

**Minutes of Meeting
Lea County Board of Commissioners
December 19, 2013**

Chairman Fulfer called the meeting to order at 9:15 a.m. in the Troy Harris Center at the Lovington Chamber of Commerce.

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. There was a moment of silence in Remembrance of Dee Robinson, Lea County Assessor, and President of the New Mexico Association of Counties. The Invocation followed by Commissioner Black.

ITEM 01: COMMISSION

- ***Board of County Commissioners***

- Consideration of Approval of the November 14, 2013 Minutes.

Vice Chairman Black moved to approve the November 14, 2013 minutes. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Discussion of Committee Reports

Commissioner Dunlap stated I went to Las Vegas, Nevada and had a good meeting concerning the PRCA, I met with several of the world series guys it was a good trip.

Set/Confirm Next Meeting(s):

- Thursday, January 9, 2014 at 9:00 a.m. - Confirmed
- Thursday, January 30, 2014 at 9:00 a.m. - Confirmed

The next meetings will be **January 9, 2014; and January 30, 2014;** in the Lea County Commission Chambers.

- Consideration of Approval of Appointments to Lea County Active Boards:
 - Lea County Planning & Zoning Board:
 - District 5 no appointments were made at this time

- Consideration of Appointment for Lea County Assessor

Manager Gallagher stated with the passing of Dee Robinson, the Lea County Assessor there is now a vacancy in that elected office. The County Commission has the responsibility and authority to appoint someone for the remainder of the term. We have had expressed interest from Ava Benge, Sharla Kennedy, and Sharon Clark.

Commissioner Pierce moved to nominate Sharla Kennedy for Lea County Assessor. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

Judge Shoobridge, Chief Judge of the Fifth Judicial district stated on behalf of the three judges that sit in the courthouse, we would like to give our appreciation of the task you have taken on. He prefers the judicial complex be located near the Detention Center/Sherriff's Complex. He expressed his concerns regarding the safety of the citizens.

- Consideration of Approval of Location of the Lea County Judicial Complex Building

Commissioner Dunlap moved to approve the location of the Lea County Judicial Complex building being on Love Street. The motion was seconded by Commissioner Pierce; roll call vote Commissioner Dunlap; yes, Commissioner Pierce; yes, Commissioner Whitehead; yes, Vice Chairman Black; yes, Chairman Fulfer; yes passed unanimously. Chairman Fulfer and Vice Chairman Black made comments in approval of the decision that was made.

ITEM 02: BOARDS/COMMITTEES

- **DWI Advisory Council – Lorenzo Velasquez, Chairman**

- Consideration of Recommendation from the Lea County DWI Advisory Council for the Approval of Nomination to fill the Vacant Law Enforcement Official Membership Seat

Chairman Velasquez requested approval. He stated earlier this year one of our members completed their term. I respectfully nominate Captain Kelly Brown with the Lea County Sheriff's Department for the Lea County DWI Advisory Council. Vice Chairman Black moved to approve the nomination of Captain Kelly Brown to fill the vacant law enforcement official membership seat. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Fair Board – Deedra Glass , Vice Chairman**

- Consideration of Recommendation from the Lea County Fair Board for the Approval of the 2014 Third/Final Option to Renew Agreement between Lea County and Carr Pro Rodeo for Rodeo Producer Services August 1-9, 2014 Lea County Fair & PRCA Rodeo including the Xtreme Bull Event

Vice Chairman Glass requested approval. She stated the cost of this will be \$124,743. Commissioner Dunlap moved to approve the 2014 Third and final option to renew agreement between Lea County and Carr Pro Rodeo for rodeo producer services. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of the 2014 Second Option to Renew Agreement between Lea County and OKC Backup for Professional Production Services August 1-9, 2014 during the 2014 Lea County Fair & PRCA Rodeo

Vice Chairman Glass requested approval. She stated this is to include seven concerts at a cost of \$75,717. Commissioner Whitehead moved to approve the 2014 second option to renew agreement between Lea County and OKC backup for professional services. The motion was seconded by Vice Chairman Black. The motion passed with 4 yes votes, and Commissioner Dunlap voting no.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and Laffalot Entertainment, LLC for the Services of Ventriloquist Kevin Johnson August 6-9, 2014 Lea County Fair & PRCA Rodeo

Vice Chairman Glass requested approval. She stated the cost for this service will be \$5,500 for four performances a day. Commissioner Dunlap motioned to approve the agreement between Lea County and Laffalot Entertainment, LLC for the services of Ventriloquist Kevin Johnson. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of FY 2013-2014 Fair Board Budget Adjustments

Vice Chairman Glass requested approval. The budget adjustments are requested as follows; rodeo production increase of \$180,000, entertainment increase of \$230,000, and an advertisement increase of \$10,000. She stated these adjustments are to allow the fair board to move forward with the planning of the 2014 Lea County Fair and Rodeo. They cover costs such as deposits for contracts prior to the new budget going into effect. Commissioner Dunlap expressed his concerns about the increase in the budget for the fair board. Director Bunch of Finance stated the purpose

of the increase is to allow for the possibility that acts may need to be contracted by us for the 2014 fair and rodeo. We would be able to make a deposit for them if they require one. Some of the acts want 50% when the contract is signed and others are willing to wait until August when they perform. Commissioner Whitehead moved to approve the FY 2013-2014 fair board budget adjustments. The motion was seconded by Vice Chairman Black. The motion passed with 4 yes votes, and Commissioner Dunlap voting no.

ITEM 03: OUTSIDE ENTITIES

- **High Intensity Drug Trafficking Area (HIDTA) Region VI Drug Task Force – Wm. Robert Sullivan, Region Commander**
 - Consideration of Approval of 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Award No. 13-JAG-REGVI-SFY-A Amendment No. 1 between Lea County and the New Mexico Department of Public Safety for the High Intensity Drug Trafficking Area (HIDTA) Program Increasing the Funds for Region VI

Region Commander Sullivan requested approval. He stated \$19,000 of this money will go to the Lea County Drug Task Force and \$1,000 will go to the Lincoln County Drug Task Force. Vice Chairman Black moved to approve the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) award No. 13-JAG-REGVI-SFY-A amendment No. 1 between Lea County and the New Mexico Department of Public Safety for the High Intensity Drug Trafficking Area (HIDTA) program increasing the funds for region VI. The motion was seconded by Commissioner Pierce and passed unanimously.

Region Commander Sullivan asked for Sheriff Hargrove and the Lea County Drug Task Force to join him. Sheriff Hargrove made comments about the progress of the Lea County Drug Task Force and his appreciation for their hard work and dedication. Chief Jones made comments about Commander Mike Wilson and presented him with a plaque for appreciation. Chairman Fulfer also made comments of appreciation to the Lea County Drug Task force for their hard work. Commander Wilson made comments about the hard work and dedication of the Lea County Drug Task Force.

ITEM 04: OTHER ELECTED OFFICIALS

- **Lea County Treasurer – Donna Duncan**
 - Consideration of Approval of 2014 Second Option to Renew Financial Services Agreement between Lea County and Wells Fargo Bank

Treasurer Duncan requested approval. Commissioner Dunlap moved to approve the 2014 second option to renew financial services agreement between Lea County and Wells Fargo Bank. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM: 05 MANAGER

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

- Consideration of Approval of Lea County Resolution No. 13-DEC-046R Provide Funding for Affordable Multi-Family Housing Development to Elms Eunice Jal CIC, LLLP

Manager Gallagher requested approval. He stated this is similar to the same application that was approved last year. We think we have a competitive application due to the addition of a rehabilitation unit. This resolution will approve the application. Chairman Fulfer stated I would like to introduce Duane Jennings one of Jal's City Council, Van Myrick, Jal Public Works, and Mayor White of Eunice. Robyn Felter with Chelsea Investments gave a description of the plans for the housing developments. Mayor White stated we hosted the annual board meeting for MFA in Eunice we think we have a pretty good chance with this. Vice Chairman Black moved to approve Lea County Resolution No. 13-DEC-046R to provide funding for affordable multi-family housing development to Elms, Eunice Jal CIC, LLLP. The motion was seconded by Commissioner Whitehead and passed unanimously

- Consideration of Approval of Memorandum of Understanding between Lea County and New Mexico Junior College regarding the Entertainment Technology Degree Program

Manager Gallagher requested approval. He stated earlier this year we had a joint meeting between the Lea County Commission, City of Hobbs, New Mexico Junior College, and Hobbs Municipal Schools. The purpose of this meeting was to look at a master recreation plan for all of Lea County. The New Mexico Junior College has approved this as part of their Curriculum. This will also benefit the event center and is consistent with the recreation plan. Commissioner Whitehead moved to approve the memorandum of understanding between Lea County and New Mexico Junior College regarding the Entertainment Technology degree program. The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Fulfer left the meeting at 10:26 a.m. due to a family emergency.

- Consideration of Approval to Award Request for Proposal RFP No. 2 for Indoor Equine Facility Design Services
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Manager Gallagher requested approval. He stated this is consistent with the master recreation plan. He stated we would like to award the proposed RFP to BDA Architects for this contracted proposal. Commissioner Dunlap moved to approve the request for proposal RFP No. 2 for the indoor equine facility design services to BDA Architects. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Task Order between Lea County and Pettigrew Associates for Professional Services

Manager Gallagher requested approval. He stated the County has a combination of ownership and leases on about 17 sections of land west of Hobbs. It is in close proximity to the Joule Unlimited site. This is the first phase to master plan this land. Commissioner Pierce moved to approve the task order between Lea County and Pettigrew Associates for professional services. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Executive and Commissioner Travel

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

ITEM 06: LEGAL

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

- Consideration of Approval of Adoption of Lea County Ordinance No. 80 Amending Ordinance No. 58 Which Authorized the Issuance and Sale by Lea County, New Mexico of its Industrial Revenue Bond (National Enrichment Facility Project) Series 2004 in a Principal Amount Not to Exceed \$1,800,000,000 ("the Bond"); Authorizing the Execution of a First Amendment to the Lease and Purchase Agreement Entered into by and between Lea County and Louisiana Energy Services L.P. in Connection with the Project Property Financed with Proceeds of the Bond with Respect to Certain Provisions of the Lease Concerning Payments in Lieu of Property Taxes.

Attorney Holloman requested approval. He stated the publication of the notice for this Ordinance has been published. Vice Chairman Black asked if there were any public comments about the industrial revenue bond with Urenco. Commissioner Whitehead moved to approve the adoption of Lea County Ordinance No. 80 amending Ordinance No. 58. The motion was seconded by Commissioner Pierce and passed unanimously. Roll call vote; Commissioner Dunlap; yes, Commissioner Pierce; yes, Commissioner Whitehead; yes, Vice Chairman Black; yes. The motion passed.

ITEM 07: COUNTY DEPARTMENTS

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

- Discussion of Lea County Communications Authority Activity Report

Director Martinez issued the Lea County Communications Authority Activity report. Manager Gallagher asked Director Martinez to give a brief update regarding the tower construction and the new equipment. She stated we are in contract negotiations with the vendor now. It will be an estimated six months for the tower to be completed.

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

- Discussion of Lea County Detention Center Activity Report

Warden Downey reported on the Lea County Detention Activity for the month of November. He stated our average federal inmate population for the month was 85. The adult inmate average was 380 and the juvenile average population was 9. The work detail picked up 62 miles of trash with a total of 518 bags.

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

- Discussion of Lea County DWI Program Activity Report

Director Ford reported on the Lea County DWI Program activity report. She stated there were 22 screenings for drug and alcohol abuse. We received 42 new probation cases and filed 14 probation violations. Our community service program picked up 409 bags of trash over the county for the month of November.

- Consideration of Approval of Amendment No. 1 to Grant Agreement No 14-D-J-G-14 between Lea County and New Mexico Department of Finance and Administration, Local Government Division.

Director Ford requested approval. Commissioner Pierce moved to approve Amendment No. 1 to Grant Agreement No. 14 D-J-G-14 between Lea County and New Mexico Department of Finance and Administration, local government division. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

- Discussion of Lea County Emergency Management Activity Report

Director Velasquez reported on the Lea County Emergency Management activity. He stated this year we lost only 30 acres of grass land. There were 95 EMS calls for the year.

- Consideration of Approval of Sub Grant Agreement EMW-2011-SS-00094S01-Lea between Lea County and New Mexico Department of Homeland Security & Emergency Management.

Director Velasquez requested approval. He stated they are awarding us more money in the amount of \$7,395.95 for Law Enforcement, Fire Department and EMS. Commissioner Pierce moved to approve Sub Grant Agreement EMW-2011-SS-00094S01-Lea between Lea County and New Mexico Department of Homeland Security and Emergency Management. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Amendment No. 2 of Sub Grant Agreement EMW-2011-SS-00094-S01-Lea between Lea County and New Mexico Department of Homeland Security & Emergency Management.

Director Velasquez requested approval. He stated this is an extension for \$1,596.00. Commissioner Pierce moved to approve Amendment No. 2 of Sub Grant agreement of EMW-2011-SS-00094-S01-Lea between Lea County and New Mexico Department of Homeland Security and Emergency Management. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Sub Grant Agreement EMW-2013-SS-00152-S01-Lea between Lea County and New Mexico Department of Homeland Security & Emergency Management

Director Velasquez requested approval. He stated this is for the grant that has just been awarded in the amount of \$59,416.00. Commissioner Pierce motioned to approve Sub Grant Agreement EMW-2013-SS-000152-S01-Lea between Lea County and New Mexico Department of Homeland Security and Emergency Management. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Lea County Environmental Services Activity Report

Director Velasquez reported on the Lea County environmental services activity report. He stated for the month of November there were 23 animals that were taken to the shelters with a total of 35 animal control calls. There were 10 illegal dump sites that were located and cleaned and 10 environmental calls in total. There was 65 miles of trash that was picked up by the clean-up crew. We issued 7 new addresses and there was 1 new floodplain property that was processed.

- Discussion of Lea County Maintenance Activity Report

Director Velasquez asked if there was any questions on the Lea County Maintenance report that was issued in the monthly activity report provided. No questions were asked.

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

- Discussion of Lea County Event Center and Fairgrounds Activity Report

Director Edwards reported on the Lea County Event Center and Fairgrounds activity report. She stated for the month of November we had 39 total events with a total of \$32,250 in revenue. The events for the fairgrounds included nine event days with a total revenue of \$2,048.

- Consideration of Approval of Grant Agreement No. 2004357 between Lea County and J.F. Maddox Foundation regarding the 2013 Light up Lea County Holiday Events.

Director Edwards requested approval. She stated this is for \$3,000 to help with the cost of the Light up Lea County Holiday Events. Commissioner Whitehead moved to approve Grant Agreement No. 2004357 between Lea County and J.F. Maddox Foundation regarding the 2013 Light up Lea County Holiday Events. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Grant Agreement No. 2004286 between Lea County and J.F. Maddox Foundation regarding Larry the Cable Guy's Performance on April 5, 2014 at the Lea County Event Center

Director Edwards requested approval. She stated the amount of this grant will be \$20,000. Commissioner Whitehead moved to approve Grant Agreement No. 2004286 between Lea County and J.F. Maddox Foundation regarding Larry the Cable Guy's performance on April 5, 2014 at the Lea County Event Center. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Grant Agreement No. 2004287 between Lea County and J.F. Maddox Foundation regarding Gabriel Iglesias Performance on April 25, 2014 at the Lea County Event Center

Director Edwards requested approval. She stated the amount of this grant is \$20,000. Commissioner Pierce moved to approve grant agreement No. 2004287 between Lea County and J.F. Maddox Foundation regarding Gabriel Iglesias performance on April 25, 2014 at the Lea County Event Center. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval to submit a Request for Proposal RFP to Host the 2014 New Mexico High School Rodeo Association NMHARA Finals at the Lea County Fairgrounds on June 3-8, 2014

Director Edwards requested approval. She stated we hosted this last year, they were pleased and want to return again this year. Commissioner Pierce moved to approve submitting a request for proposal RFP to host the 2014 New Mexico High School Rodeo Association (NMHARA) finals at the Lea County fairgrounds on June 3-8, 2014. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of a Funding and Sponsorship Request from the New Mexico Junior High School Rodeo Association NMJHSRA for the Lea County Fairgrounds to Host Two (2) Regular Season Rodeos in April 2014 and then the State Finals during the Memorial Day Weekend

Director Edwards requested approval. She stated this has been amended there is a conflict with the April schedule, so they are only asking for the funding for the state finals not the two regular season rodeos included. The funding request will be \$10,000. Commissioner Dunlap moved to approve the funding and sponsorship request from the New Mexico Junior High School Rodeo Association NMJHSRA for the Lea County fairgrounds to host the state finals during the Memorial day weekend. The motion was seconded by Commissioner Pierce and passed unanimously.

- **Grants Services/Planning – David Gasch, Grant Writer & County Planner**

- Discussion of Lea County Grants and Planning Activity Report

Grant Writer & County Planner Gasch reported on the grants and planning activity report. He stated right now there are six sub divisions that are open and waiting for final approval. Out of those 6 two are claim of exemptions.

- Consideration of Approval of Agreement between Lea County and Molzen Corbin for Professional Engineering Services for the Colonia Bennett Water Infrastructure Project

Grant Writer and County Planner Gasch requested approval. He stated we previously received \$25,000 from the NMFA for this project. Commissioner Pierce moved to approve the agreement between Lea County and Molzen Corbin for Professional Engineering Services for the Colonia Bennett water infrastructure project. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

- Discussion of Lea County Public Works Activity Report

Director Needham reported on the Lea County Public Works activity report. He stated the past three months have been consistent. We have replaced about 60 signs a month. November is the busiest month for the airport historically, not only for our airport but nationwide.

- Consideration to Award or Reject Bid No. 2 2013-2014 Harbison Road Barb Wire Fence Relocation and Replacement

Director Needham requested approval. He stated this was an agreement that was approved in September with Branch Ranch to relocate two miles of road way in exchange for right of way on Harbison Roadway. Commissioner Dunlap moved to award bid No. 2 2013-2014 Harbison Road barb wire fence relocation and replacement. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Professional Services from DAH Enterprises, Ltd. For Demolition and Environmental Planning

Director Needham requested approval. He stated this is to service through all of the demolition and environmental planning for the old detention building that is now the location site for the new judicial building. Commissioner Dunlap moved to approve professional services from DAH Enterprises, Ltd. for demolition and environmental planning. 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 reported on the Lea County Finance and Information Technology activity report. She went through a brief rundown of the budget for the fiscal year, focusing on the month of November.

- Consideration of Approval of Self Insured Flexible Spending.

Director Bunch requested approval. She stated this is for a section 125 flexible spending account. The reason this is coming before the Commission is the State no longer wants to pay for this program. Flexible spending allows an employee to have an amount withdrawn from their payroll per pay period tax exempt for medical expenses, or dependent care. Commissioner Whitehead moved to approve self-insured flexible

spending. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Accounts Payable

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

ITEM 08: PUBLIC

- **Public**

- Comments from the Public

New Appointed Assessor Sharla Kennedy expressed her gratitude for being appointed, and her condolences to Dee Robinson's family.

Debra Pettigrew with Pettigrew and Associates expressed her gratitude for the Commissions faith in them she stated we will serve you well.

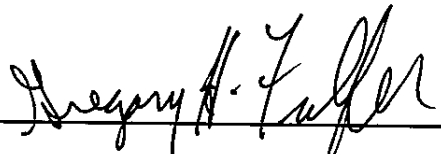
Vice Chairman Black stated immediately following the meeting there is a retirement party honoring Marcella Hailes in the Lea County Basement everyone is invited.

ITEM 09: OTHER BUSINESS

There was no other business.

The meeting was adjourned at 11:44 a.m.

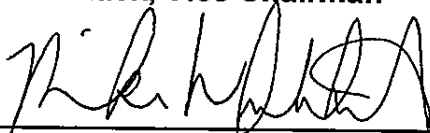
BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO



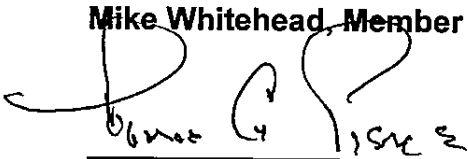
Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member

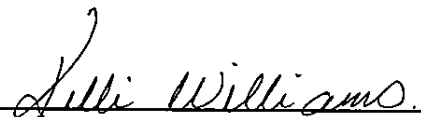


Thomas G. Pierce, Member

ATTEST: Pat Chappelle
Lea County Clerk



Dale Dunlap, Member



Kelli Williams

