

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Carlsbad City Attorney's office located in the Carlsbad City Hall, 101 N. Halagueno St., Carlsbad, NM 88220 at least Seventy-Two (72) hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Carlsbad City Attorney at the City of Carlsbad City Hall, 101 N. Halagueno, Carlsbad, NM, if a summary or other type of accessible format is needed.

ITEM 3

Eddy-Lea Energy Alliance
Regular Meeting of the Board of Directors
Wednesday, March 13, 2024, 9:00 a.m.
Eddy County Commission Chambers – 101 W. Greene, Carlsbad, NM 88220

Board members present:

John Heaton (Chairman-City of Carlsbad) – via Zoom
Sam Cobb (Member-City of Hobbs - Chairman) – via Zoom
Finn Smith (Member-City of Hobbs) – via Zoom
James Bowen (Member-Eddy County)
Susan Crockett (Member-Eddy County)
Jonathan Sena (Member- Lea County) – via Zoom
Mike Gallagher. (Member-Lea County) – via Zoom

Board members absent:

Vacant (Board Member-City of Carlsbad)

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

Also Present:

Farley Vener – Auditor Hinkle & Landers – via Zoom
Jennifer Grassham - Economic Development Lea County – via Zoom
Nick Maxwell – via Zoom
Pierre Oneid – Holtec – via Zoom
Pat O-Brian – Holtec – via Zoom
Joy Russell – Holtec – via Zoom

1. The meeting was called to order by John Heaton.

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

3. Approval of Minutes of Meeting of December 13, 2023:

The Minutes of the Regular Meeting of December 13, 2023 was presented. A Motion was made by Mr. Sena to approve the Minutes of the Meeting of

December 13, 2023. Motion was seconded by Mr. Cobb. The vote: John Heaton for City of Carlsbad voted yes; Sam Cobb for City of Hobbs voted yes; and Jonathan Sena for Lea County voted yes. No one voted no. James Bowen for Eddy County abstained. Motion passed.

4. Director/Staff comments:

Ms. Salcido discussed retaining Hinkle & Landers as auditors for the 2024-FY. This will be an action item for the next regular meeting.

Pat O'Brian – Director of Governmental Affairs with Holtec gave an update regarding the Holtec project.

5. Financial Report Discussion:

Ms. Salcido reported on the financials for the 6th period of Fiscal Year 2024, ending December, 2023. Ms. Salcido reported there was a beginning cash balance of \$97,252 and an ending cash balance of \$212,322. ELEA received \$100,000 from member contributions. The expenditures of \$2,607 are favorable to the budget of \$120,000. During Quarter 2 of FY24, Ms. Salcido reported the amounts paid to Texas-New Mexico Newspapers, LLC was \$53.70 and to Wex Bank was \$176.74.

6. Approval of Accounts Payable:

Ms. Salcido discussed accounts payable due to Hinkle & Landers for audit services is \$6,500.00, to Wex Bank for public notices is \$46.17 and to Texas-New Mexico Newspapers for public notices is \$53.35. Motion was made by Mr. Sena to approve the accounts payable. Motion was seconded by Mr. Cobb. 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 Jonathan Sena for Lea County voted yes. No one voted no. No one abstained. Motion passed.

7. Approval of FY2023 Audit by Farley Vener:

Mr. Vener reviewed the results of his FY2023 audit, as of June 30, 2023, which was unmodified and had no findings to report. Motion made by Mr. Sena to approve Hinkle & Landers FY2023 audit. 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 Jonathan Sena for Lea County voted yes. No one voted no. No one abstained. Motion passed.

8. Approval of FY2024 Budget:

Ms. Salcido discussed FY24 budget recommendations. Motion was made by Mr. Sena to approve the proposed FY2024 budget. Motion was seconded by Mr. Cobb. 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 Jonathan Sena for Lea County voted yes. No one voted no. No one abstained. Motion passed.

10. Public Comments:

Mr. Maxwell made comments.

11. Adjournment:

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

DRAFT

ITEM 5

EDDY LEA ENERGY ALLIANCE
 City of Carlsbad, NM
 Financial Report
 FY24-09 March

		Beginning Cash	\$97,252			
		Revenue	\$117,677			
				Percent of FY:		
				75%		
Account Description	Revised Budget	YTD Actuals	Available Budget	% Used	Encumbrances	
Insur-Property	6,000	-	6,000	0%	-	-
ConProf-Legal	22,000	5,087	16,913	23%	-	-
ConProf-Miscellaneous	67,000	8,306	58,694	12%	-	-
Fees-Public Notices	3,000	426	2,574	14%	-	-
Ops-Material & Supplies	2,000		2,000	0%	-	-
Empl-Per Diem	20,000		20,000	0%	-	-
	\$120,000	\$13,819	\$106,181	11.52%		\$0
		Ending Cash	\$201,111			

Detailed Expense Ledger

Date	Check #	Payee / Description	Amount
01/04/2024	745	Texas-New Mexico Nev Public Notice	52.62
01/12/2024	1002795	Hinkle & Landers Audit Services	8,306.00
01/22/2024	13785	WEX Public Notice	46.17
03/15/2024	317152	HUB Intl Svcs Inc Professional Liability Ins	2,806.83

EDDY LEA ENERGY ALLIANCE

City of Carlsbad, NM

Accounts Payable

as of: March 31, 2024

PO	Vendor	Description	Encumbered
22406016	WEX Bank	Public Notice	37.84
22405506	WEX Bank	Public Notice	44.72

82.56

ITEM 6

EDDY LEA ENERGY ALLIANCE
City of Carlsbad, NM
Accounts Payable
as of: March 31, 2024

PO	Vendor	Description	Encumbered
22406016	WEX Bank	Public Notice	37.84
22405506	WEX Bank	Public Notice	44.72

82.56

ITEM 9

STATE OF NEW MEXICO EDDY·LEA ENERGY ALLIANCE, LLC
OPEN MEETINGS ACT REQUIREMENTS AND PROCEDURES FOR EDDY·LEA
ENERGY ALLIANCE, LLC (ELEA) 2024

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978) states that, except as may be otherwise provided in the Constitution of New Mexico or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, the Open Meetings Act, NMSA 1978, Section 10-15-1(D), requires the Governing Board of EDDY·LEA ENERGY ALLIANCE, LLC to determine annually what constitutes reasonable notice of its public meetings; and

WHEREAS, NMSA 1978, Section 4-38-12 as amended, allows the governing board to establish rules and regulations to govern the transaction of ELEA business in these meetings.

NOW, THEREFORE, BE IT RESOLVED that:

1. All meetings of the Governing Board will be held as indicated on the meeting notice as to date, time, and place.
2. Reasonable notice of regular meetings will be at least seventy-two (72) hours in advance. The agenda for regular meetings will be available no less than seventy-two (72) hours in advance of the regular meeting and posted on the ELEA website, if one is maintained. Regularly scheduled meetings of the Board will be held quarterly on the second Wednesday of the month preceding the end of the fiscal quarter. Meeting location will alternate between the four

Members' meeting chambers beginning with the City of Hobbs, then Eddy County, then Lea County and then the City of Carlsbad. This rotation will then repeat, notwithstanding conditions that would interrupt the rotation. After such interruption of the rotation is remedied, the rotation would continue.

3. Special meetings may be called by the Chairperson or upon written request of any two Governing Board of Directors. Reasonable notice of special meetings will be at least seventy- two (72) hours in advance. The agenda for special meetings will be available no less than seventy two (72) hours in advance of the special meeting.

4. Emergency meetings will be called only under unforeseen circumstances that, if not addressed immediately by the Governing Board, will likely result in injury or damage to persons or property or substantial financial loss to ELEA or its member entities. The Governing Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or any two Directors of the Governing Board upon twenty- four hours (24) notice, unless a threat of personal injury, property damage or substantial financial loss requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the Governing Board shall report to the Attorney General's Office the action taken and the circumstances creating the emergency; provided that the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency.

5. Work sessions may be called at the discretion of the Chairperson or upon the request of two Directors upon seventy-two (72) hours' notice. The final agenda for work sessions shall be available at least seventy-two (72) hours in advance of the work session.

6. In addition, meeting agenda for regular meetings, special meetings, and work sessions will be sent to all broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice. The agenda will indicate the time, date, place and specific items to be discussed during the Governing Board's

meeting. The Governing Board shall take action only on items appearing on the agenda.

7. For the purposes of emergency meetings described in paragraph four of this resolution, notice requirements shall be met if notice of the date, time, place and agenda is communicated by the Chairperson or his designee by telephone or email to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. In addition to the information specified above, all notices will include the following or equivalent language:

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9. The Governing Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirements under the Open Meetings Act, Section 10-15-1(H) NMSA 1978 Comp.

A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Governing Board taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

B. If a closed meeting is conducted when the Governing Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the

closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

D. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Governing Board in an open public meeting.

10. Members of the Governing Board may participate in any meeting by means of a conference telephone when it is otherwise difficult or impossible for the members to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

11. The Governing Board may, by Resolution, adopt additional rules and regulations regarding the conduct of the meetings of the Governing Board and any of its subordinate committees.

PASSED, APPROVED AND ADOPTED IN OPEN MEETING on this ____ day of _____, 2024.

For the Board:

John Heaton - Chair