

MINUTES

Eddy-Lea Energy Alliance

Regular Meeting of the Board of Directors

Wednesday, March 12, 2025, 9:00 a.m.

Eddy County Commission Chambers – 101 W. Greene, Carlsbad, NM 88220

Board members present:

Sam Cobb (Chairman-City of Hobbs) – via Zoom

John Heaton (Member-City of Carlsbad) – via Zoom

Anthony Foreman (Member-City of Carlsbad)

James Bowen (Member-Eddy County)

Brad Weber (Member- Lea County) – via Zoom

Board members absent:

Mike Gallagher (Member-Eddy County)

Finn Smith (Member-City of Hobbs)

Corey Needham (Member-Lea County)

Administrative staff present:

Melissa Salcido (Director of Finance - City of Carlsbad/Fiscal Agent - ELEA)

Denise Madrid Boyea (City Attorney - City of Carlsbad/General Counsel-ELEA)

Angela Hernandez (Legal Assistant to City Attorney - City of Carlsbad)

Ayana Estrada (Deputy City Attorney – City of Carlsbad)

Also Present:

Nick Maxwell – via Zoom

Ed Meyer – Holtec – via Zoom

Ann Lydic – Legal Counsel - Holtec – via Zoom

1. The meeting was called to order by Sam Cobb.

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

3. Approval of Minutes of Meeting of December 11, 2024:

The Minutes of the Regular Meeting of December 11, 2024 was presented. A Motion was made by Mr. Weber to approve the Minutes of the Meeting of December 11, 2024. Motion was seconded by Mr. Foreman. The vote: Anthony Foreman for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes;

James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

4. Director/Staff comments:

Ed Meyer, an employee of Holtec, asked Ann Lydic, an attorney for Holtec, to give an update on the litigation pending before the Supreme Court of the United States. Ann Lydic, legal counsel for Holtec gave an update regarding the oral arguments before the Supreme Court of the United States which Holtec monitored.

5. Financial Report Discussion:

Ms. Salcido reported on the financials for the 6th period of Fiscal Year 2025, ending December, 2024. Ms. Salcido reported there was a beginning cash balance of \$214,552 and an ending cash balance of \$314,995. ELEA received \$100,000 from member contributions. The expenditures of \$2,554 are favorable to the budget of \$41,000. During Quarter 2 of FY25, Ms. Salcido reported the amounts paid to El Rito Media, LLC was \$62.83 and to Wex Bank was \$81.53

6. Approval of Accounts Payable:

Ms. Salcido discussed accounts payable due to Hinkle & Landers for audit services is \$9,000.00 and to Texas-New Mexico Newspapers for public notices is \$49.32. Motion was made by Mr. Bowen to approve the accounts payable. Motion was seconded by Mr. Weber. The vote: Anthony Foreman for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

7. Approval of FY2025 Budget:

Ms. Salcido discussed FY25 budget recommendations. Motion was made by Mr. Weber to approve the proposed FY2025 budget. Motion was seconded by Mr. Bowen. The vote: Anthony Foreman for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

10. Public Comments:

Mr. Maxwell made comments.

11. Adjournment:

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

Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, June 11, 2025, 9:00 a.m.
City of Hobbs-Hobbs City Commission Chambers
200 E. Broadway, Hobbs, NM 88240

Board members present:

Sam Cobb (Chairman - City of Hobbs)
John Heaton (Vice-Chairman - City of Carlsbad) – via telephone
Finn Smith (Member-City of Hobbs)
James “Bo” Bowen (Member-Eddy County) – via telephone
Brad Weber (Member- Lea County)
Mike Gallagher (Member-Eddy County)

Board members absent:

Anthony Foreman (Member – City of Carlsbad)
Corey Needham (Member – Lea County)

Administrative staff present:

Melissa Salcido (Director of Finance – City of Carlsbad/Fiscal Agent - ELEA)
Denise Madrid Boyea (General Counsel – ELEA/City Attorney – City of Carlsbad)
Ayana Estrada (Deputy City Attorney – City of Carlsbad)
Angela Hernandez (Legal Assistant – City of Carlsbad)
Jan Fletcher – (IT Director – City of Hobbs)

Others present:

Kristen Gamboa (Carlsbad Department of Development)

1. The meeting was called to order by S. Cobb.

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

3. Approval of Minutes of Meeting of March 12, 2025:

The Minutes of the Regular Meeting of March 12, 2025 were presented. A Motion was made by Mr. Heaton to approve the Minutes of the Meeting of March 12, 2025. Motion was seconded by Mr. Bowen. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James

Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

4. Director/Staff comments:

Mr. Cobb commented about discussions with a company named EOG regarding their request for a pipeline easement across property owned by ELEA.

Mr. Heaton commented about Holtec engineers considering hazard issues that may be a concern to the Nuclear Regulatory Commission (“NRC”); NRC may seek sufficient space to construct a research and development facility as well as a possible reprocessing facility. Mr. Heaton commented ELEA may wish to take these possibilities into consideration so the property owned by ELEA is not encumbered.

Mr. Cobb commented about amending the Memorandum of Understanding with Holtec since the current agreement does not allow certain actions. Mr. Cobb mentioned the Department of Energy seeks a possible site consisting of at least two sections of land and the ELEA property is slightly less than two sections. Currently Holtec is contractually bound to locate a storage facility only on the ELEA-owned property.

Mr. Heaton commented that the requirement of two sections is not “set in stone”, but if so, there may be additional privately-owned property available. Mr. Cobb commented he has not spoken to DOE about the minimum size requirement.

Mr. Heaton commented he spoke to officials with DOE and believes an expression of interest will be released in January, 2026.

Mr. Cobb commented the decision from the United States Supreme Court is not issued yet and that decision could have a profound impact on the project.

Mr. Heaton commented about the laws passed in 2023 by the State of New Mexico prohibiting interim storage unless there is a permanent repository and approval by New Mexico is a significant encumbrance to ELEA moving forward with a storage facility. Mr. Heaton commented about the benefits of nuclear energy.

5. Financial Report Discussion:

Ms. Salcido reported on the financials for the 9th period of Fiscal Year 2025, ending March, 2025. Ms. Salcido reported there was a beginning cash balance of \$214,552 and an ending cash balance of \$313,874. ELEA received \$100,000 from member contributions. The expenditures of \$5,475 are favorable to the budget

of \$41,000. During Quarter 3 of FY25, Ms. Salcido reported the amounts paid to El Rito Media, LLC was \$31.40, to Hub International Services Inc. was \$2,806.83 and to Wex Bank was \$82.89

6. Approval of Accounts Payable:

Ms. Salcido stated account payable due to Hinkle & Landers for audit services is \$9,000.00 and to Wex Bank for public notices is \$80.08. Motion was made by Mr. Weber to approve the accounts payable. Motion was seconded by Mr. Bowen. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

7. EOG Pipeline:

Mr. Cobb stated the discussion regarding the proposed pipeline requested by EOG was discussed previously under agenda item 4.

8. Election of Officers:

Mr. Bowen made a motion to nominate John Heaton as Chairman; a second of the motion was made by Mr. Weber. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

Mr. Smith made a motion to nominate Sam Cobb as Vice Chairman; a second of the motion was made by Mr. Heaton. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

Mr. Heaton made a motion to nominate James “Bo’ Bowen as Secretary; a second of the motion was made by Mr. Smith. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

Mr. Heaton made a motion to nominate Brad Weber as Treasure; a second of the motion was made by Mr. Smith. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted

yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

The officers elected beginning July 1, 2024⁵ are as follows:

Chairman – John Heaton

Vice Chairman – Sam Cobb

Secretary – James “Bo’ Bowen

Treasurer – Brad Weber

9. Approval of Open Meetings Act Resolution.

Ms. Madrid Boyea discussed the proposed Open Meetings Act Requirements and Procedures for Eddy-Lea Energy Alliance for the year 2025. Motion was made by Mr. Weber to approve the proposed FY2025 Open Meetings Act Requirements. Motion was seconded by Mr. Heaton. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

10. Professional Services Agreement:

Mr. Cobb discussed a directive to engage in negotiations for legal services agreement. Mr. Cobb made motion to approve negotiations for legal services; a second of the motion was made by Mr. Weber. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

11. Approval of Resolution to respond to U.S. Department of Energy search for site:

Mr. Cobb discussed approving ELEA responding to the U.S. Department of Energy in its search for a site for nuclear storage. Mr. Heaton made a motion to approve the Resolution; a second of the motion was made by Mr. Weber. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. No one abstained. Motion passed.

12. Public Comments:

Ms. Kristen Gamboa commented she made introductory call to Maria Morales with the U.S. Department of Energy; during the call, Ms. Gamboa was updated on events in Washington, D.C.; Ms. Gamboa expressed interest in projects in our area; the call was introductory only.

11. Adjournment:

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

MINUTES

Eddy-Lea Energy Alliance

Regular Meeting of the Board of Directors

Monday, August 11, 2025, 9:00 a.m.

City of Carlsbad City Council Chambers – 114 S. Halagueno, Carlsbad, NM 88220

Board members present:

John Heaton (Chairman-City of Carlsbad)

Anthony Foreman (Member-City of Carlsbad)

Sam Cobb (Vice Chairman-City of Hobbs) – via remote

James Bowen (Member-Eddy County)

Brad Weber (Member- Lea County) via Teams

Finn Smith (Member-City of Hobbs)- via Teams

Board members absent:

Mike Gallagher (Member-Eddy County)

Corey Needham (Member-Lea County)

Administrative staff present:

Denise Madrid Boyea (City Attorney - City of Carlsbad/General Counsel-ELEA)

Dana Hernandez (Executive Administrative Coordinator to City Attorney - City of Carlsbad)

Naomi Castillo (Executive Administrative Coordinator to City Attorney - City of Carlsbad)

Wendy Austin (City Administrator)

Also Present:

Nicholas Maxwell – via remote

1. Call to Order.

2. Roll call to establish quorum.

3. Consider response to letter from Holtec dated July 28, 2025:

John Heaton addressed the letter received from Holtec, dated July 28, 2025, which proposed a withdrawal from the revenue sharing agreement. Upon reviewing the agreements, it became clear that the revenue sharing is tied to the

land purchase agreement, with the only termination provision located in section 4. This section specifies that termination can only occur if the land purchase agreement is deemed invalid and Holtec formally withdraws from it. Additionally, section 6 emphasizes that any modifications to the revenue sharing agreement must be made through an amendment. Given the ineffectiveness of Holtec's withdrawal letter, the team decided to send a more cooperative response. Motion was made by Mr. Cobb to consider response letter from Holtec. Motion was seconded by James Bowen. The vote: Anthony foreman for the City of Carlsbad voted yes; Sam Cobb for the City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

4. Consider Approval of amendments to Revenue Sharing Agreement with Holtec:

John Heaton stated that Holtec has requested an amendment to the revenue-sharing agreement, allowing them to pursue interim storage facilities in New Mexico and adjacent states. The federal government (DOE) is seeking seven to eight sites nationwide for interim storage facilities. Holtec aims to work with Colorado and Utah, but the current contract prohibits this. An amendment proposal has been drafted that includes conditions for Holtec to pursue sites in adjacent states. Notable points in the proposal include: One Holtec must respond to DOE's requests related to federal facility siting and surrender the site to DOE if required, subject to Eddy Lea's approval. Two Holtec must agree to cover 50% of legal costs if Eddy Lea decides to sue New Mexico to overturn the 2023 law that prohibits consolidated interim storage facilities on Eddy Lea property. Motion was made by Sam Cobb City of Hobbs. Motion was seconded by Anthony Foreman City of Carlsbad. The vote: Anthony foreman for the City of Carlsbad voted yes; Sam Cobb for the City of Hobbs voted yes; James Bowen for Eddy County voted yes; and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

5. Consider approval to convene into closed session to discuss Agreement with Holtec regarding litigation matters pursuant to N.M.S.A 1978 Section 10-15-1H(7) Attorney—Client Privilege pertaining to threatened or pending Litigation:

Motion was made by James Bowen for Eddy County. Motion was seconded by Brad Weber Lea County. The vote: Anthony foreman for the City of Carlsbad voted yes; Sam Cobb for the City of Hobbs voted yes: James Bowen for Eddy County voted yes: and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

6. Reconvene into Open Session:

James Bowen proposed to limit the discussion to the agreement with Holtec regarding litigation matters, specifically focusing on point number five on the agenda.

Motion was made by James Bowen Eddy County. Motion was seconded by Anthony Foreman City of Carlsbad. The vote: Anthony foreman for the City of Carlsbad voted yes; Sam Cobb for the City of Hobbs voted yes: James Bowen for Eddy County voted yes: and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

7. Consider approval of agreement with EOG to conduct pipeline survey:

Mr. Cobb supports approving the project, highlighting that it won't hinder the oil and gas industry's operations and could improve public relations. Mr. Heaton agrees but notes there are unresolved issues, particularly awaiting Holtec's input on risks deemed non-concerning by the NRC. He points out that the site will have typical oil and gas features like compression stations and tank batteries, but stresses the need to assess potential risks tied to NRC licenses before making a final decision.

Motion was made by James Bowen Eddy County. Motion was seconded by Sam Cobb City of Hobbs. The vote: Anthony foreman for the City of Carlsbad voted yes; Sam Cobb for the City of Hobbs voted yes: James Bowen for Eddy County voted yes: and Brad Weber for Lea County voted yes. No one voted no. Motion passed.

8. Public Comment (limited to 3 minutes per person)

No Public Comments

9. Adjournment:

The meeting was adjourned at 10:23 a.m.

MINUTES

Eddy-Lea Energy Alliance

Regular Meeting of the Board of Directors

Wednesday, September 10, 2025, 9:00 a.m.

City of Carlsbad City Council Chambers – 114 S. Halagueno, Carlsbad, NM 88220

Board members present:

John Heaton (Chairman-City of Carlsbad) - via remote

Sam Cobb (Vice Chairman-City of Hobbs) – via remote

Mike Gallagher (Member-Eddy County)

Brad Weber (Member- Lea County) - via remote

Board members absent:

Corey Needham (Member-Lea County)

Anthony Foreman (Member-City of Carlsbad)

James Bowen (Member-Eddy County)

Finn Smith (Member-City of Hobbs)

Administrative staff present:

Denise Madrid Boyea (City Attorney - City of Carlsbad/General Counsel-ELEA)

Dana Hernandez (Executive Administrative Coordinator to City Attorney - City of Carlsbad)

Naomi Castillo (Executive Administrative Coordinator to City Attorney - City of Carlsbad)

Melissa Salcido (Director of Finance- City of Carlsbad/ Fiscal Agent- ELEA)

Also Present:

Nicholas Maxwell – via remote

Kristen Gamboa (Carlsbad Department of Development)

Jennifer Grassham (Economic Development Council of Lea County)

1. Call to Order.

2. Roll call to establish quorum.

3. Consider approval of Minutes from meeting of 6/11/25:

The Minutes of the Regular Meeting of 6/11/2025 were presented. A Motion was made by Mr. Gallagher to approve the Minutes of the Meeting of 6/11/2025. Motion was seconded by Mr. Cobb. The vote: John Heaton of City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; Mike Gallagher for Eddy County voted yes; Brad Weber for Lea County voted yes. No one abstained. Motion passed.

4. Consider approval of Minutes from special meeting of 8/11/25:

The Minutes of the Special Meeting of 8/11/2025 were presented. A Motion was made by Mr. Cobb to approve the Minutes of the Special Meeting of 08/11/2025. Motion was seconded by Mr. Weber. The vote: John Heaton of City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; Mike Gallagher for Eddy County voted yes; Brad Weber for Lea County voted yes. No one abstained. Motion passed.

5. Consider approval of response from ELEA to Holtec:

Mr. Heaton mentioned that Holtec's attorney indicated their unwillingness to participate. They expressed a desire to amend our revenue-sharing agreement; however, we responded by asking them to engage in the DOE's collaborative siting process and to join a lawsuit. We have received a response related to the lawsuit, but we have not yet received a reply regarding the siting process. On September 2, 2025, we received a response stating that they will not engage with ELEA in the DOE's siting process. In response, we drafted a letter, which you have received, and we would like board approval to send this letter back. Mr. Cobb stated that this is the first time he has seen the letter. Mr. Heaton requested that Mr. Cobb read the letter. Mr. Cobb requested that if we could add additional language that needs to be added to the letter to respectfully request a face-to-face meeting with Holtec's management team to discuss what our options are for mutual benefit.

Motion was made by Mr. Cobb. Motion was seconded by Mr. Gallagher. The vote: John Heaton of City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; Mike Gallagher for Eddy County voted yes; Brad Weber for Lea County voted yes. No one abstained. Motion passed.

6. Director of staff comments:

No Directors Comments

7. Financial Report - M. Salcido:

Ms. Salcido presented a financial report summarizing the ELEA Financials as of June 2025, marking the 12th period of Fiscal Year 2025. The report showed a beginning cash balance of \$214,552 and an ending cash balance of \$319,197. ELEA received \$100,000 from member contributions. The total expenditures of \$14,206 were favorable compared to the budgeted amount of \$41,000. During the fourth quarter of FY25, the following payments were made: \$80.08 to WEX, \$32.13 to El Riot Media LLC, and \$8,618.61 to Hinkle & Landers.

8. Consider approval of Accounts Payable - M. Salcido:

Ms. Salcido addressed the accounts payable for ELEA. The following items are encumbered as of June 30, 2025: \$75.81 to WEX for public notices.

Motion was made by Mr. Gallagher. Motion was seconded by Mr. Webb. The vote: John Heaton of City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; Mike Gallagher for Eddy County voted yes; Brad Weber for Lea County voted yes. No one abstained. Motion passed.

9. Public Comment

No Public Comments

The meeting was adjourned at 9:35 a.m.
