

**MINUTES FOR MEETING  
FOR THE BOARD OF DIRECTORS OF THE  
EDDY-LEA ENERGY ALLIANCE**

**On Wednesday, February 8, 2018 @ 8:00 A.M.  
At 400-2 Cascades Ave. Suite 201, Carlsbad NM**

**Members Present:**

John Heaton	Jason Shirley
Susan Crockett	Jack Volpato
Johnny Cope (Via Telephone)	
Sam Cobb(Via Telephone)	
Ron Black	

**Staff Members Present:**

John Waters  
Chip Low  
Steve Vierck(Via Telephone)

**Others Present:**

Norbert Rempe  
Rev. Stephanie Harmon  
Nicholas Maxwell  
  
Max Shrake  
Gene Harbaugh  
Lorraine Villegas  
John Barry

1. Meeting was called to order at 8:01 am by Chairman **John Heaton**
2. Roll call was taken and a Quorum was established. Hobbs – Mayor Cobb, Carlsbad – Councilman Jason Shirley & John Heaton, Lea County – Commissioner Ron Black & Johnny Cope, Eddy County – Commissioner Susan Crockett & Jack Volpato
3. **Ron Black** moved for approval of the agenda. **Jack Volpato** seconded and motion was adopted unanimously.
4. The minutes for 11-6-2017 were presented. Heaton asked if there were any additions or corrections to the minutes. **Heaton** moved to make an amendment to make two corrections to the minutes changing the date of NRC licensing from 2019 to 2020 and at the (b.) “in room” should be changed to “interim.” **Crockett** seconded the amendments and the amendments were approved

unanimously. **Susan Crockett** moved for the Approval of the Minutes as amended, seconded by **Ron Black**, and motion was adopted by all but Jack Volpato who abstained from both votes, as he did not attend that meeting.

5. Heaton presented the OMA Resolution to the Board, and said a Resolution must be passed annually. Heaton moved to amend the Resolution public notice from seven days to 72 hours, explaining that that is the prescribed time for notification in the law. Jason Shirley seconded and the amendment was adopted unanimously. **Jason Shirley then** moved for approval of the Amended OMA Resolution for 2018. **Jack Volpato** seconded and motion was adopted unanimously.  
Heaton, explained that each board member must sign the Resolution and register their vote as well as initializing the amendment change.
6. **Chip Low** presented the financial report month ending February 23, 2018. The total balance as of November 6, 2017 was \$ 93,267.23. We've received no revenue since November 6, 2017. There were no bills to be approved for payment, leaving out current balance at \$93,267.23.
7. **Chip Low** informed the Board that there were no expenditures to be approved for payment.
8. **Chip Low** presented the FY 2017 Audit. The audit was completed with no findings or discrepancies. Audit was approved by the DFA. The amount of the audit we should see in the next month or so will be around the amount of \$5,400.00

**Jack Volpato** motioned for approval of the 2017 audit **Susan Crockett** seconded, and the motion unanimously adopted.

9. **Chip Low** proposed Scott Northam as a potential Auditor selection for June 30, 2018 FY. Mr. Low told the Board Mr. Northam is doing some work for Lea County, he has a very good reputation, is on the State Auditor's list of qualified auditors, and because our audit is typically uncomplicated he could accomplish it when doing some of the Lea County work. Lea County is our fiscal agent and Scott will perform the Audit in the ELEA office. The proposed amount for Scott Northam to conduct the ELEA audits is \$4,879.69 per yearly audit.

**Sam Cobb** moved for approval of the Auditor **Ron Black** seconded, and the motion unanimously adopted.

10. **Chip Low** stated that all Board members Financial Disclosures with the exception of Jason Shirley have been received. Mr. Shirley stated he had emailed his disclosure.
11. Mr. Low updated the Board on the status of the IPRA request. He had provided the requestor with all meeting minutes dated back to 2010, the original JPA along with the updated JPA, the amended Articles of Origination, the option contract with Holtec, contracts for the cell tower lease, the easement contracts granted for pipelines traversing the property, financial reports and all audits and tax returns dating back to 2010.
12. Webb Page Update: John Waters has scheduled a meeting with Jeff Campbell, Steve Vierck, Amy (Holtec) & Katlin (Holtec) to discuss the skeleton structure of the ELEA Web Site. John Waters is hopeful to have some framework by the next ELEA meeting to make sure they have met the

needs of ELEA. Once phase one is approved we can move to the next phase in finding a company to build the web site. They are many but a few that both Cities and Counties use to build their web sites.

13. Holtec Update:

- a. Application Status: The NRC has accepted the application for review after providing them with supplemental information that was completed in December of 2017. They now believe we have a complete submittal, what that means now is they can accept our License Submittal and formally docket it. Before they docket it, they are going to brief State and Federal level congressman. Holtec expects their application to be docketed this afternoon (February 8, 2018). Docketing means that they formally accept our application for a detailed review. We will now be embarking on a very public process to license the CIS facility in Lea County. There will be public hearings and public comments. There will be town hall meetings, public hearing and the NRC will schedule those. They may have requests for additional information or clarifications. The first round of Requests for Additional Information (RAI's) it is projected by the NRC that it will happen between March and August of this year. And if necessary there will be a second round for additional information through January 2019. We expect a draft EIS by the summer of 2019 and public comments will be solicited on the draft. Then we will expect the Safety Evaluation report by the fall of 2019 and the final environmental impact statement by summer 2020. Ed Myer flew to Hobbs in early January to go over the first responder's emergency plan, so the responders could understand more about the facility and the necessary response preparation. There will be a scoping hearing that typically occurs within a couple of months after the application is deemed complete in order to garner any issues to be included in their technical review.

B. Activities since Last Meeting: John Heaton has spoken to The League of Woman Voters and the Institute of Nuclear Materials Management.

14. Public Comment:

Public comments were made by Nicholas Maxwell and Lorraine Villegas

15. Meeting was adjourned at 8:45 am by **John Heaton**

Minutes approved

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John Heaton, Chairman

**ELEA Meeting**  
March 26, 2018  
EDC of Lea County offices

Board Members Attending: Sam Cobb, Susan Crockett, Ron Black, Johnny Cope (phone), John Heaton

Advisors present: Chip Low, Mike Stone, John Caldwell

Public in Attendance: Nick Maxwell-Lea County, Nicholas King-Eddy County, Patricia Cardona-Sierra Club, Lon Burnam-Fort Worth, Lorraine Villegas-Hobbs, Gene Harbaugh-Carlsbad

Meeting was called to order at 8:01 AM by John Heaton.

**Approval of the Agenda:** Motion by Sam Cobb, second by Susan Crockett. Motion passed unanimously.

**Approval of minutes:** Motion by Sam Cobb to adopt the minutes of Feb 28, 2018 with the correction of the date of the minutes from Feb 8, 2018 to the correct date of February 28, 2018. Seconded by Ron Black. Motion passed unanimously.

**Financials:** Chip Low presented financials. Expenses included \$31.53 on supplies, \$27.72 on insurance, \$5,321.25 on an audit fee from 6/30/17 audit. Remaining cash balance is \$87,955.98.

**Accounts payable:** Chip low presented the accounts payable expressed above as well as the audit fee/invoice.

A motion to approve the accounts payable was made by Sam Cobb. Seconded by Susan Crockett. Motion passed unanimously.

**Approval of the budget:** Budget projected income was \$11,547. Expenses are increased for travel and per diem amounts due to attendance at NRC hearings and future outreach by board members . Budget included \$20,000 for legal fees, \$22,000 in contract labor and services, \$4,000 for the audit, and the rest for website development.

Susan Crockett asked if the website had a set amount required. John Heaton stated the website was being handled by Steve Vierck, John Waters, and Holtec and the estimated cost was \$15,000.

A motion to approve the budget was made by Sam Cobb. Seconded by Johnny Cope. Motion passed unanimously.

**Request of Lea County to remain Fiscal Agent:** John Heaton proposed a letter thanking Lea County for being our fiscal agent as well as our depository for records. The letter requested Lea County to continue

as our fiscal agent and record depository. Letter included in the packet. The letter praised LC's work and Chip Low's activities.

Ron Black asked for the letter to be included in the Lea County Commission agenda as an action item and be approved.

A motion to approve the letter was made by Sam Cobb and seconded by Susan Crockett. Motion passed unanimously.

Johnny Cope noted that he is moving back to Ruidoso and plans to attend future meetings in person unless some unforeseen reason occurred.

**Amending OMA Resolution:** John Heaton noted the desire to amend the Open Meeting Act resolution from 72 hours notification to a more appropriate and longer period of time. He then asked legal counsel to advise.

Mr. Caldwell spoke of "reasonable" statute. The agenda must be posted 72 hours prior to meeting. Better practice suggests 7 days. He said the Attorneys for our four Members suggested 10 days in advance.

John Heaton suggested they adopt the Open Meeting Act with an amendment of 10 days and that everyone sign, date and note their vote for the new amendment.

Mr. Cope questioned the lengthy period and what conflict it would create if some emergency needed to be responded. John Heaton mentioned special meeting conditions existed in the OMA allowing for shorter notification in emergencies. Mr. Caldwell noted there could be a 3 day lead time in special circumstances. Sam Cobb mentioned work sessions could occur with only 72 hours notice, but no voting could occur at such a session. Mr. Stone agreed exceptions existed for special emergencies, and ELEA could call a special meetings where decisions could be made through voting with 72 hours notice.

Motion was made by Ron Black, seconded by Susan Crockett to amend the ELEA OMA resolution to extend the meeting notification period to 10 days. The motion passed unanimously.

Caldwell noted that they are only amending the previous OMA resolution that was passed it at the last meeting. However, he agreed that it would be better if everyone signed the new amended version with how they cast their vote.

**IPRA Request:** Chip Low had no new updates. John Heaton noted Nick Maxwell had filed a formal complaint with the attorney general and ELEA must respond by April 6<sup>th</sup>.

**Website update:** There were no updates.

**Holtec Update:** No updates. John Heaton mentioned Holtec had done a few presentations at the Waste Management Symposium in Phoenix.

**Public Input from the following:**

Lon Burnam

Lorraine Villegas

Nicholas King

Nick Maxwell

Meeting was adjourned at 8:30 AM by John Heaton.

**EDDY-LEA ENERGY ALLIANCE  
SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
FRIDAY, JUNE 15, 2018, 9:00 A.M.  
CITY OF HOBBS-CITY COMMISSION CHAMBERS  
200 EAST BROADWAY, HOBBS, NM**

Board members present: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crocket (phone)

Board member absent: Garry Buie

Administrative Staff present: Mike Gallagher, Lea County Manager; Chip Low, Lea County Finance Director; John Caldwell, Lea County Attorney; John Waters (phone), Carlsbad Dept of Development

The meeting was called to order at 9:05 am by John Heaton.

**Approval of the minutes from 3-26-2018:** Motion made by Jack Volpato to approve the minutes from the 3-26-18 meeting. Seconded by Sam Cobb. Motion passed unanimously.

*Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crocket*

**Financial Report:** Chip Low reported that the year-to-date expenditures total 8124.78 with liability insurance of 4772.00 and 5321.00 going to the audit. Check received for tower rentals for a total of 11054.00, and the cash balance as of May 1, 2018, is 99010.69.

**Accounts Payable:** Chip Low reported that there were no Accounts Payable since the last meeting.

**Discussion of Status of Lea County as Fiscal Agent & Custodian of Records:** Mike Gallagher requested that Lea County Commissioners to be fiscal agent and custodian of records for the ELEA. This will involve posting the agenda for each meeting and note taking for each meeting. The posting of each meeting agenda will need to be done at each individual entity: Eddy County, City of Carlsbad, City of Hobbs, and Lea County. John Heaton mentioned that he is very appreciative of Lea County of taking on the role of Fiscal Agent and Custodian of Records for ELEA.

**Approval of Regular Meeting Calendar and Approval of Meeting Locations:** John Heaton discussed having regularly scheduled meetings prior to the end of the fiscal quarter, which would be March, June, September, and December. John Caldwell suggested meeting in public buildings, alternating between Hobbs and Carlsbad. Mike Gallagher suggested rotating the meeting locations between the various member entities. Motion by Ron Black to have regularly scheduled meetings at 9:00 a.m. on the 2<sup>nd</sup> Wednesday of the month prior to the fiscal end of the quarter, meeting in public buildings, and alternating between Hobbs and Carlsbad rotating the meeting locations between the various member entities. Second by Sam Cobb. Passed unanimously.

*Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crocket*

**Discussion of Outside General Counsel:** John Caldwell discussed that Lea County maintain general counsel for the ELEA. There have been discussions with four different attorneys with the different entities on transactional law. John suggested that he take the lead for temporary general counsel to ensure that ELEA is complying with administrative law in the state of New Mexico and some other items until permanent general

counsel can be retained. John Heaton asked John Caldwell to make recommendations at the next meeting. An RFP would need to be created for \$60,000/year to retain outside general counsel to advise the ELEA on items like The Open Meetings Act, The Inspection of Public Records Act, and Procedural Law. John Caldwell will draft an RFP with the list of criteria and present it at the next meeting.

**Approval of Temporary General Counsel:** Motion made by Ron Black for ELEA to accept John Caldwell's offer to be Temporary General Counsel for a temporary period of time until Permanent General Counsel can be retained. Second by Jack Volpato. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crocket*

**Web Page Update-Lea County:** Mike Gallagher proposed that an ELEA web page be hosted on Lea County's website. Advantages would be advertising for the meetings and putting information on Lea County's website. There will be not be a charge associated with this. If the website used in Carlsbad continues to be used, it might become problematic. Mike Gallagher suggested that consolidation would be best and just use one website. Mike suggested that if anybody on the board needs items posted on the website, they should contact the staff member responsible for maintaining the website. Links would be available to the three other member ELEA member entities, NRC, and Holtec. John Waters mentioned that there is a domain on eddyleaenergyalliance.com and asked if the board would want this transferred to the Lea County website, with Mike agreeing that this domain be transferred. Mike Gallagher suggested that the Lea County staff get together with John Waters to get the eddyleaenergyalliance.com domain transferred to the Lea County webpage and have it as an action item on the agenda for the next meeting.

#### **Holtec Update-John Heaton and Board members**

**NRC Scoping Meetings:** John Heaton reported that there were 5 scoping meetings held in New Mexico and 1 general scoping meeting held at the NRC nationally. The meetings were pretty well attended.

The meetings were held in:

Roswell: Most people at this meeting spoke against Holtec. Attendees included people from Texas, California.

Hobbs: Strong response from our elected officials.

Carlsbad: About 30 people spoke in favor.

Gallup: Most of the people that spoke discussed uranium mining.

Albuquerque: Large group of about 200. Most spoke against.

Most of the issues with the Holtec project seem to be the transportation system (railcars). What are the risks? Get the facts out to the public.

The NRC is anticipating having a draft of the Environmental Impact Statement (EIS) out by the end of summer. Then, there will be a 60 day hearing process for public comment, and also another 60 day public comment period. Then, a final EIS, a safety evaluation report, and another public comment period. Licensing follows. Possibly 2 years from now when a final decision will be made. Sam Cobb mention that work sessions will be held with Holtec. Holtec has hired an agenda company as a PR company. Meetings will be posted on the website.

**Approval of Hiring Lobbyist for ELEA:** John Heaton discussed. A Lobbyist is needed to coordinate with the Legislature to educate them and to coordinate with the agenda group and their activities. Thus, coordinating the whole effort. Maximum amount allocated to the Lobbyist is \$60,000. John Heaton suggested limiting this amount to \$50,000. Mike Gallagher suggested that the ELEA Board come up with a scope of work and create an RFP. John Heaton responded that three different groups were interviewed with a cost of \$50,000. Mike Gallagher was not aware of these interviews.



Motion made by Sam Cobb to move forward with the RFP for hiring a lobbyist. Second by Jason Shirley. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Discussion of ELEA Member Financial/Other Contributions to ELEA:** John Heaton suggested that members who are elected officials go back to their appropriate commissions/counsels and ask for a contribution of an additional \$15,000 to cover some of these costs that are arising. Jack Volpato suggested that each of the four entities submit their budget requests in Q1. The financial needs and obligations need to be reviewed and presented to their groups in order to build their budgets. John Heaton suggested members report back at the end of July.

**Executive Session-**Motion made that the Governing Board convene in closed session to discuss threatened litigation concerning administrative procedures and the acquisition and disposal of real property in west Lea County, as permitted by 10-15-1 H. (7) and (8), respectively. Second. Passed unanimously.

Susan Crockett was not involved in the closed session.

**Approval of Lease/Contract with Dawson Geophysical Company for 3D Geophysical survey on Property:** John Caldwell discussed. Motion by Sam Cobb to approve the Lease/Contract with Dawson Geophysical Company for 3D Geophysical survey on Property. Second by Ron Black. Passed. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton. Abstained: Susan Crockett*

**Approval 2013 Annual Open Meetings Act Resolution:** John Caldwell discussed. Motion by Jack Volpato to approve the 2013 Annual Open Meetings Act Resolution. Second by Sam Cobb. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Approval 2014 Annual Open Meetings Act Resolution:** Motion made by Ron Black to approve the 2014 Annual Open Meetings Act Resolution. Second by Jason Shirley. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Approval 2015 Annual Open Meetings Act Resolution:** Motion made by Ron Black to approve the 2015 Annual Open Meetings Act Resolution. Second by Jason Shirley. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Approval 2016 Annual Open Meetings Act Resolution:** Motion made by Jason Shirley to approve the 2016 Annual Open Meetings Act Resolution. Second by Jack Volpato. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Approval 2017 Annual Open Meetings Act Resolution:** Motion made by Jason Shirley to approve the 2017 Annual Open Meetings Act Resolution. Second by Sam Cobb. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Approval of Disclosure Forms:** John Caldwell discussed that if an ELEA board member has outside employment, it should be disclosed. Motion by Ron Black to adopt these Disclosure Forms. Second by Jack Volpato. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

**Election of Officers:** John Heaton mentioned that the election of officers is done annually.

Secretary – No nominations from the floor. Motion made by Sam Cobb to re-elect Susan Crockett for Secretary. Second by Ron Black. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

Treasurer – Motion made by Susan Crockett to nominate Jack Volpato. Motion make by Ron Black to elect Jack Volpato. Second by Jason Shirley. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

Vice Chairman – Jason Shirley nominated Jack Heaton. Second by Jack Volpato. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

Chairmanship – Jack Heaton nominated Sam Cobb. Motion made by Jack Heaton to elect Sam Cobb. Second by Jack Volpato. Passed unanimously. *Voted yes: Ron Black, Rebecca Long, Sam Cobb, Jason Shirley, Jack Volpato, John Heaton, Susan Crockett*

John Caldwell introduced the official note-taker – Elizabeth White

**Public Input from the following:**

Nick Maxwell-Discussed that there was a violation of the Open Meetings Act. Discussed the Amended Operating Agreement. Also discussed that all contracts shall be signed by the Chairperson or the Vice-Chairperson or Secretary or Treasurer. Notes that several contracts were not executed properly (only signed by the Chairperson). These contracts are Land Purchase Option Agreement, Revenue Sharing Agreement, Write-of-Way and Easement Agreement between ELEA and DCP Energy, Agreement between Lucid Energy and ELEA for a Write-of-Way Grant, First Amendment to Site Lease with Option, and Memorandum of First Amendment to Site Lease with Option with the tower company. They do not coincide with the Operating Agreement.

Mr. Maxwell opposes the project and wants the Board dissolved.

**Adjournment:** Motion by Jack Volpato to adjourn. Second by Jack Heaton. Meeting adjourned at 10:55 a.m.

**EDDY-LEA ENERGY ALLIANCE  
SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
WEDNESDAY, AUGUST 22, 2018, 9:00 A.M.  
CITY OF HOBBS-CITY COMMISSION CHAMBERS  
200 EAST BROADWAY, HOBBS, NM**

Board members present: Ron Black, Sam Cobb, John Heaton, Susan Crocket, Gary Buie

Board members absent: Jason Shirley, Jack Volpato, Rebecca Long

Administrative Staff present: Chip Low, Lea County Finance Director; John Caldwell, Lea County Attorney

The meeting was called to order at 9:01 am by Sam Cobb.

**Approval of the minutes from 6-15-18:** Motion made by Ron Black to approve the minutes from the 6-15-18 meeting. Seconded by John Heaton. Motion passed unanimously.

*Voted yes: Ron Black, Sam Cobb, John Heaton, Susan Crocket, Gary Buie*

**Award RFP (#ELEA-01-2018) Proposal for Lobbyist for New Mexico Legislature:** John Caldwell discussed. There were six proposals that were submitted for this RFP. A committee evaluated and scored the six proposals. Montgomery & Andrews P.A. received the highest evaluation score; therefore, the ELEA Board selects Montgomery & Andrews P.A. to be its Lobbyist for the New Mexico Legislature. The contract will initially be capped at \$57,000. Sam Cobb will sign this resolution and have it notarized. Motion by John Heaton to draft a resolution for each entity to seek an additional \$25,000 for expenses. Second by Ron Black. Motion passed unanimously.

*Voted yes: Ron Black, Sam Cobb, John Heaton, Susan Crocket, Gary Buie*

**Resolution Supporting Holtec International's Effort to Build an Interim Storage Facility for Spent Nuclear Fuel in Southeastern New Mexico and ELEA's Becoming a Party to the NRC Adjudicatory Hearing:** Sam Cobb will sign this resolution and have it notarized. Motion made by Gary Buie to designate John Heaton as the ELEA representative for the hearing and directs the Chairman, ELEA on behalf of the ELEA to execute the petition to participate as an interested local governmental body as an interested party in the proceeding on the HI-STORE application. Second by Susan Crockett. Passed unanimously.

*Voted yes: Ron Black, Sam Cobb, John Heaton, Susan Crocket, Gary Buie*

**Public Comments:** None

**Adjournment:** Motion by John Heaton to adjourn. Meeting adjourned at 9:11 a.m.

**EDDY-LEA ENERGY ALLIANCE  
REGULAR MEETING OF THE  
BOARD OF DIRECTORS  
WEDNESDAY, DECEMBER 12, 2018, 9:00 A.M.  
CITY COUNCIL CHAMBERS OF THE CITY OF CARLSBAD, NM  
114 SOUTH HALAGUENO, CARLSBAD, NM 88220**

Board members present: Ron Black, Jonathan Sena, Susan Crockett, Sam Cobb, John Heaton, Jack Volpato, Jason Shirley

Board members absent: Gary Buie

Administrative Staff present: Chip Low, Lea County Finance Director; John Caldwell, Lea County Attorney

The meeting was called to order by Sam Cobb.

Roll call was taken and a Quorum was established.

**Approval of the minutes from August 22, 2018:** Motion made by Susan Crockett to approve the minutes from 08-22-2018. Seconded by John Heaton. Motion passed with two abstentions.

*Voted yes: Ron Black, Susan Crockett, Sam Cobb, Jason Shirley, John Heaton.*

*Abstained: Jonathan Sena, Jack Volpato*

**Consideration of the June 30, 2018 Annual Audit:** Chip Low presented the FY 18 Audit. The audit opinion was unqualified. There were no current year findings or prior year findings. Audit was accepted and approved by the DFA. John Heaton reported that he believed that "Note C – Land Purchase Option" needed to be revised in order to present the sale option in a more precise manner. Sam Cobb recommended that approval be postponed until the language could be updated. Susan Crockett moved to postpone approval. Seconded by Jack Volpato. Motion passed unanimously.

*Voted yes: Jonathan Sena, Ron Black, Susan Crockett, John Heaton, Sam Cobb, Jason Shirley, Jack Volpato*

**Review of the financial report for December 10, 2018:** Chip Low presented the year to date financial report. Total expenditures year to date are \$18,205.35. No revenue has been received in the current year. It was reported that Eddy County, City of Carlsbad and City of Hobbs have been billed for the FY19 member contribution. Cash on hand at December 10, 2018 is \$80,294.44.

**Consideration of Accounts Payable:** Chip Low reviewed the expenditures year to date and presented one invoice from Montgomery & Andrews for November 2018 lobby retainer and expenses for \$4,990.29. John Heaton moved to approve the expenditures. Second by Jason Shirley. Motion passed unanimously.

*Voted yes: Jonathan Sena, Ron Black, Susan Crockett, John Heaton, Sam Cobb, Jason Shirley, Jack Volpato*

**Consideration of RFP for Legal Services:** John Caldwell presented and discussed an RFP procuring legal services for ELEA. John Heaton recommended that more specific language be included in the scope of work as to fees and expenses charged. Sam Cobb recommended that approval be postponed until the language could be updated. John Heaton moved to postpone approval. Seconded by Jason Shirley.

Motion passed unanimously.

*Voted yes: Jonathan Sena, Ron Black, Susan Crockett, John Heaton, Sam Cobb, Jason Shirley, Jack Volpato*

**Public Comments:** Public comments were made by Nicholas Maxwell and Lorraine Villegas.

**Introduction of Letter to the NRC:** Sam Cobb requested that a letter to the NRC from the City of Hobbs requesting that they make arrangements that will allow the City of Hobbs to live stream oral arguments in the Matter of Holtec International on January 23-24, 2019 be entered into the minutes.

**Introduction of Resignation Letter from Ron Black:** Ron Black submitted his letter of resignation from the ELEA Board. John Heaton moved to accept. Seconded by Susan Crockett. Motion passed unanimously.

*Voted yes: Jonathan Sena, Ron Black, Susan Crockett, John Heaton, Sam Cobb, Jason Shirley, Jack Volpato*

**Executive Session:** The Board of Directors may convene in Closed Session to discuss threatened litigation in which the Board may become a participant regarding administrative procedures, as permitted by N.M.S.A. 1978 Section 10-15-1 H(7). Jack Volpato motioned to go into Executive Session. Seconded by Susan Crockett. Motion passed unanimously.

*Voted yes: Jonathan Sena, Ron Black, Susan Crockett, John Heaton, Sam Cobb, Jason Shirley, Jack Volpato*

*The meeting was reconvened. Let the record reflect that only those matters announced in the motion to go into closed session were discussed.*

**Adjournment:** John Heaton moved to adjourn. Seconded by Susan Crockett. Motion passed unanimously.

*Voted yes: Jonathan Sena, Ron Black, Susan Crockett, John Heaton, Sam Cobb, Jason Shirley, Jack Volpato*