



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 DECEMBER 13, 2021

9:00 A.M. Call Meeting to Order

Pledge of Allegiance

Approval of Minutes-Regular Session November 22, 2021

Approval/Amendment of Agenda

Public Comments

Ongoing Business

New Business

- I. **Tim Hagaman, Economic Development Department Representative**
 - Discussion of Local Economic Development Act
- II. **Larry Moore, Quay County Road Superintendent**
 - Request Approval of FY2021-2022 Resolution No. 21 – Time Extension for Bridge 1625
 - Request Approval of Quay County Land Viewer
 - Road Update
- III. **Cheryl Simpson, Quay County Finance Director**
 - Request Approval of FY2021-2022 Resolution No. 16 - Budget Increases for Fire Protection Grant Awards
 - Request Approval of FY2021-2022 Resolution No. 17 – GRT Administrative Fee Budget Transfers
 - Request Approval of FY2021-2022 Resolution No. 18 - Budget Increases for Reappraisal and Rural Addressing Funds
- IV. **Paul Lucero, Emergency Manager**
 - Request Approval of Sub-Recipient Grant Agreement 2021 State Homeland Security Grant Program



DOC #CM-00523

01/10/2022 11:54 AM Doc Type: COCOM

Fee: (No FieldTag Finance.TotalFees found)

Quay County, NM Ellen White - County Clerk, County Cle

Pages: 36



- V. **Daniel Zamora, Quay County Manager**
- Request Approval of **FY2021-2022 Resolution No. 19 - Commission Meeting Dates and Requirements in Compliance with the NM Open Meetings Act**
 - Request Approval of **2022 Quay County Holiday Schedule**
 - Request Approval of **FY 2021-2022 Resolution No. 20 – Resolution Supporting the New Mexico Counties 2022 Legislative Priorities**
 - **Correspondence**
- VI. **Indigent Claims Board**
- **Call Meeting to Order**
 - Request Approval of **Indigent Minutes for the November 22, 2021 Meeting**
 - **Review Claims Prepared by Sheryl Chambers**
 - **Adjourn**
- VII. **Request Approval of Accounts Payable**
- VIII. **Other Quay County Business That May Arise During the Commission Meeting and/or Comments from the Commissioners**
- IX. **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**
 - 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) 8. **Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**
- X. **Franklin McCasland, Quay County Commission Chairman**
- Proposed action, if any, from Executive Session
- XI. **Daniel Zamora, Quay County Manager**
- Request Approval of **FY2021-2022 Resolution No. 22 – American Rescue Plan Act (ARPA) Fund Hazard Pay Budget Increase**

Adjourn

Lunch-Time and Location to be Announced

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

December 13, 2021

9:00 A.M.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 13th day December, 2021 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
Jerri Rush, Member
Ellen L. White, County Clerk
Daniel Zamora, County Manager

ABSENT:

Robert Lopez, Member

OTHERS PRESENT:

Cheryl Simpson, Quay County Finance Director
Larry Moore, Quay County Road Superintendent
Lucas Bugg, Quay County Fire Marshal
Dana Paul Leonard, Quay County GIS
Paul Lucero, Quay County Emergency Manager
Janie Hoffman, Quay County Assessor
Richard Primrose, Quay County Consultant
Tim Hagaman, Economic Development Department Representative
Patrick Vanderpool, Tucumcari EDC Director
Ron Warnick, Quay County Sun

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

A MOTION was made by Jerri Rush SECONDED by Chairman McCasland to approve the November 22, 2021 regular session minutes. MOTION carried with Rush voting "aye" and McCasland voting "aye".

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve the Agenda as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye".

Public Comments: NONE

NEW BUSINESS:

Tim Hagaman, Economic Development Department Representative, presented information regarding New Mexico's Local Economic Development ACT (LEDA) along with advantages of the County establishing an Ordinance to allow the pursuit of future funding for Economic Development of businesses located outside the Municipalities and Villages in Quay County.

Local Economic Development Director, Patrick Vanderpool echoed the encouragement of Hagaman by encouraging the County to develop an Ordinance.

Quay County Attorney, Warren Frost joined the meeting. Time noted, 9:22 a.m.

Quay County Road Superintendent, Larry Moore requested approval of the following and provided the following updates:

1. FY2021-2022 Resolution No. 21; Participation in Local Government Road Fund Program Administered by Local Government Transportation Project Fund. Moore explained this Resolution allows for the extension of the Bridge 1625 Project.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 21, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

2. Moore requested approval of the Quay County Road Viewers. Moore explained three (3) citizens are required to be part of the process when a road is being reviewed for closure. The member of this committee will be:

Tom Sidwell
Bill Humphries
Mike Riddle

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve the Quay County Road Viewers. MOTION carried with Rush voting "aye" and McCasland voting "aye".

3. Blade Reports were distributed and attached to these minutes.
4. Completion paperwork is being submitted for the closeout of the Quay Road 64 project.
5. Crews have been clearing tumble weeds from roadways.
6. Several pieces of equipment are being repaired including the water truck.

Quay County resident, Phillip Bidegain joined the meeting. Time noted, 9:33 a.m.

Cheryl Simpson, Quay County Finance Director, presented the following Resolutions for approval.

1. FY2021-2022 Resolution No. 16; Budget Increases for Fire Protection Grant Awards totaling \$853,435.00. Departments included are Rural II, Nara Visa, Forrest, Bard-Endee and Quay Fire.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 16, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

2. FY2021-2022 Resolution No. 17; Budgetary Transfers to GRT Recipient Funds – General \$14,000.00 (401), Indigent \$12,000.00 (406), Detention \$7,300.00 (421), Dispatch \$11,000.00 (431), Hospital \$36,500.00 (501), and Environmental \$1,200.00 (623)

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 17, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

3. FY2021-2022 Resolution No. 18; Budgetary Increase to Reappraisal Fund \$5,900.00 (499) and Rural Addressing Fund \$1,300.00 (503)

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 18, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

Paul Lucero, Quay County Emergency Manager, requested approval of the Sub-Recipient Homeland Security Grant Agreement in the amount of \$41,016.00. These funds will be used for a P25 Radio Repeater to enhance emergency radio coverage. A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve the Homeland Security Grant, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

Quay County Manager, Daniel Zamora presented the following items for approval and additional correspondence:

1. FY2021-2022 Resolution No. 19; Commission Meeting Dates and Requirements in Compliance with the NM Open Meetings Act.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 19, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

2. Approval of the 2022 Quay County Holiday Schedule.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve 2022 Holiday Schedule as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

3. FY2021-2022 Resolution No. 20; Supporting the New Mexico Counties 2022 Legislative Properties.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 20, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

4. The Audit for Quay County has been submitted to DFA. It will be made public once approved.
5. Quay Day, during the upcoming Legislative Session, is slated for January 19, 2022 at 6:30 a.m. at the Inn at Loretto. Those wanting to attend need to let Daniel Zamora know so an RSVP can be made for our employees.

Chairman McCasland called the Indigent Claims Board to order. Time noted 9:45 a.m.

---INDIGENT BOARD MEETING---

Indigent Claims Board was adjourned and the Board returned to regular session. Time noted 9:50 a.m.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve the expenditures included in the Accounts Payable Report ending December 10, 2021. MOTION carried with Rush voting "aye" and McCasland voting "aye".

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

Chairman McCasland asked Clerk White about the end results of the recent Local Election with the tied races and costs associated.

White informed the Commission the manual recount was completed and both races at the Village of House for Council positions remained tied. White attended the Village of House Council meeting and proceeded over the game of chance (high card draw) and the ties were broken.

White reported the State had advanced funding totaling \$12,000.00 to conduct the election. It was reported the total cost of the election, including the recount was \$13,054.26. An invoice for \$1,054.26 has been submitted for reimbursement.

A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to go into Executive Session pursuant to the following item(s):

- Section 10-15-1(H)7 Pertaining to Threatened or Pending Litigation
- Section 10-15-1(H)2 Discussion of Limited Personnel Matters
- Section 10-15-1(H)8 Discussion or the Purchase, Acquisition or Disposal of Real Property or Water Rights

THE MOTION carried with Rush voting "aye" and McCasland voting "aye".

Time noted 10:00 a.m.

---Executive Session---

Return to regular session. Time noted 11:50 a.m.

Chairman McCasland reported No Action from Executive Session.

County Manager, Daniel Zamora requested approval of FY2021-2022 Resolution No. 22; American Rescue Plan Act Fund Hazard Pay Budget Increase totaling \$21,600.00. A MOTION was made by Jerri Rush, SECONDED by Chairman McCasland to approve Resolution No. 22, as presented. MOTION carried with Rush voting "aye" and McCasland voting "aye". A copy is attached to these minutes.

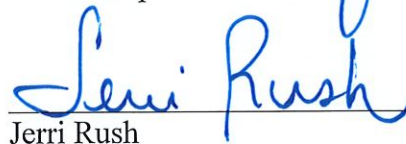
There being no further business, a MOTION was made by Jerri Rush SECONDED by Chairman McCasland to adjourn. MOTION carried with Rush voting "aye" and McCasland voting "aye". Time noted 11:55 a.m.

Respectfully submitted by Ellen White, County Clerk.

BOARD OF QUAY COUNTY COMMISSIONERS

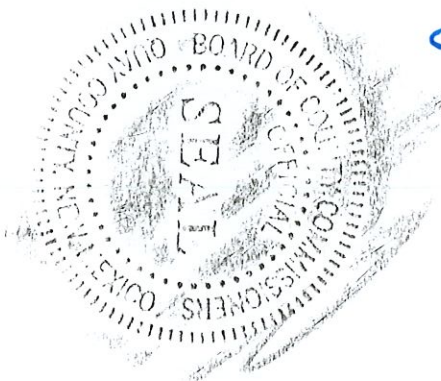

Franklin McCasland


Robert Lopez


Jerri Rush

ATTEST:


Ellen L. White, County Clerk





QUAY COUNTY GOVERNMENT

FISCAL YEAR 2021-2022

RESOLUTION NO. 21

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM
ADMINISTERED
BY LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND

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 Local Government Transportation Project Fund.

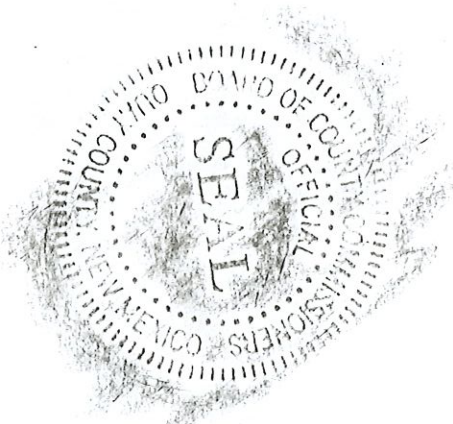
WHEREAS, Quay County and the Local Government Transportation Project Fund have entered into a joint coordinated effort, and

WHEREAS, the Governing does provide authorization and approval for an extension request of **1 year June 30, 2023**, Contract No. D18366, Control No. LP40006, due to a request from SHPO for a Historic American Buildings Survey/Historic American Engineering Record Level II documentation and the Level of Effort Certification from the United States Army Corps of Engineers for a 404 Permit now required and the permit will be submitted on 12/2021, and

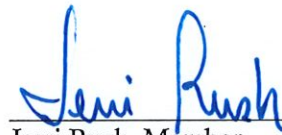
NOW, THEREFORE, it is respectfully requested that authorization be given of said request to the Local Government Transportation Project Fund office for approval of said request.

Done this 13th of December 2021, at Quay County.

APPROVED AND ATTESTED:




Franklin McCasland, Chairman


Jerri Rush, Member

Robert Lopez, Member

Attest:


Ellen White, Quay County Clerk

Contract No.	<u>D18366</u>
Vendor No.	<u>0000054395</u>
Control No.	<u>LP40006</u>

**SECOND AMENDMENT TO
LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND**

This **Second Amendment** is to the Agreement entered into between the New Mexico Department of Transportation (Department) and the Quay County (Public Entity). This Amendment is effective as of the date of the last party to sign on the signature page.

RECITALS

Whereas, the Department and the Public Entity entered into an Agreement, Contract No. D18366, on 10/21/2019 and,

Whereas, Section 19 allows for modification of the Agreement by an instrument in writing executed by the parties; and,

Whereas, the Department and the Public Entity want to extend the term of the Agreement to allow for Project completion; and,

Whereas, the parties agree to modify this Agreement.

Now, therefore, the Department and the Public Entity agree as follows:

1. Section 6 Term, is deleted and replaced by the following:

6. Term

This Agreement becomes effective upon signature of all parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on the earliest of the following dates: (a) Department receipt of the Certification of Completion or (b) **June 30, 2023**. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) days prior to the expiration date to ensure timely processing of an Amendment. Neither party shall have any obligation after said date except as stated in Sections 2e, 4l, 4n and 7.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this Second Amendment.

In Witness Whereof, each party is signing this Agreement on the date stated opposite that party's signature.

New Mexico Department of Transportation

By: _____
Cabinet Secretary or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: _____
Assistant General Counsel

Date: _____

Quay County

By: Franklin McCasland

Date: 12-13-21

Name: Franklin McCasland

Title: Chairman

ATTEST:

By: Ellen White
Quay County Clerk or Designee

Date: 12-13-21

DATE/21	NAME	ROAD BLADED	BLOCKS	MILES	ADDITIONAL WORK TO ROAD/COMMENTS
11/1/21	QUADE	QUAYROADV	4200-4400	2.00	
	QUADE	QUAY ROAD42	2100-2200	1.00	
	QUADE	QUAY ROAD U	4100-4400	3.00	
11/2/21	QUADE	QUAY ROAD U	3900-4100	2.00	
	QUADE	QUAY ROAD 38	3900-4100	2.00	
	TONY	QUAYROADM	9800-10100	3.00	
	TONY	QUAY ROAD K	8800-8900	2.00	
11/3/21	QUADE	QUAY ROAD AO	3800-3900	1.00	
	QUADE	QUAY ROAD 38	3800-3900	1.00	
11/4/21	TONY	QUAY ROAD 96	1300-1500	2.00	
	TONY	QUAYROADO	9600-9775	2.10	
11/9/21	TONY	QUAY ROAD L			WORKED ON CATTLE GUARD
	LOUIS	QUAY ROAD E	6600-7200	6.00	
11/16/21	TONY	QUAY ROAD K	8450-8800	3.50	
	TONY	QUAY ROAD K	1000-1100	1.00	
11/18/21	TONY	QUAY ROAD 96	1500-1700	2.00	
	TONY	QUAY ROAD K	6600-6710	1.16	
11/23/21	TONY	QUAY ROAD 93	1200-1600	4.00	
11/30/21	TONY	QUAY ROAD 64.5	4040-4100	0.64	
	TONY	QUAY ROAD 66.5	4000-4150	1.64	
	TONY	QUAY ROAD AR	6200-6300	1.00	
	TONY	QUAY ROAD AO	6500-6550	0.50	
			TOTAL	42.54	

**QUAY COUNTY
FISCAL YEAR 2021-2022
RESOLUTION No. 16**

Authorization of Budgetary Increase to **Fire Departments – Rural II (408), Nara Visa (410), Forrest (411), Bard-Endee (413), and Quay Valley (415)**

WHEREAS, at meeting of the Board of Quay County Commissioners on December 13, 2021 the following was among the proceedings;

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

**State Fund 20900
Budgetary Increase**

	<u>DEBIT</u>	<u>CREDIT</u>
20900-0001-47499 Fire Protection Grant		\$853,435.00
20900-3002-58020 Equipment & Machinery	\$125,151.00	
Rural II – PPE & SCBA Purchase		
20900-3002-58080 Vehicles	\$300,735.00	
Nara Visa - \$300,000 Grant + \$735 Nara Visa's Funds for Truck Purchase		
20900-3002-56090 Supplies – Safety	\$ 35,988.00	
Forrest – PPE Purchase		
20900-3002-58080 Vehicles	\$300,735.00	
Bard-Endee - \$300,000 Grant + \$735 Bard-Endee's Funds - Truck Purchase		
20900-3002-58020 Equipment & Machinery	\$ 92,296.00	
Quay Valley – PPE & SCBA Purchase		

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **Fire Protection Grant Awards**

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

DONE at Tucumcari, County of Quay, New Mexico this 13th day of December, 2021.


Franklin McCasland, Commissioner

ATTEST:


Jerri Rush, Commissioner


Ellen White, County Clerk

Robert Lopez, Commissioner

**QUAY COUNTY
FISCAL YEAR 2021-2022
RESOLUTION No. 17**

Authorization of Budgetary Transfers to **GRT Recipient Funds – General (401), Indigent (406), Detention (421), Dispatch (431), Hospital (501), and Environmental (623)**

WHEREAS, at meeting of the Board of Quay County Commissioners on December 13, 2021 the following was among the proceedings;

WHEREAS, the Board of Quay County Commissioners deems it necessary to request these Budgetary Transfers;

	<u>DEBIT</u>	<u>CREDIT</u>
Budgetary Transfers		
State Fund 11000 General		
11000-2002-57999 Other Operating Costs		\$14,000.00
11000-2002-57800 GRT Administrative Fees	\$14,000.00	
State Fund 22000 Indigent		
22000-4001-57999 Other Operating Costs		\$12,000.00
22000-4001-57800 GRT Administrative Fees	\$12,000.00	
State Fund 22600 Detention		
22600-8002-57999 Other Operating Costs		\$ 7,300.00
22600-8002-57800 GRT Administrative Fees	\$ 7,300.00	
State Fund 22700 Dispatch		
22700-2002-57999 Other Operating Costs		\$11,000.00
22700-2002-57800 GRT Administrative Fees	\$11,000.00	
State Fund 22100 Hospital		
22100-4002-57999 Other Operating Costs		\$36,500.00
22100-4002-57800 GRT Administrative Fees	\$36,500.00	
State Fund 20200 Environmental		
20200-5009-57999 Other Operating Costs		\$ 1,200.00
20200-5009-57800 GRT Administrative Fees	\$ 1,200.00	

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **Change of GRT Administrative Fee Account Number**

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

DONE at Tucumcari, County of Quay, New Mexico this 13th day of December, 2021.

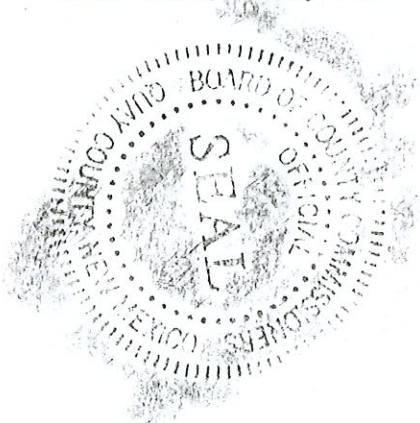

Franklin McCasland, Commissioner


Jerri Rush, Commissioner

ATTEST:


Ellen White, County Clerk

Robert Lopez, Commissioner



**QUAY COUNTY
FISCAL YEAR 2021-2022
RESOLUTION No. 18**

Authorization of Budgetary Increase to **Reappraisal Fund (499) and Rural Addressing Fund (503)**

WHEREAS, at meeting of the Board of Quay County Commissioners on December 13, 2021 the following was among the proceedings;

WHEREAS, the Board of Quay County Commissioners deems it necessary to request these Budgetary Increases;

	Budgetary Increase State Fund 20300	
	<u>DEBIT</u>	<u>CREDIT</u>
20300-2002-52030 Healthcare Premiums	\$ 4,900.00	
20300-2002-56120 Vehicle Fuel	\$ 1,000.00	

	Budgetary Increase State Fund 29900	
29900-2002-54040 M&R Vehicles	\$1,300.00	

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **New Reappraisal personnel with higher healthcare premiums; Rural Addressing vehicle requires new tires**

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

DONE at Tucumcari, County of Quay, New Mexico this 13th day of December, 2021.




Ellen White, County Clerk


Franklin McCasland, Commissioner


Jerri Rush, Commissioner

Robert Lopez, Commissioner



State of New Mexico
DEPARTMENT OF HOMELAND SECURITY &
EMERGENCY MANAGEMENT

P.O. Box 27111
Santa Fe, NM 87502

SUB-RECIPIENT GRANT AGREEMENT

2021 State Homeland Security Grant Program (SHSGP)

2021 Federal Grant No.: **EMW-2021-SS-00061-S01** CFDA No.: **97.067**

1. SUB-GRANT NO.		2. SUB-RECIPIENT NAME		3. FIDUCIARY NAME	
EMW-2021-SS-00061-S01		Quay County		Quay County	
4. STATE DFA SUPPLIER ID	5. EIN NUMBER	6. DUNS NUMBER	7. CAGE CODE		
54395	85-6000238	051336105	5RFT1		
8. SUB- RECIPIENT PHYSICAL ADDRESS			9. SUB-RECIPIENT REMIT ADDRESS		
300 S. 3rd St. Tucumcari, NM 88401			PO Box 1246 Tucumcari, NM 88401		
10. DHSEM CONTACT NAME:		11. CONTACT DESK PHONE:		505-476-0627	
Merrill Miller		CONTACT EMAIL ADDRESS:		Merrill.miller@state.nm.us dhsem.grants@state.nm.us	
12a. PERFORMANCE PERIOD START DATE		January 1, 2022		PERFORMANCE PERIOD END DATE	
				June 30, 2023	
13a. SHSGP FEDERAL AWARD			13b. SHSGP TOTAL SUB-RECIPIENT AWARD		
\$ 41,016.00			\$ 41,016.00		
14a. NAME OF PROJECT AWARD			14b. AMOUNT AWARDED		
1	P25 Radio Repeater		\$ 41,016.00		
2					
3					
4					
5					
6					
TOTAL AMOUNT OF PROJECTS			\$ 41,016.00		

15. RECITALS, GRANT REQUIREMENTS, ASSURANCES AND AGREEMENTS

RECITALS

WHEREAS, the New Mexico Department of Homeland Security and Emergency Management (DHSEM) has been designated by the United States Department of Homeland Security (DHS) to serve as grantee, and is thereby authorized to issue this agreement to the applicant and sub-recipient.

WHEREAS, funding has been obligated from the United States Department of Homeland Security (DHS) pursuant to a request by the applicant and sub-recipient.

NOW, THEREFORE it is mutually understood and agreed between the grantee, DHSEM, and sub-recipient as follows:

ARTICLE 1: CONTRACT DOCUMENTS

The following additional contract documents are fully incorporated into this agreement and thereby constitute additional terms and conditions of this agreement:

- Required Reimbursement Checklist
- 2021 Homeland Security Grant Program (HSGP) Application
- DHSEM 2021 HSGP Notice of Funding Opportunity

ARTICLE 2: SCOPE OF WORK

As authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), as amended (42 U.S.C Sections 5121 et. seq.), and Section 662 of the Post Katrina Emergency Reform Act of 2006, as amended (6 U.S.C. Section 762), sub-recipient shall use SHSGP funds to assist in preparing for all-hazards. Specifically, these funds shall be utilized by Sub-Recipient to pay for the eligible expenditures per approved projects previously identified in the SHSGP grant application, and approved by the DHSEM Cabinet Secretary. All work performed pursuant to this agreement must comply with the approved SHSGP application, as applicable. All work must be completed within the performance period, from **January 1, 2021 thru June 30, 2023**. sub-recipient shall not sub-grant any part of this award to any other entity or organization. Within the first reporting quarter, all awards require confirmation that expenditures in the budget category toward this project will be made. If not, DHSEM may execute a de-obligation of Federal funds, without recourse by sub-recipient.

ARTICLE 3: PROJECT ALLOCATION

At the sole discretion of DHSEM, the sub-grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

ARTICLE 4: REPORTING REQUIREMENTS

The sub recipient, sub-recipient shall submit timely quarterly Financial Progress Reports and a quarterly Performance Progress Report to the DHSEM Grant Specialist. Quarterly reports are due: July 30, October 30, January 30, and April 30, within the period of performance beginning after the conclusion of the first quarter of grant activity. Where applicable, Sub-recipients are required to submit a Bi-annual Strategic Implementation Report (BSIR) through the Grant Reporting Tool (GRT). The final reports are due **15 days** after the end of Period of Performance. Financial Progress Reports shall describe and show the status of the funds, encumbrances, receipts of program income, cash, or in-kind contributions to the project, and 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.

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 requirement extends further to an obligation by the sub-recipient to report any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

ARTICLE 5: 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 the project narrative, grant guidelines, and the submission of timely Financial and Performance Progress Reports. Reimbursements may be withheld by DHSEM pending correction of deficiencies. Reimbursement of expenditures shall be requested no later than quarterly for expenditures within the performance period. Each period may only be billed once. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, procurements, etc.). Grant staff will not process reimbursement if quarterly performance and fiscal reports are not submitted timely. DHSEM will not expend funds through OPSG until each unique and specific county-level or equivalent Operational Order/Fragmentary Operations Order budget has been reviewed and approved through an official electronic email notice issued by DHS/FEMA.

Contracts: All sole-source procurements, single vendor response to a competitive bid, and contracts 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). Screenshots of the AEL number and description are required to be submitted along with the Request for Approval.

Travel: All reimbursable travel must be pre-approved by DHSEM 30 days prior to the 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 60 days after conduct of exercise.

Food and Beverages: Per the National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:

- 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
- Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
 - The cost of the food and/or beverages provided is reasonable

- The food and/or beverages provided are subject of a work-related event and work continues after meals are served
- Participation by all participants is mandatory; and
- 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).

Non-reimbursable Expenses:

- Transfer of funds between any programs. Contracts, single vendor response to a competitive bid, sole source contracts, and procurements greater than \$60,000 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.
- 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 which exceeds the 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 reimbursement. Unsupported expenditures will be returned to the jurisdiction for resubmission.

ARTICLE 6: PERFORMANCE MEASURES

Quarterly Progress Reports shall demonstrate performance and progress relative to acceptable performance on applicable critical tasks in Exercises using approved scenarios:

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

ARTICLE 7: 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 financial, programmatic, and administrative policies, procedures, and practices. This monitoring may include review of accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting, procurement, records management, payroll, means of allocating staff costs, property and

equipment management system, progress of project activities, etc.. Monitoring may include desk and field audits. DHSEM will also conduct sub-recipient monitoring through review of the BSIR. Technical assistance is available from DHSEM staff.

ARTICLE 8: PROCUREMENT

When procuring property and services under this agreement, the sub-recipient will follow 2 CFR 200.318 through 2 CFR 200.326. The sub-recipient must use its own documented procurement procedures which reflect applicable State, local, and tribal laws, and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR 200. As such, the sub-recipient must use one of the methods of procurement identified in 2 CFR 200.320. The sub-recipient may request that its procurement system be reviewed by FEMA or DHSEM to determine whether its system meets standards for its system to be compliant

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 from Minority Owned and Women Owned Business is encouraged and must be tracked and reported to DHSEM on the quarterly reports. 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.

ARTICLE 9: CONTRACTS

Any contract entered into agreement during this grant period shall comply with applicable, State and Federal government contracting regulations. Contracts for professional and consultant services must include applicable, 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 marketplace. Detailed invoices and time and effort reports are required for consultants.

ARTICLE 10: 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 2 CFR 200 Subpart F. Sub-recipient 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 2 CFR 200 Subpart F. Copies of audit findings must be submitted to DHSEM within 30 days after sub-recipient receives its audit report, or within a 9-month period of the grant closeout date; whichever is earlier and 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.

ARTICLE 11: PROPERTY AND EQUIPMENT MANGEMENT

The sub-recipient will follow the property standards articulated in 2 CFR 200.310 through 2 CFR 200.326. 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 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. Any disposition of OPSG property or equipment must be pre-approved by DHSEM.

ARTICLE 12: NEPA/EHP COMPLIANCE

The sub-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.

Sub-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, and exercises. Sub-Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. An EHP Screening Form will not need to be provided for those exercises that are planned to take place at previously approved facilities, such as, fire and police academies, search and rescue training facilities, and explosive testing centers. Any type of exercise that requires any type of land, water, or vegetation disturbance or building of temporary structures must undergo an 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 sub-recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the Sub-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.

ARTICLE 13: 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.**

ARTICLE 14: RECORDKEEPING

The sub-recipient will follow the record retention and access standards articulated in 2 CFR 200.333 through 2 CFR 200.337. The 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.

ARTICLE 15: CHANGES TO AWARD

All change requests must be submitted either in writing or electronically to the designated DHSEM Grant Specialist for review and possible approval. All change requests must be accompanied by a justification narrative and a budget and spending plan. All change requests must be consistent with the scope of the project and grant guidelines. Change requests will be considered only if reporting requirements are current, and all other terms and conditions of this

agreement have otherwise been met at the time the request. If approved by DHSEM, changes in the programmatic activities, purpose of the project, 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.

ARTICLE 16: OTHER GENERAL PROVISIONS

- The performance period for this grant award is **January 1, 2022 thru June 30, 2023**. Further, all personnel related grant activity must be completed between **January 1, 2022 thru June 30, 2023**. Funds may not be obligated outside of these time periods. 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 **15 days** of the end of the performance period when the Final Progress and Financial Reports are due.
- The 2021 SAFECOM guidance, in coordination with stakeholders and Federal partners, and the 2014 National Emergency Communications Plan, targets funding priorities to address:
 - a. Governance and Leadership,
 - b. Statewide Planning for Emergency Communications,
 - c. Emergency Communications Training and Exercises,
 - d. Activities that Enhance Operational Coordination, and
 - e. Standards Based Technology and Equipment.

To support these priorities, grantees should target funding toward standards-based equipment that enables the sub-recipients to:

- f. Sustain and maintain current Land Mobile Radios (LMR) capabilities
 - g. Use Project 25 (P25)-compliant LMR equipment for mission critical voice communications
 - h. Meet NMDoIT, FCC and FirstNet spectrum and authority to operate requirements
 - i. Transition towards Next Generation 911 (NG911) capabilities
 - j. Support standards that allow for alerts and warnings across different systems
 - k. Sustain backup solutions (e.g., backup power, portable repeaters, satellite phones, HF radios)
 - l. Secure equipment, information, and capabilities from physical and virtual threats
- Deployable / Shareable Assets - All assets supported in part or entirely with 2021 SHSGP Operation Stone Garden funding must be readily deployable to support emergency or disaster operations per existing IMAS and/or EMAC and other mutual aid agreements.
- All assets supported in part or entirely with 2021 SHSGP Operation Stone Garden funding that may not be physically deployable but support national response capabilities, such as interoperable communications systems and equipment, is considered shareable assets. Access to and use of these assets must be made readily available upon the request of the New Mexico Department of Homeland Security and Emergency Management.
- The sub-recipient shall comply with the requirements and restrictions of the DHS Federal NOFO and the 2021 State Emergency Performance Grant Program Guidance, State Guidelines. By signing this obligating award document, the sub-recipient certifies it has read, understood, and accepted these documents as binding.
- The signatures 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.

- The signature of the signatory officials on this award attests to sub-recipient 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.
- Sub-recipient 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.
- Sub-recipient 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, and Americans with Disabilities Act of 1991*. Sub-recipient 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.
- Sub-recipient certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (EEOP) (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.
- Sub-recipient certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.
- Where applicable it is the responsibility of Sub-recipient as the recipient of these federal funds to fully understand and comply with the requirements of:
 - **Assurances, Administrative Requirements, Cost Principles, and Audit Requirements**, OMB Standard Form 4248 Assurances -Non-Construction Programs, OMB Standard Form 4240 Assurances - Construction Programs, 2 C.F.R. Part 200, 2 C.F.R. Part 3002
 - **Whistleblower Protection Act**
 - 10 U.S.C Section 2409
 - 41 U.S.C. 4712
 - 10 U.S.C. Section 2324
 - 41 U. S. C. Sections 4304
 - 41 U. S. C. Sections 4310
 - **Use of DHS Seal, Logo and Flags** - All recipients must obtain permission from their financial assistance office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags.
 - **USA Patriot Act of 2001**, 18 U.S.C. Sections 175 175c
 - **Universal Identifier and System of Award Management (SAM)**, 2 C.F.R. Part 25, Appendix A,
 - **Reporting of Matters Related to Recipient Integrity and Performance**, 2 C.F.R. Part 200, Appendix ix, XII,
 - **Rehabilitation Act of 1973**, 29 U.S.C. Section 794
 - **Trafficking Victims Protection Act of 2000**, Section 106(g) 22 U.S.C. section 7104, 2 CFR Section 175.15,
 - **Terrorist Financing**
 - **SAFECOM**
 - **Reporting Sub-Awards and Executive Compensation**
 - **Procurement of Recovered Materials, Solid Waste Disposal Act, Resource Conservation Recovery Act,**

- **Environmental Protection Agency (EPA) 40 C. F.R. Part 247**
- **Patents and Intellectual Property Rights**
 - Bayh-Dole Act. Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. section 200 et seq.
 - 37 C.F.R. Part 401
 - 37 C.F.R. Section 401.14
- **DHS HSGP Notice of Funding Opportunity Requirements** - All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.
- **Non-supplanting Requirement** - All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources.
- **Lobbying Prohibitions, 31 U.S.C. Section 1352**
- **Limited English Proficiency (Civil Rights Act of 1964, Title VI**
- **Hotel and Motel Fire Safety Act of 1990,**
- **Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. Section 2225**
- **Fly America Act of 1974, 49 U.S.C. Section 41102, 49 U.S.C. Section 40118**
- **Best Practices for Collection and Use of Personally Identifiable Information (PII)** - DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template, respectively.
- **Americans with Disabilities Act of 1990, 42 U. S. C. Sections 12101, 12213,**
- **Age Discrimination Act of 1975, Title 42 U.S. Code section 6101 et,**
- **Activities Conducted Abroad** - All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- **Acknowledgment of Federal Funding from DHS** - All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
- **Federal Leadership on Reducing Text Messaging while Driving**
- **Federal Debt Status**
- **False Claims Act and Program Fraud Civil Remedies, 31 U. S. C. Section 3729, 31 U. S.C. Section 3801-3812,**
- **Energy Policy and Conservation Act, 42 U.S.C. Section 6201**
- **Education Amendments of 1972 (Equal Opportunity in Education Act), 20 U.S.C. section 1681 et seq, 6 C.F.R. Part 17 and 44 C.F.R. Part 19**
- **Duplication of Benefits, 2 C.F. R. Part 200, Subpart E**
- **Drug-Free Workplace Regulations, 41 U.S. C. section 701 et seq, 2 C.F.R Part 3001,**
- **Debarment and Suspension, Executive Orders, 12549 and 12689, and 2 C.F.R. Part 180,**
- **Copyright, 17 U.S.C. sections 401 or 402**
- **Civil Rights Act of 1968, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. section 3601 et seq, 24 C.F.R. Part 100, 24 C.F.R Section 100.201**
- **Civil Rights Act of 1964 - Title VI, 42 U.S.C. Section 2000d et seq, 6 C.F.R. Part 21, 44 C.F.R. Part 7**
- **DHS Specific Acknowledgements and Assurances**
 - All recipients, sub-recipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
 - Recipients must cooperate with any compliance reviews or compliance investigations conducted by

DHS.

- Recipients must give DHS access to and the right to examine and copy, records, accounts, and other documents and sources of information related to the award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.
- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hg.dhs.gov or by mail at **U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.**
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.
- The United States has the right to seek judicial enforcement of these obligations.
- **Disposition of Equipment Acquired Under the Federal Award**, 2 C.F.R. Section 200.313,
- **National Environmental Policy Act**, National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, <https://ceq.doe.gov/>
- **Nondiscrimination in Matters Pertaining to Faith-based Organizations**, 6 C. F. R. Part 19

ARTICLE 17: 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.

- Unwillingness or inability to attain project goals
- Unwillingness or inability to adhere to Article 19, Special Conditions.
- Failure or inability to adhere to grant guidelines and federal compliance requirements
- Improper procedures regarding contracts and procurements
- Inability to submit reliable and/or timely reports
- Management systems which do not meet federal required management standards
- Failure or inability to adhere to the terms and conditions of this agreement

ARTICLE 18: 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 notice of five (5) days 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 reimbursement 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.

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.

This Space is intentionally blank

ARTICLE 19: SPECIAL CONDITIONS

Grant funds cannot be expended until these conditions have been met


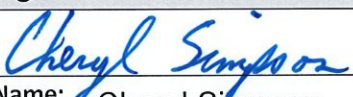
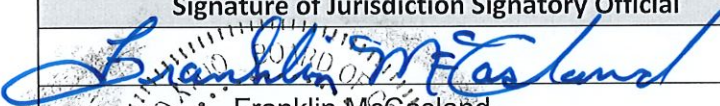
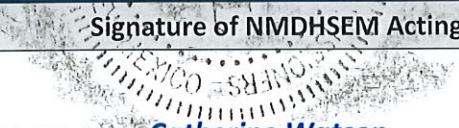
- SHSGP Notice of Funding Opportunity Requirements - All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.
- The grant award amount is a funding allocation and is not to be interpreted as expenditure authorizations or approvals. Pre-approval from DHSEM's Local Preparedness Program, Preparedness Unit, and Administrative Service Bureau (ASB) is required for all purchases regardless of any application review.
- All awarded projects must be planned for, conducted, budgeted, and expended within the designated performance period. Furthermore, at least 25% of the grant award must be expended in the first quarter for each project; some exceptions and/or extenuating circumstances may apply.
- All sub-recipients must complete a National Incident Management System (NIMS) Assessment on or before September 30 of each year. All funded beneficiaries, to include but not limited to, first response agencies and special teams must also complete a NIMS Assessment. Continuing working on NIMS implementation objectives throughout the performance period of the grant and thereafter.
- All sub-recipients must complete and/or revise their Threat Hazard Identification Risk Assessment (THIRA) on or before May 30 biannually.
- All sub-recipients must complete and/or revise their local and/or regional Tactical Communication Interoperable Plan (TCIP) prior to the final request for reimbursement.
- All sub-recipients must have a fully promulgated All Hazards Emergency Operations Plan (EOP) prior to the final request for reimbursement.
- All sub-recipients are required to conduct one exercise to test the capabilities of equipment purchased with past or current federal preparedness grants. All AAR/IP and/or AAR/IP input forms must be sent to the DHSEM exercise Officer no later than 60 days after the exercise.
- All SHSGP performance activities will be monitored by the Local Preparedness Program on a quarterly basis or as needed to ensure sub-recipients are conducting progressive activities to ensure project completion within the specified performance period.
- Quarterly financial and progress reports are due on April 30, July 30, October 30, January 30 within the Period of Performance. Final reports are due 15 days after the end of Period of Performance.
- All equipment must be purchased and deployed in accordance set forth in the 2021 SHSGP NOFO. All assets supported in part or entirely with 2021 SHSGP funding must be readily deployable to support emergency or disaster operations per existing EMAC agreements.
- All Revisions must be reviewed and approved by the Local Preparedness Program to ensure that the proposed project meets all federal and state eligibility requirements. All Revisions must meet the original scope of the project.
- The beneficiary of this award is solely responsible for all expenditures that are incurred outside of the award performance period.
- All expenditures that are incurred above and beyond the amount of this sub-grant agreement are the sole responsibility of the sub-recipient of this award.
- The FEMA approved National Environmental Protection Agency-Environmental Historic Preservation (NEPA/EHP) form must be submitted prior to any ground disturbance, modification to buildings, etc.
- Annual external audit reports must be submitted to DHSEM within 30 days of receipt by sub-recipients.
- All Contracts for goods and services, to include the project scope of work, must be reviewed and approved the LPP and ASB before execution, to include signing of contract between parties.
- All requests for Sub-grant award extensions must be received at DHSEM prior to the 90-day sub-grant award termination date. Requests for sub-grant award extensions will only be considered for documented extenuating circumstances and will be reviewed by the Local Preparedness Program on a case-by-case basis.
- Upon completion of all awarded projects, any remaining funds will be de-obligated and reverted to DHSEM.



State of New Mexico
DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT
P.O. Box 27111
Santa Fe, NM 87502

SUB-RECIPIENT GRANT AGREEMENT
2021 State Homeland Security Grant Program
2021 Federal Grant No. **EMW-2021-SS-00061-S01** CFDA No. **97.067**

The acceptance of a grant from the United States and the State of New Mexico creates a legal duty and obligation on the part of the sub-grantee Sub-recipient to use the funds or property made available in accordance with the conditions of the grant as administered by and through the New Mexico Department of Homeland Security and Emergency Management.

JURISDICTION SIGNATURES			
Signature of Jurisdiction EM Program Manager		DATE	
		12-13-21	
Printed Name: Paul Lucero			
Contact Number:	(575) 461-1050	e-Mail Address:	paul.lucero@quaycounty-nm.gov
Signature of Jurisdiction Chief Financial Officer		DATE	
		12-13-2021	
Printed Name: Cheryl Simpson			
Contact Number:	(575) 461-2112	e-Mail Address:	cheryl.simpson@quaycounty-nm.gov
Signature of Jurisdiction Signatory Official		DATE	
		12-13-2021	
Printed Name: Franklin McCasland			
Contact Number:	(575) 461-2112	e-Mail Address:	fmccasland@yahoo.com
NM DHSEM SIGNATURES			
Signature of NMDHSEM Acting Grants Manager		DATE	
			
Print Name: Catherine Watson			
Signature of NMDHSEM Cabinet Secretary		DATE	
Print Name: Bianca Ortiz - Wertheim			

Print one original agreement, sign and email to: DHSEM.grants@state.nm.us and copy your
Sub-Grant Analyst

**COUNTY OF QUAY
FISCAL YEAR 2021-2022
RESOLUTION NO. 19**

**A RESOLUTION FOR DETERMINATION OF REASONABLE NOTICE OF
MEETING OF COUNTY BOARDS AND DATE AND TIME OF REGULAR
MEETINGS**

WHEREAS, Sections 10-15-1 to 10-15-4 of the Open Meetings Act, NMSA 1978 require that all meetings of quorum of members of any county board held for the purpose of formulating public policy, discussing public business, or taking action within the authority of the board are to be open to the public; and

WHEREAS, the Open Meetings Act further requires reasonable notice to the public for said meetings; and

WHEREAS, said Act also provides that the board shall determine at least annually what notice shall be reasonable for the public meetings; and

WHEREAS, the Board of Commissioners for Quay County, New Mexico wishes to fully comply with the provisions of the Open Meetings Act.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Quay County that the following is hereby determined to be reasonable notice for any meeting of the Board for the calendar year 2022 and that notice of the determination and the Regular Meeting dates shall be published once a week for two consecutive weeks in the legal section of a newspaper of general circulation with the County of Quay.

Section 1 – NOTICE REQUIREMENTS

- A. Notice requirements for REGULAR MEETINGS are met:
1. When the above referenced legal notice has been published and a notice of date, time, place and agenda has been posted in a conspicuous place at the Quay County Courthouse, and is available to the public and media at least seventy-two (72) hours prior to the meeting; or
 2. By public announcement of the time and place of such meeting made at the previous regular meeting.
- B. SPECIAL MEETINGS – the chairperson or a majority of the members of the County Commission may call for a Special Meeting to be held on dates other than the Regular Meeting dates. Notice requirements for Special Meetings are met:
1. By posting a notice and agenda for the Special Meeting on the main bulletin board of the Quay County Courthouse at least twenty-four (24) hours prior to the commencement of the Special Meeting; or
 2. By announcement of the Special Meeting during a Regular or Special Meeting held at least twenty-four (24) hours before the commencement of such Special Meeting; and
 3. By providing a written notice of the agenda for the Special Meeting to all local media representatives that have filed a request for notice of public meetings.

C. EMERGENCY MEETINGS – may be scheduled by the chairperson or a majority of the Commission members to deal with unforeseen circumstances, which demand immediate action to protect the health, safety, or property of citizens or the public from substantial financial loss. Notice requirements for an Emergency Meeting are met:

1. Upon the issuance and posting of an agenda in a conspicuous place in the Courthouse three (3) hours prior to the Emergency Meeting unless threat of personal injury or property damage compel less notice. The County Manager will provide telephone/facsimile notice to the news media of emergency meetings as timely as possible given the nature of the emergency.

Section 2 – REGULAR MEETING DATES AND TIME

Unless otherwise specified, regular meetings shall be held at 9:00 a.m. on the second and fourth Monday of each month in the County Commission Chambers of the Quay County Courthouse. The agenda will be available at least seventy-two (72) hours prior to any regular meetings in the offices of the County Manager and County Clerk located in the County Courthouse, 300 South Third Street in Tucumcari, New Mexico.

IT IS ALSO RESOLVED, that substantial conformance with any one of the foregoing methods of giving notice shall constitute compliance with this resolution, and that nothing herein shall prevent the use of additional means or methods of giving notice or Regular, Special, or Emergency Meetings and other such notice for any public meeting for which notice has been given and which is recessed. However, in recessing the meeting, the presiding officer shall announce the time and place the meeting shall resume.

PASSED, APPROVED AND ADOPTED, this 13th day of December, 2022.


QUAY COUNTY BOARD OF COMMISSIONERS

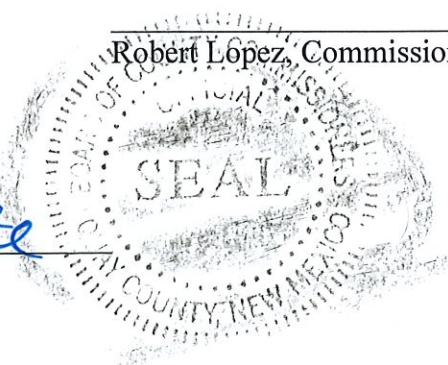

Franklin McCasland, Chairman


Jerri Rush, Commissioner

Robert López, Commissioner

ATTEST:


Ellen White, County Clerk





QUAY COUNTY GOVERNMENT

300 South Third Street

P.O. Box 1246

Tucumcari, NM 88401

Phone: (575) 461-2112

Fax: (575) 461-6208

NOTICE OF PUBLIC MEETINGS

The Board of County Commissioners of Quay County at its December 13th scheduled meeting adopted 2021-2022 Resolution No. 19 to establish the following policy regarding public meetings.

1. By FY2021-2022 Resolution No. 19 to adopt the New Mexico Open Public Meeting Policy requirements.

Regular monthly meetings will be conducted on the Second and Fourth Monday of each month beginning at 9:00 a.m. unless noted below with an asterisk (*), in the Commission Chambers, First Floor, Quay County Courthouse, 300 South Third Street, Tucumcari, New Mexico.

2022 Commission Meeting Dates

Month	Date – Day	Month	Date - Day
January 10	Monday	July 11	Monday
January 24	Monday	July 25	Monday
February 14	Monday	August 8	Monday
February 28	Monday	August 22	Monday
March 14	Monday	September 12	Monday
March 28	Monday	September 26	Monday
April 11	Monday	October 10	Monday
April 25	Monday	October 24	Monday
May 9	Monday	November 7	Monday
May 23	Monday	November 21	Monday
June 6*	Monday	December 12	Monday
June 27	Monday		

* June meetings are scheduled to not interfere with the NM Association of Counties' Annual Conference.

The **Quay County Indigent Hospital Claims Board** will be held in conjunction with the Commission scheduled on the Second Regular Meeting of each month.

2. Established by 2021-2022 Resolution No. 19 that the following is determined to be reasonable notice for any public meeting for the Board of County Commissioners or of any policymaking agency or authority of the Board for the calendar year 2022.

- For **REGULAR MEETINGS AND WORK SESSIONS**-issuance and posting of an agenda three calendar days (72 hours) before the meeting. The agenda will be made available to the public and news media, and posted on the main Courthouse Bulletin Board.
- For **SPECIAL MEETINGS**-issuance and posting of an agenda one calendar day (24 hours) before the meeting. The agenda will be made available to the public and news media, and posted on the main Courthouse Bulletin Board.
- For **EMERGENCY MEETINGS**-issuance and posting an agenda three (3) hours before the meeting. The agenda will be posted on the main Courthouse Bulletin Board and as many of the news media notified as possible given the nature of the emergency.

The agenda for each Commission Meeting will be available in the County Manager's Office and in the County Clerk's Office in conformance with this schedule.


Daniel Zamora, Quay County Manager



QUAY COUNTY GOVERNMENT

300 South Third Street

P.O. Box 1246

Tucumcari, NM 88401

Phone: (575) 461-2112

Fax: (575) 461-6208

2022 HOLIDAY SCHEDULE

DATE OF HOLIDAY	HOLIDAY	DAY/DATE OBSERVED
01/01/2022	New Year's Day	Friday, December 31, 2021
01/17/2022	Martin Luther King Day	Monday, January 17, 2022
02/21/2022	President's Day	Monday, February 21, 2022
05/30/2022	Memorial Day	Monday, May 30, 2022
06/19/2022	Juneteenth	To be Taken at Thanksgiving Wednesday, November 23, 2022
07/04/2022	Independence Day	Monday, July 4, 2022
09/05/2022	Labor Day	Monday, September 5, 2022
10/10/2022	Indigenous People Day	To be Taken at Christmas Tuesday, December 27, 2022
11/11/2022	Veteran's Day	Thursday, November 10, 2022
11/24/2022	Thanksgiving Day	Thursday, November 24, 2022
12/25/2022	Christmas Day	Monday, December 26, 2022
	Personal Holiday	TBD

QUAY COUNTY
FY 2021-2022Resolution Supporting the New Mexico Counties
2022 Legislative Priorities

WHEREAS, in October 2021, the New Mexico Counties Board of Directors approved three legislative priorities for consideration by the New Mexico Legislature at its 2022 session; *and*

WHEREAS, NMC has requested that the Board of County Commissioners in each of the state's 33 counties discuss and approve support for NMC's legislative priorities as an important step in assuring maximum understanding of NMC's legislative priorities at the county level; *and*

WHEREAS, county support enables NMC to demonstrate strong local and statewide support to the state legislature for the following issues:

1. HB 2 Appropriations

Detention Reimbursement Fund

Restore the County Detention Facilities Reimbursement Act to the original appropriation of \$5 million. Currently the NM Legislature appropriates \$2.3 million even though the NM Sentencing Commission estimates the state owes counties over \$8 million a year for holding state prisoners.

Prisoner Transport and Extradition

Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state prisoners. Statute requires the state to make such payment, however no money has been appropriated to counties for many years. Counties should not have to pay for state prisoner extradition.

RISE Funding

Make permanent and increase county participation in the RISE (Reach, Intervene, Support and Engage) Program. RISE is a partnership between the NM Behavioral Health Services Division and several county jails to reduce recidivism and help non-violent offenders get treatment to stay out of jail. As we start to see more concrete results, we hope to be able to add more counties and jails into that partnership.

2. Law Enforcement Protection Fund

The state imposes taxes on insurance policies every year to pay for things like improved fire services and protecting law enforcement officers, yet every year millions of dollars have been taken from those funds to help pay for other areas in state government. We recently fixed the fire fund, now we need to keep the state from taking money from the LEPF. The \$5-\$6 million dollars that goes back into the GF should be going to local law enforcement agencies to enhance the efficiency and effectiveness of law enforcement services.

3. Courthouse Funding

Create a matching fund to help counties pay for construction and renovation of state district courthouses with an initial capital outlay request of \$50-\$100 million. This is another unfunded county mandate that we would like to alleviate in the future.

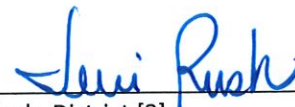
NOW, THEREFORE, BE IT RESOLVED that the Quay Board of County Commissioners does hereby support NMC's legislative priorities as set forth above and urges that legislation incorporating these priorities be enacted by the state legislature during its 2022 session.

ADOPTED this 13th of December, 2021.

BOARD OF COUNTY COMMISSIONERS OF [COUNTY], NEW MEXICO


Franklin D. McCasland, Chair, District [3]

For / Against


Jerri Rush, District [2]

For / Against

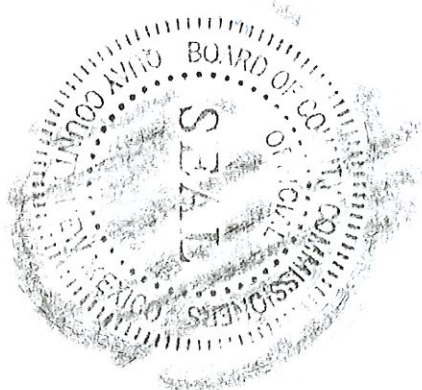
Robert Lopez, District [1]

For / Against

ATTEST:



Ellen L. White
County Clerk



**QUAY COUNTY
FISCAL YEAR 2021-2022
RESOLUTION No. 22**

Authorization of Budgetary Increase to **American Rescue Plan Act (654)**

WHEREAS, at meeting of the Board of Quay County Commissioners on December 13, 2021 the following was among the proceedings;

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

**State Fund 26000
Budgetary Increase**

	<u>DEBIT</u>	<u>CREDIT</u>
26000-2002-51080 Salaries – Add'l Compensation	\$ 20,000	
26000-2002-52010 FICA – Regular	\$ 1,300	
26000-2002-52011 FICA – Medicare	\$ 300	

WHEREAS, the above activity was not contemplated at the time the final budget was adopted and approved **ARPA funds to pay Hazard Incentives to Employees maintaining day to day operations during the Pandemic**

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

DONE at Tucumcari, County of Quay, New Mexico this 13th day of December, 2021.


Franklin McCasland, Commissioner

ATTEST:


Ellen White, County Clerk


Jerri Rush, Commissioner

Robert Lopez, Commissioner

