

RECITALS* OF ELEA AND HOLTEC COLLUSION

WHEREAS, Eddy-Lea Energy Alliance, LLC ("ELEA") is a New Mexico limited liability company and public instrumentality, formed in 2006 pursuant to the New Mexico Joint Powers Act by Lea County, Eddy County, and the cities of Hobbs and Carlsbad, which counties and municipalities constitute the four members of ELEA; and,

WHEREAS, in 2009, ELEA purchased undeveloped property in Lea County of approximately 960 acres (the "Property") for \$1 million with the intent of donating the Property to a private party, pursuant to the Local Economic Development Act, sections 5-10-1 to 5-10-13 NMSA 1978 ("LEDA"), for use as a Global Nuclear Energy Partnership ("GNEP") facility; and,

WHEREAS, that GNEP facility was subsequently cancelled, and ELEA turned its attention to developing the Property as a site for an interim storage facility for high-level nuclear waste (the "Proposed Facility"); and,

WHEREAS, in early 2015, ELEA determined that its mission would be best served by partnering with Holtec International ("Holtec"), a Delaware corporation, to develop the Proposed Facility as a project pursuant to LEDA; and,

WHEREAS, in August 2015, ELEA began preparing Holtec to purchase a portion of the Property under the authority of section 13-6-2 NMSA 1978 by means of a competitive sealed bid, as opposed to LEDA; and,

WHEREAS, between August 2015 and October 2015, an attorney working for ELEA drafted numerous revisions of a land purchase option agreement (the "Option Agreement") with ELEA' s ideal revenue sharing section numbered as section 8 ("Section 8") which were transmitted exclusively with executives of Holtec; and,

WHEREAS, in December 2015, ELEA issued a public notice officially requesting competitive sealed bids from the public for the purpose of purchasing the Property and developing the Proposed Facility, stating that proposals received without a revenue sharing arrangement were subject to rejection; and,

WHEREAS, within the ten-day period that ELEA accepted proposals, a single proposal was received from Holtec which included the Option Agreement and Section 8; and,

WHEREAS, in signing their proposal, Holtec certified that there had been no direct or indirect action in restraint of free competitive bidding in connection with their proposal submitted to ELEA.

NOW, THEREFORE, BE IT DECLARED, the stipulated kickback of the Option Agreement and Section 8 in Holtec' s so-called competitive proposal indicates criminal collusion and a less-than-competitive public bidding process sponsored by ELEA to dispose of the Property, constituting infamous crimes punishable by the states of New Mexico and New Jersey and the United States of America; WHEREFORE, an official law enforcement investigation should be promptly initiated by agencies within these jurisdictions to obtain justice for the people of New Mexico.

Signed,

A handwritten signature in black ink, appearing to read "Nicholas Maxwell", with a stylized flourish at the end.

Nicholas Maxwell,

Inspector,

Resident of Lea County, NM

** These recitals were read aloud during a public comment period of the Lea County Board of County Commissioners held on November 7, 2019.*

Learn more about this bid rigging at these resource websites:

<https://WeTheFourth.org>

<https://ELEA.tv>