



LEA COUNTY BOARD OF COUNTY COMMISSIONERS
STAFF SUMMARY FORM

LCBCC MEETING DATE: Thursday, February 21, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:
Thursday, January 31st

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

DATE SUBMITTED: Tuesday, February 19, 2013	SUBMITTED BY (Name/Title/Dept): Kelli Williams, Recording Secretary, LC Clerk
SUBJECT: Minutes	ATTACHMENT(S): February 7, 2013 Draft Minutes
CONSIDERATION OR DISCUSSION: Consideration	NUMBER OF ORIGINALS FOR SIGNATURE(S): One (1)

SUMMARY:

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. _____
File No. _____
Other: _____

Policy No. _____
Continued To: _____
Approved: *Williams 2-21-13*

Ordinance No. _____
Referred To: _____
Denied: _____

Comments: _____



**Minutes of Meeting
Lea County Board of Commissioners
February 07, 2013**

Chairman Fulfer called the meeting to order at 9:05 a.m. in the Lea County Courthouse.

Commissioners present were, to wit: 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 Whitehead led the Pledge of Allegiance followed by the Invocation by Vice Chairman Black.

ITEM 01: COMMISSION

- ***Board of County Commissioner***

- Consideration of Approval of the January 24, 2013 Minutes

Vice Chairman Black moved to approve the January 24, 2013 minutes. The motion was seconded by Commissioner Whitehead and passed unanimously.

Vice Chairman moved to move Item 02 to this part of the agenda. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 02: RECOGNITION

- ***Lea County Sheriff – Mark Hargrove***

- **Presentation of Purple Heart Award to Lea County Sherriff's Deputy Michael Tovar**

Sherriff Hargrove stated I would like to talk about S. W. A. T. for just a moment. These guys are the best of the best. I would like to recognize Captain Steve Ackerman, S. W. A. T. Team Commander and Clifford Miller, S. W. A. T. Team Commander and thank them for what they do. These guys volunteer and they are always there when they are needed. On the night of November 24, 2012, while conducting a high risk search warrant on individuals that were known to be armed and dangerous. The two S. W. A. T. Teams made the approach to the home and started taking gunfire almost immediately. Sergeant Tovar was hit twice, once in the arm and once in the helmet, right by his ear. Sergeant Tovar remained calm, under pressure and did what he was trained to do. His courageous work ethic has never been challenged. I would like to also commend both teams. Once Sergeant Tovar was shot, they stayed, did their jobs, and completed the mission. He presented Sergeant Michael Tovar with the Purple Heart. He stated, it is with great honor I present this Purple Heart to Sergeant Michael Tovar and I applaud your efforts with your speedy return and continued dedication to the citizens of Lea County.

- Discussion of Committee Reports

Commissioner Whitehead stated he was able to attend "An Evening with Lea County" in Santa Fe, and it is real interesting to see how Lea County is represented in the Capital. Chairman Fulfer stated the EDC night in Santa Fe was well attended and it was a great meeting that highlighted Lea County.

Set/Confirm Next Meeting(s):

- 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 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 Appointments to Active Boards:

- Lea County Airports Advisory Board (LCAAB):
 - District 3 no appointment made
 - District 4 Kyle Armstrong
- Lea County DWI Advisory Committee (LCDWIAC):
 - District 1 no appointment made
- Lea County Environmental Services Advisory Committee (LCESAC):
 - District 2 Eddy Craig
 - District 4 Cody Hudson
- Lea County Fair Board (LCFB):
 - District 3 Harry Harlan
 - District 4 Crawford Culp
 - District 4 Ken Brumly
 - District 5 no appointment made
- Lea County Indigent Hospital Claims Advisory Board (LCIHCAB):
 - District 2 no appointment made
 - District 3 Dr. William Stone
 - District 4 no appointment made
 - District 5 Marilyn Rogers
- Lea County Planning & Zoning Board (LCPZB):
 - District 3 James Francis
 - District 4 Robbie Robinson
 - District 5 no appointment made
- Lea County Road Advisory Committee (LCRAC):
 - District 2 John Norris
 - District 3 Bobbie Shaw
 - District 4 Mark Bateman
 - District 5 no appointment made

Commissioner Pierce moved to approve all above appointments to active boards. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Appointments to Other Active Boards:
 - Lovington – Lea County Extraterritorial Zoning Commission (LLCEZC):
 - District 1 no appointment made
 - District 1 no appointment made

ITEM 03: OUTSIDE ENTITIES

- **Community Drug Coalition of Lea County – Darlene Tafoya Miller**
 - Presentation of 2nd Quarterly Report for the Community Drug Coalition of Lea County

Coordinator Miller presented a power point presentation on the progress report for FY 2012-2013 for the Community Drug Coalition of Lea County. She stated she would like to present a business update and an individual focus area update. In the business update, she stated they have added George Montes to their staff. The CDC Take a Stand Magazine 2012 magazine was a success and is already working on the 2013 issue. We are continuing the CDC partnership project. We have been recently awarded the SAMSHA Partnerships for Success II Grant. For prevention, we were extremely happy to celebrate red ribbon and substance abuse awareness month with the schools across the county. We also did an impaired driving project, synthetic drug action plan, and truancy initiative. She stated, we are also trying to work on our treatment initiative. Things that will be upcoming, Youth risk and resiliency survey seminar, synthetic drug town hall meetings, alcohol awareness project, 2013 Take a Stand Magazine.

ITEM 04: BOARDS/COMMITTEES

- **Lea County Fair Board – Lyn Edwards Director**
 - Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement Between Lea County and The Texas Jamm Band Featuring Members of George Straits Ace in the Hole Band for August 3, 2013 Lea County Fair and Rodeo

Director Edwards requested approval for the agreement between Lea County and The Texas Jamm Band for August 3, 2013 which is the first Saturday of the Lea County Fair and Rodeo for the cost of \$30 thousand. Mr. Holloman stated there are a few items on these contracts that need to be addressed. Vice Chairman Black moved to approve the agreement between Lea County and the Texas Jamm Band featuring member of George Straits Ace in the Hole Band for August 3, 2013, subject to legal approval. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and The Bobby Robert's Company, Inc. for Morgan Frazier for August 6, 2013 Lea County Fair & Rodeo

Director Edwards requested approval of the agreement between Lea County and The Bobby Robert's Company Inc. for Morgan Frazier for August 6, 2013. Mr.

Holloman stated here are a few items on these contracts that need to be addressed. Commissioner Whitehead moved to approve the agreement between Lea County and The Bobby Robert's Company Inc for Morgan Frazier for August 6, 2013 subject to legal approval. The motion was seconded by Commissioner Pierce and passed unanimously.

- **Lea County Indigent Claims Advisory Board – Sherri Bunch, Director**

At 9:52, Commissioner Whitehead moved to convene into Indigent Claims Advisory Board. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of the Lea County Indigent Claims Burial Report

Director Bunch requested approval of the Lea County Indigent Claims Burial Report. Commissioner Whitehead moved to approve the Lea County Indigent Claims Burial Report. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Nor-Lea Hospital District FY 2014 Sole Community Funding Request

Director Bunch requested approval of Nor-Lea Hospital District FY 2013-2014 Sole Community Funding Request. Vice Chairman Black moved to approve Nor-Lea District FY 2013-2014 Sole Community Funding Request. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Lea Regional Medical Center FY 2014 Sole Community Funding Request

Director Bunch requested approval of Lea Regional Medical Center FY 2013-2014 Sole Community Funding Request. Commissioner Whitehead moved to approve the Lea Regional Medical Center FY 2013-2014 Sole Community Funding Request. The motion was seconded by Vice Chairman Black and passed unanimously.

At 9:56, Vice Chairman Black moved to reconvene in regular session. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 05: OTHER ELECTED OFFICIALS

- **LEA COUNTY CLERK – PAT SNIPES CHAPPELLE**

- Consideration of Approval of Appointment to Board of Registration

Clerk Chappelle stated every February in the odd number years, we are required to appoint a Board of Registration. The Board of Registrations duties are to oversee the cancelation of voter registration. As you are aware, the federal government sets the criteria and the standards to cancel people. The prior Secretary of State failed to do two mailings which may mean we can cancel a few and may mean we can cancel no one. So our voter rolls continue to be inflated you know so our numbers look skewed because it seems our voter turnout is low when we know these people no longer live here. You have recommendations from both political parties, what you are required to do is balance the parties. Mr. Holloman, stated I believe the statute states that there

needs to be two alternates that should not belong to the same party. Commissioner Pierce asked, are these the people that would be responsible for the registered voter list, if someone is not here or has passed away. Clerk Chappelle stated we receive an initial list from the Secretary of State. Commissioner Pierce asked how we get notified if someone passes away. Clerk Chappelle stated The State of New Mexico sends us a death notice of any one who dies in New Mexico and with this death notice, we are allowed to cancel the voter registration. So many of our voters die in Texas and they do not send us a notice. The family may send us something, but it has to be something in writing in order for us to be able to accept it, and remove voters from the voter rolls. Commissioner Pierce moved to approve B.J. Choice as Democrat member and Douglas Vitt as the Alternate and Leward W. Sparks and Robert Borland as the Republican members and Amelda Jane Sparks for the alternate. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 06: MANAGER

- **Lea County Manager – Michael P. Gallagher II**

- Presentation and Discussion of the Lea County Administrative and Judicial Master Plan (Courthouse Study)

Manager Gallagher introduced Mr. Andy Aguilar from Architectural Research Consultants, Inc. for a presentation and discussion. Mr. Aguilar presented a power point presentation on the Lea County Administrative and Judicial Master Plan. He stated the study scope has two phases. The first being a needs assessment, meeting with everyone, finding out what their needs and concerns are. The second is a master plan to see what kind of options are available, with hard figures and data, so you would know which plan you would want to take. He stated, they are about 40% complete overall. He stated the way we have developed this project is we are going to show you several different scenarios with our analysis, and we are hoping that all the different players will come together to help us make a final decision to refine the master plan. He stated, basically in terms of timeline, we are hoping to have a revised finalized decision making material in May.

- Consideration of Approval of Lea County Resolution NO. 13-FEB-008R Oppose Listing Lesser Prairie Chicken as a Threatened Species

Manager Gallagher requested approval of Resolution NO. 13-FEB-008R to oppose listing the lesser prairie chicken as a threatened species. He stated this is a resolution that would state the County Commission opposes the US Fish and Wildlife listing the lesser prairie chicken as an endangered species. We are working with several different counties at the moment, Eddy, Curry, Chaves, and Union in a process of coordination with the federal agencies. Commissioner Pierce moved to approve Resolution NO. 13-FEB-008R to oppose listing the lesser prairie chicken as a threatened species. The motion was seconded by Commissioner Black and passed unanimously.

- Consideration of Approval of Letter to U.S. Fish & Wildlife Service

Manager Gallagher requested approval of a letter to U.S. Fish & Wildlife alerting fish & wildlife that Lea County desires a coordination process with fish and wildlife. The other counties are sending similar letters. He stated staff will attend a public hearing on the lesser prairie chicken February 4, 2013 in Roswell at the Eastern NM College Auditorium. Vice Chairman Black moved to approve the letter to U.S Fish and Wildlife. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval to Award Legal Services Request for Proposal (RFP)

Manager Gallagher stated, recently we sent out an RFP for legal services as a result and at the communities recommendation of the RFP. We are requesting that we award the legal services RFP to Maddox, Holloman, and Kirksey law firm in Hobbs. He added he would also need a motion to be able to sign any necessary paperwork and to be able to negotiate. Commissioner Pierce moved to approve the award for Legal Services request Proposal and signatures. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 07: COUNTY DEPARTMENTS

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

- Discussion of Emergency Management Report

Director Velasquez reported for this year we have had a total of two grass fires and eleven EMS runs.

- Consideration of Approval for Hobbs Convenience Center Storage Building

Director Velasquez requested approval for Hobbs convenience center storage building. He stated this is a budgeted item for this year. Going through CES we were able to go under budget for the project. Vice Chairman Black moved to approve the Hobbs Convenience Center Storage Building. The motion was seconded by Commissioner Pierce and passed unanimously. Manager Gallagher asked director Velasquez if he would like to elaborate on the oil plans that were discussed. Director Velasquez stated he would like to expand a little on the oil itself. What we would do of course is get a permit, and then a tank to house the oil, where the public can dump their oil. This oil will be used to heat that building. Whatever is not used will be sold back. Chairman Fulfer asked if the cutup tires that are received are sellable. Director Velasquez stated we currently have a contract on that. It goes to a tire company in Denver City, but that is coming up for renewal and we are looking at another tire company in Artesia. Another thing that we would like to expand on is the tires that people bring in with rims have to be thrown away because we cannot use rubber and metal. So I would like to get a tool that will take the rim off, so we will be recycling metal and the tire.

- Discussion of Lea County Environmental Services Report

Director Velasquez reported there were 25 animals that went to shelter, 80 animal control calls. There were 14 environmental calls and three illegal dump sites that have been located and cleaned. The inmate crew picked up 64 bags of trash

cleaning 16 miles. Our cleanup crew did 30 bags of trash cleaning 6 miles and 42 tires. He stated I would like to give you a quick update on the annual report for environmental for 2012. There were 833 animals that were picked up and went to shelters a total of 1600 calls. There were 106 verbal warnings were issued, 54 written warnings issued, and 141 debris on the side of the road was picked up. There were 271 illegal dump sites located and cleaned. We issued 48 verbal warnings, 56 written warnings, and 765 calls of violations. We had 23 dilapidated buildings letters that were issued, and 27 hazardous.

- **Planning/GIS – Buster Willis, Administrator**
 - Discussion of Lea County Subdivisions

Manager Gallagher stated, I had asked Mr. Willis to update us with information. The housing and development departments and municipalities are trying to get more single and multifamily housing in the area. As components in developing single family homes you have to develop subdivisions or sub lots, often times that requires that there be a process either citywide or countywide. Mr. Willis stated in 2012 there were 40 claims of exemptions, 10 subdivisions, 3 vacation plats, and issued two hundred eleven, 911 addresses. The P&Z review committees have been meeting once a month, so far we have revised chapters one through six, and are currently working on the special procedures, minimal lot size of liquid waste solid waste disposal systems, and how that would have reference to the subdivision regulations. The committee would like to change the minimum lot size to the NM Environmental standards for a three bedroom house to $\frac{3}{4}$ of an acre. We are also trying to set up a meeting with the state engineer on drinking water to talk to him about the requirements. For the past ten years all of the subdivisions that we have reviewed are in what they call critical management areas or CMA. All of our subdivisions are in CMA's in the last ten years we have not gotten one positive answer back. We are also running into problems with RV parks. There are no subdivision regulations for RV parks at the moment.

- **Public Works (Airports/Engineering/Roads) – Corey Needham, Director**
 - Consideration of Approval of Lea County Fairgrounds Proposed FY 2013 Improvement Update and Scope of Work

Director Needham requested approval of Lea County Fairgrounds Proposed FY improvement update and scope of work. He presented a power point showing the new scope of work. Commissioner Pierce motioned to approve the Lea County Fairgrounds Proposed FY 2013 improvement update and scope of work. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Lea County Roadways

Director Needham reported we have our crews back up and going we have completed about 80 miles of roadway which gives us about 10 miles a day. Grate crews are averaging about 110 miles a day so we are averaging about 50 miles altogether. Our outside construction crew, Constructors Inc., has completed the dirt work on the six Tatum roadways. We have about 60% of the dirt work done on James Road. Commissioner Pierce asked about Marland Roadway in Hobbs. Chairman Fulfer asked where you got the funding for the last bypass we did up to Grimes. Director Needham stated, we have applied for a grant that will be presented at the next Commission meeting that will be to resurface from Grimes all the way to the Eunice Highway. It is a federal grant administered by NMDOT.

- Consideration of Approval of Right of Way Acceptance for Bensing Road

Director Needham requested approval of the right of way acceptance for Bensing Road. All of the roadways being presented today exist between Kansas and College Lane. Commissioner Whitehead will be abstaining from voting in this matter. Vice Chairman Black moved to approve the right of way acceptance for Bensing Road. The motion was seconded by Commissioner Pierce and passed with a yes vote by all Commissioners excluding Commissioner Whitehead who abstained from voting.

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

- Consideration of Approval of Professional Services Agreement between Lea County and Guidance Center of Lea County

Director Bunch requested approval of professional services agreement between Lea County and Guidance Center of Lea County. Vice Chairman Black moved to approve professional services agreement between Lea County and Guidance Center of Lea County for services rendered. The motion was seconded and passed unanimously.

- Consideration of Approval of Lea County Resolution NO. 13-FEB-007R Budget Adjustments

Director Bunch requested approval of Lea County Resolution NO. 13-FEB-007R for budget adjustments. Vice Chairman Black moved to approve Resolution NO. 13-FEB-007R for budget adjustments. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Accounts Payable

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

ITEM 08: PUBLIC

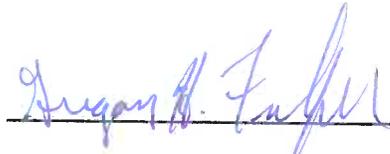
Mr. Choice made comments about the Maddox Scholarship recipient being awarded this month. He also thanked the CDC, and the Drug Coalition programs for their hard work, and dedication. Manager Gallagher stated, I would like to recognize Paddy Downey who was recently promoted to warden of the Lea County Detention Center. He has been the Chief security officer for many years; he has been serving as the interim warden and has been recently promoted. He stated we should also recognize Chairman Fulfer recently receiving senate confirmation to be on the NM Environmental Improvement Board.

The meeting adjourned at 11:52 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



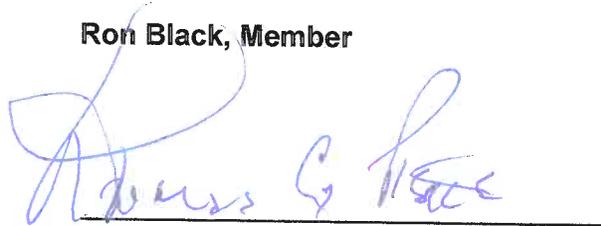
Mike Whitehead, Vice Chairman

Dale Dunlap, Member

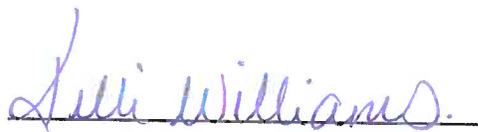


Ron Black, Member

ATTEST: Pat Chappelle
Lea County Clerk



Thomas G Pierce, Member



Kelli Williams

