

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

**December 10, 2012**

**9:00 a.m.**

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 10<sup>th</sup> day of December, 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 Rinstine, Quay County DWI Grant Administrator  
Janie Hoffman, Quay County Assessor  
Becky Wallace, Presbyterian Health Services  
T.J. Riddle, resident  
Mike Cherry, District 2 Commissioner-Elect  
John Gilbertson, resident  
Harley and Naomi Ashcraft, residents  
Darla Munsell, CDBG Coordinator  
Joe Schallert, Sheriff  
Larry Cooksey, Under-Sheriff  
Donald Adams, Quay County Fire Marshal  
Jearald and Paula White, residents  
Paula O'Steen, Quay Fire District  
Christina Fleming, resident  
Margaret Young, resident

Chairman Bill Curry called the meeting to order. Sheriff Joe Schallert led the Pledge of Allegiance.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the November 26, 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 minutes from the December 3, 2012 special commission meeting. MOTION carried with all members voting "aye".

Commissioner Bryant stated that Paul Quintana and C.J. Wiegel would not be attending the meeting today to present Item No. 3 on the Agenda. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve the Agenda with the removal of Item No. 3. 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.

Darla Munsell informed the Public along with the Commissioners of the Community Development Block Grant (CDBG) project matching funds increase. Munsell said the project is moving forward and they should begin laying asphalt next week. This project is the reconstruction of Quay Road 64. (Cedar Breaks)

With no further comments, Chairman Bill Curry closed the Public Hearing portion of this meeting. Time noted 9:15 a.m.

OLD BUSINESS:

Chairman Bill Curry presented a review of County Projects during his tenure as Commissioner and thanked the elected officials and staff for all their hard work and dedication to the County. County Manager, Richard Primrose, thanked Commissioners Curry and Lopez for their service and stated it had been a pleasure working with them.

Naomi Ashcraft, the driving force behind petitions to call for an election regarding the Animal Control Ordinance said she was in possession of enough signatures to present at this meeting and force an election regarding this matter. Ashcraft stated she had numerous petitions to still pick up and would return prior to the December 21, 2012 deadline to present them. Ashcraft stated she hated to force an election due to the costs, but it was the only way to get this overturned. Ashcraft urged the Commissioners to look into other Ordinances such as Roosevelt County's and revise what they had accepted.

NEW BUSINESS:

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to table Item No. 4 on the Agenda due to the absence of Charles Knotts. MOTION carried with all members voting "aye".

Paula O'Steen, Quay Fire District/EMS Coordinator presented the annual EMS application for approval. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.

Janie Hoffman, Quay County Assessor presented a five year report regarding assessments and evaluations. Hoffman reported over a five year period, the assessed value in Quay County has risen 40 million.

Joe Schallert, Quay County Sheriff, along with Under-Sheriff Larry Cooksey presented the November-December 2012 activity report.

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

1. Provided information regarding an application to cross or cut public right-of-way submitted by RAD Water for a portion along Quay Road 62.
2. Requested approval of Resolution No. 11; Participation in Local Government Road Fund Program Administered by the NM Department of Transportation in the amount of \$251,152.00. A MOTION was made by Brad Bryant, 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.
3. Requested approval of Resolution No. 12; Participation in Local Government Road Fund Program Administered by the NM Department of Transportation in the amount of \$123,929.00. A MOTION was made by Brad Bryant, 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. Presented the supporting Cooperative Agreements for Resolution No. 11 and 12 for approval. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said Agreements. MOTION carried with all members voting "aye". Copies are attached and made a part of these minutes.
5. Blades are running where there is a little moisture and cleaning ditches of debris.
6. Crews are forming Quay Road AD for drainage.
7. Construction crews have started on the Quay Road 64 project. Priming is initialing being done with asphalt to follow.
8. The newly leased blades have been delivered. Crews are retro-fitting the snow plows on them.

Chairman Curry requested at ten minute break. Time noted 9:50-10:00 a.m.

Steve Hanson, *Quay County Sun* joined the meeting. Time noted 10:00 a.m.

County Manager, Richard Primrose gave the following report:

1. Requested approval of Resolution No. 10; A Resolution for Determination of Reasonable Notice of Meetings of County Boards and Date and Time of Regular Meetings. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve Resolution No. 10. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Presented the 2013 Holiday Schedule for approval. 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. Presented the Franchise Agreement between Quay County and Comcast of California XIV, LLC. A Motion was made by Robert Lopez, SECONDED by Brad Bryant to approve said Agreement. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
4. Distributed a news release from the US Department of Agriculture regarding Emergency Grazing for CRP approved for Quay and Curry County.
5. Presented two quotes for carpet for the District Attorney's Office. Because the cost for the project came in over \$10,000.00 a third quote will be necessary to meet procurement regulations.
6. Presented the 2012 Annual Report of the Food Bank of Eastern New Mexico.
7. Received a thank you note from Altrusa International of Tucumcari for use of the Fairgrounds Facility for their Cash Party.
8. Provided a copy of the invitation from the New Mexico Association of Counties to attend their annual Holiday Open House on December 14, 2012.
9. Presented pictures of the new Sub-Station being constructed for the Bard/Endee Fire District.
10. Presented the November monthly RPHCA report from the Quay County Family Health Center.
11. Reminded the Commissioners of the Employee Appreciation Dinner to be held, Friday, December 14 at the Exhibit Center at 6:30 p.m.
12. Primrose requested the Commissioner select a date for a Special Meeting in the event Petitions are submitted regarding the Animal Control Ordinance. County Clerk, Ellen White, gave information regarding Election time frames. Sheriff Joe Schallert voiced his concerns with the Ordinance and suggested redrafting of the Ordinance so it will be more effective and easier to enforce. No decision as to a Special Meeting date was determined.

Chairman Curry presented a letter of interest from Nelda Burson regarding the appointment of a replacement for the Probate Judge. Burson was the only person to submit a letter. Curry along with the other Commissioners said they thought she was a perfect fit for the replacement of Sue Moore who resigned. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to appoint Nelda Burson to fulfill the term of Probate Judge vacated by Sue Moore. MOTION carried with all members voting "aye".

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 10:30 a.m.

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

Return to regular session. Time noted 10:40 a.m.

CHECKS WERE REVIEWED AND APPROVED:

Under Other Business:

Commissioner Lopez said he did not want the taxpayers of Quay County to foot the bill for an election because of the Animal Control Ordinance. Stating the \$8000-\$10,000 could be used in

so many other areas. Lopez said there are some definite issues with the Ordinance and it was time to revisit and perhaps re-draft it once again. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to repeal Ordinance No. 44. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant stating he understood the concerns of all and would always provide a unified front on behalf of the Commissioners but voted "nay"

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 11:00 a.m.

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

Return to regular session. Time noted 11:45 a.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".

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, January, 14, 2013 at 9:00 a.m. unless sooner called. The Commissioners announced they would be having lunch at the Pow Wow Restaurant and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 11:55 a.m.

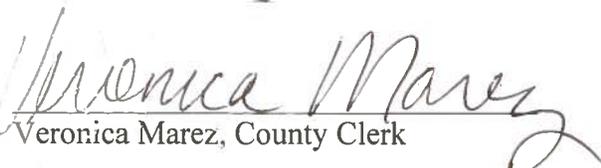
BOARD OF QUAY COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Brad Bryant

  
\_\_\_\_\_  
Sue Dowell

  
\_\_\_\_\_  
Micheal Cherry

ATTEST:

  
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Veronica Marez, County Clerk