

# REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

January 11, 2010

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 11<sup>th</sup> day of January, 2010 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  
Paula O'Steen, Quay County EMS  
Donald Adams, Quay County Fire Marshall  
Tony Elebario, Quay County Detention Center Administrator  
Catherine Bugg, KTNM/KQAY Radio Station

Chairman Franklin D. McCasland called the meeting to order. Paula O'Steen led the Pledge of Allegiance.

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the minutes from the December 14, 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: Catherine Bugg asked the Commissioners to stay informed regarding the introduction of House Bill 15 during the upcoming legislative session. This Bill makes reference to the Eastern New Mexico Rural Water Authority and establishing an Eminent Domain.

Chairman McCasland opened the floor for nominations to Election of Chairman of the Board of County Commissioners. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to elect Commissioner Franklin McCasland as the Chairman of the Board of Quay County Commissioners for 2010. MOTION carried with all members voting "aye".

A MOTION was made by Bill Curry, SECONDED by Robert Lopez, to approve the appointments to various boards and committees as previously held in 2009. MOTION carried with all members voting "aye". A copy of the appointments are attached and made a part of these minutes.

In accordance with NMSA 10-17-3, a MOTION was made by Bill Curry, SECONDED by Robert Lopez, to make provisions for the monthly revenues and expenditures to be made available for public inspection. MOTION carried with all members voting "aye".

According to NMSA 4-44-23-25 each January for elected officials or at the beginning of employment for employees of the county, a disclosure statement must be filed with the County Clerk disclosing the precise nature and value of such financial interests which an employee or elected official believes may be affected by the actions of the County. This information on the disclosure shall be made available by the County Clerk for inspection by the public while the valuation shall be kept confidential except for official removal proceedings. Quay County Clerk, Ellen L. White informed the Commissioners that distribution of the forms had occurred.

In accordance with NMSA 10-17-1, the County Commission is required to have summary minutes prepared and available for public inspection immediately following the end of a commission meeting approving said minutes. Recorders and tapes used by the Clerk only serve as a tool for the Clerk and are not a part of official minutes. Also it requires that annual audits, the monthly budget and finance reports, and the monthly lists of checks be made available to the public. This establishes a method of compliance with revenue and expenditure requirements. All reports shall be made available for public review. A MOTION was made by Bill Curry, SECONDED by Robert Lopez that such reports will be made available in accordance with NMSA 10-17-1. MOTION carried with all members voting "aye".

Paula O'Steen requested approval of EMS Fund Act Application for Quay Fire Department. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said Application. MOTION carried with all members voting "aye". A copy of said Application is attached and made a part of these minutes.

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

1. EMS Fund Act Applications for Rural 1, Rural 2, Forrest and Bard Endee Fire Districts. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve said Applications. MOTION carried with all members voting "aye". Copies of said Applications are attached and made a part of these minutes.
2. Requested permission to apply for Grant Funding for Jordan and Rural 1 Fire Departments to purchase equipment. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve request. MOTION carried with all members voting "aye".
3. Requested approval of Resolution #42; Authorization of Budgetary Increase to Porter Fire Department (418-12). A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve said Resolution. MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.
4. Requested approval of the Joint Powers Agreement between Energy, Minerals and Natural Resources Department Forestry Division and Quay County for Wildland Fire Protection and Suppression. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve said JPA. MOTION carried with all members voting "aye". A copy of said Agreement is attached and made a part of these minutes.
5. Requested approval to dispose of obsolete equipment being a 1960 Ford F850 Truck. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve request. MOTION carried with all members voting "aye".

Tony Elebario, Quay County Detention Center Administrator presented the quarterly report for the period ending December 31, 2009. A copy of said report is attached and made a part of these minutes.

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

1. The crews have been assisting the mechanics with servicing all the equipment.

2. RPO projects will be submitted for next year regardless of the lack of funding. Quay County will continue to put the area bridges down for repair.
3. The Safety Project for Ute Lake Ranch Road is moving forward.
4. The next RPO meeting will be held Wednesday, January 13, 2010 in Las Vegas.
5. The certified road mileage for Quay County is due in March.
6. The School Bus Route project will begin tomorrow.
7. The LGRF coordinator, Josephine Martinez has informed Moore the projects will lose 26% of their funding in the 2009/2010 budget.

Chairman McCasland stated there are numerous roads needing pot holes repaired throughout the County when it warms up especially 11 Mile Road. Commissioner Lopez echoed McCasland's statement.

Chairman McCasland requested a recess. Time noted 9:50 a.m.

Return to regular session. Time noted 10:00 a.m.

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

1. Requested approval of the Final Audit for the 2008-2009 fiscal year audit as prepared by Chester Mattocks, CPA. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the Audit. A copy of said Audit is on file with the Quay County Clerk.
2. Requested approval of the Employment Agreement between the County of Quay and Richard Primrose, Quay County Manager. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve said Contract pending approval from the County Attorney. MOTION carried with all members voting "aye". A copy of said Contract is attached and made a part of these minutes.

Barbara Connett, Hoyt Skabelund and C.J. Wiegel, all representing Presbyterian Hospital joined the meeting. Time noted. 10:10 a.m.

3. Presented the following Resolutions for approval:
  - a. Resolution 40; Authorization of Budgetary Transfer to General Fund (401). A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said Resolution. MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.
  - b. Resolution 41; Election of Quay County Commissioners by the voters of Quay County at large by the entire County of registered voters. Chairman McCasland stated he is definitely in favor of this Resolution. McCasland stated in his seven years as Commissioner never once has a decision been made that only benefited one commission district versus another. They represent and make decisions for the entire County and the registered voters should be allowed to vote for each Commissioner. Ellen White, Quay County Clerk stated that Quay County was the only County with a 3 member board whose population does not allow "at large" voting in the State of New Mexico. As well, White believes this will increase voter participation in the County. Both Commissioners Lopez and Curry concurred. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve said Resolution. MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.
  - c. Resolution 43; Continuity of Hold Harmless Provision. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said Resolution No. 43 as presented.

MOTION carried with all members voting "aye". A copy of said Resolution is attached and made a part of these minutes.

4. Insurance Premiums through New Mexico Association of Counties Risk Management will go up 10% this year. An option to raise deductibles to alleviate some financial burden to the Counties is being offered. Currently Quay County has a \$1000.00 deductible and could choose to change that to \$2500.00, \$5,000.00, \$7,500.00 or \$10,000.00. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to change the deductible for Quay County to \$2500.00. MOTION carried with all members voting "aye".
5. Presented DFA Grant Agreements 03513 for \$80,000.00 and 03155 for \$2,641.44 for approval. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said Agreements. MOTION carried with all members voting "aye". A copy of said Agreement are attached and made a part of these minutes.
6. Distributed a Thank You note to the Road Department from the Ward Family at Nara Visa for the great work on the roads in that area.
7. The 42<sup>nd</sup> Agriculture and Home Economics Seminar will be held on January 28, 2010 at the Tucumcari Convention Center from 8:30 a.m. to 1:00 p.m.
8. Presented the monthly Gross Receipts Tax report.
9. The NMAC mid-winter conference will be held in Santa Fe on January 19-20. Legislative Quay Day will be held January 21.
10. Quay County has not received a Grant Agreement for the Energy Efficiency Grant.
11. A Department Head meeting was held Tuesday, January 5. Each Department was asked to review the Personnel Handbook and make note of any changes they feel are necessary and get suggestions to Primrose.
12. The Quay County DWI awareness billboard has been installed near San Jon.

Commissioner Curry asked what the status of the future angled parking on the Southwest corner and front of the courthouse was. Primrose stated the request will be on the next agenda at the City of Tucumcari Planning & Development.

CHECKS WERE REVIEWED AND APPROVED: A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve expenditures. MOTION carried with all members voting "aye".

UNDER OTHER BUSINESS: NONE

Hoyt Skabelund, Trigg Memorial Hospital Administrator introduced Barbara Connett, Assistant Administrator. Skabelund requested approval of the fiscal year 2010-2011 Sole Community Provider payment in the amount of \$771,764.38. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the request. MOTION carried with all members voting "aye". A copy of said request is attached and made a part of these minutes.

Skabelund requested funds from the Hospital Gross Receipts Tax revenue, appropriated for operations and maintenance of the Trigg Memorial Hospital. This reimbursement is for expenditures contributed by Presbyterian for hospital roof repairs. Amount requested is \$325,000.00. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said request. MOTION carried with all members voting "aye".

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) 9 for Committees or Boards of public hospitals to discuss strategic or long range business plans or trade secrets, AND 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 10:45 a.m.

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

Return to regular session. Time noted 12:35 p.m.

A MOTION was made by Bill Curry, SECONDED by Robert Lopez that only the items listed above were discussed during Executive Session and no action was taken. MOTION carried with Lopez voting “aye”, Curry voting “aye” and McCasland voting “aye”.

Chairman McCasland announced the Commissioners would be having lunch 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, January 25, 2010 at 9:00 a.m. unless sooner called. MOTION carried with all members voting “aye”. Time noted 12:55 p.m.

BOARD OF QUAY COUNTY COMMISSIONERS

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Franklin D. McCasland, Chairman

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Bill Curry, Member

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Robert Lopez, Member

ATTEST:

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Ellen L. White, County Clerk