

QUAY COUNTY GOVERNMENT

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AGENDA REGULAR SESSION QUAY COUNTY BOARD OF COMMISSIONERS August 11, 2014

9:00 A.M. Call Meeting to Order

Pledge of Allegiance

Approval of Minutes-Regular Session July 28, 2014

Approval of Minutes-Special Session August 4, 2014

Approval/Amendment of Agenda

Public Comment

Public Hearing

Brad Bryant, Quay County Commission Chair

Proposed Ordinance No. 48 and Proclamation of Special County Election adopting a Countywide Emergency Communications and Emergency Medical and Behavioral Health Services Tax

Public Hearing Adjourned

Ongoing Business-None

New Business

I. Janie Hoffman, Quay County Assessor

- NMAC Board Report

II. Larry Moore, Quay County Road Superintendent

- Road Update

III. Richard Primrose, Quay County Manager

- Request Approval of 2014-2015 Resolution No. 7 In Support of HR 4315 in regards of the Endangered Species Act
- Request Approval of Contract with the Greater Tucumcari Economic Development Corporation (EDC)
- Correspondence



DOC #CM-00343

08/26/2014 10:47 AM Doc Type: COCOM

Fee (No FieldTag Finance TotalFees found)

Quay County, NM Veronica Marez, County Clerk

Pages: 10



- IV. Request Approval of Accounts Payable**

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

- VI. Request for Closed Executive Session Pursuant to Section 10-15-1(H) 2. The New Mexico Open Meetings Act to Discuss Limited Personnel Matters**

Adjourn

Lunch- Time and Location to be Announced

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

August 11, 2014

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 11th day of August, 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
Nathan Wallace, Sheriff Candidate
Warren Frost, Legal Counsel for Quay County
Janie Hoffman, Quay County Assessor
Patrick Vanderpool, Executive Director of Greater Tucumcari Economic
Development Corporation
Collette Vanderpool
Russell Braziel, KTNM; KQAY
Steven Hansen, Quay County Sun

Chairman Brad Bryant called the meeting to order. Russell Braziel led the Pledge of Allegiance.

A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve the minutes from the July 28, 2014, regular session of the Board of County Commissioners with changes addressed by Commissioner Dowell regarding clarification of economic development, as a project versus Economic Development Corporation. MOTION carried with Cherry voting "aye", Bryant voting "aye", Dowell voting "aye". A MOTION was also made by Cherry, SECONDED by Dowell to approve the minutes from the August 4, 2014 Special Meeting. MOTION carried with Cherry voting "aye", Bryant voting "aye", and Dowell 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: Chairman Bryant thanked Russell Braziel, KTNM, and Steven Hansen, Quay County Sun, for maintaining the facts when they cover items discussed by the Quay County Commission. Bryant said he would like to clarify the interview conducted by KVII News Channel 7 concerning the Greater Tucumcari Economic Development Corp. It did not portray his interview as it should have, stating only that he had thrown the reporter out of his office, which was not fact. Bryant stated he spoke to the reporter for over ten minutes trying to explain the position of the Board of Commissioners and voicing his opinion and when he did not adhere to the badgering by the reporter to get the answers the reporter was wanting, he finally asked him to leave his office.

PUBLIC HEARING:

Chairman Bryant called the Public Hearing to order at 9:10 a.m.

1. Proposed Ordinance No. 48 and Proclamation of Special County Election adopting a Countywide Emergency Communications and Emergency Medical and Behavioral Health Services Tax.

Chairman Bryant stated he received a phone call from Kelly McFarland stating he opposed the tax. Bryant reiterated the County Commission is sending this question to the voters of Quay County not to confuse the issue of the County passing an Ordinance to increase the tax without an election. McFarland had been misinformed over the use of the funds should the tax pass, and Bryant clarified what the funds would be utilized for.

Commissioner Cherry stated he is against raising taxes, but when the budget requires additional funding to continue servicing the residents, sometimes there is no other option. Dispatch fees are increasing daily, and this is a service that has to be maintained regardless of whether the tax passes or not.

Commission Dowell asked what the current tax rate is and what it will increase to. Primrose stated it is currently at 8.125 and will increase to 8.375 if the election is successful. Primrose stated the funds from this tax will be specifically earmarked for the 911 Dispatch Budget. It cannot be used for anything else. Dowell said she had heard concerns from business owners that the tax increase could negatively impact business in Tucumcari.

Chairman Bryant closed the Public Hearing at 9:20 a.m.

ONGOING BUSINESS: None

NEW BUSINESS:

Janie Hoffman, Quay County Assessor and the County representative on the NMAC Board of Directors, gave this report following the Board Meeting held in Gallup last week:

1. NMAC selected the Legislative Priorities for the upcoming 60 day session in January.
2. NMAC approved the Health Services Affiliate By-Laws. It was noted that Julie Lafferty, Indigent Claims Coordinator for Quay County, attends this Affiliate.
3. Stressed the importance of maintaining good records for historical purposes regarding "Waters of the US Clean Water Act" projects.
4. Taylor Hulce reported on the Benefit Pool for Employees. Questionnaires are being distributed to all County Managers for input.
5. Steve Kopleman reported he is reaching out to State and Local Governments to partner with NMAC in an effort to be a more effective form of government.
6. The Multi-Line Insurance Group informed the Board of new regulations regarding government buildings being at a certain elevation to avoid flood zones.
7. The 19th annual Infrastructure Workshop will be held at Buffalo Thunder in Santa Fe, NM on October 28-30.
8. Gathering of the Counties will be held at the NM State Fair on September 18. The Chamber of Commerce is setting up the Tucumcari/Quay County Booth at the State Fair.
9. There will be a meeting in T or C, NM regarding the Wolf Habitat Expansion on August 13, 2014, from 6:00 P.M. to 9:00 P.M.
10. The next NMAC Board Meeting will be in October.

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

1. Hauled 4 loads of caliche to the road Sally Baker lives on. Moore stated the road is holding up well following the last rain. The road needs some serious attention, but the phone lines and water lines in the right-of-way will create some problems for the crews.
2. Mower parts have been received and repairs are being made so the crews can begin mowing again.
3. Presented the blade reports.
4. Moore will meet with Heather Sandoval, District 4 Engineer, regarding shortening one of the upcoming projects.
5. The County has received the CAP, COOP, and School Bus Project Agreements and they will be used for repairs on Quay Road 63.
6. Darla Munsell was in a traffic accident in Albuquerque while attending the CDBG Workshop.

Commissioner Dowell said she received a call from Sally Baker thanking Richard Primrose and Larry Moore for taking time to visit with her and make repairs to her road. She was very thankful.

Chairman Bryant said he received a call that Quay Road 62 needed some attention as it had been washed out by current rains. Bryant said the portion of the road needing repairs is rarely used, however, he requested Moore check into when he can.

Chairman Bryant requested a break. Time noted 9:40 A.M. to 9:50 A.M.

Richard Primrose, Quay County Manager presented the following items:

1. Requested approval of Resolution No. 7; Supporting HR 4315 Endangered Species Transparency and Reasonableness Act. A MOTION was made by Dowell, SECONDED by Cherry to approve. MOTION carried with Dowell voting "aye", Cherry voting "aye" and Bryant voting "aye". A copy of said Resolution is attached and made a part of these minutes.
2. Presented a Service Agreement between Quay County and the Greater Tucumcari Economic Development Corporation. Primrose reminded the Commissioners they requested that an entity that receives funding from the County in excess of \$10,000.00 shall enter into an Agreement/Contract. Warren Frost, Attorney for Quay County, said he drafted this Agreement in an effort to cover the concerns of the Board of Commissioners. He said it is similar to the City of Tucumcari Agreement. Frost said he utilized the Comprehensive Plan of the EDC to set forth the responsibilities of both parties including quarterly reports and financial responsibility.

Commissioner Dowell had the following concerns and comments:

- a. Both the City and County use the EDC for services. Should there be a concern that both entities Agreements are not in sync regarding the expiration dates of the contractual agreements? The City of Tucumcari Agreement expires in April or June of 2015. If the City has significant changes to the Agreement, including perhaps limiting their funding or providing the building where EDC operates from, shouldn't the County have an option to change or discontinue their Agreement without penalty?

Warren Frost said if it is the intent of the Board of Quay County Commissioners to only fund the EDC based on what the City of Tucumcari does then it would make sense to have concurrent Agreements. Frost said obviously without the support of the City of Tucumcari, the EDC would not be able to function in its current capacity without additional funding. Frost said the County continuing with their Agreement at the point the City no longer funds EDC should be a policy procedure and/or handled through the budgeting process.

- b. Should the terms of the reporting requirements be set forth in the Contract? Dowell suggested setting deadlines for reporting as it is highly important that whatever a contract sets out as far as requirements needs to be specific and timely. Perhaps specific dates or deadlines need to be outlined. Will there be the possibility of requesting additional reports or information not outlined in the Contract?

Frost, along with Patrick Vanderpool, suggested reporting time frames be the month following the close of a quarter. For instance, the quarters end in March, June, September and December. It makes sense for EDC to report in April, July, October and January. Vanderpool also stated he is willing to make additional reports or provide information upon request.

- c. On page 3 of the Agreement, it sets forth the County's duties and responsibilities. What exactly other than funding could the County provide or furnish? The County is hiring the EDC to do a job, yet the County is being required to do some of that leg work.

Frost stated one of the biggest things that the EDC is not capable of doing is obtaining grants for funding. Both the City and County are able to apply for Grants if needed. The County has viable information, not limited to but including mapping and data that the EDC should not have to "re-invent" the wheel to gather that information. As well, if there was ever a need to pass a Gross Receipts Tax to support their efforts, the City or County would have to do that. That's not something the EDC can do alone. This basically establishes a partnership between the entities.

- d. Requested clarification regarding page 4(d), about waivers by either party of a breach regarding provisions.

Frost explained when parties enter in a contract the law provides that over a period of time, if one party is not needing a portion of the contractual services from the other party it doesn't create a breach of the contract. The city's contract is somewhat outdated and some services are not being performed according to Vanderpool. This clause says that if one party doesn't make the other party perform the duties as outlined, they are not held responsible and it's not a breach.

- e. From time to time the City acquires property and deeds it to the EDC for the purpose of a business to lease. If a business leases that property, where does the money from that lease go to? Is the County in a position to deed property to the EDC for that purpose also?

Primrose replied explaining the owner of the property in a lease to a business would be the recipient of funds. If the City owns the property they get the revenue. If EDC owns it, they would receive the funds. Primrose said the County does not have property readily available to lease to EDC or any other business. The City occasionally obtains property through foreclosure for failure to pay liens through code enforcement and has the authority to lease or transfer that property. The County has never given property to any entity other than deeding the Quay Community Center back to its original owners following a CDBG Project.

Vanderpool added that the transfer of property is made legal to the EDC from the City through Ordinance No. 972 if the amount is less than \$25,000.00 in value.

- f. The EDC was established through the Ordinance No. 972 at the City of Tucumcari. Is there a need for the County to have an Ordinance in place?

Frost said the only necessity for the Ordinance in place at the City is because a tax was passed in order to create the Greater Tucumcari Economic Development. Under the current circumstances, no Ordinance is required of the County.

Chairman Bryant requested discussion of the topics brought forth by Commissioner Dowell. Bryant asked Frost if the City ends their contract with EDC, is there a provision in the Contract for the County to terminate their Agreement early. Bryant said the County, in his opinion, should always support EDC, but if the City doesn't contribute, it would be impossible for EDC to continue in the manner in which they currently operate which could force the County out of their Agreement based on the needs of the EDC budget. Commissioner Cherry stated the budget and/or Commissioners at any time could determine to terminate the Agreement. Primrose agreed the yearly budget process will dictate what, if any, is given to EDC and requires a vote. Commissioner Cherry stated it is good for an entity to have a four year commitment for long term planning and hates to see the Contract between EDC and Quay County based on the fiscal year budget. Frost will provide a clause in the Contract for early termination with a ninety day notice at the discretion of the Commission.

Commissioner Dowell said that when the EDC votes for a project they intend to support financially, City Ordinance 972 requires the City of Tucumcari Commissioners to vote and accept that project. Will the County also get the opportunity to vote and accept the project? Chairman Bryant and Primrose explained the City Commission approval is only required when EDC is utilizing the LEDA Tax Funds to assist with a business project. Ordinance 972 requires City Commission approval for use of those tax dollars. Vanderpool explained that there is a Project Participation Agreement that is used and explained the details for funding through the LEDA Tax. Vanderpool explained Ordinance 972 is a mirror image of State Statute regarding the Local Economic Development Act.

Dowell asked what recourse EDC has if funds are used and the business is not successful. Vanderpool explained it is always a risk, and if there is any penalty or recourse that can be issued by EDC, it is spelled out in the Project Participation Agreement.

Chairman Bryant asked what the pleasure of the Commissioners is regarding timely reported as requested by Dowell. The Commissioners requested a provision be spelled out in the Agreement that reporting shall occur the month following the end of a quarter being the months of October, January, April and July.

T.J. Rich, Quay County Detention Center Administrator joined the meeting. Time noted 10:20 A.M.

Chairman Bryant asked what direction the Commissioners wanted to take regarding Commissioner Dowell's concerns of what the County intends to provide EDC other than funding. Commissioner Cherry said he did not feel any recommendations needed made regarding that topic. Commissioner Dowell said she was just looking for clarification when she questioned that portion of the Agreement.

A MOTION was made by Cherry, SECONDED by Dowell to table any action of the Agreement between the Greater Tucumcari Economic Development Corporation and Quay County. MOTION carried with Cherry voting "aye", Dowell voting "aye" and Bryant voting "aye". The Agreement will be amended and presented at a special meeting of the Board of Quay County Commissioners on Wednesday, August 20, 2014, at 9:00 a.m.

CORRESPONDENCE:

1. Presented the monthly RPHCA Report for July from the Quay County Family Health Center.
2. There will be a special meeting on August 20 at 9:00 a.m. and the next regular scheduled meeting will be held at the Village of House on August 25.
3. The Quay County Fair starts Wednesday, August 13.
4. Primrose attended the NMSU Ag Science Field Day. It was well attended.

Accounts Payable checks were presented for payment approval. Commissioner Dowell requested clarification of statements from Xcel Energy regarding the Fairgrounds area and at what time the Mesalands Community College pays their portion of those invoices. Cheryl Simpson, Finance Director, stated the County requests payment from the College at the end of their agreement for use of the facility when the College occupies it from

the week after the Fair through May 15. The County continues to pay the statements and invoices the College for reimbursement. 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:

Chairman Bryant stated he was very disappointed in the coverage of KVII in that they portrayed Quay County as a dying community and it sure would have been a great opportunity to show the community in a positive light.

Commissioner Dowell stated she had nothing to do with initiating the KVII coverage. Dowell said it's obvious there are some serious issues with the Tucumcari EDC, and they need to get on track. Dowell stated people need to quit saying how great everything is in Quay County and get their heads out of the sand. The "Pollyanna" attitude is not getting the job done. Dowell stated improvements have to be made and everyone should be working together. Dowell said to Bryant that the "Pollyanna" attitude is not getting the job done. Dowell said she has had numerous calls from constituents regarding what function the EDC plays in our community and residents feel uninformed. Through the IPRA requests she has made, it has not provided any information other than more questions. Dowell said this is certainly not a perfect situation but items need addressed. Diversification is a must for Quay County Dowell indicated stating doing the same thing over and over only gets the same results. Dowell stated she remains shocked the County's position is simply to sign up for four years with a contract. Dowell informed everyone she has lots of questions regarding the Tucumcari EDC and will continue to keep asking and be vocal. Dowell said everything is not all roses in Quay County and Tucumcari. Dowell confirmed that she will continue to question and bring up issues. Dowell stated everyone in the room present today has the County's best interest and wants to see it grow and prosper. However, she believes it's time to diversify, get questions answered, and be creative to make things better.

Chairman Bryant apologized to Commissioner Dowell stating he thought they addressed all her questions. Dowell replied she doesn't have additional questions about the Contract rather the questions are regarding the Greater Tucumcari Economic Development. Dowell said everything is not roses in Quay County. Bryant said he is not in full disagreement with that and did not intend to imply that Dowell asked KVII to come and do an interview. Bryant said he feels like they are moving in a positive direction with getting a contract with EDC and providing some transparency. Bryant commented that Dowell was on the Board of the EDC, and Dowell informed Bryant she absolutely was not a Board Member of Tucumcari EDC. Bryant asked Dowell if she wanted to serve on that Board, and she declined responding "No, thank you." Commissioner Cherry said Primrose and Franklin McCasland serve on the Board on behalf of the County. Bryant said he realized McCasland had been on the Board, but he had asked him to step down so Dowell could serve. Dowell said to let her voice be very clear when she says she does not choose to sit on the Board of Greater Tucumcari Development Corporation. "I do not choose to be involved from the inside of that organization in any way." Another Commissioner can take that responsibility if they choose to make replacements.

Gary Montano joined the meeting. Time noted 10:40 a.m.

Commissioner Cherry said he had no additional comments.

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)2 to discuss Limited Personnel Matters. MOTION carried with Cherry voting "aye", Bryant voting "aye" and Dowell voting "aye".

Time noted 10:45 a.m.

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

Return to regular session. Time noted 11:45 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 special meeting scheduled for August 20, 2015, at 9:0 a.m. and the regular meeting of the Board of Quay County set for Monday, August 25, 2014, at 9:00 a.m. at the Village of House, unless sooner called. The Commissioners announced they would be having lunch at the Pow Wow Restaurant. All those in attendance were invited. MOTION carried with Cherry voting "aye", Bryant voting "aye" and Dowell voting "aye". Time noted 11:50 a.m.

Respectfully submitted by Ellen White, Chief Deputy County Clerk.

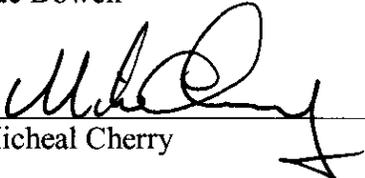
BOARD OF QUAY COUNTY COMMISSIONERS



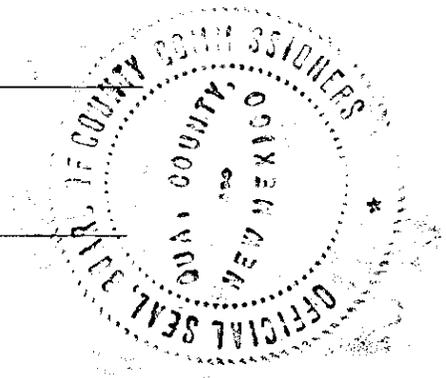
Brad Bryant



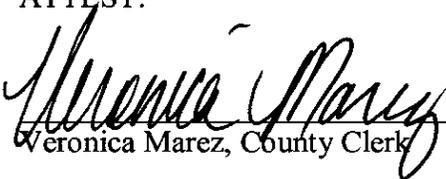
Sue Dowell



Micheal Cherry



ATTEST:



Veronica Marez, County Clerk

2014-2015
QUAY COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 7
SUPPORTING HR 4315 ENDANGERED SPECIES
TRANSPARENCY AND REASONABLENESS ACT

WHEREAS, New Mexico counties have been inundated by expanded and new listings of endangered species; and

WHEREAS, the impacts to New Mexico counties of these listings includes economic, social and human resource reductions that many times are unknown to the counties prior to proposed listings; and

WHEREAS, the tactics used by groups to force these listings preclude inclusion of counties in the initial planning of any recovery effort and are not consistent with other federal acts; and

WHEREAS, facing current economic conditions, New Mexico counties believe that transparency and accountability must be paramount in any proposed recovery process.

NOW, THEREFORE, BE IT RESOLVED that the Quay County Board of Commissioners hereby requests our New Mexico Congressional Delegation to SUPPORT HR 4315 passed by the United States House of Representatives on July 29, 2014 and further requests that all bills brought before Congress that will benefit New Mexico counties by adding transparency, accountability and that further modernize the Endangered Species Act be favorably voted for.

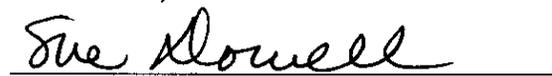
RESOLVED by the Quay County Board of Commissioners in regular session, 11th day of August, 2014.

ATTEST:


Veronica Marez, County Clerk

QUAY COUNTY


Brad Bryant, Chairman


Sue Dowell, Member


Mike Cherry, Member