LEA COUNTY BOARD OF COUNTY COMMISSIONERS
SUMMARY FORM
LCBCC MEETING DATE: Thursday, May 9, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:
Tuesday, April 23, 2013
County Manager Approval (mgallagher@leacounty.net) required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy:	SUBMITTED BY Name/Title/Dept:
Thursday, May 2, 2013	Kelli Williams, Recording Secretary, Clerk's Department
SUBJECT: Minutes	**ATTACHMENT(S):** Draft Minutes

No. of Originals for Signature (Select One): Due in County Manager's Office 2 Days Prior to Meeting	Action Requested (Select One):	Agenda Item Placement (Select One):
One (1)	Consideration	01 Commission

SUMMARY:

Draft Minutes from the April 25, 2013 Lea County Board of County Commissioners Meeting

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.:
None

See Additional Summary Attached ☐

SUBMITTER'S RECOMMENDATION(S):
Approve & Sign Minutes

Submitter's Signature
Department Director, Etc.
Mike Gallagher
Digitally signed by Kelli Williams DN: cn=Kelli Williams, o=Lea County Government, ou=Recording Secretary, Clerk's Department, email=kwilliams@leacounty.net, c=US Date: 2013.05.03 07:37:24 -06'00'

FINANCE REVIEW Fiscal Impact/Cost:
N/A

Reviewed by Finance Director

LEGAL REVIEW:
N/A

Reviewed by County Attorney

COUNTY MANAGER REVIEW:

Approved by County Manager to be Placed on Agenda
M Gallagher
5/6/13

Lea County Board of County Commissioners Meeting MAY 09 2013

RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN

Resolution No. _____ Policy No. _____ Ordinance No. _____
File No. _____ Continued To: _____ Referred To: _____
Other: _____ Approved: K Williams 5-9-13 Denied: _____
Comments: _____

Minutes of Meeting
Lea County Board of Commissioners
April 25, 2013

Chairman Fulfer called the meeting to order at 9:08 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 April 11, 2013 Minutes

Commissioner Dunlap moved to approve the April 11, 2013 minutes. The motion was seconded by Commissioner Whitehead and passed unanimously.

• Discussion of Committee Reports

Commissioner Black stated he went to a meeting concerning the Ranch Rodeo and he is impressed with the way things are lining up. Vice Chairman Black stated, Corey and I attended a meeting a week ago today, along with some officials from Hobbs, with four representatives of the Nuclear Regulatory Commission. It's the beginning of Urenco's expansion process. It seems like the things they were most interested in hearing from us was, does the local community support what is going on at Urenco and secondly, do we feel like the infrastructure is adequate to support the expansion. We tried to insure them that we appreciate Urenco and we have infrastructure and we are working to make it better. Chairman Fulfer stated, I attended both public meetings for the judicial complex and there was a good turnout in both.

Set/Confirm Next Meeting(s):

- Thursday, May 9, 2013 at 9:00 a.m. – Confirmed
- Thursday, May 23, 2013 at 9:00 a.m. – Confirmed
- Thursday, June 6, 2013 at 9:00 a.m. – Confirmed
- Thursday, June 20, 2013 at 9:00 a.m. – Tentative
- Thursday, July 11, 2013 at 9:00 a.m. – Tentative
- Thursday, July 25, 2013 at 9:00 a.m. – Tentative

The next meetings will be at 9 a.m. **Thursday May 9, 2013; Thursday May 23, 2013; and Thursday June 6, 2013;** in the Lea County Board of Commissioners Room. Meetings are tentatively set for Thursday, June 20, 2013; Thursday, July 11, 2013; and Thursday, July 25, 2013.

- Consideration of Appointments to Active Boards
  - Lea County DWI Advisory Committee (LCDWIAC):
    - District 1 No appointment was made at this time
  - Lea County Indigent Hospital Claims Advisory Board (LCIHCAB):
    - District 2 No appointment was made at this time
    - District 4 Pat Taylor
  - Lea County Planning & Zoning Board (LCPZB):
    - District 5 Jimmy Cooper Jr.

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

- Consideration of Approval of Letter of Support to the U.S. Department of Energy regarding Expanding the Mission of Waste Isolation Pilot Plant (WIPP)

Mr. Holloman stated Chairman Fulfer received materials from Eddy County requesting support for transuranic or Hanford tank waste to be allowed at WIPP. The Department of Energy requested the State of New Mexico to allow this material to be placed in WIPP. Eddy County is requesting a letter of support in favor of the State of New Mexico changing the rule to allow this. Mr. Holloman stated, I am not sure if you would like to see the resolution that has been drafted or just approve the letter and bring the resolution back later. Chairman Fulfer stated Jack Valpato the Chairman of the Eddy County Commission called. They are trying to get some movement from the State to let them handle the Hanford waste. There has been a lot of talk about the waste being liquid, but there is no way they are able to accept liquid waste. It would take a federal change for WIPP in order for them to do that. There is some transuranic waste on site at Hanford that is what they want to take. It is nothing different than what they already take; they just want to get some movement on that. Chairman Fulfer stated, I don't think we need a resolution at this time, but if we could look at approving a letter of support for them that would be some help. Chairman Whitehead moved to approve a letter of support being sent to the State of New Mexico and the U.S. Department of Energy regarding Expanding the Mission of Waste Isolation Pilot Plant (WIPP). The motion was seconded by Vice Chairman Black and passed unanimously.

ITEM 02: BOARDS/COMMITTEES

- **Road Advisory Committee – Corey Needham, Chairman**

• Consideration of Approval of Recommendation from the Lea County Road Advisory Committee to Accept the Application for Exchange of Fence Material for Cattle Guard Removal on XL Road by Chris Brininstool

Mr. Needham requested approval. He stated this was an item that was addressed at the April 16th, 2013. Road Advisory meeting with a unanimous vote. In this agreement, which complies with Lea County policy LC-001, Section 3 states we can exchange 2 miles of fencing material for every 1 cattle guard that gets removed from our roadways. She has 3 cattle guards; 6 miles fencing that is desired and the road advisory committee approved the exchange. Commissioner Dunlap moved to approve the application for exchange of fence material for cattle guard removal on XL road. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 03: OTHER ELECTED OFFICIALS

- **Treasurer - Susan Marinovich, Chief Deputy Treasurer**

• Consideration of Approval of 2013 – 1st Option to Renew Financial Services Agreement between Lea County and Wells Fargo Bank for Banking/Financial Services for Lea County

Chief Deputy Marinovich requested approval. Commissioner Dunlap moved to approve the 2013 1st Option to Renew Financial Services Agreement between Lea County and Wells Fargo Bank for Banking/Financial Services for Lea County. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 04: MANAGER

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

• Consideration of Approval of Travel

Manager Gallagher requested approval. Commissioner Dunlap moved to approve the travel requests. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 05: LEGAL

- **Lea County Attorney – Scotty A. Holloman**

• Consideration of Approval of Lease Agreements between Lea County and Insite Towers, LLC for the following Communication Tower Leases:
  - Site ID NM098 Maljamar #1 (CC) (Maljamar Fire Department)
  - Site ID NM096 Kal (CC) (Lea County)

- NM104 Lovington (CC)
- NM105 Lovington (CC)

Mr. Holloman stated Caprock Communications is selling part of their towers and equipment to Insite Towers, LLC. We have four estoppel agreements, and they just want to know either from the tenant or the landlord that there is no problem with the lease. Is it still in force, is the right amount of lease being paid, and so forth. There are four estoppels that are part of this process. These have been reviewed by someone in our office and the proper entity to make sure the numbers are right. Commissioner Pierce asked, does the County own these towers? Mr. Holloman stated we own NM 104 and NM 105, the other two we do not. Commissioner Dunlap moved to approve the lease agreements between Lea County and Insite Towers, LLC for the communication tower leases. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 06: COUNTY DEPARTMENTS

- **Communications Authority – Angela Martinez, Director**

  - Discussion of Lea County Communications Authority Report

Director Martinez reported on the call volume; dispatch answered 7,624 calls for the month of March. Since consolidation, June 26th until now, we have answered 147,383. Percentage wise, Hobbs was responsible for 74% of the call volume, the County was responsible for 24%. Eunice, Jal and Tatum were all responsible for 1% and Lovington 30%. National telecommunications week was a good success.

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

  - Consideration of Approval of Application for the FY 2014 Community DWI Program Funds (CDWI) to be Utilized for Enforcement Overtime Hours Conducted in DWI Checkpoints, Saturation Patrols and Underage Drinking Activities

Director Ford requested approval. She stated this will benefit the Lea County Sheriff's Department, Hobbs Police Department, and the Jal Police Department, in the amount of $26,952 for enforcement overtime conducted in DWI activities. Vice Chairman Black moved to approve the application for the FY 2014 community DWI program funds (CDWI) to be utilized for enforcement overtime hours conducted in DWI Checkpoints, saturation patrols and underage drinking activities. The motion was seconded by Commissioner Dunlap and passed unanimously.

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

• Discussion of Lea County Emergency Management Report

Director Velasquez reported there were three grass fires reported. There has been one in Jal that was 25 acres, one in Knowles, and one in Hobbs. In total, there have been 27 acres burned, 23 grass fire calls for the year, and there was one vehicle fire in Monument. There were 15 total EMS runs.

• Discussion of Lea County Environmental Services Report

Director Velasquez reported there were 25 animals that went to the shelter. There were 7 illegal dumping sites that were located and cleaned. There were 8 calls on that total. The cleanup crew cleaned 80 bags, 19 tires, and 13 miles. The inmate crew cleaned 130 bags, 17 miles.

• Consideration of Approval to Award or Reject Bid #4 2012 – Lea County Re-roofing of Various Building Project (JDK 30-6-22)

Director Velasquez requested approval. He stated this is to replace or repair various roofs on County buildings included in our insurance claims. The Lea County Health Center, the Sherriff Station, Yucca Buildings, Zia Building, the picnic canopy, the Chaparral Building skylights, and the mechanical unit. Single bids were submitted, Jim D. Koontz and Associates recommended we award this project to Tecta America out of Lubbock Texas. Six Bids were received for this project. Impact will be $730,245 plus gross receipts tax, the County has received insurance of $730,245 from the insurance company, out of pocket expenditures are $26,700. Vice Chairman Black asked if the insurance pays the gross receipts tax? Director of Finance Bunch stated it is my understanding the insurance usually goes out and evaluates the damage and pays whatever they feel is the amount. It is not an actual reimbursement of expense it is just what they consider the damage to be. Chairman Fulfer asked if we could check on that? Director Bunch stated she would be more than happy to take that back to the adjuster. Mr. Holloman stated there is an email from Travelers dated April 2, that states the County may claim the balance less the $5,000 deductible. It sounds like they may be willing to pay that balance, if approved. If you would like to approve the contract subject to clarification, that Travelers pays the balance? Vice Chairman Black moved to approve the contract subject to clarification that Travelers pays the sales tax. The motion was seconded by Commissioner Pierce and passed unanimously.

- **Event Center/Fairgrounds/Marketing – Lyn Edwards, Director**

  • Consideration of Approval of Agreement between Lea County and Keli Hatley for Production Services for the Ranch Cowgirls Rodeo Association (RCRA) to be held in Conjunction with the Lea County Ranch Rodeo at the Lea County Fairgrounds on May 4, 2013

Director Edwards requested approval. She stated there is no cost to the County and they are attempting to expand the activities for Ranch Rodeo in order to bring in a larger audience. Commissioner Pierce moved to approve the agreement between Lea County and Keli Hatley for production services for the Ranch Cowgirls Rodeo Association. Chairman Fulfer asked if the insurance is covered for this event? Director Edwards stated they provide their own insurance. Commissioner Whitehead asked how we did on the Trace Adkins concert? She stated we had over 2078 attendees and our staff is still working on the financials. Commissioner Pierce asked what is going on with the corner panels within the arena? She stated there are metal panels we can put up. As you noticed with the Trace Adkins concert there were white panels he provided those. With most of the events, they do provide their own.

- **Planning/GIS – Buster Willis, Administrator**

  - Discussion of Lea County Subdivisions Report

Administrator Willis reported we issued thirty-three 911 addresses and did one claim of exemption. He stated we have three preliminary plats coming up for review by the Planning and Zoning Board. If they are approved, they will be coming before you in the May 23rd meeting. Manager Gallagher stated we have been talking about working with Lyn Stokes and our applicants to work out some of the challenges to get a positive rating from the State Engineer. How is that working out? Mr. Willis stated Mr. Stokes feels we could get a positive rating if the developer drills to the red bed and if he has a hydrology report. I do not know if the developer wants to spend the money on the hydrology report, they cost around $10,000. Manager Gallagher asked if that is part of challenge they are seeing getting approved, is that the developers are submitting incomplete information to the State Engineer's Office. Mr. Willis stated, yes, it seems that it is incomplete and they are not getting the State exactly what they need. Manager Gallagher asked what do they need. Mr. Willis stated first thing the well has to be drilled to the red bed and we don't have anything that has been submitted that has been drilled to the red bed. On the application, it has to give minimum to maximum depth. All the data that has to be on the application is not on the log and it has to be on the form.

- **Public Works (Airports/Engineering/Roads) – Corey Needham, Director**

  - Discussion of Lea County Road Department Report

Director Needham reported we lay about 100 miles a week, and mow about 60 miles a week, and we are adding a second mower to our crew so that should increase. We have been patching shoulders on Orla, Darby. We have been building a two-mile roadway into our well site it is part of our Highway 483 water line project. We have also been patching off of Mescalero and Industrial in Lovington. The outside contracting work continues we are still working on the fence relocation before we can really start on the heavy work. The work continues at the Fairgrounds.

• Consideration of Approval of Right of Way (ROW) Agreement between Lea County and United States Department of Interior, Bureau of Land Management for Delaware Basin Roadway

Director Needham requested approval. He stated this will give us the Right of Way in order to spend other Federal money on other Federal land. This at zero cost to us and is at 6.3 miles. This right of way agreement would be in effect until 2041. Vice Chairman Black moved to approve the Right of Way agreement between Lea County and United States Department of Interior, Bureau of Land Management for Delaware Basin Roadway. The motion was seconded by Commissioner Dunlap and passed unanimously.

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

• Consideration of Approval of Lea County Resolution No. 13-APR-016R Budget Adjustments

Director Bunch requested approval. She stated this is an adjustment for two positions to replace persons that are going to retire in the next six months, and another position as an increase in volume and activity. She stated this is to provide funds for the remainder of the fiscal year. Commissioner Dunlap moved to approve Lea County Resolution No. 13-APR-016R for Budget Adjustments. The motion was seconded by Vice Chairman Black and passed unanimously.

• Consideration of Approval regarding Professional Audit Services for Lea County:

- Award Request for Proposal (RFP) #6 Independent Audit Services for Lea County

Director Bunch requested approval. She stated we have to go out for audit services every three years as required by law. Our three years was up last year. We received responses from three different firms. Chairman Fulfer asked how does the audit work with the ELEA being a fiscal agent with Lea County, do they need to have a different company for their audit for the next year do we wrap this into this contract, do we have to have a different company or how will that work? She stated we actually ask for audit contracts for five separate audits, because we act as fiduciary for five different agencies now. I do have the contract that I have given to Lisa Hardison of EDC for Mr. Maddox as Chairman to sign. My understanding is the audit that Mr. Garner is doing for them now will wrap June 30, 2012 then they will audit our accounting system from the time we became fiscal agent until June 30, 2013. There will be two audits. Commissioner Pierce moved to approve the request for proposal (RFP) #6 Independent Audit Services for Lea County. The motion was seconded by Commissioner Whitehead and passed unanimously.

- State of New Mexico Audit Contract between Lea County and Johnson, Miller Co.

Director Bunch requested approval. Commissioner Pierce moved to approve the Audit Contract between Lea County and Johnson, Miller Co. The motion was seconded by Vice Chairman Black and passed unanimously.

• Consideration of Approval of Accounts Payable

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

ITEM 07: PUBLIC

- **Public**

There were no comments from the public

ITEM 08: EXECUTIVE SESSION

- **Board of County 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.

10:12 a.m. Commissioner Pierce 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 11:10 a.m.

• The Commission convened in closed session to discuss items relative to the purchase acquisition or disposal of real property, or water rights. No action was taken by the Commission during closed session.

ITEM 09: OTHER BUSSINESS

Chairman Pierce moved to approve to settle litigation of the Jolene Meadows case. The motion was seconded by Commissioner Dunlap and passed unanimously.

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

BOARD OF COUNTY COMMISSIONERS

LEA COUNTY, NEW MEXICO

Gregory H. Fulfer, Chairman

Ron Black, Vice Chairman

Mike Whitehead, Member

Thomas G. Pierce, Member

Dale Dunlap, Member

ATTEST: Pat Chappelle

Lea County Clerk

Kelli Williams

COUNTY CLERK SEAL LEA COUNTY, NEW MEXICO