



# Lea County Board of County Commissioners



Regular Meeting  
Thursday, November 17, 2022 9:00 A.M.

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



# LEA COUNTY BOARD OF COUNTY COMMISSIONERS



Watch the livestream on our website!



## Regular Meeting

NOVEMBER 17, 2022 | 9AM

Lea County Historic Courthouse  
Commission Chambers

100 N. Main | Lovington, NM

[www.leacounty.net](http://www.leacounty.net)







## Lea County Board of County Commissioners Regular Meeting

Thursday, November 17, 2022 9:00 A.M.

Lea County 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.

### **AGENDA**

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

#### **ITEM 01: COMMISSION**

- Consideration of Lea County Resolution No. 22-NOV-262R Approving the November 3, 2022 Meeting Minutes.
- Public Comments (*Non Agenda Items*).
- Commissioners and Manager Comments.

#### **ITEM 02: ACTION ITEMS**

- Consideration of Lea County Resolution No. 22-NOV-263R Approving the Publication of Notice of Hearing to Adopt an Ordinance Establishing Rules and Procedures Governing Use of County Right-of-Way, Repealing and Superseding Ordinance No.86. (*John W. Caldwell, County Attorney*)
- Consideration of Lea County Resolution No. 22-NOV-264R Awarding Proposal No. 04 (2022-2023) Professional Engineering Services to Multiple Vendors. (*Corey Needham, Assistant County Manager*)
- Consideration of Lea County Resolution No. 22-NOV-265R Awarding Proposal No. 05 (2022-2023) Professional Surveying Services to Multiple Vendors. (*Corey Needham, Assistant County Manager*)
- Consideration of Lea County Resolution No. 22-NOV-266R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley in Payton Addition, Monument Subdivision, Block 3, Being Between 8<sup>th</sup> Street and Macarthur Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico. (*Bruce Reid, County Planner*)
- Consideration of Lea County Resolution No. 22-NOV-267R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley and Street in Payton Addition, Monument Subdivision, Blocks 12 and 21 With Their Portion of 7<sup>th</sup> Street, Being Between Eaves Street and Cook Street in Section

Chair Dean Jackson, District 1; Vice Chair Gary G. Eidson, District 3

Members: Rebecca Long, District 2; Jonathan Sena, District 4; Pat Sims, District 5

29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico.  
(Bruce Reid, County Planner)

- Consideration of Lea County Resolution No. 22-NOV-268R Approving the Recommendation of a Freeholders Committee Recommendation Regarding Dedicated Alley in Camino Del Norte Subdivision, Block 12 in Section 33, Township 17 South, Range 38 East N.M.P.M. in Lea County, New Mexico. (Bruce Reid, County Planner)
- Consideration of Lea County Resolution No. 22-NOV-269R Authorizing Out of State Travel December 11-12, 2022 to Dallas/Fort Worth, Texas for Four Firefighter/Emergency Management Personnel to Attend Annual Aircraft Rescue & Fire Fighting Training at Dallas/Fort Worth Airport. (Lorenzo Velasquez, Emergency Manager)
- Consideration of Lea County Resolution No. 22-NOV-270R Approving Budget Adjustments No. 2 for Fiscal Year 2022-2023. (Chip Low, Finance Director)

**ITEM 03: DISCUSSION ITEMS**

- Discussion of Lea County Community Engagement's Recent and Upcoming Events/Projects. (Sandra Brito, Community Engagement Manager)
- Discussion of the Lea County Event Center Master Plan. (Edmundo Lara, Facilities Director)
- Discussion of the City of Hobbs Municipal Detention Facility Transition to a Transport Facility. (Ruben Quintana, Warden, Lea County Detention Center)
- Discussion of Lea County Strategic Plan 2022-2027. (Anthony Dobbs, Budget and Reporting Analyst)

**ITEM 04: EXECUTIVE SESSION**

- COMMISSION MAY CONVENE IN CLOSED SESSION to Discuss Acquisition of Real Properties in Northern Lea County, as Authorized by NMSA 1978 § 10-15-1 H (8).

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

**ITEM 05: OTHER BUSINESS**

**ADJOURN**

*Please Join Us at Our Next Regular Meeting on Thursday, December 8, 2022 at 9:00 A.M.*



# Consideration of Lea County Resolution No. 22-NOV-262R Approving the November 3, 2022 Meeting Minutes

## Minutes of Meeting Lea County Board of Commissioners November 03, 2022

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

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

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

Vice Chair Eidson led the Pledge of Allegiance followed by the Invocation by Commissioner Sena.

### ITEM 01: COMMISSION

- Consideration of Lea County Resolution No. 22-NOV-252R Approving the October 20, 2022 Regular Meeting Minutes.

Chair Jackson requested approval. Commissioner Long moved to approve Resolution No. 22-NOV-252R Approving the October 20, 2022 Regular Meeting Minutes. The motion was seconded by Commissioner Sena. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Public Comments
  - Nick Maxwell wanted to reiterate his concerns of the county contracts approved at the October 22, 2022 meeting. He voiced his concerns about the manager's contract giving him much better benefits than the employees. He also stated that County Manager Gallagher can accrue and sell his sick leave back to the county, however, county employees can't.
  - He still feels that the employee rights are violated by not being able to carry firearms to protect themselves.
- Commissioner and Manager Comments:
  - Chair Jackson – Stated that it was good to see everyone at the meeting. He also stated that we had a good turn out at all the Halloween events scheduled by the County.
  - Vice Chair Eidson – Welcomed Faith, Luis, Edgar and Zach Souter to the meeting.
  - Commissioner Sena – Introduced three students, Faith Vine, Luis and Edgar Mendoza. He praised them on their accomplishments in school and community.

Pat Sims (District 5), Member  
Voted: Yes No Abstain

## STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 22-NOV-262R

### A RESOLUTION APPROVING THE LEA COUNTY BOARD OF COUNTY COMMISSIONERS NOVEMBER 3, 2022 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 17<sup>th</sup> day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

### LEA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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

Rebecca Long (District 2), Member  
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

MINUTES  
OF  
MEETING



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/09/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Tryon Hassen, Chief Deputy Clerk, Clerk's Office
<b>SUBJECT:</b> Minutes	<b>ATTACHMENT(S):</b> Resolution Draft Minutes
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 1 Resolution; 1 Set of Minutes	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> N/A	<b>FISCAL BUDGET YEAR:</b> N/A

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

Section 2.6: Transparency and ethical decision making continue to be the framework in which the county operates.

**SUMMARY:**

See attached draft minutes submitted by Tryon Hassen, Chief Deputy Clerk, for the following LCBCC meeting:

November 3, 2022 Regular Meeting

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Review & Approve Minutes	<b>Submitter's Signature</b> Department Director, Etc.
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

**Item No.** 0101

**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-262R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____



**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-262R**

**A RESOLUTION APPROVING THE LEA COUNTY  
BOARD OF COUNTY COMMISSIONERS NOVEMBER 3, 2022 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 17<sup>th</sup> day of November, 2022, 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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Dean Jackson (District 1), Chair  
Voted: Yes   No   Abstain

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

\_\_\_\_\_  
Pat Sims (District 5), Member  
Voted: Yes   No   Abstain

**ATTEST:**     Keith Manes  
                  Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney



**Minutes of Meeting  
Lea County Board of Commissioners  
November 03, 2022**

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

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

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

**Vice Chair Eidson led the Pledge of Allegiance followed by the Invocation by Commissioner Sena.**

**ITEM 01: COMMISSION**

- Consideration of Lea County Resolution No. 22-NOV-252R Approving the October 20, 2022 Regular Meeting Minutes.

Chair Jackson requested approval. Commissioner Long moved to approve Resolution No. 22-NOV-252R Approving the October 20, 2022 Regular Meeting Minutes. The motion was seconded by Commissioner Sena. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Public Comments
  - Nick Maxwell wanted to reiterate his concerns of the county contracts approved at the October 22, 2022 meeting. He voiced his concerns about the manager's contract giving him much better benefits than the employees. He also stated that County Manager Gallagher can accrue and sell his sick leave back to the county, however, county employees can't.
  - He still feels that the employee rights are violated by not being able to carry firearms to protect themselves.
- Commissioner and Manager Comments:
  - Chair Jackson – Stated that it was good to see everyone at the meeting. He also stated that we had a good turn out at all the Halloween events scheduled by the County.
  - Vice Chair Eidson – Welcomed Faith, Luis, Edgar and Zach Souter to the meeting.
  - Commissioner Sena – Introduced three students, Faith Vine, Luis and Edgar Mendoza. He praised them on their accomplishments in school and community.

- Commissioner Sims – Noted the big crowd and requested they all vote and asks their friends to vote.
- Commissioner Long – Said she was happy to see everyone at the meeting.
- Manager Gallagher – Stated the he wanted to remind everyone about the open house at the Event Center November 10, 2022. He asked everyone to attend and give their concerns and opinions about the project.

- Consideration of Lea County Resolution No. 22-NOV-253R Amending Lea County Resolution No. 22-SEP-203R Approving the Lea County Board of County Commissioners Meeting Dates for Calendar Year 2023. *(Lea County Community Engagement Manager Stout-Brito)*

Lea County Community Engagement Manager Stout-Brito requested approval. Commissioner Sims moved to approve Resolution No. 22-NOV-253R Amending Lea County Resolution No. 22-SEP-203R Approving the Lea County Board of County Commissioners Meeting Dates for Calendar Year 2023. The motion was seconded by Commissioner Long. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

## **ITEM 02: ACTION ITEMS**

- Consideration of Approval of Lea County Resolution No. 22-NOV-254R Approving Recommendation from the Lea County Fair and Rodeo Board to Award Proposal No. 02 2022 – 2023 Amusement Provider for Lea County Fair and Rodeo to Wright's Outdoor Amusement Company for the 2023 Lea County Fair and PRCA Rodeo. *(Larry Wheeler, Chair, Fair and Rodeo Board)*

Fair and Rodeo Chair Wheeler requested approval. Commissioner Sims moved to approve Resolution No. 22-NOV-254R Approving Recommendation from the Lea County Fair and Rodeo Board to Award Proposal No. 02 2022 – 2023 Amusement Provider for Lea County Fair and Rodeo to Wright's Outdoor Amusement Company for the 2023 Lea County Fair and PRCA Rodeo. The motion was seconded by Commissioner Long. Chair Jackson commented that Wright's is doing an excellent job and keeps their equipment much cleaner than the ones in the past. He then asked if



there were any public or commissioner comments concerning this agenda item. Commissioner Sena said his daughter loved the carousel. Commissioner Siims commented on the ticket sales. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Consideration of Lea County Resolution No. 22-NOV-255R Approving Recommendation from the Lea County Fair and Rodeo Board to Award Proposal No. 03 2022 – 2023 Stock Contractor for Lea County Fair and Rodeo to Pete Carr, Carr Pro Rodeo, Ltd. for the 2023 Lea County Fair & PRCA Rodeo. *(Larry Wheeler, Chair, Fair and Rodeo Board)*

Fair and Rodeo Chair Wheeler requested approval. Commissioner Sims moved to approve Resolution No. 22-NOV-255R Approving Recommendation from the Lea County Fair and Rodeo Board to Award Proposal No. 03 2022 – 2023 Stock Contractor for Lea County Fair and Rodeo to Pete Carr, Carr Pro Rodeo, Ltd. for the 2023 Lea County Fair & PRCA Rodeo. The motion was seconded by Commissioner Long. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Consideration of Lea County Resolution No. 22-NOV-256R Approving a Recommendation from the Lea County Fair & Rodeo Board for Authorizing Out of State Travel November 28 - December 1, 2022 to Las Vegas, Nevada for Two (2) Fair and Rodeo Board Members to Attend the 2022 Professional Rodeo Cowboys Association (PRCA) National Convention. *(Larry Wheeler, Chair, Fair and Rodeo Board)*

Fair and Rodeo Chair Wheeler requested approval. Commissioner Sims moved to approve Resolution No. 22-NOV-256R Approving a Recommendation from the Lea County Fair & Rodeo Board for Authorizing Out of State Travel November 28 - December 1, 2022 to Las Vegas, Nevada for Two (2) Fair and Rodeo Board Members to Attend the 2022 Professional Rodeo Cowboys Association (PRCA) National Convention. The motion was seconded by Commissioner Long. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair

Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Consideration of Lea County Resolution No. 22-NOV-257R Approving the Publication of Notice of Hearing to Adopt an Ordinance Requiring Compliance with Federal Laws Governing Abortion. (*John W. Caldwell, County Attorney*)

Attorney Caldwell requested approval. Commissioner Sims moved to approve Resolution No. 22-NOV-257R Approving the Publication of Notice of Hearing to Adopt an Ordinance Requiring Compliance with Federal Laws Governing Abortion. The motion was seconded by Vice Chair Eidson. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item.

Commissioner Sena wanted to express that even though we may have different views, remember we are a county that cares, loves and supports everyone.

Commissioner Sims commented on the fact that the Hobbs Hospital doesn't have an OB, yet there's people that want to have an abortion clinic here.

Lori Bova advocated for life, and stated that at this time abortion on demand is legal in NM. She also stated that a minor doesn't have to have their parent's consent. She also stated that 6,000 abortions were performed in New Mexico in the years of 2018 & 2019.

David Gallegos reference his encounter with a 102-year-old holocaust survivor. He also spoke of the supposed safe havens in NM and stated that New Mexico as a whole, besides our leaders want to save lives. Nick Maxwell stated that he supported an Abortion Ordinance, but stated this ordinance did not have teeth and he would like to see one that could be enforced with jail time. He suggested that we use the repealed state statute as a template for our ordinance.

Attorney Caldwell stated that we are a "Dillion Rule" county and that we can only enforce what the state allows us to. State law prohibits us from becoming a "Home Rule" county. He also stated that unlike Hobbs, we do not have business licenses.

Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Consideration of Lea County Resolution No. 22-NOV-258R Appointing a Freeholders Committee to Evaluate the Vacation of a Dedicated Alley in Payton Addition, Monument Subdivision, Block 3, Being Between 8th Street and Macarthur Street in Section 29, Township 19



South, Range 37 East N.M.P.M. in Lea County, New Mexico. *(Bruce Reid, County Planner)*

County Planner Reid requested approval. Vice Chair Eidson moved to approve Resolution No. 22-NOV-258R Appointing a Freeholders Committee to Evaluate the Vacation of a Dedicated Alley in Payton Addition, Monument Subdivision, Block 3, Being Between 8th Street and Macarthur Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico. The motion was seconded by Commissioner Sims. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Consideration of Lea County Resolution No. 22-NOV-259R Appointing a Freeholders Committee to Evaluate the Vacation of a Dedicated Alley and Street in Payton Addition, Monument Subdivision, Blocks 12 and 21 With Their Portion of 7th Street, Being Between Eaves Street and Cook Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico. *(Bruce Reid, County Planner)*

County Planner Reid requested approval. Vice Chair Eidson moved to approve Resolution No. 22-NOV-259R Appointing a Freeholders Committee to Evaluate the Vacation of a Dedicated Alley and Street in Payton Addition, Monument Subdivision, Blocks 12 and 21 With Their Portion of 7th Street, Being Between Eaves Street and Cook Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico. The motion was seconded by Commissioner Sims. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

- Consideration of Lea County Resolution No. 22-NOV-260R Appointing a Freeholders Committee to Evaluate the Vacation of a Dedicated Alley in Camino Del Norte Subdivision, Block 12 in Section 33, Township 17 South, Range 38 East N.M.P.M. in Lea County, New Mexico. *(Bruce Reid, County Planner)*

County Planner Reid requested approval. Vice Chair Eidson moved to approve Resolution No. 22-NOV-260R Appointing a Freeholders Committee to Evaluate the Vacation of a Dedicated Alley in Camino Del Norte Subdivision, Block 12 in Section 33, Township 17 South, Range 38

East N.M.P.M. in Lea County, New Mexico. The motion was seconded by Commissioner Sims. Chair Jackson asked if there were any public or commissioner comments concerning this agenda item. Secretary polled the Commission. Chair Jackson, yes; Vice Chair Eidson, yes; Commissioner Sena, yes; Commissioner Sims, yes; Commissioner Long, yes. The motion passed.

**ITEM 03: DISCUSSION ITEMS**

- Discussion of Amendment to Lea County Ordinance No. 95 An Ordinance Governing Nuisances Repealing and Superseding Ordinance No. 95 Dated July 25, 2019. *(Corey Needham, Assistant County Manager)*
  - Discussed the need to update Ordinance No. 95 to separate the Notice of Violation and the Notice to Abate to give the owner time to clean up and be compliant.
  - Discussion of Lea County Ordinance - County Addressing. *(Corey Needham, Assistant County Manager)*
  - Discussed the need to update all Lea County addresses that are, out of order, not the same as the postal address, etc. This ordinance would give them the authority to do this.
- Discussion of Lea County Ordinance – Mobile/Manufactured Home Placement/Transport. *(Corey Needham, Assistant County Manager)*
  - Discussed the fact that there are no current ordinances for the moving or placing of mobile homes in the county. This ordinance would give Lea County Environmental the ability to charge non-compliance of the placement and moving of mobile homes. It would also be easier for the Treasurer's Office to collect taxes since mobile homes are personal property, not real property. The application should only delay the moving of the mobile home by two weeks or less.
- Discussion of Lea County's Financial Report. *(Chip Low, Finance Director)*
  - Discussed the year to date revenue, showing we are ahead by approximately \$50,000,000.00.
  - Manager Gallagher explained the Indigent GRT and the Destination tax.

- Discussion of Lea County's Accounts Payable. (*Chip Low, Finance Director*)
  - Discussed the new accounts payable software and the new procurement card register.

**ITEM 04: OTHER BUSINESS**

There was no other business.

Meeting adjourned at 10:10 a.m.

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

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**Dean Jackson, Chair**

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**Gary G. Eidson, Vice Chair**

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**Jonathan Sena, Member**

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**Pat Sims, Member**

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**Rebecca Long, Member**



**ATTEST: Keith Manes**

**Lea County Clerk**

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**Tryon Hassen, Chief Deputy Clerk**





## LEA COUNTY BOARD OF COUNTY COMMISSIONERS

### PUBLIC COMMENT SUMMARY FORM

Thursday, November 17, 2022 9:00 A.M.

#### LCBCC MEETING

Lea County Courthouse – Commission Chambers 1<sup>st</sup> 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](mailto:leacounty@leacounty.net) by: **Tuesday, November 15, 2022**

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. 22-JAN-016R  
Open Meetings and Procedures.

#### SUMMARY OF PUBLIC COMMENT:

Item 0102

#### RECORDING SECRETARY'S USE ONLY

Comments: \_\_\_\_\_



# Lea County Board of County Commissioners

## Regular Meeting

Thursday, November 17, 2022 9:00 A.M.

Lea County Courthouse - Commission Chambers - 100 North Main, 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. 22-JAN-016R**

**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:

1. 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.
2. 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](http://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.
3. 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.
6. 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.
8. 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.
9. The notice requirements set forth above in paragraphs two, three, and four shall apply to all Boards and Committees appointed by the County Commission.
10. 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.
11. 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.
12. A member of the public body may participate by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking and 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.





13. 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 13<sup>th</sup> day of January, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

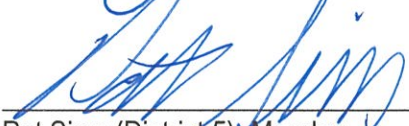
**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

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

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

  
Rebecca Long (District 2), Member  
Voted: Yes No Abstain

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

  
Pat Sims (District 5), Member  
Voted: Yes No Abstain

**ATTEST:** Keith Manes  
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By:   
Teri Davis, Deputy Clerk

  
John W. Caldwell, County Attorney



## Commissioners and Manager Comments







**LEA COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/15/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Sandra Brito, Community Engagement Manager
<b>SUBJECT:</b> Commission/Manager Comments	<b>ATTACHMENT(S):</b> None
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> N/A	<b>ACTION REQUESTED:</b> Discussion Item
<b>BUDGET LINE ITEM NUMBER:</b> N/A	<b>FISCAL BUDGET YEAR:</b> N/A
<b>STRATEGIC PLAN</b> Implementation of 5 Year Strategic Plan: Section 2.3: Continuous communication with the public is beneficial and necessary.	
<b>SUMMARY:</b> Comments from the Commissioners & County Manager	
<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____ <small>If checked; how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Discussion Only	<b>Submitter's Signature</b> Department Director, Etc.
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 
<b>Item No. 0103</b> <b>RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN</b>	
Approved: _____ Resolution No. _____ Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____
Other: <u>Discussion</u> Ordinance No. _____ Comments: _____	





# Consideration of Lea County Resolution No. 22-NOV-263R Approving the Publication of Notice of Hearing to Adopt an Ordinance Establishing Rules and Procedures Governing Use of County Right-of-Way, Repealing and Superseding Ordinance No.86

STATE OF NEW MEXICO  
COUNTY OF LEA  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE ESTABLISHING RULES AND PROCEDURES GOVERNING USE OF  
COUNTY RIGHT-OF-WAY, REPEALING AND SUPERSEDING ORDINANCE NO. 86

**Section 1. SHORT TITLE**

This Ordinance will be known as the Right-of-Way Ordinance.

**Section 2. PURPOSE AND INTENT**

This Ordinance establishes the administrative process utilities and other persons must follow to gain permission to use County right-of-way, and the engineering and design standards a utility must satisfy to perform any work or place any facilities within the right-of-way and the fees to be paid therefor.

**Section 3. AUTHORITY**

- A. Lea County (hereinafter "County") owns, maintains, or is responsible for approximately 1,250 linear miles of right-of-way, including, but not limited to, roadways and easements, within the unincorporated areas of the County. From time to time, utilities and other persons desire to occupy, use, construct or excavate within the County right-of-way.
- B. The Board of County Commissioners has the statutory authority and responsibility to make such orders concerning County property, including right-of-way, as it may deem expedient. (NMSA § 4-38-13) The Board of County Commissioners must grant the use of County-owned property pursuant to New Mexico statutes and the New Mexico Constitution. In the absence of specific statutory provision to the contrary, the Board of County Commissioners "represents the county and has the care of the county property and management of the interest of the County in all cases where no other provision is made by law." (NMSA § 4-38-18)
- C. The New Mexico Constitution requires that the County receive full compensation for the use of its property. "Neither the state nor any county, school district or municipality, except as otherwise provided in this Constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation. . . ." (New Mexico Constitution, Article IX, Section 14)
- D. While regulated public utilities are "authorized to place their pipes, poles, wires, cables, conduits, towers, piers, stations and other necessary fixtures, appliances and structures, upon or across any of the public

Lea County Ordinance No. \_\_\_\_ - An Ordinance an Ordinance Establishing Rules and Procedures Governing Use of County Right-of-Way, Repealing and Superseding Ordinance No.86  
LCBCC Meeting 01-12-2023  
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STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-263R

A RESOLUTION APPROVING THE PUBLICATION OF NOTICE OF HEARING TO ADOPT AN  
ORDINANCE GOVERNING ESTABLISHING RULES AND PROCEDURES GOVERNING USE OF COUNTY  
RIGHT-OF-WAY; REPEALING AND SUPERSEDING ORDINANCE NO. 86 ADOPTED APRIL 23, 2015

**WHEREAS**, Lea County adopted Ordinance 86 in 2015 to deal with the rules and costs associated with right-of-ways along Lea County roadways; and

**WHEREAS**, Lea County would like to make amendments to the existing ordinance to manage the right of ways more effectively; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the publication of a hearing to Adopt an Ordinance Governing Establishing Rules and Procedures Governing Use of County Right-of-Way; Repealing and Superseding Ordinance No. 86 is hereby approved.

**PASSED AND APPROVED** on this 17<sup>th</sup> day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

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

\_\_\_\_\_  
Gary G. Eidson (District 3), Vice Chair  
Voted: Yes No Abstain

\_\_\_\_\_  
Rebecca Long (District 2), Member  
Voted: Yes No Abstain

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

\_\_\_\_\_  
Pat Sims (District 5), Member  
Voted: Yes No Abstain

**ATTEST:** Keith Manes  
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney

LCBCC Regular Meeting 11-17-2022  
Resolution No. 22-NOV-263R - A Resolution Approving the Publication of Notice of Hearing to Adopt an Ordinance Establishing Rules and Procedures Governing Use of County Right-of-Way, Repealing and Superseding Ordinance No. 86  
Page 1 of 1



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Corey Needham, ACM
<b>SUBJECT:</b> Public Notice of Hearing to Adopt an Ordinance Governing Establishing Rules and Procedures Governing Use of County ROW	<b>ATTACHMENT(S):</b> Revised Ordinance
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 1	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> 402-10-4251	<b>FISCAL BUDGET YEAR:</b> FY22/23

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

**SUMMARY:**

This resolution authorizes publication of notice of a hearing on January 2023, at which the Commission will consider adopting an ordinance governing Adopt an Ordinance Governing Establishing Rules and Procedures Governing Use of County Right-of-Way; Repealing and Superseding the Ordinance 86 Adopted April 23, 2015.

The proposed amendments include adding specific costs for underground pipelines, telecommunication, and electrical right of ways and easements, prescriptive easement width, crossing requirements, and to restrict vending in the right of way.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____ <small>If checked, how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Approve public hearing	<b>Submitter's Signature</b> Department Director, Etc. <b>Corey Needham</b> <small>Digitally signed by Corey Needham Date: 2022.11.07 20:29:49 -07'00'</small>
<b>FINANCE REVIEW</b> Fiscal Impact/Cost: There is no financial impact to Lea County with this agenda item.	<b>Reviewed by Finance Director</b> <b>Henry C Low Jr</b> <small>Digitally signed by Henry C Low Jr Date: 2022.11.08 13:05:25 -07'00'</small>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

**Item No.** 0201

**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-263R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-263R**

**A RESOLUTION APPROVING THE PUBLICATION OF NOTICE OF HEARING TO ADOPT AN  
ORDINANCE GOVERNING ESTABLISHING RULES AND PROCEDURES GOVERNING USE OF COUNTY  
RIGHT-OF-WAY; REPEALING AND SUPERSEDING ORDINANCE NO. 86 ADOPTED APRIL 23, 2015**

**WHEREAS**, Lea County adopted Ordinance 86 in 2015 to deal with the rules and costs associated with right-of-ways along Lea County roadways; *and*

**WHEREAS**, Lea County would like to make amendments to the existing ordinance to manage the right of ways more effectively; *and*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the publication of a hearing to Adopt an Ordinance Governing Establishing Rules and Procedures Governing Use of County Right-of-Way; Repealing and Superseding Ordinance No. 86 is hereby approved.

**PASSED AND APPROVED** on this 17<sup>th</sup> day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

---

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

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

---

Pat Sims (District 5), Member  
Voted: Yes   No   Abstain

**ATTEST:**     Keith Manes  
                  Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

---

John W. Caldwell, County Attorney

**STATE OF NEW MEXICO  
COUNTY OF LEA  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE ESTABLISHING RULES AND PROCEDURES GOVERNING USE OF  
COUNTY RIGHT-OF-WAY, REPEALING AND SUPERSEDING ORDINANCE NO. 86**

**Section 1. SHORT TITLE**

This Ordinance will be known as the Right-of-Way Ordinance.

**Section 2. PURPOSE AND INTENT**

This Ordinance establishes the administrative process utilities and other persons must follow to gain permission to use County right-of-way, and the engineering and design standards a utility must satisfy to perform any work or place any facilities within the right-of-way and the fees to be paid therefor.

**Section 3. AUTHORITY**

- A. Lea County (hereinafter "County") owns, maintains, or is responsible for approximately 1,250 linear miles of right-of-way, including, but not limited to, roadways and easements, within the unincorporated areas of the County. From time to time, utilities and other persons desire to occupy, use, construct or excavate within the County right-of-way.
- B. The Board of County Commissioners has the statutory authority and responsibility to make such orders concerning County property, including right-of-way, as it may deem expedient. (NMSA § 4-38-13) The Board of County Commissioners must grant the use of County-owned property pursuant to New Mexico statutes and the New Mexico Constitution. In the absence of specific statutory provision to the contrary, the Board of County Commissioners "represents the county and has the care of the county property and management of the interest of the County in all cases where no other provision is made by law." (NMSA § 4-38-18)
- C. The New Mexico Constitution requires that the County receive full compensation for the use of its property. "Neither the state nor any county, school district or municipality, except as otherwise provided in this Constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation. . .". (New Mexico Constitution, Article IX, Section 14)
- D. While regulated public utilities are "authorized to place their pipes, poles, wires, cables, conduits, towers, piers, stations and other necessary fixtures, appliances and structures, upon or across any of the public

roads, streets, alleys, highways and waters in the state," such use of County property is "subject to the regulation of the County commissioners...". (NMSA § 62-1-2) Additionally, nonregulated mutual domestic water associations and water and sanitation districts also require access to County right-of-way. The Board of County Commissioners wishes to foster the continued expansion of utility service throughout the unincorporated areas of the County. The Board also wishes to provide that the County be compensated for the reasonable costs involved in the use of the right-of-way, for administrative expenses incurred in the processing of the necessary permits, as well as for the required monitoring of the progress of the work and protection of the public health, safety and welfare. Further, under NMSA § 62-1-3, the Board of County Commissioners is authorized to impose charges for reasonable actual expenses incurred in the granting of such right-of-way use to a utility for use of County right-of-way. Harmonizing the language of Article IX, Section 14, of the New Mexico Constitution with the aforementioned statutes, it is manifest that the County must take the proper steps to ensure that utilities and other persons wishing to use County right-of-way compensate the County for actual reasonable expenses relating to their use of the County's property.

- E. Therefore, pursuant to the conditions of this Ordinance, the Board of County Commissioners will require parties wishing to use County right-of-way to compensate the County for all the County's reasonable costs incurred directly and indirectly in permitting the use of County right-of-way, including, but not limited to, the costs of mapping, managing, and coordinating the use of the right-of-way by the various parties, along with the administrative and general costs related to processing applications for use of the right-of-way and the enforcement of the terms of this Ordinance.
- F. Further, the Board of County Commissioners will require utilities or persons using County right-of-way to adequately indemnify, hold harmless and defend the County against all possible claims of loss or damage arising out of the use of the right-of-way.
- G. All uses of County right-of-way must be coordinated to ensure the maintenance of public health, safety and welfare pursuant to NMSA § 4-37-1; to allow the Board of County Commissioners, to the extent permitted by law, to prioritize the use of County right-of-way; and to achieve County goals. It is a goal of the Board of County Commissioners to reduce the possibility of unnecessary duplication and economic waste in the use of County right-of-way and to use and grant the use of its right-of-way consistent with the best interests of the County and its inhabitants. Therefore, consistent with New Mexico law, the County may deny any application for use of County right-of-way that the Board of County Commissioners finds would or may interfere with an existing use of the right-of-way by those utilities which have valid permits issued by the County, or which have entered into a right-of-way use agreement with the County, pursuant to terms of this Ordinance. In addition, consistent with New Mexico law, the Board of County Commissioners may deny any application for use of County right-of-way that the Board finds would or may duplicate the County's own planned or actual use, would negatively affect a County purpose or project, or may be harmful to the health, safety and welfare of the public.
- H. The Board of County Commissioners may by separate resolution establish and appoint a Utility Advisory Planning Council for the purpose of advising and assisting the Board with the creation of a County-wide utility plan for the orderly and coordinated growth and expansion of utilities within the County.



- I. Nothing in this Ordinance should be construed or interpreted to affect or to impair the jurisdiction of the New Mexico Public Utility Commission or other statutorily created agency having jurisdiction over public or nonpublic entities or to affect or to impair a regulated public utility's rights and obligations under the New Mexico Public Utility Act, NMSA § 62-3-1 et seq., or any other state act.

#### **Section 4. APPLICABILITY**

This ordinance shall be effective and enforced within the geographical boundaries of Lea County, except for those areas that lie within the boundaries of any incorporated municipality.

#### **Section 5. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. "actual and reasonable expenses"

All expenses directly or indirectly incurred by the County related to permitting the use of County right-of-way by utilities or persons, including but not limited to, the costs of mapping, managing, and coordinating the use of the right-of-way by the utilities or persons, along with the administrative and general costs related to the processing of application for use of the right-of-way, and the enforcement of the terms and conditions of this Ordinance, and any other cost or expense reasonably associated with the maintenance of the right-of-way in a manner that protects the health, safety and welfare of the public.

- B. "aerial"

Installation of new facilities suspended above ground level.

- C. "applicant"

Any utility or person required to obtain a permit pursuant to the terms and conditions of this Ordinance.

- D. "county"

Lea County or the Board of Commissioners of Lea County, as the context requires.

- E. "emergency"

Any situation necessitating excavation of, use of, or entrance onto the County right-of-way for the purpose of locating a problem area or to make repairs in a facility when circumstances are such that delay in correcting the problem or making the repair would present a substantial and real threat of injury, would harm the health, safety and welfare of the public, or would likely result in serious property loss or damage.

- F. "excavation"

A hole, trench, ditch or depression in a right-of-way resulting from the removal or moving of the pavement, or dirt or other material; not a substructure opening.

G. "facility"

Any pipe, pipeline, tube, main, service vent, vault, manhole, meter, regulator, valve, conduit, pole, line, cable, anchor, structure, or object of any kind, type, manner or character, whether listed herein or not, which is or may be lawfully constructed, left, placed or maintained upon, along, above, across, under or within the right-of-way.

H. "maintenance"

Repair of existing facility that does not include system rehabilitation.

I. "meter replacement"

Replacement of an existing meter located within a County right-of-way.

J. "permit"

A permit issued by the County pursuant to the terms and conditions of this Ordinance which allows the use of County right-of-way by utilities and other persons.

K. "permittee"

An applicant whose permit request has been approved and who holds a valid permit.

L. "person"

Any individual, estate, trust, utility, receiver, association, subdivision of the state, cooperative, club, public or private corporation, company, firm, partnership, joint venture, syndicate, municipality or any other entity.

M. "public place"

All property owned by or maintained by the County, including, but not limited to, streets, highways, alleys, planes, sidewalks, plazas, parks, easements, curbs, and drainage ways, which constitute County right-of-way.

N. "right-of-way"

See "public place."

O. "right-of-way administrator"

The individual designated by the County Manager to administer this Ordinance and the County right-of-way permit operation, to include, but not be limited to, the receipt, review, processing, approval or denial of permit applications, approval and denial of administrative variances and maintenance of County right-of-way records.

P. "right-of-way use agreement"

An agreement entered into between a utility or other person and the County for use of County right-of-way.

Q. "right-of-way use fee"

The fee paid by persons or utilities utilizing County right-of-way pursuant to the terms and conditions of this Ordinance.

R. "service hook-up"

Any excavation, not exceeding the width of the affected County right-of-way, necessary to allow a single meter hook-up for a single property owner to tie into an existing utility line for the purpose of securing utility service, but does not include line extensions.

S. "substructure"

Any facility located below the surface of a County right-of-way.

T. "substructure opening"

An opening into a lawfully permitted substructure, the top of which is required to be flush with the adjoining surface within a County right-of-way, and which is constructed so as to permit frequent utilization, without requiring the removal of pavement, dirt, or other material, while maintaining the health, safety and welfare of the public.

U. "trenching"

Installation of new facilities below ground level.

V. "use"

Performance of work within and/or occupation of County right-of-way, including, but not limited to, the excavation of materials, boring, maintenance and checking of substructures and substructure openings; and/or the use of the right-of-way to place any facility thereon or therein.

W. "utility"

A person, as defined in this Ordinance, whose primary function is the provision of certain services of a somewhat permanent nature to the public or third parties, which services include, but are not limited to, electrical, gas, water, wastewater, and telecommunications services. This does not include persons whose primary function is the provision of services of a more temporary nature to the public or third parties, which services include, but are not limited to, water provided for "fracking"/oil/gas production or removal of water that has been used for "fracking"/oil/gas production.

**Section 6. PERMIT APPLICATIONS; INSURANCE; FEES; ISSUANCE/DENIAL; APPEALS.**

- A. Any person or party wishing to obtain a permit from the County pursuant to this Ordinance must submit the following information to the Right-of-Way Administrator:

- (1) The name, telephone number, address, and place of business of the applicant and their engineers and/or contractors.

- (2) A detail drawing and written description of the location and dimensions of the proposed use of the County right-of-way, including a plan view and cross-section view of the proposed use, which are sufficient to indicate the placement of any facilities or to locate the work to be performed. (Five complete sets shall be submitted for review.)
  - (3) The method by which the proposed use within the right-of-way will be accomplished, including an estimate of the amount of time required to complete any actual work to be performed within the right-of-way, including backfilling and removal of all obstructions, materials and debris, and restoration of the surface. The applicant's authority to use the County right-of-way shall be limited to the purposes and work plan specifically authorized by the permit.
  - (4) The purpose and function of any facility to be located within the right-of-way.
  - (5) All road crossings on paved roads shall be performed by boring rather than excavating, except where boring is not reasonably justified as determined by the County. In situations where the applicant wishes to perform a road crossing by excavation in lieu of boring, the applicant shall provide written justification therefor to the Right-of-Way Administrator. Some examples of conditions where boring may not be justified are lack of adequate room in the County right-of-way to operate boring equipment; boring on gravel or dirt roads.
- B. In all cases where the work to be done in the County right-of-way is to be done by a utility, the utility must be the applicant.
- C. The applicant shall be required to provide proof of adequate insurance in an amount satisfactory to the County indicating that the applicant has sufficient insurance to protect both the County and the applicant for any and all claims or damages arising out of bodily injury, including death, to any party, including the applicant, and his employees and agents and the County employees and agents, and from claims for damaged property, which may arise out of, or result from, the applicant's use of the County right-of-way, including completed or ongoing operations performed within the County right-of-way. At a minimum, the policy coverage and limits shall be those set forth in NMSA § [41-4-19](#). To simplify this requirement, utilities that operate in the County may file with the Right-of-Way Administrator a copy of the utility's master or applicable insurance policy which provides the above-delineated coverage. Such policies must be refilled yearly. The utility is obligated to provide the County with notice of cancellation of its policy, if that event should occur. The applicant must agree to defend, hold harmless, and indemnify the County and its officers, agents and employees against all claims, losses and damages to persons or property on account of or resulting from the intentional or negligent conduct on the part of the permittee in the permittee's use of the County right-of-way, or any work, duties, or obligations performed pursuant to the terms of this Ordinance and the duly issued permit.
- D. No permit shall be issued until proof of adequate insurance has been provided by the applicant to the Right-of-Way Administrator. No permit shall be issued until the applicant signs agreements required by the County or its insurance carrier to signify the applicant's willingness and ability to defend, indemnify and hold the County harmless as required by this Ordinance.

- E. Upon receipt of the application, and, except as specifically hereinafter set forth, the nonrefundable application fee as set forth in this Ordinance, Fees and Permits, the County will review the request. The Right-of-Way Administrator will verify the information provided in the application and will process the application through relevant County departments. The application will be further reviewed to determine if it is consistent with the terms and conditions of this Ordinance and will not impact upon or impair other permitted uses or planned projects and is not detrimental to the health, safety and welfare of the public.
- F. The Right-of-Way Administrator will also review the work plan to determine whether the use of the right-of-way can be accomplished pursuant to the engineering and construction standards set forth in this Ordinance, and as may be amended and promulgated by the County in the future, and set forth in subsequent ordinances or resolutions.
- G. In most cases, within a maximum of 21 days of receipt of the completed application and nonrefundable application fee, the Right-of-Way Administrator will notify the applicant by e-mail, regular mail and/or by telephone of the acceptance or denial of the application. If the application has been approved, the applicant will be notified in writing of the terms and conditions of the permit, including the right-of-way usage fee. The permit will be valid only upon payment of all applicable fees. Where the proposed project is expansive or complex, as determined by the Right-of-Way Administrator, more than 21 days may be required. In that event, the Administrator will notify the applicant and will inform the applicant of the estimated additional time needed.
- H. Except as otherwise specifically provided for in this Ordinance, the fees for which are hereinafter set forth, usage fees shall be based upon the lineal feet of right-of-way to be used by the applicant.
  - (1) The fees for trenching and all uses of the right-of-way placed below ground level shall be as set forth in this Ordinance, Fees and Permits.
  - (2) The charge per lineal foot for placement of facilities in the right-of-way above ground level shall be as set forth in this Ordinance, Fees and Permits.
  - (3) If, concurrent with the installation of a new utility line, service connections are being made to customers from that new line, there will be no additional fee to be paid for each hookup. The fees paid for the permit and lineal-foot usage shall include those service connections.
- I. No fee shall be required for work within the County right-of-way performed at the request of the County for a County project, unless it is a County water or wastewater utility project where the County will be providing water or wastewater utility to customers who will pay fees and other charges to the County.
- J. Fees for service hook-ups shall be as set forth in this Ordinance, Fees and Permits. Service hook-ups do not require an additional application permit fee beyond the fees provided-for in this Subsection [J](#). However, a permit must be secured.
- K. A maintenance/repair permit must be obtained by any utility or person for any maintenance or repair work to be done on its lines or facilities where excavation will be required into the County right-of-way to perform the maintenance or repair. The fee for said permit shall be as set forth in this



Ordinance, Fees and Permits. Such maintenance/repair excavations may be subject to the provisions, reviews, inspection and testing provisions of this Ordinance. If the maintenance/repair excavation is to exceed 250 feet, then the full permit fee and the fee schedule per lineal foot provided for in Subsection [H](#) above shall apply in lieu of the permit fee. A maintenance/repair permit shall not require any fee beyond that set forth in this Subsection [K](#). However, a permit must be secured. System rehabilitation is not considered maintenance/repair.

L. Exception to permit requirement.

(1) Where a utility or other person wishes to replace or exchange a water, sewer, electric or other utility meter, a permit from the County will not be required if the following apply:

- a. The meter is above ground, and there will be no impact on the County right-of-way.
- b. The meter is underground and encapsulated in a manhole, but there will be no further impact on the County right-of-way.
- c. The meter is underground, but will involve minimal ground disturbance, as determined by the Right-of-Way Administrator.
- d. If the meter is underground and will involve substantial trenching or ground disturbance, as determined by the Right-of-Way Administrator, a maintenance/repair permit as provided for in Subsection [K](#) above is required.

(2) If a permit is not required, it is still incumbent upon the utility to meet all other applicable standards and to inform the Right-of-Way Administrator of such work within 24 hours prior to work commencement.

M. For projects that will require a deviation from the nature, scope or amount of right-of-way use envisioned within this Ordinance, the County reserves the right to exact higher fees which will be mutually agreed upon by the County and the applicant.

N. As an alternative to payment up-front on each project for which it seeks a permit, a utility operating in the County may establish a credit account with the County under which it would be billed monthly for charges incurred in the previous month, with payment due within 30 days after billing. This credit arrangement may be withdrawn by the County in the event that a utility becomes delinquent in its payments to the County or in the event that a utility continues to be in violation of this Ordinance after notice of violation. If the County is required to commence litigation against a utility to collect unpaid and delinquent balances, the County shall have the rights and remedies available to it by New Mexico statute, including the award of prejudgment interest and of attorney fees.

O. Further, a utility involved in a project which is being funded by state or federal grants and/or loans may apply for a permit without the up-front payment of fees upon a showing that the permit needs to be acquired as a condition of approval and/or receipt of the public funding. In such a case, payment of the fees due the County will be deferred until the public funds are available for the project.

P. An applicant may appeal the denial of a permit to the Board of County Commissioners pursuant to the procedures set forth in Appeals, of this Ordinance.

## **Section 7. FEES AND PERMITS**

(1)

### **Above Ground Use Pipeline Right-of-Way Price Schedule**

#### **Base Cost per mile or portion thereof**

Non-refundable application fee for initial application and any renewal thereof	\$500.00
Initial 90-day (or portion thereof) permit	\$1,000.00
Second 90-day(or portion thereof) permit	\$2,400.00
Thirld 90-day (or portion thereof) permit	\$7,200.00

\*note: No initial permit by the same person, or agent thereof, may be approved for the same route for 210 days.

### **Underground Pipeline Right-of-Way Price Schedule**

#### **Base cost per Linear Foot for 20 years**

Non-refundable Application fee for use of County right-of-way	\$200.00
12" by 36" to 24" by 48"	\$2.25
Greater width or Depth	\$2.60
Service hook-ups (No pavement cut necessary)	\$100.00
Service Hook-ups (Pavement cut necessary)	\$150.00
Maintenance/Repair Permit	\$150.00
Excavation to exceed 250 feet	\$250.00 plus usage

## Telecommunication Right of Way Price Schedule

Non-refundable Application fee for use of County right-of-way	\$200.00
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First Conduit, Buried Line or overhead Line	Each Additional conduit, buried or overhead line
\$0.20	\$0.10

## Electric Line Right-of-Way Price Schedule

### Base cost per Linear Foot or 20 years

Non-refundable Application fee for use of County right-of-way	\$200.00
Overhead, buried, or overhead line	\$0.17

#### (2) 2. Insurance requirements:

(a) Personal injury/property damage. Limits of no less than \$1,000,000 per occurrence.

(b) Coverage for pollution, including sudden and accidental spills, with limits of no less than \$1,000,000 per occurrence.

(3) 3. Agreement to defend, hold harmless, and indemnify Lea County. The application form for these permits shall include a provision that the applicant agrees to defend, hold harmless, and indemnify Lea County for any claim of any type arising from applicant's use of the County right-of-way.

(4) 4. Reinstatement of suspended permit \$250.00

(5) 5. Appeal from decision of Right-of-Way Administrator \$100.00

## Section 8. CONDITIONS OF USE OF RIGHT-OF-WAY.

A. Except as otherwise provided in this Ordinance, no utility may commence any use of the County right-of-way unless and until a permit for such use is first obtained from the County. Ordinarily, permits shall be valid for 90 days. However, if a longer period of time is necessary, the permittee may submit a written request for additional time justifying the additional requested time.

- B. A permit shall be required for any use of a County right-of-way, including but not limited to excavation within the right-of-way, boring of any substructure opening, aerial use of a County right-of-way, or placement of any facility within a County right-of-way.
- C. It shall be unlawful for any person or party to use a County right-of-way without first securing a permit from the County and complying fully with all the provisions of this Ordinance, and any related regulations that may be adopted by the County.
- D. All utility construction and road restoration shall be in accordance with the Lea County Standard Specifications for Road Construction in effect at the time of application. The County may promulgate and adopt such further additional rules and regulations as may be required to fully implement this Ordinance. Copies of such rules and regulations shall be available to applicants at the County Clerk's office. In addition, all work shall be performed in accordance with state and federal requirements including but not limited to OSHA.
- E. The permittee is required to correct substandard work or work performed with defective materials and/or workmanship, as directed by the Right-of-Way Administrator. The permittee must restore the street subbase, base and surface to its original condition upon completion of the work within the right-of-way. Upon failure of the permittee to begin repairs within 24 hours after written notice by the County and to complete the required work within a reasonable time, as determined by the County, the County shall cause such work to be done and the cost thereof charged to the permittee. In addition, the County may declare the permittee to be in default of the terms of the permit, and take steps pursuant to this Ordinance to suspend the permit.
- F. The permittee must take appropriate measures to maintain safe and adequate passage of vehicle and pedestrian traffic as required by the County while performing any work within the right-of-way.
- G. In the event the permittee causes damage to existing utilities or facilities located within the right-of-way, including pipe coating or other encasement or devices, the permittee must notify the Right-of-Way Administrator or his designee and the owner of the damaged facility immediately, and take immediate steps to arrange for the repair of the damage. The permittee is responsible for the cost of said repairs. Further, the County may declare the permittee to be in default of the terms of the permit and may take steps pursuant to this Ordinance to immediately suspend the permit.
- H. The permittee is responsible for the proper installation of any diversion or ponding devices necessary for protection of property and structures, and shall be responsible for repair or payment of damages caused to property or structures by the permittee's failure to properly provide such devices.
- I. Prior to making any excavation or paving cut, the permittee shall adequately barricade the area to be excavated and shall adequately provide light devices at night in compliance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Barricading and lighting shall be maintained by the permittee until all work has been finished, including the replacement of paving.
- J. After completing excavation within the right-of-way, the permittee shall install all facilities at least 36 inches below the road surface, or deeper, if necessary, to meet the more stringent requirements of other governmental agencies or County ordinances. All parallel and lateral depths shall be a minimum of 36 inches beneath ground surface.

- K. Ditches paralleling County roads that exceed 350 feet in length shall not be left open for more than 72 hours, unless for good cause shown the Right-of-Way Administrator permits a longer period of time.
- L. All material excavated must be piled and maintained so as not to endanger the public health, safety and welfare. In order to expedite flow of traffic and to keep dirt and dust from spreading or flying; the permittee shall use guards or other methods and/or shall water the excavation material. The permittee shall remove all rubbish, excess earth, rock and other debris resulting from excavation work immediately upon completion of backfilling as required by this Ordinance. If the permittee fails to do the required work, the County has the option, but not the obligation, to cause the work to be performed and to charge the cost of the work to the permittee.
- M. Unless specifically exempted in writing, any person who trenches or excavates within the right-of-way for any purpose is required to backfill the trench or excavation as follows:
- (1) All trenches and ditches will be backfilled and compacted.
  - (2) In all trenches and excavations, the material used in backfilling must consist of the original, excavated material or other similar material, in a finely divided form free from large lumps, large stones, rocks, pieces of old concrete, or asphalt pavement or large or wet gummy masses, and must be placed and compacted to the top of the trench or excavation. Compaction shall be in conformance with specifications of AASHTO, T-180 (American Association of State Highway and Transportation Officials) to 95% maximum density.
  - (3) Backfill and compaction inspections shall be made by the permittee. The County reserves the right to perform additional inspections and/or testing at its own cost. In the event the compacted backfill fails to meet the density requirements of this Ordinance, or otherwise fails as evidenced by settlement of the trench or excavation, the County will notify the permittee in writing and the permittee will correct the defect within 72 hours, and the permittee is responsible for the cost of the failed test, which cost shall be in addition to the right-of-way use fees provided for herein. If the permittee fails to correct the situation, the County has the option but not the obligation to order the work performed to meet the required density specified herein. The County may also order the replacement of all pavement destroyed or damaged as a result of the backfill failure settlement. The costs incurred by the County shall be paid by the permittee.
    - a. Testing shall be conducted by the permittee on every lift up to and per 250 lineal feet thereafter of material disturbed. Lifts shall be 12 inches to 18 inches in depth and/or of sufficient depth to obtain required density.
    - b. Prior to any testing of compacted backfill, the permittee shall inform the County within 24 hours of the scheduled testing.
    - c. All testing certificates shall contain the following minimum information: date, location, percentage compaction, permit number and other information applicable to the task. Testing certificates shall be furnished to the County within five working days of completion of the testing.



d. Testing shall be accomplished by a certified independent testing laboratory.

N. The standard utility requirements are as follows:

- 1) Water lines shall be installed within the right-of-way parallel to the edge of pavement on the east or north side of the right-of-way outside the paved area at a minimum of three feet beyond the edge of the pavement.
- 2) Gas lines shall be installed within the right-of-way parallel to the edge of pavement on the west or south side of the right-of-way outside the paved area at a minimum of three feet beyond the edge of pavement.
- 3) Sewer lines shall be located within easements on the west or south side of the right-of-way on newly platted subdivisions or along the center line of the right-of-way on existing roadways if an easement does not exist.
- 4) Water lines and gas lines shall in all cases be separated from sewer lines by a minimum of 10 feet and all other underground lines (including other existing water and gas lines) by a minimum of five feet.
- 5) Each sewer, water, and gas line shall in all cases be placed in its own separate trench.
- 6) The utility separations as specified above shall also cover back-lot easements or other easements as required. Easements shall be wide enough to allow for utility separations as specified above, with all utilities being at least five feet inside the edge of the easement.
- 7) Where used, fire hydrants shall be located no closer than 18 inches to the right-of-way boundary within the right-of-way and as far as possible from the edge of pavement.
- 8) All valves and manholes shall have a concrete collar placed at finish grade if located within a paved surface and no less than 12 inch below the surface if located in an area where no paving exists.
- 9) Water, sewer and gas mains shall be marked with tracing/warning tape installed above the pipe, 15 inches below the top of the trench in the case of gas and water, and 12 inches below the top of the trench in the case of sewer.
- 10) The tracing tape to be buried over all lines throughout their entire lengths shall have the following specifications:
  - a. Tape shall be three inches wide and shall consist of one layer of metalized foil laminated between two layers of inert plastic film.
  - b. Laminated bonding that can be separated by hand is not acceptable.
  - c. Tape shall be a minimum of five mils thick with a minimum tensile strength of 84 pounds per three-inch-wide strip.
  - d. Tape shall be imprinted with a continuous warning message repeated a minimum of every 30 inches as follows:

i. Yellow colored tape: "Caution Gas Line Buried Below."

- ii. Blue colored tape: "Caution Water Line Buried Below."
  - iii. Green colored tape: "Caution Sewer Line Buried Below."
    - e. Tape shall be inductively locatable and conductively traceable using a standard pipe and cable locating device for a minimum of eight years after direct burial.
    - f. Test results showing a minimum of eight years' life and full compliance with these specifications and a sample of the tape may be required to be furnished to the Right-of-Way Administrator.
- 11) Replacement of pavement, when necessary, shall follow the backfill by not more than three days or not more than 1,000 lineal feet.
- 12) Gas lines shall at all times be separated from any other parallel underground line by a minimum of 10 feet and shall in all cases be placed in their own separate trench. When crossing other underground lines, there shall be a minimum clearance of 18 inches between the gas line and the line being crossed. The minimum specified gas line depth (cover) shall in all cases be maintained.
- 13) Thrust, anchorage, support and encasement:
- a. At points where the vertical or horizontal hydraulic thrust exceeds the resisting capacity of a single pipe joint and at cast-iron fitting and valves, place concrete anchor blocks, thrust blocks, concrete supports, or concrete encasement in a manner that will counteract the thrust or transfer the thrust from the pipe or fitting to ground which will not yield.
  - b. Place concrete in a manner that will leave rubber ring joints free to permit minor deflection, except where extended encasement is called for. Before placing concrete encasement, wrap PVC pipe with a layer of building felt or with polyethylene wrap to prevent bond and the possible transmission of cracks from the encasement to the pipe.
  - c. When the ground is soft and cannot be compacted to resist the thrust from the pipe or fitting to unyielding ground, an increase in the amount of concrete, or the bearing area, shall be made. Do not weaken the supporting soil by permitting water in the trench.
  - d. Use concrete of a minimum of 3,000 psi compressive strength design for anchor and thrust blocks and encasement, and where reinforcement is shown, use deformed billet steel, conforming to ASTM A615, Grade 40.
- (14) Protection of equipment. Equipment that is part of the facility (risers, control boxes, hydrants, etc.) may be protected from impact as long as the impact upon the protection device is not greater than the impact if the protection device is not in place.
- (15) Public convenience and access.
- a. The permittee shall conduct and schedule his work at all times so that a minimum of obstructions to traffic and other inconveniences to the public occurs. The testing, purging, transfer of service, chlorination of lines, and backfill of each section of line shall follow the installation within a reasonable time.

- b. Where the pipeline routes cross secondary streets, the excavation shall be backfilled to provide a roadway prior to the end of the work day. Construction by open excavation across major streets and thoroughfares shall be carried and completed to approximately the roadway center line and the trench backfilled prior to excavation across the remaining roadway section so that traffic will not be interrupted.
  - c. The permittee shall provide and set barricades and flashing lights along all open excavations and at points where the construction operation creates hazards to the public. Spacing of barricades and lights shall be adequate to insure the public a warning of the hazard, and shall be in compliance with the directions of the Manual on Uniform Traffic Control Devices and all other County, state and federal regulations. Flares and/or lights shall be kept burning from sunset to sunup. Barricades shall be painted and fitted with reflective paint and reflectors, respectively, to increase visibility, in compliance with requirements of the latest edition of the MUTCD.
- (16) Wire utilities shall be placed no farther than five feet from the edge of the right-of-way on the east and/or north side of the center line of the right-of-way.
  - (17) It shall be the responsibility of the applicant to properly conduct a construction survey and to determine the limits of the Lea County right-of-way prior to any excavation.
  - (18) Prescriptive easements are observed as 30' from centerline of road or fence line, whichever is greater.
  - (19) All roadway crossings must be cased, with a minimum of 3' cover depth at the lowest right-of-way elevation. All casing shall be installed with vents at each end, and pipeline markers showing the owner, address, and phone number.
  - (20) If a utility owner elects not to case crossing, a API 1102 Liquid Pipeline Crossing Highway analysis can be completed. The analysis must be signed and stamped by a professional engineering licensed in New Mexico.
- O. The County may make any and all inspections and random tests as it deems necessary to enforce the terms and conditions of this Ordinance. Acceptance or approval of ditching, excavation, backfilling, and restoration of surface by the County does not prevent the County from asserting claims against the permittee for incomplete or defective workmanship or materials. The presence or absence of a representative of the County during the performance of the work does not relieve the permittee of his/her responsibilities hereunder.
  - P. The permittee shall have available the original or a photocopy of the permit on site at all times during construction.
  - Q. The permittee is required to notify the Right-of-Way Administrator to advise it of the commencement date of construction at least 24 hours prior to commencement. In addition, the permittee is required to notify the Administrator within 24 hours of completion of construction to arrange for a final County inspection. Within 30 days of completion of construction, the permittee shall furnish the County a complete set of vellum as-built drawings, with the permit number on the drawings.

## **Section 9. RELOCATION OF FACILITIES.**

In the event changes are made in the County right-of-way that necessitate relocation of any installation or facility, the affected utilities will receive written notice from the County and are required to contact the Right-of-Way Administrator to coordinate relocation of their facilities. Relocation of the facilities shall be completed by the utilities within a reasonable time, usually 60 days. The expense of the relocation shall be borne by the requesting party or the party at fault or pursuant to terms and conditions mutually acceptable to the County and the utilities, unless other non-County funds are available to pay utility relocation expenses.

## **Section 10. ALTERNATIVE TO PERMIT PROCESS: RIGHT-OF-WAY USE AGREEMENT.**

- A. As an alternative to complying with all of the permit procedures set forth herein, a person or utility may enter into a comprehensive agreement with the Board of County Commissioners for the purpose of coordinating the person or utility's use of County right-of-way in multiple and various locations and, in some circumstances, for varying purposes. This agreement would eliminate the requirement for payment of right-of-way fees for each distinct and separate pipe, or location, or use of County right-of-way. However, the permittee shall comply with all other requirements for use of County right-of-way set forth herein, including making application for a permit.
- B. Except where there is a need for individualization based on the type of utility involved, the terms and conditions of the right-of-way agreement, including fees therefor, and standards will be common for all. The term of a right-of-way agreement shall not exceed 25 years.

## **Section 11. PENALTY; ENFORCEMENT.**

Pursuant to NMSA § 4-37-3, a violation of this Ordinance shall be punishable by a fine of three hundred dollars (\$300) or imprisonment for ninety (90) days or both the fine and imprisonment. In addition, the County may pursue other legal and equitable remedies allowed by law, including injunctive relief, in cases of unauthorized use of County right-of-way by any utility or person. See also, Treble fees below.

## **Section 12. EMERGENCY USE OF RIGHT-OF-WAY.**

In the event of any emergency which threatens the health, safety or welfare of the public, use of the County right-of-way may be commenced without first obtaining a permit, provided that the utility making the emergency use files such application for a permit, as required by this Ordinance, during the first working day immediately following the date of commencement of the emergency use.

## **Section 13. VARIANCES.**

- A. Administrative. The County Right-of-Way Administrator, upon written application therefor, shall have the authority to grant administrative variances from the technical standards provided for in this Ordinance upon a demonstrated showing that a strict application of the established technical standards is impractical or not feasible because:
  - (1) There is insufficient room within the County right-of-way to meet standards; or
  - (2) Adherence to the standards would be incompatible with the nature or placement of facilities presently existing in the County right-of-way to be used; or

- (3) Adherence to standards is not reasonably-justified based on other factors, to include, but not limited to, extent of proposed project, physical conditions of the County right-of-way or physical hardship; and that the variation in standards proposed by the applicant/permittee will not result in an inferior work product.
- B. Appeals from variance denials shall be pursuant to Appeals, of this Ordinance.
- C. There will be no variances from the required fees.

#### **Section 14. TREBLE FEES; REMOVAL OF UNLAWFUL FACILITIES.**

Except as provided for in this Ordinance, if a utility or person commences use of a County right-of-way or work within the right-of-way for which a permit would be required pursuant to the terms of this Ordinance prior to the use being made, the County may require the payment of treble the amount of application and lineal fees that would have been charged absent the unauthorized commencement of use of the right-of-way. The payment of treble fees shall not relieve any such utility or person from complying with all of the requirements of this Ordinance, including the filing of an application for use of the right-of-way and County review for approval or denial. In the alternative, the County, in its sole discretion, may require the unauthorized user to remove the facilities unlawfully placed in the right-of-way.

The County Right-of-Way may not be used for any commercial or industrial use including vending of any type.

#### **Section 16. SUBDIVISION EXCLUSIONS FOR FEES.**

Permits, or the payment of application or lineal fees, will not be required for use of right-of-way within a subdivision which has been platted and approved by the County pursuant to the terms of the County's zoning and subdivision regulations provided that the appropriate fees have been paid to the County in full, as required by the aforementioned Ordinances. The technical standards of this Ordinance are, however, applicable to utility use of County right-of-way within a subdivision.

#### **Section 17. CONFLICT WITH OTHER PROVISIONS.**

In the event the terms and/or the conditions of this Ordinance conflict with those found in any other County or local ordinance, or state or federal statute or regulation, the more stringent terms and/or conditions shall apply.

#### **Section 18. SUSPENSION OF PERMIT.**

- A. The County reserves the right to suspend a permit for noncompliance by the permittee with the technical standards of this Ordinance or the terms of the permit. Immediate suspension of the permit may occur in circumstances where the County determines that a dangerous condition has been created by the permittee's noncompliance with the terms of this Ordinance or the permit, which condition would threaten the health, safety or welfare of the public.
- B. In situations where the permittee's noncompliance with the terms of this Ordinance or the permit does not create an immediate threat to the health, safety or welfare of the public, the County will notify the permittee in writing of the noncompliance, and will allow the permittee five days to



demonstrate compliance. In the event the permittee fails to comply and fails to cease work, the County may seek injunctive relief to prevent the continued unauthorized use of its right-of-way.

- C. A permit, once suspended, may be reinstated by the County upon a showing of compliance by the permittee, along with payment of a reinstatement fee as set forth in this Ordinance, Fees and Permits.
- D. Permittees may appeal suspensions of permits to the Board of County Commissioners, which appeal will be considered at a public hearing of the Board pursuant to the procedures set forth in Appeals of this Ordinance.

#### **Section 19. TIME EXTENSIONS FOR PERMIT.**

Upon written application to the Right-of-Way Administrator, and for good cause shown, or upon the Administrator's own initiative, the permittee may be granted, in writing, an extension of time for which the permit will be valid in order to allow the permittee more time to complete the permitted project.

#### **Section 20. APPEALS.**

An applicant or permittee shall have the right to appeal an adverse decision of the Right-of-Way Administrator on any matter. All such appeals shall be made in writing to the County Manager or his designee no later than 10 days after receipt of written notice to the applicant, permittee or other person of an adverse decision and must be accompanied by a nonrefundable appeal fee as set forth in this Ordinance, Fees and Permits. Appeals shall be heard at a public meeting of the Board of County Commissioners within 45 days of the filing of a written appeal and shall be quasi-judicial in nature. A decision of the Board of County Commissioners adverse to the applicant or permittee may be taken by the applicant or permittee to the state district court pursuant to state district court rules of procedure. The decisions of the Board of County Commissioners shall be based upon findings of fact.

#### **Section 21. WHEN EFFECTIVE; GEOGRAPHIC SCOPE.**

This Ordinance shall be effective 30 days after its adoption and enactment by the Board of County Commissioners and the filing of the signed original ordinance with the County Clerk. It shall be effective within the geographical limits of Lea County outside the boundaries of all incorporated municipalities.

#### **Section 22. AGRICULTURAL AND INDIVIDUAL USE EXEMPTION.**

- A. The payment of fees for non-utility, non-business agricultural uses of County right-of-way shall be waived. However, these agricultural uses of County right-of-way shall comply with all other terms and provisions of this Ordinance, including but not limited to compliance with the permit application process and technical standards.
- B. Uses of County right-of-way by individuals for such purposes as driveways, curb cuts, sidewalks, and other similar improvements, that are non-utility, non-business related, are exempt from all of the requirements of this Ordinance. However, such uses are not exempted from other relevant County ordinances and resolutions.

### **Section 23. GRANDFATHER CLAUSE.**

The provisions of this Ordinance shall apply to the present use of County right-of-way by a utility or other person where such use was in place prior to the effective date of this Ordinance. Such utilities or other persons shall have no more than 180 days to become compliant with the terms and conditions of this Ordinance.

### **Section 24. NOTICES.**

All notices required to be delivered to the County pursuant to this Ordinance shall be sent, certified mail, to the following:

County Manager Lea County  
100 N. Main St., Suite 4  
Lovington, New Mexico 88260

County Right-of-Way Administrator  
5915 North Lovington Highway  
Hobbs, New Mexico 888240

**PASSED, APPROVED, SIGNED AND ADOPTED** on this 12<sup>th</sup> Day of January, 2023, 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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Dean Jackson (District 1), Member  
Voted: Yes No Abstain

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

---

Brad Weber (District 2), Member  
Voted: Yes No Abstain

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

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Pat Sims (District 5), Member  
Voted: Yes No Abstain

**ATTEST:** Keith Manes  
Lea County Clerk

**APPROVED AS TO FORM:**

By: 

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Tryon Hassen, Chief Deputy Clerk

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John W. Caldwell, County Attorney

STATE OF NEW MEXICO  
COUNTY OF LEA  
ORDINANCE NO. 86

ESTABLISHING RULES AND PROCEDURES GOVERNING USE OF  
COUNTY RIGHT-OF-WAY

Findings, authority and purpose.

- A. Lea County (hereinafter "County") owns, maintains, or is responsible for approximately 1,218.9 lineal miles of right-of-way, including, but not limited to, roadways and easements, within the unincorporated areas of the County. From time to time, utilities and other persons desire to occupy, use, construct or excavate within the County right-of-way.
- B. The Board of County Commissioners has the statutory authority and responsibility to make such orders concerning County property, including right-of-way, as it may deem expedient. (NMSA § 4-38-13) The Board of County Commissioners must grant the use of County-owned property pursuant to New Mexico statutes and the New Mexico Constitution. In the absence of specific statutory provision to the contrary, the Board of County Commissioners "represents the county and has the care of the county property and management of the interest of the County in all cases where no other provision is made by law." (NMSA § 4-38-18)
- C. The New Mexico Constitution requires that the County receive full compensation for the use of its property. "Neither the state nor any county, school district or municipality, except as otherwise provided in this Constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation. . .". (New Mexico Constitution, Article IX, Section 14)
- D. While regulated public utilities are "authorized to place their pipes, poles, wires, cables, conduits, towers, piers, stations and other necessary fixtures, appliances and structures, upon or across any of the public roads, streets, alleys, highways and waters in the state," such use of County property is "subject to the regulation of the County commissioners...". (NMSA § 62-1-2) Additionally, nonregulated mutual domestic water associations and water and sanitation districts also require access to County right-of-way. The Board of County Commissioners wishes to foster the continued expansion of utility service throughout the unincorporated areas of the County. The Board also wishes to provide that the County be compensated for the reasonable costs involved in the use of the right-of-way, for administrative expenses incurred in the processing of the necessary permits, as well as for the required monitoring of the progress of the work and protection of the public health, safety and welfare. Further, under NMSA § 62-1-3, the Board of County Commissioners is authorized to impose charges for reasonable actual expenses incurred in the granting of such right-of-way use to a utility for use of County right-of-way. Harmonizing the language of Article IX, Section 14, of the New Mexico Constitution with the aforementioned statutes, it is manifest that the County must take the proper steps to ensure that utilities and other persons wishing to use County right-of-way compensate the County for actual reasonable expenses relating to their use of the County's property.
- E. Therefore, pursuant to the conditions of this Ordinance, the Board of County Commissioners will require parties wishing to use County right-of-way to compensate the County for all the County's reasonable costs incurred directly and indirectly in permitting the use of County right-of-way, including, but not limited to, the costs of mapping, managing, and coordinating the use of the right-of-way by the various parties, along with the administrative and general costs related to processing applications for use of the right-of-way and the enforcement of the terms of this Ordinance.
- F. Further, the Board of County Commissioners will require utilities or persons using County right-of-way to adequately indemnify, hold harmless and defend the County against all possible claims of loss or damage arising out of the use of the right-of-way.
- G. All uses of County right-of-way must be coordinated to ensure the maintenance of public health, safety and welfare pursuant to NMSA § 4-37-1; to allow the Board of County Commissioners, to the extent permitted by law, to prioritize the use of County right-of-way; and to achieve County

goals. It is a goal of the Board of County Commissioners to reduce the possibility of unnecessary duplication and economic waste in the use of County right-of-way and to use and grant the use of its right-of-way consistent with the best interests of the County and its inhabitants. Therefore, consistent with New Mexico law, the County may deny any application for use of County right-of-way that the Board of County Commissioners finds would or may interfere with an existing use of the right-of-way by those utilities which have valid permits issued by the County, or which have entered into a right-of-way use agreement with the County, pursuant to terms of this Ordinance. In addition, consistent with New Mexico law, the Board of County Commissioners may deny any application for use of County right-of-way that the Board finds would or may duplicate the County's own planned or actual use, would negatively affect a County purpose or project, or may be harmful to the health, safety and welfare of the public.

- H. The Board of County Commissioners may by separate resolution establish and appoint a Utility Advisory Planning Council for the purpose of advising and assisting the Board with the creation of a County-wide utility plan for the orderly and coordinated growth and expansion of utilities within the County.
- I. Nothing in this Ordinance should be construed or interpreted to affect or to impair the jurisdiction of the New Mexico Public Utility Commission or other statutorily created agency having jurisdiction over public or nonpublic entities or to affect or to impair a regulated public utility's rights and obligations under the New Mexico Public Utility Act, NMSA § 62-3-1 et seq., or any other state act.
- J. The Board of County Commissioners adopts this Ordinance and establishes herein the administrative process utilities and other persons must follow to gain permission to use County right-of-way, and the engineering and design standards a utility must satisfy to perform any work or place any facilities within the right-of-way and the fees to be paid therefor.

#### Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

#### ACTUAL AND REASONABLE EXPENSES

All expenses directly or indirectly incurred by the County related to permitting the use of County right-of-way by utilities or persons, including but not limited to, the costs of mapping, managing, and coordinating the use of the right-of-way by the utilities or persons, along with the administrative and general costs related to the processing of application for use of the right-of-way, and the enforcement of the terms and conditions of this Ordinance, and any other cost or expense reasonably associated with the maintenance of the right-of-way in a manner that protects the health, safety and welfare of the public.

#### AERIAL

Installation of new facilities suspended above ground level.

#### APPLICANT

Any utility or person required to obtain a permit pursuant to the terms and conditions of this Ordinance.

#### COUNTY

Lea County or the Board of Commissioners of Lea County, as the context requires.

#### EMERGENCY

Any situation necessitating excavation of, use of, or entrance onto the County right-of-way for the purpose of locating a problem area or to make repairs in a facility when circumstances are such that delay in correcting the problem or making the repair would present a substantial and real threat of injury, would harm the health, safety and welfare of the public, or would likely result in serious property loss or damage.

#### EXCAVATION

A hole, trench, ditch or depression in a right-of-way resulting from the removal or moving of the pavement, or dirt or other material; not a substructure opening.



**FACILITY**

Any pipe, pipeline, tube, main, service vent, vault, manhole, meter, regulator, valve, conduit, pole, line, cable, anchor, structure, or object of any kind, type, manner or character, whether listed herein or not, which is or may be lawfully constructed, left, placed or maintained upon, along, above, across, under or within the right-of-way.

**MAINTENANCE**

Repair of existing facility that does not include system rehabilitation.

**METER REPLACEMENT**

Replacement of an existing meter located within a County right-of-way.

**PERMIT**

A permit issued by the County pursuant to the terms and conditions of this Ordinance which allows the use of County right-of-way by utilities and other persons.

**PERMITTEE**

An applicant whose permit request has been approved and who holds a valid permit.

**PERSON**

Any individual, estate, trust, utility, receiver, association, subdivision of the state, cooperative, club, public or private corporation, company, firm, partnership, joint venture, syndicate, municipality or any other entity.

**PUBLIC PLACE**

All property owned by or maintained by the County, including, but not limited to, streets, highways, alleys, planes, sidewalks, plazas, parks, easements, curbs, and drainage ways, which constitute County right-of-way.

**RIGHT-OF-WAY**

See "public place."

**RIGHT-OF-WAY ADMINISTRATOR**

The individual designated by the County Manager to administer this Ordinance and the County right-of-way permit operation, to include, but not be limited to, the receipt, review, processing, approval or denial of permit applications, approval and denial of administrative variances and maintenance of County right-of-way records.

**RIGHT-OF-WAY USE AGREEMENT**

An agreement entered into between a utility or other person and the County for use of County right-of-way.

**RIGHT-OF-WAY USE FEE**

The fee paid by persons or utilities utilizing County right-of-way pursuant to the terms and conditions of this Ordinance.

**SERVICE HOOK-UP**

Any excavation, not exceeding the width of the affected County right-of-way, necessary to allow a single meter hook-up for a single property owner to tie into an existing utility line for the purpose of securing utility service, but does not include line extensions.

**SUBSTRUCTURE**

Any facility located below the surface of a County right-of-way.

**SUBSTRUCTURE OPENING**

An opening into a lawfully permitted substructure, the top of which is required to be flush with the adjoining surface within a County right-of-way, and which is constructed so as to permit frequent utilization, without requiring the removal of pavement, dirt, or other material, while maintaining the health, safety and welfare of the public.

**TRENCHING**

Installation of new facilities below ground level.

**USE**

Performance of work within and/or occupation of County right-of-way, including, but not limited to, the excavation of materials, boring, maintenance and checking of substructures and substructure openings; and/or the use of the right-of-way to place any facility thereon or therein.

**UTILITY**

A person, as defined in this Ordinance, whose primary function is the provision of certain services of a somewhat permanent nature to the public or third parties, which services include, but are not limited to, electrical, gas, water, wastewater, and telecommunications services. This does not include persons whose primary function is the provision of services of a more temporary nature to the public or third parties, which services include, but are not limited to, water provided for "fracking"/oil/gas production or removal of water that has been used for "fracking"/oil/gas production.

**Permit applications; insurance; fees; issuance/denial; appeals.**

- A. Any person or party wishing to obtain a permit from the County pursuant to this Ordinance must submit the following information to the Right-of-Way Administrator:
- 1) The name, telephone number, address, and place of business of the applicant and their engineers and/or contractors.
  - 2) A detail drawing and written description of the location and dimensions of the proposed use of the County right-of-way, including a plan view and cross-section view of the proposed use, which are sufficient to indicate the placement of any facilities or to locate the work to be performed. (Five complete sets shall be submitted for review.)
  - 3) The method by which the proposed use within the right-of-way will be accomplished, including an estimate of the amount of time required to complete any actual work to be performed within the right-of-way, including backfilling and removal of all obstructions, materials and debris, and restoration of the surface. The applicant's authority to use the County right-of-way shall be limited to the purposes and work plan specifically authorized by the permit.
  - 4) The purpose and function of any facility to be located within the right-of-way.
  - 5) All road crossings on paved roads shall be performed by boring rather than excavating, except where boring is not reasonably justified as determined by the County. In situations where the applicant wishes to perform a road crossing by excavation in lieu of boring, the applicant shall provide written justification therefor to the Right-of-Way Administrator. Some examples of conditions where boring may not be justified are lack of adequate room in the County right-of-way to operate boring equipment; boring on gravel or dirt roads.
- B. In all cases where the work to be done in the County right-of-way is to be done by a utility, the utility must be the applicant.
- C. The applicant shall be required to provide proof of adequate insurance in an amount satisfactory to the County indicating that the applicant has sufficient insurance to protect both the County and the applicant for any and all claims or damages arising out of bodily injury, including death, to any party, including the applicant, and his employees and agents and the County employees and agents, and from claims for damaged property, which may arise out of, or result from, the applicant's use of the County right-of-way, including completed or ongoing operations performed within the County right-of-way. At a minimum, the policy coverage and limits shall be those set forth in NMSA § 41-4-19. To simplify this requirement, utilities that operate in the County may file with the Right-of-Way Administrator a copy of the utility's master or applicable insurance policy which provides the above-delineated coverage. Such policies must be refilled yearly. The utility is obligated to provide the County with notice of cancellation of its policy, if that event should occur. The applicant must agree to defend, hold harmless, and indemnify the County and its officers, agents and employees against all claims, losses and damages to persons or property on account of or resulting from the intentional or negligent conduct on the part of the permittee in the

permittee's use of the County right-of-way, or any work, duties, or obligations performed pursuant to the terms of this Ordinance and the duly issued permit.

- D. No permit shall be issued until proof of adequate insurance has been provided by the applicant to the Right-of-Way Administrator. No permit shall be issued until the applicant signs agreements required by the County or its insurance carrier to signify the applicant's willingness and ability to defend, indemnify and hold the County harmless as required by this Ordinance.
- E. Upon receipt of the application, and, except as specifically hereinafter set forth, the nonrefundable application fee as set forth in this Ordinance, Fees and Permits, the County will review the request. The Right-of-Way Administrator will verify the information provided in the application and will process the application through relevant County departments. The application will be further reviewed to determine if it is consistent with the terms and conditions of this Ordinance and will not impact upon or impair other permitted uses or planned projects and is not detrimental to the health, safety and welfare of the public.
- F. The Right-of-Way Administrator will also review the work plan to determine whether the use of the right-of-way can be accomplished pursuant to the engineering and construction standards set forth in this Ordinance, and as may be amended and promulgated by the County in the future, and set forth in subsequent ordinances or resolutions.
- G. In most cases, within a maximum of 21 days of receipt of the completed application and nonrefundable application fee, the Right-of-Way Administrator will notify the applicant by e-mail, regular mail and/or by telephone of the acceptance or denial of the application. If the application has been approved, the applicant will be notified in writing of the terms and conditions of the permit, including the right-of-way usage fee. The permit will be valid only upon payment of all applicable fees. Where the proposed project is expansive or complex, as determined by the Right-of-Way Administrator, more than 21 days may be required. In that event, the Administrator will notify the applicant and will inform the applicant of the estimated additional time needed.
- H. Except as otherwise specifically provided for in this Ordinance, the fees for which are hereinafter set forth, usage fees shall be based upon the lineal feet of right-of-way to be used by the applicant.
  - 1) The fees for trenching and all uses of the right-of-way placed below ground level shall be as set forth in this Ordinance, Fees and Permits.
  - 2) The charge per lineal foot for placement of facilities in the right-of-way above ground level shall be as set forth in this Ordinance, Fees and Permits.
  - 3) If, concurrent with the installation of a new utility line, service connections are being made to customers from that new line, there will be no additional fee to be paid for each hookup. The fees paid for the permit and lineal-foot usage shall include those service connections.
- I. No fee shall be required for work within the County right-of-way performed at the request of the County for a County project, unless it is a County water or wastewater utility project where the County will be providing water or wastewater utility to customers who will pay fees and other charges to the County.
- J. Fees for service hook-ups shall be as set forth in this Ordinance, Fees and Permits. Service hook-ups do not require an additional application permit fee beyond the fees provided-for in this Subsection J. However, a permit must be secured.
- K. A maintenance/repair permit must be obtained by any utility or person for any maintenance or repair work to be done on its lines or facilities where excavation will be required into the County right-of-way to perform the maintenance or repair. The fee for said permit shall be as set forth in this Ordinance, Fees and Permits. Such maintenance/repair excavations may be subject to the provisions, reviews, inspection and testing provisions of this Ordinance. If the maintenance/repair excavation is to exceed 250 feet, then the full permit fee and the fee schedule per lineal foot provided for in Subsection H above shall apply in lieu of the permit fee. A maintenance/repair permit shall not require any fee beyond that set forth in this Subsection K. However, a permit must be secured. System rehabilitation is not considered maintenance/repair.

L. Exception to permit requirement.

- 1) Where a utility or other person wishes to replace or exchange a water, sewer, electric or other utility meter, a permit from the County will not be required if the following apply:
  - a. The meter is above ground, and there will be no impact on the County right-of-way.
  - b. The meter is underground and encapsulated in a manhole, but there will be no further impact on the County right-of-way.
  - c. The meter is underground, but will involve minimal ground disturbance, as determined by the Right-of-Way Administrator.
  - d. If the meter is underground and will involve substantial trenching or ground disturbance, as determined by the Right-of-Way Administrator, a maintenance/repair permit as provided for in Subsection K above is required.
2. If a permit is not required, it is still incumbent upon the utility to meet all other applicable standards and to inform the Right-of-Way Administrator of such work within 24 hours prior to work commencement.

M. For projects that will require a deviation from the nature, scope or amount of right-of-way use envisioned within this Ordinance, the County reserves the right to exact higher fees which will be mutually agreed upon by the County and the applicant.

N. As an alternative to payment up-front on each project for which it seeks a permit, a utility operating in the County may establish a credit account with the County under which it would be billed monthly for charges incurred in the previous month, with payment due within 30 days after billing. This credit arrangement may be withdrawn by the County in the event that a utility becomes delinquent in its payments to the County or in the event that a utility continues to be in violation of this Ordinance after notice of violation. If the County is required to commence litigation against a utility to collect unpaid and delinquent balances, the County shall have the rights and remedies available to it by New Mexico statute, including the award of prejudgment interest and of attorney fees.

O. Further, a utility involved in a project which is being funded by state or federal grants and/or loans may apply for a permit without the up-front payment of fees upon a showing that the permit needs to be acquired as a condition of approval and/or receipt of the public funding. In such a case, payment of the fees due the County will be deferred until the public funds are available for the project.

P. An applicant may appeal the denial of a permit to the Board of County Commissioners pursuant to the procedures set forth in Appeals, of this Ordinance.

Q. Fees and Permits

**Fees and Permits For Above Ground Use of County Right-of-Way**

1. Fees:

(a) Non-refundable application fee for initial application and any renewal thereof: \$500.00.

(b) Initial 90-day (or portion thereof) permit: \$1,000.00.

(c) Second 90-day(or portion thereof) permit: \$2,400.00 per mile or portion thereof.

(d) Third 90-day (or portion thereof) permit: \$7,200 per mile or portion thereof.

(e) No initial permit by the same person, or agent thereof, may be approved for the same route for 210 days.

2. Insurance requirements:

(a) Personal injury/property damage. Limits of no less than \$1,000,000 per occurrence.

(b) Coverage for pollution, including sudden and accidental spills, with limits of no less than \$1,000,000 per occurrence.

3. Agreement to defend, hold harmless, and indemnify Lea County. The application form for these permits shall include a provision that the applicant agrees to defend, hold harmless, and indemnify Lea County for any claim of any type arising from applicant's use of the County right-of-way.

**Fees and Permits other than above ground**

6. Application for use of County right-of-way	\$200.00
7. Usage fee:	
Trenching and uses below ground level:	
12 inches by 36 inches to 24 inches by 48 inches	\$0.15/lineal foot
Greater width and depth	\$0.20/lineal foot
Placement of facilities above ground level:	
First 90 lineal feet	Minimum of \$150.00
More than 90 lineal feet	\$1.50/lineal foot
8. Service hook-ups	
No pavement cut necessary	\$100.00
Pavement cut necessary	\$150.00
9. Maintenance/Repair permit	\$150.00
Excavation to exceed 250 feet	\$250.00, plus usage
10. Reinstatement of suspended permit	\$250.00
11. Appeal from decision of Right-of-Way Administrator	\$100.00

**Conditions of use of right-of-way.**

- A. Except as otherwise provided in this Ordinance, no utility may commence any use of the County right-of-way unless and until a permit for such use is first obtained from the County. Ordinarily, permits shall be valid for 90 days. However, if a longer period of time is necessary, the permittee may submit a written request for additional time justifying the additional requested time.
- B. A permit shall be required for any use of a County right-of-way, including but not limited to excavation within the right-of-way, boring of any substructure opening, aerial use of a County right-of-way, or placement of any facility within a County right-of-way.
- C. It shall be unlawful for any person or party to use a County right-of-way without first securing a permit from the County and complying fully with all the provisions of this Ordinance, and any related regulations that may be adopted by the County.
- D. All utility construction and road restoration shall be in accordance with the Lea County Standard Specifications for Road Construction in effect at the time of application. The County may promulgate and adopt such further additional rules and regulations as may be required to fully



implement this Ordinance. Copies of such rules and regulations shall be available to applicants at the County Clerk's office. In addition, all work shall be performed in accordance with state and federal requirements including but not limited to OSHA.

- E. The permittee is required to correct substandard work or work performed with defective materials and/or workmanship, as directed by the Right-of-Way Administrator. The permittee must restore the street subbase, base and surface to its original condition upon completion of the work within the right-of-way. Upon failure of the permittee to begin repairs within 24 hours after written notice by the County and to complete the required work within a reasonable time, as determined by the County, the County shall cause such work to be done and the cost thereof charged to the permittee. In addition, the County may declare the permittee to be in default of the terms of the permit, and take steps pursuant to this Ordinance to suspend the permit.
- F. The permittee must take appropriate measures to maintain safe and adequate passage of vehicle and pedestrian traffic as required by the County while performing any work within the right-of-way.
- G. In the event the permittee causes damage to existing utilities or facilities located within the right-of-way, including pipe coating or other encasement or devices, the permittee must notify the Right-of-Way Administrator or his designee and the owner of the damaged facility immediately, and take immediate steps to arrange for the repair of the damage. The permittee is responsible for the cost of said repairs. Further, the County may declare the permittee to be in default of the terms of the permit and may take steps pursuant to this Ordinance to immediately suspend the permit.
- H. The permittee is responsible for the proper installation of any diversion or ponding devices necessary for protection of property and structures, and shall be responsible for repair or payment of damages caused to property or structures by the permittee's failure to properly provide such devices.
- I. Prior to making any excavation or paving cut, the permittee shall adequately barricade the area to be excavated and shall adequately provide light devices at night in compliance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Barricading and lighting shall be maintained by the permittee until all work has been finished, including the replacement of paving.
- J. After completing excavation within the right-of-way, the permittee shall install all facilities at least 36 inches below the road surface, or deeper, if necessary, to meet the more stringent requirements of other governmental agencies or County ordinances. All parallel and lateral depths shall be a minimum of 36 inches beneath ground surface.
- K. Ditches paralleling County roads that exceed 350 feet in length shall not be left open for more than 72 hours, unless for good cause shown the Right-of-Way Administrator permits a longer period of time.
- L. All material excavated must be piled and maintained so as not to endanger the public health, safety and welfare. In order to expedite flow of traffic and to keep dirt and dust from spreading or flying; the permittee shall use guards or other methods and/or shall water the excavation material. The permittee shall remove all rubbish, excess earth, rock and other debris resulting from excavation work immediately upon completion of backfilling as required by this Ordinance. If the permittee fails to do the required work, the County has the option, but not the obligation, to cause the work to be performed and to charge the cost of the work to the permittee.
- M. Unless specifically exempted in writing, any person who trenches or excavates within the right-of-way for any purpose is required to backfill the trench or excavation as follows:
  - 1) All trenches and ditches will be backfilled and compacted.
  - 2) In all trenches and excavations, the material used in backfilling must consist of the original, excavated material or other similar material, in a finely divided form free from large lumps, large stones, rocks, pieces of old concrete, or asphalt pavement or large or wet gummy masses, and must be placed and compacted to the top of the trench or excavation. Compaction shall be in conformance with specifications of AASHTO, T-180 (American Association of State Highway and Transportation Officials) to 95% maximum density.

3) Backfill and compaction inspections shall be made by the permittee. The County reserves the right to perform additional inspections and/or testing at its own cost. In the event the compacted backfill fails to meet the density requirements of this Ordinance, or otherwise fails as evidenced by settlement of the trench or excavation, the County will notify the permittee in writing and the permittee will correct the defect within 72 hours, and the permittee is responsible for the cost of the failed test, which cost shall be in addition to the right-of-way use fees provided for herein. If the permittee fails to correct the situation, the County has the option but not the obligation to order the work performed to meet the required density specified herein. The County may also order the replacement of all pavement destroyed or damaged as a result of the backfill failure settlement. The costs incurred by the County shall be paid by the permittee.

- a. Testing shall be conducted by the permittee on every lift up to and per 250 lineal feet thereafter of material disturbed. Lifts shall be 12 inches to 18 inches in depth and/or of sufficient depth to obtain required density.
- b. Prior to any testing of compacted backfill, the permittee shall inform the County within 24 hours of the scheduled testing.
- c. All testing certificates shall contain the following minimum information: date, location, percentage compaction, permit number and other information applicable to the task. Testing certificates shall be furnished to the County within five working days of completion of the testing.
- d. Testing shall be accomplished by a certified independent testing laboratory.

N. The standard utility requirements are as follows:

- 1) Water lines shall be installed within the right-of-way parallel to the edge of pavement on the east or north side of the right-of-way outside the paved area at a minimum of three feet beyond the edge of the pavement.
- 2) Gas lines shall be installed within the right-of-way parallel to the edge of pavement on the west or south side of the right-of-way outside the paved area at a minimum of three feet beyond the edge of pavement.
- 3) Sewer lines shall be located within easements on the west or south side of the right-of-way on newly platted subdivisions or along the center line of the right-of-way on existing roadways if an easement does not exist.
- 4) Water lines and gas lines shall in all cases be separated from sewer lines by a minimum of 10 feet and all other underground lines (including other existing water and gas lines) by a minimum of five feet.
- 5) Each sewer, water, and gas line shall in all cases be placed in its own separate trench.
- 6) The utility separations as specified above shall also cover back-lot easements or other easements as required. Easements shall be wide enough to allow for utility separations as specified above, with all utilities being at least five feet inside the edge of the easement.
- 7) Where used, fire hydrants shall be located no closer than 18 inches to the right-of-way boundary within the right-of-way and as far as possible from the edge of pavement.
- 8) All valves and manholes shall have a concrete collar placed at finish grade if located within a paved surface and no less than 12 inch below the surface if located in an area where no paving exists.
- 9) Water, sewer and gas mains shall be marked with tracing/warning tape installed above the pipe, 15 inches below the top of the trench in the case of gas and water, and 12 inches below the top of the trench in the case of sewer.

- 10) The tracing tape to be buried over all lines throughout their entire lengths shall have the following specifications:
  - a. Tape shall be three inches wide and shall consist of one layer of metalized foil laminated between two layers of inert plastic film.
  - b. Laminated bonding that can be separated by hand is not acceptable.
  - c. Tape shall be a minimum of five mils thick with a minimum tensile strength of 84 pounds per three-inch-wide strip.
  - d. Tape shall be imprinted with a continuous warning message repeated a minimum of every 30 inches as follows:
    - i. Yellow colored tape: "Caution Gas Line Buried Below."
    - ii. Blue colored tape: "Caution Water Line Buried Below."
    - iii. Green colored tape: "Caution Sewer Line Buried Below."
  - e. Tape shall be inductively locatable and conductively traceable using a standard pipe and cable locating device for a minimum of eight years after direct burial.
  - f. Test results showing a minimum of eight years' life and full compliance with these specifications and a sample of the tape may be required to be furnished to the Right-of-Way Administrator.
- 11) Replacement of pavement, when necessary, shall follow the backfill by not more than three days or not more than 1,000 lineal feet.
- 12) Gas lines shall at all times be separated from any other parallel underground line by a minimum of 10 feet and shall in all cases be placed in their own separate trench. When crossing other underground lines, there shall be a minimum clearance of 18 inches between the gas line and the line being crossed. The minimum specified gas line depth (cover) shall in all cases be maintained.
- 13) Thrust, anchorage, support and encasement:
  - a. At points where the vertical or horizontal hydraulic thrust exceeds the resisting capacity of a single pipe joint and at cast-iron fitting and valves, place concrete anchor blocks, thrust blocks, concrete supports, or concrete encasement in a manner that will counteract the thrust or transfer the thrust from the pipe or fitting to ground which will not yield.
  - b. Place concrete in a manner that will leave rubber ring joints free to permit minor deflection, except where extended encasement is called for. Before placing concrete encasement, wrap PVC pipe with a layer of building felt or with polyethylene wrap to prevent bond and the possible transmission of cracks from the encasement to the pipe.
  - c. When the ground is soft and cannot be compacted to resist the thrust from the pipe or fitting to unyielding ground, an increase in the amount of concrete, or the bearing area, shall be made. Do not weaken the supporting soil by permitting water in the trench.
  - d. Use concrete of a minimum of 3,000 psi compressive strength design for anchor and thrust blocks and encasement, and where reinforcement is shown, use deformed billet steel, conforming to ASTM A615, Grade 40.
- 14) Protection of equipment. Equipment that is part of the facility (risers, control boxes, hydrants, etc.) may be protected from impact as long as the impact upon the protection device is not greater than the impact if the protection device is not in place.

- 15) Public convenience and access.
- a. The permittee shall conduct and schedule his work at all times so that a minimum of obstructions to traffic and other inconveniences to the public occurs. The testing, purging, transfer of service, chlorination of lines, and backfill of each section of line shall follow the installation within a reasonable time.
  - b. Where the pipeline routes cross secondary streets, the excavation shall be backfilled to provide a roadway prior to the end of the work day. Construction by open excavation across major streets and thoroughfares shall be carried and completed to approximately the roadway center line and the trench backfilled prior to excavation across the remaining roadway section so that traffic will not be interrupted.
  - c. The permittee shall provide and set barricades and flashing lights along all open excavations and at points where the construction operation creates hazards to the public. Spacing of barricades and lights shall be adequate to insure the public a warning of the hazard, and shall be in compliance with the directions of the Manual on Uniform Traffic Control Devices and all other County, state and federal regulations. Flares and/or lights shall be kept burning from sunset to sunup. Barricades shall be painted and fitted with reflective paint and reflectors, respectively, to increase visibility, in compliance with requirements of the latest edition of the MUTCD.
- 16) Wire utilities shall be placed no farther than five feet from the edge of the right-of-way on the east and/or north side of the center line of the right-of-way.
- 17) It shall be the responsibility of the applicant to properly conduct a construction survey and to determine the limits of the Lea County right-of-way prior to any excavation.
- O. The County may make any and all inspections and random tests as it deems necessary to enforce the terms and conditions of this Ordinance. Acceptance or approval of ditching, excavation, backfilling, and restoration of surface by the County does not prevent the County from asserting claims against the permittee for incomplete or defective workmanship or materials. The presence or absence of a representative of the County during the performance of the work does not relieve the permittee of his/her responsibilities hereunder.
- P. The permittee shall have available the original or a photocopy of the permit on site at all times during construction.
- Q. The permittee is required to notify the Right-of-Way Administrator to advise it of the commencement date of construction at least 24 hours prior to commencement. In addition, the permittee is required to notify the Administrator within 24 hours of completion of construction to arrange for a final County inspection. Within 30 days of completion of construction, the permittee shall furnish the County a complete set of vellum as-built drawings, with the permit number on the drawings.

#### Relocation of facilities.

In the event changes are made in the County right-of-way that necessitate relocation of any installation or facility, the affected utilities will receive written notice from the County and are required to contact the Right-of-Way Administrator to coordinate relocation of their facilities. Relocation of the facilities shall be completed by the utilities within a reasonable time, usually 60 days. The expense of the relocation shall be borne by the requesting party or the party at fault or pursuant to terms and conditions mutually acceptable to the County and the utilities, unless other non-County funds are available to pay utility relocation expenses.

**Alternative to permit process: right-of-way use agreement.**

- A. As an alternative to complying with all of the permit procedures set forth herein, a person or utility may enter into a comprehensive agreement with the Board of County Commissioners for the purpose of coordinating the person or utility's use of County right-of-way in multiple and various locations and, in some circumstances, for varying purposes. This agreement would eliminate the requirement for payment of right-of-way fees for each distinct and separate pipe, or location, or use of County right-of-way. However, the permittee shall comply with all other requirements for use of County right-of-way set forth herein, including making application for a permit.
- B. Except where there is a need for individualization based on the type of utility involved, the terms and conditions of the right-of-way agreement, including fees therefor, and standards will be common for all. The term of a right-of-way agreement shall not exceed 25 years.

**Penalty; enforcement.**

Pursuant to NMSA § 4-37-3, a violation of this Ordinance shall be punishable by a fine of three hundred dollars (\$300) or imprisonment for ninety (90) days or both the fine and imprisonment. In addition, the County may pursue other legal and equitable remedies allowed by law, including injunctive relief, in cases of unauthorized use of County right-of-way by any utility or person. See also, Treble fees below.

**Emergency use of right-of-way.**

In the event of any emergency which threatens the health, safety or welfare of the public, use of the County right-of-way may be commenced without first obtaining a permit, provided that the utility making the emergency use files such application for a permit, as required by this Ordinance, during the first working day immediately following the date of commencement of the emergency use.

**Variances.**

- A. Administrative. The County Right-of-Way Administrator, upon written application therefor, shall have the authority to grant administrative variances from the technical standards provided for in this Ordinance upon a demonstrated showing that a strict application of the established technical standards is impractical or not feasible because:
  - 1) There is insufficient room within the County right-of-way to meet standards; or
  - 2) Adherence to the standards would be incompatible with the nature or placement of facilities presently existing in the County right-of-way to be used; or
  - 3) Adherence to standards is not reasonably-justified based on other factors, to include, but not limited to, extent of proposed project, physical conditions of the County right-of-way or physical hardship; and that the variation in standards proposed by the applicant/permittee will not result in an inferior work product.
- B. Appeals from variance denials shall be pursuant to Appeals, of this Ordinance.
- C. There will be no variances from the required fees.

**Treble fees; removal of unlawful facilities.**

Except as provided for in this Ordinance, if a utility or person commences use of a County right-of-way or work within the right-of-way for which a permit would be required pursuant to the terms of this Ordinance prior to the use being made, the County may require the payment of treble the amount of application and lineal fees that would have been charged absent the unauthorized commencement of use of the right-of-way. The payment of treble fees shall not relieve any such utility or person from complying with all of the requirements of this Ordinance, including the filing of an application for use of the right-of-way and County review for approval or denial. In the alternative, the County, in its sole discretion, may require the unauthorized user to remove the facilities unlawfully placed in the right-of-way.



**Subdivision exclusions for fees.**

Permits, or the payment of application or lineal fees, will not be required for use of right-of-way within a subdivision which has been platted and approved by the County pursuant to the terms of the County's zoning and subdivision regulations provided that the appropriate fees have been paid to the County in full, as required by the aforementioned Ordinances. The technical standards of this Ordinance are, however, applicable to utility use of County right-of-way within a subdivision.

**Conflict with other provisions.**

In the event the terms and/or the conditions of this Ordinance conflict with those found in any other County or local ordinance, or state or federal statute or regulation, the more stringent terms and/or conditions shall apply.

**Suspension of permit.**

- A. The County reserves the right to suspend a permit for noncompliance by the permittee with the technical standards of this Ordinance or the terms of the permit. Immediate suspension of the permit may occur in circumstances where the County determines that a dangerous condition has been created by the permittee's noncompliance with the terms of this Ordinance or the permit, which condition would threaten the health, safety or welfare of the public.
- B. In situations where the permittee's noncompliance with the terms of this Ordinance or the permit does not create an immediate threat to the health, safety or welfare of the public, the County will notify the permittee in writing of the noncompliance, and will allow the permittee five days to demonstrate compliance. In the event the permittee fails to comply and fails to cease work, the County may seek injunctive relief to prevent the continued unauthorized use of its right-of-way.
- C. A permit, once suspended, may be reinstated by the County upon a showing of compliance by the permittee, along with payment of a reinstatement fee as set forth in this Ordinance, Fees and Permits.
- D. Permittees may appeal suspensions of permits to the Board of County Commissioners, which appeal will be considered at a public hearing of the Board pursuant to the procedures set forth in Appeals of this Ordinance.

**Time extensions for permit.**

Upon written application to the Right-of-Way Administrator, and for good cause shown, or upon the Administrator's own initiative, the permittee may be granted, in writing, an extension of time for which the permit will be valid in order to allow the permittee more time to complete the permitted project.

**Appeals.**

An applicant or permittee shall have the right to appeal an adverse decision of the Right-of-Way Administrator on any matter. All such appeals shall be made in writing to the County Manager or his designee no later than 10 days after receipt of written notice to the applicant, permittee or other person of an adverse decision and must be accompanied by a nonrefundable appeal fee as set forth in this Ordinance, Fees and Permits. Appeals shall be heard at a public meeting of the Board of County Commissioners within 45 days of the filing of a written appeal and shall be quasi-judicial in nature. A decision of the Board of County Commissioners adverse to the applicant or permittee may be taken by the applicant or permittee to the state district court pursuant to state district court rules of procedure. The decisions of the Board of County Commissioners shall be based upon findings of fact.

**When effective; geographic scope.**

This Ordinance shall be effective 30 days after its adoption and enactment by the Board of County Commissioners and the filing of the signed original ordinance with the County Clerk. It shall be effective within the geographical limits of Lea County outside the boundaries of all incorporated municipalities.

Agricultural and individual use exemption.

- A. The payment of fees for non-utility, non-business agricultural uses of County right-of-way shall be waived. However, these agricultural uses of County right-of-way shall comply with all other terms and provisions of this Ordinance, including but not limited to compliance with the permit application process and technical standards.
- B. Uses of County right-of-way by individuals for such purposes as driveways, curb cuts, sidewalks, and other similar improvements, that are non-utility, non-business related, are exempt from all of the requirements of this Ordinance. However, such uses are not exempted from other relevant County ordinances and resolutions.

Grandfather clause.

The provisions of this Ordinance shall apply to the present use of County right-of-way by a utility or other person where such use was in place prior to the effective date of this Ordinance. Such utilities or other persons shall have no more than 180 days to become compliant with the terms and conditions of this Ordinance.

Notices.

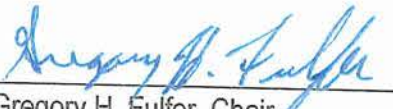
All notices required to be delivered to the County pursuant to this Ordinance shall be sent, certified mail, to the following:


County Manager Lea County  
100 N. Main St., Suite 4  
Lovington, New Mexico 88260

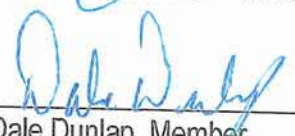
County Right-of-Way Administrator  
5915 North Lovington Highway  
Hobbs, New Mexico 888240


**PASSED, APPROVED, SIGNED AND ADOPTED this 23<sup>rd</sup> day of April, 2014**

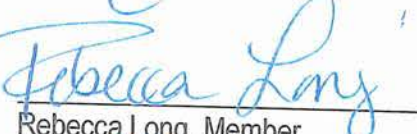
**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
Gregory H. Fulfer, Chair  
Voted: ☒ Yes ☐ No ☐ Abstain

  
Ron R. Black, Vice Chair  
Voted: ☒ Yes ☐ No ☐ Abstain

  
Dale Dunlap, Member  
Voted: ☒ Yes ☐ No ☐ Abstain

  
James H. Britton, Member  
Voted: ☒ Yes ☐ No ☐ Abstain

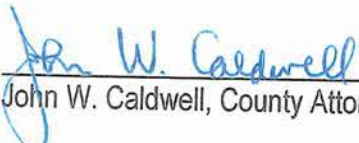
  
Rebecca Long, Member  
Voted: ☒ Yes ☐ No ☐ Abstain



**ATTEST:** Pat Chappelle  
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By:   
Kelli Williams, Deputy

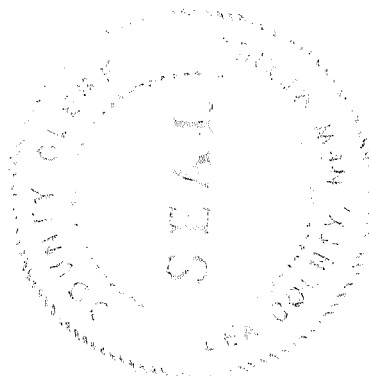
  
John W. Caldwell, County Attorney

34381

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

APR 23 2015

at 2:57 o'clock PM  
and recorded in Book \_\_\_\_\_  
Page \_\_\_\_\_  
Pat Chappelle, Lea County Clerk  
By A Beauchamp Deputy



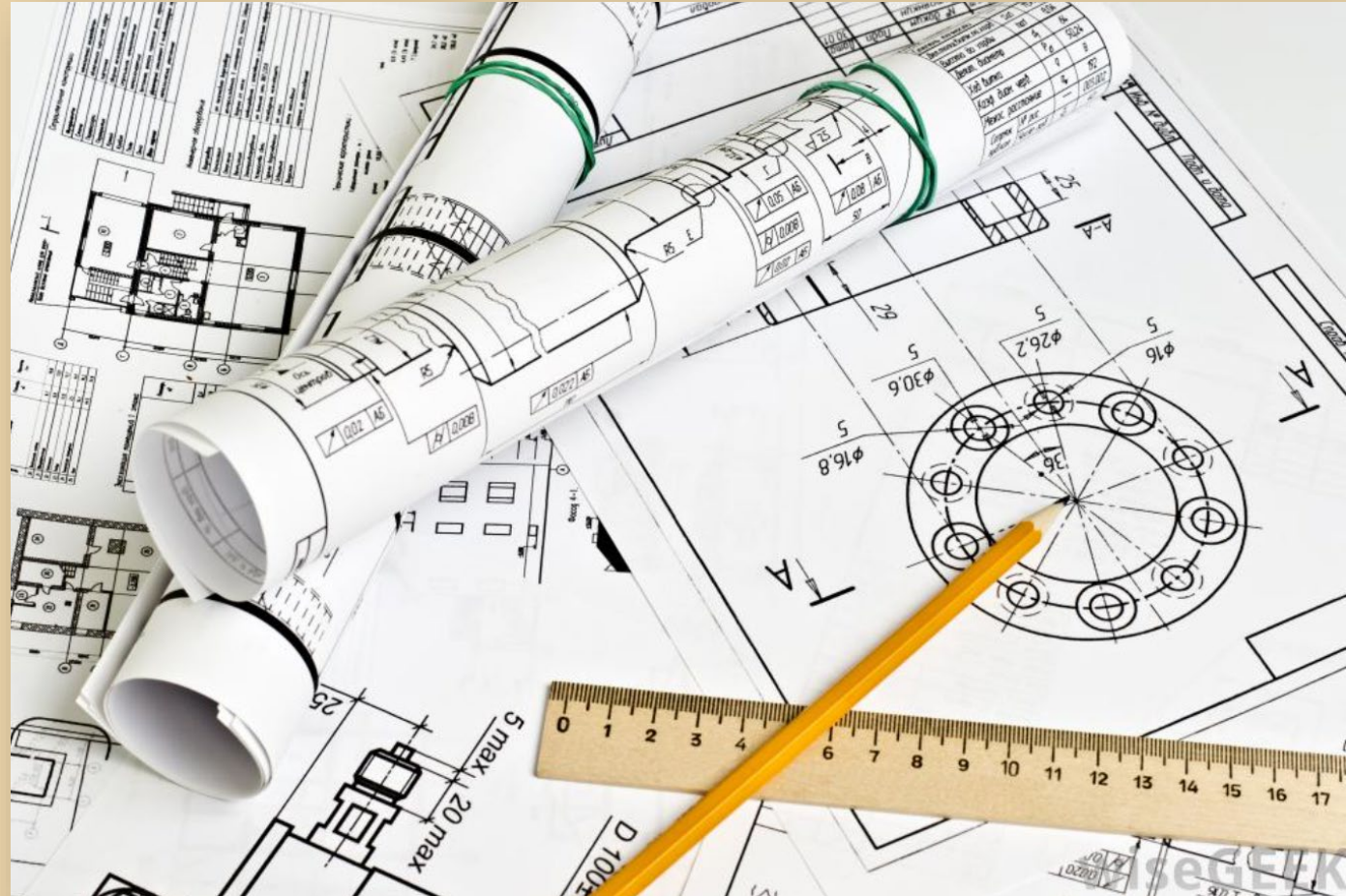


# Consideration of Lea County Resolution No. 22-NOV-264R Awarding Proposal No. 04 (2022-2023) Professional Engineering Services to Multiple Vendors

On November 3, 2022, Lea County opened proposals for Professional Engineering Services to assist Lea County in the design, bidding and inspection of various projects including roadway design, parking lots design, drainage analysis, and other engineering needs.

Four qualified firms submitted proposals including Molzen-Corbin, Pettigrew and Associates, Souder-Miller, and Square Root Services. Staff recommends awarding contracts to all four firms.

Task orders per project will be awarded to on a projects basis based on availability, specific knowledge of project, and other factors.



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS****AGENDA ITEM SUMMARY FORM****LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Corey Needham, ACM
<b>SUBJECT:</b> Award RFP-04-(22-23) Professional Engineering Services to Multiple Vendors	<b>ATTACHMENT(S):</b> resolution
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 1	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> 402-10-4251	<b>FISCAL BUDGET YEAR:</b> FY 22/23, FY 23/24

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:  
% of chip sealed county roads vs. caliche roads (increase chip sealed roads)

**SUMMARY:**  
On November 3, 2022, Lea County opened proposals for Professional Engineering Services to assist Lea County in the design, bidding and inspection of various projects including roadway design, parking lots design, drainage analysis, and other engineering needs.  
  
Four qualified firms submitted proposals including Molzen-Corbin, Pettigrew and Associates, Souder-Miller, and Square Root Services. Staff recommends awarding contracts to all four firms.  
  
Task orders per project will be awarded to on a projects basis based on availability, specific knowledge of project, and other factors.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
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<b>SUBMITTER'S RECOMMENDATION(S):</b> award to all four vendors.	<b>Submitter's Signature</b> Department Director, Etc. <b>Corey Needham</b> Digitally signed by Corey Needham Date: 2022.11.07 19:51:06 -07'00'
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<b>FINANCE REVIEW</b> Fiscal Impact/Cost: The financial impact to Lea County will be based upon the task orders awarded at the costs approved in the proposals.	<b>Reviewed by Finance Director</b> <b>Henry C Low Jr</b> Digitally signed by Henry C Low Jr Date: 2022.11.08 13:07:37 -07'00'
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<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
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<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda <i>Mike Collopy</i>
-------------------------------	--

<b>Item No.</b> <u>0202</u> <b>RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN</b>		
Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-264R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____



**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-264R**

**A RESOLUTION AWARDING PROPOSAL NO. 04 (2022 – 2023)  
PROFESSIONAL ENGINEERING SERVICES TO MULTIPLE VENDORS**

**WHEREAS**, roadways play an important role in the economic development, emergency response, and transportation needed of Lea County; *and*

**WHEREAS**, Lea County requires engineering on some projects; *and*

**WHEREAS**, Lea County requested proposals from firms and received four qualified proposals from Molzen-Corbin, Pettigrew and Associates, Souder-Miller, and Square Root Services; *and*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that Request for Proposal No. 04 (2022 – 2023) Professional Engineering Services be awarded to all four firms listed above 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 17<sup>th</sup> day of November, 2022, 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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Dean Jackson (District 1), Chair  
Voted: Yes   No   Abstain

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

---

Pat Sims (District 5), Member  
Voted: Yes   No   Abstain

**ATTEST:** Keith Manes  
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

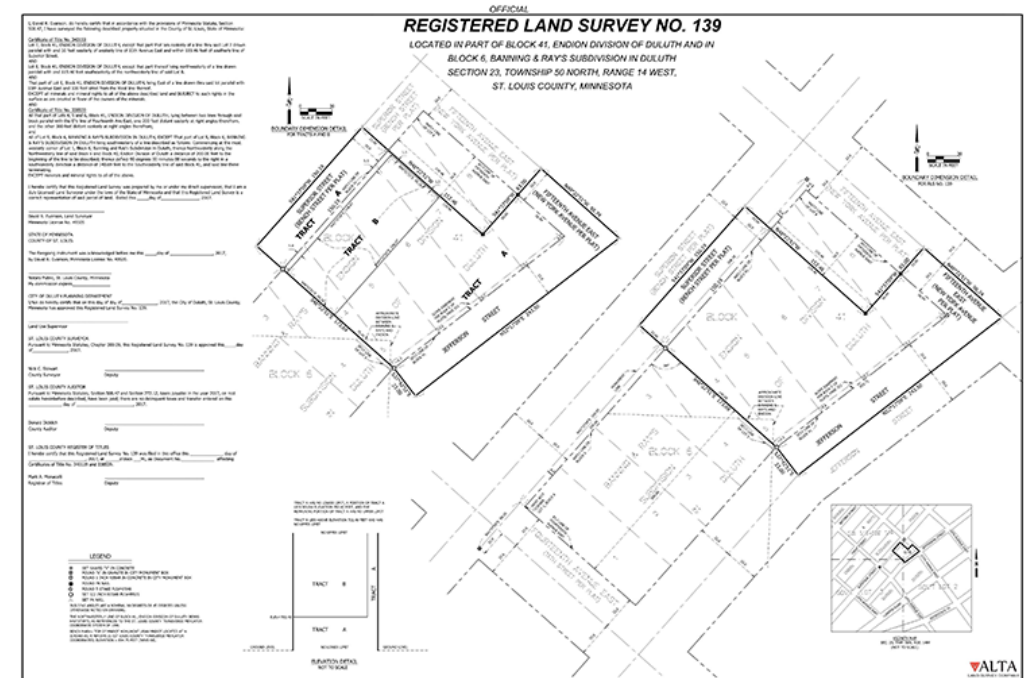
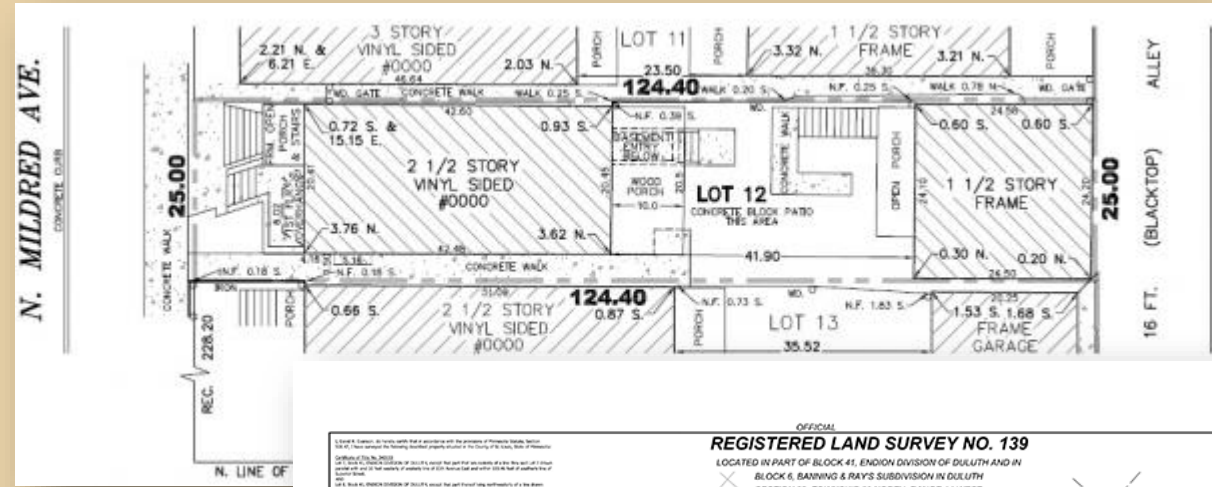
\_\_\_\_\_  
John W. Caldwell, County Attorney

# Consideration of Lea County Resolution No. 22-NOV-265R Awarding Proposal No. 05 (2022-2023) Professional Surveying Services to Multiple Vendors

On October 25, 2022, Lea County opened proposals for Professional Surveying Services to assist Lea County in the right-of-way, topographic, boundary and construction surveying related to various projects.

Six qualified firms submitted proposals including Bohannon Huston, Harcrow Surveying, John West Surveying, Pettigrew and Associates, Souder-Miller, and Square Root Services. Staff recommends awarding contracts to all six firms.

Task orders per project will be awarded to on a projects basis based on availability, specific knowledge of project, and other factors.



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS****AGENDA ITEM SUMMARY FORM****LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Corey Needham, ACM
<b>SUBJECT:</b> Award RFP-05-(22-23) Professional Engineering Services to Multiple Vendors	<b>ATTACHMENT(S):</b> resolution
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 1	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> 402-10-4251	<b>FISCAL BUDGET YEAR:</b> FY 22/23, FY 23/24

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:  
% of chip sealed county roads vs. caliche roads (increase chip sealed roads)

**SUMMARY:**

On October 25, 2022, Lea County opened proposals for Professional Surveying Services to assist Lea County in the right-of-way, topographic, boundary and construction surveying related to various projects.

Six qualified firms submitted proposals including Bohannon Huston, Harcrow Surveying, John West Surveying, Pettigrew and Associates, Souder-Miller, and Square Root Services. Staff recommends awarding contracts to all six firms.

Task orders per project will be awarded to on a projects basis based on availability, specific knowledge of project, and other factors.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/> <small>If checked; how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> award to all four vendors.	<b>Submitter's Signature</b> Department Director, Etc. <b>Corey Needham</b> <small>Digitally signed by Corey Needham Date: 2022.11.07 19:51:06 -07'00'</small>
<b>FINANCE REVIEW</b> Fiscal Impact/Cost: The financial impact to Lea County will be based upon the project awarded and the costs approved in the proposal by each vendor.	<b>Reviewed by Finance Director</b> <b>Henry C Low Jr</b> <small>Digitally signed by Henry C Low Jr Date: 2022.11.08 13:09:34 -07'00'</small>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

**Item No.** 0203**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: \_\_\_\_\_  
Resolution No. 22-NOV-265R  
Continued To: \_\_\_\_\_

Denied: \_\_\_\_\_  
Policy No. \_\_\_\_\_  
Referred To: \_\_\_\_\_

Other: \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Comments: \_\_\_\_\_

**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-265R**

**A RESOLUTION AWARDING PROPOSAL NO. 05 (2022 – 2023)  
PROFESSIONAL SURVEYING SERVICES TO MULTIPLE VENDORS**

**WHEREAS**, roadways play an important role in the economic development, emergency response, and transportation needed of Lea County; *and*

**WHEREAS**, Lea County requires surveying services on some projects; *and*

**WHEREAS**, Lea County requested proposals from firms and received six qualified proposals from Bohannon Huston, Harcrow Surveying, John West Surveying, Pettigrew and Associates, Souder-Miller, and Square Root Services; *and*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that Request for Proposal No. 05 (2022 – 2023) Professional Surveying Services be awarded to all six firms listed above 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 17<sup>th</sup> day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

---

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

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

---

Pat Sims (District 5), Member  
Voted: Yes   No   Abstain



**ATTEST:** Keith Manes  
Lea County Clerk

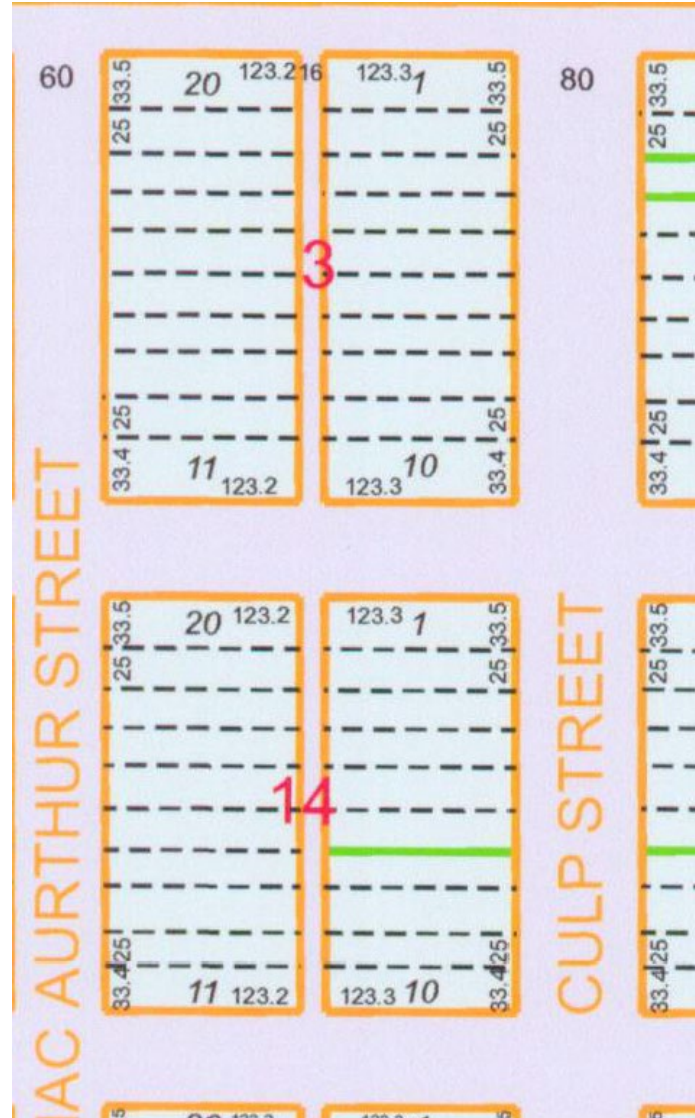
**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

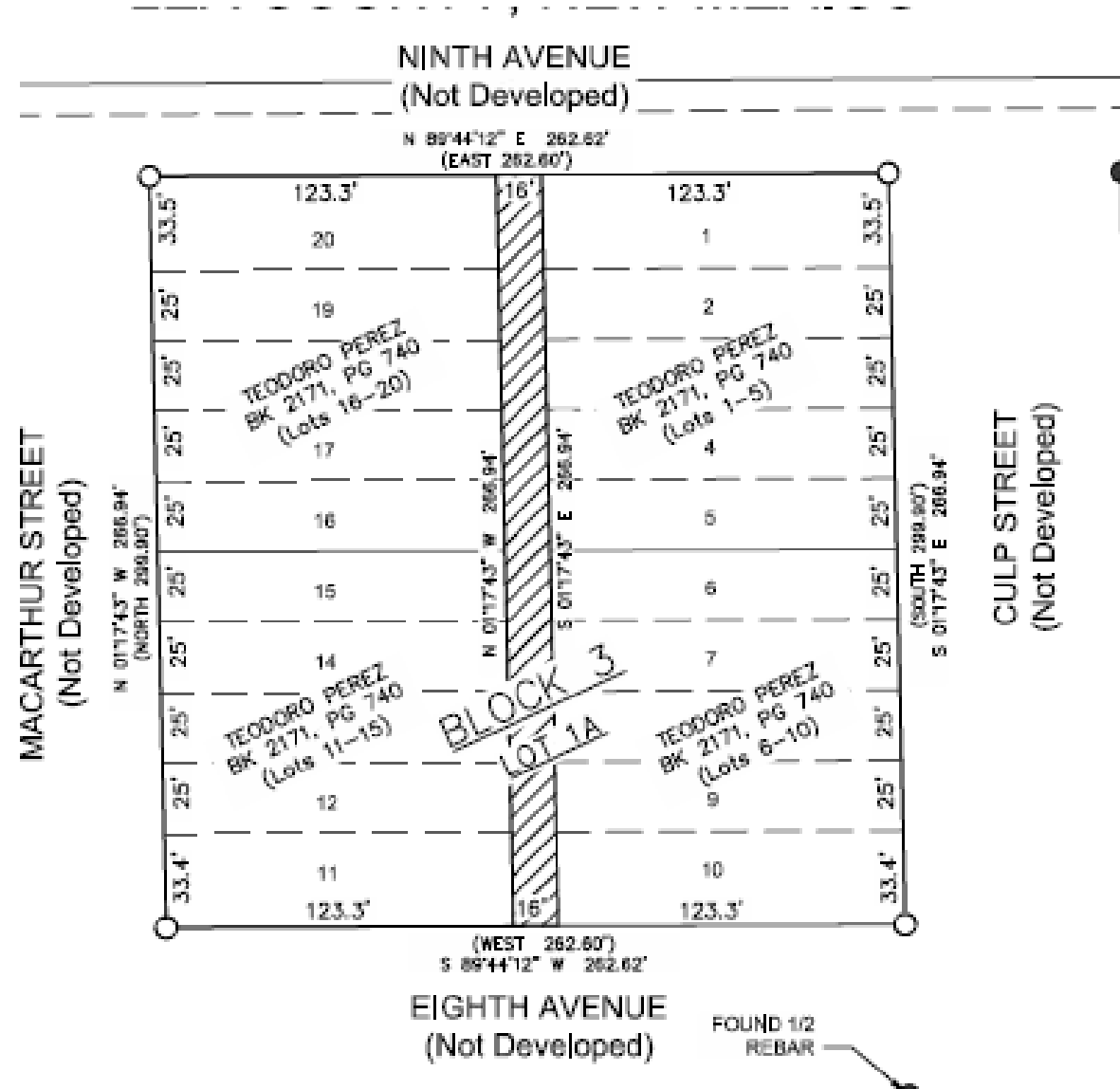
\_\_\_\_\_  
John W. Caldwell, County Attorney



# Consideration of Lea County Resolution No. 22-NOV-266R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley in Payton Addition, Monument Subdivision, Block 3, Being Between 8th Street and Macarthur Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico



# Consideration of Lea County Resolution No. 22-NOV-266R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley in Payton Addition, Monument Subdivision, Block 3, Being Between 8th Street and Macarthur Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico





**Consideration of Lea County Resolution No. 22-NOV-266R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley in Payton Addition, Monument Subdivision, Block 3, Being Between 8th Street and Macarthur Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico**

**Zia Natural Gas stated that they do not have any natural gas utility structures in Monument.**

**Excel Energy does not have any utility structures or needs in the requested vacation areas.**

**All Freeholder's Committee member recommend the vacation of said dedicated alley.**




**LEA COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Bruce Reid, County Planner, Planning Department	
<b>SUBJECT:</b> Approve recommendation of freeholders committee on vacation of street & alley in Payton Addition-Monument Block 3	<b>ATTACHMENT(S):</b> PowerPoint; Resolution; Deed	
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 2	<b>ACTION REQUESTED:</b> Action Item	
<b>BUDGET LINE ITEM NUMBER:</b> NA	<b>FISCAL BUDGET YEAR:</b> NA	
<b>STRATEGIC PLAN</b> Implementation of 5 Year Strategic Plan: Section 3.2 Economic Growth and Vitality Goal Statement: Lea County is a community that has a economic growth and diversification. Performance Measure #3. A variety of different housing options available		
<b>SUMMARY:</b> Mr. Perez has request the alley in Block 3 of Payton Addition-Monument be vacated because Mr. Perez is the owner of all the lots in Block 3 and would like to make the property into one contiguous lot. Freeholders Committee recommend the alley be vacated.		
<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/> <small>If checked, how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>	
<b>SUBMITTER'S RECOMMENDATION(S):</b>	<b>Submitter's Signature</b> Department Director, Etc.	
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>	
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>	
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 	
<b>Item No.</b> <u>0204</u> <b>RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN</b>		
Approved: _____ Resolution No. <u>22-NOV-266R</u> Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____	Other: _____ Ordinance No. _____ Comments: _____

**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-266R**

**A RESOLUTION APPROVING THE FREEHOLDER COMMITTEE'S RECOMMENDATION REGARDING  
THE VACATION OF A DEDICATED ALLEY IN PAYTON ADDITION, MONUMENT  
SUBDIVISION BLOCK 3, BEING BETWEEN 8<sup>TH</sup> STREET AND MACARTHUR STREET IN  
SECTION 29, TOWNSHIP 19 SOUTH, RANGE 37 EAST IN LEA COUNTY, NEW MEXICO**

**WHEREAS**, Lea County received a request to vacate a dedicated alley in Block 3 in Payton Addition-Monument Section 29, Township 19, Range 37 East; *and*

**WHEREAS**, pursuant to NMSA 1978 § 67-5-4, the Lea County Board of County Commissioners must appoint a three-person freeholds committee; *and*

**WHEREAS**, the three-person freeholder committee recommends to the Lea County Board of County Commissioners to vacate said alley in Block 3 in Payton Addition-Monument.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the dedicated alley be vacated and abandoned pursuant to NMSA 1978 § 67-5-4 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 17<sup>th</sup> Day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

---

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

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

---

Pat Sims (District 5), Member  
Voted: Yes   No   Abstain



**ATTEST:** Keith Manes  
Lea County Clerk

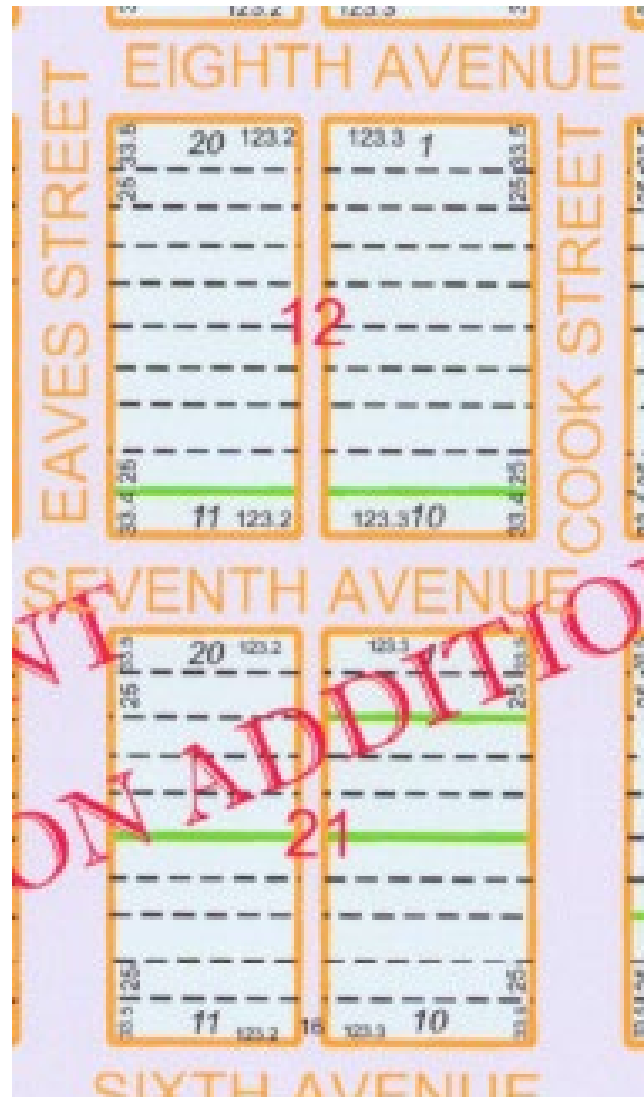
**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

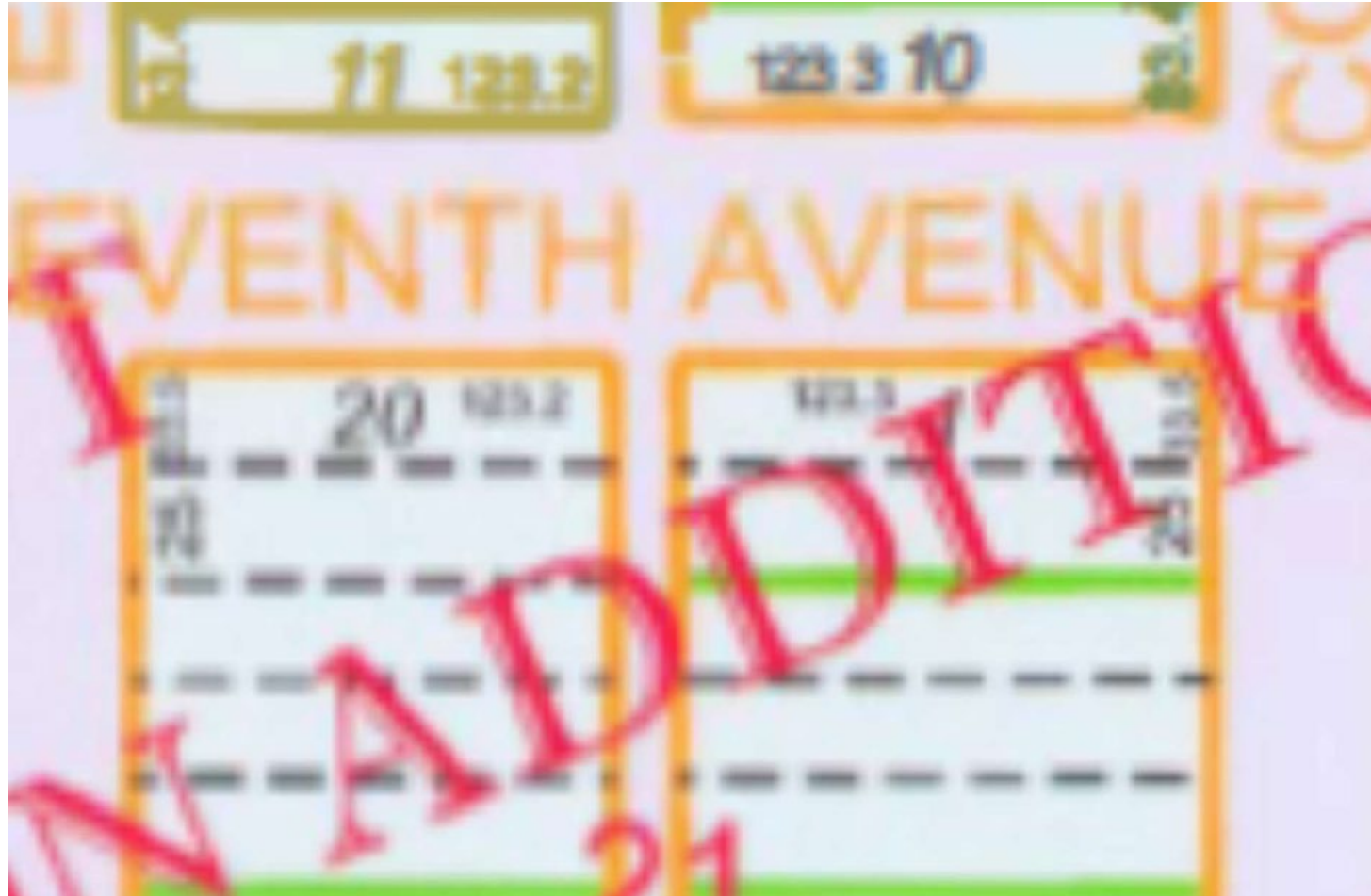
\_\_\_\_\_  
John W. Caldwell, County Attorney



**Consideration of Lea County Resolution No. 22-NOV-267R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley and Street in Payton Addition, Monument Subdivision, Blocks 12 and 21 With Their Portion of 7th Street, Being Between Eaves Street and Cook Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico**



**Consideration of Lea County Resolution No. 22-NOV-267R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley and Street in Payton Addition, Monument Subdivision, Blocks 12 and 21 With Their Portion of 7th Street, Being Between Eaves Street and Cook Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico**





## Consideration of Lea County Resolution No. 22-NOV-267R Approving the Freeholders Committee Recommendation Regarding the Vacation of a Dedicated Alley and Street in Payton Addition, Monument Subdivision, Blocks 12 and 21 With Their Portion of 7th Street, Being Between Eaves Street and Cook Street in Section 29, Township 19 South, Range 37 East N.M.P.M. in Lea County, New Mexico

Zia Natural Gas stated that they do not have any natural gas utility structures in Monument.

Excel Energy does not have any utility structures or needs in the requested vacation areas.

The Freeholders Committee recommends not to vacate this area. Partial vacation of alleys is not advisable per committee members and seventh street is a major thoroughfare for points west in this Addition.



# LEA COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY FORM

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Bruce Reid, County Planner, Planning Department
<b>SUBJECT:</b> Approve recommendation of freeholders committee on vacation of street & alley in Payton Addition-Monument Blocks 12 & 21	<b>ATTACHMENT(S):</b> PowerPoint; Resolution; Deed
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 2	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> NA	<b>FISCAL BUDGET YEAR:</b> NA

### STRATEGIC PLAN Implementation of 5 Year Strategic Plan:

#### Section 3.2 Economic Growth and Vitality

Goal Statement: Lea County is a community that has a economic growth and diversification.

Performance Measure #3. A variety of different housing options available

### SUMMARY:

Mr. Reza has requested the alleys in Block 12 between Lots 10 & Lot 11 and in Block 21 adjacent to Lots 1-5 & 16-20 of Payton Addition-Monument in Section 29, Township 19 South, Range 37 East be vacated. Mr. Reza owns all the surrounding lots in Blocks 12 & 21 and would like to make the property into one contiguous lot. He is requesting the vacation of the undeveloped portion of seventh street between Blocks 12 & 21 as well. The new Lot being Lot 1A would be 1.37 acres in size instead of having 10 lots at .07 acres each and 2 lots at .09 acres each of unusable land. The Freeholders Committee recommends not to vacate this area. Partial vacation of alleys is not advisable per committee members and seventh street is a major thoroughfare for points west in this Addition.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other:	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b>	<b>Submitter's Signature</b> Department Director, Etc.
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

**Item No.** 0205

### RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN

Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-267R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____



**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-267R**

**A RESOLUTION APPROVING THE FREEHOLDERS COMMITTEE RECOMMENDATION REGARDING THE  
VACATION OF A DEDICATED ALLEY AND STREET IN PAYTON ADDITION, MONUMENT SUBDIVISION,  
BLOCKS 12 AND 21 WITH THEIR PORTION OF 7<sup>TH</sup> STREET, BEING BETWEEN EAVES STREET AND  
COOK STREET IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 37 EAST N.M.P.M. IN  
LEA COUNTY, NEW MEXICO**

**WHEREAS**, Lea County received a request to vacate a dedicated alley in Block 12 & Block 21 in Payton Addition-Monument Section 29, Township 19, Range 37 East;

**WHEREAS**, pursuant to NMSA 1978 § 67-5-4, the Lea County Board of County Commissioners must appoint a three-person freeholds committee;

**WHEREAS**, the three-person freeholder committee recommends to the Lea County Board of County Commissioners not to vacate said alley in Block 12 & Block 21 in Payton Addition-Monument.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the dedicated alley not be vacated and abandoned pursuant to NMSA 1978 § 67-5-4 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 17<sup>th</sup> Day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

---

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

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

\_\_\_\_\_  
Pat Sims (District 5), Member

Voted: Yes   No   Abstain

**ATTEST:**     Keith Manes  
                  Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney



## **Consideration of Lea County Resolution No. 22-NOV-268R Approving the Recommendation of a Freeholders Committee Recommendation Regarding Dedicated Alley in Camino Del Norte Subdivision, Block 12 in Section 33, Township 17 South, Range 38 East N.M.P.M. in Lea County, New Mexico**

**Zia Natural Gas stated that they do not have any natural gas utility structures in the alley in Block 3 of Camino Del Norte.**

**Excel Energy has two utility structures in the requested vacation areas. They request an utility easement for access to those services.**

**All Freeholder Committee members recommend vacation of this alley with a utility easement to access electrical services on the property. The easement will be the east 200' and south 10' of the current alley site.**



# LEA COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY FORM

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Bruce Reid, County Planner, Planning Department
<b>SUBJECT:</b> Approve recommendation of freeholders committee on vacation of alley in Camino Del Norte Block 12.	<b>ATTACHMENT(S):</b> PowerPoint; Resolution; Deed
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> 2	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> NA	<b>FISCAL BUDGET YEAR:</b> NA

### STRATEGIC PLAN Implementation of 5 Year Strategic Plan:

#### Section 3.2 Economic Growth and Vitality

Goal Statement: Lea County is a community that has a economic growth and diversification.

Performance Measure #3. A variety of different housing options available

### SUMMARY:

Mr. Rice has requested the alley in Block 12 or Camino Del Norte Subdivision be vacated. Mr. Rice owns all the surrounding lots in Blocks 12 and would like to make the property into one continuous lot. The new lots will be 2.31 acres and 2.40 acres in size. The recommendation of the freeholder's committee is to vacate the alley but have a utility easement on the east 250' x 10' for access to electrical services. This is requested by Xcel Energy.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/> <small>If checked; how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b>	<b>Submitter's Signature</b> Department Director, Etc.
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

Item No. 0206

### RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN

Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-268R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-268R**

**A RESOLUTION APPROVING THE RECOMMENDATION OF A FREEHOLDERS COMMITTEE  
RECOMMENDATION REGARDING DEDICATED ALLEY IN CAMINO DEL NORTE SUBDIVISION, BLOCK 12 IN  
SECTION 33, TOWNSHIP 17 SOUTH, RANGE 38 EAST N.M.P.M. IN LEA COUNTY, NEW MEXICO**

**WHEREAS**, Lea County received a request to vacate a dedicated alley in Blocks 12 of Camino Del Norte Subdivision Section 33, Township 17, Range 38 East; *and*

**WHEREAS**, pursuant to NMSA 1978 § 67-5-4, the Lea County Board of County Commissioners must appoint a three-person freeholds committee; *and*

**WHEREAS**, the three-person freeholders' committee recommends to the Lea County Board of County Commissioners to vacate said alley in Camino Del Norte Subdivision, Block 12.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the dedicated right of way be vacated and abandoned pursuant to NMSA 1978 § 67-5-4 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 17<sup>th</sup> Day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

---

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

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

---

Pat Sims (District 5), Member  
Voted: Yes   No   Abstain



**ATTEST:** Keith Manes  
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney



# Consideration of Lea County Resolution No. 22-NOV-269R Authorizing Out of State Travel December 11-12, 2022 to Dallas/Fort Worth, Texas for Four Firefighter/Emergency Management Personnel to Attend Annual Aircraft Rescue & Fire Fighting Training at Dallas/Fort Worth Airport

Request approval for out of state travel to Dallas Fort Worth for ARFF annual fire burns recertification. This is a requirement for Part 139 Certification for Lea Regional Airport.

Training is mandated by FAA to maintain current credentials.

This will not interfere with the daily operations of the ARFF Fire station, Emergency Management and coverage during the flights will be covered at all times.

Firefighters listed

FF Lorenzo Velasquez

Dates 12/12/2022

FF Charles Pruitt

Dates 12/12/2022

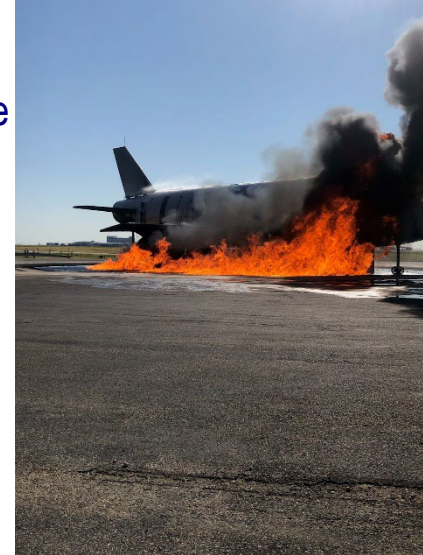
FF Dusty Corley

Dates 12/12/2022

FF Isaac Martinez

Dates 12/12/2022

Funding is budgeted for this training. (\$2,800.00 cost)



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS****AGENDA ITEM SUMMARY FORM****LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Lorenzo Velasquez Director Emergency Management
<b>SUBJECT:</b> Out of State Travel	<b>ATTACHMENT(S):</b> FOUR
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> FOUR	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> 409-16-2010 409-16-2016	<b>FISCAL BUDGET YEAR:</b> 2022-2023

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:  
3.5 Safety Goal Statement: "Lea County shall be a safe community without Crime"

**SUMMARY:**

Request approval for out of state travel to Dallas Fort Worth for ARFF annual fire burns certification. This is a requirement for Part 139 Certification for Lea Regional Airport. Training is mandated by FAA to maintain current credentials.

This will not interfere with the daily operations of the ARFF Fire station and Emergency Management coverage during the flights will be covered at all times.

There is funding in budget to cover out of state travel and cost.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/> <small>If checked; how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Request for travel to Dallas Fort Worth to complete our Required ARFF annual Burns certification	<b>Submitter's Signature</b> Department Director, Etc. Lorenzo Velasquez <small>Digitally signed by Lorenzo Velasquez Date: 2022.11.07 18:15:30 -07'00'</small>
<b>FINANCE REVIEW</b> Fiscal Impact/Cost: The financial impact to Lea County will be expenditures from the Airport Fire Fund of approximately \$2,800. Funds are budgeted and available in 409-55-5600 & 409-55-5602,	<b>Reviewed by Finance Director</b> Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.11.08 13:03:21 -07'00'</small>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

**Item No.** 0207**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-269R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-269R**

**A RESOLUTION AUTHORIZING OUT OF STATE TRAVEL DECEMBER 11-12, 2022 TO DALLAS/FORT WORTH, TEXAS FOR FOUR FIREFIGHTER/EMERGENCY MANAGEMENT PERSONNEL TO ATTEND ANNUAL AIRCRAFT RESCUE & FIRE FIGHTING TRAINING AT DALLAS/FORT WORTH AIRPORT**

**WHEREAS**, Lea County Regional Airport ARFF Fire Station personnel are required to maintain current credentials for the Part 139 Certification Burns; *and*

**WHEREAS**, four ARFF firefighter personnel/ Emergency Management assigned to Lea County Regional Airport (Lorenzo Velasquez, Charles Pruitt, Dusty Corley and Isaac Martinez) are scheduled to conduct their required burns at Dallas Fort Worth Airport; *and*

**WHEREAS**, these training burns will keep all personnel in compliance with FAA requirements. Scheduled for December 11-12, 2022 are Lorenzo Velasquez, Charles Pruitt, Dusty Corley and Isaac Martinez. *and*

**WHEREAS**, on January 13, 2022, the Lea County Board of County Commissioners adopted Lea County Resolution No. 22-JAN-017R approving Travel, Per Diem, Mileage, and Reimbursement Policies for Lea County; *and*

**WHEREAS**, Paragraph 7 Section A of the Travel, Per Diem, Mileage, and Reimbursement Policies provides procedures for all Out of State Travel for Lea County Employees; *and*

**WHEREAS**, the following out of state travel request(s) have been submitted:

<b>Traveler(s):</b>	Lorenzo Velasquez, Charles Pruitt, Dusty Corley, Isaac Martinez
<b>Department:</b>	Lea County Regional Airport ARFF Fire Department
<b>Travel Dates:</b>	December 11 -12, 2022
<b>Location:</b>	Dallas/ Fort Worth
<b>Purpose:</b>	Attend ARFF Annual Training Burns

**WHEREAS**, the Lea County Board of County Commissioners approval is required for the above listed out of state travel.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the above listed is hereby approved.

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

**PASSED AND APPROVED** on this 17<sup>th</sup> day of November, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

---

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

---

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

---

Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

---

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

---

Pat Sims (District 5), Member  
Voted: Yes   No   Abstain

**ATTEST:**     Keith Manes  
                  Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: 

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Tryon Hassen, Chief Deputy Clerk

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John W. Caldwell, County Attorney





# Consideration of Lea County Resolution No. 22-NOV-270R Approving Budget Adjustments No. 2 for Fiscal Year 2022-2023

## FY 23 Budget Adjustments #2

SUMMARY OF ADJUSTMENTS						
	Revenue	Expense	Net Effect	Transfers	Budget	% Inc. (Dec). In Budgeted Exp
GENERAL FUND (unrestricted)	12,209,657	3,284,973	8,924,684	(5,800,000)	54,262,310	6.05%
ROAD FUND	-	-	-	-	31,389,280	0.00%
SPECIAL REV FUNDS (restricte	354,542	804,542	(450,000)	300,000	103,918,732	0.77%
CAPITAL PROJECTS FUND	-	419,000	(419,000)	-	49,895,247	0.84%
ENTERPRISE FUNDS	-	-	-		148,434	0.00%
TRUST & AGENCY (restricted)	393,167	5,893,167	(5,500,000)	5,500,000	19,386,629	30.40%
<b>Total</b>	<b>12,957,366</b>	<b>10,401,682</b>	<b>2,555,684</b>	<b>-</b>	<b>259,000,632</b>	<b>4.02%</b>





**LEA COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/08/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Chip Low - Finance Director
<b>SUBJECT:</b> FY 23 Budget Adjustment #2	<b>ATTACHMENT(S):</b> 1. Budget Adjustment Worksheet 2. Budget Adjustment #2 Resolution
<b>NO. OF ORIGINALS FOR SIGNATURE:</b>	<b>ACTION REQUESTED:</b> Action Item
<b>BUDGET LINE ITEM NUMBER:</b> See budget worksheet	<b>FISCAL BUDGET YEAR:</b> FY 23

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

The information in the financial report meets the goals in Section 3.1 on Accountability which is "Lea County is responsible for the public's tax dollars in a fiscally conservative and transparent manner". Performance measures that apply are 3.1.1, 3.1.2, 3.1.4 and 3.1.5.

**SUMMARY:**

This is the second budget adjustment of FY 23. There are revenue increases of \$12,957,366 and expenditure increases of \$10,401,682 which results in a net increase of \$2,555,684 to the cash balance. Lea County continues to meet the required state and local reserve requirements.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/> <small>If checked; how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Recommend Approval.	<b>Submitter's Signature</b> Department Director, Etc. <b>Henry C Low Jr</b> <small>Digitally signed by Henry C Low Jr Date: 2022.11.08 11:16:56 -07'00'</small>
<b>FINANCE REVIEW</b> Fiscal Impact/Cost: The financial impact to Lea County will be a net increase in budgeted cash of \$2,555,684. The County will continue to meet the required state and local reserve requirements.	<b>Reviewed by Finance Director</b> <b>Henry C Low Jr</b> <small>Digitally signed by Henry C Low Jr Date: 2022.11.08 11:18:00 -07'00'</small>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda <i>Mike Collopy</i>

**Item No.** 0208

**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: _____	Denied: _____	Other: _____
Resolution No. <u>22-NOV-270R</u>	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

**STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-NOV-270R**

**A RESOLUTION APPROVING BUDGET ADJUSTMENTS NO. 2 FOR FISCAL YEAR 2022 - 2023**

**WHEREAS**, the Board of County Commissioners of Lea County, of the State of New Mexico, needs to adjust the current approved budget for fiscal year 2022 - 2023; *and*

**WHEREAS**, said budget was adjusted on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; *and*

**WHEREAS**, it is the majority opinion of this Board that the adjusted budget meets the requirements as currently determined for fiscal year 2022 - 2023.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board of County Commissioners of Lea County, of the State of New Mexico, hereby adopts the budget adjustments hereinabove described and attached and respectfully requests approval from the State of New Mexico Department of Finance and Administration Local Government Division.

**PASSED, APPROVED AND ADOPTED** on this 17<sup>th</sup> day of November, 2022 by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

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

\_\_\_\_\_  
Gary G. Eidson (District 3), Vice Chair  
Voted: Yes   No   Abstain

\_\_\_\_\_  
Rebecca Long (District 2), Member  
Voted: Yes   No   Abstain

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

\_\_\_\_\_  
Pat Sims (District 5), Member  
Voted: Yes   No   Abstain

**ATTEST:**     Keith Manes  
                  Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Tryon Hassen, Chief Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney

# ATTACHMENT

## BUDGET ADJUSTMENT #2

Thursday, November 17, 2022

### SUMMARY OF BUDGET ADJUSTMENTS TO DATE FOR FY 22/23

	Approved Budget	Adj #1 09/08/2022	Adj #2 11/17/2022					Total
<b>REVENUE ADJUSTMENTS</b>								
GENERAL FUND (unrestricted)	87,885,391	15,000	12,209,657	-	-	-	-	100,110,048
ROAD FUND	1,931,070	-	-	-	-	-	-	1,931,070
SPECIAL REV FUNDS (restricted)	27,524,022	5,113,761	354,542	-	-	-	-	32,992,325
CAPITAL PROJECTS FUND	4,063,000	-	-	-	-	-	-	4,063,000
ENTERPRISE FUNDS	-	-	-	-	-	-	-	-
TRUST & AGENCY (restricted)	10,890,561	300,000	393,167	-	-	-	-	11,583,728
<b>Total</b>	<b>132,294,044</b>	<b>5,428,761</b>	<b>12,957,366</b>	-	-	-	-	<b>150,680,171</b>
	Approved Budget	Adj #1 09/08/2022	Adj #2 11/17/2022					Total
<b>EXPENDITURE ADJUSTMENTS</b>								
GENERAL FUND (unrestricted)	50,887,337	90,000	3,284,973	-	-	-	-	54,262,310
ROAD FUND	31,389,280	-	-	-	-	-	-	31,389,280
SPECIAL REV FUNDS (restricted)	99,528,814	3,585,376	804,542	-	-	-	-	103,918,732
CAPITAL PROJECTS FUND	49,476,247	-	419,000	-	-	-	-	49,895,247
ENTERPRISE FUNDS	148,434	-	-	-	-	-	-	148,434
TRUST & AGENCY (restricted)	13,193,462	300,000	5,893,167	-	-	-	-	19,386,629
<b>Total</b>	<b>244,623,574</b>	<b>3,975,376</b>	<b>10,401,682</b>	-	-	-	-	<b>259,000,632</b>
	Cash Effect per Resolution	Adj #1 09/08/2022	Adj #2 11/17/2022					
<b>NET EFFECT CASH</b>								
GENERAL FUND (unrestricted)	36,998,054	(75,000)	8,924,684	-	-	-	-	45,847,738
ROAD FUND	(29,458,210)	-	-	-	-	-	-	(29,458,210)
SPECIAL REVFUNDS (restricted)	(72,004,792)	1,528,385	(450,000)	-	-	-	-	(70,926,407)
CAPITAL PROJECTS FUND	(45,413,247)	-	(419,000)	-	-	-	-	(45,832,247)
PROPRIETARY FUND	(148,434)	-	-	-	-	-	-	(148,434)
TRUST & AGENCY (restricted)	(2,302,901)	-	(5,500,000)	-	-	-	-	(7,802,901)
	<b>(112,329,530)</b>	<b>1,453,385</b>	<b>2,555,684</b>	-	-	-	-	<b>(108,320,461)</b>

# ATTACHMENT

## 1 Commission

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Commission	LCCA	401	40	7024	4,446,658	32,165	0.7%	393,167	4,839,825	Increased costs
Commission	Local Government Supports	401	40	7057	3,010,000	1,976,000	65.6%	500,000	3,510,000	Spay & Neuter
Increase (Decrease) in budgeted expenditures								893,167		

## 2 Facilities

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Facilities	Maintenance	401	43	5700	260,000	31,328	12.0%	2,341,806	2,601,806	Storm repairs
Increase (Decrease) in budgeted expenditures								2,341,806		

## 3 Sheriff's Office

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Sheriff's Office	Vehicle Maintenance	401	47	5502	140,000	63,698	45.5%	10,000	150,000	Increased repair costs
Increase (Decrease) in budgeted expenditures								10,000		

## 4 Environmental Services

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Environmental Services	Maintenance	401	51	5700	110,000	62,211	56.6%	40,000	150,000	Increased repair costs
Increase (Decrease) in budgeted expenditures								40,000		

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Revenue	% Received	Proposed Adjustment	Adjusted Line Item Budget	Justification
General Fund	Oil & Gas Production Revenue	401	31	4002	36,015,408	68,777,005	191.0%	9,796,852	45,812,260	Increased estimate
General Fund	Insurance Recovery	401	37	4316	10,000	2,422,805	24228.1%	2,412,805	2,422,805	Storm proceeds
Increase (Decrease) in budgeted revenue								12,209,657		

Total proposed General Fund Revenue Adjustments:	12,209,657
Less:	
Total Proposed General Fund Expenditure Adjustments:	3,284,973
Net Effect on Budget Cash Position	8,924,684

# ATTACHMENT

## 5 Community Centers

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Community Centers	Capital Improvements	404	43	9010	100,000	-	0.0%	300,000	400,000	Capital Improvements
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>300,000</b>		

A cash transfer from the General Fund of \$300,000 will be required.

## 6 Indigent

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Indigent	Medicaid	406	40	7052	5,500,000	-	0.0%	345,850	5,845,850	Payment Notification
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>345,850</b>		

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Revenue	% Received	Proposed Adjustment	Adjusted Line Item Budget	Justification
Indigent	Gross Receipts Tax	406	33	4010	5,090,072	5,132,642	100.8%	105,147	5,195,219	Increased estimate
Indigent	Compensating Tax	406	34	4006	-	240,703	0.0%	240,703	240,703	Storm proceeds
	<b>Increase (Decrease) in budgeted revenue</b>							<b>345,850</b>		

## 7 Lea Regional Airport

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Expended	% Used	Adjustment	Item Budget	Justification
Lea Regional Airport	Contract Labor/Professional Services	454	56	5900	-	-	0.0%	150,000	150,000	Night Security
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>150,000</b>		

There is an unbudgeted cash balance of \$2,659,904 available.

# ATTACHMENT

## 8 JAG Grant

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Expended	% Used	Adjustment	Item Budget	Justification
JAG Grant	JAG Grant Expenditures	607	47	7240	8,014	8,039	100.3%	8,692	16,706	New grant
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>8,692</b>		

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Revenue	% Received	Adjustment	Item Budget	Justification
JAG Grant	Grant Revenue	607	36	4000	8,014	-	0.0%	8,692	16,706	New Grant
	<b>Increase (Decrease) in budgeted revenue</b>							<b>8,692</b>		

<b>Total proposed Special Revenue Adjustments:</b>	<b>354,542</b>
<b>Less:</b>	
<b>Total Proposed Special Expenditure Adjustments:</b>	<b>804,542</b>
<b>Net Effect on Budget Cash Position</b>	<b>(450,000)</b>

## 9 Capital Projects

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Commission	Vehicles	430	40	9000	60,000	-	0.0%	210,000	270,000	Replace damaged & new
Commission	Equipment	430	40	9004	-	-	0.0%	44,000	44,000	Radio Monitor & Shredders
Sheriff	Equipment	430	47	9006	123,235	48,227	39.1%	45,000	168,235	Conoco & Oxy Grants
Environmental	Vehicles	430	51	9002	350,000	8,419	2.4%	120,000	470,000	Price lincrease on 6 P/U's
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>419,000</b>		

There is an unbudgeted cash balance of \$76,296,696 available.

<b>Total proposed Special Revenue Adjustments:</b>	<b>-</b>
<b>Less:</b>	
<b>Total Proposed Special Expenditure Adjustments:</b>	<b>419,000</b>
<b>Net Effect on Budget Cash Position</b>	<b>(419,000)</b>



# ATTACHMENT

## 10 Trust & Agency

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
Trust & Agency	Employee Contracts	800	40	7066	-	-	0.0%	5,500,000	5,500,000	Contracts
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>5,500,000</b>		

A cash transfer from the General Fund of \$5,500,000 will be required.

## 11 Lea County Communications Authority

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Expended	% Used	Proposed Adjustment	Adjusted Line Item Budget	Justification
LCCA	Vehicle - Fuel & Oil	808	59	5500	5,000	983	19.7%	10,000	15,000	Increased Costs
LCCA	Radio Repairs	808	59	8004	20,000	-	0.0%	10,000	30,000	Microwave Tower
LCCA	Overtime	808	59	5008	325,000	264,195	81.3%	250,000	575,000	Increased overtime
LCCA	FICA	808	59	5100	204,323	84,634	41.4%	37,583	241,906	Increased overtime
LCCA	Workers Compensation Insurance	808	59	5930	27,500	-	0.0%	9,684	37,184	Adj to actual
LCCA	Property/Liability Insurance	808	59	5913	45,200	2,103	4.7%	69,000	114,200	Increased Premiums
LCCA	Contract Labor/Professional Services	808	59	5900	15,000	12,608	84.1%	6,900	21,900	Radio Maintenance
	<b>Increase (Decrease) in budgeted expenditures</b>							<b>393,167</b>		

Department	Line Item Description	Fund	Dept.	Line	Current Budget	Current Revenue	% Received	Proposed Adjustment	Adjusted Line Item Budget	Justification
LCCA	County Contribution	808	36	4905	4,446,658	15,243	0.3%	393,167	4,839,825	Increased Costs
	<b>Increase (Decrease) in budgeted revenue</b>							<b>393,167</b>		

<b>Total proposed Special Revenue Adjustments:</b>	<b>393,167</b>
<b>Less:</b>	
<b>Total Proposed Special Expenditure Adjustments:</b>	<b>5,893,167</b>
<b>Net Effect on Budget Cash Position</b>	<b>(5,500,000)</b>

# ATTACHMENT

## BUDGET ADJUSTMENT #2

November 17, 2022

### SUMMARY OF ADJUSTMENTS

	Revenue	Expense	Net Effect	Transfers	Budget	% Inc. (Dec). In Budgeted Exp
GENERAL FUND (unrestricted)	12,209,657	3,284,973	8,924,684	(5,800,000)	54,262,310	6.05%
ROAD FUND	-	-	-	-	31,389,280	0.00%
SPECIAL REV FUNDS (restricted)	354,542	804,542	(450,000)	300,000	103,918,732	0.77%
CAPITAL PROJECTS FUND	-	419,000	(419,000)	-	49,895,247	0.84%
ENTERPRISE FUNDS	-	-	-	-	148,434	0.00%
TRUST & AGENCY (restricted)	393,167	5,893,167	(5,500,000)	5,500,000	19,386,629	30.40%
<b>Total</b>	<b>12,957,366</b>	<b>10,401,682</b>	<b>2,555,684</b>	<b>-</b>	<b>259,000,632</b>	<b>4.02%</b>

### Summary By Expenditure Type

	Revenue	Expense	Net Effect
Operations	12,564,199	4,089,515	8,474,684
Capital	-	419,000	(419,000)
Trust & Agency	393,167	5,893,167	(5,500,000)
	<b>12,957,366</b>	<b>10,401,682</b>	<b>2,555,684</b>

Note: This budget adjustment maintains the State required and County imposed reserve requirements.

ATTACHMENT

**BUDGET ADJUSTMENT #2**

**November 17, 2022**

**BUDGETED CASH TRANSFERS**

<u>TRANSFERS</u>	<u>CURRENT</u>	<u>ADJUSTMENT</u>	<u>ADJUSTED</u>	
401-99-9999 - General Fund	\$ (46,489,599.00)	\$ (5,800,000.00)	\$ (52,289,599.00)	
404-38-4998 - Community Ctrs	\$ 76,670.00	\$ 300,000.00	\$ 376,670.00	
800-38-4998 - Trust & Agency	\$ -	\$ 5,500,000.00	\$ 5,500,000.00	

# Community Engagement

DEPARTMENT UPDATES



# Events & Partnerships Recap

- ❖ 3<sup>rd</sup> Annual Lea County Tricks & Treats
  - Estimated 2,500 attendees
- ❖ Halloween Safe Stop
  - 68 bags of candy passed out
- ❖ Pumpkin People
  - Partnership with Lovington Chamber of Commerce





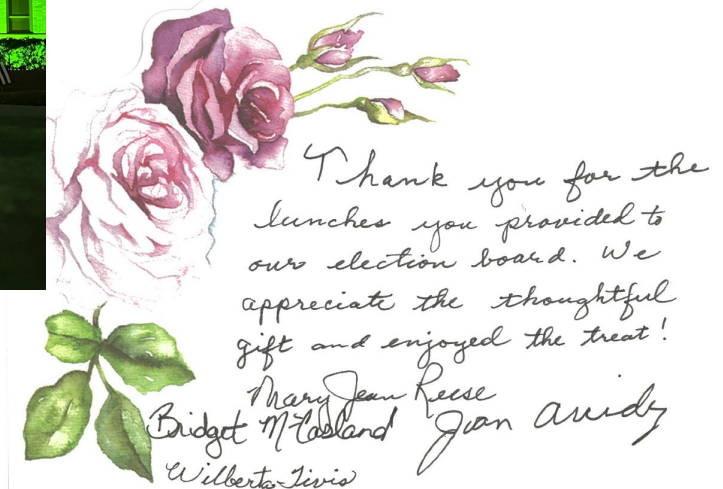
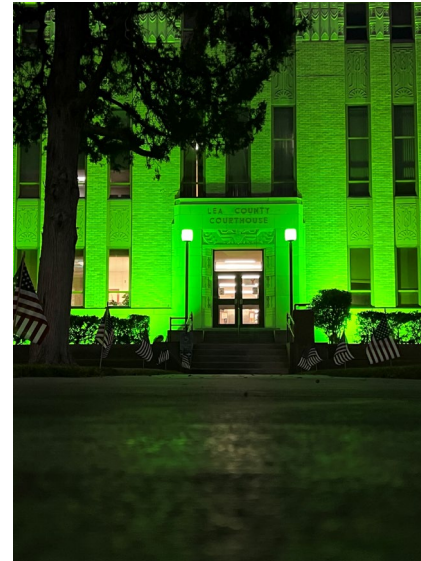
## Events & Partnerships Recap

### ❖ Veterans' Day

- Operation Green Light
- American Flags Around the Courthouse
- Parade in Hobbs – 1<sup>st</sup> Place Float Winner

### ❖ General Elections

- Lunch Delivery to all Poll Workers





## Employee Interaction



### Employee Wellness (Mental & Physical)

- ❖ Healthy Cooking
  - ❖ NMSU Lea County Extension
- ❖ Halloween Door Decorating Contest
  - ❖ Winners: Lea County Assessor's Office, Lea County Facilities, Elisa Milan w/ Lea County Emergency Management

### Upcoming Employee Events

- ❖ Winter Wellness
  - Hot Chocolate / Hot Apple Cider
- ❖ Christmas Door Decorating
  - Beginning November 28th



# Lea County Cares - Current Projects

- ❖ Thanksgiving Employee Give Back
  - ❖ \$4,073 = Estimated Thanksgiving Meal Blessing of 35+ Lea County Families
  - ❖ Shopping Date: Friday, November 18, 2022
- ❖ LCCA Toy Drive
  - ❖ Now thru November 23rd





## Community Engagement

- ❖ Social media
  - ❖ 85 Posts in October
  - ❖ 107 Posts in November
  - ❖ Facebook Performance (last 28 days)
    - ❖ People Reached: 39.2K, +31%
    - ❖ Engagement: 32.6K, +119%
    - ❖ Impressions: 239.8K, +112%
    - ❖ Net Followers: 15, +87%
- ❖ New Lea County website
  - ❖ Granicus
  - ❖ CivicPlus

### Professional dashboard

#### Tools shortcuts

[See all](#)
[Events](#)
[Jobs](#)
[Page access](#)
[Link](#)

#### Performance

Last 28 days

##### People reached

**39.2K** +31%  
from previous 28 days

##### Engagement

**32.6K** +119%  
from previous 28 days

##### Impressions

**239.8K** +112%  
from previous 28 days

##### Net followers

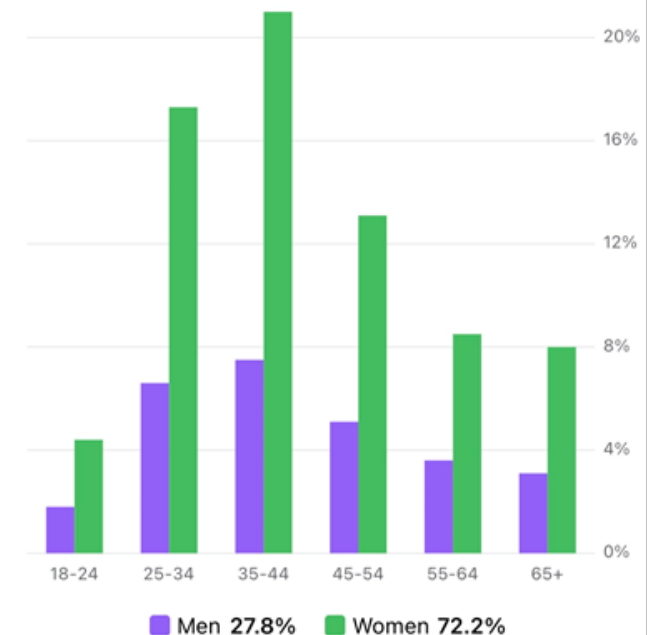
**159** +87%  
from previous 28 days



### Audience

#### Age and gender

These metrics are from the lifetime of your Page or profile.



## Mark Your Calendars!

- ❖ 2<sup>nd</sup> Annual Lea County Christmas Lighting
  - ❖ Monday, November 28, 2022
    - ❖ 6pm at the Lea County Historic Courthouse
- ❖ Annual Employee Meeting
  - ❖ Thursday, December 8, 2022
    - ❖ 11:30 am to 1:30pm at the Lea County Fairgrounds
- ❖ Commissioner Long Farewell Reception
  - ❖ Friday, December 9, 2022
    - ❖ 11am to 1pm at the Lea County Event Center
- ❖ 3<sup>rd</sup> Annual Christmas Spirit
  - ❖ Thursday, December 15, 2022 - Saturday, December 17, 2022
    - ❖ 6pm to 8pm at the Lea County Fairgrounds



# Comments





# LEA COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY FORM

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/14/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Sandrea Brito, Community Engagement Manager
<b>SUBJECT:</b> Recent and Upcoming Events/Projects	<b>ATTACHMENT(S):</b> None
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> N/A	<b>ACTION REQUESTED:</b> Discussion Item
<b>BUDGET LINE ITEM NUMBER:</b> N/A	<b>FISCAL BUDGET YEAR:</b> N/A

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:  
Section 2.3: Continuous communication with the public is beneficial and necessary.

**SUMMARY:**  
Events & Partnership Recap:  
  
3rd Annual Tricks & Treats: Estimated 2,500 in attendance  
Halloween Safe Stops: 68 Bags of Candy Passed Out  
Pumpkin People: Partnership with Lovington Chamber of Commerce  
Veterans Day: Operation Green Light, American Flags around Courthouse, Parade  
General Elections: Lunch Delivery to all Poll Workers

See Next Page

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other:	<b>See Additional Summary Attached</b> <input checked="" type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Discussion Only	<b>Submitter's Signature</b> Department Director, Etc. 
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

Item No. 0301

### RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN

Approved: _____	Denied: _____	Other: <u>Discussion</u>
Resolution No. _____	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____



**Summary Form Continued...**

**Events & Partnership Recap (continued):**

Employee Wellness (Mental & Physical): Healthy Cooking (NMSU Extension Office); Halloween Door Decorating

**Upcoming Employee Events:**

Winter Wellnes: Hot Chocolate/Hot Cider

Christmas Door Decorating

**Lea County Cares:**

Thanksgiving Employee Give Back

LCCA Toy Drive

**Community Engagement:**

Social Media

New Lea County Website

**Upcoming Events:**

2nd Annual Christmas Lighting - Monday, November 28th 6pm

Annual Employee Meeting - Thursday, December 8, 2022 11:30am - 1:30pm

Commissioner Rebecca Long's Farewell Reception - Friday, December 9th 11am - 1pm

3rd Annual Christmas Spirit - Thursday, December 15th - Saturday, December 17th

# Discussion of the Lea County Event Center Master Plan

## Conference Report

Project No.: 22-0156  
 Project: **Lea County Event Center MP**  
 Date: November 11, 2022  
 Place: Lea County Event Center, Hobbs, NM

Attending: See sign in sheet - attached  
 By: Vikki Everett

Copies To: Lea County Personnel  
 Issue Date: 11-16-2022

DEKKER  
 PERICH  
 SABATINI  
 Architecture  
 in Progress

### Discussion Items:

1. Concerns regarding the floodplain:
  - a. Concern about the flood water and how it will impact the development of the LCEC site improvements.
  - b. The long-term plan for flood control includes having a collection area behind the CORE as well as potential upstream study and mitigation.
2. Parking:
  - a. It has been observed that graduation ceremony parking is the only time the entire LCEC parking lot is at capacity
  - b. Make sure the building still complies with parking code after removing any existing parking or adding useable building square footage.
  - c. The current state of the parking lot striping needs improvement (parking lot may not be utilized as intended due to the parking space lines being worn away)
  - d. More vehicular entrances should be incorporated into the entire site for the planned improvements
  - e. Some or All the landscape on the west side of RR tracks could potentially be used as parking.
    - i. RR has an access easement 100-ft either side of the tracks.
    - ii. Verify who owns the land, and where the property boundaries, easements and rights-of-way are for all the affected adjacencies.
    - iii. The city maintains the green space - LCEC center could take over maintenance if they absorb the land for parking, or other use.
  - f. Reconsider where RV parking is located on the masterplan.
    - i. Place it in a way to discourage unwanted activity from the casino/racetrack.
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        - a. Possibly use a Hawk system that turns streetlights red for pedestrian traffic.
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4. Strengthening the Connection between NMJC/LCEC/CORE
  - a. What is the desired connection between LECE and NMJC?
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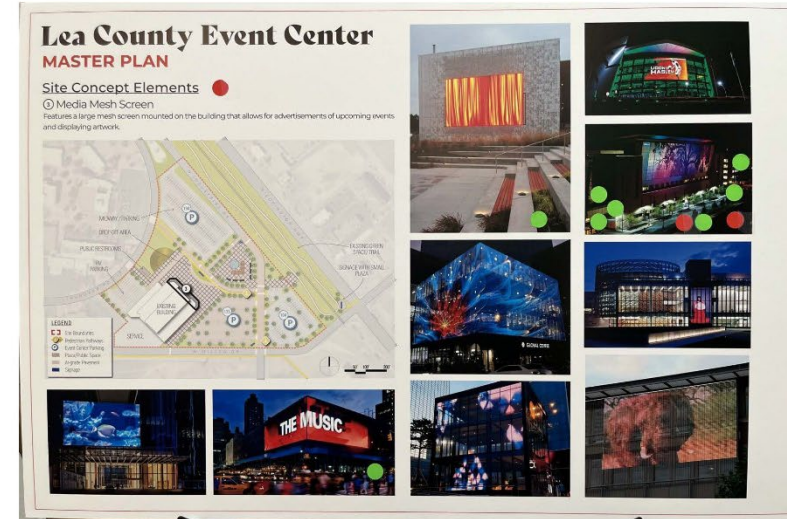
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# Discussion of the Lea County Event Center Master Plan





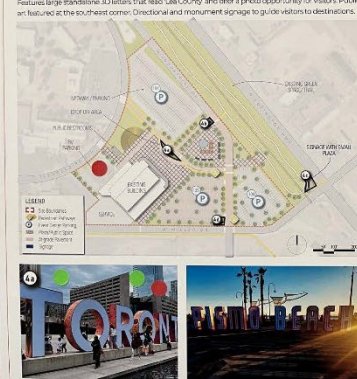
# Lea County Event Center

## MASTER PLAN

### Site Concept Elements

### ⑥ Placemaking Art & Signage

Features large standalone 3D letters that read 'Lee County' and offer a photo opportunity for visitors. Public art featured at the southeast corner. Directional and monument signage to guide visitors to destinations.



# Lea County Event Center

## MASTER PLAN

## Site Concept Elements

⑧ Outdoor Exercise Equipment

Features exercise equipment accessible to the public. Shade structures and seating provide areas to take a break.



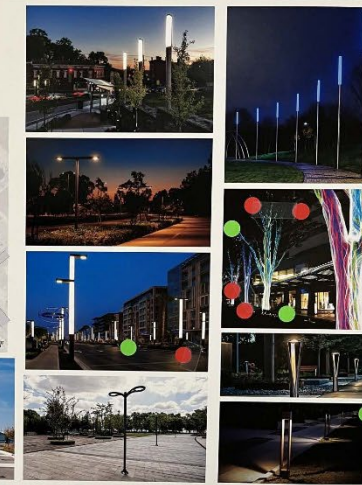
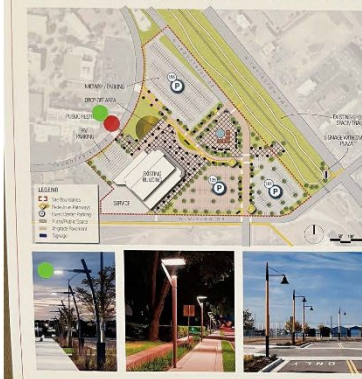
# Lea County Event Center

## MASTER PLAN

### Site Concept Elements

### ● Pedestrian-Scale Lighting

Features a comprehensive lighting package with pedestrian-scale lighting poles and lighted bollards.



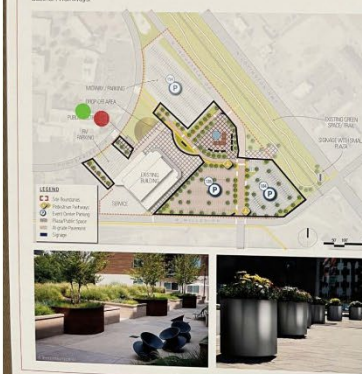
# Lea County Event Center

## MASTER PLAN

### Site Concept Elements

- Streetscape Landscaping

Features street trees, bushes, and plantings that soften the appearance of buildings, parking areas, and pedestrian walkways.









**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*


<b>DATE SUBMITTED</b> mm-dd-yyyy:	<b>SUBMITTED BY</b> Name, Title, Dept: Edmundo Lara, Facilities Director
<b>SUBJECT:</b> Event Center Master Plan	<b>ATTACHMENT(S):</b> None
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> N/A	<b>ACTION REQUESTED:</b> Discussion Item
<b>BUDGET LINE ITEM NUMBER:</b> N/A	<b>FISCAL BUDGET YEAR:</b> N/A

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

Section 2.6: Transparency and ethical decision making continue to be the framework in which the county operates.

**SUMMARY:**

Discussion of the Lea County Event Center Master Plan

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/> <small>If checked, how many:</small>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Discussion of the Lea County Event Center Master Plan	<b>Submitter's Signature</b> Department Director, Etc.
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

Item No. 0302

**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: _____	Denied: _____	Other: <u>Discussion</u>
Resolution No. _____	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

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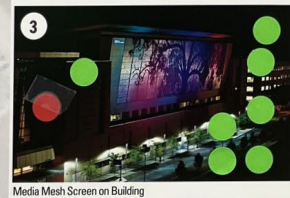
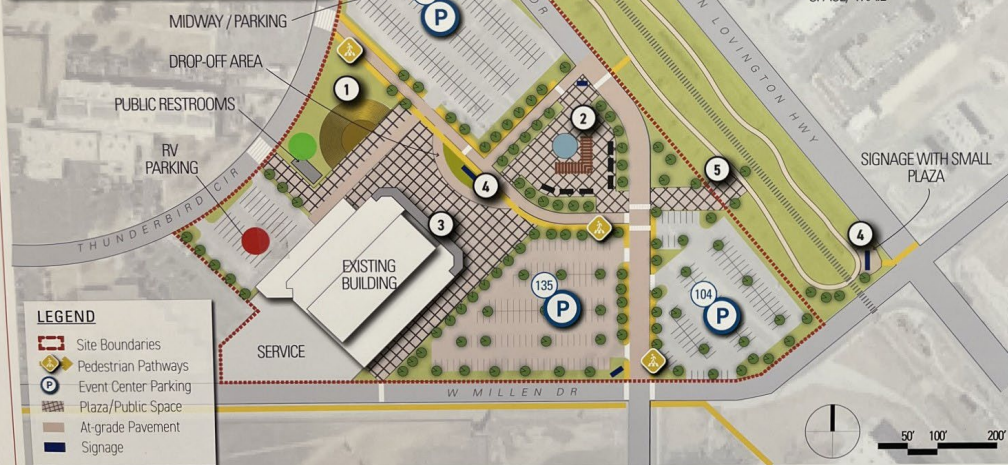
- ii. There was an overarching concern about pedestrian traffic and vehicle interaction between the three facilities
- b. Purpose of the CORE is to be linked to LCEC, strengthen this pedestrian connection if possible
  - i. Encourage pedestrian traffic from NMJC around the south end of the event center
- 5. Suggested Facility Improvements (Interior)
  - a. Will any more additional meeting space be design for inside the LCEC
    - i. Flexible break out spaces would allow LCEC to compete for larger conferences and events
    - ii. The mayor would like to see the LCEC be able to draw west Texas agricultural conferences
- 6. Information on Revenue Generating Improvements:
  - a. Hobbs now has the appropriate hotel accommodations to host a large event at the event center but not having break out space is limiting the bids
  - b. Would like to see the LCEC be able to attract events like the Governor's conference
  - c. Opportunity to utilize the expanded event center to host regional and statewide conferences
- 7. Miscellaneous concerns:
  - a. The town is growing north
  - b. More fishing areas.
  - c. Overall - the mayor thinks the master plan will be well received by the public
- 8. Red/Green Sticker Activity
  - a. Amphitheater
    - i. Red: do not include grass
    - ii. Green: do include shade sails, build up as opposed to digging into the site (prevent flood control issues)
  - b. Food Truck/Water Feature
    - i. Red: Do not like the water feature concept
    - ii. Green: Very excited about the food truck court
  - c. Media Mesh Screen
    - i. General approval for a media mesh screen.
  - d. Art & Signage
    - i. Red: dislike sculptural art shown on the exhibit
    - ii. Green: prefer a simple reader board/digital sign
  - e. Outdoor Exercise Equipment
    - i. Majority of votes to exclude this concept as a whole
  - f. Pedestrian-Scale Lighting
    - i. Mixed votes on specifics, but agree that lighting is a key element to safety
  - g. Streetscape Landscaping
    - i. Red: Overall concern for the number of trees
    - ii. Prefer at-grade tree wells
  - h. At-Grade Pavement
    - i. General approval for accent at-grade pavement

*This report is assumed to be a true and accurate account of this communication unless notice to the contrary is received within 10 calendar days of issue.*



# Lea County Event Center MASTER PLAN

- 1 Amphitheater
- 2 Food Truck Plaza/ Interactive Water Feature
- 3 Media Mesh Screen
- 4 Placemaking Art & Signage
- 5 Outdoor Exercise Equipment



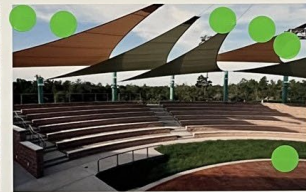
DEKKER PERICH SABATINI

# Lea County Event Center MASTER PLAN

## Site Concept Elements

### 1 Amphitheater

Small amphitheater arranged around a stage that can accommodate local band performances and shows. Seating is elevated to allow for proper drainage in the floodplain.



DEKKER PERICH SABATINI



# Lea County Event Center

## MASTER PLAN

### Site Concept Elements

#### ② Food Truck Plaza and Interactive Water Feature

Features a dedicated area for food trucks to park, shade structures with seating and tables, and an interactive water feature that allows children to play in water.



DEWEY PERICH SABATINI

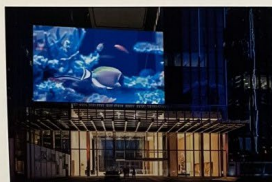
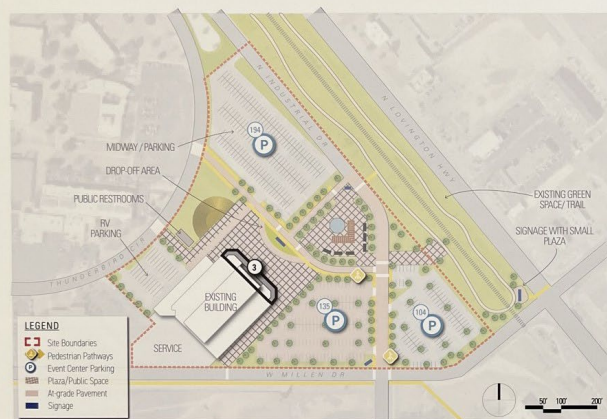
# Lea County Event Center

## MASTER PLAN

### Site Concept Elements

#### ③ Media Mesh Screen

Features a large mesh screen mounted on the building that allows for advertisements of upcoming events and displaying artwork.



DEWEY PERICH SABATINI

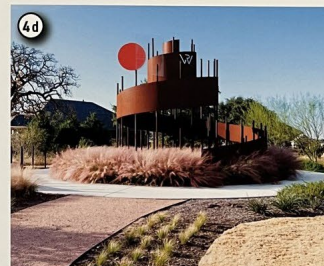
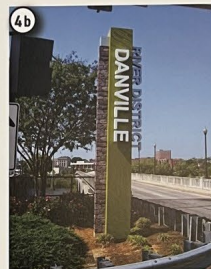
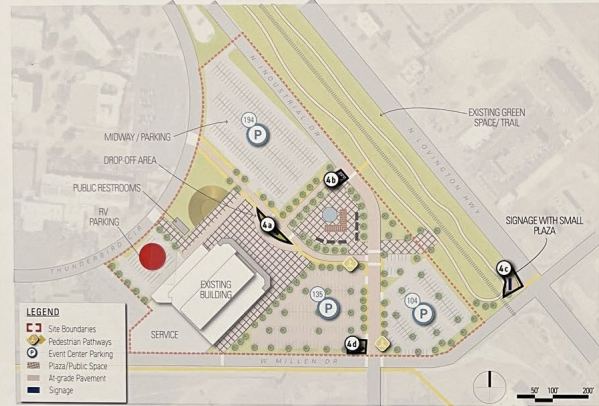


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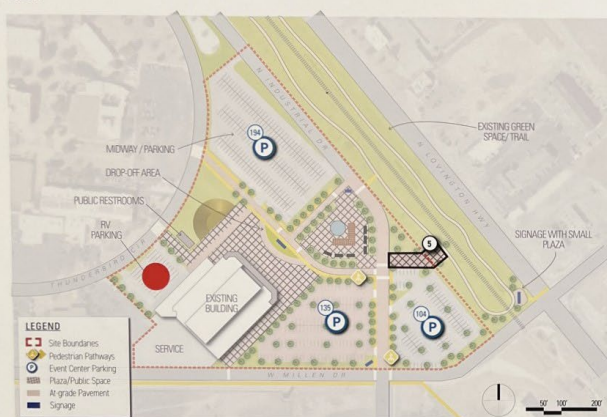
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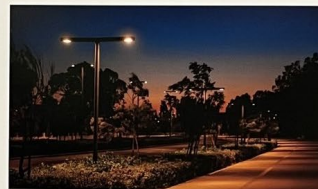


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## Site Concept Elements

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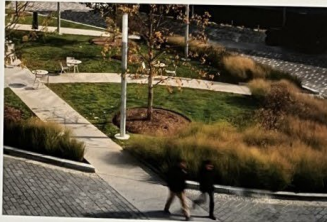
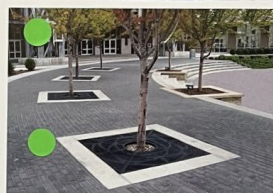
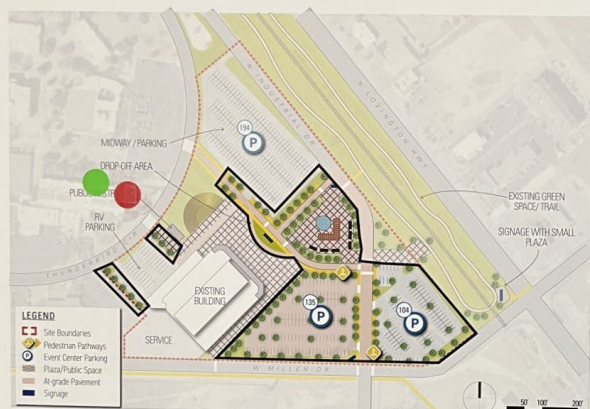
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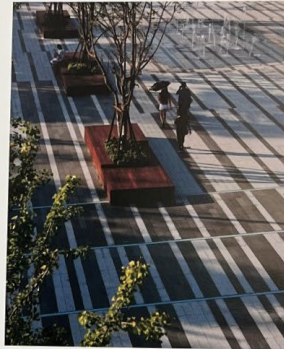
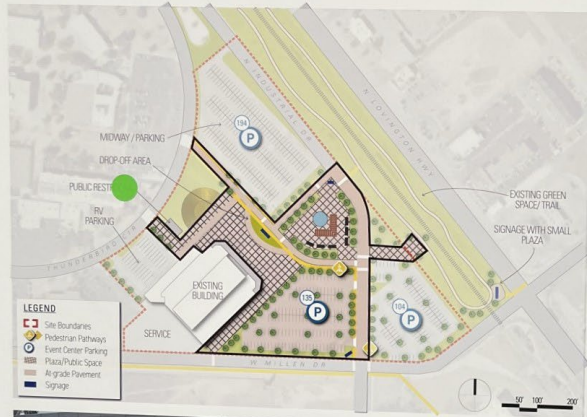
# Lea County Event Center

## MASTER PLAN

### Site Concept Elements

#### At-grade Pavement

Features an internal vehicular circulation network and parking areas at-grade (no curb or gutter) to provide a pedestrian-friendly experience.



DEKKER PERICH SABATINI

End of Report

## Discussion of the City of Hobbs Municipal Detention Facility Transition to a Transport Facility

- City of Hobbs (COH) has been considering transitioning their municipal detention facility to a transport facility only
- Hobbs transport schedule would need to work for the Lea County Detention Center (LCDC)
- Additional cost due to increase in detainee population (food, medical)
- In order for this to be possible, all arrests made by the Hobbs Police Department overnight (12am to 8am) would need to be arraigned prior to transportation to LCDC
- If Hobbs would resume Hobbs magistrate arraignments this option should limit the liability for both facilities as detainees will not be unnecessarily transported multiple times a day and will not run the risk of released detainees being injured while trying to walk back to Hobbs after being released.



# LEA COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA ITEM SUMMARY FORM

**LCBCC Meeting Date: Thursday, November 17, 2022**

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*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/07/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Ruben Quintana, Warden, Detention
<b>SUBJECT:</b> Hobbs Municipal Jail	<b>ATTACHMENT(S):</b> Power point
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> none	<b>ACTION REQUESTED:</b> Discussion Item
<b>BUDGET LINE ITEM NUMBER:</b> none	<b>FISCAL BUDGET YEAR:</b> 2022-2023

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

### SUMMARY:

City of Hobbs has been considering transitioning their municipal jail to a transport facility only. Transport schedules have been proposed taking into consideration the detention center's building schedule to include formal headcounts, meal times, medical/mental health screenings, medication pass, video courts for magistrate and district courts, Department of Corrections transports in/out, and United States Marshal's transports to federal magistrate/district court. In order for this to be possible, all arrests by the Hobbs Police Department overnight (12am to 8am) need to be arraigned prior to be transported to LCDC. The goal is to have magistrate arraignments conducted in timely manner with the assistance of the Hobbs municipal jail. In exchange for Hobbs municipal jail, LCDC will house Hobbs municipal commitments at no cost, waiving the rate to house municipal detainees. City of Hobbs will still be responsible for any emergency medical care. If Hobbs would resume Hobbs magistrate arraignments this option should limit the liability for both facilities as detainees will not be unnecessarily transported multiple times a day and will not run the risk of released detainees being injured while trying to walk back to Hobbs after being released.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked: how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other:	<b>See Additional Summary Attached</b> <input type="checkbox"/>
---	---

<b>SUBMITTER'S RECOMMENDATION(S):</b> Discussion	<b>Submitter's Signature</b> Department Director, Etc. 
---	---

<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
---	-------------------------------------

<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
--	------------------------------------

<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 
-------------------------------	---

<b>Item No.</b> 0303	<b>RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN</b> Discussion	
Approved: _____ Resolution No. _____ Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____	Other: _____ Ordinance No. _____ Comments: _____



# Lea County Strategic Plan

2022 - 2027

# What is a Strategic Plan?

- ▶ Comprehensive and organized management tool designed to
  - ▶ help organizations evaluate the current environment
  - ▶ anticipate and respond properly to changes in the environment
  - ▶ envision the future
  - ▶ increase effectiveness
  - ▶ develop commitment to the organization's mission and achieve consensus on strategies and objectives for achieving that mission
- ▶ Defines the direction and priorities of an organization



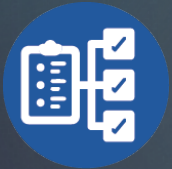
# What is a Strategic Plan?

- ▶ Should be reviewed and updated on an annual basis
- ▶ Effective strategies are needed to handle with settings that are always changing
- ▶ Helps to look to the future and dismiss the possibility of becoming stagnant or irrelevant to the residents the County serves
- ▶ Allows the departments to set their goals and understand how this matches that of the organization as a whole while also assuring each department understands the roadmap of the organization



# Strategic Goals

- ▶ Are broad factors that are critical to the organization
- ▶ Are long-term and forward focused
- ▶ Are purpose-driven to get your organization aligned and facing the right direction
- ▶ Identifies the most critical matters and should reflect the organizations priorities





# Strategic Objectives

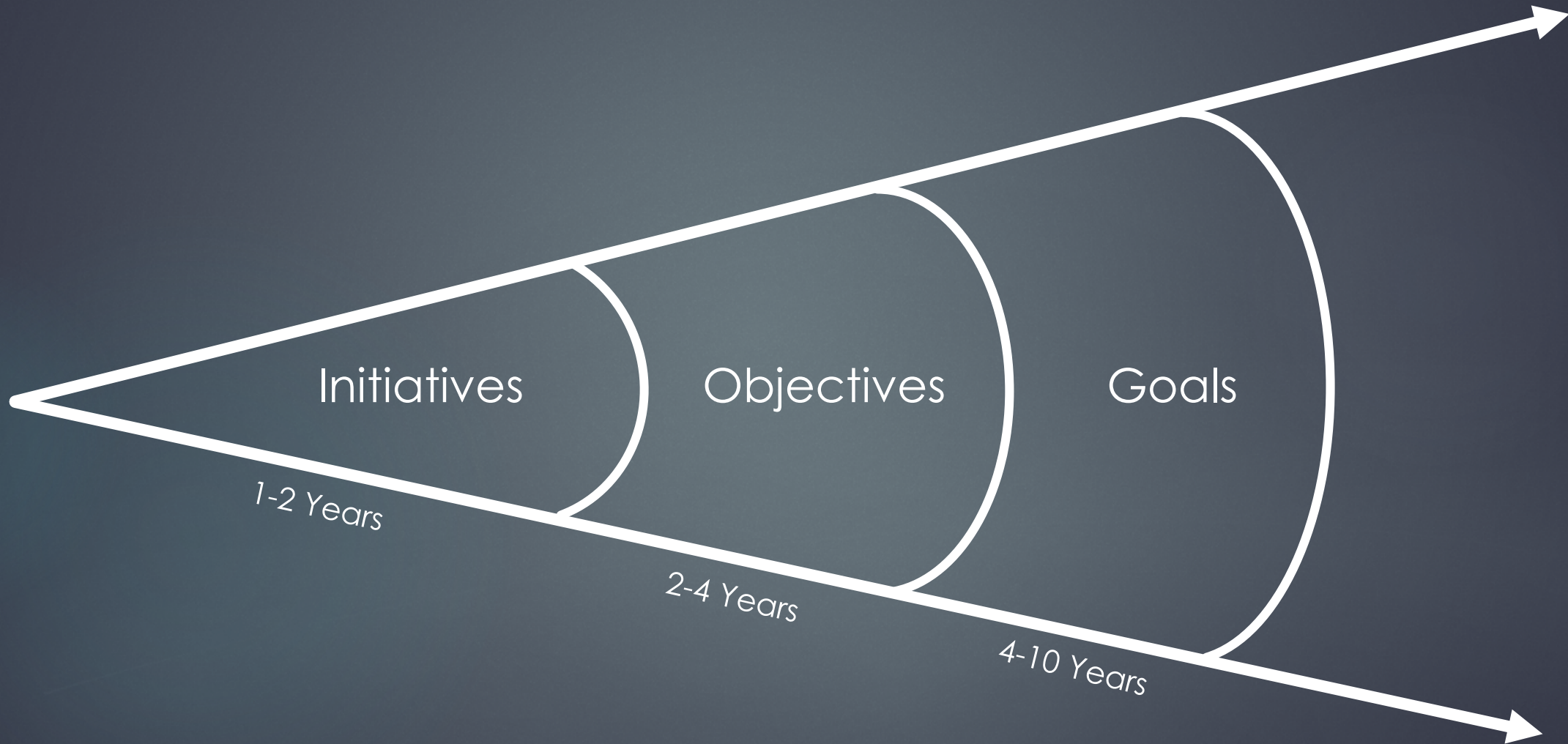
- ▶ They are guidelines, not rules set in stone
- ▶ Are detailed, measurable results to be achieved.
- ▶ Should be expressed as quantities, or at least as measurable statements
- ▶ Are constantly shifting based on
  - ▶ Economical changes
  - ▶ Culture of the organization
  - ▶ Operating settings

# Strategic Initiatives

- ▶ Are activities and services to be performed for the organization to reach its strategic goals
- ▶ Show actions on how we are achieving the goals and objectives
- ▶ A single initiative may relate to multiple goals and objectives



# Strategic Plan Time Frame



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS****AGENDA ITEM SUMMARY FORM****LCBCC Meeting Date: Thursday, November 17, 2022**

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<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/08/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Chip Low - Finance Director
<b>SUBJECT:</b> Discussion of the 2022-2027 Lea County Strategic Plan	<b>ATTACHMENT(S):</b> 1. Lea County Strategic Plan
<b>NO. OF ORIGINALS FOR SIGNATURE:</b>	<b>ACTION REQUESTED:</b> Discussion Item
<b>BUDGET LINE ITEM NUMBER:</b> N/A	<b>FISCAL BUDGET YEAR:</b> FY 23 through FY 27

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

Lea County shall be results-oriented, accountable to the public, with professional and regional leadership focused on economic vitality, healthy lifestyles, quality of life, and safety of the community.

**SUMMARY:**

The current Lea County Strategic Plan is in need of updating and expanded. Staff has worked to develop a Strategic Plan that sets the mission and goals for the County over the next two fiscal years.

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> For discussion.	<b>Submitter's Signature</b> Department Director, Etc. Henry C Low Jr Digitally signed by Henry C Low Jr Date: 2022.11.08 16:44:27 -07'00'
<b>FINANCE REVIEW</b> Fiscal Impact/Cost: There is no financial impact to Lea County with this agenda summary.	<b>Reviewed by Finance Director</b> Henry C Low Jr Digitally signed by Henry C Low Jr Date: 2022.11.08 16:45:10 -07'00'
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda Mike Collopy

Item No. 0304**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: \_\_\_\_\_  
Resolution No. \_\_\_\_\_  
Continued To: \_\_\_\_\_

Denied: \_\_\_\_\_  
Policy No. \_\_\_\_\_  
Referred To: \_\_\_\_\_

Other: Discussion  
Ordinance No. \_\_\_\_\_  
Comments: \_\_\_\_\_





COUNTY  
new mexico

Strategic Plan

2022-2027



# Lea County Board of County Commissioners



**Dean Jackson. Chair**  
**District 1**



**Rebecca Long**  
**District 2**



**Gary Eidson. Vice Chair**  
**District 3**



**Jonathan Sena**  
**District 4**



**Pa Sims**  
**District 5**

# Lea County Elected Officials



**Sharla Kennedy**  
Lea County Assessor



**Keith Manes**  
Lea County Clerk



**Corey Helton**  
Lea County Sheriff



**Sandra Goad**  
Lea County Probate Judge



**Susan Marinovich**  
Lea County Treasurer



# Lea County Executive Management



**Michael Gallagher, ICMA-CM**  
County Manager



**Corey Needham, P.E.**  
Assistant County Manager



**Chip Low, CPA CGMA**  
Finance Director



**John Caldwell**  
County Attorney



**Kelly Livingston**  
DWI & Misdemeanor  
Compliance Director



**Lorenzo Velasquez**  
Emergency Management &  
Environmental Services Director



**Craig Bova**  
Human Resources Director



**Edmundo Lara**  
Facilities Director



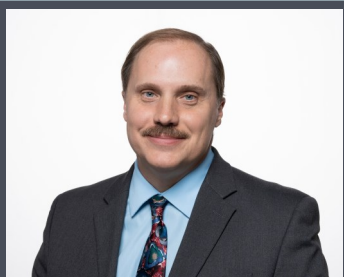
**Jim Kemp**  
Event Center &  
Fairgrounds Director



**Angela Martinez**  
Lea County Communications  
Authority Director



**Ruben Quintana**  
Lea County  
Detention Center Warden



**Robert Lathrop**  
Information  
Technology Director



**Monica Russell**  
Public Information Officer



**Sandy Stout-Brito**  
Community  
Engagement Manager



# Lea County Organizational Chart



# Lea County

# 2022-2027 Strategic Plan

## Mission Statement

*Lea County shall be a leader in providing results-oriented, well-trained, ethically motivated, high quality service for each and every resident while ensuring their rights and freedoms are protected. We aim to deliver the most exceptional public services through dedicated employees and superior collaborations*

## Vision Statement

*We strive to cultivate a safe, healthy, and welcoming environment that will enhance the quality of life of all who work, reside, and visit in Lea County, and for future generations to come*

## Values

*Values guide the actions and behaviors of county leaders and employees in carrying out Lea County programs, projects, and policy development*

**Transparency—Honesty—Integrity**

**Innovation—Creativity—Collaboration**

**Customer Satisfaction—Competence—Courteous**

**Responsive—Compassionate—Optimistic**



# STRATEGIC GOALS



## **Governmental Accountability:**

*To serve as a model for local government in terms of fiscal conservatism and transparency by encouraging integrity and confidence in all county initiatives*



## **Economic Growth:**

*To foster economic prosperity through recruiting and retaining quality employers in all industries of Lea County and creating an environment that is attractive to potential residents as well as various types of industries*



## **Visionary Planning:**

*To continually innovate and strategically maintain countywide planning initiatives that consider future growth and opportunities in order to maintain its current competitiveness and prevention of stagnation*



## **Public Safety:**

*To ensure the safety and protection of the community by defending lives, responding to emergencies, and ensuring justice*



## **Environmental Safety:**

*To ensure the continued health and viability of the county's natural resources by delivering a wide variety of environmental services*



## **Infrastructure and Facilities:**

*To provide well-designed, integrated public infrastructure and facilities for the long-term benefit of all residents*



## **Technology:**

*To integrate newly developed technologies that would maximize productivity and improve operational effectiveness*



## **Community Engagement:**

*To establish trust with the community by successfully communicating with the public, better informing our employees, and being open with our operations to encourage participation from the community*



## **Quality of Life:**

*To provide residents with a wide variety of services that will create a safe and healthy place to call home*

# GOVERNMENTAL ACCOUNTABILITY



## PRIORITY

*To serve as a model for local government in terms of fiscal conservatism and transparency by encouraging integrity and confidence in all county initiatives*

## OBJECTIVES

- G1. Sustain a culture that respects, engages, and encourages community involvement and dialogue in important decisions facing Lea County
- G2. Proceed with the ongoing evaluation, modification, and adaptation of all comprehensive County policies
- G3. Align County resources to board approved vision, mission, and strategic goals
- G4. Provide the public easy access to material regarding County information
- G5. Deliver efficient services that are in line with the requirements and obligations of the community
- G6. Align budget processes with the Strategic Plan priorities to ensure fair allocation of resources
- G7. Ensure financial stability through sound oversight of fiscal operations, taxation, debt management, and revenue collections



# ECONOMIC GROWTH



## PRIORITY

*To foster economic prosperity by creating an environment that is attractive to potential residents as well as various types of industries*

## OBJECTIVES

- E1. Support programs, policies, and initiatives to attract, create, and promote expansion of business, entrepreneurship, and job creation
- E2. Continue evaluating and improving the regulatory framework and development practices to prevent overregulation
- E3. Encourage new and diverse businesses to open or expand in Lea County
- E4. Hold in place the reduced tax rates that will be beneficial to existing and incoming industries
- E5. Collaborate with community partners in economic development for future growth and opportunities for industry and residents
- E6. Support and encourage increased employment opportunities by partnering with economic development organizations in marketing, recruitment, and training efforts for businesses, entrepreneurs and target sector employers
- E7. Promote a healthy economy through business development and economic diversification
- E8. Establish incentives for a strong economy that will encourage visitors to identify the County as a tourism and leisure destination
- E9. Support regional workforce development and talent retention strategies to ensure the industry has the necessary human capital for future success
- E10. Grow our entertainment options and expand tourism opportunities

# VISIONARY PLANNING



## PRIORITY

*Lea County must continually innovate and strategically maintain countywide planning initiatives that consider future growth and opportunities in order to maintain its current competitiveness and prevention of stagnation*

## OBJECTIVES

- V1. Provide the support to the provision of effective education, training, and experience to lea county workforce
- V2. Improve the strategic use of data to promote ongoing process improvement, innovation, and development
- V3. Measure and continuously improve the productivity of County workforce
- V4. Recruit, hire, develop, and retain an engaged and high-performing workforce reflective of the community
- V5. Improve public perception of the positive impact of Lea County
- V6. Invest in human capital by recruiting and retaining employees with competitive compensation, non-monetary incentives, and effectively utilizing volunteer opportunities
- V7. Explore opportunities to improve and enhance employee retention by recognizing the County's best practices and identifying areas for potential improvement



## PRIORITY

*To ensure the safety and protection of the community by defending lives, responding to emergencies, and ensuring justice*

## OBJECTIVES

- S1. Support, foster, and maintain a safe community
- S2. Sustain highly-quality emergency medical and fire services
- S3. Support policies and initiatives that deter criminal activity and reduce risks for residents and visitors
- S4. Maintain efficient and prompt responses to emergency and non-emergency calls
- S5. Provide effective law enforcement and improve the detention facilities for youths and adults
- S6. Establish advance programming and compliance through accreditations and development
- S7. Preserve Lea County's reputation for outstanding safety performance in all fields
- S8. Establish proactive processes to inform policy and legislation changes
- S9. Maintain a presence that is easily available with a proactive emphases on crime prevention
- S10. Provide programs that promote adult re-entry strategies to reduce recidivism after arrest or incarceration
- S11. Develop proactive and responsible programs focused on reducing negative outcomes related to preventable health issues, diseases, mental health challenges, and substance abuse

# ENVIRONMENTAL SAFETY



## PRIORITY

*To ensure the continued health and viability of the county's natural resources by delivering a wide variety of environmental services*

## OBJECTIVES

- E1. Promote, develop, and sustain a healthy and safe environment
- E2. Support communities by being excellent stewards of the water, air, and living resources in Lea County
- E3. Lead the way in protecting, restoring, and maintaining Lea County's natural assets
- E4. Provide stringent environmental planning and assessment in order to limit the impact on the county's natural resources and communities
- E5. Enforce environmental ordinances and regulations in order to safeguard the county
- E6. Enhance the environmental services and operations that are performed for the benefit of the public
- E7. Educate the public on the environmental effect of pollution and promote recycling and appropriate waste disposal via secure waste disposal services



# INFRASTRUCTURE AND FACILITIES



## PRIORITY

*To provide well-designed, integrated public infrastructure and facilities for the long-term benefits of all residents*

## OBJECTIVE

- F1. Preserve and maintain County infrastructure of roads, buildings, and technical systems for current and future operations
- F2. Provide and maintain infrastructure necessary to perform governmental functions and services efficiently
- F3. Provide a stable annual level of expenditures to ensure continued maintenance of county facilities
- F4. Identify areas for collaboration with other governmental agencies for facilities, property, and infrastructure upgrades
- F5. Provide maintenance and facilities improvements to ensure compliance with policies, programs and regulations
- F6. Support planning and implementation of significant transportation and infrastructure improvements for the region
- F7. Look to meet new needs and demands for public facilities by expansion/enhancement of existing facilities first, before considering the building of new facilities

# TECHNOLOGY



## PRIORITY

*To integrate newly developed technologies that would maximize productivity and improve operational effectiveness*

## PRIORITY

- T1. Adopt and use technology to improve service delivery, streamline processes, and improve access to information
- T2. Ensure internal and external customers access to information easily
- T3. Ensure Lea County's cyber security strategy is supportable and viable for current and future needs
- T4. Acquire and modernize technology to lower costs
- T5. Introduce state of the art technology solutions to replace outdated technologies and processes
- T6. Expand and improve service delivery via automation, self-service, and secure web portals
- T7. Maximize efficiency and minimize cost of operations through centralization, utilization of technology, outsourcing, or other methods
- T8. Build trust and confidence in government through technology that is easily accessible and responsive for all internal and external users

# COMMUNITY ENGAGEMENT



## PRIORITY

*To establish trust with the community by successfully communicating with the public, better informing our employees, and being open with our operations to encourage participation from the community*

## OBJECTIVES

- C1. Promote and develop the various Lea County websites
- C2. Provide advance online services in Lea County departments
- C3. Strengthen collaboration and information sharing with local governments
- C4. Increase public trust through greater access and transparency, multiple communication platforms, and methods of community engagement
- C5. Strengthen internal communications among departments and capitalized offices
- C6. Improve and expand the scope and quality of internal and external communications with the citizens of Lea County
- C7. Expand community partnerships with other government jurisdictions, nonprofit organizations, educational institutions, business community, and citizens

# QUALITY OF LIFE



## PRIORITY

*To provide dynamic services that promote the well-being of every citizen in Lea County by creating an environment where everyone can live in a safe and healthy community*

## OBJECTIVES

- Q1. Support and promote access to basic health and welfare services to our community members most in need
- Q2. Provide essential public safety infrastructure and services
- Q3. Increase the development of new street lighting in unincorporated areas and evaluating the need for additional signage
- Q4. Accessible broadband infrastructure
- Q5. Provide reliable and adequate Indigent services
- Q6. Identify and provide access to services that meet the needs and expectations of a changing community
- Q7. Evaluate and update development regulations to accommodate changing demographics and housing needs
- Q8. Advocate, in collaboration with health and human services, for dedicated resources to meet mental health, substance abuse and changing population demographic demands
- Q9. Support plans and programs that increase public access to high quality, well –maintained parks, recreational areas, walking paths, and event centers



# STRATEGIC INITIATIVES

## Governmental Accountability



- Continue to explore opportunities for efficiency and cost savings through intergovernmental functional consolidation where appropriate
- Implement the creation of new precedents and adjusting precinct boundaries
- Continue to work with the state to seek matching grant revenue
- Further improve the live streaming of County events and meetings

## Economic Growth



- Conduct and update the market feasibility evaluation of the Lea County Fairgrounds
- Provide Lovington Main Street Fiscal Agent needs to create the Gateway and Wayfinding Project
- Continue to partner with City of Hobbs Police Department for the Edward Byrne Memorial Justice Assistance Grant
- Continue the implementation of the use of the American Rescue Plan Act Funding
- Implement the amount that was received from the Enhanced 911 Act Grant Program Project.

## Visionary Planning



- Continue the interaction and cooperation with the Southeastern New Mexico Economic Development District/Council of Governments
- Coordinate to host the New Mexico Counties Annual Conference
- Coordinate to host the Turquoise Circuit Rodeo Finals
- Continue the partnership between New Mexico Oil and Gas Association
- Implement the recommendations of how the county wants to spend the American Rescue Plan Act Funding

# Public Safety



- Continue the Multiple Service Agreement between all Lea County Municipalities for Fire, EMS, and other services provided to the City Residents
- Continue the acquisition of land for Maljamar Volunteer Fire Substation to expand/add another fire station
- Continue the partnership between municipalities on the Lea County Communication Authority Dispatching
- Continue the construction of the Knowles No. 2 Fire Station
- Continue the construction of the upgrades in the Lea County Detention Center
- Complete the construction and installment of the 30,000 Gallon Water Tank for Maljamar Fire District
- Enhance the amount of grant funding for the Local DWI Program.
- Continue cooperation between Lovington Municipal Schools to have education services for juvenile offenders
- Establish strong programs to provide medical services for Lea County Detention Center Detainees
- Continue to work to increase the funding for the High Intensity Drug Trafficking Area Regional VI.
- Continue the implementation of increasing the number of fire hydrants in Lea County outside of municipalities

# Environmental Safety



- Continue to promote efficient Waste Management Services for all of Lea County
- Secure the purchase and upgrade to the Lovington Convenience Center
- Continue the Environmental Services Agreement between all Lea County Municipalities to provide convenience center services
- Continue the environmental operations of litter control in Lea County
- Develop, design, and construct improvements of the Hobbs and Lovington Convenience Centers

# Infrastructure and Facilities



- Continue to develop and maintain the Lea County's Infrastructure Capital Improvement Plan
- To provide the upgrades to the banquet hall and lobby lighting in the Lea County Event Center
- Continue to enhance how the County is going to plan, design, construct, purchase, renovate, equip, and furnish the Lea County Historic Courthouse
- Continue to work with the City of Hobbs regarding commercial air service/airline subsidy at the Lea County Regional Airport
- Continue updating the masterplans of each County Airport
- Implement the upgrades to install a Precision Approach Path Indicator at the Lea County Jal Airport
- Coordinate with the City of Hobbs to complete the construction of the Municipal Water Line to the Lea County Regional Airport
- Seek more grant opportunities with the Federal Aviation Administration
- Continue the construction of Runway 3-21 Extension
- Develop a policy and criteria for adding Private Non-County roads to the County Road System
- Complete the development and improvement of Teague Switch Roadway
- To further the completion of the Widening and applying overly on Battle Ax Roadway.
- Complete the agreement between the City of Lovington to improve portions of City owned streets.

# Technology



- Explore Opportunities to better high speed internet for the entire area of Lea County
- Support and develop a new and improved County Website
- Develop and improvement of Lea County Technology Policy

# Community Engagement



- Continue the Community Cleanup program
- Continue the support for Lea County Municipal School District Boards of Education Local Control and Authority to make decisions in the best interest of Students, Staff, and Parents.
- Continue to promote the Health and Fitness Incentive Program at the Lea County Sheriff's Office
- Provide a Merit/Cost of living increase for Lea County Employees
- Continuation cooperation between Lea County and Nor-Lea Hospital District to provide county medical care
- Continue with the Memorandum of Agreement with the City of Hobbs for a Veterans Memorial
- Continue to provide commission approved discretionary funding to all communities and programs around Lea County

# Quality of Life



- Establish a new quality of life study for Lea County
- Begin a new health care need assessment for Lea County
- Continue the improvement of pet overpopulation by engaging in community and governmental partners
- Develop and implementing a spay and neuter strategy



**COMMISSION MAY CONVENE IN CLOSED SESSION to Discuss Acquisition of Real Properties in Northern Lea County, as Authorized by NMSA 1978 § 10-15-1 H (8).**

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

MEETING  
IN PROGRESS





**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM SUMMARY FORM**

**LCBCC Meeting Date: Thursday, November 17, 2022**

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Community Engagement Manager [sstout@leacounty.net](mailto:sstout@leacounty.net); Public Information Officer [mrussell@leacounty.net](mailto:mrussell@leacounty.net) and County Manager [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) by: **Monday, November 7, 2022**

*County Manager Approval required for all time sensitive issues that do not meet the above deadline.*

<b>DATE SUBMITTED</b> mm-dd-yyyy: 11/15/2022	<b>SUBMITTED BY</b> Name, Title, Dept: Sandra Brito, Community Engagement Manager
<b>SUBJECT:</b> Other Business	<b>ATTACHMENT(S):</b> None
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> N/A	<b>ACTION REQUESTED:</b> Discussion Item
<b>BUDGET LINE ITEM NUMBER:</b> N/A	<b>FISCAL BUDGET YEAR:</b> N/A

**STRATEGIC PLAN** Implementation of 5 Year Strategic Plan:

Section 2.6: Transparency and ethical decision making continue to be the framework in which the county operates.

**SUMMARY:**

Any Other Business

<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> Any Other Business	<b>Submitter's Signature</b> Department Director, Etc.
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:	<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)	<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>	<b>Approved by County Manager</b> to be Placed on Agenda 

**Item No.** 0501

**RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: _____	Denied: _____	Other: <u>Any Other Business</u>
Resolution No. _____	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

# Adjourn

Please Join Us at Our Next Regular Meeting on  
Thursday, December 8, 2022 9:00 A.M.