



LEA COUNTY BOARD OF COUNTY COMMISSIONERS

SUMMARY FORM

LCBCC MEETING DATE: Thursday, May 23 2013

Submit this summary form to the Finance Director Sherri Bunch [sbunch@leacounty.net](mailto:sbunch@leacounty.net) by:  
**Tuesday, May 7, 2013**

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

DATE SUBMITTED mm-dd-yyyy: Monday, May 20, 2013		SUBMITTED BY Name/Title/Dept: Kelli Williams, Recording Secretary, Clerk's Dept.	
SUBJECT: Minutes		ATTACHMENT(S): Draft Minutes 05/09/2013 Budget Workshop; Draft Minutes 05/09/2013 Regular Meeting	
No. of Originals for Signature (Select One): Due in County Manager's Office 2 Days Prior to Meeting Two (2)	Action Requested (Select One): Consideration	Agenda Item Placement (Select One): 01 Commission	

**SUMMARY:**  
Review & Approve Minutes from the May 9, 2012 LCBCC Budget Workshop & Regular Meeting.

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: None	See Additional Summary Attached <input type="checkbox"/>
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SUBMITTER'S RECOMMENDATION(S): Approve & Sign Minutes	Submitter's Signature Department Director, Etc.  Kelli Williams <small>Digitally signed by Kelli Williams DN: cn=Kelli Williams, o=Lea County Government, ou=Recording Secretary, Clerk's Department, email=k.williams@leacounty.net, c=US Date: 2013.05.21 06:49:52 -0600</small>
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FINANCE REVIEW Fiscal Impact/Cost: N/A	Reviewed by Finance Director
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LEGAL REVIEW: N/A	Reviewed by County Attorney
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COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda  Mguy 5/21/13
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RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN

Resolution No. _____	Policy No. _____	Ordinance No. _____
File No. _____	Continued To: _____	Referred To: _____
Other: _____	Approved: <i>Kelli Williams</i>	Denied: _____
Comments: _____	<i>5-23-13</i>	



**Minutes of Meeting  
Lea County Board of Commissioners  
May 09, 2013**

**Chairman Fulfer called the meeting to order at 9:26 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 Lee A. Kirksey.**

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

**ITEM 05A: PUBLIC**

- **Comments from the public**

Vice Chairman Black moved to make an adjustment to the agenda and add an extra public comments section regarding the Airline at the beginning of the meeting. The motion was seconded by Commissioner Pierce and passed unanimously. Lisa Hardison President and CEO, Economic Development Corporation of Lea County stated, we would like to just give some facts and figures regarding our airline to let you know how important it is to our community, and let you know how much we appreciate your support. It is one of the most important economic tools we have. I feel that continuing this service will continue to make us prosper and put our infrastructure in a place that makes us attractive for new businesses, as well as making it very important for the businesses that are already here. Each month on average, over 61 cities domestically, and 19 countries, have passengers that fly into Hobbs. Gary Schubert, Chairman of the Economic Development Committee, stated the airline service opens a conduit to the rest of the world. I would like to say thank you and we appreciate the support, in the past and your continued support in the future. Lori Trammel, with the Fairfield Inn stated a good portion of the passengers that are flying in to Hobbs stay in my hotel and they are working in our communities and eating in our restaurants. They are not just visiting, so they are helping our community grow. Mary Shick, with Black Gold Casino, stated we are huge benefactors of this service. It gives us the opportunity to build a hotel that would be directly affected by the airline. I would like to share something there are a lot of great things about living in a small community, but going forward there are 2 necessary things for a small community to survive, internet and air connectivity. Tim Thornell with Lea Regional Medical Center stated, working with the hospital, it is a great benefit having the airport here in Hobbs. Tommy Cope, with Intercontinental Potash Corporation stated, it is nice for us to be able to tell our cliental they can fly directly to Hobbs. Vice Chairman Black stated this is a quality of life issue

for our community too. There are a lot of people that use it for vacations, and cancer treatments in Houston.

**ITEM 01: COMMISSION**

- ***Board of County Commissioner***

- Consideration of Approval of the April 25, 2013 Minutes

Commissioner Dunlap moved to approve the April 25, 2013 minutes. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Committee Reports

Commissioner Pierce stated he would like to thank everyone who appeared at his community meeting, it was very informative. The County staff answered all of the questions that were asked, and he feels it went very well.

**Set/Confirm Next Meeting(s):**

- Tuesday, May 21, 2013 at 9:00 a.m. Special Budget Meeting – Confirmed
- Thursday, May 23, 2013 at 9:00 a.m. – Confirmed
- Thursday, June 6, 2013 at 9:00 a.m. – Confirmed
- Thursday, June 27, 2013 at 9:00 a.m. – Confirmed
- Thursday, July 11, 2013 at 9:00 a.m. – Confirmed
- Thursday, July 25, 2013 at 9:00 a.m. – Confirmed

The next meetings will be at 9 a.m. **Tuesday May 21, 2013, Special Budget Meeting; at the Event Center; Thursday May 23, 2013; Thursday June 6, 2013; Thursday June 27, 2013; July 11, 2013; and July 25, 2013;** in the Lea County Board of Commissioners Room.

- Consideration of Appointments to Active Boards
  - Lea County DWI Advisory Committee (LCDWIAC):
    - District 1 No appointments were made at this time
  - Lea County Memorial Committee
    - District 5 No appointments were made at this time
  - Lea County Indigent Hospital Claims Advisory Board (LCIHCAB):
    - District 2 - Lillie Anchondo

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

- Consideration of Approval of Lea County Healthcare Study Committee

Mr. Gallagher stated we have engaged a firm to conduct a county wide study to look at a variety of issues in the County related to health care, as an industry as well as a quality of life matter. What we would need is a committee that would interface with the consultant and County staff. Commissioner Pierce moved to approve the Lea County Healthcare Study Committee. The motion was seconded by Vice Chairman Black.

- Consideration of Approval of Appointments to the Lea County Healthcare Study Committee

Chairman Fulfer appointed the following people:

David Shaw	Tim Thornell	Sam Cobb
J.J. Murphy	Gregg Fulfer	Ron Black
Mike Gallagher	Bob Reid	Gregory Smith
Dr. Jeffrey Nelson	Pam Parkinson	Evelyn Rising
Lisa Hardison	Dr. Christopher Driskill	Tracy Smith
Dr. Elias Said	Dr. Algimantas Jecius	Brian Henning
Kenny Fadke	Dr. Mukeshbhai Patel	Jackie Ford
Dr. Daniel Mayes	Oscar Gonzalez	

Vice Chairman Black moved to approve the appointment to the Lea County Healthcare study committee. The motion was seconded by Commissioner Whitehead, opposed by Commissioner Pierce and Commissioner Dunlap, Chairman Fulfer approved being the tie breaking vote, and the motion was passed. Commissioner Pierce stated, I feel it is going to be tough, they are too diversified. Chairman Fulfer stated I don't think it would hurt to have everyone there to start out with and give their comments, then go from there.

## **ITEM 02: BOARDS/COMMITTEES**

- **Road Advisory Committee – Randy Pettigrew, Chairman**

- Consideration of Approval of Recommendation from the Lea County Road Advisory Committee for Hightop Roadway Extension Request

Chairman Pettigrew requested approval. He stated on the 16<sup>th</sup>, Paul Herrera had requested to have a road built to the ranch that is out there. Mr. Herrera presented a map and stated his concerns with 2.5 miles of roadway that would benefit him and other residents in the area. Commissioner Pierce moved to reject the approval of the recommendation from the Lea County Road Advisory Committee for Hightop Roadway Extension request. The motion was seconded by Commissioner Whitehead all Commissioners, excluding Commissioner Dunlap voted yes to reject. Commissioner Dunlap Voted no.

**ITEM 03: LEGAL**

- **Lea County Attorney – Lee A. Kirksey**

- Consideration of Approval of Adoption of Lea County Ordinance No. 79 – Ordinance Approving the Economic Development Corporation of Lea County's Water Infrastructure Improvement Project Application and Adopting the Related Project Agreement Participation Agreement

Attorney Kirksey, requested approval. She stated this ordinance deals with the local economic development act. The local economic development corporation of Lea County in association with the County has prepared an application for local economic development funds. They are intended for the waterline infrastructure to be built out near Joule Unlimited and International Isotopes to help continue that project. The request is for \$500,000 in State and Local Economic Development Funds. We are required to have an ordinance and a guarantee. If there are not 10 jobs maintained and at least 40 jobs created from this over the time line of the agreement, then we will have to pay this money back. It has been published in the paper and the public has been given appropriate notice. Chairman Fulfer stated, I would like to open this up for public comments. Commissioner Dunlap asked if the agreement is for five years? She stated right now the agreement is for three years. Since the Commission has approved publication of the ordinance we revisited with the State Economic Department to include cabinet secretary Jon Barela. Under the direction of Jon Barela, he approved extending the timeline from 3 years to 5 years. We have a couple of options. One option is to not move forward with this ordinance and come back at a Commission meeting to seek authorization to publish with the revision to 5 years, or we can move forward with this ordinance then, at the next Commission meeting amend this ordinance to reflect the change from 3 years to 5 years. If we do that we do not lose any time to get this approved and get the funds obligated by the end of the fiscal year. Commissioner Dunlap asked if that is 40 permanent jobs? Manager Gallagher stated, the application includes the retention of 10 existing positions and the addition of 40 jobs over the next 5 years with a total of 50 jobs. These jobs are not limited to the entities that are out there, it is just stating that this project will lead to the creation of fifty jobs over a 5 year period of time. Lisa Hardison with the Lea County Economic Development Department stated, the jobs can be created anywhere within that area. With the projections from both of the companies that we have out there we should more than surpass that amount and it should be no loss to the County. Vice Chairman Black moved to approve Lea County Ordinance No. 79 approving the economic development corporation of Lea County's water infrastructure improvement project application and adopting the related project agreement participation agreement. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Guarantee of Lea County Associated with the Project Participation Agreement Related to Lea County Ordinance No. 79

Attorney Kirksey requested approval. Vice Chairman Black moved to approve the guarantee of Lea County associated with the project participation agreement related to Lea County Ordinance No. 79. The motion was seconded by Commissioner Whitehead and passed unanimously.

**ITEM 04: COUNTY DEPARTMENTS**

- **Detention Center – Padraig Downey, Warden**
  - Consideration of Approval of the following agreements between Lea County and Summit Food Services, LLC
    - 2013-2014 Option to Renew Operating Agreement for the Lea County Detention Center
    - Catering Contract for the Lea County Juvenile Detention Center

Warden Padraig requested approval. He stated this option to renew is with Summit Food Services. It reflects 1.35% increase in meals which is allowed in the contract. Commissioner Whitehead moved to approve the 2013-2014 option to renew operating agreement for the Lea County detention center. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of the following Lea County Detention Center Adult and Juvenile Housing Agreements between Lea County and
  - Chaves County
  - Curry County
  - Eddy County
  - Lincoln County
  - Otero County
  - Quay County
  - Roosevelt County

Warden Padraig requested approval. He stated in Lea County it cost us \$65 a day to house an inmate, so we will charge these outside entities \$100 per day for an adult male and \$125 for an adult female. Commissioner Pierce moved to approve the adult and Juvenile Housing Agreements between Lea County and Chaves, Curry, Eddy Lincoln Otero, Quay, and Roosevelt County's. The motion was seconded by Commissioner Whitehead and passed unanimously.

Chairman Fulfer stated, I just want to clarify that the last motion made covered the catering as well as the operating agreement. It was agreed that it did.

- Consideration of Approval of the following Lea County Detention Center Adult and Juvenile Housing Agreements between Lea County and

- City of Eunice
- City of Hobbs
- City of Jal
- City of Lovington
- Town of Tatum

Warden Padraig requested approval. He stated it cost us \$65 a day to house these inmates and we charge these entities the same. Vice Chairman Black moved to approve the adult and juvenile housing agreements between Lea County and the Cities of Eunice, Hobbs, Jal, Lovington, and the Town of Tatum. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of City of Hobbs Detention Facility Housing Agreement between Lea County and the City of Hobbs

Warden Padraig requested approval. He stated the City of Hobbs on occasion has to house our inmates and the cost is \$65. Commissioner Whitehead moved to approve the housing agreement between Lea County and the City of Hobbs. The motion was seconded by Commissioner Pierce and passed unanimously.

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

- Consideration of Approval of Memorandum of Understanding (MOU) Establishing the Lea County Juvenile Justice Continuum between Lea County and the Children's Court with Jurisdiction over Lea County, the District Attorney for the Judicial District Serving Lea County, the Public Defender for the Judicial District Serving Lea County, the Public Defender for the Judicial District Serving Lea County, the Lea County Sheriff's Office and the Lovington Public School District

Director Ford requested approval. She stated this board is required to apply for and receive funds from Juvenile Justice Continuum grants from the State. Commissioner Pierce asked, do we contribute anything to this as a County? She stated we have one person appointed to that informal board, that meets once a month. Vice Chairman Black moved to approve the memorandum of understanding establishing the Lea County Juvenile Justice Continuum between Lea County and the Children's Court with jurisdiction over Lea County, the District Attorney for the judicial district serving Lea County, the Public Defender for the Judicial District serving Lea County, the Public Defender for the judicial district serving Lea County, the Lea County Sherriff's office and the Lovington Public School District. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

- Discussion of Lea County Emergency Management Report

Director Velasquez reported there were 27 acres so far this year burned, 28 grass fire runs. For the last two weeks there were 15 EMS runs.

- Consideration of Approval of 2010 Federal Grant Agreement No. 2010-EO-MX-0018 Sub-Grant Amendment between Lea County and New Mexico Department of Homeland Security & Emergency Management (NMDHSEM) for the 2010 Emergency Operations Center Grant Program

Director Velasquez requested approval. He stated we are requesting to extend the grant for two more weeks. Everything has been submitted and were not signed so we are asking for an extension. Commissioner Pierce moved to approve. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Lea County Environmental Services Report

Director Velasquez reported we had 23 animals go to shelters, with a total of 48 animal control calls. There were 9 illegal dump sites located and cleaned, and were dispatched to a total of 18 environmental calls. Litter control cleaned up 78 bags with a total of 10 miles. The inmate crew picked up 419 bags, a total of 50 miles.

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

- Discussion of Lea County Subdivisions Report

Director Willis reported he has issued a total of five new addresses this month. There were two claims of exemptions. On May 14<sup>th</sup>, 2013 we have three Preliminary Plats that will go before the Planning and Zoning Board for review. Vice Chairman Black stated, I read through all of those, can the developer get more information and send it back? Director Willis stated that is what they are requesting. Commissioner Dunlap stated I do not understand why they would want to approve something that is not approved by the State. They are just asking to dig a test well and dig to red bed, and get a hydrology report. I guess this is going to change on July 1<sup>st</sup>. Chairman Fulfer stated we would like for the developers to know that the laws are changing and the State is requiring more information, to get these through, they are going to need to start submitting all of the information required. Manager Gallagher stated, the way the subdivision ordinance reads right now; the subdivision application is sent to the State for approval. Whether there is a positive or a negative response from the State the applicant can request that the application or plat be brought before the planning and zoning board for consideration. So we try to work with the applicant, the developers and the State agencies.

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

- Discussion of Lea County Road Department Report

Director Needham presented a power point with a few pictures describing progress within the road department and fairground project. He reported currently we have contract crews on Excel Roadway. On Excel Roadway we have about 2.5 miles of the 4.5 miles chip sealed. We have another crew on Bensing and Alabama. County crews have been busy fog sealing and restriping some of our asphalt roads this is preventative maintenance we do on them other than the chip sealing, the largest one being Knowles road.

- Consideration to Award or Reject Bid #5 2012 – 2013 Annual Road Construction and Maintenance Contract – Region I, II, and III

Director Needham stated we bid this item out Tuesday afternoon and have had 4 vendors on the project. We have never had this many in recent history on this contract. He stated, I am still analyzing the data, and I would like to bring it back to you at the May 23<sup>rd</sup> meeting, I am asking that it be tabled at this time. Vice Chairman Black moved to table the consideration to Award or Reject Bid #5 2012 – 2013 Annual Road Construction and Maintenance Contract – region I, II, and III. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

- Consideration of Approval of Lea County Resolution No. 13-May-017R Findings and Proposed Disposition of Inventory

Director Bunch stated there is some language in the resolution that needs some work. She requested to table the Resolution. Commissioner Dunlap moved to table Resolution No. 13-May-017R Findings and Proposed Disposition of Inventory. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Accounts Payable

Director Bunch requested approval. Commissioner Dunlap moved to approve accounts payable. The motion was seconded by Commissioner Pierce.

#### **ITEM 05: PUBLIC**

- **Comments from the Public**

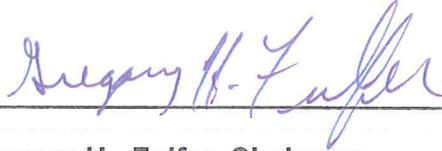
Lyn Edwards stated, I would like to remind everyone that the Rick Springfield concert is this Saturday night. In reference to the discussion about the airport, we have big names in entertainment that are utilizing our airport.

#### **ITEM 06: OTHER BUSINESS**

There was no other business

The meeting was adjourned at 11:00 a.m. by Chairman Fulfer

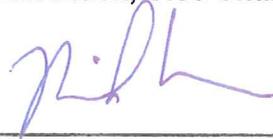
BOARD OF COUNTY COMMISSIONERS  
LEA COUNTY, NEW MEXICO



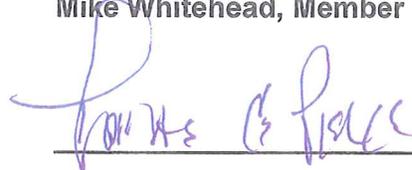
Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member

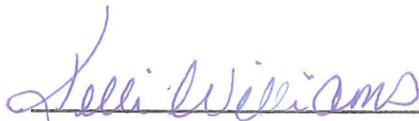


Thomas G. Pierce, Member



Dale Dunlap, Member

ATTEST: Pat Chappelle  
Lea County Clerk



Kelli Williams

