

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

June 10, 2009

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 10th day of June, 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 D. McCasland, Chairman
Bill Curry, Member
Robert Lopez, Member
Ellen L. White, County Clerk
Richard Primrose, County Manager

OTHERS PRESENT:

Larry Moore, Road Superintendent
Colette Vanderpool, Quay County Manager's Office
Janie Murray, Quay County Assessor
Donald Adams, Quay County Fire Marshall
Becky Wallace, PMS Administrator
Tony Elebario, Quay County Detention Center Administrator

Chairman Franklin D. McCasland called the meeting to order. Janie Murray led the Pledge of Allegiance.

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the minutes of the May 22, 2009 regular commission meeting. MOTION carried with all members voting "aye".

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

Public Comment: None

Donald Adams, Quay County Fire Marshall informed the Commissioners the NM Forestry had lifted the fire restrictions put in place on May 15, 2009. Quay County placed fire restrictions outside of municipalities in the County on March 24, 2009. Adams said it was his opinion the fire ban issued by Quay County should stay in effect as conditions have not improved and the area remains very dry. The Commissioners agreed with Adams, and the Resolution issued by the County will remain in effect until further notice.

Adams informed the Commissioners of the grant awarded to Quay County in the amount of \$9,100.00 for Fire Danger signage that will be constructed throughout the County along the main entrance roads into the County. Adams presented samples of the signs along with a map

showing locations he has pinpointed to place the signs. Adams requested the Commissioners review the material and inform him of any concerns.

Thomas Garcia, Quay County Sun joined the meeting. Time noted 9:15 a.m.

Adams said the Draft Command Trailer is being used for trainings and the various Fire Departments are very happy and pleased with the unit. Adams showed the Commissioners the new break-away safety vests that are required to be worn by firefighters who are working along I-40 or other highways. Adams attended the NMAC Summer Conference and stated a lot of the meeting was focused on the firefighters PERA and the possibility of introducing new legislation to increase their benefits. Adams presented a proposal for the Fire Protection Tank to be constructed at Rural 2 Fire Station. The proposal was submitted by Burton Engineers, LLC for the design of the tank and to oversee the installation of the tank.

Tony Elebario, Quay County Detention Center Administrator presented the Joint Powers Agreements/Contracts between Quay County and the following Counties for housing inmates at the Detention Center for approval: Chaves, Curry, Roosevelt, Curry, Colfax, DeBaca, Eddy, Taos, Sierra, San Miguel, Otero, Union, Guadalupe, Lincoln, Mora, Lea, and the cities of Santa Rosa and Tucumcari. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Joint Powers Agreements/Contracts as presented. MOTION carried with all members voting "aye". Copies of said Agreements/Contracts are attached and made a part of these minutes.

Larry Moore, Road Superintendent, gave the following Road Department report:

1. Work has been completed on Quay Road K. A culvert had to be replaced that was not on the scope of work.
2. The CAP project will begin on Monday with five miles on Quay Road E and four miles on Quay Road F.
3. Attended the NMAC Summer Conference. Wagner Equipment sponsored the equipment rodeo with 21 participants.
4. The auction was held on June 6, 2009. Proceeds totaled \$6,132.50 less 10% left the Road Department with a net of \$5,519.25.
5. Wilson & Co. has recommended Western Technologies perform testing and evaluations to determine what upgrades are required to ratify the problems occurring on Quay Road AI. Moore stated in addition to the problems with the asphalt coming apart, there was a semi-truck accident over the weekend that tore up a huge portion of the road. Commissioner Curry stated his concerns regarding Wilson & Co. passing the buck to the County to determine the problems with the road and the cost of correcting it as well. Moore agreed, however Wilson & Co., as Engineers for the project, state their scope of work has been completed. The main purpose to get the testing and evaluations complete is to convince the State of New Mexico to agree and establish enforceable weight limits and speed limits.
6. Received the \$300,000.00 from the Department of Finance for the purchase of the Reclaimer.
7. Received the following funds from the State: CAP projects \$235,697.00; COOP projects \$120,934.00; School Bus projects \$141,622.00. Total funds received are \$498,235.00.

8. The money to close out the GRIP 2 project has not been received yet. Moore is in constant contact with the State for these funds to enable him to close this project out before the end of the fiscal year.
9. The dozer has been repaired. The engine needs overhauled on the dump truck. The 950H Caterpillar Loader has been received. Crews are mowing. The installation of the five gates will be done today or tomorrow.
10. Will be meeting with a Representative from the NMDOT to verify the Certified Road mileage.

Janie Murray, Quay County Assessor and NMAC Board Member presented this report following the NMAC Summer Conference:

1. Presented nine Resolutions the Board of Directors will consider supporting during the next legislative session. Murray requested the Commissioners review and let her know what items they would like her to support prior to the August Board Meeting.
2. Presented a list of Recovery Act projects by County.
3. Presented the Fire Service Support Bureau District Map.
4. Presented the Fire Protection Grant Awards and various Grant Programs.
5. Presented Resolutions passed by the NMAC Board; Resolution No. 2009-05; A Resolution in Support of Federal Legislation to Restore Federal Entitlement Benefits. Resolution No. 2009-06; a Resolution in Opposition of Waters of the U.S.
6. Presented the State Association Conference Fact Sheet and Funding Summary.
7. Presented the 2009 Property Tax Division Assessor Evaluation for Quay County.

County Manager Richard Primrose presented the following Manager's Report:

1. Presented the Memorandum of Agreement between the New Mexico Department of Health and Quay County Government for approval. (Janitorial Services) A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Agreement. MOTION carried with all members voting "aye". A copy of said Agreement is attached and made a part of these minutes.
2. Presented the Memorandum of Agreement between the New Mexico Department of Health and Quay County Government for approval. (Primary Care) A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Agreement. MOTION carried with all members voting "aye". A copy of said Agreement is attached and made a part of these minutes.

Chairman McCasland requested a ten minute recess. Time noted 10:25 a.m. return to regular session. Time noted 10:35 a.m.

Primrose continued the Manager's Report:

3. Presented the Annual Financial Report and Audit for the year ending June 30, 2008 for approval and acceptance. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve and accept the Audit and Report. MOTION carried with all members voting "aye". A copy of the Annual Financial Report and Independent Audit will be filed for public review with the Quay County Clerk. Commissioner Curry requested Primrose discuss the corrective actions and implementation thereof regarding the findings in the audit at the next meeting.

4. Presented a draft of a Joint Powers Agreement between the City of Tucumcari and Quay County, establishing the Tucumcari/Quay Regional Emergency Communications Center. Primrose asked for corrections and recommendations be made before the final Agreement is distributed for approval.
5. Received notification from the Public Protection Classification Department regarding the new classification of the Forrest Fire Department to an 8B. This new Classification should increase their budget for the upcoming fiscal year.
6. Received a Thank You letter from NMSU Ag Science center for the assistance the Road Department gave in hauling water for them.
7. Received an email from Brian McCallister, Environmentex, LLC providing a government notice for a proposed cell tower near Logan, NM.
8. Presented the Quay County Family Health Center monthly RPHCA Report for May, 2009.
9. Received notice regarding a meeting to be hosted by the State of New Mexico Indian Affairs Department. The meeting is scheduled for June 18, 2009 at 1:00 p.m. in Albuquerque for the purpose of providing information regarding House Bill 37 which is an amendment to the New Mexico Subdivision Act to provide for Tribal notification for specific Subdivisions in New Mexico.
10. A Weed Management seminar is scheduled for Wednesday, June 17, 2009 at 1:00 p.m. at the Terry Turner Building.
11. Attended the Ute Reservoir Advisory Board meeting on May 29, 2009. The issue regarding "Minimum Pool" was the main focus of the meeting. It was decided the Ute Reservoir Water Commission will serve as the authority that will establish the "Minimum Pool" requirements.
12. The north side of the roof at the Fair Barn is complete.
13. The Capital Outlay Grant Agreements should be forthcoming.
14. The NMSU Ag Science center picked up their forklift that has been used at the fairgrounds for years. In the near future the purchase of a forklift will need to be discussed.
15. Steve Copelman, NMAC Representative asked Primrose to explore the idea of hosting the Summer Conference in 2011.

UNDER OTHER BUSINESS:

Chairman McCasland had the following items of concern:

1. Requested Primrose order four more new County Flags for display.
2. One of the RV's that was parked at the fairgrounds during the Blue Grass Festival dumped their sewer waste on the property prior to leaving. The mess has to be cleaned up by the County Maintenance Department. This is one of the issues why the Commissioners are not interested in installing additional electricity for RV's to park.
3. Requested materials that presenters intend for the Commissioners to review during a Commission meeting be included in the packets prior to the meeting or not be included on the Agenda.

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 pending litigation. Lee Stone vs. Board of County Commissioners. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye". Time noted 11:30 a.m.

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

Return to regular session. Time noted 12:05 p.m.

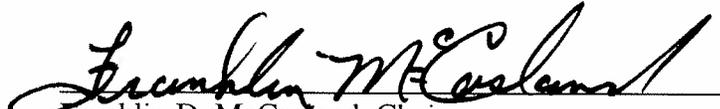
A MOTION was made by Bill Curry, SECONDED by Robert Lopez that only pending litigation was discussed during Executive Session and no action was taken. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye".

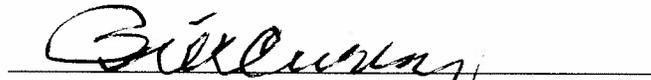
CHECKS WERE REVIEWED AND APPROVED:

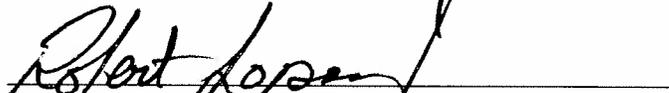
Chairman McCasland announced the Commissioners would be having lunch following the adjournment of this meeting at the Pow Wow Restaurant. The public is welcome to attend.

There being no further business, a MOTION was made by Bill Curry, SECONDED by Robert Lopez to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for Monday, June 22, 2009, at 9:00 a.m. unless sooner called. MOTION carried with all members voting "aye". Time noted 12:20 p.m.

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin D. McCasland, Chairman


Bill Curry, Member


Robert Lopez, Member

ATTEST:


Ellen L. White, County Clerk

