



LEA COUNTY BOARD OF COUNTY COMMISSIONERS

SUMMARY FORM

LCBCC MEETING DATE: Friday, June 6, 2014

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

Tuesday, May 20, 2014

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

DATE SUBMITTED mm-dd-yyyy: Thursday, June 5, 2014	SUBMITTED BY Name/Title/Dept: Kelli Williams, Recording Secretary, Clerk's Department
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SUBJECT: Minutes	ATTACHMENT(S): LCBCC Draft Minutes for May 29, 2014
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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
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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): Emailed Manager 6/5 Review & Approve	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: 2014.06.05 14:04:13 -0600</small>
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FINANCE REVIEW Fiscal Impact/Cost: ByPass	Reviewed by Finance Director
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LEGAL REVIEW: ByPass LEA COUNTY Note: No Legal Review Required for Accounts Payable & Travel.	Reviewed by County Attorney
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COUNTY MANAGER REVIEW: Manager Board of County Commissioners	Approved by County Manager to be Placed on Agenda
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RECORDING SECRETARY'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. _____	Policy No. _____	Ordinance No. _____
File No. _____	Continued To: _____	Referred To: _____
Other: _____	Approved: <i>Kelli Williams</i>	Denied: _____
Comments: _____	6/16/14	



**Minutes of Meeting
Lea County Board of Commissioners
May 29, 2014**

Chairman Fulfer called the meeting to order at 9:10 a.m. in the Lea County Courthouse.

Commissioners present were, to wit: Commissioner Mike Whitehead District 2, Vice Chairman Ron Black District 3, James H. Britton District 4, and Chairman Gregory H. Fulfer District 5.

Also present were County Manager Michael P. Gallagher II and County Attorney Scotty A. Holloman.

Commissioner Whitehead led the Pledge of Allegiance followed by the Invocation by Vice Chairman Black.

ITEM 01: COMMISSION

- **Board of County Commissioners**

- Consideration of Approval of the May 08, 2014 Minutes.

Vice Chairman Black moved to approve the May 08, 2014 regular minutes. The motion was seconded by Commissioner Britton and passed unanimously.

- Discussion of Committee Reports

There were no committee reports

Set/Confirm Next Meeting(s):

- 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, **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 Environmental Services Advisory Committee
 - District 2 Leann Whitehead (no relation)
 - 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
- Lea County Valuation Protests Board
 - Alice Mainello

Commissioner Whitehead moved to approve the recommendation for Alice Mainello to serve on the Lea County Valuation Protests Board. The motion was seconded by Vice Chairman Black and passed unanimously.

Commissioner Whitehead moved to approve the recommendation to all active boards. The motion was seconded by Vice Chairman Black and passed unanimously.

Vice Chairman Black moved to adjust the agenda to move Item 05 bullet 2, to Item 02 bullet 1. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 02: BOARDS/COMMITTEES

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

- Consideration of Approval of Lea County Ordinance No. 85 – Authorizing the Issuance and Sale of a Taxable Industrial Revenue Bond (DCP Midstream LP – Zia II Project) Series 2014, in a Maximum Principal Amount of \$440,000,000

Manager Gallagher requested approval. He stated this would authorize the issuance and sell of taxable industrial revenue bonds for DCP Midstream for their Zia II Project for an amount not to exceed \$440,000,000. This ordinance has been published as required. Bret Fox, Director of Government affairs, with DCP Midstream, updated the commission with the progress on the project and expressed his appreciation for the opportunity to work with Lea County. John Wilbanks, Superintendent with Jal Public Schools, made comments concerning his appreciation for the Commission looking out for the school districts, the issuance of the bonds and payment in lieu of taxes. Chairman Fulfer opened the floor for public comments. There were no more public comments. Vice Chairman Black moved to approve Lea County Ordinance No. 85 authorizing the issuance and sale of a taxable industrial revenue bond (DCP Midstream LP Zia II Project) Series 2014, in a Maximum Principal Amount of \$440,000,000. The motion was seconded by Commissioner Whitehead and passed unanimously.

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

- Consideration of Recommendation from the Lea County Fair & Rodeo Board for the Approval of Veterinary Services for the 2014 Lea County Fair & Rodeo

Lea County Fair and Rodeo Board Chairman Helton requested approval. He stated this is for HD Veterinary Service for on-site service for the amount of \$2,330 and

\$2,350 sponsorship service. Vice Chairman Black moved to approve the veterinary service for the 2014 Lea County Fair & Rodeo. The motion was seconded by Commissioner Britton and passed unanimously.

- Consideration of Recommendation from the Lea County Fair & Rodeo Board for the Approval of an Agreement Between Lea County and Dutch Oven Wally for the VIP/Hospitality Tent Catering During the 2014 Lea County Fair & Rodeo

Lea County Fair and Rodeo Chairman Helton requested approval. He stated this is for catering for the VIP/Hospitality tent. Commissioner Britton moved to approve an agreement between Lea County and Dutch Oven Wally for the VIP/Hospitality tent catering during the 2014 Lea County Fair & Rodeo. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Recommendation from the Lea County Fair & Rodeo Board for the Approval of an Agreement between Lea County and Wild Ride Productions for the Rodeo Video Screen & full Video Production during the 2014 Lea County Fair & Rodeo.

Lea County Fair and Rodeo Chairman Helton requested approval. He stated this is for the screen, and the video production provided at the Lea County Fair & Rodeo. The fair board is still actively seeking sponsorship for this item. Commissioner Britton asked if the screen is used for instant replay. Chairman Helton responded yes, it is used as an instant replay, and hopefully they will be able to use the screen to display a bio of the cowboys as well. Manager Gallagher asked when the deposit is due. Chairman Helton stated at the signing of the contract. Commissioner Whitehead moved to table this item until the next meeting June 6th, 2014. 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 2014 2nd Option to Renew Carnival Provider Agreement between Lea County and Wright's Outdoor Amusement Company for the 2014 Lea County Fair & Rodeo

Lea County Fair and Rodeo Chairman Helton requested approval. He stated this is a 2nd option to renew there is nothing that has changed in the contract. Commissioner Britton asked if there is anyone that has looked at these organizations in the terms of safety records. Manager Gallagher stated when we are looking at contracts with this carnival I know that they do have to provide us with a copy of their insurance, but I do not know that anyone has ever called for a safety record. Wrights Outdoor Amusement Company has come to the County for over 10 years both at the Fairgrounds and the Event Center and there have not been any safety issues thus far. Commissioner Whitehead moved to approve the 2014 2nd option to renew carnival provider agreement between Lea County and Wright's Outdoor Amusement Company

for the 2014 Lea County Fair & Rodeo. The motion was seconded by Commissioner Britton and passed unanimously.

ITEM 03: OUTSIDE ENTITIES

- **U.S. Geological Survey, United States Department of Interior**

- Discussion of the Joint Funding Agreement between Lea County and the U.S. Geological Survey United States Department of Interior

Manager Gallagher stated we have a joint funding agreement between Lea County and the U.S. Geological Survey for water level data information. He introduced Matt Ely and David Lutz, with the USDOJ, Geological Survey. Mr. Ely and Mr. Lutz presented a power point presentation, concerning the ground water level data, how the data is collected from each well, the amount of wells the data is collected from, and how to access the data for water levels.

- **Economic Development Corporation of Lea County – Melinda Allen, President & CEO**

- Discussion of the Economic Development Corporation of Lea County – Quarterly Report

President & CEO, Allen of the Economic Development Corporation of Lea County introduced her intern Lindsey Smith to the Commission. She went over the annual report and some highlights of the progress for the Economic Development Corporation of Lea County.

ITEM 04: OTHER ELECTED OFFICIALS

- **Clerk – Pat Chappelle**

- Consideration of Approval of Lea County Resolution No. 14-MAY-021R Equipment Recording Fee

Clerk Chappelle requested approval. She stated this is a reoccurring resolution, for our equipment recording fee of \$7.00. It is a discretionary fund; the uses are limited and can be used by our office, to support preservation of county records. Vice Chairman Black moved to approve Resolution No. 14-MAY-021R for the equipment recording fee. Commissioner Whitehead asked what amount the fee generated for last year. Clerk Chappelle stated it was a little less than \$100,000. It is a fund that is rolled over if it is not used that budget year, our current balance is slightly over \$200,000. The motion was seconded by Commissioner Britton and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 14-MAY-022R
Nonprohibitive License Tax

Clerk Chappelle requested approval. She stated this is a reoccurring resolution for liquor licenses. Any dispenser that is located in Lea County outside of the City limits must pay \$250 a year to obtain a license. We issue a license signed by you that must be displayed in their business. We will get the licenses to you the first meeting in June because this must be done by July 1st. Commissioner Britton asked how many licenses there are. Clerk Chappelle stated there will be around six; the total gets fewer every year. We get the list from the Alcohol Beverage Control Division. Commissioner Britton moved to approve Lea County Resolution No. 14-MAY-022R. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 05: MANAGER

- **Lea County Manager – Michael P. Gallagher II**
 - Discussion of the Lea County Courthouse Remodel and Judicial Building Complex Master Plan

Manager Gallagher stated for over a year the Commission and staff have worked on a space needs assessment for the Judicial Building Complex and the administrative functions of the County in the courthouse. The goals were to identify the amount of space needed for both functions, and identify the preferred location of the new Judicial Complex. He introduced Andy Aguilar who presented a power point presentation with the needs assessment study of the Lea County Courthouse Remodel and the Judicial Building Complex.

Chairman Fulfer called for a break at 10:50. The Commission returned to regular session at 10:58.

- Consideration of Approval of Lea County Resolution No. 14-MAY-024R –
Accept Property Transfer from Hobbs Municipal Schools to Lea County

Manager Gallagher requested approval. He stated I am going to present the next two items together as they are related but I will ask for separate considerations for approval. We have been repurposing the Dal Paso building. We have been looking for additional space to meet the needs of our County staff and County departments. Hobbs Municipal Schools own a vacant building on Bender. At the Hobbs Municipal School Board meeting a resolution was approved transferring this property to Lea County. We need to pass a resolution of acceptance of this property, and both resolutions will be sent to the State for review, the State has final approval. Vice Chairman Black moved to approve Lea County Resolution No. 14-MAY-024R to accept property transfer from Hobbs Municipal School to Lea County. The motion was seconded by Commissioner Britton and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 14-MAY-025R – Accept Property Transfer from C. Ryan Voorhees to Lea County

Manager Gallagher requested approval. He stated Ryan Voorhees representing Old Golden Oaks, has agreed to donate to the County a lot which is about ½ acre in size. This property is immediately south of the building that the Hobbs Municipal Schools is donating. He stated I would also like to ask for approval to authorize the transfer agreement between Old Golden Oaks and Lea County. Commissioner Britton moved to approve Lea County Resolution No. 14-MAY-025R to accept property transfer from C. Ryan Voorhees to Lea County. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of County Coordination regarding the Lesser Prairie Chicken

Manager Gallagher stated for the last several months I have attended several meetings with some of the surrounding counties concerning the Lesser Prairie Chicken. We have been discussing whether there will be a coordinated effort for counties to protest the listing of the Lesser Prairie Chicken as an endangered species.

- Consideration of Approval of Travel

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

ITEM 06: LEGAL

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

- Consideration of Approval of Lea County Resolution No. 14-MAY-020R Approving the Assignment of the Cable Franchise

County Attorney Holloman requested approval. He stated Comcast the cable provider in Lovington is being acquired by TDS Baja Broadband. Under the franchise agreement they require that the County approve the proposed transfer. Vice Chairman Black asked if there was going to be another rate increase with this franchise change. Stewart Roberts regional manager with TDS Baja Broadband, stated I cannot say there will not be. He went over some of the new plans for Baja Broadband's future and plans. Vice Chairman Black moved to approve Lea County Resolution No. 14-MAY-020R approving the assignment of the cable franchise. The motion was seconded by Commissioner Britton and passed unanimously.

ITEM 07: COUNTY DEPARTMENTS

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

- Discussion of Lea County Communications Authority Activity Report

Director Martinez presented the Lea County Communications Authority Report. She stated for the month of April for the Lea County Sheriff's office there were 1,910 calls, Hobbs Police Department had 6,117, Hobbs EMS had 576, Hobbs Fire Department had 169, the City of Eunice had 49, and the City of Lovington had 243.

- **Detention Center – Ruben Quintana, Chief**

- Discussion of Lea County Detention Center Activity Report

Chief Quintana presented the Lea County Detention Center activity report. He stated for the month of April we billed the U.S. Marshall Service \$184,055. Work detail picked up 390 bags of trash with a total of 15.1 miles. The adult inmate average population for the month of April was 366; the juvenile inmate population average was 7, and the federal inmate population average was 91. Commissioner Whitehead asked how many miles roughly are logged each year. He stated for the month of April there was 5,413 miles logged for the main transport van. Commissioner Britton asked when you have employees leave is there an exit interview. Chief Quintana stated we usually sit down with them before they leave. Commissioner Britton asked Director Dennis of HR if there is a formal exit interview. Director Dennis stated, there is a form that is filled out at the exit of an employee.

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

- Discussion of the DWI Program Activity Report

Director Ford presented the DWI Program activity report. She stated starting with probation we ended the month of April with 528 cases, 65 of those cases were new and 27 of those cases were DWI's. There were 53 cases closed for the month. We had 59 community service clients out for the month cleaning up; they picked up 419 bags of trash, cleaned offices and set up for county events. We also set up an MOU for senior bash activities with four of our five high schools.

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

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

Director Velasquez presented the Lea County Emergency Management report. He stated total acres for the year is 6,295 with a total of 31 grassfire runs. For the month of April there have been 39 medical emergency runs. Chairman Fulfer asked

how we stand on fireworks. Director Velasquez stated they will not release any permits to do any burns due to the dry conditions, as far as fireworks ban we have not drawn anything up.

- **Lea County Environmental Services**

Director Velasquez presented the Lea County Environmental Services report. He stated for the month of April we had 40 animals that went to the shelters, with 47 animal control calls. There were 22 illegal dump sites located and cleaned. For the convenience center there were 6 roll offs that went to Hobbs Iron and Metal. There were 39 new addresses issued throughout Lea County.

- **Lea County Maintenance**

Director Velasquez presented the Lea County Maintenance report.

- **Consideration of Approval to Award or Reject Bid No. 05 (20136-2014) – Janitorial Services of Various Lea County Buildings**

Director Velasquez requested approval. He stated we received two low bids for this. The first bid did not do an onsite visit as requested so we are requesting approval to accept the other bid, and request Manager Gallagher's authority to sign the agreement. Commissioner Britton asked how you evaluate the effectiveness of the janitorial service that you are using. Director Velasquez stated I take the comments from personnel and if there are any issues we address them with the contractor. Commissioner Britton moved to approve bid No. 05 (20136-2014) janitorial services of various Lea County buildings. 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 Event Center there was over 52 event days with a total of 19,900 attendees. She went over the highlights of the acts, and the events that were in the Event Center for the month of April. For the Fairgrounds there were 16 total event days and 1,300 attendees. There were a lot of school activities and the Ranch Rodeo.

- **Grants Services/Planning – Lea County Manager – Michael P. Gallagher II on Behalf of David Gasch, Grant Writer & County Planner**

- Discussion of Lea County Grant Writer/Planning Activity Report

Manager Gallagher presented the Lea County Grant Writer/Planning activity report. He stated for the month of April the Planning and Zoning Board approved a replat subdivision. There are two planned for June for approval by the Planning and Zoning Board. In the month of April we received more requests for Claim of Exemptions. Through the Claim of Exemption process you can split a parcel of land without going through the sub division process. The requests totaled nearly 40 lots for the month of April.

- **Human Resources – Jill Dennis, Director**

- Discussion of Lea County Human Resources Activity Report

Director Dennis presented the Lea County Human Resources activity report. She stated for the month of April we have three separations from the County, which gives us a less than 1% turn around rate. We are trending the same as last year for the amount of applications received. At the close of April we have 29 vacancies. We will be conducting a hiring blitz at the Detention Center on June 10th, 2014.

- **Information Technology – Robert Lathrop, Administrator**

- Discussion of Lea County Information Technology Activity Report

Administrator Lathrop presented the Lea County Information Technology activity report. He stated for the month of April there were 12,868 visits to our website. If we look at the key words that people search for the majority is the event center, the detention center, and the fair grounds. There were 467 work orders processed for the month of April. We have been working with the web filter so we can free up some bandwidth.

- **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. For the month of April blading is up to 380 miles. We mowed about 90 miles. The asphalt crew built a building pad for the maintenance building that we will be constructing at the airport. The construction process of the 3.7 miles of Battle Ax Road has been completed. Commissioner Britton asked how often are safety meetings held, who conducts them, and what the time limit is of the meetings. Director Needham stated the road department has monthly safety meetings that involve everybody and they are about an hour long. We also have tailgates every morning to lay out the particular risks of each individual job.

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

- Discussion of Lea County Finance/Grant Administration Activity Report

Director Bunch presented the Lea County Finance/Grant Administration power point report.

- Consideration of Approval of Lea County Resolution No. 14-MAY-023R Budget Adjustments

Director Bunch requested approval. She presented a power point presentation with the summary of the budget adjustments, and the budget highlights and projected budget adjustments. Vice Chairman Black moved to approve Resolution No. 14-MAY-023R budget adjustments. The motion was seconded by Commissioner Britton and passed unanimously.

- 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 08: PUBLIC

- Comments from the Public

There were no comments from the public.

ITEM 09: 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 12:25 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 Britton, yes; Commissioner Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer; yes.

Commissioner Britton moved to reconvene in Regular Session. The motion was seconded by Commissioner Whitehead and passed unanimously. The meeting reconvened at 1:45 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.

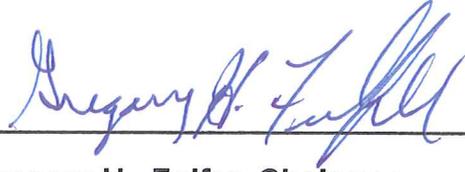
ITEM 10: OTHER BUSINESS

- **Lea County Manager – Michael P. Gallagher II**
 - Consideration of Approval of Lea County Ordinance No. 86 – an Ordinance Dedicating, in Quarterly Installments, an Amount Equal to a Gross Receipts Tax of One-Twelfth (1/12) Percent Applied to the Taxable Gross Receipts Reported During the Prior Fiscal Year by Persons Engaged in Business in the County to the Newly Created Safety Net Care Pool Fund; and Providing an Effective Date of Transferring Funds

Manager Gallagher requested approval. He stated we had previously advertised this ordinance for public comment and if approved will go into effect in 30 days from approval. Chairman Fulfer opened the floor for public comment. There were no comments. Vice Chairman Black moved that consideration of Ordinance 86 concerning the Safety Net Care Pool Fund be tabled indefinitely, this Commission has previously stated its opposition to Senate Bill 268 as shown by Resolution adopted by this Commission; Resolution 14-MAR-008R. In spite of this Resolution Governor Martinez signed Senate Bill 268, with no modifications. Lea County is opposed to Senate Bill 268 and its impact on Lea County, this Commission desires to take more time to review the constitutionality of Senate Bill 268. The motion was seconded by Commissioner Whitehead and passed unanimously.

The meeting was adjourned at 1:46 p.m.

BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO

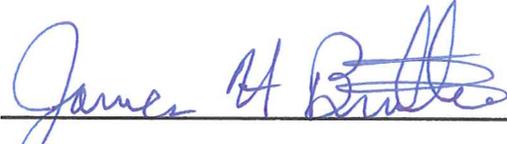


Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman

Mike Whitehead, Member

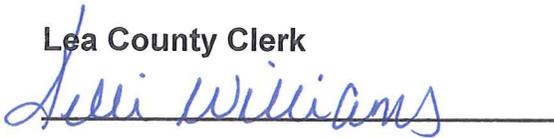


James H. Britton, Member

Dale Dunlap, Member

ATTEST: Pat Chappelle

Lea County Clerk



Kelli Williams

