

RESOLUTION 09-JAN-02R

WHEREAS, Lea County in conjunction with Eddy County, the City of Hobbs and the City of Carlsbad entered into in the formation of the Eddy Lea Energy Alliance ("ELEA"), a Limited Liability Company as the best means of jointly performing a grant for site-evaluation studies for potential use in a program undertaken by the United States Department of Energy ("DOE") in support of the Global Nuclear Energy Partnership ("GNEP"), and;

WHEREAS, the DOE has delayed the project indefinitely although the site-evaluation studies indicated the site was suitable for development of a number of energy related economic development projects, and;

WHEREAS, ELEA entered into a option agreement with the owners for purchase of the land that was characterized for the DOE program, and;

WHEREAS, the Lea County Board of County Commissioners finds that purchase of the land is in the best interest of the general welfare of the citizens of Lea County in pursuit of economic development and diversification with the strong potential to create new jobs, broaden the technical and scientific skills of the workforce, increase the number of high-wage jobs, and strengthen the economic base of the County, and;

IT IS THEREFORE RESOLVED BY THE LEA COUNTY BOARD OF COUNTY COMMISSIONERS THAT, Lea County shall contribute its share for the purchase of the land up to \$225,000.00 for purchase, closing costs and attorney fees and;

IT IS FURTHER RESOLVED THAT, should any of the members of ELEA be unwilling or unable to contribute their share, Lea County is authorized to advance such funds and upon such terms as are necessary to effectuate the purchase, up to the amount of \$1,100,000.00, and;

IT IS FURTHER RESOLVED THAT, the Chairman of the Lea County Board of County Commissioners is authorized and directed to take all necessary and appropriate action and to execute all necessary documents to carry this Resolution into effect.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS:



Gary Schubert, Chairman



Gregg Fulfer Vice-Chairman

Mike Whitehead

Mike Whitehead, Member

Hector Ramirez

Hector Ramirez, Member

Dale Duplap

Dale Duplap, Member

ATTEST: Pat Chappelle
Lea County Clerk

By: *Angela Benge*
Deputy



Minutes of Meeting

Lea County Board of Commissioners

January 20, 2009

Chairman Schubert called the meeting to order at 9:06 a.m., in the Lea County Courthouse Commission Chambers.

Commissioners present were, to wit: Commissioner Dale Dunlap District 1, Commissioner Mike Whitehead District 2, Chairman Gary Schubert District 3, Commissioner Hector Ramirez District 4 and Vice Chairman Gregory H. Fulfer District 5.

Also present were Attorney Larry Hanna, Assistant County Manager Bill Gatchell and County Manager Michael Beverly.

Commissioner Fulfer led the Pledge of Allegiance followed by the Invocation by Commissioner Whitehead.

ITEM 01: OUTSIDE ENTITIES

Marilyn Burns thanked the Commission for helping Tatum get the grocery store. Crossroads, Caprock, Bronco, McDonald and Tatum send their thanks. Chairman Schubert stated it is always nice to see something become a success. Mrs. Burns stated they have also started their blind and shutter store.

Grants/Contract - Eva Sanchez

(a) Consideration of Approval for Contract Change Order No. 3 Final Revised for the Lea County Monument Water System Project in Lea County

Grant Contractor Eva Sanchez stated this change order is for the electrical switches, after the pumps were installed the switches did not operate and had to be replaced. The substantial completion walk-through took place last week. Vice Chairman Fulfer asked when will this be closed out completely? Ms. Sanchez stated there are a few items under the engineers' punch list but it should be completed within two weeks. Then the closing out of the files will be coordinated with the State. Vice Chairman Fulfer asked does this grant need to be closed before another can be awarded? The answer was yes.

ITEM 02: COMMISSION

(a) Consideration of Minutes:

- Regular Meeting - December 23, 2008
- Regular Meeting - January 6, 2009

Vice Chairman Fulfer moved to approve the meetings of December 23, 2008 and January 6, 2009. The motion was seconded by Commissioner Ramirez and passed unanimously.

(b) Discussion of Committee Reports

Commissioner Whitehead reported Commissioner Dunlap, Road Superintendent Nick Marinovich, Manager Beverly and he took a tour of Lane Road, Knowles Road and the Fairgrounds. They had a good discussion.

Vice Chairman Fulfer reported Lea County Electric Coop had a wind generation symposium on wind generation options. They have two wind farms under study. There is a need for a power line for renewable energy. He has been contacted by Eva Sanchez about a grant and Grant Administrator C.c. Nelson provided information concerning a study for pursuing a renewable power line. We need to pursue this to have the ability to be a generator of renewable energy. A Federal Grant is available.

Vice Chairman Fulfer attended the Southeastern New Mexico Economic Development District/Council of Governments in Roswell. Their speaker spoke on economic development and labor shortage. The speaker searched for solutions but did not offer any.

(c) **Set/Confirm Next Meeting(s):**

- **Thursday, February 5, 2009 at 9:00 a.m. - Confirmed**
- **Tuesday, February 17, 2009 at 9:00 a.m. - Confirmed**
- **Tuesday, March 3, 2009 at 9:00 a.m. - Tentative**
- **Tuesday, March 17, 2009 at 9:00 a.m. - Tentative**

The next meetings will be held **Thursday, February 5, 2009, Tuesday, February 17, 2009** and **Tuesday, March 3, 2009** at the Lea County Courthouse in the Commission Chambers at 9:00 a.m.

The next tentatively scheduled meeting is **Tuesday, March 17, 2009**.

(d) **Consideration of Appointments to Active Boards:**

- **Lea County Indigent Hospital Claims Advisory Board**
District 1 - Reappoint or Replace Ronnie Harris
District 2 - Replace Eddy Craig
District 3 - Replace John Shepherd
District 5 - Reappoint or Replace Joey Hunter
- **Lea County Road Advisory Board**
District 1 - Reappoint or Replace Bobby Belz
District 5 - Reappoint or Replace Roxie Swain
- **Lovington-Lea County ExtraTerritorial Zoning Commission**
District 1 - Reappoint or Replace John Smith
District 1 - Replace Dan Field

Commissioner Dunlap:

Indigent Claims Advisory Board	Reappoint	Ronnie Harris
Road Advisory Board	Appoint	Paul Herrera
ExtraTerritorial Zoning Commission	Reappoint	John Smith
	Appoint	Kirestie Jackson

Vice Chairman Fulfer:

Indigent Claims Advisory Board	Appoint	Roxie Swain
Road Advisory Board	Appoint	Harold Swain

Commissioner Whitehead moved to ratify appointments. The motion was seconded by Commissioner Ramirez and passed unanimously.

(e) **Consideration of Appointment of Board Member for the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG):**
LCBC - Replace Rick Bruce

Chairman Schubert appointed County Manager Beverly. County Manager Beverly accepted the appointment.

ITEM 03: OTHER ELECTED OFFICIALS

There were no presentations.

ITEM 04: COUNTY MANAGER

Michael Beverly

(a) Consideration of Travel Requests

C.c. Nelson to attend SAMHSA workshop for the continuation grant writing application in Phoenix, Arizona on the 29th of January.

Commissioner Ramirez to attend the Legislative Session in Santa Fe, NM on the 1st of January.

Commissioner Ramirez to meet with the PRCA on the National Steer Roping Finals in Denver, CO on the 22nd through 23rd of January.

All in state travel was reviewed by the County Manager.

Vice Chairman Fulfer moved to approve travel requests. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 05: COUNTY ATTORNEY

Larry Hanna

(a) Consideration of Approval of Resolution No. 09-JAN-002R Eddy Lea Energy Alliance

Attorney Hanna stated years ago Lea County, Eddy County and the Cities of Hobbs and Carlsbad entered into a joint powers agreement and limited liability company for a site evaluation study. The site was identified as appropriate for the Department of Energy for the Global Energy Partnership and for a number of energy related economical development projects. The Energy Alliance entered into an option agreement to purchase the site for economic development. It is close to the time to act upon that option. The option agreement fixed the purchase price for the 960 acres. The purchase fee includes funds for closing cost, transactional fees and working capital. Attorney Hanna recommended approval so the project can continue to move forward. The other partners of the alliance have not acted upon this but it is on their next agendas. Commissioner Whitehead moved to approve the resolution. The motion was seconded by Commissioner Ramirez and passed unanimously.

ITEM 06: DEPARTMENT HEADS

Airports/Environmental Services/Maintenance/Road Department - Assistant County Manager Bill Gatchell

(a) Consideration of Approval of Task Order #16 from The Ross Group for Environmental Compliance for the Lea County Airports

Assistant Manager Gatchell stated this is to prepare an update of our permits for storm water and a notice of intent which is an ETA requirement. Chairman Schubert stated this is housekeeping item to keep the airport in compliance with environmental regulations. Vice Chairman Fulfer moved to approve Task Order #16. The motion was seconded by Commissioner Whitehead and passed unanimously.

(b) Consideration of Approval of Task Order #17 from The Ross Group for Environmental Compliance for the Lea County Landfill

Assistant Manager Gatchell pulled this item from the agenda because a fee schedule has not been received.

Emergency Management - Cecilia Nelson for Lorenzo Velasquez

- (c) **Consideration of Approval of Sub-Grant Agreement between Lea County and New Mexico Department of Homeland Security & Emergency Management for the 2008 State Homeland Security Grant Program**

Grants Administrator C.c. Nelson presenting for Emergency Preparedness Coordinator Lorenzo Valesquez stated the Homeland Security Grant will help provide more equipment for the fire fighters, upgrade the siren system in the City of Hobbs, provide security equipment, upgrade the radio equipment of emergency responders and provide property tracking equipment. She recommended approval. Commissioner Ramirez moved for approval. The motion was seconded by Vice Chairman Fulfer and passed unanimously.

Event Center & Fairgrounds - Ralph Nall

- (d) **Consideration of Approval of Proposal from Mechanical & Electrical Engineering, Inc., for Visual Inspection and Sampling for Asbestos for the Yucca and Zia Buildings at the Lea County Fairgrounds**

Fairgrounds Director Ralph Nall stated this is part of the remodeling projects for these buildings and requested approval. Commissioner Ramirez asked if this was for the air-conditioning. Director Nall stated this is the first phase for the air-conditioning and electrical upgrades. Commissioner Ramirez moved for approval. The motion was seconded by Commissioner Dunlap and passed unanimously.

- (e) **Consideration of Approval of Agreement between Lea County and G & G Roofing., General Corporation for the Lea County Event Center**

This is the continuation of a contract for G & G Roofing approved at the last meeting so they can start ordering supplies and working on the project. Commissioner Whitehead moved for approval. The motion was seconded by Commissioner Ramirez and passed unanimously.

Finance - Jim Burke

- (f) **Consideration of Approval of Accounts Payable for Lea County**

Commissioner Dunlap moved to approve accounts payable. The motion was seconded by Commissioner Ramirez and passed unanimously.

ITEM 07: OTHER DEPARTMENTS

Indigent - Hope Bonilla

Commissioner Whitehead moved to convene as Indigent Board. The motion was seconded by Vice Chairman Fulfer and passed unanimously.

- (a) **Discussion & Consideration of Lea County Indigent Report**

Indigent Specialist Hope Bonilla presented the Lea County Indigent Report for Lea County dated January 20, 2009. Vice Chairman Fulfer asked about a payment for a higher amount than the hospital charged. Specialist Bonilla explained the rate paid was the State Statute DRG rate. Attorney Hanna stated this is the Medicaid rate. Commissioner Ramirez moved to approve the recommendations of the Indigent Review Board. The motion was seconded by Commissioner Whitehead and passed unanimously.

Specialist Bonilla stated the Diabetes Program funded since 2002 is a successful program. The clients fee is \$900, which provides four doctor visits, two lab tests and diabetic supplies. The request to include a one time eye exam for this program was presented to the Indigent Claims Review Board at the January meeting. Attorney Hanna stated the Indigent Claims Review Board is requesting direction on exploring such a program and presenting a proposal. Chairman Schubert stated this program was instituted to save the State money and to better administer the County funds. Attorney Hanna will try to have their proposal at the next meeting.

Commissioner Ramirez moved to reconvene in regular session. The motion was seconded by Vice Chairman Fulfer and passed unanimously.

- (b) Consideration of Approval of Request for Sole Community Provider Fund from Lea Regional Medical Center for FY 2009 - 2010**
- (c) Consideration of Approval of Request for Sole Community Provider Fund from Nor-Lea Hospital district for FY 2009 - 2010**

Chairman Schubert stated these are for the fiscal year beginning in July and he would like to further study the items. Vice Chairman Fulfer moved to table. The motion was seconded by Commissioner Whitehead and passed unanimously.

ITEM 08: PUBLIC

- (a) Comments from the Public**

Area Superintendent Gene Stoudt of Constructors, Inc. said they are making changes and are here to serve the public and County. Project Manager Cory Burnett introduced himself as a point of contact for the County. Sales Representative Coby Crouch is excited to build roads. Mr. Stoudt invited the Commissioners to call so problems will be solved. Constructors, Inc. bought out Armstrong Construction.

ITEM 09: EXECUTIVE SESSION

- (a) Pursuant to Section 10-15-1 (H2), (H7) & (H8) to Discuss Limited Personnel Matters, Pending or Threatened Litigation and the Purchase, Acquisition or Disposal of Real Property**

At 9:39 a.m., Commissioner Ramirez offered the motion to enter into Executive Session pursuant to Section 10-15-1 (H2), (H7) & (H8) to discuss limited personnel matters, pending or threatened litigation and the purchase, acquisition or disposal of real property. The motion was seconded by Commissioner Whitehead. Secretary polled the Commission: Commissioner Dunlap, yes; Chairman Schubert, yes; Commissioner Whitehead, yes; Commissioner Ramirez, yes; and Vice Chairman Fulfer, yes.

Commissioner Ramirez moved to reconvene in Regular Session. The motion was seconded by Vice Chairman Fulfer and passed unanimously. Chairman Schubert called the meeting to order at 10:56 a.m. He stated nothing was discussed other than the items addressed in the motion.

ITEM 10: EMPLOYMENT

- (a) Consideration of Recommendations of Employment:**
 - **Lea County Detention Center**
 - **Lea County Road Department**

Commissioner Whitehead moved, pending successful pre-employment testing, to hire:

Lea County Detention Center
Lea County Road Department

Scott Surber and Jim Carney
Terry Hoye

The motion was seconded by Vice Chairman Fulfer and passed unanimously.

ITEM 11: OTHER

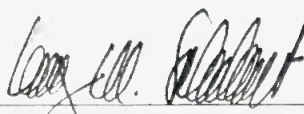
(a) Consideration of Other Business

Nothing was discussed.

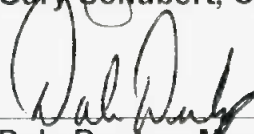
Chairman Schubert adjourned the meeting at 11:00 a.m.

The Lea County Board of Commissioners certify that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

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



Gary Schubert, Chairman



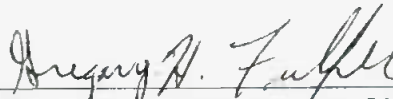
Dale Dunlap, Member



Hector Ramirez, Member



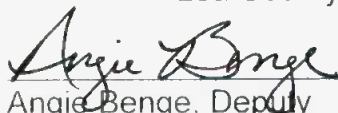
Mike Whitehead, Member



Gregory H. Fulfer, Vice Chairman



ATTEST: Pat Chappelle
Lea County Clerk



Angie Bengé, Deputy