 7/31/26



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

Public Hearing held on October 19, 2020 Check one: Approved Disapproved

Signature and Title of City/County Official: SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

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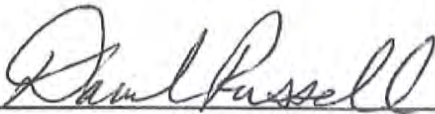
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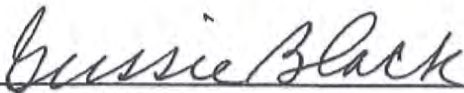
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Business Manager

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January 29, 2023

(Seal)



OFFICIAL SEAL
GUSSIE BLACK
Notary Public
State of New Mexico

My Commission Expires 1-29-23

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CITY OF HOBBS FINANCE DEPT
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HOBBS, NM 88240

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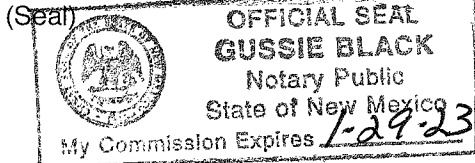
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/s/ Sam D. Cobb
SAM D. COBB, Mayor

#35817

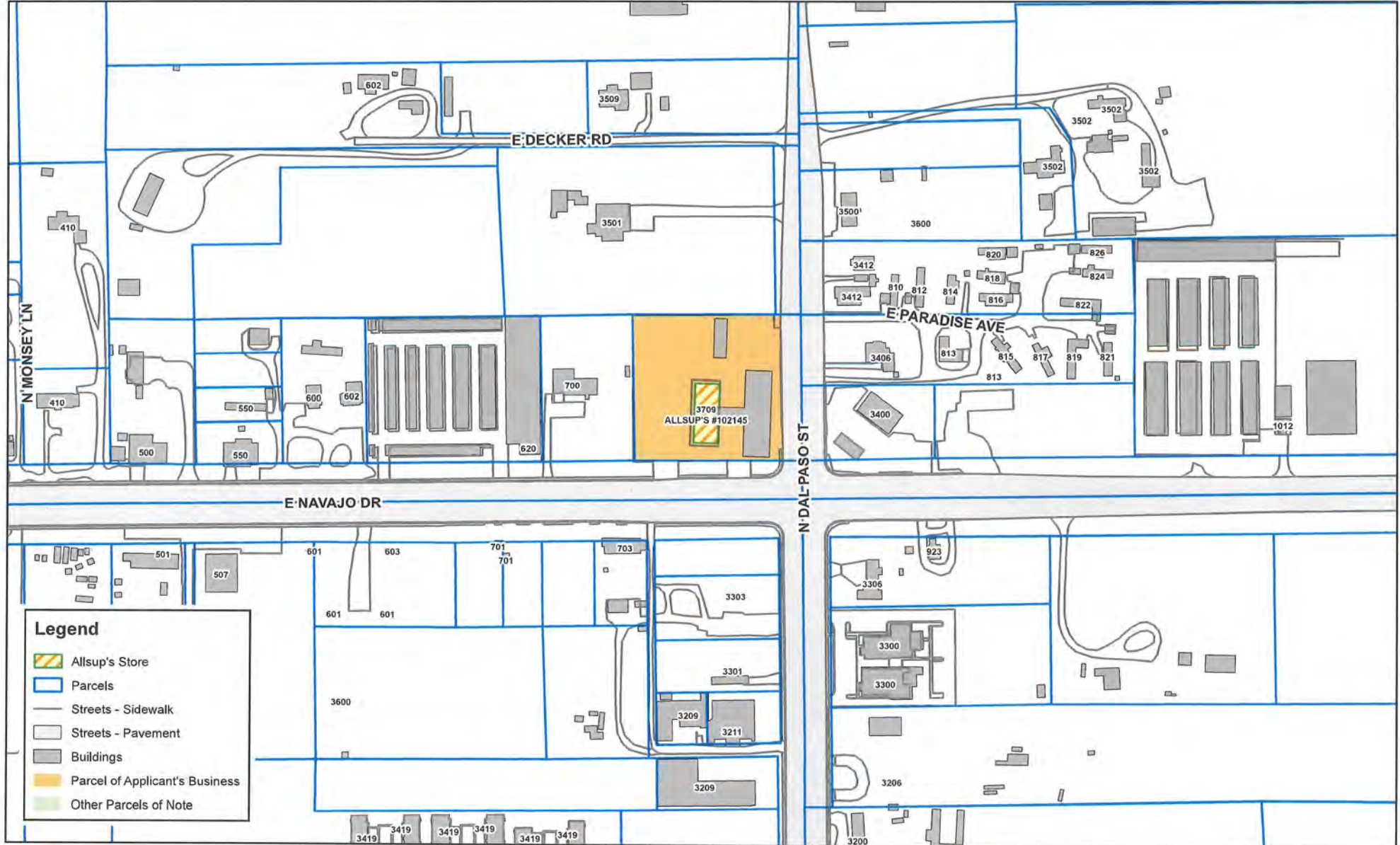
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CITY OF HOBBS FINANCE DEPT
200 E. BROADWAY ST
HOBBS, NM 88240

Allsup's #102145

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:55:21 AM

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CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for a Transfer of Ownership of Liquor License No. 0885 Located at 5312 Lovington Highway

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0885 located at 5312 Lovington Highway. The application has received preliminary approval from the State of New Mexico.

This application was received by the City Clerk's Office on September 2, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 19, 2020, and was tabled until November 2, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:

Reviewed By: 
Finance Department

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

Attachments:

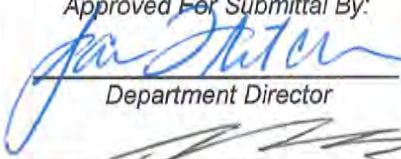

1. Application packet from State of New Mexico, Alcoholic Beverage Control Division
2. Affidavit of Publication - Notice of Public Hearing
3. Map
4. Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

<p>Approved For Submittal By:</p>  Department Director  City Manager	<p>CITY CLERK'S USE ONLY COMMISSION ACTION TAKEN</p> <table> <tr> <td>Resolution No. _____</td> <td>Continued To: _____</td> </tr> <tr> <td>Ordinance No. _____</td> <td>Referred To: _____</td> </tr> <tr> <td>Approved _____</td> <td>Denied _____</td> </tr> <tr> <td>Other _____</td> <td>File No. _____</td> </tr> </table>	Resolution No. _____	Continued To: _____	Ordinance No. _____	Referred To: _____	Approved _____	Denied _____	Other _____	File No. _____
Resolution No. _____	Continued To: _____								
Ordinance No. _____	Referred To: _____								
Approved _____	Denied _____								
Other _____	File No. _____								

CITY OF HOBBS

RESOLUTION NO. 6999

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0885
LOCATED AT 5312 LOVINGTON HIGHWAY, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for the transfer of ownership of Liquor License No. 0885 at 5312 Lovington Highway, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on November 2, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146, 5312 Lovington Highway for a transfer of ownership of Liquor License No. 0885 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0885
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102146
Proposed Location: 5312 Lovington Hwy, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

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

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0885.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment/ Application Fee \$

Received on:

Receipt No.

Application Number: _____ Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0885

Type of License: Dispenser

Check appropriate boxes:

Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only

Record Owner of Existing License: Allsup's Convenience Stores, Inc.

Current D/B/A Name: Allsup's 146

Current Premises Address: 5312 Lovington Hwy, Hobbs New Mexico 88240

Current LOD: Alamogordo Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

~~Allsup's Convenience Stores, L.L.C.~~ P.O. Box 1987 Clovis NM 88130 138 Conant St, Beverly, MA 01915

BW Gas & Convenience Retail, LLC MA 605-2000

D/B/A Name to be used: Allsup's #4610214 Business Phone #: 575-434-3499

Email Address (required): ~~amoz@yesway.com~~ notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

5312 Lovington Hwy, Hobbs New Mexico 88240

County of: Otero

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 1885

Agent/Contact Person: Linda L. Aikin

Phone#: 505-982-6224

Email: lla@cybermesa.com

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

Sign before a Notary Public:

Signature of Applicant :

Thomas Nicholas Trkla

Date : 11/5/2019

NOTARY PUBLIC USE ONLY : (State of MA) County of ESSEX

SUBSCRIBED AND SWORN TO before me this 5th day of November

By Theresa C. Reeves Notary Public : J. Jacob
Thomas Nicholas Trkla My Commission Expires 8/19/23



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: Hobbs

Public Hearing held on October 19, 2020 Check one: Approved

Signature and Title of City/County Official : SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director:

Date :

LEGAL NOTICE
October 23 and 30, 2020

AMENDED
NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the public hearing scheduled on October 19, 2020, has been continued and will be held by the City Commission of the City of Hobbs, New Mexico, on **Monday, November 2, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

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

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

Liquor License Number: 0885
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102146
Location: 5312 Lovington Highway, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0885. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 21st day of October, 2020.

JAN FLETCHER, City Clerk
#35933

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

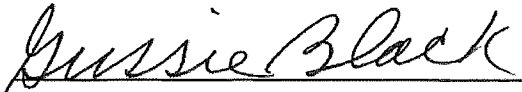
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
October 23, 2020
and ending with the issue dated
October 30, 2020.



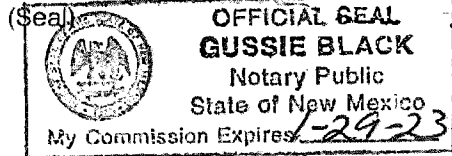
Publisher

Sworn and subscribed to before me this
30th day of October 2020.



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
October 23 and 30, 2020

AMENDED NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the public hearing scheduled on October 19, 2020, has been continued and will be held by the City Commission of the City of Hobbs, New Mexico, on **Monday, November 2, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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Liquor License Number: 0885
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102146
Location: 5312 Lovington Highway, Hobbs NM, 88240

The request is for a Transfer of Ownership of Liquor License No. 0885. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 21st day of October, 2020.

JAN FLETCHER, City Clerk
#35933

67108146

00247717


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

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

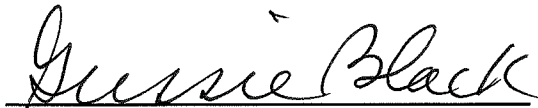
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



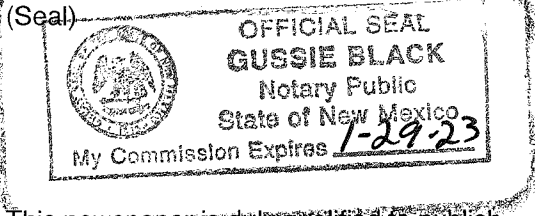
Publisher

Sworn and subscribed to before me this
30th day of September 2020.



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

LEGAL

LEGAL NOTICE
September 16 and 30, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, October 19, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

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

Liquor License Number: 0885
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102146
Location: 5312 Lovington Highway, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0885. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 10th day of September, 2020.

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

#35818

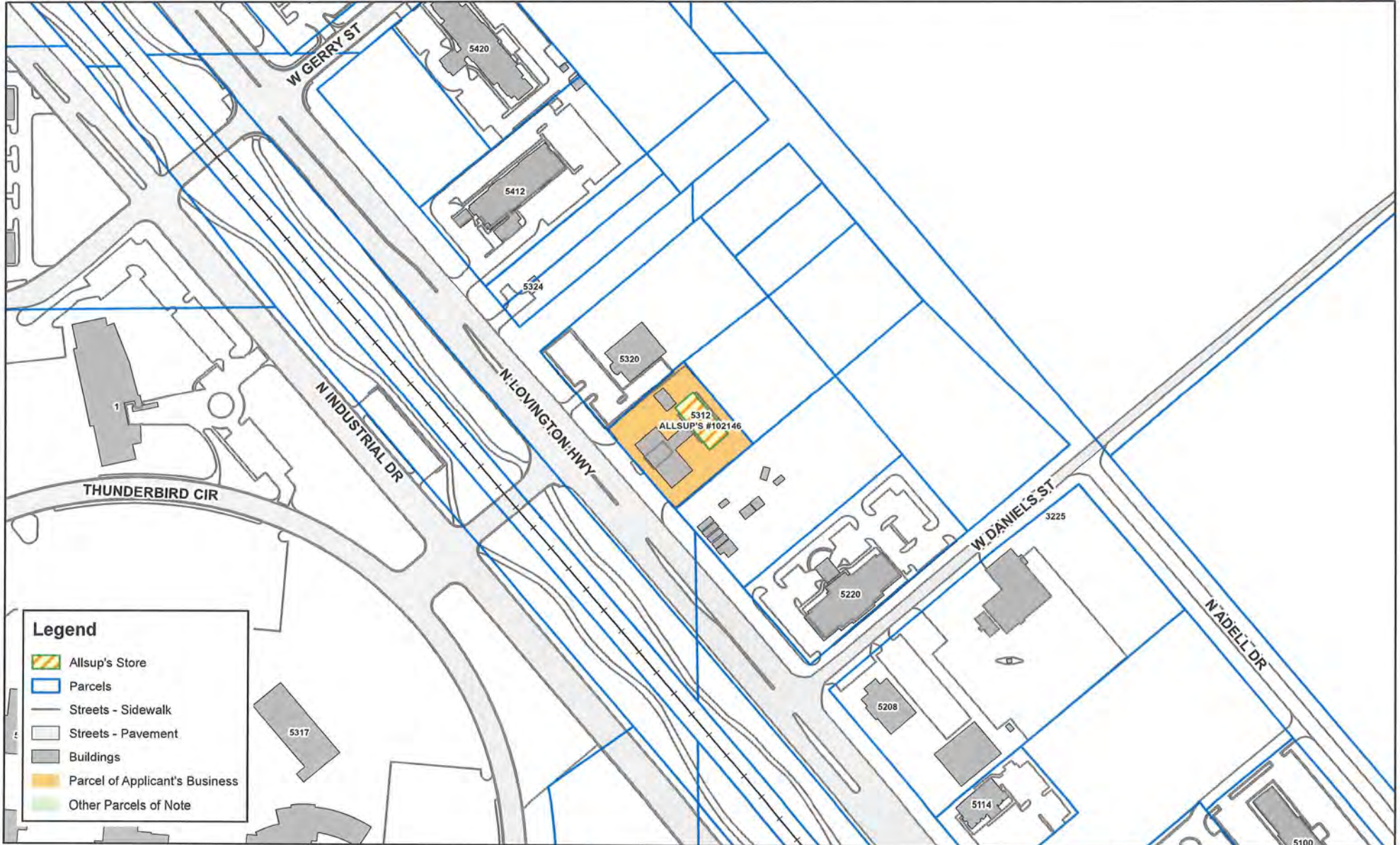
67108146

00246398

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

Allsup's #102146

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:58:27 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR KASS GLORIETTA SUBDIVISION.
Located northeast of the intersection of Glorietta and Dal Paso within the municipal boundaries, submitted by Property Management Plus, LLC.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: October 26, 2020
SUBMITTED BY: Kevin Robinson – Planning Department

Summary: The Final Plan for Kass Glorietta Subdivision, is submitted by Property Management Plus, LLC. The proposed subdivision is located northeast of the intersection of Glorietta and Dal Paso within the municipal boundaries. The proposed subdivision encompasses +/- 2.61 acres and will contain 12 single family residential lots. The Planning Board approved the Final Plans for this Subdivision on October 20, 2020 with a vote of 5 to 0.

Fiscal Impact: Reviewed By: Toby Spears, CFE, CPA
Finance Department

The positive impact of the new development and new housing from GRT collections and monthly utility bills of the residents should offset any expenses that the City will incur from the maintenance responsibility of streets, water and sewer lines.

Attachments: Resolution, Final Plan.

Legal Review: Approved As To Form: [Signature]
City Attorney

Recommendation:
Consideration of the Approval of the Resolution to approve the Final Plan for Kass Glorietta Subdivision.

Approved For Submittal By:

[Signature]
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. 7000

A RESOLUTION APPROVING THE FINAL PLAN OF KASS GLORIETTA SUBDIVISION.

WHEREAS, Property Management Plus, LLC has submitted a Final Plan for Kass Glorietta Subdivision, for review by the City of Hobbs Planning Board; and

WHEREAS, the Final Plan for Kass Glorietta Subdivision, was reviewed and found compliant with MC Title 16 by the City of Hobbs Planning Board.

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

1. The City of Hobbs hereby grants Final Plan Approval to Kass Glorietta Subdivision, as recommended by the City of Hobbs Planning Board; and

2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

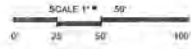
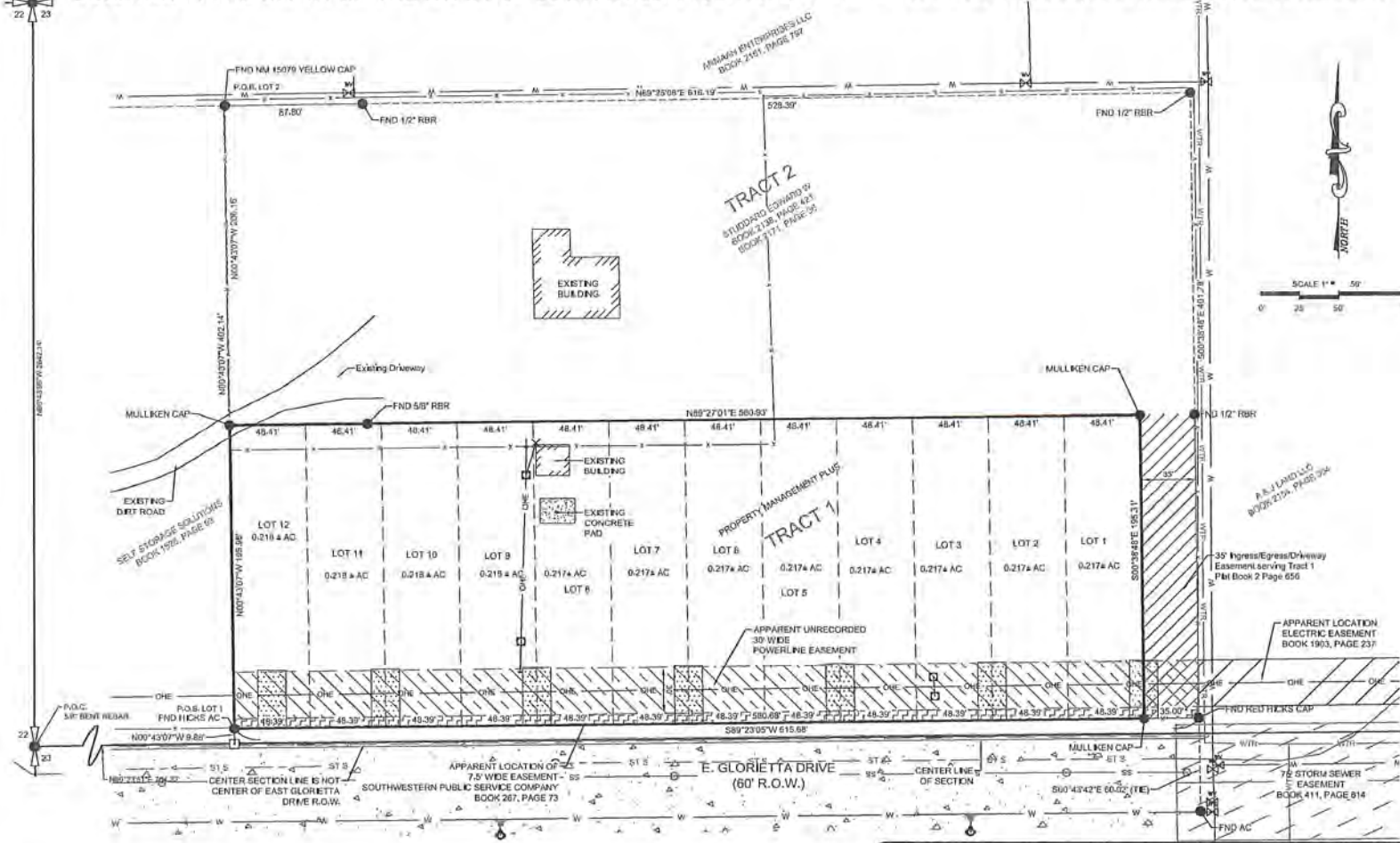
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK

KASS GLORIETTA SUBDIVISION

A CITY OF HOBBS SUBDIVISION OF LOT 1, KASS GLORIETTA SUMMARY SUB, DESCRIBED IN BOOK 2168, PAGE 694,
 LOCATED IN THE SW 1/4 OF THE NW1/4 OF SECTION 23, T18S, R38E, N.M.P.M., CITY OF HOBBS, LEA COUNTY, NEW MEXICO



BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as derived by GPS/GNSS observations. Ground coordinates were obtained from the State Plane Coordinate System by scaling about a control point located at N32°43'59.666732", W103°07'34.89745" by a grid to ground scale factor of 1.0001175664592. True north can be obtained by applying a convergence angle of 0°39'09.8" at this Control Point.



VICINITY MAP
N.T.S.

LEGEND

	Found or recovered monument as noted		Fence
	Found section corner		Overhead Electric Line
	Found quarter section corner		Lot Lines
	Fire hydrant valve		Sanitary Sewer
	Fire hydrant		Storm Sewer
	Storm manhole		Adjacent to line
	Sewer manhole		Water line
	Water valve		Curb and Gutter
	Set 5/8" rebar with orange plastic cap marked "MULLKEN NMP" at all Lot Corners		Proposed Shared Access Driveway Locations
	Section line		Asphalt
	Property line		30' Wide Unrecorded Easement
	Easement line		7.5' Wide Easement
			Ingress/Egress Driveway Easement Serving Tract 1 (Lot 12)
			Measured Bearing and Distance Record Bearing and Distance

PETTIGREW & ASSOCIATES PA
 ENGINEERING | SURVEYING | TESTING
 DEFINING QUALITY SINCE 1955
 100 E. Navajo - Suite 100, Hobbs New Mexico 88240
 T 575 393 9827 F 575 393 1543
 Pettigrew.us

PROJECT SURVEYOR: R. Milliken
 DRAWN BY: V. Maroz, K. Bolker



INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Property Management Plus, LLC

LOCATION:
Section 23, T18S, R38E,
N.M.P.M., City of Hobbs,
Lea County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____
 I here by certify that this instrument was filed for record on:
 The _____ Day of _____
 20____ A.D.
 At _____ O'Clock _____ M.
 Cabinet _____ Slide _____
 Book _____ Page _____
 By _____
 County Clerk
 By _____
 Deputy

Plat
 OF
 Kass Glorietta Subdivision
 No. 2
 FOR
 Property Management Plus, LLC

PROJECT NUMBER:
2020.1183

SHEET:
1 of 2
SU - 101

RECORD DESCRIPTION - PER PLAT BOOK 2, PAGE 656 A tract of land located in the SW1/4 of the NW1/4 of Section 23, T18S, R38E, N.M.P.M., City of Hobbs, Lea County, New Mexico, known as Tract 1, Kass Glorietta Summary Subdivision and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" bent rebar being the west quarter corner of Section 23 then N89°23'51"E a distance of 704.20 feet to a calculated point; then N00°36'09"W a distance of 9.93 feet to a found Hicks Aluminum Cap being the point of beginning; thence N00°43'07"W a distance of 195.98 feet; thence N89°27'01"E a distance of 580.93 feet; thence S00°38'48"E a distance of 195.31 feet; thence S89°23'05"W a distance of 580.68 feet to the point of beginning, said tract containing 2.61 acres as described.

CERTIFICATE OF SURVEY

I, Richard L. Mulliken, New Mexico Professional Surveyor, hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my direct supervision, that this survey is true and correct to the best of my knowledge and belief. I further certify that this plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

Richard L. Mulliken NMPS #16873 Date

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico: _____
County of Lea: _____

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be platted. The property described on this plat lies within the platting jurisdiction of City of Hobbs.

By _____
Nadeem Kassia for Property Management Plus, LLC

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

On this _____ day of _____, 20____, before me, _____ described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public: _____

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD

The plat, restrictions and dedication reviewed and approved on the _____ day of _____, 2019 A.D., by the City Planning Board of Hobbs, New Mexico.

Chairman: William M. Hicks III

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

This instrument was acknowledged before me this _____ day of _____, 2019 A.D., by William M. Hicks III.

My Commission Expires: _____

Notary Public: _____

CERTIFICATE OF MUNICIPAL APPROVAL

I, Jan Fletcher the duly appointed and acting city clerk of the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat of Lot 1, Kass Glorietta Subdivision, was approved by the commission of the City of Hobbs by Resolution No. _____ on the _____ day of _____, 2019, A.D.

Jan Fletcher, City Clerk

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

On this _____ day of _____, 20____, before me, Jan Fletcher to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public: _____



PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: R. Mulliken
DRAWN BY: V. Munoz, K. Baker



INDEXING INFORMATION FOR COUNTY CLERK
OWNER: Property Management Plus, LLC
LOCATION: Section 23, T18S, R38E, N.M.P.M., City of Hobbs, Lea County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____
I here by certify that this instrument was filed for record on:
The _____ Day of _____
20____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____
County Clerk.
By _____
Deputy

Plat
OF
Kass Glorietta Subdivision
No. 2
FOR
Property Management Plus, LLC

PROJECT NUMBER:
2020.1183

SHEET: 2 of 2
SU - 101



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR ZIA CROSSING SUBDIVISION, PHASE 2, UNIT 7. Located southeast of the intersection of Millen Drive and Zia Crossing Parkway within the municipal boundaries, submitted by Black Gold Estates, LLC.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: October 26, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7, is submitted by Black Gold Estates, LLC. The proposed subdivision is located southwest of the intersection of Millen Drive and Zia Crossing Parkway within the municipal boundaries. The proposed subdivision encompasses +/- 25.73 acres and will contain 99 single family residential lots. The Planning Board approved the Final Plans for this Subdivision on October 20, 2020 with a vote of 5 to 0, pending an unqualified EOR Certification of Public Infrastructure. The Municipality is in receipt of an Engineer of Record Certification concerning the installation of infrastructure as to the approved construction plan set.

Fiscal Impact: Reviewed By: Toby Spears, CFE, CPA
Finance Department

The positive impact of the new development and new housing from GRT collections and monthly utility bills of the residents should offset any expenses that the City will incur from the maintenance responsibility of streets, water and sewer lines.

Attachments: Resolution, Final Plan.

Legal Review: Approved As To Form: [Signature]
City Attorney

Recommendation: Consideration of the Approval of the Resolution to approve the Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7.

Approved For Submittal By:

[Signature]
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. 7001

**A RESOLUTION APPROVING THE FINAL PLAN OF ZIA CROSSING
SUBDIVISION, PHASE 2, UNIT 7.**

WHEREAS, Black Gold Estates, LLC has submitted a Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7, for review by the City of Hobbs Planning Board; and

WHEREAS, the Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7 was reviewed and found compliant with MC Title 16 by the City of Hobbs Planning Board and the Municipality is in receipt of the Engineer of Record Certification as to the installation of all public infrastructures.

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

1. The City of Hobbs hereby grants Final Plan Approval to Zia Crossing Subdivision, Phase 2, Unit 7, as recommended by the City of Hobbs Planning Board; and
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

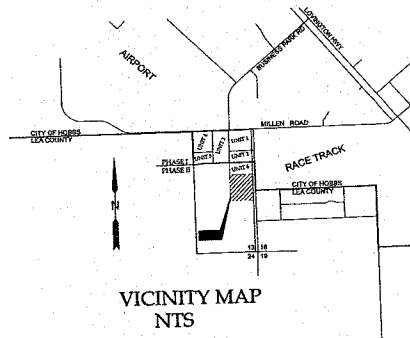
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK

ZIA CROSSING SUBDIVISION PHASE II, UNIT 7

CITY OF HOBBS, LEA COUNTY, NEW MEXICO



PHASE II - UNIT 7 DESCRIPTION and DEDICATION

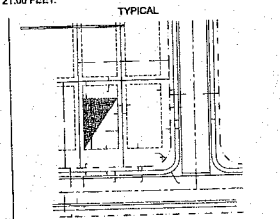
ALL THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 37 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHICH THE EAST 1/4 CORNER OF SAID SECTION 13 BEARS S 08°47'37" E A DISTANCE OF 707.30 FEET AND ALSO FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION BEARS N 53°05'23" W A DISTANCE OF 3207.46 FEET;
 THENCE S 00°39'53" W A DISTANCE OF 1129.40 FEET;
 THENCE S 00°00'00" W A DISTANCE OF 1001.91 FEET;
 THENCE N 00°10'43" W A DISTANCE OF 1119.16 FEET;
 THENCE N 89°28'22" E A DISTANCE OF 825.35 FEET;
 THENCE N 88°41'22" E A DISTANCE OF 57.00 FEET;
 THENCE N 89°20'07" E A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING, AND HAVING AN AREA OF 25.73 ACRES, MORE OR LESS.

SUBDIVIDED AS THE SAME APPEARS HEREON, WITH ALL RIGHTS-OF-WAY AS SHOWN HEREON DEDICATED TO THE PUBLIC, COMPRISING ZIA CROSSING SUBDIVISION, PHASE II, UNIT 6, TO THE CITY OF HOBBS, WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETORS THEREOF, NOTICE IS HEREBY GIVEN THAT THERE HAS BEEN FILED IN THE OFFICE OF THE COUNTY CLERK OF LEA COUNTY, NEW MEXICO, CERTAIN RESTRICTIVE COVENANTS APPLICABLE TO THE ABOVE DESCRIBED PROPERTY, WHICH SAID COVENANTS ARE RECORDED ON PAGE _____ OF BOOK _____, MISCELLANEOUS RECORDS OF SAID COUNTY.

NOTES:

1. SET 1/2" REBAR WITH PLASTIC CAP MARKED LS 8885 AT ALL CORNERS AND BEGINNINGS AND END OF CURVES.
2. SEE PLAT # 15243 RECORDED IN LEA COUNTY
3. LOT SIDE SET BACK LINES ARE 5.0 FEET EXCEPT ALONG RIGHTS- OF-WAY, WHERE 10.00 FOOT SIDE SETBACK LINES APPLY. LOT FRONT SETBACK LINES ARE 21.00 FEET.



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS PLAT IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13, T.18 S., R.37 E., N.M.P.M., BETWEEN THE FOUND MONUMENTS AS DESCRIBED IN THE CITY OF HOBBS GPS SURVEY REPORT AS #143 AT THE N1/4 CORNER AND #144 AT THE NE CORNER OF SAID SECTION 13.

i.e. N 89°28'36" E - 2542.89'
 ALL DISTANCE SHOWN HEREON ARE GROUND VALUES

SURVEYORS CERTIFICATE:

I, RANDY A. BOUET, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND THE PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

Randy A. Bouet
 RANDY A. BOUET, N.M.P.L.S. 8885

9/22/20
 DATE



CERTIFICATE OF MUNICIPAL APPROVAL:

STATE OF NEW MEXICO)
 COUNTY OF LEA)

I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF THE ZIA CROSSING SUBDIVISION, PHASE II, UNIT 7, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. _____ ON THE _____ OF _____, 2020 A.D.

JAN FLETCHER, CITY CLERK

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:

THE PLAT, RESTRICTIONS AND DEDICATION APPROVED AND ACCEPTED THE _____ DAY OF _____, 2020, A.D., BY THE CITY PLANNING BOARD OF HOBBS, NEW MEXICO.

CHAIRMAN: WILLIAM M. HICKS III

ACKNOWLEDGMENT:

STATE OF NEW MEXICO)
 COUNTY OF LEA)

ON THIS 16 DAY OF October, 2020, BEFORE ME PERSONALLY APPEARED DANIEL W. DATTOLO, AGENT FOR BLACK GOLD ESTATES, LLC, TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED. *Daniel W. Datto*

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES:

September 15, 2023

Robert L. Morris
 NOTARY PUBLIC



FOUR CORNERS SURVEYING, INC.
 21150 COUNTY ROAD U, CORTEZ, CO 81321
 970-882-4241

DRAWN RAB	DATE 7/15/2020	ZIA CROSSING SUBDIVISION PHASE II, UNIT 7 CITY OF HOBBS, NEW MEXICO
APPROVED	DATE	
SCALE NOT TO SCALE	SHEET 1 OF 2	PROJECT NO. 925UNIT7TITLESHEET

LEA COUNTY SEAL

STATE OF NEW MEXICO
 COUNTY OF LEA

FILED _____ 2020

AT _____ O'CLOCK _____ M
 AND RECORDED IN _____

BOOK _____ PAGE _____

BY _____
 LEA COUNTY CLERK

ZIA CROSSING SUBDIVISION PHASE II, UNIT 7 = 99 LOTS

TOTAL ACREAGE = 25.73 AC.

N1/4 CORNER SECTION 13
FOUND CONCRETE
MONUMENT WITH
BRASS DISK

BLACK COLD ESTATES, LLC

GREY GHOST ROAD

UNIT 6

UNIT 7

UNIT 8

UNIT 9

UNIT 10

UNIT 11

UNIT 12

UNIT 13

UNIT 14

UNIT 15

UNIT 16

UNIT 17

UNIT 18

UNIT 19

UNIT 20

UNIT 21

UNIT 22

UNIT 23

UNIT 24

UNIT 25

UNIT 26

UNIT 27

UNIT 28

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UNIT 85

UNIT 86

UNIT 87

UNIT 88

UNIT 89

UNIT 90

UNIT 91

UNIT 92

UNIT 93

UNIT 94

UNIT 95

UNIT 96

UNIT 97

UNIT 98

UNIT 99

ZIA PARK, LLC

MUNICIPAL INFRASTRUCTURE CORRIDOR

TO THE
N1/4 CORNER SECTION 13
FOUND CONCRETE
MONUMENT WITH
BRASS DISK



9/23/20

CURVE	ARC	LENGTH	START	END	CHORD	BEARING	CHORD	BEARING	CHORD	LENGTH
C01	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C02	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C03	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C04	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C05	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C06	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C07	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C08	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C09	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C10	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C11	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C12	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C13	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C14	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C15	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C16	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C17	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C18	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C19	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C20	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C21	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C22	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C23	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C24	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C25	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C26	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C27	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C28	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C29	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C30	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C31	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35
C32	39.35	25.00	89°28'22"	S	44.24	111.00°	44.24	111.00°	25.00	39.35

ZIA CROSSING PARKWAY = 80' ROW
 KING KELLY ROAD = 57' ROW
 GREY GHOST ROAD = 57' ROW
 BACKSTRETCH ROAD = 57' ROW
 BIG CY ROAD = 57' ROW
 MIGHTY ATOM ROAD = 57' ROW
 THE COUNT ROAD = 80' ROW
 MIGHTY ATOM CIRCLE = 57' ROW

UNIT BEARING DISTANCE
 U1 N 45°12'30" E 144.92'



LEGEND:
 THESE STANDARD SYMBOLS MAY BE FOUND IN THE DRAWING.

- POINT AS DESCRIBED HEREON
- SUBDIVISION BOUNDARY
- CENTERLINE OF ROAD

SET 1/2" REBAR WITH PLASTIC CAP LS865 AT ALL CORNERS AND BEGINNING AND END OF CURVES

FOUR CORNERS SURVEYING, INC.
 21150 COUNTY ROAD U, CORTEZ, CO 81321
 970-882-4241

DRAWN	DATE	ZIA CROSSING SUBDIVISION
RAB	7/15/2020	PHASE II, UNIT 7
APPROVED	DATE	CITY OF HOBBS, NEW MEXICO

SCALE: 1" = 60'
 SHEET: 2 OF 2
 PROJECT NO.: S925UNITSH2REVA2



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY REAL PROPERTY LOCATED AT 3425 N. NORTHWEST, TO TROY AND MELISSA HUDSON FOR THE PURCHASE PRICE OF \$155,000.00.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: October 26, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Adoption of the Ordinance to sell and convey real property located at 3425 N. Northwest to Troy and Melissa Hudson for the purchase price of \$155,000.00. The City of Hobbs is proposing to sell municipally owned property located at 3425 N. Northwest to Troy and Melissa Hudson for the purchase price of \$155,000.00.

Fiscal Impact:

Reviewed By: Toby Spears, CFE, CPA
Finance Department

The Fixed Asset Value for this property is \$132,036.16. Funds received upon closing will be deposited into the General Fund (Original Acquisition Fund). Most recent Appraisal conducted on June 5, 2018 reflected an opinion of Fair Market Value at \$158,000.00. As per the attached REPA a 6% Commission will be due to the Realtor at closing resulting in the net to the public being \$145,700.00.

Attachments: Ordinance; Site Map, Real Estate Purchase Agreement

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Staff recommends consideration to approve adoption of the Ordinance.

Approved For Submittal By:

[Signature]
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, NEW MEXICO

ORDINANCE NO. 1127

AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY REAL PROPERTY LOCATED AT 3425 N. NORTHWEST, TO TROY AND MELISSA HUDSON FOR THE PURCHASE PRICE OF \$155,000.00.

WHEREAS, the City of Hobbs, a municipal corporation, is the owner of real property located at 3425 N. Northwest; and

WHEREAS, the Commission has determined that the public would be better served if the property is conveyed to the private sector; and

WHEREAS, unless a referendum election is held, the Ordinance authorizing the sale of this property shall be effective forty-five (45) days after its adoption.

WHEREAS, inclusive in this Ordinance are the following:

1. **Terms of Sale:** The City proposes to sell 3425 N. Northwest for the purchase price of \$155,000.00.

The Sale of the City owned Real Property must be approved by City Ordinance pursuant to NMSA Section 3-54-1 et. seq., as amended.

An Agreement for the Purchase of Real Estate concerning terms of the sale are part of the Proposed Ordinance.

2. **Appraised Value of Municipally Owned Real Property:** The property has been appraised and the proposed purchase price is within 98% of the appraisal.

3. **Schedule of Payments:** The Purchase Price is to be paid with an earnest money deposit (escrowed upon acceptance of purchase agreement) with the balance to be paid as follows:

Earnest Money Deposit:	\$ 1,500
At Closing Balance of Cash	\$153,500
Total Payments	\$155,000

4. **The Amount of Purchase Price:** \$155,000

5. **Purchaser of Property:** Troy and Melissa Hudson

6. **Purpose of Municipal Sale:** Disposition of Residential Property.

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

(I)

That the City of Hobbs hereby approves the sale of the Property as described as follows:

LEGAL DESCRIPTION

Lot 7, Block 26, Unit 16 of Lincoln Park Addition.

Subject to the conditions and terms in Exhibit "2", Real Estate Purchase Agreement, as attached hereto and made a part of this Ordinance.

(II)

That this Ordinance has been published prior to its adoption and shall be published at least once after adoption, pursuant to Sections 3-2-1, et. seq., and 3-54-1, et. seq., NMSA 1978, as amended.

(III)

That the effective date of this Ordinance shall be forty-five (45) days after its adoption by the governing body of the City of Hobbs, unless a referendum election is held.

(IV)

That City staff and officials are hereby authorized and directed to do all acts and deeds necessary in the accomplishment of the above.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2020.

CITY OF HOBBS, NEW MEXICO

By _____
Sam D. Cobb, Mayor

ATTEST:

By _____
JAN FLETCHER, City Clerk

REAL ESTATE PURCHASE AGREEMENT
For
3425 N. Northwest

THIS REAL ESTATE PURCHASE AGREEMENT (hereinafter "Agreement"), entered into this ____ day of _____, 2020, between Troy and Melissa Hudson, 8525 N. Matt Drive, Hobbs, New Mexico 88242 (hereinafter "Purchaser"); and the City of Hobbs, New Mexico, a New Mexico Municipal Corporation (hereinafter "City").

RECITALS:

The City, in consideration of the mutual covenants herein contained, agrees to sell and convey, and Purchaser agrees to purchase the real estate described below, together with all buildings and improvements and all rights, hereditaments, easements and appurtenances thereunto belonging, property located at 3425 N. Northwest, more particularly described as follows, and referred to hereinafter as "Property, " on the terms and conditions set forth herein.

LEGAL DESCRIPTION

Lot 7, Block 26, Unit 16 of the Lincoln Park Addition to City of Hobbs, Lea County, New Mexico.

NOW THEREFORE THE FOLLOWING IS AGREED BY THE PARTIES:

1. Earnest Money Deposit.

Purchaser will make an earnest money deposit with the Closing Agent in the sum of One Thousand Five Hundred dollars (\$1,500.00), within 24 hours of Commission Approval of this agreement.

2. Purchase Price.

The purchase price for the Property shall be One Hundred Fifty Five Thousand dollars (\$155,000.00) of which the amount paid as earnest money shall be a part.

3. Closing Date.

Closing for the sale of the Property shall occur on a mutually agreeable date, at least forty-five (45) days, but not more than one hundred eighty (180) days after the adoption of the ordinance authorizing the sale by the City, unless a referendum election is held pursuant to 3-54-1, NMSA, 1978, as amended. The parties may extend the Closing Date by mutual agreement, not to exceed 365 days following the date of the ordinance.

4. Commissions.

Seller and Buyer warrant and represent to each other that they have not employed any other real estate agent or broker relative to the sale and purchase of the Property, other than Paula Eggleton, whose six percent (6%) commission shall be paid by Seller at Closing. Each party hereby agrees to indemnify and hold harmless the other from and against any liability (including costs and reasonable attorneys' fees) incurred in the defense thereof to any other agents or brokers with whom such party may have dealt.

5. Title and Property Condition.

At closing, the City shall execute and deliver a Special Warranty Deed conveying the Property to the Purchaser and/or his assigns, in fee simple, subject to all patent reservations and to all other existing liens, encumbrances and other exceptions of record.

Purchaser has conducted a thorough inspection of the subject property, or at a minimum has been given adequate opportunity to do so and has waived the same, and agrees to purchase the property "as is\where is." By this statement, purchaser acknowledges that purchaser will forever be barred from bringing any claim against the seller associated, in any way, with any condition of the subject property, whether now known or later discovered.

6. Risk of Loss.

All risk of loss or damage to the Property will pass from the City to Purchaser at closing. In the event that material loss or damage occurs prior to closing, Purchaser may, without liability, refuse to accept the conveyance of title, in which event the earnest money deposit, if any, shall be refunded. Possession of the Property by Purchaser shall occur at closing. Before closing, Purchaser shall be solely responsible to insure Purchaser's interest in the Property if Purchaser so chooses.

7. Default and Remedy.

A. **Default by City.** If City defaults in the performance of this Agreement, Purchaser may terminate this Agreement and receive a refund of the earnest money deposit, if any, or may waive default, enforce performance of this contract, and seek whatever legal remedy may be provided by law.

B. **Default by Purchaser.** If Purchaser defaults in the performance of this Agreement prior to closing, City may terminate this Agreement and retain the earnest money deposit.

C. **Notice and Demand for Performance.** In the event that either party fails to perform such party's obligations hereunder (except as excused by the other's default), the party claiming default will give written notice of demand for performance. If the party to whom such notice and demand is given fails to comply with such written demand within

ten (10) days after receipt thereof, the non-defaulting party may pursue the remedies provided in this paragraph.

8. Costs and Fees.

The closing costs shall be paid as follows:

- A. All closing costs shall be paid by the Purchaser, including title insurance premium costs up to or in excess of the purchase price.
- B. The Purchaser and City shall each pay for their respective legal fees.

9. Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by certified mail, postage prepaid, to the City, at City of Hobbs, ATTN: City Manager, 200 East Broadway, Hobbs, NM 88241; and to Purchaser, at Troy and Melissa Hudson, 8525 N. Matt Drive, Hobbs, New Mexico 88242, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

10. Attorney's Fees and Costs.

Both parties agree that if either is found by a court to have breached this agreement, the other party may recover reasonable attorney's fees and cost of litigation, including the costs of a City Attorney as a staff person.

11. Counterparts.

This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

12. Successors and Assigns.

This Section refers to assignability of this Purchase Agreement and not to assignability of the Property after the land purchase has been completed. This Agreement may not be assigned by Purchaser without the prior written consent of the City. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Except that Purchaser is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which he is the principal party. Consent shall not unreasonably be withheld by either party.

13. Compliance with New Mexico State Statutes.

The City states that it has complied with the requirements of Section 3-54-1, NMSA, 1978, as amended, and that it has authorization to sell property pursuant to the Hobbs Municipal Code, as amended.

The Buyer states that pursuant to NMSA 1978, Section 14-13-4(F), the buyer waives the disclosure requirements set out by NMSA 1978, Section 47-13-4, et seq.

14. Governing Laws.

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

15. Termination.

This agreement shall be terminated on the closing date for sale of property. All of the City's warranties, representations, certifications, and agreements contained herein shall be and remain true at the time of closing.

16. Conditions For Completing The Purchase.

The following actions must occur and be performed prior to Purchaser satisfactorily closing on the Property:

- A. The City Commission must have approved the necessary Ordinance for the Sale of the Property, subject only to the referendum election issue as specified in 3-54-1 et. seq., NMSA, as amended.
- B. There shall be no material adverse change in the condition of the Property as of closing.
- C. The representations and warranties contained in this Agreement are true and correct as of the date of closing.

17. Representations and Certifications Made By The City As A Part Of This Agreement.

The City represents and warrants to the Purchaser that the following shall be true and correct, as of the date hereof and as of the date of closing:

- A. The City owns title to the Property subject only to easements, restrictions and reservations of record.
- B. There are no public improvements which have been commenced or completed for which special real property tax assessments may be or have been levied against the Property.
- C. There are no known existing violations of applicable law with respect to the Property.
- D. There is no litigation pending or threatened against the Property which might result in a lien on the Property, or might interfere with the City's ability to sell or convey the Property, or which might have a material adverse change upon the Property.
- E. The execution and delivery of the Purchase Agreement and closing of the sale by the City will not result in the breach of any agreement, decree or order to which the City is a party or by which the Property is bound.
- F. There are no condemnation proceedings pending or threatened with respect to all or any portion of the Property.
- G. The City is not a party to any contracts relating to the Property, except for this Agreement.

18. Time of Essence.

Time is declared to be of the essence of this Agreement.

19. Additional Documents.

The parties agree to execute further documents as may be reasonably required to effectuate the purchase and sale of the Property as provided by this Agreement.

20. Entire Document.

This instrument constitutes the entire agreement between the City and the Purchaser, and there are no agreements, understandings, warranties, or representations between the Purchaser and the City except as set forth herein. This Agreement cannot be amended except in writing executed by the Purchaser and the City.

Done and approved on the date first written above.

THE CITY OF HOBBS

PURCHASER

Troy Hudson

Mayor Sam Cobb

Melissa Hudson

ATTEST:

APPROVED AS TO FORM:

Jan Fletcher, City Clerk

Efren Cortez, City Attorney



RELATED PARTY DISCLOSURE FORM

1. Are you indebted to or have a receivable from any member of the City of Hobbs Commission, administration officials, department heads, and key management supervisors with the City of Hobbs?

YES ___ NO ___

2. Are you an employee of the City of Hobbs or a member of your family an employee of the City of Hobbs?

YES ___ NO ___

3. Are you related to any member of the City of Hobbs Commission, administration officials, department heads, key management supervisors of the City of Hobbs?

YES ___ NO ___

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Signature _____ Date _____

(Print Name): _____



RELATED PARTY DISCLOSURE FORM

1. Are you indebted to or have a receivable from any member of the City of Hobbs Commission, administration officials, department heads, and key management supervisors with the City of Hobbs?

YES ___ NO ___

2. Are you an employee of the City of Hobbs or a member of your family an employee of the City of Hobbs?

YES ___ NO ___

3. Are you related to any member of the City of Hobbs Commission, administration officials, department heads, key management supervisors of the City of Hobbs?

YES ___ NO ___

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Signature _____ Date _____

(Print Name): _____



MARQUIS

BRADLEY

CORDOBA

CAMINO REAL

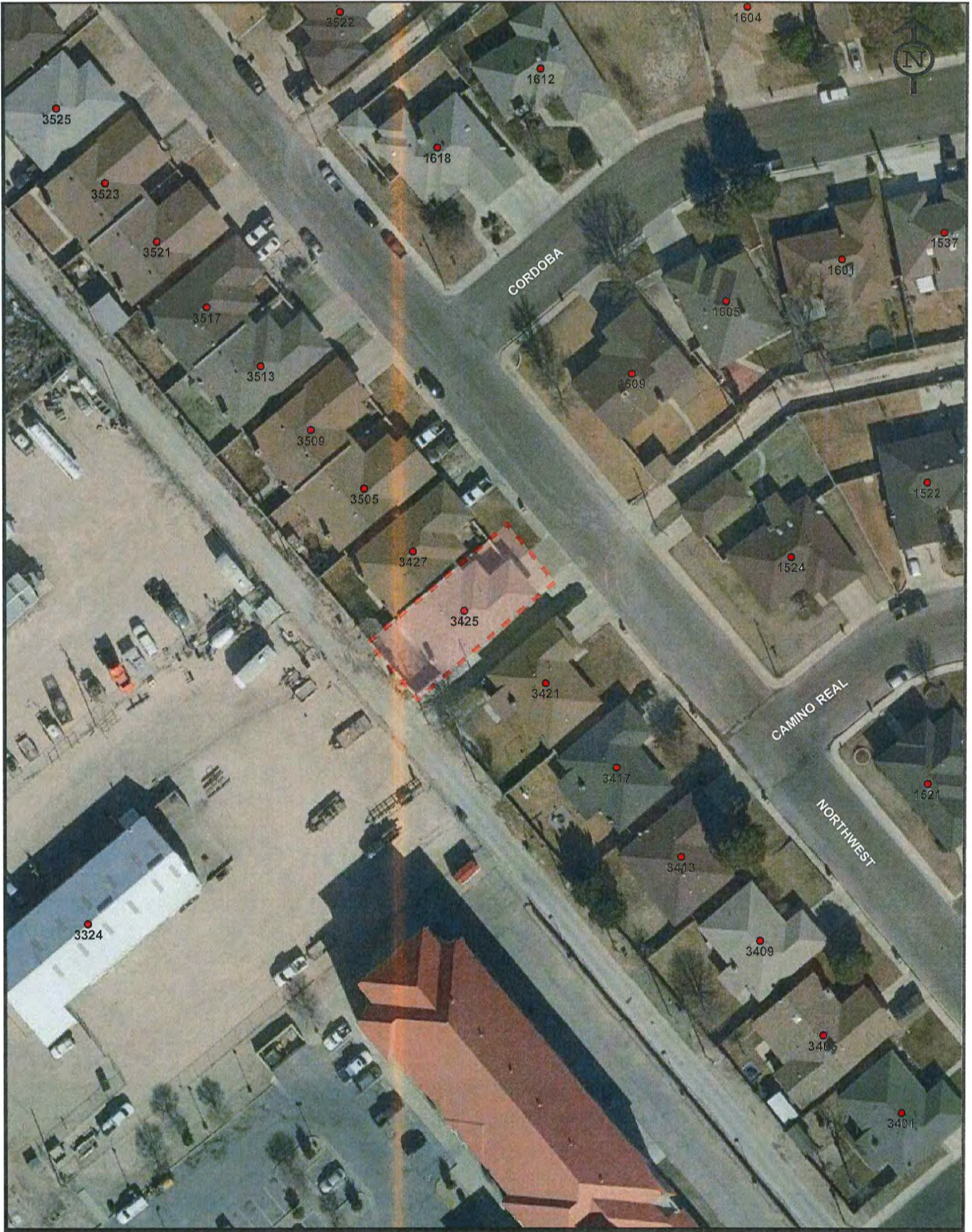
CAPROCK

NORTHWEST

LOVINGTON

INDUSTRIAL

COMMERCE



CORDOBA

CAMINO REAL

NORTHWEST

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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
October 11, 2020
and ending with the issue dated
October 11, 2020.



Publisher

Sworn and subscribed to before me this
11th day of October 2020.



Business Manager

My commission expires

January 29, 2023

(Seal)

OFFICIAL SEAL
GUSSIE BLACK
Notary Public
State of New Mexico

My Commission Expires 1-29-23

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
October 11, 2020

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 2nd day of November, 2020, 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 selling real property located at 3425 North Northwest. A summary of the ordinance is described as follows:

AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY REAL PROPERTY LOCATED AT 3425 N. NORTHWEST, TO TROY AND MELISSA HUDSON FOR THE PURCHASE PRICE OF \$155,000.00.

WHEREAS, the City of Hobbs, a municipal corporation, is the owner of real property located at 3425 N. Northwest; and

WHEREAS, the Commission has determined that the public would be better served if the property is conveyed to the private sector; and

WHEREAS, unless a referendum election is held, the Ordinance authorizing the sale of this property shall be effective forty-five (45) days after its adoption.

WHEREAS, inclusive in this Ordinance are the following:

1. Terms of Sale: The City proposes to sell 3425 N. Northwest for the purchase price of \$155,000.00.

The Sale of the City owned Real Property must be approved by City Ordinance pursuant to NMSA Section 3 54 1 et. seq., as amended.

An Agreement for the Purchase of Real Estate concerning terms of the sale are part of the Proposed Ordinance.

2. Appraised Value of Municipally Owned Real Property: The property has been appraised and the proposed purchase price is within 98% of the appraisal.

3. Schedule of Payments: The Purchase Price is to be paid with an earnest money deposit (escrowed upon acceptance of purchase agreement) with the balance to be paid as follows:

Earnest Money Deposit:	\$ 1,500
At Closing Balance of Cash	\$153,500
Total Payments	\$155,000

4. The Amount of Purchase Price: \$155,000

5. Purchaser of Property: Troy and Melissa Hudson

6. Purpose of Municipal Sale: Disposition of Residential Property.

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

(I)
That the City of Hobbs hereby approves the sale of the Property as described as follows:

LEGAL DESCRIPTION

Lot 7, Block 26, Unit 16 of Lincoln Park Addition.

Subject to the conditions and terms in the Real Estate Purchase Agreement

(II)
That this Ordinance has been published prior to its adoption and shall be published at least once after adoption, pursuant to Sections 3-2-1, et. seq., and 3-54-1, et. seq., NMSA 1978, as amended.

(III)
That the effective date of this Ordinance shall be forty-five (45) days after its adoption by the governing body of the City of Hobbs, unless a referendum election is held.

(IV)
That City staff and officials are hereby authorized and directed to do all acts and deeds necessary in the accomplishment of the above.

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.

#35892

/s/ Jan Fletcher
Jan Fletcher, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Publication of an Ordinance Amending Chapter 2.60 of the Hobbs Municipal Code Related to Labor Management Relations

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Efren A. Cortez, City Attorney

Summary: During the 2020 Regular Legislative Session, the New Mexico Legislature passed House Bill 364 which amended the Public Employees Bargaining Act (NMSA 1978, § 10-7E-1, et seq.). On March 5, 2020, Governor Michelle Lujan Grisham signed HB 364. Part of HB 364 required local governments to submit to the State Public Employees Labor Relations Board (PELRB) copies of updated local ordinances that reflect the changes required by HB 364. The PELRB has approved a model ordinance and the attached ordinance substantially complies with the approved model ordinance. Failure to adopt a local ordinance that substantially complies with the model ordinance may result in the local government losing its local labor board.

Fiscal Impact:

Reviewed By: Toby Spears, CFE, CPA
Finance Department

There is no fiscal impact for this ordinance amendment.

Attachments:

Proposed Ordinance.

Legal Review:

Approved As To Form: *EAC*
City Attorney

Recommendation:

The Commission should consider publication of the ordinance amendment.

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 AMENDING CHAPTER 2.60 OF THE HOBBS
MUNICIPAL CODE RELATED TO LABOR MANAGEMENT RELATIONS

WHEREAS, during the 2020 Regular Legislative Session, the New Mexico Legislature passed, adopted, and approved House Bill 364 which amended the Public Employees Bargaining Act (NMSA 1978, § 10-7E-1, et seq.); and

WHEREAS, on March 5, 2020, Governor Michelle Lujan Grisham signed House Bill 364 into law; and

WHEREAS, part of House Bill 364 is now codified in NMSA 1978, § 10-7E-10(B) which requires that no later than December 31, 2020, each local labor board shall submit to the State Public Employees Labor Relations Board (PELRB) copies of a revised local ordinance, resolution or charter amendment authorizing continuation of the local board; and

WHEREAS, through negotiations and continued effort, the PELRB has approved a model ordinance to comply with the changes required by House Bill 364; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Hobbs that the Hobbs Municipal Code Chapter 2.60 be repealed in its entirety and replaced as follows:

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Chapter 2.60 - LABOR MANAGEMENT RELATIONS

2.60.010 - Short title.

The ordinance codified in this chapter may be cited as the "City of Hobbs Labor Management Relations Ordinance."

(Ord. 927 (part), 2004)

2.60.020 - Purpose.

The purpose of this chapter is to guarantee employees the right to organize and bargain collectively with their employer, to protect the rights of the employer and the employees and to promote harmonious and cooperative relationships between the employer and the employees, and to acknowledge the obligation of the employer and the employees to provide orderly and uninterrupted services to the citizens.

(Ord. 927 (part), 2004)

2.60.030 - Conflicts.

In the event of conflict with other City of Hobbs ordinances, the provisions of this chapter shall supersede other previously enacted ordinances. City of Hobbs sanctioned rules and regulations, administrative directives, departmental rules and regulations, and work place practices shall control unless there is a conflict with a collective bargaining agreement. Where a conflict exists, the collective bargaining agreement shall control.

(Ord. 927 (part), 2004)

2.60.040 - Definitions.

As used in this chapter:

"Appropriate bargaining unit" means a group of employees designated by the Board for the purpose of collective bargaining.

"Appropriate governing body" means the policymaking body or individual representing a public employer;

"Authorization card" means a signed affirmation by a member of an appropriate bargaining unit designating a particular organization as exclusive representative;

"Board" means the City of Hobbs Labor Management Relations Board.

"Certification" means the designation by the Board of a labor organization as the exclusive representative for all employees in an appropriate bargaining unit.

"Collective bargaining" means the act of negotiating between the employer and an exclusive representative for the purpose of entering into a written agreement regarding wages, hours and other terms and conditions of employment.

"Confidential employee" means a person who devotes a majority of his or her time to assisting and acting in a confidential capacity with respect to a person who formulates, determines and effectuates management policies.

"Emergency" means a one-time crisis that was unforeseen and unavoidable.

~~"Employee" means a regular non-probationary employee of the City of Hobbs.~~

~~"Employer" means the City of Hobbs.~~

"Exclusive representative" means a labor organization that, as a result of certification ~~by the Board,~~ has the right to represents all public employees in an appropriate bargaining unit for the purposes of collective bargaining.

~~"Fair share" means the payment to a labor organization which is the exclusive representative for an appropriate bargaining unit by an employee of that bargaining unit who is not a member of that labor organization equal to a certain percentage of membership dues. Such figure is to be calculated based on United States and New Mexico statutes and case law identifying those expenditures by a labor organization which are permissibly chargeable to all employees in the appropriate bargaining unit under United States and New Mexico statutes and case law, including, but not limited to, all expenditures incurred by the labor organization in negotiating the contract applicable to all employees in the appropriate bargaining unit, servicing such contract, and representing all such employees in grievances and disciplinary actions.~~

~~"Governing body" means the City of Hobbs City Commission.~~

"Impasse" means failure of thea public employer and an exclusive representative, after good-faith bargaining, to reach agreement in the course of negotiating a collective bargaining agreement.

"Labor organization" means any employee organization, one ~~(1)~~ of whose purposes is the representation of public employees in collective bargaining and in otherwise meeting, consulting, and conferring with employers on matters pertaining to employment relations.

"Lockout" means an act by the employer to prevent its employees from going to work for the purpose of resisting demands of the employees' exclusive representative or for the purpose of gaining a concession from the exclusive representative.

"Management employee" means an employee who is engaged primarily in executive and management functions and is charged with the responsibility of developing, administering or effectuating management policies. An employee shall not be deemed a management employee solely because the employee participates in cooperative decision-making programs ~~on an occasional basis~~ or whose fiscal responsibilities are routine, incidental or clerical.

"Mediation" means assistance by an impartial third party to resolve an impasse ~~in contract negotiation~~ between thea public employer and an exclusive representative regarding employment relations through interpretation, suggestion and advice.

"Professional employee" means an employee whose work is predominantly intellectual and varied in character and whose work involves the consistent exercise of discretion and judgment in its performance and requires knowledge of an advanced nature in a field of learning customarily requiring specialized study at an institution of higher education or its equivalent. The work of a professional employee is of such character that the output or result accomplished cannot be standardized in relation to a given period of time.

"Public employee" means a regular non-probationary employee of the City of Hobbs; and includes those employees whose work is funded in whole or in part by grants or other third party sources.

"Public employer" means the City of Hobbs.

"Strike" means an public employee's refusal, in concerted action with other public employees, to report for duty or his or her willful absence ~~or withholding of service~~ in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the working-conditions, compensation, rights, privileges or obligations of public employment.

"Supervisor" means an employee who devotes a majority amount of work time to supervisory duties, who customarily and regularly directs the work of two ~~(2)~~ or more other employees and who has the authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively, but "supervisor" - This definition does not include an individuals who performs

merely routine, incidental, or clerical duties or who occasionally assumes a supervisory or directory roles or whose duties are substantially similar to those of their individual's subordinates and does not include a lead employees or an employees who occasionally participates in peer review or occasional employee evaluation programs of employees.

(Ord. 927 (part), 2004)

2.60.050 - Rights of employees.

A. Employees, other than management, supervisory, confidential, and probationary employees, may form, join or assist any labor organization for the purpose of collective bargaining through a representative chosen by the employees without interference, restraint or coercion. Employees also have the right to refuse to form, join or assist any labor organization.

B. Public employees have the right to engage in other concerted activities for mutual aid or benefit. This right shall not be construed as modifying the prohibition on strikes set forth in subsection of this ordinance.

(Ord. 927 (part), 2004)

2.60.060 - ~~Management rights~~Rights of Employer.

Unless limited by the provisions of a collective bargaining agreement or by other statutory provision, the ~~employer's rights shall include, but are not limited to, the following~~employer may:

- A. ~~To d~~Direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees;
- B. ~~To d~~Determine qualifications for employment and the nature and content of personnel examinations;
- C. ~~To t~~Take actions as may be necessary to carry out the mission of the employer in emergencies; and
- D. ~~The employer r~~Retains all rights not specifically limited by a collective bargaining agreement or by the Public Employee Bargaining Act.

(Ord. 927 (part), 2004)

2.60.070 - Labor Management Relations Board ~~created~~Terms- Conditions of Continued Existence and Transfer of Authority Upon Termination.

A. The "Labor-Management Relations Board" ~~is hereby created~~ in 2004 pursuant to Ordinance number 927 shall continue to exist except as provided in NMSA 1978, Section 10-7E-10(B) through 10-7E-10(J)(2020).

B. The Board shall be composed of three (3) members appointed by the Mayor and approved by the City Commission. One (1) member shall be appointed on the recommendation of individuals representing labor, one (1) member shall be appointed on the recommendation of the City Manager, and one (1) member shall be appointed on the recommendation of the first two (2) appointees.

BC. Board members shall serve for a period of one (1) year with terms ~~commencing in the month of September except in the initial appointment which will be a shorter term effective the same day as the ordinance codified in this chapter.~~ Vacancies shall be filled in the same manner as the original appointment, and such appointments shall only be made for the remainder of the unexpired term. A Board member may serve an unlimited number of terms.

CD. During the term of appointment, no Board member shall hold or seek any other political office or public employment or be an employee of a union, ~~or~~ an organization representing public employees or a public employer.

DE. Each Board member shall be paid per diem and mileage in accordance with the provisions of the Per Diem and Mileage Act.

(Ord. 927 (part), 2004)

2.60.080 - Board—Powers and duties.

A. The Board shall promulgate rules and regulations necessary to accomplish and perform its functions and duties as established in the ordinance codified in this chapter, including the establishment of procedures for:

1. The designation of appropriate bargaining units;
2. The selection, certification and decertification of exclusive representatives; and
3. The filing, hearing, and determination of complaints of prohibited practices. ~~This does not apply to negotiation impasse or grievances subject to the required negotiated grievance process.~~

B. The Board shall:

1. Hold hearings and make inquiries necessary to carry out its functions and duties;
2. Conduct studies on problems pertaining to employee-employer relations, and
23. Request information and data from public employers and labor organizations ~~the information and data~~ necessary to carry out ~~the its~~ functions and responsibilities ~~of the Board~~.
4. Hire personnel or contract with third parties as the appropriate governing body deems necessary to assist the Board in carrying out its functions and may delegate any or all of its authority to those third parties, subject to final review of the Board.

C. The Board may issue subpoenas requiring, upon reasonable notice, the attendance and testimony of witnesses and the production of ~~any~~ evidence, including books, records, correspondence or documents relevant relating to the matter in question. The Board may prescribe the form of the subpoena, but it shall adhere insofar as practicable to the form used in civil actions in the District Court. The Board may administer oaths and affirmations, examine witnesses and receive evidence. ~~Subject to the approval of funds, the Board may contract with a third party to assist it in carrying out its functions.~~

D. The Board shall decide all issues by majority vote and shall issue its decisions in the form of written orders and opinions. ~~The decisions of the Board on interpretation and applications of the ordinance codified in this chapter are final and binding on the parties subject to the appeal process provided in Section 2.60.200. The Board's hearing authority does not apply to negotiation impasses or issues dealing with the collective bargaining agreement where a grievance procedure has been negotiated for that purpose by the parties as required by law.~~

E. The Board has the power to enforce provisions of the Public Employee Bargaining Act and this ordinance City of Hobbs Labor Management Relations Ordinance and the Board's Labor Management Relations Rules and Regulations through the imposition of appropriate administrative remedies, actual damages related to dues, back pay including benefits, reinstatement with the same seniority status that the employee would have had but for the violation, declaratory or injunctive relief or provisional remedies, including temporary restraining orders or preliminary injunctions. No punitive damages or attorney fees may be awarded by the Board.

~~F. The Board shall have no power to promulgate policy other than for its own operation.~~

GF. No rule or regulation promulgated by the Board shall require, directly or indirectly, as a condition of continuous employment, any employee covered by the ordinance codified in this chapter to pay money

to any labor organization that is certified as an exclusive representative. ~~This issue of fair share shall be a permissive as opposed to a mandatory subject of bargaining between the employer and the exclusive representative.~~

(Ord. 927 (part), 2004)

2.60.090 - Hearing procedures.

- A. The Board may hold hearings for the purposes of:
 - 1. Information gathering and inquiry;
 - 2. Adopting rules and regulations; and
 - 3. Adjudicating disputes and enforcing the provisions of the ordinance codified in this chapter and rules and regulations adopted pursuant to the ordinance.
- B. The Board shall adopt regulations-rules setting forth procedures to be followed during hearings of the Board. Such regulations-rules shall meet minimal due process requirements of the State and Federal constitution.
- C. The Board may appoint a hearing examiner to conduct any adjudicatory hearing authorized by the Board. At the conclusion of the hearing, the examiner shall prepare a written report, including findings and recommendations, all of which shall be submitted to the Board for its decision.
- D. A rule proposed to be adopted by the Board that affects a person or governmental entity outside the Board and its staff shall not be adopted, amended or repealed without public hearing and comment on the proposed action before the Board. The public hearing shall be held after notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained. All meetings shall be held in Lea County. Notice shall be published once at least thirty (30) days prior to the hearing date to all persons who have made a written request for advance notice of hearings.
- ~~G. Proceedings against the party alleged to have committed a prohibited practice shall be commenced by service upon it and the Board of a written notice together with a copy of the charges and relief requested.~~
- DE. All adopted rules and regulations shall be filed in accordance with applicable lawsstate statutes.
- EF. A verbatim record made by electronic or other suitable means shall be made of every rule-making and adjudicatory hearing. The record shall not be transcribed unless required for judicial review or unless ordered by the Board. The party requesting the transcript shall pay for the transcription, in the case of judicial review the payment shall be made by the party filing the appeal.
- ~~F. Each party to a prohibited labor practice shall bear the cost of producing its own witnesses and paying its representative for hearings under the ordinance codified in this chapter.~~
- ~~G. No regulation proposed to be adopted by the Board that affects any person or governmental entity outside of the Board and its staff shall be adopted, amended or repealed without public hearing and comment on the proposed action before the Board. The public hearing shall be held after notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method in which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained. All meetings shall be held at a City facility. Notice shall be published once at least thirty (30) days prior to the hearing date in a newspaper of general circulation in the City of Hobbs, and notice shall be mailed at least thirty (30) days prior to the hearing date to all persons who have made a written request for advance notice of hearings.~~

(Ord. 927 (part), 2004)

2.60.100 - Appropriate bargaining units.

- A. The Board shall, upon receipt of a petition for a representation election filed by a labor organization, designate the appropriate bargaining unit. Appropriate bargaining units shall be established on the basis of occupational groups or clear and identifiable community of interest in employment terms, employment conditions, and related personnel matters among the employees involved. Occupational groups shall generally be identified as blue collar, secretarial clerical, technical, para-professional, professional, corrections, firefighters, and police officers. Department, craft, or trade designations other than as specified above shall not determine bargaining units. The parties, by mutual agreement and approval of the Board, may further consolidate occupational groups. The essential factors in determining appropriate bargaining units shall include the principles of efficient administration of government, the history of collective bargaining, and the assurance to employees of their rights guaranteed by the ordinance codified in this chapter.
- B. If the labor organization and the employer cannot agree on the appropriate bargaining unit within thirty (30) days, the Board shall hold a hearing concerning the composition of the bargaining unit. Any agreement as to the appropriate bargaining unit between the employer and the labor organization is subject to the approval of the Board.
- C. The Board shall not include in any appropriate bargaining unit, probationary, supervisory, managerial or confidential employees.
- D. Jobs included within a bargaining unit pursuant to a City of Hobbs labor management relations ordinance in effect on January 1, 2020 shall remain in that bargaining unit after enactment of this ordinance unless otherwise removed by the Board in accordance with its rules governing unit clarification.

(Ord. 927 (part), 2004)

2.60.110 - Elections.

- A. Whenever, in accordance with ~~regulations-rules~~ prescribed by the Board, a petition is filed by a labor organization containing the signatures of at least thirty (30) percent of the public employees in an appropriate bargaining unit, the Board shall conduct a secret ballot representation election to determine whether and by which labor organization the public employees in the appropriate bargaining unit shall be represented. Upon acceptance of a valid petition, the Board shall require the City of Hobbs to provide the labor organization within ten business the names, job titles, work locations, home addresses, personal email addresses and home or cellular telephone numbers of any public employee in the proposed bargaining unit. This information shall be kept confidential by the labor organization and its employees or officers. The ballot shall contain the name of any labor organization submitting a petition containing signatures of at least thirty percent of the public employees in the appropriate bargaining unit. The ballot shall also contain a provision allowing public employees to indicate whether they do not desire to be represented by a labor organization. An election shall only be valid if forty percent of the eligible employees in the bargaining unit vote in the election. ~~post a notice to affected employees regarding the filed petition and proceed with the process for conducting a secret ballot representation election.~~
- B. Once a labor organization has filed a valid petition calling for a representation election with the Board requesting a representation election, other labor organizations may seek to be placed on the ballot. Any Such an labor organization may shall file a competing petition containing the signatures of not less than thirty (30) percent of the public employees in the appropriate bargaining unit no later than ten (10) calendar days after the Board and the public employer has posted a written notice that at the petition in Subsection A of this section for a representation election has been filed by a labor organization.
- C. All representation elections shall include the option for "no representation," except in a run-off election where the choice of "no representation" was not one (1) of the two (2) choices that received the highest votes. As an alternative to the provisions of Subsection A of this section, a labor organization with a

reasonable basis for claiming to represent a majority of the employees in an appropriate bargaining unit may submit authorization cards from a majority of the employees in an appropriate bargaining unit to the Board, which shall, upon verification that a majority of the employees in the appropriate bargaining unit have signed valid authorization cards, certify the labor organization as the exclusive representative of all public employees in the appropriate bargaining unit. The employer may challenge the verification of the Board; the Board shall hold a fact-finding hearing on the challenge to confirm that a majority of the employees in the appropriate bargaining unit have signed valid authorization cards.

- D. ~~In the event of an election with two (2) or more labor organizations on the ballot and none of the choices on the ballot received a majority of the votes cast, then a run-off election shall be held within fifteen (15) calendar days. The choices on the run-off election shall consist of the two (2) choices, which received the greatest number of votes in the original election. If a labor organization receives a majority of votes cast, it shall be certified as the exclusive representative of all public employees in the appropriate bargaining unit. Within fifteen days of an election in which no labor organization receives a majority of the votes cast, a runoff election between the two choices receiving the largest number of votes cast shall be conducted. The Board shall certify the results of the election, and, when a labor organization receives a majority of the votes cast, the Board shall certify the labor organization as the exclusive representative of all public employees in the appropriate bargaining unit.~~
- E. ~~A valid election requires that at least forty (40) percent of the eligible employees in an appropriate bargaining unit cast a vote. In an election with only one (1) labor organization, and the majority of the votes cast are in favor of representation the Board shall certify that labor organization as the exclusive representative for all the employees in the bargaining unit.~~
- FE. ~~No An~~ election shall not be conducted if an election or runoff election has been conducted in the twelve-month period immediately preceding the proposed representation election. ~~No An~~ election shall not be held during the term of an existing collective bargaining agreement, except as provided in Section 2.60.130(B) of this chapter, ~~or after the expiration of the third year of a collective bargaining agreement with a term of more than three (3) years.~~
- ~~G. Election disputes shall be resolved by the Board.~~
- H. ~~As an alternative to the provisions of subsection A of this section, the employer and a labor organization with a reasonable basis for claiming to represent a majority of the employees in an appropriate bargaining unit may establish an alternative appropriate procedure for determining majority status. The procedure may include a labor organization's submission of authorization cards from a majority of the employees in an appropriate bargaining unit. The local Board shall not certify an appropriate bargaining unit if the employer objects to the certification without an election.~~

(Ord. 927 (part), 2004)

2.60.120 - Exclusive representation.

A. A labor organization that has been certified by the Board as ~~the exclusive representative for representing the public~~ employees in an appropriate bargaining unit shall ~~be the exclusive representative of all public employees in the appropriate bargaining unit.~~ represent all employees in the bargaining unit. The exclusive representative shall act for all public employees in the appropriate bargaining unit and negotiate a collective bargaining agreement covering all public employees in the bargaining unit. The exclusive representative shall represent the interests of all public employees in the appropriate bargaining unit without discrimination or regard to membership ~~or non-membership~~ in the labor organization. A claim by a public employee that the exclusive representative has violated this duty of fair representation shall be forever barred if not brought within six months of the date on which the public employee knew, or reasonably should have known, of the violation.

B. This section does not prevent a public employee, acting individually, from presenting a grievance without the intervention of the exclusive representative. At a hearing on a grievance brought by a public employee individually, the exclusive representative shall be afforded the opportunity to be present and

make its views known. An adjustment made shall not be inconsistent with or in violation of the collective bargaining agreement then in effect between the public employer and the exclusive representative. The existence of an exclusive bargaining representative shall not prevent employees from taking their grievances through the grievance process or filing prohibited practices with the Board. Any settlement of a grievance or relief given on a prohibited practice brought by an individual shall not be inconsistent with or in violation of the collective bargaining agreement in effect between the employer and the exclusive representative or inconsistent with or in violation of a memorandum of understanding between the employer and the exclusive representative applicable to the day-to-day administration of the collective bargaining agreement. The exclusive representative shall be afforded the opportunity to be present at such hearings and make its views known.

C. The City of Hobbs shall provide an exclusive representative of an appropriate bargaining unit reasonable access to employees within the bargaining unit, including the following:

1. for purposes of newly hired employees in the bargaining unit, reasonable access includes:

a. the right to meet with new employees, without loss of employee compensation or leave benefits; and

b. the right to meet with new employees within thirty days from the date of hire for a period of at least thirty minutes but not more than one hundred twenty minutes, during new employee orientation or, if the public employer does not conduct new employee orientations, at individual or group meetings; and

2. for purposes of employees in the bargaining unit who are not new employees, reasonable access includes:

a. the right to meet with employees during the employees' regular work hours at the employees' regular work location to investigate and discuss grievances, workplace-related complaints and other matters relating to employment relations; and

b. the right to conduct meetings at the employees' regular work location before or after the employees' regular work hours, during meal periods and during any other break periods.

D. The City of Hobbs shall permit an exclusive representative to use the public employer's facilities or property, whether owned or leased by the employer, for purposes of conducting meetings with the represented employees in the bargaining unit. An exclusive representative may hold the meetings described in this section at a time and place set by the exclusive representative. The exclusive representative shall have the right to conduct the meetings without undue interference and may establish reasonable rules regarding appropriate conduct for meeting attendees.

E. The meetings described in this section shall not interfere with the City of Hobbs operations.

F. If the City of Hobbs has the information in its records, the City of Hobbs shall provide to the exclusive representative, the following information for each employee in an appropriate bargaining unit:

1. the employee's name and date of hire;

2. contact information including:

a. cellular, home and work telephone numbers;

b. a means of electronic communication, including work and personal electronic mail addresses; and

c. home address or personal mailing address; and

3. employment information, including the employee's job title, salary and work site location.

G. The City of Hobbs shall provide the information described in Subsection F of this section to the exclusive representative within ten days from the date of hire for newly hired employees in an appropriate bargaining unit, and every one hundred twenty days for employees in the bargaining unit who are not newly hired employees. The information shall be kept confidential by the labor organization and its

employees or officers. Apart from the disclosure required by this subsection, and notwithstanding any provision contained in the Inspection of Public Records Act, the public employer shall not disclose the information described in Subsection F of this section, or public employee's dates of birth or social security numbers to a third party.

H. An exclusive representative shall have the right to use the electronic mail systems or other similar communication system of a public employer to communicate with the employees of the bargaining unit regarding:

1. collective bargaining, including the administration of collective bargaining agreements;
2. the investigation of grievances or other disputes relating to employment relations; and
3. matters involving the governance or business of the labor organization.

I. Noting in this section prevents the City of Hobbs from providing an exclusive representative access to employees within the bargaining unit beyond the reasonable access required under this section or limits any existing right of a labor organization to communicate with public employees.

(Ord. 927 (part), 2004)

2.60.130 - Decertification of exclusive representative.

- A. Any member of a labor organization or the labor organization itself may initiate decertification of a labor organization as the exclusive representative if thirty ~~(30)~~ percent of the public employees in the appropriate bargaining unit make a written request to the Board for a decertification election. A decertification election shall be held in a manner prescribed by rule of the Board. An election shall only be valid only if there are at least forty (40) percent of the eligible employees in the bargaining unit vote in the election.
- B. When there is a collective bargaining agreement in effect, a request for a decertification election shall be made to the Board no earlier than ninety ~~(90)~~ days and no later than sixty ~~(60)~~ days before the expiration of the collective bargaining agreement; provided, however, that a request for an decertification election may be filed at any time after the expiration of the third year of a collective bargaining agreement with a term of more than three ~~(3)~~ years.
- C. When, within the time period prescribed in subsection B of this section, a competing labor organization files a petition containing signatures of at least thirty ~~(30)~~ percent of the public employees in the appropriate bargaining unit, a representation election rather than a decertification election shall be conducted.
- D. When an exclusive representative has been certified but no collective bargaining agreement is in effect, the Board shall not accept a request for a decertification election or an election sought by a competing labor organization earlier than twelve ~~(12)~~ months subsequent to a labor organization's certification as the exclusive representative.

(Ord. 927 (part), 2004)

2.60.140 - Scope of bargaining.

- A. Except for retirement programs provided under the Public Employment Retirement Act public employers and exclusive representatives; ~~the parties~~
 1. shall bargain in good faith on all wages, hours and other terms and conditions of employment and other issues agreed to by the parties. However, neither the public employer nor the exclusive representative shall be required to agree to a proposal or to make a concession; and
 2. The parties shall enter into a written collective bargaining agreement covering employment relations, regarding the issues agreed to in collective bargaining.

- B. ~~Bargaining in good faith shall not require either party to agree to a proposal or to make a concession.~~ Entering into a collective bargaining agreement shall not obviate the duty to bargain in good faith during the term of the collective bargaining agreement regarding changes to wages, hours and all other terms and conditions of employment, unless it can be demonstrated that the parties clearly and unmistakably waived the right to bargain regarding those subjects. However, no party may be required, by this provision, to renegotiate the existing terms of collective bargaining agreements already in place.
- C. In regard to the Public Employees Retirement Act, the City of Hobbs in a written collective bargaining agreement may agree to assume any portion of a public employee's contribution obligation to retirement programs provided pursuant to the Public Employees Retirement Act. Such agreements are subject to the limitations set forth in this section.
- CD. ~~The obligation to bargain collectively imposed by the ordinance codified in this chapter shall not be construed as authorizing employers the City of Hobbs and exclusive representatives to enter into any agreement that is in conflict with the provisions of any other statute of this state; provided however, that a collective bargaining agreement that provides greater rights, remedies and procedures to public employees than contained in a state statute shall not be considered to be in conflict with that state statute. State or Federal statutes.~~ In the event of an actual conflict between the provisions of any other statute of this state Federal or State statutes and any agreement entered into by the public employer and the exclusive representative in collective bargaining, the statutes of this state former shall prevail.
- DE. Payroll deduction of the exclusive representative's membership dues shall be a mandatory subject of bargaining if either party chooses to negotiate the issue. The amount of dues shall be certified in writing by an official of the labor organization and shall not include special assessments, penalties or fines of any type, levied by the exclusive representative. The City of Hobbs shall honor payroll deductions until the authorization is revoked in writing by the public employee in accordance with the negotiated agreement and this subsection and for so long as the labor organization is certified as the exclusive representative. Public employees who have authorized the payroll deduction of dues to a labor organization may revoke that authorization by providing written notice to their labor organization during a window period not to exceed ten days per year for each employee. The City of Hobbs and the labor organization shall negotiate when the commencement of that period will begin annually for each employee. If no agreement is reached, the period shall be during the ten days following the anniversary date of each employee's employment. Within ten days of receipt of notice from a public employee of revocation of authorization for the payroll deduction of dues, the labor organization shall provide notice to the public employee's revocation of that authorization. A public employee's notice of revocation for the payroll deduction of dues shall be effective on the thirtieth day after the notice provided to the public employer by the labor organization. No authorized payroll deduction of dues held by the City of Hobbs or a labor organization of July 1, 2020 shall be rendered invalid by this provision and shall remain valid until replaced or revoked by the public employee. During the time that a Board certification is in effect for a particular exclusive representative appropriate bargaining unit, the public employer shall not deduct dues for any other labor organization, from members of the same bargaining unit.
- F. The City of Hobbs and a labor organization, or their employees or agents, are not liable for, and have a complete defense to, any claims or actions under the law of this state for requiring, deducting, receiving or retaining fair share dues or fees from public employees, and current or former public employees do not have standing to pursue these claims or actions if the fair share dues or fees were permitted at the time under the laws of this state then in force and paid, through payroll deduction or otherwise, on or before June 27, 2018. This subsection:
1. applies to all claims and actions pending on July 1, 2020 and to claims and actions filed on or after July 1, 2020; and
 2. shall not be interpreted to infer that any relief made unavailable by this section would otherwise be available.
- EG. ~~Any agreement or An~~ impasse resolution or an agreement by the City of Hobbs by the employer and an exclusive representative that requires the expenditure of funds shall be contingent upon the specific

appropriation of funds by the appropriate governing body and the availability of funds to fund the agreed upon provision. The arbitrator's decision shall not require the re-appropriation of funds.

~~FH. The parties have a requirement that~~An agreement shall include a grievance procedure to be used for the settlement of disputes pertaining to employment terms and conditions and related personnel matters. The grievance procedure shall provide for a final and binding determination. The final determination shall constitute an arbitration award within the meaning of the Uniform Arbitration Act; such award shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act. The cost of an arbitration proceeding conducted pursuant to this subsection shall be shared equally by the parties, culminating with final and binding arbitration be negotiated. This applies only to grievances and the interpretation and application of the agreement between the parties and does not apply to negotiation impasses. The parties shall share the cost of any proceedings conducted pursuant to this subsection equally. Each party is responsible for paying any cost related to its witnesses and representation.

I. The following meetings shall be closed:

1. meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the City of Hobbs and the exclusive representative of the public employees of the City of Hobbs;

2. collective bargaining sessions; and

3. consultations and impasse resolution procedures at which the public employer and the exclusive representative of the appropriate bargaining unit are present.

(Ord. 927 (part), 2004)

2.60.150 - ~~Negotiations and i~~mpasse resolution.

~~A. The following meetings shall be closed:-~~

~~1. Meetings for the discussion of collective bargaining strategy between the governing body and the employer's negotiating team preliminary to negotiations sessions;-~~

~~2. Collective bargaining sessions; and-~~

~~3. Consultations and impasse resolution procedures at which the employer and/or the exclusive representative of the appropriate bargaining unit are present.-~~

~~B. The following negotiation procedures shall apply to the employer and exclusive representatives:-~~

~~1. The negotiations for the first contract shall be opened upon written notice by either party to the other requesting that negotiating sessions be scheduled. Subsequent requests for negotiations shall be post marked no earlier than one hundred twenty (120) days or later than sixty (60) days prior to the contract ending date or as negotiated by the parties. The parties may open negotiations at any time by mutual agreement.-~~

~~2. All negotiations will be conducted in closed sessions. Negotiations will be held at a facility and at a time mutually agreed upon by the parties.-~~

~~3. Recesses and study sessions may be called by either team. Prior to the conclusion of any negotiating sessions, the reconvening time will be agreed upon. Caucuses may be taken as needed.-~~

~~4. Tentative agreements reached during negotiations will be reduced to writing, dated, and initialed by each team spokesperson. Such tentative agreements are conditional and may be withdrawn should later discussion change either party's understanding of the language as it related to another part of the agreement.-~~

~~5. Agreement on contract negotiations is accomplished when the Union President and the City Manager sign the agreement. Provisions in multi-year agreements providing for economic~~

~~increases for subsequent years shall be contingent upon the governing body appropriating the funds necessary to fund the increase for the subsequent year(s). Should the governing body not appropriate sufficient funds to fund the agreed upon increase, either party may reopen negotiations.~~

CA. The following impasse procedure shall be followed by the ~~employer~~ City of Hobbs and exclusive representative:

1. If an impasse occurs, either party ~~shall~~ may request ~~from the Board that a mediator be assigned to the negotiations unless the parties can agree on a mediator. mediation-assistance. A mediator with the federal mediation and conciliation service shall be assigned by the Board to assist negotiations unless the parties agree to another mediator; and If the parties cannot agree on a mediator, either party may request the assistance of the federal mediation and conciliation service.~~
2. If the impasse continues after ~~thirty (30) calendar days~~ thirty-day mediation period, either party may request ~~an unrestricted~~ a list of seven ~~(7)~~ arbitrators from the federal mediation and conciliation service. One arbitrator shall be chosen by the parties by alternatively striking names from such list. The parties shall choose one (1) arbitrator by alternately striking names from such list. Who ~~Which~~ party strikes ~~the first name~~ shall be determined by coin toss. The arbitrator shall render a final, binding, written decision resolving unresolved issues pursuant to Section 14 of this ordinance and the Uniform Arbitration Act no later than thirty ~~(30) calendar~~ days after the arbitrator has been notified of ~~his or her~~ selection by the parties. The arbitrator's decision shall be limited to a selection of one ~~(1)~~ of the two ~~(2)~~ parties' complete, last, best offer. The cost of an arbitrator and the arbitrator's related costs conducted pursuant to this subsection shall be shared equally by the parties. Each party shall be responsible for bearing the cost of presenting its case. The decision shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act. However, an impasse resolution decision of an arbitrator or an agreement provision by the employer and an exclusive representative that requires the expenditure of funds shall be contingent upon the specific appropriation of funds by the governing body and the availability of funds. An arbitrator's decision shall not require the employer to re-appropriate funds. The parties shall share all of the arbitrator's costs incurred pursuant to this subsection equally. Each party shall be responsible for paying any costs related to its witnesses and representation. The decision shall be subject to judicial review pursuant to the standards set forth in the Uniform Arbitration Act.

B. ~~The City of Hobbs may enter into a written agreement with the exclusive representative setting forth an alternative impasse resolution procedure.~~

C. ~~3.~~—In the event that an impasse continues after the expiration of a contract, the existing contract will continue in full force and effect until it is replaced by a subsequent written agreement. However, this shall not require the ~~employer~~ the City of Hobbs to increase any employees' levels, steps, or grades of compensation contained in the existing contract.

(Ord. 927 (part), 2004)

2.60.160 - Employers—Prohibited practices.

A. ~~A public employer~~ The City of Hobbs or ~~his or her~~ its representative shall not:

1. Discriminate against an employee with regard to terms and conditions of employment because of the employee's membership in a labor organization;
2. Interfere with, restrain, or coerce any employee in the exercise of any right guaranteed under the ordinance codified in this chapter or use public funds to influence the decision of its employees or the employees of this subcontractors regarding whether to support or oppose a labor organization that represents or seeks to represent those employees, or whether to become a

member of any labor organization; provided, however, that this subsection does not apply to activities performed or expenses incurred;

a. addressing a grievance or negotiating or administering a collective bargaining agreement;

b. allowing a labor organization or its representatives access to the City of Hobbs facilities or properties;

c. performing an activity required by federal or state law or by a collective bargaining agreement;

d. negotiating, entering into or carrying out an agreement with a labor organization;

e. paying wages to a represented employee while the employee is performing duties if the payment is permitted under a collective bargaining agreement; or

f. representing the City of Hobbs in a proceeding before the Board or in a judicial review of that proceeding;

3. Dominate or interfere in the formation, existence or administration of any labor organization;
4. Discriminate in regard to hiring, tenure or any term or condition of employment in order to encourage or discourage membership in a labor organization;
5. Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, grievance, or complaint or given any information or testimony under pursuant to the provisions of this chapter ordinance or because an employee is forming, joining or choosing to be represented by a labor organization;
6. Refuse to bargain collectively in good faith with the exclusive representative;
7. Refuse or fail to comply with any provisions of this chapter ordinance, Board regulations, or the Public Employee Bargaining Act; or Board rule; or
8. Refuse or fail to comply with any collective bargaining agreement. This issue is subject to the required grievance procedure negotiated by the parties.
9. Negotiate issues which are the subject of negotiations or make any offer, commitment, or promise whatsoever to employees or the exclusive representative, other than through the appointed negotiating team. It is the intent of this language that the integrity of the negotiating process be maintained. All negotiations and concessions shall occur only between the respective appointed negotiating teams.

B. During the negotiation and the impasse procedure, City Councilors and management employees are prohibited from negotiating issues which are the subject of negotiations and from making any offers, commitment, or promise whatsoever to employees or the exclusive representative, other than through the appointed City negotiating team. It is the intent of this language that the integrity of the negotiating process be maintained. All negotiations and concessions shall occur only between the respective appointed negotiating teams.

(Ord. 927 (part), 2004)

2.60.170 - Employees—Labor organizations—Prohibited practices.

- A. An employee, a labor organization, or its representative shall not:
1. Discriminate against an employee with regard to labor organization membership because of race, color, religion, creed, age, disability, sex or national origin;
 2. Solicit membership for an employee or labor organization during the employee's duty hours. This does not include the work breaks or lunch periods;
 3. Restrain or coerce any employee in the exercise of any right guaranteed by the provisions of this chapter ordinance;

4. Refuse to bargain collectively in good faith with the employer;
5. Refuse or fail to comply with any collective bargaining agreement with the employer. This issue is subject to the required negotiated grievance procedure negotiated by the parties;
6. Refuse or fail to comply with any provision of this [chapter ordinance](#);
7. Picket homes or private businesses of employees, appointed individuals or elected officials of the City of Hobbs;
8. Restrain or coerce the employer in the selection of its agent for bargaining.
9. Negotiate issues which are the subject of negotiations or make any offer, commitment, or promise whatsoever to the public employer, other than through the appointed negotiating team. It is the intent of this language that the integrity of the negotiating process be maintained. All negotiations and concessions shall occur only between the respective appointed negotiating teams.

~~B. During the negotiation and the impasse procedure the employees, the exclusive representative or any of its employees are prohibited from negotiating issues which are the subject of negotiations with anyone other than the appointed City negotiating team. It is the intent of this language that the integrity of the negotiating process be maintained. All negotiations and concessions shall occur only between the respective appointed negotiating teams.~~

(Ord. 927 (part), 2004)

2.60.180 - Strikes and lockouts prohibited.

- A. No employee or labor organization shall engage in a strike. No labor organization shall cause, instigate, encourage, or support a strike. The employer shall not cause, instigate or engage in an employee lockout.
- B. The employer may apply to the district court for injunctive relief to end a strike, and an exclusive representative of public employees affected by a lockout may apply to the district court for injunctive relief to end a lockout.
- C. The Board, upon a clear and convincing showing of proof at a hearing that a labor organization directly caused or instigated an employee strike, may impose appropriate penalties on that labor organization, up to and including decertification of the labor organization with respect to any of its bargaining units which struck as a result of such causation or instigation. A strike means an employee's refusal, in concerted action with other employees, to report for duty or his or her willful absence or withholding of service in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the working conditions, compensation, rights, privileges or obligations of employment.

(Ord. 927 (part), 2004)

2.60.190 - Agreements valid—Enforcement.

All collective bargaining agreements and other agreements between the employer and exclusive representative are valid and enforceable according to their terms when entered into in accordance with the provisions of this [chapter ordinance](#).

(Ord. 927 (part), 2004)

2.60.200 - Judicial enforcement—Standard of review.

- A. The Board may request the District Court to enforce any order issued pursuant to this [chapter ordinance](#), including those for appropriate temporary relief and restraining orders. The Court shall consider the request for enforcement on the record made before the Board. The Court shall uphold the action of the Board and take appropriate action to enforce it unless the Court concludes that the order is:
1. Arbitrary, capricious or an abuse of discretion;
 2. Not supported by substantial evidence on the record considered as a whole; or
 3. Otherwise not in accordance with law.
- B. Any person or party, including any labor organization, affected by a final regulation, order or decision of the Board, may appeal to the District Court for further relief. All such appeals shall be based upon the record made at the Board hearing. All such appeals to the District Court shall be taken within thirty (30) calendar days of the date of the final regulation, order or decision of the Board. Actions taken by the Board shall be affirmed unless the Court concludes that the action is:
1. Arbitrary, capricious or an abuse of discretion;
 2. Not supported by substantial evidence on the record taken as a whole; or
 3. Otherwise not in accordance with law.

(Ord. 927 (part), 2004)

2.60.210 - Severability.

If any part or application of the [ordinance codified in this chapter](#)[City of Hobbs Labor Management Relations Ordinance](#) is held invalid, the remainder or its application to other situations or persons shall not be affected.

(Ord. 927 (part), 2004)

2.60.220 - Effective date.

The effective date of the [ordinance codified in this chapter](#)[City of Hobbs Labor Management Relations Ordinance](#) is ~~July 1, 2004~~[December 31, 2020](#).

(Ord. 927 (part), 2004)



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 2, 2020

SUBJECT: Resolution for the City to renew 2021 Benefit Plan Offerings.
DEPT. OF ORIGIN: Human Resources
DATE SUBMITTED: October 27, 2020
SUBMITTED BY: Nicholas Goulet, HR Director

Summary: As prepared from our partners at AON, the City anticipates a 6.7 percent increase in associated costs related to medical insurance. This includes a stop loss move from \$115,000 to \$150,000. Staff proposes that we increase rates for both the employees, retirees (BCBS), and the City by 6.7 percent in relation to the current rates paid in calendar year 2020. Budget was based on current enrollment through September of the current year. In regards to medical insurance providers, AON received bids from Blue Cross Blue Shield (Current Provider), United Healthcare and Presbyterian. Based on the proposed market, BCBS continues to have the lowest overall verified cost.

MEDICAL – BLUE CROSS/BLUE SHIELD

Current funding ratios for Medical are 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

Total cost of available medical insurance will be increased by 6.7% (Calendar 2021). The combined calendar BCBS renewal for both active employees (\$7,446,287) and retirees (\$856,836) is approximately \$8,303,123.

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 decreasing by 1.88%.

TELEMEDICINE - TELADOC

If approved, Teladoc will remain 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. Current savings to medical claims by use of the program through September 2020 is \$73,931. Savings are based on the employee using other means for medical treatment. For example, an emergency room or specialty provider.

VSP - Vision Insurance

Currently in a rate guarantee until 12/31/2021. Rates will remain flat for participants.

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 2021.

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. New Program.

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 \$5,130. The City realizes tax savings that more than make up for the cost of having this program.

RECOMMENDATION

We would like to continue with Blue Cross/Blue Shield as our medical provider in the current self-funded program with no change to current cost structure (90%/85%/80%). We ask to continue the Benefit Value Advisor analytical tool. We would like to continue the self-funded plan with Delta Dental with no change to current cost. We would like to continue the Teladoc program at no cost to the participants and compare the value of the overall savings with the cost to provide. We will continue with VSP for our vision provider with no increase to premiums due to the current rate guarantee. We will continue Hartford STD at no cost to benefit eligible employees. We will continue Hartford LTD at 100% funding by the participant. We will continue with Hartford Life Insurance with no changes to premiums. We will continue with Group Accident, Hospital Indemnity Coverage (New Program) and Critical Illness coverage that are funded 100% by the participant. We ask for a continuation of the Flexible Spending Account program with Chard Snyder.

Fiscal Impact:


Total Active and Retiree Trust fund budget is approximately \$8,671,411.00. Total City of Hobbs employer related budgeted expense, associated with the trust funds are \$6,838,997.00. Fund balance at 09-30-2020 equals \$4,310,362.71

Reviewed By: 
Finance Department

Attachments:

Spreadsheet detailing the insurance premium breakdown for monthly and biweekly cost for both the City and the employee. PowerPoint presentation.

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

The Commission approves the 2021 benefit renewal of BCBS, BVA, Delta Dental, VSP, Teladoc, Hartford Life Insurance, STD, LTD, Critical Illness and Group Accident coverage, and Chard Snyder.

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. 7002

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.

WHEREAS, The City's medical, benefit value advisor, dental, telemedicine, life, disability, critical illness, hospital indemnity, accident coverage, and vision insurance are due to expire and must be renewed; and

WHEREAS, premium costs to renew these insurance coverage's have been researched so that they are within the anticipated amounts included in the budget preparation process; and

WHEREAS, it is City staff's recommendation that medical insurance coverage and Benefit Value Advisor be renewed with Blue Cross/Blue Shield with the individual stop loss option of \$150,000, dental insurance coverage be renewed with Delta Dental of NM, telemedicine coverage be renewed with Teladoc, life insurance be renewed with The Hartford, short and long term disability coverage's be renewed with The Hartford, critical illness, hospital indemnity (new program) and group accident coverage's be renewed/added with The Hartford, flexible spending account (FSA) be renewed with Chard Snyder, and vision insurance coverage be renewed with VSP.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and hereby is authorized and directed to approve on behalf of the City of Hobbs the following:

1. Awarding the City's medical insurance coverage and Benefit Value Advisor to Blue Cross/Blue Shield as outlined in the staff summary, renewal of the City's telemedicine coverage with Teladoc, renewal of the City's dental coverage with Delta Dental of NM, renewal of the FSA program's administration through Chard Snyder, and renewal of the City's voluntary vision coverage with VSP.

2. The City renews the agreement with The Hartford to provide life insurance, short term disability coverage, long term disability coverage, and critical illness and accident coverage as outlined in the staff summary. The City adds hospital indemnity coverage as a participant paid program only.

PASSED, ADOPTED AND APPROVED this 2nd day of November, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk