

**Minutes of Meeting
Lea County Board of Commissioners
April 24, 2014**

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, and Chairman Gregory H. Fulfer District 5.

Also present were County Manager Michael P. Gallagher II and County Attorney Lee A. Kirksey

Commissioner Dunlap led the Pledge of Allegiance followed by a Moment of Silence in Honor of Commissioner Thomas G. Pierce Commissioner and the Invocation by Vice Chairman Black.

ITEM 01: COMMISSION

- **Board of County Commissioners**
 - Consideration of Approval of the following Minutes:
 - March 27, 2014 Regular Minutes
 - March 27, 2014 Outside Agencies Funding Request(s) Meeting
 - April 17, 2014 Budget Workshop

Commissioner Whitehead moved to approve the March 27, 2014 regular minutes, March 27, 2014 Outside Agencies Funding Request(s) Meeting, and the April 17, 2014 Budget Workshop minutes. The motion was seconded by Vice Chairman Black and passed unanimously.

- Discussion of Committee Reports

There were no committee reports

Set/Confirm Next Meeting(s):

- Thursday, May 08, 2014 at 9:00 a.m.
- Thursday, May 22, 2014 at 9:00 a.m.
- Friday, June 06, 2014 at 9:00 a.m.
- Thursday, June 26, 2014 at 9:00 a.m.
- Thursday, July 24, 2014 at 9:00 a.m.
- Thursday, August 07, 2014 at 9:00 a.m.
- Thursday, August 21, 2014 at 9:00 a.m.

The next meetings will be on. **May 08, 2014, May 22, 2014, June 06, 2014, June 26, 2014, July 24, 2014, August 07, 2014 and August 21, 2014**, in the Lea County Commission Chambers.

- Consideration of Approval of Appointments to Lea County Active Boards:
 - Lea County DWI Advisory Committee
 - District 2 Jarrod Lewis
 - Lea County Environmental Services Advisory Committee
 - District 2 No appointment made
 - District 4 No appointment made
 - Lea County Planning and Zoning Board
 - District 5 No appointment made
 - Lea County Road Advisory Committee
 - District 4 No appointment made

Commissioner Dunlap moved to approve the appointments to Lea County active boards. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval to Ratify Letter of Support for the Community Drug Coalition of Lea County

Commissioner Whitehead moved to approve to ratify the letter of support for the Community Drug Coalition of Lea County. The motion was seconded by Vice Chairman Black and passed unanimously.

ITEM 02: BOARDS/COMMITTEES

- **Lea County Fair & Rodeo Board –Corey Helton, Chairman**

- Consideration of Recommendation from the Lea County Fair & Rodeo Board for the Approval of Changes to the Lea County Resolution No. 14-JAN-004R Lea County Fair & Rodeo Board regarding Term Limits and Travel

Chairman Helton requested to table this item. Commissioner Whitehead moved to approve to table the recommendation from the Lea County Fair & Rodeo Board for the approval of changes to the Lea County Resolution No. 14-JAN-004R Lea County Fair & Rodeo regarding term limits and travel. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Recommendation from the Lea County Fair & Rodeo Board for the Approval of the following Entertainment Agreements for the 2014 Lea County Fair & Rodeo:
 - Night Ranger/38 Special
 - Casey Donahue Band
 - Mercy Me

- o Joe Nichols
- o Dwight Yoakum
- o Eli Young Band

Chairman Helton requested approval. He stated the fair board would like to consider for Saturday August 2nd 2014, Night Ranger and 38 Special. The following Tuesday, August 5th 2014, The Casey Donahue Band, Wednesday August 6th 2014 Mercy Me, Thursday August 7th 2014 Joe Nichols, Friday August 8th Dwight Yoakum and Saturday August 9th The Eli Young Band. He stated the total for all of these will be \$402,500. Manager Gallagher stated earlier this week the City of Hobbs Commission approved a resolution allocating \$175,000 of Hobbs lodger's tax funding to the upcoming Fair and Rodeo. Chairman Fulfer asked if we could get a comparison done on the OKC for the acts for next year, and get with Director Edwards to get a comparison done to see if that might save some money for next year. Lea County Attorney Kirksey stated in regard to the contracts we would need to stress to the booking agent that we get the contracts sooner, we just received these contracts Tuesday and are in the process of reviewing them. Commissioner Dunlap moved to approve the entertainment agreements for the 2014 Lea County Fair & Rodeo pending legal review, giving Lea County Manager Mike Gallagher authority to sign the contracts. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Recommendation from the Lea County Fair & Rodeo Board for the Approval of the following Hispanic Heritage Celebration Entertainment Agreements during the 2014 Lea County Fair & Rodeo:
 - o Pablo Montero
 - o Paquita Le Del Barrio

Chairman Helton requested approval. He stated for August 1st 2014 we are bringing in the artists Pablo Montero, and Paquita Le Del Barrio. Commissioner Whitehead moved to approve the Hispanic Heritage Celebration Entertainment Agreements during the 2014 Lea County Fair & Rodeo. The motion was seconded by Vice Chairman Black and passed unanimously.

Chairman Fulfer asked when is the contract up for the OKC. Manager Gallagher stated the contract for them is renewed either in May or June. He stated in the OKC it needs to be addressed how much is going to be paid for booking each concert.

ITEM 03: OTHER ELECTED OFFICIALS

- **Sheriff – Mark Hargrove**
 - Consideration of Approval of the 2014 Law Enforcement Protection Fund Grant Application

Sheriff Hargrove requested approval. He stated this year the total for this grant is \$49,400, and goes into our operational budget. Commissioner Whitehead moved to

approve the 2014 Law Enforcement Protection Fund Grant application. The motion was seconded by Vice Chairman Black and passed unanimously.

ITEM 04: MANAGER

- **Lea County Manager – Michael Gallagher**

- Consideration of Approval of Lease/Operating Agreement between Lea County and Nor-Lea Hospital District

Manager Gallagher requested approval. He stated this is a proposed lease operating agreement between Nor Lea and Lea County for Nor Lea to operate a building that is owned by Lea County to provide Healthcare services within the City of Hobbs. David Shaw, CEO at Nor Lea General Hospital, stated the Nor Lea Board of trustees unanimously approved this lease agreement. We identified that the southern part of the county has been underserved for many years. Studies show that we may be short as many as 20 physicians by 2020. We feel like it is important to expand our services, our limitation is not being able to own property outside of our district so this is a great opportunity for a partnership with Lea County to address the healthcare needs of Lea County. Vice Chairman Black moved to approve the lease/operating agreement between Lea County and Nor-Lea Hospital District. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Vikki Bell Cooper/Lyles Marketing Agreement between Lea County and the City of Lovington

Manager Gallagher requested approval. He stated we partner with the different municipalities for political representation. This year each community participated. This is the last community that participated Lovington has recently signed the MOU. Commissioner Dunlap moved to approve the Vikki Bell Cooper/Lyles Marketing Agreement between Lea County and the City of Lovington. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Proposed Policy Regarding Property Damage

Manager Gallagher stated this is regarding damage to company property. It is to hold all County Employees accountable when it comes to property damage. This will be a separate policy from the personnel ordinance or accident and workers compensation reporting requirements. The main item recognizes that sometimes supervisors may be challenged to hold employees accountable for preventable accidents. The disciplinary action would be based on the cost to the County, this also gives the employee who caused the accident the option to pay restitution to the County and the accident can be expunged from the employee's record.

- Consideration of Approval for Publication of Proposed Lea County Ordinance Regarding DCP Midstream Industrial Revenue Bond

Manager Gallagher stated we have been working with DCP Midstream for the County to consider an IRB in the amount of \$440 million on their expansion projects. We are proposing to bring forward the ordinance to issue the bonds at the May 22, 2014 meeting and we are asking to notify the public about this proposal. Chairman Fulfer opened the floor for public comments. There were no public comments. Commissioner Dunlap moved to approve the publication of proposed Lea County Ordinance regarding DCP Midstream Industrial Revenue Bond. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Travel

Manager Gallagher requested approval. He stated this is for Chairman Fulfer and me to attend an overnight oilfield housing conference in Houston TX. Commissioner Dunlap moved to approve the out of state travel request. The motion was seconded by Vice Chairman Black and passed unanimously.

ITEM 05: COUNTY DEPARTMENTS

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

- Discussion of Lea County Communications Authority Activity Report

Director Martinez presented the Lea County Communications Authority report. She stated the call volume for March is as follows: for Hobbs 5,766 calls for Lea County 1,811, Hobbs EMS 572, Hobbs Fire Department 165, Eunice 24, Jal 14 Tatum 11, and Lovington had 184. There were 56 out of town transports.

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

- Discussion of Lea County Detention Center Activity Report

Warden Padraig presented the Lea County Detention Center activity report. He stated for the month of March we billed the U.S. Marshalls service \$184,500 for housing federal inmates. The average adult inmate total for March was 393. The juvenile average inmate total was 5 and the federal inmate average was 91.

- Consideration of Approval of 2014-2015 Option to Renew Operation Agreement- Food Services between Lea County and Summit Food Service, LLC

Warden Padraig requested approval. He stated this is an option to renew food services for our inmate meals and is our second renewal. This option to renew reflects a 1.7% increase of meal pricing that was allowed by the original agreement. Vice Chairman Black moved to approve the 2014-2015 option to renew operation agreement food services between Lea County and Summit Food Service, LLC. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **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 for the month of March there were 11 new DWI cases and 4 new MIP's in probation. We have had 20 satisfactory probation completions and 7 unsatisfactory. We have 2 employees that have gone to the DA's office to train to research DWI priors to assist the DA's office in court.

- Consideration of Approval of Juvenile Justice Continuum Grant Agreement No. 15-690-00-17340 between Lea County and State of New Mexico, Children, Youth and Families Department

Director Ford requested approval. She stated this grant is between Lea County and the State of New Mexico, Children, Youth and Families, Department for the amount of \$94,042. It operates the Youth Recording Center that operates out of the Guidance Center. Commissioner Dunlap moved to approve the Juvenile Justice Continuum Grant Agreement No. 15-690-00-17340 between Lea County and State of New Mexico, Children, Youth and Families Department. The motion was seconded by Vice Chairman Black and passed unanimously.

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

- Discussion of the following Activity Reports
 - Lea County Emergency Management

Director Velasquez presented the Emergency Management activity report. He stated for the month of March there were 8 grass fires. There was a big fire on highway 508 at mile marker 9 in Crossroads, north of Tatum it burned a total of 6.275 acres. The total burned for this year is 6,278 acres, with a total of 20 wildfire calls. There were 84 EMS runs for the month.

- Lea County Environmental Services

Director Velasquez presented the Lea County Environmental Services report. He stated for the month of March there were 33 animals that went to shelters with a total of 52 animal control calls. There were 15 illegal dump sites that were located and cleaned, with a total of 28 environmental calls. There were 36 addressing requests that were processed throughout Lea County.

- o Lea County Maintenance

Director Velasquez presented the Lea County Maintenance report.

- Consideration of approval to Ratify the Public Employees Retirement Association (PERA) of New Mexico Volunteer Firefighters Annual Reporting for the Maljamar Fire Department

Director Velasquez requested approval. He stated at the last meeting I had asked for approval to send a list of Volunteer Firefighters to PERA. This has already been submitted but we need approval. Vice Chairman Black moved to approve to ratify the public employees retirement association (PERA) of New Mexico volunteer firefighters annual reporting for the Maljamar Fire Department. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Lea County Ordinance No. 81 – An Ordinance Establishing the County’s Authority to Protect Animals from Neglect and Abuse, Will Protect Residents from Annoyance and Injury, Will Encourage responsible Ownership of Animals as Pets, Will Assist in Providing Housing for Animals in an Adoption Center and Will Partially Finance the Animal Control Departments Functions of Assisting with Adopting, Housing, Licensing, Enforcement and Recovery.

Director Velasquez requested approval. He stated this will replace the current animal ordinance 65 that is in place. Commissioner Whitehead asked what the big changes will be in this new ordinance. Director Velasquez stated in this new ordinance you will be able to have up to 6 animals now if you want more than that you will need to obtain a permit through our department. This does not include cattle, it includes cats and dogs. He stated another change that was added to this ordinance would be the fines. The first offense no longer qualifies for legal or jury trial, however the second offense they may be looking at jail time and a fine if they do not comply. Lea County Attorney Kirksey stated if there is a penalty of jail time you are entitled to an attorney to defend you. So the recommendation was to change that. Commissioner Whitehead moved to approve Ordinance No. 81 Animal Ordinance. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Lea County Ordinance No. 82 – An Ordinance Repealing, Amending and reenacting the Lea County Fire Code Establishing Prevention, Firefighting and Emergency Response Authority, Firefighting Standards,

Rules and Regulations Applicable to the General Public, Incorporating Portions of the Uniform Building Code and Portions of the National Fire Prevention and National Life Safety Codes.

Director Velasquez requested approval. He stated the changes that were made to this ordinance were to the penalty phase. The first offense will be a fine and the second offense will be a fine and/or imprisonment. Commissioner Whitehead moved to approve Lea County Ordinance No. 82. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Lea County Ordinance No. 83 – An Ordinance Establishing the County’s Authority to Enforce Laws Applicable to On-Site Liquid Waste System, Issue Citations for Unpermitted of Non-Compliant Liquid Waste Systems and Approved Installation and Operation of Certain Liquid Waste Systems

Director Velasquez requested approval. He stated this ordinance is to replace ordinance No. 77. The changes to this ordinance are, the first offense will be a fine and the second offense will be a fine and/ or imprisonment. Vice Chairman Black moved to approve Lea County Ordinance No. 83 – liquid waste ordinance. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Lea County Ordinance No. 84 – An Ordinance Establishing the County’s Authority to Eliminate Illegal Disposal and illegal Accumulation of Solid Waste and Institute Administrative Procedures to Effectively Manage Solid Waste Generated in the Unincorporated Areas of the County

Director Velasquez requested approval. He stated the only change on this one as well, was the penalty phase. The first offense will be a fine and the second offense will be a fine and/ or imprisonment. Commissioner Dunlap moved to approve Lea County Ordinance No. 84. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Event Center/Fairgrounds – Lyn Edwards, Director**
 - Discussion of Lea County Event Center/Fairgrounds Activity Report

Director Edwards presented the Lea County Event Center/Fairgrounds activity report. She stated for the month of March there was 40 event days and 6,880 attendees at the Event Center. She went over the highlights of the Alan Jackson show. For the fairgrounds for the month of March there was 4 event days with revenue for the amount of \$1,600. She stated the Hobbs Lodgers Tax has recently awarded \$175,000 to be divided amongst five concerts for next year.

- Consideration of Approval of Memorandum of Understanding between Lea County and New Mexico High School Rodeo Association for the State Finals held at the Lea County Fairgrounds June 4-6, 2014

Director Edwards requested approval. She stated in December an RFP was approved for the New Mexico High School Rodeo Association. The Lea County Fairgrounds was chosen for the venue for the State Finals and to be held June 4-6, 2014. Commissioner Dunlap moved to approve the memorandum of understanding between Lea County and New Mexico High School Rodeo Association for the State Finals held at the Lea County Fairgrounds June 4-6, 2014. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

- Discussion of Lea County Grant Writer/Planning Activity Report

Grant Writer & County Planner Gasch presented the Lea County Grant Writer/Planning activity report. He stated for the month of March there are two open subdivisions, they are preliminary plats. There are four that are waiting to go back before the Commissioners for the final plat approval. We had two subdivisions approved by the Planning and Zoning Board in March. Manager Gallagher stated I would like to congratulate Grant Writer & County Planner Gasch he passed and scored very high on his exam for flood plain manager.

Information Technology – Robert Lathrop, Administrator

- Discussion of Lea County Information Technology Activity Report

Director Lathrop presented the Lea County Information Technology Activity report. He stated there were over 11,529 webpage hits for the month of March that was 2,215 more than last month. The cities that we are drawing the most interest from on our website are Killeen TX, Waco, TX, and Birmingham TX.

- **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 stated starting with the road department the report has stayed pretty consistent. We have moved a lot of cliché and other materials to repair the sides of the road mainly on Curry, Campbell, and Delaware Basin. The contractors Constructors Inc. have completed Battle Ax. We will re-work some of it and begin the chip seal process. We have also completed dirt work on six miles of Orla Highway. He presented a Power Point presentation explaining the current and proposed projects for the airport.

- Consideration of Approval of 2014 Terminal Renovations at Lea County Regional Airport

Director Needham requested approval. He presented a Power Point to show the needed renovations for the airport terminal. Commissioner Whitehead moved to approve the 2014 terminal renovations at the Lea County Regional Airport. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of the following Task Orders regarding the Wildlife Fencing at the Lea County Regional Airport:
 - Task Order No. 6 – Fencing Design
 - Task Order No. 7 - Observation and Testing

Director Needham requested approval. He stated this will utilize our on-call engineering firm Molzen and Corbin that was obtained through RFP 3 years ago. This will complete the design that will ultimately be an 8 ft. tall, 2 ft. embedded fence around the perimeter of the Lea County Regional Airport. Commissioner Whitehead moved to approve the task order regarding the wildlife fencing task order No. 6 and No. 7. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Utility Easement with Southwestern Public Service Company (Xcel) for NM483 Waterline Project

Director Needham requested approval. He stated this would be an easement for Southwestern Public Service Company to install their primary three phase electric down Section 3 and Section 2, Township 18S Range 36E. Commissioner Dunlap moved to approve the utility easement with Southwestern Public Service Company (Xcel) for NM483 Waterline project. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Administrative Services (Finance/Grant Administration) –Sherri Bunch, Director**

- Discussion of Lea County Finance/Grant Administration Activity Report

Director Bunch presented a Power Point presentation with the Lea County Finance/Grant Administration activity report.

Director Bunch presented the Lea County Finance/ Grant Administration activity report by Power Point.

- Consideration of Approval of Audit Services Agreement between Lea County and Johnson Miller & Co.

Director Bunch requested approval. She stated this is the 3rd renewal with Johnson Miller & Co for Audit Services. Vice Chairman Black moved to approve audit services agreement between Lea County and Johnson Miller & Co. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of 2014-2015 Lea County Preliminary Budget

Director Bunch presented the 2014-2015 Preliminary Budget and changes by Power Point presentation. She stated we have taken the directions from the budget meeting and incorporated them here to show the effects of those changes.

- Discussion of Procurement Code Legislative Changes

Director Bunch presented a Power Point presentation concerning the procurement code legislative changes.

- Consideration of Approval of Accounts Payable

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

ITEM 06: PUBLIC

- **Public**
 - Comments from the Public

Dr. Robert Rhodes, a member of the Board of the Economic Development Forum Statewide thanked Director Edwards.

ITEM 07: EXECUTIVE SESSION

- **BOARD OF 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 11:46 a.m. Commissioner Dunlap 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 Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer; yes.

Vice Chairman Black moved to reconvene in Regular Session. The motion was seconded by Commissioner Whitehead and passed unanimously. The meeting reconvened at 1:00 pm.

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.

08: EMPLOYMENT

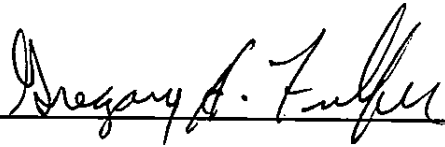
- **Lea County Manager – Michael Gallagher**

- Consideration of Approval of Lea County Resolution No. 14-APR-017R A Resolution Considering the Recommendation and Findings by a Hearing Officer in an Employee Discipline Matter

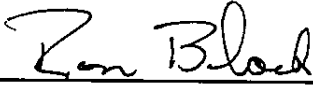
Manager Gallagher requested approval. He stated this would indicate that the employee did continue excessive and personal use of a County cell phone, and was in violation of the personnel ordinance. Vice Chairman Black moved to approve Lea County Resolution No. 14-APR-017R a resolution considering the recommendation and findings by a hearing officer. The motion was seconded by Commissioner Whitehead and passed unanimously.

The meeting was adjourned at 1:01 p.m.

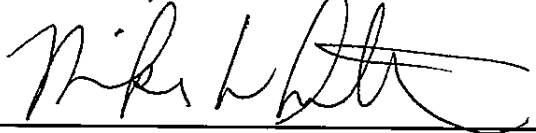
BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO



Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member

ATTEST: Pat Chappelle
Lea County Clerk



Kelli Williams

Dale Dunlap, Member

