

**LINKED MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK
MUNICIPAL COMPLEX BUILDING ON APRIL 28, 2023 AT 4:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Jason O. Chavez Wesley A. Carter Jeff Forrest Karla Niemeier	Mayor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Judith E. Waters Mark C. Walterscheid	Councilor Councilor
Also Present:	John Lowe K.C. Cass Ted Cordova Denise Madrid-Boyea Nadine Mireles Angie Barrios-Testa Mike Abell Wayne Hatfield Brent Griffith Melissa Salcido Anthony Souza Jeff Patterson Shane Skinner Patrick Cass Dr. Gary Washburn John Heaton Ann Liedich	City Administrator Deputy City Administrator Deputy City Administrator City Attorney City Clerk Director of Municipal Services Director of Utilities IT Director IT Technician Finance Director EMS Division Chief Planning Director Police Chief Public Works Director CMS Superintendent ELEA Board Member <i>via Zoom</i> HolTec Attorney <i>via Zoom</i>

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00 **Call Meeting to Order**

0:00:20 Invocation - Pledge of Allegiance

0:00:31 **1. APPROVAL OF AGENDA**

0:00:36 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Rodriguez to approve the Agenda.

0:00:41 **VOTE**

The vote was as follows: Yes - Carter, Rodriguez, Forrest, Niemeier, Anaya-Flores, Chavez; No - None; Absent - Waters, Walterscheid; the motion carried.

0:00:55 **2. ROUTINE AND REGULAR BUSINESS**

A. City Personnel Report

0:01:04 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Forrest to approve Routine and Regular Business.

0:01:12 **VOTE**

The vote was as follows: Yes - Carter, Rodriguez, Forrest, Niemeier, Anaya-Flores, Chavez; No - None; Absent - Waters, Walterscheid; the motion carried.

0:01:42 **3. CONSIDER APPROVAL OF RESOLUTION 2023-20, A
RESOLUTION OPPOSING SENATE BILL 53 AND AUTHORIZING THE EDDY
LEA ENERGY ALLIANCE TO JOIN LITIGATION AGAINST THE STATE OF NEW
MEXICO REGARDING SENATE BILL 53**

Mrs. Madrid-Boyea said this Resolution is for Council's consideration opposing Senate Bill 53 and authorizing the Eddy Lea Energy Alliance to join litigation against the State of New Mexico regarding Senate Bill 53. She said the New Mexico legislature passed Senate Bill 53, which prohibits a consolidated interim storage facility in New Mexico, unless the State of New Mexico consents or concurs in the creation of the facility and a repository is in operation. She said Senate Bill 53 goes into effect on June 16, 2023. **Mrs. Madrid-Boyea** said federal laws and United States constitution have given authority to the Nuclear Regulatory Commission to determine the requirements for creation of interim storage facilities, which preempts state laws. She said the City of Carlsbad is a member of the Eddy Lea Energy Alliance, which is entered into agreements with HolTec International. She said HolTec International has plans to develop a CISF, a Consolidated Interim Storage Facility. She said the completed project will create a capital expenditure of \$2 to \$3 billion, diversify the economy, and create approximately 650 high paying jobs in Southeast New Mexico. **Mrs. Madrid-Boyea** said the NRC has conducted extensive environmental impact and safety studies which have determined that the proposed facility has minimal environmental impacts, the facility and transportation system is safe and secure, and the project will benefit Southeast New Mexico. She said she can answer limited questions but she has a subject matter expert on the phone, Mr. John Heaton, along with his attorney Ann Liedich.

0:04:25 **Councilor Forrest** asked if HolTec would be footing the bill for the lawyer. **Mrs. Madrid-Boyea** said HolTec will pay the legal fees, expenses and costs if litigation is commenced.

0:04:45 **Councilor Rodriguez** asked if we will be facing any liability related to the case other than financial. **John Heaton** answered there should be no liability or conflicts with any industry in our area. **Ms. Liedich** said they believe this preemption challenge is valid. She said in terms in the politics of New Mexico itself, she can't comfortably answer.

0:06:31 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve Resolution 2023-20, a Resolution opposing Senate Bill 53 and authorizing the Eddy Lea Energy Alliance to join Litigation against the State of New Mexico regarding Senate Bill 53.

0:06:37 **VOTE**

The vote was as follows: Yes - Carter, Rodriguez, Forrest, Niemeier, Anaya-Flores, Chavez; No - None; Absent - Waters, Walterscheid; the motion carried.

0:06:59 **4. CONSIDER APPROVAL TO RETAIN WSP FOR THE PROVISION OF OIL AND GAS PERMIT INSPECTIONS**

Mr. Lowe said this is a request to retain WSP for the provision of Oil and Gas Permit Inspections. He said WSP is a qualified entity who will review any oil and gas permits within City limits and they will also perform inspections and make sure the entity drilling within City limits is following the City Ordinance. **Mr. Lowe** said they will submit technical reports, findings and recommendations for each inspection.

0:07:35 **Mayor Janway** asked if there are any questions or comments for **Mr. Lowe**. **Councilor Chavez** asked if WSP are the same inspectors that inspect the City wells. **Mr. Lowe** answered and said if the City receives any permit for oil and gas, this company can do all of the inspections and make their recommendations to City Council.

0:07:51 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve to retain WSP for the provision of Oil and Gas Permit Inspections.

0:07:58 **VOTE**

The vote was as follows: Yes - Carter, Rodriguez, Forrest, Niemeier, Anaya-Flores, Chavez; No - None; Absent - Waters, Walterscheid; the motion carried.

0:08:08 **5. CONSIDER APPROVAL OF SUBMISSION OF A COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING PROGRAM GRANT FOR THE CARLSBAD POLICE DEPARTMENT**

Mr. Lowe said this is for approval to apply for a Community Oriented Policing Services (COPS) Grant through the Department of Justice. He said Carlsbad Municipal Schools approached the City of Carlsbad for assistance to increase the number of school resource officers. He said Carlsbad Municipal has two dedicated resource officers. He said if successful on this grant application, this will allow the City to hire 5 new officers, allowing for better police presence and security in more of the schools. He said this grant will be for a period of 5 years in the amount of \$625,000. **Mr. Lowe** said CMS would cover \$2.6 million over the five-year period to cover the local fund option. He said once awarded, the City will negotiate a MOU for those funds with Carlsbad Municipal Schools.

0:09:18 **Mayor Janway** asked if **Dr. Washburn** had a comment he would like to make. **Dr. Washburn** said anytime there is a school shooting across the country, he has concerned parents asking if it is possible to get more SRO's. He said this grant will help our community be safer and reassure parents and the community.

0:11:16 **Mayor Janway** asked if there were any questions or comments for **Dr. Washburn**. **Councilor Chavez** asked if this would be for the new middle school. **Mr. Lowe** said he believes these 5 would be spread to the high school, both middle schools and he believes they would be able to cover some of the elementary schools.

Dr. Washburn said their vision is to be able to have one more SRO at the high school, each of the middle schools, and the other two patrol the elementary schools.

0:12:47 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve the submission of a Community Oriented Policing Services (COPS) Hiring Program Grant for the Carlsbad Police Department.

0:12:54 **VOTE**

The vote was as follows: Yes - Carter, Rodriguez, Forrest, Niemeier, Anaya-Flores, Chavez; No - None; Absent - Waters, Walterscheid; the motion carried.

Mayor Janway asked if there was anyone present that would like to address Council. No one appeared.

0:13:06 **6. ADJOURN**

0:13:11 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Forrest to adjourn.

0:13:18 **VOTE**

The vote was as follows: Yes - Carter, Rodriguez, Forrest, Niemeier, Anaya-Flores, Chavez; No - None; Absent - Waters, Walterscheid; the motion carried.

0:13:23 **Adjourn**

There being no further business, the meeting was adjourned at 4:14 p.m.




Dale Janway, Mayor


Nadine Mireles, City Clerk