

**Minutes of Meeting
Lea County Board of Commissioners
May 23, 2019**

Chair Long called the meeting to order at 9:00 a.m. in the Lea County Courthouse

Commissioners present were, to wit: Vice Chair Dean Jackson, District 1, Chair Rebecca Long, District 2, Gary G. Eidson, District 3, Commissioner Jonathan Sena, District 4, and Commissioner Richard Don Jones, District 5.

Also present were Lea County Manager Michael P. Gallagher II, and Lea County Attorney John W. Caldwell.

Commissioner Jones led the Pledge of Allegiance followed by the Invocation by Commissioner Sena.

ITEM 01: COMMISSION

- Consideration of Lea County Resolution No. 19-MAY-131R Approving the May 2, 2019 Regular Meeting Minutes

Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 19-MAY-131R, Approving the May 2, 2019, Regular Meeting Minutes. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Public Comments

There were no public comments

- Commissioner and Manager Comments

Commissioner Jones congratulated all of the seniors who graduated, especially his granddaughter, Rachelle Nogelmeier who graduated from Eunice, and will be going to Texas Tech.

Commissioner Sena thanked Chair Long for her hard work and dedication to Career Technical Education.

Chair Long stated please keep Jonathan, his wife and baby Camilla in your prayers.

Manager Gallagher stated in 2 weeks we will be visiting various different types of training facilities around the Country.

- Recognition of County Employees – Service Awards:

Environmental Supervisor & Floodplain Coordinator Corley, recognized Sarah Porras for 1 year of service.

Under Sheriff Walker recognized Deputy Justo Ayala, Deputy Jacob Pando, and Deputy Jonathan Warlick for 1 year of service.

Warden Quintana recognized Yvonne Ramirez for 5 years of service.

- Consideration of Lea County Resolution No. 19-MAY-132R Approving the Lea County Indigent Claims Burial/Cremation Report (Sherry Ann Bagoo, Indigent Claims Specialist)

Director Low in Lieu of Indigent Claims Specialist Bagoo requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 19-MAY-132R Approving the Lea County Indigent Claims Burial/Cremation Report. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

ITEM 02: ACTION ITEMS

- **Public Hearing:** Hearing to Consider Proposed Ordinance Authorizing the Issuance of \$215,000,000.00 Lea County Taxable Industrial Revenue Bonds (Tip Top Solar Project) Series 2019
 - Consideration to Adopt Lea County Ordinance No. 94 – An Ordinance Authorizing the Issuance and Sale of Lea County, New Mexico Taxable Industrial Revenue Bonds (Tip Top Solar Energy Center LLC) Series 2019 in the Maximum Principal Amount of \$215,000,000.00 to Provide Funds to Finance the Acquisition, Construction and Equipping of a solar Energy Generating Facility; Authorizing the Execution and Delivery of an Indenture, A Lease Agreement, A Bond Purchase Agreement, Bond, and Other Documents In Connection With The Issuance of the Bonds and the Project; Making Certain Determinations and finding Relating to the Bond And the Project; Certain Actions Taken Previously; and Repealing All Actions Inconsistent with This Ordinance

At 9:14 a.m. Chair Long called the Public Hearing into order. Manager Gallagher was sworn in. Manager Gallagher presented a discussion concerning Lea County Ordinance 94, and requested approval. Chair Long asked if there were any public comments regarding this agenda item. Nick Maxwell was sworn in. He made comments in opposition of this Ordinance. Commissioner Eidson moved to approve Lea County Ordinance No. 94 – An Ordinance Authorizing the Issuance and Sale of Lea county, New Mexico Taxable Industrial Revenue Bonds (Tip Top Solar Energy Center LLC) Series 2019 in the Maximum Principal Amount of \$215,000,000 to Provide Funds

to Finance the Acquisition, Construction and Equipping of a Solar Energy Generating Facility; Authorizing the Execution and Delivery of an Indenture, a Lease Agreement, A Bond Purchase Agreement, Bond, and Other Documents in connection with the Issuance of the Bonds and the Project; Making Certain Determinations and Findings Relating to the Bond and the Project; Ratifying Certain Actions Taken Previously; and Repealing all Actions Inconsistent with this Ordinance. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair, Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-133R Approving Recommendations from the Lea County Fair & Rodeo Board Approving the following Agreement Regarding the Entertainment During the 2019 84th Annual Lea County Fair & PRCA Rodeo (Larry Wheeler, Chair, Fair & Rodeo Board)
 - Los Huracanes as the Hispanic Heritage Celebration Entertainment Artist on Friday, August 2, 2019
 - Flatland Calvary as Entertainment Artist on Tuesday, August 6, 2019
 - Amy Grant as Entertainment Artist on Wednesday, August 7, 2019
 - Cody Johnson as Entertainment Artist on Thursday, August 8, 2019
 - Ronnie Milsap as Entertainment Artist on Friday, August 9, 2019
 - Big & Rich as Entertainment Artist on Saturday, August 10, 2019

Manager of the Fairgrounds Kemp in lieu of the Chair of the Fair & Rodeo Board Wheeler requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 19-MAY-133R Approving Recommendations from the Lea County Fair & Rodeo board Approving the following Agreement Regarding the Entertainment During the 2019 84th Annual Lea County Fair & PRCA Rodeo: Los Huracanes as the Hispanic Heritage Celebration Entertainment Artist on Friday, August 2, 2019, Flatland Calvary as Entertainment Artist on Tuesday, August 6, 2019, Amy Grant as Entertainment Artist on Wednesday, August 7, 2019, Cody Johnson as Entertainment Artist on Thursday, August 8, 2019, Ronnie Milsap as Entertainment Artist on Friday, August 9, 2019, and Big & Rich as Entertainment Artist on Saturday, August 10, 2019. The motion was seconded by Commissioner Eidson. Secretary Polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-134R Approving Application SF-424, Certification Regarding Lobbying, and Grant Agreement No. G19SN0017A between Lea County and the Office of National Drug Policy for the High Intensity Drug Trafficking Area (HIDTA) Region VI Drug Task Force Issued for 01/01/2019 to 12/31/2020 (Wm Robert Sullivan, HIDTA Region VI Drug Task Force Commander)

Commander Sullivan requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 19-MAY-134R Approving Application SF-424, Certification Regarding Lobbying, and Grant Agreement No. G19SN0017A between Lea County and the Office of National Drug Policy for the High Intensity Drug Trafficking Area (HIDTA) Region VI Drug Task Force Issued for 01/01/2019 to 12/31/2020. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-135R Approval of Equipment Recording Fee in the Lea County Clerk's Department (Keith Manes, County Clerk)

Clerk Manes requested approval. Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 19-MAY-135R approval of Equipment Recording Fee in Lea County Clerk's Department. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-136R Approval of Nonprohibitive License Tax for Lea County (Keith Manes, County Clerk)

Clerk Manes requested approval. Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 19-MAY-136R Approval of Nonprohibitive License Tax for Lea County. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-137R Approving the Award of Proposal No. 09 2018-2019 Airport Project Design & Engineering Services – Lea County Airports (Corey Needham, Assistant County Manager – Operations)

Assistant County Manager of Operation requested approval. Chair Long asked if there were any public comments concerning this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 19-MAY-137R Approving the Award of Proposal No. 09 2018-2019 Airport Project Design & Engineering Services – Lea County Airports. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-138R Approving the following 1st Option to Renew Agreements Regarding Bid No. 03 2018-2019 Asphalt Emulsions – Indefinite Quantity for the Lea County Road Department: (Corey Needham, Assistant County Manager – Operations)
 - Ergon Asphalt & Emulsions
 - Holly Frontier Refining & Marketing, LLC

Assistant County Manager of Operations Needham requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 19-MAY-138R Approving the following 1st Option to Renew Agreements Regarding Bid No. 03 2018-2019 Asphalt Emulsions – Indefinite Quantity for the Lea County Road Department: Ergon Asphalt & Emulsions, Holly Frontier Refining & Marketing, LLC. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-139R Approving a Cooperative Educational Services (CES) Agreement Between Lea County and Ramirez & Sons for Asphalt Overlay of West Bender Roadway (Corey Needham, Assistant County Manager – Operations)

Assistant County Manager of Operations requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Sena moved to approve Lea County Resolution No. 19-MAY-139R Approving a Cooperative Educational Services (CES) Agreement Between Lea County and Ramirez & Sons for Asphalt Overlay of West Bender Roadway. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-140R Approving a Cooperative Educational Services (CES) Agreement Between Lea County and Constructors, Inc. for Asphalt Overlay of County Road 1 (Corey Needham, Assistant County Manager – Operations)

Assistant County Manager of Operations Needham requested approval. Chair Long Asked if there were any public comments regarding this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 19-MAY-140R Approving a Cooperative Educational Services (CES) Agreement between Lea County and Constructors, Inc. for Asphalt Overlay of County Road 1. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

- Consideration of Lea County Resolution No. 19-MAY-141R Approving a Cooperative Educational Services (CES) Agreement Between Lea County and Constructors, Inc. for Asphalt Overlay of County Road 21 (Corey Needham, Assistant County Manager – Operations)

Assistant County Manager of Operations Needham requested approval. Vice Chair Jackson moved to approve Lea County Resolution 19-MAY-141R Approving a Cooperative Educational Services (CES) Agreement Between Lea County and Constructors, Inc. for Asphalt Overlay of County Road 21. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

ITEM 03: OTHER BUSINESS

- Discussion/Presentation of United Way Lea County (Linda Boes, President & CEO, United Way of Lea County)

Linda Boes President & CEO of the United Way of Lea County presented a discussion of United Way Lea County.

- Discussion of Lea County's Annual Report of Property Appraisal (Sharla Kennedy, County Assessor)

Assessor Kennedy presented a discussion of Lea County's Annual Report of Property Appraisal.

- Discussion of Precinct Splits and Adjustments, Polling Places and Board of Registration (Keith Manes, County Clerk)

Clerk Manes and Bureau of Elections Sandoval presented a discussion of the Precinct Splits and Adjustments, Polling Places and Board of Registration.

- Discussion of an Increase in Size to the Hold Room of the Lea County Regional Airport Terminal Expansion (Corey Needham, Assistant County Manager – Operations)

Assistant County Manager of Operations Needham presented a discussion of an Increase in Size to the Hold Room of the Lea County Regional Airport Terminal Expansion.

Chair Long called for a break at 10:44 a.m. The meeting reconvened at 10:50.

- Discussion of the Bennett Waterline Project (Corey Needham, Assistant County Manager – Operations)

Assistant County Manager of Operations Needham presented a discussion of the Bennett Waterline Project.

- Discussion of Lea County's Financial Report (Chip Low, Finance Director)

Director Low presented Lea County's Financial Report.

- Discussion of Lea County's Accounts Payable (Chip Low, Finance Director)

Director Low presented Lea County's Accounts Payable.

ITEM 05: EXECUTIVE SESSION

- **Board of County Commissioners**

- Pursuant to Section 10-15-1 (H7), (H8), of the New Mexico Statutes Annotated (NMSA) 1978; to Discuss Threatened Litigation Involving Breach of Contract for Services and Goods, Right to Work Ordinance, Property in Northern Lea County, and Property in Central Lea County; and the disposal of Real Property in Central Lea County, as Authorized by NMSA 1978 as Authorized by the Open Meetings Act.

- At 11:03 a.m. Vice Chair Jackson moved to convene in Executive Session pursuant to **Section 10-15-1, (H7), (H8), of the New Mexico Statutes Annotated (NMSA) 1978; to Discuss Threatened Litigation Involving Breach of Contract for Services and Goods, Right to Work Ordinance, Property in Northern Lea County, and Property in Central Lea County, and the disposal of Real Property in Central Lea County, as Authorized by the Open Meetings Act.** The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena; yes; Commissioner Jones, yes.

The meeting reconvened at 1:28 p.m.

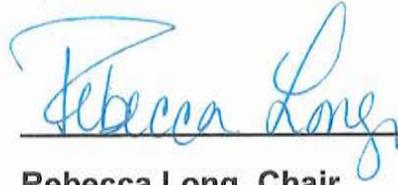
Let the record reflect that only those matters announced in the motion to go into closed session were discussed

ITEM 06: OTHER BUSINESS

There was no other business

The meeting was adjourned at 1:28 p.m.

BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO



Rebecca Long, Chair



Dean Jackson, Vice Chair



Gary G. Eidson, Member



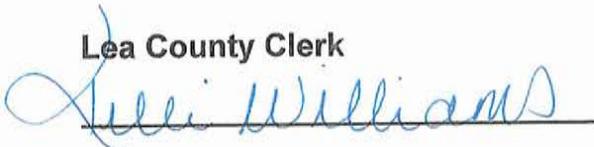
Jonathan Sena, Member



Richard Don Jones, Member

ATTEST: Keith Manes

Lea County Clerk



Kelli Williams

