

AGENDA
FOR REGULAR MEETING FOR THE BOARD OF DIRECTORS
THE EDDY-LEA ENERGY ALLIANCE
Wednesday, June 16, 2021 at 9:00 a.m.
Hobbs City Hall, Commission Chamber – 200 E. Broadway,
1st Floor Annex, Hobbs, NM 88240
AGENDA

1. Call to order-----Chair
2. Roll call to establish quorum Chair
3. Consider approving Minutes for 03/10/2021..... Action
4. Consider approving Minutes for 04/21/2021..... Action
5. Directors or staff comments.....Discussion
6. Financial ReportDiscussion
7. Consider approving Accounts Payable..... Action
8. Election of Officers Beginning Fiscal Year 2022..... Action
 Present Officers:
 Chairman: Sam Cobb
 V. Chairman: Jason Shirley
 Secretary: Susan Crockett
 Treasurer: Jack Volpato
9. Consider obtaining Errors & Omissions Insurance for Board Action
10. Consider amending Open Meetings Act Requirements and Procedures..... Action
11. Public Comment Limited to 3 minutes.
12. Adjournment..... Action

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

ITEM 3

Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, March 10, 2021, 9:00 a.m.
Hobbs Commission Chambers – 200 E. Broadway, Hobbs, NM 88240
Virtual Meeting Held by Video Conference

Board members present:

John Heaton (Member-City of Carlsbad) via remote video conference
Sam Cobb (Member-City of Hobbs)
Susan Crockett (Member-Eddy County) via remote video conference
Finn Smith (Member-City of Hobbs) via remote video conference
Jonathan Sena (Member-Lea County) via remote video conference
Jack Volpato (Member-Eddy County) via remote video conference
Mike Gallagher. (Member-Lea County)

Board members absent:

Jason Shirley (Member-City of Carlsbad)

Administrative staff present:

Wendy Austin – (Deputy City Administrator, City of Carlsbad)
Denise Madrid Boyea (General Counsel/City of Carlsbad City Attorney)
Alan Davis – (Eddy County Manager)
Jennifer Grassholm – (Economic Development Corp of Lea County)
Chip Lowe – (Lea County Finance Director)

Also Present:

The meeting was called to order by Sam Cobb.

Roll call was taken by Susan Crockett and a quorum was established.

Approval of the Minutes from December 9, 2020:

John Heaton moved to approve the minutes from the **December 9, 2020** meeting. The motion was seconded by Susan Crockett. The vote: Susan Crockett for Eddy County, yes; John Heaton for City of Carlsbad, yes; Sam Cobb for City of Hobbs, yes; Jonathan Sena for County of Lea, yes; Finn Smith for City of Hobbs-abstained. Motion passed

Director/Staff comments:

John Heaton briefly discussed Senate Bill 82, a symposium by NEI that is very educational and well-done; also discussed NRC status and expectation the final Environmental Impact Study and Safety Evaluation Report will be completed by this summer.

Financial Report:

Wendy Austin presented a discussion of the Financial Report.

Approval of Accounts Payable:

Wendy Austin requested approval of Accounts Payable. John Heaton moved to approve Accounts Payable. The motion was seconded by Jonathan Sena. The vote: Susan Crockett for Eddy County, yes; John Heaton for City of Carlsbad, yes; Sam Cobb for City of Hobbs, yes; Jonathan Sena for County of Lea, yes. Motion passed.

Annual Open Meetings Act Resolution:

Denise Madrid Boyea discussed the Open Meetings Act Resolution. After discussion, Jonathan Sena moved to approve the Open Meetings Act Resolution. The motion was seconded by Susan Crockett. The vote: Susan Crockett for Eddy County, yes; John Heaton for City of Carlsbad, yes; Sam Cobb for City of Hobbs, yes; Jonathan Sena for County of Lea, yes. Motion passed.

FY22 Operating Budget:

Wendy Austin discussed the FY22 operating budget and made recommendations. After discussion, members will go to their respective governmental agencies to consult on an amount acceptable for the FY22 operating budget. Sam Cobb mentioned a special meeting to adopt a FY22 operating budget may need to be called before the end of the fiscal year.

Approval of Auditing Services:

Chip Lowe discussed continuing to utilize Scott Northam as auditor. John Heaton moved to approve Scott Northam at an additional approximate additional cost of Five Hundred Dollars as auditor. The motion was seconded by Jonathan Sena. The vote: Susan Crockett for Eddy County, yes; John Heaton for City of Carlsbad, yes; Sam Cobb for City of Hobbs, yes; Jonathan Sena for County of Lea, yes. Motion passed.

Public Comments:

None.

Adjournment:

John Heaton moved to adjourn. The motion was seconded by Jonathan Sena. The vote: Susan Crockett for Eddy County, yes; John Heaton for City of Carlsbad, yes; Sam Cobb for City of Hobbs, yes; Jonathan Sena for County of Lea, yes. Motion passed.

ITEM 4

Eddy-Lea Energy Alliance
Special Meeting of the Board of Directors
Wednesday, April 21, 9:00 a.m.
Hobbs Commission Chambers – 200 E. Broadway, Hobbs, NM 88240
Virtual Meeting Held by Video Conference

Board members present:

Jason Shirley (Member-City of Carlsbad)
John Heaton (Member-City of Carlsbad)
Sam Cobb (Member-City of Hobbs)
Finn Smith (Member-City of Hobbs)
Susan Crockett (Member-Eddy County)
Jonathan Sent (Member- Lea County)

Board members absent:

Jack Volpato (Member-Eddy County)
Mike Gallagher. (Member-Lea County)

Administrative staff present:

Wendy Austin – (Deputy City Administrator, Carlsbad)
Denise Madrid Boyea (General Counsel/City of Carlsbad Deputy City Attorney)

Also Present:

The meeting was called to order by Sam Cobb.

Roll call was taken and a quorum was established.

Director/Staff comments:

None.

Approval of FY22 Budget

Ms. Austin discussed the FY2022 proposed Operating Budget. Mr. Sena discussed contributions to be made by Lea County. Mr. Cobb discussed contribution to be made by Hobbs. Ms. Crockett discussed contribution to be made by Lea County. Mr. Shirley discussed the contribution to be made by Carlsbad. Motion was made by Mr. Shirley to approve the FY22 Operating budget. Motion was seconded by Mr. Sena. The vote: Jason Shirley for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; Susan Crockett for Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

Approval of auditing services.

Ms. Austin discussed approval of auditing services by Hinkle & Landers, CPA. Mr. Heaton discussed the reason for the prior auditor withdrawing his services. Motion made by Ms. Crockett to accept Hinkle & Landers as new auditors. Motion was seconded by Mr. Sena. The vote: Jason Shirley for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; Susan Crockett for

Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

Public Comments:

None.

Adjournment:

Mr. Sena moved to adjourn. The motion was seconded by Ms. Crockett. The vote: Jason Shirley for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; Susan Crockett for Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

DRAFT

ITEM 6

EDDY LEA ENERGY ALLIANCE
City of Carlsbad, NM
Financial Report
FY21-10 April

	Beginning	\$	95,287		
	Revenue	\$	-		
				83%	
Account Description	Revised Budget		YTD Actuals	Available Budget	% Used
Insur-Property	6,000		3,068	2,932	51.13%
ConProf-Advertising	3,000		905	2,095	30.15%
ConProf-Legal	117,000			117,000	0.00%
ConProf-Miscellaneous	67,000		53,777	13,223	80.26%
Fees-Public Notices	-		88	(88)	
Ops-Material & Supplies	1,000			1,000	0.00%
Maint-Misc	1,000			1,000	0.00%
Empl-Per Diem	20,000			20,000	0.00%
	215,000	\$	57,837	157,163	26.90%
	Ending Cash	\$	37,450		

Detailed Expense Ledger

Date	Check #	Payee / Description	Amount
7/9/2020	1094791	Texas New Mexico Newspapers - Legal Advertisement	95.89
7/9/2020	1094792	Sun Publishing Corp - Legal Advertisement	49.91
7/16/2020	1094919	Wal Roy Publishing - Legal Advertisement	38.76
11/25/2020	1097421	Texas New Mexico Newspapers - Legal Advertisement	95.89
11/25/2020	1097422	Wal Roy Publishing - Legal Advertisement	39.44
11/25/2020	1097423	Sun Publishing Corp - Legal Advertisement	48.46
8/26/2020	1095768	Berkley Insurance Company - Commercial Liability	3,068.00
7/7/2020	1094635	Montgomery & Andrews - Legislative Retainer May 2020	4,879.69
7/7/2020	1094635	Montgomery & Andrews - Legislative Retainer June 2020	4,879.69
8/7/2020	1095400	Montgomery & Andrews - Legislative Retainer July 2020	4,879.69
9/17/2020	1096147	Red Rocket Media - July 8th Meeting Video	430.58
10/9/2020	1096560	Montgomery & Andrews - Legislative Retainer September 2020	4,879.69
10/9/2020	1096585	Scott Northam CPA - FY 20 Audit	4,879.69
11/13/2020	1097213	Montgomery & Andrews - Legislative Retainer August 2020	4,879.69
11/13/2020	1097213	Montgomery & Andrews - Legislative Retainer October 2020	4,879.69
12/18/2020	1097824	Montgomery & Andrews - Legislative Retainer November 2020	4,879.69
2/5/2021	298811	Montgomery & Andrews - Legislative Retainer December 2020	4,879.69
2/5/2021	298800	Lea County - reimburse Lea County for Legal Advertisement	105.60
2/19/2021	299064	Montgomery & Andrews - Legislative Retainer January 2021	4,979.69
3/5/2021	299318	Montgomery & Andrews - Legislative Retainer February 2021	4,879.69
3/9/2021	299446	Hobbs News-Sun Inc - Legal Advertisement	49.91
3/19/2021	299546	Loving Daily Leader - Legal Advertisement	38.08
			57,837.11

ITEM 7

EDDY LEA ENERGY ALLIANCE
City of Carlsbad, NM
Accounts Payable

PO	Vendor	Description	Encumbered
22104471	MONTGOMERY & ANDREWS, P.A.	Lobbying Services	20,260.93
22106399	HUB INTL INS SVCS INC	Professional Liability Insurance for Legal Services	2,575.08
			22,836.01

ITEM 9

ITEM 10

STATE OF NEW MEXICO EDDY-LEA
ENERGY ALLIANCE, LLC

OPEN MEETINGS ACT REQUIREMENTS AND PROCEDURES FOR EDDY-LEA ENERGY ALLIANCE,
LLC (ELEA) 2021

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978) states that, except as may be otherwise provided in the Constitution of New Mexico 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 Governing Board of EDDY-LEA ENERGY ALLIANCE, LLC to determine annually what constitutes reasonable notice of its public meetings; and

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

NOW, THEREFORE, BE IT RESOLVED that:

1. All meetings of the Governing Board will be held as indicated on the meeting notice as to date, time, and place.
2. Reasonable notice of regular meetings will be at least ~~seventy-two (72) hours~~ **seven days** in advance. The agenda for regular meetings will be available no less than seventy-two (72) hours in advance of the regular meeting and posted on the ELEA website, if one is maintained. Regularly scheduled meetings of the Board will be held quarterly on the second Wednesday of the month preceding the end of the fiscal quarter at 9:00 AM. Meeting location will alternate between the four Members' meeting chambers beginning with the City of Hobbs, then Eddy County, then Lea County and then the City of Carlsbad. This rotation will then repeat, notwithstanding conditions that would interrupt the rotation. After such interruption of the rotation is remedied, the rotation would continue.
3. Special meetings may be called by the Chairperson or upon written request of any two Governing Board of Directors. Reasonable notice of special meetings will be at least seventy-two (72) hours in advance. The agenda for special meetings will be available no less than seventy two (72) hours in advance of the special meeting.

4. Emergency meetings will be called only under unforeseen circumstances that, if not addressed immediately by the Governing Board, will likely result in injury or damage to persons or property or substantial financial loss to ELEA or its member entities. The Governing Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or any two Directors of the Governing Board 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 Governing Board 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. Work sessions may be called at the discretion of the Chairperson or upon the request of two Directors upon seventy-two (72) hours' notice. The final agenda for work sessions shall be available at least seventy-two (72) hours in advance of the work session.
6. In addition, meeting agenda for regular meetings, special meetings, and work sessions 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 Governing Board's meeting. The Governing Board shall take action only on items appearing on the agenda.
7. 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 communicated by the Chairperson or his designee by telephone or email 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.
8. In addition to the information specified above, all notices will include the following or equivalent 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 City of Carlsbad City Attorney's Office ~~Lea County Manager's Office~~ located in Carlsbad City Hall ~~the Lea County Courthouse~~ in Carlsbad Lovington, New Mexico at least seventy two (72) hours ~~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 City of Carlsbad City Attorney's Office ~~Lea County Manager's Office~~ at Carlsbad City Hall ~~the Lea County Courthouse~~ if a summary or other type of accessible format is needed

9. The Governing Board 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 Camp.

- A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Governing Board 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 Governing Board 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 Governing Board in an open public meeting.
10. Members of the Governing Board may participate in any meeting by means of a conference telephone when it is otherwise difficult or impossible for the members to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.
11. The Governing Board may, by Resolution, adopt additional rules and regulations regarding the conduct of the meetings of the Governing Board and any of its subordinate committees.

PASSED, APPROVED AND ADOPTED IN OPEN MEETING on this ____ ~~10th~~ day of

____ ~~March~~, 2021.

For the Board:

Sam Cobb - Chair