



LEA COUNTY BOARD OF COUNTY COMMISSIONERS

SUMMARY FORM

LCBCC MEETING DATE: Thursday, October 31, 2013

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

Tuesday, October 15, 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:		SUBMITTED BY Name/Title/Dept: Kelli Williams, Recording Secretary, Clerk's Department	
SUBJECT: Minutes		ATTACHMENT(S): LCBCC 10/17/2013 Regular Meeting Draft Minutes LCBCC 10/17/2013 Special Joint Meeting Draft Minutes	
No. of Originals for Signature (Select One): Due in County Manager's Office 2 Days Prior to Meeting 01 One	Action Requested (Select One): Consideration	Agenda Item Placement (Select One): 01 Commission	

SUMMARY: See Attached Draft Minutes	
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Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: <input type="checkbox"/> Easel If checked, how many: 00 <input type="checkbox"/> Laptop <input type="checkbox"/> Projector <input type="checkbox"/> Other:	See Additional Summary Attached <input type="checkbox"/>
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SUBMITTER'S RECOMMENDATION(S): Review & Approve Minutes	Submitter's Signature Department Director, Etc.
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FINANCE REVIEW Fiscal Impact/Cost: ByPass	Reviewed by Finance Director
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LEGAL REVIEW: ByPass (Note: Travel does not need legal review)	Reviewed by County Attorney
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COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda <i>M. J. Williams</i> 10/29/13
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RECORDING SECRETARY'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. _____
File No. _____
Other: _____
Comments: _____

Policy No. _____
Continued To: _____
Approved: *Williams*
10-31-13

Ordinance No. _____
Referred To: _____
Denied: _____



**Minutes of Meeting
Lea County Board of Commissioners
October 17, 2013**

Chairman Fulfer called the meeting to order at 9:03 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. Vice Chairman Black asked for a moment of silence for Ross Black and expressed his condolences to the family for their loss. He mentioned Ross Black's many accomplishments including being an athlete, coach, starting the Athletic Department at the NMJC, being principal at the Lovington High School, Superintendent of the Lovington Municipal School District, as well as serving as a Lea County Commissioner for eight years some of those years as Chairman, invocation followed.

ITEM 01: COMMISSION

- ***Board of County Commissioners***

- Consideration of Approval of the September 25, 2013 minutes.

Commissioner Dunlap moved to approve the September 25, 2013 minutes. The motion was seconded by Commissioner Pierce and passed unanimously.

- Discussion of Committee Reports

Commissioner Pierce stated I went to teen court and visited with Mr. Garcia recently. I think this is an interesting and a nice organization.

Set/Confirm Next Meeting(s):

- Thursday October 17, 2013 at 6:00 Special Meeting 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 Thursday, October 17, 2013 at 6:00 p.m. for a Special Meeting in the Bob Moran building at the NMJC, 9:00 a.m. **October 31, 2013; November 14, 2013; December 5, 2013; December 19, 2013** in the Lea County Commission Chambers

- Consideration of Appointments to Active Boards
 - Lea County DWI Advisory Committee (LCDWIAC):
 - District 1 Donna Williamson
 - Lea County Healthcare Study Committee:
 - LCBCC Melinda Allen

Vice Chairman Black 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 for the Lea County courthouse remodel and judicial complex study. Manager Gallagher stated I can give an update on where we are on the old sheriff's building. We are working with an engineering firm that is doing an assessment of the old sheriffs building. This firm will help us write the bid specs to go to an RFP for the demolition. This should be completed within the next couple of weeks.

ITEM 02: BOARDS/COMMITTEES

- **Fair Board – Corey Helton, Chairman**
 - Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and Keith Isley, Barrel Man/Specialty Act for Four (4) Performances on August 6-9, 2014 during the 2014 Lea County Fair & PRCA Rodeo

Chairman Helton requested approval. He stated this will total \$8,000 with a total of \$2,000 per performance. Chairman Whitehead asked is this a change from the last three years. Chairman Helton stated yes we are trying to change a little bit. Commissioner Whitehead asked if this contract was only for one year. Chairman Helton stated yes. Commissioner Whitehead moved to approve the agreement between Lea County and Keith Isley Barrel Man/Specialty act for four performances of August 6-9, 2014 during the 2014 Lea County Fair & PRCA Rodeo. The motion was seconded by Commissioner Dunlap and passed unanimously.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Agreement between Lea County and Ted Harbin, Rodeo Media Relations for Media Liaison Services August 4-9, 2014 Lea County Fair & PRCA Rodeo.

Chairman Helton requested approval. He stated Ted Harbin does all the radio and media relations for the rodeo, for the cost of \$3,000. Director Edwards stated Ted

Harbin helps with the professional articles that are written for our magazines and newspapers he also helps with the media relations outside of the county.

Commissioner Dunlap asked is this in your budget. Chairman Helton stated yes. Vice Chairman Black moved to approve the agreement between Lea County and Ted Harbin, rodeo Media relations for media liaison services, August 4-9, 2014 for the Lea County Fair and PRCA Rodeo. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Out of State Travel to Attend the 2013 Professional Cowboys Association (PRCA) Convention in Las Vegas, Nevada on December 2-5, 2013

Chairman Helton requested approval. He stated this is for Greg Massey and Silvio Cervantes to travel to Las Vegas to attend the 2013 Professional Cowboys Association Convention. Commissioner Dunlap expressed his concerns about Greg Massey not being placed on the Fair Board as requested. He also stated there needed to be more emphasis placed on the fair board budget and following rules and resolutions. Commissioner Pierce moved to approve the out of state travel request to attend the 2013 Professional Cowboys Association Convention in Las Vegas, Nevada on December 2-5, 2013. The motion was seconded by Vice Chairman Black. The motion was passed with four yes votes and Commissioner Dunlap voting no.

- Consideration of Recommendation from the Lea County Fair Board for the Approval of Out of State Travel to Attend the 2013 International Association of Fairs and Expositions (IAFE) Convention in Las Vegas, Nevada on December 8-12, 2013

Chairman Helton requested approval. He stated this is to send four members Beth Wheeler, Dean Jackson, Harry Harlan, and myself to the IAFE convention in Las Vegas, Nevada on December 8-12, 2013. Commissioner Pierce asked why we are sending four to this event and two to the other one. Chairman Helton stated we elected not to send anyone to Nashville this year, and this trip is beneficial to set up future acts for the fair. Commissioner Dunlap moved to send Corey Helton and Harry Harlan from the Lea County Fair Board to attend the 2013 International Association of Fairs and Expositions (IAFE) Convention in Las Vegas, Nevada on December 8-12, 2013. The motion was seconded by Commissioner Whitehead. The motion was passed with four yes votes and Vice Chairman Black voting no.

ITEM 03: OTHER ELECTED OFFICIALS

- **Sheriff – Mark Hargrove**

- Consideration of Approval of Out of State Travel to Attend the Texas Association of Property and Evidence Training in Austin, Texas on October 22-25, 2013

Sheriff Hargrove requested approval. He stated this is for our evidence custodian; she has to have this training to keep her certification. Commissioner Pierce moved to approve the out of state travel request to attend the Texas Association of Property and Evidence Training in Austin, Texas on October 22, 2013. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Out of State Travel to Attend the Less-Lethal Instructor Program in Rockwell, Texas on December 2-5, 2013

Sheriff Hargrove requested approval. He stated this provides us with the certification needed to be in compliance with the Bureau of Alcohol Tobacco and Firearms. He stated with the new members on the team we need to send someone so we can maintain our certifications. Commissioner Whitehead moved to approve the out of state travel request to attend the less-lethal instructor program in Rockwell, Texas on December 2-5, 2013. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Out of State Travel to Attend the Hostage Negotiations Training Conference in Las Vegas, Nevada on December 16-18, 2013

Sheriff Hargrove requested approval. He stated this is to send our investigator Ron Black, he is the negotiator for the team. He stated this is a recertification to maintain his current level of certification. Commissioner Pierce moved to approve the out of state travel request to attend the hostage negotiations training conference in Las Vegas, Nevada on December 16-18, 2013. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 04: MANAGER

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

- Consideration of Approval of Memorandum of Understanding between Lea County and City of Hobbs for Lea County Communications Authority Towers and Necessary Equipment

Manager Gallagher requested approval. He stated this MOU would allow the construction of a tower at the LCCA site at College Lane and an associated accessory building, and it will outfit two existing towers in the southern part of the County. He stated there is also an annual lease that is associated with the towers at the southern part of the County. Commissioner Dunlap raised his concerns about an existing contract that needs to also be addressed. Chairman Fulfer stated for clarification we should have Mr. Holloman look over the JPA. Hobbs City Manager, J.J. Murphy stated we have pledged to move forward and I am willing to take another look at the JPA with

the attorneys and Mr. Gallagher. Under the advisement of Attorney Holloman Commissioner Pierce moved to approve the memorandum of understanding between Lea County and the City of Hobbs for Lea County Communications Authority Towers and Necessary Equipment contingent upon the County and the City of Hobbs along with their attorneys getting together to rectify the issues with the existing JPA. This is not a waiver of any rights of the current JPA. The motion was seconded by Vice Chairman Black and passed unanimously.

- Consideration of Approval of Lea County's Participation in the New Mexico Association of Counties for 2013-2014

Manager Gallagher requested approval. He stated we are a member of the New Mexico Association of Counties this is to see if we would like to continue our membership. Commissioner Pierce asked if he feels this is beneficial to the County. Manager Gallagher stated yes I do and feel the benefit to the County is equal to the cost. Commissioner Pierce moved to approve Lea County's participation in the New Mexico Association of Counties for 2013-2014. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Joint Funding Agreement (JFA)
#13CRNM000000022 between Lea County and U.S. Geological Survey, United States Department of Interior for Period July 1, 2013 to June 30, 2014 to Collect Water-Level-Data in about 28 Wells Dispersed throughout Lea County

Manager Gallagher requested approval. He stated this is related to the collection of water data from wells throughout Lea County. Chairman Fulfer stated I would kind of like to approve this contingent upon us receiving the data. Vice Chairman Black moved to approve the joint funding agreement (JFA) between Lea County and U.S. Geological Survey, United States Department of Interior for period July 1, 2013 to June 30, 2014 to collect water level data in about 28 wells dispersed throughout Lea County contingent upon us receiving the data before they receive their check. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Agreement between Lea County and City of Eunice for funding of Outdoor Recreational Facilities

Manager Gallagher requested approval. He stated this is for an agreement between the County and the City of Eunice for \$100,000 to make improvements to the public park at Stephens Lake. He stated this ties in with the County's idea of improving the quality of life amenities, and facilities within the County. Commissioner Whitehead stated we have done this for each community in the County it isn't something that we do for just one community. Manager Gallagher listed some of the projects that have been a result of the funding for quality of life enhancements. Commissioner Dunlap moved to approve the agreement between Lea County and the City of Eunice for funding of the

Outdoor Recreational Facilities. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Agreement between Lea County and City of Lovington for Funding of Outdoor Recreational Facilities

Manager Gallagher requested approval. Vice Chairman Black moved to approve the agreement between Lea County and the City of Lovington for funding of outdoor recreational facilities. Commissioner Whitehead asked if the funds were limited to capital projects or if it could be used to put on an event or for economic development. Manager Gallagher stated they are restricted to capital improvements. The motion was seconded by Commissioner Pierce and passed unanimously.

- Consideration of Approval of Travel

Manager Gallagher requested approval. He stated he needed to amend a previous travel request where he did not request per diem. Commissioner Dunlap moved to approve the travel request. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 05: LEGAL

- **Lea County Attorney – Scotty Holloman**

- Consideration of Approval Tenant Estoppel (Towers) to Insite Towers, LLC regarding Site ID: NM098 Maljamar #1 (CC) (Lea County Sheriff)

Attorney Holloman requested approval. He stated Insite Towers, LLC is going to purchase some communication towers in which the Sheriff's Department has some equipment. He stated they are wanting an estoppel agreement that the lease agreement is intact. This has been reviewed by the Sheriff's Department Personnel and they are satisfied. Commissioner Pierce moved to approve the Tenant Estoppel to Insite Towers, LLC regarding Site ID: NM098 Maljamar #1 (CC) (Lea County Sheriff). The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Contract Extension Agreement between Lea County and the GEO Group, Inc., the September 30, 1998 Facility Provision, Management and Operations Agreement for the Lea County Correctional Facility

Attorney Holloman requested approval. He stated these are authorized by state statute and the statute allows them to be rolled forward five renewal periods for one to two years a piece. He stated this is the fifth renewal period. Attorney Holloman stated this expires in 2015 I would advise a new agreement be entered into after this expires; this is good for two years. Commissioner Pierce moved to approve the contract extension agreement between Lea County and the GEO Group, Inc., the September 30,

1998 Facility Provision Management and Operations Agreement for the Lea County Corrections Facility. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of the following Contract for Professional Services Agreements between Lea County and Klecan & Childress for Legal Representation in the Following Matters:
 - Torres Matter

Attorney Holloman requested approval. He stated Ron Klecan is currently working for Lea County concerning a couple of cases that have been filed against Lea County. Commissioner Pierce moved to approve the contract for professional services agreements between Lea County and Klecan & Childress for legal representation for the Torres matter. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Ysasi Matter

Attorney Holloman requested approval. Commissioner Whitehead moved to approve the contract for professional services agreements between Lea County and Klecan & Childress for legal representation for the Ysasi matter. The motion was seconded by Commissioner Whitehead and passed unanimously.

- Consideration of Approval of Adoption of an Ordinance Amending Ordinance No. 58 Which Authorized the Issuance and Sale by Lea County, New Mexico of its Industrial Revenue Bond (National Enrichment Facility Project) Series 2004 in a Principal Amount Not to Exceed \$1,800,000,000 (the "Bond"); Authorizing the Execution of a First Amendment to the Lease and Purchase Agreement Entered Into by and between Lea County and Louisiana Energy Services, L.P. in Connection with the Project Property Financed with Proceeds of the Bond with Respects to Certain Provisions of the Lease Concerning Payments in Lieu of Property Taxes

Attorney Holloman requested approval. He stated this relates to the RFPs that were passed in 2004 involving LES and Urenco. He stated we need to do an inducement resolution and we need to publish notice that we intend to adopt this ordinance. It has to be at least two weeks after the publication before the ordinance can be adopted. Right now it is just a discussion on whether or not you are willing to go forward with the publication. Commissioner Dunlap moved to approve the publication of the intent to adopt an ordinance amending Ordinance No. 58 which authorized the issuance and sale by Lea County, New Mexico of its industrial revenue bond (National Enrichment Facility Project) series 2004 in a principal amount not to exceed \$1,800,000,000 (the "Bond"); authorizing the execution of a first amendment to the lease and purchase agreement entered into by and between Lea County and Louisiana Energy Services, L.P. in connection with the project property financed with proceeds of

the bond with respects to certain provisions of the lease concerning payments in lieu of property taxes. The motion was seconded by Commissioner Pierce and passed unanimously.

ITEM 06: COUNTY DEPARTMENTS

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

- Consideration of Approval of Lea County Resolution No. 13-OCT-039R Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority

Grant Writer & County Planner Gasch requested approval. He stated this would allow us to submit an application to the NMFA for the local government planning fund. That would pay for a preliminary engineering report planning document for a project. He stated this would define the scope, the process, the needs and the cost for a water infrastructure improvement in the Colonia Bennett. Vice Chairman Black moved to approve Resolution No. 13-OCT-039R authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Lea County Attorney Scotty Holloman stepped down and Gary Don Reagan took his place for the following items.

- Consideration of Approval of Cielo Grande Subdivision, Unit 2

Grant Writer & County Planner Gasch requested approval. He presented a power point as an aid to the location of the subdivision to the Commission. He stated the application was received on May 8th 2013 and the Planning and Zoning board approved it on September 10th 2013. This is a type 3B subdivision with 13 lots.. Chairman Fulfer and Commissioner Pierce inquired when the subdivisions were sent into the State agencies. Grant Writer & County Planner Gasch stated they were submitted in July to the state agencies. Attorney Reagan stated for the record I am here due to a potential conflict of interest, attorney Holloman also works for Mr. Johncox. Attorney Reagan stated the statute changed effective July. A Subdivision with ten or more lots cannot be approved by the County Commission without a favorable water opinion from the State Engineer. He stated the statute is very brief and does not say anything about the applications that were submitted before July 1st 2013. He stated a general rule usually states statutes are not usually retroactive unless stated. Commissioner Dunlap asked if this was approved by the State. Grant Writer and County Planner Gasch responded they sent back an opinion that they did not have enough information for approval. He stated that has been consistent with every subdivision in the past. Commissioner Pierce moved to approve Cielo Grande Subdivision, Unit 2. The motion was seconded by Vice Chairman Black. The motion passed with four yes votes, and Commissioner Dunlap voting no.

- Consideration of Approval of Cielo Grande Subdivision Unit 3

Grant Writer and County Planner Gasch requested approval. He presented a power point as an aid to the location of the subdivision to the Commission. He stated the application was received on May 8th, 2013 and the Planning and Zoning board approved it on September 10th 2013. Vice Chairman Black moved to approve Cielo Grande Subdivision, Unit 3. The motion was seconded by Commissioner Pierce. The motion passed with four yes votes, and Commissioner Dunlap voting no.

- Consideration of Approval of La Paloma Subdivision, Unit 5

Grant Writer and County Planner Gasch requested approval. He presented a power point as an aid to the location of the subdivision to the Commission. He stated the application was received on May 8th, 2013 and the Planning and Zoning board approved it in on September 10, 2013. He stated it is a type 3B subdivision with 19 lots. Commissioner Pierce moved to approve La Paloma Subdivision, Unit 5. The motion was seconded by Vice Chairman Black. The motion passed with four yes votes and Commissioner Dunlap voting no.

- Consideration of Approval of Sagebrush Subdivision, Unit 2

Grant Writer and County Planner Gasch requested approval. He presented a power point as an aid to the location of the subdivision to the Commission. He stated the application was received on May 8th, 2013 and the Planning and Zoning board approved it on September 10, 2013. He stated this is a type 3B subdivision with 13 lots. Vice Chairman Black moved to approve the Sagebrush Subdivision, Unit 2. The motion was seconded by Commissioner Whitehead. The motion passed with three yes votes and Commissioner Dunlap, and Commissioner Pierce voting no.

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

- Consideration of Approval of Accounts Payable

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

ITEM 07: PUBLIC

- **Public**

- Comments from the Public

Daniel Johncox made comments about the plats that were approved, home sales, infrastructure, economic development, and his appreciation for the Commission and the work they do.

Commissioner Pierce stated I would like to invite everyone here to the banquet room at the Event Center on the 22nd of October at 6:00 p.m. for a public meeting to make any comments that they would like to make.

ITEM 08: EXECUTIVE SESSION

- **Board of County Commissioners**

At 10:44 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 Commissioner Pierce. Secretary polled the Commission: Commissioner Dunlap, yes; Commissioner Pierce, yes; Commissioner Whitehead, yes; Vice Chairman Black, yes; Chairman Fulfer; yes.

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

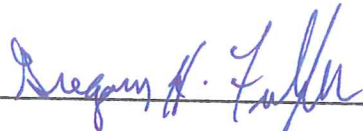
- The Commission convened in closed session to discuss items relative to the purchase acquisition or disposal of real property, or water rights. No action was taken by the Commission during closed session.

ITEM 09: OTHER BUSINESS

The Commissioners discussed the N.M Association of Counties, and splitting the meeting date responsibilities amongst themselves to aid Chairman Fulfer as his proxy when he is unable to attend.

The meeting was adjourned at 11:24 a.m.

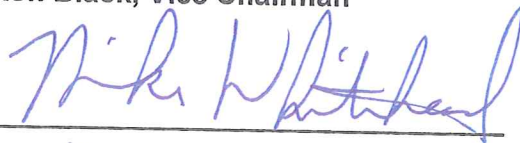
BOARD OF COUNTY COMMISSIONERS
LEA COUNTY, NEW MEXICO



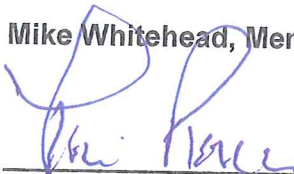
Gregory H. Fulfer, Chairman



Ron Black, Vice Chairman



Mike Whitehead, Member

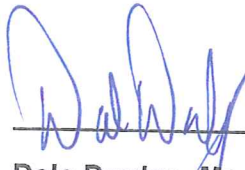


Thomas G. Pierce, Member

ATTEST: Pat Chappelle
Lea County Clerk



Kelli Williams



Dale Dunlap, Member

