



LEA COUNTY BOARD OF COUNTY COMMISSIONERS

SUMMARY FORM

LCBCC MEETING DATE: Thursday, December 19, 2013

Submit this summary form & all attachments to the Finance Director sbunch@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by:

Tuesday, December 3, 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: Wednesday, December 11, 2013		SUBMITTED BY Name/Title/Dept: Kelli Williams, Recording Secretary, Clerk's Department	
SUBJECT: Minutes		ATTACHMENT(S): Draft Minutes 2013-NOV-14	
No. of Originals for Signature (Select One): Due in County Manager's Office 2 Days Prior to Meeting 01 One	Action Requested (Select One): Consideration	Agenda Item Placement (Select One): 01 Commission	

SUMMARY:  
See attached draft minutes

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: <input type="checkbox"/> Easel If checked; how many: 00 <input type="checkbox"/> Laptop <input type="checkbox"/> Projector <input type="checkbox"/> Other:	See Additional Summary Attached <input type="checkbox"/>
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SUBMITTER'S RECOMMENDATION(S): Review & Approve the Minutes from the November 14, 2013 LCBCC Meeting	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=KelliWilliams@leacounty.net, c=US Date: 2013.12.11 14:13:59 -0700</small>
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FINANCE REVIEW Fiscal Impact/Cost: ByPass	Reviewed by Finance Director
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LEGAL REVIEW: ByPass  (Note: Travel does not need legal review)	Reviewed by County Attorney
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COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda  M Williams 12/11/13
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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>K Williams</i>	Denied: _____
Comments: _____	12-19-13	

**Minutes of Meeting  
Lea County Board of Commissioners  
November 14, 2013**

Chairman Fulfer called the meeting to order at 9:11 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 Commissioners***

- Consideration of Approval of the October 31, 2013 Minutes.

Commissioner Dunlap moved to approve the October 31, 2013 regular minutes. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Committee Reports

There were no Committee Reports

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

- Thursday, December 19, 2013 at 9:00 a.m. Confirmed

The next meeting will be **December 19, 2013** in the Lea County Commission Chambers.

- Public Comment on Lea County Courthouse Remodel & Judicial Complex Study

Chairman Fulfer opened the floor for public comments regarding the Lea County Courthouse Remodel & Judicial Complex Study. Art Sanchez with the Cornerstone Coffee shop expressed his concerns about having the courts moved from downtown and the impact it would have on his business. Tabatha Lawson, with Lovington Main Street presented a list of merchants around the courthouse that are in favor of the Judicial Complex being built downtown. David Trujillo made comments about the beautification of Lovington and having the Judicial Complex located downtown as a monument of Lea County. Lorena Moreno Owner of Western Home Décor expressed

her concerns about the location of the Judicial Complex and the effect it would have on her business. Barry Lovejoy expressed his concerns about moving the judicial system from this area and the impact that will have on downtown Lovington.

**ITEM 02: BOARDS/COMMITTEES**

- **Fair Board – Corey Helton, Chairman**

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Amendment to Agreement between Lea County and Roughstock Rodeo Sound Production for Sound and Music Production Services during the 2013, 2014 and 2015 Lea County Fair & Rodeo

Chairman Helton requested approval. He stated, last year's contract was a little lower, this year we would like to bring him in three days earlier to cover more events. Commissioner Pierce moved to approve the Amendment to agreement between Lea County and Roughstock Rodeo Sound Production for sound and music production services during the 2013, 2014 and 2015 Lea County Fair & Rodeo. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and Peggy Gander for Photography Services August 1-9, 2014 during the 2014 Lea County Fair & PRCA Rodeo

Chairman Helton requested approval. He stated, she did a good job last year; the contract and the price are the same. Commissioner Dunlap moved to approve the agreement between Lea County and Peggy Gander for photography services August 1-9, 2014 during the 2014 Lea County Fair & PRCA Rodeo. The motion was seconded by Commissioner Pierce and passed unanimously.

**ITEM 03: OUTSIDE ENTITIES**

- **New Mexico Department of Transportation – Tisha Lujan, Development Engineer**
- Presentation of Improvements for New Mexico Highway 529

Tisha Lujan, Project Development Engineer with the Department of Transportation presented a power point presentation explaining the upcoming improvements projected for New Mexico Highway 529.

- **Lovington Main Street – Tabatha Lawson, Director**
  - Presentation of Downtown Lovington Parking Analysis for the Proposed Lea County Judicial Complex

Tabatha Lawson, Director of Lovington Main Street stated we were asked to conduct a parking analysis for the proposed County Judicial Complex. The survey has been completed and shows that there is significant parking for the present and the future if the Judicial Complex was to be built downtown. She introduced Charlie Deans, Principle of Community by Design. Mr. Deans presented a power point presentation concerning the parking analysis for the proposed Lea County Judicial Complex. Chairman Fulfer asked if there are any future land development plans that the City has, and if there is any future parking plans that the City has that he is aware of. He stated, he was aware of the City's master plan when the parking study was created.

Chairman Fulfer opened the floor for public comment on the parking study. Connie Sevier, with Lovington Main Street expressed her concerns about parking and made comments about the master plan for downtown Lovington. John Graham made comments about parking and the location of the Judicial Complex. Ron Smith made comments about parking around the Main Street area. Lorena Moreno made comments about parking and educating the community about parking. James Williams, Lovington City Manager made comments about the master plan for Lovington, and the two hour parking ordinance in Lovington. Barry Lovejoy made comments about parking downtown and educating the community about how to park and where.

**ITEM 04: OTHER ELECTED OFFICIALS**

- **Sherriff – Mark Hargrove**
  - Consideration of Approval of Consolidated Project Agreement between Lea County and New Mexico Department of Transportation Traffic Safety Division to Provide Funding for New Mexico Law Enforcement Agencies or Government Agencies through State and Federal Programs to Reduce Traffic Related Injuries and Deaths

Sherriff Hargrove requested approval. He stated, this is overtime money for saturations, DWI checkpoints, seatbelt patrols, and safer New Mexico traffic control projects. Commissioner Whitehead moved to approve the consolidated project agreement between Lea County and New Mexico Department of Transportation Traffic Safety Division to provide funding for New Mexico law enforcement agencies or government agencies through State and Federal programs to reduce traffic related injuries and deaths. The motion was seconded by Vice Chairman Black and passed unanimously.

**ITEM: 05     MANAGER**

- **Lea County Manager – Michael P. Gallagher II**
  - Discussion of New Mexico Human Services Department Local Tax Redirect Proposal and Budget Impacts to Lea County.

Manager Gallagher stated, this is an update regarding a proposal from the New Mexico Services Department concerning redirecting local tax options. Lea County has a .125 increment on the GRT to provide health care services to the indigent population that resides in Lea County. This brings about \$5.3 million to the County. Currently that is an insufficient amount to meet all of the County's indigent healthcare needs. He stated with this proposal the State would like to redirect the money across all the New Mexico Counties, the State is essentially trying to accomplish a guaranteed revenue stream by trying to help contribute to the counties unable to meet their own needs.

- Consideration of Lea County Resolution No. 13-NOV-044R Regarding New Mexico Human Services Department Local Tax Redirect Proposal

Manager Gallagher requested approval. He stated this resolution would express that the County opposes the proposal where the State would like to redirect local taxes. Vice Chairman Black moved to approve Lea County Resolution No 13-NOV-044R regarding New Mexico Human Services Department Local Tax Redirect Proposal. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Lea County Resolution No. 13-045R Approving Industrial Revenue Bond Inducement Resolution of Intercontinental Potash Corporation

Manager Gallagher requested approval. He stated Intercontinental Potash Corporation is looking into development in southern Lea County. He introduced Ken Kramer with Intercontinental Potash Corporation. Ken Kramer presented a power point presentation about potash, the market for potash and the advantages it will have for the County. Commissioner Pierce moved to approve resolution No. 13-045R approving industrial revenue bond inducement resolution of Intercontinental Potash Corporation. The motion was seconded by Commissioner Whitehead; Vice Chairman Black stated due to having an involvement in potash he will recuse himself from voting. All other Commissioners voted yes, Vice Chairman Black abstained from voting. The motion passed.

**ITEM 06:     COUNTY DEPARTMENTS**

- **Communication Authority – Angela Martinez, Director**
  - Discussion of Lea County Communications Authority Activity Report

Director Martinez presented the Lea County communications authority activity report for the month of October. She stated, there were 459 out of town non-emergency transports so far for the year. Commissioner Pierce asked if during this time of year there is an increase in calls. She stated, yes there is an increase in certain kinds of calls; however because of the weather some calls decrease. She thanked everyone for their help by going to the communities and registering people for code red.

- **Detention Center – Padraig Downey, Warden**
  - Discussion of Lea County Detention Center Activity Report

Warden Padraig presented the Lea County Detention Center activity report for the month of October. He stated, we billed the U.S. Marshals in other counties \$213,000. Our work detail crew picked up 87 miles of trash. Our daily average of adult population was 385, juvenile's average was 13, and our daily federal average was 89.

- **DWI Program – Kelly Ford, Director**
  - Discussion of Lea County DWI Program Activity Report

Director Ford presented the Lea County DWI program activity report. She stated, we participated in the New Mexico Junior College Student Health Fair in October, and conducted a DWI presentation at the Lovington High School to media students who are creating a DWI documentary.

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

Director Velasquez presented the Lea County emergency activity report. He stated, there have been 30 acres that have been burned with a total of 48 total calls for the year. There were 52 total medical runs in the County for the month of October.

- Consideration of Approval of Amendment No. 1 of Sub Grant Agreement EMW-2012-SS-00097-S01-Lea between Lea County and New Mexico Department of Homeland Security & Emergency Management

Director Velasquez requested approval. He stated, this is an extension of a grant that had already been approved. Commissioner Dunlap moved to approve Amendment No. 1 of sub grant agreement EMW 2012-SS-00097-S01-Lea between Lea County and New Mexico Department of Homeland Security & Emergency Management. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Lea County Environmental Services Activity Report

Director Velasquez presented the Lea County Environmental services report. He stated there were 48 animals that went to the shelter with a total of 63 animal control calls. There were 14 illegal dump sites located and cleaned. We issued 29 addresses in the month of October.

- Discussion of Lea County Maintenance Activity Report

Commissioner Whitehead asked if septic tanks have to get a permit from the County and the State. Director Velasquez stated, we enforce the State's permits. We ask the public to contact the state to obtain a permit, to reach compliance. He stated, with the current ordinance that we have for liquid waste non-compliance, the penalty for this ordinance shows jail time and a \$500 fine. When there is a possibility of jail time it qualifies the person for a public defender this is slowing our process down. If we could amend the ordinance, where the first offense will be a fine instead of jail time it will speed up the process.

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

- Discussion of Lea County Event Center and Fairgrounds Activity Report

Director Edwards presented the Lea County Event Center and Fairgrounds Activity Report. She stated the summary of events included 47 event days. The total revenue was \$29,000. For the fairgrounds we had 8 events, with 11,000 people encompassing \$207,097.

- Consideration of Approval of Fall 2013 and Spring 2014 Acts and Entertainment for the Lea County Event Center

Director Edwards requested approval. She presented a power point presenting the coming attractions for the fall 2013 and spring 2014 season. She went through a rundown of the upcoming events for the end of this year and the next year. Commissioner Pierce moved to approve the fall 2013 and spring 2014 acts and entertainment for the Lea County Event Center. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Grant Agreement No. 2004284 between Lea County and J.F. Maddox Foundation regarding Veggie Tales performance on October 16, 2013 at the Lea County Event Center

Director Edwards requested approval. She stated this grant is for the Veggie Tales concert for \$7,500 or up to 50% of the loss of the event. Vice Chairman Black moved to approve the grant agreement No. 2004284 between Lea County and J.F. Maddox Foundation regarding the Veggie Tales performance on October 16, 2013 at

the Lea County Event Center. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Grant Agreement No. 2004285 between Lea County and J.F. Maddox Foundation regarding Los Lonely Boys/Los Lobos Performance on November 16, 2013 at the Lea County Event Center

Director Edwards requested approval. She stated, this grant is for the Los Lonely Boys/Los Lobos performance for up to \$20,000. Commissioner Dunlap moved to approve the grant agreement No. 2004285 between Lea County and J.F. Maddox Foundation regarding the Los Lonely Boys/ Los Lobos Performance on November 16, 2013 at the Lea County Event Center. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Grants Services/Planning – David Gasch, Grant Writer & County Planner**
  - Discussion of Lea County Grants and Planning Activity Report

Grant Writer and County Planner Gasch, presented the Lea County grants and planning activity report. He stated there are seven subdivision applications currently active. He went through a rundown of grants and projected plans for this project for the upcoming year.

- **Human Resources – Jill Dennis, Director**
  - Consideration of Approval of Lea County's Employee Holiday Schedule for 2014

Director Dennis requested approval. She stated it is the same as 2013 only it is for 2014. Commissioner Whitehead moved to approve the Lea County's Employee Holiday Schedule for 2014. The motion was seconded by Commissioner Pierce and passed unanimously.

- **Public Works (Airports/Engineering/Roads) – Corey Needham, Director**
  - Discussion of Lea County Public Works Activity Report

Director Needham presented the Lea County Public Works activity report. He presented a power point presentation concerning the public works activity. He stated, we average about 700 to 800 miles of labor per month. Constructors Inc. began rebuilding Battle-Ax Road this week; this is expected to take four to five months.

- Consideration of Approval of Lea County Resolution No. 13-NOV-043R Adopting the 2013 Airports Master Plan.

Director Needham requested approval. He presented a power point presentation discussing the proposed master plan. Commissioner Dunlap moved to approve Resolution No. 13-NOV-043R adopting the 2013 Airports Master Plan. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Lea County Right of Way Easement Agreement between Lea County and Leaco Rural Telephone Cooperative, Inc.

Director Needham requested approval to table the next item. Vice Chairman Black moved to table the consideration of approval of Lea County Right of way easement agreement between Lea County and Leaco Rural Telephone Cooperative, Inc. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of the Aircraft Rescue and Fire Fighting ARFF grants between Lea County and the following:
  - New Mexico Department of Transportation
  - Federal Aviation Administration

Director Needham requested approval. He stated, currently the E-one Titan ARFF truck is a 1992 model and is starting to require maintenance at a more than a regular basis and needs to be replaced. We would like to go to RFP to obtain new equipment. The Federal Aviation Association has agreed to support this project. We will have to get the grant retroactively. The Federal Aviation Administration will cover 90% of the cost; the New Mexico Department of Transportation will cover 5%, leaving the County with 5%. He stated I am asking for permission to submit all the necessary information to the New Mexico Department of Transportation, and the Federal Aviation Administration for the grants and be permitted to submit or compare the RFP's and award that at a later date. Commissioner Dunlap moved to approve the aircraft rescue and firefighting ARFF grants between Lea County and the New Mexico Department of Transportation, and the Federal Aviation Administration. The motion was seconded by Commissioner Pierce and passed unanimously.

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

- Discussion of Lea County Finance and Information Technology Activity Report

Director Bunch presented the Lea County finance and information technology activity report with a power point presentation. She stated we have issued 590 checks, we have 39 open grants, and we have 148 open contracts.

- Discussion of 2013 Lea County Fair and Rodeo Finance Report

Director Bunch presented a power point presentation for the 2013 Lea County Fair and Rodeo report. She issued a budget versus actual report for the fiscal year. She stated, this shows a comparison for all of fiscal year 2013 as well as year to date through October for this current fiscal year showing the differences in the two. Director Bunch went through a breakdown of the Finance report from the Lea County fair and rodeo. Commissioner Dunlap asked how we are doing on the livestock sale. Director Bunch stated the livestock sale is a single year activity, what we sale that year we should collect it that year. Commissioner Dunlap asked how much was made off of the tokens. She stated, I do not have a complete total but about \$70,000.

- Consideration of Approval of Accounts Payable

Director Bunch requested approval. Commissioner Whitehead moved to approve the accounts payable. The motion was seconded by Vice Chairman Black 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

At 12:49 p.m. Vice Chairman Black 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 Whitehead moved to reconvene in regular session. The motion was seconded by Vice Chairman Black and passed unanimously. The meeting reconvened at 1:46 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: LEGAL**

- Lea County Attorney – Scotty A. Holloman
  - Consideration of Approval Giving Lea County Manager Authority in the Ysasi matter

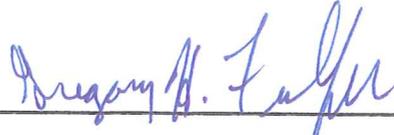
Lea County Attorney Holloman requested approval. Commissioner Pierce moved to approve Lea County Manager authority in the Ysasi matter pending in court. The motion was seconded by Vice Chairman Black and passed unanimously.

**ITEM 10: OTHER BUSINESS**

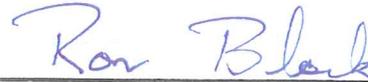
There was no other business.

The meeting was adjourned at 1:48 p.m.

BOARD OF COUNTY COMMISSIONERS  
LEA COUNTY, NEW MEXICO



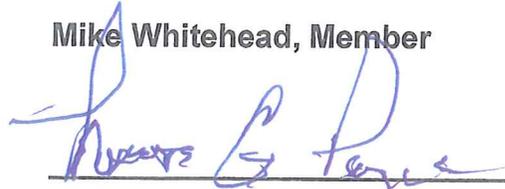
Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member

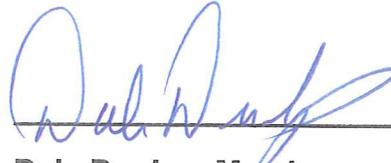


Thomas G. Pierce, Member

ATTEST: Pat Chappelle  
Lea County Clerk



Kelli Williams



Dale Dunlap, Member

