

**Minutes of Meeting
Lea County Board of Commissioners
August 22, 2013**

Chairman Fulfer called the meeting to order at 9:15 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 via Telephone 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: COMMISSION

- ***Board of County Commissioner***

- Consideration of Approval of the following Minutes:
 - July 25, 2013 Regular Minutes
 - July 25, 2013 Courthouse Remodel/Judicial Complex Workshop

Commissioner Dunlap moved to approve the minutes for the July 25, 2013 Regular meeting and the July 25, 2013 Courthouse Remodel/Judicial Complex workshop. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Committee Reports

Vice Chairman Black attended the Association of Counties executive board meeting in Chairman Fulfer's absence. The item of interest is a resolution that Chairman Fulfer created, which asks the Counties of New Mexico, before they pass a resolution restricting condemning oil and gas drilling they would be required to speak to oil and gas industry representatives.

Set/Confirm Next Meeting(s):

- Thursday, September 12, 2013 at 9:00 a.m. Confirmed
- Thursday, September 26, 2013 at 9:00 a.m. Confirmed
- Thursday, October 10, 2013 at 9:00 a.m. Tentative
- Thursday, October 24, 2013 at 9:00 a.m. Tentative

The next meetings will be at 9:00 a.m. **September 12, 2013; Thursday, September 26, 2013;** in the Lea County Board of Commissioners Room. Meetings are tentatively set for Thursday, October 10, 2013; and Thursday, October 24, 2013.

- Consideration of Appointments to Active Boards
 - Lea County DWI Advisory Committee (LCDWIAC):
 - District 1 no appointments made at this time
 - Lea County Environmental Services Advisory Committee LCESAC:
 - District 3 Rebecca Long
 - Lea County Valuation Protests Board LCVPB
 - Qualified Elector - Pat Wise
 - Qualified Elector Alternate – Elaine Vejil
 - Qualified Elector with Experience in Field of Valuation Property – Kallie Windsor
 - Qualified Elector with Experience in Field of Valuation Property Alternate – David Bradley

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

- Public Comment on Lea County Courthouse Remodel & Judicial Complex Study

Chairman Fulfer opened the floor for public comments concerning the Lea County Courthouse Remodel & Judicial Complex Study. Mayor Dixie Drummond expressed her concerns considering the location of the proposed Judicial Complex and doing what is best for the people of Lovington. She expressed her willingness to discuss with the City Commission about closing Love Street if that is what is needed to meet the County Commission's needs. Lovington Manager James Williams expressed his concerns about the economic impact of having the Judicial Complex anywhere but downtown, the safety concerns, and the benefit the Judicial Complex could have on Lovington and our citizens. Pat Wise, Director Lovington Main Street made comments concerning the revitalization of downtown, the location of the Judicial Complex, and the opportunity to put a fantastic building downtown. Doris Akin expressed her concerns about the closing of Love Street in front of the Courthouse. Chairman Fulfer stated there is not an official decision about closing Love Street. We are throwing around options, and ideas. He stated personally and I cannot speak for everyone on the board I have not decided yet for or against either site. Lea County is expected to grow 20% by 2017. We have to think and plan not only for the next 20 years but, also for the next 30-40 if not longer. What we are looking for is some answers and we are open for suggestions. Commissioner Dunlap stated we need to keep our options open; help us plan this with the right input. Vice Chairman Black stated we are thinking about and planning a building that is being built with a 20-30 year plan ahead of us. When we should be considering this building could be here for the next 100 years. So the option of expansion needs to be considered in the planning process.

Commissioner Pierce joined the meeting at 9:37 a.m. via telephone.

Alice Hanners, Vice President Lovington Main Street, made comments about the economic concerns of Lovington downtown, and the option of moving up instead of just out, for parking. Chairman Fulfer asked about parking plans and the Ordinance that exists limiting parking already downtown. He asked if there are any options or studies for parking that have been done. David Trujillo City Commissioner made comments about parking availability, the ordinance, and future plans for parking downtown. Tabitha Lawson made comments about the parking issues, location of the Judicial Complex and offered to explore the option of a parking study for this project. Hope Moreno owner of the Cornerstone Coffeehouse expressed her concerns about the Judicial Complex being moved from downtown. Randy Pettigrew, President of the Lovington EDC stated let's bring all our organizations together and get a better informed decision. Commissioner Whitehead stated let's make sure to incorporate Lovington events in the planning. Chairman Fulfer stated the Courthouse and the Judicial Complex is something we should want to showcase and be proud of, we need to do some in depth planning where this can work for the City and the County. Raelynn Stuart, Lovington Chamber of Commerce, made comments concerning events in Lovington and the options and availability to bring people downtown, and parking downtown. Kay Hardin, Elliott & Waldron made comments about safety, design of the new building, and the location of the new Judicial Complex, and the importance of the Court files being accessible.. Clint Laughrin expressed his concerns about the location of the Judicial Complex and the closing of Love Street.

ITEM 02: BOARDS/COMMITTEES

• **Lea County Road Advisory Committee – Randy Pettigrew, Chairman**

- Consideration of Approval of Recommendation of the Lea County Road Advisory Committee to Vacate Berry Ranch Road from County Road Status to Private Road Status

Chairman Pettigrew requested approval. He stated this is a request by Danny Berry to take a private road off of County maintenance. This is a road leading to his house only and has been on county maintenance for many years. Commissioner Dunlap asked if there was any oilfield traffic that travels down that road. Chairman Pettigrew answered I do not know the way it was described to me is it is a road that goes from the road that goes from the main road to his house. Director Needham stated there are no well sites that appear to be coming off of that site and I think that his concern is people coming out to dump trash, removing it from County maintenance allows him to put-up a fence. Commissioner Pierce stated my concern is we have maintained that road for many years what if oilfield activity is developing out there have we exhausted the Counties need for accessing that road. He stated I am concerned with the County still having access to that road. Vice Chairman Black moved to approve the recommendation of the Lea County road advisory committee to vacate Berry Ranch Road from County Road status to Private Road status. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Recommendation of the Lea County Road Advisory Committee to Create an Improvement District for the Purpose of Paving Woodfin

Chairman Pettigrew requested approval. He stated Woodfin is a piece of property that is located on the North side of Hobbs off of Grimes. We have a petition and a request for a paving district from the land owners that have property over there. Director Needham stated this mirrors the State Statute the County will hire the engineer, it will be constructed it will go before them again to make sure that they understand the cost associated then it will be procured through us and prorated over 7 years to the land owners on their tax role. Commissioner Whitehead moved to approve the recommendation of the Lea County road advisory committee to create an improvement district for the purpose of paving Woodfin. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Recommendation of the Lea County Road Advisory Committee Regarding Hawk Road

Chairman Pettigrew stated the Lea County Road Advisory Committee denied this request. He stated a piece of this road is already a County maintained. The property owners have asked the County to add cliché and take over the Road. He stated it was earlier requested by the Commission for all requests denied or approved be brought before the Commission for final approval. Commissioner Whitehead moved to approve the recommendation of the Lea County Road Advisory Committee to deny the request regarding Hawk Road. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 03: OUTSIDE ENTITIES

- **Southeast Regional Transportation Planning Organization (SERTPO) – Mary Ann Burr, SERTPO Planner**

- Presentation on the Southeast Regional Transportation Planning Organization

Ms. Burr SERTPO Planner presented a packet to the Commission. She stated I wanted to give you a quick overview and reminder of what SERTPO is. We are a transportation regional planning organization. we have provided you with mapping that shows boundaries, and members. The RTPO just met last week and plan on meeting again in November regarding public transit. Programs involve, roadway, safe routes to school, public transit. We are reaching the time of the year that we like to do a long range plan. So if you have any roads where the classification is being changed please share that so that we can update our system.

- **High Intensity Drug Trafficking Area (HIDTA) Region VI Drug Task Force – Wm. Robert Sullivan, Region Commander**

- Consideration of Approval of 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Award No. 13-JAG-REGVI-SFY14-A between Lea County and the New Mexico Department of Public Safety

Commander Sullivan requested approval. He stated \$5,000 will go to Lincoln County the rest will stay here. Vice Chairman Black moved to approve the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Award No. 13-JAG-REGVI-SFY14-A between Lea County and the New Mexico Department of Public Safety. The motion was seconded by Commissioner Black and passed unanimously.

Chairman Fulfer called a break at 10:46 a.m. the meeting returned to order at 10:52 a.m.

ITEM 04: OTHER ELECTED OFFICIALS

- **Lea County Sheriff – Major James D. Wilmeth ***

- Consideration of Approval of Grant Agreement between Lea County and the New Mexico Department of Transportation for Project No. 13-AL-64-051 & 13-RF-01-051 that provides funding to reduce traffic-related injuries & deaths

Major Wilmeth requested approval. He stated both of these are for \$5,000 for a total of \$10,000. Commissioner Whitehead moved to approve the grant agreement between Lea County and New Mexico Department of Transportation for project No 13-AL-64-051 & 13-RF-01-051. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Memorandum of Understanding between Lea County and the City of Hobbs for the 2013 Edward Byrne Memorial Justice Assistance Grant Program

Major Wilmeth requested approval. He stated this grant is for continued improvements to the City of Hobbs police department practice range on Millen Drive this is used by both departments for training and qualifications. Commissioner Whitehead moved to approve the memorandum of understanding between Lea County and the City of Hobbs for the 2013 Edward Byrne Memorial Justice Assistance Grant Program. The motion was seconded by Vice Chairman Black; Commissioner Dunlap stepped out temporarily and was not present in the voting of this item. The motion passed.

- Consideration of Approval of Out of State Travel

Major Wilmeth requested approval. He stated this is for two different people one is for Rex Fleetwood to attend K9 training in Pipe Creek Texas. The other is for James Wilmeth to attend the FBI National Academy training. Commissioner Whitehead moved to approve the out of state travel. The motion was seconded by Vice Chairman Whitehead; Commissioner Dunlap was not present during this item. The motion was passed.

ITEM 05: MANAGER

• **Lea County Manager – Michael Gallagher**

• Consideration of Approval of the following regarding the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG):

- Agreement between Lea County and SNMEDD/COG for Annual Membership in the District for FY 2013 – 2014

Manager Gallagher requested approval. He stated this is for our continued membership in the Southeastern New Mexico Economic Development District and Southeastern New Mexico Council of Governments. Vice Chairman Black moved to approve the Agreement between Lea County and SNMEDD/COG for annual membership in the District for FY 2013-2014. The motion was seconded by Commissioner Whitehead; Commissioner Dunlap was not present during this item. The motion was passed.

- Resolution No. 13-AUG-030R Lea County's Membership in SNMEDD/COG

Manager Gallagher requested approval. Vice Chairman Black moved to approve Resolution No. 13-AUG-030R Lea County's Membership in SNMEDD/COG. The motion was seconded by Commissioner Whitehead; Commissioner Dunlap was not present during this item. The motion passed.

• Consideration of Approval of Professional Services Agreement between Lea County and the Economic Development Corporation regarding Air Services

Manager Gallagher stated I have received compliments about the air service at the airport. We have seen an increase in ridership since the existence of the commercial flights. As part of this air service and the arrangement that we have to house a commercial air carrier here previously we entered into an agreement between Lea County and the Economic Development Corporation to provide marketing services as well as to solicit, obtain, and attract a commercial air provider. Attorney Holloman stated this will require a separate line item in your budget. Manager Gallagher stated we do have sufficient funds to meet the requirements of this agreement. Vice Chairman Black moved to approve the professional services agreement between Lea County and

the Economic Development Corporation regarding Air Services. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-AUG-034R Supporting the New Mexico Junior College Capital Outlay Request

Manager Gallagher requested approval. He stated this is for the New Mexico Junior College Capital Outlay funding request for indoor health and wellness learning center. Commissioner Whitehead moved to approve Resolution No. 13 AUG-034R supporting the New Mexico Junior College Capital Outlay request. Commissioner Pierce asked what is the cost to the County. Chairman Fulfer stated we have not committed anything to the project itself we are involved in the overall plan, the Equine Center, etc. Attorney Holloman stated let me clarify. This resolution will support the Junior College's request for the Capital Outlay funding it does not do anything as far as commit the County to do anything other than support the Junior College's request for funding. Commissioner Whitehead moved to approve the approval of Lea County Resolution No. 13-AUG-034R supporting the New Mexico Junior College Capital Outlay Request. The motion was seconded by Commissioner Dunlap; Vice Chairman Black recused himself from voting, the motion passed.

- Discussion of County Wide Water Conservation Planning

Manager Gallagher stated in continuing the County's direction in planning for future growth the County had initiated a County wide housing plan. That housing plan was a requirement for any type of future municipality to seek any type of funding. The County had a consultant on the project. That plan was approved. What I would like is for the Commission to consider a County wide water conservation planning effort. I would imagine that would work with the local government entities to identify internal ways that each government could improve water efficiency, water delivery, improve their internal operations for water conservation with regulations or policies. Chairman Fulfer stated I think that it is a good idea to follow this path and I feel we should follow through with this.

- Discussion of Demolition of Building located at 215 East Central, Lovington New Mexico

Manager Gallagher stated this is concerning the demolition of the old sheriff building and the maintenance building east of the Courthouse. We need to address the usefulness of these buildings. He stated we are ready to move the buildings from inventory however; I am in no way trying to push the Commission into making a decision. We would have to pass a resolution to remove these buildings from the inventory, as well as contact a company for demolition. He stated I would like to get feedback to see how quickly the Commission would like staff move on this project. Chairman Fulfer stated I feel that we need to have more discussion. I would like to hear what everyone would like to do. Commissioner Dunlap asked what the demolition

would require. Manager Gallagher stated we would need to do an engage a professional to help us construct an RFP for the demolition, including the way in which we would like it demolished. We would like to find out what material is salvageable in that building. The State requires that we do an environmental study on what kind of effect the demolition would have on the surrounding community, and that is the kind of scope of work we would do in the kind of professional service agreement. Commissioner Pierce asked if this is something that has to be done through an outside entity or can this be done with staff we already have. Manager Gallagher stated we do not have the staff required to complete this task safely and productively. The Board agreed that this matter needs to be pursued.

ITEM 06: COUNTY DEPARTMENT

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

- Discussion of Lea County Communications Authority Activity Report

Manager Gallagher reported Director Martinez had to step away. Commissioner Whitehead moved to table the discussion of the Lea County Communication Authority activity report. The motion was seconded by Vice Chairman Black and passed unanimously.

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

- Discussion of Lea County Detention Center Activity Report

Warden Padraig reported in July inmate detail covered 46.5 miles of County roads where they picked up 496 bags of trash. Our total for U.S. Marshalls and outlining communities for housing inmates is \$205,534 for the month of July. The population daily average is 372 juveniles is 15 and federal inmates is 89. Transport teams traveled of 5,000 miles transporting prisoners all over the state. I wanted to publicly thank the Hobbs News Sun for reporting that we were lacking books in the Jail, we have recently been donated over 500 used books. Chairman Fulfer asked about signs concerning litter. Director Needham stated we are waiting for them to be ordered.

- Consideration of Approval of Out of State Travel for the Lea County Detention Center

Warden Padraig requested approval. He stated the out of state travel is for Nick Sepeda for a class in Dallas regarding the pressure point method we use in the jail for self-defense. Commissioner Whitehead moved to approve the out of State travel. The motion was seconded by Vice Chairman Black and passed unanimously.

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

- Discussion of Lea County Emergency Management Activity Report

Director Ford reported this is an overview of our department. We are currently trying to fill a vacancy in our communications coordinator for prevention we have made an offer and are waiting to hear back from our candidate. Our theater and television commercials continue to air day and night. We have both of our billboards up in the correct locations displaying our campaign. For compliance and treatment we conducted alcohol and substance screening on 30 clients 19 of those being for DWI's. We have received 25 new treatment cases, 1 MIP, and 12 misdemeanor cases. We have completed 7 dependency cases we had 12 people complete our intervention program with no cases terminated. Our probation component currently has an active caseload of 505. Our new community service program collected 101 bags of trash and weeds around the community.

Manager Gallagher stated all of the departments have provided a report for this meeting and this month if you would like a more detailed account of the report you can refer to each departments section in your binders.

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

- Discussion of Lea County Emergency Management Activity Report

Director Velasquez stated since the emergency management activity report is in the written report. If there are no questions I will move to the next item.

- Discussion of Air Medical Transport in Lea County

Director Velasquez this is a discussion item for options available for Lea County residents having their air medical transport being covered through an insurance plan. Manager Gallagher stated there is interest in pursuing this as a backup for Lea County residents. This is something that we could go out to RFP for. We would let vendors know that this option is available. Vice Chairman Black asked if there was a cost to the County for this. Manager Gallagher stated yes it would depend on the RFP how much. Commissioner Pierce asked if this would alleviate any of the indigent air medical cost. Manager Gallagher stated this will not lower any of that cost. Discussion followed.

- Discussion of Lea County Environmental Services Activity Report

Director Velasquez stated the Environmental Services written activity report is included if you have any questions I will answer them.

- **Event Center/fairgrounds – Lyn Edwards, Director**

- Discussion of Lea county Event Center/Fairgrounds Activity Report

Director Edwards reported I have a report on the event center and the Fairgrounds for the month of July. At the event center there were over 45 events in the month of July. The total revenue for the month of July at the event center was \$17,227.

- Consideration of Approval of Agreement between Lea County and Veggietales Tour, Inc. for Performance at the Lea County Event Center On October 16, 2013

Director Edwards requested approval. She stated the contract has been reviewed by legal. Commissioner Dunlap asked if this was the second children's concerts this year. Director Edwards responded yes we had Sesame Street in April, but this is technically our first for this fiscal year. Commissioner Whitehead moved to approve the agreement between Lea County and Veggietales Tour, Inc for performance at the Lea County Event Center on October 16, 2013. The motion was seconded by Vice Chairman Black and passed unanimously.

- **Grants Services/Planning – David Gasch, Grant Writer & Planning Administrator**

Attorney Holloman stated I have represented Mr. Johncox the developer in the next subdivision for quite some time so it is appropriate that I step down and Gary Don Reagan takes my place for the following item.

- Consideration of Approval of Cielo Grande Subdivision, Unit 4 located in the West ½ of the Southeast ¼ of Section 25, Township 17 South, Range 37 East, NMPM, Lea County, New Mexico

Administrator Gasch requested approval and presented a power point presentation. Manager Gallagher stated Mr. Johncox is present. Mr. Reagan stated the issue is once you approve a preliminary plat there is a County Ordinance that states you cannot deny final approval of that plat as long as it is consistent with what was approved, it is my understanding there has been no deviation from that plat. So your County Ordinance states that you cannot deny the plat. Commissioner Whitehead moved to approve the approval of Cielo Grande Subdivision, Unit 4 located in the West ½ of the Southeast ¼ of Section 25, Township 17 South, Range 37 East. The motion was seconded by Vice Chairman Black. Roll call vote: Commissioner Dunlap; no, Commissioner Pierce; no, Commissioner Whitehead; yes, Vice Chairman Black; yes, Chairman Fulfer; yes. The motion passed.

- Consideration of Approval of La Paloma Subdivision, Unit 4 located in the North ½ of Section 2, Township 18 South, Range 38 East, NMPM, Lea County, New Mexico

Administrator Gasch requested approval and presented a power point presentation. He stated the preliminary plat was approved on June 6 2013. Vice Chairman Black moved to approve La Paloma Subdivision, Unit 4 location in the North ½ of Section 2, Township 18 South, Range 38 East. The motion was seconded by Commissioner Whitehead. Roll call vote; Commissioner Dunlap; no, Commissioner Pierce; yes, Commissioner Whitehead; yes, Vice Chairman Black; yes, Chairman Fulfer yes.

- Discussion of Lea County Planning Activity Report

Administrator Gasch reported there are three claims of exemptions, two final plats, four preliminary plats, and two summary reviews. The four preliminary plats are being reviewed by the state agencies, and assuming they do not come back with a negative opinion they will be submitted for review at the planning and zoning meeting on September 10, 2013.

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

- Discussion of Lea County Public Works Activity Report

Director Needham presented a power point presentation with the activity report. He stated we will complete the Black Roadway near Tatum next week. Constructors Inc. will complete Bensing Roadway, and they will begin on Maljamar Roadway widening and reconstruction next week. Chapparral Builders and Constructors Inc. completed most of the scheduled improvements on the Fairgrounds prior to the Fair and Rodeo. Minor work will be needed to complete that project. Dalco Inc. is complete with their portion of the cardboard storage building at the Hobbs convenience center.

- Discussion of Lea County Airport

Director Needham presented a power point presentation for the Lea County Airport. He explained improvements and changes that are needed for the airport.

- Consideration of Approval of Task Order between Lea County and Lasco Construction Inc. for Airport Equipment Shed

Director Needham requested approval. He stated a task order is needed because the current maintenance building is also shared by the ARFF department. He went through some proposed design ideas. Chairman Fulfer asked if this is part of the budget. Director Needham stated yes sir; it is way below the budgeted item for this project. Commissioner Dunlap moved to approve the task order between Lea County and Lasco Construction Inc. for Airport Equipment Shed. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Professional Design Services Proposal between Lea County and Lusona for Terminal Building Addition.

Director Needham requested approval. He stated this is for the temporary terminal design and expansion for the next four years until the permanent terminal design and expansion can be completed. This is not going to help the bathroom or congestion situation within the secured area. Commissioner Whitehead moved to table this item for now. The motion was approved by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Professional Design Services Agreement between Lea County and Molzen Corbin to Design the Future Airfield Rescue Fire Fighting ARFF Building

Director Needham requested approval. He stated this will actually be for the design of the fire station. We notified the state that we had received \$110,000 in funding for this project. Chairman Fulfer asked what some of the design criteria is for that building. Director Needham stated our budget has gone from \$2.3 million to \$1.3 million to \$850 thousand so the size of the building has also gone the same way. It incorporates all of the things that the City of Hobbs would need just 1/3 of the size. Commissioner Dunlap moved to approve the professional design services agreement between Lea County and Molzen Corbin to design the future airfield rescue firefighting ARFF building. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of State Grant Agreement between Lea County and New Mexico Department of Transportation Aviation Division for Airport Project Runway 3-21 RSA Environmental Assessment

Director Needham requested approval. He stated I also ask that Molzen Corbin be considered for this project. Commissioner Dunlap moved to approve the State grant agreement between Lea County and New Mexico Department of Transportation Aviation Division for airport project runway 3-21 RSA environmental assessment. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Task Order No. 5 for Professional Services Agreement between Lea County and Molzen Corbin for Environmental Assessment for RSA Improvements

Director Needham requested approval. He stated Vice Chairman Black moved to approve task order No. 5 for Professional services agreement between Lea County and Molzen Corbin for Environmental assessment for RSA Improvements. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Approval of Federal Grant Agreement between Lea County and U.S. Department of Transportation Federal Aviation Administration for Lea County Regional Airport Drainage Master Plan

Director Needham requested approval. He stated the FAA will pay for 93.75%. Commissioner Dunlap moved to approve the Federal grant agreement between Lea County and U.S. Department of Transportation Federal Aviation Administration for Lea County Regional Airport Drainage Master Plan. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of State Grant Agreement between Lea County and New Mexico Department of Transportation Aviation Division for Lea County Regional Airport Drainage Master Plan

Director Needham requested approval. He stated this is for half of the remaining 3.12% from the NMDOT. Commissioner Dunlap moved to approve the State grant agreement between Lea County and New Mexico Department of Transportation Aviation Division for Lea County Regional Airport Drainage Master Plan. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Task Order No. 3 for Professional Services Agreement between Lea County and Molzen Corbin for HOB Airport Drainage Master Plan

Director Needham requested approval. He stated this will be for the drainage master plan and for the study that has to be conducted any time we accept any of these federal grants. Commissioner Dunlap moved to approve the task order No. 3 for professional services agreement between Lea County and Mozen Corbin for HOB Airport Drainage Master Plan. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of NM483 Joule Waterline

Director Needham presented a power point presentation giving an overview of the NM483 Joule Waterline. Chairman Fulfer asked if there has been a second well started yet, and what would happen if it is hit by lightning or something like that. Director Needham stated right now we do have a drill downhill that we can use.

- Consideration of Approval of Task Order between Lea County and Constructors Inc. for NM483 Tank Installation and 6 Pumps

Director Needham requested approval. Chairman Fulfer asked how big the above ground water tanks are. Director Needham stated the one at the well site is 77,000, the one at the highest point of the road is 155,000 gallons and the one at the distribution site at Joule and International Isotopes is another 155,000 gallons.

Commissioner Dunlap asked if this is a project that must be completed right now. Director Needham stated at the moment they are preparing to start their second phase of development and will be using a considerable amount of more water. The connection was lost with Commissioner Pierce. Vice Chairman Black moved to approve the task order between Lea County and Constructors Inc. for NM483 Tank Installation and 6 pumps. The motion was seconded by Commissioner Whitehead Commissioner Dunlap opposed, the motion passed.

- Consideration of Approval of Task Order between Lea County and Constructors Inc. for NM483 Existing Waterline Burial

Director Needham requested approval. Vice Chairman Black moved to approve the task order between Lea County and Constructors Inc. for NM483 existing waterline burial. The motion was seconded by Commissioner Whitehead, Commissioner Dunlap opposed, the motion passed.

- Consideration of Approval of the following Lea County Resolutions and Cooperative Agreements between Lea County and New Mexico Department of Transportation

- Resolution No. 13-AUG-027R & Agreement for Project No. Cap-2-14(405) Pavement Rehabilitation on Approximately 23.10 Miles of County Roads

Director Needham requested approval. He stated this is for the CAP grant. Commissioner Dunlap moved to approve Resolution No. 13-AUG-027R & Agreement for Project No. Cap-2-14(405) pavement rehabilitation on approximately 23.10 Miles of county roads. The motion was seconded by Vice Chairman Black and passed unanimously. Attorney Holloman stated there is an agreement with this resolution to clarify this lets make a motion to approve the resolution then make a motion to approve the agreement and on the following ones lets approve them together. Commissioner Pierce moved to approve the agreement associated with resolution No. 13-AUG-027R. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Resolution No. 13-AUG-028R & Agreement for Project No. SP-2-14(905) Pavement Rehabilitation on Approximately 13.80 Miles of County Roads

Director Needham requested approval. Commissioner Dunlap moved to approve resolution No. 13-AUG-028R & agreement for project No. SP-2-14(905) pavement rehabilitation on approximately 13.80 miles of county roads. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Resolution No. 13-AUG-29R & Agreement for Project No. SB-7725(926)14 Pavement Rehabilitation on Approximately 8. Miles of County Roads

Director Needham requested approval. Commissioner Dunlap moved to approve resolution No. 13-AUG-029R & agreement for project No. SB-7725(926)14 pavement rehabilitation on approximately 8 miles of county roads. The motion was seconded by Commissioner Pierce and passed unanimously.

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

- Consideration of Approval of Ratification of Grant Agreement between Lea County and State of New Mexico Children, Youth and Families Department

Director Bunch requested approval. She stated this is the agreement that provides grant funding for the juvenile justice program.

- Consideration of Approval of 2013-2014 Professional Services Agreement between Lea County and American Medical Group, Inc. for Alcohol/Drug Testing.

Director Bunch requested approval. She stated this agreement is in result of an RFP it is actually a renewal and the agreement will be the same as the previous year. Commissioner Black moved to approve 2013-2014 professional services agreement between Lea County and American Medical Group, Inc. for Alcohol/Drug testing. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of 2013-2014 Professional Services Agreement between Lea County and American Medical Group, Inc. for Physical Examinations Program (Pre-Employment & Pre-Law Enforcement)

Director Bunch requested approval. She stated this is also in result of an RFP no changes from the prior structure from our agreements. Commissioner Dunlap moved to approve the 2013-2014 professional services agreement between Lea County and American Medical Group, Inc. for physical examinations program (pre-employment & pre-law enforcement). The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of the following Lea County Resolutions regarding the Public Employees Retirement Association PERA:

- No. 13-AUG-031R Authorizing Lea County to Pick-Up 50% of the PERA Municipal General Member Coverage Plan 2 Member Contributions in effect July 1, 2013
- No. 13-AUG-32R Authorizing Lea County to Pick-Up 30% of the PERA Municipal Police Member Coverage Plan 5 Member Contributions in effect July 1, 2013

Director Bunch requested approval of both resolutions. She stated each resolution allows the Commission to approve their funding of the pickup amount that the County has in the past done for the retirement association funding that the County does for the Employees. The PERA passed an increase this past legislative session as a result of this last legislative session the rates went up 1.5%. That has been included in this year's budget. Commissioner Whitehead moved to approve resolution No. 13-AUG-031R authorizing Lea County to pick-up 50% of the PERA Municipal General Member Coverage Plan 2 Member Contributions in effect July 1, 2013, and resolution No. 13-AUG-32R Authorizing Lea County to Pick-up 30% of the PERA Municipal Police Member Coverage Plan 5 member contributions in effect July 1, 2013. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Lea County Resolution No. 13-AUG-033R Budget Adjustments

Director Bunch requested approval. She stated we had some activity since the approval of the budget that needs to be reflected. Commissioner Dunlap moved to approve Resolution No. 13-AUG-033R budget adjustments. 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 accounts payable. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 07: PUBLIC

- **Public**
 - Comments from the Public

There were no comments from the public

ITEM 08 EXECUTIVE SESSION

- **Board of County Commissioners**

At 12:45 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 Dunlap, yes; Commissioner Pierce, yes; Commissioner Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer; yes.

Commissioner Whitehead moved to reconvene in Regular session. The motion was seconded by Commissioner Pierce and passed unanimously. The meeting reconvened at 1:37 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 09: OTHER BUSINESS

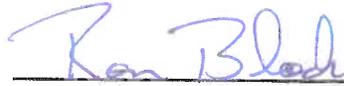
There was no other business

The meeting was adjourned at 1:38 p.m.

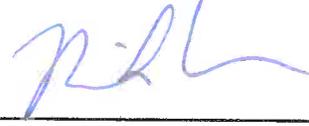
**BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO**



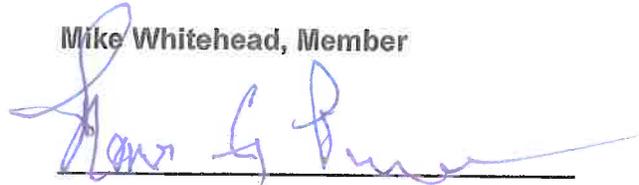
Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman

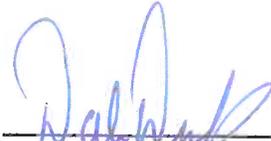


Mike Whitehead, Member



Thomas G. Pierce, Member

**ATTEST: Pat Chappelle
Lea County Clerk**



Dale Dunlap, Member



Kelli Williams





LEA COUNTY BOARD OF COUNTY COMMISSIONERS
SUMMARY FORM

LCBCC MEETING DATE: Thursday, September 12, 2013

Submit this summary form to the Finance Director Sherri Bunch sbunch@leacounty.net by:
Tuesday, August 27, 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: <u>Friday, September 6, 2013</u>		SUBMITTED BY Name/Title/Dept: <u>Kelli Williams, Recording Secretary, Lea County Clerk's</u>	
SUBJECT: <u>Minutes</u>		ATTACHMENT(S): <u>Draft August 22, 2013 LCBCC Minutes</u>	
No. of Originals for Signature (Select One): Due in County Manager's Office 2 Days Prior to Meeting <u>One (1)</u>	Action Requested (Select One): <u>Consideration</u>	Agenda Item Placement (Select One): <u>01 Commission</u>	
SUMMARY: <u>See the attached draft August 22, 2013 LCBCC Minutes.</u>			
Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: <u>None</u>		See Additional Summary Attached <input type="checkbox"/>	
SUBMITTER'S RECOMMENDATION(S): <u>Review & Approve the Minutes</u>		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: 2013.09.06 10:22:16 -0500</small>	
FINANCE REVIEW Fiscal Impact/Cost: <u>ByPass</u>		Reviewed by Finance Director	
LEGAL REVIEW: <u>ByPass</u>		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda <i>M Bunch</i> <u>9/4/13</u>	
RECORDING SECRETARY'S USE ONLY - COMMISSION ACTION TAKEN			
Resolution No. _____	Policy No. _____	Ordinance No. _____	
File No. _____	Continued To: _____	Referred To: _____	
Other: _____	Approved: <i>K Williams</i>	Denied: _____	
Comments: _____			



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

Chairman Fulfer called the meeting to order at 9:06 a.m. in the Lea County Regional Airport Commemorative Air Force Hangar.

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.

ITEM 01: COMMISSION

- *Board of County Commissioners*

- **Consideration of Approval of the August 22, 2013 Minutes.**

Commissioner Pierce moved to approve the August 22, 2013 minutes. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Discussion of Committee Reports

There were no Committee Reports

Set/Confirm Next Meeting(s):

- Wednesday, September 25, 2013 at 9:00 a.m. Confirmed
- Thursday, October 17, 2013 at 9:00 a.m. Confirmed
- Thursday, October 31, 2013 at 9:00 a.m. Confirmed
- Thursday, November 14, 2013 at 9:00 a.m. Confirmed
- Thursday, December 5, 2013 at 9:00 a.m. Confirmed
- Thursday, December 19, 2013 at 9:00 a.m. Confirmed

The next meetings will be at 9:00 a.m. **September 25, 2013; October 17, 2013; October 31, 2013; November 14, 2013; December 5, 2013; December 19, 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