



LEA COUNTY BOARD OF COUNTY COMMISSIONERS

SUMMARY FORM

LCBCC MEETING DATE: Thursday, August 8, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:

Tuesday, July 23, 2013

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

DATE SUBMITTED mm-dd-yyyy:

Friday, August 2, 2013 \neq Aug. 8

SUBMITTED BY Name/Title/Dept:

Kelli Williams, Recording Secretary, Clerk's Dept.

SUBJECT:

Minutes

ATTACHMENT(S):

Draft Minutes 20130726 - Res Mtg.
Draft minutes 20130726 Workshop

No. of Originals for Signature (Select One):

Due in County Manager's Office
2 Days Prior to Meeting

One (1)

Action Requested (Select One):

Consideration

Agenda Item Placement (Select One):

01 Commission

SUMMARY:

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.:

None

See Additional
Summary Attached ☐

SUBMITTER'S RECOMMENDATION(S):

Review & Approve the 07/26/2013 LCBCC Minutes Regular Mtg &
Workshop.Submitter's Signature
Department Director, Etc.Kelli
WilliamsDigitally 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: 2013.08.03 12:24:56
-06'00'

FINANCE REVIEW Fiscal Impact/Cost:

N/A

Reviewed by Finance Director

LEGAL REVIEW:

N/A

Reviewed by County Attorney

COUNTY MANAGER REVIEW:

8/14 - resubmitting w/ workshop -

Approved by County Manager
to be Placed on AgendaM. Williams
8/14/13 5:01 PM

RECORDING SECRETARY'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. _____

File No. _____

Other _____

Comments: _____

Policy No. _____

Continued To: _____

Approved: _____

Ordinance No. _____

Referred To: _____

Denied: _____



**Minutes of Meeting
Lea County Board of Commissioners
July 25, 2013**

Chairman Fulfer called the meeting to order at 9:17 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, 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.

Chairman Fulfer stated we toured the Lea County Fairgrounds, it is looking great. The City of Lovington and the County should be proud of the expansions, and the work that has been done. They did a fantastic job, I was impressed.

ITEM 01: COMMISSION

- ***Board of County Commissioner***

- Consideration of Approval of the June 27, 2013 Minutes. Vice Chairman Black moved to approve the June 27, 2013 minutes. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Committee Reports

Vice Chairman Black stated the week before last I went on the annual trip to meet with the congressional representatives in Washington D.C. and we combined it with our New Horizons trip. We visited some army lab facilities in New York and New Jersey. The trip was a tremendous success. I was pleasantly surprised how our representatives from the Northern part of the State acknowledge the significance of how important the oil and gas business in Lea County is to the rest of New Mexico.

Chairman Fulfer stated we had a meeting in Clovis; there were eight counties that come together and to meet with Fish and Wildlife Service against the lesser prairie chicken. It turned out to be a good meeting; there was a good public attendance along with the eight counties. We are against the listing of the prairie chicken. The other meeting I went to was at the New Mexico Association of Counties we are trying to pass a resolution with the Association of Counties where Counties will have to engage the oil industry when making an ordinance against oil and gas drilling or fracking.

Set/Confirm Next Meeting(s):

- Thursday, August 8, 2013 at 9:00 a.m. – Confirmed
- Thursday, August 22, 2013 at 9:00 a.m. Confirmed
- Thursday, September 12, 2013 at 9:00 a.m. Confirmed
- Thursday, September 26, 2013 at 9:00 a.m. Confirmed

The next meetings will be at 9 a.m. **Thursday August 8, 2013, Thursday, August 22, 2013; Thursday, September 12, 2013; Thursday, September 26, 2013;** in the Lea County Board of Commissioners Room.

- Consideration of Appointments to Active Boards
 - Lea County DWI Advisory Committee (LCDWIAC):
 - District 1 no appointments made at this time
 - Lea County Memorial Committee
 - District 5 JoAnn Moore

Commissioner Pierce moved to approve the appointments to active boards. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 02: BOARDS/COMMITTEES

- **Indigent Claims Advisory Board – Mary Lamb, Indigent Claims Specialist**

At 9:30 a.m. Commissioner Dunlap moved to convene as Indigent Claims Board. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of the Lea County Indigent Claims Burial Report

Specialist Mary Lamb requested approval. She stated there are two cremation claims both from Chapel of Hope for \$600 each for a total of \$1,200. Commissioner Dunlap moved to approve the Lea County indigent claims burial report. The motion was seconded by Commissioner Pierce and passed unanimously.

At 9:31 a.m. Commissioner Dunlap moved to reconvene in regular session. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 03: OUTSIDE ENTITIES

- **Dekker/Perich/Sabatini Ltd. DPS – Matthew Mckim, Principal**
 - Presentation of the Proposed Equestrian Facility Market Study Final Report regarding the Indoor Equestrian Arena

Mathew Mckim Principal with Dekker/Perich/Sabatini architects from Albuquerque. He stated he is here with Dan Martin the managing Principal for Market

Feasibility Advisors with the firm. Since the last update in February regarding the Equestrian center they have met with citizens in the County and have gotten more feedback and more information and would like to share the final report. Dan Martin presented a power point presentation concerning the proposed Equestrian Center market study. He stated the assignment was to study market and financial feasibility of an indoor climate controlled equestrian facility. We are discussing an 1,800 capacity facility. He discussed the methodology, the competitive market, the financial considerations and analysis as well as financial recommendations. Mr. Martin gave facility recommendations for the area, and the site. Chairman Fulfer asked how big of a foot print is the location will we have plenty of room for parking etc. He stated for the building alone we would secure 125,000 sq. ft. Parking is going to be the big driver and what we would like to do is shared parking. We need to do more discussing and planning. Commissioner Dunlap asked what the average attendance at the Andrews facility is. He stated the occupancy is about 30% of the 1800 occupancy.

Chairman Fulfer stated we have three city managers here I would like to recognize and introduce. We have Curtis Schrader from Jal, Marty Moore from Eunice, and James Williams from Lovington.

ITEM 04: MANAGER

- **Lea County Manager – Michael P. Gallagher II**
 - Consideration of Approval of the Release of Economic Development Liens for the following Municipalities:
 - Jal

Manager Gallagher requested approval. He stated for background the Lea County Commission approved economic development grant funding for the town of Tatum, Cities of Lovington, Eunice, and Jal. The grant funding included funding of \$100,000 to each municipality. We would like the County to consider to releasing the County liens. The Jal project will result in a new restaurant establishment in Jal, the establishment in Tatum will be a small museum. Commissioner Dunlap moved to approve the release of economic development liens for Jal and to give Manager Gallagher the authority to sign the release of mortgage. The motion was seconded by Commissioner Pierce; Chairman Fulfer stated due to some of his involvement in the project he will recuse himself from voting. All other Commissioners voted yes; Chairman Fulfer abstained from voting the motion passed.

- Tatum

Manager Gallagher requested approval. Commissioner Pierce moved to approve the release of economic development liens for the Town of Tatum and approve

Manager Gallagher to sign the mortgage release. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Memorandum of Understanding between Lea County and City of Eunice for Infrastructure Improvements Related to Housing Development

Manager Gallagher requested approval. He stated last year the County Commission approved \$450,000 of housing incentive funding for the City of Eunice, Jal and Lovington. This \$450,000 is to serve as funding that the County has at its disposal to attract housing for each municipality. He stated the City of Eunice is requesting around \$100,000 of funding from the County this will be for publicly owned utility lines and utility extension work, to serve housing development and multi-unit and single unit housing construction. This same strategy has been used in the City of Hobbs to encourage housing development there. Commissioner Whitehead moved to approve the memorandum of understanding between Lea County and the City of Eunice for infrastructure improvements related to housing developments. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Memorandum of Understanding between Lea County and City of Lovington for Housing Development Incentives

Manager Gallagher requested approval. He stated this is for a program that includes the total amount \$450,000 for housing incentives. Mayor James Williams with the City of Lovington stated this is for family housing we would like to build subdivisions, multiple projects. Commissioner Dunlap moved to approve the memorandum of understanding between Lea County and City of Lovington for housing development incentives. The motion was seconded by Commissioner Black and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-JUL-026R Petition for Local Government Coordination with U.S Federal Agencies

Manager Gallagher requested approval. He stated Chairman Fulfer touched on a meeting regarding the lesser prairie chicken. What this resolution does is establish that the Lea County Commission and as the elected local body, have the right to engage in coordination with the U. S. Federal Agencies. Commissioner Dunlap moved to approve Lea County Resolution No. 13-JUL-026 petition for local government coordination with U.S. Federal Agencies.

- Consideration of Approval of Lea County Travel

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

ITEM 05: COUNTY DEPARTMENTS

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

- Discussion of Lea County Detention Center Report

Warden Downey reported on the financial stats, and stated our adult inmate total is 356, juvenile 10.

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

- Consideration of Approval of Project Agreement No. 14-CD-05-051 between Lea County and the State of New Mexico, Department of Transportation, Traffic Safety Division for the Community DWI Programs

Director Ford requested approval. She stated the total amount is \$26,952. She stated I would like to request approval with the changes to the document that need to be made. She asked for approval with the changes and Manager Gallagher approval to sign the documents after the changes have been made. Chairman Fulfer asked will these particular changes affect the grant. She stated no sir they are just projected activates. Commissioner Dunlap moved to approve the project agreement No. 14-CD-05-051 between Lea County and the State of New Mexico Department of Transportation, Traffic Safety Division for the Community DWI Programs. The motion was seconded by Commissioner Whitehead and passed unanimously.

- **Emergency Management – Jeff Broom, Fire Marshal**

- Discussion of Lea County Emergency Management Report

Fire Marshal Jeff Broom reported there have been four grass fires with a total of 30 acres burned this year. There were 98 EMS Calls.

- **Environmental Services – Cassie Corley, Environmental Tech**

- Discussion of Lea County Environmental Services Report

Cassie Corley Environmental Tech reported there were 36 animals that were taken to shelter, with 106 animal control calls. There were 14 illegal dumping sites located and cleaned with a total of 41 environmental calls. The cleanup crew picked up 162 bags of trash, and 37 tires for a total of 60 miles.

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

- Discussion of Lea County Publics Works Report

Director Needham reported we have been working with our internal crews on Black Roadway, and getting ready for the Maljamar job. We have been working on bleachers at the fairgrounds that needed to be completed before the fair. For the past 10 days we have been working hard on some bad holes that were created by the rain. Contract crews have completed all the roadways that we lacked from the last year in the Tatum area. They are also completing the last pin of chip seal on Bensing Roadway today. We are within 3 weeks of completing the building for housing cardboard.

- Consideration of Approval of Windstream Permanent Easement on Lea County Land near the Lea County Regional Airport

Director Needham requested approval. Windstream wants to put some equipment along the highway on Lea County property it would be outside of our Aviation easements. Mr. Holloman stated there are some issues that would need to be addressed but if you do not want to hold off on this; it would be ok to approve with staff authority to sign. Vice Chairman Black moved to approve the Windstream permanent easement on Lea County land near the Lea County Regional Airport, pending legal review and allowing staff approval to sign documents. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Task Order No.2 between Lea County and Constructors, Inc., Maljamar Roadway – Phase I (2 Miles)

Director Needham requested approval. This is a 2 mile work order carried over from last year. Commissioner Dunlap moved to approve task order No. 2 between Lea County and Constructors, Inc., Maljamar Roadway phase 1 (2 miles). The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Delaware Basin Fencing Project

Director Needham stated this was a project that the County accepted Federal Highway Administration grant in 2010, to fence approximately 21 miles along Delaware Basin. Over the past two years we have worked through all of the requirements, with accepting a federal grant with the exception of the right of way documents. Lea County would be the owner and maintainer of this fence; we would not be able to give it back to the land owners. This would be the first of its kind in Lea County. We would own 21 miles of fence in the County. We have had multiple conversations with DOT looking for other options. Commissioner Dunlap and Attorney Holloman expressed concerns about future liability. Chairman Fulfer stated I think it is the consensus of the board to drop this for the time being but keep looking for other avenues.

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

- Consideration of Approval of Lea County Resolution No. 13-JUL-023R Budget Adjustments

Director Bunch requested approval. She stated this is to close out our fiscal year that ended June 30, 2012. The net effect overall is a budget increase of \$1.2 million. There was zero effect on our general fund. Vice Chairman Black moved to approve Lea County Resolution No. 13-JUL-023R Budget Adjustments. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-JUL-024R 2013-2014 Final Budget

Director Bunch requested approval. She presented a power point presentation of the final budget. She stated I would like to point out that we had ending cash position of \$76.2 million. We have proposed revenue for the new year of \$71.4 million. Manager Gallagher stated I would like to compliment Director Bunch and her Staff for working nights and weekends on the budget. Commissioner Dunlap moved to approve Lea County Resolution No. 13-JUL-024R 2013-2014 final budget. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-JUL-025R Finding and Proposed Disposition of Inventory

Director Bunch requested approval. She stated we need to remove a utility trailer from our inventory. It was damaged in the hail storm. Commissioner Pierce moved to approve Lea County Resolution No. 13-JUL-025R finding and proposed disposition of inventory. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Accounts Payable

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

ITEM 06: PUBLIC

- Public
- Comments from the Public

Commissioner Pierce invited everyone in the staff and public to attend his public meeting located at the Wagon Wheel in Hobbs on Monday July 29, 2013 at 6:00

ITEM 07 EXECUTIVE SESSION

- **Board of County Commissioners**

At 11:11 a.m. Commissioner Pierce 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 Dunlap, yes; Commissioner Pierce, yes; Commissioner Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer, yes.

Commissioner Dunlap moved to reconvene in Regular session. The motion was seconded by Vice Chairman Black and passed unanimously. The meeting reconvened at 11:29 a.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 08: OTHER BUSINESS

- **Lea County Manager – Michael Gallagher**

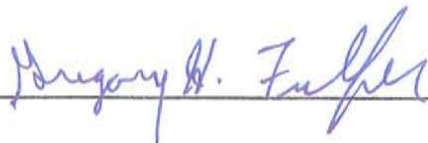
- Consideration of Approval of Access and Waiver Agreement between Lea County, Ares Capital Corporation and Joule Unlimited Technologies, Inc.

Attorney Holloman requested approval. He stated there is a request from Joule Unlimited for the County to sign an access of waiver agreement in favor of their lender Ares Capital Corporation. That title arrangement was contemplated under the lease agreement between the County and Joule. My recommendation at this point is to authorize this agreement to be executed by the County Manager upon approval of the terms and conditions of the access agreement preferable to legal and staff. Vice Chairman Black moved to approve the access and waiver agreement between Lea County, Ares Capital Corporation and Joule Unlimited Technologies, Inc. and authorize that the Lea County Manager Gallagher negotiate subject to approval from the legal department for subordination on a financial transaction. The motion was seconded by Commissioner Whitehead and passed unanimously.

The meeting was adjourned at 11:31 p.m.

BOARD OF COUNTY COMMISSIONERS

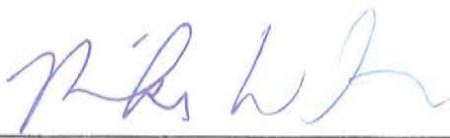
LEA COUNTY, NEW MEXICO



Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member



Thomas G. Pierce, Member

ATTEST: Pat Chappelle

Lea County Clerk



Dale Dunlap, Member



Kelli Williams

