

**AGENDA (First Amended) FOR REGULAR MEETING
FOR THE BOARD OF DIRECTORS OF THE
EDDY-LEA ENERGY ALLIANCE**

Wednesday, June 12, 2019 at 9:00 a.m.

**County Commission Chambers – Eddy County
101 West Greene Street, Carlsbad, NM 88220**

- | | | |
|-----|--|-------------------|
| 1. | Call to Order | Chair |
| 2. | Roll Call | Chair |
| 3. | Election of Officers | Action |
| 4. | Approval of Minutes from March 13, 2019 | Action |
| 5. | Director/Staff Comments | Discussion |
| 6. | Financial Report | Discussion |
| 7. | Approve Accounts Payable | Action |
| 8. | Authorize Response to Governor's Letters
Opposing HOLTEC To Secretary of Energy
Perry and Others | Action |
| 9. | Request for Proposals – General Legal
Services | Discussion/Action |
| 10. | Public Comment (Limited to 3 minutes) | |
| 11. | Adjournment | |

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

Wednesday, June 12, 2019 at 9:00 a.m.

**County Commission Chambers – Eddy County
101 West Greene Street, Carlsbad, NM 88220**

- | | | |
|-----|---|-------------------|
| 1. | Call to Order | Chair |
| 2. | Roll Call | Chair |
| 3. | Election of Officers | Action |
| 4. | Approval of Minutes from March 13, 2019 | Action |
| 5. | Director/Staff Comments | Discussion |
| 6. | Financial Report | Discussion |
| 7. | Approve Accounts Payable | Action |
| 8. | Request for Proposals – General Legal
Services | Discussion/Action |
| 9. | Public Comment (Limited to 3 minutes) | |
| 10. | Adjournment | |

**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

Expenditure Report for the year to date ending May 31, 2019

DETAIL OF EXPENSES PAID

Check #	Date	Payee - Description	Amount
1080272	7/17/2018	Hobbs Daily News-Sun - Legal Ad - ELEA Lobbyist RFP	\$ 47.33
1080845	8/9/2018	Albuquerque Publishing Company - Legal Ad - ELEA Lobbyist RFP	\$ 59.76
1081029	8/16/2018	Carlsbad Current Argus - ELEA Meeting 06/15/2018	\$ 214.46
1081085	8/17/2018	Hobbs Daily News-Sun - ELEA	\$ 40.60
1081668	9/19/2018	Wal-Roy Inc - ELEA	\$ 32.13
1081660	9/19/2018	Carlsbad Current Argus - ELEA	\$ 58.30
1081250	8/24/2018	Union Insurance Company -ELEA Commercial Liability Insurance	\$ 2,772.00
1081410	9/6/2018	Scott Northam, CPA - FY18 Audit	\$ 4,879.69
1082595	10/24/2018	Montgomery & Andrews, PA - Sept 2018 Retainer	\$ 4,879.69
1083065	11/14/2018	Montgomery & Andrews, PA - October 2018 Retainer & Expenses	\$ 5,221.39
1083712	12/17/2018	Hobbs Dailey News Sun - ELEA	\$ 41.27
1083772	12/20/2018	Wal-Roy Inc - Legal Notice - ELEA	\$ 36.54
1084804	2/19/2019	Carlsbad Current - Argus Acct#C04598	\$ 84.48
1083661	12/14/2019	Montgomery & Andrews, PA, November 2018 Retainer & Expenses	\$ 4,934.99
1084037	1/9/2019	Montgomery & Andrews, PA, December 2018 Retainer & Expenses	\$ 5,020.08
1084767	2/15/2019	Montgomery & Andrews, PA, January 2019 Retainer & Expenses	\$ 5,073.89
1085221	3/14/2019	Hobbs News- Sun - Legal Notice	\$ 40.60
1085386	3/22/2019	Wal-Roy Inc - Legal Notice - ELEA	\$ 36.54
1085628	4/10/2019	Carlsbad Current - Argus - Legal Notice	\$ 84.48
1085972	4/24/2019	Hobbs Daily News-Sun - Legal Notice	\$ 52.71
1086468	5/17/2019	Albuquerque Publishing Company - Legal Notice	\$ 79.74
1086466	5/17/2019	Carlsbad Current - Argus - ELEA RFP#01 -2019 Legal Counsel	\$ 84.48
1085505	3/29/2019	Montgomery & Andrews, PA, February 2019 Retainer & Expenses	\$ 4,912.44
1085817	4/16/2019	Montgomery & Andrews, PA, March 2019 Retainer & Expenses	\$ 4,930.10
1086311	5/13/2019	Montgomery & Andrews, PA, April 2019 Retainer & Expenses	\$ 4,965.42
Total			\$ 48,583.11

EDDY LEA ENERGY ALLIANCE

Expenditure Report for the year to date ending May 31, 2019

Beginning Cash Balance July 1, 2018 98,499.79

Current Year Revenue Received 86,431.54

Fund	Dept	G/L Acct	Description	Adjusted Budget	MTD Expenses	YTD Expenses	Bdgt%	Budget-Balance
809	83	2009	OFFICE SUPPLIES	1,000.00	-	-	-	1,000.00
809	83	2010	TRAVEL/PER DIEM	20,000.00	-	-	-	20,000.00
809	83	2012	MAINTENANCE	1,000.00	-	-	-	1,000.00
809	83	2027	ADVERTISING	3,000.00	-	993.42	33.10	2,006.58
809	83	2067	PROPERTY/LIABILITY INSURANCE	3,000.00	-	2,772.00	92.40	228.00
809	83	2102	CONTRACT - LEGAL	20,000.00	-	-	-	20,000.00
809	83	2152	CONTRACT LABOR/PROFESSIONAL SVCS	67,000.00	-	44,817.69	66.90	22,182.31
Total				115,000.00		48,583.11		66,416.89

Ending Cash Balance May 31, 2019 136,348.22

**EDDY-LEA ENERGY ALLIANCE
RESOLUTION OF SUPPORT FOR THE
HOLTEC CONSOLIDATED INTERIM STORAGE FACILITY**

WHEREAS, the Eddy-Lea Energy Alliance (ELEA) having spent significant time and effort inspecting manufacturing facilities, storage systems, having discussions with the Nuclear Regulatory Commission (NRC) regarding safety and regulations and engaging other regulatory and scientific bodies over a three year period vetting the safety and appropriateness of an Interim Storage Facility (CISF) for our area concluded a CISF is a project that is safe and helps the area become diversified and less dependent on the ups and downs of the extractive industries; and,

FURTHERMORE, ELEA found that NRC licensed interim storage facilities exist at some 68 different sites in the United States and are safely storing used fuel in dry storage systems; and,

FURTHERMORE, there have been over 1,300 commercial used fuel shipments and over 850 naval used fuel shipments made in the U.S. without release; and,

FURTHERMORE, the NRC states in their risk evaluation for a licensed transportation cask of a release as one in a billion because of the robustness of the cask; and,

FURTHERMORE, the Holtec sub-surface system is a solid concrete fortress containing the used fuel, and is highly resistant to terrorism, crashes, geologic and weather attacks, and ELEA believes it is the safest and best system in the world; and,

FURTHERMORE, the used fuel simply and passively cools and decays in this temporary storage facility until it is easily extracted from the storage silo and shipped to a permanent repository which is required by law for Congress to provide; and,

FURTHERMORE, the Atomic Safety and Licensing Board of the NRC, a highly technical and legal body, has recently rejected some 50 contentions by intervenor groups similar to the ones put forth by the agricultural community and the petroleum association as having no technical or legal basis for objecting to the project; and,

THEREFORE, the Eddy-Lea Energy Alliance unanimously supports the Holtec CISF continuation of the licensing process and upon licensing by the NRC, the construction and operation of the proposed facility; and,

FURTHERMORE, directs the leadership of ELEA to respond to Governor Lujan Grisham's letter of objection, and request a meeting with her to further explain the safety and technical issues raised about the project; and,

FURTHERMORE, respond by letter to the NRC and Secretary Perry of the unanimous support of ELEA for the project and request letters of support be sent to all parties as well from our member entities.

Eddy-Lea Energy Alliance

Chairman