



LEA COUNTY BOARD OF COUNTY COMMISSIONERS
SUMMARY FORM

LCBCC MEETING DATE: Thursday, June 27, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:
Tuesday, June 4, 2013

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

DATE SUBMITTED mm-dd-yyyy: Tuesday, June 18, 2013		SUBMITTED BY Name/Title/Dept: Kelli Williams/Recording Secretary/Clerk's Department	
SUBJECT: Minutes		ATTACHMENT(S): Draft Minutes from 06/06/2013	
No. of Originals for Signature (Select One): Due in County Manager's Office 2 Days Prior to Meeting One (1)	Action Requested (Select One): Consideration	Agenda Item Placement (Select One): 01 Commission	
SUMMARY:			
Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: None		See Additional Summary Attached <input type="checkbox"/>	
SUBMITTER'S RECOMMENDATION(S): Review & Approve the 06/06/2013 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: 2013.06.24 11:45:03 -0600</small>	
FINANCE REVIEW Fiscal Impact/Cost: N/A		Reviewed by Finance Director	
LEGAL REVIEW: N/A		Reviewed by County Attorney	
COUNTY MANAGER REVIEW: 06/21/2013: Approved		Approved by County Manager to be Placed on Agenda <i>M. Callagher</i> <small>Digitally signed by Michael P. Callagher II DN: cn=Michael P. Callagher II, o=Lea County Government, ou=Lea County Manager, email=mcallagher@leacounty.net, c=US Date: 2013.06.24 11:46:21 -0600</small>	
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: _____		_____	



**Minutes of Meeting
Lea County Board of Commissioners
June 06, 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 21, 2013 Budget Workshop
 - May 23, 2013 Regular Meeting

Commissioner Whitehead moved to approve the May 21, 2013 Budget Workshop minutes and the May 23, 2013 Regular minutes. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Discussion of Committee Reports

There were no Committee Reports.

Set/Confirm Next Meeting(s):

- Thursday, June, 27 2013 at 9:00 a.m. - Confirmed
- Thursday, July 25, 2013 at 9:00 a.m. – Confirmed
- Thursday, August 8, 2013 at 9:00 a.m. – Confirmed
- Thursday, August 22, 2013 at 9:00 a.m. Confirmed

The next meetings will be at 9 a.m. **Thursday, June, 27 2013, Thursday July 25, 2013, Thursday August 8, 2013, and Thursday, August 22, 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 made at this time

- Lea County Memorial Committee
 - District 5 no appointments made at this time

- Consideration of Approval to Appoint Assessor Dee Robinson as Lea County's Delegate for the Annual Elections at the 2013 National Association of Counties (NACo) Conference

Commissioner Dunlap moved to approve Dee Robinson as Lea County's Delegate for the annual elections at the 2013 National Association of Counties (NACo) conference. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 02: BOARDS/COMMITTEES

- **Fair Board – Brad Weber, Chairman**

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and 4TR Productions for the Ride Video Replay Screen during the PRCA Xtreme Bulls & Rodeo August 6-10, 2013

Chairman Weber requested approval. Commissioner Dunlap stated the position is not very good, some of the people are going to be behind it and some are going to be way too close. He stated it will go over the calf roping above the walkover. Commissioner Dunlap asked, do you have sponsors for this and do you know who they are? He stated I know one of them is the Justin Sports Medicine. He stated I know that it would be easy to sell sponsorships for the screen. Commissioner Dunlap stated I would like to see a contract stating they are going to sponsor it. Commissioner Whitehead moved to approve the agreement between Lea County and 4TR Productions for the Ride Video replay Screen during the PRCA Xtreme Bulls & Rodeo August 6-10, 2013. The motion was seconded by Vice Chairman Black, Commissioner Dunlap opposed all other Commissioners were in favor. The motion passed.

- **Indigent Claims Advisory Board – Mary Lamb, Indigent Claims Specialist**

At 9:22 a.m. Commissioner Dunlap moved to convene in the indigent claims board. The motion was seconded by Commissioner Pierce and it passed unanimously.

- Consideration of Approval of the Lea County Indigent Claims Report

Indigent Claims Specialist Lamb requested approval. She stated I am here for payment for a total of 11 indigent claims. There are four claims with Nor Lea Hospital for the amount of \$19,239.13. There are seven claims from Lea Regional Hospital for the amount of \$26,858.71. Commissioner Dunlap moved to approve the indigent claims report. Vice Chairman Black asked on the charges it says one of the rate amounts is higher than the actual charges of the hospital. Mr. Holloman stated that is correct,

under the Nor Lea Hospital charges DRG there is about \$150 more. He stated from my understanding that has to do with Medicare reimbursement. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

Indigent Claims Specialist Lamb requested approval. She stated there is one burial claim from Chapel of Hope for \$600 and one claim from the City of Hobbs for an opening and closing fee for \$400, for a total of \$1000. Commissioner Dunlap moved to approve the indigent claims burial report. The motion was seconded by Vice Chairman Black and passed unanimously.

At 9:25 a.m. Commissioner Whitehead moved to reconvene in regular session. The motion was seconded by Commissioner Dunlap and passed unanimously.

Attorney Holloman stated before we go into the next item I have to disclose that most of these subdivisions are associated with Mr. Johncox, and YMH INC. I represent him and his company so we have asked if Gary Don Reagan would act in my place for the following agenda items. Mr. Reagan gave a brief overview of his experience in Lea County.

- **Planning & Zoning Board – Buster Willis, LC Planning/GIS Administrator**

- Consideration of Recommendation from the Lea County Planning & Zoning Board for the Approval of Preliminary Plat for La Paloma Subdivision, Unit Four (4) – located in the North 1/0 of Section 2, Township 18 South, Range 38 East, NMPM Lea County, New Mexico

LC Planning/GIS Administrator Willis requested approval. Administrator Willis presented a map by power point showing the location of this subdivision at the intersection of Kansas and Dal Paso. Administrator Willis stated this is going to be a type 3B sub division, approximately 14.3 acres. There will be 10 lots, the average lot size will be 1.1 to 2.5 acres. This is located in the Hobbs ETZ and will have to be reviewed by The City of Hobbs. There will have to be an improvement agreement in the subdivision they will have to build a road. Once the road is built to Lea County specifications it will be brought before the Commission. Chairman Fulfer asked for an overview of what was stated in the subdivision plat. Mr. Reagan stated there are no legal issues in the plat as proposed, the only issue that may arise is the question of water. They are coming before you under your regulations and present State Law. Commissioner Dunlap asked did we send them to the State twice and they came back negative both times. Administrator Willis stated yes, they want a geohydrology report. Commissioner Pierce asked if we have received any more information from the State Engineer. Manager Gallagher stated for each applicant that has been submitted there has been well logs. Manager Gallagher stated when we get the reports back they say they do not have enough information. Commissioner Pierce asked if there is any legal

liability to approving these subdivisions. Attorney Reagan stated I do not think so. The policy question is do they meet your regulations, as they are now. The law empowers you to make decisions under the regulations and laws that you have under effect now. Chairman Fulfer stated I talked to our water specialist on this and he stated that at some point we may not see water for irrigation, but he does not see any problem with water being available for domestic use.

Chairman Fulfer opened for public comments. Mr. Daniel Johncox expressed his concerns about the water situation and the State Engineer's negative opinion on water for subdivisions in the County. Mrs. Penelope Kitchens stated her concerns about water in the County, the septic tank issue, the negative opinion on subdivisions from the State Engineer, and her lack of approval on new subdivisions in Lea County. Mrs. Carla Alexander expressed her concerns about water in the County, and Senate Bill 479. Mr. Harvey Hebison expressed his concerns about water in the Sage Brush area, and his concern about having a trailer park close to his property. Alan Eades who drills water wells in the area made comments about water wells in the Ogallala Aquifer, water consumption, and the difference between a shallow well and a well drilled to the red bed. Chairman Fulfer asked if there was a regulation now that required a driller to drill to red bed. Alan Eades stated there is not. Dale Alexander expressed his concerns about the subdivision regulations and claim of exemptions. Commissioner Whitehead asked Alan Eades for a breakdown of water usage in Lea County. Administrator Willis stated I wonder if the Commission would consider an Ordinance where all wells drilled in the County are drilled to red bed. Larry Byrum expressed his concern about false red bed and where red bed really is if there would be an ordinance it needs to be clear. Commissioner Whitehead moved to approve the recommendation from the Lea County Planning & Zoning Board for the approval of preliminary plat for La Paloma subdivision and for the approval of the plat. The motion was seconded by Vice Chairman Black. Commissioner Dunlap no, Commissioner Pierce no, Commissioner Whitehead yes, Vice Chairman Black yes, Chairman Fulfer yes. Motion passed.

- Consideration of Recommendation from the Lea County Planning & Zoning Board for the Approval of Preliminary Plat for Cielo Grande Subdivision, Unit Four (4) located in the West ½ of the Southeast ¼ of Section 25, Township 17 South, Range 37 East, NMPM Lea County, New Mexico

Administrator Willis requested approval. He presented a map by power point explaining the location of the subdivision. He stated this is a type 3B subdivision with 15.9 acres 13 lots, 1.1-1.9 acres and will need the approval of the City of Hobbs. Mr. Johncox will need an approval for another road with the County on this one as well. Commissioner Whitehead moved to approve the recommendation from the Lea County Planning & Zoning Board for the approval of preliminary plat for Cielo Grande Subdivision and approve the subdivision. The motion was seconded by Vice Chairman Black. Commissioner Dunlap no, Commissioner Pierce no, Commissioner Whitehead yes, Vice Chairman Black yes, Chairman Fulfer yes. Motion passed.

- Consideration of Recommendation from the Lea County Planning & Zoning Board for the Approval of Preliminary Plat for Sagebrush Subdivision, Unit One (1) located in the Northwest ¼ of Section 32, Township 15 South, Range 36 East, NMPM, Lea County, New Mexico

Administrator Willis requested approval. He presented a map by power point explaining the location of the subdivision. He stated this is a type 3B subdivision approximately 24 acres. It will have 19 lots and the average lot size will be 1-2.8 acres. This is in the Lovington ETZ and will go to the City of Lovington for approval. Commissioner Whitehead moved to approve the recommendation from the Planning and Zoning board to approve the preliminary plat for Sagebrush subdivision and to approve the subdivision. The motion was seconded by Vice Chairman Black. Commissioner Dunlap no, Commissioner Pierce no, Commissioner Whitehead yes, Vice Chairman Black yes, Chairman Fulfer yes. Motion passed.

ITEM 03: OUTSIDE ENTITIES

- **New Mexico Magistrate Court, Lea County Division I & II – Judges Willie Henry & Craig J. La Bree**

- Consideration of Approval for Support and Continual Funding of the Hobbs Magistrate Court Security for FY 2013-2014

Judge Henry requested approval. He stated this is very important to the public and the staff for safety. Chairman Fulfer stated this is the first time this was presented to us we have been informed that the Court would ask for funding. We have requested that you ask for State Funding and every year we look there has been no request for State funding sent in. Vice Chairman Black stated we do not want the Court to be without security so I feel we should go ahead and do this one more year but, with the understanding you judges make a continual effort to seek funding from the State. Commissioner Pierce moved to approve the support for funding of the Hobbs Magistrate Court security for FY 2013-2014. The motion was seconded by Vice Chairman Black and passed unanimously.

ITEM 04: MANAGER

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

- Consideration of Approval of Lea County Travel

Manager Gallagher requested approval. Commissioner Whitehead moved to approve the travel request. The motion was seconded by Vice Chairman Black and passed unanimously.

- Discussion of Lea County Communications Authority Gross Receipts Tax (GRT)

Manager Gallagher presented a power point presentation. He stated the purpose of this is to explore options for funding of the Lea County Communication Authority. One of our options is a Gross receipts tax. He stated the point of the presentation will be centered on only the emergency communications option for this tax. If we do want to approve this we will need to have an ordinance drafted, and a resolution calling for an election within 75 days before the ordinance is adopted. Commissioner Dunlap stated I would like for this to brought before all of the municipalities and make sure they are all on board. Chairman Fulfer stated we can then bring it back as a discussion item.

- Consideration of Approval of Proposal No. 7 2012-2013 Airline Services for Lea County Regional Airport

Manager Gallagher requested approval. He stated this is in response to the RFP that the County had published for airline service for Lea Regional Airport in Hobbs. He requested County staff to be authorized to negotiate. Commissioner Dunlap moved to approve proposal NO. 7 2012-2013 and authorize County staff to negotiate and Manager Gallagher to sign documentation in this matter. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 05: LEGAL

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

- Consideration of Approval of Lea County Resolution No 13-Jun-021R Open Meetings and Procedure

Attorney Holloman requested approval. He stated this is to update the open meetings resolution. In the last legislative session the notice required for a meeting has been changed from 24 hours to 72 hours. This resolution complies with new State law. Commissioner Dunlap moved to approve Lea County Resolution No. 13-Jun-021R Open Meetings and Procedure. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-Jun-022R Approving the Transfer of Cable Franchise

Attorney Holloman requested approval. He stated in 2003 a 15 year franchise was given to US Cable and has been subsequently assigned to Baja Broadband they are attempting to transfer to TDS Broadband LLC. In order to complete the transaction to transfer they will need this resolution. Chairman Fulfer asked if there was a way to amend the time of the agreement. Attorney Holloman stated the only way to do that

would be to go back and renegotiate the original contract, then come back and approve the transfer or this resolution. Alan Springer the regional engineer for Broadband stated, Baja Broadband regional operations cover Hobbs, Carlsbad, Seminole, Denver City, Seagraves, Fort Stockton and Alpine. He stated we offer a comprehensive range of video high speed internet and phone service. Commissioner Dunlap moved to approve the Lea County Resolution No. 13-Jun-022R approving the transfer of cable franchise. The motion was seconded by Vice Chairman Black.

ITEM 06: COUNTY DEPARTMENTS

- **Detention Center – Padraig Downey, Warden**
 - Consideration of Approval of 3rd & Final Option to Renew Commissary Agreement between Lea County and Swanson Services Corporation for the Lea County Detention Center

Warden Padraig requested approval. He stated the terms and conditions are the same as the original contract this is the 3rd and final option to renew. Commissioner Dunlap moved to approve the 3rd and final option to renew commissary agreement between Lea County and Swanson Services Corporation for the Lea County Detention Center. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Lea County Detention Center Report

Warden Padraig reported on the monthly financials and the US Marshals Service.

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

Director Velasquez reported there were 29 acres lost so far this year to fire, with a total of 35 grass fire runs, and 39 EMS runs in the County. There were 2 grass runs last night due to the storm.

- Discussion of Lea County Environmental Services Report

Director Velasquez reported 31 animals went to the shelter a total of 67 calls for animal control. There were 6 illegal dump sites located and cleaned. The cleanup crew picked up 39 bags of trash, 11 animals and 73 tires with a total of 9.5 miles cleaned. The inmate crew picked up 496 bags with a total of 36 miles cleaned.

- **Grant Services – David Gasch, Administrator**
- Discussion of Upcoming Grant Proposals

Administrator Gasch reported on the upcoming grant proposals for 2013. He stated these grants are aligned with many of the Counties ambitions regarding water, waste water, economic development, advancement and technologies, infrastructure for the Colonial and Bennett, rural economic development, community and economic planning, quality of life issues and more. Chairman Fulfer asked what has been found on the Colonial and Bennett funding. Administrator Gasch stated the New Mexico State Department of Financing Authority Administration has a fund that has been set up. We have been talking with the Economic Development Division and they will help us plan and develop our needs so we can apply for funding.

- **Administrative Services (Finance/Grant/Information/Technology) – Sherri Bunch, Director**
- Consideration of Approval of Accounts Payable

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

ITEM 07 PUBLIC

- **Public**
- Comments from the 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.

At 11:34 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 Vice Chairman Black Secretary polled the Commission: Commissioner Dunlap, yes; Commissioner Pierce, yes; Commissioner Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer; yes.

Commissioner Dunlap moved to reconvene in Regular session. The motion was seconded by Commissioner Pierce and passed unanimously. The meeting reconvened at 12:33 p.m.

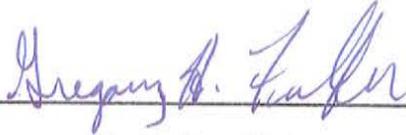
• The Commission convened in closed session to discuss items relative to the purchase acquisition or disposal of real property, or water rights. No action was taken by the Commission during closed session.

ITEM 09: OTHER BUSINESS

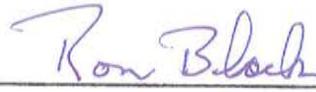
There was no other business

The meeting was adjourned at 12:33 p.m.

BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO

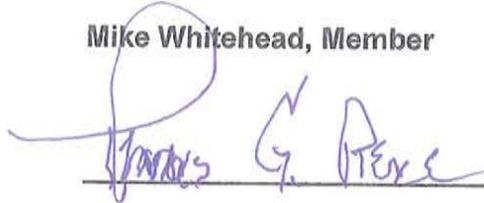


Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman

Mike Whitehead, Member

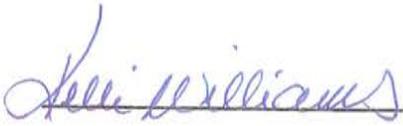


Thomas G. Pierce, Member

ATTEST: Pat Chappelle
Lea County Clerk



Dale Duniap, Member



Kelli Williams

