



LEA COUNTY BOARD OF COUNTY COMMISSIONERS
STAFF SUMMARY FORM

LCBCC MEETING DATE: Thursday, February 7, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:
Friday, January 17th

County Manager Approval (mgallagher@leacounty.net) required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED: Friday, February 1, 2013	SUBMITTED BY (Name/Title/Dept): Kelli Williams, Recording Secretary, Clerks Department	
SUBJECT: Minutes	ATTACHMENT(S): Draft Minutes 01/24	
CONSIDERATION OR DISCUSSION: Consideration	NUMBER OF ORIGINALS FOR SIGNATURE(S): One (1)	
SUMMARY: LCBCC to review & approve the 01/24/2013 Minutes		
DEPARTMENT RECOMMENDATION(S): Approve Minutes	Department Director's Approval (insert signature)	
FINANCE REVIEW (Fiscal Impact/Cost):	Reviewed by Finance Director (insert signature)	
LEGAL REVIEW:	Reviewed by County Attorney (insert signature)	
COUNTY MANAGER REVIEW:	Approved by County Manager (insert signature) <i>M Gallagher</i>	
RECORDING SECRETARY'S USE ONLY - COMMISSION ACTION TAKEN		
Resolution No. _____	Policy No. _____	Ordinance No. _____
File No. _____	Continued To: _____	Referred To: _____
Other: _____	Approved: <i>Williams 2-7-12</i>	Denied: _____
Comments: _____		



**Minutes of Meeting
Lea County Board of Commissioners
January 24, 2013**

Chairman Fulfer called the meeting to order at 9:03 a.m. in the Lea County Courthouse.

Commissioners present were, to wit: Commissioner Dale Dunlap District 1, Commissioner Mike Whitehead District 2, Vice Chairman Ron Black District 3, Commissioner Thomas G. Pierce District 4 and Chairman Gregory H. Fulfer District 5.

Also present were County Manager Michael P. Gallagher II and County Attorney Scotty Holloman.

Commissioner Dunlap led the Pledge of Allegiance followed by the Invocation by Commissioner Black.

ITEM 01: COMMISSION

- ***Board of County Commissioner***

- Consideration of Approval of the January 9, 2013 Minutes

Commissioner Dunlap moved to approve the January 9, 2013 minutes. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Committee Reports

Commissioner Black stated they met with the legislatures in Santa Fe and had some good meetings with a lot of people. Many good meetings came out of it. Commissioner Whitehead stated it was nice to be in Santa Fe and meet with legislatures. He feels they really appreciate them being there. Commissioner Black feels having the mortgage finance authority people in Santa Fe was a great advantage to Lea County. They were very receptive.

Set/Confirm Next Meeting(s):

- Thursday, February 7, 2013 at 9:00 a.m. – Confirmed
- Thursday, February 21, 2013 at 9:00 a.m. – Confirmed
- Thursday, March 7, 2013 at 9:00 a.m. – Confirmed
- Thursday, March 21, 2013 at 9:00 a.m. – Confirmed
- Thursday, March 21, 2013 at 1:00 p.m. Outside Agency Funding Request – Confirmed
- Thursday, April 11, 2013 at 9:00 a.m. – Tentative
- Thursday, April 25, 2013 at 9:00 a.m. – Tentative

The next meetings will be at 9 a.m., **Thursday February 07, 2013; Thursday February 21, 2013; Thursday March 7, 2013; Thursday March 21, 2013 and Outside Agency Funding Request meeting at 1:00 p.m.** in the Lea County Board of Commissioners Room. Meetings are tentatively set for Thursday, April 11, 2013; and Thursday, April 25, 2013.

- Consideration of Approval of Lea County Resolution No. 13-JAN-006R Setting Term Limits for Appointments to Lea County Advisory Boards

After considerable discussion, Commissioner Dunlap moved to accept Resolution No. 13-JA-006R Resolution setting Term Limits for appointment to Lea County Advisory Boards. The motion died due to lack of a second.

• Consideration of Appointments to Active Boards (with Lea County Resolution No. 13-JAN-006R)

- Lea County Airports Advisory Board (LCAAB):
 - Each LCBCC Appoint One (1) Member Each
- Lea County DWI Advisory Committee (LCDWIAC):
 - Each LCBCC Appoint One (1) Member Each
- Lea County Environmental Services Advisory Committee (LCESAC):
 - Each LCBCC Appoint Two (2) Members Each
- Lea County Fair Board (LCFB):
 - Each LCBCC Appoint Two (2) Members Each
- Lea County Indigent Hospital Claims Advisory Board (LCIH CAB):
 - Each LCBCC Appoint One (1) Member Each
- Lea County Memorial Committee (LCMC):
 - Each LCBCC Appoint One (1) Member Each
- Lea County Planning & Zoning Board (LCPZB):
 - Each LCBCC Appoint One (1) Member Each
- Lea County Road Advisory Committee (LCRAC):
 - Each LCBCC Appoint Two (2) Members Each

Vice Chairman Black moved to table the Consideration of Appointment to Active Boards. The motion was seconded by Commissioner Whitehead. Mr. Holloman stated it needs to be clarified what is being motioned. Whether it needs to be tabled completely or just the item on the agenda. Vice Chairman Black amended his motion to table only the agenda item Consideration of Appointments to Active Boards (With Lea County Resolution No. 13-JAN-006R). The motion was seconded by Commissioner Whitehead and passed unanimously.

• Consideration of Appointments to Active Boards (Without Lea County Resolution No. 13-JAN-006R):

- Lea County Airports Advisory Board (LCAAB):
 - District 1 Don Pitts
 - District 2 No appointment was made at this time
 - District 3 No appointment was made at this time
- Lea County DWI Advisory Committee (LCDWIAC):
 - District 1 No appointment was made at this time
 - District 3 Jeff McCool
- Lea County Environmental Services Advisory Committee (LCESAC):
 - District 1 Kallie Richards
 - District 2 Dewayne Lackey
 - District 3 Ed Davis
 - District 4 No Appointment was made at this time
 - District 5 Justin Solomon
- Lea County Fair Board (LCFB):
 - District 1 Beth Wheeler
 - District 2 Brad Weber
 - District 3 No appointment was made at this time
 - District 4 No appointment was made at this time
 - District 5 No appointment was made at this time
- Lea County Indigent Hospital Claims Advisory Board (LCIH CAB):
 - District 1 Ronnie Harris
 - District 2 No appointment was made at this time
 - District 3 No appointment was made at this time
 - District 4 No appointment was made at this time
 - District 5 No appointment was made at this time
- Lea County Planning & Zoning Board (LCPZB):
 - District 3 No appointment was made at this time
 - District 4 No appointment was made at this time
 - District 5 No appointment was made at this time
- Lea County Road Advisory Committee (LCRAC):
 - District 1 Paul Herrera

- District 2 No appointment was made at this time
- District 3 No appointment was made at this time
- District 4 No appointment was made at this time
- District 5 No appointment was made at this time

Commissioner Whitehead moved to approve the appointments to active boards. The motion was seconded by Vice Chairman Black and passed unanimously.

• Consideration of Appointments to Other Active Boards (not affected by Lea County Resolution No. 13-JAN-006R):

- Lovington – Lea County Extraterritorial Zoning Authority (LLCEZA):
 - LCBCC – Reappoint LCBCC D1 Dale Dunlap
- Lovington – Lea County Extraterritorial Zoning Commission (LLCEZC):
 - District 1 No appointment was made at this time
 - District 1 No appointment was made at this time
- Southeastern New Mexico Economic Development District Council of Governments (SNMEDD COG):
 - LCBCC – Reappoint County Member Mike Gallagher
 - LCBCC – Confirm or Replace Private Sector Member Lisa Hardison

Commissioner Whitehead moved to approve the appointment to other active boards. The motion was seconded by Vice Chairman Black and passed unanimously.

• Consideration of Approval of Ratification of Letter of Endorsement from the Lea County DWI Program for the Community Drug Coalition of Lea County

Vice Chairman Black moved to approve the ratification of letter of endorsement from the Lea County DWI Program for the Community Drug Coalition of Lea County. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 02: BOARD/COMMITTEES

• ***Lea County Fair Board – Brad Weber, Chairman***

• Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and Ham Bone Express 3 for the 2013 Lea County Fair & Rodeo

Mr. Weber requested approval of the agreement between Lea County and Ham Bone Express 3 for the 2013 Lea County Fair & Rodeo. He stated the contract will be the same price. Vice Chairman Black moved to approve the agreement between Lea County and Ham Bone Express 3 for the 2013 Lea County Fair and Rodeo. The motion was seconded by Commissioner Whitehead and passed unanimously.

• Consideration of Recommendation from the Lea County Fair Board for the Approval of Three Year Agreement between Lea County and Roughstock Rodeo Sound Production for the 2013, 2014 and 2015 Lea County Fair and Rodeo

Mr. Weber requested approval of a three year agreement between Lea County and Roughstock Rodeo Sound Production for the 2013, 2014 and 2015 Lea County Fair and Rodeo. He stated the contract is the same price as it was last year. Mr. Holloman stated there was some discussion about a three year contract and this talks about a three year, but if not approved, reverts back to a one year. There needs to be clarification on what is being proposed is it the three year or one year. . Commissioner Dunlap moved to approve the agreement between Lea County and Roughstock Rodeo Sound Production for a three year contract. The motion was seconded by Commissioner Whitehead. Mr. Holloman stated, let me make sure we understand, is that contingent upon the \$5,500 remaining consistent throughout the years? Commissioner Dunlap amended the motion to approve the three year contract as long as the \$5,500 remains consistent throughout the three year period.

- Consideration of Recommendation from the Lea County Fair Board for the Approval to add a New Concert Night following the Xtreme Bulls Event for the 2013 Lea County Fair & Rodeo

Mr. Weber requested a new concert night following the Xtreme Bulls event Tuesday. He stated they want to add another concert to help draw a bigger crowd. Commissioner Dunlap asked if this is within the budget? It is so far they do not have all the entertainment booked. He stated the event will cost about \$20 thousand, but they are waiting for a lodger's tax. Commissioner Whitehead stated we are just approving the concert not the contract. Commissioner Whitehead motioned to approve adding a concert to Tuesday night following the Xtreme Bulls Event for the 2013 Lea County Fair & Rodeo. The motion was seconded by Commissioner Pierce. Mr. Holloman stated, let us clarify what we are doing. I think what the Fair Board is asking the permission to pursue the concert, not affirm commitment. Commissioner Whitehead amended his motion to give permission to the Fair Board to pursue adding a new concert to the Tuesday night following the Xtreme Bulls Event. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 03: OTHER ELECTED OFFICIALS

- **Lea County Treasurer Donna Duncan**
 - Consideration of Approval of Partial Release of Paving Liens for Tierra Del Sol Subdivision, Lot 7

Treasurer Duncan requested approval of a partial release of paving liens for Tierra Del Sol Subdivision, Lot 7. She stated the original lien was made in the name of Ronald Dean Marchbanks in care of Willie Roy Brewer. Mr. Marchbanks sold the property to Mr. Brewer. It is a pavement lien he has now satisfied, so we are asking for that to be released. Vice Chairman Black moved to approve the Partial Release of Paving Liens for Tierra Del Sol Subdivision, Lot 7. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 04: MANAGER

- **Lea County Manager – Michael P. Gallagher II**
 - Consideration of Approval of Travel Request

Manager Gallagher requested approval for travel for staff and Commission to Santa Fe. Vice Chairman Black approved the Travel Request for staff and Commission to Santa Fe. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-JAN-005R Provide Funding For Affordable Multi-Family Housing Development to Elms Jal CIC, LLLP

Manager Gallagher requested approval for Lea County Resolution No. 13-JAN-005R to provide funding for affordable Multi-Family Housing Development to Elms Jal CIC, LLLP. He stated this is a continuation of the RFP that Lea County, the City of Eunice, and the City of Jal, have been pursuing for a scattered tax development project within the cities of Eunice and Jal. Mr. Moranco stated Jal and Eunice have already approved their resolutions and the options to provide the land for the projects. Vice Chairman Black moved to approve Resolution No. 13-JAN-005R to provide funding for affordable Multi-Family Housing Development to Elms Jal CIC LLLP. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 05: COUNTY DEPARTMENTS

- **DWI Program – Kelly Ford, DWI Program Coordinator**

- Consideration of Approval of the following items for the FY 2014 Distribution Application for the DWI Program

- Resolution No. 13-JAN-004R Authorizing the County to Submit an Application to the New Mexico Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program

Coordinator Ford requested approval of Resolution No. 13-JAN-004R authorizing the County to Submit an application to the New Mexico Department of Finance and Administration, Local Government Division to participate in the Local DWI Grant and Distribution Program. She stated this is for our yearly distribution funds, from DFA for our DWI program. The allowable funds for distribution are \$360,193. There has been another decrease this year, so the grant request is \$132,013.29. There is a requirement for a resolution from the County to apply for distribution funds. Commissioner Whitehead moved to approve the Resolution No. 13-JAN-004R Authorizing the County to submit an application to the New Mexico Department of Finance and Administration, Local Government Division to participate in the local DWI grant and distribution program. The motion was seconded by Vice Chairman Black and passed unanimously.

- Statement of Assurances
- Department of Health Assurances and Cooperative Agreement
- Memorandum of Understanding between Lea County and New Mexico Department of Finance and Administration, Local Government Division, Driving While Intoxicated Program
- Grant Distribution Funding Application

Coordinator Ford requested approval of the next four items combined; The Statement of Assurances, Department of Health Assurances and Cooperative Agreement, Memorandum of Understanding between Lea County and New Mexico Department of Finance and Administration, Local Government Division, Driving While Intoxicated Program, and Grant Distribution Funding Application. Vice Chairman Black moved to approve all four items. The motion was seconded by Commissioner Pierce and passed unanimously.

- **Emergency Management/Environmental Services/Maintenance – Lorenzo Velasquez, Director**

- Discussion of Lea County Emergency Management Report

Director Velasquez reported the total for 2012. There were 65 grass fire calls and less than 100 acres burned. EMS responses the last two weeks of December were 61 medical response calls.

- Consideration of Approval of Sub-Grant Agreement Amendment No. 1 between Lea County and New Mexico Department of Homeland Security and Emergency Management for the 2011 Emergency Management Performance Grant Program

Director Velasquez requested approval of Sub-grant agreement. Commissioner Whitehead moved to approve Sub-Grant agreement amendment No. 1 between Lea County and New Mexico Department of Homeland Security and Emergency Management for the 2011 Emergency Management Performance Grant Program. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Lea County Environmental Services Report

Director Velasquez reported there were 25 animals that went to shelter. There were nearly 80 calls from the first to the eighteenth. On illegal dumping sites, three were located and three were cleaned up. The cleanup crew did 30 bags, 42 tires and cleaned up six miles. The inmate crew did 6.6 miles for a total of 28 bags.

- **Public Works (Airports/Engineering/Roads) – Corey Needham, Director**
 - Consideration of Approval of On-Call Engineering Services for Lea County

Director Needham requested approval of On-Call engineering services for Lea County. He stated we issued a RFP in December for Engineering Services; there were three companies that submitted proposals for this RFP. Those companies were Keegan and Associates, Pettigrew and Associates, and The Ross Group. He recommended we award the contract to the highest two ranking civil firms, The Ross Group and Pettigrew and Associates. Vice Chairman Black moved to approve On-Call engineering services for Lea County. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Roadways

Director Needham reported they spent the week moving sand into the event center for preparation of the upcoming events. They have also moved about 12 thousand tons of material to various areas in Tatum for cliché roads in Tatum. We have also added about three sweepers. Sweeping loose gravel in the North Hobbs area on the roads we chip sealed a couple months ago. We also spent time on Buckeye doing road construction on the pavement and on Stiles Road patching the pavement.

- Consideration of Approval of XL Roadway Task Order

Director Needham requested approval of XL Roadway task order. He stated this is in addition to the roadways that have been previously approved a few months ago. It is approximately 4.5 miles of roadway that links Delaware Basin to Brininstool Road. We were notified by the land owner on that roadway in March that there had been a lease to construct approximately 125 wells on that land in the near future. The 14-16 ft. wide sand roadway will not be able to withstand the weight of any of the trucks or equipment so we would like to get there first and construct this roadway. He stated another thing I feel will benefit us on this roadway it has never been done before. On roadways we construct like this, instead of just constructing the roadway and when the oilfield activity begins to happen they end up cutting our road and then try to patch it back or they bore under our road creating poor spots and potholes. He stated, what I would like to do is utilize some of our extra material we have and put casings in quarter mile increments. So instead of them having to pay \$2 thousand to bore under our road, they would only have to pay \$850 to fit into our fast lines and really save our roads, and make our money back. Commissioner Whitehead moved to approve the XL Roadway Task order. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of First Amendment of Cooperative Project Agreement between Lea County and New Mexico Department of Transportation for the Delaware Basin Safety Fence Grant Project

Director Needham requested approval of First Amendment of Cooperative Project Agreement between Lea County and New Mexico Department of Transportation for the Delaware Basin Safety Fence Grant Project. He stated this is we received in 2011.

This is a Federal grant that is being run through NMDOT. We have asked and been approved to extend the grant into this year. Vice Chairman Black moved to approve the first amendment of Cooperative Project Agreement between Lea County and New

Mexico Department of Transportation for the Delaware Basin Safety Fence Grant Project. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Administrative Services (Finance/Grants/Information Technology) – Sherri Bunch, Director**

Manager Gallagher stated at the last NM Association of Counties Conference, Lea County was presented with the State Auditors Accountability Award for fiscal year 2011. I would like to recognize and compliment Sherri and her staff. Director Bunch stated, I have an excellent staff that performs at a high standard daily, and department heads that are cooperative and supportive.

- Consideration of Approval of Lea County Resolution No. 13-JAN-003R Declare Intent to Adopt Ordinance Authorizing the Issue and Sale of the Lea County, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2013

Director Bunch stated she is very excited due to the fact that we have a call date on our 2003 series revenue bonds. We have an opportunity to save the County some money. Mr. Harrigan presented a power point presentation explaining the market overview and refunding opportunities. He stated the County submitted a RFQ and we received nine responses back, four from direct banks and five from public underwriters. The results were very pleasing, the lowest bid coming from a public underwriter still subject to fluctuations in the market. He is requesting approval of Lea County Resolution No. 13-JAN-003R to declare intent to Adopt Ordinance Authorizing the issue and sale of the Lea County New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2003. Vice Chairman Black moved to approve Lea County Resolution No.13-JAN-003R Declare intent to Adopt Ordinance authorizing the issue and sale of the Lea County, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2013. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Fifth (5) Amendment to Agreement No. 11-690-12420 between Lea County and New Mexico Children, Youth and Families Department

Director Bunch requested approval of Fifth Amendment to agreement No.11-690-12420 between Lea County and New Mexico Children, Youth and Families. She stated this is a grant agreement where they are funding 60% of the inventory and will run for the next six months. Commissioner Whitehead moved to approve Fifth Amendment to agreement No. 11-690-12420 between Lea County and New Mexico Children, Youth, and Families Department. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Accounts Payable

Director Bunch requested approval of accounts payable. Commissioner Whitehead moved to approve accounts payable the motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 06: PUBLIC

- **Public**

Chairman Fulfer stated, I would like to recognize Mayor Burns from Tatum being with us today. Mayor Burns stated, thank you. We finished the Dollar Store, got our occupancy certificate so we really appreciate your help in this.

ITEM 07: EXECUTIVE SESSION

• **BOARD OF COMMISSIONERS**

- Pursuant to Section 10-15-1 (H2), (H7) & (H8) of the New Mexico Statutes Annotated (NMSA) 1978; to discuss limited personnel matters, threatened or pending litigation and the purchase, acquisition or disposal of real property or water rights.

10:50 a.m. Vice Chairman Black moved to convene in Executive Session pursuant to **Section 10-15-1 (H2), (H7) & (H8) of the New Mexico Statutes Annotated (NMSA) 1978; to discuss limited personnel matters, threatened or pending litigation and the purchase, acquisition or disposal of real property or water rights**. The motion was seconded by Commissioner Whitehead Secretary polled the Commission: Commissioner Dunlap, yes; Commissioner Pierce, yes; Commissioner Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer; yes.

Vice Chairman Black moved to reconvene in Regular session. The motion was seconded by Commissioner Whitehead and passed unanimously. The meeting reconvened at 11:20 a.m.

- The items discussed in the closed session were relative to the items contained in the motion for closure of the regular meeting.

ITEM 08: OTHER BUSINESS

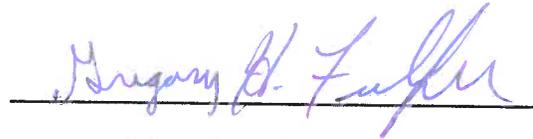
There was no other business

The meeting adjourned at 11:22 a.m. by Chairman Fulfer.

The Lea County Board of Commissioners certify that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

BOARD OF COUNTY COMMISSIONERS

LEA COUNTY, NEW MEXICO



Gregory H. Fulfer, Chairman

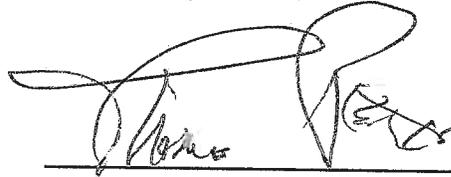


Mike Whitehead, Vice Chairman

Dale Dunlap, Member

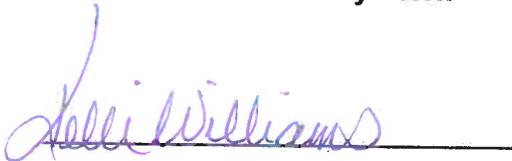


Ron Black, Member



Thomas G Pierce, Member

ATTEST: Pat Chappelle
Lea County Clerk



Kelli Williams

