

## REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

September 7, 2012

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 7<sup>th</sup> day of September, 2012 at 9:00 a.m. at the Commission 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:

Bill Curry, Chairman  
Robert Lopez, Member  
Brad Bryant, Member  
Ellen L. White, County Clerk  
Richard Primrose, County Manager

### OTHERS PRESENT:

Larry Moore, Quay County Road Superintendent  
Cheryl Simpson, Quay County Manager's Office  
Janie Hoffman, Quay County Assessor  
Vic Baum, Chief Deputy Assessor  
Joe Schallert, Quay County Sheriff  
Thomas Blakeney, Assistant District Attorney  
Thomas Garcia, Quay County Sun  
Sue Dowell, District 1 Commissioner Candidate  
Becky Wallace, Presbyterian Health Services  
Jeannette Maddaford, Altrusa International of Tucumcari  
GiGi Parker, National Society of Daughters of the American Revolution  
Larry Cooksey, Quay County Under-Sheriff  
T.J. Rich, Quay County Detention Center Administrator  
Tim Rose, District Attorney-Elect  
Donald Adams, Quay County Fire Marshall

The following residents were also in attendance:

Fred Porter, Gwen Gray, Christina Fleming, Dr. Jean P. Corey, Tom & Mimi Sidwell, John Harley, Yolanda Nava, C.J. Wiegel, T.J. Riddle, Tressie & Robert Curtis, Tammy Lopez, Jim Hayes, Margaret J. Horner-Young, John Gilbertson, Carlos Romero.

Chairman Bill Curry called the meeting to order. C.J. Wiegel led the Pledge of Allegiance.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the August 27, 2012 regular commission meeting. MOTION carried with all members voting "aye".

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

Chairman Bill Curry made a statement prior to opening the floor to Public Comments regarding the proposed Animal Control Ordinance. A copy of said statement is attached and made a part of these minutes.

#### PUBLIC COMMENTS:

The following residents voiced their displeasure with the proposed Animal Control Ordinance No. 44: Fred Porter, Tom & Mimi Sidwell, Dr. Jean Corey, John Harley, John Gilbertson, Tammy Lopez, Gwen Gray, Robert Curtis, and Margaret Young. Concerns ranged from the limit of the number of pets, the costs to residents, kennel fees, a state law already not being enforced by the Sheriff, infringing on residents' rights, penalizing those whose animals are confined on their residence, the definition of a pet and lastly the cost of enforcing the Ordinance.

Residents supporting an Ordinance included C.J. Wiegel, who experienced a personal attack from an animal and Christina Fleming, who operates and provides assistance with local shelters. Tom Blakeney, Assistant District Attorney, who had requested the Commissioners draft an Ordinance at an earlier meeting of the Board of Commissioners, gave a brief explanation of the basis for the request. Sheriff Schallert offered his expertise in the area and supported the Ordinance.

Several residents who spoke against the Ordinance earlier in the meeting agreed perhaps some sort of Ordinance is needed with the concerns they mentioned addressed. T.J. Riddle suggested a Citizens Committee to work on a draft and present the Ordinance to the Commissioners at a future meeting. Chairman Curry expressed the Boards gratitude for those attending and explained the Commissioners understood their concerns and would accept volunteers to serve on a Committee. Those agreeing to serve included: Fred Porter, Gwen Gray, Christina Fleming, Tom Sidwell, C.J. Wiegel, Thomas Blakeney, Jim Hayes, and Margaret J. Horner-Young.

#### Under Old Business:

Sue Dowell, Resident and District 1 Commission Candidate reiterated the comments made during the public portion of the meeting. Dowell said citizen participation is vital. She urged the Commission and those volunteering to serve on the committee to be very careful when drafting an Ordinance. Dowell says the law is the law regardless of what the intentions were. Dowell said she would like to see more information on the County Website regarding Resolutions, Ordinances and items from the Agenda that are attached to the Minutes that are posted.

Dowell stated the following concerns she has regarding Ordinance No. 44:

1. Collecting money from residents who have more than the pet limit will not stop vicious attacks and she asked what will the money collected be used for.

2. Places an additional burden of paying to have pets for ranchers and farmers is not acceptable.
3. How can the County police this and enforce it fairly to all residents? If we are not going to enforce it, why have it?
4. More regulations placed by a government entity means less freedom.
5. If a citizen has a complaint, they must file the proper paperwork with the authorities when seeking action, regardless of their situation.
6. What will the punishment be for violators?
7. How was a \$50.00 fee for having pets over the limit determined?
8. Why does there need to be a limit of pets before you have to pay a fee? If you have a resident with one vicious animal creating a problem they are not assessed a fee. However, a resident with four behaved pets is penalized with a fee.

Lastly, Dowell stated mass punishment for an entire population because of the irresponsible actions of a few is not fair.

County Manager, Richard Primrose presented the following items for consideration:

1. Ordinance No. 44; Animal Control Ordinance. A MOTION was made Brad Bryant, SECONDED by Robert Lopez to form a Citizens Committee to draft an Ordinance, and table action on this item until further notice. MOTION carried with all members voting "aye".
2. Memorandum of Understanding between Quay County and the Village of House for Repeater Tower Service. A MOTION was made Robert Lopez, SECONDED by Brad Bryant to approve the MOU that had been tabled at the August 27, 2012 meeting. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.

Chairman Curry called for a ten minute recess. Time noted 10:20 a.m. – 10:30 a.m.

#### UNDER NEW BUSINESS:

Jeannette Maddaford, member of Altrusa International of Tucumcari, requested use of the Quay County Exhibit Center for Altrusa's annual fundraising event scheduled for November 10, 2012. Maddaford requested use and that the fee be waived as the group raises funds and redistributes them throughout the County. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to support the efforts of Altrusa and allow use of the facility without charge. MOTION carried with all members voting "aye".

GiGi Parker, member of the National Society Daughters of the American Revolution presented the 2012 Proclamation for Constitution Week, September 17-23, 2012. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to proclaim the week mentioned as Constitution Week in Quay County. MOTION carried with all members voting "aye". A copy of said Proclamation is attached and made a part of these minutes.

T.J. Rich, Quay County Detention Center Administrator requested approval of Policies and Procedures regarding use of force/Tasers at the Quay County Detention Center. Rich stated staff at the Center will be trained by the Sheriff regarding use of the Tasers. It was also noted the NMAC Risk Management supports the use of Tasers as they provide an immediate result to deter dangerous situations in a jail and provide the least disruption to the other inmates during an altercation. A MOTION was made by Robert

Lopez, SECONDED by Brad Bryant to approve the Policies and Procedures. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.

Tenth Judicial District Judge, Albert Mitchell joined the meeting at 10:50 a.m. Mitchell approached the Commissioners regarding Detention Center inmate furloughs for medical reasons. Mitchell said as a former Commissioner he is cognizant of the budget concerns regarding medical costs at the Detention Center. Mitchell said he is requesting direction from the Commissioners with regards to this issue. Mitchell said if the County does not have a concern regarding the cost of keeping a prisoner incarcerated with medical expenses the county will incur, he will not take that into consideration when a medical furlough is requested. However, if the Commissioners feel compelled to give Mitchell instructions in writing to take the county's budget into consideration when a furlough of this type is requested, he will do so.

Chairman Curry asked how much medical information the Detention Center has on an inmate at the time of incarceration. Mitchell replied, very little unless they are repeat offenders.

Commissioner Lopez said he did not think the Commissioners should be involved with the decisions of inmate furloughs regardless of their medical situation. Mitchell replied he is not asking for help with decisions regarding furloughs but wants the County to say whether cost is a factor in keeping them in jail or not. Lopez stated again, that's not our job. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant that no action will be taken on this item. MOTION carried with all members voting "aye".

Janie Hoffman, Quay County Assessor presented the 2012 Property Tax Rates for Quay County. Hoffman informed the Commissioners the amounts she submitted to New Mexico Property Tax Division were not correctly reflected and she does not believe the Rates for two districts are correct. Hoffman said she notified personnel at PTD of the discrepancies and was told the amounts would not be corrected to show what she had submitted. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to table action on this item until the issue is resolved with the Department of Finance and Property Tax. The Board instructed Hoffman and Primrose to seek a resolution as soon as possible today to avoid a Special Meeting to approve the Tax Rates. MOTION carried with all members voting "aye".

In Larry Moore's absence, Richard Primrose presented the following report on behalf of the Quay County Road Superintendent:

1. The culverts for drainage on the Quay Road 64 project have been installed.
2. Bids for the Quay Road 64 project have been issued and will be presented at the next Commission Meeting on September 24.

Quay County Manager, Richard Primrose presented the following items:

1. Requested approval of a loan from Quay County to the Village of San Jon for the purchase of a new vehicle. The Village will repay the debt with the Law Enforcement Protection Funds when their money is awarded in 2013. A MOTION was made by Robert Lopez, SECONDED by Brad

Bryant to approve said loan. MOTION carried with all members voting "aye". A copy of said Loan Agreement is attached and made a part of these minutes.

Manager's Correspondence:

1. Three additional HVAC units were purchased and have been installed in the basement for the Domestic Violence Office and the Probation Office.
2. The next meeting of September 24, 2012 is scheduled to be held in Nara Visa.

Commissioner Lopez asked what the status of Mr. Kirksey's request for a road closure was. Primrose said he needed to follow up and get it on an agenda.

CHECKS WERE REVIEWED AND APPROVED:

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez, to go into Executive Session pursuant to the Open Meetings Act 10-15-1(H)7 NMSA to discuss pending litigation, Board of County Commissioners vs. Ute Lake Ranch, Inc. and DVR, LLC and Response to the Court as to County Representation for Mediation. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye". Time noted 11:30 a.m.

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

Return to regular session. Time noted 12:30 p.m.

A MOTION was made by Brad Bryant, 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 Bryant voting "aye".

Chairman Curry requested a recess for lunch. Time noted 12:35 p.m. The Commissioners announced they would be having lunch at K'Bobs Restaurant and all those in attendance were invited.

Return to regular session. Time noted 1:45 p.m.

County Manager Richard Primrose said he and Hoffman were successful in getting the 2012 Tax Rates changed to the proper amounts and presented the new schedule for approval that was tabled earlier in the meeting. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the 2012 Tax Rates as corrected by the Department of Finance and Property Tax. MOTION carried with all members voting "aye". A copy of said Rates are attached and made a part of these minutes.

Under Other Business: NONE

There being no further business, a MOTION was made by Brad Bryant, SECONDED by Robert Lopez to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular

meeting set for Monday, September 24, 2012 unless sooner called. MOTION carried with all members voting "aye". Time noted 2:00 p.m.

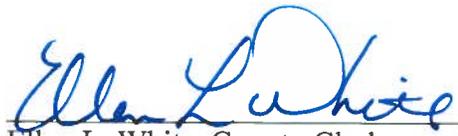
BOARD OF QUAY COUNTY COMMISSIONERS

\_\_\_\_\_  
Bill Curry, Chairman

  
\_\_\_\_\_  
Robert Lopez, Member

  
\_\_\_\_\_  
Brad Bryant, Member

ATTEST:

  
\_\_\_\_\_  
Ellen L. White, County Clerk