

Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, March 8, 2023, 9:00 a.m.
Eddy County Commission Chambers – 101 W. Greene, Carlsbad, NM 88220

Board members present:

John Heaton (Member-City of Carlsbad)
Sam Cobb (Member-City of Hobbs - Chairman)
Finn Smith (Member-City of Hobbs)
James Bowen (New Member-Eddy County)
Susan Crockett (Member-Eddy County) – via telephone
Jonathan Sena (Member- Lea County) – via video

Board members absent:

Wes Carter (Board Member-City of Carlsbad)
Mike Gallagher. (Member-Lea County)

Administrative staff present:

Melissa Salcido – (Director of Finance – City of Carlsbad)
Angela Hernandez (Legal Assistant to General Counsel/City of Carlsbad)

Also Present:

Farley Vener - Auditor
Jennifer Grassham
John Waters
Nick Maxwell

1. The meeting was called to order by John Heaton.

2. Roll call was taken and a quorum was established.

3. Approval of Minutes of Meeting of December 14, 2022.

The Minutes of the Regular Meeting of December 14, 2022, was presented. A Motion was made by Mr. Sena to approve the Minutes of the Meeting of December 14, 2022. Motion was seconded by Ms. Crockett. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for

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

4. Director/Staff comments:

Mr. Heaton discussed Senate Bill 53.

5. Financial Report Discussion:

Ms. Melissa Salcido reported on the financials for the 6th period of Fiscal Year 2023, ending December, 2022. Ms. Salcido reported there was a beginning cash balance of \$72,810 and an ending cash balance of \$116,201. ELEA received \$75,000 from member contributions. The expenditures of \$31,609 were favorable to the budget of \$120,000. During FY23, Ms. Salcido reported the amounts paid to Montgomery & Andrews were \$14,622.18 and WEX Bank were \$154.38.

6. Approval of Accounts Payable:

Ms. Salcido discussed an account payable due to Montgomery & Andrews for lobbying services for \$25,875.95 and to El Paso Times for \$51.22. Motion was made by Mr. Sena to approve the accounts payable. Motion was seconded by Mr. Cobb. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

7. Approval of FY2022 Audit by Farley Vener.

Mr. Vener reviewed the results of his FY2022 audit, which was unmodified and had no findings to report. Motion made by Mr. Smith to approve Hinkle & Landers' FY2022 audit. Motion was seconded by Mr. Sena. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

8. Approval of FY2023 Auditor Services.

Ms. Salcido discussed that the cost for Hinkle & Landers to conduct the FY23 audit would stay the same as FY2022 and recommended using the same auditors. It may be the last year ELEA can use this auditor firm. Motion made by Mr. Sena to approve Hinkle & Landers to conduct an audit for 2023. Motion was seconded by

Mr. Cobb. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

9. Approval of FY2023 Budget.

Ms. Salcido discussed FY23 budget recommendations. Motion was made by Mr. Cobb to approve the proposed FY2023 budget. Motion was seconded by Mr. Bowen. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for Eddy County voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. No one abstained.

10. Public Comments.

Mr. Maxwell made comments.
Mr. Waters made comments.

11. Adjournment:.

The meeting was adjourned at approximately 9:25 a.m.

Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, September 13, 2023, 9:00 a.m.
Carlsbad City Council Chambers – 114 S. Halagueno, Carlsbad, NM 88220

Board members present:

John Heaton (Member-City of Carlsbad - Chairman)
Sam Cobb (Member-City of Hobbs)
James Bowen (Member-Eddy County)
Susan Crockett (Member-Eddy County)
Mike Gallagher. (Member-Lea County)

Board members absent:

Wes Carter (Board Member-City of Carlsbad)
Finn Smith (Member-City of Hobbs)
Jonathan Sena (Member- Lea County)

Administrative present:

Melissa Salcido – (Director of Finance – City of Carlsbad)
Denise Madrid Boyea- (General Counsel and City Attorney for City of Carlsbad)

Also Present:

Nick Maxwell

1. The meeting was called to order by John Heaton.

2. Roll call was taken and a quorum was established.

3. Approval of Minutes of Meeting of June 14, 2023.

The Minutes of the Regular Meeting of June 14, 2023, was presented. A Motion was made by Mr. Gallagher to approve the Minutes of the Meeting of June 14, 2023. Motion was seconded by Mr. Cobb. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for Eddy County voted yes; and Mike Gallagher for Lea County voted yes. No one voted no. No one abstained. Motion approved.

4. Director/Staff comments:

Mr. Heaton discussed a 5th Circuit Court of Appeals case decided 8/25/2023 involving the State of Texas against the NRC and USA. The NRC can request an *en banc* hearing involving the entire 5th Circuit Court of Appeals or apply for certiorari to the U.S. Supreme Court.

5. Financial Report Discussion:

Ms. Melissa Salcido reported on the financials for the 12th period of Fiscal Year 2023, as of June, 2023. Ms. Salcido reported there was a beginning cash balance of \$72,810 and an ending cash balance of \$97,252. ELEA received \$100,000 from member contributions. The expenditures of \$75,558 are favorable to the budget of \$120,000. During Quarter 4 of FY23, Ms. Salcido reported the amounts paid to Montgomery & Andrews were \$19,496.24, WEX Bank were \$84.84, and El Paso Times were \$43.18.

6. Approval of Accounts Payable:

Ms. Salcido discussed an account payable due to WEX Bank for public notices for \$46.23 and El Paso Times for \$50.49. Motion was made by Mr. Gallagher to approve the accounts payable. Motion was seconded by Mr. Cobb. The vote: John Heaton for Carlsbad voted yes; Sam Cobb for Hobbs voted yes; James Bowen for Eddy County voted yes; and Mike Gallagher for Lea County voted yes. No one voted no. No one abstained. Motion approved.

7. Discuss and/or Consider Approval of Amending Revenue Sharing Agreement with Holtec to define “gross revenues”.

Mr. Heaton discussed the existing Revenue Sharing Agreement between ELEA and Holtec and possibly amending the Agreement to better define the term “gross revenues”. There is no proposed language from Holtec. Mr. Cobb stated transportation expenses need to be well defined. Mr. Gallagher stated this is a significant change and Lea County needs a lot of time to consider this issue. Mr. Heaton stated these comments were well received and when ELEA receives proposed language from Holtec, ELEA will call a meeting to consider their proposal.

8. Public Comments.

None.

9. Adjournment.

The meeting was adjourned at approximately 9:30 a.m.

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**Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, December 13, 2023, 9:00 a.m.
Lea County Historic Courthouse - Commission Council Chambers
100 N. Main, Lovington, NM 88260**

Board members present:

Sam Cobb (Member-City of Hobbs)
John Heaton appeared remotely (Chairman-City of Carlsbad)
Susan Crockett appeared remotely (Member-Eddy County)
Jonathan Sena (Member-Lea County)
Mike Gallagher (Member-Lea County)

Board members absent:

Finn Smith (Member-City of Hobbs)
Wes Carter (Member-City of Carlsbad)
Bo Bowen (Member-Eddy County)

Administrative staff present:

Melissa Salcido (ELEA Fiscal Agent & City of Carlsbad Finance Director)
Denise Madrid Boyea (ELEA General Counsel & City of Carlsbad City Attorney)
Ke'onna Yates (Lea County Executive Coordinator for Mike Gallagher)

Others present:

Nick Maxwell (Citizen)

Call to Order:

The meeting was called to order by S. Cobb.

Roll Call and Quorum:

S. Crockett called Roll. A quorum of voting members was established.

Approval of Agenda:

J. Sena moved to approve the Agenda. The motion was seconded by S. Crockett. The vote was as follows: S. Cobb for Hobbs, yes; J. Sena for Lea County, yes; and S. Crockett for Eddy County, yes. No one voted no. Absent: J. Heaton, F. Smith, W. Carter and B. Bowen. The Motion passed.

Approval of the Minutes of the ELEA Regular Meeting held September 13, 2023:

J. Sena moved to approve the minutes of the ELEA regular meeting held September 13 2023. The motion was seconded by S. Crockett. The vote was as follows: S. Cobb for Hobbs, yes; J. Sena for Lea County, yes; and S. Crockett for Eddy County, yes. No one voted no. Absent: J. Heaton, F. Smith, W. Carter and B. Bowen. The Motion passed.

Approval of the Minutes of the ELEA Special Meeting held October 24, 2023:

J. Sena moved to approve the minutes of the ELEA special meeting held October 24, 2023. The motion was seconded by S. Crockett. The vote was as follows: S. Cobb for Hobbs, yes; J. Sena for Lea County, yes; and S. Crockett for Eddy County, yes. No one voted no. Absent: J. Heaton, F. Smith, W. Carter and B. Bowen. The Motion passed.

(Mr. Heaton joined the meeting remotely at approximately 9:08 and explained his delay in joining was due to technical difficulties.)

Director/Staff comments:

J. Heaton briefly discussed speaking with Holtec personnel regarding amending the Revenue Sharing Agreement and entering into an Indemnity Agreement.

Discuss Indemnity Agreement with Holtec:

S. Cobb discussed taking proposed Indemnity Agreement in meeting packet to each member's governing body for possible acceptance

Discuss Revenue Sharing Agreement and Legal Expenses Agreement with Holtec:

J. Sena discussed process for members to take proposed amendments to Revenue Sharing Agreement and entering into an Agreement for partial reimbursement of legal expenses to each members' respective governing bodies. S. Cobb made comments that the next step for the proposed Agreements should be handled via written response from Holtec through legal counsel. J. Heaton requested counsel for ELEA to contact counsel for Holtec to request a written response. J. Heaton discussed lawsuit decided in the 5th Circuit Court arising out of the Texas case. S. Cobb discussed obtaining a counter-proposal from Holtec.

Financial Report by Melissa Salcido:

M. Salcido presented a Financial Report for the period as of September, 2023, the third period of Fiscal Year 2024. J. Sena asked whether the annual members’ contributions should be made since the Holtec project is on hold. S. Cobb stated the annual membership contributions are paid via Invoice and said if it is the will of the Board, the Invoices could simply not be sent out. M. Gallagher recommended continuing the same amount in case it is needed. S. Cobb agreed to continue the annual contributions.

Approval of Accounts Payable:

M. Salcido presented the expenses paid during her financial report. J. Sena moved to approve the payment of expenses. The motion was seconded by S. Crockett. The vote was as follows: S. Cobb for Hobbs, yes; J. Heaton for Carlsbad, yes; J. Sena for Lea County, yes; and S. Crockett for Eddy County, yes. No one voted no. Absent: F. Smith, W. Carter and B. Bowen. The Motion passed.

Public Comments:

No citizens made comments.
No comments were submitted via email.

Adjournment:

The motion was made by J. Sena and seconded by J. Heaton to adjourn. The vote was as follows: S. Cobb for Hobbs, yes; J. Heaton for Carlsbad, yes; J. Sena for Lea County, yes; and S. Crockett for Eddy County, yes. No one voted no. Absent: F. Smith, W. Carter and B. Bowen. The Motion passed.

Approved:
