

**Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, March 13, 2019, 9:00 a.m.
City Commission Chambers of the City of Hobbs, NM
200 Broadway Street, Hobbs, NM 88240**

Board members present: Sam Cobb, John Heaton, Susan Crockett, Jack Volpato, Jonathan Sena, Mike Gallagher, 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 December 12, 2018: Jason Shirley moved to approve the minutes from the December 12, 2018 meeting. The motion was seconded by Susan Crockett and passed unanimously.

Director/Staff Comments: There were no comments made.

Legislative Update: John Heaton presented a discussion of the Legislative update.

Annual Meeting Notice Resolution: John Caldwell requested approval. John Heaton moved to approve the Annual Meeting Notice Resolution. The motion was seconded by Jack Volpato. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed.

Accept Audit Report for FY 17-18: Chip Low requested approval. Scott Northam made comments concerning the audit report for FY 17-18. There were no findings. John Heaton moved to approve and accept the Audit Report for FY 17-18. The motion was seconded by Mike Gallagher. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed.

Approve Extension Audit Agreement: Chip Low requested approval. John Heaton moved to approve the Extension Audit Agreement. The motion was seconded by Mike Gallagher. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed.

Financial Report: Chip Low presented a discussion of the Financial Report.

Approve Accounts Payable: Chip Low requested approval. Mike Gallagher moved to approve the Accounts Payable. The motion was seconded by Jason Shirley. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena,

yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed.

Approve Preliminary Budget: Chip Low requested approval. Mike Gallagher, John Caldwell, Jonathan Sena, Sam Cobb, and John Heaton made comments concerning line item 2102. Mike Gallagher proposed an increase in that line item. John Heaton moved to approve the Preliminary Budget as is with an increase to line item 2102. The motion was seconded by Jason Shirley with an amendment that the Chair send a memo to all the entities explaining the increase. The amendment was accepted by John Heaton. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed

Approve Issuing RFP for General Legal Services: John Caldwell requested approval. John Heaton moved to approve issuing an RFP for General Legal Services. The motion was seconded by Mike Gallagher. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed

Public Comments: there were no public comments.

Executive Session: at 9:31 a.m. Jason Shirley moved to convene in Executive Session pursuant to Section 10-15-1, (H7), of the New Mexico Statutes Annotated (NMSA) 1978, to discuss Threatened Litigation in Which the Board May Become a Participant Regarding Administrative Procedures, as authorized by the Open Meeting Act. The motion was seconded by Mike Gallagher. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed

Reconvene: at 10:06 a.m. Susan Crockett moved to reconvene. Let the record reflect that only those matters announced in the motion to go into closed session were discussed. The motion was seconded by Jonathan Sena. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed.

Approve Correction to Meeting Minutes of 3/26/18: John Caldwell requested approval. Jason Shirley moved to approve the Correction to the Meeting Minutes of March 26, 2018 to reflect the members not in attendance. The motion was seconded by Susan Crockett. Chair polled the Board of Directors: Mike Gallagher, yes; Jason Shirley, yes; Jonathan Sena, yes; Jack Volpato, yes; John Heaton, yes; Susan Crockett, yes; Sam Cobb, yes. The motion passed

Adjournment: Jonathan Sena moved to adjourn. The motion was seconded by Susan Crockett and passed unanimously.

**Eddy- Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, June 12, 2019, 9:00 a.m.
Eddy County Commission Chambers
101 West Greene Street, Carlsbad, NM 88220**

Board members present: Sam Cobb, Susan Crockett, Jason Shirley, Jonathan Sena, Jack Volpato, Mike Gallagher, Finn Smith, John Heaton – by phone.

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

The meeting was called to order by Sam Cobb.

Roll call was taken and a Quorum was established.

Finn Smith was recognized as the new Board Member representing the City of Hobbs.

Election of Officers:

Chairman – John Heaton was nominated by Jack Volpato. Seconded by Mike Gallagher. Chair polled the Board of Directors: Jack Volpato, yes; Mike Gallagher, yes; Finn Smith, yes; Susan Crockett, yes; Jason Shirley, yes; Jonathan Sena, yes, Sam Cobb, yes; John Heaton, abstained. The motioned passed.

Vice Chairman – Sam Cobb was nominated by Mike Gallagher. Seconded by Finn Smith. The vote: John Heaton, yes; Sam Cobb, yes; Susan Crockett, yes; Jason Shirley, yes; Jack Volpato, yes; Finn Smith, yes; Jonathan Sena, yes; Mike Gallagher, yes.

Secretary – Susan Crockett was nominated by Mike Gallagher. Seconded by Jason Shirley. The vote: John Heaton, yes; Sam Cobb, yes; Susan Crockett, yes; Jason Shirley, yes; Jack Volpato, yes; Finn Smith, yes; Jonathan Sena, yes; Mike Gallagher, yes.

Treasurer – Jack Volpato was nominated by Mike Gallagher. Seconded by Jason Shirley. The vote: John Heaton, yes; Sam Cobb, yes; Susan Crockett, yes; Jason Shirley, yes; Jack Volpato, yes; Finn Smith, yes; Jonathan Sena, yes; Mike Gallagher, yes.

Approval of the minutes from March 13, 2019: Susan Crockett moved to approve the minutes from the March 13, 2019 meeting. The motion was seconded by Mike Gallagher. The vote: John Heaton, yes; Sam Cobb, yes; Susan Crockett, yes; Jason Shirley, yes; Jack Volpato, yes; Finn Smith, abstained; Jonathan Sena, yes; Mike Gallagher, yes.

Director/Staff Comments: There were no staff comments.

Financial Report: Chip Low presented a discussion of the Financial Report.

Approve Accounts Payable: Chip Low requested approval. Susan Crockett moved to approve Accounts Payable. The motion was seconded by Jason Shirley. The vote: John Heaton, yes; Sam Cobb, yes; Susan Crockett, yes; Jason Shirley, yes; Jack Volpato, yes; Finn Smith, yes; Jonathan Sena, yes; Mike Gallagher, yes.

Authorize Response to Governor's Letters Opposing HOLTEC to Secretary of Energy Perry and Others: John Heaton lead the discussion concerning the response. A resolution was introduced by John Heaton to be taken to each member's board for consideration and approval. Jason Shirley moved to approve the resolution with corrections. Seconded by Jonathon Sena. Members were polled by entity: Eddy County, yes; City of Carlsbad, yes, City of Hobbs, yes; Lea County, yes. The motion passed.

Request for Proposals – General Legal Services: John Caldwell notified the Board that no responses were received for the aforementioned RFP and requested further direction. Susan Crockett made a motion that the RFP be reissued with an expanded advertising effort. Finn Smith seconded the motion. The vote: John Heaton, yes; Sam Cobb, yes; Susan Crockett, yes; Jason Shirley, yes; Jack Volpato, yes; Finn Smith, yes; Jonathan Sena, yes; Mike Gallagher, yes.

Public Comments: Nick Maxwell, Lorraine Villegas and Nick King. Each spoke in opposition to the Holtec project.

Adjournment: Susan Crockett made a motion to adjourn. The motion was seconded by Jonathon Sena and it passed unanimously

**Eddy – Lea Energy Alliance
Regular Meeting of the Board of Director
Wednesday, September 11, 2019, 9:00 a.m.
Hobbs City Hall, Commission Chamber – 200 E. Broadway, 1st Floor Annex,
Hobbs, NM 88240**

Board members present: Sam Cobb, Finn Smith, Mike Gallagher, John Heaton – by phone, Susan Crockett – by phone, Jack Volpato – by phone.

Board members absent: Jonathan Sena, Jason Shirley

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

The meeting was called to order by Sam Cobb.

Roll call was taken and a Quorum was established.

Approval of minutes from June 12, 2019: Finn Smith moved to approve the minutes from the June 12, 2019 meeting. The motion was seconded by Mike Gallagher. The vote: Finn Smith, yes; Susan Crockett, yes; John Heaton, yes; Mike Gallagher, yes; Jack Volpato, yes; Sam Cobb, yes.

Director/Staff Comments: John Heaton gave the board an update concerning his activities on behalf of the board over the past three months.

Financial Report: Chip Low presented a discussion of the Financial Report.

Status of Percentage Ownership of ELEA: Chip Low presented a report outlining the current ownership percentage of ELEA by members.

Approve Accounts Payable: Chip Low requested approval. Mike Gallagher moved to approve Accounts Payable. The motion was seconded by John Heaton. The vote: Finn Smith, yes; Susan Crockett, yes; John Heaton, yes; Mike Gallagher, yes; Jack Volpato, yes; Sam Cobb, yes.

Status of Response to Governor’s Letters Opposing Holtec to Secretary of Energy Perry and Others Action: Sam Cobb and John Heaton discussed the current status of responses.

Consider Award of Request for Proposals – General Legal Services: Mike Gallagher made a motion to postpone the award. The motion was seconded by John Heaton. The vote: Finn Smith, yes; Susan Crockett, yes; John Heaton, yes; Mike Gallagher, yes; Jack Volpato, yes; Sam Cobb, yes.

Consider Renewal of Montgomery – Andrews Consulting Contract: John Heaton made a motion to renew the contract with Montgomery – Andrews. The motion was seconded by Susan Crockett. The vote: Finn Smith, yes; Susan Crockett, yes; John Heaton, yes; Mike Gallagher, yes; Jack Volpato, yes; Sam Cobb, yes.

Consider Hiring with Holtec Gary King as a Technical Consultant: John Heaton made a motion to participate with Holtec to hire Gary King. The motion died for lack of a second. A motion was made by Jack Volpato to enter into contract negotiations with Gary King subject to board approval. The motion was seconded by Susan Crockett. The vote: Finn Smith, yes; Susan Crockett, yes; John Heaton, yes; Mike Gallagher, yes; Jack Volpato, yes; Sam Cobb, yes.

Public Comment: There were no public comments.

Adjournment: Jack Volpato made a motion to adjourn. The motion was seconded by Susan Crockett. The vote: Finn Smith, yes; Susan Crockett, yes; John Heaton, yes; Mike Gallagher, yes; Jack Volpato, yes; Sam Cobb, yes.

**Eddy – Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, December 11, 2019, 9:00 a.m.
City of Carlsbad – City Council Chambers (Municipal Annex)
114 South Halagueno Street
Carlsbad, NM 88221**

Board members present: John Heaton, Susan Crockett, Jonathan Sena, Jason Shirley, Mike Gallagher, Jack Volpato, Finn Smith – by phone.

Board members absent: Sam Cobb.

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

The meeting was called to order by John Heaton.

Roll call was taken and a Quorum was established.

Approval of the minutes from October 29, 2019: Susan Crockett moved to approve the minutes from the October 29, 2019 special meeting. The motion was seconded by Jonathan Sena. The vote: Eddy County, yes; Lea County, yes; City of Carlsbad, yes; City of Hobbs, yes.

Director/Staff comments: There were no comments.

Financial Report: Chip Low presented a discussion of the Financial Report.

Approve Accounts Payable: Chip Low requested approval. Jason Shirley moved to approve Accounts Payable. The motion was seconded by Jonathan Sena. The vote: Eddy County, yes; Lea County, yes; City of Carlsbad, yes; City of Hobbs, yes.

Approve the June 30, 2019 Audit Report: Scott Northam, CPA, PC, presented the audit for review and approval. Jason Shirley moved to approve the audit. The motion was seconded by Susan Crockett. The vote: Eddy County, yes; Lea County, yes; City of Carlsbad, yes; City of Hobbs, yes.

Consideration of resolution for the City of Carlsbad to provide general legal services: Jason Shirley made a motion to accept the offer of the City of Carlsbad to provide general legal services for ELEA contingent upon a board approved malpractice insurance policy. Jason Shirley accepted a friendly amendment from Jack Volpato that the premium not exceed \$2,500. Jason Shirley accepted a friendly amendment from Susan Crockett that the incident level be \$100,000. The motion was seconded by Jonathan Sena. The vote: Eddy County, yes; Lea County, yes; City of Carlsbad, yes; City of Hobbs, yes.

Public Comments: There were no public comments.

Adjournment: Susan Crockett moved to adjourn. The motion was seconded by Jason Shirley. The vote: Eddy County, yes; Lea County, yes; City of Carlsbad, yes; City of Hobbs, yes.

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