Lea County Board of County Commissioners



Regular Meeting Thursday, October 8, 2020 9:00 A.M.

Lea County Courthouse - Commission Chambers 100 North Main Avenue Lovington, New Mexico



Lea County Board of County Commissioners Regular Meeting

Thursday, October 8, 2020 9:00 A.M.

Lea County Historic Courthouse - Commission Chambers - 100 North Main, Lovington, New Mexico

Notice of this Meeting has been given to the Public in Compliance with Section 10-15-4 NMSA 1978

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Lea County Manager's office located in the Lea County Courthouse in Lovington, New Mexico at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Lea County Manager's Office at the Lea County Courthouse if a summary or other type of accessible format is needed.

This Meeting is Open to the Public - No more than 10 Persons in a Meeting Space - Maintain 6 Feet Distance Multiple Public Areas Will Be Open in the Courthouse for the Public to View the Board Meeting

AGENDA

Call to Order ~ Roll Call ~ Pledge of Allegiance ~ Invocation

ITEM 01: COMMISSION

- Consideration of Lea County Resolution No. 20-OCT-208R Approving the September 17, 2020 Regular Meeting Minutes.
- Public Comments (Non Agenda Items).
- Commissioners and Manager Comments.
- Consideration of Lea County Resolution No. 20-OCT-209R Approving the Lea County Board of County Commissioners Meeting Dates for Calendar Year 2021. (Sandrea Brito, Executive Coordinator)

ITEM 02: ACTION ITEMS

- Consideration of Lea County Resolution No. 20-OCT-210R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing Wednesday, August 4, 2021 as a "Free Gate Admission" Day During the 2021 Lea County Fair and PRCA Rodeo. (Jim Kemp, Fairgrounds General Manager on behalf of Fair & Rodeo Board)
- Consideration of Lea County Resolution No. 20-OCT-211R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing an Agreement between Lea County and Marleah Cramer Photography for the Official Lea County Fair Photographer During the 2021 Lea County Fair & PRCA Rodeo. (Jim Kemp, Fairgrounds General Manager on behalf of Fair & Rodeo Board)
- Consideration of Lea County Resolution No. 20-OCT-212R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat of Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico. (Bruce Reid, County Planner on Behalf of the Planning & Zoning Board)

❖ CLOSED SESSION

COMMISSION MAY CONVENE IN CLOSED SESSION to Deliberate in Connection with an Administrative Adjudicatory Proceeding Namely a Request for Approval of a Preliminary Plat by Daniel Johncox for a Proposed Mesquite Draw Subdivision, as Authorized by NMSA 1978 Section 10-15-1 H (3).

COMMISSION MAY CONVENE IN OPEN SESSION to take Action, if any, on the Closed Session Item(s).

- Consideration of Lea County Resolution No. 20-OCT-213R Approving a Donation Contract between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations. (Francisco Sanchez, Assistant District Engineer, New Mexico Department of Transportation and Jennifer Cortez, Right of Way Negotiator, New Mexico Department of Transportation)
- Consideration of Lea County Resolution No. 20-OCT-214R Approving a Temporary Construction Permit Agreement between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations. (Francisco Sanchez, Assistant District Engineer, New Mexico Department of Transportation and Jennifer Cortez, Right of Way Negotiator, New Mexico Department of Transportation)
- Consideration of Lea County Resolution No. 20-OCT-215R Approving Grant No. G19SN0017A Modification No. 4 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2019 to 12/31/2020. (Wm Robert Sullivan, HIDTA Region VI Drug Task Force Commander)
- Consideration of Lea County Resolution No. 20-OCT-216R Approving Grant No. G19SN0017A Modification No. 5 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2019 to 12/31/2020. (Wm Robert Sullivan, HIDTA Region VI Drug Task Force Commander)
- Consideration of Lea County Resolution No. 20-OCT-217R Approving the Submittal of a Grant Application and Agreement between Lea County and New Mexico Department of Transportation for the Safer New Mexico DWI Grant and Safety Funds for FY 2021 2022 to Include: End Driving While Impaired (ENDWI) Project No. 01-AL-64-051; Buckle Up (BKLUP)/Click It or Ticket (CIOT) Project No. 01—OP-RF-051; and Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project No. 01-PT-RF-051; for Total Funding Award of \$25,783.00. (Chief Deputy Chan Kim, Sheriff's Office)
- Consideration of Lea County Resolution No. 20-OCT-218R Approving an Agreement between Lea County and Quay County to House Detainees at the Lea County Detention Center and Lea County Juvenile Detention Center. (Warden Ruben Quintana, Detention Center)

- Consideration of Lea County Resolution No. 20-OCT-219R Approving the 2021 Lea County Employee Calendar. (Craig Bova, Human Resources Director)
- Consideration of Lea County Resolution No. 20-OCT-220R Approving the Lea County Indigent Claims Burial/Cremation Report. (Chip Low, Finance Director)
- Consideration of Lea County Resolution No. 20-OCT-221R Approving the Findings and Proposed Disposition of Inventory. (Chip Low, Finance Director)

ITEM 03: DISCUSSION ITEMS

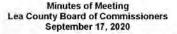
- Discussion of General Obligation (Higher Ed) Bond C. (Dr. Kelvin Sharp, President, New Mexico Junior College)
- Discussion of the CARES Act Awards Funding.

ITEM 04: OTHER BUSINESS

ADJOURN

~ Please join us at our next regular meeting on Thursday, October 22, 2020 at 9:00 A.M. ~

Consideration of Lea County Resolution No. 20-OCT-208R Approving the September 17, 2020 Regular Meeting Minutes



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

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

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

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

ITEM 01: COMMISSION

- Consideration of Lea County Resolution No. 20-SEP-186R Approving the Following Meeting Minutes:
 - August 20, 2020 Regular Meeting
 - September 8, 2020 Special Meeting

Chair Long asked if there were any public comments concerning this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 20-Sep-186R Approving the August 20, 2020 Regular Meeting Minutes. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

Chair Long asked if there were any public comments concerning this agenda Item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-Sep-186R Approving the September 8, 2020 Special Meeting Minutes. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes. Vice Chair Jackson, yes, Commissioner Eidson, yes; Commissioner Sena, yes. Commissioner Jones, yes. The motion passed.

Public Comments

Pam Matthews made comments in regards to the approval of subdivisions by the Lea County Planning and Zoning Board.

Wanda Kelton made comments in the regards to the behavior of the Lea County Planning and Zoning Board during the duration of the Planning and Zoning Meeting that took place on September 8, 2020.





LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yyyy: 09/17/2020	SUBMITTED BY Name, Title, Dept: Hollye Shearer, Recording Secretary/Deputy Clerk, Clerk's Office
SUBJECT: Minutes	ATTACHMENT(S): Resolution Minutes
NO. OF ORIGINALS FOR SIGNATURE: 1 - Resolution; 1 - Set of Minutes	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER: N/A	FISCAL BUDGET YEAR:
STRATEGIC PLAN Implementation of 5 Year Strategic Plan Section 2.6: Transparency and ethical decision making continu	
SUMMARY:	
See attached draft minutes submitted by Hollye smeetings:	hearer, Recording Secretary/Deputy Clerk, for the following LCBCC
Requested Items Needed for Presentatio Easel Laptop V Projecto	Easels/Laptop/Projector/Etc.: Other: See Additional Summary Attached
how many: SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature
Review & Approve Minutes	Department Director, Etc. Sandan Ash Brito
FINANCE REVIEW Fiscal Impact/Cost: ByPass Finance Review	Reviewed by Finance Director ByPass Digitally signed by ByPass Finance Review
LEGAL REVIEW: (Note: Travel does not need legal review)	Finance Review Date: 2020.10.06 14.56:18-05'00' Reviewed by County Attorney
COUNTY MANAGER REVIEW: 09/21: Reviewed by LCBCC D3	Approved by County Manager to be Placed on Agenda
09/08: Reviewed by LCBCC D3, D2	Mitse College P. Gallagher II Date: 2020, 10.06 14.57.44 -0600
Item No. 0101 RECORDING SECRETARY	S USE ONLY ~ COMMISSION ACTION TAKEN
Approved: Denied:	Other:

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-208R

A RESOLUTION APPROVING THE LEA COUNTY BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

WHEREAS, Section 10-15-1 through 10-15-4 of the Open Meetings Act (NMSA 1978), states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS the board, commission or other policy making body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted; and

WHEREAS all minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body; and

WHEREAS, NMSA 1978, Section 4-38-12 as amended, allows the County Commission to establish rules and regulations to govern the transaction of county business in these meetings.

NOW, **THEREFORE**, **BE IT RESOLVED** by the Board of County Commissioners of Lea County that the attached minutes are hereby approved.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain	Voted: Yes No Abstain
Gary G. Eidson (District 3), Member Voted: Yes No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain

	n Jones (District 5), Member s No Abstain	
ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
By:		
Hollve	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

Minutes of Meeting Lea County Board of Commissioners September 17, 2020

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

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

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

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

ITEM 01: COMMISSION

- Consideration of Lea County Resolution No. 20-SEP-186R Approving the Following Meeting Minutes:
 - August 20, 2020 Regular Meeting
 - September 8, 2020 Special Meeting

Chair Long asked if there were any public comments concerning this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 20-Sep-186R Approving the August 20, 2020 Regular Meeting Minutes. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

Chair Long asked if there were any public comments concerning this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-Sep-186R Approving the September 8, 2020 Special Meeting Minutes. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

Public Comments

Pam Matthews made comments in regards to the approval of subdivisions by the Lea County Planning and Zoning Board.

Wanda Kelton made comments in the regards to the behavior of the Lea County Planning and Zoning Board during the duration of the Planning and Zoning Meeting that took place on September 8, 2020.

Commissioner and Manager Comments

Commissioner Eidson stated to keep educators in mind.

Commissioner Jones compared the opening of Texas schools to New Mexico Schools.

Commissioner Sena commented on the difficulty of the Covid-19 school situation on parents and teachers.

Vice Chair Jackson encouraged everyone to get out to vote.

Chair Long commented on wanting town hall meetings again.

• Consideration of Lea County Resolution No. 20-SEP-187R Approving the Lea County Indigent Claims Burial/Cremation Report. (Chip Low, Finance Director)

Director Low requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-187R Approving the Lea County Indigent Claims Burial/Cremation Report. The motion was seconded by Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

ITEM 02: ACTION ITEMS

• Consideration of Lea County Resolution No. 20-SEP-188R Approving the Retirement of Lea County Drug Task Force's Canine Rocky. (Sean Roach, Commander, Lea County Drug Task Force Commander)

Commander Roach requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-188R Approving the Retirement of Lea County Drug Task Force's Canine Rocky. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

Consideration of Lea County Resolution No. 20-SEP-189R Approving Grant No. G20SN0017A Modification No. 1 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2020 to 12/31/2021. (Wm Robert Sullivan, HIDTA Region VI Drug Task Force Commander)

Commander Sullivan requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 20-SEP-189R Approving Grant No. G20SN0017A Modification No. 1 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2020 to 12/31/2021. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-190R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing the 3rd Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo as Stock Contractor for the 2021 Lea County Fair & PRCA Rodeo. (*Jim Kemp, General Manager, Fairgrounds*)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-190R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing the 3rd Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo as Stock Contractor for the 2021 Lea County Fair & PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-191R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing an Agreement between Lea County and Stilt Circus, Inc., as Strolling Entertainment During the 2021 Lea County Fair & PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 20-SEP-191R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing an Agreement between Lea County and Stilt Circus, Inc., as Strolling Entertainment During the 2021 Lea County Fair & PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-192R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Ted Harbin as Rodeo Media Specialist During the 2021 Lea County Fair & PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Jones moved to approve Lea County Resolution No. 20-SEP-192R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Ted Harbin as Rodeo Media Specialist During the 2021 Lea County Fair & PRCA Rodeo. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

 Consideration of Lea County Resolution No. 20-SEP-193R Approving a Recommendation from the Lea County Fair & Rodeo Board for a \$3,000.00 Payout for the WPRA Women's Breakaway Roping During the 2021 Lea County Fair & PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-193R Approving a Recommendation from the Lea County Fair & Rodeo Board for a \$3,000.00 Payout for the WPRA Women's Breakaway Roping During the 2021 Lea County Fair & PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-194R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Reita Creek Scoreboard to Provide Video Screen and Production During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-194R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Reita Creek Scoreboard to Provide Video Screen and Production During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair

Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-195R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Wally Roberts to Provide the VIP Catering Services During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-195R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Wally Roberts to Provide the VIP Catering Services During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

 Consideration of Lea County Resolution No. 20-SEP-196R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Ryan Killingsworth to Provide the Arena Rodeo Sound Production Services During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 20-SEP-196R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Ryan Killingsworth to Provide the Arena Rodeo Sound Production Services During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

 Consideration of Lea County Resolution No. 20-SEP-197R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Andy Stewart as the Rodeo Announcer During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Jones moved to approve Lea County Resolution No. 20-SEP-197R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Andy Stewart as the Rodeo Announcer During the

2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Sena. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-198R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Jacob King as a Rodeo Bullfighter During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-198R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Jacob King as a Rodeo Bullfighter During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-199R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Clay Heger as a Rodeo Bullfighter During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-199R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Clay Heger as a Rodeo Bullfighter During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-200R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Peggy Gander dba Cowboy Images as the Rodeo Photographer During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-200R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement

between Lea County and Peggy Gander dba Cowboy Images as the Rodeo Photographer During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-201R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Cody Sosebee as the Barrelman/Rodeo Act During the 2021 Lea County and PRCA Rodeo. (Jim Kemp, General Manager, Fairgrounds)

General Manager Kemp requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-201R Approving a Recommendation from the Lea County Fair & Rodeo Board for an Agreement between Lea County and Cody Sosebee as the Barrelman/Rodeo Act During the 2021 Lea County and PRCA Rodeo. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-202R Approving Lea County's Infrastructure Capital Improvements Plan (ICIP) FY 2022 – 2026. (Michael Gallagher, County Manager)

County Manager Gallagher requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-202R Approving Lea County's Infrastructure Capital Improvements Plan (ICIP) FY 2022 – 2026. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-203R Approving a Grant Agreement between Lea County and New Mexico Department of Finance and Administration for the Local Government CARES Act Awards Funding. (Michael Gallagher, County Manager)

County Manager Gallagher requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Eidson moved to approve Lea County Resolution No. 20-SEP-203R Approving a Grant Agreement between Lea County and New Mexico Department of Finance and Administration for the Local Government CARES Act Awards Funding. The motion was seconded by Commissioner Sena. Secretary polled the

Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

Consideration of Lea County Resolution No. 20-SEP-204R Approving the 2020

 2021 2nd Option to Renew Agreement between Lea County and Keefe
 Commissary Network LLC/Trinity Services Group for Detainee Commissary and
 Food Cart Services at the Lea County Detention Center. (Ruben Quintana, Warden)

Warden Quintana requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-204R Approving the 2020 – 2021 2nd Option to Renew Agreement between Lea County and Keefe Commissary Network LLC/Trinity Services Group for Detainee Commissary and Food Cart Services at the Lea County Detention Center. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-205R Approving a Memorandum of Understanding between Lea County and Lovington Municipal School District for Educational Services at the Lea County Detention Center. (Ruben Quintana, Warden)

Warden Quintana requested approval. Chair Long asked if there were any public comments regarding this agenda item. Commissioner Sena moved to approve Lea County Resolution No. 20-SEP-205R Approving a Memorandum of Understanding between Lea County and Lovington Municipal School District for Educational Services at the Lea County Detention Center. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-206R Ratifying an Emergency Purchase for a Water Tank for the Lea County Detention Center. (Edmundo Lara, Interim Facilities Director)

Interim Facilities Director Lara requested approval. Chair Long asked if there were any public comments regarding this agenda item. Vice Chair Jackson moved to approve Lea County Resolution No. 20-SEP-206R Ratifying an Emergency Purchase for a Water Tank for the Lea County Detention Center. The motion was seconded by Commissioner Jones. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Eidson, yes; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

• Consideration of Lea County Resolution No. 20-SEP-207R Authorizing Lea County's Fiscal Year 2020 – 2021 1st Quarter Payment and Certification for the Safety Net Care Pool Fund. (*Chip Low, Finance Director*)

Director Low requested approval. Chair Long asked if there were any public comments regarding this agenda item. Chair Long moved to approve Lea County Resolution No. 20-SEP-207R Authorizing Lea County's Fiscal Year 2020 – 2021 1st Quarter Payment and Certification for the Safety Net Care Pool Fund. The motion was seconded by Vice Chair Jackson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, no; Commissioner Eidson, no; Commissioner Sena, yes; Commissioner Jones, yes. The motion passed.

ITEM 03: DISCUSSION ITEMS

• Discussion of Lea County's Financial Report (August 2020). (Chip Low, Finance Director)

Director Low presented a discussion of Lea County's Financial Report (August 2020).

• Discussion of Lea County's Accounts Payable (August 2020). (Chip Low, Finance Director)

Director Low presented a discussion of Lea County's Accounts Payable (August 2020).

ITEM 04: EXECUTIVE SESSION

- Board of County Commissioners
 - Pursuant to Section 10-15-1 (H7), (H8), of the New Mexico Statutes Annotated (NMSA) 1978; to Discuss Threatened Litigation in which the County May Become a Participant Involving Development, as Authorized by the NMSA 1978 § 10-15-1 H (7) and (8).
- At 10:22 a.m. Vice Chair Jackson moved to convene in Executive Session pursuant to Section 10-15-1 (H7), (H8), of the New Mexico Statutes Annotated (NMSA) 1978; to Discuss Threatened Litigation in which the County May Become a Participant Involving Development as Authorized by the Open Meetings Act. The motion was seconded by Commissioner Eidson. Secretary polled the Commission. Chair Long, yes; Vice Chair Jackson, yes; Commissioner Sena, yes; Commissioner Eidson, yes; Commissioner Jones, yes. The motion passed.

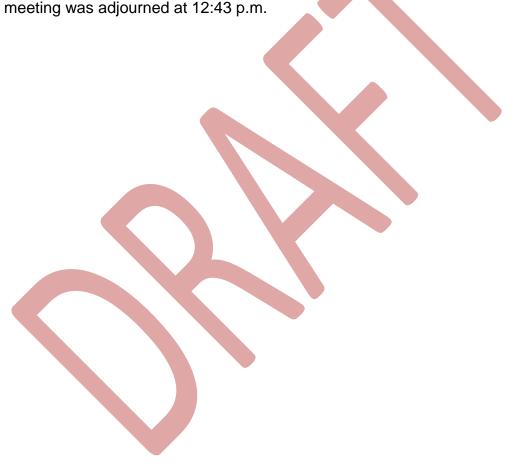
The meeting reconvened at 12:43 p.m.

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

ITEM 05: **OTHER BUSINESS**

There was no other business

The meeting was adjourned at 12:43 p.m.



BOARD OF COUNTY COMMISSIONERS LEA COUNTY, NEW MEXICO

Rebecca Long, Chair	
Dean Jackson, Vice Chair	
Gary G. Eidson, Member	
Jonathan Sena, Member	

ATTEST: Keith Manes

Lea County Clerk

Hollye Shearer

Public Comments (Non Agenda Items)







LEA COUNTY BOARD OF COUNTY COMMISSIONERS

PUBLIC COMMENT SUMMARY FORM Thursday, October 8, 2020 9:00 A.M.

LCBCC MEETING

Lea County Courthouse – Commission Chambers 1st Floor 100 North Main Avenue , Lovington, New Mexico 882620 575.396-8602

Submit this summary form to the Lea County Manager's Office at leacounty@leacounty.net by:

		Tuesday, October 6, 2020
DATE SUBMITTED:		SUBMITTED BY:
CONTACT INFO: Phone No.: Email Address: Mailing Address:		Please check in with the Lea County Manager prior to the start of the meeting. See attached Lea County Resolution No. 20-JAN-021R Open Meetings and Procedures.
SUMMARY OF PUBLIC COMME	NT:	
Item 0102	RECORDING SE	CRETARY'S USE ONLY
Comments:	Madding Ta	ONE PART & SSE STEE.



Lea County Board of County Commissioners

Regular Meeting
Thursday, October 8, 2020 9:00 A.M.
Lea County Courthouse - Commission Chambers - 100 North Main Avenue, Lovington, New Mexico

Public Comments - Sign In Sheet

NAME	PHONE	EMAIL	COMMENT SUBJECT
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STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-JAN-021R

OPEN MEETINGS PROCEDURES

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings and held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the Board of County Commissioners of Lea County (hereinafter "County Commission") shall be held only after reasonable notice to the public; and

WHEREAS, the Open Meetings Act, NMSA 1978, Section 10-15-1(D), requires the County Commission to determine annually what constitutes reasonable notice of its public meetings; and

WHEREAS, NMSA 1978, Section 4-38-12, allows the County Commission to establish rules and regulations to govern the transaction of county business in these meetings.

NOW, THEREFORE, BE IT RESOLVED that:

- All meetings of the County Commission will be held at the Commission Meeting Room at the Lea County Courthouse, 100 N. Main, Lovington, New Mexico 88260, at 9:00 a.m. or as otherwise indicated in the meeting notice.
- Notice of regular meetings will be given at least seven days in advance. The agenda will be available at least seventy-two (72) hours in advance of regular Commission Meetings from the office of the County Manager located on the fourth floor of the Lea County Courthouse, Lovington, New Mexico 88260 and posted on the Lea County website (www.leacounty.net). In addition, a meeting agenda will be sent to all broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice. The agenda will indicate the time, date, place and specific items to be discussed during the County Commission meeting. The County Commission shall take action only on items appearing on the agenda.
- In addition to the Board's regular meetings, work sessions and special meetings may be called at the discretion of the Chairperson or upon the request of two Commissioners upon seventy-two (72) hours notice, in accordance with paragraph 5. The final agenda for work sessions and special meetings shall be available at least seventy-two (72) hours in advance of the work session or special meeting.

- 4. Emergency meetings will be called only under unforeseen circumstances that, if not addressed immediately by the County Commission, will likely result in injury or damage to persons or property or substantial financial loss to Lea County. The County Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or any two Commissioners upon twenty-four hours (24) notice, unless a threat of personal injury, property damage or substantial financial loss requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the County Commission shall report to the Attorney General's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency.
- 5. For the purposes of regular meetings described in paragraph two of this resolution, as well as special meetings and work sessions described in paragraph three of this resolution, notice requirements are met if notice of the date, time, place and agenda or information on how the public may obtain a copy of such an agenda is posted on the Lea County website and provided to all broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice.
- For the purposes of emergency meetings described in paragraph four of this resolution, notice requirements shall be met if notice of the date, time, place and agenda is posted on the outermost doors of the Courthouse and in the offices of the County Manager, who shall also provide telephonic notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
- 7. In addition to the information specified above, all notices shall include the following language:
 - If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Lea County Manager's office located in the Lea County Courthouse in Lovington, New Mexico at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Lea County Manager's Office at the Lea County Courthouse if a summary or other type of accessible format is needed.
- The County Commission may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirements under the Open Meetings Act, Section 10-15-1(H) NMSA 1978 Comp.
 - A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the County Commission taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

- B. If a closed meeting is conducted when the County Commission is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
- C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- D. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the County Commission in an open public meeting.
- The notice requirements set forth above in paragraphs two, three, and four shall apply to all Boards and Committees appointed by the County Commission.
- The public may address the County Commission on county matters not listed on a meeting's agenda during the portion of the meeting identified as Public Input. All persons, agencies or organizations who desire to discuss public business or matters with the County Commission at a County Commission meeting, must make their request to the County Manager prior to the commencement of the County Commission meeting.
 - A. The request may be oral or written and must include the name of the person making the request and the subject on which they wish to address the County Commission. Such persons addressing the County Commission will be limited to three (3) minutes.
 - B. All persons, agencies or organizations that require additional time to discuss public business or matters with the County Commission, must make their request, in writing, at least seven (7) days prior to the County Commission meeting. Such persons addressing the County Commission will be allowed up to fifteen (15) minutes in the discretion of the Chairperson.
- On matters involving agenda items, the Chairperson will ask for public comments before any
 vote or other action is taken by the County Commission. Such comments will be limited to
 three (3) minutes.
- The County Commission may, by Resolution, adopt additional rules and regulations regarding the conduct of the meetings of the County Commission and any of its subordinate Boards or Committees.

PASSED, APPROVED and ADOPTED on this 16th day of January, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

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Rebecca	Long	g (Dist	trict 2	, Chai	P
Voted:			Abs		

Gary G. Eidson (District 3), Member Voted: Yes No Abstain

Richard Don Jones (District 5) Member Voted: Yes No Abstain

ATTEST: Keith Manes Lea County Clerk

By: Skiowan Hollye Shearer, Deputy Clerk



Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain

Jonathan Sena (District 4), Member Voted: Yes No Abstain

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John W. Caldwell, County Attorney

Commissioners and Manager Comments







LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yy		SUBMITTED BY Name	e, Tille, Dept: Coordinator, Executive Department
4 m 4 d 4 d 4 d	0/06/2020	300000000000000000000000000000000000000	Cooldinator, Executive Department
SUBJECT: Commission/Manager Comments	s	ATTACHMENT(S): None	
NO. OF ORIGINALS FOR SIG	GNATURE:	ACTION REQUESTED):
None		Discussion Item	
BUDGET LINE ITEM NUMBE	:R:	FISCAL BUDGET YEA	NR:
N/A N/A			
STRATEGIC PLAN Implemen	tation of 5 Year Strategic Plan:		
Section 2.3: Continuous commu Section 2.6: Transparency and e	nication with the public is benefici thical decision making continue to	ial and necessary. o be the framework in which the cou	unty operates.
SUMMARY:			
Commissioners & Managers Com	nments		
Requested Item	s Needed for Presentation E	asels/Lanton/Projector/Ftc *	See Additional
	otop Projector		Summary Attached
SUBMITTER'S RECOMMEN	DATION(S):		Submitter's Signature
Discussion Only			Department Director, Etc.
			Sandwal Stret-Brito
FINANCE REVIEW Fiscal Impa	act/Cost:		Reviewed by Finance Director
ByPass Finance Review			ByPass Digitally signed by ByPass Finance Review Date: 2020,10.06 14:58:18-08'00'
LEGAL REVIEW: (Note: Trave	I does not need legal review)		Reviewed by County Attorney
ByPass Legal Review			ByPass Digitally signed by ByPass Legal Review Legal Review Date: 2020.10.06 15:31:18-06'00'
COUNTY MANAGER REVIEW	V:		Approved by County Manager to be Placed on Agenda
			Digitally signed by Michael Make College P. Garlagher II Date: 2020 10.06 14:57:44 40800'
tem No. 0103 R	ECORDING SECRETARY'S I	USE ONLY ~ COMMISSION AC	TION TAKEN
Approved:	Denied:		her: Discussion
Resolution No Continued To;	Policy No Referred To:	Or Co	dinance Noomments:
- Indiana	1,0101100 10.		

Consideration of Lea County Resolution No. 20-OCT-209R Approving the Lea County Board of County Commissioners Meeting Dates for Calendar Year



LCBCC 2021 Meetings (Proposed)

Regular Meetings: 19

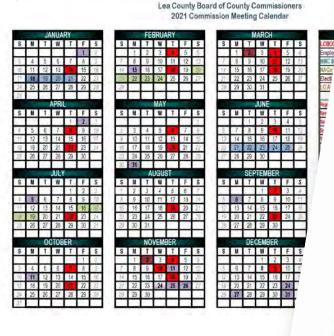
Special Meetings Set: 2 Certify Canvass of Elections

Special Meetings Pending: 1 Certify Canvass of HMS Special Election

Special Meetings Pending: 1 in September to Certify Tax Rates

Total Meetings: 23 (Including Pending Special Meetings)

- Thursday, January 14, 2021 9:00 A.M.
- Thursday, February 4, 2021 9:00 A.M.
- Thursday, February 18, 2021 9:00 A.M.
- Thursday, March 4, 2021 9:00 A.M.
- Thursday, March 11, 2021 9:00 A.M. (Special Mtg Certify Canvass)
- Thursday, March 18, 2021 9:00 A.M.
- Thursday, April 8, 2021 9:00 A.M.
- Thursday, April 22, 2021 9:00 A.M.
- Thursday, May 6, 2021 9:00 A.M.
- Thursday, May 20, 2021 9:00 A.M.
- Thursday, June 10, 2021 9:00 A.M.
- Thursday, July 22, 2021 9:00 A.M.
- Thursday, August 19, 2021 9:00 A.M.
- Thursday, September 2, 2021 9:00 A.M.
- Thursday, September 23, 2021 9:00 A.M.
- Thursday, October 7, 2021 9:00 A.M.
- Thursday, October 21, 2021 9:00 A.M.
- Thursday, November 4, 2021 9:00 A.M.
- Wednesday, November 10, 2021 9:00 A.M. (Special Mtg Certify Canvass)
- Thursday, November 18, 2021 9:00 A.M.
- Thursday, December 9, 2021 9:00 A.M



STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-209R A RESOLUTION APPROVING THE LEA COUNTY BOARD OF COUNTY COMMISSIONERS WHEREAS Section 10-15-1 through 10-15-4 of the Open Meetings Act (NMSA 1978), states that WHEREAS, Section 10-13-1 through 10-13-4 of the Open Meetings Act (FMSA 1978), states that except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act all meetings and accurrent of manchang of any board, overmal, commission or other notice making body of any characteristics. except as may be otherwise provided in the Constitution of the provisions of the Open Meetings Act all meetings of a glorium of members of any board, country, commission of other policy making body of any state of the policy making body of any state. meetings of a quorum of members of any board, council, commission or other policy making body of any state of local public agency held for the purpose of formulating public policy, discussing public business of for the purpose of formulating public policy, discussing public business of for the or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any WITCHEAS, any meetings subject to the upon Meetings Act at which the discussion or account of any proposed resolution, rule, regulation or formal action occurs shall be field only after reasonable notice to the WHEREAS, the Open Meetings Act, NMSA 1978, Section 10-15-1(0), requires the Board of County WINCREAS, the upon Meetings Act, PMSA 1978, Section 10-10-1(U), requires the Board of County Commission of Lea County (County Commission) to determine annually what constitutes reasonable and the raids meetings and WHEREAS the Board of County Commissioners of Lea County have set/confirmed the following Thursday, January 14, 2021 9:00 A.M. Thursday, February 4, 2021 9 00 A.M. Thursday, Foorwary 4, 2021 9:00 A.M.
Thursday, Fabruary 18, 2021 9:00 A.M.
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Thursday, Merch 11, 2021 9:00 A.M.
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LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:
10/06/2020	Sandrea Brito, Executive Coordinator, Executive Department
SUBJECT:	ATTACHMENT(S):
LCBCC 2021 Meeting Dates	Resolution LCBCC 2021 Calendar
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:
1 - Resolution	Action Item
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:
N/A	N/A
STRATEGIC PLAN Implementation of 5 Year Strategic Plan	
Section 2.3: Continuous communication with the public is bene Section 2.6: Transparency and ethical decision making continu	eficial and necessary. The to be the framework in which the county operates.
SUMMARY:	
LCBCC 2021 Meetings (Proposed)	
Regular Meetings: 19	
Special Meetings Set: 2 Certify Canvass	of Elections
Special Meetings Pending: 1 Certify Can	ass of HMS Special Election
Special Meetings Pending: 1 in Septemb	er to Certify Tax Rates
Total Meetings: 23 (Including Pending S	pecial Meetings) See Next Page
Requested Items Needed for Presentation Easel Laptop Projector	
SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature
Review & Confirm 2021 LCBCC Meetings Dates	Department Director, Etc.
	Sararan State Brito
FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director
3yPass Finance Review	ByPass Digitally signed by ByPass Finance Review Finance Review 14:58:18-06'00'
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda
	Mussa Collogue Digitally signed by Michael P. Gallagher II Date: 2020, 10.06 14:57:44
tem No. 0104 RECORDING SECRETARY	S USE ONLY ~ COMMISSION ACTION TAKEN
Approved: Denied:	Other: Discussion
Resolution No. 20-OCT-209R Policy No.	Ordinance No
Continued To: Referred To	: Comments:

Summary Form Continued...

Suggested Meetings:

- Thursday, January 14, 2021 9:00 A.M.
- Thursday, February 4, 2021 9:00 A.M.
- Thursday, February 18, 2021 9:00 A.M. Thursday, March 4, 2021 9:00 A.M.
- Thursday, March 4, 2021 9:00 A.M.
 Thursday, March 11, 2021 9:00 A.M. (Special Mtg Certify Canvass)
 Thursday, March 18, 2021 9:00 A.M.
 Thursday, April 8, 2021 9:00 A.M.
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- Thursday, July 22, 2021 9:00 A.M.
- Thursday, August 19, 2021 9:00 A.M.
- Thursday, September 2, 2021 9:00 A.M.
- Thursday, September 23, 2021 9:00 A.M.
- Thursday, October 7, 2021 9:00 A.M.
- Thursday, October 21, 2021 9:00 A.M.
- Thursday, November 4, 2021 9:00 A.M.
- Wednesday, November 10, 2021 9:00 A.M. (Special Mtg Certify Canvass)
- Thursday, November 18, 2021 9:00 A.M.
- Thursday, December 9, 2021 9:00 A.M.

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-209R

A RESOLUTION APPROVING THE LEA COUNTY BOARD OF COUNTY COMMISSIONERS 2021 MEETING DATES AND TIMES

WHEREAS, Section 10-15-1 through 10-15-4 of the Open Meetings Act (NMSA 1978), states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, the Open Meetings Act, NMSA 1978, Section 10-15-1(D), requires the Board of County Commissioners of Lea County ("County Commission") to determine annually what constitutes reasonable notice of its public meetings; and

WHEREAS the Board of County Commissioners of Lea County have set/confirmed the following meeting dates:

- Thursday, January 14, 2021 9:00 A.M.
- Thursday, February 4, 2021 9:00 A.M.
- Thursday, February 18, 2021 9:00 A.M.
- Thursday, March 4, 2021 9:00 A.M.
- Thursday, March 11, 2021 9:00 A.M. (Special Mtg Certify Canvass)
- Thursday, March 18, 2021 9:00 A.M.
- Thursday, April 8, 2021 9:00 A.M.
- Thursday, April 22, 2021 9:00 A.M.
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- Thursday, May 20, 2021 9:00 A.M.
- Thursday, June 10, 2021 9:00 A.M.
- Thursday, July 22, 2021 9:00 A.M.
- Thursday, August 19, 2021 9:00 A.M.
- Thursday, September 2, 2021 9:00 A.M.
- Thursday, September 23, 2021 9:00 A.M.
- Thursday, October 7, 2021 9:00 A.M.
- Thursday, October 21, 2021 9:00 A.M.
- Thursday, November 4, 2021 9:00 A.M.
- Wednesday, November 10, 2021 9:00 A.M. (Special Mtg Certify Canvass)
- Thursday, November 18, 2021 9:00 A.M.
- Thursday, December 9, 2021 9:00 A.M.

NOW, **THEREFORE**, **BE IT RESOLVED** by the Board of County Commissioners of Lea County that the above mentioned meeting dates are hereby confirmed:

PASSED and APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain	Voted: Yes No Abstain
Gary G. Eidson (District 3), Member	Jonathan Sena (District 4), Member
Voted: Yes No Abstain	Voted: Yes No Abstain
Richard Don Jones (District 5), Member	
Voted: Yes No Abstain	
ATTEST: Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:	
Hollye Shearer, Deputy Clerk	John W. Caldwell, County Attorney

Lea County Board of County Commissioners 2021 Commission Meeting Calendar

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MARCH						
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NOTES				
LCBCC Meetings				
Employee Holidays				
NMC Meetings				
NACo Meetings				
Elections				
LC Annual Employee Luncheon Mtg				
Regular Meetings: 19				
Special Meetings Set: 2 - Certify Canvass of Elections				
Special Meetings Pending: 1 - Certify Canvass of HMS Special Election				
Special Meetings Pending: 1 in September - Certify Tax Rates				
Total Meetings: 23 (Including Pending Special Meetings)				
MISSING:				
NMCIA Membership Meetings & NMCIA Board Meetings				
NMC BOD Meetings, NMC Executive Committee Meetings				
NMC Legislative District Meetings, NMC Advisory Council Meetings				
NMC BIPO				
NMEdge Classes				
NM Governor's Prayer Breakfast				
Municipal Elections (For Canvass by Board)				
NACo WIR Annual Conference				
NMML Annual Conference				
PBPA Annual Conference				
NMIFC Annual Conference				
NM Wildland Urban Fire (WUF) Summitt				
IAFE Convention				
PRCA Conference				

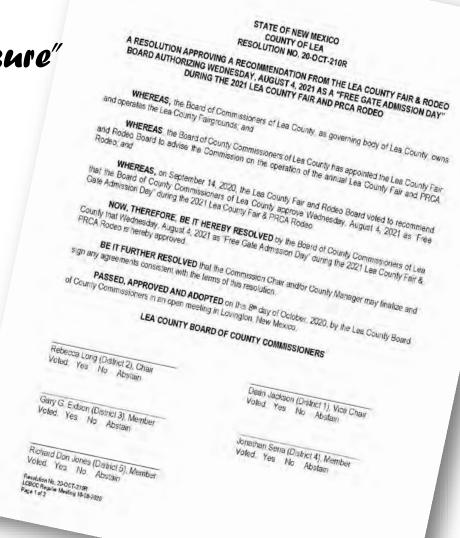
Consideration of Lea County Resolution No. 20-OCT-210R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing Wednesday, August 4, 2021 as a "Free Gate Admission"



"Traditions We Treasure"



Day During the 2021 Lea County Fair and PRCA Rodeo







LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

09/21/2020	Jim Kemp/General Manager/Lea County Fairgrounds		
SUBJECT:	ATTACHMENT(S):		
Consideration of approval of Wednesday, August 4, 2021 of the 2021 Lea County Fair & PRCA Rodeo, as being a "Free Admission" day.	Resolution Fair Board Minutes		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:		
1. Resolution	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:		
NIA	N/A		
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:			
Section 2: #4. Leverage resources to the fullest extent to maximize the return to the	e public and minimize cost to taxpayer.		
SUMMARY:			
At the September 14, 2020 Lea County Fair Board meeting, consideration of unanimously approved. This was instituted for the 2017, 2018 and 2019 Fat patrons that visit this annual nine-day event. The approval of this resolution further spend on fair food, exhibitors' wares and carnival amusement rides this particular day of free entry. It has become a "Customer Appreciation" of further shows Lea County's appreciation to the many patrons that support the state of the second s	air and Rodeo and has become a very appreciated gesture among the n will subsequently allow visitors to save monies on gate entry fees and and games. The past three years, many visitors plan and look forward to day, as well as being known as "Faith and Family" night. This approval		
Requested Items Needed for Presentation Easels/Laj Easel Laptop Projector	otop/Projector/Etc.: Other: See Additional Summary Attached		
how many: SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature		
It is the recommendation of the Lea County Fair Board Chairman, that this i	Descriment Diseaser Etc		
FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director		
The financial impact to Lea County will be the loss of gate entry fees for that	Henry C Digitally signed by Henry C Low Jr Date: 2020.09.24 11:13:47-06:00		
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney		
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda		
	Metre Collogs Digitally signed by Michael P. Galopher II Dec 2020, 10.06 19:13:47 -06:00'		
Item No. 0201 RECORDING SECRETARY'S USE ON	ILY ~ COMMISSION ACTION TAKEN		
Approved: Denied:	Other:		
Resolution No. 20-OCT-210R Policy No	Ordinance No		
Continued To: Referred To:	Comments:		

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-210R

A RESOLUTION APPROVING A RECOMMENDATION FROM THE LEA COUNTY FAIR & RODEO BOARD AUTHORIZING WEDNESDAY, AUGUST 4, 2021 AS A "FREE GATE ADMISSION DAY" DURING THE 2021 LEA COUNTY FAIR AND PRCA RODEO

WHEREAS, the Board of Commissioners of Lea County, as governing body of Lea County, owns and operates the Lea County Fairgrounds; *and*

WHEREAS, the Board of County Commissioners of Lea County has appointed the Lea County Fair and Rodeo Board to advise the Commission on the operation of the annual Lea County Fair and PRCA Rodeo: and

WHEREAS, on September 14, 2020, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve Wednesday, August 4, 2021 as "Free Gate Admission Day" during the 2021 Lea County Fair & PRCA Rodeo.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that Wednesday, August 4, 2021 as "Free Gate Admission Day" during the 2021 Lea County Fair & PRCA Rodeo is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED, APPROVED AND ADOPTED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain	Voted: Yes No Abstain
Gary G. Eidson (District 3), Member Voted: Yes No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain
Richard Don Jones (District 5), Member Voted: Yes No Abstain	

ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:		
Hollve	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

No discussion.

Pat Sims made motion to approve box seat rate of \$360 for 2021. Brian Pointer seconded the motion; motion carried unanimously.

Consideration of Approval to renew 2021 LCFR Gate Entry Dates & Fees

No discussion.

Pat Sims made motion to approve pricing as follows: Gate Fees (Adults 13+; \$10; Children 6-12: \$5; Children 5 & Under: Free); Free Day Wednesday, August 4th; Charge dates of July 30th-31st, August 3rd, August 5th thru 7th from 5PM to 11PM. Marcy Butts seconded the motion; motion carried unanimously.

Consideration of Approval of the 2021 LCFR RV Application

Vice Chairman Trey Kerby stated the only change to the application was the addition of asking applicant how many slides are on the rv.

Marcy Butts made motion to approve the 2021 RV Application. Brian Pointer seconded the motion; motion carried unanimously.

Consideration of Approval of the 2021 LCFR Vendor Applications

No changes were made to the applications from the previous year. No further discussion.

Pat Sims made motion to approve the 2021 Vendor Applications. Brian Pointer seconded the motion; motion carried unanimously.

 Consideration of Approval of the 2021 Fair Photographer, Marleah Cramer No discussion.

Brian Pointer made motion to approve Marleah Cramer as the 2021 Fair Photographer. Marcy Butts seconded the motion; motion carried unanimously.

Consideration of Approval of Entertainment Caterer

Vice Chairman Trey Kerby stated that it has become increasingly difficult to find a caterer for the entertainment. Mr. Kerby mentioned there is a buy out on the entertainment contract, but as far as pricing, that is still unknown. He encouraged members to research other caterers as a possibility for next year.

Pat Sims made motion to table approval until next meeting. Brian Pointer seconded the motion; motion carried unanimously.

Consideration of Approval of IAFE/PRCA Attendees

Vice Chairman Trey Kerby asked board members if they were interested in attending the IAFE or PRCA Convention in November/December. Mr. Kerby is interested in attending the PRCA Convention since he is the chairman of the Rodeo Committee. Kris Allen, Tyson Pierce and Larry Wheeler are interested in the PRCA Convention as well. Mr. Kerby asked other member to consider attending IAFE; those interested will be chosen at the next meeting.

Pat Sims made motion to table approving attendees. Marcy Butts seconded the motion; motion carried unanimously.

ITEM 03: DISCUSSION ITEMS

Discussion of Livestock Sale Outstanding

District 1: Vice Chairman Trey Kerby & Chairman Larry Wheeler ~ District 2: Kris Allen & Rick Schaap

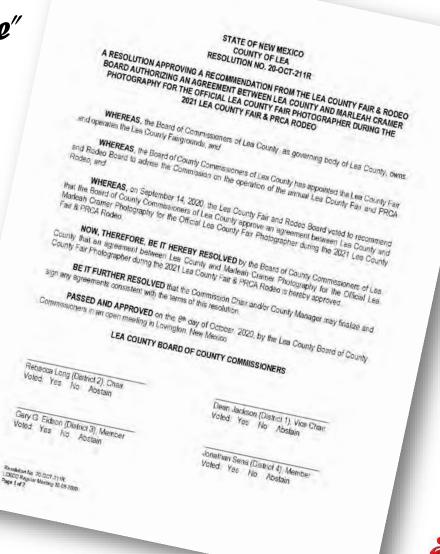
District 3: Todd Roberson & Brian Pointer ~ District 4: Vivian Flemens & Tyson Pierce ~ District 5: Pat Sims & Marcy Butts

Consideration of Lea County Resolution No. 20-OCT-211R Approving a Recommendation from the Lea County Fair & Rodeo Board Authorizing an Agreement between Lea County and Marleah Cramer

Photography for the Official Lea County Fair Photographer During the 2021 Lea County Fair & PRCA











LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:	
09/21/2020	Jim Kemp/General Manage	r/Lea County Fairgrounds	
SUBJECT:	ATTACHMENT(S):		
Consideration of approval of Marleah Cramer Photography as Fair photographer for the 2021 Lea County Fair.	Resolution 2. Bid Fair Board Minutes		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:		
1 - Resolution; 1 - Agreement	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR		
461-33-2152	2020-2021		
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:			
Section 2. Approach & Strategies #4. Leverage resources to the fullest extent to maximize the return	to the public and minimize cost to	o taxpayer.	
SUMMARY:			
Marleah Cramer Photography was selected and approved by the Lea C Photographer during the 2018, 2019 and 2020 Lea County Fair. Mrs. C exhibitors and has done exceptional job the past years. The Fair Photoshows/sale, but also shooting various pictures of the many other activite PRCA/WPRA events and the nightly concerts; which are contracted with one (1) 8 x 10 picture of each exhibitor and respective buyer that qualify backet, along with a signature document, which exhibitors are required Mrs. Cramer's work has been complimented by exhibitors, parents and service will be \$500.00/day and \$10.00/sale picture. While the number the estimate of the service would be \$5,700.00.	Cramer offers a professionalism in ographer will be responsible for pt ies during the Lea County Fair. T th other photographers. Cramer Pr ies for the Junior Livestock Sale. to deliver to their buyer(s) and re buyers for each year this service	regard to pholographing livestock and lotographing not only for the livestock the exclusions of this service will be the Photography will be responsible for taking These pictures are included in the exhibitors' lurn the signature document. The results of was provided. The proposed cost of this	
Requested Items Needed for Presentation Easels Easel Laptop Projector how many:	s/Laptop/Projector/Etc.: Other:	See Additional Summary Attached	
SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature	
t is the recommendation of the Lea County Fair Board Chairman that the	his resolution be approved.	Department Director, Etc. Digitally signed by Jim Kemp Data: 2020.09.21 10.06:40 -06:00*	
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director	
he financial impact to Lea County will be expenditures from the Fair & 5,700. Funds will be budgeted in the FY 22 budget.	Rodeo Fund of approximately	Henry C Digitally signed by Henry C Low Jr Low Jr Date: 2020.09.24 11:34:07 -06'00'	
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda Digitally signed by Michael Place 2020, 10,07 08:55:57	
em No. 0202 RECORDING SECRETARY'S USE	ONLY ~ COMMISSION ACTI	ON TAKEN	
Approved: Denied:		ert	
Resolution No. 20-OCT-211R Policy No. Ordin		ance No	
Continued To: Referred To:	Con	ments:	

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-211R

A RESOLUTION APPROVING A RECOMMENDATION FROM THE LEA COUNTY FAIR & RODEO BOARD AUTHORIZING AN AGREEMENT BETWEEN LEA COUNTY AND MARLEAH CRAMER PHOTOGRAPHY FOR THE OFFICIAL LEA COUNTY FAIR PHOTOGRAPHER DURING THE 2021 LEA COUNTY FAIR & PRCA RODEO

WHEREAS, the Board of Commissioners of Lea County, as governing body of Lea County, owns and operates the Lea County Fairgrounds; and

WHEREAS, the Board of County Commissioners of Lea County has appointed the Lea County Fair and Rodeo Board to advise the Commission on the operation of the annual Lea County Fair and PRCA Rodeo; and

WHEREAS, on September 14, 2020, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve an agreement between Lea County and Marleah Cramer Photography for the Official Lea County Fair Photographer during the 2021 Lea County Fair & PRCA Rodeo.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that an agreement between Lea County and Marleah Cramer Photography for the Official Lea County Fair Photographer during the 2021 Lea County Fair & PRCA Rodeo is hereby approved.

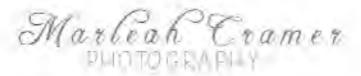
BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair	
Voted: Yes No Abstain	Voted: Yes No Abstain	
Gary G. Eidson (District 3), Member	Jonathan Sena (District 4), Member	

	n Jones (District 5), Member s No Abstain	
ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:		
Hollye	Shearer, Deputy Clerk	John W. Caldwell, County Attorney



Lea County Fair Photography Bld

I would love the opportunity to be the Lea County Fair Pholographer again! It truly is the most fun week of the year and has my heart! My charges have not changed from previous years. My day rate is \$500/day. I would still charge the Fair Board \$10/buyer 8x10 as I did last year. My price list for exhibitors has not changed - see attached.

In 2019 we implemented the downloads for exhibitors to download snapshots of the images blook during the shows and just snapshots of feeding, walking, show practice etc.. I got great feedback from parents that they really liked this, since they were busy getting animals ready and were not always even able to watch the shows to get pictures. I will have this available for 2020 as well and it will be free for parents as it was this year!

Every year I learn things to improve upon to make the experience better. I feel like the 2020 fair will be the best yet and would appreciate your consideration for this job!

Lea County Representative

MARLLAH @ MARLEAH CRAMER. COM W W W . MARLEAH CRAMER. COM No discussion.

Pat Sims made motion to approve box seat rate of \$360 for 2021. Brian Pointer seconded the motion; motion carried unanimously.

Consideration of Approval to renew 2021 LCFR Gate Entry Dates & Fees

No discussion.

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Consideration of Approval of IAFE/PRCA Attendees

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ITEM 03: DISCUSSION ITEMS

Discussion of Livestock Sale Outstanding

District 1: Vice Chairman Trey Kerby & Chairman Larry Wheeler - District 2: Kris Allen & Rick Schaap

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Consideration of Lea County Resolution No. 20-OCT-212R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat of Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County,



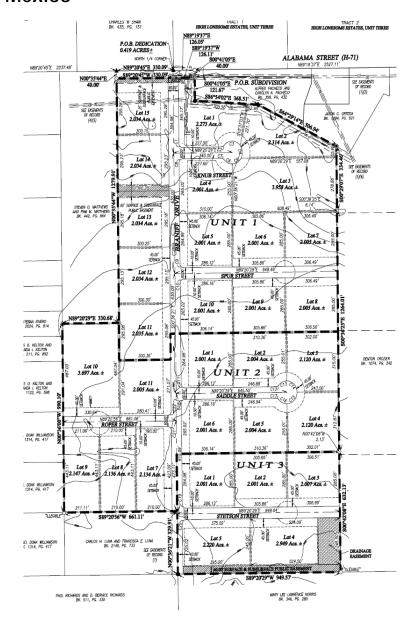
New Mexico

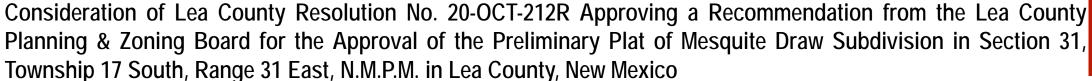


Consideration of Lea County Resolution No. 20-OCT-212R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat of Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico



Mesquite Draw Subdivision Plat







Preliminary Plat for Mesquite Draw Subdivision

- Owner: YMH Inc. of Hobbs
- Location: Proposed Type 2 subdivision is located on Alabama Street in the north Hobbs area east of Matt Drive.
- Type 2 Subdivision has 25-499 lots with the smallest lot being less than 10 acres.
- Lots: 31 lots
- Size: 78 acres with smallest lot being 2.001 acres.
- Two Public Hearing were conducted by the Lea County Planning and Zoning Board(LCPZB) on June 23, 2020 & September 8, 2020.

- ► The second hearing was conducted after the original preliminary plat lots were increased to at least 2.001 acres in area.
- All required notifications to the developer, state agencies, adjacent properties owners, and for public hearing were completed in accordance with the Lea County Subdivision Regulations.
- On September 8, 2020, the LCPZB voted to recommend the approval of the Preliminary Plat of the Mesquite Draw Subdivision to the Lea County Board of Commissioners.

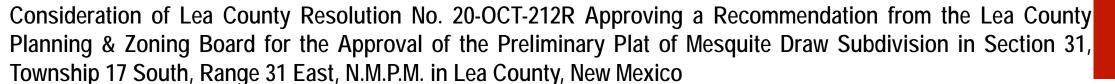
Consideration of Lea County Resolution No. 20-OCT-212R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat of Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico



Preliminary Plat Process

- ► The subdivision process is outlined in the Lea County Ordinance 35 adopted in May of 1997.
- ► Application, documentation, and fees is submitted to county. County has 30 working days to deem preliminary plat application complete.
- ► County has 10 working days to forward documentation to the state and local agencies.
- ► Subdivider must submit documentation to state agencies for review. This includes
- New Mexico State Engineer Office Water Availability.
- New Mexico Environmental Department Water quality, solid and liquid waste disposal

- New Mexico Highway and Transportation Department State Highway Access
- Soil and Water Conservation District Drainage Review
- New Mexico Department of Cultural Affairs Historic Preservation Division – Historic properties & Cultural Resources
- Any other public agency the county considers necessary
- State agencies have 30 days to review and return an opinion.



Public Hearings

- A public hearing will be conducted before the County Planning and Zoning Board no sooner than 21 days from the notice of hearing.
- County will allow all interested parties opportunity to submit data, views, arguments, orally, or in writing, to examine witnesses testifying at the hearing.

Within 30 days of the public hearing, the Lea County Board of County Commissioners shall approve with conditions, approve, disapprove the preliminary plat at a public meeting.



Applicable Statutes or references

NMSA 47-6-11.2.

► Water permit required for final plat approval. Before approving the final plat for a subdivision containing ten or more parcels, any one of which is two acres or less in size, the board of county commissioners shall require that the subdivider provide proof of a service commitment from a water provider and an opinion from the state engineer that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978.

Consideration of Lea County Resolution No. 20-OCT-212R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat of Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico



Public Hearing Summation

- > YMH Inc. submitted a revised plat and documentation for a Type 2 (31 lots) subdivision on July 7, 2020. The total area of the subdivision is 78 acres.
- ➤ The proposed 30 lots subdivision is located in Section 31, Township 17S, Range 38E along Alabama Road, east of Matt Drive.
- The subdivision is proposed to be constructed in 3 phases.
- > The minimum lot size in the subdivision in 2.001 acres.
- Six (6) additional public roadway would be added to the subdivision including six (6) cul-de-sacs. Some cul-de-sacs can be used in the future to extend into through streets.
- The drainage has an average flow from the northwest to the southeast. A detention basin in Unit 3 Lot 4 is proposed. This detention basin will be located in a drainage easement and will be maintained by the owner on Unit 3 Lot 4.

Consideration of Lea County Resolution No. 20-OCT-212R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat of Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico

Public Hearing Summation

- > The developer changed the use of 24 ac-ft of existing agricultural water right to 16 ac-ft domestic water rights for the subdivision. File Number L-00538B
- Disclosure statement and water rights limit each domestic well to 0.5 AFY.

Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico



State Agency Submittal Review:

▶ Department of Cultural Affairs and Historical Preservation Division gave approval no cultural resources listed in the area.

- New Mexico Office of the State Engineer responded with a negative opinion. Response stated that their model cells in the area of the proposed subdivision go dry before the end of 40 years.
- ▶ No other state agency responded with comments or opinions.



Summary of OSE Decision on Water Availability

▶ The future aquifer saturation predicted by the OSE Lea County Model was reviewed and it shows the model cells in the area of the proposed subdivision go dry before the end of 40 years. The OSE Lea County Model is a more conservative estimate of future water availability because it assumes full future pumping of existing water rights. It is uncertain whether there will be sufficient supply for the proposed subdivision.

The Water Availability Assessment indicates that the average water-level rate of decline is about 1 to 1.4 ft/yr. based on observed data. This may be a little lower than the recent rate of decline. The model predicts an average rate of decline that is much steeper than the rate of water level decline based on observed data. The model simulation conservatively predicts future aquifer saturation because it assumes that all the water rights in the Lea County Model area are pumping their full amount from the start of the model (year 2016). Model water-level rate of decline is 4.3 ft/yr. and 3.8 ft/yr.



Comments from the Public

- ▶ Greg Richards (June 23, 2020) -His concern is the subdivision will affect his property value for his vacate land. He has a mobile home park to his south and now Mesquite Draw will be developed to the north of him. He believes with the placement of these two developments around his property that is will cost him six figures in his selling price. He would like to know who looks out for land value of property owners in Lea County. He believes everyone on Matt Drive will take a hit on their property values.
- ► Troy Hudson (June 23, 2020) He stated he thought the Mesquite Draw would affect the property values of homes on Matt Drive. He said when he moved in that mobile home where not allowed on Matt Drive. But he said modular homes have started to be placed on Matt Drive.
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Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico



Comments from the Public

▶ Wanda Kelton (September 8, 2020) - brought a petition signed by some of the residents of on Matt Drive who oppose the Mesquite Draw Subdivision. Matt Drive residents are the closest neighborhood to the development. The petition has 8/9 property owners on Matt Drive. Her concerns are to the property values of the people on Matt Drive.



Comments from the P&Z Board

▶ Board member Mr. Baker asked for clarification that Mr. Johncox gave each parcel ½ acre of water rights per lot instead of the acre foot of water the NMOSE allows when someone applies for a domestic permit. Mr. Baker is correct in his statement.

Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico

Mr. Johncox stated that he bought irrigation rights when he bought the land. He converted them to domestic rights. He is giving a half acre per lot and is holding the other 65 acres in reserve. The withdraw of water beneath the subdivision will be 16 acre-feet a year which is less than the 24 acre-ft if they are left agricultural.

- Mr. Pettigrew required more clarification. He stated with irrigation rights a property owner gets 3 acre-feet per year on each acre of land. Correct.
- Lea County Planning and Zoning Board voted to recommend approval of the preliminary plat for Mesquite Draw Subdivision.
- ► The vote was 5-0-1 for approval. Mr. Johncox abstained from voting.



LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:	
09/21/2020	Bruce Reid County Planner Planning Department	
SUBJECT:	ATTACHMENT(S):	
Preliminary Plat approval for Mesquite Draw Subdivision in Section 31, Township 17 South, and Range 38 East, NMPM, Lea County, NM.	Minutes; PowerPoint; Resolution.	
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:	
1	Action Item	
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:	
NA.	2020	
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:		
Economic Growth & Vitality-Goal Statement: Lea County is a community thousing options available. Infrastructure & Facilities-Goal Statement: The and county facilities shall be maintained and shall meet the changing need each year chip seal more roads).	County shall provide a safe, reliable, and efficient transportation network,	
SUMMARY:		
purchaser of a lot in Mesquite Draw Subdivision which will be the maximum from the State Engineer's Office allow for one acre-foot of water per annur to the Lea County Model that the Ogallala Aquifer under Lea County will b	th side of Alabama Street. The subdivision is a 31 lot subdivision on 78 purchased water rights for the property and converted the 120 acres of , Daniel Johncox, will provide a 0.5 acre-foot of a senior water right to each m usage per lot. LCSR allows for 0.6 acre-foot and a domestic well permit m. The Office of State Engineer return a negative opinion stating according e 'dry' without water by 2057. Therefore the developer cannot provide kins Engineering, the developer's engineer states the water table is current itte Draw is 260 feet (bis). The saturated thickness under the proposed	
Requested Items Needed for Presentation Easels/Le Easel Laptop Projector Projector how many:	optop/Projector/Etc.: Other: See Additional Summary Attached	
SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature	
Lea County Planning and Zoning Board recommends approval of the Preli Subdivision.	Department Director, Etc. Digitally signed by Bruce Bruce Reid Digitally signed by Bruce Procedure Reid Digitally 2020 09 22 09 52:52	
FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director	
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney	
COUNTY MANAGER REVIEW:	Approved by County Manager	
	to be Placed on Agenda Digitally signed by Michael Mike Collegth P. Gallegher II Date: 2020 10.07 16:46:42 -0500'	
tem No. 0203 RECORDING SECRETARY'S USE O	NLY ~ COMMISSION ACTION TAKEN	
Approved: Denied:	Other:	
Resolution No. 20-OCT-212R Policy No.	icy NoOrdinance No	
Continued To: Referred To:	Comments:	

Summary Form Continued	
Lea County Model states declines level may be 3.8 ft/yr; 166/3.8=43.6 yrs aquifer will be dry by 2063.5. will by dry by 2058.6. Lea County Model has three estimation of how quickly the aquifer is declining.	Or at 4.3 ft/yr; 166.4.3=38.6 yrs the aquifer

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-212R

A RESOLUTION APPROVING A RECOMMENDATION FROM THE LEA COUNTY PLANNING & ZONING BOARD FOR THE APPROVAL OF THE PRELIMINARY PLAT OF MESQUITE DRAW SUBDIVISION IN SECTION 31, TOWNSHIP 17 SOUTH, RANGE 31 EAST, N.M.P.M. IN LEA COUNTY, NEW MEXICO

WHEREAS, the Preliminary Plat for Mesquite Draw Subdivision application was submitted and reviewed by the required New Mexico State Agencies for subdivision approval; and

WHEREAS, these state agencies did send opinion letters for this subdivision and Lea County Planning and Zoning Board held a public hearing on September 8, 2020; and

WHEREAS, on September 8, 2020, the Lea County Planning and Zoning Board voted to recommend that the Board of County Commissioners of Lea County approve the Preliminary Plat for Mesquite Draw Subdivision.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the Preliminary Plat for Mesquite Draw Subdivision in Section 31, Township 17 South, Range 31 East, N.M.P.M. in Lea County, New Mexico is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
/oted: Yes No Abstain	Voted: Yes No Abstain
Gary G. Eidson (District 3), Member	Jonathan Sena (District 4), Member
/oted: Yes No Abstain	Voted: Yes No Abstain
Richard Don Jones (District 5), Member /oted: Yes No Abstain	

ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:	_	
Hollve	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

Preliminary Plat for Mesquite Draw Subdivision

Owner: YMH Inc. of Hobbs, NM

Location: Proposed Type 2 subdivision is located on Alabama Road in the north Hobbs area east of Matt

Drive.

Lots: 31 lots

Size: 78 acres with smallest lot being 2.001 acres.

Two Public Hearings were conducted by the Lea County Planning and Zoning (LCPZ) on June 23, 2020 and September 8, 2020.

The second hearing was conducted after the original preliminary plat lots sizes were increased to at least 2.001 acres in area.

All required notifications to the developer, state agencies, adjacent properties owners and for public hearings were completed in accordance with the Lea County Subdivision Regulations.

On September 8, 2020, the LCPZ voted to recommend the approval of the Preliminary Plat of the Mesquite Draw Subdivision to the Lea County Board of Commissioners.



Figure 1 - Mesquite Draw Location

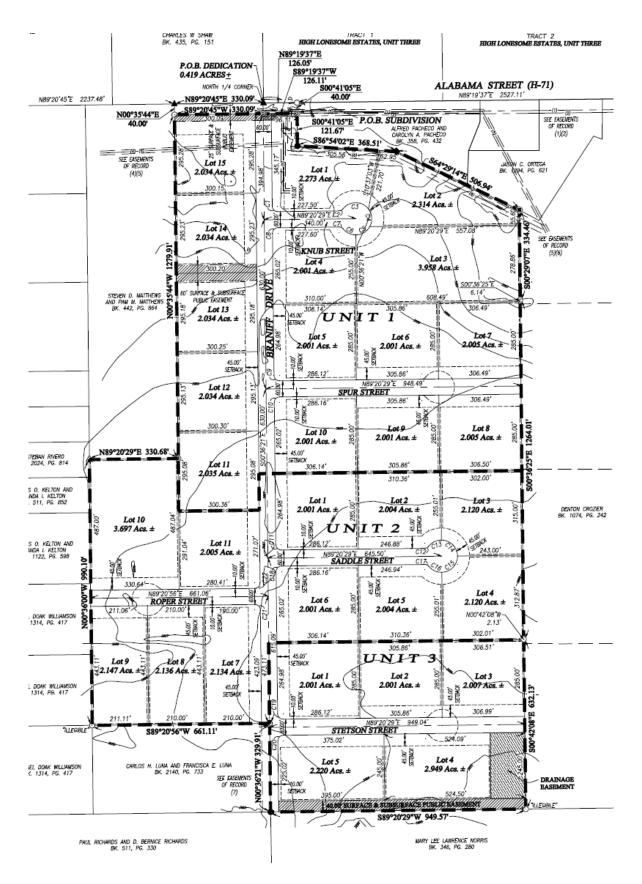


Figure 2 - Preliminary Subdivision Plat

The subdivision process is outlined in the Lea County Ordinance 35 adopted in May of 1997.

(Type 2 subdivision – 25 to 499 lots with the smallest lot being less than 10 acres.)

Preliminary Plat Process –

- Application, documentation and fees is submitted to county. County has 30 working days to deem preliminary plat application complete.
- County has 10 working ways to forward documentation to state and local agencies.
- Subdivider must submit documentation to state agencies for review. This includes:
 - New Mexico State Engineer Office Water availability
 - New Mexico Environmental Department Water quality, solid and liquid waste disposal
 - New Mexico Highway and Transportation Department State Highway Access
 - Soil and Water Conservation District Drainage review
 - Any other public agency the county considers necessary
 - State agencies have 30 days to review and return an opinion.
- Public Hearings A public hearing will be conducted before the County Planning and Zoning Board no sooner than 21 days from the notice of hearing.
 - County will allow all interested parties opportunity to submit data, views, arguments, orally or in the writing and to examine witnesses testifying at the hearing.
- Within 30 days of the public hearing, the LCBCC shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting.

Applicable Statutes or references

NMSA 47-6-11.2. Water permit required for final plat approval. Before approving the
final plat for a subdivision containing ten or more parcels, any one of which is two acres
or less in size, the board of county commissioners shall require that the subdivider
provide proof of a service commitment from a water provider and an opinion from the
state engineer that the subdivider can fulfill the requirements of Paragraph (1) of
Subsection F of Section 47-6-11 NMSA 19 1978.

Public Hearing Summation

- YMH Inc. submitted a revised plat and documentation for a Type 2 (31 lots) subdivision on July 7, 2020. The total area of the subdivision is 78 acres.
- The proposed 31 lots subdivision is located in Section 31, Township 17S, Range 38E along Alabama Road, east of Matt Drive.
- The subdivision is proposed to be constructed in 3 phases.
- The minimum lot size in the subdivision in 2.001 acres.
- Six (6) additional public roadway would be added to the subdivision including six (6) culde-sacs. Some cul-de-sacs can be used in the future to extend into through streets.
- The drainage has an average flow from the northwest to the southeast. A detention basin in Unit 3 Lot 4 is proposed. This detention basin will be located in a drainage easement and will be maintained by the owner on Unit 3 Lot 4.
- The developer changed the use of 24 ac-ft of existing agricultural water right to 16 ac-ft of domestic water rights for the subdivision. File Number L-00538B
- Disclosure statement and water rights limit each domestic well to 0.5 AFY.

State Agency submittal review:

- Department of Cultural Affairs and Historical Preservation Division gave approval no cultural resources listed in the area.
- New Mexico Office of the State Engineer responded with a negative opinion. Response stated that their model cells in the area of the proposed subdivision go dry before the end of 40 years.
- No other state agency responded with comments or opinions.

Summary of OSE decision on water availability

- The future aquifer saturation predicted by the OSE Lea County Model was reviewed and it shows the model cells in the area of the proposed subdivision go dry before the end of 40 years. The OSE Lea County Model is a more conservative estimate of future water availability because it assumes full future pumping of existing water rights. It is uncertain whether there will be sufficient supply for the proposed subdivision.
- The Water Availability Assessment indicates that the average water-level rate of decline is about 1 to 1 .4 ft/yr. based on observed data. This may be a little lower than the recent rate of decline. The model predicts an average rate of decline that is much steeper than the rate of water level decline based on observed data. The model simulation conservatively predicts future aquifer saturation because it assumes that all the water rights in the Lea County Model area are pumping their full amount from the

start of the model (year 2016). Model water-level rate of decline is 4.3 ft/yr. and 3.8 ft/yr.

Summary for Atkins Engineering Representing YMH Inc. on water availability

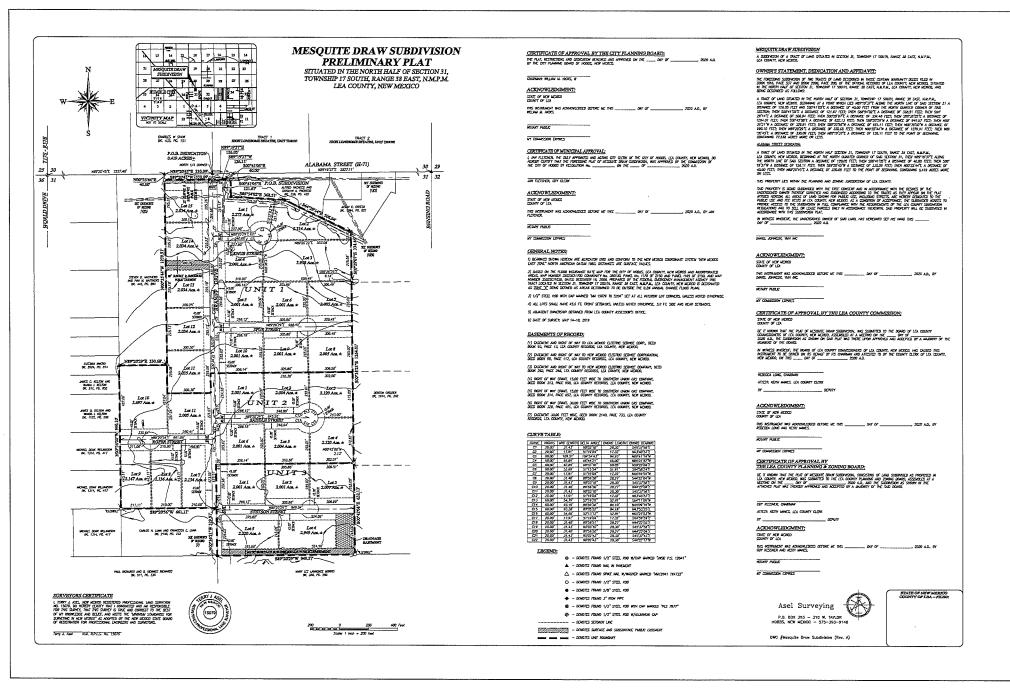
- Chris Cortez from Atkins Engineering from Roswell, New Mexico, is the project manager for Mesquite Draw Subdivision. He stated that the difference between observed and modeled decline is a difference in actual and maximum use of permitted water rights.
- With a recently observed water level of approximately 95 feet bls (L-538), the usable saturated thickness in the subdivision should fall between 119 and 165 feet. Observed declines in nearby USGS wells show average annual declines of approximately 1-1.4 feet/year. There is an adequate water supply in the area to support a 40-year planning period.

Comments for Public

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- Lea County Planning and Zoning Board voted to recommend approval of the preliminary plat for Mesquite Draw Subdivision.
 - The vote was 5-0-1 for approval. Mr. Johncox abstained from voting.



Mesquite Draw

APPLICATION FOR PRELIMINARY PLAT APPROVAL

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments and support documentation shall be submitted with this application form. Incomplete or inaccurate applications may delay public hearing or decision dates. The completed application package must be submitted to the County [appropriate county staff member] by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

ADDY	TOTALITO	INFORM	A TYON
APPL	JUANT	INFORM	ATIUN

1. Subdivider Name, Address, and Phone Number YMH IAC.
Signature Date July 13, 200 2. Agent if any Name, Address, and Phone Number
Signature Date
3. Engineer/Surveyor Name, Address, and Phone Number KOSS Group 412 N. Nat Raco Habs NM 82240
Signature Philip E. Ross, P.E. Date July 13, 2020 SUBDIVISION INFORMATION
4. Name of Subdivision Mes a succeeding subdivision, phased subdivision, or resubdivision)
5. This is a Type One Two Four Subdivisions (check one)
6. Number of lots: 30 Total acreage: 78 Acres 2.01 Size of smallest lot:Acres

PRELIMINARY PLAT APPLICATION - PAGE TWO

SUPPLEMENTAL INFORMATION

- 9. If this is a succeeding subdivision, provide detailed attachments indicating the relationship between the proposed subdivisions and the previous subdivision.
- 10. If this is part of a phased subdivision, attach a master plan of all phases indicating the current proposed phase and an anticipated phasing schedule.
- 11. If this is a resubdivision, provide a reference to the original plat with an explanation of the proposed changes.
- 12. Supporting documentation required for the preliminary plat review as defined by the County Subdivision Regulations shall be attached to this application.
- 13. The required number of copies of the preliminary plat map as specified by the County Subdivision Regulations shall be attached to this application.
- 14. A drawcopy of the disclosure statement shall be attached to this application and shall be in accordance with the standardized format provided in the County Subdivision Regulations.

PROC	CEDURAL INFORMATION (to be completed by County Staff),	1
15.	Date application received by County 19/2020 Signed Signed	
<u>.</u> 16.	Date preliminary plat deemed complete 7/11/2020 Signed Gruseke	
17.	Date of public hearing $\frac{9/11/2020}{}$	
18.	Date of preliminary plat approval by County	

MESQUITE DRAW SUBDIVISION UNIT 1 AND FUTURE UNITS DISCLOSURE STATEMENT

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement <u>before</u> you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in the disclosure statement. Summaries of these opinions are contained in the disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of the County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of the County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by the either the County of State. It is informative only.

The Board of the County Commissioners recommends that you inspect the property <u>before</u> buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing, or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction, you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the County Clerk.

Building permits, wastewater permits, or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits <u>before</u> you purchase, lease or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.

1. NAME OF SUBDIVISION:

MESQUITE DRAW SUBDIVISION, UNIT ONE and FUTURE UNITS

Legal Description:

MESQUITE DRAW SUBDIVISION

PARCEL A:

tract of land located in the Northeast Quarter of section 31, Township17 South, Range 38 East, N.M.P.M., Lea County New Mexico, and being more particularly described as follows: Beginning at the North Quarter Corner of Section 31; thence S00 04'W, 2640.0 feet; East 949.40 feet; N00 04'E, 2232.16 feet; N63 37'W, 502.87 feet; N86 30'W, 372.9 feet; N00 05'W, 161.8feet; S89 55'W, 126.0 feet to the point of beginning.

PARCEL B:

Tract of land situated in section 31, township 17 south, range 38 east, N.M.P.M., Lea County, New Mexico and being more particularly described as follows: Beginning at a point which lies East 2,237.4 feet from the Northwest corner of said Section; thence go South 0

04'W 528.0 feet to a point; thence East 150'to the point of beginning; subject to an easement over the North 40 feet thereof.

PARCEL C:

A Tract of land situated in Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County New Mexico and beginning more particularly described as follows:

Beginning at a point which lies East 2,387.40 feet from Northwest corner of said Section, Thence go South 0 04'W 528.0 feet to a point; thence East 180.0 feet to a point; thence N0 04E 528.0 feet to a point; thence West 180.0 feet to the point of beginning, subject to an easement over the North 40 feet thereof.

PARCEL D:

A tract of Land situated in Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County New Mexico and being more particularly described as follows:

Beginning at a point which lies East 2,237.4 feet and South 0 04'W 528.0 feet from the Northwest corner of said section; thence East 330.0 feet to a point; thence S0 04'W 2,112.0feet to a point; thence West 660.0feet to a point; thence N0 04'East 1,320.0 feet to a point; thence East 330.0 feet to a point; thence N0 04'E 792.0 feet to the point of beginning LESS and EXCEPT a tract of land situated in the Northwest Quarter Section 31, Township 17, Range 38 EAST, N.M.P.M., Lea County New Mexico and being more particularly described as follows:

Beginning at a point which lies East 2,567.4 feet and S00 04'W 2,310.0 feet from the Northwest Corner of said Section 31, thence go South 00 04'W 330.0 feet to a point; thence West a distance of 660.0 feet; thence N00 04'E a distance of 330.0 feet; thence East a distance of 660.0 feet to the point of beginning. Subject to an easement for roadway purpose over, along and across the East 30 feet.

2. NAME AND ADDRESS OF SUBDIVIDER:

Y.M.H., INC. Daniel Johncox, President 4830 E. Seminole Highway Hobbs, New Mexico 88240

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO

Same as Owner listed above.

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present Anticipated

78 Acres 78 Acres

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

3.958 acres

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

2.001acres

7. PROPOSED RANGE OF PRICES FOR SALES. LEASES OR OTHER CONVEYANCE

\$35,000 - \$45,000, LAND ONLY

8. FINANCING TERMS

Interest Rate = Current Mortgage Rates

Term of loan (years) = Up to 30 Years

Minimum down payment = 3.5%

Service Charges and/or escrow fees = None unless contract for Deed.

Premium for credit life or other insurance = Only as required by lender

Closing Costs = As per Title Company, Mortgage Company & Underwriter

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

Y.M.H., INC.
Daniel Johncox, President
4830 E. Seminole Highway
Hobbs. New Mexico 88240

Officers:

Daniel Johncox, 408 E. Alto, Hobbs, New Mexico 88240

Note: If any of the Holders of Legal Title named above is a corporation, list the names and addresses of all officers of that corporation.

10. NAME OF ADDRESS OF PERSON HAVING EQUITABLE TITLE

Y.M.H., INC. Daniel Johncox, President 4830 E. Seminole Highway Hobbs, New Mexico 88240

Officers:

Daniel Johncox, 408 E. Alto, Hobbs, New Mexico 88240

Note: If any of the Holders of Legal Title named above is a corporation, list the names and addresses of all officers of that corporation.

11. CONDITION OF TITLE

There are no outstanding mortgages or real estate contracts on the land held by Y.M.H., INC.

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATION OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

See attached Restrictive Covenants.

13. ESCROW AGENT

First American Title & Abstract Co. 1819 N. Turner, Suite B Hobbs, New Mexico 88240

14. UTILITIES: Following is a breakdown for cost to provide utility service to the property line only, unless indicated otherwise.

Туре	Company	Cost per Lot for Installation
Electric	Xcel Energy	\$5,000 estimated cost per parcel
Gas	Zia Natural Gas	N/A, total electric subdivision
Water	Private well, on property	\$12,500 estimated cost per parcel
Telephone	Windstream	\$250 one-time expense
Liquid Waste	Private Septic Tank, on property	\$7,500 estimated cost per parcel
Solid Waste	Waste Management	\$65 per month

15. INSTALLATION OF UTILITIES: Following is a listing of utilities provided to the property lines, unless indicated otherwise.

Electric	Subdivider to have primary installed as per contract.
Gas	Not to be installed, Subdivision to be total electric.
Water	Individual water well to be installed by purchaser or
	subdivider as per contract on property.
Telephone	Telephone to follow electric
Liquid Waste	Individual septic system to be installed by purchaser or
	developer as per contract on property.
Solid Waste	No facilities to install, purchaser to enter agreement with Waste Management.
	Tacto Management

16. UTILITY LOCATION

Electric and telephone facilities will be available to every lot in the subdivision. The main lines will be installed in the roadway right-of-way on overhead lines/poles.

Natural gas service will not be provided; the subdivision will be total electric.

Every parcel will be required to have individual water wells and septic tanks/leach fields as approved by state and local officials.

Solid waste disposal will be available to every parcel in the subdivision. Individuals will be required to set up accounts with Waste Management.

17. WATER AVAILABILITY

Maximum annual water requirements

Ground water in all of central Lea County is from the Ogallala Aquifer. Each parcel will require private water well. Treatment of the groundwater from the Ogallala is not typically required. The municipal water supplies in Lea County treat the water with chlorine, but private wells historically do not need any chlorine treatment.

Annual water requirements for the entire master planned subdivision including water for indoor and outdoor domestic use will be for 31 parcels. Phase one located at the North portion of the proposed subdivision, 15 lots. Phase 2, located at the Mid portion of the proposed subdivision, 11 lots. Phase 3, located at the South portion of the proposed subdivision, 5 lots.

- Source of water: Ogallala Aquifer
- Means of delivery: Domestic well with water rights at 0.5 AF/AN

The State Engineer has issued a permit converting irrigation water rights owned by YMH to domestic uses, each lot/well will have 0.5 AF/AN. This permit is active and in good standing.

Limitations & Restrictions

The OSE can issue domestic permits up to 1.0 AF/AN, however the subdivider provided an irrigation water right that was converted to domestic use by OSE permit This would be metered and subject to reporting with OSE> However, We recommend that outside irrigation be limited to 2784 Sq. Ft. of Bermuda and the use of swimming pools, hot tubs, water fountains and decorative ponds are prohibited. We also specify, the use of low flow fixtures, efficient appliances, no evaporative coolers or water softeners. Covenants will include this language as well.

SEE WATER AVAILABILITY STUDY

Provision for water saving fixtures:

All homes placed in the Mesquite Subdivision will comply with the National Efficiency Standards and Specifications for Residential Water using fixtures.

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)

Not Applicable

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS (if applicable)

Individual domestic water wells with water rights will be supplied by purchaser or subdivider as per sales contract. Some sales could be land only. However, the developer will offer land packages that include the structure and utilities.

Estimated cost per each private well to the bottom of the aquifer, which includes the drilling, pressure tank and controls is \$12,500. Water use will be limited to .5-acre ft. per year.

All wells will be completed to the bottom of the aquifer.

May 17, 2019

The following is data on the exploratory well drilled on site 5-17-19

LTR	The following is data on the exploratory well diffied on site of 7-19						
Sta	art Date of	Casing Size**	Depth of Well	Perforated	Depth to	Address	OSE File
	Drilling	(inches)	(feet)	Interval (feet)	water		Number
	_	,			(feet)		
5-	-17-2019	5.135	260	220 to 260	94	Mesquite	L-
				11:		Draw	00538POD7

Water depth information provided by Eades Water Well Service.

The exploratory well (Ref: OSE File # L-00538POD7) shows a water depth of 94' and the bottom of the aquifer is 260' which equates to 166 feet of saturated thickness.

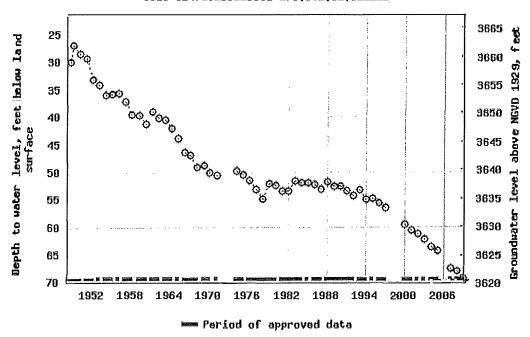
WELL YIELDS

Well yields are variable and depend on the hydraulic properties of the aquifer, saturated thickness, well completion, pump size and discharge pipe inner diameter. On May 17, 2019 a two-hour pumping test was conducted on the onsite well using a 1.5 hp domestic pump with a 1.25-inch open flow discharge producing approximately 35.2 gpm over a continuous two-hour period. Following is the data collected during the test:

Ref: L-00538POD7 Exploratory Well for Mesquite Draw Subdivision

Description	Time	Water Level
Check static water level	9:30 am	94.05 feet
Started pump	10:08 am	94.05 feet
Pumping water level	10:17 am	110.50 feet
Stopped pump	12:08 pm	110.90 feet
Check water level	12:10 pm	94.05 feet

20. LIFE EXPECTANCY OF WATER SUPPLY



Based on data collected by the U.S.G.S/OSE for this area for this area (Ref: # 324715103113001 17S.38E.31.311111 it has been determined the average annual drop in the water table is approximately 1.07 per year (1997-2008). The exploratory well on the proposed subdivision (Ref: OSE File # L-00538POD7) shows a water depth of 94' and the bottom of the aquifer is 260' which equates to 166 feet of saturated thickness. See water availability for more details.

SURFACE WATER

Collection of surface water for private use shall not be permitted in this subdivision.

22. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

Issue

Favorable or Un-Favorable

Comment

The subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the Subdivision, including water for indoor and outdoor domestic uses.

pending

The developer can fulfill the proposals in this Disclosure statement concerning water, excepting water quality.

pending

WATER QUALITY 23.

Ground water in all of central Lea County is from the Ogallala Aquifer. Each parcel will require a private water well. Treatment of the groundwater from the Ogallala is not required typically. The municipal water supplies in Lea County treat the water for residual chlorine, but private wells historically do not have any chlorine treatment.

24. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department regarding:

Issue

Favorable or Un-Favorable

Comment

The developer can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with the state regulations.

pending

The developer can fulfill the water quality proposal

made in this disclosure statement

pending

The developer proposal for water quality conforms

to the County's water quality regulations

pending

25. LIQUID WASTE DISPOSAL

Individual septic tanks/leach fields will be required per parcel. State permits will be required and installations shall meet or exceed existing state and local regulations.

NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS.

26. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department regarding:

Issue

Favorable or Un-Favorable

Comment

The developer can furnish sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations

pending

Page 8 of 14

The developer can fulfill the liquid waste proposals made in this disclosure statement

pending

The proposal for liquid waste disposal pending conforms to the County's liquid waste disposal regulations

27. SOLID WASTE DISPOSAL

Solid waste disposal will be in accordance with County regulations. Currently, the County has an agreement with Waste Management to provide solid waste disposal for County residents. Each residence is responsible for setting up an account with Waste Management and following all rules and regulations for continuation of service.

28, NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department regarding:

Issue

Favorable or Un-Favorable

Comment

The developer can furnish sufficient solid waste disposal facilities to fulfill the needs of the subdivision in conformity with the state regulations.

pending

The developer can fulfill the solid waste proposals pending made in this disclosure statement

The proposal for solid waste disposal pending conforms to the County's regulations of solid waste disposal

29. TERRAIN MANAGEMENT

The soils in the subdivision are ten different soils classifications, all appropriate for residential land use, but typically used as rangeland or cropland. See the attached Soils Map for specific locations within the subdivision. The ten different soils found in the subdivision are as follows:

Soil Type	Abbrev.	Topsoil	Typical Depth to	Other Information
			Caliche	
Amarillo Fine		Good to poor: texture	Indurated caliche	0 to 1 % slopes
Sandy Loam	Af	•	depth of greater	·
			than 60 inches	
Arvana Fine		Good to poor: texture	Indurated caliche	0 to 1 % slopes
Sandy Loan	Ар		depth of greater	
'	•		than 60 inches	
Kimbrough		Poor: indurated caliche at	Indurated caliche at	0 to 3 % slopes
Loam	Kb	a depth of 6 to 18 inches.	a depth of 6 to 18	
			inches	

Kimbrough Gravelly Loam	Kg	Poor: gravelly; indurated caliche at a depth of 6 to 18 inches.	Indurated caliche at a depth of 6 to 18 inches	0 to 3 % slopes
Kimbrough- Lea Complex	Kh	Good: moderate fertility	Indurated caliche at a depth of 18 to 42 inches	0 to 3 % slopes
Sharvana Loamy Fine Sand	Sf	Poor: 12 to 24 inches to indurated caliche.	Indurated caliche at a depth of 12 to 24 inches	0 to 3 % slopes
Sharvana Fine Sandy Loam	Sh	Poor: 12 to 24 inches to indurated caliche.	Indurated caliche at a depth of 12 to 24 inches	0 to 3 % slopes
Simona Fine Sandy Loam	Sn	Poor: fertility is low; shallow over indurated caliche.	Indurated caliche at a depth of 12 to 18 inches	1 to 3 % slopes
Slaughter Loam	So	Poor: indurated caliche at a depth of 12 to 24 inches.	Indurated caliche at a depth of 12 to 24 inches	0 to 1 % slopes
Stegall Loam	St	0 to 9 inches for loam.	Indurated caliche at a depth of 28 to 38 inches	0 to 1 % slopes

30. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:

Issue

Favorable or Un-Favorable

Comment

The subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage or soil erosion

pending

The subdivider can satisfy the terrain management proposals made in this disclosure statement

pending

31. SUBDIVISION ACCESS

Subdivision is within the five-mile extra-territorial planning jurisdiction of the City of Hobbs. The most convenient route into Hobbs would be to turn west on Alabama then South on World to Lovington highway. South to City limits

All of the above access roadways are paved or chip sealed and accessible by conventional vehicles during all weather conditions. The owner will dedicate a right-of-way for the existing roadway that has been and will continue to be maintained by the County.

The proposed roadways will be within a 60' right-of-way, on a 28' wide compacted base course, and with a 26' wide double penetration surface treatment as required by the Lea County Subdivision regulations. All turn arounds or cul-de-sacs will have a right-of-way with a 60' radius.

All subdivision roadways will be dedicated to the County and maintained by the County.

No driveway shall be constructed on any subdivision or other county road right-of-way until the subdivider or owner or lessee of parcel, or of any other area of land, has been granted a county permit. The Application for a permit to construct driveway with right-of-way shall be filed with the Lea County Manager from whom forms may be obtained.

32. MAINTENANCE

All roadways within the Mesquite Draw Subdivision will be dedicated to the County and will be maintained by the County.

33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

Issue

Favorable or Un-Favorable

Comment

The developer can fulfill the State Highway access requirements for the subdivision in conformity with the state regulations

pending

The developer can satisfy the access proposal made in this disclosure statement

pending

34. CONSTRUCTION GUARANTEES

All roadways will be constructed in each phase before lots will be offered for sale. Individual water wells and septic tanks will be installed upon the sale of each lot. The electrical, telephone, and cable services will be installed prior to lots being offered for sale.

35. ADVERSE OR UNUSUAL CONDITIONS

There are no known adverse or unusual conditions associated with this subdivision.

36. RECREATIONAL FACILITIES

There are not any existing or planned recreational facilities within the subdivision. However, approximately 2 acres will be platted as "No Build" areas for drainage.

FIRE PROTECTION

This subdivision falls within the City of Hobbs College Lane Fire Department protection zone.

The College Lane Fire Department is located approximately 3 miles from Mesquite Draw Entry way. The Best route would be to drive east on College to Bensing. North on Bensing to Alabama. West to Mesquite Draw Subdivision.

38. POLICE PROTECTION

Lea County Sheriff's Department will patrol the subdivision.

39. PUBLIC SCHOOLS

Elementary College Lane Elementary approx. 3.5 miles from subdivision

Junior High Highland Junior High approx. 5.5 miles from subdivision

Freshman School Hobbs Freshman High approx. 9.5 miles from subdivision

High School Hobbs High School approx. 9.5 miles from subdivision

The Hobbs Municipal School District provides bussing for all in district children to all levels of school.

40. HOSPITALS

Nearest hospital is Lea Regional Medical Center. The hospital is located off the Lovington Highway approximately 5 miles from the intersection of Mesquite Draw Subdivision and Alabama. (Route: Turn north from the hospital onto the Lovington Highway and turn right onto Kansas road

to N. Bensing then left on West on Alabama until destination is achieved). Lea Regional Medical Center is officially certified as a 250-bed facility.

41. SHOPPING FACILITIES

The nearest large retail shopping area is at the intersection of the Lovington Highway and Joe Harvey Blvd., approximately 5 miles from subdivision Entrance. This shopping area contains approximately 12 retail stores and eateries, including Super Wal-Mart, McDonald's, Radio Shack, Subway, Cato Fashions, and many more. The area has seen a lot of retail expansion since 2001.

42. PUBLIC TRANSPORTATION

Public transportation services are not available to the subdivision at the time of development.

43. AGRICULTURE

New Mexico law includes (47-9-1 to 47-9-7 NMSA 1978 Comp.) cited as the "Right to Farm Act." According to this law, "any agricultural operation or facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the operation of the facility, if the operation was not a nuisance at the time it began and has been in existence for more than one year." The Right to Farm Act includes, but is not limited to, operations and facilities within the farm or ranch such as: chemical application, field preparation, irrigation, cultivation, conservation practices, pruning, plowing, planting, roadside market or any other use of the land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry, or fish.

Daniel Johnson		
Daniel Johncox President, Y.M.H., INC.	•	
The foregoing instrume	nt was acknowledged before me this	day of,
Daniel Johncox, President	Y.M.H., Inc.	
_		
	Notary Public	
My commission expires	:	
	Seal	

State of New Mexico, County of Lea

RESTRICTIVE COVENANTS OF UNIT 1 AND FUTURE UNITS MESQUITE DRAW SUBDIVISION

Y.M.H., INC, BEING THE OWNER OF ALL OF MESQUITE DRAW SUBDIVISION UNIT 1 and FUTURE UNITS, Lea County, New Mexico, more particularly described as follows:

SURFACE ONLY TO:

Parcel A

A Tract of land situated in Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which lies East 2,237.40 feet from the Northwest corner of said Section; thence go South 0°04'W 528.0 feet to a point; thence East 150.0 feet to a point; thence No°04'E 528.0 feet to a point; thence West 150.0 feet to the point of beginning; subject to an easement over the North 40 feet thereof.

Parcel B

A Tract of land situated in Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which lies East 2,387.40 feet from Northwest corner of said Section, thence go South 0°04'W 528.0 feet to a point; thence East 180.0 feet to a point; thence No°04'E 528.0 feet to a point; thence West 180.0 feet to the point of beginning, subject to an easement over the North 40 feet thereof.

Parcel C

A Tract of land situated in Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which lies East 2,237.40 feet and South 0°04'W 528.0 feet from the Northwest corner of said Section; thence go East 330.0 feet to a point; thence S0°04'W 2,112.0 feet to a point; thence West 660.0 feet to a point; thence N0°04' East 1,320.0 feet to a point; thence East 330.0 feet to a point; thence N0°04'E 792.0 feet to the point of beginning LESS AND EXCEPT a tract of land situated in the Northwest Quarter of Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

beginning at a point which lies East 2,567.4 feet and S00°04'W 2,310.0 feet from the Northwest corner of said Section 31, thence go South 00°04'W 330.0 feet to a point; thence West a distance of 660.0 feet; thence N00°04'E a distance of 330.0 feet; thence East a distance of 660.0 feet to the point of beginning. Subject to an easement for roadway purposes over, along and across the East 30 feet.

Parcel F

A tract of land located in the Northeast Quarter of Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at the North Quarter corner of said Section 31; thence S00°04'W, 2640.0 feet; thence East 949.40 feet; thence N00°04'E, 2232.16 feet; thence N63°37'W, 502.87 feet; thence N86°30'W, 372.9 feet; thence N00°05'W, 161.8 feet; thence S89°55'W, 126.0 feet to the point of beginning

do hereby make and establish for said land the following covenants and restrictions which are to run with the land and shall be binding upon all

parties thereto, and all persons claiming by, through and under them until March 1, 2030 at which time said covenants shall be automatically extended for a successive period of ten (10) years unless at any time by a vote of the majority land owners of said MESQUITE DRAW SUBDIVISION and FUTURE UNITS, it is agreed to change said covenants in whole or in part. Until such time all lots have been sold. At the time all lots are sold each owner shall be entitled to one vote for each lot owned.

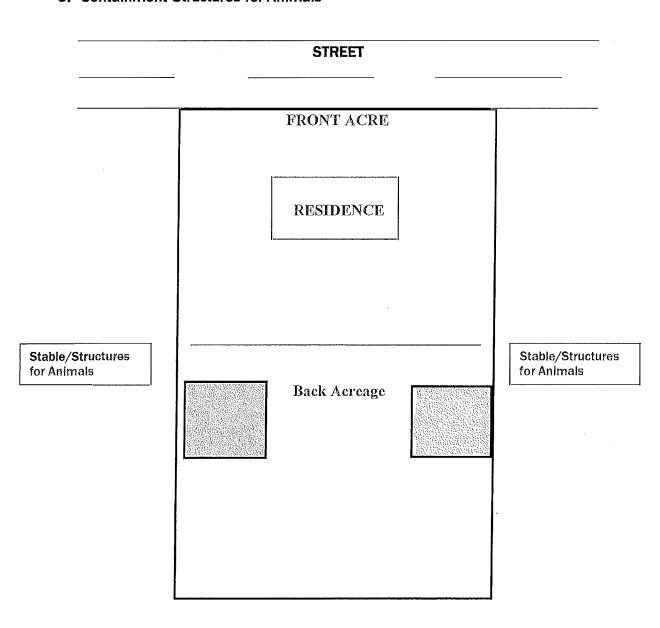
- A. Outside irrigation is limited to 2784 square feet of Bermuda and use of swimming pools, hot tubs, water fountains, decorative ponds, evaporative coolers and water softeners are prohibited. Other limitations and requirements include the use of low flow fixtures and efficient appliances.
- B. No noxious or offensive trade or activity shall be carried on upon any lot. Nor shall anything be done thereon which may be or may become any annoyance or nuisance to the subdivision. None of the said premises shall be used for business purposes including but not limited to Trucking, the manufacture or sale of goods, wares, or merchandise of any kind, cattle feed lots, slaughter houses, holding pens, drive-in theatres, wrecking yards, salvage yards, hog raising, trucking or similar type businesses. No wrecked or unlicensed vehicles are allowed at any time.
- C. Except as specifically set forth in these Restrictive Covenants, no structure of a temporary character, trailer or mobile home, camper, RV, recreational vehicle, basement, tent, shack, garage, barn, lean-to, or other outbuildings shall be used on any lot any time as a residence either temporarily or permanently.
- D. Dwellings allowed: Move-ins, prefabs, modular, ready-built, constructed on site, manufactured homes and must meet minimum requirements as stated. The bottom of the manufactured home, "THE ENCLOSURE" must be professionally installed and must be constructed of material that matches

the home and/or is similar and enhances the beauty. Manufactured homes must have tongue, axles, and wheels removed, and be skirted at the time of set up.

- E. No principal structure shall be constructed until and unless arrangements have been made for disposal of sewage through a system acceptable to the State Environmental Improvement Division and the Lea County Commission. Their approvals require a letter from the EID approving lot size and refining and approving each proposed system.
- F. No structure with an unfinished exterior shall be permitted to remain on any lot for a period exceeding nine (9) months from the date of commencement of its construction.
- G. The exterior of the principal living structure shall be stucco, stone, masonry, masonry-veneer, brick, stone-veneer, brick-veneer, hardboard or wood siding construction. Exterior shall be attractive and compatible with other homes in the subdivision.
- H. No inoperable, junk, Wrecked, unlicensed or non-registered vehicles shall be stored on any lot or street. YOU SHALL PARK YOUR VEHICLES IN THE DESIGNATED PARKING AREA PROVIDED. NOPARKING IN THE FRONT YARD OR FRONT OF HOME UNLESS IT IS A CONSTRUCTED CIRLE DRIVE.
- I. Except as specifically set forth herein, only structures constructed on the site will be permitted.
- J. A garage or car port is not required; however any garage shall be built professionally by a licensed contractor, or prefabricated by a manufacturer. It should enhance the value and marketability of the property. A car port can be of similar material as the home, metal or aluminum.

- K. All principal living structures constructed in the subdivision shall consist of at least 1,100 square feet living area (not including garage area) and shall be no more than two (2) stories high.
- L. Out buildings such as barns, storage buildings, other such buildings or fences shall be constructed to code. Metal shops and animal shelters are permitted as long as they are built to code.
- M. The parking of commercial vehicles, including trucks (larger than a pick-up truck), tractor-trailers, semi-trailers, and commercial trailers is prohibited except for loading and unloading purposes. No commercial vehicles or company vehicles of more than two (2) axles shall be parked on a lot.
- N. Two (2) large animals per acre will be allowed. Any livestock (horses, steers, calves, cattle, goats, sheep, swine, rabbits or poultry) are considered large animals. Commercial raising of any animals will not be permitted. Prior to any animals' arrival, suitable enclosure or stable must be in place. Stable shall meet all the minimum building requirements and shall be of new construction. All containment structures or animal shelters shall be built on the back acre closest to the residence and furthest from the back neighbor. See Sketch.

O. Containment Structures for Animals



P. No brush, trash, or other materials shall be burned except in compliance with the fire regulations of the appropriate regulatory agency.

- Q. No signboard or similar installation for commercial advertisement shall be erected, placed or permitted on any said tract. No garbage, Stock piles of material, refuse, junk, trash or obnoxious or offensive material shall be permitted to accumulate on any lot, and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with accepted sanitary practices. All garbage shall be disposed of in accordance with the regulations of the State of New Mexico and of its subdivisions. Such garbage shall be removed by the lot owner to a sanitary land fill provided by Lea County or by arrangement with a garbage removal service. Outdoor incinerators, trash dumps, open lid trash cans, and open flame burners shall not be permitted.
- R. No work or exploration for any minerals, or mining of any minerals or quarrying of any rock materials, soil or material of any nature shall be conducted on any lot or portion thereof, nor shall any excavation of any nature be made upon any lot or portion thereof except as may be incident to the installation of utility services, drainage lines, excavations incident to the grading and preparation of building sites and the grading of roads and streets.
- S. No driveway entrances shall be constructed against or across drainage easements or drainage ditches in such a manner as to in any way prohibit the flow of water through such drainage easements. The developer reserves the right to require all such driveways to meet specifications as set forth by the developer or regulatory agencies. Installation and maintenance of any such culverts and/or driveway entries shall be the responsibility of the lot owner.
- T. Set back requirements shall be forty-five feet (50') from the front street and 5' from both sides and 5' from back property line.

U.	If the parties hereto, or any of them, or their heirs or assigns, shall violate or
	attempt to violate any of the covenants herein, it shall be lawful for any other
	person or persons owning any real property situated in this subdivision or
	addition to prosecute any proceedings at law or in equity against the
	person(s) violating or attempting to violate any such covenants, and either to
	prevent him or them from so doing or to recover damages for such violation.
٧.	Invalidation of any one of these covenants by judgment or Court order shall
	in no way affect any other provisions, which shall remain in full force and
	effect.
	Dated this day of, 2020
	Y.M.H., INC
	Daniel Johncox, President
	(STATE OF NEW MEXICO)
	SS:
	COUNTY OF LEA)
	The foregoing Restrictive Covenants were acknowledged before me
	this day of, 2020 by Y.M.H., INC known as Young's
	Manufactured Homes, Inc. and signed by Daniel Johncox.
	NOTARY PUBLIC
	My Commission Expires:
	SEAL

or

Response from State Agencies

State Historic Preservation Office

State Engineer

Bruce Reid

100 N. Main St.

Suite 4

Lovington, NM 88260



County Planner

Office: (575) 396-8696

Cell: (575) 704-2527

email: breid@leacounty.net

April 29, 2020

Log 112992, May 4th, 2020

Jeff Pappas State Historical Preservation Office 407 Galisteo Suite 236 Santa Fe, NM 87501

Re: Mesquite Draw Subdivision, Lea County, New Mexico

Dear J Pappas:

Under the County Subdivision Act and the Lea County Subdivision Ordinance #35, Lea County is requesting that your agency review the Mesquite Draw Subdivision. Enclosed, are the Disclosure Statement and plats for the aforementioned subdivision. Should you have any questions, please do not hesitate to contact me.

Thank You

Bruce Reid Lea County Planning

No Historic Properties Affected

Healfrey Curwy for the New Mexico State Historic

Preservation Officer



STATE OF NEW MEXICO

OFFICE OF THE STATE ENGINEER

CONCHA ORTIZ Y PINO BUILDING, 130 SOUTH CAPITOL, SANTA FE, NM 87501 TELEPHONE: (505) 827-6091 FAX: (505) 827-3806

JOHN R. D'ANTONIO JR., P.E. STATE ENGINEER

June 3, 2020

Mailing Address: P.O. Box 25102

Santa Fe, NM 87504-5102

Bruce Reid County Planner Lea County 100 N. Main St., Suite 4 Lovington, NM 88260

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Mesquite Draw Subdivision

Dear Mr. Reid:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Lea County Subdivision Regulations and the New Mexico Subdivision Act.

Based on the information provided, the OSE has insufficient information to evaluate if the subdivider can furnish water sufficient in quantity to fulfill the maximum requirements of the subdivision, including water for indoor and outdoor domestic uses or whether the subdivider can fulfill the proposals in the subdivider's disclosure statement concerning water. Accordingly, a negative opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Matt Nelson at 505-827-6755.

Sincerely,

Julie Valdez

Water Use & Conservation/Subdivision Review Acting Bureau Chief

Encl.

cc: OSE Water Rights Division, Roswell Office

Valden

MEMORANDUM New Mexico Office of the State Engineer Water Use and Conservation Bureau

DATE:

June 3, 2020

TO:

Julie Valdez, Acting Water Use & Conservation Bureau Chief Lynu

FROM:

Matt Nelson, Senior Water Resource Specialist

SUBJECT:

Mesquite Draw Subdivision in Lea County

SUMMARY

On May 1, 2020 the Office of the State Engineer (OSE) received a request to review the subdivision proposal for Mesquite Draw, a Type-Two Subdivision. Our office assumes that this is a preliminary plat, however this is not stated in the submittal. The proposal is a request to subdivide 4 parcels totaling 78 acres into 31 lots sized between 2 acres and 3.96 acres. The property is located north of Hobbs near the southwest corner of the intersection of Alabama Street and Bensing Road, within Section 31, Township 17 South, Range 38 East, NMPM. The proposed water supply is individual domestic wells.

Documents submitted to our office include a cover letter, plat map, Disclosure Statement, and water availability assessment.

There is a discrepancy between the smallest and largest lots as listed in the Disclosure Statement and as shown on the plat. Our office recommends that this discrepancy be corrected.

The OSE has reviewed the Mesquite Draw Subdivision proposal pursuant to the Lea County Subdivision Regulations (Regulations) and the New Mexico Subdivision Act (Act). Based on the submitted documentation, our office has not determined that the applicant can fulfill the proposals in the Disclosure Statement concerning water quantity. Subsequently, a **negative** opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

Item 17 of the Disclosure Statement quantifies the annual maximum water demand for the subdivision at 15.5 acre-feet per year (AFY), or 0.5 AFY per lot, in accordance with section 16.3.2.A of the Regulations.

Also in accordance with 16.3.2.A of the Regulations, a water demand analysis was included as part of the water availability assessment (Section 5). The maximum annual water demand was calculated using OSE Technical Report 48, and assumes 3 people per dwelling, 60 gallons per capita per day (GPCD) for indoor use, and 0.3 AFY for outdoor use (based on the irrigation of 2,784 square feet of Bermuda grass). Section 16.3.1.B of the Regulations encourages the use of xeriscaping, and our office recommends that outdoor water use be limited to 800 square feet. This restriction may be stated as follows. "The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall

be utilized. Drip irrigation is encouraged whenever possible. Water will not be provided for other outdoor uses such as swimming pools, hot tubs, water fountains, and decorative ponds. Item 17 of the Disclosure Statement discusses water conservation. It specifies the use of low flow fixtures and appliances, and does not allow for the installation of evaporative coolers or water softeners. Additionally, swimming pools, hot tubs, water fountains, and decorative ponds are prohibited.

WATER AVAILABILITY ASSESSMENT

The proposed water supply for this subdivision is individual wells for each lot. Item 17 of the Disclosure Statement states that the "the subdivider provided an irrigation water right that was converted to domestic use by OSE permit. This would be metered and subject to reporting with OSE". The water availability assessment (assessment) provides further detail, stating that the licensed water rights associated with OSE file number L-538-B were purchased and re-permitted for domestic use. A review of OSE records verified that an Application For Permit To Change An Existing Water Right (Non 72-12-1) to change the place of use, purpose of use, and points of diversion for 8 acres of irrigation water rights (16 AFY of consumptive use) under L-538-B was approved by the OSE on October 16, 2019.

The water availability assessment requirements as described in 16.3.5 of the Regulations are not applicable, as the proposed water supply is neither a community water system, nor "individual domestic or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA 1978". In light of this, this proposal was reviewed only in respect to the Act, and not the Regulations.

47-6-11-F(1) of the Act instructs the board of county commissioners to request opinions from the OSE to determine "whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor uses, and whether the subdivider can fulfill the proposals in the subdivider's disclosure statement concerning water, except water quality".

Item 17 of the Disclosure Statement states that the maximum annual water requirement for the subdivision is 0.5 acre-feet per year (AFY) per lot, for a total of 15.5 AFY.

Item 20 of the Disclosure Statement discusses the life expectancy of the water supply, stating that the average annual drop in the water table is 1.07 feet per year, and that the exploratory well on the proposed subdivision shows a water depth of 94 feet and saturated thickness of 166 feet. It further states "See water availability for more details".

The OSE Hydrology Bureau (Hydrology) reviewed the subdivision proposal, including all of the technical information included in the assessment. A copy of their memo is attached for reference.

The water availability assessment (assessment) concludes that "Adequate water availability can be found in the alluvial source of the Ogallala Aquifer to support the subdivision under this configuration and a life expectancy of greater than 40 years is available".

Per the assessment, the average water-level rate decline is approximately 1-1.4 feet/year, based on observed data. The Hydrology memo points out the recent rate of decline may be higher than this and that the rate of water level decline appears to have been steepening over time, as a USGS well located 2.4 miles east of the proposed subdivision shows a decline of 1.6 feet/year over the last 10 years, and another USGS well 2 miles north-northwest of the area in question shows a decline of 2.6 feet/year since 1997.

The OSE Lea County Model is used to by the OSE to evaluate water right transfer applications and subdivision proposals within Lea County. The assessment states on page 11 that the "change in the existing water right [L-538-B] passed OSE modeling and was permitted as filed". For a water right transfer application, the Lea County Model is used to evaluate the impacts of the application on other water rights. In this case, the OSE Water Rights Division did not find any unacceptable drawdown effects to other existing water rights due to the application.

In contrast, for a subdivision proposal the Lea County Model is used to evaluate the physical availability of water within the proposed source of supply. Table 1 of the memo calculates that saturated thickness for the two model cells underlying the Mesquite Draw Subdivision would be less than 0 within the 40 year time horizon established in the assessment. Per the Hydrology memo, "Based on the model, which is a conservative assessment, there would be insufficient water available for 40 years".

The Hydrology memo concludes stating that the "OSE Lea County Model is a more conservative estimate of future water availability because it assumes full future pumping of existing water rights. It is uncertain whether there will be sufficient supply for the proposed subdivision. Additional analysis of water rights in this area could provide insight as to why there is a difference between the observed and modeled trends".

It is the opinion of this office that the subdivision proposal for Mesquite Draw does not comply with 47-6-11-F(1)(b) of the Act.

Atkins Engineers Water Availability Report

Water Availability Assessment

Mesquite Draw Subdivision Lea County, New Mexico

April 2020

Prepared for:

Y.M.H., INC. Daniel Johncox, President 4830 E. Seminole Highway Hobbs, New Mexico 88240



2904 W 2nd St Roswell, NM 88201 (575)624-2420

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1. Executive Summary

The proposed Mesquite Draw Subdivision falls in the East Half of the Northwest Quarter (E/2NW/4) and the West Half of the Northeast Quarter (W/2NE/4) of Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico (Figure 2). The proposed subdivision is comprised of 31 lots that are a minimum of 2.1 acres each. The proposed subdivision will incorporate individual domestic wells with permitted water rights under Office of the State Engineer permit L-538-B et al.

Alluvial wells in the subdivision should be completed to the base of the valley fill between 214 and 260 feet below land surface (bls). Water levels are anticipated to be around 95 feet bls.

To conserve and provide water, the subdivider purchased licensed irrigation water rights under OSE file number L-538-B. A portion of those water rights were reconfigured to domestic use out of individual lot domestic wells. These permitted wells with water rights are subject to metering and reporting to the OSE.

Each lot owner will have a water right to drill a well, and to divert 0.50 acre-feet-per year. Once fully developed, the subdivision maximum water use would be 5,050,691 gallons per year or 15.5 acre-feet per year.

This approach is more restrictive than the *maximum* allotment required by Lea County at 0.6 acre feet/well/lot, and the general ability of any individual to permit a domestic well under NMSA 72.12.1.1 of 1.0 acre feet/well for domestic purposes.

Adequate water availability can be found in the alluvial source of the Ogallala Aquifer to support the subdivision under this configuration and a life expectancy of greater than 40 years is available.

2. General Discussion

The proposed Mesquite Draw Subdivision falls in the East Half of the Northwest Quarter (E/2NW/ and the West Half of the Northeast Quarter and the (W/2NE/4) of Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico (Figure 2). A general coordinate for the approximate center of the subdivision is 32.7947°, -103.1864°. The land surface elevation of the proposed subdivision slopes generally southeast, and ranges from 3,692 feet in the northern portion of the subdivision to approximately 3,684 feet on the southeastern corner (Figure 3)..

The proposed subdivision is comprised of 31 lots that are a minimum of 2.1 acres each. For a water supply, the proposed subdivision will incorporate individual domestic wells **with** permitted water rights under OSE permit L-538-B et al. completed in the Ogallala Aquifer in the Lea County Underground Water Basin, as a water supply.

This report describes the water availability in the general area of the subdivision, the surrounding geologic conditions, the permits and regulations involved with the process, and the suggested water conservation measures the subdivision should employ. This report does not consider water quality issues as they relate to compliance with the New Mexico Environment Department regulations.

3. Geologic Conditions

Geologic conditions in the Mesquite Draw Subdivision area are consistent with the regional Ogallala Aquifer and described further below.

The Ogallala Aquifer region is the largest aquifer in western North America (Figure 4). The subject site is in the southern portion of the aquifer. The aquifer limits extend from southeastern New Mexico and west Texas to southern South Dakota, encompassing eight (8) states and approximately 174,000 square miles. In addition, the aquifer system provides drinking water to 82% of the people who live within the aquifer boundary. The gradient of the aquifer is generally to the east.

3.1 Ogallala Formation

Chudnoff and Logan described the geohydraulic framework of the Lea County portion of the Ogallala Aquifer in a Special Projects Report for the New Mexico State Engineer in 1995. The Ogallala aquifer is unconfined in Lea County. The Ogallala Aquifer, as described by Chudnoff

and Logan, generally consists of highly permeable unconsolidated sediments of Pliocene age, underlain by older, consolidated, and less permeable Cretaceous and Triassic rocks commonly referred to as "redbeds" that create an impermeable barrier and restricts downward movement of ground water. The saturated thickness of the aquifer in New Mexico ranges from 0 feet to approximately 200 feet. The only significant source of natural recharge to the Ogallala aquifer in New Mexico is precipitation on the overlying land surface. From several studies, it has been concluded that the average annual recharge is only a fraction of an inch. The general direction of ground water flow in the aquifer is southeastward. The largest amount of ground water discharge is the subsurface flow moving into Texas.

3.2 Well Record Review

To refine the projected depth of the base of the Ogallala top of the confining bed, OSE well records were reviewed. Furthermore, the subdivider permitted and drilled an exploratory well under OSE file number L-538-Pod7. Those well records that appear to have been drilled through the alluvial aquifer to the red bed were considered.

Table 1: Depth to Confining Bed of Wells near Mesquite Draw Subdivision

OSE File	Quarter	Quarter	Section	Township	Range	Log depth to
Number	16	4				confining bed (feet)
L-11348	NW	NW	31	17S	38E	229
L-12319	SW	NE	31	178	38E	214
L-12847	NE	SE	31	17S	38E	230
L-13135	SE	NW	31	17S	38E	225
L-538-Pod7	NE	NW	31	17S	38E	260

In general, the wells have land surface elevations similar with the elevations found in the subdivision. Allowing for this and variability in driller reporting, the projected base of the valley fill/ top of the confining bed based on well records in the area is found at depths of 214 feet and deeper. Well records listed in the table are found in Appendix A: OSE Well Logs and Figure 4 shows the well locations versus the subdivision.

The recently permitted and drilled exploratory well indicates that the red bed underlying the subdivision may be deeper than some of the nearby OSE well logs with a depth of 260 feet, but the red bed depth could vary across the site.

The recommended depth of a shallow domestic well is estimated to be approximately at least 214 feet below land surface. The goal of drilling is to reach **and** confirm the top of the confining bed, which will maximize the usable life of the well.

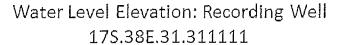
4. Life Expectancy of Water Supply

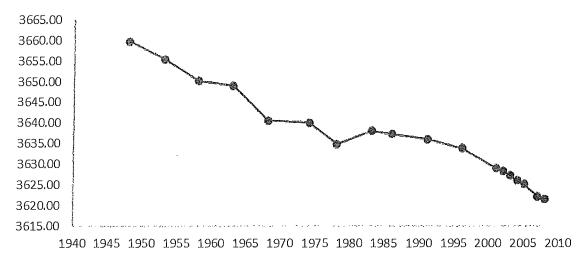
To determine the life expectancy of the local water supply, historic well records were compiled. OSE and USGS water level data were used to determine the average water level elevation, water levels, saturation thickness, and decline to estimate the usable lifetime of the Ogallala Aquifer water supply at the proposed subdivision location.

4.1 Historic Water Level Trends

USGS observation wells in the vicinity of the subdivision were reviewed to determine water level trends. Unfortunately, ongoing measurements of several USGS wells ceased in all but one of the nearby wells.

The nearest USGS observation well to the subdivision has the longest record from July 1948-December 2008. In the last year measured, the depth to water was observed at 69.34 feet below land surface (NW/4NW/4NW/4NW/4NW/4SW/4 Section 31, T17S, 38E, N.M.P.M). A hydrograph of water level elevations is shown below.





Considering more recent decline trends, this well declined an average of 0.83 feet from January 1988-December 2008. From January 1997-December 2008 this well declined an average of 1.07 feet/year.

Other nearby USGS/OSE wells were gauged as follows:

The irrigation well L-538 that provides the original water right (located in the SE/4NW/4NW/4NW/4NE/4 of Section 31, T17S, R38E, N.M.P.M). to the project, was an OSE/USGS observation well with a measurement of 59.29 feet below land surface in 1986. A measurement taken in 2020, found the water level at 94.7 feet from land surface (original OSE measuring and reference points were not available). This would indicate an overall decline of 35.41 feet or an average decline (1986-2020) of 1.04 feet/year.

Well L-1076 located in the NW/4NE/4SW/4SW/4NW/4NW/4 of Section 36, Township 17S, Range 38 East NMPM or approximately 1.5 miles west of the project area reported a depth to water of 55.38 feet in January of 1996. In 2020, the water level was reported at 85.8 feet from the OSE measuring point (See OSE field schedule). Corrected to land surface, the depth to water would be 84.8 feet. This would indicate an overall decline of 29.42 feet and an average decline (1996-2020) of 1.23 feet/year.

Well L-320-S-2 located in the SE/4NE/4SW/4NE/4 of Section 32 Township 17S, Range 38 East NMPM, or approximately 1.24 miles east of the project area reported a depth to water of 69.97 feet below land surface in 1986. In 2020, the water level was measured at 117.8 feet to the OSE concrete base reference point (see OSE Office water level schedule). Corrected to land surface the depth to water would be 117.59 feet. This would indicate an overall decline of 47.83 feet or an average decline (1986-2020) of 1.40 feet/year.

Referenced USGS well tables, OSE office/or field schedules and the driller's gauging report are included in the Appendix.

4.2 Usable Lifetime of Water Supply

As discussed, above, the anticipated depth to the bottom of the valley fill/ top of the confining bed in the subdivision is greater than 214 feet bls, and has been documented at 260 feet bls in the northwestern area of the subdivision. When the water level declines to within 20 feet of the bottom of the saturated thickness, pumping the water for anything but domestic use becomes untenable. Because domestic use is the intended use of water, the lower 20 feet has not been removed from consideration.

With a recently observed water level of approximately 95 feet bls (L-538), the usable saturated thickness in the subdivision should fall between 119 and 165 feet. Observed declines in nearby USGS wells show average annual declines of approximately 1-1.4 feet/year. There is an adequate water supply in the area to support a 40-year planning period.

5. Water Availability

5.1 Maximum Annual Requirements

The water supply source for the Mesquite Draw Subdivision is to be comprised of individual domestic wells with the right to divert 0.50 acre-feet/year (162,962 gallons/year) of water rights under OSE permit L-538 et al. from the Ogallala aquifer. The following section will quantify the maximum annual water requirement for the subdivision and determine the configuration of the scenario.

5.2 Assumptions

A review of the 2010 US Census Data shows that the overall average household size of Lea County, NM is 2.82. For owner occupied units the value reported is 2.85, for renter occupied units the occupancy is 2.74. The average family size is 3.30. Given this information, the 3.0 design value proscribed by State Engineer Office Technical Report 48 entitled "Water Conservation and Quantification of Water Demands in Subdivisions", prepared by Brian C. Wilson, PE (May 1996) will be used.

The 1996 technical reports use 60 gallons per capita day (gpcd) for single and multi-family dwellings assuming water conserving fixtures and appliances. The subdivider will include restrictive covenants as found in the section below, so evaporative coolers and water softeners will not be included in the calculations. Advances in the faucets and appliances since the 1996 Technical report will likely result in lower gallons per capita day; regardless, the 1996 assumptions provide a design buffer worth preserving.

Fire service will be provided by Knowles Volunteer Fire Department, so fire suppression is not included in the calculations. Distribution losses are not included per Wilson (1996) page 27.

(1) Indoor water use, normal household purposes:

Lea County (3 occupants)

$$W_1 = (CPU)(GPCD) \left(365 \frac{days}{yr}\right)$$

CPU = Number of capita per dwelling = 3.0

GPCD = gallons per capita per day = 60

$$W_1 = (3.0)(60) \left(365 \frac{days}{yr}\right)$$

$$W_1 = 65,700 \frac{gallons}{year}$$
 or 0.20 $\frac{acre - feet}{year}$

(2) Maximum Landscape water use, per dwelling unit (0.30 acre feet maximum for individual wells with water right).

$$W_9 = (162,926 \frac{gal}{yr} - 65,700 \frac{gal}{yr})/1$$
 Dwelling Unit

$$W_9 = 97,226 \frac{gal}{yr}$$
 or 0.30 acre-feet/yr

(3) Maximum area that can be used for landscape irrigation by a lot owner for landscape irrigation

$$A_s = (\frac{97226 \ gallons \ per \ year}{I \ gallons \ per \ square \ foot \ per \ year})$$

I = 34.92 gallons per square foot per year,

Lea Value for Bermuda Wilson (1996)

 $A_s \approx 2784$ square feet or 0.06 acres

An individual lot owner with a single domestic well, would be limited to irrigating up to 2784 square feet of Bermuda Grass lawn to not exceed the permitted water right allotment of 0.50 acrefeet. When all 31 lots are developed the maximum subdivision water use would be 5,050,691 gallons per year or 15.5 acre-feet per year.

6. Water Rights, Lea County Underground Basin

Y.M.H., Inc., represented by President Daniel Johncox, owns licensed water rights under OSE file L-538-B. This licensed water right provided for the irrigation of 40 acres of land in parts of the West Half of the Northeast Quarter (W/2NE/4) of Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, with a priority date of March 10, 1948.

On November 11, 2018 Y.M.H., Inc. filed an application with the OSE to change the equivalent of 8 acres of the irrigated acreage for domestic use in the subdivision. On October 16, 2019 the OSE permitted the change in the water rights to allow for up to 16* lot wells, the place of use to up to 32 lots, and purpose of use from irrigation to domestic. See Section 6 for further discussion.

*changes in the configuration of the proposed subdivision to accommodate road right of ways to Lea County and a drainage easement reduced the number of proposed lots from 32 to 31.

7. State Engineer Office Regulations, Domestic Well Permitting and Lea Basin Guidelines

In New Mexico, groundwater resources are administered by the New Mexico Office of the State Engineer (OSE). Each individual lot owner can provide their own domestic water supply by use of domestic well permitted under Chapter 72-12-1.1 New Mexico Statues Annotated: The maximum permitted diversion from a 72-12-1.1 domestic well in this scenario is 1.0-acre foot per annum. The water diverted can be used for household purposes or for irrigation of not to exceed one acre of non-commercial trees, lawn, garden, or landscaping (NMAC 19.27.5.7.F). In general, single home domestic permits under this scenario are metered and any diversion is not reported to the OSE.

For this subdivision the owner has established a **more restrictive** approach and converted existing irrigation water rights to domestic use. Each lot will have a domestic well limited to 0.5 acrefeet/year and subject to required OSE metering and reporting. This allocated amount is slightly more restrictive than Lea County Regulations which have a **maximum** annual requirement of 0.6 acre-feet/year.

The Office of the State Engineer's uses an administrative groundwater model for the Lea County Underground Water Basin. This groundwater model, along with guidelines adopted September 16, 2009 and updated February 12, 2014, are used by the OSE to evaluate water right transfers.

The change in the existing water right passed OSE modeling and was permitted as filed. This is because the existing water right under L-538-B is already accounted for in the model cell of the subdivision. The partial change of the licensed water right added wells, but actually reduces the allowable quantity of water to be diverted in the vicinity of the subdivision from 24-acre feet (8 acres of irrigation at 3.0 acre-feet year/acre) to 16 acre feet (8 acres at a consumptive use of 2.0 acre-feet year/acre). Thus, resulting in no increase of change in already permitted effects.

The area around the subdivision is in the OSE Lea County Critical Management Area (CMA). This administrative tool protects the area from additional water rights being moved in that would further exacerbate any decline.

This change in water right to supply the subdivision does not exceed any OSE guidelines for water rights transfers. Observed decline in water levels versus the available saturated thickness discussed in Section 4 show more than 40 years of available water for the subdivision.

8. Suggested Covenants for Water Conservation Measures

Water conservation can be encouraged for water users within this subdivision by providing the following statements within the covenants:

- Require low -flow toilets (<1.6 gallons per flush)
- Require low-flow shower heads (<2.5 gpm I)
- Require low-flow faucets in kitchens (<2.5 gpm)
- Require low-flow faucets in bathroom (<2.2gpm)
- Require a minimum of one inch of insulation on all hot water plumbing.
- Require dishwashers ≤13.0 gallons/cycle
- Require refrigerated air conditioners.
- Require washing machines ≤43.0 gallons/ regular cycle or ≤53.0 gallons/permanent press cycle
- Require xeriscaping with limits to turf areas, using drought resistant plants.
- Lawn watering wasteful runoffs to streets is prohibited.
- No ornamental ponds, water gardens, or swimming pools/ hot tubs permitted.
- No water softeners

9. References

- Chudnoff, Mustafa and Linda Logan. (1995). Groundwater Relationship Between New Mexico and Texas Along the State Line in the Southern High Plains. Hydrology Section, Special Projects Division. SDPH-95-01. New Mexico Office of the State Engineer.
- McAda, Douglas P. (1984). Projected Water-Level Declines in the Ogallala Aquifer in Lea County, New Mexico. USGS. Water-Resources Investigations Report 84-4062. New Mexico Office of the State Engineer.
- New Mexico Office of the State Engineer. Water Rights Lookup Database: Lea County Well Logs. http://www.ose.state.nm.us/WRAB/LeaCountyLogs.php
- US Census Bureau. (2010). Profile of General Population and Housing Characteristics: 2010

 Census Summary File 1. http://factfinder.census.gov/faces/tableservices/jsf/pages/

 productview.xhtml?pid=DEC 10 SF1 SF1DP1&prodType=table
- US Geological Survey. (2009). Ogallala Aquifer Spatial Variability in the Saturated Thickness of the High Plains. TTU CGST. http://www.arcgis.com/home/item.html?id=d990c 76946234c06a0a9d45bea56aflf accessed
- Wilson P.E., Brian. (1996) Water Conservation and Quantification Demands in Subdivision: A Guidance Manual for Public Officials and Developers. New Mexico Office of the State Engineer. Technical Report 48.

10. Figures

Figure 1: Mesquite Draw Subdivision Vicinity

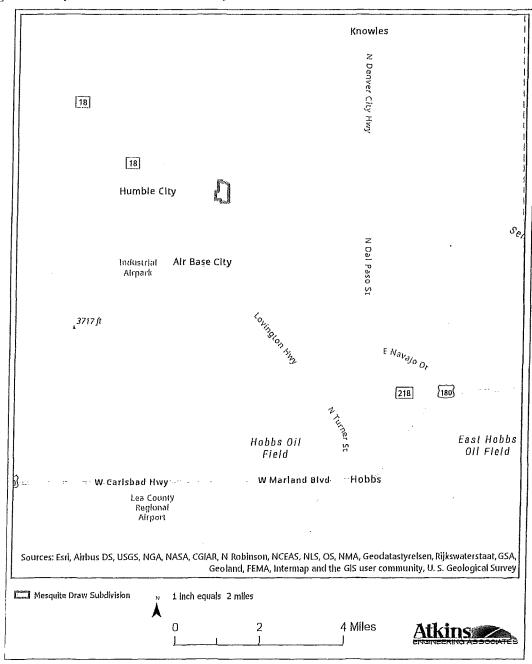
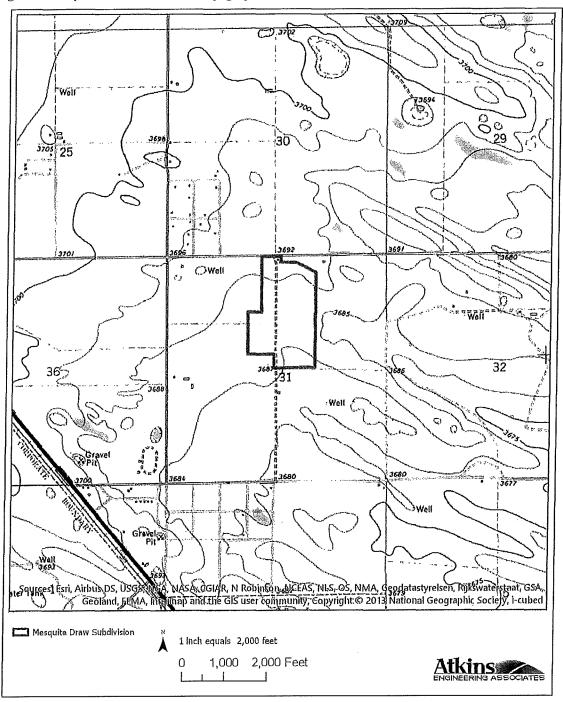


Figure 2: Mesquite Draw Subdivision Topographic



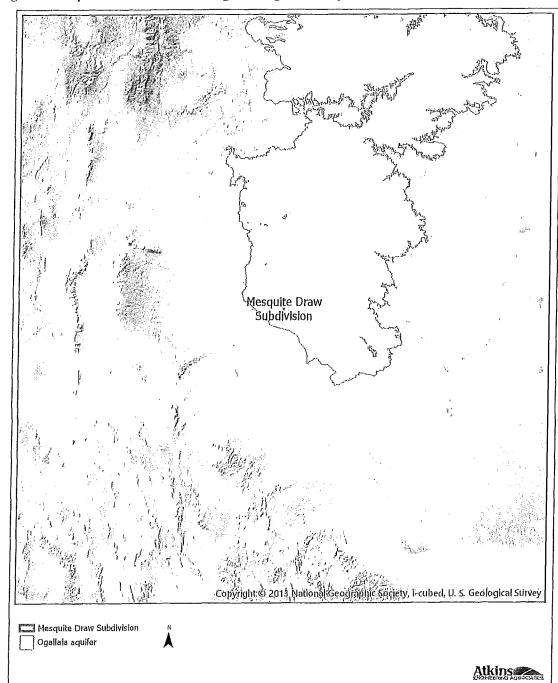


Figure 3: Mesquite Draw Subdivision v. Ogallala/High Plains Aquifer Boundaries

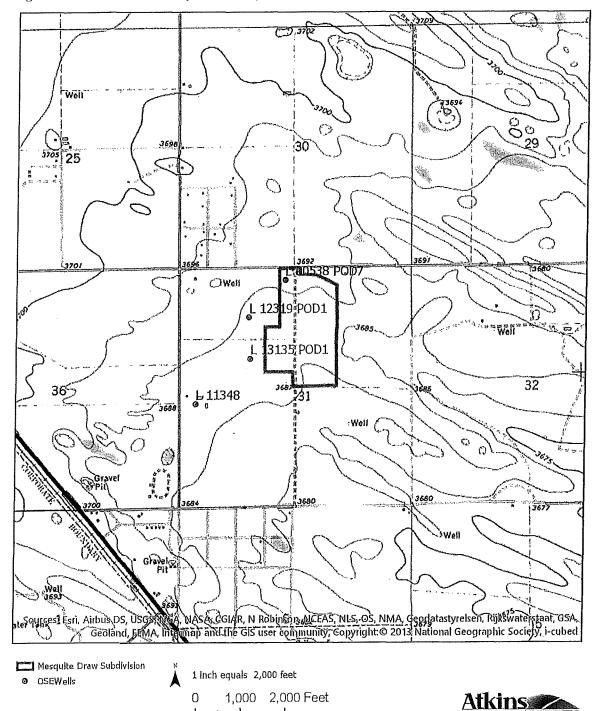


Figure 4: Subdivision and nearby OSE wells (*OSE NMWRRS Coordinates)

11. Appendices

11.1 Appendix A: OSE Well Logs and USGS Data Sheets

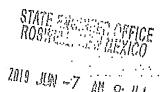


FILENO. L-.538-

LOCATION

WELL RECORD & LOG

OFFICE OF THE STATE ENGINEER



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DEPTH (feet bgl) COLOR AND TYPE OF MATERIAL ENCOUNTERED -WATER YIELD FOR THICKNESS BEARING? INCLUDE WATER-BEARING CAVITIES OR FRACTURE ZONES WATER-(feet) TO BEARING **FROM** (YES/NO) (attach supplemental sheets to fully describe all units) ZONES (gpm) 2 TOPSOIL 0 2 (9) Y 22 20 CALICHE 2 0 Y 22 24 2 SANDSTONE Ø Y 6 CALICHE 24 30 Ø Y SAND & SANDSTONE STRINGERS 30 90 60 Y Ø. SAND 181 91 Ð 90 N SANDY BROWN CLAY 181 205 24 8 N GOE 36 SAND & GRAVEL WITH SANDY BROWN CLAY STRINGERS 205 241 Ø N SAND & COARSE GRAVEL 260 19 241 Ø N ROGEOLOGICEO RED CLAY WITH BLUE STREAKS 260 Ø N Y N Y N Y N Y N Y N Y Ń Y N Y N Y N Y N. Y N METHOD USED TO ESTIMATE YIELD OF WATER-BEARING STRATA: TOTAL ESTIMATED WELL YIELD (gpm): **V**PUMP AIR LIFT BAILER OTHER - SPECIFY: TEST RESULTS - ATTACH A COPY OF DATA COLLECTED DURING WELL TESTING, INCLUDING DISCHARGE METHOD, START TIME, END TIME, AND A TABLE SHOWING DISCHARGE AND DRAWDOWN OVER THE TESTING PERIOD. MISCELLANEOUS INFORMATION: PRINT NAME(S) OF DRILL RIG SUPERVISOR(S) THAT PROVIDED ONSITE SUPERVISION OF WELL CONSTRUCTION OTHER THAN LICENSEE: THE UNDERSIGNED HEREBY CERTIFIES THAT, TO THE BEST OF HIS OR HER KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND! CORRECT RECORD OF THE ABOVE DESCRIBED HOLE AND THAT HE OR SHE WILL FILE THIS WELL RECORD WITH THE STATE ENGINEER. AND THE PERMIT HOLDER WITHIN 30 DAYS AFTER COMPLETION OF WELL DRILLING; PRINT SIGNEE NAME SIGNATURE OF DRULER DATE FOR OSE INTERNAL USE WR-20 WELL RECORD & LOG (Version 06/30/2017) FILENO, POD NO. TRN NO. LOCATION WELL TAG ID NO. PAGE 2 OF 2

EADES DRILLING & PUMP SERVICE

1200 East Bender Blvd., Hobbs, New Mexico 88240 (575) 392-2457 Fax (575) 392-7750

June 1, 2019

Daniel Johncox YMH Inc. 4830 Seminole Highway Hobbs, NM 88249 (575) 393-1525

Ref: L-00538 POD7

On May 17, 2019, our firm completed drilling an exploratory water well for your Mesquite Draw Project. The well was completed to a total depth of 260 feet. We conducted a two-hour pump test on the well on May 31, 2019. We used a Grundfos 1.5 horsepower submersible pump with a 1.25 inch open-flow discharge. It produced 35.2 gallons per minute over a continuous two hour period. Following is the data collected during the test:

Description	<u>Time</u>	<u>Water Level</u>
Check static water level	9:30 am	94.05 feet
Started pump	10:08 am	94.05 feet
Pumping water level	10:1 7 am	110.50 feet
Stopped pump	12:08 pm	110,90 feet
Check water level	12:08`pm	110.90 feet
Check water level	12:10 pm	94.05 feet

If you have any questions or we can be of any further assistance, please do not hesitate to contact me at (575) 392-2457. We appreciate your business.

Respectfully, and C. East

Andrea C: Eades

48488

L-538-B PODT

STATE ENGINEER OFFICE WELL RECORD



Section 1. GENERAL INFORMATION

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(A) Owner	Owner of well Robert Pillow Owner's Well No. Street or Post Office Address 4511 W. Georgia								
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d. X≃ _ , the _	7	_ feat, Y≃		{cct,	N.M. Coordinat	e System			Zone in Grant.
(B) Drilling	Contractor	Alan Eades	·+			License No	WD1044		
Address1	1200 Fast P	ender Blyd	., Hobbs	, New Mex	<u>d∞_88240</u>				
Drilling Began	7-10-02_	Comp	leted	Z-10-02	Type tools.	Rotary	Size o	f hole .	<u>7 7/8</u> _iл.
Elevation of la	and surface or _			at v	vell is	ft, Total depth	of well	232	(t,
Completed wa	શીંક Æલે ક	hallow 🖸 a	rtesian.		Depth to wat	er upon completion	or well		ft.
ı 	·	·		CIPAL WAT	ER-BEARING S	TRATA			
Pepih From	in Feet To	Thickness.		Description o	of Water-Bearing	Formation		mated ns per i	Yield minuite)
100	156	56	Sand	l & Sändst	one Stringe	ers			
178	183	5			Clay				
183	192	9	.	& Grave					
			Section	n 3. RECOR	D OF CASING	. •			
Diameter	Pounds	Threads	Depth	in Feet	Length	Type of Sho			rations
(inches)	per foot	perin.	Тор	Bottom		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		rom	То
5 3/4	160 psi			<u> </u>	232			192	232
			······	<u> </u>	<u></u>			15.1	- m
Danth	in Feet	Sectio Hole	n 4. RECO Saci		DING AND CEA			<u> </u>	<u> </u>
From	То	Diameter	of M		of Cement .	Method	i of Placen	nejil.	
								\mathbb{G}	
			·			11.		L	· : :
						હર્તાં	·····	- E	
	<u> </u>							<u> </u>	
lugging Contri	açior		Sectio	n 5, PLUGGI	NG RECORD		•		
ddress lugging Metho					No.	Depth in F			bic Fees
iagging metito iata Wall Plugg						Top	Bottom	01	Cement
lugging approv	red by:				2	<u>i</u>			
		State Engin	eer Represe	ntative					
	1/2/2-		FOR USE	OF STATE F	NGINEER ONL	y *#23	4002		
ate Received	1/25/02	•							
54 V	1/3/02 L-11, 34	18		Quac)	FWL			
rue No	~ 101	-		Tice (A)	TO III	Location No. / /	いつれっぽ	11251	1

			Section 6, LOG OF HOLE
. Depth	in Feet To	Thickness In Peet	Color and Type of Material Encountered
0	2	2	Top Soil
2	16	14	Caliche
16 .	25	9	Sand and Sandstone Stringers
25	62	37	Sand
62	100	38	White Sandy Clay
100	156	56	Sand and Sandstone Stringers
156	178	22	Sandstone
178	183	5	Sandy Brown Clay
183	192	9	Sand and Gravel
192	229	37	Brown Clay .
229	232	3	Red Clay
		,	
			•
•			
			,
			(et).
			·
			· .

Section 7. REMARKS AND ADDITIONAL INFORMATION

The undersigned hereby certifies that, to the best of his knowledge and belief, the foregoing is a true and correct record of the above described hole.

INSTRUCTIONS: This form should be executed in triplicate, preferably typewritten, and submitted to the appropriate district office of the State Engineer. All sections, except Section 5, shall be answered as completely and accurately as possible when any well is



For OSE Use Only Sammy Parsons

NEW MEXICO OFFICE OF THE STATE ENGINEER WELL RECORD and DRILLING LOG

1. PERMIT HOLDER(S)	
Name: Sammy Parsons	Name:
Address: 8327 N. Matt Drive	Address:
City: Hobbs	City:
State: NM Zip: 88242	State:Zip:
Phone:	Phone:
Contact Phone:	- -
2. STATE ENGINEER REFERENCE NUMB File #_L_12319 We	
3. LOCATION OF WELL (The Datum Is Assu	med To Be WGS 84 Unless Otherwise Specified)
Latitude: N32 Deg 46	Min43.2Sec
Longitude: W103 Deg 11	<u>Min 28.6</u> Sec
(Enter Lat/Long To A Datum If Not WGS 84:	at Least 1/10 th Of A Second)
4. DRILLING CONTRACTOR	
License Number: WD-1044	
Name: Alan G. Eades	Work Phone: (575) 392-2457
•	deliberation on sense printed by a description of the sense of the sen
Drill Rig Serial Number: 6373	
List The Name Of Each Drill Rig Supervisor Tha	at Managed On-Site Operations During The Diffing
	12 1
	<u> </u>
	T T

	- ti
	
5. DRILLING RECORD	
Drilling Began:11-7-08; Completed:	11-7-08 Drilling Method Rotary
Diameter Of Bore Hole: 9.875 (in); fr	
Total Depth Of Well: 215	(ft);
Completed Well Is (Circle One): Shallow/ Artesia	an ;
Depth To Water First Encountered:	(ft);
Depth To Water Upon Completion Of Well:	(ft). ASTIMU
Do Not Wr	ite Below This Line
TRN Number:	File Number: 2-12319
Form: wr-20 May 07 445451	
pa	age 1 of 4 17.38.31,123

Domestic

		U	
OSE	FILE	NUMBER	_

For OSE Use Only Sammy Parsons

NEW MEXICO OFFICE OF THE STATE ENGINEER WELL RECORD and DRILLING LOG

6. RECORD OF CASING

Diameter	Pounds	Threads	Depth	Length	Type of Shoe	Perforations
(inches)	(per ft.)	(per inch)	(feet)	Top to Bottom (feet)		(from to)
5.75	160 psi			215		175 to 215
+··			·			
				-		

7. RECORD OF MUDDING AND CEMENTING

Depth	Hole	Mud Used	Cement	Method of
(feet)	(diameter)	(# of sacks)	(cubic feet)	Placement
				22
				(F. 1)
				J# 2
				6
				7
1			,	5

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Form: wr-20 May 07	415751	0.04	1-123

page 2 of 4

Domestic

I-12319 17,38.31.123

OSE FILE NUMBER	المقاحمة ويق شفة التو يهجيكم علاجها يجه يدل ليهرب بنات التي حقة التي خلا التال والراشعة جوسيقة بيسانيك لينية
	For OSE Use Only
	Sammy Parsons

NEW MEXICO OFFICE OF THE STATE ENGINEER WELL RECORD

8. LOG OF HOLE. For Each Water Bearing Strata, Estimate The Yield Of The Formation In Gallons Per Minute.

Minute.				
Dep (fee	t)	Thickness	For Water Bearing	
From	To	(Feet)	Strata Enter The Estimated Yield in GPM	
0	1	1		Top Soil
1	19	18		Caliche
19	32	13		Caliche & Sand
32	74	42		Sand & Sandstone Stringers
74	163	89		Sand
163	178	15		Sand
178	194	16	111	Sand & Sandstone Stringers with Clay Streaks
194	214	20		Sandy Brown Clay
214	215	1		Red Clay
				, middignormal, g, e e
				. Za Ros
				J. A.
				2 7
				ד ד
			***	T XX
		1	{	ф Ö

Enter Method Used To Estimate Yi	eld:	
	Do Not Write Bolow This Line	
Trn Number: 4/575/ Form wr-20 May 07	page 3 of 4	File Number: <u>L-12319</u>

Domestic

17,38,31,123

For OSE Use Only Sammy Parsons

NEW MEXICO OFFICE OF THE STATE ENGINEER WELL RECORD

9, ADDITIONAL STATEMENTS	OR EXPLANATIONS:		
	ur saka lawa na		
			·
M. Address of the Co.			
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Annual Control of the State of			
		e ath and constitute as a first	•
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Printed and the second		ZODO - JAN	SZ.
			巴翼
		£ 5	T 2
		Ū	再
		***	で煮
W. W		· <u> </u>	
MANAGE - AMARAMAN	** *** *** *** *** *** *** *** *** ***		
The undersigned hereby certifies that, and correct record of the above descrifile this well record with the Office Office Office of the well drilling. Like Ades by Driller and Land Carlotte a	bed bore hole. The undersigned fif The State Engineer and permit he are the state Engineer and permit he are the state (mm/dd/year)	urther certifies that he or s	g is a true he will
111111	Do Not Write Below This Line	**************************************	<u> </u>
Trn Number: 4/5/5/ Form wr-20 May 07	page 4 of 4	File Number:	
	^	17.38,34	/23

Domestic



				-										
	POD NUI	IBER (WE	LL NUMBER)	****	•		******	<u> </u>	OSE FILE NO	MBER(S)	·			
Į Ž									L 12847					
E E	WBLL OWNER NAME(S)								PHONE (OP)	IONAL)				
१	Terry Calloway													
177			LING ADDRESS						CITY		STATE NM	0	ZIP	
WE	700 Ea	si Coll	onwood						Hobbs	8242				
2	WELL		I	DEGREES MINUTES SECONDS			-							
LA	LOCA	1	LATITUDE		N32	47	21	.4 N	*ACCURACY REQUIRED: ONE TENTH OF A SECOND					
L GENERAL AND WELL LOCATION	(FROM OPS)		LONOTRIDE		W103	W103 7 45.3 W			* DATUM RE	QTЛRED; WGS 84				
EN	DESCRIPTION RELATING WELL LOCATION TO STREET ADDRESS AND COMMONLANDMARKS												· , ,	
7	700 Ea	st Cotto	onwood, Ho	bbs, N	IM									
	<u> </u>		w /							- I				
	(2.5 AC		(10 ACRE)	ļ	(40 ACRE)	(160 ACRE)	Si	CTION		TOWNSHIP	☐ NORTE	RANGE	□ EAST	
3		14	- 1/4	·.	1/4	1/4		т пим	200	DI OOK MIN EDDD	ETUTOS 🔲	1 ***	WEST	
2. OPTIONAL	SUBDIVISION NAME LOT N								BEK	BLOCK NUMBER		UNIT/TR	ACI	
ģ	HYDROG	RAPHIC SI	III VRY		<u> </u>	·				MAP NUMBER		TRACT N	UMBER	
ų			, ,									, , , , , ,		
	LICENSE	HIMPP	L MATCH OR	Lionnépi	O DOLL I CO					NAME OF WELL	la i nició de	אַנאַט	· /	
	LICENSE NUMBER NAME OF LICENSED DRILLER WD1044 Alan Eades									Eades Drilling	& Pamp	Service	9	
	DRILLING				DEPTH OF COM	PLETED WELL (FT)	∫ BC		E DEPTH (FT)	DEPTH WATER	·	ā		
z	10-10-11 10-10-11			1	230		2	30		S F G				
110										STATIC WATER LE	DET IN COM	LETED WE	LL (FT)	
(MA	COMPLETED WELL IS: ARTESIAN DRY HOLE SHALLOW (UNCONFINED)							VED)	10 M M M					
FOF	DRILLING	FLUID:	AIR		₩ UD	ADDITIVES	-Specify	1						
3. DRILLING INFORMATION	DRILLING	METHOD:	₽ ROTA	RY	HAMMER				-SPECIFY:					
Ä	DEPI	H (FT)	BORE		CASING CO		CONN	ECTION	INSIDE DIA, CASING WALL		SLOT			
EE	FROM	ТО	DIA. (ATERIAL			CASING)	CASING (IN)	THICKN	ESS (IN)	SIZE (IN)	
3.D	Ö	20	9,87	75		PVC		slip	joint	5,135	.21	4		
į	20	190	8.7	5		PVC ,		slip	joint	5,135	· ,21	4	<u> </u>	
Ī	190	230	8.7	5		PVC		slip	joint	5,135	.21	4		
											<u></u>			
	DEPT	H (FT)	THICK	NESS	FO	RMATION DESC	CRIPTION	OF PR	INCIPAL WA	ATER-BEARING S	TRATA		YIBLD	
Y.T.A	FROM	TO	(FI)		(INCLUDE WAT				R FRACTURE ZON	ES)		(GPM)	
E E	95	198	103						stone string	jers				
ig.s	198	230	32					sand a	& gravel					
ES						-								
E			<u> </u>				****							
4. WATER BEARING STRATA	METHOD USED TO ESTIMATE YIELD OF WATER-BEARING STRATA TOTAL ESTIMATED WBL									WBLL YIELD	(OPM)			
4.4									ļ					
									·					

FOR OSE INTERNAL USE		WELL RECORD & LOG (Version 6/9/08)
FILB NUMBER 1-12847	PODNUMBER	TRN NUMBER 485253
LOCATION /7,38,31,424		PAGE 1 OF 2
	,/\ - <i>t</i>	

1 . !										
L CAME	TYPEO	F PUMP:	SUBMER TURBIN		☐ CYLINDER	☐ NO PUMP - WELL NOT EQUIPPED ☐ OTHER - SPECIFY:				
SEAL AND PUMP	4337	т тр	DEPTH FROM	DEPTH (FT) BORE HOLE MATERIAL TYPE AND SIZE (CUBIC FT)			METHOD OF PLACEMENT			
¥.	ANN SEAL		0	20	9.875	bentonite chips - hydrated	6	gravi	ty fed	
S.	Ø GRAVEL PACK		20	230	8.75	gravel	53		ity fed	
"					1					
	DEPTI	1 (FT)	THICK	NESS	1	COLOR AND TYPE OF MATERIAL ENCOUNT	ERED	WA.	TER	
	FROM	то	(17)		i .	DDE WATER-BEARING CAVITIES OR FRACT			RING?	
	0	4	4			top soil		☐ YES	□ NO	
	4	31	27	7		caliche				
	31	95	64	f		sand & sandstone stringers		☐ YES	□NO	
	95	198	10	3		sand & sandstone stringers		☐ YES	□NO	
آ پر [198	230	32	<u> </u>		sand & gravel		☐ YES	□NO	
AE	230	_	-			red clay		☐ YES	□ NO	
8						100 000 0000000000000000000000000000000	M. 1 - 1 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	☐ YES	□ио	
8			,					☐ YES	□NO	
ြည္ဆ	İ							☐ YES	□ио	
6. GEOLOGIC LOG OF WELL	j							☐ YES	□ NO	
98	******							☐ YES	□NO	
9					ખ			☐ YE\$	□NO	
	j							YES	□ио	
	ĺ					1410-0-151-0-0-1		☐ YES	□ NO	
Г				•				☐ YE\$	ОИП	
ΙГ				,				☐ YES	ОиЦ	
lſ								☐ YES	□NO	
			ATTACH	ADDITION	AL PAGES AS NE	EDED TO FULLY DESCRIBE THE GEOLOGIC	LOG OF THE WELL			
			METHOD:	BAILE	R DPUMP	☐ AIRLIFT ☐ OTHER - SPECIFY: Non	e by Eades Drilling]		
ONAL INFO	WELL	TEST				ATA COLLECTED DURING WELL TESTING, I ND DRAWDOWN OVER THE TESTING PERIO		Æ, END TI	ME,	
¥ :		1	·	\$13 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 	O DISCHARGE A	ND DRAWDOWN OVER THE TESTING TERC	10,			
	MOTTIQUA	AL STATEM	ents or expla	NATIONS:						
7, TEST & ADDITIO										
38										
[2]										
1,7				•						
-		mb 02 02 2		DDBVDVD A	TAME OF STREET	T OF HIS OR HER KNOWLEDGE AND BELIE	F THE FORPANIMATE	A TRIIE A	ND	
22	CORRECT	recori	OF THE ABO	OVE DESCR	IBED HOLE AND	THAT HE OR SHE WILL FILE THIS WELL RE	CORD WITH THE STA	TE ENGINE	ERAND	
LE)	THE PERI	MITHOLE	DER WITHIN 2	ODAYS AF	TER COMPLETIO	N OF WELL DRILLING:				
8. SIGNATURE	/	La a	\sim γ	adul	/ bd _	October 17, 2011				
8. S			SIGNATURE	OF DRULL		DATE				
- 1	SIGNATURE OF DRILLER JULIEU TA de DATE									

 FOR OSE INTERNAL USB
 WELL RECORD & LOG (Version 6/9/08)

 FILE NUMBER 1-/2847
 POD NUMBER / TRN NUMBER 485253

 LOCATION 17, 38, 31, 424
 PAGE 2 OF 2



ELL RECORD & LOG OFFICE OF THE STATE ENGINEER

www.ose.state.nm.us

STATE ENGINEER OFFICE ROSULLA .

		·											
	OSEPODI	NUMBER (W	ELL NUMBER)			1	<i>22.</i> (22	OSEFILENU	MBER(S)	AUG 30	JT/II	<u> </u>	
ž	4							L 13135 POD1					
V	WELL OW	NER NAME	(S)	F-0444	•			PHONE (OPTIONAL)					
ğ	WILLIAN		DA WILSON					***************************************					
TI	WELL OW	ner mailii AATT DRI	NG ADDRESS					CITY		STATE		ZTP	
100	\$029 N. A	AATT DRI	*1					HOBBS				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
N.A.) WELI	- 1	D	EGREES	MINUTES	SECO		+ (a=up a=b=a=b=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=a=b=a=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=b=a=a=a=b=a					
RAE	LOCATI	تيسار	ATITUDE	N32	47	34.		*ACCURACY REQUIRED; ONE TENTH OF A SECOND *DATUM REQUIRED: WGS 84					
GENERAL AND WELL FOCATION	(PROM C	L	ONGLIODE	W103	11 ·	28.	استنجست		· · · · · · · · · · · · · · · · · · ·				
5			ING WELL LOCATION T	O STREET ADDRI	ess and common	LANDM	ARKS – PLSS	i (Section, To	wnshiip, range) wi	iiava asəh	ABLE		
	8029 N. M	ATT DRI	VE, HOBBS, NM										
	LICENSE N	UMBER.	NAME OF LICENSEL	DRILLER	· · ·	•			NAME OF WELLDR	ILLING CON	APANY.	, , , , ,	
	WD 1044		ALAN G. EADES						EADES DRILLIN				
	DRILLING	STARTED	DRILLING ENDED		APLETRD WELL (FT)		E DEPTH (FT)	DEPTH WATER FOR	ST ENCOUN	TERED (FT)	
	08-22-12		08-22-12	225			225	·	STATIC WATER LE	UEL IN COM	PI RABU MI	III.(ET)	
Z	COMPLETE	D WELL IS:	ARTESIAN	NFONED)		SIATIC WATER IE	YES IN COM	LIETED WI					
DRILLING FLUID: AIR. MUD ADDITIVES SPECIFY;													
2. DRILLING & CASING INFORMATION	DRILLING	METHOD;	ROTARY	HAMMER	CABLETO	OL	OTHER	- SPECIFY:					
Ĭ.	DEPIH	(feet bgl)	BORE HOLE	CASING M	ATERIAL AND	OR	CAS	SING	CASING	CASING	3 WALL	SLOT	
Š	FROM	TO	DIAM	(include ea	GRADE oh casing string, a	nd		CTION PE	INSIDE DIAM.		NESS	SIZE (inches)	
CASI		<u> </u>	(inches)	note se	otions of screen)				(inches)		hes)	(menes)	
3	0	20	9,875		PVC	1		IOINT	5,135		14	<u> </u>	
N.	20	185	8.75	l pv	PVC C SCREEN	<u> </u>		T'NIOI T'NIOI	5.135	,2:			
ŽĮ,	185	225	8,75	1 rv	CSCKEEN		، عسره	IVIIVI	2,122	,2.	7.4	<u> </u>	
7, 13									 				
				<u>, </u>		T		i					
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<u> </u>	<u> </u>			<u> </u>				<u> </u>		<u> </u>			
ا د	DEPTH		BORE HOLE DIAM. (inches)	i	' ANNULAR SEA EL PACK SIZE-R			I	AMOUNT (cubic feet)		METHOI PLACEM		
E.A.	FROM	TO						VAL					
ANNULAR MATERIAL	0	20	9.875	B:	ENTONITE CHIE GRA		DRATED		7		GRAVITY GRAVITY		
Z Z	20	225	8.75		- CKA	YEL			52		TUN ATT I	Car	
LAB			<u> </u>										
2													
3. A)													
	i				-								

FOR OSE INTERNAL USE		WR-20 WELL RECORD & LOG (\)	orsion 06/08/2012)
PILE NUMBER L- 13135	POD NUMBER /	TRN NUMBER 5084	49
LOCATION DOM	175.38E.131	, 143	PAGE 1 OF 2

2000	CONTRACTOR CONTRACTOR	dawin Tara at a	renariènza en arabién o	wante to a way to and the say wife	W. 11. 11. 11. 11. 11. 11. 11. 11. 11. 1	and the same of the same of the same of	** *** ****	- 1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	Carry ent 2 tox carry to a lens	
	DEPTH (THICKNESS (feet)	COLOR A	ND TYPB OF MATERIAL ENC FER-BEARING CAVITIES OR F Upplemental sheets to fally descr	OUNTERED - RACTURE ZONES	WA BEA	ATER RING? (/NO)	ESTIMATED YIBLD FOR WATER- BBARING ZONES (gpm)	
	0	2	2	, , , , , , , , , , , , , , , , , , ,	TOPSOIL			иП	Zorinz (Spring)	
	2	17	15	CALICHB		ШΥ	□и			
	17	19	2		SANDSTONE		OY	□и		
	19	28	. 9	CA	CALICHE & SANDSTONE STRINGERS		UX	.Пи		
	28	85	57	SAND & SANDSTONE STRINGERS				□и		
	85	183	98		SAND & SANDSTONE STRING	ERS	□ Y ⊠ Y	□и		
	183	195	12		SANDY BROWN CLAY		×Υ	□и		
OF WELL	195	225	30		SAND & GRAVEL	·	⊠Y	□и		
	. 225	•			RED CLAYL		□ Y	ИП	~ ~~	
							□ Y	.□N	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
*(0	,						. 🗆 Y	□N		
HYDROGEODOGICTOG	 			***************************************			Y	ПИ		
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				· · · · · · · · · · · · · · · · · · ·			□Y	□ N	·	
	METHODIS	SED TO EST	TIMATE VIELD	OF WATER-BEARIN	IG STRATA: ☐ PUMP	TOT	AL ESTIM	IATED		
	☐ AIR LIFT			OTHER - SPECIFY;		wei	L YIELD	(gpm);		
	Marie Contraction	क्यांटरं र			TA COLLECTED DURING WEL	TESTING INCLUDE	NG DISCI	HARGEM	RTHOD	
Š	WELL TEST	START	TIME, END TIME	E, AND A TABLES	HOWING DISCHARGE AND DI	RAWDOWN OVER TH	E TESTIN	G PERIOL). 	
	MISCELLAN	EOUS INFO		THE STATE OF THE S			,			
8										
. 2										
	PRINT NAMI	E(S) OF DR	LL RIG SUPERV	/ISOR(S) THAT PRO	VIDED ONSITE SUPERVISION	OF WELL CONSTRUC	O MOLEC	THER THA	N LICENSBE:	
8										
	ርረ የአንዚ ፈርር ነ	AU CLAUDA	тик авоўе пе	ISCRIBED HOLE AN	EST OF HIS OR HER KNOWLE ID THAT HE OR SHE WILL FIL	E THIS WELL RECORI	E FOREG O WITH T	OING IS A HE STATI	A TRUE AND E ENGINEER	
TORK	AND THE PE	RMIT HOL	DER WITHIN 20	DAYS AFTER COM	PLETION OF WELL DRILLING	•				
2										
360	(Man) 40 de /ALAN EAXER 08/27/12									
. 0	- Vil	SION/ATU	RE OF DESCLER	/ PRINT SIGNEE	NAME		7	DATE		
المرجوبة		YM		the said or body, tree to			****		11. 21	
			•			WR-20 WELL REC	ነ ዔ ስያነ	OG (Varai	on 06/08/20121	
	OSE INTERN. NUMBER	AL USE		•	POD NUMBER	TRN NUMBER	, IXI IXI IX	CA LACISI	0 00/00(2012)	
عبندن	***************************************		•		·	_1				

LOCATION

PAGE 2 OF 2

Date Time ? Water Water Referenced ?	
and time it is a series in the control of the contr	
level, level, vertical	
Water-level feet feet datum Water	er-level
date-time below above accu	racy
accuracy land specific	
surface vertical	
datum	
Groundwater V New Mexico	-1-GO-1

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Groundwater levels for New Mexico

Click to hide state-specific text

Search Results -- 1 sites found

Agency code = usgs site_no list =

324715103113001

Minimum number of levels = 1

Save file of selected sites to local disk for future upload

USGS 324715103113001 17S.38E.31.311111

Lea County, New Mexico Latitude 32°47'27", LongItude 103°11'47" NAD83 Land-surface elevation 3,689.50 feet above NGVD29 The depth of the well is 110 feet below land surface.

This well is completed in the High Plains aquifer (N100HGHPLN) national aquifer.

This well is completed in the Ogallala Formation (1210GLL) local aquifer.

Output formats

- Output 10/111140								
Table of data								
Tab-separated data								
Graph of data								
Reselect period .								

Date	Time	? Water- level date- time accuracy	Water level, feet below land surface	Water level, feet above specific vertical datum	Referenced vertical datum	? Water- level accuracy	? Status	? Method of measurement	? Measuring agency	? Source (measure
1948-08-14		D	29.77			2		U		
1949-01-24		D	26.71			2		U		
1950-01-19		D	28.26			2		U		
1951-01-22		D	29,14			2		U		
1952-01-06		D	33.06			2		U		
1953-01-06		D	34.05			2		U		
1954-01-13		D	35.91			2		U		
1955-01-05		D	35.75			2		U		
1956-01-06		D	35.50			2		U		
1957-01-11		D	37.06			2		U		
1958-01-09		D	39,36			2		U		
1959-01-19		D	39.61			2		U		
1960-01-19		D	41.07			2		U		
1961-02-03		D	39.00			2		U		
1962-01-24		D	40.11			2		U		
1963-02-26		D	40.47			2		U		

1964-02-11	Date	Time	? Water-level date-time accuracy	Water level, feet below land surface	Water level, feet above specific vertical datum		Referenced vertical datum	? Water-level accuracy
1965-02-12								
1965-02-12	1964-02-11	D	41.98		2	.,	U	
1966-02-14								
1967-01-05			46.30			l	U	
1966-01-02							U	
1969-01-16							U	
1971-01-12		D	48.63		2		U	
1974-01-08	1970-01-06	D	49.99		2		U	
1975-01-07	1971-01-12	D	50.55		2		U	
1976-01-14	1974-01-08	D	49.76		2		U	
1977-01-07	1975-01-07	D	50.32		2		U	
1978-01-04	1976-01-14	D	51.33		2		U	
1979-01-03	1977-01-07	D	53.06		2		U	
1980-01-03	1978-01-04	D	54.70		2		U	
1981-01-06	1979-01-03	D	52.09		2		U	
1982-01-06	1980-01-03	D	52.37		2		U	
1983-01-04	1981-01-06	D	53.43		2		U	
1984-01-04	1982-01-06	D	53.36		2		U	
1985-01-08	1983-01-04	Ď	51.50		2		U	
1986-01-09	1984-01-04	D	51.84		2		U	
1987-01-07	1985-01-08	D	51.83		2		U	
1988-01-09	1986-01-09	D	52.16	•	2		U	
1989-01-04	1987-01-07	D	53.08		2		U	
1990-01-04	1988-01-09	D	51.78		2		U	
1991-01-03	1989-01-04	D	52.50		2		U	
1992-01-02 D 54.21 2 U 1993-01-05 D 53.18 2 U 1994-01-05 D 54.97 2 U 1995-01-07 D 54.69 2 S 1996-01-10 D 55.62 2 S 1997-01-03 D 56.47 2 U 2000-01-04 D 59.57 2 U 2001-01-02 D 60.50 2 S USGS 2002-01-03 D 61.21 2 S USGS 2003-01-06 D 62.20 2 S USGS 2004-01-09 D 63.47 2 S USGS 2005-01-05 07;50 MST M 64.26 2 S USGS 2007-01-09 15;35 MST M 67.34 2 S USGS 2007-12-18 12;30 MST M 67.92 2 R S USGS	1990-01-04	D	52.66		2		U	
1993-01-05 D 53.18 2 U 1994-01-05 D 54.97 2 U 1995-01-07 D 54.69 2 S 1997-01-10 D 55.62 2 U 2000-01-03 D 56.47 2 U 2001-01-02 D 60.50 2 S USGS 2002-01-03 D 61.21 2 S USGS 2003-01-06 D 62.20 2 S USGS 2004-01-09 D 63.47 2 S USGS 2007-01-05 07:50 MST m 64.26 2 S USGS 2007-01-09 15:35 MST m 67.34 2 S USGS 2007-12-18 12:30 MST m 67.92 Z R S USGS	1991-01-03	D	53.49		2		U	
1994-01-05	1992-01-02	D .	54.21		2		U	
1995-01-07 D 54.69 2 S S 1996-01-10 D 55.62 2 S S S S S S S S S S S S S S S S S S	1993-01-05	D .	53.18		2		U	
1996-01-10 D 55.62 2 S 1997-01-03 D 56.47 2 U 2000-01-04 D 59.57 2 S 2001-01-02 D 60.50 2 S USGS 2002-01-03 D 61.21 2 S USGS 2003-01-06 D 62.20 2 S USGS 2004-01-09 D 63.47 2 S USGS 2005-01-05 07:50 MST M 64.26 2 S USGS 2007-01-09 15:35 MST M 67.34 2 S USGS 2007-12-18 12:30 MST M 67.92 2 R S USGS	1994-01-05	D :	54.97		2		U	
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2005-01-05 07:50 MST m 64.26 2 S USGS 2007-01-09 15:35 MST m 67.34 2 S USGS 2007-12-18 12:30 MST m O S USGS 2008-01-15 12:15 MST m 67.92 2 R S USGS	2003-01-06	D 6	52.20		2			
2007-01-09 15:35 MST m 67.34 2 S USGS 2007-12-18 12:30 MST m O S USGS 2008-01-15 12:15 MST m 67.92 2 R S USGS	2004-01-09	D 6	53.47		2			
2007-12-18 12:30 MST m O S USGS 2008-01-15 12:15 MST m 67.92 2 R S USGS	2005-01-05 07:50 MST	m 6	64.26		2			USGS
2008-01-15 12:15 MST m 67.92 2 R S USGS	2007-01-09 15:35 MST	m 6	57.34		2		S	USGS
	2007-12-18 12:30 MST	m			0		S	
2008-12-17 11:31 MST m 69,34 2 S USGS	2008-01-15 12:15 MST	m 6	7.92					
	2008-12-17 11:31 MST	m 6	9,34		2		S	USGS

Explanation

	Section	Code	Description
٠	Water-level date-time accuracy	D	Date is accurate to the Day
	Water-level date-time accuracy	m	Date is accurate to the Minute
	Water-level accuracy		Not determined

3/6/2020

Date	Time	? Water-le date-tim accuracy	e,	Water level, feet below land surface	Water level, feet above specific vertical datum	Referenced vertical datum	? Water-level accuracy
Method of measurement		s	Steel-tape m	neasurement.			
Method of measurement		U	Unknown me	ethod.			
Measuring agency			Not determin	ned			
Measuring agency		USGS	U.S. Geologic	cal Survey			
Source of measurement		s	Measured by	personnel of reporting ag	jency.		
Source of measurement		บ	Source is uni	known,			
Water-level approval stat	tus	Α	Approved for	publication Processing	and review completed.		

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U.S. Department of the Interior | U.S. Geological Survey Title: Groundwater for New Mexico: Water Levels

URL: https://nwis.waterdata.usgs.gov/nm/nwis/gwlevels?

Page Contact Information: <u>New Mexico Water Data Maintainer</u> Page Last Modified: 2020-03-05 19:59:18 EST

1,07 0,28 nadww01



State of New Mexico State Engineer

(L SCHEDULE
Source of data: Obser X Owner Other
Source of data: Obser X Owner Other
LOCATION: County Lea Map 108.2.3
OWNER_Jose S. Torrez to: Winford Carlile
DRILLER Otis H. Pruett Completed June 20 1960
TOPO SITUATION Flat Hobbs Mosiac Elev 3691
DEPTH 110 ft X Rept Meas Use IRR
CASING 10 3/4 in to 135 ft Log Drillers
PUMP: Type Turbine Make Peerless
Ser.no./maxxx.18018 Size of dischg 10 in.
PRIME MOVER: Make Chev. 6 cyl. HP
Ser.no, Power/Fuel LPG
PUMP DRIVE: X Gear Head Belt Head Pump Jack
Make Peerless Ser.no J-16896 WHS WATER LEVEL: 52.27 ft meas 19 61 all which below below
WATER LEVEL: 52.27 ft rest Jan. 23 19 61 areas below
thru discharge pipe, bottom lip
which is 8.00 ft above LS
PERMANENT RP is bottom of concrete ditch
which is 9.65 ft below described MP and 1.65 ft below LS
DEMARKS Bottom of 14" hole is 7.04' below the bottom lip
AQUIPER(S): Tog #7 /27-25-11
Well No. 6 on Photo 1-163-1a DPN 25-11418
File No L-538 Loc. No. 17.38.31.211114

Remarks cont. of the discharge pipe & 0.961 above land surface & 2.61 above the bottom of concrete ditch which is the R.P. Discharges to east, under ice, into concrete ditches.

SKETCH:

N

INITIAL WATER-	DEPTH TO WATER					
LEVEL MEASUREMENT	I	Below MP				
HI THE TOTAL ORDINATE TO	lst	2nd	3rd	LS		
Date Jan. 23,19 61	71.00	76.00		52.57		
HourAM Obs_B.G.	18.72	23.73		8.00		
Not POA (X) POA ()	52,28	52.27		44.27		

W L meas after pump shut off ____ min. Pumping W L ()
Remarks _____



មនិទីនិ Home Contact USGS Search USGS

National Water Information System: Web Interface

USGS Water Resources

Data Category:			Geographic Area:			 _		
Groundwater		V;	New Mexico				V	GO
	••		·	_		 _		

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- · Notice The USGS Water Resources Mission Area's priority is to maintain the safety and well-being of our communities, including providing critical situational awareness in times of flooding in all 50 U.S. states and additional territories. Our hydrologic monitoring stations continue to send data in near real-time to NWISWeb, and we are continuing critical water monitoring activities to protect life and property on a case-by-case basis. The health and safety of the public and our employees are our highest priorities, and we continue to follow guidance from the White House, the CDC, and state and local authorities.
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Groundwater levels for New Mexico

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Search Results -- 1 sites found

Agency code = usgs site_no list =

• 324743103110301

Minimum number of levels = 1

Save file of selected sites to local disk for future upload

USGS 324743103110301 17S.38E.31.211114

Lea County, New Mexico

Water-level accuracy

Latitude 32°47'53", Longitude 103°11'14" NAD27 Land-surface elevation 3,691.00 feet above NGVD29

The depth of the well is 110 feet below land surface.

This well is completed in the Ogallala Formation (1210GLL) local aquifer. Output formats

output formats							
Table of data							
Tab-separated data							
Graph of data							
Passelect period							

Date	Time	? Water- level date- time accuracy	Water level, feet below land surface	Water level, feet above specific vertical datum	Referenced vertical datum	? Water- level accuracy	? Status	? Method of measurement	? Measuring agency	? Source o measure
										[
1961-01-23		D	44.27			2		U		
1966-02-23		D	50.80			2		U		
1971-02-03		D	56.97			2		บ		
1976-03-02		D	61.08			2		U		
1981-02-19		D	58.21			2		U		
1986-01-31		D	59.29			2		บ		

Explanation									
Section	Code	Description							
Water-level date-time accuracy	D	Date is accurate to the Day							

Water level accuracy to nearest hundredth of a foot

4/15/2020

USGS Groundwater for New Mexico: Water Levels -- 1 sites

Section	Code	Description
Status		The reported water-level measurement represents a static level
Method of measurement	U	Unknown method.
Measuring agency		Not determined
Source of measurement	U	Source is unknown.
Water-level approval status	Α	Approved for publicat on Processing and review completed.

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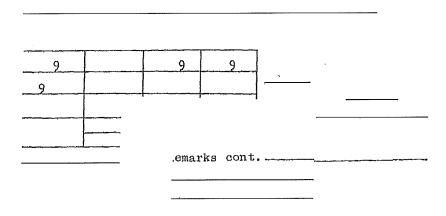
Page Contact Information: <u>New Mexico Water Data Maintainer</u> Page Last Modified: 2020-04-15 19:14:27 EDT

0.34 0.22 nadww01

USA.gov

State of New Mexico State Engineer

LL SCHEDULE
source of data: Obser X Owner Other
Date Jan. 23 1961 Record by B. Garvey
LOCATION: County Lea Map 108.2.3
OWNER Curtis Jones
DRILLER Agua Drlg. Co. Completed Mar. 5 19 52
TOPO SITUATION hilly Hobbs Mosiac Elev 3688.5
DEPTH 122 ft X Rept Meas Use IRR
CASING 17 in to 4 ft Log Drillers
PUMP: Type Turbine Make Peerless
Ser.no./model 152666 Size of dischg 10 in.
PRIME MOVER: Make HP
Ser.no. Power/Fuel
PUMP DRIVE: Gear Head Belt Head Pump Jack
Make Ser.no VHS
WATER LEVEL: 56.27 ft meas Jan. 23 19 61 below north
side of pump & casing point-outer edge of anchor bolt
yhich is 0.50 ft above Ls
PERMANENT RP is top of 3' x 3' - concrete base
- A SAN HARALINA SAN SAN SAN SAN SAN SAN SAN SAN SAN S
which is 0.29 ft above below described MP and 0.21 ft above LS
EMARKS Well is shown on topo, quad.
QUIFER(S): Tog #11 727-25-12
ell No. 9 on Photo L-2-201-3 DPN 25-11420
ile No L-320-S-2 Loc. No. 17.38.32.23240



SKETCH:

N

INITIAL WATER-	DEPTH TO WATER						
LEVEL MEASUREMENT	j	Below					
I MEDICATIO CANDIN LIET EIC.	lst	2nd	3rd	LS			
Date Jan. 23,19 61	70.00	72.00		3689			
Hour AM ObsBG	13.73	15.73		56			
Not POA () POA ()	56.27	56.27		3633			

W L meas after pump shut off ____ min. Pumping W L ()
Remarks _____



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USGS Water Resources

Data Category:	 Geographic Aren:			_		
Groundwater	New Mexico		-		Y	GO
	 1	 			 	

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Search Results -- 1 sites found

Agency code = usgs site_no list =

• 324724103095001

Minimum number of levels = 1

Save file of selected sites to local disk for future upload

USGS 324724103095001 17S.38E.32.23240

Lea County, New Mexico Latitude 32°47'36", Longitude 103°10'00" NAD27 Land-surface elevation 3,688.50 feet above NGVD29

The depth of the well is 122 feet below land surface.

This well is completed in the Ogallala Formation (1210GLL) local aquifer.

	Output formats	
Table of data		
Tab-separated data		
Graph of data		
Reselect period		

Date	Time	? Water- level date- time accurac y	Water level, feet below land surface	Water level, feet above specific vertical datum	Referenced vertical datum	? Water- level accuracy	? Status	? Method of measurement	? Measuring agency	? Source o measure
										(
1961-01-23		D	55.77			2		ប		
1966-02-25		D	62.26			2		. U		
1971-02-03		D	66,90			2				
1976-03-03		D	63,76			2		, n		
1981-02-19		D	66.63			2		U		
1986-01-31		D	69.97			2		U		

		Explanation
		n existing a ± e 1 Maria fanase are transference and a contraction of the contraction of the contraction of the
<u> </u>	,	
Section	Code	Description
\		\ <u>\</u>
Water-level date-time accuracy	D	Date is accurate to the Day

2 Water level accuracy to nearest hundredth of a foot Water-level accuracy

4/15/2020

USGS Groundwater for New Mexico: Water Levels -- 1 sites

Section	Code	Description			
Status		The reported water-level measurement represents a static level			
Method of measurement	U	Unknown method.			
Measuring agency		Not determined			
Source of measurement	U	Source is unknown.			
Water-level approval status	A	Approved for publicat on Processing and review completed.			

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Title: Groundwater for New Mexico: Water Levels
URL: https://nwis.waterdata.usgs.gov/nm/nwis/gwlevels?

Page Contact Information: <u>New Mexico Water Data Maintainer</u> Page Last Modified: 2020-04-15 16:25:12 EDT

0.28 0.25 nadvvv02



FE-1

State of New Mexico State Engineer

WELL SCHEDULE
Source of data: Obser Owner Other 4545 Date 2/6 19 39 Record by Conorth 108 2 3
Date
LOCATION: County Map
OWNER M. J. Waltman
DRILLER Completed nov. 193
TOPO SITUATION Holler massic Elev 3705
DEPTH 120 ft X Rept Meas Use ZPR
CASING 15 in to ft Log
PUMP: Type Turkine Make Kimball - Krough
Ser.no./model Size of dischg in.
PRIME MOVER: Make HP
Ser.noPower/Fuel
PUMP DRIVE: Gear Head Belt Head Pump Jack
Make Ser.no VHS
WATER LEVEL: 26, 88 ft rept 2/6 1939 above TC meas; and top di concrete
and lop of Concrete
which is / ft above LS
PERMANENT RP is
,
CIE UNDATED SCHED
which isft above described MP andft above below LS
REMARKS USUS ANNUAL WELL 1801 Tog
1800 12 Mill of a Tag
Well No on Photo
File No 4-1076 Loc. No. 17.37.36. 11.33.2/

Remarks con	nt. DHC in	0.15 obon	e TC ov	bottom
of DHC	it. DHC in in 1.15' also	me List,		

SKETCH:

N

INITIAL WATER-	DEPTH TO WATER				
LEVEL MEASUREMENT	Below MP			Below	
	lst	2nd	3rd	LS	
Date 716 6, 19 39				26.88	
Hour 8.50 PM Obs CSC				1.00	
Not POA (X) POA ()	26.88			25.88	

W L meas after pump shut off..... min. Pumping W L () .
Remarks______

State of New Mexico State Engineer

WELL SCHEDULE
Source of data: Obser 🗵 Owner 🗌 Other
Date19 24 Record by
LOCATION: County Map
OWNER
DRILLER Completed 2/ 3/Complete 19 50
TOPO SITUATION Elev Filev
DEPTH / ft Rept Meas Use
CASING in to 125 ft Log
PUMP: Type Make
Ser.no./model Size of dischg in.
PRIME MOVER: Make HP
Ser.no Power/Fuel
PUMP DRIVE: Gear Head Belt Head Pump Jack
Make Ser.no VHS
WATER LEVEL: ft rept above below below
Company of the State of the Sta
which isft above below LS
PERMANENT RP is
above
which isft above below described MP andft above LS
REMARKS SOUTH OF A STATE AND SERVICE STATE OF THE STATE O
AQUIFER(S): Tog #/av 727-25-10 32473410312360/ Well No on Photo DPN
Well No on Photo DPN
File No. Loc. No.

Remarks cont. Side e	f 31/1 x 3	31/4 den	rete é	locki.
Channel in concre	ta block	1.0 A.L	.s. On	1 3/24/51
Manage cleaned	well out	andra	n 103	1718"
Maring, 1-9-81 Hu				
Soo HO Tashiba h	oriz. shi	itt elect	ric Mus	toil
bett driving the				
Now in Harol	Runn	de Setat	0 11	a ll docon
SKETCH: Now in Harold	1 1001	1.1 60	$\mathcal{L} = \mathcal{L} $	e a decomo
30 7 Oct	1 1700	Bej (3/40	My Daca	us.
	• •			
	£ 13	A. M.P.		
and M.P.		(-)		
				••
	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	\.		
· .		: //	,	
***			1	•
	W.	mer	•	
**	· \	مستسمد المراجع المراجع		
"Repaired & d		al to	135' x	217
80' of 14" casi	79 62 6	Fradu	Bocke	5 017
10-24-80.				
INITIAL WATER-			TO WAT	***
LEVEL MEASUREMENT		Below MP	2 m d	Below
	lst	2nd	3rd	LS
Date <u>Feb. 16</u> , 19 <u>61</u>	73.00	72.00		44.45
Date	28.56	27.54		4.71
ot POA () POA () 44.44	11.46		39.74
/ L meas after pump sh	ut off	min.	Pumpins	g W L ()
emarks				

(

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:

STATE ENGINEER Technical Division

Owner J.A. Johnson	DEPTH TO WATER W					
Use Irrigation	Belo	w MP	Below	a a constant		
	lst	2nd	LSD	ELEV		
Date <u>Feb</u> 10,1961	73.00	72.00	44.45	3705		
HourAM Obs JE-W	28.56	ス1.54	4.71	40		
Not POA () POA ()	니니,니니	44.46	37.74	36.65-		
W L meas after pump shut Remarks	off	min.	Pumping	W L ()		
Date Feb. 22,1966	60.00	60.00	50.34	3705-		
HourAM Obs G.V.B	9.66	9.66	4.71	46		
Not POA () POA ()			والمراجعين والمراجعين والمراجعين فالمراجع والمراجع والم والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع و	3659		
W L meas after pump shut		min.	Pumping	W L ()		
Remarks Check Reading	1 Same					
	•					
Date FEB 4 ,197/ Hour AM Obs TGG	60,00	61.00	54.48	3705		
Hour AM Obs TGG	552/	6.50	4.71	50		
			49.77			
W L meas after pump shut of Remarks	off	min.	Pumping	W L ()		
				· · · · · · · · · · · · · · · · · · ·		
Date <u>Feb. 17</u> ,19 76	1000	// On T	50 0 W	1-0		
Hour 1:45 AM Obs 10	384	482	4.71	<u> </u>		
Hour ///5 AM Obs // O Not POA () POA ()	56.16 3	56,120	51.45	3454		
W L meas after pump shut o	ff	_nin.				
Remarks End of discharge	e pipe					
Latitude	-		25-100	7.0		
File No LOTG Loc	ation No	17.37.	36.113	312		

75.00 74.00 70. 69.00 67.00 66.00 11.87 11.85 12.03 11.70 10.97 55.03 66.50 11.47

Technology the state of

STATE ENGINEER Technical Division

Owner	DE	ATER	WATER		
Use IRRIGATION		W MP	Below	LEVEL	
	lst	2nd	LSD	ELEV	
Date <u>Fib.</u> 17,1926	55,00	56,00	52,45	3705	
Hour 1.50 AM Obs KO	2.55	3,55	1,00	51	
Not POA (×) POA ()		52.45	51.45		
W L meas after pump shut Remarks Second MF had some head	off	min.	Pumping	WL ()	
Remarks Frequel madamen	00 50	mz (141)	2.1 /31	in allschip	
	5 3/ 5c	hed.		, , , , , , , , , , , , , , , , , , ,	
Date 0n 9,198/					
Date on 9,198/ Hour AM Obs TSD					
Not POA () POA ()					
W L meas after pump shut	off	min.	Pumping	Ŵ L ()	
Remarks Well Administration	" force	nd rem	oits m	11/	
probably run	30- 9	5 10.	40		
Date January 27, 1981	60.00	59.00	58.04	370.5	
Hour 9 40 (AM) Obs HWP	1.96	0.97	1,00	57	
				2648/	
W L meas after pump shut	off	min.	Pumping	W L ()	
Remarks M. P. = hace DHC	- WP	<u>U</u> 1005	becu s	Levit in	
over 3'/2 olays				·····	
Date <u>7811 31,19 26</u>	66,00	66,50	55.03	3705	
Δ M		11.47	1,00	54	
**************************************		55.03		3651	
W L meas after pump shut o		·	Pumping	1,00	
Remarks		·			
Latitude	Longit	ude. <u>DP</u> A	1 25-10	9.01	
			36.1193	•	

STATE ENGINEER Technical Division

Owner	DE	WATER		
Use		w MIP	Below	LEVEL
	lst	2nd	LSD	ELEV
Date $\frac{Jan}{1/5}$, 1991	60.00	(01.00	59,22	3705
Hour 145 AM Obs MA	0.78	- 4/	4.71	<i>5</i> 5
Not POA (X) POA ()	.59.22	59.22	54.51	3650
W L meas after pump shut	off_	min.	Pumping	WL()
Remarks M.P. = end of	discha	nge All	se.	
	(
Date T A A 2 1/. 199/.				
Date JAN 24,1976	62.00	63.00	60.09	3/05
Hour / J. 7 S PM OBS D C (W)	1,91	2.91	4.71	5.5
Not POA (人) POA ()	60.09	60.09	55.38	3650
W L meas after pump shut	off	min.	Pumping	W L ()
Remarks				
Date,19				
Hour AM Obs				
Not POA () POA ()				
W L meas after pump shut	off	min.	Dumping	w r ()
Remarks	O11	······· m x x x •	Lumprug	# L ()
Date,19				
HourPM Obs				
Not POA () POA ()				
W L meas after pump shut of	off	_min.	Pumping	W L ()
Remarks		-		
		,		
			ON. D.C.	10001
Latitude			N. 25-	•
File No. 2-1076 Loc	eation No	・フフェラフ	1.3/4.//55	12

QUALITY CONTROL SHEET - STATE ENGINEER

Date	Collector	POC	Remarks and Use	CI.	SC	X
7/15/42	21565	DP		45	649	x
4/28/28	11565 SEO	DP	766°F	55	745	
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		. 	***************************************			
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X More Complete Analysis Available on Sample

Aquifer (s) Tog D.P.N 25-10224

File No. 4-1076 Location No. 17. 37. 36. 113321

FE-1

State of New Mexico State Engineer

	D'are mignieci
V	WELL SCHEDULE
2	Source of data: Obser Owner Other
	Date April 22 19 28 Record by 2 2000 Teel
L	LOCATION; County Lea Map 108.2.3.
C	OWNER Lea Den by Speedbook (Council)
	DRILLER V.2n 1)64 Completed 1922 19
T	POPO SITUATION FIAT Mosso Elev 368
	DEPTH 150 ft Rept Meas Use 170
С	ASING in to ft Log
P	UMP: Type Suhmersible Make
S	er.no./modelSize of dischg
P	RIME MOVER: Make
S	er.noPower/FuelPower/Fuel
Ρì	UMP DRIVE: Gear Head Belt Head Pump Ja
Ma	ake Ser.no
W	ATER LEVEL: 1.7 ft rept /- 7 19 // above to below
	which is t above below
ΡI	ERMANENT RP is
	avode
wł	above described MP andft below
RF	EMARKS Well lac. 510 covers of pace forch. AQUIFER 15 To # 4 400727-25-10 PLOS ON Photo 139-2 DPN 25-17512
À	OUTER 15 To # 400727-25-10-
	3 Hobbs 129.12 15 514
γe	DPN On Photo
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Remark	s cont				
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**************************************	**************************************	,			· · · · · · · · · · · · · · · · · · ·
7					
£	CATALOGUE AND		occupies .		

SKETCH:

N

INITIAL WATER-	DEPTH TO WATER						
LEVEL MEASUREMENT		Below					
	lst	1st 2nd 3rd					
Date JAN 7, 1981	65.00	51.00		50,47			
Hour /2/70 AM Obs From	1451	0,23		0,00			
Not POA (X) POA ()	50.47	0.47		58.47			

STATE ENGINEER Technical Division

Owner Ruscoll	DE	ATER	WATER		
Use []	Belo lst	W MP	Below	LEVEL	
		2nd	LSD	ELEV	
Date 3 AM 7,19 8/	35,30	2711	1	3687	
Hour (2:30 AM Obs HNPTSD	14.51	200	0,00.	50	
Not POA (//) POA ()			50.4%	3637	
W L meas after pump shut	off	min.	Pumping	W L ()	
Remarks No body hours	<u> vall</u>	Mission.	car in	En.	
C. C. C.				and the second second second second second	
Date Jan 28,19 36	60.00	6270		3600	
Hour 13 AM Obs L6 KO	12.3	11.86	2.00	5.1	
Not POA () POA ()	57,78			0626	
W L meas after pump shut	off	min.	Pumping	W L ()	
Remarks blattic con as	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	and the second second	<u> 12. Si</u>	ing of the A	
				in de general production of the second contract of the second contra	
Date ,19					
Hour AM Obs		·			
Not POA () POA ()	A				
W L meas after pump shut	îîo	min.	Pumping	W L ()	
Remarks	alangan magada sada meninada da	and the second s		. Lin strongstyramathardyngyggyd Thallyngagellygilyn diwysig Sille	
		- According to the Control of the Co			
Date,19					
Hour AM Obs				ter eige Kristen (z. e.	
Not POA () POA ()					
W L meas after pump shut o	off	min.	Pumping	W L ()	
Latitude	Longit	ude <u><i>CP1</i></u>	126 1	7.511	
File No 2 6926 Loc	cation No	0 17.37	36,44	3422	



USGS Home Contact USGS Search USGS

National Water Information System: Web Interface

USGS Water Resources

Groundwater	Geographic Area: V: New Mexico	-	 ~ <u>~</u>	GO

Click to hideNews Bulletins

- Notice The USGS Water Resources Mission Area's priority is to maintain the safety and well-being of our communities, including providing critical situational awareness in times of flooding in all 50 U.S. states and additional territories. Our hydrologic monitoring stations continue to send data in near real-time to NWISWeb, and we are continuing critical water monitoring activities to protect life and property on a case-by-case basis. The health and safety of the public and our employees are our highest priorities, and we continue to follow guidance from the White House, the CDC, and state and local authorities.
- · Introducing The Next Generation of USGS Water Data for the Nation
- Full News

Groundwater levels for New Mexico

Click to hide state-specific text

Search Results -- 1 sites found

Agency code = usgs site_no list =

• 324734103123601

Minimum number of levels = 1

Save file of selected sites to local disk for future upload

USGS 324734103123601 17S.37E.36.113321

Lea County, New Mexico
Latitude 32°47'44", Longitude 103°12'46" NAD27
Land-surface elevation 3,705.00 feet above NGVD29
The depth of the well is 120 feet below land surface.
This well is completed in the Ogallala Formation (1210GLL) local aquifer.

is well is completed in the Ogaliala Formation (12100EL) local addition.

Out	tр	ut	f	O	m	a	ts
 	-						

Table of data
<u>Tab-separated data</u>
Graph <u> of data</u>
Reselect period

Date	Tíme	? Water- level date- time accuracy	Water level, feet below land surface	Water level, feet above specific vertical datum	Referenced vertical datum	? Water- level accuracy	? Status	? Method of measurement	? Measuring agency	? Source o measure
1939-02-06		D	25.88			2		U		
1940-02-05		D	26,15			2		ប		
1942-02-04		D	23.78			2		U		
1943-01-21		D	23.93			2		ប		
1944-01-16		D	26,45			2		U		
1945-01-12		D	25.50			2		U		
1946-02-01		D	27,25			2		U		
1961-02-16		D	39,74			2		U		
1966-02-22		D	45.63			2		U		
1971-02-04		D	49.77			2		υ		
1976-02-17		D	51,45			2		U		
1981-01-20		D	57.04			2		υ		

Date	Time	? Water- level date- time accuracy	Water level, feet below land surface	Water level, feet above specific vertical datum	Referenced vertical datum	? Water- level accuracy	? Status	7 Method of measurement	? Measuring agency	? Source o measure
1986-01-31		D	54.03			2		И		
1991-01-17		D	54,51			2		U		
1996-01-24		D	55.38			2		S		

Explanation

· · · · · · · · · · · · · · · · · · ·					
Section	Code	Description			
Water-level date-time accuracy D		Bate is accurate to the Day			
Water-level accuracy	2	Water level accuracy to nearest hundredth of a foot			
Status	•	The reported water-level measurement represents a stat c level			
Method of measurement	S	Steel-tape measurement,			
Method of measurement	U	Unknown method.			
Measuring agency		Not determined			
Source of measurement U		Source is unknown.			
Nater-level approval status	Α	Approved for publication Processing and review completed.			

Questions about sites/data? Feedback on this web site

<u>Automated retrievals</u>

Help

Data Tips

Explanation of terms

Subscribe for system changes

<u>News</u>

Accessibility

Plug-Ins

FOIA

Privacy

Policies and Notices

U.S. Department of the Interior | U.S. Geological Survey
Title: Groundwater for New Mexico: Water Levels
URL: https://nwis.waterdata.usgs.gov/nm/nwis/gwlevels?

Page Contact Information: <u>New Mexico Water Data Maintainer</u> Page Last Modified: 2020-04-15 19:16:05 EDT

0,28 0,26 nadww01



EADES DRILLING & PUMP SERVICE

1200 EAST BENDER BLVD., HOBBS, NEW MEXICO 88240 (575) 392-2457 FAX (575) 392-7750

April 1, 2020

Daniel Johncox YMH Inc. 4830 Seminole Highway Hobbs, NM 88240 (575) 393-1525

Dear Mr. Johncox,

On March 30, 2020, our firm measured the water levels in three wells in the area surrounding your Mesquite Draw Project. Following is the data we collected:

- L-538: 94.7 feet This measurement was taken at ground level as the concrete ditch has filled in with dirt. The discharge pipe is no longer there.
- L-320-S-2: 117.8 feet This measurement was taken from the top of the concrete base.
- L-1076: 85.8 feet This measurement was taken at the second measuring point shown in the diagram on page four of this well's pdf document.

If you have any questions or we can be of any further assistance, please do not hesitate to contact me at (575) 392-2457. We appreciate your business!

Respectfully,

Andrea C. Eades

Maux C. Eades

Water Rights Transfer Documentation

John R. D Antonio, Jr., P.E. State Engineer



Roswell Office 1900 WEST SECOND STREET ROSWELL, NM 88201

STATE OF NEW MEXICO OFFICE OF THE STATE ENGINEER

Trn Nbr: File Nbr: 660797

L 00538 B

Oct. 16, 2019

DANIEL JOHNCOX Y.M.H., INC. 4830 EAST SEMINOLE HIGHWAY HOBBS, NM 88240

Greetings:

Enclosed is your copy of the above numbered permit that has been approved subject to the conditions set forth on the approval page. Please review the conditions for any required submittals. If submittals are not made by the date(s) indicated in the conditions, your rights under this permit are subject to expiration unless a request for an Extension of Time is received in this office by that date and subsequently approved.

NOTE: Proof of Beneficial Use, if required, may need signature by an engineer or surveyor registered in the State of New Mexico for whom it is your responsibility to designate and pay. When ready for inspection, please contact this office for further instructions.

Appropriate forms can be downloaded from the OSE website www.ose.state.nm.us or will be mailed upon request.

Sincerely,

Kashyap Parekh (575)622-6521

Enclosure

nonapprove

File No.	•	



APPLICATION FOR PERMIT TO CHANGE AN EXISTING WATER RIGHT (Non 72-12-1)



Page 1 of 7

(check applicable boxes):

For fee	s, see State Engine	eer websito: http://www.os	e,state,nm.us/		
Change Purpose of Use ⑤ Groundwater ☐ Surface Water	From: Gro	nt of Diversion (POD): oundwater 🏻 Surface	•		
Change Place of Use ■ Groundwater □ Surface Water	To: 🔳 Gro	oundwater 🔲 Surface	Water Additional Surface Water Point of Diversion (POD)		
☐ Temporary Change, NMSA 1978, § 72-12	2-7(B) Requested	Start Date;	Requested End Date:		
(Not to Exceed 3 ac-ft in One Year)					
Water Use Lease, NMSA 1978, §§ 72-6-1	•		Requested End Date:		
☐ Temporary Change (other)	Requested	Start Date:	Requested End Date:		
1. APPLICANT(S) (Required) Note: water-rig	ght owner must	be listed as an applica	ant.		
Name: Y.M.H., Inc.		Name:			
Contact or Agent: check he	re if Agent 🔳	Contact or Age			
Atkins Engineering Associates, Inc.					
Mailing Address:		Mailing Address	7.3		
Attn: Daniel Johncox 4830 East Seminole Hig	hway		j j		
City: Hobbs		City:	· •		
State: Zip Code:	88240	State:	Zip Code:		
Phone:	☐ Cell	Phone:	☐ Home ☐ Cell [©] 👸 🗒		
Phone (Work):	· · · · · · · · · · · · · · · · · · ·	Phone (Work):	Phone (Work):		
E-mail (optional):		E-mail (optional	E-mail (optional):		
2. CURRENT OSE FILE INFORMATION (Req	ulred)				
OSE File No(s):	Priority Date (if k	(nown):	Subfile/Cause No. (if applicable):		
L-638-B		3/10/1948	n/a		
3. CURRENT PURPOSE OF USE AND AMOL	INT OF WATER	(Required)			
Domestic Livestock in irriga	allon		(acre-feet per annum): If more details are		
	nmercial	needed, type "Se	needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section		
Other Use (specify):		in Additional Stat	l e e e e e e e e e e e e e e e e e e e		
Decembe a appolite upo il applicable (1.5. see	l D arayal washin		O ((0)(0)(1)		
Describe a specific use if applicable (i.e. sand	ı iz Alisası Maaulu	i	Consumptive Use:		
		Other	(include units):		
FOR OSE INTERNAL USE			Application for Permit, Form wr-08, Rev 7/27/18		
File No.:		Tm. No.:	Receipt No.: 2 - 40164		
Trans Description (optional):			Sub-Basin;		
Well Tag ID No. (If applicable):	PCW/LOG Due	Date:	PBU Due Date:		

ADDITIONAL STATEMENT	TS CONCERNING TI	HE CURRENT WAT	ER RIGHT	_
			•	
CURRENT or MOVE-FROM	U DOINT/S) OF DIVE	PRION (DODA /m		
	Ground Water POI		uired)	×1
ame of ditch, acequia, or sp		7 (11011)		
tream or water course;			Tribulary of:	
application proposes a new tachment 2. 🔲 Check her	point of diversion in	volving a diversion d	am, storage dam, main canal, and/or pipeline,	, complete
THE STREET LAND OF THE STREET		ioidaen iu tuis sibblic	ation packet. NM State Plane (NAD 83), UTM (NAD 83), g	
TO THE COURSE OF	HI - 8863/30/2017			or
		slomers, provide a	PLSS location in addition to above.	
NM Stete Plane (NAD83) ☐ NM West Zone		UTM (NAD83) (Mete	ers) 📵 Lat/Long (WGS84)	(to the negree)
☐ NM East Zone		⊒Zone 12N ⊒Zone 13N	1/10th of second)	(to the heart at
I I NIM Capital Zono			·	
NM Central Zone			Provide If Learner	
LI MM COMMA ACM	V		Provide if known: -Public Land Survey System (PLSS)	
	X or Easting or Longitude:	Y or Northing or Latitude:	-Public Land Survey System (PLSS) (Quarters or Halves , Section, Township	o, Range) OR
OD Number (if known):			-Public Land Survey System (PLSS) (Quarters or Halves , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision: OR	o, Range) OR
			-Public Land Survey System (PLSS) (Quarters or Haives , Section, Township - Hydrographic Survey Map & Tract: OR	o, Renge) OR
			-Public Land Survey System (PLSS) (Quarters or Haives , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name	
OD Number (if known):	Longitude:	or Latitude:	-Public Land Survey System (PLSS) (Quarters or Halves , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision: OR	
OD Number (if known):	Longitude:	or Latitude:	-Public Land Survey System (PLSS) (Quarters or Haives , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name	BBE NMPM
OD Number (if known):	Longitude:	or Latitude:	-Public Land Survey System (PLSS) (Quarters or Haives , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name	BBE NMPM
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OD Number (if known):	Longitude:	or Latitude:	-Public Land Survey System (PLSS) (Quarters or Haives , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name	38E NMPM
OD Number (if known):	Longitude:	or Latitude:	-Public Land Survey System (PLSS) (Quarters or Haives , Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name	BBE NMPM
OD Number (if known):	Longitude: 103°11'15.8W	or Latituda: 32°47'53.1N	-Public Land Survey System (PLSS) (Quarters or Haives, Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name NW/4NW/4NE/4 Sec. 31, T17S, R3	BBE NMPM
OD Number (if known): L-538 TE: if more PODS need to ditional point of diversion	Longitude: 103*11'15.8W	or Latituda: 32°47'53.1N	-Public Land Survey System (PLSS) (Quarters or Haives, Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name NW/4NW/4NE/4 Sec. 31, T17S, R3	BRE NMPM
OD Number (if known): L-538	Longitude: 103°11'15.8W be described, come descriptions are at	or Latitude: 32°47'53.1N plete form WR-08 (tached: Yes	-Public Land Survey System (PLSS) (Quarters or Halves, Section, Township - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name NW/4NW/4NE/4 Sec. 31, T17S, R3 Attachment 1 – POD Descriptions) No If yes, how many	38E NMPM

FOR OSE INTERNAL USE	Application for Permit, Form wr-06
File Number:	Trn Number:
	Dans Cof 7

7. CURRENT or MOVE-FROM PLACE(S) OF USE (Required)

The land is legally described by (check all that ap			ic Survey Report	or Map	
Public Land Survey System (PLSS) (quarters, township, range)	☐ Subdivision ☐ Grant	· •			
Imigation or Conservation District Map		•	4		,
Complete the blocks below for all tracts of ten	id (more than o	ne description car	n be provided fo	or a tract if ava	ıllable):
PLSS Quarters or Haives, <u>and/or</u> Name of Hydrographic Survey,	PLSS Section and/or	PLSS Township <u>and/or</u>	PLSS Range	Acres	Priority
and/or Name of Irrigation or Conservation District, and/or Name and County of Subdivision and/or Grant	Map No. <u>and/or</u> Lot No.	Tract No. (Please list each tract individually) and/or Block No.			
Pt W/2 NE/4	. 31	. 178	38E	40	3/10/1948
	<u> </u>		*···		
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· <u> </u>					
		ļ			72116
· · · · · · · · · · · · · · · · · · ·	···				
					~~
,	•			(60
		 	Total Acres:		122 512
Other description relating place of use to common	landmarks, stree	ils, or other:	Ĺ.		60 6 2017 3145
Place of use is on land owned by (required): Y.M.H Inc.	, <u>, , , , , , , , , , , , , , , , , , </u>		•	· · · · · · · · · · · · · · · · · · ·	
Are there other sources of water for these lands?	No 📕 Yes 🗌	describe by OSE fi	le number:	<u> </u>	
Note: If an Federal or State Land, please provid-	e copy of lease,				

FOR OSE INTERNAL USE	Application for Permit, Form wr-08
File Number:	Ťrn Number:
	Dana 0 at 2

Page 3 of 7

B. MOVE-TO PURPOSE OF USE AND AMOUNT OF WATER (Complete this section ONLY if the purpose of use is changing) Check all that apply: Amount of Water (acre-feet per annum): If more details are needed, type "See Comments" in "Other" field below, and explain Domestic ☐ Livestock ☐ Irrigation in Additional Statements Section. ☐ Municipal ☐ industrial ☐ Commercial Other Use (specify): Diversion: Consumptive Use: Describe a specific use if applicable (i.e. sand & gravel washing, dairy etc): Other (include units): 9. MOVE-TO POINT(S) OF DIVERSION (POD) (Complete this section ONLY if adding or replacing a POD) Surface POD OR Ground Water POD (Well) Name of ditch, acequia, or spring: Stream or water course: Tributary of: If application proposes a new point of diversion involving a diversion dam, storage dam, main canal, and/or pipeline, complete Attachment 2. Check here if Attachment 2 is included in this application packet. POD Location Required: Coordinate location must be reported in NM State Plane (NAD 83), UTM (NAD 83), or Latitude/Longitude (Lat/Long - WGS84), District II (Roswell) & District VII (Cimarron) customers, provide a PLSS location in addition to above. ☐ NM State Plane (NAD83) (Feet) UTM (NAD83) (Meters) Lat/Long (WGS84) (to the nearest ☐ NM West Zone ☐ NM East Zone ☐Zone 12N ■Zone 13N 1/10th of second) NM Central Zone Provide if known: -Public Land Survey System (PLSS) X or Easting or Y or Northing (Quarters or Haives , Section, Township, Range) OR POD Number (if known): Longitude: · Hydrographic Survey Map & Tract; OR or Latitude: - Lot, Block & Subdivision; OR - Land Grant Name L-538 POD (Lot-01) 669608 3630299 NE/4NE/4NW/4 Sec. 31, T17S, R38E NMPM L-538 POD (Lot-02) 669608 3630275 NE/4NE/4NW/4 Sec. 31, T17S, R3BE NMPM L-538 POD (Lot-03) 669614 3630114 SE/4NE/4NW/4 Sec. 31, T17S, R38E NMPM L-638 POD (Lot-04 669814 3630094 SE/4NE/4NW/4 Sec. 31, T17S, R38E NMPM NOTE: If more PODS need to be described, complete form WR-08 (Attachment 1 – POD Descriptions) Additional POD descriptions are attached: Was No If yes, how many_ Other description relating point(s) of diversion to common landmarks, streets, or other: Point of Diversion is on Land Owned by: Y. M.H., Inc. Note: The following information is for wells only. If more than one (1) well needs to be described, provide attachment. Approximate depth of well (feet): Outside diameter of well casing (inches): <7.0 inches Driller Name: New Mexico Licensed Driller Driller License Number: TBD

If replacing the current well, is the current well to be plugged? 🔲 Yes 🔲 No 🔳 Not Applicable

If No, state for what use it is retained:

FOR OSE INTERNAL USE	Application for Permit, Form wr-06
File Number:	Trn Number:

The land is legally described by (check all that a	oply):					
■ Public Land Survey System (PLSS) (quarters township, range) □ Irrigation or Conservation District Map Complete the blocks below for all tracts of lar	, section,	☐ Subdivision ☐ Grant	ic Survey Report of		allable):	
PLSS Quarters or Halves, and/or Name of Hydrographic Survey, and/or Name of Irrigation or Conservation District, and/or Name and County of Subdivision and/or Grant	PLSS Seatlon <u>and/or</u> Map No. <u>and/or</u> Lot No.	PLSS Township and/or Tract No. (Please list each tract Individually) and/or Black No.	PLSS Range	Acres		orily
pt W/2 NE/4	31	178	38E	••	3/10	/1948
Pt E/2NW/4	31	178	38E	••	3/10	/1948
				- racination and	[20] (00) (00) (10) (10)	70 M
			, , , , , , , , , , , , , , , , , , , 	, · · · · · · · · · · · · · · · · · · ·	Ží	·
Other description relating place of use to common	landmarks, street	ts, or other:	Total Acres:		99 09	
Place of use is on land owned by (required): Appl	icant		•			
				ling balance o		

FOR OSE INTERNAL USE	Application for Permit, Form wr-08
File Number:	Trn Number:
	D # 70-

(iii) A. The water right is not within a Community Ditch or Acequia		
☐ B. The water right is within a Community Ditch or Acequia. If yo	u checked box B you must:	
Attach documentary evidence provided by commissioners of the compliance with any applicable requirement for the change adopted.	Community Ditch or Acequia confirming applicant's d by the Community Ditch or Acequia or	
 Attach an affidavit from the commissioners of the Community Ditch been adopted by the relevant association bylaws. 	or Acequia staling that no such requirement has	
This documentation is required pursuant to NMSA 1978 § 72-5-24.1.	And the first of t	
2. ADDITIONAL STATEMENTS OR EXPLANATIONS		en anderskan en de skalen en de
irpose of the application is to Change 8 acres of irrigation water rights bdivision containing 32 lots of more that 2 acres each. Each lot would ached WR-08 forms, Each well would be limited to 0.5 AF/AN for a tot-	have It's own domestic well as shown in Section 9 and It	
		2-1.1
		2-1.1
		2-1.1
		2-1.1
	ihin the basin.	2-1.1 R0
	Ihin the basin.	2-1.1 RO::
	Ithin the basin.	2-1.1 RO
The Applicant is utilizing the transfer process, rather than applying for do because the Applicant seeks to avoid any new appropriations of water wi	Ithin the basin.	2-1.1 RO:
	Ithin the basin.	2-1.1 XUE:
	Ithin the basin.	2-1.1 RO 2-1.1

FOR OSE INTERNAL USE	Application for Permit, Form wr-08
File Number:	Trn Number:

ACKNOWLEDGEMENT

I, We (name of applicant(s)), Christopher	Cortez (Atkins E	ngineering Associates, Inc. as	agent for the Applicant)		
		Print Name(s)			
affirm that the foregoing statements are to	rue to the best of	(my, our) knowledge and belie	f.		
Applicant Signature		Applicant Signa	iture		
	ACTION	OF THE STATE ENGINEER			
	/	TO ME STATE ENGINEER			
	M	This application is:			
provided it is not exercised to the detrim	approved	partially approved	denied	milan afootte	
provided it is not exercised to the detrime Mexico nor detrimental to the public well	are and further s	ubject to the <u>attached</u> condition	of contrary to the consents of approval.	ation of water i	n Mews
				-	
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				9	><-
					88
				\Box	• •
Witness my hand and seal this 16th	day o <u>f 0</u>	<u>ctober, 2019</u>	, for		
John R. D' Antonio Ji	r., P.E.	, New Mexico State E	nninger		
			18111001		
By:		Juar	M. Office of		
Signature		Print			
Tille: Water Resources Man	ager I				
Print		3/4/	(100 A)		
		is the			
Check here if a new well is to be drilled	under this perm		2-3		
	·				
FOR OSE INTERNAL USE					
Well Tag ID Issued?			. n		
File No.:	Tm No.:		Well ID Tag No.:	for Permit, Form	Wr-06
	1		THE TAY NO.:	Dana	7-17





ATTACHMENT 1 POINT OF DIVERSION DESCRIPTIONS

This Attachment is to be completed if more than one (1) point of diversion is described on an Application or Declaration. b. Information on Attachment(s): ☐ Move-From Point of Diversion(s) Number of points of diversion involved in the application: Move-To Point of Diversion(s) Total number of pages attached to the application: 34 Surface Point of Diversion Well Name of ditch, acequia, or spring: Stream or water course: ٩ Tributary of: c. Location (Required): Required: Move to POD location coordinate must be either New Mexico State Plane (NAD 83), UTM (NAD 83), or Lat/Long (WGS84) NM State Plane (NAD83) OTHER (allowable only for move-from UTM (NAD83) (feet) descriptions - see application form for format) (meters) Lat/Long-NM West Zone PLSS (quarters, section, township, range) Zone 13N 🔳 (WGS84) 1/10th of second Hydrographic Survey, Map & Traci NM Central Zone 🔲 Zone 12N Lot, Block & Subdivision NM East Zone Grant **POD Number:** X or Longitude Y or Latitude Other Location Description: L-538 POD (Lot-05) 669616 3629948 NE/4SE/4NW/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD (Lot-06) 669608 3629864 NE/4SE/4NW/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD 66953B (Lot-07) 3629912 NE/4SE/4NW/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD (Lot-08) 669488 3629753 SE/4SE/4NW/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD 669801 (Lot-09) 3629753 SE/4SE/4NW/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD 669627 (Lot-10) 3629756 SE/4SE/4NW/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD 669712 (Lot-11) 3629808 SW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM POD Number: X or Longitude Y or Latitude Other Location Description: L-538 POD 669856 (Lol-12) 3629613 SW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM **POD Number:** X or Longitude Y or Latitude Other Location Description: L-538 POD 669914 3629616 (Lot-13)SE/4SW/4NE/4 Sec. 31, T17S, R38E NMPM

FOR OSE INTERNAL USE	Form Wr-08 POD DESCRIPTIONS - ATTACHMENT 1			
File Number: Tm Number:				
Trans Description (optional):				





ATTACHMENT 1 POINT OF DIVERSION DESCRIPTIONS

This Attachment is to be completed if more than one (1) point of diversion is described on an Application or Declaration.

a. Is this a:				1. 1.2.		
1	-From Point of E	CalmoleraviC			nation on Attachment(s):	
	-To Point of Div			Total	of points of diversion involved in the application: 32	
	nt of Diversion		■ Well	TOTAL NUI	nber of pages attached to the application; 2 4	
	of ditch, acequit		El AAGII			
	or water cours			<u></u>	in the second second	
Tributa		<u>~</u> .		· · · · · · · · · · · · · · · · · · ·		
c. Location (Re	quired):		<u> </u>		e om	
Required: Move	to POD locatio	n coordinate must	be either New Mexi	ico State Pi	ane (NAD 83), UTM (NAD 83), or Lat/Long (WGS84)	
Thir Clare I land	(NAD83)	UTM (NADB3)			OTHER (allowable only for move-from	
(feet) NM West Zone	п	(meters)	☐ LaVL	ADG.	descriptions - see application form for format)	
NM Central Zone	• ii	Zone 13N 🔳	(WG\$84)	PLSS (quertere, section, township, range) Hydrographic Survey, Map & Tract	
NM East Zone	ā	Zone 12N 🔲	1/10 th of	second	Lot, Block & Subdivision	
POD Number:		X or Longitude	Y or Latit	ude	Other Location Description:	
L-538 POD	(Lot-14)	669914	36297	742	SE/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	-	X or Longitude	Yor Latite			
L-538 POD	(Lot-15)	669845			Other Location Description:	
	(401-70)		3629757		SW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:		X or Longitude	Y or Latitude		Other Location Description:	
L-538 POD	(Lot-16)	669730	3629752		SW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
PÓD Number;		X or Longitude	Y or Latitu	de	Other Location Description:	
L-538 POD	(Lot-17)	669729	3629790		SW/48W/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:		X or Longitude	Y or Latitu	do		
L-538 POD	(Lot-18)	669846	36297		Other Location Description:	
POD Number:	(SW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
		X or Longitude	Y or Latitu		Other Location Description:	
L-538 POD	(Lot-19)	669915	362979	3 ₿	SE/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:		X or Longitude	Y or Latitue	de	Other Location Description:	
L-638 PQD	(Lot-20)	669903	3629931		NE/4SW/4NE/4 Sec. 31, T178, R38E NMPM	
POD Number:		X or Longitude	Y or Latitud	ie .	Other Location Description:	
L-536 POD	(Lot-21)	669842	362994		·	
POD Number:		X or Longitude	,		NW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
L-638 POD	(Lot-22)	669728	Y or Lalitud	-	Other Location Description:	
	(LU1-22)	009120	362994	5	NW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	

FOR OSE INTERNAL USE	Form wr-08 POD DESCRIPTIONS - ATTACHMENT 1
File Number:	Tm Number:
Trans Description (optional):	





ATTACHMENT 1 POINT OF DIVERSION DESCRIPTIONS

This Attachment is to be completed if more than one (1) point of diversion is described on an Application or Declaration.

a. is this a:			b. Information on Attachment(s):		
☐ Move-From Po		Number of points of diversion involved in the application			
Move-To Point	of Diversion(s)		Total numb	er of pages attached to the application:	
Surface Point of Div	ersion OR	■ Well			
Name of ditch, a	acequia, or spring:			70 Etc.	
Stream or water	r course;			i i	
Tributary of:				4 	
c. Location (Required):	longilos sandinais auxil	L'a midia a di di	64-1 - 51-	MATERIAL AND A STATE OF THE STA	
NM State Plane (NAD83)			ico State Piar	ne (NAD 83), UTM (NAD 83), or LavLong (WGSB4)	
(feet)	0.111 (111.000)			OTHER (allowable only for move-from descriptions - see application form for format)	
NM West Zone	(meters)	☐ Lat/L	.ong-	PLSS (quarters, section, township, range)	
NM Central Zone	Zone 13N III	(WGS84) onend	☐ Hydrographic Survey, Map & Tract	
NM East Zone	2018 1214	1710 01	80CONG	Lot, Block & Subdivision	
POD Number:	X or Longitude	Y or Latit	nqe	Other Location Description:	
L-538 POD (Lo	ot-23) 669729	3629	991	NW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latit	udė	Other Location Description:	
L-538 POD (Lo	ot-24) 669841	36299	996	NW/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latit	ude	Other Location Description:	
L-538 POD (Lo	ot-25) 669901	36299	999	NE/4SW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latit	ıde	Other Location Description:	
L-538 POD (Lo	ot-26) 669900	36301	125	SE/4NW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latitu	ıq a	Other Location Description;	
L-538 POD (Lo	ol-27) 669832	36301	29	SW/4NW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latitu	ide	Other Location Description:	
L-538 POD (Lo	1-28) 669734	36300	88	SW/4NW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latitu	ide	Other Location Description:	
L-538 POD (Lo	t-29) 669727	3630217		NW/4NW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Lettlu	ide	Other Location Description:	
L-538 POD (Lo	1-30) 669833	36302	05	SW/4NW/4NE/4 Sec. 31, T17S, R38E NMPM	
POD Number:	X or Longitude	Y or Latitu	de	Other Location Description:	
L-538 POD (Lot	1-31) 669899	36302	03	SE/4NW/4NE/4 Sec. 31, T17S, R38E NMPM	

FOR OSE INTERNAL USE	Form wr-08 POD DESCRIPTIONS - AYTACHMENT 1			
File Number:	Tm Number:			
Trans Description (optional):	***************************************			





ATTACHMENT 1 POINT OF DIVERSION DESCRIPTIONS

This Attachment is to be completed if more than one (1) point of diversion is described on an Application or Declaration.

a. is this a: Move-From Point of Diversion(s) Move-To Point of Diversion(s)			b. Information on Attachment(s); Number of points of diversion involved in the application: 32 Total number of pages attached to the application: 4			
Surface Point of Diversion	OR	■ Well				
Name of ditch, acequis	a, or spring:				· · · · · · · · · · · · · · · · · · ·	
Stream or water course	ė:			a way a saw y		
Tributary of:						
c. Location (Required):						
Required: Move to POD locatio	n coordinate must	be either New Mex	ico State P	lane (NAD 83), UTM (NAD 83), <u>or</u> l	.at/Long (V	VGS84)
(feet) NM West Zone NM Central Zone NM East Zone	UTM (NAD83) (meters) Zone 13N III Zone 12N IIII	☐ Lat/l (WG984 1/10 th of	_ong− I\	OTHER (allowable only for mo descriptions see application for PLSS (quarters, section, to Hydrographic Survey, Map Lot, Block & Subdivision Grant	ve-from orm for fan washin, rai	net)
POD Number:	X or Longitude	Y or Latit	ebu	Other Location Description:	***************************************	
L-538 POD (Lot-32)	669719	3630	319	NW/4NW/4NE/4 Sec. 31, T	17S, R38E	NMPM
POD Number:	X or Longitude	Y or Latli	ude	Other Location Description:		
POD Number:	X or Longitude	Y or Latit	ude	Other Location Description:		
POD Number:	X or Longitude	Y or Latit	nqe	Other Location Description:		
POD Number:	X or Longitude	Y or Latite	ıde	Other Location Description:	(575 (705 (100	
POD Number:	X or Longitude	Y or Latitu	ıde	Other Location Description:	- 	
POD Number:	X or Longitude	Y or Latitu	de	Other Location Description:	70 212	ÄÄ
OD Number:	X or Longilude	Y or Latitu	de	Other Location Description:	où	<u> </u>
OD Number:	X or Longitude	Y or Latitu	de	Other Location Description:		
	F	OR OSE INTERNAL	USE	Form Wr-08		

FOR OSE INTERNAL USE	Form wr-08 POD DESCRIPTIONS - ATTACHMENT 1		
File Number:	Trn Number:		
Trans Description (optional):			

PBU: Proof of Beneficial use must be filed on or before 10/31/2023

SPECIFIC CONDITION OF APPROVAL

1. This application is approved as follows:

Permit Number: L-538-B into L-538-POD7, L-538-POD8, L-538-POD9, L-538-POD10, L-538-POD11, L-537-POD12, L-538-POD13, L-538-POD14, L-538-POD15, L-538-POD16, L-538-POD17, L-538-POD18, L-538-POD19, L-538-POD20, L-538-POD21, L-538-POD22, L-538-POD23, L-538-POD24, L-538-POD25, L-538-POD26, L-538-POD27, L-538-POD28, L-538-POD29, L-538-POD30, L-538-POD31, L-538-POD32, L-538-POD34, L-538-POD35, L-538-POD36, L-538-POD37, and L-538-POD38.

Priority: March 10, 1948

MOVE FROM:

Points of Diversion:

Well:	SUBDIVISION	SECTION	TOWNSHIP	RANGE
L-538-POD3	NW1/4NW1/4NE1/4	31	17S	38E

MOVE TO:

Points of Diversion:

Well (S)	SUBDIVISION	SECTION	TOWNSHIP	RANGE
L-538-POD7	NE1/4NE1/4NW1/4	31	17S	38E
L-538-PQD8	NE1/4NE1/4NW1/4	31	17S	38E
L-538-POD9	SE1/4NE1/4NW1/4	31	17S	38E
L~538-POD10	SE1/4NE1/4NW1/4	31	1.7S	38E
L-538-POD11	NE1/4SE1/4NW1/4	31	17S	38E
L-538-POD12	NE1/4SE1/4NW1/4	31	17S	38E
L-538-POD13	NE1/4SE1/4NW1/4	31	17S	38E
L-538-POD14	SE1/4SE1/4NW1/4	31	17S	38E
L-538-POD15	SE1/4SE1/4NW1/4	31	17S	38E
L-538-POD16	SE1/4SE1/4NW1/4	31	17S	38E
L-538-POD17	SW1/4SW1/4NE1/4	31	17 s	38E
L-538-POD18	SW1/4SW1/4NE1/4	31	17\$	38E
L-538-POD19	SE1/4SW1/4NE1/4	31	17S	38E
L-538-POD20	SE1/4SW1/4NE1/4	31	17S	38E
L-538-POD21	SW1/4SW1/4NE1/4	31	17S	38E
L-538-POD22	SW1/4SW1/4NE1/4	31	17S	38E
L-538-POD23	SW1/4SW1/4NE1/4	31	17S	38E
L-538-POD24	SW1/4SW1/4NE1/4	31	178	38E
L-538-POD25	SE1/4SW1/4NE1/4	31	17\$	38E
L-538-POD26	NE1/4SW1/4NE1/4	31	17S	38E

L-538-POD27	NW1/4SW1/4NE1/4	31	17\$	38E
L-538-POD28	NW1/4SW1/4NE1/4	31	17s	38E
L-538-POD29	NW1/4SW1/4NE1/4	31	17s	38E
L-538-POD30	NW1/4SW1/4NE1/4	31	17s	38E
L-538-POD31	NE1/4SW1/4NE1/4	31	17S	
L-538-POD32	SE1/4NW1/4NE1/4	31	17S	38E
L-538-POD33	SW1/4NW1/4NE1/4	31	17S	38E
L-538-POD34	SW1/4NW1/4NE1/4	31	- · · · · ·	38E
L-538-POD35	NW1/4NW1/4NE1/4		17s	38E
L-538-POD36	SW1/4NW1/4NE1/4	31	17S	38E
L-538-POD37		31	17s	38E
L-538-POD38	SE1/4NW1/4NE1/4	31	17s	38E
7 220 FOD30	NW1/4NW1/4NE1/4	31	17s	38E

Place of Use/Purpose of Use:

MOVE FROM:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Part. W1/2NE1/4	31	175	38E	8.0

Purpose of Use: Domestic & Irrigation

MOVE TO:

Place of Use:

SUBDIVISION	SECTION	TOWNSHIP	RANG
Pt. of W1/2NE1/4	31	17s	38E
Pt. of E1/2NW1/4	31 .	17s	38E

Purpose of Use: Domestic

Amount of Water: Up to 16.0 acre feet per annum consumptive use.

- 2. All water rights appurtenant to the 8.0 acres of land described as the move-from location, under this permit are hereby transferred there from and said land shall not be irrigated from any source during the life of this permit.
- 3. A plat, acceptable to the State Engineer which shows the 8.0 acres of land dried up under this permit, shall be filed with the District 2 Office within thirty (30) days from the date of approval of this permit.
- 4. The total diversion combined from wells No. L-538-POD7, L-538-POD8, L-538-POD9, L-538-POD10, L-538-POD11, L-537-POD12, L-538-POD13, L-538-POD14, L-538-POD15, L-538-POD16, L-538-POD17, L-538-POD18, L-538-POD19, L-538-POD20, L-538-POD21, L-538-POD22, L-538-POD23, L-538-POD24, L-538-POD25, L-538-POD26, L-538-POD27, L-538-POD28, L-538-POD29, L-538-POD30, L-538-POD31, L-538-POD32,

L-538-POD33, L-538-POD34, L-538-POD35, L-538-POD36, L-538-POD37, and L-538-POD-38 under this permit shall be limited to 16.0 acre feet per annum (Consumptive Use) measured at the well.

- 5. Each move to well shall be limited to 0.5 acre feet per annum (consumptive use) per well.
- 6. The proposed new wells are to be drilled by a driller who is licensed in the State of New Mexico.
- 7. Driller's well record shall be filed with the Office of the State Engineer within 30 days after the well has been drilled or driven. Well record forms will be provided by the State Engineer upon request.
- 8. The State Engineer shall supply a well identification tag for well driller to firmly affix to the well casing or cap with a steel band upon completion in accordance with subsection M of 19.27.4.29 NMAC. The permit holder is responsible for maintain the well identification tag.

Well Tags associated with this permit:

Well No	Well Tag No
L-538-POD7	ID 223 A0
L-538-POD8	ID 223 A1
L-538-POD9	ID 223 A2
L-538-POD10	ID 223 A3
L-538-POD11	ID 223 A4
L-538-POD12	ID 223 A5
L-538-POD13	ID 223 A6
L-538-POD14	ID 223 A7
L-538-POD15	ID 223 A8
L-538-POD16	ID 223 A9
L-538-POD17	ID 223 AA
L-538-POD18	ID 223 AB
L-538-POD19	ID 223 AC
L-538-POD20	ID 223 AD
L-538-POD21	ID 223 AE
L-538-POD22	ID 223 AF
L-538-POD23	ID 223 B0
L-538-POD24	ID 223 B1
L-538-POD25	ID 223 B2

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L-538-POD26	ID 223 B3
L-538-POD27	ID 223 B4
L-538-POD28	ID 223 B5
L-538-POD29	ID 223 B6
L-538-POD30	ID 223 B7
L-538-POD31	ID 223 B8
L-538-POD32	ID 223 B9
L-538-POD33	ID 223 BA
L-538-POD34	ID 223 BB
L-538-POD35	ID 223 BC
L-538-POD36	ID 223 BD
L-538-POD37	ID 223 BE
L-538-POD38	ID 223 BF

- 9. A totalizing meter of a type approved by and installed in a manner and at a location acceptable to the Office of the State Engineer shall be installed before the first branch of the discharge line from the wells. The District 2 Office shall be advised of the make, model, serial number, installation date and initial reading of the meters prior to any appropriation of water under this permit.
- 10. The permittee shall record the meter readings in writing on the 1st day of every month on a form acceptable to the State Engineer and submit said readings to the District 2 Office on or before the $10^{\rm th}$ day of that month.
- 11. Pursuant to section 72-8-1 NMSA, the land owner at the move to place of use shall allow the State Engineer, and his representatives, entry onto private property for the performance of their respective duties, including access to the move-to well for meter reading and water level measurements.
- 12. Aggrieval of the permit or any of the conditions of approval suspends the permit. No water may be diverted under an aggrieved permit until final resolution of the aggrieval with the Office of the State Engineer. Any water diverted prior to aggrieval or while the aggrieval is pending will have to be repaid.
- 13. The permittee shall utilize the highest and best technology available to ensure conservation of water to the maximum extent practical.

14. This permit shall not be exercised to the detriment of valid existing water rights, shall not be contrary to the conservation of water within the State of New Mexico, and shall not be detrimental to the public welfare of the State.

15. The State Engineer shall retain jurisdiction over the permit.

ACTION OF STATE ENGINEER

Notice of Intentions Royd:

Date Rovd. Corrected:

Formal App. Rcvd: 11/28/2018

Notice of Pub.Ord:01/22/2019

Date Returned:

Affidavit of Pub.Filed:03/11/2019

This application is approved provided it is not exercised to the detriment of any others having existing water rights, and is not contrary to the conservation of water in New Mexico not detrimental to the public welfare of the State; and further subject to the specific conditions listed previously.

Witness my hand and seal this 16 day of October

John R. D'Antonio, Jr., P.E., State Engineer;

By:

Juan Hernandez, Water Resources Manager I

June 23, 2020 Meeting Notes



Lea County Planning & Zoning Board Regular Meeting

Tuesday, June 23, 2020 9:30 A.M.

Lea County Courthouse - Commission Chambers - 100 North Main Avenue, Lovington, New Mexico Notice of this Meeting has been given to the Public in Compliance with Section 10-15-4 NMSA 1978

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Lea County Manager's office located in the Lea County Courthouse in Lovington, New Mexico at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Lea County Manager's Office at the Lea County Courthouse if a summary or other type of accessible format is needed.

MINUTES

Call to Order ~ Roll Call

ITEM 01: BOARD

9:40 A.M. Roll Call board members where present those being Guy Kesner, Chair; Daniel Johncox, Vice-Chair; Kay Hardin, Michael Arnold, Dickie Wall, and Jeremy Baker. Randy Pettigrew was absent. Public present were Chris Cortez, Troy Hudson, Greg Richards, and Wanda Keltion. Minutes for the May 20, 2020 where approved with Kay Hardin making the motion and Daniel Johncox providing the second. All members present approved the motion. There were no Public or Board Member Comments.

ITEM 02: ACTION ITEMS/PUBLIC HEARING

Consideration of Approval of the Preliminary Plat for Mesquite Draw Subdivision in Section 31, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico Located east of Matt Drive and west of Bensing Road on Alabama Street at the intersect with Braniff Street.

Mr. Reid presented started presenting the action item and Dickie Wall informed everyone that the podium mike was non present. Found the a mike that could be used and proceeded with the meeting. Mesquite Draw Subdivision is a 31 lot subdivision located west of Bensing, east of Matt Drive, and south of Alabama Street. Braniff Street south to the end of the subdivision will be developed along with five other cul-de-sac roads. The Office of the State Engineer sent back a negative opinion and State Historical and Preservation Office gave an approval stamp for the project. Any questions board members have on water availability for the subdivision will be answered by Chris Cortez with Atkins Engineering Associates from Roswell.

Chris Cortez stated that the State Engineer said that the area would run out of water this is commonly done by the State Engineer (OSE). Lea County underground aquifer is a mined aquifer it is the western edgeof the Ogalala aquifer. It is the big aquifer that spreads out into Kansas. If you travel east to Roswell and Carlsbad when you come off the cap. That is the western most edge of the Ogalala Aquifer. It is a red bed aquifer that is the basal layer. In between is the alluvial sands, gravels, clays that make up the aquifer. There is sloping red beds and land surface and down in the ground you have a water level. The difference between the red bed and the water level is your saturated thickness. If the red bed is at a 100 feet and the water level is at 50 feet, then the saturated thickness would be 50 feet. Or the glass is half full or half empty depending on how you what to look at it.

In this scenario, Mr. Johncox looked around the area and bought a 41 acre water right. He changed a portion of the irrigation water right to domestic use. Changed the legal place purpose of the water right through the OSE process. Question. Was all the 41-acre water re-permitted. Answer: No. Explanation: With an irrigation right of 1 acre of land, a person, by law, gets to apply 3 acre feet of water annual, but with a domestic water right an acre of land has only 2 acre feet of water annual. So Mr. Johncox took 8 acres and converted to domestic which gives 16 acre feet per year and gave an half acre foot per lot for originally 32 lots which are now 31 lots.

irrigation So the application was filed and finally approved by OSE. So that 8 acre of irrigation right is now permanently been changed to domestic use. So in this scenario each lot owner would have a well and each well would have a water right in it. This is suttlely different than a permit like a domestic permit. One major difference is these new permitted wells for this subdivision will be metered according to OSE. There is a limit on these wells. Anyone could go out and get a 1 acre permit for a domestic well and if we had a couple of goats we could get a three acre foot permit because we could get a livestock permit under the law. But here we converted a water right so each lot will have a water right associtated with it to a total of 0.5 acre feet per year. It will have to be metered and reported to OSE. For this subdivision Mr. Johncox, is exceeding the intent of the subdivision act by converting these irrigation rights into domestic rights. So that is the basis of the water rights here, we are not pulling any of the individual domestic permits. We have water righted domestic well for each lot.

Next subject is decline of the aquifer. This is where the OSE negative opinion comes from. What the OSE does, as spelled out clearly in the document, they look at the saturation thickness and they look at all the water rights and domestic permits, everything that is listed in the model cells, and the OSE pumps those model cell 100% of the time every year for the OSE to come up with their declining number. OSE model, which is conservative, they assume every water right in the lea county basin every domestic permit, livestock permit, everthing is pumping maximum water every year entirely. Question: That is in the entire county. Answer: Yes, the entire county. And locally for the model cells. OSE has divided the county into model cells they have an estimate of saturated thickness and they have all the wells that are permitted to pump in this model cell and they pump it full; then they say what is going to happen. It is useful in one sense for water rights analysis, but it does not accurate reflect real world decline numbers. If we go back to the previous example of 100 foot red bed, 50 foot water table, 50 foot of saturated thickness; the only way the saturated thickness goes down is when water is taken out of the aquifer. Put a straw in the ground and suck the water out. OSE says what happens if everyone pumps 100% of the time and what is it going to look like; so what OSE comes up with is draw down numbers of 3.8 or 4.3 feet per year. Then, OSE says 4 feet per year with 50 feet of water; it will be gone in ten years. In reality that is not what is actually going on. If you look at the water availability accessment, we went to USGS Wells, which is the United States Geologic Society, and these are OSE records. In years past, the USGS would go out in January, when all the irrigation pumping was off, either yearly or every five years, and would measure water levels, globally, and from those numbers you could ascertain decline. What is interesting, the irrigation well on the subdivision is an old USGS well. It last measurement from OSE was in 1986 with a measurement of 59 feet. Alan Eades, Eades Water Drillers, went out and measured that well again. He duplicated how the OSE measured the well in 1986 and used the same process in 2020, Alan Eades measurement of the water table was at 94.7 feet. Since 1986 – 2020 is 34 years; 94.7 - 60 = 34.7 feet; 34.7/30 years = 1.15 feet annual decline. The decline from 1986 to 2020 in that well was 35 feet divided by 34 years. The decline in that well was 1 foot a year not 3 feet a year or 4 foot a year, but one foot a year. And that is just one well. We expanded the search for other wells around the subdivision and went out and we duplicated that. We basicly went out and measured water levels and did the same thing. What we are seeing in the general area of the subdivision is we are seeing a range of 1.0 - 1.4 feet decline per year overall. We do not know if some of that is occurring later than normal. So there is some room there, but not at 3.8 or 4 feet a year. If that were the case than we would all be in trouble. Why is that? I know it is difficult to make a decision when you have the OSE's opinion saying this and there pretty close. What is interesting about the OSE analysis, they say that this model cell using their model would go dry in 2058 using the 3.8 feet a year.. 2058 is 38 years from now. Even with there decline which is almost 3 times or 4 times the decline we are seeing in the real world. You are almost pushing 40 years and that is the planning period forty years. Why this is is because people do not pump their entire water right. And that is exactly what is going on here. The actual water coming out of the ground does not match the theoretical water coming out of the ground. Those of you the work around the county know that most of the irrigation right in the county is not being pumped. A lot of it is fallow or NCRP. Another thing that is changed is people have gone from flood to pivotal irrigation so most do not need their full right. People have invested in more

efficient technology. People do not divert their full duty of water. New Mexico Groundwater Association where they have metered domestic wells have found that people divert about 0.3 acre feet annually instead of the full acre foot of water yearly.

Daniel is a perfect example. Since Daniel has purchased this water right which is quite big, 120 acres of irrigation, 4 years ago. He is converting some, but he is not irrigating with it. The OSE model would not take that into account. The model would say every year for the last 4 years Daniel has been diverting that full amount. That is just one example. This is a way of showing the difference between the actual decline and the OSE model decline. One is based on what is actually coming out of the ground and the other is based on the absolutely worst or impossible cases scenario. When you see that the static water level is at 95 feet and the red bed is at 260; one can see there is 160 feet of saturate thickness.

Question: This that what the red bed measured.

Answer: Yes. But there is a variation in the red bed some may be at 240 feet, some 255, and some 260 like this exploration well drilling on Mesquite Draw land. The depth to water across the subdivision will be between 89 and 100 foot range. In five years, the water level will be deeper.

The wells will need to be drilled to the red bed as stated in the disclosure statement; conservation measures for water fixtures, no outdoor water structures, i.e. swimming pools, fountains, ponds, or water sculptres.

Question: With the well being metered and the state getting metering reports they should know if there is any violation to the restrictive covenants based on the metering of the water.

Right.

It would be illegal for some one to divert more than they have or have a right to divert.

These well will require a meter because they have been converted from an irrigation right to a domestic right. For normal domestic wells a meter is not required.

Question: Why did the state not use the USGS well on the property. Is the well not a USGS well any longer? Answer: According to colleagues who worked for OSE in the 1970's and 1980's. The USGS got a grant to monitor wells in New Mexico and hired OSE to do the monitoring and collect the data. When the grant funding ran out so did the statewide monitoring of water wells. OSE still take monitor reading around the state now, but previously if was more diffuse. Now, they may monitor 50 wells statewide, however previously it may have been 500 or 1000 wells. The data has greatly declined which causes problems for a stakeholders and decision makers. OSE model is to protect water rights users. To stop the impairment of water rights.

Question: These water rights were already attached to these parcels?

Answer: Yes. No water rights where moved in. There will be no water right impairment, in fact, the water use in this area may improve because water rights are being removed from this cell.

Just for the record Mr. Kesner stated that Mr. Johncox is the president of YMH,Inc. and the Vice-Chairman of the Lea County Planning and Zoning Board.

Question: Michael Arnold asked if the State decided after issuing a negative opinion and the County still approving the subdivision, if the State ever came in a stopped the development.

Answer: Guy Kesner said not that he has ever been aware of that occurring. He believes the County has authority to listen to an opinion, but still approve a subdivision that have contrary opinions attached to the subdivision. Daniel Johncox shared information from a 2013 document from Senator John Sapien NMSA 1978, CFT Development LLC vs. Board of County Commissioners "While the Act requires the County to request opinion from the State, the County is not bound by their conclusions, in the last analysis the final decision on wether or not to approve the subdivision rest with the County. Under the act the County is to apply its own discretion in weighing it against State Agency opinions and other evidence and make its own decision." That this is what Mr. Arnold is questioning.

Bruce Reid was sworn in. He referred to NMSA 47.6.1.2 document that states the OSE has total control over any subdivision where there lot sizes of less than two acres and more than ten lots. He said that this subdivision does not apply because this subdivision averages over 2 acres in size. So the OSE will give an opinion, but they do not have absolute control over this subdivision. He first stated it as 'or' but change to 'and 'with futher clarification request from Guy Kesner. B.Reid restated the rule as two acres or less and ten

tracts or more. Mr. Kesner asks for clarification. B. Reid stated the rule is that all the lots have to be less than two acres in size with more than 10 lots in the subdivision before OSE has absolute control of the approval status for a subdivision. In this situation if the OSE gave a negative opinion then no one could override that opinion. Mr. Kesner asks if the rule applied in this situation and Bruce Reid stated that the rule does not apply because the tracts of land are more than two acres in size.

Greg Richards was sworn in. His concern is the subdivision will affect his property value for his vacate land. He has a mobile home park to his south and now Mesquite Draw will be developed to the north of him. He believes with the placement of these two developments around his property that is will cost him six figures in his selling price. He would like to know who looks out for land value of property owners in Lea County. He believes everyone on Matt Drive will take a hit on their property values. Greg Richard gave the board an exact location of his property. He bought the land to sell in the future.

Question: Who protects land owner's rights and property values?

Answer: Mr. Kesner- The planning Board takes all property owner's rights into consideration wether it be the people on Matt Drive, or Greg Richards, or the developer of Mesquite Draw. Everyone the buys land has the right to develop that property the way that they see fit. And the Board is here to protect that right as long as it is lawful. Mr. Kesner asked about access to Mr. Richards property. He stated he has two access roads, one from Matt Drive and one on Braniff road from Kansas. Jeremy Baker stated that Mesquite Draw would put in a legal ingress to Mr. Richards property. Mr. Kesner related to Mr. Richards' concern and thank him for appearing today.

Troy Hudson was sworn in. He stated he thought the Mesquite Draw would affect the property values of homes on Matt Drive. He said when he moved in that mobile home where not allowed on Matt Drive. But he said modular homes have started to be placed on Matt Drive. Kay Hardin explain that deed restriction are made by the seller of the property. Each seller may have different restriction on the property or may have no restriction at all. Mr. Kesner asked it Mr. Hudson understood the water concerns in the subdivision. Mr. Hudson said he understood and was just their to voice his opinion about property values.

No one else chose to testify.

Public Hearing closed.

Jeremy Baker asked Daniel Johncox about the drainage lot and the ownership of the parcel. Daniel Johncox stated they haven't had many problems with the lot and he says the YMH, Inc kept the drainage lot from its previous subdivision. Mr. Johncox said he would like to have the County take ownership of the lot.

(Side Note: In the previous subdivision the drainage was attached to Lot 19, so the owner of Lot 19 has control of the drainage pool. The County did not take control and the developer did not have to keep the lot.) Mr. Baker asked about the dark ground cover shown on the google earth image and asked if the subdivision was in a flood zone or not. Mr. Johncox stated that the appearance of the ground had been caused the a fire that happened about 4 years ago. Commented that only the undeveloped areas were burned and that the fire went around all the developed areas. Mr. Baker asked about the easement on the southernmost line of Mesquite Draw and the measurement of the easement. The plat shown a 40' roadway easement.

Jeremy Baker made the motion to recommend approval of the subdivision to the Board of Commissioners with a Kay Hardin second. Roll Call Vote was taken. Guy Kesner, Michael Arnold, Kay Hardin, Jeremy Baker, and Dickie Wall with yes votes. No one voted no. Daniel Johncox abstain with a recusal.

Guy Kesner request comment from the Board on why they went against the OSE negative opinion and recommended the subdivision for approval. Mr. Kesner summation of the Boards reasoning the hydrology study, the granting of the water rights to each landowner from an irrigation right to a domestic right to secure water availability for the subdivision for at least forty years.

ITEM 03: OTHER BUSINESS

Set/Confirm Next Meeting(s):
 July 14, 2020

- **August 4, 2020**
- ❖ September 8, 2020
- ❖ October 13, 2020
- ❖ November 10, 2020
- ❖ December 8, 2020

Mr. Kesner asked for and update on the Grief and Hood development from the May 20, 2020 meeting. Mr. Reid stated that the developer chose to go in a different direction than the 5 lot development.

ITEM 04:

ADJOURN at 10:53 A.M.

Consideration for Approval of Mesquite Draw Subdivision in Section 31, Township17 South, Range 38 East, N.M.P.M. in Lea County, New Mexico located approximately ½ mile west of Bensing Road and ½ mile east of World Drive on Alabama Street.

GUY KESNER: The next item is a Public Hearing to consideration for approval of Mesquite Draw Subdivision in Section 31, Township 17, Range 38. Bruce, would you like to lead us into this. First, thing I am going to do is swear you in under this public hearing. Do you swear the tell the truth under penalty of law?

BRUCE REID: Yes, sir I do. It is a type 2 subdivision on thirty lots 77.90 acres with five new roads. This is the subdivision; there is are many contour lines; but the five roads are Braniff, I have the information somewhere. Type two Subdivision of 30 Lots on 77.90 acres. Subdivision average lot size is 2.50 acres. Smallest lot size is 2.001 acres. Developing Braniff Road, Knob Street, Spur Street, Saddle Street, Stetson Street, and Roper Street. Application packet deemed complete on 7/08/2020. Opinion letters sent to agencies on 7/17/2020; received on 7/22/2020. 30-day opinion period closed on 8/22/2020. Favorable opinion by Cultural Affairs and Historical Properties Division. Unfavorable opinion by New Mexico Office of State Engineers. Public hearing is being held today. This is the state engineer's opinion. Based on the information provided, the OSE has insufficient information to evaluate if the subdivider can furnish water sufficient in quantity to fulfill the maximum requirements of the subdivision, including water for indoor and outdoor domestic uses or whether the subdivider can fulfill the proposals in the subdivider's disclosure statement concerning water. Accordingly, a negative opinion is issued. The Cultural Affairs Opinions is based on our database; it is our assessment that the proposed subdivision falls within a relatively low archaeological sensitivity area. Therefore, no further cultural resource work of the project area is warranted, and the project will result in no effect to cultural resources. I guess that is a positive opinion. The disclosure was in your board packet; I did not put it in my power point. If you remember from your packet that Mr. Johncox's is providing 0.5 acre-feet of water right per lot in the subdivision. **GUY KESNER:** Can you provide us with the facts and findings.

BRUCE REID: I did not know I needed to do that for this item. I am doing that only for variances.

GUY KESNER: Probably true there is no variance to this sub-development, correct.

BRUCE REID: Correct.

JEREMY BAKER: This already came before the Board before and what was missing out of it. There was a discrepancy of NMSA 47-6-11 with the water as far as having every lot in the subdivision larger than two acres.

GUY KESNER: So it has been re-platted.

BRUCE REID: Yeah, he, Mr. Johncox, withdrew the subdivision; replatted it and improved his disclosure statement to remove the discrepancies and we have it now back before this board. That is the only changes that have occurred. That would be part of my facts of findings is that the board approved this subdivision two month ago. There are people to speak. So before any decision is to be made, I am sure we need to hear from the citizens.

GUY KESNER: So is that all the testimony you have to offer.

BRUCE REID: Yes.

GUY KESNER: Next, we are going to open up the mike for anyone who would like to come forward to speak about the Mesquite Draw Subdivision.

GUY KESNER: Could you please state your name first.

PAM MATTHEWS: Pam Matthews.

GUY KESNER: Pam Matthews. Hold on one second Mrs. Matthews, I am going to swear you in. Do you swear to tell the truth under penalty of law?

PAM MATTHEWS: Yea.

GUY KESNER: Thank You so much.

PAM MATTHEWS: I come to you as an adjacent landowner, absolutely opposed to this because of the water. I guess, I do not understand how you repeatedly get negative opinions from the state; the hydrologist says there won't be sufficient water for forty years and you, the board, just passing (approving) these subdivisions. I have subdivision after subdivision where they were all negative for years.

GUY KESNER: Yes ma'am.

PAM MATTHEWS: And did you not say earlier in the one before us with the lawyer that you go by what the State says. Why do you not put any stock in what they tell you? I just don't understand that.

GUY KESNER: At a previous hearing we had a hydrologist testify that in his opinion that the state hydrology report is not accurate so he testified that there was adequate water at that development for the forty years required.

PAM MATTHEWS: So, why do they keep putting it in here. It is division after division. And we live out there we know what the water is like. We visit with the people at cottonwood all around there that people are already having to deepen their wells. And it is just, you know you read all of this from the state. If that is true, then why do the hydrologist from the state do not agree with you. And I have been visiting with state engineers for the past weeks.

GUY KESNER: Okay.

PAM MATTHEWS: And they are shocked that ya'll (the board) keep approving the permits for the water wells, when it is just not there to validate it. He said, "If we were in Eddy County, this would not be happening". I do not get it; why repeatedly the paperwork that is submitted to you that comes to you from the them says it is negative and there is not enough and you say this one person comes in and I am sure I can hire somebody to come in here and say there is not enough water. We want a true objective; we have to live with this.

GUY KESNER: I am just telling you the facts that have been brought before us testified that there is water. That is from a hydrologist that has an engineering degree, and me being a laymen were following what the report says. PAM MATTHEWS: Then why do they keep putting it on the reports that it is not true. **GUY KESNER:** Where you here to hear the last testimony from the Hydrologist? At the last meeting when Mesquite Draw was previous presented.

PAM MATTHEWS: No. We, the people on Matt Drive, though the meeting was cancelled. It was a complete messed up deal.

GUY KESNER: And this is my understanding and please if any of the board, it is my understanding that their (State Engineer) calculation because of the drawdown is incorrect; they are projecting whatever water rights are there are going to be pumped at 100% of capacity every year.

So for what Mr. Johncox has, I don't remember what he has, I think it is forty acres of irrigation rights, but you are giving a half per acre.

DANIEL JOHNCOX: The hydrologist is here.

GUY KESNER: The hydrologist is here for Mesquite Draw. Well, he can testify in a few minutes.

PAM MATTHEWS: Is he from the State? He is hired and paid for.

GUY KESNER: He is the Hydrologist that did the study.

PAM MATTHEWS: Is he from Atkins?

GUY KESNER: Yes, from Atkins.

PAM MATTHEWS: There again why do we not go again by what our state says. These are paid people by the citizen of our County and we don't go by what they say; we go by what somebody paid for and he is not going to say anything negative; I wouldn't have him/ hire him if he were going to saying something negative. How can we not go by what our state people say; why do we have them we are not going to use them. DANIEL JOHNCOX: Look at the facts.

PAM MATTHEWS: And their facts do not matter. Why do we have them if their facts are not correct. You know we pay those people a salary.

GUY KESNER: Yes, Ma'am.

PAM MATTHEWS: And every one of these subdivision have come back negative for years and years and years.

GUY KESNER: Because they are using the same theories; Maybe we can have Mr. Atkins testify to this. Would that help you?

PAM MATTHEWS: No. It is like I said, we can all spend money and pay for what we want, but that is fine. I am not saying anything bad against him. I am just going by why our state employees differ from him. Why do we not give them the validity that they know what they are talking about. I would actually put more stock in the state because it is what they do for the whole state. And they are on our payroll. But we do not listen to them. Maybe if you had a New Mexico hydrologist; we could have to separate opinions. We are here for you to support us. By this being a hearing, you know, the County Commissioners are the ones that should be hearing this. Because their the one making that final decision for us. And you are just passing it along. They need to hear all this. But, they are just going by what you tell them. But, I do not know why we do not listen to our state people. I don't get it. Because they do not agree with this. I talked to so many of them that they are shocked. I asked, them why do we have you guys if no one is going to listen to you. They have a more vested interest in our County than someone you hire from Roswell. And I am sorry that I feel that way.

GUY KESNER: We appreciate your comment.

PAM MATTHEWS: This didn't start out at 77.90 acres, did it? I thought this was like 62. Something.

GUY KESNER: I don't know the number of acres.

PAM MATTHEWS: We brought it to the attention that the lots were different. Do you all really look at that stuff. Should you all not have found it in the first place. You do not really look at what he is presenting.

GUY KESNER: Yes, we do.

PAM MATTHEWS: Everything looks like it is rubber stamped. That is the way we feel. We knew virtually nothing was going on and like I said we live out there we know about the water. But I feel like everyone in this room knows about our water. We just want you to step up and defend us for a change and not the developer.

GUY KESNER: Thank You. Is there someone else who would like to testify for the Planning and Zoning Board. GUY KESNER: Yes, Sir could you please sign in there and for the record tell me your name.

CHRIS CORTEZ: Chris Cortez, Water Rights Analyst and Project Manager for Atkins Engineering out of Roswell, NM.

GUY KESNER: Okay.

CHRIS CORTEZ: I want to address Ms. Matthews directly on a couple of things.

RANDY PETTIGREW: Chris, would you get closer to the mike?

CHRIS CORTEZ: Yes, absolutely. So yes we are paid; we are a consulting company; we are also a professional engineering company; and we have ethical standards we are held to and the first standard we are held to is that we are to protect the public. If you look at the board of ethics that professional engineers work under; professional engineers are held to a high ethical standard. We do not base our decisions or opinions based on the fact that someone is paying us. We are often asked to say things that the facts do not hold out. We do not do that; we have been in business for 37 years. We are member of Southeastern New Mexico; we are members of the public. We work municipalities, farmers, ranchers, developers, oil and gas companies; everyone here uses water in New Mexico and we are very aware of that. I understand that the perception is we are hired guns and we are paid to come over from Roswell and say thing about Lea County, but that is not necessarily true. We study it, we look at it, we understand everyone's concerns about water. It is part of what we do. A better question for Mrs. Matthews to ask is: why does the State Engineer always give a negative opinion? It is not that just because we are saying that they are wrong, but why does the State Engineer always give a negative opinion about subdivision. And the reason is, is that the State Engineer uses a model in Lea County and that model is base off of

theoretical pumping. You may be interested Ms. Matthews to know that the State Engineer does not even have a Lea County Water Master at the moment. State Engineer models... When you look at the aquifer in Lea County which is the Ogallala, it is underlined by a red bed and alluvial fill. The water in the ground that everyone is taking out of the ground has been there for a very long time. Image a glass of water and the only way water come out is if you take it out of the ground, so you have to pump it out. And what has happened is the State Engineers model is based around water rights and it is based on a hypothetical pumping of every water right. So every domestic well [in the old days a domestic well got a 3 acre-foot/annum; every livestock well also got 3 acre-feet/annum] modern domestic wells are approved at one acre-foot per annum and every water right. For every acre foot of irrigation, you get 3 acre-feet of diversion per annum. That is historically what is has been. Even from the beginning when we used flood irrigation, when we use ditches, and even now when we use pivots three acre-foot. If I have a tenacre farm, I get thirty acre feet per annum of water. Of course not all of it is metered and of course the state engineer is not measuring how much is actually being pumped out of the ground every year. So the state engineer say that we have this starting value of water in the ground [saturated thickness]; if we pump every water right, livestock, and domestic well to their maximum pumping (fullest potential) then what would happen. It is a theoretical model. It is a model. So the State Engineer runs it through their model and says it is going to dry up in twenty years to thirty years all of it is going to be gone. So that is what they are saying. That is based off of theoretical pumping value that are not necessarily observed in the real world. Historically, fifty percent of the irrigation in Lea County is fallow by the State Engineer's own reports. Lea County does not have demand in some areas and we do have it in other areas. What Atkins looked at is the actual decline in wells. We looked at the wells surrounding the area and yes, in the old days you look back the water levels were less; some at 60' some at 70' in some place in Lea County groundwater where super shallow, (Monument) there are spring in Monument. There are places where water is super shallow, but as people took water out of the ground; it declined, right, and that is what happens. It is truly a mined aquifer; the water you take out is going back in anytime soon. Unless you go to Albuquerque and inject water back in. When you take it out it is gone. When we looked at the lessee, USGS Wells, United States Geological Survey, they had a series of well network and they would go and measure water levels and there are USGS/OSE. The USGS would pay the OSE to go and take water levels in 80' and it curtailed a little in the 90's and the OSE would go and take water levels from irrigation and domestic wells were made available all over Lea County. There are several irrigation and water wells around the subdivision. And that is what we actually work. What is the actual decline? What is actually coming out of the ground. The State Engineer says the decline is 4'. 4' per year in 40 years; you are going to take 160 feet out of the ground and all of it is going to be gone. But, that is not what is going on it these areas. In the area around the subdivision the actual rate of decline is about a foot a year. 1.2' per year. The State Engineer acknowledges that their model is very, very, very, conservative. directly in their report. Their model decline does not match the measured decline. The actual observed decline, the real world decline does not match. They give you an opinion based off of their model and I am giving you an opinion off of actual real world decline that is observed around a subdivision. So, that is why I will stand here and our company has written a report and we say there is enough water available based off what is going on in the real world. Actual decline not a theoretical decline model. Yes, you could pay anyone to come up with any model you wanted. And there are plenty of hydrologist, modelers, and modeling companies that will both look at the same problem and give you a totally different answer. My answer is based off of my opinion, our opinion, that our company's opinion is based off of observed decline. And we say there is a foot, foot and a half of observed decline, and a standard for a subdivision is forty years; Forty-years development. And when you look at the State Engineer say it will we gone in less than forty years. Well that is interesting the water levels are around 90 feet in the subdivision and wells drilled by Lea County well drillers, not by Atkins Engineering and Associates, even though we are a licensed well drilling company, say that the 'red bed' is about 260-feet in the area. It's variant, it varies

some, it is not a very flat surface. There is bowls, troughs, and hills, and the water drilling companies say the water levels that were measured where measured by a Lea County well driller, not by Atkins engineering though I would again assert that we do not lie about these things. We would not be in business very long if we did. That is not professional. It is against our Code of Ethics. And we see that the water levels, the amount of saturated thickness, and the amount of decline that has been observed does not say that the water is going to run out right here. Now, is the water going to get deeper, absolutely. Everyone in Lea County needs to think about what their water levels are and what their well are set at, most people are going to have to deepen their wells. Because most well drillers didn't come and drilling 250 foot wells or 200 foot wells when the water level was at 60 feet or 70 feet. People couldn't necessarily afford that. People would say, 'Punch it 30-40 feet and let's call it and that was the standard. So that is what people did, right. A lot of the wells that are going dry now where drilled a long time ago. They lived for quite a while. And in these subdivision the subdivider is drilling the well to the 'red bed'. Their landing the screens very low to maximizing the life expectancy of the water there. That is what is going on. There is water available, there is forty years of water available, based off of observed decline in the area and the saturated thickness values that have been reported. So, that is why our opinion differs from the state engineer's office, because we are looking at observed decline and Ms. Matthew's, and for the County, and for the people I would agree we need more water level measurement and we need water level measurement and we need to know what people are pumping, when and where. All of those things are true. We do need State Agencies that can provide that information. We do need those things. Those things are important. I agree a good, strong State Engineer that is collecting that data for the public, is a good thing. There is a large group of people out of New Mexico Tech that are trying to do the same thing because the public does not have the resources to collect those water levels. So, New Mexico Tech has a program where they are collecting water levels and trying to get people to volunteer to collect water levels. That is where we start from what is observed and what can we determine and that is how we do our reporting. That is why we think there is more than forty years of sustainability. Another thing to think about and this has come up before is Mr. Johncox bought a water right. He bought a farm or a portion of a farm. He said, I am not going to farm. I am going to convert a portion of these rights to domestic use, which he did. These wells are metered, so there again we have metering. We slightly less... We are allowing less water than Lea County Subdivision Regulations says we need to. LSCR says to allow for 0.6 acre-feet per year per lot. We are allowing 0.5 acre-feet per year per lot. It is metered; it requires meters. It is actually based off of a water right. There is a State Law, the board is talking about a lot, about two acres and subdividers and those sorts of things. The idea is that farmers will sell their farms; sell the water rights. The water rights are transferrable. They will move their water rights to a different location; then they will subdivide the land and pull domestic water well permits. Those domestic well permits, the concept is a double dipping. Well, the farmer has water rights, he could have left some there, but you sold your water rights and made money off your water rights and then they drill a domestic well. That is what the state law was designed to.....that was their concern. Mr. Johncox is exceeding that standard he is using that water right, he purchased that water right, which is a licensed water right, and he converted a portion of it to domestic use. And we talked about this last time, that obviously these are developed in to residential lots; they are not going to be farmed. So the State Engineer would say to the point that Daniel Johncox purchased that forty acres which represents 120 acre-feet of water being pulled out of the ground. The State Engineer would say that 120acre-feet is being pumped every year and it is not. That is why you see a discrepancy between the real world, actual observe decline, and this is a microcosm of that but imagine that on a larger scale. Imagine that on a scale where; If you look at all the farmers out here, no one is farming the way they used to. No one is flood irrigating, or ditch irrigation, all of it is pivot irrigation. Because pivot irrigating uses less water than those other types of irrigation. These are all good things we are encouraging conservation. It is a bigger issue, it is not that the State Engineer is That my facts differ from the State Engineer's facts; it is the way we look at the problem different. The State

Engineer is looking at it through a model prospective with not a lot of modern data to back it up with. They do not know how much people are pumping. They don't; so if your model does not match reality then your model needs to be recalibrated and that is the position. The State Engineer in their review of this; while the deny the subdivision, they say there is not enough water in this subdivision based off their model. They say specifically and expressly that there is discrepancy between their model values and what is seen in their model values and what is actual being seeing in the wild. They are saying we needed more information to figure out why there is a difference. Well, I do not need more information to know why there is a difference; I just know there is a difference and I know there is forty years of availability for this subdivision. So that is where we are giving you our opinion. That is our facts we are providing to you. I will stand for any questions.

GUY KESNER: I just have one quick question for you. If you are providing them with that information to the State Engineer's Office, I assume you have provided your hydrology report to them.

CHRIS CORTEZ: It is a Water Availability Study to them.

GUY KESNER: Why do they not take that Water Availability Study and information you gather and take that into consideration versus their model.

CHRIS CORTEZ: That is a good question for them. It is limited resources it takes a lot to go collect that data; you have to collect a lot of data to know what is really going on.

GUY KESNER: You provided that data. Why don't they say this is a reasonable report; is it just because they like to hang their hat on that model and Do they use this same model in other counties?

CHRIS CORTEZ: The Lea County Model is used for the Lea County Underground Water Basin. Which is more or less here out to the caprock. You guys (Lea County) are in the Ogallala, which is the biggest aquifer in the United States and you guys (Lea County) are the western most edge as you go off the cap and head toward Artesia or Roswell or Carlsbad you are coming off the cap. That is the edge. That is the edge; that is the red bed being exposed at the edge the western extent of your boundary. The Lea County model is different. The Lea County Model has evolved over time. The Lea County Model used to be block based and now they have Lea County Underwater Water Model. What they do is they divide the basin into squares; model cells. They account for all the water that is well permitted in that square. So if you have a well in that square; let just say Ms. Matthews has a domestic well boom in that square one-acre foot per year. It is older so it is probably three-acre foot per year. Then they look at Mr. Johncox's well and they go 40-acres of irrigation rights, (120) one hundred twenty-acre feet per year. And what they do is they say well here is what we think the starting value is and here is what we think the red bed is and based off of a period of time. And then they say simulate everyone pumping a 100% of their right every year. Boom, boom, boomand then they simulate the decline. And that is what they do; that is what the model does basically and it needs updating. I would say it needs updating. It is not reflective of current condition in everywhere in Lea County. In some places we might be declining or equal to or exceeding their model and some place we may not be. The question is which is it? The answer comes by documenting and observed decline because observed decline is a reflection of the water being pulled out and the only way water can be pulled out of the Ogallala, is when it is pumped out. That's it. It is not like Roswell, where it discharges into the Pecos River. We have a totally different aquifer system over there. When you down to Loco Hills there really is no water in the Loco Hills area. As you come off the cap and before you get to the Pecos River, there is areas where there isn't a lot of ground water. Those communities actually take water off the western edge of the and they pipe it down gravity feed into the Maljamar, Loco Hills, and Carlsbad. Carlsbad does the same thing. They have the Double Eagle Well Field, where they pump water down to Carlsbad. They take it off the Ogallala. They have water rights for that. You know, it is not a perfect system and does it need work absolutely. We very firmly state behind the idea of increasing funding for the Office of the State Engineer to collect more data; we believe that is important. People like Ms. Matthews, any one of us that are a citizen of New Mexico, Mr. Johncox, having reliable data to work with is really important. The same thing for us. One other thing to think about is domestic wells usage is a very small use. The biggest use in New Mexico is Agriculture. The biggest use of ground water in New Mexico is agriculture. It is more water than any other user, all your cities, even commercial usage. Now you could make an argument with how it breaks out with the oil field and the use of hydraulic fracturing. That is a large body of water, but not the same as agriculture. If you look at the percentages; it is agriculture. Domestic use is really small. What we have found and the New Mexico groundwater association talks about this is when you meter domestic wells and you look at actual use, it averages about 0.3-acre feet per year. Actual measured use through domestic wells is domestic wells don't use that much water. They really don't use that much water. And that is just the reality. Now, do we have a good subset of all the domestic wells in Lea County; how much water do they use; how much water is everyone actually pumping. Absolutely not; We don't! Should we get that information? Yeah, but we don't have that. That is outside the reach of a developer or your average citizen or your average engineering company to go out and get. That is what the state is for and we should fund those things. I am not disagreeing with that at all. It would make my job easier; a lot easier and it would make your guys job easier. So, but that is a little bit beyond the scope of this problem. So that is the difference; so do you guys have and questions.

MICHAEL ARNOLD: Yes, I do. I do. You are saying that this development is okay based to observed decline to this point. Do you factor in projecting continual development and you say we have forty years? That forty years is that based on current population or forty years of increased population.

CHRIS CORTEZ: I am saying that we have more than forty years in this area. The goal of the water availability study is based off the saturated thickness available and the pumping right; would we expect there to be more than forty years. The State Engineer say that the decline is more than four feet per year for forty years. Four times forty is 160 feet; OH! It is going to be dry. We say; we are actually seeing a A good question to think about would be, is where would that increase demand come from? As farms are dried up and move to more robust; Johncox's for example, that is 40 acres that is gone; it is no longer there. So now instead of 120 acre-feet, he says I am going to put 30 lots out there, I know it has change slightly, and each is going to use point 5 (0.5) acre-feet. So there, annual usage is 16acre feet rather than 120-acre feet that that land was farmed with. 120-acre feet has to come out of the model. So domestic use; so what you are seeing around Hobbs is that as irrigation becomes less; a lot of people have irrigation that dried up. There is a lot of irrigation that is fallow or has been redeveloped into these subdivisions. As you move away from irrigation you get a lot more and more of domestic development. Domestic development uses a lot less water than irrigation. A LOT LESS WATER. It is not even on the same scale. Another thing to think about conceptual, hypothetical, as irrigation becomes harder, as water level declines, it is not as practical to irrigate, so it gets more expensive to pump, you have to put more well in, you have to drill deeper. Irrigation wells are a lot more expensive than domestic type wells. There is different casing, different pumps, more cost to lift that acre-foot out of the ground. People stop to farming around these areas and then what happens is less demand comes out of these wells. Less demand is coming off of the aquifer. Which isn't to say that there isn't high demand on the aquifer. And it is going to vary, it is localized, that is why they have those model cell to simulate that. MICHAEL ARNOLD: I am going to put you on the spot, if the land developer had chosen to put 40 acre of pecan trees, the state would be okay with that?

CHRIS CORTEZ: Yeah, he could have, he has the right to do that.

MICHAEL ARNOLD: He would have drawn a lot more water.

CHRIS CORTEZ: Yes, absolutely. Actual

MICHAEL ARNOLD: But, with a subdivision, they have a negative opinion drawing a lot less water.

CHRIS CORTEZ: Correct. Absolutely, right now, if Daniel Johncox buys this land with forty acres of water rights, he could literally go out there now and start farming, right now and he could pull up to 120 acre feet of water per year out of the ground. Not if you put 40 acres of pecans in, the interesting thing about pecans is they take more than 3 acre-feet of water per acre of pecans. So usually what you see in the

Roswell basin, there is a lot of pecan farming, usually it takes about 5-6 acre feet per year. Most farmers have to bring in more water rights or they have to reduce their acreage. So you would not see a 100-acre corn field be converted to a 100-acres pecan orchard, because you would not have enough water. Actual they would have to shrink the number of acres to get the same duty of water. We measure the land in acres, but the volume of water is measured by the acre-foot. If Mr. Johncox wanted to farm 40 acres out there; he would have the legal right to take more water, much more water than the subdivision. And no one could stop him, none of the neighbors, the state engineer could not stop him. He would have the legal right to do it. Mr. Johncox did it the right way as a developer by converting water rights to domestic use. There is already a right there it is a legally protected right. It is a property right. But, you are absolutely right, he could go out and farm 40 acres, if he absolutely wanted to. But, it cost money to do that too. He is seeing this as a better use, affordable housing. Better use on his investment.

JEREMY BAKER: Did Mr. Johncox have to convert those water rights over to domestic wells?

CHRIS CORTEZ: So, yes, he filed an application to change the water right, a portion of the water right. He put an application in front of the state engineer to change point of diversion from one to many, if you have more well the less volume of water per minute, you are changing point of diversion and purpose of use. The State Engineer when they modeled that of course they said, it was alright, perfectly approvable, because it is approvable. Water availability is different that water rights. The state uses the same model for those things. And that is where you are seeing the discrepancy there. It is not like the are bad, or don't have all the facts, it is just different interpretation of different policies. And that is what is going on there.

JEREMY BAKER: My question was more along the lines was did he have to transfer those over that way or could he have taken the water rights off and put in domestic wells?

CHRIS CORTEZ: Actually, yes. He could have move them. He could hypothetically take those water rights and move them to somewhere else by permit from the State Engineers Office were they would look at it, to where you are moving them to and see if you could do that without impairing any other people. Then you could put in domestic wells. Would you be limited? Possibly. Mr. Johncox and I have work together for quite a long time now. I have work on two things for him now over several years, because things take a long time, now. He said, I want to buy this farm with water rights and I want to convert them. So he chose to go that way which I think is a better deal, most definitely. Taking something that is already legally there and saying I want to convert it, under the law and do it this way, so that is what he did. I know you guys have this but this is the state engineers statement, "The model predicts an average rate of decline that is much steeper than the rate of water level decline based on observed data. This is on page 5 of the hydrology memo. The model simulation conservatively predicts future aguifer saturation because it assumes that all the water rights in the Lea County Model area are pumping their full amount from the start of the model (year 2016). Additional analysis of water rights in this area of the model versus recent pumping could provide insight as to why there is such a difference between the observed and modeled trends. So we know for their model, let just say 2016 from 2020 four years; they would have said since 2016, four years, that farms took out 480 acre-feet of water out of the ground. Which it didn't. That just claims the difference. But, they go with their model and they say we are going to base our opinion off of our model. We say we are going to base it off the observe decline, because observed decline so the actual pumping out of the ground. For me, reality is a little more important than a model that does seem to be calibrated to real situations. They need to recalibrate their model. And that is what needs to go and that is what needs to happen.

GUY KESNER: I am going to open this up for the next person who would like to give comment before the planning and zoning board. Thank You, Mr. Cortez. Could you please sign the paper and tell us (it is right here on the side, my right hand side, your left hand side. For the record could you please tell us your name?

WANDA KELTON: Wanda Kelton. Um.

GUY KESNER: Hold on one second, Mrs. Kelton, trying to write your name down before I forget. Short time memory. Could you raise your right hand please? Do you swear to tell the truth under penalty of law?

WANDA KELTON: Yes.

GUY KESNER: Thank You, so much.

WANDA KELTON: Just to add to Pam's spill that she gave, we have on account of the COVID, we have a list of everyone that lives in the neighbor that opposes this. If I could give this.

GUY KESNER: Thank You.

WANDA KELTON: And that was just the main thing. We would've had more people here, but for the COVIC precautions. But, if there are concerns, do they need to call you or do we need to save it for the County Commissioners?

GUY KESNER: Do you have some facts to add to the petition? WANDA KELTON: Well, no; I mean my concern would be the property value of our home that are on Matt Drive, because this is going to butt up to my back fence. I mean literally up to my back fence.

GUY KESNER: Yes, ma'am.

WANDA KELTON: Would you not be a little concerned?

GUY KESNER: I will be honest with you I lived inside the city limits.

WANDA KELTON: Yeah, I know. The main deal is the water for everyone on Matt Drive and on Alabama. **GUY KESNER:** I completely understand able the neighborhood issue that is a hard decision because in reality anyone could have bought the land to convert it or keep it into farming or ranching.

WANDA KELTON: If I would have known, I would have bought and put in a pecan farm.

GUY KESNER: I am just saying, it makes it difficult because we have two parties; one that owns land, well, we have two parties that owns land that want to have different uses for it. So, you have to weigh, whose property rights are more important? That is a hard governmental decision or individual decision to make.

WANDA KELTON: That is my two cents.

GUY KESNER: Thank you, Ms. Kelton. Is there anyone else who would like to give testimony before the Planning and Zoning Board? Is there anybody else? Okay. So at this time we make a recommendation. DICKIE WALL: How many names are on the list?

BRUCE REID: Eight. Probably, pretty close to everyone that lives on Matt Drive.

GUY KESNER: There is a Lynda Wilson, Michael Williamson, Mary Parsons, Clay Farrow, Tayni Kennedy, Pam Dees, Wanda Kelton, and (Ron Matthews). Pam Matthews, I'm sorry. Those are the one that have signed.

DANIEL JOHNCOX: Guy, this is Daniel, I have one comment.

GUY KESNER: Yes, Mr. Johncox.

DANIEL JOHNCOX: If I own land that has water rights if I move those water rights or sold those water rights to somebody and wanted to do a development on that property; you would have to repopulate that property with water rights before you could develop. I believe that that was about five years ago that that changed into law. I just wanted to clarify that you cannot do that anymore. I used to with no water rights, where the water rights were removed; but you can't do that anymore.

JEREMY BAKER: Daniel, did you, Mr. Johncox, did you//

GUY KESNER: If we're going to ask a lot of questions of Mr. Johncox, then I need to swear you in. **JEREMY BAKER:** Okay, yeah, I just have one question for him, but, yeah, go ahead and swear him in.

GUY KESNER: Do you want to do that Mr. Johncox, would you like to testify before this board?

DANIEL JOHNCOX: Yea.

GUY KESNER: I assume you are going to abstain from voting on this issue anyway.

DANIEL JOHNCOX: Yea.

GUY KESNER: Raise your right hand. Mr. Johncox, do you swear to tell the truth under penalty of law?

DANIEL JOHNCOX: Yes, Sir.

GUY KESNER: Go on, Jeremy.

JEREMY BAKER: So you say you have to have water rights to do this subdivision anyway, but right now you limited the amount is that correct from a half-acre foot instead of a full acre-foot, is that correct? DANIEL JOHNCOX: That is partly correct. Let me just, let me make this one comment. If I went out and bought me a piece of land that never had any water rights appurtenant to that land, I can do a domestic development. The law that they enacted was to keep people from removing the water rights and then coming in and doing a development. That is the reason for the law. So, I do not have to have water rights to do a domestic development. I this particular case when I bought the property I bought water rights with the property. So, since I had the water right I bought the property and put a half-acre water right with each of the properties.

JEREMY BAKER: Okay. Thank You.

GUY KESNER: Is there anymore testimony?

RANDY PETTIGREW: I have a question for Mr. Johncox?

DANIEL JOHNCOX: Yes, Sir.

RANDY PETTIGREW: If I understand correctly, you own 40 acres with 3 acre-feet of water rights to it?

Right?

DANIEL JOHNCOX: That is correct.

RANDY PETTIGREW: And so, what you attempt is with this subdivision is to have is to only use about forty acre-feet of it. There is still another eighty-acre feet available that is not being used?

DANIEL JOHNCOX: When you convert irrigation to domestic, you reduce it by one-third, so it is only 80 acre-feet, then when you take the amount of lots and times that by half, and I am only going to be using about 16-acre feet on that land or in that neighborhood.

RANDY PETTIGREW: Versus, putting a pivot out there a forty-acre pivot? So, you potential reduce the draw out of this area? Thank You.

GUY KESNER: Did you answer yes to that Mr. Johncox?

DANIEL JOHNCOX: Yes, I did.

GUY KESNER: So, is there any other questions? Once again we have two options, I guess three options. We can either continue the hearing if we see fit, or we can make a motion to approve or a motion to deny. It is not a variance, because all the guidelines are followed.

JEREMY BAKER: Mr. Chair, I moved to approve.

MICHAEL ARNOLD: I second.

GUY KESNER: Jeremy made the motion to approve and Michael made the motion to second. Any other discussion? Okay, Bruce would you like to do a roll call vote.

BRUCE REID: Okay. Guy Kesner-Yes; Dickie Wall-Yes; Michael Arnold-Yes; Jeremy Baker-Yes; Randy Pettigrew-Yes; and Daniel Johncox-abstain.

GUY KESNER: Okay, that is number two. Vote: 5-0-1.



COMMISSION MAY CONVENE IN CLOSED SESSION to Deliberate in Connection with an Administrative Adjudicatory Proceeding Namely a Request for Approval of a Preliminary Plat by Daniel Johncox for a Proposed Mesquite Draw Subdivision, as Authorized by NMSA 1978 Section 10-15-1 H (3).

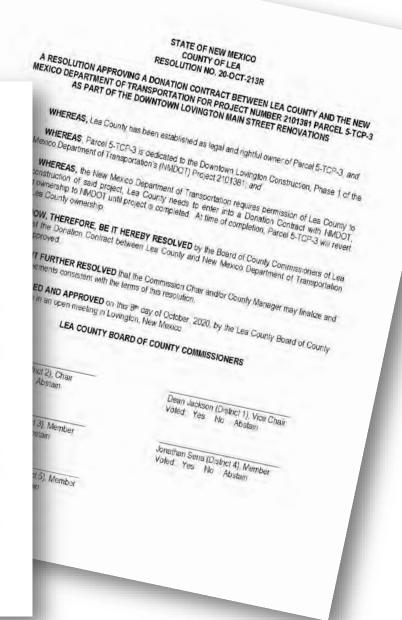
COMMISSION MAY CONVENE IN OPEN SESSION to take Action, if any, on the Closed Session Item(s).

Consideration of Lea County Resolution No. 20-OCT-213R Approving a Donation Contract between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations

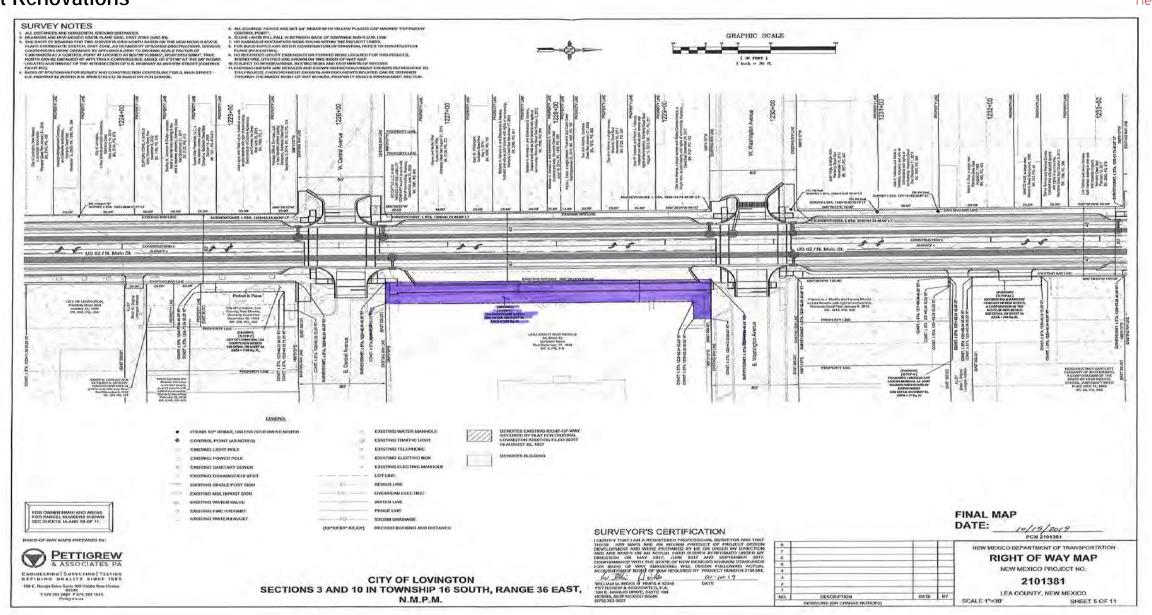




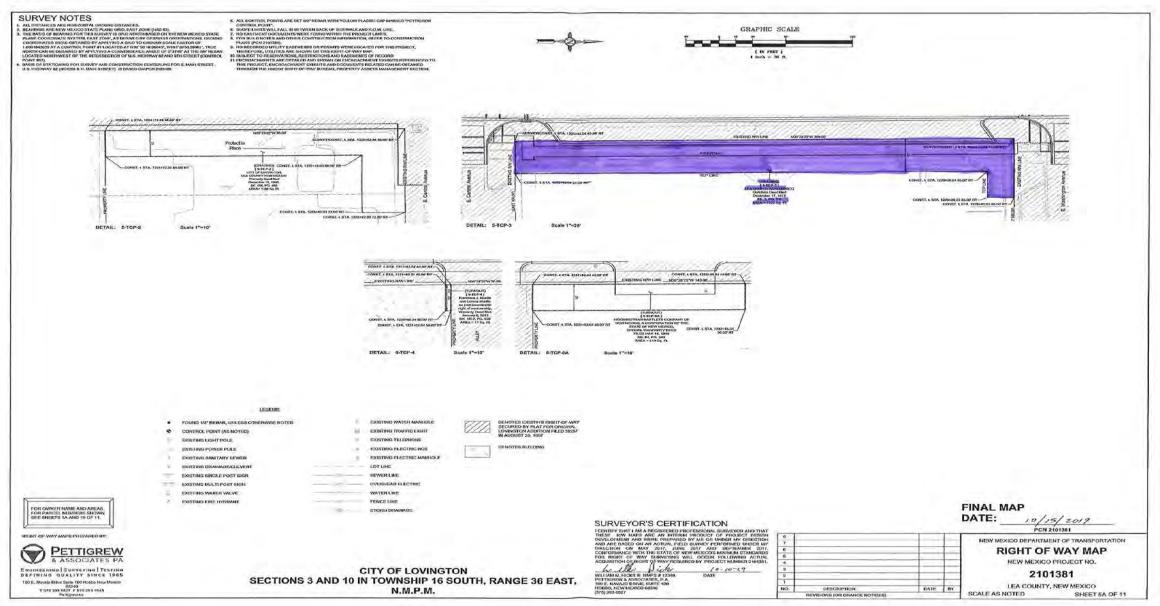
Formy A-307 New Mexico Department of Transportation DONATION CONTRACT Control #: 2101381 Downtown Lovington Construction Phase I:US 8 District: 7wo. from S. 1st Street to W. Van Buren Avenue mlepost 171.3 to 172.2 (.9 mile) NM 18 from W. Avenue F to NM 83 milepost 72 to 72.2 (.2) miles NM 83 from US 82 to S. East Street milepost 0 to 5 1.5 mile) Parcel: 5-TCP-3 County: Lea THIS AGREEMENT made and entered into this between LEA COUNTY NEW MEXICO whose address is 100 N Math St STE 4, Lovington NM 88260 Party of the First Part, and the New Mexico Department of Transportation, hereinafter referred to as the Department. For the purposes of this contract, Party shall be deemed to be either singular or plural as the WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the Department, one Temporary Construction Permit to real estate for highway purposes situated in Lea County, State of New Mexico, and subject to the following ONDITIONS: translation agreed that for valuable consideration herein acknowledged, a temporary construction permit to use Parcel 5-TCP-3, shall be granted to the New Mexico Department of Transportation. THIS AGREEMENT shall extend until such time as the project is completed. This transaction is recognized to be of mutual benefit to both the first party and the Department. It is therefore mutually agreed that the right to just compensation is hereby waived Taxes and Special Assessments, if any delinquent from former years, and Taxes and Special essessments for the current year, if due and/or payable, shall be paid by the Party of the First Part. 2. Party of the First Part will be responsible for the payment of all property taxes for the parcel of property heretofore described to the date of closing of this transaction. The Department will reimburse the Party of the First Part for all property taxes paid by said Party of the First Part after the date of closing or the parcel of property heretofore described, if any THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained 4. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, Page 2



Consideration of Lea County Resolution No. 20-OCT-213R Approving a Donation Contract between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations



Consideration of Lea County Resolution No. 20-OCT-213R Approving a Donation Contract between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations





LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

do not meet the above deadilite.				
DATE SUBMITTED mm-dd-yyyy:	SUBMITTED BY Name, Title,	Dept:		
09/29/2020	Edmundo Lara/Interim Facilities Manager			
SUBJECT:	ATTACHMENT(S):			
Approval of Temporary Donation Contract between Lea County and New Mexico Department of Transportation relating to Project 2101381	Resolution 2. Donation Contract Resolution 2. Donation Contract			
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:			
Donation Contract Resolution	Action Item			
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:			
N/A	2020-2021			
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:				
Section 2. Approach & Strategies 1. Collaboration & partnership with local communities, agencies and go 8. Continuous interaction with the State of New Mexico and statewide of	overnment entities is essential for su organizations is required to protect	iccess the County's interests		
SUMMARY:				
the noted boundaries will be mentioned as parcel 5-TCP-3 for legal purpos County Courthouse directly along Main Street from East Washington Avenimmediate possession to the New Mexico Department of transportation for completion of Project 2101381, rightful ownership will be reverted to Lea C	ue extending to East Central Avenu completion of afore mentioned proj ounty Government. ptop/Projector/Etc.:	e. This Donation Contract will grant ect. It is understood that upon See Additional		
Easel Laptop Projector Projector	Other:	Summary Attached		
SUBMITTER'S RECOMMENDATION(S):	7. 1. 1. 1. T.	Submitter's Signature		
The recommendation of the Interim Facilities Manager is that this resolution be approved.		Department Director, Etc. Edmundo R Lara II Department Director, Etc. D		
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director		
There is no financial impact to Lea County with this agenda ilem.		Henry C Low Jr Digitally signed by Henry C Low Jr Date: 2020.10.01 13:43:44-06:00		
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney		
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda Digitally signed by Michael P. Gallagher II Date: 2020.10.07 14:03.15		
tem No. 0204 RECORDING SECRETARY'S USE ON	ILY ~ COMMISSION ACTION T	AKEN		
Approved: Denied:	Other:			
Resolution No. 20-OCT-213R Policy No		Ordinance No.		
		nments:		

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-213R

A RESOLUTION APPROVING A DONATION CONTRACT BETWEEN LEA COUNTY AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PROJECT NUMBER 2101381 PARCEL 5-TCP-3

AS PART OF THE DOWNTOWN LOVINGTON MAIN STREET RENOVATIONS

WHEREAS, Lea County has been established as legal and rightful owner of Parcel 5-TCP-3; and

WHEREAS, Parcel 5-TCP-3 is dedicated to the Downtown Lovington Construction, Phase 1 of the New Mexico Department of Transportation's (NMDOT) Project 2101381; and

WHEREAS, the New Mexico Department of Transportation requires permission of Lea County to begin construction of said project, Lea County needs to enter into a Donation Contract with NMDOT, granting ownership to NMDOT until project is completed. At time of completion, Parcel 5-TCP-3 will revert back to Lea County ownership.

NOW, **THEREFORE**, **BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the Donation Contract between Lea County and New Mexico Department of Transportation is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair		
Voted: Yes No Abstain	Voted: Yes No Abstain		
Gary G. Eidson (District 3), Member	Jonathan Sena (District 4), Member		
Voted: Yes No Abstain	Voted: Yes No Abstain		
Richard Don Jones (District 5), Member Voted: Yes No Abstain			

ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:		
Hollve	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

Project: 2101381

Parcel(s): 5-TCP-3

to .5 (.5 mile)

NEW MEXICO DEPARTMENT OF TRANSPORTATION DONATION OF REAL PROPERTY

Termini: Downtown Lovington Construction Phase I:US 82 from S.

1st Street to W. Van Buren Avenue milepost 171.3 to 172.2 (.9 mile) NM 18 from W. Avenue F to NM 83 milepost 72 to 72.2 (.2 mile) NM 83 from US 82 to S. East Street milepost 0

Control #: 2101381

District: Two

County: Lea

TO: New Mexico Department of Transportation
FROM: LEA COUNTY NEW MEXICO
ADDRESS: 100 N Main St STE 4, Lovington NM 88260
I have been informed by Jennifer Cortez, Acquisition Agent for the New Mexico Department of Transportation that it is my right to receive just compensation and or an appraisal for the temporary construction permit required from my property on the project and parcel(s) listed above. This Agreement shall extend until such time as the project is completed. However, it is my desire to donate to the New Mexico Department of Transportation the necessary right of way for this project. I do donate this right of way of my own free will.
LEA COUNTY NEW MEXICO
By:
Title: Date:
CORPORATE ACKNOWLEDGMENT
STATE OF
On this day of, 20, before me, a Notary Public in and for said County and State, personally appeared who is/are the, respectively, of <i>LEA COUNTY NEW MEXICO</i> , and who is/are personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to in the within instrument, and acknowledged to me
that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or entity upon behalf of which the persons acted, executed the instrument.
Witness my hand and official seal,
Notary Public
My Commission expires
(Seal)

New Mexico Department of Transportation

DONATION CONTRACT

Project: 2101381 Control #: 2101381 Termini: Downtown Lovington Construction Phase I:US 8 District: Two

> from S. 1st Street to W. Van Buren Avenue milepost 171.3 to 172.2 (.9 mile) NM 18 from W. Avenue F to NM 83 milepost 72 to 72.2 (.2 mile) NM 83 from US 82 to S. East Street

milepost 0 to .5 (.5 mile).

Parcel: 5-TCP-3 County: Lea

THIS AGREEMENT made and entered into this _____ day of _____ , ____ between _LEA COUNTY NEW MEXICO

whose address is 100 N Main St STE 4, Lovington NM 88260

Party of the First Part, and the New Mexico Department of Transportation, hereinafter referred to as the Department. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the Department, one Temporary Construction Permit to real estate for highway purposes situated in Lea County, State of New Mexico, and subject to the following terms and conditions:

CONDITIONS:

It is mutually agreed that for valuable consideration herein acknowledged, a temporary construction permit to use Parcel 5-TCP-3, shall be granted to the New Mexico Department of Transportation.

THIS AGREEMENT shall extend until such time as the project is completed.

This transaction is recognized to be of mutual benefit to both the first party and the Department. It is therefore mutually agreed that the right to just compensation is hereby waived.

- 1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the Party of the First Part.
- 2. Party of the First Part will be responsible for the payment of all property taxes for the parcel of property heretofore described to the date of closing of this transaction. The Department will reimburse the Party of the First Part for all property taxes paid by said Party of the First Part after the date of closing for the parcel of property heretofore described, if any.
- 3. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
- 4. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners,

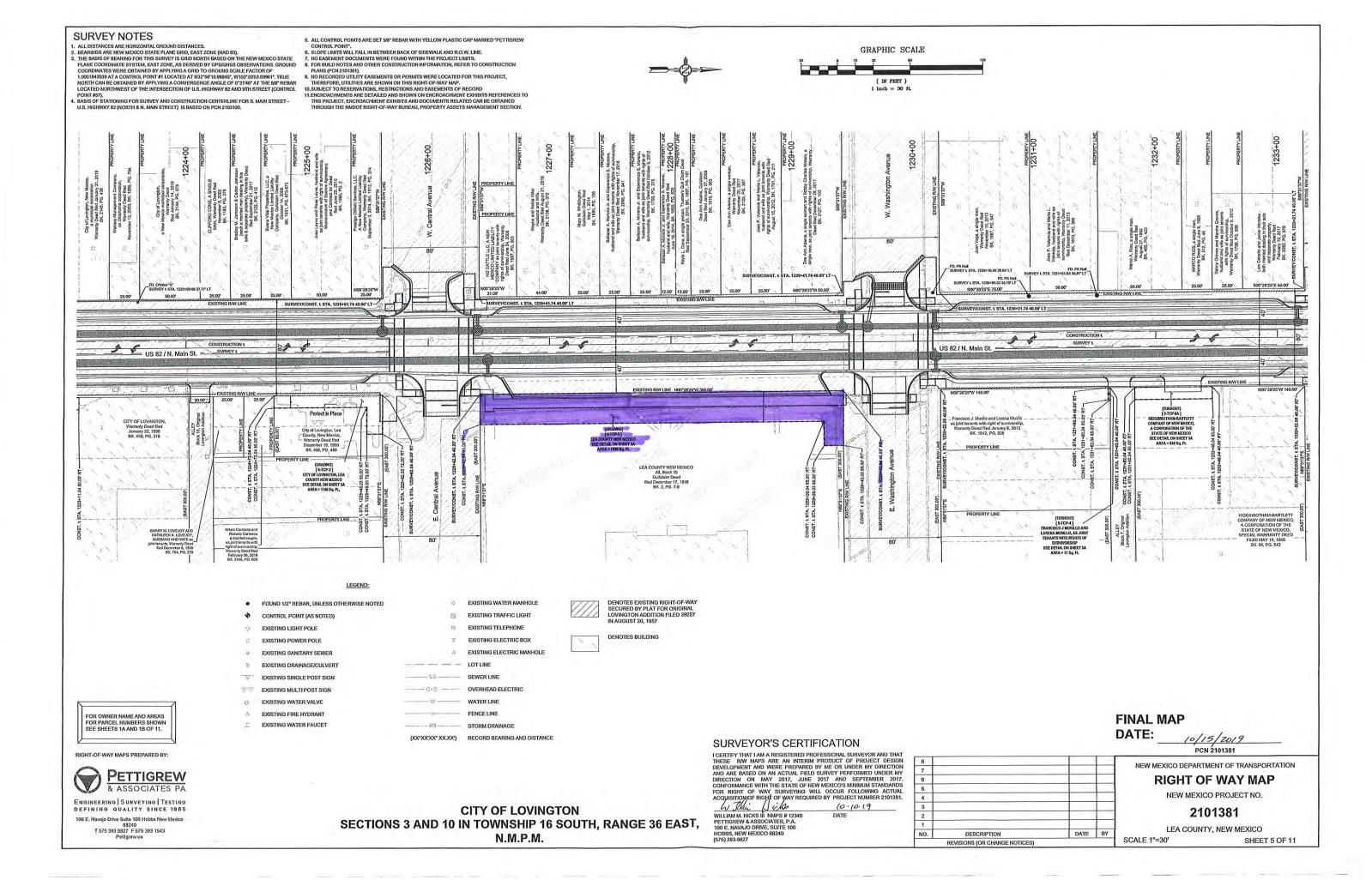
lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.

- 5. THIS CONTRACT shall be binding upon the parties hereto and upon the respective administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by the State Highway Engineer or his authorized representative.
- 6. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, **IMMEDIATE POSSESSION** of said premises, and the right to enter thereon, is **HEREBY GRANTED** to the Department, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
- 7. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
- 8. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for highway purposes.
- 9. Terms and conditions contained on the reverse side of this contract are part of this contract as fully as if written on this side.
- 10. Neither party shall be responsible for the liability incurred as a result of the other party's acts or omissions in connection with this agreement. Both parties liability shall be subject in all cases to the immunities and limitations of the Tort claims Act. (Section 41-1-1, et seq., N.M.S.A. 1978) and any amendments thereto. This paragraph is not intended to modify in any way either parties responsibility or the Tort Claims Act.

THE DEPARTMENT agrees to purchase the above described real estate, or interest therein, and to pay upon delivery of a good and sufficient conveyance therefore, as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
5-TCP-3	7820	\$0.00		\$0.00			0.00

	Total Compensation \$	
NEW MEXICO DEPARTMENT OF TRANSPORTATION	N	
Ву:		
Right of Way Negotiator – Jennifer Cortez	Date	
Approved By:		
Angela Sandoval		
Right of Way Acquisition Supervisor	Date	
Party of the First Part: LEA COUNTY NEW MEXICO)	
By:	Date:	
T:41a.		



SURVEY NOTES

- SURVET NOTES

 1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 2. BEARINGS ARE NEW MEXICO STATE PLANE GRID, EAST ZONE (NAD 83).

 3. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH BASED ON THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, EAST ZONE, AS DERIVED BY GPSKINSS OBSERVATIONS, GROUND COORDINATES WERE DETAINED BY APPLYING A GRID TO GROUND SCALE FACTOR OF 1.0001643039 AT A CONTROL POINT #1 LOCATED AT N32*05*10.96945*, W103*2053.99691*, TRUE NORTH CAN BE OBTAINED BY APPLYING A CONVERGENCE ANGLE OF 23*149* AT THE 65*0 REBAR LOCATED NORTH/YEAST OF THE INTERSECTION OF U.S. HIGHWAY 82 AND 9TH STREET (CONTROL POINT ST.)
- POINT #57).

 BASIS OF STATIONING FOR SURVEY AND CONSTRUCTION CENTERLINE FOR S. MAIN STREET-U.S. HIGHWAY 82 (NORTH & N. MAIN STREET) IS BASED ON PCN 2103100.
- 5. ALL CONTROL POINTS ARE SET 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PETTIGREW

- CONTROL POINT.

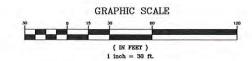
 6. SLOPE LIMITS WILL FALL IN BETWEEN BACK OF SIDEWALK AND R.O.W. LINE.

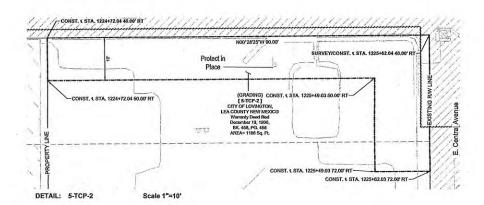
 7. NO EASEMENT DOCUMENTS WERE FOUND WITHIN THE PROJECT LIMITS.

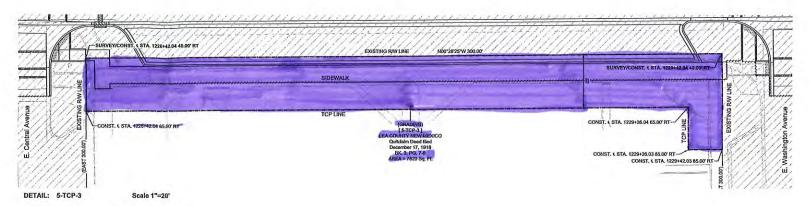
 8. FOR BUILD HOTES AND OTHER CONSTRUCTION INFORMATION, REFER TO CONSTRUCTION
- PLANS (PCN 2101381).
- PLANS (PCN 2101381).

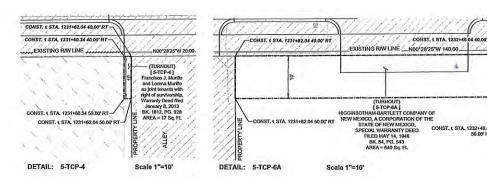
 9. NO RECORDED UTILITY EASEMENTS OR PERMITS WERE LOCATED FOR THIS PROJECT,
 THEREFORE, UTILITIES ARE SHOWN ON THIS RIGHT-OF-WAY MAP,
 10. SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD
 11.ENCROACHMENTS ARE DETAILED AND SHOWN ON ENCROACHMENT EXHIBITS REFERENCED TO
 THIS PROJECT. ENCROACHMENT EXHIBITS AND DOCUMENTS RELATED CAN BE OSTANED
 THROUGH THE NIMOOT RIGHT-OF-WAY JUREAU, PROPERTY ASSETS MANAGEMENT SECTION.











LEGEND:



DENOTES EXISTING RIGHT-OF-WAY SECURED BY PLAT FOR ORIGINAL LOVINGTON ADDITION FILED 39257 IN AUGUST 20, 1957

DENOTES BUILDING

FOR OWNER NAME AND AREAS FOR PARCEL NUMBERS SHOWN SEE SHEETS 1A AND 1B OF 11.

RIGHT-OF-WAY MAPS PREPARED BY:



DEFINING QUALITY SINCE 1965 100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240 T 575 393 9827 F 575 393 1543 Pettigrew.us

CITY OF LOVINGTON SECTIONS 3 AND 10 IN TOWNSHIP 16 SOUTH, RANGE 36 EAST, N.M.P.M.

SURVEYOR'S CERTIFICATION

CORVETUR'S CERTIFICATION

I CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR AND THAT
THESE RW MAPS ARE AN INTERIM PRODUCT OF PROJECT DESIGN
DEVELOPMENT AND WERE PREPARED BY ME OR UNDER MY DIRECTION
AND ARE BASED ON AN ACTUAL FIELD SURVEY PERFORMED UNDER MY
DIRECTION ON MAY 2017, JUNE 2017 AND SEPTEMBER 2017.
CONFORMANCE WITH THE STATE OF NEW MEXICO'S MINIMUM STANDARDS
FOR RIGHT OF WAY SURVEYING WILL, OCCUR FOLLOWING ACTUAL
ACQUISITION OF RIGHT OF WAY REQUIRED BY PROJECT NUMBER 2101381.

WILLIAM M. HICKS III NMPS # 12348 PETTIGREW & ASSOCIATES, P.A. 100 E. NAVAJO DRIVE, SUITE 100 HOBBS, NEW MEXICO 88240 (575) 393-9827

DATE BY

FINAL MAP

PCN 2101381 NEW MEXICO DEPARTMENT OF TRANSPORTATION

SHEET 5A OF 11

10/15/2019

RIGHT OF WAY MAP

NEW MEXICO PROJECT NO.

2101381

LEA COUNTY, NEW MEXICO SCALE AS NOTED



Control # 2101381 Project: 2101381

Parcel(s): 5-TCP-3

County: Lea

5/18/2020

LEA COUNTY NEW MEXICO 100 N Main St STE 4 Lovington NM 88260

RE: OFFER-BASED ON DONATION for Parcel(s) 5-TCP-3; 2101381, Downtown Lovington Construction Phase I:US 82 from S. 1st Street to W. Van Buren Avenue milepost 171.3 to 172.2 (.9 mile) NM 18 from W. Avenue F to NM 83 milepost 72 to 72.2 (.2 mile) NM 83 from US 82 to S. East Street milepost 0 to .5 (.5 mile).

Dear Property Owner:

The New Mexico Department of Transportation is presently acquiring right of way required for the construction of the above captioned project and wishes to purchase from you (1) Temporary Construction Permit in the property described herein.

A Temporary Construction Permit (TCP) is a short-term easement which remains in effect only during construction. Upon completion of the work, the property is returned to the owner.

You are entitled to just compensation based on an appraisal by the Department. However, the Department's understanding is that you intend to donate parcel 5-TCP-1. The subject parcel is described as follows:

Parcel 5-TCP-3, 7,820 sq. ft. to be used for the new proposed construction.

In connection with this donation, the following documents are enclosed:

- 1. Right of Way Map
- 2. Acquisition Booklet
- 3. Donation Contract
- 4. Donation Form
- 5. (1) Temporary Construction Permit

Michelle Lujan Grisham Governor

Michael R. Sandoval Cabinet Secretary

Commissioners

Jennifer Sandoval Commissioner, Vice-Chairman District I

Bruce Ellis Commissioner District 2

Hilma Espinoza Chynoweth Commissioner District 3

Walter G. Adams Commissioner, Chairman District 4

Thomas C. Taylor Commissioner District 5

Charles Lundstrom Commissioner, Secretary District 6 We sincerely trust that this offer meets with your approval. If so, please sign and date the contract where indicated, complete and sign the conveyance document in the presence of a notary public, and return them in the self-addressed, stamped envelope provided for your convenience.

Should you have any questions or need further information, please feel free to contact Jennifer Cortez at (505) 690-0324. Your cooperation in our efforts to provide better roads for your community is greatly appreciated.

Sincerely,

Jennifer Cortez

Right of Way Acquisition Agent

Concur:

Angela Sandoval

Right of Way Acquisition Supervisor

xc: Records

RIGHT OF WAY BROCHURE ACQUISITION

New Mexico Department of Transportation Right of Way Bureau 1120 Cerrillos Road P.O. Box 1149 Santa Fe, NM 87504-1149 (505) 827-5387

RIGHT OF WAY BROCHURE-ACQUISITION

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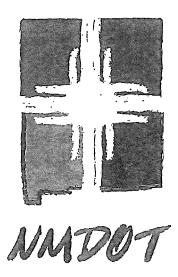
APPENDIX A... 29

SECTION 1 - PURPOSE OF BROCHURE

This brochure has been prepared to inform the property owner of certain policies and procedures related to the construction of transportation facilities In New Mexico.

One of the basic needs in highway construction is land on which to build new transportation facilities or make the necessary improvements on present transportation facilities. In line with our democratic legal tradition, the federal, state or municipal government has the right to acquire the property it needs in order to provide such public services as schools, water systems, or highways. It is also a part of our legal tradition that no private property may be acquired for public use without just compensation to the property owner.

In this brochure, the property owner whose land may be needed for transportation facility improvements will find answers to some questions about why the land is needed and how to be paid for it.

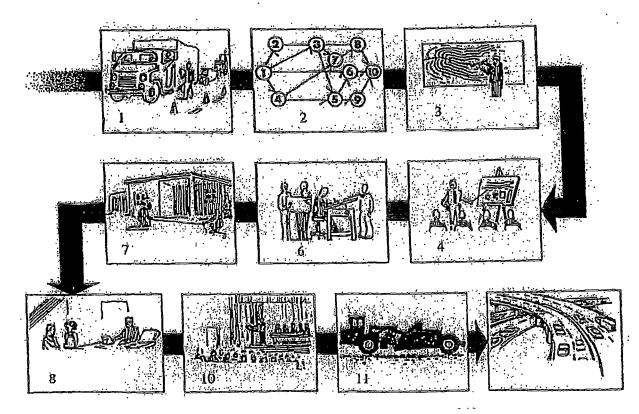


SECTION 2- WHY NEW AND BETTER TRANSPORTATION FACILITIES ARE NEEDED

Sound progress in the development and maintenance of a modern transportation network is of vital importance to everyone. An up-to-date transportation system will not only contribute to the general economic health of New Mexico, but will also be a deciding factor in attracting new industry. A large part of New Mexico's economy depends on out-of-state visitors, and the safety and convenience of our transportation facilities play a major role in determining their return year after year.

Modern freeways make possible the safest and fastest travel, but their construction requires more land than the old fashioned two-lane or four-lane highways. An essential feature of freeways is control of access, which permits entrance to, and exit from, the mainstream of traffic only at specifically designated points called interchanges. These interchanges, which require considerable acreage and are costly to build, make it possible for vehicles to enter or leave the highway without crossing lanes of fast-moving traffic. By restricting access and egress in this fashion, traffic congestion is adverted, the highway does not become obsolete, and the public investment in its construction is protected.

Frontage roads, city streets, or other roads that connect with established interchanges provide access to farms, residences, or businesses along the freeway. In this way, local traffic is accommodated as well as the high-speed through traffic on the freeway.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 3- PLANNING AND BUILDING A TRANSPORTATION FACILITY

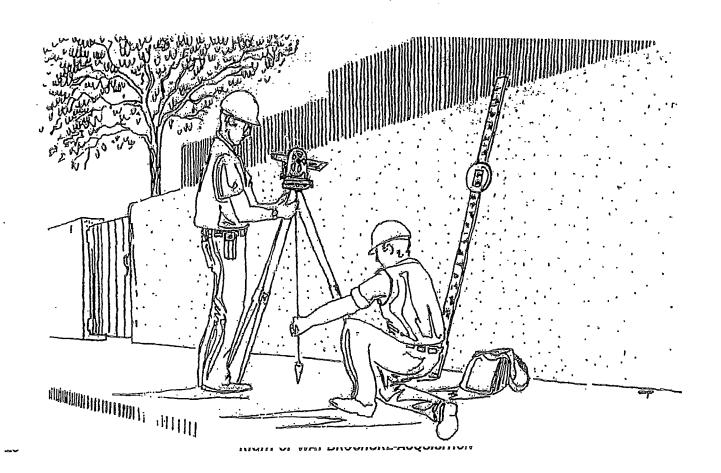
It takes many months and considerable work to plan and build a modern transportation facility. The main steps in the process are listed below:

- 1. Traffic Surveys
- 2. Programming
- 3. Preliminary Engineering
- 4. Environmental Impact Statement
- 5. Public Hearings
- 6. Final Design

- 7. Right of Way Appraisal
- 8. Right of Way Negotiations
- 9. Relocate Displaces
- 10. Contracts Awarded
- 11. Construction

As a citizen, you have probably not been greatly concerned with the financial or engineering problems involved with transportation construction. But as a property owner whose land may be required for a new transportation facility, you are bound to take a more personal view of road building and right of way acquisition.

The following pages will attempt to provide information on those phases of highway construction in which you may have an immediate interest. If you do not find the answers to all your questions, you can get them from your Right of Way Agent, or you may write to New Mexico Department of Transportation, Right of Way Operations Chief, P.O. Box 1149, Santa Fe, NM 87504-1149.

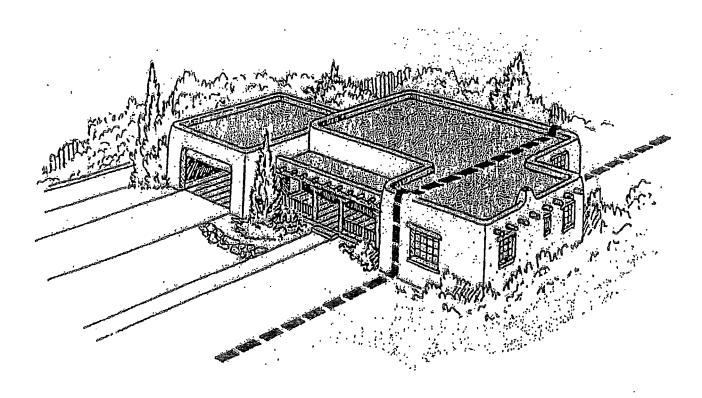


SECTION 4-THE INITIAL SURVEY

The first person from the New Mexico Department of Transportation that you are likely to meet is the surveyor. It is the job of the surveyor to locate all natural and man-made features and take all measurements that may have some bearing on the location of a highway across or adjacent to your property.

New Mexico law provides that written consent of the owner and, if applicable, any other person known to be in actual physical occupancy, must be obtained in order for the Department to enter upon private property for surveying or other suitability studies. The Department requests the cooperation of the property owners in furnishing the written consents. If the written consent cannot be obtained, the Department may seek an order of the Court allowing entry.

In most instances, a public hearing is held to give residents an opportunity to present their views on the proposed highway location. These views are considered and many planning and engineering procedures are followed before a final decision is made to acquire right of way for a new road.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 5- DETERMINATION OF A TRANSPORTATION FACILITY LOCATION

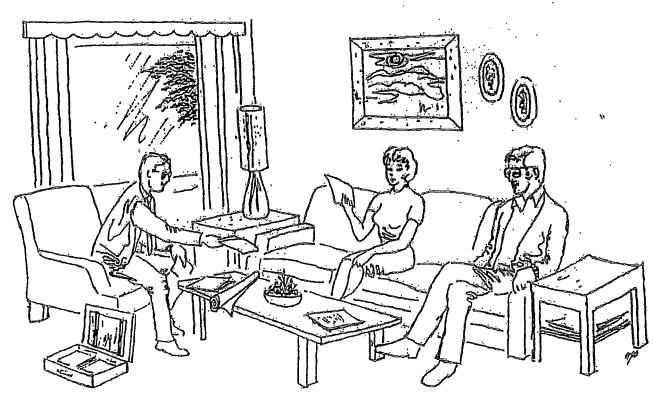
You may be sure that the choice of a highway location is not made idly. Behind the choice are many hours of work by experts with scientific instruments. Counters have measured the volume of traffic in your community. Engineers have studied the land in your area to determine the most economical location for the new highway, and they have taken into account such matters as proper grade and curvature. You can be confident that the decisions made are the best that can be made in the circumstances. They have selected the route that will best meet the needs of the highway user with the least inconvenience to the property owner. Questions of finance have also been answered. Can funds be spared from other badly needed projects? Under what conditions can federal funds be obligated? Is the expense in the public interest? If the answers are favorable, the order to purchase the right of way is then given. Now, and only now, can you, the property owner, be given specific answers to your questions.

SECTION 6- HOW MUCH WILL THE STATE PAY

The State will pay you the cash market value of your property. This means that you will receive the same amount you would get if you sold your property to any buyer under normal conditions. Moreover, you will get cash for your property when you sell to the State and you will save the sales commission and most of the paper work. The sum of money exchanged in these transactions is not meant to enrich the individual at the expense of the State, or enrich the State at the expense of the individual. If the State needs only a portion of your property, the amount of the offer made to you will be the difference between the market value of your property before the highway is built and its value after the State has acquired what it needs for the highway construction. It would be well for you to keep in mind that in this kind of transaction, you play a dual role. You are both a seller and buyer. As a property owner, you are a seller and want a fair price for your property. As a New Mexico property owner, represented by the New Mexico Department of Transportation Commission, you become the buyer and want your property and all others to be acquired at a fair price.

SECTION 7- DETERMINATION OF JUST COMPENSATION

An appraisal of your real property is to be made before negotiations are started. (Real property is defined as the right and interests possessed in land and generally whatever is erected, or growing upon, or affixed to, land.) You, or a representative you designate, must be given an opportunity to accompany the appraiser during inspection. This provision affords you an opportunity to point out any unusual or hidden features the property may possess. In preparing the appraisal, the appraiser may not consider an increase or decrease in the value of your property, prior to the date of valuation, which results from the highway project or the likelihood that your property will be acquired for the project. However, any physical deterioration within your reasonable control will be considered in the valuation of your property. The completed appraisal(s) must be reviewed by the New Mexico Department of Transportation. Based on a review of the appraisals, the New Mexico Department of Transportation will establish the amount it believes to be the just compensation to be offered for the property.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 8- NEGOTIATIONS

The New Mexico Department of Transportation must make a prompt offer to purchase the property for the full amount it has determined to be just compensation. At the initiation of negotiations, a written statement must be provided to you. This statement must include the amount offered and an explanation of the basis for determining this amount. In cases where only a part of the property is to be acquired, the statement must separate the amount of compensation to be paid for the property being acquired and the amount (if any) for damages to the remainder. If the acquisition leaves you with an uneconomic remnant, the New Mexico Department of Transportation must offer to purchase it. The New Mexico Department of Transportation may not take any action which would coerce you into accepting its offer. Prohibited actions include advancing the time of condemnation, deferring negotiations or condemnation, or postponing the deposit of funds in court for your use.

New Mexico law requires that the Department and the property owner make their appraisals, if prepared, available to each other during the negotiation period. The Department will provide the property owner an opportunity to inspect its appraisal upon request. If no agreement is reached with the property owner, the Department will give the property owner written notice of its intent to file a condemnation action. This action will request that a Court or jury give the Department possession and title of the necessary property and award the property owner just compensation. After the notice of intent to file a condemnation action, the property owner has twenty-five (25) days to request that an appraisal be prepared by three appraisers. The property owner's request must be written and mailed or delivered to the Department. After notice by the property owner, the Department and the property owner have fifteen (15) days to appoint their respective appraisers. Then the appraiser for the Department and the appraiser for the property owner shall have fifteen (15) days to jointly appoint a third appraiser. Naturally, each party will pay the fees and expenses of their appraiser and will share the fees and expenses of the jointly appointed appraiser.

The three appraisers that are appointed will attempt to determine the amount of just compensation due the property owner by a joint appraisal if possible. An offer will be made to the property owner by the Department as a result of the meeting of the appraisers; this offer must be accepted or rejected within fifteen (15) days. If this process does not result in

a settlement, then the Department and property owner will have the amount of just compensation determined by a court or jury.

The Department has attempted to outline the negotiation process for the property owner's convenience. Included in this brochure and labeled as Appendix A is a copy of the statutes .that deal with the negotiation process and property entry for suitability studies. If the property owner has questions, he or she should refer to the language of the statutes and consult his or her lawyer.

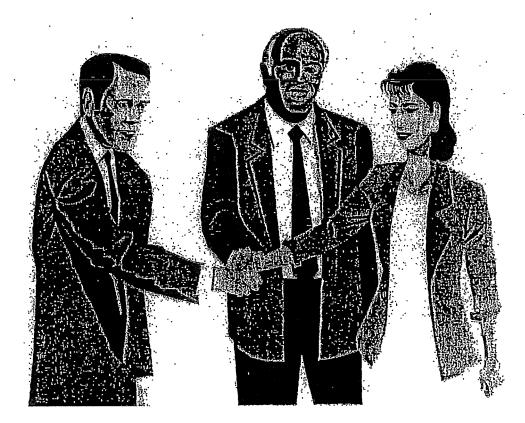
SECTION 9 - POSSESSION

If you must move because your home has been acquired, or if you must relocate your business or farm operation because of acquisition of your property, you will be given at least 90 days written advance notice of the date by which you are required to move. If you have to move from your home, a decent, safe and sanitary replacement dwelling must be available to you, on a nondiscriminatory basis, prior to your displacement. Further details on moving and replacement housing are given in a separate relocation brochure.

You are not required to surrender possession of your property until:

- 1. You have been paid the agreed purchase price, or
- 2. An amount at least equal to the New Mexico Department of Transportation's approved appraisal of the value of your property is deposited with the Court for your benefit.

Once the New Mexico Department of Transportation has acquired your property, it may decide to rent it, subject to termination on short notice. The amount of rent the New Mexico Department of Transportation may charge you, or another tenant, may not exceed the fair rental value of the property for a short-term occupier.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 10- CONDEMNATION

When you cannot reach an agreement on the sale of your property to the New Mexico Department of Transportation, the New Mexico Department of Transportation can acquire your property by the exercise of the power of eminent domain. If a situation such as this does not occur, the New Mexico Department of Transportation must institute formal condemnation proceedings. The New Mexico Department of Transportation may not intentionally force you to begin legal proceedings to prove that your real property has been taken without payment of just compensation.

SECTION 11 - IMPROVEMENTS

Sub-Section 11.1 - Buildings and Structures

When the New Mexico Department of Transportation obtains an interest in your land, it must acquire at least an equal interest in any buildings located on the acquired land, if these improvements are required to be removed or if the transportation project will adversely affect them.

Sub-Section 11.2 - Just Compensation

For the purpose of determining the just compensation to be paid for any building, structure or other improvement required to be acquired, the building, structure, or other improvement shall be deemed to be part of the real property to be acquired, not going against the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove the building, structure, or improvement at the expiration of the lease.

Sub-Section 11.3 - Tenant Owned Buildings, Structures and Improvements

The New Mexico Department of Transportation is required to pay for property as if it were in a single ownership, and the contributory value of the tenant's improvements will be paid to the tenant. In other words, if you are a tenant who owns a building on land required for a transportation facility, you will ordinarily be paid either the fair market value which your building contributes to the real property or the fair market value of the improvements for removal from the real property, whichever is greater. However, no payment will be made to a tenant for an improvement unless the owner of the land involved disclaims all interest in the improvements. Also, in consideration for payment, you must assign, transfer and release to the New Mexico Department of Transportation all your right, title and interest in and to such improvements.

SECTION 12- REIMBURSEMENT OF INCIDENTAL EXPENSES

You are entitled to be reimbursed for fair and reasonable expenses you necessarily incurred for:

- 1. Recording fees, transfer taxes, and similar expenses incidental to conveying your real property to the New Mexico Department of Transportation.
- 2. Penalty costs for prepayment of any pre-existing, recorded mortgage, entered into good faith, encumbering your property.
- 3. The pro rata portion of real property taxes you have paid which are allocable to the period after title passes to the acquiring agency, or the date of effective possession, whichever is earlier.
- 4. These costs will be paid to you as soon as practicable after: 1. The date of payment of the purchase price.
- 5. The date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property. You are entitled to appeal and seek judicial review if you believe the Department has failed to properly determine eligibility for the reimbursement of incidental expenses.

SECTION 13- REIMBURSEMENT OF LITIGATION EXPENSES

If any one of the three following conditions exist, The New Mexico Department of Transportation must reimburse you for your reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees which you have actually incurred. Such litigation expenses are reimbursable only under these conditions:

- 1. If the New Mexico Department of Transportation starts a condemnation action, but the court decides that the New Mexico Department of Transportation does not have authority to acquire your property by condemnation, or
- 2. If the New Mexico Department of Transportation starts a condemnation action and abandons it, or
- 3. If you, as owner, successfully maintain an inverse condemnation proceeding. (Inverse condemnation is a legal process by which an owner brings suit against the New Mexico Department of Transportation to prove that the New Mexico Department of Transportation has taken compensable property rights without payment of just compensation.)

The property owner has a right to appeal and seek judicial review to recover damages, costs and expenses under certain situations if he or she believes that the Department has failed to properly determine reimbursement of litigation expenses. [Please refer to Appendix A at Section 42A-1-12 N.M.S.A. 1978 Camp. (as amended). The property owner should consult the lawyer of his or her choice if there are questions about whether additional compensation may be due.]

SECTION 14-DONATIONS

There is nothing to prevent a person whose real property is being acquired for a federally-aided highway project from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefore, after such person has been fully informed of his/her right to receive just compensation for the acquisition of his/her property.

SECTION 15-CIVIL RIGHTS

All the right of way acquisition functions shall be conducted in such a way and manner as to assure that no person shall, on the ground of race, sex, age, handicap, religion, or national origin, be denied the benefits to which the person is entitled, or be otherwise subjected to discrimination.



RIGHT OF WAY BROCHURE-ACQUISITION

APPENDIX A CONDEMNATION PROCEEDINGS, NMSA 1978

42A-1-3. AGREEMENT

At any time before or after commencement of a condemnation action, the parties may agree to and carry out a compromise or settlement as to any matter, including all or any part of the compensation or other relief.

42A-1-4. NEGOTIATION; OTHER APPRAISALS

A condemnor shall make reasonable and diligent efforts to acquire property by negotiation.

Unless prohibited by federal law, if the condemnor or condemnee has had prepared appraisals for the property, he shall make such appraisals available to the other party during the negotiation period.

42A-1-5. APPRAISAL; OFFER

- A. If the parties are unable to negotiate a settlement, the condemnee may, within twenty-five days after written notice by the condemnor of its intent to file condemnation action in district court, give written notice to the condemnor requesting an appraisal to determine the amount that would constitute just compensation for the taking of the condemnee's property and obtained from:
- 1. One appraiser appointed by the condemnor;
- 2. One appraiser appointed by the condemnee; and
- 3. One appraiser jointly appointed by the appraisers for the condemnor and the condemnee
- **B.** The condemnee and condemnor shall appoint their respective appraisers within fifteen days after notice has been given by the condemnee to the condemnor pursuant to the provisions of Subsection A of this section and the third appraiser shall be jointly appointed within fifteen days thereafter.

- **C.** The appraisals shall be in writing and signed by the appraisers. The appraisers shall deliver copies to each party personally or by registered mail or certified mail, return receipt requested.
- **D.** The fees and expenses of the appraisers shall be paid by the appointing parties; provided however, the condemnee and condemnor shall share equally in paying the fees and expenses of the jointly appointed appraiser.
- **E.** After receiving a copy of the appraisals provided for pursuant to this section, the condemnor may establish an amount which it believes to be just compensation and may submit to the condemnee an offer to acquire the property for the full amount so established. If the condemnor tenders an offer pursuant to this section, the amount offered for the property shall not be less than the amount of compensation shown by the final common appraisal of the three appraisers or if all three appraisers do not agree, the offer shall not be less than the appraisal prepared by the condemnor's appraiser. The condemnee must reject or accept the offer made by the condemnor pursuant to this section within fifteen days after the offer is tendered.

42A-1-6. PRELIMINARY EFFORTS TO PURCHASE

A. Except as provided in Sections 42A-1-7 and 42A-1-27 NMSA 1978, an action to condemn property may not be maintained over timely objection by the condemnee unless the condemnor made a good faith effort to acquire the property by purchase before commencing the action.

B. An offer to purchase made in substantial compliance with Sections 42A-1-3 through 42A-1-4 NMSA 1978 is prima facie evidence of good faith under Subsection A of this Section.

42A-1-7. PURCHASE EFFORTS WAIVED OR EXCUSED

A condemnor's failure or inability to make reasonable and diligent efforts to acquire property by negotiation, make appraisals available pursuant to subsection B of Section 42A-1-4 NMSA 1978 or appoint appraisers upon the request of the condemnee pursuant to Subsection A of Section 42A-1-5

NMSA 1978 does not bar the maintenance of a condemnation action in the manner authorized by law, notwithstanding timely objection, if:

- A. Compliance is waived by written agreement between the condemnee and the condemnor;
- **B.** One or more of the condemnees of the property are unknown, cannot with reasonable diligence be contacted, are incapable of contracting and have no legal representative or own an interest which cannot be conveyed under the circumstances;
- C. Due to the conditions not caused by or under the control of the condemnor, there is a compelling need on the part of the condemnor to avoid the delay in commencing the action which compliance would require;
- **D.** The condemnee fails to provide any appraisals required pursuant to Subsection B of Section 42A-1-4 NMSA 1978; or
- **E.** The appraisers provided for pursuant to Section 42-A-1-5 NMSA 1978 fail to submit the appraisals to the parties within thirty days from the date that the jointly appointed appraiser was appointed.

42A-1-8. ENTRY FOR SUITABILITY STUDIES

A condemnor and its agents and employess may enter upon real property and make surveys, examinations, photographs, tests, soundings, borings samplings, or engage in other activities for the purpose of appraising the property or determining whether it is suitable and within the power of the condemnor to take for public use, if the condemnor secures: .

A. The written consent of the owner and, if applicable, any other person known to be in actual physical occupancy of the property to enter upon the property and undertake such activities; or

B. An order for entry from the court.

42A-1-9. COURT ORDER PERMITTING ENTRY FOR SUITABILITY STUDIES

- A. If the condemnor is unable to secure the written consent of the condemnee pursuant to Section 42-A-1-8 NMSA 1978 and, ifapplicable, any other person known to be in actual physical occupancy of the property, he may apply to the court in the county where the property to be entered is located for an order permitting entry.
- B. After the notice by the condemnor to the condemnee and, if applicable, any other person known to be in actual physical occupancy of the property and unless good cause to the contrary is shown, the court shall make its order permitting and describing the purpose of the entry and setting forth a description of the property and the nature and scope of activities the court determines are reasonably necessary to accomplish the purposes of the proposed taking and authorized to be made upon the property. The order may include terms and conditions with respect to the time, place and manner of entry and authorized activities upon the property which will facilitate the purpose of the entry and minimize damage, hardship and burden, and may require a deposit pursuant to Section 42A-1-10 NMSA 1978.

C. The condemnor shall have delivered any order issued by the court to the condemnee, if known and, if applicable, any other person known to be in actual occupancy of the property personally or by registered mail or certified mail, return receipt requested.

42A-1-10. DEPOSIT OF PROBABLE COMPENSATION

- **A.** An order permitting entry under Section 42A-1-9 NMSA 1978 shall include a determination by the court of the probable amount that will fairly compensate the condemnee and any other person in actual physical occupancy of the property for damages, if any, for physical injury to the property and for substantial interference with possession or use of the property found likely to be caused by the entry and activities authorized by the order, and may require the condemnor to deposit with the court before entry that amount or a surety bond in that amount from a surety acceptable to the court.
- **B.** If a deposit is required, such funds shall be deposited in an interest-bearing account at an institution acceptable to the court. Interest on such deposit shall accrue for the benefit of the condemnor.

- G. Any amount deposited shall be retained on deposit until released by the court.
- D. Surety bonds shall remain in effect until the surety is released by the court.

42A-1-11. MODIFICATION OF COURT ORDER PREMITTING SUITABILITY STUDIES

- A. After notice and hearing, the court may modify an order made under Section 42A-1-9 NMSA 1978.
- **B.** If a deposit or surety bond is required or the amount required to be deposited or the amount of the surety bond is increased by an order of modification, the court shall specify the time within which the required amount must be deposited or the surety bond increased, and shall direct that any further entry or specified activities or studies under the order as modified be stayed until the required deposit or increase in the surety bond has been made.

42A-1-12. RECOVERY OF DAMAGES, COSTS AND EXPENSES

A. A condemnor is liable to the condemnee and, if applicable, to the person in actual physical occupancy of the property for physical injury to and for substantial interference with possession or use of property caused by its

entry and activities upon the property made pursuant to Section 42A-1-8 NMSA 1978. This liability may be enforced in civil action against the condemnor or by application to the court in the circumstances provided by

Subsection C of this section. B. In an action or other proceeding for recovery of damages under this section, the prevailing claimant shall be allowed his reasonable costs. In addition, the court shall award the claimant his litigation expenses incurred in any proceeding under Section 42A-1-9 or 42A-1-11 NMSA 1978 if it

finds liability pursuant to Subsection A of this section and that the condemnor:

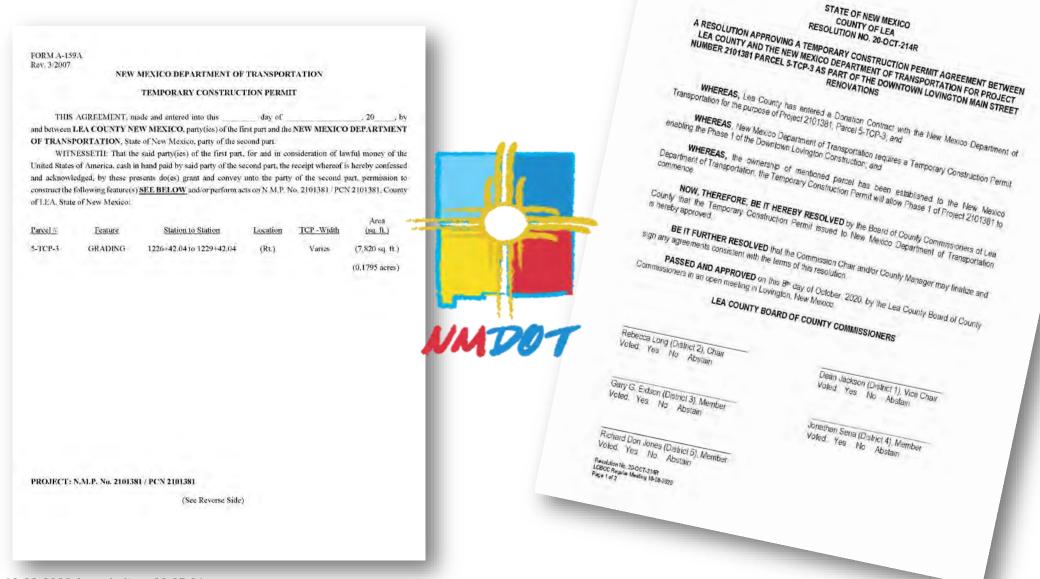
1. Entered the property unlawfully; or

- 2. Failed without just cause to substantially comply with or wrongfully exceeded or abused the authority of an order made under Section 42-A-1-9 NMSA 1978 or 42A-1-11 NMSA 1978.
- **C.** If the funds are on deposit or a surety bond has been required under Section 42A-1-10 NMSA 1978 or 42A-1-11 NMSA 1978, the condemnee or other person claiming damages under Subsection A of this section may apply to the court for an award of the amount he is entitled to recover. The court shall determine the amount and award it to the person entitled thereto and direct that the payment be made out of the money on deposit or pursuant to provisions of the bond. If the amount on deposit or the amount of the surety bond is insufficient to pay the full amount, the court shall enter judgment against the condemnor for the unpaid portion.

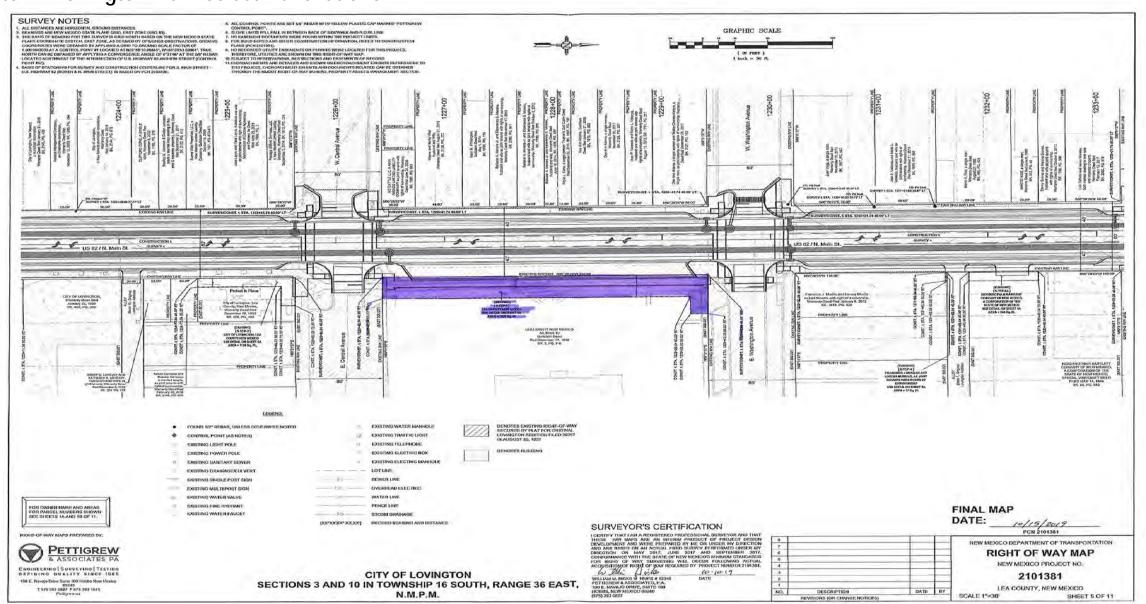
42A-1-13. ENTRIES EXEMPT

The provisions of Sections 42-A-1-8 through 42A-1-12 NMSA 1978 apply only to entries for suitability studies made outside of the exterior boundaries of any municipality.

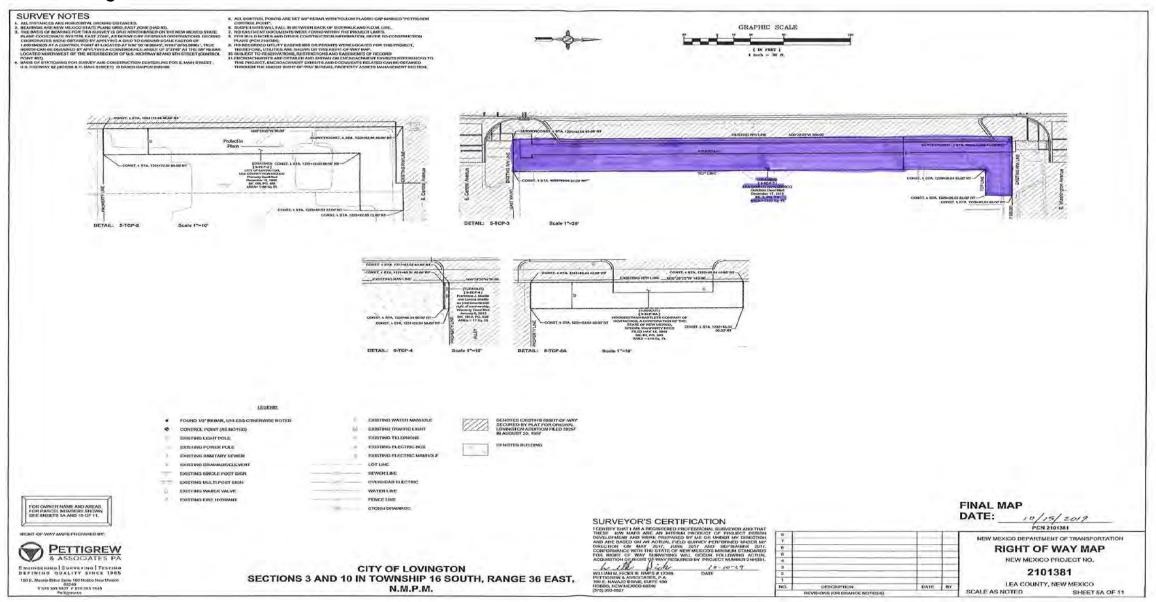
REVISED NOVEMBER, 2014 RIGHT OF WAY BUREAU NEW MEXICO DEPARTMENT OF TRANSPORTATION SANTA FE, NEW MEXICO Consideration of Lea County Resolution No. 20-OCT-214R Approving a Temporary Construction Permit Agreement between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations



Consideration of Lea County Resolution No. 20-OCT-214R Approving a Temporary Construction Permit Agreement between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations



Consideration of Lea County Resolution No. 20-OCT-214R Approving a Temporary Construction Permit Agreement between Lea County and the New Mexico Department of Transportation for Project Number 2101381 Parcel 5-TCP-3 as part of the Downtown Lovington Main Street Renovations





LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:		
09/29/2020	Edmundo Lara/Interim Facilities Manager		
SUBJECT:	ATTACHMENT(S):		
Approval of Temporary Construction Permit Agreement between Lea County and New Mexico Dept. of Transportation for Project 2101381	Resolution 2. Temporary Construction Permit Plat Schematic		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:		
Temporary Construction Permit Resolution	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:		
N/A	2020-2021		
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:			
Section 2. Approach & Strategies 1. Collaboration & partnership with local communities, agencies and § 8. Continuous interaction with the State of New Mexico and statewide	government entities is essential for success organizations is required to protect the County's interests		
SUMMARY:			
This donation grants immediate ownership to NMDOT for the purpose of In order for the New Mexico Department of Transportation to begin Phase	to a Donation Contract with the New Mexico Department of Transportation. entering Phase 1 of Project 2101381 (Downtown Lovington Construction). e 1, A Temporary Construction Permit must be presented and approved by ading of approximately 7,280 square feet of property within Parcel 5-TCP-3.		
Requested Items Needed for Presentation Easels/L Easel Laptop Projector Projector how many:	aptop/Projector/Etc.: Other: See Additional Summary Attached		
SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature		
It is the recommendation of the Interim Facilities Director that this resoluti	Department Director, Etc. Department Director, Etc. Digital spending formers filter if a Color of Call - Editorial Related in the in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and in a Color of Call - Editorial Related in the interest and interest a		
FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director		
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney		
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda Digitally elgoed by Michael White College 2020, 1007 13 01.05		
Item No. 0205 RECORDING SECRETARY'S USE C	ONLY ~ COMMISSION ACTION TAKEN		
Approved; Denied: Resolution No. 20-OCT-214R Policy No.	Other: Ordinance No.		
Continued To: Referred To:	Comments:		

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-214R

A RESOLUTION APPROVING A TEMPORARY CONSTRUCTION PERMIT AGREEMENT BETWEEN LEA COUNTY AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PROJECT NUMBER 2101381 PARCEL 5-TCP-3 AS PART OF THE DOWNTOWN LOVINGTON MAIN STREET RENOVATIONS

WHEREAS, Lea County has entered a Donation Contract with the New Mexico Department of Transportation for the purpose of Project 2101381, Parcel 5-TCP-3; and

WHEREAS, New Mexico Department of Transportation requires a Temporary Construction Permit enabling the Phase 1 of the Downtown Lovington Construction; *and*

WHEREAS, the ownership of mentioned parcel has been established to the New Mexico Department of Transportation, the Temporary Construction Permit will allow Phase 1 of Project 2101381 to commence.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the Temporary Construction Permit issued to New Mexico Department of Transportation is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
/oted: Yes No Abstain	Voted: Yes No Abstain
Gary G. Eidson (District 3), Member	Jonathan Sena (District 4), Member
/oted: Yes No Abstain	Voted: Yes No Abstain
Richard Don Jones (District 5), Member /oted: Yes No Abstain	

ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:		
Hollye	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

NEW MEXICO DEPARTMENT OF TRANSPORTATION

TEMPORARY CONSTRUCTION PERMIT

THIS AGREEMENT, made and entered into this	day of	, 20, by
and between LEA COUNTY NEW MEXICO , party(ies) of the	he first part and the NEW M	IEXICO DEPARTMENT
OF TRANSPORTATION, State of New Mexico, party of the	ne second part.	

WITNESSETH: That the said party(ies) of the first part, for and in consideration of lawful money of the United States of America, cash in hand paid by said party of the second part, the receipt whereof is hereby confessed and acknowledged, by these presents do(es) grant and convey unto the party of the second part, permission to construct the following feature(s) **SEE BELOW** and/or perform acts on N.M.P. No. 2101381 / PCN 2101381, County of LEA, State of New Mexico:

Parcel #	<u>Feature</u>	Station to Station	Location	TCP -Width	Area (sq. ft.)
5-TCP-3	GRADING	1226+42.04 to 1229+42.04	(Rt.)	Varies	(7,820 sq. ft.)
					(0.1795 acres)

PROJECT: N.M.P. No. 2101381 / PCN 2101381

(See Reverse Side)

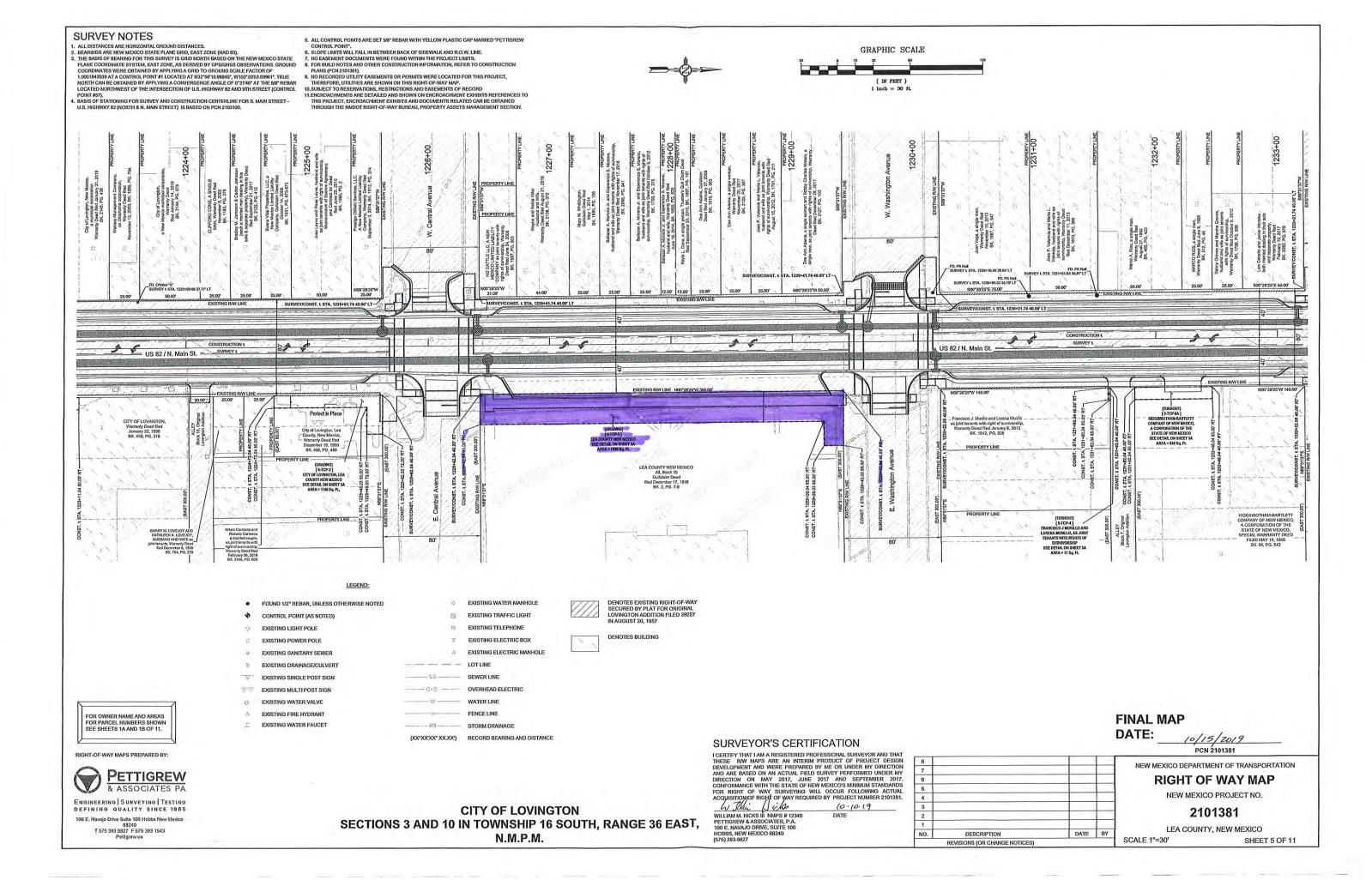
FORM A-159A Rev. 3/2007 backside

(Seal)

THIS AGREEMENT shall extend until such time as the project is completed.

IN WITNESS WHEREOF, the said party of the first part hereupon set its hands and seals on the day and year hereinabove written.

LEA COUNTY NEW MEXICO By: _____ **CORPORATE ACKNOWLEDGMENT** STATE OF ______) COUNTY OF _____ On this ______ day of ______, 20_____, before me, a Notary Public in and for said County and State, personally appeared ______ who is/are the respectively, of LEA COUNTY NEW MEXICO, and who is/are personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or entity upon behalf of which the persons acted, executed the instrument. Witness my hand and official seal, Notary Public My Commission Expires:



SURVEY NOTES

- SURVET NOTES

 1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 2. BEARINGS ARE NEW MEXICO STATE PLANE GRID, EAST ZONE (NAD 83).

 3. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH BASED ON THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, EAST ZONE, AS DERIVED BY GPSKINSS OBSERVATIONS, GROUND COORDINATES WERE DETAINED BY APPLYING A GRID TO GROUND SCALE FACTOR OF 1.0001643039 AT A CONTROL POINT #1 LOCATED AT N32*05*10.96945*, W103*2053.99691*, TRUE NORTH CAN BE OBTAINED BY APPLYING A CONVERGENCE ANGLE OF 23*149* AT THE 65*0 REBAR LOCATED NORTH/YEAST OF THE INTERSECTION OF U.S. HIGHWAY 82 AND 9TH STREET (CONTROL POINT ST.)
- POINT #57).

 BASIS OF STATIONING FOR SURVEY AND CONSTRUCTION CENTERLINE FOR S. MAIN STREET-U.S. HIGHWAY 82 (NORTH & N. MAIN STREET) IS BASED ON PCN 2103100.
- 5. ALL CONTROL POINTS ARE SET 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PETTIGREW

- CONTROL POINT.

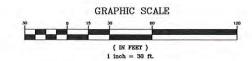
 6. SLOPE LIMITS WILL FALL IN BETWEEN BACK OF SIDEWALK AND R.O.W. LINE.

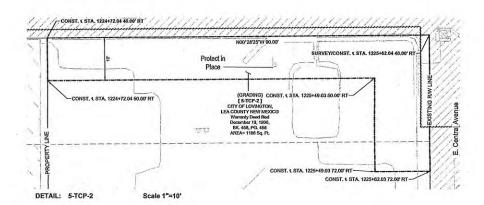
 7. NO EASEMENT DOCUMENTS WERE FOUND WITHIN THE PROJECT LIMITS.

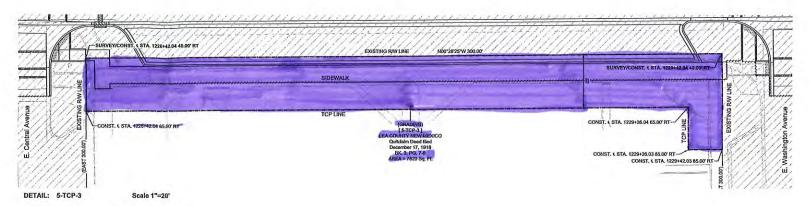
 8. FOR BUILD HOTES AND OTHER CONSTRUCTION INFORMATION, REFER TO CONSTRUCTION
- PLANS (PCN 2101381).
- PLANS (PCN 2101381).

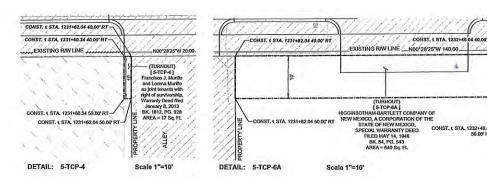
 9. NO RECORDED UTILITY EASEMENTS OR PERMITS WERE LOCATED FOR THIS PROJECT,
 THEREFORE, UTILITIES ARE SHOWN ON THIS RIGHT-OF-WAY MAP,
 10. SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD
 11.ENCROACHMENTS ARE DETAILED AND SHOWN ON ENCROACHMENT EXHIBITS REFERENCED TO
 THIS PROJECT. ENCROACHMENT EXHIBITS AND DOCUMENTS RELATED CAN BE OSTANED
 THROUGH THE NIMOOT RIGHT-OF-WAY JUREAU, PROPERTY ASSETS MANAGEMENT SECTION.











LEGEND:



DENOTES EXISTING RIGHT-OF-WAY SECURED BY PLAT FOR ORIGINAL LOVINGTON ADDITION FILED 39257 IN AUGUST 20, 1957

DENOTES BUILDING

FOR OWNER NAME AND AREAS FOR PARCEL NUMBERS SHOWN SEE SHEETS 1A AND 1B OF 11.

RIGHT-OF-WAY MAPS PREPARED BY:



DEFINING QUALITY SINCE 1965 100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240 T 575 393 9827 F 575 393 1543 Pettigrew.us

CITY OF LOVINGTON SECTIONS 3 AND 10 IN TOWNSHIP 16 SOUTH, RANGE 36 EAST, N.M.P.M.

SURVEYOR'S CERTIFICATION

CORVETURS CERTIFICATION

I CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR AND THAT
THESE RW MAPS ARE AN INTERIM PRODUCT OF PROJECT DESIGN
DEVELOPMENT AND WERE PREPARED BY ME OR UNDER MY DIRECTION
AND ARE BASED ON AN ACTUAL FIELD SURVEY PERFORMED UNDER MY
DIRECTION ON MAY 2017, JUNE 2017 AND SEPTEMBER 2017.
CONFORMANCE WITH THE STATE OF NEW MEXICO'S MINIMUM STANDARDS
FOR RIGHT OF WAY SURVEYING WILL, OCCUR FOLLOWING ACTUAL
ACQUISITION OF RIGHT OF WAY REQUIRED BY PROJECT NUMBER 2101381.

WILLIAM M. HICKS III NMPS # 12348 PETTIGREW & ASSOCIATES, P.A. 100 E. NAVAJO DRIVE, SUITE 100 HOBBS, NEW MEXICO 88240 (575) 393-9827

DATE BY

FINAL MAP

PCN 2101381 NEW MEXICO DEPARTMENT OF TRANSPORTATION

SHEET 5A OF 11

10/15/2019

RIGHT OF WAY MAP

NEW MEXICO PROJECT NO.

2101381

LEA COUNTY, NEW MEXICO SCALE AS NOTED



Control # 2101381 Project: 2101381

Parcel(s): 5-TCP-3

County: Lea

5/18/2020

LEA COUNTY NEW MEXICO 100 N Main St STE 4 Lovington NM 88260

RE: OFFER-BASED ON DONATION for Parcel(s) 5-TCP-3; 2101381, Downtown Lovington Construction Phase I:US 82 from S. 1st Street to W. Van Buren Avenue milepost 171.3 to 172.2 (.9 mile) NM 18 from W. Avenue F to NM 83 milepost 72 to 72.2 (.2 mile) NM 83 from US 82 to S. East Street milepost 0 to .5 (.5 mile).

Dear Property Owner:

The New Mexico Department of Transportation is presently acquiring right of way required for the construction of the above captioned project and wishes to purchase from you (1) Temporary Construction Permit in the property described herein.

A Temporary Construction Permit (TCP) is a short-term easement which remains in effect only during construction. Upon completion of the work, the property is returned to the owner.

You are entitled to just compensation based on an appraisal by the Department. However, the Department's understanding is that you intend to donate parcel 5-TCP-1. The subject parcel is described as follows:

Parcel 5-TCP-3, 7,820 sq. ft. to be used for the new proposed construction.

In connection with this donation, the following documents are enclosed:

- 1. Right of Way Map
- 2. Acquisition Booklet
- 3. Donation Contract
- 4. Donation Form
- 5. (1) Temporary Construction Permit

Michelle Lujan Grisham Governor

Michael R. Sandoval Cabinet Secretary

Commissioners

Jennifer Sandoval Commissioner, Vice-Chairman District I

Bruce Ellis Commissioner District 2

Hilma Espinoza Chynoweth Commissioner District 3

Walter G. Adams Commissioner, Chairman District 4

Thomas C. Taylor Commissioner District 5

Charles Lundstrom Commissioner, Secretary District 6 We sincerely trust that this offer meets with your approval. If so, please sign and date the contract where indicated, complete and sign the conveyance document in the presence of a notary public, and return them in the self-addressed, stamped envelope provided for your convenience.

Should you have any questions or need further information, please feel free to contact Jennifer Cortez at (505) 690-0324. Your cooperation in our efforts to provide better roads for your community is greatly appreciated.

Sincerely,

Jennifer Cortez

Right of Way Acquisition Agent

Concur:

Angela Sandoval

Right of Way Acquisition Supervisor

xc: Records

RIGHT OF WAY BROCHURE ACQUISITION

New Mexico Department of Transportation Right of Way Bureau 1120 Cerrillos Road P.O. Box 1149 Santa Fe, NM 87504-1149 (505) 827-5387

RIGHT OF WAY BROCHURE-ACQUISITION

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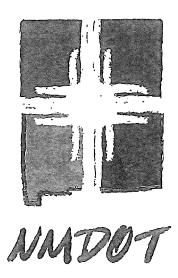
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SECTION 1 - PURPOSE OF BROCHURE

This brochure has been prepared to inform the property owner of certain policies and procedures related to the construction of transportation facilities In New Mexico.

One of the basic needs in highway construction is land on which to build new transportation facilities or make the necessary improvements on present transportation facilities. In line with our democratic legal tradition, the federal, state or municipal government has the right to acquire the property it needs in order to provide such public services as schools, water systems, or highways. It is also a part of our legal tradition that no private property may be acquired for public use without just compensation to the property owner.

In this brochure, the property owner whose land may be needed for transportation facility improvements will find answers to some questions about why the land is needed and how to be paid for it.

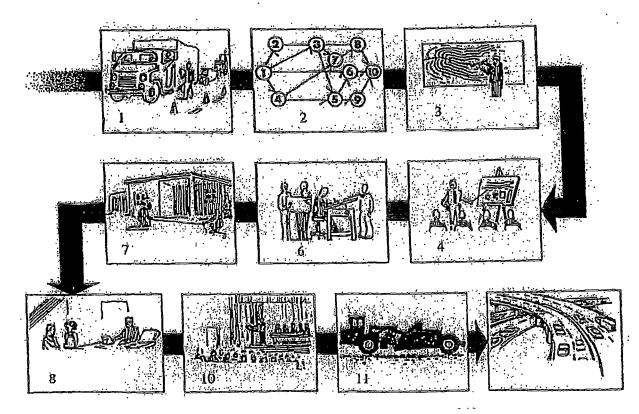


SECTION 2- WHY NEW AND BETTER TRANSPORTATION FACILITIES ARE NEEDED

Sound progress in the development and maintenance of a modern transportation network is of vital importance to everyone. An up-to-date transportation system will not only contribute to the general economic health of New Mexico, but will also be a deciding factor in attracting new industry. A large part of New Mexico's economy depends on out-of-state visitors, and the safety and convenience of our transportation facilities play a major role in determining their return year after year.

Modern freeways make possible the safest and fastest travel, but their construction requires more land than the old fashioned two-lane or four-lane highways. An essential feature of freeways is control of access, which permits entrance to, and exit from, the mainstream of traffic only at specifically designated points called interchanges. These interchanges, which require considerable acreage and are costly to build, make it possible for vehicles to enter or leave the highway without crossing lanes of fast-moving traffic. By restricting access and egress in this fashion, traffic congestion is adverted, the highway does not become obsolete, and the public investment in its construction is protected.

Frontage roads, city streets, or other roads that connect with established interchanges provide access to farms, residences, or businesses along the freeway. In this way, local traffic is accommodated as well as the high-speed through traffic on the freeway.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 3- PLANNING AND BUILDING A TRANSPORTATION FACILITY

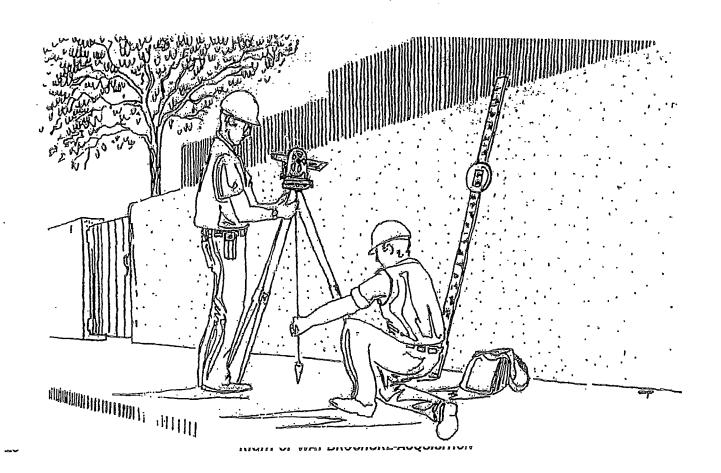
It takes many months and considerable work to plan and build a modern transportation facility. The main steps in the process are listed below:

- 1. Traffic Surveys
- 2. Programming
- 3. Preliminary Engineering
- 4. Environmental Impact Statement
- 5. Public Hearings
- 6. Final Design

- 7. Right of Way Appraisal
- 8. Right of Way Negotiations
- 9. Relocate Displaces
- 10. Contracts Awarded
- 11. Construction

As a citizen, you have probably not been greatly concerned with the financial or engineering problems involved with transportation construction. But as a property owner whose land may be required for a new transportation facility, you are bound to take a more personal view of road building and right of way acquisition.

The following pages will attempt to provide information on those phases of highway construction in which you may have an immediate interest. If you do not find the answers to all your questions, you can get them from your Right of Way Agent, or you may write to New Mexico Department of Transportation, Right of Way Operations Chief, P.O. Box 1149, Santa Fe, NM 87504-1149.

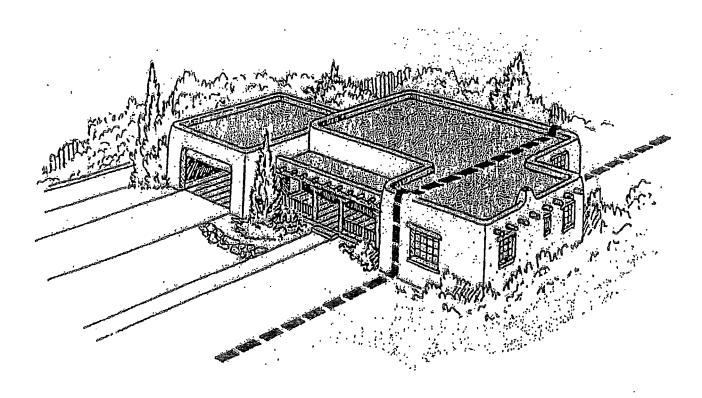


SECTION 4-THE INITIAL SURVEY

The first person from the New Mexico Department of Transportation that you are likely to meet is the surveyor. It is the job of the surveyor to locate all natural and man-made features and take all measurements that may have some bearing on the location of a highway across or adjacent to your property.

New Mexico law provides that written consent of the owner and, if applicable, any other person known to be in actual physical occupancy, must be obtained in order for the Department to enter upon private property for surveying or other suitability studies. The Department requests the cooperation of the property owners in furnishing the written consents. If the written consent cannot be obtained, the Department may seek an order of the Court allowing entry.

In most instances, a public hearing is held to give residents an opportunity to present their views on the proposed highway location. These views are considered and many planning and engineering procedures are followed before a final decision is made to acquire right of way for a new road.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 5- DETERMINATION OF A TRANSPORTATION FACILITY LOCATION

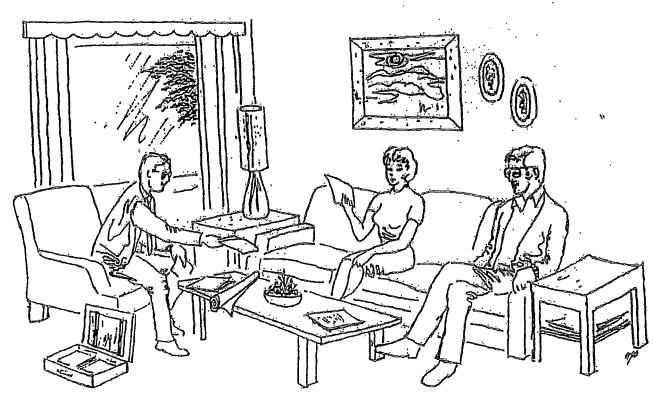
You may be sure that the choice of a highway location is not made idly. Behind the choice are many hours of work by experts with scientific instruments. Counters have measured the volume of traffic in your community. Engineers have studied the land in your area to determine the most economical location for the new highway, and they have taken into account such matters as proper grade and curvature. You can be confident that the decisions made are the best that can be made in the circumstances. They have selected the route that will best meet the needs of the highway user with the least inconvenience to the property owner. Questions of finance have also been answered. Can funds be spared from other badly needed projects? Under what conditions can federal funds be obligated? Is the expense in the public interest? If the answers are favorable, the order to purchase the right of way is then given. Now, and only now, can you, the property owner, be given specific answers to your questions.

SECTION 6- HOW MUCH WILL THE STATE PAY

The State will pay you the cash market value of your property. This means that you will receive the same amount you would get if you sold your property to any buyer under normal conditions. Moreover, you will get cash for your property when you sell to the State and you will save the sales commission and most of the paper work. The sum of money exchanged in these transactions is not meant to enrich the individual at the expense of the State, or enrich the State at the expense of the individual. If the State needs only a portion of your property, the amount of the offer made to you will be the difference between the market value of your property before the highway is built and its value after the State has acquired what it needs for the highway construction. It would be well for you to keep in mind that in this kind of transaction, you play a dual role. You are both a seller and buyer. As a property owner, you are a seller and want a fair price for your property. As a New Mexico property owner, represented by the New Mexico Department of Transportation Commission, you become the buyer and want your property and all others to be acquired at a fair price.

SECTION 7- DETERMINATION OF JUST COMPENSATION

An appraisal of your real property is to be made before negotiations are started. (Real property is defined as the right and interests possessed in land and generally whatever is erected, or growing upon, or affixed to, land.) You, or a representative you designate, must be given an opportunity to accompany the appraiser during inspection. This provision affords you an opportunity to point out any unusual or hidden features the property may possess. In preparing the appraisal, the appraiser may not consider an increase or decrease in the value of your property, prior to the date of valuation, which results from the highway project or the likelihood that your property will be acquired for the project. However, any physical deterioration within your reasonable control will be considered in the valuation of your property. The completed appraisal(s) must be reviewed by the New Mexico Department of Transportation. Based on a review of the appraisals, the New Mexico Department of Transportation will establish the amount it believes to be the just compensation to be offered for the property.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 8- NEGOTIATIONS

The New Mexico Department of Transportation must make a prompt offer to purchase the property for the full amount it has determined to be just compensation. At the initiation of negotiations, a written statement must be provided to you. This statement must include the amount offered and an explanation of the basis for determining this amount. In cases where only a part of the property is to be acquired, the statement must separate the amount of compensation to be paid for the property being acquired and the amount (if any) for damages to the remainder. If the acquisition leaves you with an uneconomic remnant, the New Mexico Department of Transportation must offer to purchase it. The New Mexico Department of Transportation may not take any action which would coerce you into accepting its offer. Prohibited actions include advancing the time of condemnation, deferring negotiations or condemnation, or postponing the deposit of funds in court for your use.

New Mexico law requires that the Department and the property owner make their appraisals, if prepared, available to each other during the negotiation period. The Department will provide the property owner an opportunity to inspect its appraisal upon request. If no agreement is reached with the property owner, the Department will give the property owner written notice of its intent to file a condemnation action. This action will request that a Court or jury give the Department possession and title of the necessary property and award the property owner just compensation. After the notice of intent to file a condemnation action, the property owner has twenty-five (25) days to request that an appraisal be prepared by three appraisers. The property owner's request must be written and mailed or delivered to the Department. After notice by the property owner, the Department and the property owner have fifteen (15) days to appoint their respective appraisers. Then the appraiser for the Department and the appraiser for the property owner shall have fifteen (15) days to jointly appoint a third appraiser. Naturally, each party will pay the fees and expenses of their appraiser and will share the fees and expenses of the jointly appointed appraiser.

The three appraisers that are appointed will attempt to determine the amount of just compensation due the property owner by a joint appraisal if possible. An offer will be made to the property owner by the Department as a result of the meeting of the appraisers; this offer must be accepted or rejected within fifteen (15) days. If this process does not result in

a settlement, then the Department and property owner will have the amount of just compensation determined by a court or jury.

The Department has attempted to outline the negotiation process for the property owner's convenience. Included in this brochure and labeled as Appendix A is a copy of the statutes .that deal with the negotiation process and property entry for suitability studies. If the property owner has questions, he or she should refer to the language of the statutes and consult his or her lawyer.

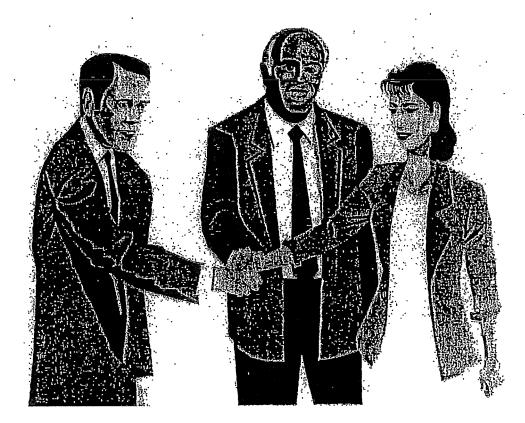
SECTION 9 - POSSESSION

If you must move because your home has been acquired, or if you must relocate your business or farm operation because of acquisition of your property, you will be given at least 90 days written advance notice of the date by which you are required to move. If you have to move from your home, a decent, safe and sanitary replacement dwelling must be available to you, on a nondiscriminatory basis, prior to your displacement. Further details on moving and replacement housing are given in a separate relocation brochure.

You are not required to surrender possession of your property until:

- 1. You have been paid the agreed purchase price, or
- 2. An amount at least equal to the New Mexico Department of Transportation's approved appraisal of the value of your property is deposited with the Court for your benefit.

Once the New Mexico Department of Transportation has acquired your property, it may decide to rent it, subject to termination on short notice. The amount of rent the New Mexico Department of Transportation may charge you, or another tenant, may not exceed the fair rental value of the property for a short-term occupier.



RIGHT OF WAY BROCHURE-ACQUISITION

SECTION 10- CONDEMNATION

When you cannot reach an agreement on the sale of your property to the New Mexico Department of Transportation, the New Mexico Department of Transportation can acquire your property by the exercise of the power of eminent domain. If a situation such as this does not occur, the New Mexico Department of Transportation must institute formal condemnation proceedings. The New Mexico Department of Transportation may not intentionally force you to begin legal proceedings to prove that your real property has been taken without payment of just compensation.

SECTION 11 - IMPROVEMENTS

Sub-Section 11.1 - Buildings and Structures

When the New Mexico Department of Transportation obtains an interest in your land, it must acquire at least an equal interest in any buildings located on the acquired land, if these improvements are required to be removed or if the transportation project will adversely affect them.

Sub-Section 11.2 - Just Compensation

For the purpose of determining the just compensation to be paid for any building, structure or other improvement required to be acquired, the building, structure, or other improvement shall be deemed to be part of the real property to be acquired, not going against the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove the building, structure, or improvement at the expiration of the lease.

Sub-Section 11.3 - Tenant Owned Buildings, Structures and Improvements

The New Mexico Department of Transportation is required to pay for property as if it were in a single ownership, and the contributory value of the tenant's improvements will be paid to the tenant. In other words, if you are a tenant who owns a building on land required for a transportation facility, you will ordinarily be paid either the fair market value which your building contributes to the real property or the fair market value of the improvements for removal from the real property, whichever is greater. However, no payment will be made to a tenant for an improvement unless the owner of the land involved disclaims all interest in the improvements. Also, in consideration for payment, you must assign, transfer and release to the New Mexico Department of Transportation all your right, title and interest in and to such improvements.

SECTION 12- REIMBURSEMENT OF INCIDENTAL EXPENSES

You are entitled to be reimbursed for fair and reasonable expenses you necessarily incurred for:

- 1. Recording fees, transfer taxes, and similar expenses incidental to conveying your real property to the New Mexico Department of Transportation.
- 2. Penalty costs for prepayment of any pre-existing, recorded mortgage, entered into good faith, encumbering your property.
- 3. The pro rata portion of real property taxes you have paid which are allocable to the period after title passes to the acquiring agency, or the date of effective possession, whichever is earlier.
- 4. These costs will be paid to you as soon as practicable after: 1. The date of payment of the purchase price.
- 5. The date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property. You are entitled to appeal and seek judicial review if you believe the Department has failed to properly determine eligibility for the reimbursement of incidental expenses.

SECTION 13- REIMBURSEMENT OF LITIGATION EXPENSES

If any one of the three following conditions exist, The New Mexico Department of Transportation must reimburse you for your reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees which you have actually incurred. Such litigation expenses are reimbursable only under these conditions:

- 1. If the New Mexico Department of Transportation starts a condemnation action, but the court decides that the New Mexico Department of Transportation does not have authority to acquire your property by condemnation, or
- 2. If the New Mexico Department of Transportation starts a condemnation action and abandons it, or
- 3. If you, as owner, successfully maintain an inverse condemnation proceeding. (Inverse condemnation is a legal process by which an owner brings suit against the New Mexico Department of Transportation to prove that the New Mexico Department of Transportation has taken compensable property rights without payment of just compensation.)

The property owner has a right to appeal and seek judicial review to recover damages, costs and expenses under certain situations if he or she believes that the Department has failed to properly determine reimbursement of litigation expenses. [Please refer to Appendix A at Section 42A-1-12 N.M.S.A. 1978 Camp. (as amended). The property owner should consult the lawyer of his or her choice if there are questions about whether additional compensation may be due.]

SECTION 14-DONATIONS

There is nothing to prevent a person whose real property is being acquired for a federally-aided highway project from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefore, after such person has been fully informed of his/her right to receive just compensation for the acquisition of his/her property.

SECTION 15-CIVIL RIGHTS

All the right of way acquisition functions shall be conducted in such a way and manner as to assure that no person shall, on the ground of race, sex, age, handicap, religion, or national origin, be denied the benefits to which the person is entitled, or be otherwise subjected to discrimination.



RIGHT OF WAY BROCHURE-ACQUISITION

APPENDIX A CONDEMNATION PROCEEDINGS, NMSA 1978

42A-1-3. AGREEMENT

At any time before or after commencement of a condemnation action, the parties may agree to and carry out a compromise or settlement as to any matter, including all or any part of the compensation or other relief.

42A-1-4. NEGOTIATION; OTHER APPRAISALS

A condemnor shall make reasonable and diligent efforts to acquire property by negotiation.

Unless prohibited by federal law, if the condemnor or condemnee has had prepared appraisals for the property, he shall make such appraisals available to the other party during the negotiation period.

42A-1-5. APPRAISAL; OFFER

A. If the parties are unable to negotiate a settlement, the condemnee may, within twenty-five days after written notice by the condemnor of its intent to file condemnation action in district court, give written notice to the condemnor requesting an appraisal to determine the amount that would constitute just compensation for the taking of the condemnee's property and obtained from:

- 1. One appraiser appointed by the condemnor;
- 2. One appraiser appointed by the condemnee; and
- 3. One appraiser jointly appointed by the appraisers for the condemnor and the condemnee
- **B.** The condemnee and condemnor shall appoint their respective appraisers within fifteen days after notice has been given by the condemnee to the condemnor pursuant to the provisions of Subsection A of this section and the third appraiser shall be jointly appointed within fifteen days thereafter.

- **C.** The appraisals shall be in writing and signed by the appraisers. The appraisers shall deliver copies to each party personally or by registered mail or certified mail, return receipt requested.
- **D.** The fees and expenses of the appraisers shall be paid by the appointing parties; provided however, the condemnee and condemnor shall share equally in paying the fees and expenses of the jointly appointed appraiser.
- **E.** After receiving a copy of the appraisals provided for pursuant to this section, the condemnor may establish an amount which it believes to be just compensation and may submit to the condemnee an offer to acquire the property for the full amount so established. If the condemnor tenders an offer pursuant to this section, the amount offered for the property shall not be less than the amount of compensation shown by the final common appraisal of the three appraisers or if all three appraisers do not agree, the offer shall not be less than the appraisal prepared by the condemnor's appraiser. The condemnee must reject or accept the offer made by the condemnor pursuant to this section within fifteen days after the offer is tendered.

42A-1-6. PRELIMINARY EFFORTS TO PURCHASE

A. Except as provided in Sections 42A-1-7 and 42A-1-27 NMSA 1978, an action to condemn property may not be maintained over timely objection by the condemnee unless the condemnor made a good faith effort to acquire the property by purchase before commencing the action.

B. An offer to purchase made in substantial compliance with Sections 42A-1-3 through 42A-1-4 NMSA 1978 is prima facie evidence of good faith under Subsection A of this Section.

42A-1-7. PURCHASE EFFORTS WAIVED OR EXCUSED

A condemnor's failure or inability to make reasonable and diligent efforts to acquire property by negotiation, make appraisals available pursuant to subsection B of Section 42A-1-4 NMSA 1978 or appoint appraisers upon the request of the condemnee pursuant to Subsection A of Section 42A-1-5

NMSA 1978 does not bar the maintenance of a condemnation action in the manner authorized by law, notwithstanding timely objection, if:

- A. Compliance is waived by written agreement between the condemnee and the condemnor;
- **B.** One or more of the condemnees of the property are unknown, cannot with reasonable diligence be contacted, are incapable of contracting and have no legal representative or own an interest which cannot be conveyed under the circumstances;
- C. Due to the conditions not caused by or under the control of the condemnor, there is a compelling need on the part of the condemnor to avoid the delay in commencing the action which compliance would require;
- **D.** The condemnee fails to provide any appraisals required pursuant to Subsection B of Section 42A-1-4 NMSA 1978; or
- **E.** The appraisers provided for pursuant to Section 42-A-1-5 NMSA 1978 fail to submit the appraisals to the parties within thirty days from the date that the jointly appointed appraiser was appointed.

42A-1-8. ENTRY FOR SUITABILITY STUDIES

A condemnor and its agents and employess may enter upon real property and make surveys, examinations, photographs, tests, soundings, borings samplings, or engage in other activities for the purpose of appraising the property or determining whether it is suitable and within the power of the condemnor to take for public use, if the condemnor secures: .

A. The written consent of the owner and, if applicable, any other person known to be in actual physical occupancy of the property to enter upon the property and undertake such activities; or

B. An order for entry from the court.

42A-1-9. COURT ORDER PERMITTING ENTRY FOR SUITABILITY STUDIES

A. If the condemnor is unable to secure the written consent of the condemnee pursuant to Section 42-A-1-8 NMSA 1978 and, ifapplicable, any other person known to be in actual physical occupancy of the property, he may apply to the court in the county where the property to be entered is located for an order permitting entry.

B. After the notice by the condemnor to the condemnee and, if applicable, any other person known to be in actual physical occupancy of the property and unless good cause to the contrary is shown, the court shall make its order permitting and describing the purpose of the entry and setting forth a description of the property and the nature and scope of activities the court determines are reasonably necessary to accomplish the purposes of the proposed taking and authorized to be made upon the property. The order may include terms and conditions with respect to the time, place and manner of entry and authorized activities upon the property which will facilitate the purpose of the entry and minimize damage, hardship and burden, and may require a deposit pursuant to Section 42A-1-10 NMSA 1978.

C. The condemnor shall have delivered any order issued by the court to the condemnee, if known and, if applicable, any other person known to be in actual occupancy of the property personally or by registered mail or certified mail, return receipt requested.

42A-1-10. DEPOSIT OF PROBABLE COMPENSATION

- **A.** An order permitting entry under Section 42A-1-9 NMSA 1978 shall include a determination by the court of the probable amount that will fairly compensate the condemnee and any other person in actual physical occupancy of the property for damages, if any, for physical injury to the property and for substantial interference with possession or use of the property found likely to be caused by the entry and activities authorized by the order, and may require the condemnor to deposit with the court before entry that amount or a surety bond in that amount from a surety acceptable to the court.
- **B.** If a deposit is required, such funds shall be deposited in an interest-bearing account at an institution acceptable to the court. Interest on such deposit shall accrue for the benefit of the condemnor.

- G. Any amount deposited shall be retained on deposit until released by the court.
- D. Surety bonds shall remain in effect until the surety is released by the court.

42A-1-11. MODIFICATION OF COURT ORDER PREMITTING SUITABILITY STUDIES

- A. After notice and hearing, the court may modify an order made under Section 42A-1-9 NMSA 1978.
- **B.** If a deposit or surety bond is required or the amount required to be deposited or the amount of the surety bond is increased by an order of modification, the court shall specify the time within which the required amount must be deposited or the surety bond increased, and shall direct that any further entry or specified activities or studies under the order as modified be stayed until the required deposit or increase in the surety bond has been made.

42A-1-12. RECOVERY OF DAMAGES, COSTS AND EXPENSES

A. A condemnor is liable to the condemnee and, if applicable, to the person in actual physical occupancy of the property for physical injury to and for substantial interference with possession or use of property caused by its

entry and activities upon the property made pursuant to Section 42A-1-8 NMSA 1978. This liability may be enforced in civil action against the condemnor or by application to the court in the circumstances provided by

Subsection C of this section. B. In an action or other proceeding for recovery of damages under this section, the prevailing claimant shall be allowed his reasonable costs. In addition, the court shall award the claimant his litigation expenses incurred in any proceeding under Section 42A-1-9 or 42A-1-11 NMSA 1978 if it

finds liability pursuant to Subsection A of this section and that the condemnor:

1. Entered the property unlawfully; or

- 2. Failed without just cause to substantially comply with or wrongfully exceeded or abused the authority of an order made under Section 42-A-1-9 NMSA 1978 or 42A-1-11 NMSA 1978.
- **C.** If the funds are on deposit or a surety bond has been required under Section 42A-1-10 NMSA 1978 or 42A-1-11 NMSA 1978, the condemnee or other person claiming damages under Subsection A of this section may apply to the court for an award of the amount he is entitled to recover. The court shall determine the amount and award it to the person entitled thereto and direct that the payment be made out of the money on deposit or pursuant to provisions of the bond. If the amount on deposit or the amount of the surety bond is insufficient to pay the full amount, the court shall enter judgment against the condemnor for the unpaid portion.

42A-1-13. ENTRIES EXEMPT

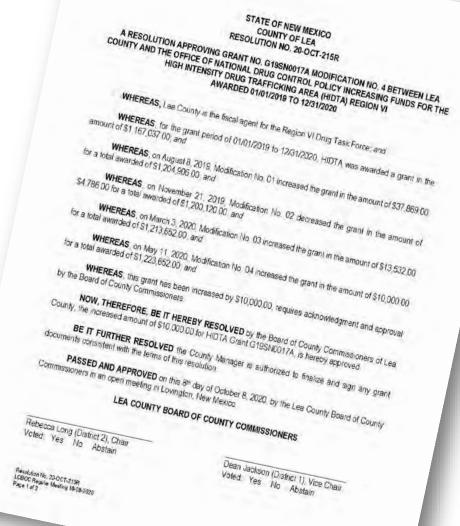
The provisions of Sections 42-A-1-8 through 42A-1-12 NMSA 1978 apply only to entries for suitability studies made outside of the exterior boundaries of any municipality.

REVISED NOVEMBER, 2014 RIGHT OF WAY BUREAU NEW MEXICO DEPARTMENT OF TRANSPORTATION SANTA FE, NEW MEXICO Consideration of Lea County Resolution No. 20-OCT-215R Approving Grant No. G19SN0017A Modification No. 4 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2019 to

Lea County is the fiscal agent for the Region VI Drug Task Force

For the grant period of 01/01/2019 to 12/31/2020, HIDTA was awarded a grant in the amount of \$1,167,037.00.

- August 8, 2019, Modification No. 01 increased the grant in the amount of \$37,869.00 for a total awarded of \$1,204,906.00.
- November 21, 2019, Modification No. 02 decreased the grant in the amount of \$4,786.00 for a total awarded of \$1,200,120.00.
- March 3, 2020, Modification No. 03 increased the grant in the amount of \$13,532.00 for a total awarded of \$1,213,652.00.
- May 11, 2020, Modification No. 04 increased the grant in the amount of \$10,000.00 for a total awarded of \$1,223,652.00.



12/31/2020



LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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, Tille, Dept:		
10/01/2020	Wm. Robert Sullivan; Coordinator		
SUBJECT:	ATTACHMENT(S):		
G19SN0017A Region VI - Modification No. 04	1 Resolution Modification No. 04		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:		
1 Resolution; 1 Grant Modification	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:		
608-41-2582	FY 2020 - 2021		
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:		KOTO -	
Section 2.1: Collaboration & partnership with local communities, ag Section 2.4: Leverage resources to the fullest extent to maximize the Section 3.5: Lea County shall be a safe community without crime.	encies and government entities is esse ne return to the public and minimize cos	ential for success. st to tax payers.	
SUMMARY:			
Grant Number G19SN0017A has been increased and no \$10,000.00.	ow totals \$1,223,652.00. Modifie	cation No. 04 increased the grant by	
Requested Items Needed for Presentation Ea	sels/Laptop/Projector/Etc.:	See Additional	
Easel Laptop Projector	Other:	Summary Attached	
how many: SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature	
Approve Resolution for Modification No. 04		Department Director, Etc.	
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director	
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager	
OOON T MANAGER REVIEW.		to be Placed on Agend by Michael Digitally signed by Michael Michael Collogue P. Gallegher II Data: 2020.10.06 14:57:44 -08:00'	
Item No. 0206 RECORDING SECRETARY'S U	SE ONLY ~ COMMISSION ACTIO	N TAKEN	
Approved: Denied:	Other:		
Resolution No. 20-OCT-215R Policy No. Continued To: Referred To:	Ordina Comm	ince No	
Neighbor 10.	Comin	icitia.	

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-215R

A RESOLUTION APPROVING GRANT NO. G19SN0017A MODIFICATION NO. 4 BETWEEN LEA COUNTY AND THE OFFICE OF NATIONAL DRUG CONTROL POLICY INCREASING FUNDS FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) REGION VI AWARDED 01/01/2019 TO 12/31/2020

WHEREAS, Lea County is the fiscal agent for the Region VI Drug Task Force; and

WHEREAS, for the grant period of 01/01/2019 to 12/31/2020, HIDTA was awarded a grant in the amount of \$1,167,037.00; and

WHEREAS, on August 8, 2019, Modification No. 01 increased the grant in the amount of \$37,869.00 for a total awarded of \$1,204,906.00; and

WHEREAS, on November 21, 2019, Modification No. 02 decreased the grant in the amount of \$4,786.00 for a total awarded of \$1,200,120.00; and

WHEREAS, on March 3, 2020, Modification No. 03 increased the grant in the amount of \$13,532.00 for a total awarded of \$1,213,652.00; and

WHEREAS, on May 11, 2020, Modification No. 04 increased the grant in the amount of \$10,000.00 for a total awarded of \$1,223,652.00; and

WHEREAS, this grant has been increased by \$10,000.00, requires acknowledgment and approval by the Board of County Commissioners.

NOW, **THEREFORE**, **BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County, the increased amount of \$10,000.00 for HIDTA Grant G19SN0017A, is hereby approved.

BE IT FURTHER RESOLVED the County Manager is authorized to finalize and sign any grant documents consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October 8, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain	Voted: Yes No Abstain

,	son (District 3), Member No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain
Richard Don Voted: Yes	Jones (District 5), Member No Abstain	
ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
By: Hollye S	Shearer, Deputy Clerk	John W. Caldwell, County Attorney



HIGH INTENSITY DRUG TRAFFICKING AREA

2450 LAKESIDE DR. BLDG. A * LAS CRUCES, NM 88007 * PH (575) 541-7501 * FAX (575) 541-7510

September 30, 2020

County Manager Michael Gallagher Lea County 100 North Main Lovington, NM 88260

Dear Mr. Gallagher:

High Intensity Drug Trafficking (HIDTA) FY 19 funds have increased by \$10,000.00 as indicated on Modification 4 for the Region VI Drug Task Force-Pecos Valley Initiative. The enclosed grant award modification should be completed and **returned to the NM HIDTA Director's Office** as soon as possible.

Detailed information is provided in a letter to you from Shannon Kelly, National HIDTA Director. In her letter she does ask that you send the signed Award Modifications to Miami; however, I am asking that you return this paperwork to our office. We will forward this information to the Miami Assistance Center to ensure that we have the same records.

If you have any questions, please contact Sandra A. Russell, Finance Director at (575) 541-7503.

Sincerely,

Will R. Glaspy // Executive Director

Attachments

WRG:sar



May 11, 2020

County Manager Michael Gallagher Lea County 100 N Main Lovington, NM 88260-4030

Dear Mr. Gallagher:

Grant number G19SN0017A has been increased and now totals \$1,223,652.00.

The original of Modification 4 is enclosed. If you accept this Modification, sign the Modification and return a copy to the Assistance Center in Miami. Keep the original Modification for your file.

All terms and conditions of the original award apply to the Modification. If you have any questions pertaining to this grant award, please contact Sherri Lucas at .

Sincerely,

Shannon Kelly

National HIDTA Director

Enclosures

_	cutive Office of the President ice of National Drug Control Policy	AWARD Grant	Page 1 of 1		
Recipient Name and Address County Manager Michael Gallagher		4. Award Number: G19SN0017A			
	Lea County 100 N Main Lovington, NM 88260-4030	5. Grant Period: From	01/01/2019 to 12/31/2020		
1 A .	Subrecipient IRS/Vendor No.	6. Date: 5/11/2020	7. Action		
	Subrecipient Name and Address	8. Supplement Number	Initial X Supplemental		
2A.	Subrecipient IRS/Vendor No.:	9. Previous Award Amou	unt: \$1,213,652.00		
3.	Project Title	10. Amount of This Awa			
			ara. \$10,000.00		
	The above grant is approved subject to such Grant.	11. Total Award:	\$1,223,652.00		
12.	The above grant is approved subject to such a	11. Total Award: conditions or limitation as	\$1,223,652.00		
12. 13.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116	11. Total Award: conditions or limitation as -6 -RECIPIE	\$1,223,652.00 are set forth in the original		
12.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL	11. Total Award: conditions or limitation as -6 -RECIPIE	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official		
12.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official	11. Total Award: conditions or limitation as RECIPIE 15. Typed Name and T	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official		
12.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official	11. Total Award: conditions or limitation as RECIPIE 15. Typed Name and T Michael Gallagher	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official		
13.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official Manne J. Kelly	11. Total Award: conditions or limitation as RECIPIE 15. Typed Name and T Michael Gallagher County Manager 17. Signature of Author	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official		
12. 13. 14.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official Maram Thele AGENCY USE ON	11. Total Award: conditions or limitation as RECIPIE 15. Typed Name and T Michael Gallagher County Manager 17. Signature of Author	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official		
13.	• The above grant is approved subject to such Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official Marin J. Kelly AGENCY USE OF Accounting Classification Code	11. Total Award: conditions or limitation as RECIPIE 15. Typed Name and T Michael Gallagher County Manager 17. Signature of Author NLY 19. HIDTA AWARD	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official Drized Recipient/Date		
12. 13. 14.	The above grant is approved subject to such a Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official Maram Thele AGENCY USE ON	11. Total Award: conditions or limitation as RECIPIE 15. Typed Name and T Michael Gallagher County Manager 17. Signature of Author	\$1,223,652.00 are set forth in the original ENT ACCEPTANCE Title of Authorized Official orized Recipient/Date		

Initiative Cash by HIDTA

FY 2019

HIDTA	Agency Name	Initiative	Cash	Туре	Grant
SWB - New Mexico	Lea County	Region VI Drug Task Force - Administration	101,315.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Chaves County	161,681.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Lea County	399,211.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Lincoln County	172,415.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Pecos Valley	389,030.00	Investigation	G19SN0017A
	Agency Total : Lea County		1,223,652.00		

Total 1,223,652.00

Budget Detail

2019 - SWB - New Mexico

Initiative - Region VI Drug Task Force - Pecos Valley Award Recipient - Lea County (G19SN0017A) Resource Recipient - Eddy County Investigation

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)			\$10,000.00	
Other		Quantity	Amount	
Other			\$10,000.00	
Total Other			\$10,000.00	
Total Budget			\$10,000.00	

Page 1 of 1 5/11/2020 1:40:01 PM

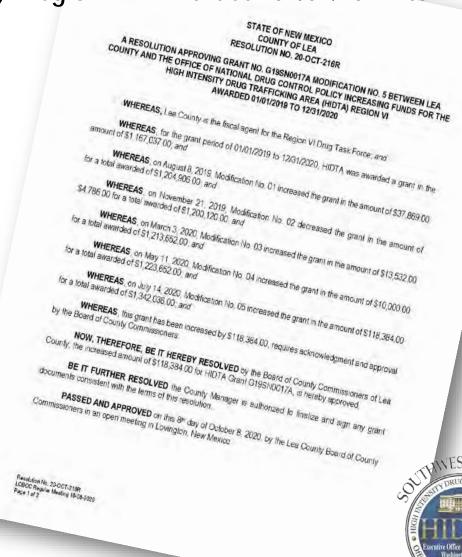
Consideration of Lea County Resolution No. 20-OCT-216R Approving Grant No. G19SN0017A Modification No. 5 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2019 to

12/31/2020

Lea County is the fiscal agent for the Region VI Drug Task Force

For the grant period of 01/01/2019 to 12/31/2020, HIDTA was awarded a grant in the amount of \$1,167,037.00.

- August 8, 2019, Modification No. 01 increased the grant in the amount of \$37,869.00 for a total awarded of \$1,204,906.00.
- November 21, 2019, Modification No. 02 decreased the grant in the amount of \$4,786.00 for a total awarded of \$1,200,120.00.
- March 3, 2020, Modification No. 03 increased the grant in the amount of \$13,532.00 for a total awarded of \$1,213,652.00.
- May 11, 2020, Modification No. 04 increased the grant in the amount of \$10,000.00 for a total awarded of \$1,223,652.00.
- ➤ July 14, 2020, Modification No. 05 increased the grant in the amount of \$118,384.00 for a total awarded of \$1,342,036.00.





LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:	
10/01/2020 Wm. Robert Sullivan; Coordinator		rdinator	
SUBJECT:	ATTACHMENT(S):		
G19SN0017A Region VI - Modification #5	Mark Company Comment C		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED		
1 Original	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEA	R:	
608-41-2582 - \$118,384.00	FY 2020-2021		
STRATEGIC PLAN Implementation of 5 Year Strategic Plans			
SUMMARY: The Modification #5 for G19SN0017A is increase for Region VI			
Lea County Drug Task Force -\$19,381.00 for Equipment & Sup	plies		
Requested Items Needed for Presentation Easel Laptop Projector	Easels/Laptop/Projector/Etc.: Other:	See Additional Summary Attached	
SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature	
We recommend this modification #5 be approved. Thank you!		Department Director, Etc. Wm. Robert Robert Sullivan Sullivan Date: 2020.10.01 06:52:19	
FINANCE REVIEW Fiscal Impact/Cost: The financial impact to Lea County will be grant fur \$118,384.00 for the HIDTA program.	nding in the amount of	Henry C. Low, Jr. 10/01/2020	
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda	
		Mike Collogh	
tem No. 0207 RECORDING SECRETARY'S	SUSE ONLY ~ COMMISSION ACT	TION TAKEN	
Approved: Denied: Policy No.		ner:	
	Ore Co	Ordinance No Comments:	
100/1007		WALKER ST.	

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-216R

A RESOLUTION APPROVING GRANT NO. G19SN0017A MODIFICATION NO. 5 BETWEEN LEA COUNTY AND THE OFFICE OF NATIONAL DRUG CONTROL POLICY INCREASING FUNDS FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) REGION VI AWARDED 01/01/2019 TO 12/31/2020

WHEREAS, Lea County is the fiscal agent for the Region VI Drug Task Force; and

- WHEREAS, for the grant period of 01/01/2019 to 12/31/2020, HIDTA was awarded a grant in the amount of \$1,167,037.00; and
- **WHEREAS**, on August 8, 2019, Modification No. 01 increased the grant in the amount of \$37,869.00 for a total awarded of \$1,204,906.00; *and*
- WHEREAS, on November 21, 2019, Modification No. 02 decreased the grant in the amount of \$4,786.00 for a total awarded of \$1,200,120.00; and
- WHEREAS, on March 3, 2020, Modification No. 03 increased the grant in the amount of \$13,532.00 for a total awarded of \$1,213,652.00; and
- WHEREAS, on May 11, 2020, Modification No. 04 increased the grant in the amount of \$10,000.00 for a total awarded of \$1,223,652.00; and
- **WHEREAS**, on July 14, 2020, Modification No. 05 increased the grant in the amount of \$118,384.00 for a total awarded of \$1,342,036.00; and
- WHEREAS, this grant has been increased by \$118,384.00, requires acknowledgment and approval by the Board of County Commissioners.
- **NOW**, **THEREFORE**, **BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County, the increased amount of \$118,384.00 for HIDTA Grant G19SN0017A, is hereby approved.
- **BE IT FURTHER RESOLVED** the County Manager is authorized to finalize and sign any grant documents consistent with the terms of this resolution.
- **PASSED AND APPROVED** on this 8th day of October 8, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair Voted: Yes No Abstain	Dean Jackson (District 1), Vice Chair Voted: Yes No Abstain
Gary G. Eidson (District 3), Member Voted: Yes No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain
Richard Don Jones (District 5), Member Voted: Yes No Abstain	
ATTEST: Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
By: Hollye Shearer, Deputy Clerk	John W. Caldwell, County Attorney



HIGH INTENSITY DRUG TRAFFICKING AREA

2450 LAKESIDE DR. BLDG. A * LAS CRUCES, NM 88007 * PH (575) 541-7501 * FAX (575) 541-7510

September 30, 2020

County Manager Michael Gallagher Lea County 100 North Main Lovington, NM 88260

Dear Mr. Gallagher:

High Intensity Drug Trafficking (HIDTA) FY 19 funds have increased by \$118,384.00 as indicated on Modification 5 for the Region VI Drug Task Force-Chaves County and Lea County Initiative(s). The enclosed grant award modification should be completed and **returned to the NM HIDTA Director's Office** as soon as possible.

Detailed information is provided in a letter to you from Shannon Kelly, National HIDTA Director. In her letter she does ask that you send the signed Award Modifications to Miami; however, I am asking that you return this paperwork to our office. We will forward this information to the Miami Assistance Center to ensure that we have the same records.

If you have any questions, please contact Sandra A. Russell, Finance Director at (575) 541-7503.

Sincerely,

Executive Director

Attachments

WRG:sar



July 14, 2020

County Manager Michael Gallagher Lea County 100 N Main Lovington, NM 88260-4030

Dear Mr. Gallagher:

Grant number G19SN0017A has been increased and now totals \$1,342,036.00.

The original of Modification 5 is enclosed. If you accept this Modification, sign the Modification and return a copy to the Assistance Center in Miami. Keep the original Modification for your file.

All terms and conditions of the original award apply to the Modification. If you have any questions pertaining to this grant award, please contact Sherri Lucas at .

Sincerely,

Shannon Kelly

National HIDTA Director

Enclosures

	cutive Office of the President ice of National Drug Control Policy	AWARD Grant	Page 1 of 1		
1,	Recipient Name and Address County Manager Michael Gallagher	4. Award Number: G19SN0017A			
	Lea County 100 N Main Lovington, NM 88260-4030	5. Grant Period: From 0	01/01/2019 to 12/31/2020		
1A.	Subrecipient IRS/Vendor No.	6. Date: 7/14/2020	7. Action		
	Subrecipient Name and Address	8. Supplement Number	Initial		
			X Supplemental		
2A.	Subrecipient IRS/Vendor No.:	9. Previous Award Amou	nt: \$1,223,652.00		
3.	Project Title	10. Amount of This Awa	rd: \$118,384.00		
		11. Total Award:	\$1,342,036.00		
12.	The above grant is approved subject to such Grant.				
12.	Grant. Statutory Authority for Grant: Public Law 116	conditions or limitation as a	are set forth in the original		
13.	Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL	conditions or limitation as a	are set forth in the original NT ACCEPTANCE		
13.	Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official	conditions or limitation as a secondition as a seconditio	are set forth in the original		
	Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL	conditions or limitation as a	are set forth in the original NT ACCEPTANCE		
13.	Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly	conditions or limitation as a 6-6 RECIPIE 15. Typed Name and Ti Michael Gallagher	NT ACCEPTANCE itle of Authorized Official		
13.	Grant. Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official	conditions or limitation as a RECIPIE 15. Typed Name and Ti Michael Gallagher County Manager 17. Signature of Author	NT ACCEPTANCE itle of Authorized Official		
13.	Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official	conditions or limitation as a RECIPIE 15. Typed Name and Ti Michael Gallagher County Manager 17. Signature of Author	NT ACCEPTANCE itle of Authorized Official		
13. 14.	Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official Maxim J. Kelly AGENCY USE O	conditions or limitation as a FECIPIE 15. Typed Name and Ti Michael Gallagher County Manager 17. Signature of Author	NT ACCEPTANCE itle of Authorized Official		
13. 14.	Statutory Authority for Grant: Public Law 116 AGENCY APPROVAL Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Signature of Approving ONDCP Official Maxim Abelia AGENCY USE Official Accounting Classification Code	15. Typed Name and Timichael Gallagher County Manager 17. Signature of Author	NT ACCEPTANCE itle of Authorized Official rized Recipient/Date		

Initiative Cash by HIDTA

FY 2019

HIDTA	Agency Name	Initiative	Cash	Туре	Grant
New Mexico HIDTA - Southwest Border	Lea County	Region VI Drug Task Force - Administration	101,315.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Chaves County	260,684.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Lea County	418,592.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Lincoln County	172,415.00	Investigation	G19SN0017A
		Region VI Drug Task Force - Pecos Valley	389,030.00	Investigation	G19SN0017A
	Agency Total: Lea County		1,342,036.00		

Total 1,342,036.00

Budget Detail

2019 - New Mexico HIDTA - Southwest Border

Initiative - Region VI Drug Task Force - Chaves County

Investigation

Award Recipient - Lea County (G19SN0017A)

Resource Recipient - City of Roswell

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		\$118,384.00
Services	Quantity	Amount
Services		\$820.00
Total Services		\$820.00
Equipment	Quantity	Amount
Equipment		\$95,034.00
Total Equipment		\$95,034.00
Supplies	Quantity	Amount
Supplies		\$3,149.00
Total Supplies		\$3,149.00
Total Budget		\$99,003.00

Page 1 of 2 7/14/2020 12:53:42 PM

Budget Detail

2019 - New Mexico HIDTA - Southwest Border

Initiative - Region VI Drug Task Force - Lea County Award Recipient - Lea County (G19SN0017A) Resource Recipient - Lea County **Investigation**

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		<i>\$118,384.00</i>
Equipment	Quantity	Amount
Equipment		\$15,881.00
Total Equipment		\$15,881.00
Supplies	Quantity	Amount
Supplies		\$3,500.00
Total Supplies		\$3,500.00
Total Budget		\$19,381.00

Page 2 of 2 7/14/2020 12:53:42 PM

Consideration of Lea County Resolution No. 20-OCT-217R Approving the Submittal of a Grant Application and Agreement between Lea County and New Mexico Department of Transportation for the Safer New Mexico DWI Grant and Safety Funds for FY 2021 – 2022 to Include: End Driving While Impaired (ENDWI) Project No. 01-AL-64-051; Buckle Up (BKLUP)/Click It or Ticket (CIOT) Project No. 01—OP-RF-051; and Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project No. 01-PT-RF-051; for Total Funding Award of \$25,783.00

Project No. 01-AL-64-051 for \$3,278.00 End Driving While Impaired (ENDWI)

Project No. 01-OP-RF-051 for \$2,038.00 Buckle Up (BKLUP) / Click It or Ticket (CIOT)

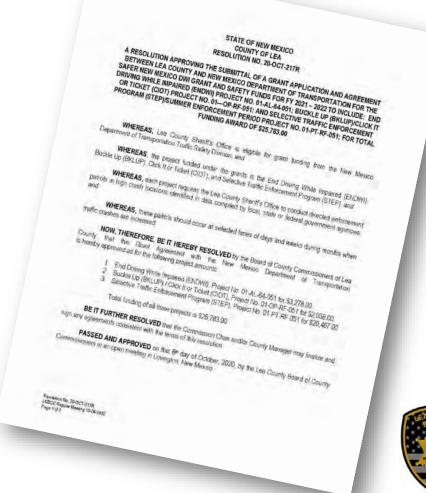
Project No. 01-PT-RF-051 for \$20,467.00 Selective Traffic Enforcement Program (STEP) Summer Enforcement Period

Total funding of all three projects is \$25,783.00.











Consideration of Lea County Resolution No. 20-OCT-217R Approving the Submittal of a Grant Application and Agreement between Lea County and New Mexico Department of Transportation for the Safer New Mexico DWI Grant and Safety Funds for FY 2021 – 2022 to Include: End Driving While Impaired (ENDWI) Project No. 01-AL-64-051; Buckle Up (BKLUP)/Click It or Ticket (CIOT) Project No. 01—OP-RF-051; and Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project No. 01-PT-RF-051; for Total

Funding Award of \$25,783.00

Project No. 01-AL-64-051 for \$3,278.00 End Driving While Impaired (ENDWI)

Project No. 01-OP-RF-051 for \$2,038.00 Buckle Up (BKLUP) / Click It or Ticket (CIOT)

Project No. 01-PT-RF-051 for \$20,467.00

Selective Traffic Enforcement Program (STEP)

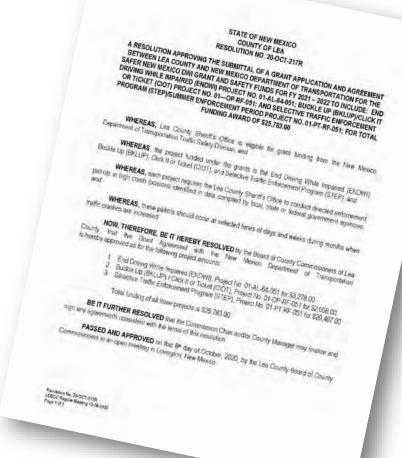
Summer Enforcement Period

Total funding of all three projects is \$25,783.00.













LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:		
09/30/2020	Michael Walker - Undersheriff - L	ea County Sheriff's Office	
SUBJECT:	ATTACHMENT(S):		
New Mexico Department of Transportation - SAFER Grant	SAFER NM Grant and Resolution		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:		
Electronic Signature on Agreement; 1-Physical Signature on Resolution	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR: 2021		
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:			
SUMMARY:			
Request consideration and approval of the application for the New Mexico mpaired (ENDWI) for \$3,278.00; Buckle Up (BKLUP) and Click It or Ticke or \$20,467.00. Total funding for all awards is \$25,783.00. Funding will be directed enforcement patrols, seatbelt and child safety seat enforcement, a electronic signature of grant agreement is required by the Lea County Con application, award, and filing process.	t (CIOT) for \$2,038.00; and Selecti e effective for Fiscal Year 2021. The and directed enforcement patrols in	ve Traffic Enforcement Program (STEP) the funding will be used to conduct DWI high crash areas. Upon approval,	
Requested Items Needed for Presentation Easels/La Easel If checket, how many:	optop/Projector/Etc.: Other:	See Additional Summary Attached	
SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature	
Request approval of the attached grant to supplement the Lea County She prevention of traffic collisions and prevention and enforcement of DWI ope	Department Director, Etc. Michael Digitally signed by Michael Walker Walker Date: 2020.0930 1434:47		
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director	
The financial impact to Lea County will be General Fund grant revenue to funds are budgeted for the expenditures in the Sheriff's Office fund.	Henry C Digitally signed by Henry C Low Jr Date: 2020.09.30 14:56:04-05'00'		
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda Digitally signed by Michael P. Gallacher II Date: 2020,10.06 13:53:50	
		-0600'	
tem No. 0208 RECORDING SECRETARY'S USE OF	NLY ~ COMMISSION ACTION	TAKEN	
Approved: Denied:	Other: _		
Resolution No. 20-OCT-217R Policy No. Perferred To:	Ordinand		
Continued To: Referred To:	Commer	its.	

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-217R

A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND AGREEMENT BETWEEN LEA COUNTY AND NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE SAFER NEW MEXICO DWI GRANT AND SAFETY FUNDS FOR FY 2021 – 2022 TO INCLUDE: END DRIVING WHILE IMPAIRED (ENDWI) PROJECT NO. 01-AL-64-051; BUCKLE UP (BKLUP)/CLICK IT OR TICKET (CIOT) PROJECT NO. 01—OP-RF-051; AND SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)/SUMMER ENFORCEMENT PERIOD PROJECT NO. 01-PT-RF-051; FOR TOTAL FUNDING AWARD OF \$25,783.00

WHEREAS, Lea County Sheriff's Office is eligible for grant funding from the New Mexico Department of Transportation Traffic Safety Division; and

WHEREAS, the project funded under the grants is the End Driving While Impaired (ENDWI), Buckle Up (BKLUP), Click It or Ticket (CIOT), and Selective Traffic Enforcement Program (STEP); and

WHEREAS, each project requires the Lea County Sheriff's Office to conduct directed enforcement patrols in high crash locations identified in data compiled by local, state or federal government agencies; and

WHEREAS, these patrols should occur at selected times of days and weeks during months when traffic crashes are increased.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County, that the Grant Agreement with the New Mexico Department of Transportation is hereby approved as for the following project amounts:

- 1. End Driving While Impaired (ENDWI), Project No. 01-AL-64-051 for \$3,278.00.
- 2. Buckle Up (BKLUP) / Click It or Ticket (CIOT), Project No. 01-OP-RF-051 for \$2,038.00.
- 3. Selective Traffic Enforcement Program (STEP), Project No. 01-PT-RF-051 for \$20,467.00

Total funding of all three projects is \$25,783.00.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

	g (District 2), Chair No Abstain	Dean Jackson (District 1), Vice Chair Voted: Yes No Abstain
,	on (District 3), Member No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain
	Jones (District 5), Member No Abstain	
ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
By:	Shearer, Deputy Clerk	John W. Caldwell, County Attorney



MEMORANDUM

Date: September 3, 2020

To: Michael Sandoval, Cabinet Secretary

Through: Jeff Barela, Director, Traffic Safety Division

From: Kimberly Wildharber, Staff Manager

Subject: Letter of Justification for Grant Agreement between the New Mexico

Department of Transportation Traffic Safety Division and County of Lea

1. TSD Program Manager Pierrot Bendegue Phone #505-629-3762 will oversee the project(s).

- 2. The Consolidated Agreement provides funding to Lea County Sheriff's Department to conduct the following project(s) and activities as shown below.
 - ENDWI \$3,278.00 (Federal 164 AL Fund)

The ENDWI program funds overtime enforcement for DWI checkpoint and DWI directed patrol program. Funds are used to maintain the program, as funding allows, and to expand the program in areas of the State with high rates of DWI.

BKLUP -\$2,038.00 (State Road Fund)

The BKLUP program funds overtime for law enforcement agencies to conduct safety belt and child restraint/ booster seat use activities to increase in occupant protection use in New Mexico.

• STEP – \$20,467.00 (State Road Fund)

Provides funding for sustained enforcement program to target specific traffic problems such as speed, DWI, road rage, distracted and reckless driving, fatigue/drowsy driving, occupant protection, and crashes involving pedestrians, primarily through the use of Safety Corridors. Participating agencies include local law enforcement.

- 3. The agreement will be effective from date of last signature to 9/30/2021.
- 4. A deliverables table is listed in Exhibit A-C.
- 5. The agreement is Exempt from the procurement as it is with another government agency, (per NMSA 1978 Section 13-1-98, et seq.)

Michelle Lujan Grisham

Governor

Michael R. Sandoval Cabinet Secretary

Commissioners

Jennifer SandovalCommissioner, Vice-Chairman
District 1

Bruce Ellis Commissioner District 2

Hilma E. Chynoweth Commissioner District 3

Walter G. Adams Commissioner, Chairman District 4

Thomas C. Taylor Commissioner District 5

Charles Lundstrom
Commissioner, Secretary
District 6



September 3, 2020

Chief Deputy Chan Kim Lea County Sheriff's Department 1417 South Commercial Lovington, NM 88260

RE: Project Agreement

Dear Chief Deputy Kim:

Enclosed is the project agreement for the federal 2021 fiscal year. This letter contains information required to meet Federal Funding Accountability and Transparency Act (FFATA) and 2 CFR Part 200 requirements. Please provide a copy of this letter to the person responsible for meeting those requirements at your City, County, Town, or Tribal agency. The following table contains the information necessary to meet these requirements.

Project	Funding Source	CFDA #	FAIN	Award Date	Amount
Number					
01-AL-64-051	23 U.S.C. § 164	20.608	69A37520300001640NMA	8/14/2019	\$3,278.00
01-OP-RF-051	State Road Fund				\$2,038.00
01-PT-RF-051	State Road Fund				\$20,467.00

2 CFR Subpart F 200.500-521

- (a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
- (b) Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with \$200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
- (c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

Michelle Lujan Grisham Governor

Michael R. Sandoval Cabinet Secretary

Commissioners

Jennifer Sandoval Commissioner, Vice-Chairman District 1

Bruce EllisCommissioner
District 2

Hilma E. Chynoweth Commissioner District 3

Walter G. Adams Commissioner, Chairman District 4

Thomas C. TaylorCommissioner
District 5

Charles LundstromCommissioner, Secretary
District 6



(d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in \$200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If expenditures are less than \$750,000 during your agency's fiscal year 2020, please submit a statement to the Traffic Safety Division at the address listed on this letterhead. The Statement should read, "We did not meet the \$750,000 expenditure threshold and therefore we are not required to have a single audit performed for FY {20}."

Your agency must submit copies of any audits and review reports which they have had prepared to the Department for informational purposes if requested regardless of whether the criteria for audit or review are met.

Operational Plan

Your agency is required to develop an operational plan to include a jurisdiction-specific performance goal, problem statement, problem identification and basic crash data upon which the project is based. Performance goals should be specific, measurable, action-oriented, realistic, and time-bound.

Performance Indicators

The Department has implemented performance indicators on Department funded law enforcement projects. The performance indicators are as follows:

ENDWI Small Agency (Populations below 50,000) - 1 DWI in 36 hours

BKLUP 1 seat belt or child restraint citation for every 2 hours of enforcement worked.

STEP 2 citations or warnings for every hour of enforcement worked.

At no time does the New Mexico Department of Transportation require an individual officer to issue a specific number of citations during an enforcement period.

We look forward to working with you to prevent injuries and fatalities. Thank you for your cooperation.

Sincerely,

Jeff Barela, Director Traffic Safety Division

Enclosure

Office of General Counsel Contract Brief Form

Date: September 3, 2020 From: Pierrot Bendegue Location: <u>Traffic Safety Division</u>

Phone: <u>505-</u>	<u>629-3762</u>	Agency:	NMDOT
Contractor:	Lea County Sheriff's Department		
Project No.:	01-AL-64-051, 01-OP-RF-051, 01-F	PT-RF-051	
Copy of a	RACT FP, if applicable pproved sole source justification pproved small purchase justificatior contract Brief signed by Contract Ad		on
Scope of V Additional Time exte Note: For amo	Compensation	•	greement, any previous
	FROM PROCUREMENT PROCESS gency, bureau; local public bodies).	•	ty: other educational institutions;
	General Counsel's policy for turnar wif there are extenuating circumstant		` ,
and agreeme	Attorney Review	/ Commer	nts
469-6411 if yPlease rI have s indicated on tPlease r	agreement is being returned for re you have any questions. make corrections on pages _ igned the agreement with the under the agreement submitted for review make corrections on pages and return y and approval.	visions or rstanding t	corrections. Please call at (505) that you will make the corrections sed with you.
Other Comm	ents		

CONTRACT NUMBER:_

GRANTEE DUNS NUMBER: 010485308

VENDOR NUMBER: 0000054388

GRANT AGREEMENT

This Grant Agreement (**Agreement**) is between the New Mexico Department of Transportation (**Department**) and County of Lea (**Grantee**), collectively referred to as "the Parties." This Agreement is effective as of the date of the last party to sign it on the signature page below. The Department and the Grantee agree as follows:

- **1. Award.** The Department hereby awards the Grantee funding for the following projects:
 - a. End Driving While Impaired (ENDWI), Project No. 01-AL-64-051, \$3,278.00;
 - b. Buckle Up (BKLUP)/Click It or Ticket (CIOT), Project No. 01-OP-RF-051, \$2,038.00;
 - c. Selective Traffic Enforcement Program (STEP), Project No. 01-PT-RF-051, \$20,467.00;
 - d. Total Funding awarded per this Agreement \$25,783.00.
- **2. Scope of Work.** The Grantee shall perform the professional services stated in the following exhibits: **Exhibit A** ENDWI; **Exhibit B** BKLUP/CIOT; **Exhibit C** STEP.
- **Payment.** To be reimbursed for eligible expenses, the Grantee must submit timely, properly prepared reimbursement requests as provided in the Department's Electronic Grant Management System or the Traffic Safety Division Financial Management Manual 2019, as directed by the Department. The Grantee acknowledges that the Department will not pay for any expenses incurred prior to both Parties signing the Agreement, after termination of the Agreement, or in excess of the amount of the award noted in Section 1. The Grantee must submit its final reimbursement request no later than thirty (30) days after termination of this Agreement, unless otherwise approved by the Department.
- 4. Records and Audit. The Grantee shall strictly account for all receipts and disbursements related to this Agreement. The Grantee shall record costs incurred, services rendered and payment received, and shall maintain these financial records during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. On request, the Grantee shall provide the financial records to the Department and the state auditor, and shall allow the Department and the state auditor to inspect or audit these financial records during business hours at the Grantee's principal office during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. If the financial records provided by the Grantee are insufficient to support an audit by customary accounting practices, the Grantee shall reimburse the Department for any expense incurred related to the insufficient documentation within thirty (30) days of written notice from the Department. If an audit or inspection reveals that funds were used for expenses not directly related to the project, or otherwise used inappropriately, or that payments were excessive or otherwise erroneous, the Grantee shall reimburse the Department for those funds or payments within thirty days of written notice.

- **Officials Not to Benefit.** The Parties intend that no member of the New Mexico legislature or the United States Congress, or any public official, public employee, or tribal council member, in that person's individual capacity, will benefit from this Agreement.
- **Grantee thirty** (30) days written notice. On receipt of a "Notice of Cancellation," the Grantee shall suspend work unless otherwise directed by the Department in writing. The Grantee may only terminate this Agreement based on the Department's uncured, material breach of the Agreement and by giving by giving the Department thirty (30) days' written notice. The Parties acknowledge that termination will not nullify obligations incurred prior to termination.
- **7. Appropriations.** The Grantee acknowledges that:
 - a. this Agreement is contingent upon sufficient appropriations and authorizations being made by the Congress of the United States or the New Mexico state legislature;
 - b. if sufficient appropriations and authorizations are not made, this Agreement will terminate upon written notice by the Department to the Grantee; and
 - c. the Department will not expend any funds until they are approved for expenditure, and the Department's determination as to whether approval has been granted will be final.
- **8. Compliance with Law.** The Grantee, its employees, agents and contractors, shall comply with the following:
 - a. Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, and 49 C.F.R. Section 21;
 - b. all federal and state laws, rules, and regulations, and executive orders of the Governor of the state of New Mexico pertaining to equal employment opportunity, including the Human Rights Act, NMSA 1978, Sections 28-1-1 through 28-1-15 (and in accordance with such, the Grantee states that no person, on the grounds of race, religion, national origin, sex, sexual orientation, gender identity, spousal affiliation, serious medical condition, age, disability, or other protected class will be excluded from employment with or participation in, denied the benefits of, or otherwise subjected to, discrimination in any activity performed under this Agreement; if the Grantee is found to be in violation of any of these requirements, the Grantee shall take prompt and appropriate steps to correct such violation);
 - c. state laws applicable to workers compensation benefits for the Grantee's employees, including the Workers' Compensation Act, NMSA 1978, Sections 52-1-1 through 52-1-70, and related regulations;
 - d. 2 C.F.R. 200, Subpart F Audit Requirements, Sections 200.500 200.521; and
 - e. those sections in **Exhibit D** labeled "applies to subrecipients as well as states."
- **9. Notices.** For a notice under this Agreement to be valid, it must be in writing; be delivered by hand, registered or certified mail return receipt requested and postage prepaid, fax or email; and be addressed as follows:

to the Department at:
New Mexico Dept. of Transportation
Attn: Traffic Safety Division
P.O. Box 1149
Santa Fe, NM 87504

to the Grantee at: Lea County Sheriff's Department Attn: Chief Deputy Chan Kim 1417 South Commercial Lovington, NM 88260

- **10. Severability**. The terms of this Agreement are lawful; performance of all duties and obligations shall confirm with and do not contravene any state, local, or federal statute, regulation, rule, or ordinance. The Parties intend that if any provision of this Agreement is held to be unenforceable, the rest of the Agreement will remain in effect as written.
- 11. Tort Claims. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with the Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, et seq., as amended. This paragraph is intended only to define the liabilities between the Parties and it is not intended to modify in any way, the Parties' liabilities as governed by common law or the New Mexico Tort Claims Act.
- **12. Jurisdiction and Venue.** The Grantee acknowledges the jurisdiction of the courts of the state of New Mexico for any adversarial proceeding arising out of this Agreement, and that venue for any such proceeding will be in the First Judicial District Court for the county of Santa Fe, New Mexico.
- **13. Project Responsibility.** The Grantee acknowledges that it bears sole responsibility for performing the services referred to in Section 2.
- **14. Term.** This Agreement takes effect upon signature of all Parties. If the Grantee does not deliver the signed Agreement to the Department within sixty (60) days of the Department's signature, the Agreement will be voidable by the Department. The Agreement terminates at 12:00 a.m. on September 30, 2021, unless earlier terminated as provided in Section 6 or Section 7.
- **15. Applicable Law.** The laws of the state of New Mexico, without giving effect to its choice of law principles, govern all adversarial proceedings arising out of this Agreement.
- **16. Amendment.** No amendment of this Agreement will be effective unless it is in writing and signed by the Parties.
- **17. No Third-party Beneficiary**. This Agreement does not confer any rights or remedies on anyone other than the Department and the Grantee.
- 18. Scope of Agreement and Merger. This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of the Agreement and supersedes all other Agreements, whether written or oral, between the Parties, except that this Agreement does not supersede the Grantee's rights under any other grant agreement.
- **19. Disadvantaged Business Enterprise.** The following provision applies to a USDOT-assisted federally funded Agreement only. The recipient shall not discriminate on the basis of race, color, national origin, sex, or other protected class in the award and performance of any USDOT-assisted

contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

The remainder of this page is intentionally left blank.

Each party is signing this Agreement on the date stated opposite that party's signature. This Agreement is effective as of the date of the last party to sign it on the signature page below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

Ву:		Date:	
,	Cabinet Secretary or Designee		
COUN	TY OF LEA		
Ву:		Date:	
Title:			
Appro	ved as to form and legal sufficiency.		
Ву:		Date:	
	Assistant General Counsel Department of Transportation		
Appro	ved as to form and legal sufficiency.		
Ву:		Date:	
Title:			

Exhibit A: Scope of Work, Training, Reimbursement and Reporting

END DRIVING WHILE IMPAIRED (ENDWI) Project Number: 01-AL-64-051

- 1. Scope of Work. The Grantee shall conduct DWI directed enforcement patrols (DDEPs) as negotiated between the Department and the Grantee, in high crash locations identified in data compiled by local, state or federal government agencies and included the Grantee's Operational Plan. The Department encourages the Grantee to accompany DDEPs with public information, media and educational activities. DDEPs must deploy officers in high crash locations consistent with the enforcement plan. If for any reason the DDEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DDEPs based on the justification. The Grantee is encouraged to schedule DDEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, and National DWI Mobilizations as identified below.
- **2. Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.
 - "Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.
 - "Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

"Winter Superblitz Period" means November 13, 2020 to January 2, 2021.

"St. Patrick's Day Mini Superblitz Period" means March 12 to March 20, 2021.

"Cinco de Mayo May Mini Superblitz Period" means May 1 to May 7, 2021.

"Fourth of July Mini Superblitz Period" means July 1 to July 8, 2021.

"National DWI Mobilization Period" means August 20 to September 6, 2021.

3. Training and Qualifications. The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

- 4. Reimbursement. The Department will pay the Grantee for the actual cost paid to personnel that worked the DDEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
 - a. pay, including overtime, for officers conducting traffic safety DWI enforcement in areas consistent with the enforcement plan;
 - pay, including overtime, for officers attendance at administrative license revocation hearings and court hearings directly related to DWI arrests made while participating in the ENDWI program;
 - overtime costs for officers or civilian employees to dispatch or process paperwork directly related to the DDEPs conducted during the claim month. The Grantee can only claim up to 10 percent of the total monthly claim amount; and
 - d. in state travel and related expenses for officers to attend DWI related training approved by the Department in advance and shall be reimbursed in accordance with the Regulation Governing the New Mexico Per Diem and Mileage Act, 2.42.2 NMAC.
- **Reporting.** The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department. Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
- **Funding.** The Department expects the funding source to be 23 U.S.C. Section 164 and the Catalog of Federal Domestic Assistance (CFDA) number to be 20.608. However, both funding source and CFDA number are subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$3,278.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$3,278.00

- **7. Goals.** The Department's performance goals for the state are as follows: Five-year average alcoholimpaired fatality data show a relatively stable trendline from 2014 to 2018, and projected data through 2021 shows the trendline remaining stable. Given this data and the State's continued focus on reducing drunk driving through ENDWI and the National Drive Sober or Get Pulled Over enforcement and media efforts, the State has determined to set the five-year average projection of 110 as the 2021 target
- **8. Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit B: Scope of Work, Training, Reimbursement and Reporting

BUCKLE UP (BKLUP) and CLICK IT OR TICKET (CIOT) Project Number: 01-OP-RF-051

- (ODEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the ODEPs with public information, media and educational activities. ODEPs must deploy officers in high crash locations consistent with the enforcement plan for occupant protection issues. If for any reason, the ODEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for ODEPs based on the justification. The Grantee is encouraged to schedule ODEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, National DWI Mobilizations and the National Click It or Ticket Mobilizations identified below.
- **2. Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.
 - "Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.
 - "Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

"Winter Superblitz Period" means November 13, 2020 to January 2, 2021.

"St. Patrick's Day Mini Superblitz Period" means March 12 to March 20, 2021.

"Cinco de Mayo May Mini Superblitz Period" means May 1 to May 7, 2021.

"National Occupant Protection Mobilization Click It or Ticket period" means November 16-29, 2020 and May 24 to June 6, 2021.

"Fourth of July Mini Superblitz Period" means July 1 to July 8, 2021.

"National DWI Mobilization Period" means August 20 to September 6, 2021.

Training and Qualifications. The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

- **4. Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the ODEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
 - a. pay, including overtime, for officers conducting traffic safety occupant protection focused enforcement in areas consistent with the enforcement plan;
 - b. attendance at, and excess per diem for, operation safe kids training and the four-day NHTSA standardized child passenger safety training; and
 - c. assistance at child safety seat clinics or car seat fitting stations.
- **Reporting.** The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department. Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
- **6. Funding.** The Department expects the funding source to be state road fund. However, the funding source is subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$2,038.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$2,038.00

- **7. Goals.** The Department's performance goals for the state are to:
 - a. Unrestrained occupant fatalities rose by 7 percent in 2018 from 2017, but preliminary and projected data indicate relatively stable numbers of these fatalities through 2021. Given the State's BKLUP enforcement and awareness campaign and participation in the National CIOT, the State has determined to set the annual projection of 114 as the 2021 target
 - b. New Mexico's observed seatbelt use percentage has remained above 90 percent since 2011. The State anticipates being able to maintain its seatbelt use above 90 percent in 2021 and determines to set the annual projection of 91.0% as the 2021 target

11

Equipment. The Grantee may only purchase equipment under this Agreement with prior written

8.

approval of the Department.

Exhibit C: Scope of Work, Training, Reimbursement and Reporting

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) and SUMMER ENFORCEMENT PERIOD Project Number: 01-PT-RF-051

- 1. Scope of Work. The Grantee shall conduct directed enforcement patrols (DEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the DEPs with public information, media and educational activities. DEPs must deploy officers in high crash locations consistent with the Operational Plan. If for any reason, the DEPs were conducted in areas not consistent with the Operational Plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DEPs based on the justification. The Grantee is encouraged to schedule DEPS through the grant period with a focus on participating during the Summer enforcement period which runs June 20, 2021 through September 27, 2021.
- **2. Definitions.** For purposes of this exhibit, the following definitions apply:

"Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

"Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.

"Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

- **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.
- **4. Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the DEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that was not above and beyond the officer's normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:

- a. Pay, including overtime pay, for officers conducting the traffic safety enforcement described in paragraph 1 of this **Exhibit C**; and
- b. training for officers not previously trained in STEP.
- **S. Reporting.** The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department. Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
- **6. Funding STEP.** The Department expects the funding source to be State Road Fund. However, the funding source is subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$20,467.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$20,467.00

- **7. Goals.** The Department's performance goals for the state are as follows:
 - a. Speeding-related fatalities rose by 10.6 percent in 2016 from 2014, and then fell by 9.6 percent in 2018 from 2016. Preliminary data indicate that speeding-related fatalities were 36.8% of all crash fatalities in 2019, and projected data show these fatalities increasing again in 2020 and 2021. Given these anticipated increases, the State has determined to set the annual projection of 155 as the 2021 target
 - b. Five-year average alcohol-impaired fatality data show a relatively stable trendline from 2014 to 2018, and projected data through 2021 shows the trendline remaining stable. Given this data and the State's continued focus on reducing drunk driving through ENDWI and the National Drive Sober or Get Pulled Over enforcement and media efforts, the State has determined to set the five-year average projection of 110 as the 2021 target
 - New Mexico's observed seatbelt use percentage has remained above 90 percent since 2011.
 The State anticipates being able to maintain its seatbelt use above 90 percent in 2021 and determines to set the annual projection of 91.0% as the 2021 target
 - d. Five-year average fatalities rose by 5.6 percent between 2014 and 2018, and preliminary and projected data indicate that fatalities will continue to increase, but by a higher 15.6 percent between 2017 and 2021. The State has determined to set a five-year average target at the projected level of 411.6.
- **8. Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit D: Certifications and Assurances

Appendix A to Part 1300 – Certifications and Assurances for Fiscal Year 2021 Highway Safety Grants (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]

State: New Mexico Fiscal Year: 2021

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, <u>OMB Guidance on FFATA Subward and Executive Compensation Reporting</u>, August 27, 2010,

(https://www.fsrs.gov/documents/OMB Guidance on FFATA Subaward and Executive Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award:

- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986:
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 *et seq.*), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities,

public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on
 the grounds of race, color, national origin, disability, sex, age, limited English
 proficiency, or membership in any other class protected by Federal Nondiscrimination
 Authorities, be excluded from participation in, be denied the benefits of, or be otherwise
 subjected to discrimination under any of its programs or activities, so long as any portion
 of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and
 consultants to comply) with all applicable provisions of law or regulation governing US
 DOT's or NHTSA's access to records, accounts, documents, information, facilities, and
 staff, and to cooperate and comply with any program or compliance reviews, and/or
 complaint investigations conducted by US DOT or NHTSA under any Federal
 Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:
 - "During the performance of this contract/funding agreement, the contractor/funding recipient agrees
 - a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time:

- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 2l and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;

- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted
 - 1. Taking appropriate personnel action against such an employee, up to and including termination;
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

<u>Instructions for Primary Tier Participant Certification (States)</u>

- 1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
- 2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- 3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
- 4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

- 5. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded,* as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- 6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency enteringinto this transaction.
- 7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to complywith 2 CFR parts 180 and 1200.
- 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www.sam.gov/).
- 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

<u>Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier</u> Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

<u>Instructions for Lower Tier Participant Certification</u>

- 1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
- 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- 4. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded,* as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

- 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
- 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www.sam.gov/).
- 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

<u>Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:</u>

- 1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
- 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE (applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

SECTION 402 REOUIREMENTS

- 1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
- 2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
- 3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
- 4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
- 5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
- 6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
- 7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to
 - o Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - o Increase use of seat belts by occupants of motor vehicles;
 - Submission of information regarding mobilization participation into the HVE Database;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

- An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
- Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
- Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a).

(23 U.S.C. 402(b)(1)(F))

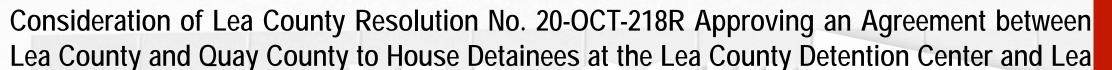
- 8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
- 9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

Michael Sandoval (Jul 27, 2020 10:43 MDT)	
Signature Governor's Representative for Highway Safety	Date
Printed name of Governor's Representative for Highway Safety	

New Mexico Traffic Safety Division Project Information Sheet

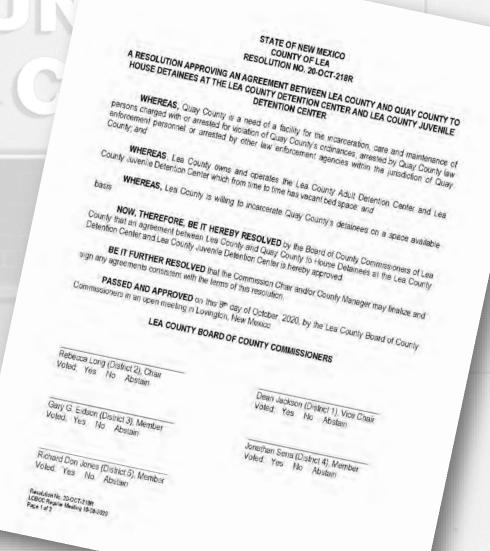
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Pr	oject Director a	nd Tit	tle:	Chief De	outy Chan Ki	im			
Phone:	575-396-3611	L		E-mail:	ckim@lead	count	y.net		
	Agency Name	: le	a Co	untv Sher	iff's Departn	nent			
					-				
	Address	3: 10	JU IN	iviain Avei	nue Suite 3C				
	City, State ZIP	: Lo	ving	ton, NM	38260				
				TSD C	ontact Info				
Program Manager: Pie			Pierrot Bendegue				Phone:	505-629	9-3762
			ommy Campos Ph			Phone:	e: 505-795-2321		
				Rudget	: Breakdowi	n			
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Comment	Comments:								





Detainee Housing Agreement:

- Between Lea County and Quay County
- ➤ House Adult and Juvenile (Male/Female) Detainees
- Quay County will pay Lea County \$125.00 per day for each adult
- Quay County will pay Lea County \$250.00 per day for each juvenile



County Juvenile Detention Center



LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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:
09/24/2020	Ruben Quintana, Warden	
SUBJECT:	ATTACHMENT(S):	
Detainee Housing Agreement between Lea County and Quay County	Resolution Signed Detainee Housing Agree	ment
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:	
1 Resolution; 2 Original Agreements	Action Item	
BUDGET LINE ITEM NUMBER;	FISCAL BUDGET YEAR: 2020 - 2021	
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:		
SUMMARY:		Marine Company
Resolution authorizing an Agreement between Lea County and Quay Cou Quay County will pay \$125.00 per day for each adult detainee and \$250.0		
Requested Items Needed for Presentation Easels/L Easel Laptop Projector Projector	aptop/Projector/Etc.: Other:	See Additional Summary Attached
SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature Ruben Juntana
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director
The financial impact to Lea County will be revenue of \$125.00 per day for per day for each juvenile detainee.	each adult detainee and \$250.00	ACT CONTROL CONTROL
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda
		Michael Collogh Digitally signed by Michael P. Gallagher II Dale: 2020, 10,07 17:17:28 -06:00
tem No. 0209 RECORDING SECRETARY'S USE C	NLY ~ COMMISSION ACTION	TAKEN
Approved: Denied:		
Resolution No. 20-OCT-218R Policy No. Continued To: Referred To:	Ordinan Comme	ce No
Total 10:	Comme	110,

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-218R

A RESOLUTION APPROVING AN AGREEMENT BETWEEN LEA COUNTY AND QUAY COUNTY TO HOUSE DETAINEES AT THE LEA COUNTY DETENTION CENTER AND LEA COUNTY JUVENILE DETENTION CENTER

WHEREAS, Quay County is a need of a facility for the incarceration, care and maintenance of persons charged with or arrested for violation of Quay County's ordinances, arrested by Quay County law enforcement personnel or arrested by other law enforcement agencies within the jurisdiction of Quay County; and

WHEREAS, Lea County owns and operates the Lea County Adult Detention Center and Lea County Juvenile Detention Center which from time to time has vacant bed space; and

WHEREAS, Lea County is willing to incarcerate Quay County's detainees on a space available basis.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that an agreement between Lea County and Quay County to House Detainees at the Lea County Detention Center and Lea County Juvenile Detention Center is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain	Voted: Yes No Abstain
Gary G. Eidson (District 3), Member	Jonathan Sena (District 4), Member
Voted: Yes No Abstain	Voted: Yes No Abstain
Richard Don Jones (District 5), Member Voted: Yes No Abstain	

ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:		
Hollve	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

QUAY COUNTY AGREEMENT TO HOUSE DETAINEES

THIS AGREEMENT is entered into by and between the Lea County Board of Commissioners hereinafter referred to as "Lea County" and Quay County Board of Commissioners hereinafter referred to as "Quay County".

RECITALS

WHEREAS, Quay County is in need of a facility for the incarceration, care and maintenance of persons charged with or arrested for violation of Quay County's Ordinances, arrested by Quay County's law enforcement personnel, or arrested by other law enforcement agencies within the jurisdiction of Quay County; and

WHEREAS, Lea County owns and operates the Lea County Detention Center ("LCDC") which, from time to time, has vacant bed space; and

WHEREAS, LCDC operates the Lea County Juvenile Detention Center; and

WHEREAS, Lea County is willing to incarcerate Quay County's detainees on a space available basis.

NOW, THEREFORE IT IS MUTUALLY AGREED by the parties as follows:

1.0 PURPOSE.

The purpose of this Agreement is to establish the terms and conditions under which Lea County shall accept and detain, on a space available basis, Quay County detainees which may be delivered to LCDC from time to time for incarceration.

2.0 TERM

2.1 The term of the contract shall become effective when signed by both parties. The initial term of this agreement is one year. Unless either party provides thirty (30) days written notice to the other party of its intent not to renew the agreement, the agreement will automatically be renewed for a one-year period, not to exceed a total of four (4) years.

3.0 ADULT DETAINEES HOUSING AND BOARD

- 3.1 LCDC will house detainees from Quay County at its facility in Lovington, New Mexico on a space available basis. The parties agree that Quay County will call Lea County Detention Center for accommodation before bringing any detainee to the facility.
- 3.2 Quay County detainees will be subject to the same rules as other detainees, and will receive comparable treatment and accommodations as provided to other detainees.
- 3.3 On the day release is required by the terms of the order of the Court or by law, a Quay County detainee may be released by LCDC at its regular time of release for other detainees.
- 3.5 Quay County shall provide all transportation for Quay County detainees to and from LCDC in Lovington, New Mexico.

4.0 CONSIDERATION

- Quay County will pay Lea County \$125.00 per day for each adult detainee, from date of incarceration through date of release for housing and board and related services
- 4.2 Lea County shall invoice Quay County on a monthly basis. Invoices shall be paid within 30 days of receipt.
- 4.3 Lea County reserves the right to refuse to accept any detainees from Quay County in the event any invoice remains unpaid for 45 or more days.

5.0 JUVENILE DETAINEE HOUSING AND BOARD

- The Lea County Juvenile Detention Center will house juvenile detainees from Quay County at its approved juvenile facility in Lovington, New Mexico on a space available basis. The parties agree that Quay County will call the Lea County Juvenile Detention Center for accommodations before bringing any juvenile detainees to the facility.
- Quay County juvenile detainees are subject to the Lea County Juvenile Detention Center rules, which apply equally to all juvenile detainees. Quay County juvenile detainees will have comparable treatment and accommodations as provided to other contract juvenile detainees.

5.3 Quay County will pay Lea County \$250.00 per day, from date of incarceration through date of release for each juvenile detainee for housing and board and related services.

6.0 <u>REJECTION/RETURN</u>

6.1 The Warden of LCDC shall have the right to reject any detainee tendered by Quay County, as long as Quay County detainees are evaluated and treated on the same basis as detainees from other contract entities.

7.0 <u>DETAINEE INFORMATION</u>

- 7.1 When submitting any <u>adult</u> detainee to LCDC, Quay County, shall provide the following documentation:
 - 1. Arrest Warrant and Supporting Affidavit
 - 2. Arrest report
 - 3. Judgment and Sentence
 - 4. Release Order
 - 5. Date of birth
 - 6. Criminal Complaint or other Charging Document

In addition, Quay County will provide LCDC with any information it may have concerning detainees tendered pertaining to medical problems, suicidal tendencies, escape records or tendencies toward violence and disruptions. Failure to provide LCDC with legal authority to hold said detainee at the time detainee is brought to the Detention Center will result in the refusal of the detainee.

- 7.2 When submitting any <u>juvenile</u> detainee to the LCDC, Quay County, shall provide the following documentation:
 - 1. Authorization to hold shall be entered in SARA by the approving authority
 - 2. Medical consent form signed by juvenile's legal guardian (copy attached)

In addition, Quay County will provide the LCDC with any information it may have concerning detainees tendered pertaining to medical problems, suicidal tendencies, escape records or tendencies toward violence and disruptions. Failure to provide LCDC with legal authority to hold said detainee at the time detainee is brought to the Detention Center will result in the refusal of the detainee.

8.0 MEDICAL CARE

- 8.1 As used herein, "medical care" and "medical treatment" shall include medical, psychiatric and emergency dental treatment, and all prescribed drugs therapy.
- 8.2 LCDC shall not be required to provide medical care to any Quay County detainees housed pursuant to this agreement, except as provided to other detainees, by its medical staff.
- Should medical care become necessary from an outside health care provider, the Quay County Manager, or a person designated in advance by Quay County shall be contacted. The person contacted shall either secure the release of the detainee from the appropriate authority in a timely manner or undertake management of the detainee's medical problem in a timely manner. Except as provided below, LCDC personnel shall not secure outside medical care for Quay County detainees unless expressly directed to do so by a person authorized by the Quay County Manager or person authorized for Quay County to act on its behalf. Quay County is responsible for medical care costs outside of the facility and when Lea County is directed by Quay County to secure medical attention for one of its detainees.
- 8.4 LCDC is expressly authorized to instruct health care providers, for any medical care rendered, to bill Quay County directly to:

Address			_
City	State	Zip	_
Attn:			

8.5 Notwithstanding the above, in an emergency, when treatment is clearly necessary to conserve a detainee's health, Lea County may provide the necessary treatment without prior authority from Quay County, but in such case must notify the appropriate Quay County official as soon as possible thereafter. At such time, medical management of the problem will then be tendered to Quay County. Lea County is expressly authorized to instruct health care providers to bill Quay County directly for medical care rendered in these circumstances. Under all circumstances Quay County, will be responsible for all outside medical care.

9.0 TERMINATION

9.1 This Agreement may be terminated by either party upon thirty (30) days written notice to the other party, by certified mail, return receipt, at the following addresses or such other addresses that may be designated from time to time:

Quay County County Manager 300 S. Third St Tucumcari, NM 88401

Lea County County Manager 100 N. Main, Suite 4 Lovington, NM 88260

Termination of this Agreement shall not relieve any party from any liability which arose prior to termination. Specifically, termination of this Agreement shall not relieve any party from any indemnification obligations for actions or inactions which occurred prior to termination.

10.0 MISCELLANEOUS

- 10.1 This Agreement is interpreted according and subject to New Mexico law. Any action to interpret and/or enforce this Agreement shall be brought and maintained in the District Court in and for Lea County, New Mexico.
- 10.2 This Agreement shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the parties hereto.
- 10.3 This Agreement and any Exhibits thereto constitute the entire agreement and understanding of the parties and all other matters addressed or referred to herein and supersedes all prior and contemporaneous agreements and understandings, representations and warranties, whether oral or written, relating such matters.

IN WITNESS WHEREOF, we have hereunder affixed our hands and seals this day of September 20 30.

QUAY COUNTY

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

By: Manhly Warland

By: Rebecca Long, Chairwoman

ATTEST: Quay County Clerk

ATTEST: Keith Manes Lea County Clerk

By: Sull White By:

Hollye Shearer, Deputy Clerk

LEA COUNTY JUVENILE DETENTION CENTER MEDICAL CONSENT FORM 1

In the matte	r concerning,	(Name of hyperile)	
		(Name of Juvenile)	(Parent/Guardian)
the undersig	ned, certify that I an	n the parent/guardian of th	e above named juvenile, and I hereby
			on Facility to provide any dental or
			e while in the physical custody of the
			, I will be notified of any surgery or
emergency i	medical treatment	being considered, provi	ded that my whereabouts can be
determined.			
Signature of p	parent or guardian:		······
	(Add	lress)	
Date mailed:		Officer:	

LEA COUNTY JUVENILE DETENTION CENTER

Phone: 575 396 8678

Fax: 575 396 8025

1401 S. Commercial Lovington NM 88260

PARENTAL MEDICAL CONSENT FORM AND RELEASE OF INFORMATION

		Juvenile DOB:
		Juvenile SSN:
In the matter concerni	ng,	I,
the undersigned, certify that I a	•	(Parent/Guardian)
o	in the parent/guardian of the a	above named juvenile.
, acres of incurcat	er. This may include x-rays e	etention Center/Nor-Lea General Hospital e welfare of the juvenile while in the physic examinations, anesthetic, medical or surgic
and agreeme perchilottelling	er, tea County, its employees a t from any and all medical care	nt form and hereby give release to the Le and medical staff, from any and all liability fo and treatment while my child is incarcerate
exam, laboratory test results/i	report, operative report, pat d, discharge summary, progress s will only be used for treatr	my child to Lea County Juvenile Detention entire medical record, history and physical chology report, consultation reports, x-ray notes, and x-ray films/images. I understand ment, consultation, or any other medically
Parent Name		
	Address	City, ST Zip Phone
Family Physician	Health Insurance Carrier and Number	Medicare/Medicaid #
I understand that, except in cases considered, provided my whereab Signature of personal representative I authorize Nor-Lea General Hospital I also authorize Lea County Juvenile D	outs can be determined. e who may request disclosure and to use and disclose the protected I	d of any surgery or medical treatment being d treatement health information specified above

Consideration of Lea County Resolution No. 20-OCT-219R Approving the 2021 Lea County Employee Calendar

2021 Employee Holidays

1/1/2021 New Year's Day 1/18/2021 Martin Luther King Jr. Day 2/15/2021 President's Day 4/2/2021 Good Friday 5/31/2021 Memorial Day 7/5/2021 Independence Day (observed) 9/6/2021 Labor Day 10/11/2021 Indigenous People's Day 11/11/2021 Veteran's Day 11/24/2021 Thanksgiving Holiday 1.5 day 11/25-26/2021 Thanksgiving Holiday 12/24 & 12/27/2021 Christmas Holiday 12/31/2021 New Year's Eve





LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

09/17/2020	DATE SUBMITTED mm-dd-yyyy: SUBMITTED BY Name, Till				
OFFITZUZU	Craig Bova, HR Director, Human Resources				
SUBJECT:	ATTACHMENT(S):				
2021 Employee Calendar	2021 Employee Calendar				
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:				
1 Resolution	A SA COLO				
	Action Item				
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:				
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:					
Section 2.2: County employees are valued.					
SUMMARY:					
Submitted for approval is the 2021 Employee Calendar. The calendar	or cultings the pay periods for the year.	anydays, and observed helidays			
Requested Items Needed for Presentation Eas Easel Laptop Projector It checked, how many: SUBMITTER'S RECOMMENDATION(S): Approve 2021 Employee Calendar	els/Laptop/Projector/Etc.: Other:	See Additional Summary Attached Submitter's Signature			
		Department Director, Etc. Digitally signed by Craig			
		Department Director, Etc.			
FINANCE REVIEW Fiscal Impact/Cost:		Department Director, Etc. Oligitally signed by Craig Bova			
		Department Director, Etc. Oligitally signed by Craig Craig Bova Bova Bova Bova 0600' Digitally signed by Craig 0-00-00-00-17 10:23:21			
here is no financial impact to Lea County with this agenda item.		Department Director, Etc. Oligitally signed by Craig Bova Bova Bova Bova Bova Bova Bova Bova			
There is no financial impact to Lea County with this agenda item. LEGAL REVIEW; (Note: Travel does not need legal review)		Department Director, Etc. Oligitally signed by Craig Bova Bota Bota Bota Bota Bota Bota Bota Bot			
FINANCE REVIEW Fiscal Impact/Cost: There is no financial impact to Lea County with this agenda item. LEGAL REVIEW: (Note: Travel does not need legal review) COUNTY MANAGER REVIEW:		Department Director, Etc. Oligitally signed by Craig Bova Bota Bota Bota Bota Bota Bota Bota Bot			
There is no financial impact to Lea County with this agenda item. LEGAL REVIEW: (Note: Travel does not need legal review) COUNTY MANAGER REVIEW: RECORDING SECRETARY'S US	SE ONLY ~ COMMISSION ACTION	Department Director, Etc. Oligitally signed by Craig Bova Bova Bote, 2020 09,17 10.23.21 Reviewed by Finance Director Henry C Low Jr Date: 2020.09.17 11:09:12-06'00' Reviewed by County Attorney Approved by County Manager to be Placed on Agenda Oligitally signed by Michael P. Galtajher II Date: 2020.10.07 17:37.46 OGOO'			
There is no financial impact to Lea County with this agenda item. LEGAL REVIEW: (Note: Travel does not need legal review) COUNTY MANAGER REVIEW:	Other:	Department Director, Etc. Oligitally signed by Craig Bova Bova Bote, 2020 09,17 10.23.21 Reviewed by Finance Director Henry C Low Jr Date: 2020.09.17 11:09:12-06'00' Reviewed by County Attorney Approved by County Manager to be Placed on Agenda Oligitally signed by Michael P. Galtajher II Date: 2020.10.07 17:37.46 OGOO'			

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-219R

A RESOLUTION APPROVING THE 2021 LEA COUNTY EMPLOYEE CALENDAR

WHEREAS, on May 26, 2016 and amended on April 5, 2018 the Lea County Board of County Commissioners adopted Lea County Human Resources Policies and Procedures Manual; and

WHEREAS, the Holidays sections states that the Lea County Employees Legal Holidays will be designated each year by the Lea County Board of County Commissioners.

NOW, **THEREFORE**, **BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County, that the following dates are set as the 2021 Lea County Employee holidays.

2021 Employee Holidays

1/1/2021 New Year's Day
1/18/2021 Martin Luther King Jr. Day
2/15/2021 President's Day
4/2/2021 Good Friday
5/31/2021 Memorial Day
7/5/2021 Independence Day (observed)
9/6/2021 Labor Day
10/11/2021 Indigenous People's Day
11/11/2021 Veteran's Day
11/24/2021 Thanksgiving Holiday 1.5 day
11/25-26/2021 Thanksgiving Holiday
12/24 & 12/27/2021 Christmas Holiday
12/31/2021 New Year's Eve

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED, APPROVED and ADOPTED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair	Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain	Voted: Yes No Abstain

Gary G. Eids	on (District 3), Member	Jonathan Sena (District 4), Member
Voted: Yes	No Abstain	Voted: Yes No Abstain
Richard Don	Jones (District 5), Member	
	No Abstain	
ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
	Loa dounty didik	CONTROLLING T.
Ву:		
Hollye S	Shearer, Deputy Clerk	John W. Caldwell, County Attorney



Employee Calendar 2021

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Paydays (26)

P

Pay Period Ends

Observed Holiday (14.5)

1/1/2021 New Year's Day 1/18/2021 Martin Luther King Jr. Day 2/15/2021 President's Day 4/2/2021 Good Friday 5/31/2021 Memorial Day 7/5/2021 Independence Day 9/6/2021 Labor Day 10/11/2021 Indigenous Peoples' Day 11/11/2021 Veteran's Day 11/24/2021 Thanksgiving Holiday 1/2 Day 11/25-26/2021 Thanksgiving Holiday 12/24 & 12/27/2021 Christmas Holiday 12/31/2021 New Year's Eve

Consideration of Lea County Resolution No. 20-OCT-220R Approving the Lea County Indigent Claims Burial/Cremation Report



BURIAL INDIGENT CLAIMS

	Date Deceased	Date of Birth	Funeral Home	Amount Requested	Type of Burial	Recommendation for Approval	Comments
Claim #1	06/07/2020	08/22/1947	City of Hobbs	\$400.00	Opening and Closing fees	\$400.00	Deceased owned no property.



LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yyyy:	le, Dept:		
09/30/2020	ff Accountant/Finance		
SUBJECT:	ATTACHMENT(S):		
Indigent Burial	Opening and Closing Fees	-1	
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:		
1 Resolution	Action Item		
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR		
406132017	FY 20-21		
STRATEGIC PLAN Implementation of 5 Year Strategic Plan			
SUMMARY:			
Request for Approval to pay 1 opening and closing fees			
City of Hobbs = \$400.00 for opening and closing fees			
Requested Items Needed for Presentation		See Additional Summary Attached	
If checked; how many:			
SUBMITTER'S RECOMMENDATION(S): Recommended Approval		Submitter's Signature Department Director, Etc. Deanna Gomez Date: 2020.09.30 14:29:28 -06:707	
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director	
The financial impact to Lea County will be expenditures from thoudgeted and available in 406-13-2017.	Henry C Digitally signed by Henry C Low Jr Date: 2020.09.30 14:41:24 -06'00'		
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda	
		Muhe Collogs P. Gallagher II Delga 2020. 10.07 17:53:33	
tem No. 0211 RECORDING SECRETARY	'S USE ONLY ~ COMMISSION ACTI	ON TAKEN	
Approved: Denied:	Othe		
Resolution No. 20-OCT-220R Policy No. Continued To: Referred To		nance No nments:	
Training 10.		mionar	

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-220R

A RESOLUTION APPROVING THE LEA COUNTY INDIGENT CLAIMS BURIAL/CREMATION REPORT

WHEREAS, New Mexico Statures Annotated (NMSA) 1978, Section 24-13-5 states that the Board of County Commissioners may authorize payments for the burial or cremation of an indigent person or of an unclaimed person; and

WHEREAS, decedent died on June 7, 2020 and has been determined to be indigent and owned no property; and

WHEREAS, Lea County Staff recommends payment of \$400.00 for opening and closing to the City of Hobbs.

NOW, **THEREFORE**, **BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the payment of \$400.00 to the City of Hobbs for the opening and closing fee is hereby approved.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED AND APPROVED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

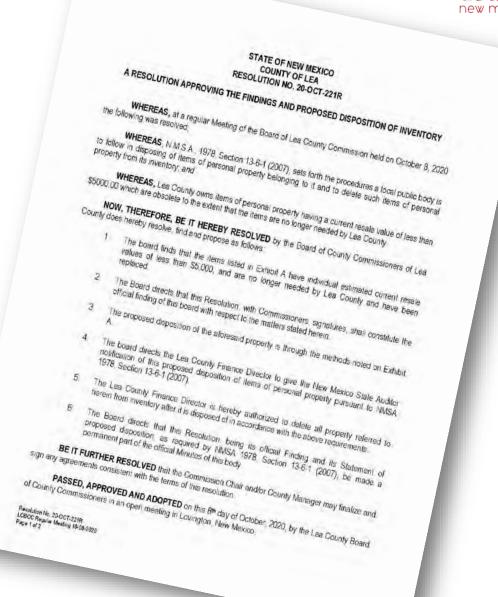
LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair Voted: Yes No Abstain	Dean Jackson (District 1), Vice Chair Voted: Yes No Abstain
voted. 163 No Abstain	Voted. 163 NO Abstain
Gary G. Eidson (District 3), Member Voted: Yes No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain
Richard Don Jones (District 5), Member	

ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Ву:		
Hollve	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

Consideration of Lea County Resolution No. 20-OCT-221R Approving the Findings and Proposed Disposition of Inventory

- Lea County owns items of personal property having a current resale value of less than \$5,000.00, which are obsolete to the extent that the items are no longer needed by Lea County.
- Staff is asking for approval to dispose of those items no longer needed by the County.



Consideration of Lea County Resolution No. 20-OCT-221R Approving the Findings and Proposed Disposition of Inventory



Items that are needing to be disposed for FY 20/21

Asset ID ✓	Year 🔽	Description of Make or Model	▼ VIN/Serial Number ▼	Mileage V Listed Cost V	Estimated Fair Market Value	Reason for Deletion	▼ Department ▼	Auction/lun
ASSECTION	TCal	Description of make of moder	VIII/Jerial Number	Timeage Listed Cost	Estimated Fair Warker Value	Reason for Defection	Department	Adetion/Jun
		WILDLAND TYPE 4 GRASS RIG	1HTSCCFN5LH224152	DONATED	20,000.00	DONATING	MONUMENT FIRE	DONATE
2014000540		DRUG DETECTION DOG	N/A	7,500.00	-	RETIRE	HOUSING	JUNKED
201600140		2016 Ford Explorer	1FM5K8AT4GGB65196	42,691.96	7,950.00	WRECKED TOTAL LOST	SHERIFF	JUNKED
2016000200		2016 Ford Explorer	1FM5K8AT6GGB65202	42,691.96	17,650.00	MILEAGE	SHERIFF	AUCTION
2015000080		2015 Chevrolet Tahoe	1GNLC2ECXFR555701	40,653.72	16,625.00	MILEAGE	SHERIFF	AUCTION
2015000060		2015 Chevrolet Tahoe	1GNLC2EC5FR555508	40,653.72	15,350.00	MILEAGE	SHERIFF	AUCTION
2017000210		2017 RAM 1500 CREW CAB	1C6RR7XT0HS617900	48,248.52	20,300.00	MILEAGE	SHERIFF	AUCTION
Total				222,439.88	97,875.00			7



LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yyyy:	Dept:	ot:		
10/01/2020	Deanna Gomez/Senior Staff Accountant/Finance			
SUBJECT:	ATTACHMEN	T(S):		
Disposal of Obsolete County Equipment		List of Equipment for disposal Inventory disposal resolution		
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQ	UESTED:		
1 Resolution	Action Item			
BUDGET LINE ITEM NUMBER:	FISCAL BUDG	GET YEAR:		
STRATEGIC PLAN Implementation of 5 Year Strategic P	lan:			
Section 3.1 Goal Stalement "Lea County is responsible for the	ne publics tax dollar in fiscally co	onservative and tr	ransparent manner*	
SUMMARY:				
County Staff has identified equipment that is no longer suited of the state statutes.	for use by the County. Staff is	requested permis	ssion to dispose of the as	ssets according
of the state statutes.				
Requested Items Needed for Presentati Easel Laptop Project If checked, how many:		A.	See Additional Summary Attached	
SUBMITTER'S RECOMMENDATION(S):			Submitter's S	ignature
Removal Approval			Department Dire	ector, Etc.
TOTAL PROPERTY.			Deanna Digit	tally signed by Deanna nez
				2020.10.01 10:25:19
FINANCE DEVICE THE TOTAL			Reviewed by Fina	The second second second
FINANCE REVIEW Fiscal Impact/Cost:		e de Veren	- 60	itally signed by
The financial impact to Lea County will be revenue from the a will not be known until sale day.	auction of eligible equipment. The	ne actual impact	Herry C Her	ry C Low Jr
will flot be known unit sale day.				e: 2020.10.06 16:46 -06'00'
LEGAL REVIEW: (Note: Travel does not need legal review	N)		Reviewed by Cour	ALCOHOLD ST.
COUNTY MANAGER REVIEW:			Approved by Cour	nty Manager
			to be Placed on	Agenda ally signed by Michael allegher II : 2020,10.07 18:22.21
em No. 0212 RECORDING SECRETAR	RY'S USE ONLY ~ COMMISS	SION ACTION	TAKEN	
Approved: Denied: _		20.00		
Resolution No. 20-OCT-221R Policy No		_ Other: _		
Continued To: Referred),	Ordinand	ce No	
Resolution No. 20-OCT-221R Policy No.				
),			

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 20-OCT-221R

A RESOLUTION APPROVING THE FINDINGS AND PROPOSED DISPOSITION OF INVENTORY

WHEREAS, at a regular Meeting of the Board of Lea County Commission held on October 8, 2020 the following was resolved;

WHEREAS, N.M.S.A., 1978, Section 13-6-1 (2007), sets forth the procedures a local public body is to follow in disposing of items of personal property belonging to it and to delete such items of personal property from its inventory; and

WHEREAS, Lea County owns items of personal property having a current resale value of less than \$5000.00 which are obsolete to the extent that the items are no longer needed by Lea County.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County does hereby resolve, find and propose as follows:

- 1. The board finds that the items listed in Exhibit A have individual estimated current resale values of less than \$5,000, and are no longer needed by Lea County and have been replaced.
- 2. The Board directs that this Resolution, with Commissioners' signatures, shall constitute the official finding of this board with respect to the matters stated herein.
- 3. The proposed disposition of the aforesaid property is through the methods noted on Exhibit A.
- 4. The board directs the Lea County Finance Director to give the New Mexico State Auditor notification of this proposed disposition of items of personal property pursuant to NMSA 1978, Section 13-6-1 (2007).
- 5. The Lea County Finance Director is hereby authorized to delete all property referred to herein from inventory after it is disposed of in accordance with the above requirements.
- 6. The Board directs that this Resolution, being its official Finding and its Statement of proposed disposition, as required by NMSA 1978, Section 13-6-1 (2007), be made a permanent part of the official Minutes of this body.

BE IT FURTHER RESOLVED that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED, APPROVED AND ADOPTED on this 8th day of October, 2020, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

	g (District 2), Chair No Abstain	Dean Jackson (District 1), Vice Chair Voted: Yes No Abstain
,	on (District 3), Member No Abstain	Jonathan Sena (District 4), Member Voted: Yes No Abstain
	Jones (District 5), Member No Abstain	
ATTEST:	Keith Manes Lea County Clerk	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
By: Hollye S	Shearer, Deputy Clerk	John W. Caldwell, County Attorney

Items that are needing to be disposed for FY 20/21

WILDLAND TYPE 4 GRASS RIG 1HTSCCFN5LH224152 DONATED 20,000.00 DONATING MONUMENT FIRE D 2014000540 DRUG DETECTION DOG N/A 7,500.00 - RETIRE HOUSING J 201600140 2016 Ford Explorer 1FM5K8AT4GG865196 42,691.96 7,950.00 WRECKED TOTAL LOST SHERIFF J 2016000200 2016 Ford Explorer 1FM5K8AT6GG865202 42,691.96 17,650.00 MILEAGE SHERIFF A 2015000080 2015 Chevrolet Tahoe 1GNLC2ECXFR555701 40,653.72 16,625.00 MILEAGE SHERIFF A 2015000060 2015 Chevrolet Tahoe 1GNLC2ECXFR555508 40,653.72 15,350.00 MILEAGE SHERIFF A										
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	2015000080		2015 Chevrolet Tahoe	1GNLC2ECXFR555701		40,653.72	16,625.00	MILEAGE	SHERIFF	AUCTION
	2015000060		2015 Chevrolet Tahoe	1GNI C2FC5FR555508		40.653.72	15.350.00	MILEAGE	SHERIFF	AUCTION
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	2017000210		2017 RAM 1500 CREW CAB	1C6RR7XT0HS617900		48,248.52	20,300.00	MILEAGE	SHERIFF	AUCTION

General Obligation Bond C for Higher Education includes \$4 Million for NMJC - with NO NEW TAXES

Bond C will help:

Watson Hall - \$2 Million

- ➤ Renovation of Watson Hall to repurpose it for expanded healthcare career options
- ➤ Plumbing and electrical systems are over 50 years old, and need to be updated

This is a continuation of the shift we are making in program efficiency and logistics. In 2016, with GO Bond funds, we built the Allied Health Building and moved healthcare out of McLean Hall. In 2018, GO Bond funds were used to renovate McLean Hall for the Cosmetology program, and move them out of Watson Hall. Now the third phase of these renovations will be to remodel Watson Hall for additional healthcare programs needed in Lea County. With its proximity to Allied Health, it will be easier for students and professors. We are also meeting with Nor Lea Hospital, Lea Regional Medical Center, and Covenant Hospital to understand their workforce needs in the community.





Providing Additional Healthcare Workforce for Lea County

- Healthcare jobs are projected to grow at 3 times the rate of the rest of the economy.
- NMJC needs more space to train skilled workers for the various healthcare professions needed in Lea County and New Mexico.
- New, state-of-the-art equipment will need to be purchased to ensure quality training.

Providing Safety and Security for Students, Faculty and Staff

- Vestibules in the older buildings will be more energy efficient and will keep buildings safer.
- Many sidewalks are cracked and unlevel – and need to be repaired, as does the NMJC tunnel system.



NMJC Foundation

Bond C will help:

Update Campus Safety and Security - \$2 million

- Add vestibules to older buildings on campus for energy efficiency and increased security
- Repair cracked sidewalks and the tunnel system

Before Covid-19, NMJC had wanted to upgrade security on campus, to have better control of our buildings, in case of emergencies or an active shooter. For example, Mansur Hall has five openings with sliding doors. If we narrow down the openings, and put an air-lock opening at the entrances with vestibules, we will be able to lock down the building remotely for any emergencies. The vestibules will also allow more energy efficiency, by keeping the cold or hot air in. Vestibules will also help keep the wind from blowing through buildings, if doors at the opposite ends are open. Another means of campus safety is repairing the cracked and uneven sidewalks throughout our 54-year-old campus. We also need to repair some of the tunnels beneath the campus.

Bond C will help maintain the well-being of the campus, to continue the excellent quality of higher education that students and the community expect from New Mexico Junior College.





A VOTE FOR BOND C
WILL NOT INCREASE YOUR TAXES

BOND C will help:

Renovate Watson Hall

- Repurpose for expanded healthcare career options.
- Bring plumbing and electrical systems up-to-date.

· Update Safety and Security

- Add vestibules to older buildings—increasing security and energy efficiency.
- Level and repair cracked sidewalks and tunnel system.



Paid for by the NMJC Foundation



Please vote on General Obligation Bond C. It will be on the back of your ballot.

➤ Absentee Voting: Begins October 6, 2020

Early Voting: October 17 - 31, 2020

➤ Election Day: November 3

Please call Dr. Kelvin Sharp, President of New Mexico Junior College, with questions about GO Bond C: 575-392-5004. Email: ksharp@nmjc.edu

To schedule a speaker for your organization or business to talk about GO Bond C, call Valerie Gauna: 575-492-2780. Email: vgauna@nmjc.edu

Learn more at: http://www.bondc4nm.com/

General Obligation Bond C for Higher Education includes \$4 Million for NMJC - with NO NEW TAXES

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Watson Hall - \$2 Million

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Bond C will help:

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- Repair cracked sidewalks and the tunnel system

Before Covid-19, NMJC had wanted to upgrade security on campus, to have better control of our buildings, in case of emergencies or an active shooter. For example, Mansur Hall has five openings with sliding doors. If we narrow down the openings, and put an air-lock opening at the entrances with vestibules, we will be able to lock down the building remotely for any emergencies. The vestibules will also allow more energy efficiency, by keeping the cold or hot air in. Vestibules will also help keep the wind from blowing through buildings, if doors at the opposite ends are open. Another means of campus safety is repairing the cracked and uneven sidewalks throughout our 54-year-old campus. We also need to repair some of the tunnels beneath the campus.

Bond C will help maintain the well-being of the campus, to continue the excellent quality of higher education that students and the community expect from New Mexico Junior College.





BOND C will help:

· Renovate Watson Hall

- Repurpose for expanded healthcare career options.
- Bring plumbing and electrical systems up-to-date.

· Update Safety and Security

- Add vestibules to older buildings—increasing security and energy efficiency.
- Level and repair cracked sidewalks and tunnel system.





Please vote on General Obligation Bond C. It will be on the back of your ballot.

➤ Absentee Voting: Begins October 6, 2020

Early Voting: October 17 - 31, 2020

➤ Election Day: November 3

Please call Dr. Kelvin Sharp, President of New Mexico Junior College, with questions about GO Bond C: 575-392-5004. Email: ksharp@nmjc.edu

To schedule a speaker for your organization or business to talk about GO Bond C, call Valerie Gauna: 575-492-2780. Email: vgauna@nmjc.edu

Learn more at: http://www.bondc4nm.com/



LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yyyy:	, Dept:				
10/06/2020	inator, Executive Department				
SUBJECT:	ATTACHMENT(S):				
General Obligation (Higher Ed) Bond C	Poster				
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED:				
None					
	Discussion Item				
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:				
N/A	N/A				
STRATEGIC PLAN Implementation of 5 Year Strategic	Plan:				
Section 2.3: Continuous communication with the public is I	beneficial and necessary.				
SUMMARY:					
Higher-Ed Bond C is an investment in the future of NMJC,	Lea County, and the State of New Mexico. A Vo	te on Bond C will not increase your taxes.			
Bond C \$4 Million for New Mexico Junior College - with NO NEW T.	AXES				
Steam cell De Kebile Chara Descident (film Mariles Lei		75 000 F004 F004 F104 F104 F104 F104 F104			
Please call Dr. Kelvin Sharp, President of New Mexico Juni	or College, with questions about GO Bond D: 5/	5-392-5004. Email: ksnarp@nmjc.edu			
	See Attached				
		1			
Requested Items Needed for Presenta Easel Laptop Proje If checked; how many:	ector Other:	See Additional Summary Attached			
SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature			
Presentation Only		Department Director, Etc.			
		Sarara Stort Bick			
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director			
LEGAL REVIEW: (Note: Travel does not need legal revi	ew)	Reviewed by County Attorney			
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda Digitally signed by Michael			
		Misse Collogs P. Gallogher II Date: 2020, 10.06 14:57:44 -0600			
tem No. 0301 RECORDING SECRETA	RY'S USE ONLY ~ COMMISSION ACTION	TAKEN			
Approved: Denied:		Presentation			
Resolution No Policy N	oOrdina	nce No			
Continued To: Referred	d To: Comm	nents:			



Higher Education Is Affordable

In September 2019, move.org revealed research that New Mexico is the second-least expensive state for college tuition in the United States.

According to a September 2017 article on credit.com:

- New Mexico students enjoy a high ROI (return on investment) for their college degrees. In fact, the average graduate sees a return of 151%.
- Compared to workers without a college degree, college graduates see an average \$17,510 pay increase.

Supporting Bond C will NOT increase your tax rate, but it will make a difference now and for generations to come. *It is a good investment in New Mexico!*

BondC4NM.com



The Future is Now

Projects funded by Bond C will **create about 1,500 jobs** in construction, architecture and related fields; **help boost local businesses**; and **add to local gross receipts tax bases**, which is needed now more than ever.

Voting on Bond C contributes to our economy **now** and creates a **better future** for our students and our state – all without increasing taxes.



IMPORTANT DATES

ABSENTEE VOTING: Begins Oct. 6, 2020

EARLY VOTING: Oct. 17-31, 2020

ELECTION DAY: Nov. 3, 2020



NO TAX RATE INCREASE

VOTE FOR HIGHER ED BOND C

November 3 2020



BERNALILLO\$57,200,000

NEW MEXICO'S PUBLIC COLLEGES, UNIVERSITIES AND SPECIALTY SCHOOLS are critical to our economy. As of 2018, more than 122,000 students attended classes taught by nearly 7,000 faculty, and more than 30,000 certificates and degrees were awarded annually.

General Obligation Bond C will help maintain the educational institutions we have already invested in, and give them resources to provide a safe, quality education. Today, a college education is more important than ever before.

- · College graduates earn more money.
- · College degrees are a good investment.
- · Jobs increasingly require college degrees.

Investing In Higher Education = Investing In New Mexico

2020 BOND C ALLOCATION BY COUNTY AND COLLEGE, UNIVERSITY AND SCHOOL

Central New Mexico Community College. \$13,000,000 Southwestern Indian Polytechnic Institute \$1,000,000 The University of New Mexico \$13,200,000 UNM Health Sciences Center \$30,000,000	
CHAVES \$4,800,000 Eastern New Mexico University-Roswell \$1,800,000 New Mexico Military Institute \$3,000,000	
CIBOLA \$1,300,000 New Mexico State University-Grants \$1,300,000	-
CURRY \$1,075,000 Clovis Community College \$1,075,000	
DOÑA ANA \$25,860,000 Doña Ana Community College \$1,860,000 New Mexico State University-Las Cruces \$24,000,000	
EDDY \$1,500,000 New Mexico State University-Carlsbad \$1,500,000	
GRANT \$4,000,000 Western New Mexico University \$4,000,000	ľ
LEA \$4,000,000 New Mexico Junior College \$4,000,000	
LINCOLN \$1,500,000 Eastern New Mexico University-Ruidoso \$1,500,000	ŀ
LOS ALAMOS \$1,700,000 The University of New Mexico-Los Alamos \$1,700,000	ŀ
MCKINLEY \$4,400,000 Navajo Technical University \$1,400,000	ŀ

The University of New Mexico-Gallup \$3,000,000

ND COLLEGE, UNIVERSITY AND SCHOOL
OTERO\$2,738,967 New Mexico School for the Blind and
Visually Impaired
QUAY \$400,000 Mesalands Community College \$400,000
RIO ARRIBA
ROOSEVELT \$8,000,000 Eastern New Mexico University \$8,000,000
SAN JUAN \$4,800,000 Diné College \$1,300,000 San Juan College \$3,500,000
SAN MIGUEL \$8,000,000 Luna Community College \$1,000,000 New Mexico Highlands University \$7,000,000
SANTA FE.\$8,700,000Institute of American Indian Arts\$700,000New Mexico School for the Deaf.\$5,300,000Santa Fe Community College\$2,000,000Santa Fe Indian School\$700,000
SOCORRO
TAOS \$2,000,000 The University of New Mexico-Taos \$2,000,000
VALENCIA



JOBS. ECONOMY. GROWTH.

BOND C will help:

- Renovate Watson Hall
 - Repurpose for expanded healthcare career options.
 - Bring plumbing and electrical systems up-to-date.
- Update Safety and Security
 - Add vestibules to older buildings—increasing security and energy efficiency.
 - Level and repair cracked sidewalks and tunnel system.



NMJC.EDU

HIGHER-ED BOND C is an investment in the future of NMJC, Lea County, and the State of New Mexico.

Paid for by the NMJC Foundation.

HIGHER ED BONG

November 3, 2020

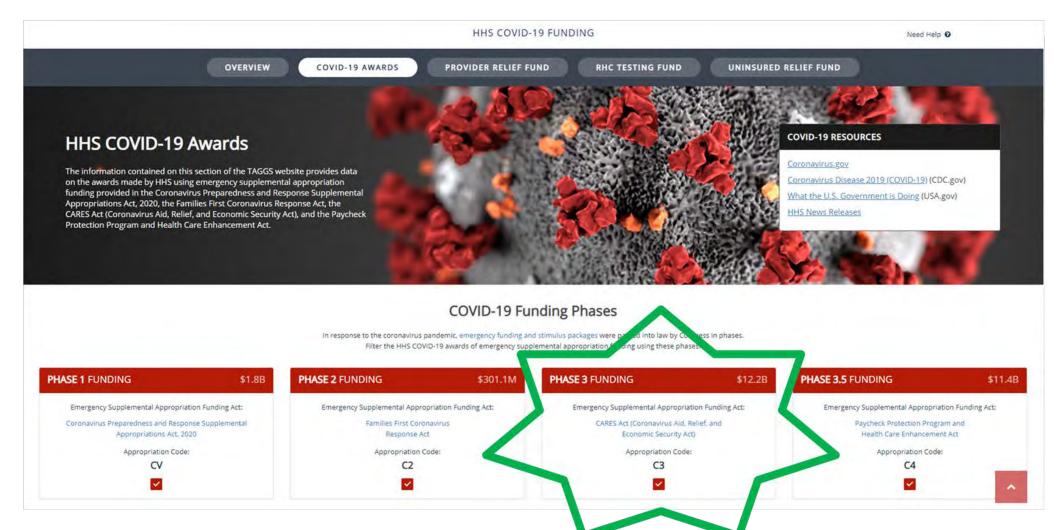


BondC4NM.com

Discussion of the CARES Act Awards Funding



Lea County CARES Act Relief Funds Small Business Application Process





▶ Lea County request for funding from the State of New Mexico:

▶ Application to the State of New Mexico:

► Total requested funds \$1,000,000

► Total estimated qualifying businesses 100

Total award amount

\$530,750

Award Number: CARES-BUS-06000-LEC



Applicants may receive up to \$20,000

Qualifications: (source: STATE of NM Small Business Continuity Grant)

Business must be headquartered in Lea County, New Mexico

Business must have had a start date prior to March 1, 2019

Business with 50 or fewer full-time equivalent employees

Business must have annual revenue of \$2 million or less

Business must have been forced to close or severely curtail business operations



Applicants may receive up to \$20,000

Businesses that DO NOT qualify:

Businesses headquartered outside of Lea County

Businesses that started after March 1, 2019

Businesses with 50 or more full-time equivalent employees

Businesses with annual revenue exceeding \$2 million

Businesses that were not forced to close or had to severely curtail business operations



Applicants may receive up to \$20,000

Eligible Expenditures: (REIMBURSEMENT ONLY)

- Expenses incurred from March 1, 2020 to June 30, 2020 as part of the application
- Expenses incurred from July 1, 2020 to December 30, 2020 as part of the application

Expenses must be spent on eligible "business continuity"

Expenses must be spent on eligible "business redesign" necessary to adopt COVID Safe Practices



Applicants may receive up to \$20,000

Eligible Expenditures: "business continuity"

- Non-Owner Employee Payroll
- Rent
- Scheduled Mortgage Payments
- Insurance
- Utilities
- Marketing



Applicants may receive up to \$20,000

Eligible Expenditures: "business redesign"

- Reconfiguring physical space
- Installing plexi-glass barriers
- Purchasing web conferencing or other technology to facilitate work-at-home
- PPE for employees
- Temporary structures to mitigate the spread of COVID-19



Applicants may receive up to \$20,000

Expenditure Reimbursement Requests:

- Will need to be submitted on two fiscal years and itemized between "business continuity" and "business redesign"
- Business Continuity
 - March 1, 2020 to June 30, 2020
 - July 1, 2020 to December 30, 2020
- Business Redesign
 - March 1, 2020 to June 30, 2020
 - July 1, 2020 to December 30, 2020

^{**}Note: Expenditures already reimbursed by a federal program will not qualify.



Applicants may receive up to \$20,000

NON-Eligible Expenditures:

- Permanent structures
- Owner payroll
- Qualifying expenditures that were used for a prior federal grant
 - Example: SBA Paycheck Protection Program Loan or Economic Injury Disaster Loan



TIMELINE:

► Application process starts September 22, 2020 and ends December 4, 2020

▶ Will be on a first come, first serve basis

Or until \$530,750 has been awarded to qualifying applicants prior to December 4,2020



TIMELINE:

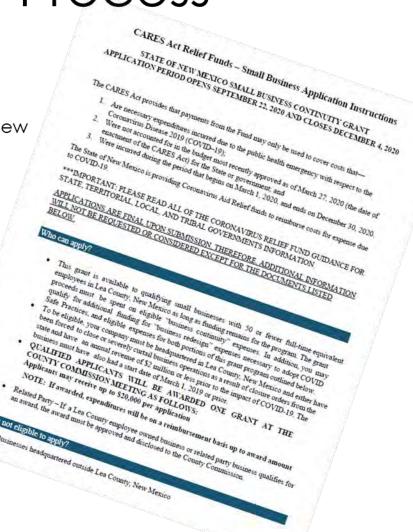
- ▶ Application will be on the Lea County website
- Sign and email complete application along with qualifying documents to <u>SBAApplication@leacounty.net</u>
- Qualifying applicant awards will be approved at a regularly scheduled Board of County Commissioners Meeting





Qualifying Documents

- Copy of Business Registration
- Copy of Certificate of Good Standing and Compliance with State of New Mexico (if applicable)
- Copy of June 30, 2020 IRS Form 941
- Copy of NM Taxation and Revenue Department CRS -1
 - March 2019, April 2019, March 2020, April 2020
- Copy of either IRS form Schedule C, 1120, 990, K-1 or audited financial statement for calendar year 2019 (whichever entity applies)
- Copy of report for SUTA wage and employee amounts 4th quarter December 2019
- Related Party Disclosure Form
- Completed W-9 Form
- Mortgage or Rental Agreement
- Income Statements (January-June 2019 & January-June 2020)
- Short narrative detailing overview of impact to business





Questions:

Chip Low, CPA CGMA

Finance Director

575-396-8653

clow@leacounty.net

Additional Information:

https://www.leacounty.net/p/open-government/caresapp





LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yyyy: 10/07/2020	SUBMITTED BY Name, Title, Dept: Michael Gallagher, County Manager	
SUBJECT: Lea County CARES Act Relief Funds Small Business Application Process	ATTACHMENT(S):	
NO. OF ORIGINALS FOR SIGNATURE: None	ACTION REQUESTED: Discussion Item	
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:	
STRATEGIC PLAN Implementation of 5 Year Strategic Plan: Section 1: Lea County shall be result-oriented, accountable to the public, whealthy lifestyles, quality of life, and safety of the community. Section 2.3: Continuous communication with the public is beneficial and ne		
The Federal Government has provided a total of \$150 billio Columbia, U.S. Territories, and Tribal governments.	n to the Corona Virus Relief Fund to States, the District of	
State to be used to fund local grant programs that will assist so Lea County was awarded a total of \$530,750 to fund our local in Requested Items Needed for Presentation Easels/Lap Easel Laptop Projector	nitiative.	
how many: SUBMITTER'S RECOMMENDATION(S): Discussion Only	Submitter's Signature Department Director, Etc. Saracal Stort Builo	
FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director	
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney	
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda Digitally signed by Michael P. Gallagher II Date: 2020. 10.06 14.57:44 -8800*	
Item No. 0302 RECORDING SECRETARY'S USE ON	A CONTRACTOR OF THE PROPERTY O	
Approved:	Other: Discussion Ordinance No Comments:	

CARES Act Relief Funds – Small Business Application Instructions

STATE OF NEW MEXICO SMALL BUSINESS CONTINUITY GRANT APPLICATION PERIOD OPENS SEPTEMBER 22, 2020 AND CLOSES DECEMBER 4, 2020

The CARES Act provides that payments from the Fund may only be used to cover costs that—

- 1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
- 2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
- 3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The State of New Mexico is providing Coronavirus Aid Relief funds to reimburse costs for expense due to COVID-19.

***IMPORTANT: PLEASE READ ALL OF THE CORONAVIRUS RELIEF FUND GUIDANCE FOR STATE, TERRITORIAL, LOCAL, AND TRIBAL GOVERNMENTS INFORMATION.

APPLICATIONS ARE FINAL UPON SUBMISSION, THEREFORE, ADDITIONAL INFORMATION WILL NOT BE REQUESTED OR CONSIDERED EXCEPT FOR THE DOCUMENTS LISTED BELOW.

Who can apply?

- This grant is available to qualifying small businesses with 50 or fewer full-time equivalent employees in Lea County, New Mexico as long as funding remains for the program. The grant proceeds must be spent on eligible "business continuity" expenses. In addition, you may qualify for additional funding for "business redesign" expenses necessary to adopt COVID Safe Practices, and eligible expenses for both portions of this grant program outlined below.
- To be eligible, your company must be headquartered in Lea County, New Mexico and either have been forced to close or severely curtail business operations as a result of closure orders from the state and have an annual revenue of \$2 million or less prior to the impact of COVID-19. The business must have also had a start date of March 1, 2019 or prior.
- QUALIFIED APPLICANTS WILL BE AWARDED ONE GRANT AT THE COUNTY COMMISSION MEETING AS FOLLOWS:

Applicants may receive up to \$20,000

NOTE: If awarded, expenditures will be on a reimbursement basis up to award amount

• Related Party – If a Lea County employee owned business or related party business qualifies for an award, the award must be approved and disclosed to the County Commission.

Who is not eligible to apply?

Businesses headquartered outside Lea County, New Mexico

- Businesses exceeding 50 full-time equivalent employees
- Businesses with annual revenue exceeding \$2 million
- Businesses that started after March 1, 2019
- Businesses that were not forced to close or had severely curtailed business operations as a result of closure orders from the state

What documents are required?

• Completed application form (submitted online)

All documentation listed below are required upon execution of the grant award:

- Business Registration
- Certificate of good standing NM Secretary of State (if applicable)
- Copy of 941 for June 30, 2020
- Copy of your payroll to include March 1, 2020
- Most recent payroll at time of application
- Documentation of March and April 2019 total gross receipts (Copy of CRS-1 March/April 2019)
- Documentation of March and April 2020 total gross receipts (Copy of CRS-1 March/April 2020)
- Most recent taxes documenting net taxable income (Copy of Schedule C, 1120, 990, K-1 or audited Financial Statement – whichever entity applies)
- Unemployment insurance tax documentation for the fourth quarter of 2019 (Copy of 4th quarter 2019 SUTA wage and employee amounts
- Income Statement for January-June 2019
- Income Statement for January-June 2020
- Completed W9 Form
- Voided Check from applicant business
- Related Party Disclosure Form
- Mortgage/Rental Agreement (Current)
- Short narrative detailing overview of impact to business

What expenses will be covered?

Business Continuity:

- Non-owner employee payroll
- Rent
- Scheduled mortgage payments
- Insurance
- Utilities
- Marketing

Business Redesign:

- Reconfiguring physical space
- Installing plexi glass barriers
- Purchasing web-conferencing or other technology to facilitate work-at-home
- PPE for employees
- Temporary structures to mitigate the spread of Covid-19

For internal control purposes of CARES Act SBA Relief funds, the organization must provide valid proof of expenditures, receipts and cancelled checks. Cash transactions by the organization (eg: cash currency payments to individuals) will not be considered valid. All invoices, receipts and cancelled checks must be legible. The Finance Department may ask the organization to provide a W-9 for a vendor, cleared check, invoice, bank statement or other documentation to determine whether or not the transaction is valid for CARES Act SBA Relief funds.

For questions regarding this application, please email <u>SBAApplication@leacounty.net</u>. After submitting the application, you will be notified of your award amount and will be allowed to proceed with submitting eligible documentation. Please allow 10 business days for processing after the submission deadline.

Applicants must be aware that applying for this grant may result in not being eligible to apply for other federal grants.

Funds will be provided on a reimbursement basis. (Grantees must submit clear copies of invoices and proof of payment. This is required for federal audit purposes.) (Documentation regarding payroll expenses will be required.)

LEGAL NOTICE: By clicking "submit" on the online application form, I certify that the information provided in this application is true and that the expenses will not be reimbursed through other CARES Act funds. I understand this grant is for expenses incurred between March 1, 2020 and December 30, 2020 as specified above.

I understand that knowingly making a false statement to obtain this grant or providing expenditures that do not qualify may result in the applicant refunding all reimbursed expenditures to the Department of Finance & Administration.

IMPORTANT NOTE: PLEASE ANSWER ALL QUESTIONS. FAILURE TO DO SO WILL DELAY THE PROCESSING OF YOUR APPLICATION AND MAY FURTHER RESULT IN YOUR APPLICATION BEING DENIED IF INFORMATION REQUESTED IS NOT PROVIDED TO LEA COUNTY, NM IN A TIMELY MANNER.

Checklist of Documents

- 1. Copy of Business Registration
- 2. Copy of Certificate of Good Standing and Compliance with State of New Mexico (if applicable)
- 3. Copy of June 30, 2020 IRS Form 941
- 4. Copy of NM Taxation and Revenue Department CRS -1 March 2019
- 5. Copy of NM Taxation and Revenue Department CRS-1 April 2019
- 6. Copy of NM Taxation and Revenue Department CRS-1 March 2020
- 7. Copy of NM Taxation and Revenue Department CRS-1 April 2020
- 8. Copy of either IRS form Schedule C, 1120, 990, K-1 or audited financial statement for calendar year 2019 (whichever entity applies)
- 9. Copy of report for SUTA wage and employee amounts 4th quarter December 2019
- 10. Related Party Disclosure Form
- 11. Completed W-9 Form
- 12. Mortgage or Rental Agreement

Small Business Grant Application

LEA COUNTY, NEW MEXICO

Contact Information

Contact Person (if different)

Phone Number

E-Mail Address

Title

Full Legal Organization

Name	
New Mexico Taxpayer ID	
Business License Number	
Do you have a current	Yes
certificate in Good Standing	No
Street Address	
City	
State	
Zip Code	
Organization Website	
Only the owner, CEO or other at	uthorized representative of the business may apply for this grant.
Name of Owner /CEO or Authorized Representative	
Title	
Phone Number	
E-mail Address	

Organization Information

Is your business headquartered

Yes

in New Mexico?

No

Year Established

Type of Business

C-Corp

LLC

Partnership

Sole Proprietor

Number of full time

employees

Number of part

time employees

Total Gross Receipts

for March 2019

Total Gross Receipts for April 2019

Total Gross Receipts for March 2020 **Total Gross Receipts** for April 2020

yes

no

Was your business included in the New Mexico orders to shut down or severely curtail business operations?

yes no

Did you shut down or severely curtail your business

activities as a result of the close

order?

If so, what date did you close or curtail your business?

If you curtailed rather than closed your business, please describe the nature of the curtailment. (400 characters or less)

What is your best estimate of what month you did or will

When you reopen, what percent of capacity do you expect to operate at?

reopen?

0% - 25%

26% - 50%

51% - 75%

76% - 100%

taxable income in the most recent complete tax year? no effect 10% 20% What impact do you anticipate the COVID-19 crisis and 30% 40% 50% related effects will have on 60% 70% 80% your revenues for the 2020 as 90% 100% a whole? If you pay withholding, have yes you delayed or plan to delay no withholding tax? How many years has your business been in continuous operation through March 1, 2020? How many employees did you report to the state for unemployment insurance taxes for the fourth quarter of 2019? What total payroll did you report to the state for unemployment for the fourth quarter of 2019? Have you been approved for SBA Paycheck Protection Program Loan either of these programs? **Economic Injury Disaster Loan** I have not been approved for either program Is your business owned by a No Woman Veteran socially disadvantaged group? Minority Tribal (check all that apply) Have you applied for CARES yes Do you own or rent Own Act Grant Funding from other your business premises? Rent no entities? If so, please list. Are you or your family related yes to anyone employed with no Lea County? If yes, please provide name of

What is your business net

employee

Please read and certify the following information

The application, including attachments, is subject to disclosure under New Mexico's public records law, subject to limited applicable exemptions. Applicant acknowledges, understands, and agrees that, except as noted below, all information in its application and attachments will be disclosed without any notice to applicant if a public records request is made for such information. Lea County will not be liable to applicant for such disclosure.

Social Security numbers are collected, maintained and reported by Lea County in compliance with IRS 1099 reporting requirements and are not considered public records pursuant to N.M.S.A _§14-3-7.1.

If applicant believes that information in its application, including attachments, contains information that is confidential and exempt from disclosure, applicant must include a general description of the information and provide reference to the New Mexico statute or other law exempting such designated information from disclosure in the event of a public records request. Lea County does not warrant or guarantee that information designated by Applicant as exempt from disclosure is exempt and will make disclosure in accordance with applicable law in its sole discretion.

I certify that I am authorized to submit this application on behalf of the organization, the information provided in this application is true and accurate to the best of my ability, and no false or misleading statements have been made in order to secure approval of this application. Lea County is authorized to make all the inquiries deemed necessary to verify the accuracy of the information contained herein. Additionally, applicant agrees that in the event that a CARES small business grant is awarded pursuant to this application, Lea County or its agent shall be entitled to access and audit such records as may be necessary to prevent fraud and ensure compliance with federal requirements. Under penalty of perjury, I declare that I have read the foregoing application and that the facts stated in the application are true and correct. I understand that knowingly making a false written declaration is a felony.

Applicant Name

Applicant Title

Applicant Signature

Today's Date

For any questions, correspondence, or additional information, please contact Lea County Finance

Lea County Finance Department: 100 N. Main, Suite 11 Lovington, NM 88260 575-396-8653

Please email this signed application to SBAApplication@leacounty.net

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RELATED PARTY DISCLOSURE FORM (Lea County SBA Proposers only)

	Are you, or any officer of your company related to any member of the Lea County oard of County Commissioners, elected officials, or Lea County employees and have you
	ad any of the following transactions beginning the current calendar year to which Lea Cou
	ras, is to be, a party?
	Sales, Purchase or leasing of property? YESNO Receiving, furnishing of goods, services YESNO or facilities?
_	Commissions or royalty payments? YESNO
h c	boes any member of the Lea County Commission, elected officials, or Lea County employee ave any financial interest in your company whether a sole proprietorship, partnership, or or or proportion of any kind that currently conducts business with the Lea County? "ESNO
_	
S	at any time, did you, your company, or any officer of your company have an interest in or gnature authority over a bank account for the benefit of a member of the Lea County commission, elected officials, or Lea County employees? "ESNO
Si C Y	gnature authority over a bank account for the benefit of a member of the Lea County commission, elected officials, or Lea County employees?
s: C Y A f: C Y (1)	gnature authority over a bank account for the benefit of a member of the Lea County commission, elected officials, or Lea County employees? TESNO are you negotiating to employ or do you currently employ any employee, elected official, or amily member of an employee or elected official for Lea County? (family means: spouse, hildren, grandchildren, siblings, grandparents, nieces or nephews)

Other Business







LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, October 8, 2020

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: Tuesday, September 22, 2020

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

DATE SUBMITTED mm-dd-yyyy: 10/06/2020		ED BY Name, Title, Dept: to, Executive Coordinator, Executive Department	
SUBJECT: Other Business	ATTACHM None	ATTACHMENT(S): None	
NO. OF ORIGINALS FOR SIGNATURE: None	ACTION R	REQUESTED:	
BUDGET LINE ITEM NUMBER: N/A	FISCAL BU	FISCAL BUDGET YEAR: N/A	
STRATEGIC PLAN Implementation of 5 Year Str. Section 2.3: Continuous communication with the pul Section 2.6: Transparency and ethical decision make	blic is beneficial and necessary.	which the county operates.	
SUMMARY: Any Other Business			
Requested Items Needed for Pre	esentation Easels/Laptop/Projector Projector Other:	/Etc.: See Additional Summary Attached	
SUBMITTER'S RECOMMENDATION(S): Any Other Business		Submitter's Signature Department Director, Etc. Sandra Astronomy	
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director	
LEGAL REVIEW: (Note: Travel does not need leg	al review)	Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		Approved by County Manager to be Placed on Agenda Digitally signed by Michael Muha Collogh P. Gallegher II Date: 2020.10.06 14:57:44	
Approved: De Resolution No. Po	RETARY'S USE ONLY ~ COMM enied: plicy No. eferred To:	Other: Any Other Business	





Please join us at our next meeting:

Lea County Board of County Commissioners Regular Meeting

on

Thursday, October 22 2020 at 9:00 A.M.