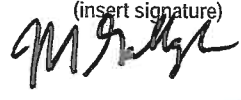




## LEA COUNTY BOARD OF COUNTY COMMISSIONERS

## STAFF SUMMARY FORM

LCBCC MEETING DATE: Thursday, January 24, 2013Submit this summary form to the Finance Director Sherri Bunch [sbunch@leacounty.net](mailto:sbunch@leacounty.net) by:**Friday, January 11<sup>th</sup>**County Manager Approval ([mgallagher@leacounty.net](mailto:mgallagher@leacounty.net)) required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED: Friday, January 18, 2013	SUBMITTED BY (Name/Title/Dept): Sandrea J. Stout-Brito/LCEA/Executive Dept.
SUBJECT: Minutes	ATTACHMENT(S): 01/09/2013 Minutes
CONSIDERATION OR DISCUSSION: Consideration	NUMBER OF ORIGINALS FOR SIGNATURE(S): One
SUMMARY: Approval of the LCBCC 01/09 Minutes.	
DEPARTMENT RECOMMENDATION(S): Approve Minutes	Department Director's Approval (insert signature) N/A
FINANCE REVIEW (Fiscal Impact/Cost): N/A	Reviewed by Finance Director (insert signature) N/A
LEGAL REVIEW: N/A	Reviewed by County Attorney (insert signature) N/A
COUNTY MANAGER REVIEW:	Approved by County Manager (insert signature) 
RECORDING SECRETARY'S USE ONLY - COMMISSION ACTION TAKEN	
Resolution No. _____ File No. _____ Other: _____ Comments: _____	Policy No. _____ Continued To: _____ Approved: <u>Williams 1-24-13</u> Ordinance No. _____ Referred To: _____ Denied: _____



**Minutes of Meeting  
Lea County Board of Commissioners  
January 09, 2013**

Chairman Fulfer called the meeting to order at 9:07 a.m. in the Lea County Courthouse.

Commissioners present were, to wit: Commissioner Dale Dunlap District 1, Vice Chairman Mike Whitehead District 2, Commissioner Ron Black District 3, Commissioner Thomas G. Pierce District 4 and Chairman Gregory H. Fulfer District 5.

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

Commissioner Dunlap led the Pledge of Allegiance followed by the Invocation by Commissioner Black.

**ITEM 01: ELECTION**

- ***Attorney – Scotty Holloman***

- Election of Chairman and Vice Chairman for the Lea County Board of County Commissioners

Mr. Holloman stated according to State Statute one of the first things you have to do is elect a Chairman and Vice Chairman who will serve for the County Commission. There is not a term limit set out for statute, unless you have set one through ordinance. He stated, it is my understanding you have no ordinance in Lea County, so everybody is open for election for chairman. He opened the floor for nominations for Chairman for the next year. Commissioner Whitehead nominated Commissioner Fulfer as Chairman. The nomination was seconded by Commissioner Pierce. Commissioner Whitehead asked if a nomination needed to be seconded, Mr. Holloman stated it does not have to be, but there can be a second on the nomination. Mr. Holloman asked for a vote by the raising of their right hands, Commissioner Dunlap, Commissioner Pierce, Commissioner Black, Commissioner Whitehead and Commissioner Fulfer raised their right hands. He stated congratulations Mr. Fulfer you will have another term this year. The next agenda is to elect a Vice Chairman. He asked for the nominations for Vice Chairman. Commissioner Whitehead nominated Commissioner Black. Mr. Holloman asked for a vote by the raising of their right hands. Commissioner Dunlap, Commissioner Pierce, Commissioner Black, Commissioner Whitehead, and Commissioner Fulfer raised their right hands. He stated congratulations Commissioner Black, you will be Vice Chair.

**ITEM 02: COMMISSION**

- ***Board of County Commissioners***

- Consideration of Approval of the December 18, 2012 Minutes

Commissioner Black moved to approve moved to approve the minutes of the December 18, 2012 meeting. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Discussion of Committee Reports

Commissioner Black stated he does not have any committee reports, but he would like to comment on a meeting he attended. New Horizons Resources, which Lea County is partnered, hosted a meeting last night for the community. Dr. David Smidley was the speaker. He was the former president of Texas Tech, Oklahoma Universities, and recently retired from the University of New Mexico. He has been involved in economic development in a lot of different areas in a lot of different ways. Chairman Fulfer stated he would like to add to what Commissioner Black said about Dr. Smidley. He thinks we are on the right track with research and development, economic

development, and the diversity of our economy. He was real supportive of what we are doing.

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

Manager Gallagher asked if we could hold off on setting and confirming the next meetings until after the approval of the item Lea County Resolution No. 13-Jan-001R. He stated we have it later in the agenda and it is concerning open meetings and agendas. It might be helpful to pass that resolution first, then go forward with confirming the next meetings. Chairman Fulfer asked do we need a motion to move this to the end of the meeting. Mr. Holloman stated he thinks the proper thing to do, would be to motion, and a second to move this item to the last item before the adjournment for this meeting. Commissioner Black stated something we would need to consider in the future is, if we put it off to last, we have a lot of people leave by then. Mr. Holloman stated the reason for this change for this meeting would be so it would not conflict with the resolution that would need to be considered. Commissioner Dunlap motioned to move the Set/Confirm Meeting(s) to the last item before the meeting is adjourned. The motion was seconded by Vice Chairman Whitehead and passed unanimously.

- Consideration of Appointment to Active Boards
  - ❖ Lea County Airports Advisory Board (LCAAB)
  - ❖ Lea County DWI Advisory Committee (LCDWIAC)
  - ❖ Lea County Environmental Services Advisory Committee (LCESAC)
  - ❖ Lea County Fair Board (LCFB)
  - ❖ Lea County Planning & Zoning Board (LCPZB)
  - ❖ Lea County Road Advisory Committee)
  - ❖ Lovington – Lea County Extraterritorial Zoning Commission (LLCEZC)
  - ❖ Southeastern New Mexico Economic Development District Council of Governments (SNMEDD COG)

Chairman Fulfer asked if they wanted to table the appointment to active boards for now for more time. Commissioner Dunlap moved to table the appointment to active boards. The motion was seconded by Commissioner Black.

- Consideration of Resolution No. 13-JAN-002R Lea County's Sponsorship and Financial Support of the New Mexico's High School Rodeo Association's 2013 State Rodeo Finals to be Held at the Lea County Fairgrounds

Commissioner Dunlap stated there would be 70-100 families that would be here for about a week. This resolution is year by year and the contract would be year by year. It would need to be renewed next year. Commissioner Dunlap moved to approve Resolution No. 13-JAN-002R Lea County's Sponsorship and Financial Support of the New Mexico's High School Rodeo Association's 2013 State Rodeo Finals to be held at the Lea County Fairgrounds. The motion was seconded by Vice Chairman Whitehead and passed unanimously.

**ITEM 03: OUTSIDE ENTITIES**

- **High intensity Drug Trafficking Area (HIDTA) Region VI Drug Task Force – Sheriff Mark Hargrove**
  - Consideration of Approval of Grant No. G11SN0017A Modification No. 9 between Lea County and the Office of National Drug Control Policy of the High Intensity Drug Intensity Drug Trafficking Area (HIDTA) Program Increasing the Funds for Region VI

Sheriff Hargrove requested approval for G11SN0017A HIDTA Grant Modification No. 9. This will increase the grant by \$50,693 to be dispersed within a year. Commissioner Black moved to approve consideration for Grant No. G11SN0017A Modification No. 9 between Lea County and the office of National Drug Control Policy of the High Intensity Drug Trafficking Area (HIDTA) Program Increasing the funds for the

region. The motion was seconded by Vice Chairman Whitehead and passed unanimously. Commissioner Black stated he would like to commend the Drug Task Force. He feels they are a lot more active than they have been in the past. Sherriff Hargrove stated thank you, I appreciate the opportunity to do that and the commission allowing me to put the people in there to get that done. They are doing an outstanding job and I appreciate that. Chairman Fulfer stated they have done a great job since all the communities have jumped on board and have been in support. He feels we should work to get Hobbs more supportive of the project. It would be nice to have all of our cities involved. It is a real important issue in our county.

**ITEM 04:     BOARDS/COMMITTEES**

Commissioner Black moved to convene as the Indigent Claims Advisory Board at 9:11 a.m. The motion was seconded by Commissioner Dunlap and passed unanimously.

- **Lea County Indigent Claims Advisory Board – Mary Lamb, Indigent Claims Specialist**
- Consideration of Approval of the Lea County Indigent Claims Report

Mrs. Lamb requested approval of two claims for Lea Region Medical Center that total \$6,242.10 and three claims for Nor Lea General Hospital that total \$9,025.39. Commissioner Black moved to approve the Indigent Claims Report. The motion was seconded by Commissioner Dunlap and passed unanimously.

Commissioner Dunlap moved to reconvene in regular session at 9:13 a.m. The motion was seconded by Vice Chairman Whitehead and passed unanimously.

**ITEM 05:     MANAGER**

- **Lea County Manager – Michael P. Gallagher II**
- Consideration of Approval of Travel Request

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

- Consideration of Approval of Lea County Resolution No. 13-Jan-001R Open Meetings & Procedures for Lea County

Manager Gallagher requested approval of Resolution No. 13-Jan-001R Open Meetings & Procedures Policy for the year. What this resolution does, is it notifies the public that all meetings for the County Commission will be held in the County Commission meeting room, in the Lea County Courthouse at 9 a.m. as indicated on the meeting rolls. Commissioner Dunlap proposed moving the meetings to the first Thursday of the month. Commissioner Pierce asked if it was possible to have an evening meeting every so often to accommodate some of the public not able to make it to day meetings. Chairman Fulfer stated the Commission does try to have a meeting in each city throughout the year also. Commissioner Dunlap moved to approve Resolution No. 13 Jan-001R Open Meetings and Procedures for Lea County with the day of the meeting changed to Thursday. Manager Gallagher asked to clarify we are doing the first Thursday and the third Tuesday, would it be possible to make it the first Thursday and third Thursday? Chairman Fulfer asked when the next meetings should be on the agenda. Is that going to be at the end of the agenda? Commissioner Black asked if we could say during the meeting, do we have to specify exactly where in the meeting. Mr. Holloman stated, I don't think you have to, I think you can say before the close of the last meeting. Commissioner Dunlap motioned again and amended his previous motion to include the change on the setting the date of the meetings on the Resolution to



before the end of the meeting as opposed to at the end of the meeting. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Lea County Housing Request for Proposal (RFP)

Manager Gallagher requested approval of Lea County Housing Request for Proposal RFP. He stated, this is a jointly sponsored request for proposals including both Lea County and the Cities of Eunice and Jal, for Housing projects. Mr. Maranco stated, during the last couple of months, we have worked towards committing funds towards housing and structuring this RFP and to develop a scattered site project in Jal and Eunice. The RFP was approved at our last meeting and it was published as of the 20<sup>th</sup>. The deadline for response to the proposal was Jan 2<sup>nd</sup>. He is requesting approval for \$850,000 for the proposal to Chelsea, an Investment Corporation, to develop the scattered site project in Jal and Eunice. They will submit a tax credit application to the mortgage finance authority by the deadline, January 31<sup>st</sup>. Commissioner Black moved to approve the Lea County Housing Request for Proposal (RFP). The motion was seconded by Vice Chairman Whitehead and passed by Commissioner Dunlap, Commissioner Pierce, Commissioner Black, and Vice Chairman Whitehead voting yes; Chairman Fulfer refrained from voting.

- Discussion of Lesser Prairie Chicken as Endangered Species Candidate

Manager Gallagher stated we have been notified by the US Fish and Wildlife that the Lesser Prairie Chicken has been listed as an endangered species. He presented a map to the Commission and explained where the prairie chicken historically and currently lives. He stated, I attended a meeting in Portales with representative from Chaves County, Eddy County, Coy County and Curry County. What was discussed was having each of the counties pass a resolution that would demand US Fish and Wildlife have coordination with each county. This is the same process we used with the Sand Dune Lizard last year. The US Fish and Wildlife will be holding four public hearings in the next couple weeks. The one in New Mexico will be February 12<sup>th</sup> in Roswell. Our intention before that meeting is to have resolution for the County Commission to consider states the US Fish and Wildlife coordinates with the County with the Lesser Prairie Chicken.

#### **ITEM 06: COUNTY DEPARTMENTS**

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

- Consideration of Approval of Grant No. 13-D-J-G-14 Amendment No. 1 between Lea County and New Mexico Department of Finance and Administration Local Government Division

Coordinator Ford requested approval of Grant No 13 D-J-G-14 Amendment No 1 between Lea County and New Mexico Department of Finance and Administration Local Government Division. Commissioner Black moved to approve grant No. 13 D-J-G-14 Amendment No. 1 between Lea County and New Mexico Department of Finance and Administration Local Government Division. The motion was seconded by Vice Chairman Whitehead and passed unanimously.

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

- Discussion of Lea County Emergency Management Report

Director Velasquez reported we are still less than 99 acres burned for the year. There were 60 total calls for grass fires. There were two grass fires in the last two weeks and 36 EMS calls.

- Discussion of Lea County Environmental Services Report

Director Velasquez reported there were 24 animals taken to shelter, 64 animal patrol calls. There were five illegal dump sites located and cleaned. There were 31 miles cleaned, 143 bags from the cleaning crew. The inmate crew cleaned 18 miles and 72 bags.

- Consideration of Approval to Reject Bid #3 2011-2012 Mechanical Upgrade & Roof Repair for the Monument Community Center

Director Velasquez requested approval to reject Bid #3 2011-2012 Mechanical Upgrade & Roof Repair for the Monument Community Center. He stated, the reason for this is we made some changes to the original plan, which would cause the bid to be resubmitted. He stated, the a/c unit that is on the roof is going to cause a lot of problems. We are going to move it off the roof and put it on the ground. Manager Gallagher stated, what we are looking to do is ask the commission to reject this bid with the intention of going back out to the RFP to make improvements to that facility. Commissioner Dunlap moved to approve to Reject Bid #3 2011-2012 Mechanical Upgrade and Roof Repair for the Monument Community Center. The motion was seconded by Vice Chairman Whitehead and passed unanimously.

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

- Discussion of Roadways

Director Needham stated, we have pretty much spent most of our time on two roadways in the past two weeks: Simpson up north and Buckeye down south. We are going to complete those two roadways then move our emphasis down to Maljamar on the south side near the Potash mine. Our contract crews are about to make a lot of headway in the north of the County. We are about to release the roadways in the Lovington and Tatum areas to go to construction, so they will be ready to chip seal come April. They have just completed the work in the North Hobbs area on Rochelle and Norris, while another crew continues to complete its work down south on Phillips Hill.

- Consideration of Approval of 2013 – 2014 1<sup>st</sup> Option to Renew Aggregate for Surface Treatment Agreement between Lea County and Constructors, Inc.

Director Needham requested approval of the 2013-2014 1<sup>st</sup> option to renew aggregate for surface treatment agreement between Lea County and Constructors Inc. They were the low bidder last year. There would be a 3% increase, which is less than the 5% consumer increase. It is my recommendation, we accept this. Commissioner Dunlap moved to approve the 2013-2014 1<sup>st</sup> option to renew aggregate for surface treatment agreement between Lea County and Constructors, Inc. The motion was seconded by Commissioner Black and passed unanimously.

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

- Consideration of Approval of 2013 – 2014 1<sup>st</sup> Option to Renew Agreement between Lea County and Workplace Staffing Solutions LLC, for Temporary Employees

Director Bunch requested approval of 2013-2014 1<sup>st</sup> option to renew agreement between Lea County and Workplace Staffing Solutions for temporary employees. She stated there is no change in the agreement, and they have done a good job in the past with the various departments that use their service. Commissioner Dunlap moved to approve 2013-2014 1<sup>st</sup> option to renew agreement between Lea County and Workplace Staffing Solutions, LLC, for temporary employees. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Accounts Payable

Director Bunch requested approval of Accounts Payable. Chairman Fulfer asked about a few things on the print out for accounts payable. Vice Chairman Whitehead moved to approve accounts payable. The motion was seconded by Commissioner Pierce and passed unanimously.

**ITEM 07: PUBLIC**

Darleen Miller with the Coordinator of the Community Drug Coalition of Lea County stated the drug coalition of Lea County is coordinating the efforts for a County wide grant. There are five county's selected in the State of New Mexico that are highest at risk for youth underage drinking and prescription drug abuse. Lea County scored in the top five worst in the state, so there is a grant that we can apply for. Mr. Choice made comments about the Lea County Fair. Doug Vitt, the district defender stated some of my colleagues have reached out to me lately. San Miguel County is in the process of developing its own OCD. Most of that is based on a mistaken belief that oil and gas drilling raises the crime in your community. As the district defender down here, I have been in contact with some of the attorneys that have been working with that matter. Our crime statistics are actually dropping, we have fewer attorneys now and things were worse at the beginning when we didn't have an oil boom. He stated he wanted to inform the County Commissioners that the San Miguel County Commissioners will be having a Public Meeting next Thursday to begin developing their own drilling regulations.

**ITEM 08: 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.

10:23 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 Whitehead Secretary polled the Commission: Commissioner Dunlap, yes; Commissioner Pierce, yes; Commissioner Black, yes; Chairman Fulfer; yes.

Vice Chairman Whitehead moved to reconvene in Regular session. The motion was seconded by Commissioner Black and passed unanimously. The meeting reconvened at 11:23 a.m.

- The items discussed in the closed session were relative to the items contained in the motion for closure of the regular meeting.

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

- Thursday, January 24, 2013 at 9:00 a.m. – Confirmed
- Thursday, February 7, 2013 at 9:00 a.m. – Confirmed
- Thursday, February 21, 2013 at 9:00 a.m. – Tentative
- Thursday, March 7, 2013 at 9:00 a.m. – Tentative
- Thursday, March 21, 2013 at 9:00 a.m. – Tentative
- Thursday, April 11, 2013 at 9:00 a.m. – Tentative
- Thursday, April 25, 2013 at 9:00 a.m. – Tentative

The next meetings will be at 9 a.m., **Thursday January 24, 2013, and February 7, 2013** in the Lea County Board of Commissioners Room and meetings are tentatively set for Thursday, February 21, 2013; Thursday, March 7, 2013; Thursday, March 21, 2013; Thursday, April 11, 2013; and Thursday, April 25, 2013.

**ITEM 09: OTHER BUSINESS**

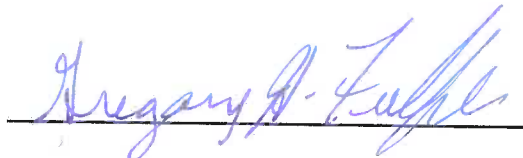
There was no other business

The meeting adjourned at 11:27 a.m. by Chairman Fulfer.

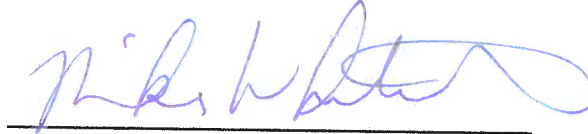
The Lea County Board of Commissioners certify that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

**BOARD OF COUNTY COMMISSIONERS**

**LEA COUNTY, NEW MEXICO**



**Gregory H. Fulfer, Chairman**



**Mike Whitehead, Vice Chairman**



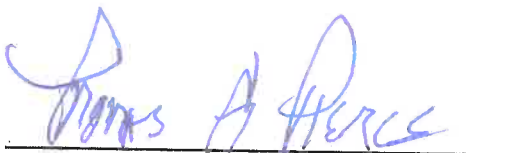
**Dale Dunlap, Member**



**Ron Black, Member**

**ATTEST: Pat Chappelle**

**Lea County Clerk**



**Thomas G Pierce, Member**



**Kelli Williams**

