

**San Juan County Commission  
Regular Meeting  
December 15, 2020**

Chairman Fortner called the San Juan County Commission meeting to order on December 15, 2020 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Fortner gave the invocation and Commissioner Beckstead led the Pledge of Allegiance. Those present were:

CHAIRMAN	Jack L. Fortner
CHAIRMAN PRO-TEM	Jim Crowley
MEMBER	John T. Beckstead
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan- VIA PHONE
TREASURER	Mark Duncan
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Doug Echols
DEPUTY ATTORNEY	Joe Sawyer
DEPUTY FINANCE OFFICER	Travis Sisco
PUBLIC WORKS ADMINISTRATOR	Nick Porell
HEALTH CARE ASSISTANCE PROGRAM COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
SUBDIVISION REVIEW OFFICER	David Barnett
PUBLIC RELATIONS MANAGER	Devin Neeley
BEHAVIORAL HEALTH SERVICES DIRECTOR	Su Hodgman

The following attended via phone or via WebX:

CLERK	Tanya Shelby
CHIEF DEPUTY CLERK	Alyssa Kuhn
CHIEF DEPUTY TREASURER	Carol Taulbee
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
CHIEF HUMAN RESOURCES OFFICER	Roberta Padilla
ADULT DETENTION ADMINISTRATOR	Daniel Webb
ADULT DETENTION CENTER DEPUTY WARDEN	Brenna Cook
JUVENILE SERVICES ADMINISTRATOR	Bowen Belt
FIRE CHIEF	John Mohler
HOUSING EXECUTIVE DIRECTOR	Faye Anderson

VISITORS:

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## **Regular Meeting**

### **Approval of Agenda**

Mike Stark, County Manager, stated that there are no changes to the agenda. A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to approve the agenda as presented. Upon voice vote this motion passed unanimously.

### **Consent Agenda**

1. Approval of FY21 Budget Adjustment #7 – Resolution No. 20-21-31
2. Approval of Regular Meeting Minutes from December 1, 2020
3. Approval of Finance Check Registers for November 2020
4. Ratify Amendment #1 to the CARES Local Government and Business Continuity
5. Approval for Treasurer Check Register for November 2020

A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Sullivan to approve the Consent Agenda. Upon voice vote this motion passed unanimously.

### **Old Business**

1. **Consideration to Implement the Exclusive Mail Prescription Program for San Juan County Employee Plan Members**

Melissa Wood, Benefits Compensation Manager, explained that this item was tabled at the December 10, 2020 Regular Meeting due to a request for additional information. Ms. Wood provided the following information regarding locally owned pharmacies:

1/1/20 through 12/7/20, locally owned pharmacies processed 434 maintenance medical claims totaling \$92,006. The total cost for all prescriptions (including maintenance) to all pharmacies, including local, from 1/1/20 to 11/30/20 was \$1,086,639 (7,204 prescriptions). Locally owned pharmacies include Kare Drug and Pinon Family Pharmacies and represent 7.8% of the market.

Information Provided in the December 1, 2020 Commission Meeting:

In an effort to reduce prescription costs for the County, copays for employees, and provide a COVID safe mail delivery option, staff proposed implementing Serve You Rx's Exclusive Mail Program for maintenance medications only. This program is estimated to save our plan between \$103,000 and \$119,000 annually. Not only will it save the County costs, but prescription plan members can see savings as well due to the decrease in copays for their maintenance medications. The prescription is shipped directly to the member which helps with unexpected purchases and spreading illness. Prescriptions can be sent to work locations for individuals that worry about home isolation or mailbox tampering. To assist with implementation, the requirements of Exclusive Mail would go into effect on 02/01/2021 to give benefits and Serve You Rx enough time to send correspondence to employees. Serve You estimates that about 380 members would need to make necessary adjustments for the mail order provision. Chairman Fortner requested that the implementation of the mail program be amended to go into

effect on April 1, 2021. Ms. Wood confirmed the program will go into effect beginning April 1, 2021. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Crowley to approve to Implement the Exclusive Mail Prescription Program for San Juan County Employee Plan Members. Upon voice vote this motion passed unanimously.

### **Closed Executive Session**

A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to go into closed executive session for review of Probate Judge Applications. Upon voice vote this motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Sullivan to go back into open meeting. Upon voice vote this motion passed unanimously. Chairman Fortner stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

### **New Business**

#### **1. Consideration of Appointment of Probate Judge**

Chairman Fortner requested nominations for the appointment of the Probate Judge. Chairman Pro-Tem Crowley nominated Gary Risley and Commissioner Todacheene nominated Shellie Patscheck. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Crowley to close nominations. Upon voice vote this motion passed unanimously. A roll-call vote was conducted; Chairman Fortner, Chairman Pro-Tem Crowley, Commissioner Beckstead, and Commissioner Sullivan voted for Gary Risley. Commissioner Todacheene voted for Shellie Patscheck. Gary Risley was appointed as the Probate Judge by a four to one vote.

#### **2. Consideration of Resolution No. 20-21-32, San Juan Solar 1, LLC Industrial Revenue Bonds**

David Buchholtz, Rodey Law Firm, explained that San Juan Solar 1, LLC submitted an application for the County to issue approximately \$300 million in Industrial Revenue Bonds to finance the construction of a solar and battery storage project located in Kirtland near the Public Service Company of New Mexico (PNM) San Juan Generating Station as part of PNM's replacement power portfolio. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Crowley to approve Resolution No. 20-21-32, San Juan Solar 1, LLC Industrial Revenue Bonds. Upon voice vote this motion passed unanimously.

#### **3. Consideration for Award of Bid No. 20-21-01, Totah Theater Renovation**

Diana Chapman, Chief Procurement Officer, stated that on November 1, 2020, Central Purchasing issued a request for sealed bids for the renovation of the existing Totah Theater in Farmington, NM. One hundred and sixteen (116) invitations were mailed. On December 3, 2020, three (3) bids were received and opened. The bid responses were reviewed by staff and the project architect. Staff recommended award of Bid No. 20-21-01 to Jaynes Corporation of

Farmington, NM as the overall low bidder. The award is for the base bid amount \$693,623.00, Alternate #1: Fire Sprinkler System \$107,592.00, Alternate #2: New Roofing System \$102,891.00 and Alternate #3: New doors, frames, and card access system \$42,803 plus the New Mexico Gross Receipt Tax of \$78,119.99 for a total award of \$1,025,028.99. The Commission asked various questions. A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Sullivan to approve the Award of Bid No. 20-21-01, Totah Theater Renovation. Upon voice vote this motion passed unanimously.

**4. Consideration of Agreement to Transfer Totah Theater to City of Farmington Upon Completion of Improvements and Payment by City**

Joe Sawyer, Deputy County Attorney, indicated that to attract film industry investment and promote job creation in San Juan County, the County obtained approximately \$1.5 million in capital outlay for film studio construction in the 2019 and 2020 regular sessions of the New Mexico Legislature. The County used a portion of the grant to purchase the Totah Theater in Farmington as a location for visiting movie and television productions, office space, screenings, premieres, and a training facility for a film industry workforce. The County is making improvements to the Totah Theater to make it safe, attractive, and ADA compliant. The City of Farmington has expressed interest in working with the County by contributing funds toward the improvements and in taking ownership once the improvements are completed. At its regular meeting on December 8, 2020, the Farmington City Council agreed to contribute \$275,000 to the improvements and to take ownership by September 1, 2021. Staff requested Commission approval and execution of an agreement to transfer the theater once the improvements are completed and upon payment from the City. The Commission asked various questions. A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Todacheene to approve the Agreement to Transfer Totah Theater to City of Farmington Upon Completion of Improvements and Payment by City. Upon voice vote this motion passed unanimously.

**5. Consideration for Award of Bid No. 20-21-04, Behavioral Health**

Diana Chapman, Chief Procurement Officer, stated that Central Purchasing issued a request for proposals on October 17, 2020 for the purpose of selecting a firm or firms to provide outpatient mental health and substance abuse services for the uninsured population within San Juan County. Of the Sixteen (16) invitations mailed out four (4) responses were received and opened on November 17, 2020. The Evaluation Committee evaluated the four (4) responsive offers in accordance with the evaluation criteria and recommended that an award be made to ATB Behavioral Health of Farmington, NM, Cottonwood Clinical Services of Farmington, NM, and Sadie Smith-McDaniel dba Angel Peak Counseling of Bloomfield, NM as the highest rated offerors for the services. The award will be subject to the successful negotiation of a Contract. The Commission made various comments. Su Hodgman, Behavioral Health Services Director, stated the Mental Health Resource Center has already assisted 25 citizens since opening. A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Beckstead to approve the Award of Bid No. 20-21-04, Behavioral Health. Upon voice vote this motion passed unanimously.

**6. Consideration of Budget Adjustment to Fund Construction of Boat Ramp Facility on Animas River in Cedar Hill**

Nick Porell, Public Works Director, requested a budget adjustment to fund the recently received design deliverables for a new boat launch facility on the Animas River in Cedar Hill to increase outdoor recreation opportunities and is located on County-owned property off Road 2390. The property was formerly a portion of the Denver & Rio Grande Western railroad right of way and is currently undeveloped. The remains of a bridge abutment from the former railroad is the only structure on the property and there is no public river access between Aztec, NM and Durango, CO. This location would provide a logical expansion to the river access system. The design of the project was completed by Riverbend Engineering, LLC in November 2020. A US Army Corps of Engineers 401/404 permit is required for the construction of the facility and is expected in March 2021. The project consists of a right of way, a secure access gate, gravel parking for vehicles/trailers, a stone stabilized boat launch, bank stabilization, a diversion weir, and native plantings. A portion of the project will be completed prior to the award of a construction contract by San Juan County staff which will include the construction of the access road, clearing and grubbing, and demolition of the existing bridge abutment. San Juan County will provide layout survey services during construction. Following construction, Public Works will install signage and the security gate for the facility. Cost estimates for the project were developed by Riverbend Engineering and San Juan County Public Works. The estimates are approximately \$135K and \$167K respectively. The County estimate was adjusted based on recent construction awards and statewide construction pricing data from the New Mexico Department of Transportation. Staff recommended a construction budget of \$170,000 be established for the project. Completion of the project and grand opening is anticipated in September 2021. The Commission asked various questions. A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Beckstead to approve the Budget Adjustment to Fund Construction of Boat Ramp Facility on Animas River in Cedar Hill. Upon voice vote this motion passed unanimously.

**7. Consideration of Letter to Navajo Nation Regarding Maintenance of Road 7950 to Chaco Cultural National Historic Park**

Nick Porell, Public Works Director, indicated that Road 7950 is approximately 15.59 miles long and provides access to Chaco Culture National Historic Park (CCNHP) and area residents. The road within CCNHP is paved and is maintained by the National Park Service (NPS) and San Juan County maintains 11.21 miles of Road 7950 (3 miles chip seal, 8.21 miles gravel) from the intersection with Road 7900. The last 4.38 miles of Road 7950 closest to CCNHP is located on Navajo Nation Tribal Fee Land and the maintenance responsibility is that of the Navajo Division of Transportation. Beginning in 2007, San Juan County used federal grant money to pursue a chip seal project for the entire length of Road 7950. Due to the opposition of paving the road from several special interest groups, the project became very complex and the environmental assessment component spanned three years. Despite this effort, no consensus could be reached amongst the many stake holders which included the FHWA, NMDOT, BLM, SHPO, Chaco Park, Navajo and non-local Tribes. A mediation agreement was reached in 2010 between Navajo Nation, San Juan County, and NPS. No action was taken by the NPS or Navajo Nation per the terms in the mediated settlement. Ultimately, the project was abandoned in 2012 and the remaining grant funds were diverted to another priority project. The 4.38 miles of Road 7950 located on Tribal Fee Land is in a condition of substantial disrepair and is often impassible during inclement weather. San Juan County receives frequent complaints about this

portion of the road and is left in the position to explain maintenance is the responsibility of Navajo Nation. The road condition is a hazard to residents living in the area and represents a barrier to visitors of CCNHP. A letter has been prepared which is to remind the Navajo Nation of the history of the project and their obligation to maintain the remaining 4.38 miles across the Navajo fee land to the Park boundary and to potentially pursue a Memorandum of Understanding between San Juan County and Navajo Nation where San Juan County could perform maintenance on this portion of Road 7950 if payment for services is agreed to by Navajo Nation. Nathan Hatfield, Aztec Ruins and Chaco Cultural National Park Public Information Officer, informed the Commission that the Navajo Nation has been notified regarding the condition of the road. Commissioner Todacheene requested that the letter also be forwarded to the Council Delegate Freeman and Ervin Chavez, Chapter Official. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Commissioner Beckstead to approve the Letter to Navajo Nation Regarding Maintenance of Road 7950 to Chaco Cultural National Historic Park. Upon voice vote this motion passed unanimously.

#### **8. Adoption of Amended Subdivision Regulations**

Doug Echols, County Attorney, David Barnett, Subdivision Review Officer, explained that as a result of changes in State law and recommendations made by the consultant in the update to the San Juan County Growth Management Plan, it is necessary to amend and restate the Regulations. Mr. Echols stated that the Attorney General's Office reviewed the proposed regulations. San Juan County Subdivision Regulations have not been modified since 2006. David Barnett, Subdivision Review Officer, stated that significant changes include establishing a holding period for recipients of property through the family exemption. Additionally, a procedure to waive or shorten the holding period has been created. New requirements have been established for other exempt subdivisions such as requiring minimum road standards and utility access. The subdivision review process has also been changed with a view toward streamlining the process for engineers and developers. Mike Smith requested that the family exemption and five-year holding restriction revision be tabled for a later date when public attendance is allowed at a Commission Meeting. The Commission made various comments regarding questions that have been asked by property owners. A motion was made by Commissioner Sullivan to table the Adoption of Amended Subdivision Regulations. There was not a second, motion died.

A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Beckstead to approve the Adoption of Amended Subdivision Regulations and table the portion regarding the family exemption. Upon voice vote this motion passed unanimously.

#### **Report from County Manager**

Mike Stark thanked Larry Hathaway, General Services Administrator for his years of service and announced that Mr. Hathaway will be retiring Dec 31, 2020.

#### **Reports From Elected Officials And Department Heads**

Kim Martin, Chief Financial Officer, updated the Commission on the Gross Receipt Tax and Oil & Gas budget.

Comments / Input From The General Public

None

Presentation of Awards to Outgoing Elected Officials

Chairman Fortner recognized and presented an award to Mark Duncan, County Treasurer for his service in the County.

Chairman Fortner recognized Chairman Pro-Tem Crowley for his years of dedicated service and the development of the Mental Health Center.

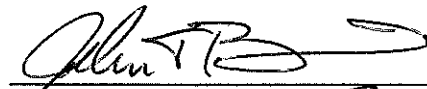
Commissioner Beckstead presented an award to Chairman Fortner and commended him for his dedicated years of service.

Adjourn

Being no further business, a motion was made by Chairman Fortner, seconded by Commissioner Todacheene to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 6:20 p.m.


APPROVED THIS 5TH DAY OF JANUARY 2021

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

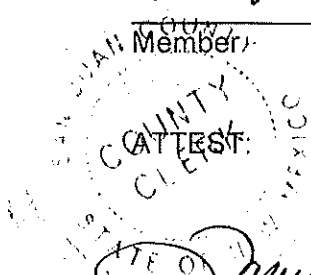
  
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Tanya Shelby, County Clerk