



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 JUNE 28, 2019

9:00 A.M. Call Meeting to Order

Pledge of Allegiance

Approval of Minutes-Regular Session June 10, 2019

Approval/Amendment of Agenda

Public Comment

Ongoing Business

New Business

- I. **C. Renee Hayoz, Presbyterian Medical Services, Administrator**
 - Presentation of **Monthly RPHCA Reports**
- II. **Darla Munsell, CDBG Coordinator**
 - Request Approval of **FY 2018-2019 Resolution No. 43 – CDBG Annual Certification**
- III. **Ellen White, Quay County Clerk**
 - Request Approval of **FY 2018-2019 Resolution No. 41 – Quay County Board of Registration Appointees**
 - Request Approval of **FY 2018-2019 Resolution No. 42 – Polling Places for 2020-2021**
- IV. **Cheryl Simpson, Quay County Finance Director**
 - Request Approval of **FY 2018-2019 Resolution No. 44 – Budget Adjustment Request**
- V. **Richard Primrose, Quay County Manager**
 - Request Approval of **USDA/APHIS-WS Work and Financial Plan Agreement**
 - Request Approval of **NM DOT Grant Agreement - CDWI**
 - **Correspondence**



- VI. Francisco Porres, Epidemiologist - NM Department of Health**
- **Presentation of Quay County Health Indicators vs. NM**
- VII. Indigent Claims Board**
- Call Meeting to Order
 - Request Approval of **Indigent Minutes for the April 22, 2019 Meeting**
 - Request Approval of **May/June 2019 Claims Prepared by Sheryl Chambers**
 - **Adjourn**
- VIII. Request Approval of Accounts Payable**
- IX. Other Quay County Business That May Arise During the Commission Meeting and/or Comments from the Commissioners**
- X. Request for Closed Executive Session**
- **Pursuant to Section 10-15-1(H) 7. The New Mexico Open Meetings Act Pertaining to Threatened or Pending Litigation**
- XI. Franklin McCasland, Quay County Commission Chairman**
- Proposed action, if any, from Executive Session
- Adjourn**

Lunch-Time and Location to be Announced

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

June 28, 2019

9:00 A.M.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 28th day of June, 2019 at 9:00 a.m. in the Quay County Commission Chambers, 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
Sue Dowell, Member
Ellen L. White, County Clerk
Richard Primrose, County Manager

OTHERS PRESENT:

Lucas Bugg, Quay County Fire Marshal
Renee Hayoz, Presbyterian Medical Services Director
Darla Munsell, Quay County CDBG Coordinator
Janie Hoffman, Quay County Assessor
Daniel Zamora, Quay County Emergency Management Coordinator
Cheryl Simpson, Quay County Manager's Office
Ron Warnick, Quay County Sun

Chairman McCasland called the meeting to order. Lucas Bugg led the Pledge of Allegiance.

A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve the minutes from the June 10, 2019 regular session as presented. MOTION carried with Cherry voting "aye", Dowell voting "aye" and McCasland voting "aye".

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

Public Comments: None

NEW BUSINESS:

Renee Hayoz, Presbyterian Medical Services Administrator, presented the monthly RPHCA Report for May, 2019. Hayoz reported the clinic is fully staffed.

Darla Munsell, CDBG Coordinator, requested approval of the FY2018-2019 Resolution No. 43 – CDBG Annual Certification. Munsell explained this Resolution is inclusive of all documentation required for the certification. A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve Resolution No. 43. MOTION carried with Cherry voting “aye”, Dowell voting “aye” and McCasland voting “aye”. A copy is attached to these minutes.

Ellen White, Quay County Clerk, requested approval of the following Resolutions:

- Resolution No. 41; Quay County Board of Registration Appointees. A MOTION was made by Sue Dowell, SECONDED by Mike Cherry to approve Resolution No. 41. MOTION carried with Dowell voting “aye”, Cherry voting “aye”, and McCasland voting “aye”. A copy is attached to these minutes.
- Resolution NO. 42; Quay County Polling Places for 2020-2021. A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve Resolution No. 42. MOTION carried with Dowell voting “aye”, Cherry voting “aye”, and McCasland voting “aye”. A copy is attached to these minutes.

Cheryl Simpson, Quay County Finance Director, requested approval of the following Financial Resolution:

- FY 2018-2019 Resolution No. 44; Budgetary Increase to NMFA Fund (563), Misdemeanor Court Compliance (628). A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to approve Resolution No. 44. MOTION carried with Cherry voting “aye”, Dowell voting “aye” and McCasland voting “aye”. A copy is attached.

Quay County Manager, Richard Primrose requested approval of the following:

1. USDA/APHIS-WS Work and Financial Plan Agreement between Quay County and USDA Wildlife Services to Integrated Wildlife Damage Management in the amount of \$39,000.00. A MOTION was made by Sue Dowell, SECONDED by Mike Cherry to approve the Agreement. MOTION carried with Dowell voting “aye”, Cherry voting “aye”, and McCasland voting “aye”. A copy is attached.
2. Grant Agreement between the NM Department of Transportation and Quay County for grant funding from CDWI Funds. A MOTION was made by Sue Dowell, SECONDED by Franklin McCasland to approve the Agreement. MOTION Carried with Dowell voting “aye”, McCasland voting “aye” and Cherry voting “aye”. A copy is attached to these minutes.

Primrose presented the following correspondence:

- Monthly Gross Receipts Tax Report for June and the end of the fiscal year.
- The courthouse will be closed on July 4th in observance of Independence Day.

Chairman McCasland called the Indigent Claims Board to order. Time noted 9:30 a.m.

---- INDIGENT CLAIMS----

Return to regular session. Time noted 9:35 a.m.

A MOTION was made by Sue Dowell SECONDED by Mike Cherry to approve the expenditures included in the Accounts Payable Report ending June 25, 2019. MOTION carried with Dowell voting "aye", Cherry voting "aye" and McCasland voting aye".

Other Quay County Business That May Arise during the Commission Meeting and/or comments from the Commissioners:

Commissioner Dowell discussed the following items of interest from the recent NM Counties Summer Conference workshops:

- Workforce Solutions funding and training availability through the Workforce Innovation Opportunity Act. Dowell stated it would be nice to tap into funds if they are actually available.
- Bureau of Land Management is emphasizing agencies should work in harmony to protect the significant impact of protected lands in relation to the human environment. BLM suggested local entities request to be a coordinating partner when approached regarding projects. County Manager, Richard Primrose state Quay County's Comprehensive Plan addresses this balance.
- Presentation by the Criminal Justice Division regarding the possibility of dissolving the Probate Judge positions at a county level and moving that court to the District Court jurisdiction. Chairman McCasland stated he is not in favor of moving Quay County Probate Court to District Court.
- 2020 Census requirements for a County to have an outreach coordinator to assist with the local Census. Primrose stated Daniel Zamora is the point of contact for Quay County.
- Solar and Wind Energy transmission lines being installed in a portion of New Mexico by Sun Zia. Dowell noted that Senator Pat Wood's daughter was as spokesperson for Sun Zia and it might be worth a call to her to discuss plans for transmission lines in Quay County.
- Juvenile Detention Centers are exploring the idea of closing their facilities due to so many unfunded mandates and the possibility of looking into reopening Quay County's Juvenile facility. Primrose noted, to date, it would not be in the best interest, financially, for Quay County to reopen a facility to house juvenile.
- House Bill 43; Circuit Riding Behavioral Health Professionals for use at Detention Centers. Primrose reported the Quay County facility is not on the list to receive those services.

Francisco Porras and Debbie Gentry, NM Department of Health; Public Health Division joined the meeting. Time noted 9:40 a.m.

Francisco Porras, Region Epidemiologist for the State of New Mexico, Department of Health, presented the summary of health statistics for Quay County for a ten year period. A copy of his report is attached to these minutes.

Commissioner McCasland requested a ten minute break. Time noted 10:30 a.m.

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

A MOTION was made by Mike Cherry, SECONDED by Sue Dowell to go into Executive Session for the following purposes:

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

MOTION carried with Dowell voting "aye", Cherry voting "aye" and McCasland voting "aye". Time noted 10:45 a.m.

Return to regular session. Time noted 11:35 a.m.


A MOTION was made by Mike Cherry, SECONDED by Sue Dowell that the above described items were discussed in Executive Session, and no action was taken. MOTION carried with Dowell voting "aye", Cherry voting "aye" and McCasland voting "aye".

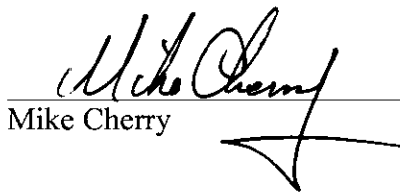
There being no further business, a MOTION was made by Sue Dowell SECONDED by Mike Cherry to adjourn. MOTION carried with McCasland voting "aye", Cherry voting "aye" and Dowell voting "aye". Time noted 11:40 a.m.

Respectfully submitted by Ellen White, County Clerk.

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin McCasland


Sue Dowell


Mike Cherry


ATTEST:

Ellen L. White, County Clerk

Clinic/Program Name: Quay County Family Health Center
Month Reported: May 2019

Monthly RPHCA Narrative Report

Please provide brief but detailed information for the following questions. Answer all questions or mark N/A.

- 1. Please describe any changes in the types of services provided during the month reported. Describe any discussions about adding new services**

No changes in type of services provided for the month of May.

- 2. Please describe any difficulties encountered in providing services during the month reported. What were the causes of the difficulties?**

Both Providers took a week long PTO each. They also had trainings at the beginning of the month as well as a holiday at the end of May.

- 3. Were there any changes in the encounters (+ or - 10%) from the previous month reported? Please explain any causes for the changes.**

Encounters are at 73% of the monthly goal for the month of May. This is due mostly to PTO days taken by both Providers and several meetings and Memorial Day Holiday

- 4. Please describe any changes in the staffing pattern (regardless of the position or the change in FTE).**

None. We are fully staffed with the full time position. We have interviewed and selected an individual to fill the TOC MA I position. Her start date will be mid-June.

- 5. Please describe recruitment efforts for any positions. Which positions? What actions have been taken?**

Posting on PMS job site and local hiring FB page.

- 6. Were there any changes to the hours? Explain.**

No changes were made. Hours continue to be 7:00 AM – 5:30 PM, Monday through Friday.

- 7. What efforts did you make to collaborate with local and statewide entities?**

05/08, 05/09 & 05/10 – Administrator attended the Quay Co Health Meeting
05/13 – Administrator met with Quay Co Commissioners

- 8. Please describe any methods for increasing clinic utilization that your program and staff are engaging in.**

Site continues to provide care at the Quay County Detention Center.

9. Please describe the outreach activities your program and staff provided to the community during the month reported.

- The Senior Centers in the communities of San Jon and House were visited and senior services were provided.
- QCFHC is help to sponsor the Summer Reading Program at the Tucumcari Public Library.
- Administrator attended the Tucumcari Rattler Athletics Banquet
- Administrator did an interview with KTNM/KQAY
- Administrator attended the Jr High Recognition Ceremony

10. Have you received any new funding? Are you aware of any new funding opportunities? Please describe any new initiatives or projects that have been implemented.

None at this time outside of the FY20 RPHCA Grant that was awarded to PMS Quay Co FHC.

Please note the date of the last advisory board meeting AND THE AGENDA ITEMS DISCUSSED.

Meeting was held on March 20, 2019

PMS Board Report
Dental Access
Community Outreach
Clinic Update
New Board Member Recruitment
Home Visiting Update

**RPHCA Program
Monthly Level of Operations Form**

revised 7/7/15

Organization Name: Presbyterian Medical Services		Contract #	18774
Reporting Site: Quay County Family Health Center		Report Month/Year:	06/01/19
Action Plan Item		Actual Monthly Level	
Level of Operations	Total Number of Primary Care Encounters	324	
	By Provider Type:		
	Physician Encounters	1	
	Midlevel Practitioner Encounters	323	
	Dentist Encounters		
	Dental Hygienist Encounters		
	Behavioral Health Encounters		
	All Other Licensed/Certified Provider Encounters		
	By Payment Source:		
	Sliding Fee Encounters - Medical/Behavioral Health	20	
	Sliding Fee Encounters - Dental		
	Medicaid Encounters - Medical/Behavioral Health	110	
	Medicaid Encounters - Dental		
	County Indigent Encounters		
Other 3 rd Party Encounters	80		
Medicare Encounters	112		
100% Self Pay (non-discounted/non-3 rd party) Encounters	2		
Unduplicated Number of Users	Total # of unduplicated users	39	
	At or Below Poverty	26	
	Between Poverty and 200% of Poverty	12	
	Above 200% of Poverty	1	
Staffing Level	Administrative Staff	3	
		Clinical FTEs	Admin FTEs
	Physicians	0.05	
	Certified Nurse Practitioners	2	3
	Physician Assistants		
	Certified Nurse Midwives		
	Dentists		
	Dental Hygienists		
	Behavioral Health Professionals		
	Community Health Workers		
Clinical Support Staff	2.2		
All Other Staff	0.5		
Prior Month's Primary Care Financial Information	Please enter the month being reported: June		
	Total Primary Care Revenues - all sources	73,768	
	Sliding Fee Revenues - Medical	3,796	
	Sliding Fee Revenues - Dental	0	
	Medicaid Revenues - Medical	43,451	
	Medicaid Revenues - Dental	0	
	County Indigent Fund Revenues	0	
	Other 3 rd Party Revenues	4,327	
	Medicare Revenues	13,733	
	100% Self Pay (non-discounted/non-3 rd party) Patient Revenues	200	
	Contracts/Grants Revenues (including RPHCA)	8,261	
	Total Primary Care Expenditures	71,162	
	Total Primary Care Charges	79,586	
Sliding Fee Discounts - Medical	2,030		
Sliding Fee Discounts - Dental	0		
Prepared by: C Renee Hayoz		6/10/2019	

Grantee Name: Quay County

CDBG Project Number: 18-C-RS-I-01-G-02

RESOLUTION # 43

**ADOPTION OF REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ANNUAL CERTIFICATIONS AND COMMITMENTS**

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the Quay County (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

- | | |
|--|---|
| Citizen Participation | certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15) |
| Fair Housing | certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin |
| Residential Anti-Displacement & Relocation Assistance | certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity |
| Section 3 | certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community. Attached is the Grantee Section 3 hiring information. |
| Procurement | certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy annually for CDBG projects |

GRANTEE SECTION 3 PLAN CHART

- Chart for Section 3 Plan **MUST** be filled out for job classifications that result from this CDBG funding. If this project will not create jobs, this chart will not be applicable. Attach additional job classifications as necessary.

Quay County			ANTICIPATED/ACTUAL HIRES		43	HIRING YEAR
PLANNED			ACTUAL			
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income Quay County Residents	# of Positions Filled	Positions Filled by Lower Income Quay County Residents		
Quay County						

NOW, THEREFORE, BE IT RESOLVED, that the Grantee adopts the above CDBG certifications and commitments that must be adopted annually.

PASSED, APPROVED, SIGNED, AND ADOPTED at a duly called and convened regular meeting of the governing body of the Quay County Commission this 28th day of June, 2019.

SIGNED: Franklin Masland
 _____, Chief Elected Official

ATTEST: Dee L. White, Clerk

 (Name and Title)

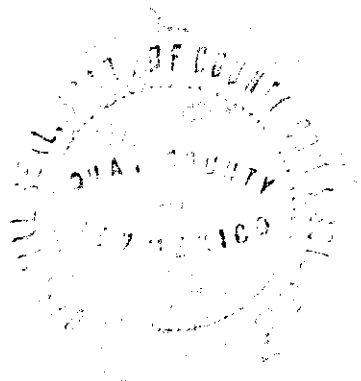


EXHIBIT 1-Z

CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, Quay County has prepared and adopted this Citizen Participation Plan.

Objective A

Quay County will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

Quay County will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

Quay County will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

Quay County will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

Quay County will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

Quay County will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the Board of Commissioners of the County of Quay, adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the Board of Commissioners of the County of Quay hereby wish all persons living, working, doing business in or traveling through this County to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the County of Quay to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the County of Quay will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the County of Quay shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the County of Quay shall undertake the following actions to affirmatively further fair housing:

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

List actions here

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, Quay County must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps Quay County will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. Quay County's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within Quay County to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless Quay County has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between Quay County and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before Quay County enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, Quay County must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within Quay County. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in Quay County and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, Quay County must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within Quay County.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to Quay County for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if Quay County or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the Quay County determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. Quay County determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
 - 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by Quay County covering the rehabilitation or demolition.

IX. Grievances

The Quay County will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

SECTION 3 PLAN REQUIRED ELEMENTS

The Quay County is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The Quay County has appointed 06/28/2019 as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the Quay County. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the Quay County shall:

1. Hiring
 - a. Advertise for all Quay County positions in local newspapers
 - b. List all Quay County job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in the Quay County. This means that if two equally qualified persons apply and one is a resident of the Quay County and one is not, the resident will be hired
 - d. Maintain records of Quay County hiring as specified in the Annual CDBG Resolutions (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated on an annual basis.

2. Contracting
 - a. The Quay County will compile a list of businesses, suppliers and contractors located in the Quay County.
 - b. These vendors will be contacted for bid or quotes whenever the Quay County requires supplies, services or construction.
 - c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the Quay County and one from outside the Quay County, the contract will be awarded to the business located within the community.

3. Training

The Quay County shall maintain a list of all training programs operated by the Quay County and its agencies and will direct them to give preference to Quay County residents. The Quay County will also direct all CDBG sponsored training to provide preference to Quay County residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The Quay County shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The Quay County will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in Quay County and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Quay County. Information contained in our Section 3 Plan reflects the status of the Quay County employees regarding lower income considerations based on their salary paid by the Quay County.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The Quay County herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution annually.

PASSED AND ADOPTED BY THE Board of Commissioners of the County
of Quay on this 28th day of June, 2019.

ATTEST:

APPROVED AS TO FOR:

[Signature]
County Clerk

County Attorney

Plan Adoption Date: 06/28/2019

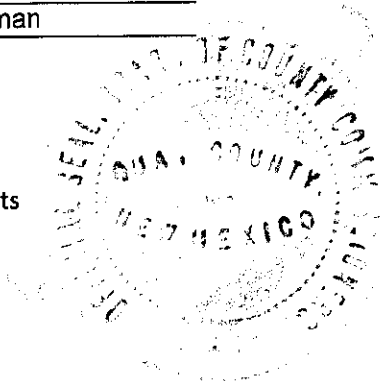
Adoption Instrument: _____

Certified By:

[Signature]
Franklin McCasland
Chairman

6-28-19
Date

Copy to Local Government Division with attachments





**QUAY COUNTY GOVERNMENT
FISCAL YEAR 2018-2019
RESOLUTION NO. 41**

A Resolution

Appointing the Members of the County Board of Registration

WHEREAS, pursuant to the New Mexico Statutes Annotated 1978, Section 1-4-34(A) (2019), the Board of County Commissioners shall in June of each odd-numbered year appoint the Board of Registration for the County; *and*

WHEREAS, pursuant to NMSA 1978, Section 1-3-34(B) (2019), the members appointed to the Board of Registration shall not during their service be county employees, elected officials or candidates for public office, and not more than two members of the board of registration shall be members of the same political party; *and*

WHEREAS, pursuant NMSA 1978, Section 1-4-37 (2019), the Board of Registration shall serve a term from July 1, 2019 through June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby appoints the following voters, who meet the qualifications to serve as the County Board of Registration from July 1, 2019 through June 30, 2021:

MEMBERS

Sylvia A. Wampler, Democrat
Eleanor I. Lopez, Republican
Betty J. Munoz, Democrat

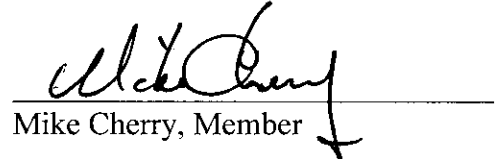
ALTERNATES

Kaylene Jones, Republican
Edward S. Perea, Democrat

PASSED, APPROVED, and ADOPTED this 28th day of June, 2019.

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin McCasland, Chairman


Mike Cherry, Member


Sue Dowell, Member

Attest: 
Ellen L. White, County Clerk





**QUAY COUNTY GOVERNMENT
FISCAL YEAR 2018-2019**

RESOLUTION NO. 42

**A Resolution
Designating the Location of Election Day Polling Places
for all Statewide Elections Conducted in 2020 and 2021;**

WHEREAS, pursuant to the New Mexico Statutes Annotated 1978, Section 1-3-2 (2019) in June or July of 2019 the Board of County Commissioners by resolution shall designate the location of election day polling places in the county for the conduct of any statewide election conducted in calendar years 2020 and 2021; *and*

WHEREAS, the Board of County Commissioners finds that each polling place designated in this resolution complies with the provisions of NMSA 1978, Section 1-3-7 (2019), titled Polling Places; *and*

WHEREAS, the Board of County Commissioners finds that the Voting Convenience Centers created by this resolution will make voting more convenient and accessible to voters of the consolidated precinct, will not result in delays in the voting process, and are centrally located within each consolidated precinct; and further that the Voter Convenience Centers created by this Resolution along with any Early Voting locations which the County Clerk determines to maintain open on Election Day as additional Voter Convenience Centers all meet the requirements of Subsections B and C of NMSA 1978, Section 1-3-4 (2019) and will be available to voters of any precinct in the county to cast a vote at the Voting Convenience Center; *and*

WHEREAS, the Board of County Commissioners finds that those precincts designated as Mail Ballot Election Precincts meet the qualifications of NMSA 1978, Section 1-6-22.1 (2017), have fewer than one hundred (100) voters, and the nearest polling place for an adjoining precinct is more than twenty (20) miles driving distance from the boundary of the Mail Ballot Election Precinct; *and*

WHEREAS, the Board of County Commissioners finds that that each polling place provides individuals with physical mobility limitations unobstructed access to at least one voting machine; *and*

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners designates the election day polling locations for any Statewide Election to be conducted in 2020 and 2021 as follows:

Precinct 1 – Vote Center - House Community/Senior Citizens Center – 110 South Apple Street, House, NM

Precinct 2 – Forrest NM – MAIL BALLOT PRECINCT

Precinct 3 – Vote Center - San Jon City Community Center – 2357 State Highway 469, San Jon, NM

Precinct 4 - Nara Visa NM – MAIL BALLOT PRECINCT

Precinct 5 – Vote Center - Logan Civic Center – 100 North Second Street, Logan, NM

Precinct 6-12– Vote Center – Tucumcari Convention Center – 1500 West Route 66 Blvd., Tucumcari, NM

Precinct 13 - Absentee – Quay County Courthouse – 300 South Third St., Tucumcari, NM

Precinct 14 – Early - Quay County Courthouse – 300 South Third St., Tucumcari, NM

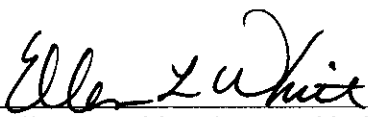
PASSED, APPROVED, and ADOPTED this 28 day of June, 2019.

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin McCasland, Chairman


Mike Cherry, Member


Sue Dowell, Member

Attest: 
Ellen L. White, County Clerk



**QUAY COUNTY
FISCAL YEAR 2018-2019
RESOLUTION No. 44**

Authorization of Budgetary Increase to NMFA Fund (563), Misdemeanor Court
Compliance (628)

WHEREAS, at meeting of the Board of Quay County Commissioners on June 28,
2019 the following was among the proceedings;

WHEREAS, the Board of Quay County Commissioners deems it necessary to request
this Budgetary Increase;

**State Fund 29900
Budgetary Increase**

	<u>DEBIT</u>	<u>CREDIT</u>
29900-0001-46300 Loan Proceeds		\$150,000.00
29900-2002-55999 Contract – Other Services	\$1,000.00	


WHEREAS, the above activity was not contemplated at the time the final budget was
adopted and approved **Income from closing of NMFA Loan for Bard
Endee Fire for truck purchase; UA Contractual Services exceeded
budget;**

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

DONE at Tucumcari, County of Quay, New Mexico this 28th day of June, 2019.


Franklin McCasland, Commissioner


Sue Dowell, Commissioner


Mike Cherry, Commissioner


Ellen White, County Clerk



WORK AND FINANCIAL PLAN
between
QUAY COUNTY
and
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES (APHIS-WS)
for
July 1, 2019 through June 30, 2020

Pursuant to Cooperative Service Agreement No. 18-73-35-2385-RA between the County of Quay and APHIS-WS, this Work Plan defines the objectives, plan of action, resources and budget for the maintenance of an Integrated Wildlife Damage Management (IWDM) program to protect residents, property, livestock, crops, and natural resources from damage caused by predators and other nuisance wildlife to be conducted from July 1, 2019 through June 30, 2020.

APHIS-WS is a federal agency with a broad mission that includes carrying out wildlife damage management activities. In recent years, USDA-APHIS has maintained an effective IWDM program to resolve conflicts with wildlife throughout the County. APHIS-WS is available and qualified to conduct the wildlife damage management services necessary to accomplish the County's goals.

I. OBJECTIVES/GOALS

Wildlife Services' overall goal is to maintain a biologically-sound IWDM program to assist property owners, businesses, private citizens, and governmental agencies in resolving wildlife damage problems and conduct control activities in accordance with applicable Federal, State and local laws and regulations. Assistance may be in the form of providing technical assistance or direct control activities. Recommendations and control activities will emphasize long term solutions and incorporate the Integrated Wildlife Damage Management approach.

The scope of this program is limited only by the financial resources allocated by the cooperator and APHIS-WS. Although successful elimination of any specific threat is not guaranteed, all reasonable efforts will be made to resolve or mitigate human-wildlife conflicts within financial and regulatory constraints.

II. PLAN OF ACTION

To accomplish this goal, the following general field services will be provided: (1) technical assistance through demonstration and instruction of wildlife damage prevention and/or control techniques; (2) predator identification and removal when livestock, crop or natural resource damage

is verified; (3) nuisance wildlife removal when property damage is identified; (4) removal of wildlife displaying aggressive behavior or causing actual injury to county residents. To provide these basic services, APHIS-WS will:

1. Assign one Wildlife Specialist(s) for 12 staff-months averaging 40 hours per week distributed among direct control activities, technical assistance, APHIS-required administrative tasks and annual leave.
2. Procure and maintain a vehicle, tools, supplies, and other specialized equipment as deemed necessary by the State Director to accomplish the objectives identified in this plan.
3. Safely & professionally utilize approved wildlife damage management tools/equipment including firearms (including high-pressure air rifles), advanced optics, assorted snaring devices, trailing hounds, all-terrain vehicles, foot-hold traps for the protection of endangered species and public safety, cage-type & other specialized traps, deterrent methods/devices (including pyrotechnics), Environmental Protection Agency approved toxicants (including euthanasia drugs), night vision equipment and electronic calling devices.
 - a. Field Specialists will ensure that the most effective, efficient, and humane tools will be utilized and will conduct direct control operations in a safe manner.
 - b. Equipment will be maintained in good working order to help prevent accidents and/or hazardous situations.
4. Conduct all control activities with trained USDA-WS employees and volunteers.
 - a. Technical Assistance may be in the form of recommendations for implementing various non-lethal techniques. Official USDA pamphlets may be used to convey this information to the public.
 - b. Direct Control activities may include, but are not limited to the monitoring, trapping, dispersal, and shooting of known and potential predators or nuisance wildlife.

The District Supervisor in the WS District Office will supervise this project. This project will be monitored by the State Director and administrative staff in Albuquerque. The Cooperator will be kept advised on the status of this project on a regular basis.

APHIS-WS will cooperate with the New Mexico Department of Game and Fish, the U.S. Fish and Wildlife Service, County and local city governments, and other entities to ensure compliance with applicable Federal, State, and local laws and regulations.

III. PROCUREMENT

Purchase of supplies, equipment and miscellaneous needs including salaries will be made by APHIS-WS. All expenditures will be processed through APHIS's Financial Management Modernization Initiative (FMMI) system and charged to the Cooperator as described in the Financial Plan.

IV. STIPULATIONS AND RESTRICTIONS

APHIS-WS activities under this cooperative effort will be limited to the State of New Mexico, County of Quay. Techniques will be environmentally sound, safe, and selective. If applicable, both Federal and State permits will be secured to perform wildlife damage management activities, and those activities will be conducted within the policy guidelines of APHIS-WS. All program activities will be conducted in compliance with Local, State, and Federal regulations.

In the absence of a finalized county budget, a letter of intent must be provided pending final budget approval. The cooperative Wildlife Services Program can't continue unless a mutual agreement is negotiated by June 30, 2019.

V. COST ESTIMATE FOR SERVICES

The cooperator will be billed quarterly by APHIS FMMI for costs incurred, but will not exceed **\$39,000** annually. This figure includes: Pooled Job Costs, which cover costs associated with vehicle replacement, employee leave and retirement expenses. Indirect Costs, which cover costs associated with APHIS program support. APHIS-WS and NMDA will also contribute to the balance of salary and benefits. An estimated itemization of expenses is listed below; however funds may be distributed between itemized categories at the discretion of APHIS-WS if required:

Cost Element	Cost to Cooperator	Cost Share (Paid by Federal Appropriations)	Full Cost
Personnel Compensation	\$ 3,477.53	\$ 44,282.00	\$ 47,560.43
Travel	\$ 2,067.00	\$ -	\$ 2,067.00
Vehicles	\$ 10,596.00	\$ -	\$ 10,596.00
Other Services	\$ 4,831.91	\$ -	\$ 4,931.89
Supplies and Materials	\$ 4,850.00	\$ -	\$ 4,850.00
Equipment	\$ 4,850.00	\$ -	\$ 4,850.00

Subtotal (Direct Charges)	\$ 30,672.44	\$ 44,282.00	\$ 74,855.32
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Pooled Job Costs	11.00%	\$ 3,373.97	NA	\$ 3,373.97
Indirect Costs	16.15%	\$ 4,953.60	NA	\$ 4,953.60
Agreement Total		39,000.00	\$ 44,282.00	\$ 83,182.89
Percentage Cost Share		47%	53%	100%

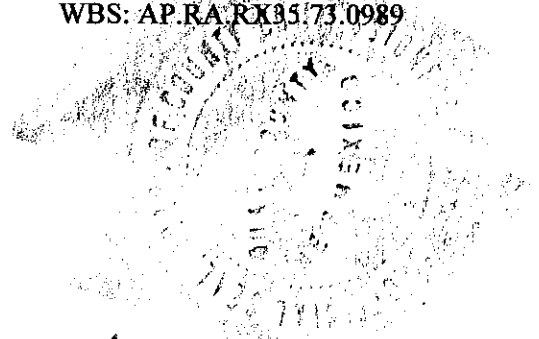
The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed: **\$39,000.00**

In accordance with the Debt Collection Improvement Act (DCIA) of 1996, bills issued by WS are due and payable within 30 days of receipt. The DCIA requires that all debts older than 120 days be forwarded to debt collection centers or commercial collection agencies for more aggressive action. Debtors have the option to verify, challenge and compromise claims, and have access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

The financial point of contact for this Work Plan/Financial Plan is Patsy Baca, Budget Analyst (505) 346-2640. This plan has been approved by the USDA APHIS WS Western Regional Office for use in the State of New Mexico for cost-share agreements. Copies of this approval are available upon request.

Agreement Number: 19-73-35-2385-RA
WBS: AP.RA.RX35.73.0989

QUAY COUNTY BOARD OF COMMISSIONERS
Tax Identification Number: 85-6000238



Franklin W. Caland
Chair

6-28-19
Date

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES
Albuquerque, NM
Tax Identification Number: 41-0696271

State Director, New Mexico

Date

Director, Western Region

Date

GRANT AGREEMENT

This grant agreement is between the New Mexico Department of Transportation (**Department**) and Quay County (**Grantee**). The Department and the Grantee agree as follows:

1. **Award.** The Department hereby awards the Grantee funding for the following Project: Community Driving While Impaired (CDWI), Project No. 20-CD-05-076, \$1,911.00, (Project).
2. **Scope of Work.** The Grantee shall perform the professional services stated in exhibit A.
3. **Payment.** To be reimbursed for eligible expenses, the Grantee must submit timely, properly prepared reimbursement requests as provided in the Department's CDWI Manual. The Grantee acknowledges that the Department will not pay for any expenses incurred prior to both Parties signing the agreement, after termination of the agreement, or in excess of the amount of the award noted in Section 1. The Grantee must submit its final reimbursement request no later than thirty days after termination of this agreement.
4. **Records and Audit.** The Grantee shall strictly account for all receipts and disbursements related to this agreement. The Grantee shall record costs incurred, services rendered and payment received, and shall maintain these financial records during the agreement and for three years from the date of submission of the final reimbursement request. On request, the Grantee shall provide the financial records to the Department and the state auditor, and shall allow the Department and the state auditor to inspect or audit these financial records during business hours at the Grantee's principal office during the agreement and for five years after termination. If the financial records provided by the Grantee are insufficient to support an audit by customary accounting practices, the Grantee shall reimburse the Department for any expense incurred related to the insufficient documentation within thirty days of written notice from the Department. If an audit or inspection reveals that funds were used for expenses not directly related to the Project, or otherwise used inappropriately, or that payments were excessive or otherwise erroneous, the Grantee shall reimburse the Department for those funds or payments within thirty days of written notice.
5. **Officials Not to Benefit.** The Parties intend that no member of the New Mexico legislature or the United States Congress, or any public official, public employee or tribal council member, in that person's individual capacity, will benefit from this agreement.
6. **Termination.** The Department may terminate this agreement for any reason, by giving the Grantee thirty days written notice. The Grantee may only terminate this agreement based on the Department's uncured, material breach of the agreement. On receipt of a "Notice of Cancellation," the Grantee shall suspend work unless otherwise directed by the Department in

writing. The Parties acknowledge that termination will not nullify obligations incurred prior to termination.

7. **Appropriations.** The Grantee acknowledges that:

- a. this agreement is contingent upon sufficient appropriations and authorizations being made by the Congress of the United States or the New Mexico state legislature;
- b. if sufficient appropriations and authorizations are not made, this agreement will terminate upon written notice by the Department to the Grantee; and
- c. the Department will not expend any funds until they are approved for expenditure, and the Department's determination as to whether approval has been granted will be final.

8. **Compliance with Law.** The Grantee, its employees, agents and contractors, shall comply with the following:

- a. Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, and 49 C.F.R. Section 21.
- b. All federal and state laws, rules, and regulations, and executive orders of the Governor of the state of New Mexico pertaining to equal employment opportunity, including the Human Rights Act, NMSA 1978, Sections 28-1-1 through -15. In accordance with such, the Grantee states that no person, on the grounds of race, religion, national origin, sex, sexual orientation, gender identity, spousal affiliation, serious medical condition, age or handicap, will be excluded from employment with or participation in, denied the benefits of, or otherwise subjected to, discrimination in any activity performed under this agreement. If the Grantee it is found to be in violation of any of these requirements, the Grantee shall take prompt and appropriate steps to correct such violation.
- c. State laws applicable to workers compensation benefits for the Grantee's employees, including the Workers' Compensation Act, NMSA 1978, Sections 52-1-1 through -70, and related regulations.

9. **Notices.** For a notice under this agreement to be valid, it must be in writing; be delivered by hand, registered or certified mail return receipt requested and postage prepaid, fax or e-mail; and be addressed as follows:

to NMDOT at:
New Mexico Dept. of Transportation
Attn: Traffic Safety Division
P.O. Box 1149
Santa Fe, NM 87504

to the Grantee at:
Quay County
Attn: Sheriff Russell Shafer
P.O. Box 943
Tucumcari, NM 88401

10. **Severability.** The Parties intend that if any provision of this agreement is held to be unenforceable, the rest of the agreement will remain in effect as written.

11. **Tort Claims.** The Parties intend that: (1) immunity from liability for tortious conduct under NMSA 1978, Section 41-4-4(A) will apply to all conduct relating to this agreement; (2) only the waivers of immunity from liability under NMSA 1978, Sections 41-4-1 through 41-4-30 will apply; and (3) this agreement does not waive immunity from liability for tortious conduct relating to this agreement of any employee of the Department or the Grantee.

12. **Jurisdiction and Venue.** The Grantee acknowledges the jurisdiction of the courts of the state of New Mexico for any adversarial proceeding arising out of this agreement, and that venue for any such proceeding will be in the First Judicial District Court for the county of Santa Fe, New Mexico.

13. **Project Responsibility.** The Grantee acknowledges that it bears sole responsibility for performing the services referred to in Section 2.

14. **Term.** This agreement takes effect upon signature of all Parties. If the Grantee does not deliver the signed agreement to the Department within sixty days of the Department's signature, the agreement will be voidable by the Department. The agreement terminates at midnight on June 30, 2020 unless earlier terminated as provided in Section 6 or Section 7.

15. **Applicable Law.** The laws of the state of New Mexico, without giving effect to its choice of law principles, govern all adversarial proceedings arising out of this agreement.

16. **Amendment.** No amendment of this agreement will be effective unless it is in writing and signed by the Parties.

17. **No Third-party Beneficiary.** This agreement does not confer any rights or remedies on anyone other than the Department and the Grantee.

18. **Merger.** This agreement constitutes the entire understanding between the Parties with respect to the subject matter of the agreement and supersedes all other agreements, whether written or oral, between the Parties, except that this agreement does not supersede the Grantee's rights under any other grant agreement.

Each party is signing this agreement on the date stated opposite that party's signature.

DEPARTMENT OF TRANSPORTATION

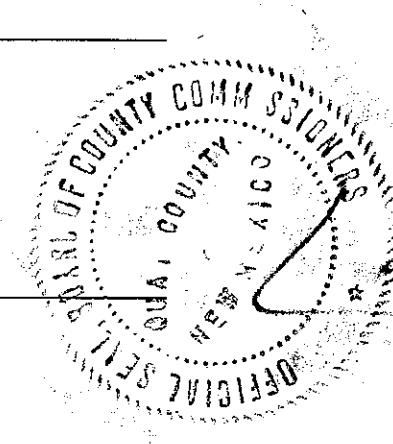
By: _____
Cabinet Secretary or Designee

Date: _____

QUAY COUNTY

By: Franklin McCaleb
Title: Chairman

Date: 6-10-2019



Approved as to form and legal sufficiency.

By: Donna Regenstein
Assistant General Counsel
Department of Transportation

Date: 05/22/2019

Approved as to form and legal sufficiency.

By: _____
Counsel for Quay County

Exhibit A

SCOPE OF WORK, TRAINING, REIMBURSEMENT AND REPORTING

COMMUNITY DRIVING WHILE IMPAIRED PROGRAMS (CDWI) PROJECT NO. 20-CD-05-076

1. **Scope of Work.** The Grantee shall conduct the following activities as required below:

(1) Utilize funding from the Department to purchase equipment to identify, arrest and prevent drunk drivers in Quay County. Equipment will include Intoxilizer S-D5 breath alcohol screeners and related supplies and accessories for Quay County Sheriff's Office to utilize while conducting DWI patrols and DWI checkpoints.

2. **Definitions.** For purposes of this exhibit, the following definitions apply:

"Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Project agreement.

3. **Training and qualifications.** The Agency Coordinator must attend Department training as required by the Department. The Grantee shall notify the Department of any changes in the Agency Coordinator. The Grantee's officers must have law enforcement certifications in all areas necessary to conduct the services noted in paragraph 1 of this exhibit.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost of activities listed in the scope of work section of this attachment. The Grantee should submit claims no later than 10 days after the end of each month. The Department will pay the Grantee for the following:

- (1) the actual costs of items listed in the scope of work; and
- (2) conference and training fees, per diem, and other related costs required under the grant and approved by the Department in advance.

5. **Reporting.** The Grantee must submit quarterly activity reports by October 31, 2019, January 31, 2020, April 30, 2020 and July 31, 2020. Quarterly activity reports should summarize the Grantee's goals and accomplishments for the fiscal year funded under this agreement. Further, the report should detail how the Grantee's activities contributed to meeting the Department's highway safety targets, missions and goals.

6. **Funding.** Funding for this CDWI Project comes from a \$75.00 fee imposed on convicted drunk drivers, as allowed by NMSA 1978, Sections 31-12-7(B) and NMAC 18.20.6. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The Project's itemized budget is as follows:

Personal Services	\$
Contractual Services	\$
Commodities	\$1,911.00
Indirect	\$
Other	\$

TOTAL

\$1,911.00

7. **Equipment.** The Grantee may only purchase equipment under this agreement with prior approval of the Department. The Grantee may purchase the following equipment: Intoxilizer S-D5 breath alcohol screeners and related supplies and accessories. The Grantee shall track, retain, and keep equipment acquired under this agreement in operation for highway safety purposes until the Department provides the Grantee with disposition instructions.

Quay County Health Indicators



The percentage of high school students who are obese **INCREASED** from 14.1% in 2011 to 15.5% in 2017.



The percentage of adults age 18+ who were obese **DECREASED** from 44.9% in 2011 to 31.4% in 2014-17.



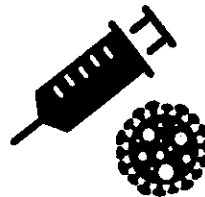
The percentage of adults diagnosed with diabetes **DECREASED** from 19.7% in 2011 to 17.1% in 2014-17.



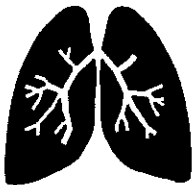
The percentage of adults who smoke cigarettes **DECREASED** from 43.5% in 2011 to 24.6% in 2014-17.



Births to girls aged 15-19 per 1,000 girls in the population **DECREASED** from 102.6 in 2011 to 43.3 in 2017.



The percentage of adults with annual flu vaccination **DECREASED** from 58.9% in 2011-13 to 51.5% in 2014-17.



The percentage of adults who ever had a pneumonia vaccination **DECREASED** from 72.0% in 2011-13 to 57.1% in 2014-17.



The percentage of adults who visited a dentist in the past year **INCREASED** from 51.6% in 2012 to 52.3% in 2014-16.



Deaths per 100,000 older adults (Age 65+) that resulted from falls **DECREASED** from 106.5 in 2011 to 46.9 in 2017.



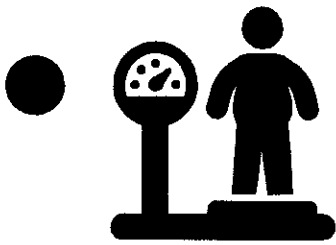
Alcohol-related deaths per 100,000 population, age-adjusted **DECREASED** from 81.5 in 2011 to 74.5 in 2017.



Drug overdose deaths per 100,000 population, age-adjusted **DECREASED** from 28.6 in 2011 to 6.7 in 2017.



The percentage of adults who could not get health care due to cost **DECREASED** from 30.9% in 2011 to 15.1% in 2014-17.



percentage of high school students who are obese **INCREASED** from 12.8% in 2011 to 14.7% in 2017.



percentage of adults age 18+ who are obese **INCREASED** from 26.3% in 2011 to 28.4% in 2017.



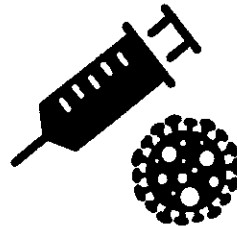
percentage of children diagnosed with diabetes **INCREASED** from 9.9% in 2011 to 11.7% in 2017.



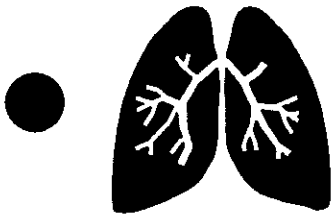
The percentage of adults who smoke cigarettes **DECREASED** from 21.5% in 2011 to 17.5% in 2017.



Births to girls aged 15-19 per 1,000 girls in the population **DECREASED** from 48.3 in 2011 to 27.6 in 2017.



percentage of adults 65+ with annual vaccination **DECREASED** from 63.3% in 2011 to 55.2% in 2017.



The percentage of adults 65+ who ever had a pneumonia vaccination **INCREASED** from 69.2% in 2011 to 73.0% in 2017.



The percentage of adults who visited a dentist in the past year **INCREASED** from 60.9% in 2012 to 62.3% in 2016.



Deaths per 100,000 older adults (Age 65+) that resulted from falls **DECREASED** from 91.1 in 2011 to 87.9 in 2017.



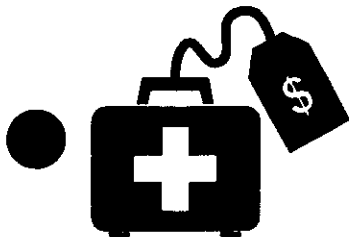
in-hospital deaths per 100,000 population, age-adjusted **INCREASED** from 20.3 in 2011 to 23.2 in 2017.



Drug overdose deaths per 100,000 population, age-adjusted **DECREASED** from 25.8 in 2011 to 24.6 in 2017.



alcohol-related deaths per 100,000 population, age-adjusted **INCREASED** from 53.4 in 2011 to 66.8 in 2017.



The percentage of adults who could not get health care due to cost **DECREASED** from 19.2% in 2011 to 13.8% in 2017.

For more information contact:
Francisco Mimlca Porras
Regional Epidemiologist SE Region
Email: Francisco.mporras@state.nm.us
Ph: (575) 347-2409 ext. 6244

NEW MEXICO
DEPARTMENT OF
HEALTH