

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

May 10, 2010

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 10th day of May, 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
Donald Adams, Quay County Fire Marshal
Cheryl Simpson, Quay County Manager's Office
Janie Murray, Quay County Assessor
Becky Wallace, Presbyterian Medical Services
Tony Elebario, Quay County Detention Center
Bryan Rinestine, Quay County DWI Coordinator

Chairman Franklin D. McCasland called the meeting to order. Tony Elebario led the Pledge of Allegiance.

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the minutes from the April 26, 2010 regular commission meeting. MOTION carried with all members voting "aye".

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to reverse the order of the presentation of the items in number 7 on the Agenda. MOTION carried with all members voting "aye".

Public Comments: There were none.

Janie Murray, Quay County Assessor, thanked everyone for their help and attendance with the New Mexico Association of Counties Board of Directors meeting held in Tucumcari on May 6 and 7. Those in attendance from other Counties were pleased with the accommodations and the meeting was well attended.

Murray gave a brief overview of the NMAC Board of Directors meeting. The following items were the main issues discussed by the Board of Directors:

1. Restructure of Affiliate by-laws to require Elected Affiliates, (Clerks, Sheriff, Assessors, and Treasurers) to elect only present or past Elected Officials as their President and Vice President.
2. Immigration Resolution
3. Ongoing 2010 Census
4. 2010 Summer Conference in Farmington
5. Pricing of easements through State Land by the State Land Commissioner.
6. Injury Reduction Initiative Program Awards presentation in June at Summer Conference.

Murray concluded with requesting approval of the 2010 Protest Board Members. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said Members. MOTION carried with all members voting "Aye". The board members are Sally Baker, Keith Bowen, and alternate Drake Swenson.

Tony Elebario, Quay County Detention Center Administrator, presented an Agreement between Quay County and Lea County to house female juvenile inmates. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve said Agreement. MOTION carried with all members voting "aye". A copy of said Agreement is attached and made a part of these minutes.

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

1. Quay County Misdemeanor Compliance Officer Agreement
2. Quay County DWI Compliance Officer Agreement

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the items as presented. MOTION carried with all members voting "aye". Copies of said Agreements are attached and made a part of these minutes.

Donald Adams, Quay County Fire Marshall presented the following update:

1. Located a water leak in the Rural 1 tanker. Repairs are under warranty.
2. Had a meeting at the Forrest Fire Station and tested 4 trucks.
3. Grants were awarded however the money is not yet available.
4. Adams has not decided whether he will attend the NMAC Summer Conference. Randy Markham has called and asked if he will attend.
5. Documents are still being processed for the donation of land for the Jordan Fire Department.

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

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

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

1. The Route 66 project at San Jon is complete with the exception of removing debris from the Cattle Guards.
2. The crews are hauling on Quay Road M with 1.1 miles remaining. Budget is on target.
3. Received a request to cut through a county road for a utility easement from J.D. McEwen on Quay Road AD. Request was granted and payment was received. Signage will be required due to the time it will take to complete this cut.
4. Received a request for a road closure off of State Highway 209 on Quay Road 53. The closure will affect 5.6 miles. The notice and process to proceed with this closure will be forthcoming.

Tim Rose, Assistant District Attorney joined the meeting. Time noted 10:10 A.M.

5. Requested permission to send letters to utility companies stating notification after the roads have already been cut is not acceptable unless it is an emergency. As well, Primrose stated the roads are not being repaired to County specs. The County then has to repair them and it exceeds the minimal charge of \$25.00 the County requires to make the original cut. Chairman McCasland suggested perhaps increasing the fee to \$275.00 to cover the \$25.00 permit fee and the remaining balance would be refunded after the road has been restored. McCasland stated the \$25.00 fee does not even justify the time Moore spends to inspect the road before and after the cut. Moore stated in this case they will be cutting across the entire road so the traffic will have to be diverted and flagmen placed at the scene. Moore and Primrose were instructed to develop some procedures and fees along with penalties and bring the information back to the Commissioners. Ellen White, Quay County Clerk suggested establishing a County Ordinance for Utility Easement Cuts to allow the County the opportunity to enforce the penalties and procedures with some law behind it. An Ordinance should state the fees and responsibilities of the persons requesting permission to cut as well as the penalties and fees for illegal cuts and the procedures and time frame for notifications following emergency cuts.

Commissioner Lopez said he had received numerous complaints of elm trees growing in the bar ditches. They need to be mowed down before they are too big for the mower.

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

1. Received a letter from Eastern Plains Council of Governments requesting continued participation as members for the 2010-2011 Fiscal Year. Membership dues are \$2,173.00. Chairman McCasland said he thought it was inappropriate to spend taxpayer funds on an entity that cannot provide current and accurate audits and does not currently have a director in place. Commissioners Lopez and Curry agreed. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to table any action on this item pending the replacement of a director and current audits from EPCOG. MOTION carried with all members voting "aye".
2. Thanked Janie Murray for her dedication and hard work in hosting the NMAC Board of Directors Board meeting.

3. The inside of the Exhibit Center has been painted. The new AC/Heating will be installed next and the ceiling lowered. The floor has been replaced in the Travis Nelson building and is lacking the installation of the gutters and ramps.

Chairman McCasland informed the other board members of a recent Ute Lake Ranch Public Improvement District No. 1 Board of Directors meeting held on May 5, 2010. McCasland stated two main action items of concern included the approval of an Easement from Ute Lake Ranch PID 1 to Quay County, assigning the easements of record throughout Ute Lake Ranch Filing No. 1. A MOTION was made by Bill Curry SECONDED by Robert Lopez to approve the receipt of the Easements. MOTION carried with all members voting "aye". A copy of said Easement is attached and made a part of these minutes.

The second item of business McCasland informed the Board of was a Resolution approved by the PID No. 1 Board of Directors dissolving Ute Lake Ranch Public Improvement District No. 1. McCasland gave a brief overview of the origination of Ute Lake Ranch PID No. 1. He explained that in six years following the developer appearing before the Board of Quay County Commissioners with the completed plans for the development and approval of the PID No. 1, the completed infrastructure and improvements that were provided for in the original plans of the development have not been fully developed. McCasland stated the Board could not allow the developer to continue having control of the development with the land owners at his mercy for future taxes and fees prior to the improvements being completed as promised. An attorney representing the PID Board advised members of the Board of the statutory requirements for dissolving a Public Improvement District, more specifically described in NMSA 5-11-24(A) & (B). The Board met all statutory requirements with their decision to dissolve Ute Lake Ranch Public Improvement District No. 1. In the future, should the developer formulate a viable plan for installation and completion of the infrastructure and improvements, another Public Improvement District for the development could be formed with the approval of the Board of County Commissioners. A MOTION was made by Robert Lopez, SECONDED by Bill Curry approving the Dissolution of Ute Lake Ranch Public Improvement District No. 1. MOTION carried with all members voting "aye". A copy of the Resolution approved by the Board of Directors of Ute Lake Ranch PID 1 is attached and made a part of these minutes.

CHECKS WERE REVIEWED AND APPROVED:

UNDER OTHER BUSINESS:

Chairman McCasland announced that he would be meeting with Warren Frost and Senator Harden on Wednesday, May 12 at 11:00 a.m. for the purpose of lobbying to request state funding for improvements to Ute Lake Ranch Road (aka: Mine Canyon Road).

A MOTION was made by Bill Curry, SECONDED by Robert Lopez, to go into Executive Session pursuant to the Open Meetings Act 10-15-1(H) 8 NMSA to discuss the purchase, acquisition or disposal of real property or water rights. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye". Time noted 11:15 a.m.

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

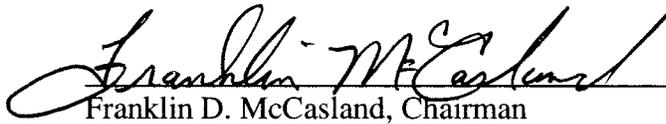
Return to regular session. Time noted 11:55 a.m.

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 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, May 24, at 9:00 a.m. unless sooner called. MOTION carried with all members voting "aye". Time noted 12:00 p.m.

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin D. McCasland, Chairman


Bill Curry, Member

Robert Lopez, Member

ATTEST:


Ellen L. White, County Clerk