

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

March 9, 2009

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 9th day of March, 2009 at 9:00 a.m. in the Commissioners' Room of the Quay County Courthouse, Tucumcari, New Mexico for the purpose of taking care of any business that may come before them.

PRESENT & PRESIDING:

Franklin McCasland, Chairman
Robert Lopez, Member
Bill Curry, Member
Richard Primrose, County Manager
Ellen White, County Clerk

OTHERS PRESENT:

Larry Moore, Quay County Road Superintendent
Colette Vanderpool, Quay County Manager's Office
Susan Lease, Quay County ASAP Coordinator
Bryan Rinestine, Quay County DWI Coordinator
Don Schutte, Attorney
Stella Baca, Quay County resident
Ron Jones, New Mexico Wildlife Specialist
Donald Adams, Quay County Fire Marshall
James & Renee Rinestine, Landowners
Misty Vick, CDBG Administrator
Bill Humphries, Quay County Road Viewer
Don Hofman, Quay County Road Viewer
Tom Sidwell, Quay County Gray Wolf Committee Member

The meeting was called to order by Chairman Franklin McCasland. Ron Jones led the Pledge of Allegiance.

Chairman Franklin McCasland convened the Public Hearing regarding the closure of the 9400-9600 block of Quay Road R and the 9450-9600 block of Quay Road S. Time noted 9:05 a.m.

Quay County Clerk, Ellen White issued the Oath of Testimony to Bill Humphries. Said Oath is attached and made a part of these minutes. Humphries, spokesperson for the Quay County Road Viewer Committee, stated it was the unanimous decision of the Committee to recommend closure of the portions of Quay Road R and Quay Road S as described above. Chairman McCasland requested any opinions from the audience in attendance regarding the closure. There were none.

Chairman McCasland stated voting action would be conducted regarding the closure during the regular session. The Public Hearing was closed by Chairman McCasland.
Return to regular session. Time noted 9:10 a.m.

Nate Gentry, Law & Resource Planning Associates Attorney representing Ute Lake Ranch, Inc., joined the meeting. Time noted. 9:15 a.m.

A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the minutes from the February 23, 2009 regular meeting. MOTION carried with all members voting "aye".

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the agenda as presented. MOTION carried with all members voting "aye".

PUBLIC COMMENTS: NONE

Don Schutte, Attorney in Quay County informed the Commissioners of a Task Force he is trying to establish regarding under-age drinking and minors who are found to be intoxicated. Currently New Mexico and local laws do not address minors who are intoxicated, only minors in possession of alcohol. If a minor has consumed alcohol, law enforcement agencies have no recourse to punish the minor. Schutte reminded the Commissioners of the tragedy regarding the drowning of a local 12 year old youth three years ago after the child had been served alcohol by two adults. Schutte stated the lives of those adults and the family of the deceased boy has changed tragically and dramatically. The Task Force will be a City-County joint effort in an attempt to make the public aware of the consequences surrounding under-age drinking. The main focus will be the proposal and adoption of laws and penalties for youth who have been served alcohol and are not necessarily in possession of the container but under the influence. Schutte asked the Commissioners to appoint a member from their Board to the Task Force to complete the joint effort. Chairman McCasland and the Commissioners agreed to appoint a representative to the Task Force. McCasland thanked Schutte for his efforts in trying to protect the youth of Quay County.

Ron Jones, New Mexico Wildlife Specialist presented a summary report of activity for Quay County from September 1, 2008 through March 6, 2009. Jones stated the major area of concern recently has been the coyote problem. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the report. MOTION carried with all members voting "aye". A copy of said report is attached and made a part of these minutes.

Larry Moore, Quay County Road Superintendent gave the following report:

1. Requested approval regarding the road closure of the 9400-9600 block of Quay Road R and the 9450-9600 block of Quay Road S as presented during the Public Hearing. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the closure. MOTION carried with all members voting "aye".
2. Presented Resolution No. 40; Authorization of Intra-Budgetary Transfer from the Bureau of Elections (401-52) to Rural Addressing (503-12) for the purchase of a hand held GPS unit to be used by both the Road Department and the Rural Addressing Department. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve Resolution No. 40. MOTION carried with all members voting "aye". A copy of said Resolution No. 40 is attached and made a part of these minutes.
3. The Reclaimer has been delivered to Quay County and employees have received training. It is operational and is being used in the Nara Visa area. It has proven to be faster and more efficient than was predicted.
4. The turn-outs have been completed on Quay Road AI. The striping and no passing signs will be installed soon and that will complete the project.
5. The repairs on Quay Road 65 are complete with the exception of the guard rails being put back in place.
6. All road projects that extensions were filed for have been completed and the paper work has been submitted.

7. Letters of Intent for next year's road projects are ready to be submitted. Misty Vick, CBDG Administrator presented Change Order No. CO-01 regarding the roofing project at Trigg Memorial Hospital. The Change Order allows for additional repairs for exhaust fans, additional build up of the roof to meet specifications, and some electrical issues. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve Change Order No. CO-01 as presented. MOTION carried with all members voting "aye". A copy of said Order is attached and made a part of these minutes.

Donald Adams, Quay County Fire Marshall presented the following items for approval:

1. Presented PERA Applications for Rural 1 Fire Department, Quay Fire Department and Bard-Endee Fire Department were submitted for approval. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve Applications. MOTION carried with all members voting "aye". Copies of said Applications are attached and made a part of these minutes.
2. Presented Resolution No. 39; Authorization of Budgetary Increase for the Forrest Fire District & Jordan Fire District. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve Resolution No. 39 as presented. MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.
3. Presented a Mutual Aid Agreement between the local Fire Departments. This Agreement is a matter of formality as the Departments have always responded to aid an adjacent Department; however nothing in writing was available at dispatch. In addition to Quay County Fire Departments signing this Agreement, it will be distributed to adjoining County Fire Departments such as Conchas Dam, Rosebud, Harding County, Grady and Broadview. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve Agreement. MOTION carried with all members voting "aye". A copy of said Agreement is attached and made a part of these minutes. Adams stated a formal Automatic Aid Agreement between the local Fire Departments needs to be in place as well. An Automatic Aid Agreement says if a neighboring department has a structure fire the adjoining district will automatically send a Class A Pumper to the fire location. Adams stated this has always been the practice, however he does not want any department to send a Class A Pumper to another district if they only have one Class A unit available leaving their respective district un-protected. Adams will work on this Agreement and distribute it to the Departments.
4. Presented Fixed Asset Disposal/Transfer forms to allow the Bard-Endee Fire Department to dispose of obsolete equipment. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Disposal requests. MOTION carried with all members voting "aye". Copies of Disposal forms are attached and made a part of these minutes.
5. Adams informed the Commissioners of the possibility of issuing a "Burn Ban" for Quay County as the fire danger continues to increase with the lack of moisture.

Chairman McCasland requested a five minute break. Time noted 10:00 a.m.

Return to regular session. Time noted 10:05 a.m.

County Manager, Richard Primrose presented the following report:

1. Presented Resolution No. 38; Authorization of Budgetary Increase for Primary Care Clinic (513-12). A MOTION was made by Bill Curry, SECONDED by Robert Lopez to

- approve Resolution No. 38 as presented. MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.
2. Presented the Plateau Telecommunications Proposal for a new phone system for the county offices in the amount of \$30,895.41. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the presented Proposal. MOTION carried with all members voting "aye". A copy of said Proposal is attached and made a part of these minutes.
 3. Presented a copy of HB 806 and 807, which are currently being discussed in the legislative session; Community Custody Release Program. This Bill would allow Detention Center Administrators, with the approval of the county commissioners to offer early release to offenders from local Detention Centers for good time without consulting a Judge. Chairman McCasland and the Commissioners instructed Primrose to send letters to Representative Roch and Senator Harden opposing this legislation due to the liability.
 4. Received a letter from the New Mexico Department of Transportation regarding the purchase of culvert pipe in the amount of \$200.00 for each pipe.
 5. Received a letter from the State Auditor regarding contracting audit services for the next fiscal year. The rotation process has been changed from a 6/2 year rotation to a 10/2 year rotation. Primrose and some of his staff will attend the Audit Rules meeting on March 30, 2009 in Las Vegas, NM. There is a possibility of being able to get three written quotes versus using the RFP process for audit services if the price is under \$30,000.00. Chairman McCasland expressed his displeasure with the lateness of the current audit as it is very late in being received by the County from the Auditor. McCasland stated with the budget process needing to be started in March by department heads, the lack of the current audit being completed is a hindrance.
 6. Presented the Tucumcari Public Library report for January, 2009.
 7. A Department Head meeting for Quay County offices was held Friday, March 6, 2009.
 8. Danny Estrada has reported the two swamp coolers are going to have to be replaced at the Exhibit Center of the Fair Barn. Commissioner Curry requested a cost analysis be conducted regarding purchasing refrigerated air conditioning units as opposed to purchasing swamp coolers. Chairman McCasland said in the cost analysis, the cost of electricity and dropping ceilings to allow for refrigerated air units should be included. Along with the cost analysis, McCasland informed Primrose that he would need to determine what money could be used to make the necessary improvements for the air conditioning at the Exhibit Center.
 9. A letter from Quay County has been sent to Union Pacific Railroad regarding the closure of some crossings in Quay County. The request from Quay County is not to close the crossings.

Bryan Rinestine, DWI Coordinator presented the following items for approval:

1. Grant/Distribution Funding Application Local DWI Grant Program in the amount of \$89,052.00. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve Application. MOTION carried with all members voting "aye". A copy of said Application is attached and made a part of these minutes.
2. Resolution No. 37; Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve Resolution as presented. MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.

3. Memorandum of Understanding between Quay County DWI program and the New Mexico Department of Finance and Administration. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve MOU. MOTION carried with all members voting "aye". A copy of said MOU is attached and made a part of these minutes.
4. Assurances and Cooperative Agreement between the Quay County DWI program and the Department of Health. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve Agreement. MOTION carried with all members voting "aye". A copy of said Agreement is attached and made a part of these minutes.
5. Rinestine informed the Board that he would be serving on the Task Force described earlier in the meeting by Don Schutte. As well, Rinestine is working on securing a treatment program for juveniles to work in conjunction with the Task Force efforts and the underage drinking problem in Quay County.

UNDER OTHER BUSINESS: Commissioner Curry said he has been contacted by Bill Humphries from the Quay County Primary Care Clinic with regards to applying for some additional funding through a grant to expand the facility. Humphries requested permission from the Board to proceed with a grant application. The Commissioners are all in agreement that Humphries can proceed with the application.

A MOTION was made by Robert Lopez, SECONDED by Bill Curry, to go into Executive Session pursuant to the Open Meetings Act 10-15-1(H)8 NMSA to discuss real property. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye". Time noted 10:30 a.m.

-----EXECUTIVE SESSION-----

A MOTION was made by Robert Lopez, SECONDED by Bill Curry that only real property was discussed during Executive Session and no action was taken. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye".

Return to regular session. Time noted 11:42 a.m.

County Manager, Richard Primrose presented a letter to the Interstate Stream Commission from Quay County with regards to the Bulk Water Sales Contract between Quay County and Ute Lake Ranch, Inc., as a result of discussion during the Executive Session. A MOTION was made by Robert Lopez, SECONDED by Bill Curry, to authorize signage of the letter. MOTION carried with all members voting "aye". A copy of said letter is attached and made a part of these minutes.

Quay County Clerk, Ellen White presented an amended copy of the minutes from the February 23, 2009 meeting to include item number one of the County Manager's report that was left off the previously approved minutes. (Quay County Conflict of Interest and Code of Ethics Policy) A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the amended minutes. MOTION carried with all members voting "aye".

CHECKS WERE REVIEWED. A MOTION was made by Bill Curry SECONDED by Robert Lopez to approve the expenditures as presented. MOTION carried with all members voting "aye". A copy of the expenditure report is attached and made a part of these minutes.

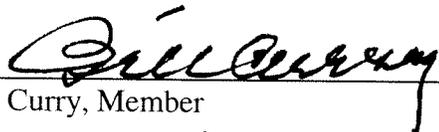
Chairman McCasland announced the Commissioners would be having lunch at 12:00 noon at KBobs Steakhouse. The public is welcome to attend.

There being no further business, a MOTION was made by Robert Lopez, SECONDED by Bill Curry to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for March 23, 2009, unless sooner called. MOTION carried with all members voting "aye". Time noted 11:55 a.m.

BOARD OF QUAY COUNTY COMMISSIONERS



Franklin D. McCasland, Chairman



Bill Curry, Member



Robert Lopez, Member

ATTEST:



Ellen L. White, County Clerk