



LEA COUNTY BOARD OF COUNTY COMMISSIONERS

SUMMARY FORM

LCBCC MEETING DATE: Thursday, June 6, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:
Tuesday, May 21, 2013

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

DATE SUBMITTED mm-dd-yyyy: Wednesday, June 5, 2013		SUBMITTED BY Name/Title/Dept: Kelli Williams/Recording Secretary/Clerk's Dept.	
SUBJECT: Minutes		ATTACHMENT(S): Draft Minutes from 2013-MAY-21 LCBCC Budget Workshop Draft Minutes from 2013-MAY-23 LCBCC 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:
Minutes from the May 21, 2013 Budget Workshop
Minutes from the May 23, 2013 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): Review & Approve Both Draft 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=KWilliams@leacounty.net, c=US Date: 2013.06.05 09:11:48 -0500</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: Minutes submitted 06/05/2013 - Not able to give to LCM for review prior to packet preparation - sjsb	Approved by County Manager to be Placed on Agenda
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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>With and 6-6-13</i>	Denied: _____
Comments: _____		



**Minutes of Meeting
Lea County Board of Commissioners
May 23, 2013**

Chairman Fulfer called the meeting to order at 9:07 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 following Minutes:
 - May 09, 2013 Budget Workshop

Commissioner Dunlap moved to approve the budget workshop minutes for May 09, 2013. The motion was seconded by Vice Chairman Black and passed unanimously.

- May 09, 2013 Regular Meeting

Commissioner Dunlap moved to approve the May 09, 2013 minutes. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Committee Reports

Vice Chairman Black stated he feels the healthcare study got off to a good start. There were two good meetings yesterday, one for the members and one for the public. Chairman Fulfer stated, we had good participation in the healthcare study and I really appreciate all of the participation and questions.

Set/Confirm Next Meeting(s):

- 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. – Tentative
- Thursday, July 25, 2013 at 9:00 a.m. – Tentative

The next meetings will be at 9 a.m. **Thursday June 6, 2013; Thursday June 27, 2013;** in the Lea County Board of Commissioners Room. Meetings are tentatively set for July 11, 2013; and July 25, 2013.

- 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
- Consideration of Approval of Letter of Support regarding New Mexico State University (NMSU) Produced Water Research

Manager Gallagher stated a few years ago the County was a recipient of a grant from the Department of Energy to look at opportunities to clean up and reuse produced water in Lea County. We closed that grant out in 2011 and requested additional funding. New Mexico State University Civil Engineering Department is looking at submitting a proposal on a project to the Department of Energy to clean up produced water and to be able to reuse produced water. What they want is a letter of support from Lea County. This is just a letter of support, it would not be with any promise of a dollar amount of any kind. Vice Chairman Black moved to approve the letter of support regarding New Mexico State University (NMSU) produced water research. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Letter of Support regarding Interim Storage at the Waste Isolation Pilot Plant (WIPP)

Chairman Fulfer stated we just received the letter this morning and I feel we need a little more time to look at this and get our letter done. Vice Chairman Black made a motion to table this letter and bring it back at a later meeting. The motion was seconded by Commissioner Pierce and passed unanimously.

Manager Gallagher stated Mr. Weber is not going to be able to attend and Mrs. Edwards has been tied up at another commitment for the event center so he is going to take over for the Fair Board at the moment.

ITEM 02: BOARDS/COMMITTEES

- **Fair Board – Manager Mike P. Gallagher II**
 - Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and Peggy Gander for Photography Services during the 2013 Lea County Fair & PRCA Rodeo

Manager Gallagher requested approval. He stated the fair board recommended approval. Mr. Holloman stated, she had sent an agreement that has been revised with our standardized form and I do feel comfortable with that. She will give the County a release of all the pictures she takes so they can be used for promotional purposes. I am fine with the agreement from a legal stand point. Vice Chairman Black moved to approve the agreement between Lea County and Peggy Gander for Photography services during the 2013 Lea County Fair & PRCA Rodeo. 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 ACM Quick Cash for ATM Placements during the 2013 Lea County Fair & PRCA Rodeo

Manager Gallagher requested approval. He stated this is for the placement of ATM's at the Fairgrounds. We may have some concerns related to the fee that the provider would be paying the County for the opportunity to put the ATM's there, as well as the charge to the patrons. Vice Chairman Black asked, is there a way we can just charge \$5 a machine for the electricity. Chairman Fulfer stated if you figure the cost of a consumer having to go back out of the gates, go get money, then the man power it takes to get them back in the gates it's almost like it is services rendered. Is that something we can put in there, for services rendered? Mr. Holloman stated, it would be cleaner if we were to state an amount. We can do one of two things, you can table this until you can redraft the contract and come up with a new amount, you can approve this subject to and addition of an addendum that would include a reasonable amount so that we would not be in any violation of Eminent domain. Vice Chairman Black moved to approve the approval of the agreement between Lea County and ACM Quick Cash for ATM placement during the 2013 Fair & PRCA Rodeo, with the change that County Manager will look for a fair price to charge for electricity provided. The motion was seconded by Commissioner Whitehead. Commissioner Dunlap and Commissioner Pierce were in opposition. Chairman Fulfer was tie breaker vote in favor the agreement passed.

ITEM 03: OUTSIDE ENTITIES

- **New Mexico Junior College (NMJC) – Robert Rhodes, Vice President of Training & Outreach**
- Consideration of Approval to Host the New Mexico Rural Alliance 2014 Economic Development Summit

Mr. Rhoades stated we have an opportunity to host the 2014 New Mexico Rural Economic Development Summit. We are putting together proposals and forums working in conjunction with the New Mexico EDC. We would potentially host this in late April of 2014 and there would be approximately 215 people from around the state. The rural alliance focuses on bringing economic development to communities. This would

be a great opportunity for our county. Vice Chairman Black moved to approve to host the New Mexico Rural Alliance 2014 Economic Development Summit and provide a letter of support. The motion was seconded by Commissioner Pierce and passed unanimously.

- **High Intensity Drug Trafficking Area (HIDTA) Region VI Drug Task Force – Wm. Robert Sullivan, Region Commander**
 - Consideration of Approval of the following Grant Modifications between Lea County and the Office of National Drug Control Policy for the High Intensity Drug Trafficking Area (HIDTA) Program regarding the Funds for Region VI:
 - Grant No. G11SN0017A Modification No. 10
 - Grant No. G10SN0017A Modification No. 7

Commander Sullivan requested approval. He stated this is for an amendment to grant modification number 10 and number 7. Vice Chairman Black stated I, would like to compliment you guys, I have seen more on the drug task force in the past year than I have in many years. Vice Chairman Black moved to approve the Grant Modifications No. G11SN0017A and G10SN0017A Modifications No. 10 & 7. The motion was seconded by Commissioner Dunlap and passed unanimously.

ITEM 04: OTHER ELECTED OFFICIALS

- **Clerk – Pat Chappelle**
 - Consideration of Approval of Lea County Resolution No. 13-May-18R Equipment Recording Fee

Clerk Chappelle requested approval. She stated this is the \$7 fee that we charge with each document recorded in our office. This is a discretionary fund for use by the County Clerk and the main purpose of the fund is preservation of records. This year, since July, we have collected \$86,600 recording fee. Commissioner Pierce moved to approve Lea County Resolution No. 13-May-18R for Equipment Recording fee. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13- May-019R Nonprohibitive License Tax

Clerk Chappelle requested approval. She stated establishments in the County outside of the city limits are required by State Statue to pay us \$250 a year to renew their license. They have to have the license current and on display by July 1st or they cannot serve alcoholic beverages. Chairman Pierce, asked are we mandated to approve this? Mrs. Chappelle stated in a secondary way. If the resolution is not passed we will not be able to collect the fee that will allow them to renew their license, to continue to serve alcohol. Commissioner Dunlap moved to approve Lea County

Resolution No. 13-May-019R Nonprohibitive License Tax. The motion was seconded by Commissioner Pierce and passed unanimously

- **Sheriff – Mark Hargrove**
 - Consideration of Approval of Lea County Sheriff's Budget

Sheriff Hargrove requested approval. He presented a power point presentation for the Sheriff's Office Salary Adjustment Request. He stated several years ago the Commission allowed us to raise the starting pay for our deputies, we appreciate this. However this created disparities related to pay. He stated, what I am trying to do is get rid of the bubble and put everybody back in line so this does not happen again. He stated, it created a problem with moral. We have a great department right now, turnover is low. I want this plan to be fair. Commissioner Whitehead asked, are you planning on keeping the same amount of personnel? He stated, right now it is working so I don't have any plans on making changes in that area. If I do, it would be justified, but there are no plans of changing numbers currently. So the current impact to the budget will be \$104,000 does that include benefits? He stated it is a base rate, Mrs. Bunch with finance stated it would be about \$45,000 more for benefits. Commissioner Dunlap moved to approve the Lea County Sherriff's Budget. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 05: MANAGER

- **Lea County Manager – Michael P. Gallagher II**
 - Discussion of Lea County Healthcare Study

Manager Gallagher stated, Howard Gershon with New Heights Group is here to discuss the Lea County Healthcare study to discuss what we have done so far and what we are looking at doing. Mr. Gershon, presented a power point presentation introducing himself; and the committee. He explained the definition of what the healthcare study is and will be doing, the goals, the process that they will be going through. He stated there has been discussion of a hospital district. He described the work plan, and the proposed timeline, goals and the steps for the future. Vice Chairman Black stated, I was impressed with the attendance yesterday.

ITEM 06: LEGAL

- **Lea County Attorney – Scotty A. Holloman**
 - Consideration of Approval of Proposed Transfer of Existing Liquor License regarding Western Bar & Grill

Mr. Holloman requested approval. He stated there is no change of request for location. This is the transfer of ownership from one person to the other. Commissioner Pierce asked, so the husband passed and the wife is trying to assume ownership? Mr. Holloman stated, I am not sure. Commissioner Pierce moved to approve the transfer of existing liquor license regarding Western Bar & Grill. The motion was seconded by Commissioner Dunlap and passed unanimously.

ITEM 07 COUNTY DEPARTMENTS

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

- Discussion of Lea County Communication Authority Report

Director Martinez reported for the first two weeks of May. She stated for the Lea County Departments the total call volume is 22 %. The total call volume for the City of Hobbs is 75% and the call volume for the City of Lovington is 3%.

- Consideration of Approval of Multi-Jurisdictional Public Safety Software

Director Martinez requested approval. She stated the City of Hobbs has already gone out for RFP and awarded a vendor. It is the same vendor that the County would like to go with. Manager Gallagher stated this is the vendor that a couple of months ago we had discussed moving to a more cost efficient software with more options. This is multijurisdictional software. Manager Gallagher stated the CAPER allows for more services that emergency responders need at a cost that is less and provides us with more capabilities that we need. Mr. Hassen, with IT, stated we are real happy with the performance that we have seen from it. Chairman Fulfer asked, is this a County thing or is this a LCCA deal or is this a County Sherriff's Office deal? She stated this is a combination; all of the departments want to go to this. Manager Gallagher stated we have been working collaboratively for months with the City of Hobbs. Vice Chairman Black asked, if there can be any budget adjustment made for this. Manager Gallagher stated any budget adjustment that would be made will be either made at the June 6th meeting or the first meeting in July. This budget adjustment will be made for \$94,000 for this fiscal year. Commissioner Pierce asked if the budget can sustain an adjustment this big. Manager Gallagher stated he is positive the budget will be able to sustain an adjustment like this without a negative impact. Vice Chairman Black moved to approve the multi-jurisdictional public safety software. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Detention Center – Pdraig Downey, Warden**

- Consideration of Approval of 2nd Option to Renew Agreement between Lea County and Nor-Lea Hospital District for On-Site Health Care service at the Lea County Detention Center

Warden Downey requested approval. He stated this is the 2nd option to renew on a five year extension. Commissioner Dunlap moved to approve the agreement between Lea County and Nor-Lea Hospital District for on-site health care service at the Lea County Detention Center. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Memorandum of Understanding between Lea County and Lovington Municipal School District (LMSD) to Provide Qualified Teachers for students at the Lea County Juvenile Detention Center

Warden Downey requested approval. He stated the Lovington teachers come every day, they have class and homework. Mr. Holloman stated, I think we should make a few revisions on this contract. Think it is fine to approve, but, I would like to make a few adjustments to the final agreement. Vice Chairman Black moved to approve the memorandum of understanding between Lea County and Lovington Municipal School District (LMSD) to provide qualified teachers for students at the Lea County Juvenile Detention Center amended with the changes that Mr. Holloman needs to make. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Lea County Detention Center Accreditation Certificate

Warden Downey stated, I would just like to congratulate some of my staff for doing a great job in getting the Juvenile Detention and Adult facility accredited. The board of the local New Mexico Accreditation Program of the Adult Detention Professional Standards met April 30th and voted unanimously to approve the accreditation of the Lea County Detention Center. The presentation of the accreditation certificate will be at the New Mexico Association of Counties 77th annual conference June 20th at 7 p.m. Lea County is the Second in the State to receive this Accreditation certificate. Officer Keith Manes, our accreditation officer, and staff did great work on this.

- **Emergency Management/Environmental Services/Maintenance – Lorenzo Velazquez, Director**
- Discussion of Lea County Emergency Management Report

Director Velasquez reported this is for May 1st through the 15th. There have been a total of five grass five calls. To date this year there have been 28 acres have been burned, with a total of 33 calls. There have been a total of 45 medical runs in the County.

- Discussion of Lea County Environmental Services Report

Director Velasquez reported there were 27 animals that went to the shelter, with a total of 69 calls for animal control. There were 7 illegal dump sites that were located and cleaned. There were 26 environmental calls, and 13 dilapidated building letters, and 10 accumulation letters were sent out. Our litter crew picked up 65 bags of trash, 39 tires, and 11 miles. Our inmate crew picked up 47 miles, 110 bag of trash.

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

- Discussion of Lea County Subdivisions Report

Administrator Willis reported he issued ten 911 addresses. There were four Claims of Exemptions. In our Planning and Zoning meeting on May 14th the Planning and Zoning board approved for the Commission to consider approval of the three preliminary plats, Cielo Grande, Sage Brush, and La Paloma. At the next meeting on June 11th, the board will be reviewing four subdivisions.

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

- Discussion of Lea County Road Department Report

Director Needham reported the road department has worked on several projects on the past few weeks. The plan for the convenience center has been completed and we are doing foundations today. We have hauled a lot of materials building up some cliché roads centered on the west side of Hobbs. We are going to move back down to Maljamar and Orla next week. Our contract crews with Constructors Inc. have just completed the almost 4.5 mile project on Excel Road, we finished chip sealing it this week and we will sweep it next week. He stated we are still waiting on the right of ways to come from the State to move forward on that project. The fairgrounds project is still on schedule to be complete by mid-July.

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

Director Needham requested approval. He stated we put this out to bid in a public meeting on May 7th. We had four companies respond but, one of them was rejected because it did not meet the minimum requirements. The three companies that submitted bids and met requirements are Blue Collar, Ramirez and Sons, and Constructors Inc. Constructors Inc. had the low bid in all three regions. He stated, I ask that Constructors Inc. be awarded this bid and that you authorize Mr. Gallagher to sign any documentation that would be needed to complete this contract. Commissioner Pierce asked if there was a large difference between the prices on the bids. Director Needham stated it was 10%-15% between Ramirez and Sons, and Constructors Inc. with Blue Collar being about 5% closer to Ramirez and Sons price range. Constructors Inc.

had the lowest pricing. Commissioner Pierce moved to approve awarding bid #5 2012-2013 road construction and maintenance contract region I, II, and III, with the authorization of Mr. Gallagher to sign documentation. 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-020R FY 2013-2014 Preliminary Budget

Director Bunch requested approval. She asked if the changes that were made earlier in the meeting needs to be reflected in this budget or if the adjustments need to be put on the budget at the beginning of July. Commissioner Dunlap moved to approve Resolution No.13-May-020R FY 2013-2014 Preliminary Budget as it is now. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Accounts Payable

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

ITEM 08: PUBLIC

- **Public**

- **Comments from the Public**

Tyler Graham stated, I am here as a member of the public not the media. I would like to make a comment about the health care study. My concern is the healthcare need seems to be more of a Hobbs need, and not so much a County need. The County is paying for this study. Nor-Lea has done a study recently that was similar to this. Lovington has a hospital district that is tax funded. I don't know if a County-wide hospital district will force double taxing for this type of a situation. Commissioner Black stated, I don't feel anything we are doing is going to hurt Nor Lea. Chairman Fulfer stated, one of the big reason that we took this project on is healthcare is a big issue, and if we single out one district versus the other I feel like we could hurt that district. It is a coordinated effort to work together, the reason we felt we needed to fund it is so it would be independent of all of the entities. We are looking at the umbrella of all of them trying to get them to all work together complimentarily. We want it to be complimentarily health district County wide.

ITEM 09 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.

10:54 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.

Commissioner Pierce moved to reconvene in Regular session. The motion was seconded by and passed unanimously. The meeting reconvened at 12:31 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.

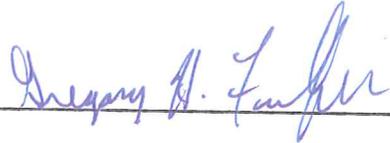
ITEM 10: OTHER BUSINESS

There was no other business

The meeting was adjourned at 12:32 p.m.

BOARD OF COUNTY COMMISSIONERS

LEA COUNTY, NEW MEXICO



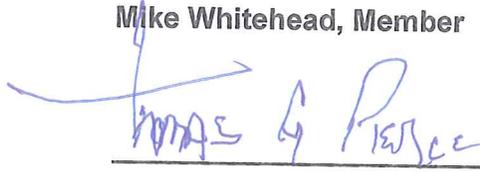
Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member



Thomas G. Pierce, Member

ATTEST: Pat Chappelle
Lea County Clerk



Dale Dunlap, Member



Kelli Williams

