

QUAY COUNTY GOVERNMENT

300 South Third Street

P.O. Box 1246

Tucumcari, NM 88401

Phone: (575) 461-2112

Fax: (575) 461-6208

**AGENDA
REGULAR SESSION
QUAY COUNTY BOARD OF COMMISSIONERS
July 14, 2014**

9:00 A.M. Call Meeting to Order

Pledge of Allegiance

Approval of Minutes-Regular Session June 23, 2014

Approval of Minutes-Special Session June 27, 2014

Approval/Amendment of Agenda

Public Comment

Public Hearing

Brad Bryant, Quay County Commission Chair

- a. Proposed Amended Ordinance No. 27 Authorizing the Issuance By Proclamation of Limits on Open Burning and Ban on the Sale, Possession and Use of Fireworks in the Unincorporated Areas of Quay County
- b. Proposed Ordinance No. 47 and Proclamation of Special County Election adopting a County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax

Public Hearing Adjourned

Ongoing Business

- I. **Ellen White, Quay County Chief Deputy Clerk**
 - Request Approval of Proposed Ordinance Number 47 Adopting a County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax
 - Request Approval of 2014-2015 Resolution No. 1 and Proclamation of Special County Election Adopting a County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax
- II. **Phillip Bidegain, County Landowner**
 - Request Approval of 2014-2015 Resolution No. 2 T-4 Ranch Annexation of Land into Quay County



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Quay County, NM Veronica Marez, County Clerk



- III. **Other Quay County Business that may arise during the Commission Meeting and/or Comments from the Commissioners**
- XI. **Request for Closed Executive Session Pursuant to Section 10-15-1(H) 7. The New Mexico Open Meetings Act to Discuss Threatened or Pending Litigation**

Adjourn

Lunch- Time and Location to be Announced

III. Donald Adams, Quay County Fire Marshal

- Request Approval of Amended Ordinance No. 27 Authorizing the Issuance By Proclamation of Limits on Open Burning and Ban on the Sale, Possession and Use of Fireworks in the Unincorporated Areas of Quay County

New Business

IV. Bryan Rinestine, DWI Grant Administrator

- Quarterly and Annual Statistic Reports

V. Larry Cooksey, Quay County Deputy Sheriff

- Monthly Activity Report

VI. Craig Cosner, Trigg Memorial Hospital Board Chairman

- 2014-2015 Funding Request

VII. Larry Moore, Quay County Road Superintendent

- Road Update

VIII. Richard Primrose, Quay County Manager

- Request Approval of 2013-2014 Resolution No. 41 End of Year Budget Increase and Cash Transfer to County Improvements
- Request Approval of 2013-2014 Resolution No. 42 End of Year Cash Transfer and Budget Increase to Detention Center
- Request Approval of 2013-2014 4th Quarter/End of Year DWI Grant & Distribution Financial Report and Fees Collected Summary
- Request Approval of 2014-2015 State Library Contract
- Request Approval of 2014-2015 Memorandum of Understanding with the New Mexico Cooperative Extension Service/NMSU
- Request Approval of 2014-2015 Resolution No. 3 Opposing Expansion of Federal Control Under Clean Water Act
- Correspondence

IX. Request Approval of Accounts Payable

X. Other Quay County Business That May Arise During the Commission Meeting and/or Comments from the Commissioners

XI. Request for Closed Executive Session Pursuant to Section 10-15-1(H) 7. The New Mexico Open Meetings Act to Discuss Threatened or Pending Litigation

Adjourn

Lunch- Time and Location to be Announced

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

July 14, 2014

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 14th day of July, 2014 at 9:00 a.m. in the Commission Chambers of the Quay County Courthouse, Tucumcari, New Mexico, for the purpose of taking care of any business that may come before them.

PRESENT & PRESIDING:

Brad Bryant, Chairman
Mike Cherry, Member
Sue Dowell, Member
Ellen L. White, Chief Deputy County Clerk
Richard Primrose, County Manager

OTHERS PRESENT:

Larry Moore, Quay County Road Superintendent
Cheryl Simpson, Quay County Manager's Office
Becky Wallace, Presbyterian Health Services
Nathan Wallace, Sheriff Candidate
Phillip & Laurie Bidegain
Craig Cosner, Trigg Memorial Hospital Board Chairman
Bryan Rinestine, DWI Grant Administrator
Vic Baum, Quay County Deputy Assessor
Warren Frost, Legal Counsel for Quay County
Donald Adams, Quay County Fire Marshal
Russell Braziel, KTNM; KQAY
Steven Hansen, Quay County Sun

Chairman Brad Bryant called the meeting to order. Phillip Bidegain led the Pledge of Allegiance.

A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve the minutes from the June 23, 2014 regular session of the Board of County Commissioners. MOTION carried with Cherry voting "aye", Bryant voting "aye", Dowell voting "aye".

A MOTION was made by Sue Dowell, SECONDED by Mike Cherry to approve the minutes from the June 27, 2014 special session of the Board of County Commissioners. MOTION carried with Cherry voting "aye", Dowell voting "aye", Bryant voting "aye".

A MOTION was made by Mike Cherry SECONDED by Sue Dowell to approve the Agenda as presented. MOTION carried with Cherry voting "aye", Dowell voting "aye", Bryant voting "aye".

PUBLIC COMMENTS: None

PUBLIC HEARING:

Chairman Bryant called the Public Hearing to order at 9:05 a.m.

1. Proposed Amended Ordinance No. 27 Authorizing the Issuance by Proclamation of Limits on Open Burning Ban on the Sale, Possession and Use of Fireworks in the Unincorporated Areas of Quay County.

Phillip Bidegain voiced his concern regarding no burning on "Red Flag" days. Bidegain said generally even on "Red Flag" days there are windows of opportunity to burn. The Commissioners concurred stating burning could be done on those days with proper notification and precautions, however if the fire gets out of control there could be consequences to the person burning.

There were no further comments.

2. Proposed Ordinance No. 47 and Proclamation of Special County Election adopting a County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax.

Chairman Bryant gave a brief overview of the Proposed Ordinance explaining what the tax would be used for if the election was successful.

There were no comments.

Chairman Bryant closed the Public Hearing at 9:15 a.m.

ONGOING BUSINESS:

Ellen White, Quay County Chief Deputy requested approval of Proposed Ordinance No. 47; Special County Election adopting a County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax. White stated the Election is scheduled for September 14, 2014. A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve said Ordinance. MOTION carried with Dowell voting "aye", Cherry voting "aye", and Bryant voting "aye". A copy of Ordinance No. 27 is attached and made a part of these minutes.

White also presented the supporting Resolution No. 1 regarding the Election for Proposed Ordinance No. 47. A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve said Resolution. MOTION carried with Bryant voting "aye", Cherry voting "aye", and Dowell voting "aye". A copy of Resolution No. 1 is attached and made a part of these minutes.

Phillip Bidegain presented Resolution No. 2; T-4 Ranch Annexation of land into Quay County. Bidegain stated the land would be annexed from San Miguel County pending their approval. The portion contains approximately 110-112 thousand acres. Commissioner Cherry reiterated there are no residents, utilities or infrastructure in the boundaries requested to be annexed. Bidegain concurred stating there are none. A MOTION was made by Dowell, SECONDED by Cherry to approve Resolution No. 2. MOTION carried with Cherry voting "aye", Bryant voting "aye", and Dowell voting "aye". A copy of said Resolution and a map are attached and made a part of these minutes.

Donald Adams, Quay County Fire Marshal requested approval of Amended Ordinance No. 27; Authorizing the Issuance by Proclamation of Limits on Open Burning Ban on the Sale, Possession and Use of Fireworks in the Unincorporated Areas of Quay County. A MOTION was made by Dowell, SECONDED by Cherry to approve said Ordinance. MOTION carried with Dowell voting "aye", Cherry

voting "aye" and Bryant voting "aye". A copy of said Amended Ordinance is attached and made a part of these minutes.

Adams informed the Board the new truck was delivered to Jordan Fire District last Monday.

NEW BUSINESS:

Bryan Rinstine, DWI Grant Administrator presented the quarterly and annual reports for the DWI Programs.

Larry Cooksey, Quay County Deputy Sheriff presented the monthly activity reports for the Sheriff's Department.

Craig Cosner, Chairman of the Trigg Memorial Hospital Board requested annual funding for 2014-2015 fiscal year. The requested payment for the Quarter ending June 30 is for \$370,000.00, and to receive \$630,000.00 between the months of August and December of 2014. The County Manager and Hospital Board will work on a timeline for the disbursement of the \$630,000.00. A MOTION was made by Cherry, SECONDED by Dowell to approve the request. MOTION carried with Dowell voting "aye", Cherry voting "aye", and Bryant voting "aye".

Chairman Bryant requested a ten minute break. Time noted 9:45 a.m. to 9:55 a.m.

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

1. Presented bladed road reports for the County.
2. Crews are busy working on washed out roads and ditches throughout the County including Quay Roads R, AT and 43.
3. Culverts are being installed in various locations including Quay Roads L, M, N and 50.
4. Mrs. Reagan sent a letter of gratitude to the Road Department for the great work and professionalism of Mark Alderete.
5. Darla Munsell and Moore will be attending the CDBG Hearing in Albuquerque tomorrow, July 15.

Richard Primrose, Quay County Manager presented the following items:

1. Requested approval of Resolution No. 41; End of Year Budget Increase and Cash Transfer to County Improvements. A MOTION was made by Cherry, SECONDED by Dowell to approve said Resolution. MOTION carried with Cherry voting "aye", Bryant voting "aye", and Dowell voting "aye". A copy of said Resolution is attached and made a part of these minutes.
2. Requested approval of Resolution No. 41; End of Year Cash Transfer and Budget Increase to Detention Center. . A MOTION was made by Cherry, SECONDED by Dowell to approve said Resolution. MOTION carried with Cherry voting "aye", Bryant voting "aye", and Dowell voting "aye". A copy of said Resolution is attached and made a part of these minutes.
3. Presented the 2013-2014 4th Quarter/End of Year DWI Grant & Distribution Financial Report and Fees Collected Summary for approval. A MOTION was made by Cherry, SECONDED by Dowell to approve presented items. MOTION carried with Dowell voting "aye", Cherry voting "aye", and Bryant voting "aye". A copy is attached and made a part of these minutes.
4. Requested approval of the 2014-2015 State Library Contract for funding of the Rural Bookmobile in the amount of \$1050.00. A MOTION was made by Dowell, SECONDED by Cherry to approve

the Contract. MOTION carried with Cherry voting "aye", Bryant voting "aye" and Dowell voting "aye". A copy is attached and made a part of these minutes.

5. Presented a Memorandum of Understanding between Quay County and New Mexico Cooperative Extension Services for services provided to their programs by Quay County. A MOTION was made by Dowell, SECONDED by Cherry to approve the MOU as presented. MOTION carried with Cherry voting "aye", Dowell voting "aye", and Bryant voting "aye". A copy of the MOU is attached and made a part of these minutes.
6. Requested approval of Resolution No. 3; Opposing Expansion of Federal Control Under Clean Water Act. A MOTION was made by Cherry, SECONDED by Dowell to approve. MOTION carried with Bryant voting "aye", Dowell voting "aye", and Cherry voting "aye". Copy of Resolution No. 3 is attached and made a part of these minutes.

Mangers Correspondence:

1. Received a thank you letter from a resident who received assistance through the Hospital Indigent Fund.
2. Provided a copy of the 2014 Wildlife Donation list from area landowners totaling \$6025.00.
3. Provided a list of Rural Addressing projects from Armando Nava, Quay County Mapper.
4. Distributed an email from NMAC regarding information for funding through Grants to provide assistance to counties for a facilitator for the NMHIX. It was noted that Alida Brown would be submitting this Grant and overseeing the project.
5. Provided a list of PILT funding to the New Mexico County's. Quay County received \$4,623.00.
6. Received a letter from State of New Mexico, Department of Finance accepting the proposed Budget for Quay County. The final budget will be submitted for approval at the July 28, 2014 Commission Meeting.
7. Provided a copy of the June 2014 monthly RPHCA Report from the Quay County Family Health Center.
8. Presented the monthly Gross Receipts Tax report for June indicating amounts slightly below last years generated tax.
9. Informed the Commissioners the Department of Finance will conduct a site visit of the DWI Program on July 23, 2014. This is their annual visit.
10. Primrose, along with Commissioner Cherry met with a representative from Homeland Security regarding the Grant to help fund the position of an Emergency Manager. They were instructed not to hire for this position until funding through this Grant is secured. It will provide 50% of the salary and the deadline to apply is August 15, 2014.

Accounts Payable checks were presented to payment approval. Commissioner Dowell requested clarification of invoices to John's Truck Service for repairs to vehicles and also payments made for repairs at the Detention Center for plumbing and electric locking devices. As well, Dowell requested information regarding the commissary supplies and process for that at the Detention Center. A MOTION was made by Dowell, SECONDED by Cherry to approve the payments. MOTION carried with Cherry voting "aye", Dowell voting "aye", and Bryant voting "aye".

Under Other Business: NONE

Comments from Commissioners: NONE

A MOTION was made by Mike Cherry, SECONDED by Sue Dowell, to go into Executive Session pursuant to the Open Meetings Act pursuant to Section 10-15-1(H)7 to discuss threatened or pending litigation. MOTION carried with Cherry voting "aye", Bryant voting "aye" and Dowell voting "aye".

Time noted 10:25 a.m.

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

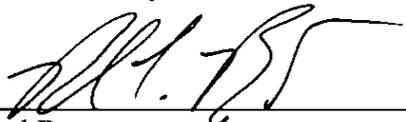
Return to regular session. Time noted 11:00 a.m.

A MOTION was made by Sue Dowell, SECONDED by Mike Cherry that only the items listed above were discussed during Executive Session. MOTION carried with Cherry voting "aye" and Dowell voting "aye". No Action was taken.

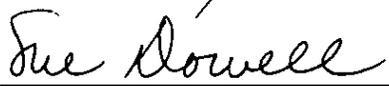
There being no further business, a MOTION was made by Mike Cherry, SECONDED by Sue Dowell to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for Monday, July 28, 2014 at 9:00 a.m. unless sooner called. The Commissioners announced they would be having lunch at Kix on 66 restaurant and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 11:05 a.m.

Respectfully submitted by Ellen White, Chief Deputy County Clerk.

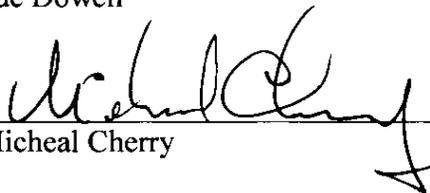
BOARD OF QUAY COUNTY COMMISSIONERS



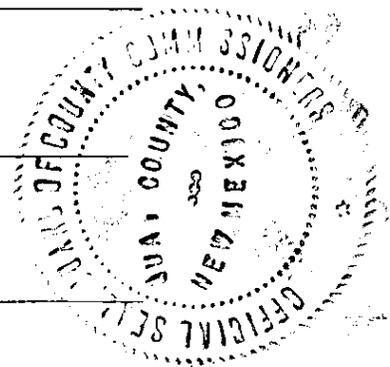
Brad Bryant



Sue Dowell



Micheal Cherry



ATTEST:



Veronica Marez, County Clerk

**QUAY COUNTY
FISCAL YEAR 2013-2014
RESOLUTION NO. 42**

Authorization of Budgetary Increase and Transfer of Funds to **Detention Center Fund**
(Fund 421)

WHEREAS, at the meeting of the Board of Quay County Commissioners on July 14, 2014 the following was among the proceedings;

WHEREAS, the Board of Quay County Commissioners deem it necessary to request this Budgetary Increase and Transfer of Funds

**State Fund 226
Budgetary Increase and Transfer**

	<u>FROM</u>	<u>TO</u>
401-99-97421 Transfer to Detention Center	\$45,000.00	
421-99-95401 Transfer from General Fund		\$45,000.00

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **Detention Center Fund Increase**

NOW THEREFORE, BE IT RESOLVED that after approval of the Local Government Division of the Department of Finance and Administration, the above Budgetary Increase and Fund Transfer be made.

DONE at Tucumcari, County of Quay, State of New Mexico this 14th day of July, 2014.



Brad Bryant, Chairman



Sue Dowell, Member



Mike Cherry, Member

ATTEST:



Veronica Marez, County Clerk

2014-2015

QUAY COUNTY

RESOLUTION NO. 3

**OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER
ACT**

WHEREAS, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) are seeking to extend control over additional 'Waters of the United States'; and

WHEREAS, the agencies have expanded their authority under the Clean Water Act to implement an onerous permit system that has forced delays as well as caused unnecessary additional expense to projects on the local level; and

WHEREAS, the U.S. Supreme Court previously reprimanded the agencies for over-reaching their authority and Congress has recently documented concern with this effort to re-define the scope of federal power under the Clean Water Act;

NOW THEREFORE BE IT RESOLVED that the Quay County Board of Commissioners opposes additional regulations that have been proposed by EPA to re-define the current definition as well as implement additional enforcement with respect to the Clean Waters Act and the Waters of the United States.

PASSED AND ADOPTED this 14 day of July, 2014.

BOARD OF QUAY COUNTY COMMISSIONERS



Brad Bryant, Chairman



Sue Dowell, Member



Mike Cherry, Member

ATTEST:



Veronica Marez, Quay County Clerk

County Area Emergency Communications and
Emergency Medical and Behavioral Health Services Tax

Adopting a Tax Increment

ORDINANCE NUMBER 47

ADOPTING A COUNTY AREA EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND
BEHAVIORAL HEALTH SERVICES TAX

BE IT ORDAINED BY THE GOVERNING BODY OF

QUAY COUNTY

Section 1. Imposition of Tax. There is imposed on any person engaging in business in the county area outside of the boundaries of incorporated municipalities for the privilege of engaging in business in the county area, an excise tax equal to (one-fourth of one percent (.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county area emergency communications and emergency medical and behavioral health services tax."

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No county area emergency communications and emergency medical and behavioral health services tax shall be imposed on the gross receipts arising from:

- A. Transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the county;
- B. Direct broadcast satellite services.

Section 4. Dedication. Revenue from the county area emergency communications and emergency medical and behavioral health services tax shall be dedicated to any of the following purposes:

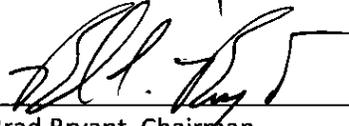
1. Operation of an emergency communications center that has been determined by the Local Government Division of the Department of Finance and Administration to be a consolidated public safety answering point; or
2. Operation of emergency medical services provided by the county; or
3. Operation or the contracting for the operation of a behavioral health services facility providing alcohol abuse, substance abuse and inpatient and outpatient behavioral health treatment.

Section 5. Effective Date. The effective date of the county area emergency communications and emergency medical and behavioral health services tax shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of

the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

Section 6. Delayed Repeal. (Optional) Ordinance Number _____ (if it becomes law) is repealed effective _____.

ADOPTED BY THE GOVERNING BODY OF QUAY COUNTY THIS 14 DAY OF July, 2014.



Brad Bryant, Chairman



Sue Dowell, Member

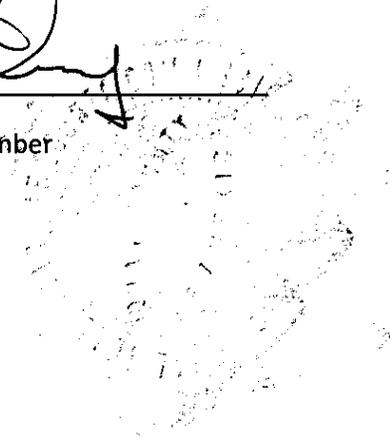


Mike Cherry, Member

ATTEST:



Veronica Marez, Quay County Clerk



2014-2015
RESOLUTION NO. 1
AND PROCLAMATION OF
SPECIAL COUNTY ELECTION ADOPTING A COUNTY AREA EMERGENCY COMMUNICATIONS AND
EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX

WHEREAS, the Board of Commissioners of Quay County (herein the "Board"), in the State of New Mexico, has determined that a special election (herein, the Election") be held on Tuesday, September 16, 2014, pursuant to Section 7-20E-13F, NMSA 1978 which requires and election within 60 days after adoption of ordinance; and

WHEREAS, the Board has authorized Ordinance No. 47 ADOPTING A COUNTY AREA EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, IN THE COUNTY OF QUAY AND THE STATE OF NEW MEXICO.

Section 1. On the 16TH day of September 2014, there will be held in Quay County, New Mexico, a special election for the purpose of submitting to the qualified electors of the County of Quay, the question of implementing a "Special County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax"

Section 2. Said Election shall be held at the following precincts and polling places.

Precinct Consolidated Polling Places for a Special Election

Prec.1 House Community/Senior Citizens Center – 110 South Apple Street – House

Prec.2 Forrest Fire Department – 209 State Highway 210 – Forrest

Prec.3 San Jon Community Center – 306 East Oak Avenue – San Jon

Prec.4&5 Logan Civic Center – 100 North Second Street – Logan

Prec. 6-12 Tucumcari Convention Center - 1500 West Route 66 Blvd., Tucumcari, NM

Prec.13-14 Absentee & Early - Quay County Commissioners' Room – Courthouse – 300 South Third Street – Tucumcari

Section 3. The polls for said Election will be open between the hours of 7:00 a.m. and 7:00 p.m. on the day of Election.

Section 4. At the Election, the following questions shall be submitted to such qualified, registered electors of Quay County.

QUESTION
SPECIAL EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES
GROSS RECEIPTS TAX

Shall the County impose on any person engaging in business in the county area outside of the boundaries of incorporated municipalities for the privilege of engaging in business in the county area, an excise tax equal to (one-fourth of one percent (.25%)) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

For the Question:

Against the Question:

Section 5: A person is a qualified elector of the County if he or she is a citizen of the United States, at least 18 years of age on the day of the Election and a resident of the County on the day of the Election. In order to vote, qualified electors must have previously registered with the County Clerk of Quay County or a state or local agency in accordance with the law. Any qualified elector of the County who is not registered and who wishes to vote at such Election should register during regular office hours prior to 5:00 p.m. before August 19, 2014, the twenty-eighth day immediately preceding the Election at the office of the County Clerk of Quay County, at the County Courthouse in Tucumcari, New Mexico, or at the office of any deputy registration officer appointed by the County Clerk of Quay County as provided in Section 1-4-47&48, NMSA 1978.

Section 6. Absentee voting will be permitted in the manner, authorized by 1-6-1 et seq., NMSA 1978; providing that qualified electors may also vote absentee in person at the office of the County Clerk of Quay County, during regular hours and days of business from 8:00 a.m., August 19, 2014, being the twenty-eighth day preceding the election, until 5:00 p.m., September 12, 2014, being the Friday immediately prior to the Election.

Section 7. Voting shall be by voting machines. At least one voting machine shall be used at the polling place for each voting precinct.

PASSED AND ADOPTED this 14 day of July, 2014.

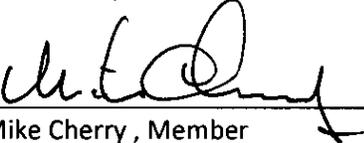
BOARD OF QUAY COUNTY COMMISSIONERS



Brad Bryant, Chairman

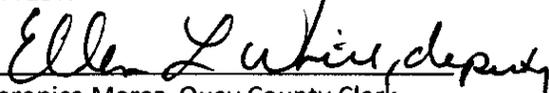


Sue Dowell, Member



Mike Cherry, Member

ATTEST:



Veronica Marez, Quay County Clerk



**2014-2015
QUAY COUNTY RESOLUTION NO. 2**

**A RESOLUTION ALLOWING FOR THE TRANSFER OF TERRITORY
FROM SAN MIGUEL COUNTY TO QUAY COUNTY**

WHEREAS, the owners of the T-4 Ranch in southeastern San Miguel County have requested that they be allowed to transfer a portion of their ranch from San Miguel County to Quay County due to the proximity of the ranch to the Quay County Seat; and

WHEREAS, there are no qualified electors residing within the portion of San Miguel County proposed to be annexed by Quay County; and

WHEREAS, NMSA §1978 4-33-17 requires the consent of both San Miguel County and Quay County for the annexation; and

WHEREAS, Quay County desires to consent to the annexation of a portion of the T-4 Ranch into Quay County;

NOW THEREFORE, be it resolved by Quay County, New Mexico that:

Quay County hereby consents to Quay County annexing the following described real property currently located in San Miguel County:

A tract of land in San Miguel County, State of New Mexico and being a portion of the Pablo Montoya Grant, and a portion of the Baca Location No. 2 Grant as survey by the General Land Office, that is situate south of the southerly right of way of New Mexico State Road 104 and south and west of Sections 9 & 10 of Township 13 North Range 26 East that is within the deed recorded in Book 151 Page 268,

Beginning at the point where the south line of the Baca Location No. 2 intersects the southerly right of way line of New Mexico State Road 104 in Section 29 Township 12 North, Range 30 East,

THENCE northwest with the south right of way line of said State Road 104, 22.5 miles more or less to the intersection of the South right of way line of State Road 104 with the South line of Section 9 of Township 13 North Range 26 East;

THENCE westerly with the south line of Sections 9 and 10 to the southwest corner of Section 9 Township 13 North Range 26 East;

THENCE northerly with the West line of Section 9 to the intersection of the southerly right of way line of State Road 104;

THENCE southwesterly with the southerly right of way line of State Road No. 104 to the intersection with a tract of land shown on a plat recorded in Book 11 Page 39 of the San Miguel County records;

THENCE southwesterly with the south line of the tract of land shown on a plat recorded in Book 11 Page 39 of the San Miguel County records and also the northerly boundary of the T-4 Ranch as described in a deed recorded in Book 151 Page 268 in Section 18 of Township 13 North Range 26 East;

THENCE in a southwesterly direction with the northerly boundary of the T-4 Ranch as described in a deed recorded in Book 151 Page 268 to the intersection with the southerly right of way line of State Road No. 104;

THENCE in southwesterly direction with the southerly right of way line of State Road No. 104 to the intersection with the west boundary line of the Pablo Montoya Grant in Section 36 Township 13 North Range 25 East;

THENCE in a southeasterly direction with the westerly boundary of the Pablo Montoya Grant to the intersection with the south line of Township 12 North, being in Range 26 East;

THENCE in an easterly direction with the south line of Township 12 North to the Southeast corner of Township 12 North Range 26 East;

THENCE in a southerly direction with the east line of Township 11 North, Range 26 East to the intersection of the southerly boundary of Pablo Montoya Grant and also being the Southwest corner of said Pablo Montoya Grant;

THENCE in a northeasterly direction with the south boundary of the Pablo Montoya Grant to the intersection with the westerly line of the Baca Location No. 2's West line which is in section 15 Township 12 North Range 29 East;

THENCE in a southerly direction with the west line of the Baca Location No. 2's West line to the southwest corner of Baca Location No.2 Grant;

THENCE easterly with the south line of Baca Location No. 2's southerly line to the intersection with the southerly right of way line of state road No. 104 being the point and place of beginning.

Approved and adopted this _____ day of **July 2014** by the County Commission of Quay
County, New Mexico.

Quay County Board of Commissioners



Brad Bryant, Chairman



Sue Dowell, Member



Mike Cherry, Member



Attest:


Veronica Marez, County Clerk

**QUAY COUNTY, NEW MEXICO
EMERGENCY ORDINANCE NO. 27 AMENDED
AUTHORIZING THE ISSUANCE BY PROCLAMATION OF LIMITS
ON OPEN BURNING AND BAN ON THE SALE, POSSESSION AND
USE OF FIREWORKS IN THE UNINCORPORATED AREAS OF
QUAY COUNTY**

WHEREAS, the danger of brush fires, grass fires, forest fires, and structure fires can be extremely high in the State of New Mexico and especially Quay County and the surrounding jurisdictions when drought conditions; and,

WHEREAS, fire conditions such as relative humidity, weather and fuel content and condition are extremely variable in Quay County; and,

WHEREAS, in extremely drought conditions, the probability of ignition of material and fire spread is extremely high in Quay County; and,

WHEREAS, the Board of County Commissioners finds, based upon current drought indices published by the national weather service and other information, that severe drought conditions may now or in the future affect the unincorporated areas of Quay County; and,

WHEREAS, the Board of County Commissioners finds that should extreme drought conditions exist, that open burning, campfire and fireworks restrictions should be imposed within the unincorporated areas of Quay County; and,

WHEREAS, the possibility of extreme fire situations at such times would severely tax local, state, federal resources; and,

WHEREAS, the Board of County Commissioners finds that there exists an immediate danger to the public health, safety, and welfare of Quay County which may necessitate the issuance of a Proclamation prohibiting fireworks, open fires and campfires in Quay County now or in the future.

NOW THEREFORE, BE IT RESOLVED AND PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

Section 1. The Board of County Commissioners hereby resolves that should Quay County suffer from extreme or serious drought conditions and high fire hazards representing a significant immediate threat to the peace, safety, health and welfare of Quay County, Quay County acting through its Board of County Commissioners shall issue its Proclamation finding that such conditions exist and immediately ban all such activity identified herein which may pose a risk in such conditions.

Section 2. The following shall be prohibited upon the issuance of such a Proclamation:

- A. Campfires;
- B. Open fires;

- C. Open burning of vegetation or rubbish; and
- D. Any other smoke producing substance and material that creates a fire safety hazard. (Reference Regulation #301 of the Ambient Air Quality Standards and Air Quality Control Regulation).
- E. Fireworks of the type identified herein.

Section 3. For purposes of this Ordinance, the word "fireworks" means any device intended to produce a visible or audible effect by combustion, deflagration or detonation. The term fireworks is used in this Ordinance includes but is not limited to the "fireworks" provided in NMSA 1978, 602-2C-2K (Cum. Supp.1999)

Section 4. Pursuant to NMSA 1978, 60-2C-6.1 (E2) & (G) Cum. Supp. 1999), such proclamation by the Board of County Commissioners will allow the sale but limit the use of cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels and mines fireworks, within the unincorporated areas of Quay County to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.

Section 5. Pursuant to NMSA 1978 60-2-2C-8.1 F (1) (Cum. Supp. 1999), upon the issuance of such a Proclamation, the following types of fireworks will be banned from sale and use within the unincorporated areas of Quay County; stick-type rockets, helicopters and serial spinners, missile-type rockets, ground audible devices, and firecrackers.

Section 6. Pursuant to NMSA 1978 60-2C-8.1 F (2) (b) (Cum. Supp. 1999), the Board of County Commissioners gives itself the power to ban the use of all fireworks within wild lands in its jurisdiction, ("Wild lands" means any lands covered wholly or in part by timber, brush or native grass).

Section 7. Pursuant to NMSA 1978, 60-2C-8.1 F (2) (c) Cum. Supp. 1999), the Board of County Commissioners gives itself the power to ban the sale or use in unincorporated areas of Quay County of display of fireworks. ("Display Fireworks" means devices primarily intended for commercial displays designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition: serial shells containing more than forty grams of chemical composition exclusive of lift charge: and other exhibition display items that exceed the limits for permissible fireworks.)

Section 8. Except as permitted by this Ordinance, upon the issuance of a Proclamation hereunder, the use of all other fireworks of any kind or description are banned within the unincorporated areas of Quay County.

Section 9. Pursuant to NMSA 1978, 4-37-9 C (Cum. Supp. 1999), the Board of County Commissioners hereby declares it is necessary for the public peace, health, safety and welfare that this Ordinance take effect immediately after passage. Any Proclamation issued pursuant to this Ordinance shall be rescinded when favorable conditions exist. Accordingly, this Ordinance shall become effective immediately on its passage, recordation and authentication, as provided by NMSA 1978, 4-37-9 C (Cum. Supp. 1999)

Section 10. Open Fires – Definitions

“Open burning” means any manner of burning, whether caused, suffered or allowed, not in a device or chamber designed to achieve combustion, where the products of combustion are emitted, directly or indirectly, into the open air. Open burning does not include burning in fireplaces and woodstoves to provide heat, or charcoal grills if placed on noncombustible material.

“Enforcement Officer” is any law enforcement officer employed by Quay County and any other person(s) as may be designated by the Quay County Sheriff, to enforce this chapter issue the appropriate citation and carry out the enforcement as provided herein.

Open burning will be allowed except in time of severe drought and fire danger as determined by the Board of County Commissioners. The open burning ban will remain in effect until it is determined by the Board of County Commissioners that the fire danger has passed. Any such open burning ban will be posted at the Quay County Courthouse; notices will be posted at designated areas in Quay County and announced through the local radio media as will the rescinding of said ban.

- A. Open burning shall meet the State of New Mexico air quality regulation for Open Burning (20.2.60 NMAC).
- B. Person(s) conducting burn shall notify Central Dispatch located in Tucumcari and the Fire Chief or Member in that Fire District, of the location and contact information for responsible party prior to ignition.
- C. Burning shall be attended at all times.
- D. Burning is allowed between one hour after sunrise and one hour before sunset.
- E. Refuse shall not be burned.
- F. Person in charge of property shall establish and maintain means of fire control, such as fire line, water source or other methods of extinguishment.
- G. Wind and weather conditions shall be considered prior to ignition.
- H. Only materials allowed to be burned (Class A combustibles i.e. dry vegetation, branches, grass, tree limbs, weeds, clean, non-treated, non-painted, natural lumber).

Open burning is not allowed under the following conditions:

- A. Open burning ban due to drought/fire hazards, enactment of such Ordinance No. 27 Amended
- B. Open burning is not allowed during days deemed “red flag warning” by the National Weather Service
- C. Burning of non-Class A combustibles, including but not limited to, petroleum products, plastic, metal, rubber, pressure treated lumber, creosote treated lumber, painted lumber, asphalt shingles, etc.

Section 11. Public Display:

The Board of County Commissioners may, on application, allow any municipal or civic organization to conduct an officially supervised and controlled fireworks display/barbecue grilling in connection with any public celebration. The Board of County Commissioners may further allow, on application, a licensed business to use blank cartridges in a controlled and supervised public display.

Section 12. Severability:

Should any section or subsection or clause of this ordinance be found to be in violation of state statute or other law or otherwise unenforceable, that section or subsection or clause shall remain in full force and effect.

Section 13. Penalties:

The penalties for any violation of this ordinance shall be a fine of not more than \$500.00 and imprisonment of not more than 90 days or both.

APPROVED, PASSED AND ADOPTED THIS 14 DAY OF July, 2014

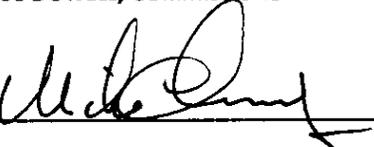
BOARD OF COUNTY COMMISSIONERS



BRAD BRYANT, CHAIRMAN



SUE DOWELL, COMMISSIONER



MIKE CHERRY, COMMISSIONER

ATTEST BY:



VERONICA MAREZ, COUNTY CLERK



**QUAY COUNTY
FISCAL YEAR 2013-2014
RESOLUTION NO. 41**

Authorization for Budgetary Increase and Transfer of Funds to **County Improvement Fund (649-12)**

WHEREAS, at the meeting of the Board of Quay County Commissioners on July 14, 2014 the following was among the proceedings;

WHEREAS, the Board of Quay County Commissioners deem it necessary to request this Budgetary Increase and Transfer of Funds

**State Fund 300
Budget Increase and Transfer**

	<u>FROM</u>	<u>TO</u>
401-99-97649 Transfer to County Improvements	\$150,000.00	
649-99-95401 Transfer from General Fund		\$150,000.00

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved. **Capital Improvements Fund Increase**

NOW THEREFORE, BE IT RESOLVED that after approval of the Local Government Division of the Department of Finance and Administration, the above Budgetary Increase and Fund Transfer be made.

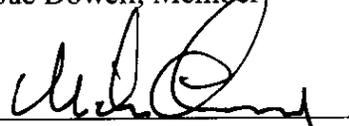
DONE at Tucumcari, County of Quay this 14th day of July, 2014.



Brad Bryant, Chairman



Sue Dowell, Member



Mike Cherry, Member

ATTEST:



Veronica Marez, County Clerk

QUAY COUNTY

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT, entered in to this July 1, 2014, by and between QUAY COUNTY (hereinafter called the COUNTY) and NEW MEXICO COOPERATIVE EXTENSION SERVICE, organized and existing under the rules and policies of New Mexico State University (hereinafter called the EXTENSION SERVICE.)

RECITALS

WHEREAS, New Mexico State University and the United States Department of Agriculture have adopted a Memorandum of Understanding for the conduct of Extension Service work in agriculture, home economics and related areas in the State of New Mexico, and;

WHEREAS, counties are empowered by the New Mexico County Extension Law to appropriate funds in support of Extension work to their respective counties (being Sections 76-2-1 through 76-2-12 NMSA, 1978);

NOW THEREFORE, the EXTENSION SERVICE and the COUNTY hereto agree to enter into this agreement consistent with the above mentioned federal-state Memorandum of Understanding for the purpose of conducting EXTENSION SERVICE work in the COUNTY:

SCOPE OF SERVICES

- A. The COOPERATIVE EXTENSION SERVICE agrees to:
1. Provide EXTENSION SERVICE programs to the residents of the COUNTY.
 2. Employ and train the professional and support staff to operate the COUNTY Extension Office consistent with NMSU policies and procedures and funding levels.
 3. Deliver educational programs to COUNTY residents in Agriculture, Home Economics, 4-H and Youth and Community and Resource Development.
 4. Provide the necessary administrative and supervisory services.
 5. Provide the necessary EXTENSION SERVICE subject matter specialist support.
 6. Extend the U.S. Department of Agriculture and Land Grant University research findings.
 7. Conduct field research and demonstrations applicable to COUNTY problems, as

appropriate and feasible.

8. Provide U.S. Department of Agriculture, Experiment Station and Extension Service bulletins and publications for the residents of the COUNTY.
9. Manage and monitor the necessary office operating expenses to include equipment, supplies, telephone and travel.
10. Develop plans of work for program direction and evaluation and provide to appropriate officials.
11. Prepare a monthly and an annual report as specified by EXTENSION SERVICE policies and procedures for submittal to appropriate officials.
12. Organize and support, Extension Advisory Councils for program development, evaluation and recommendations.
13. Recruit, train and support EXTENSION SERVICE volunteers.
14. Provide an annual budget request on estimated operating costs for the COUNTY EXTENSION unit.
15. Comply with NMSU accounting and audit procedures and requirement as provided under state law.
16. Provide any other functions necessary and consistent with the legal provisions of Cooperative Extension Service authorization.

B. The COUNTY agrees to:

1. Provide the local funding level to support the EXTENSION SERVICE unit as indicated below for FY 2014-2015.
2. Provide office space, utilities, and custodial services for the COUNTY Extension Office.
3. Provide program suggestions and recommendations to the COUNTY Extension staff to better serve the residents of the COUNTY.
4. Provide maintenance of the COUNTY Extension Office as needed or as funds allow.

BUDGET

As approved at the budget hearing, the COUNTY will provide COOPERATIVE

EXTENSION SERVICE \$99,666. The remainder of the Budget will be provided by state and federal funds through NMSU.

BILLING

The EXTENSION SERVICE shall submit quarterly billings following each quarter for which services have been performed. The COUNTY, once approving the billing, shall process the billing through its established accounting procedures, and remit payment where designated on the invoice/statement.

TERMS OF AGREEMENT

The Agreement, along with any approved amendments, shall be effective from July 1, 2014 through June 30, 2015, and shall remain in force until it is expressly abrogated in writing by either of the parties.

HOLD HARMLESS

The EXTENSION SERVICE agrees not to purport to bind the COUNTY to any obligation not assumed herein by the COUNTY, unless the EXTENSION SERVICE has express written authority to do so, and then only within the strict limits of the authority.

BENEFITS

The EXTENSION SERVICE and their agents and employees, are under the direction of New Mexico State University performing services for the COUNTY and are not employees of the COUNTY. The EXTENSION SERVICE and their agents and employees, shall not accrue leave, retirement, insurance, bonding, use of COUNTY vehicles, or any other benefits afforded to employees of the COUNTY as a result of this agreement.

EXTENT OF AGREEMENT

This Agreement represents the entire and integrated agreement between the Extension Service and County and supersedes all prior negotiations, representations or agreements either written or oral. This Agreement may be amended only by written instrument signed by both parties.

This Agreement executed the 1st day of July, 2014.

By: Alisha A. Giron
~~NMSU Council~~

Alisha A. Giron *for*
Director, Office of Grants
Contracts
Regents of New Mexico State
University

By: [Signature]
Commission Chairman



Quay County Manager
Richard Primrose
Richard.Primrose@QuayCounty-NM.Gov
Teddy Funk
105770 60050 GR26

New Mexico State Department of Cultural Affairs
State Library Division
1209 Camino Carlos Rey
Santa Fe, NM 87507-5166

CONTRACT FOR LIBRARY SERVICES

This agreement, made and entered into this 1st day of July 2014 of the fiscal year of 2015 by the New Mexico State Library, hereinafter called the "Library" and County of Quay, hereinafter called the "Community".

WITNESSETH:

WHEREAS, the Community is a county or municipality authorized, respectively, by NMSA 1978, § 3-18-14 (1999), or NMSA 1978, § 4-36-2 (1999), to contract with the Library for library services.

NOW THEREFORE, in consideration of these promises and of the mutual and reciprocal promises contained herein,

IT IS HEREBY COVENANTED AND AGREED THAT:

1. The Library shall permit citizens of the Community to access the materials in the bookmobile collection during the Library's regularly scheduled stops in the Community.
2. At the beginning of the fiscal year, or no later than March of the fiscal year noted above, Community shall pay the Library \$1,050.00. The Library shall invoice the Community in September, and the Library shall invoice the Community again in January if Community has not made full payment.
3. The Community will deliver the payment to the Library's fiscal office and the Library will use the funds solely for the purpose of purchasing materials for the bookmobile library service.
4. The Library shall keep the Community informed of its schedules and activities and, upon request, may report to the Community at the end of the fiscal year about the materials it acquired and the services it performed with the Community's payment.

The foregoing being clearly understood and agreed to, the parties hereto have set their hands and seals.

New Mexico State Library



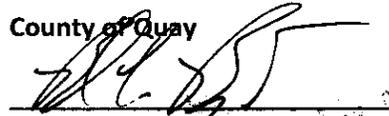
Michael S. DeIello, Deputy Cabinet Secretary
Department of Cultural Affairs

July 1, 2014

Date

Witness

County of Quay



Authorized Signature

7/14/14

Date



Witness

Please return the signed contract to:
ATTN: Shirley F. Bailey/Rural Services Manager
New Mexico State Library
1209 Camino Carlos Rey
Santa Fe, NM 87507-5166

