



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
September 14, 2015

9:00 A.M. Call Meeting to Order

Pledge of Allegiance

Approval of Minutes-Regular Session August 21, 2015

Approval/Amendment of Agenda

Public Comment

Public Hearing

Franklin McCasland, Quay County Commission Chairman

- Amendment of Ordinance 43, Article 4, Section A.

Public Hearing Adjourned

Ongoing Business-None

New Business

- I. Bryan Rinestine, Quay County DWI Coordinator**
 - Approval of DWI Grant Application
- II. National Society of Daughters of the American Revolution (DAR)**
 - Adoption of Proclamation for Constitution Week September 17-23, 2015
- III. Pat Vanderpool, City of Tucumcari, Economic Development Coordinator**
Quarterly Report
- IV. Treasurer's Report**
- V. Andrew Flanagan, Infigen Vice President**
 - Discussion of Caprock Solar Project
- VI. Russell Shafer, Quay County Sheriff**
 - Approval of Memorandum of Understanding with the Village of House



VII. Curtis Simpson, Quay County Emergency Manager

- Approval of a 2015 Sub-Grant Agreement for the Emergency Management Performance Grant (EMPG)

VIII. Vic Baum, Quay County Assessor

- Approval of 2015 Property Tax Rates

IX. T. J. Rich, Quay County Detention Center Superintendent

- Approval of Mesa Counselling Agreement with QCDC

X. Larry Moore, Quay County Road Superintendent

- Approval of Amendment to Community Development Block Grant (CDBG)
- Approval of John Deere Blade Lease Agreement (1)
- Approval of John Deere Blade Lease Agreement (2)
- Approval of Resolution 5, Extension of LGRF Coop
- Approval of Resolution 6, Extension of LGRF Cap
- Approval of Resolution 7, Extension of LGRF School Bus
- Road Update

XI. Richard Primrose, Quay County Manager

- Correspondence

XII. Request Approval of Accounts Payable

XIII. Request for Closed Executive Session

- Pursuant to Section 10-15-1(H) 2. The New Mexico Open Meetings Act to Discuss Limited Personnel Matters
- Pursuant to Section 10-15-1(H) 7. The New Mexico Open Meetings Act Pertaining to Threatened or Pending Litigation

XIV. Richard Primrose, Quay County Manager

- Proposed action, if any, from Executive Session

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

Adjourn

Lunch-Time and Location to be Announced

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

September 14, 2015

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 14th of September, 2015, at 9:00 a.m. at the Commission Chamber, Tucumcari, New Mexico for the purpose of taking care of any business that may come before them.

PRESENT & PRESIDING:

Franklin McCasland, Chairman
Mike Cherry, Member
Richard Primrose, County Manager
Veronica Marez, Quay County Clerk

OTHERS PRESENT:

Vic Baum, Quay County Assessor
Thomas Garcia, Quay County Sun
Russell Braziel, KTNM Radio Station
Cheryl Simpson, Quay County Manager's Office
Bryan Rinestine, Quay County DWI Coordinator
Pat Vanderpool, Greater Tucumcari Economic Development Director
Russell Shafer, Quay County Sheriff
Curtis Simpson, Quay County Emergency Manager
Larry Moore, Quay County Road Superintendent
Laura Osborn, Daughters of the American Revolution
Susan Taylor, Daughters of the American Revolution
Ellen White, Quay County Chief Deputy Clerk
Aaron McKinney, Tucumcari Public School Superintendent
Gail Houser, Tucumcari Main Street Director
Andrew Flanagan, Infigen Energy

The meeting was called to order by Chairman McCasland. Curtis Simpson led the Pledge of Allegiance.

A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve the minutes from the August 21, 2015 regular commission meeting. MOTION carried. Copy of said minutes is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Changes were made to agenda tabling John Deere blade lease agreement 1 and 2 until next commission meeting. Primrose changed Resolution #5 is CAP and #6 is Coop. A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve the agenda with changes. MOTION carried. Copy of said agenda is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

PUBLIC COMMENT: Chairman McCasland informed the public Commissioner Dowell was a new grandmother and congratulations to her. Gail Houser, Tucumcari Main Street Director reminded everyone about Fired Up event on September 26 downtown and invited everyone to come out. Ellen White informed everyone that Nadine Angel passed away this weekend and the county is passing around a card for everyone to sign and everyone is giving a monetary donation to the Tucumcari Public Library in memory of her and in honor of her grand kids.

PUBLIC HEARING:

Franklin McCasland, Quay County Commission Chairman open the public hearing for the purpose of amending Ordinance 43, Article 4, Section A. Article 4, Section A shall read as follows:

The Quay County Board of Commissioners, shall hereby appoint the Floodplain Administrator to administer and implement the provisions of this Ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management. The current Floodplain Administrator shall be Curtis Simpson. Changes of future Administrators shall be appointed in a public meeting conducted by the Board of Quay County Commissioners and reflected in the Minutes of Record.

PUBLIC HEARING ADJOURNED:

ONGOING BUSINESS: None

OLD BUSINESS: None

NEW BUSINESS:

Bryan Rinstine, Quay County DWI Coordinator request approval of DWI Grant Application. A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve the application. MOTION carried. Copy of said application is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Susan Taylor and Laura Osborn on behalf of the National Society of Daughters of the American Revolution is requesting adoption of Proclamation for Constitution Week September 17-23, 2015. A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve the Proclamation. MOTION carried. Copy of said Proclamation is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry –“YES”

Pat Vanderpool, Greater Tucumcari Economic Development Corporation Director presented the Greater Tucumcari Economic Development Corporation Quarterly report.

Primrose congratulated Pat on his appointment to his appointment to NMAC Economic Board.

In the absent of Patsy Gresham, Quay County Treasurer, Richard Primrose, Quay County Manager presented the Treasurer’s report in their notebook.

Andrew Flanagan, Infigen Vice President gave an overview of the Caprock Solar Project. The original plan for the project would have located the facility in the San Jon Municipal School District. As a result of problems beyond their control, there was a need to move the project. The Attorneys for both Infigen and Quay County are currently reviewing a Resolution to be presented at a future meeting for approval. The project will now be located entirely within the Tucumcari Municipal School District.

Russell Shafer, Quay County Sheriff requested approval of Memorandum of Understanding between the Village of House and the County of Quay. A MOTION was made by Mike Cherry, SECONDED Franklin McCasland to approve Memorandum. MOTION carried. Copy of said memorandum is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry –“YES”

Curtis Simpson, Quay County Emergency Manager requested approval of 2015 Sub-Grant Agreement for the Emergency Management Performance Grant. A MOTION was made by Mike Cherry, SECONDED Franklin McCasland to approve agreement. MOTION carried. Copy of said agreement is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry –“YES”

Vic Baum, Quay County Assessor requested approval of Order Setting Property Tax Rates for the 2015 Property Tax year. A MOTION was made by Mike Cherry, SECONDED Franklin McCasland to approve Order Setting Property Tax Rates. MOTION carried.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Chairman McCasland requested a 15 minute break. Time noted 9:55 am.

T.J. Rich, Quay County Detention Center Administrator joined the meeting.

T.J. Rich, Quay County Detention Center Administrator requested approval of a Professional Services Agreement between Quay County and Mesa Counseling. A MOTION was made by Mike Cherry, SECONDED Franklin McCasland to table the agreement until Rich can have Art Murphy from Risk Management come in and give the Commissioners a presentation of changes for the Detention Center. MOTION carried.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Larry Moore, Quay County Road Superintendent requested approval of the following items;

Requested Approval of Amendment to Community Development Block Grant. A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve grant. MOTION carried. Copy of said grant is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Requested approval of 2015-2016 Resolution No. 5 Extension of LGRF CAP. A MOTION was made by Franklin McCasland, SECONDED Mike Cherry to approve Resolution. MOTION carried. Copy of said Resolution is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Requested approval of 2015-2016 Resolution No. 6 Extension of LGRF COOP. A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve Resolution. MOTION carried. Copy of said Resolution is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Requested approval of 2015-2016 Resolution No. 7 Extension of LGRF School Bus Project. A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve Resolution. MOTION carried. Copy of said Resolution is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Larry Moore, Quay County Road Superintendent presented the following report.

1. Presented blade report.
2. Moore informed Commissioners that he contacted residents for caliche. Cora Lee Jester said she is willing to meet with Moore. Tonya Cone has always donated and Mrs Mitchell is not interested in donating at this time.
3. Crews cleaned up culverts at Larry Hines and Larry Young’s place and also installed a culvert at Young’s place.
4. Moore still needs to visit with Steve Floeck and repair dip in road.
5. Crews finishing Judge Mitchell’s road on Leonard Drive.
6. RPO meeting in Tucumcari on September 23 at Convention Center.

Richard Primrose gave the following County Manager’s Report:

CORRESPONDENCE:

1. Received a letter from DFA that the final budget for fiscal year 2016 has been approved.
2. Presented the August RPHCA report.
3. ISC meeting on September 28 from 1pm to 3pm at Convention Center they will only be seeing people that filed a protest.
4. Received a proposal from Site Southwest to update Comprehensive Plan and do an Asset Management Plan for County roads.
5. Railroad Day on September 19-20 at Train Depot.
6. Fired Up September 26.

CHECKS WERE REVIEWED.

A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland to approve the expenditures as presented. MOTION carried. A copy of the expenditure report is attached and made a part of these minutes.

Commissioners Voted:

McCasland – “YES”

Dowell – “ABSENT”

Cherry – “YES”

Chairman McCasland requested a 10 minute break. Time noted 10:50 a.m.

A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland, to go into executive session pursuant to the Section 10-15-1(H)7 to Discuss Threatened or Pending Litigation, and Section 10-15-1(H)2; to Discuss Limited Personnel Matters. MOTION carried Dowell voting "absent", Cherry voting "aye", McCasland voting "aye".

Time noted 11:00 am.

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

A MOTION was made by Mike Cherry, SECONDED by Franklin McCasland that only pending personnel matters and threatened or pending litigation was discussed during Executive Session. MOTION carried McCasland voting "aye", Cherry voting "aye", Dowell voting "absent".

Return to regular session. Time noted 12:00 pm.

Richard Primrose, Quay County Manager- No action was taken.

Under Other Business That May Arise During the Commission Meeting and/or Comments from the Commissioners: NONE

There being no further business, a MOTION was made by Franklin McCasland, SECONDED by Mike Cherry to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for September 25, 2015 unless sooner called. The Commissioners announced they would be having lunch at Corner Stone Deli and all those in attendance were invited. MOTION carried.

Commissioners Voted:

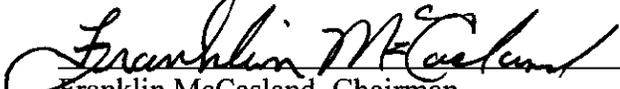
McCasland – "YES"

Dowell – "ABSENT"

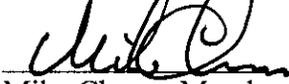
Cherry --"YES"

Time noted 12:05 pm

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin McCasland, Chairman


Sue Dowell, Member


Mike Cherry, Member

ATTEST:


Veronica Marez, Quay County Clerk



**Distribution Reversion and Other Funding Application
Local DWI Grant Program
Local Government Division - DFA**

County: Quay Date: _____

Contact Person or Project Director:

Name: Bryan Rinestone
Address: PO Box 1011
City, Zip: Tucumcari, NM 88401
Telephone: 575-461-6096
E-Mail: quaydwi@plateautel.net
Fax: 575-461-0645

Fiscal Agent:

Name: Quay County
Richard Primrose
Mailing Address: PO Box 1246
City, Zip: Tucumcari, NM 88401
Telephone: 575-461-2112
E-Mail: richard.primrose@quaycounty-nm.gov
Fax: 575-461-6208

Component Budget:

[Indicate amounts budgeted for each component]

	<u>Current Grant Budget</u>	<u>Distribution Reversion Request</u>	<u>Other Funding Request</u>	<u>Amended Grant Amount Requested</u>
Prevention	17,264.00		9,500.00	26,764.00
Enforcement				-
Screening				-
Domestic Abuse				-
Treatment				-
Compl. Mtr./track		46.78	17,864.00	17,910.78
Coord/Plan& Eval.				-
Alt. Sentencing				-
Total	17,264.00	46.78	27,364.00	44,674.78

Description:

[Identify the gaps in services you intend to fill. Please explain the target population. Provide an explanation if treatment funding will be below 65% of total grant funds.]

Quay County did not ask for \$9500.00 in the FY 16 grant application to replace the \$9500.00 from HB 16. This was removed from our Prevention budget and we have no other way to replace those funds to the Prevention budget. This will allow us to continue to provide prevention services to Tucumcari, Logan and San Jon schools. At this time we are doing Project Northland and Project Northland Class Action in the Middle and High Schools. We are requesting \$17864.00 to add a secretary/compliance officer and the reverted \$46.78 for supplies. We are in need of a Spanish speaking compliance officer in the office. During FY 15, we had six DWI offenders convicted that speak none to very little English. This makes compliance monitoring very difficult, when I have to trust that the offender brings a translator with him that translates correctly, both ways. Intensive DWI Compliance is the primary concern in Quay County. The Magistrate Court and DWI Planning Council both would like to add a compliance officer, and then be able to do more home and employment visits. We believe that the higher the level of compliance, the less recidivism will occur in Quay County.

Budget Justification:

[Provide a budget breakdown and budget justification. Attach amended Exhibit C forms for each component funded whether amended or not.]

The \$9500 that is requested for prevention is to fully fund the prevention program. Due to HB 16 dollars being set aside for Evaluation, our budget is now \$9500 short of the needed funds to complete the program. We are requesting \$15200 for salary and \$2684 for benefits for a full time Compliance Officer and Secretary. We are requesting \$46.78 in reverted funds for supplies.

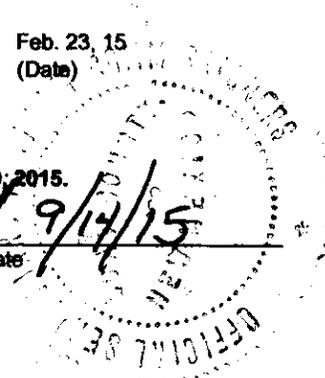
Certification:

The resolution (see FY16 application) adopted by the governing body of Quay
(Applicant)
authorizes the applicant to file this application for assistance from the State of New Mexico.

Feb. 23, 15
(Date)

To the best of my knowledge, the information presented in this application is true and correct
and the distribution reversion check shall be submitted to Local Government Division by Sept 30, 2015.

Franklin McCasland
Signature of Chief Official Date: 9/14/15



**LOCAL DWI GRANT AND DISTRIBUTION PROGRAM
REVENUE/EXPENDITURE SUMMARY**

Applicant/Grantee

Quay County

Project Funding: 16-D-J-G-21

Total Funds By Category

44,674.78

REVENUES BY SOURCE	EXPENDITURE BY CATEGORY	GRANT EXPENDITURES	IN-KIND/MATCH FUNDS	TOTAL BUDGET
Local DWI Program Grant	ADMINISTRATIVE*			
Program Generated Fees	Personal Services		-	-
	Employee Benefits		-	-
	Travel (In-State)		-	-
	Contractual Services		-	-
Local Match (Cash or In-Kind)	Operating Expenses		-	-
County				
City				
Judicial/Courts	PROGRAM			
Other (list):	Personnel Services	26,650.00	-	26,650.00
	Employee Benefits	8,478.00	-	8,478.00
	Travel (In-State)	-	-	-
	Travel (Out-of-State)	-	-	-
	Supplies	46.78	4,469.00	4,515.78
	Operating Costs	-	-	-
	Contractual Services	9,500.00	-	9,500.00
	Minor Equipment	-	-	-
	Capital Outlay*	-	-	-
	TOTALS:	44,674.78	4,469.00	
TOTAL REVENUES			TOTAL EXPENDITURES	49,143.78

*(1) Capital Outlay cannot exceed 10% of total grant or distribution funds.

10% =

4,467.48

*(2) Administrative is allowed only as In-Kind Match

**LOCAL DWI GRANT AND DISTRIBUTION PROGRAM
REVENUE/EXPENDITURE SUMMARY**

Applicant/Grantee: Quay County Project Funding: 16-D-J-G-21 Prevention 26,764.00

REVENUES BY SOURCE	EXPENDITURE BY CATEGORY	GRANT EXPENDITURES	IN-KIND/MATCH FUNDS	TOTAL BUDGET
Local DWI Program Grant	ADMINISTRATIVE*			
Program Generated Fees	Personal Services		-	-
	Employee Benefits		-	-
	Travel (In-State)			
	Contractual Services			
	Operating Expenses			
Local Match (Cash or In-Kind)				
County				
City				
Judicial/Courts	PROGRAM			
Other (list):	Personnel Services	11,450.00	-	11,450.00
	Employee Benefits	5,814.00	-	5,814.00
	Travel (In-State)	-	-	-
	Travel (Out-of-State)	-	-	-
	Supplies	-	2,677.00	2,677.00
	Operating Costs	-	-	-
	Contractual Services	9,500.00	-	9,500.00
	Minor Equipment	-	-	-
	Capital Outlay*	-	-	-
	TOTALS:	26,764.00	2,677.00	
TOTAL REVENUES			TOTAL EXPENDITURES	29,441.00

* Administrative is allowed only as In-Kind Match

**LOCAL DWI GRANT AND DISTRIBUTION PROGRAM
REVENUE/EXPENDITURE SUMMARY**

Applicant/Grantee
Quay County

Project Funding 16-D-J-G-21

Compliance Monitoring/Tracking

17,910.78

REVENUES BY SOURCE	EXPENDITURE BY CATEGORY	GRANT EXPENDITURES	IN-KIND/MATCH FUNDS	TOTAL BUDGET
Local DWI Program Grant	ADMINISTRATIVE*			
Program Generated Fees	Personal Services		-	-
	Employee Benefits		-	-
	Travel (In-State)		-	-
Local Match (Cash or In-Kind)	Contractual Services		-	-
County	Operating Expenses		-	-
City				
Judicial/Courts	PROGRAM			
Other (list):	Personnel Services	15,200.00	-	15,200.00
	Employee Benefits	2,664.00	-	2,664.00
	Travel (In-State)	-	-	-
	Travel (Out-of-State)	-	-	-
	Supplies	46.78	1,792.00	1,838.78
	Operating Costs	-	-	-
	Contractual Services	-	-	-
	Minor Equipment	-	-	-
	Capital Outlay*	-	-	-
	TOTALS:	17,910.78	1,792.00	
TOTAL REVENUES			TOTAL EXPENDITURES	19,702.78

*Administrative is allowed only as In-Kind Match

Proclamation

WHEREAS, September 17, 2015 marks the Two Hundred and Twenty Eighth anniversary of the adoption of the Constitution of the United States of America by the Constitutional Committee, and

WHEREAS, to accord official recognition to this memorable anniversary, and to the patriotic exercise that will form a noteworthy feature of the occasion, seems fitting and proper, and

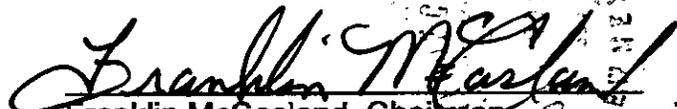
WHEREAS, Public Law No. 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week;

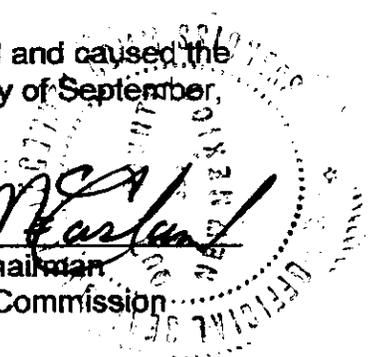
NOW, THEREFORE, in accordance with this tradition, I hereby designate the period of September 17 – 23, 2015 as:

CONSTITUTION WEEK

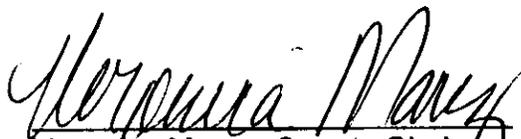
In the County of Quay, and urge all citizens to pay special attention during this week to our Federal Constitution and the advantages of American Citizenship.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the County of Quay to be affixed this 14 day of September, 2015.


Franklin McCasland, Chairman
Board of Quay County Commission



ATTEST:


Veronica Marez, County Clerk

MEMORANDUM OF UNDERSTANDING

This agreement is made this 14 day of Sept, 2015 by and between the Village of House, New Mexico, a municipal corporation (Village) and the County of Quay, a political subdivision of the State of New Mexico (County).

RECITALS

WHEREAS, the Village and County wish to enter into an agreement for the provision of law enforcement services to the Village by the Quay County Sheriff, and;

WHEREAS, the County desires to provide limited law enforcement services to the Village, and;

WHEREAS, the Village currently is seeking the sum of \$20,000 in State of New Mexico Law Enforcement Protection (LEP) fund monies for the purchase of qualified law enforcement property and equipment, and;

WHEREAS, the County desires to utilize the Village's Law Enforcement Protection (LEP) funding, in exchange to the Village for the provisions of police protection;

NOW THEREFORE, in connection of the promises, terms, covenants and conditions contained herein, the parties agree as follows:

I. **POLICE PROTECTION**

The Village is applying for Law Enforcement Protection Fund grants on an annual basis, and shall transfer the use of said funds to the Sheriff of Quay County to be used in accordance with the Law Enforcement Protection Fund Act 29-13-1 et seq. NMSA 1978 and the Department of Finance and Administration Rule 2 NMAC 110.6. Pursuant to NMSA 1978, §11-1-6, the parties agree to be strictly accountable for receipts and disbursements under this agreement. The Sheriff shall assist the Village in the selection and purchase of the covered equipment.

The Sheriff (County of Quay) agrees, in exchange for the exclusive use of the equipment, to provide limited Law Enforcement coverage to the Village. The Sheriff retains sole authority over assignments and schedules.

II. **TERM OF CONTRACT**

The parties agree that this agreement will continue from year to year unless one of the parties hereto notifies the other of its termination as set forth below. The parties also agree, notwithstanding the approval as required in Paragraph XIII, that this agreement is subject to obtainment and receipt by the Village of LEP Funds. This agreement will automatically renew contingent upon the Village receiving LEP Funds or unless one of the parties hereto notifies the other of its termination as set forth below.

III. **RIGHT OF CANCELLATION**

Either party to this agreement may cancel the agreement by written notice to the appropriate party representatives no later than 30 days prior to the actual cancellation.

IV. **PROPERTY ACQUIRED**

All qualified law enforcement property and equipment acquired by the Village as the result of this agreement shall, upon termination of this agreement, remain the property of the Village.

V. **LIABILITY**

Neither party hereto shall be responsible for the liability incurred as a result of the other party's acts or omissions in connection with this agreement. Any liability incurred in connection with this agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, *N.M.S.A. 1978, Section 41-4-1 et seq.*, as amended. This paragraph is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties liabilities as governed by common law of the New Mexico Tort Claims Act and the Village of its "public employees" as defined by the New Mexico Tort Claims Act do not waive sovereign immunity, do not waive any defense and do not waive any limitation on liability pursuant to law. No provisions of this agreement modifies or waives any provisions of the New Mexico Tort Claims Act.

VI. **INSURANCE**

The Village shall include any and all qualified property as contemplated herein in its current inventory of insured property. The County of Quay will carry insurance on any of the vehicles driven by the Sheriff's Office personnel.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

**BOARD OF COUNTY COMMISSIONERS
QUAY COUNTY, NM**

BY: Franklin McCasland
Franklin McCasland, Chairman

ATTEST: Veronica Marez
Veronica Marez, Quay County Clerk

QUAY COUNTY SHERIFF

BY: Russell Shafer
Russell Shafer, Sheriff

ATTEST:

VILLAGE OF HOUSE

BY: _____
Mayor

Date: _____

ATTEST:

Village Clerk

Susana Martinez
Governor



M. Jay Mitchell
Cabinet Secretary

Nicholas Piatek
Deputy Cabinet Secretary

**DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

September 1, 2015

Curtis Simpson, Emergency Manager
Quay County
P.O. Box 1246
Tucumcari, New Mexico 88401

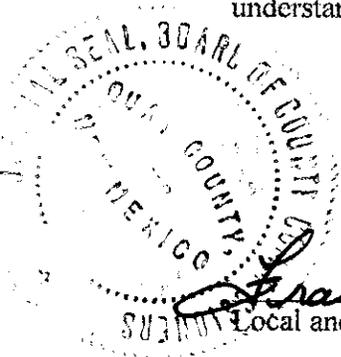
Dear Mr. Simpson:

The Department of Homeland Security and Emergency Management (DHSEM) has reviewed your grant application for the FY 2015 Emergency Management Performance Grant (EMPG), and we are pleased to announce the award of your application in the amount of \$18,375.50. The required Agency Cost Match for your grant award is \$18,375.50. Your EMPG Award is authorized from Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 and the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Please read carefully your attached Sub-Grant Agreement and contact DHSEM if you have any questions. The EMPG Award Period of Performance Start Date is July 1, 2015, and the End Date is September 30, 2016.

Local and Tribal Sub-Grantees are required to report timely quarterly financial and programmatic reports as specified in your attached Sub-Grant Agreement, and invoices for payment must be submitted complete, accurately, and 30 days after period end and 15 days after the state fiscal year end date. Local and Tribal Sub-Grantees must also meet the specified grant requirements, assurances, special conditions, terms and conditions of the Sub-Grant Agreement.

Please sign and date below two (2) Award Letters that you accept the 2015 EMPG Award and understand all the requirements, conditions, and terms of the Sub-Grantee Agreement.



Franklin McClellan
Local and Tribal Signature

Sincerely

M. Jay Mitchell
DHSEM Cabinet Secretary

9/14/15
Date



**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT
Sub-Grant Agreement**

2015 Emergency Management Performance Grant Program
2015 Federal Grant No. EMW-2015-EP-00066-S01 CFDA No. 97.042

1. Sub-Grant No. EMW-2015-EP-00066-S01- Quay County	2. Recipient Quay County	3. FIDUCIARY Quay County	4. DFA VENDOR NUMBER/DUNS NUMBER 54395 / 040927808
5. Recipient Address Quay County P.O. Box 1246 Tucumcari, New Mexico 88401		6. Issuing Office and Address NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND HOMELAND SECURITY AND EMERGENCY MANAGEMENT PO BOX 27111 SANTA FE, NM 87502	
7. Effective Date of This Action July 1, 2015	8. DHSEM Grant Specialist: Merrill Miller		Phone: 505-476-0627 Fax: 505-476-9695 Email: dhsem.grants@state.nm.us
9. Termination Date September 30, 2016			
10. Funding: Total Federal Awarded Amount: \$18,375.50 Total Jurisdiction Matching Amount: \$18,375.50			
11. Grant Requirements, Assurances and Agreements: (see Grant Requirements, Assurances and Agreements) <i>The acceptance of a grant from the United States creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant through the State.</i>			
12. Special Conditions: Grant funds cannot be expended until these conditions have been met.			
<ol style="list-style-type: none"> 1. Award Amount is a funding allocation, and is not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply 2. Quarterly financial and programmatic reports must be current in order for DHSEM to process requests for reimbursement. All expenses related to time, on both the quarterly financial report and the request for reimbursement must correlate to the specific performance period of the sub-grant agreement. 3. All EMPG-funded personnel shall complete the following requirements and provide proof of completion and/or progress on a quarterly basis. National Incident Management System (NIMS) Training: IS 100; IS 200; IS 700, 701, 702, 703, and 706; and IS 800; FEMA Professional Development Series: IS 120.a; IS 230.c; IS 235.b; IS 240.a; IS 241.a; IS 242.a; and IS 244.b, or the most current version from FEMA. 4. Three exercises are required for all EMPG funded personnel within the 12 month performance period of this award; progress will be measured on each quarterly report. Documents must be sent to the DHSEM Exercise Officer to include the After-Action Report/Improvement Plan (AAR/IP) by 60 days following the end of the exercise. 5. Each Emergency Management Performance Grant funded tribal and/or local jurisdiction staff must participate in 3 exercises per calendar year. Personnel must conduct or participate in any exercise of your choice; however, observing an exercise will not suffice to receive credit for an exercise. The exercise role must be as a controller, evaluator, facilitator, player, or planning team member. Exercises should be conducted to test equipment, plans, and procedures. 6. All EMPG sub-grantees must be NIMS compliant and must undergo a yearly NIMS site visit and complete their jurisdictions NIMS assessment on or before September 30, 2015. 7. All EMPG sub-grantees are required to develop a Multi-Year Training and Exercise Plan (TEP) and update it annually. 8. Local EOP's must be current within 2 - 3 years. 9. Local THIRA must be updated and submitted to DHSEM by May 30, 2016 			

13. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6, within 30 days from the date of issuance.

14. Signature of Jurisdiction Grant Specialist/Program Manager

Date: 09-14-2015

Phone: 575-461-8535

Fax:

Email: curtis.simpson@quaycounty-nm.gov

Printed Name:

Curtis Simpson

15. Signature of Jurisdiction Chief Financial Officer

Date: 9-14-15

Phone:

Fax:

Email:

Printed Name:

Paul D. Paul

16. Signature of Jurisdiction Signatory Official

Date: 9-14-15

Phone:

Fax:

Email:

Printed Name and Title:

Franklin M. Easter

17. DHSEM Signatory Official (Name and Title)

Date:

M. Jay Mitchell, Cabinet Secretary

Grant Terms and Conditions

Quay County has been awarded \$18,375.50 which shall be used to support activities essential to the ability of states, territories, and urban areas to prepare for, prevent, and respond to terrorist attacks and other all-hazards events.. The matching amount required for this grant is \$18,375.50.

The scope of work is as follows: Funds shall only be applied to salary and benefit costs for the designated and approved staff in the EMPG application. All work completed must follow the approved EMPG work plan.

The performance period of this grant award is July 1, 2015 through September 30, 2016. Quay County cannot sub-grant any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that expenditures in the budget category toward projects will be made, or DHSEM will execute de-obligation of the funds.

(A) Changes to Award: All change requests must be submitted in writing, or electronically to the DHSEM Grant Specialist, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key personnel specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions will result in an amendment to this award.

(B) NEPA/EHP Compliance; The recipient must provide information to DHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances. Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may result in ineligibility of grant funding.

(C) Reporting Requirements: Quay County shall submit timely quarterly *Financial Progress Reports* to the Grant Specialist at DHSEM. For grant awards, the sub-recipient is required to submit a quarterly Performance Report to the Program Specialist within the Preparedness Bureau. Blank forms are located electronically at www.nmdhsem.org, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. **Use of outdated forms will not be accepted.** Quarterly reports are due: January 30, April 30, July 30, and October 30 for each calendar year the grant is open. The final report is due the following quarter after all funds have been reimbursed to the jurisdiction. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. The *Final Narrative Report* is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required *in addition* to the last quarterly report.

(D) Additional Reporting Requirements: The applicant must immediately report in writing to the DHSEM Grant Specialist any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This extends to reporting any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

(E) Reimbursements: Submission of a request for reimbursement must be accompanied by a financial report form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement, until performance/fiscal quarterly reports are submitted.

- **Personnel Costs:** FOR EMPG GRANTS ONLY – All time reported must correlate with the specific term of the sub-grant agreement. Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. The sub-recipient shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts over \$100,000 require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB) at www.rkb.mipt.org. Documentation required per instructions attached to DHSEM quarterly reports.
- **Travel:** All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.
- **Per Diem:** Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.
- **Training:** Requires DHSEM pre-approval 30 days prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an After-Action Report/Improvement Plan within 30 days after conduct of the exercise.
- **Food and Beverages:** Per National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:
 - (1) The food and/or beverages are provided to participants at training sessions, meetings, or conferences that are allowable activities under the NPD program guidelines; and
 - (2) Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
 - (a) The cost of the food and/or beverages provided is considered to be reasonable;
 - (b) The food and/or beverages provided are subject of a work-related event and work continues after meals are served;
 - (c) Participation by all participants is mandatory; and
 - (d) The food and/or beverages provided are not related directly to amusement and/or social event. **(Any event where alcohol is being served is considered a social event; therefore, costs associated with the event are not allowed).**

(F) Non-reimbursable Expenses:

- Transfer of funds between any programs (SHSP, LETPP, CCP, MMRS)
- Contracts, single vendor response to a competitive bid, and procurements > \$100,000 not pre-approved by DHSEM
- Sole source contracts and procurements not pre-approved by DHSEM
- Training and related travel costs not pre-approved by DHSEM
- Construction and renovation
- Indirect costs (p. 5, Financial Progress Report)
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds)
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons and ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel, personal phone calls
- Travel insurance, visa, and passport charges
- Lodging costs in excess of State per diem, as appropriate
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(G) Property and Equipment Management: The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at www.nmdhsem.org and shall be submitted to DHSEM annually each **January 30** with the *Financial Progress Report* during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: ***Purchased with funds provided by the U.S. Department of Homeland Security.*** No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

(H) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of *28 CFR Parts 66 and 70, and 2 CFR Part 215 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments."* Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.**

(I) Contracts: Any contract entered into during this grant period shall comply with local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants.

(J) Publications: Publications created with funding under this grant shall prominently contain the following statement: *This Document was prepared under a sub-grant from the U.S. Department of Homeland Security, and the New Mexico Department of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security or the State of New Mexico.*

(K) Audit Requirements: As the Federal grant recipient, the State of New Mexico requires a sub-recipient **expending** \$750,000 or more in Federal funds in the organization's fiscal year to conduct an organization-wide audit in accordance with *OMB Circular A-133*. Quay County will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with *OMB Circular A-133*. Copies of audit findings must be submitted to DHSEM within 30 days after Quay County receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with *2 AAC 45.010*. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

(L) Recordkeeping Requirements: Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(M) Performance Measures: Quarterly *Progress Reports* shall demonstrate performance and progress relative to: Acceptable performance on applicable critical tasks in Exercises using approved scenarios

1. Progress in achieving project timelines and milestones
2. Percent measurable progress toward completion of project
3. How funds have been expended during reporting period, and explains expenditures related to the project

(N) Sub-recipient Monitoring Policy: Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review and conduct analysis of the financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHSEM staff.

(O) Penalty for Non-Compliance: For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the sub-recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The sub-recipient must respond within 5 days of receipt of notification.

- a. Unwillingness or inability to attain project goals
- b. Unwillingness or inability to adhere to Special Conditions listed in Block 12
- c. Failure or inability to adhere to grant guidelines and federal compliance requirements
- d. Improper procedures regarding contracts and procurements
- e. Inability to submit reliable and/or timely reports
- f. Management systems which do not meet federal required management standards

(P) Termination for Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide 5 days notice to the sub-recipient stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse the sub-recipient only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(Q) Termination for Convenience: This Agreement may be terminated without cause by either of the parties upon written notice delivered to the other party at least 30 days prior to the intended date of termination. A termination pursuant to this provision does not nullify a party's obligations for performance or liabilities for failure to perform already incurred prior to the date of termination. Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security (USDHS) and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(R) Project Implementation: Due to the competitiveness of the Homeland Security grant program, approved projects shall be ready-to-go. Project implementation shall begin within the first reporting quarter.

- a. If a project cannot be operational within the first reporting quarter of the approved award date, the sub-grantee must submit a written statement signed by the signatory officials to DHSEM, justifying the implementation delay, expected starting date, and a formal request to extend the project start date past the first reporting quarter. At the discretion of DHSEM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

Grant Requirements, Assurances and Agreements (continued from Section 11 of the Award)

(A) The performance period for this grant award is July 1, 2015 through September 30, 2016. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the *Final Progress Reports* are due.

(B) The sub-recipient shall comply with the requirements and restrictions of the 2014 State Emergency Management Performance Grant Guidance and State Guidelines. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.

(C) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of U.S. Department of Homeland Security.

(D) The signature of the signatory officials on this award attests to Quay County understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.

(E) Quay County shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

(F) Quay County shall comply with Federal Civil Rights Laws and Regulations: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991. Quay County will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. Executive Order 13347 Individuals with Disabilities in Emergency Preparedness requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.

(G) Quay County certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.

(H) Quay County certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

- (I) It is the responsibility of Quay County as the recipient of these federal funds to fully understand and comply with the requirements of:**
- Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the "A-102 Common Rule"). These A-102 requirements are also located within DHS regulations at Title 44, Code of Federal Regulations (CFR) Part 13.
 - OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated to 2 CFR Part 215.

The cost principles that apply to DHS award recipients through a grant cooperative agreement originate from one of the following sources:

- OMB Circular A-21, Cost Principles for Educational Institutions, relocated to 2 CFR Part 220.
- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, relocated to 2 CFR Part 225.
- OMB Circular A-122, Cost Principles for Non-Profit Organizations, relocated to 2 CFR Part 230.

The audit requirements for State, Local and Tribal recipients of DHS awards originate from:

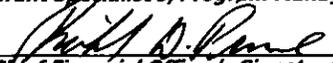
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

The above requirements are found at: www.whitehouse.gov/omb/circulars/index.html

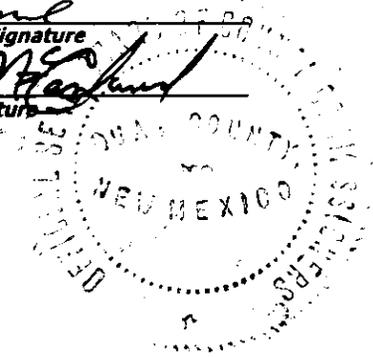
- OGO *Financial Guide* www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
- New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/jpext.dll?f=templates&fn=main-h.htm&2.0>
- New Mexico Administrative Code Title 2 – Public Finance <http://www.nmcpr.state.nm.us/NMAC/title02/title02.htm>

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, in accordance with this Award.


Grant Specialist's/Program Manager's Signature


Chief Financial Officer's Signature


Signatory Official's Signature



STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
GRANT AGREEMENT AMENDMENT NO. 1

Project No. 14-C-RS-I-01-G-01

THIS AMENDMENT, hereinafter referred to as the "Amendment," is made and entered into by and between the Department of Finance and Administration, State of New Mexico, acting through the Local Government Division, Suite 202, Bataan Memorial Building, Santa Fe, New Mexico, 87501, hereinafter referred to as the "Division," and County of Quay, hereinafter referred to as the "Grantee," as of the date this amendment is executed by the Division.

RECITALS

WHEREAS, on July 15, 2014, the Community Development Council awarded the Grantee \$497,478.42 for a Street and Drainage Improvements project ("Project"); and

WHEREAS, the Grantee and the Division entered into a Grant Agreement, effective December 18, 2014, in the amount of \$497,478.42 for the completion of the Project, hereinafter referred to as the "Grant Agreement;" and

WHEREAS, the Grantee has requested to amend the project description as referenced in the attached "Exhibit 1-A;" and

WHEREAS, the Grantee has requested to amend the project schedule as referenced in the attached "Exhibit 1-B," with the termination date to remain December 18, 2016; and

WHEREAS, the Grantee has requested to adjust CDBG funds by decreasing the Construction budget category by \$1,000.00 (revising from \$497,478.42 to \$496,478.42) and increasing the Architect/Engineer budget category by \$1,000.00 (revising from \$0.00 to \$1,000.00); to adjust Cash Match by decreasing the Architect/Engineer budget category by \$55,273.40 (revising from \$80,273.40 to \$25,000.00); and to adjust Leverage by increasing the Architect/Engineer budget category by \$68,463.40 (revising from \$0.00 to \$68,463.40); and

WHEREAS, the Grantee and the Division desire to memorialize through this Amendment the terms and conditions upon which the budget adjustment will be executed.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby mutually agree to amend the Grant Agreement as follows:

1. The "Exhibit 1-A" of the Grant Agreement is hereby replaced in its entirety with "Exhibit 1-A" attached hereto.
2. The "Exhibit 1-B" of the Grant Agreement is hereby replaced in its entirety with "Exhibit 1-B" attached hereto.

3. The "Exhibit 1-C" of the Grant Agreement is hereby replaced in its entirety with "Exhibit 1-C" attached hereto.
4. All other provisions of the Grant Agreement not amended herein remain in full force and effect.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties do hereby execute this Amendment.

THIS AMENDMENT has been approved by:

GRANTEE

Franklin McCasland
Chief Elected Official/Authorized Signatory

9/14/15
Date

Franklin McCasland
(Type or Print Name)

STATE OF NEW MEXICO)
COUNTY OF Quay)ss.

The foregoing instrument was acknowledged before me this 14 day of September, 2015, by Franklin McCasland

Merencia Marez
Notary Public

My Commission Expires: 12/14/2017

DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

By: _____
Rick Lopez, DFA/LGD Director

Date

STATE OF NEW MEXICO)
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____.



Notary Public

My Commission Expires: _____

EXHIBIT 1-A

PROJECT DESCRIPTION

GRANTEE NAME Quay County

PROJECT NUMBER 14-C-RS-I-01-G-01

GRANT AMOUNT \$497,478.42

PROJECT DESCRIPTION

Quay County will make street improvements on Quay Road 63 from approximately station points 65+45 to 19+45, a distance of approximately 4,600 linear feet over approximately 1.7 miles starting at an approximate location of latitude 35.172037° and longitude -103.766631°. Improvements will consist of installing valley gutters, drainage culverts, rip rap, concrete low water crossing, base course, and resurfacing with a hot mix of pavement.

NATIONAL OBJECTIVE (from DFA/LGD approved survey)

This project will benefit 128 total beneficiaries of which 78.13 % are Low and Moderate Income (LMI).

CASH MATCH and LEVERAGING

Quay County will provide a 5% Cash Match of \$25,000.00 in addition to Leverage of \$68,463.40.

EXHIBIT 1-B

PROJECT SCHEDULE

Grantee Name	Quay County	Project Start Date	Project Completion Date
CDBG Project Number	14-C-RS-1-01-G-01	10/1/2014	11/30/2016
Project Description Quay Road 63 Street Improvements			
1st Quarter		2nd Quarter	3rd Quarter
4th Quarter			
ADMINISTRATION/PROFESSIONAL SERVICES Year:			
Milestones:			
2014 J F M A M J J A S O N D			
1. Organize and Set Up Files			XXXX
2. Set Up CDBG Accounting			XXXX
3. Complete Environmental Review Record			XXXX
4. Prepare RFP/Notice for Professional Services			XXXX
5. LGD Review/Approval of Engineering Agreement and Related Documents			XX
DESIGN Year:			
2015/2016			
Milestones:			
6. Complete Plans/Specs and Bid Documents			XXXX
7. LGD Review/Approval of Plans/Specs and Bid Documents			XXXX
8. Publish Bid Notice and Award Prime Contract			
9. LGD Review/Approval of Prime Contract & Related Documents	XXXX		
CONSTRUCTION/CLOSEOUT Year:			
2016			
Milestones:			
10. Pre-Construction Conference		XX	
11. Issue Notice to Proceed		XX	
12. Construction		XX	
13. Final Inspection/Closeout			XXXX

Entity Name: _____		Quay County		<input type="checkbox"/> Grant Agreement		CDBG Amount: \$497,478.42	
CDBG Project Number: _____		14-C-RS-F-01-G-01		<input checked="" type="checkbox"/> Grant Amendment		Other Amount: \$ 93,463.40	
Project Cost Activities	CDBG Funds	Project Funding Sources			Total Project Cost		
		Cash Match	Leverage	Other Sources (Identify other local, state, federal, or private)			
Administration (Contractual)					\$ -		
Architect/Engineer	\$ 1,000.00	\$ 25,000.00	\$ 68,463.40		\$ 94,463.40		
Other Professional					\$ -		
Inspection (Testing)					\$ -		
Property Acquisition					\$ -		
Property Rehabilitation					\$ -		
Construction	\$ 496,478.42				\$ 496,478.42		
					\$ -		
					\$ -		
					\$ -		
					\$ -		
					\$ -		
					\$ -		
Totals	\$ 497,478.42	\$ 25,000.00	\$ 68,463.40	\$ -	\$ 590,941.82		



QUAY COUNTY GOVERNMENT

FISCAL YEAR 2015-2016

RESOLUTION NO. 5

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the Governing Body of Quay County has met in a Regular Meeting and proposes to approve and support a request for 1 year extension to jointly coordinated grant administered by the New Mexico Department of Transportation.

WHEREAS, Quay County and the New Mexico Department of Transportation have entered into a joint coordinated effort, and

WHEREAS, the Governing does provide authorization and approval for an extension request of 1 year to 2016: Project No. CAP-4-15(404), Control No. L400207, Contract No. D14583, due to Environmental and Property Owner issues.

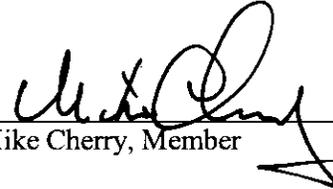
NOW, THEREFORE, it is respectfully requested that authorization be given of said request to the New Mexico Department of Transportation District 4 office for approval of said request.

Done this 14th of September, at Quay County.

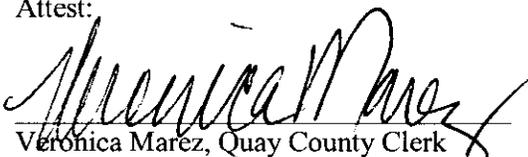
APPROVED AND ATTESTED:

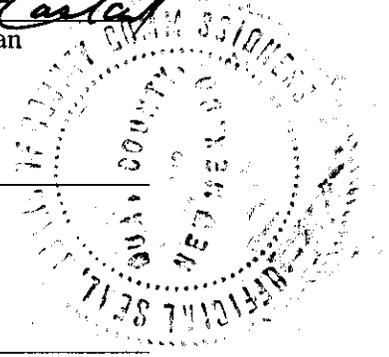

Franklin McCasland, Chairman

Sue Dowell, Member


Mike Cherry, Member

Attest:


Veronica Marez, Quay County Clerk





QUAY COUNTY GOVERNMENT

FISCAL YEAR 2015-2016

RESOLUTION NO. 6

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the Governing Body of Quay County has met in a Regular Meeting and proposes to approve and support a request for 1 year extension to jointly coordinated grant administered by the New Mexico Department of Transportation.

WHEREAS, Quay County and the New Mexico Department of Transportation have entered into a joint coordinated effort, and

WHEREAS, the Governing does provide authorization and approval for an extension request of 1 year to 2016: Project No. SP-4-15(954), Control No. L400175, Contract No. D14573, due to Environmental and Property Owner issues.

NOW, THEREFORE, it is respectfully requested that authorization be given of said request to the New Mexico Department of Transportation District 4 office for approval of said request.

Done this 14th of September, at Quay County.

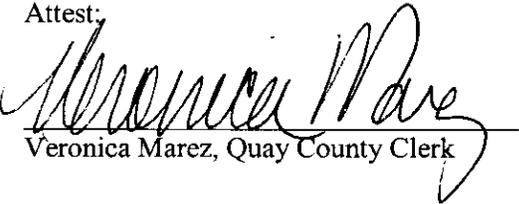
APPROVED AND ATTESTED:


Franklin McCasland, Chairman

Sue Dowell, Member


Mike Cherry, Member

Attest:


Veronica Marez, Quay County Clerk



QUAY COUNTY GOVERNMENT

FISCAL YEAR 2015-2016

RESOLUTION NO. 7

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the Governing Body of Quay County has met in a Regular Meeting and proposes to approve and support a request for 1 year extension to jointly coordinated grant administered by the New Mexico Department of Transportation.

WHEREAS, Quay County and the New Mexico Department of Transportation have entered into a joint coordinated effort, and

WHEREAS, the Governing does provide authorization and approval for an extension request of 1 year to 2016: Project No. SB-7731(932)15, Control No. L400214, Contract No. D14577, due to Environmental and Property Owner issues.

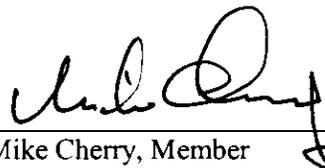
NOW, THEREFORE, it is respectfully requested that authorization be given of said request to the New Mexico Department of Transportation District 4 office for approval of said request.

Done this 14th of September, at Quay County.

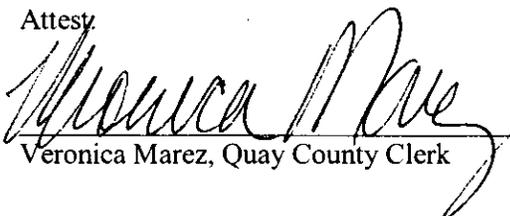
APPROVED AND ATTESTED:


Franklin McCasland, Chairman

Sue Dowell, Member


Mike Cherry, Member

Attest:


Veronica Marez, Quay County Clerk