

**REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS**

**November 26, 2012**

**9:00 a.m.**

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 26<sup>th</sup> day of November, 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  
Bryan Riestine, Quay County DWI Grant Administrator  
Janie Hoffman, Quay County Assessor  
Sue Dowell, District 1 Commissioner-Elect

**AND THE FOLLOWING RESIDENTS FOR THE PURPOSE OF THE PUBLIC HEARING:**

Joy Young, Paula White, Joe White, John Gilbertson, Joe Jones, Bobby Teakell  
Harley Ashcraft, Tom Anderson, Jean Corey, Jearald White, Linda Riley, Fred Porter, Naomi Ashcraft, Christina Fleming, Johnna Bruhn, Slik Knapp, John & Susan Stacy, Jessee Jones, Bruce Jones, John Harley, Lloyd Ashcraft, and Fred Porter

Chairman Bill Curry called the meeting to order. Tom Anderson led the Pledge of Allegiance.

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve the minutes from the November 9, 2012 regular commission meeting. MOTION carried with all members voting "aye".

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the November 16, 2012 special 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".

PUBLIC COMMENTS: None

Chairman Curry called the public portion of the Commission Meeting to Order. Time Noted 9:05 a.m.

Chairman Curry gave a brief statement of the history of originating the Animal Control Ordinance and thanked the Committee who revised the original draft and those in attendance for coming to the Hearing and asked if they had comments to limit them between three and five minutes so everyone who wants to speak has ample time.

The following citizens spoke in opposition of Ordinance No. 44; Animal Control: Joy Young, John Gilbertson, Sue Dowell, John Harley, Naomi Ashcraft, Harley Ashcraft, Tom Anderson, Johnna Bruhn, Susan Stacy, Gerald White and Bobby Teakell. Concerns of residents included lack of response time by the Sheriff's Department, why the Ordinance has exceptions, the poorly written and contradictory document, the basis of establishing the Ordinance off of a few incidents, infringing on Fourth Amendment rights, justification of the fees, who will be certifying pens and forcing compliance, costs with implementation to the County, limit of pets are not enforceable after a litter is born, no pound, stray animals remaining stray instead of being care for, chaining of pets, and establishing an Ordinance which is already provided for in State Law.

Citizens with a positive opinion of the Ordinance and who spoke included Dr. Jean Corey, Christina Fleming and Fred Porter. All three individuals served on the committee to revise the Ordinance. Fleming urged residents to read the Ordinance in its entirety before jumping to conclusions and become educated and realize the county has a huge problem. Both Corey and Porter stated the group was at odds originally over the Ordinance and stated they worked very hard to come up with a workable solution and believe the Ordinance was a good law.

Johnna Bruhn asked if along with the Animal Rights Activist who approved the Ordinance if a Privacy Rights Activist had been contacted to review the document. County Manager, Richard Primrose said the County had Thomas Blakeney, Assistant District Attorney review the document. Blakeney was the original proponent of the Ordinance and did not respond in favor or against the proposed revised Ordinance.

Sue Dowell stated State Statute which gives law enforcement the authority to address issues regarding animal control and said the County did not need to follow up with their own Ordinance. In addition, Dowell asked the Commissioners not to pass an Ordinance with so many grammatical, spelling and contradictory errors. At the very least, Dowell suggested they revise it once again before voting.

Quay County Sheriff, Joe Schallert gave a brief explanation of what State Statute will allow versus what the Ordinance can provide and procedures his office will take after a complaint is received.

With no further comments, Chairman Bill Curry closed the Public Hearing portion of this meeting. Time noted 10:15 a.m.

Chairman Curry called for a ten minute recess. Time noted 10:15 a.m. to 10:25 a.m.

#### OLD BUSINESS:

County Manager, Richard Primrose presented County Ordinance No. 44; Animal Control for approval. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the Ordinance. Commissioner Brad Bryant asked the committee members who were still present if they believed the Ordinance was ready to enact. John Gilbertson said no. Dr. Jean Corey said she would like to continue improving the Ordinance before it is voted on. Once again, Sue Dowell pleaded with the Commissioners not to approve. MOTION carried with a roll call vote with Lopez voting "aye", Curry voting "aye", and Bryant voting "aye".

#### NEW BUSINESS:

Richard Primrose, County Manager requested approval of the Quay County DWI Planning Council Appointments on behalf of Bryan Rinehine who had to leave the meeting to attend a court hearing. Andrea Shafer and Virginia Hicks applications were presented. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve said applications. MOTION carried with all members voting "aye".

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to table Item No. 3 waiting the arrival of Mr. Franklin McCasland. MOTION carried with all members voting "aye".

Janie Hoffman, Quay County Assessor presented the NMAC Board report from the October 5, 2012 meeting held in Los Alamos County. Included in her report were the 2013 NMAC meetings schedules, funding sources and capital outlay information, and legislative priorities. Hoffman also reported Sarah Merklein, former NMAC President had passed away.

Commissioner Curry requested Hoffman begin monthly or quarterly reports regarding the status of evaluations in her office ranging from cattle to new properties to re-appraisals and any other pertinent information that is valuable to the Commission.

Ellen White, Quay County Clerk informed the Board of Commissioners of the recent Audit conducted in accordance with Section 1-14-13.2 NMSA. White said Precinct 10 had been chosen to be recounted manually in an effort to verify the voting machine tabulators performed correctly. White said 236 ballots were manually recounted and no discrepancies were found. The counting teams consisted of Richard Primrose, Franklin McCasland, Ava Oldham, James Kleinsasser, Veronica Marez and White.

Franklin McCasland joined the meeting. Time noted 10:40 a.m.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to return to Item No. 3 tabled earlier in the meeting. MOTION carried with all members voting "aye".

Franklin McCasland provided a summary of the Northeastern New Mexico Regional Water Symposium held in Las Vegas, NM at Luna Community College on October 30. McCasland said the purpose of the meeting was to engage leadership in understanding the connectivity of regional water planning efforts. Another key point is to develop ideas for implementing joint water planning efforts. Lastly, they want to develop a collaborative effort for funding of specific projects. McCasland said he will continue to attend these types of meetings and will keep the Commissioners informed. A copy of this report is attached and made a part of these minutes.

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

1. Requested approval of Resolution No. 9; Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation. This project will cost \$140,884.00 with the 75/25 match. The County portion will be \$35,221.00 and involves Quay Road L in the Nara Visa area. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said Resolution. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Requested approval of the Cooperative Agreement for the above described LGRF project. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
3. The Quay Road 64 project is proceeding. The Contractor has stationed equipment at the yard and will begin this week. The crews have been smoothing out the rough spots in preparation for the work to begin.

Chairman Curry requested a five minute recess. Time noted 11:20 a.m. to 11:25 a.m.

County Manager, Richard Primrose gave the following report:

1. Primrose informed the Board he would be gathering ideas and requests to be included in this year's Capital Outlay proposal to the State. Commissioner Bryant requested a Judicial Building be the number one priority.
2. Requested approval of the bid from Steel Heating, Cooling & Electric for a new Air Conditioning unit for the District Attorney's Office. The bid amount is \$6688.29. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve the bid. MOTION carried with all members voting "aye".
3. Received notification from the State Fire Marshal that all County Fire Districts are in compliance with NFIRS reporting.
4. Provided information regarding the Quay County Extension Offices 2012 annual review of their programs. The meeting will be held November 26, 2012 at 5:30 at the Extension Office.
5. Reported that Lieutenant Governor Sanchez will have mobile office hours in Tucumcari on November 27, 2012 at 10:15 a.m. at the Convention Center.

6. Informed the Board that he along with the Commissioner-Elect Dowell and Cherry would be attending the Manager/Commissioners Boot Camp hosted by the New Mexico Association of Counties November 27-30, 2012 in Albuquerque.
7. Provided a copy of the monthly Gross Receipts tax revenue reporting numbers are still below average but increasing.

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to go into session as the Indigent Claim Board. MOTION carried with all members voting "aye". Time noted 11:40 a.m.

-----INDIGENT CLAIMS BOARD-----

Return to regular session. Time noted 11:50 a.m.

CHECKS WERE REVIEWED AND APPROVED:

Tim Rose, Assistant District Attorney and Lorenzo Emilio of the District Attorney's Office joined the meeting. Time noted 11:55 a.m.

Tim Rose, along with Lorenzo Emilio requested funds to purchase paint and new carpet for the District Attorney's Office. Rose explained the staff from their office will do the painting to help alleviate costs. Primrose said the paint can be purchased immediately, however bids for carpet will have to be received. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to begin getting bids for carpet and to allow for the purchase of paint. MOTION carried with all members voting "aye".

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez, to go into Executive Session pursuant to the Open Meetings Act pursuant to Section 10-15-1(H)2 for limited personnel matters and 10-15-1(H)7 regarding pending litigation; Dusty Stone vs. Board of County Commissioners for Quay County. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye". Time noted 12:15 p.m.

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

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

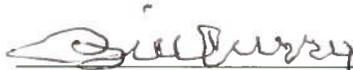
A MOTION was made by Brad Bryant, SECONDED by Robert Lopez that only the items listed above were discussed during Executive Session. MOTION carried with Lopez voting "aye" and Bryant voting "aye".

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to accept the letter of resignation submitted by Sue Moore, Probate Judge as presented during Executive Session. MOTION carried with all members voting "aye".

OTHER COUNTY 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, December 10, 2012 at 9:00 a.m. unless sooner called. The Commissioners announced they would be having lunch at KBobs Restaurant and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 12:45 p.m.

BOARD OF QUAY COUNTY COMMISSIONERS

  
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Bill Curry, Chairman

  
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Robert Lopez, Member

  
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Brad Bryant, Member

ATTEST:

  
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Ellen L. White, County Clerk