

**San Juan County Commission  
 Regular Meeting  
 March 2, 2021**

Chairman Beckstead called the San Juan County Commission meeting to order on March 2, 2021 at 4:05 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Beckstead gave the invocation and Chairman Pro-Tem Fortner led the Pledge of Allegiance. Those present were:

CHAIRMAN	John T. Beckstead
CHAIRMAN PRO-TEM	Terri D. Fortner
MEMBER	Steve Lanier- VIA WEBEX
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan- VIA PHONE
TREASURER	Carol Taulbee
CHIEF DEPUTY TREASURER	Bryan Myers
SHERIFF	Shane Ferrari
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Doug Echols
DEPUTY ATTORNEY	Joe Sawyer
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Mitchell
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Timi Howell
JUVENILE SERVICES DIRECTOR	Bowen Belt
JUVENILE SERVICES DEPUTY DIRECTOR	Shane Starr
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley

The following attended via phone or via WebEx:

CLERK	Tanya Shelby
CHIEF DEPUTY CLERK	Alyssa Kuhn
EMERGENCY MANAGER	Mike Mestas
ADULT DETENTION ADMINISTRATOR	Daniel Webb
FIRE CHIEF	John Mohler
COMMUNITY HEALTH & SOCIAL SERVICES DIRECTOR	Liza Gomez
HOUSING EXECUTIVE DIRECTOR	Faye Anderson

VISITORS:

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A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Todacheene to call to order the Board of Finance Meeting. Upon voice vote, the motion passed unanimously.

## **Board of Finance Meeting**

### **1. Report on County Investments and Interest Earned**

Carol, Taulbee, Treasurer, stated that as of as of December 31, 2020, County investments earned \$330,669.20 in interest for Fiscal Year 2021; a 24.1% decrease in interest earned in FY2019 and 45.6% decrease from the same period in FY2020. The return on the average balance invested for the year decreased from 1.3% in FY2020 to 0.9% in FY2021. The total average invested dollars are significantly lower than in FY2020 due to the continued spending down of the 2015 Bond Series funds and conservative cash flow management. Due to the impact of Covid-19 on interest rates and the reduction in GRT and Oil & Gas receipts, we are conservatively reinvesting which should assure adequate cash flow through the end of FY2021. The total cash and investments as of December 31, 2020 were \$77,664,902.53 and includes December property tax collections of which \$22,241,998.14 was distributed to the local municipalities and school districts in January 2021. After deducting the property tax payable and the December 31, 2020 outstanding checks of \$1,378,753.50, the December 31, 2020 cash and investment total is \$54,044,150.89.

### **2. Consideration of Approval of Resolution No. 20-21-51, Adoption of Electronic Funds Policy**

Carol Taulbee, Treasurer, explained that the electronic funds policy establishes general guidelines for using electronic funds transfers (EFTs), automated clearing house (ACH), and wire transfers from within San Juan County. The primary goal of this policy is to ensure the use of EFTs within San Juan County are initiated, executed, and approved in a secure manner. The factors include the following: security, efficiency, cost effectiveness, the manner/type of transfer, and the methods used to communicate instructions with the County banks. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to approve Resolution No. 20-21-51, Adoption of Electronic Funds Policy. Upon voice vote this motion passed unanimously.

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Sullivan to adjourn the Board of Finance Meeting and call to order the Regular Meeting. Upon voice vote, the motion passed unanimously.

## **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 Chairman Pro-Tem Fortner to approve the agenda as presented. Upon voice vote this motion passed unanimously.

### **Consent Agenda**

1. Approval of Regular Meeting Minutes of February 2, 2021

2. Approval of Regular Meeting Minutes of February 16, 2021
3. Approval of Budget Adjustment #10-Resolution No. 20-21-48
4. Approval of Acceptance for \$1.25M Economic Adjustment Assistance Grant
5. Approval of the Award of Proposal No. 20-21-07, Architectural Services for ADA Improvements at 22 County Facilities to Rodahl & Hummell Architecture of Farmington, NM
6. Approval of Resolution No. 20-21-42, Authorizing the Submission of the FY2022 LDWI Grant Funding Application

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

### Old Business

1. **Consideration of San Juan County Ordinances 114, 115 and 116, Authorizing Industrial Revenue Bonds for San Juan Solar 1, LLC. Series A, B and C, for a Replacement Power Project Relative to the San Juan Generating Station**

David Buchholtz, Rodey Law Firm, indicated that the Commission previously authorized publication of Notices of Intent to Adopt Ordinances 114, 115, and 116. The Notices were published in the Daily Times on Thursday, January 28, 2021, more than 14 days prior to consideration of adoption as required by law. Ordinance No. 114 would authorize issuance of series 2021 A Bonds in the amount of \$270,000,000.00, Ordinance No. 115 would authorize issuance of Series 2021 B Bonds in the amount of \$30,000,000.00, and Ordinance No. 116 would authorize issuance of Series 2021 C bonds in the maximum aggregate amount of \$150,000,000.00. San Juan County will have no pecuniary liability for these bonds. The Commission tabled consideration of these Ordinances at their February 16 meeting to allow for completion of negotiations between San Juan Solar, San Juan County, San Juan College, and Central Consolidated School District. Mr. Buchholtz will report the final negotiations of the provisions at a future Commission meeting. Josh Case, Photosol USA CEO gave a brief update on the progress of the project. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Fortner to approve San Juan County Ordinances 114, 115 and 116, Authorizing Industrial Revenue Bonds for San Juan Solar 1, LLC. Series A, B and C, for a Replacement Power Project Relative to the San Juan Generating Station. Upon voice vote this motion passed unanimously.

### New Business

1. **Consideration of Notice of Intent to Adopt Resolution No. 20-21-52, Approving Two Notices of Intent to Adopt Ordinances No. 117 and 118, Authorizing Industrial Revenue Bonds for 201LC, 8 ME, LLC and 309SJ, 8 ME, LLC Replacement Power Project Relative to the San Juan Generating Station**

David Buchholtz, Rodey Law Firm, stated that the Commission previously approved the Inducement Resolution for the 201LC, 8 ME, LLC and 309SJ, 8 ME, LLC project in an amount not to exceed \$140,000,000. The next step is to approve Resolution No. 20-21-52 which authorizes publication of notices of intent to adopt bond ordinances. The bonds will be issued in two series which requires the adoption of two ordinances. Each series relates to a separate part

of the project. One series will fund the solar portion of the project and one will fund the battery storage portion of the project. Doug Echols, County Attorney, stated that the hearing will be held at the Commission Meeting on April 6, 2021. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to approve the Notice of Intent to Adopt Resolution No. 20-21-52, Approving Two Notices of Intent to Adopt Ordinances No. 117 and 118, Authorizing Industrial Revenue Bonds for 201LC, 8 ME, LLC and 309SJ, 8 ME, LLC Replacement Power Project Relative to the San Juan Generating Station. Upon voice vote this motion passed unanimously.

## **2. Update of Four Corners Economic Development Initiatives**

Arvin Trujillo, Four Corners Economic Development CEO, provided an annual update on the initiatives of Four Corners Economic Development. Mr. Trujillo thanked Mike Stark, County Manager, and the Commission for their continued support and highlighted the following:

- Mission is building businesses and communities in the Four Corners Region including the Navajo Nation through effective partnerships
- 2020 Accomplishments
  - Strategic plan with community involvement
  - Established 5 goal teams to address strategic goals
  - Northwest Growers' Market Alliance
  - Memorandum of Understanding between San Juan County and the Navajo Nation resulting in a \$2 million BUILD grant award to plan a railroad spur
  - Business Retention and Expansion (BRE) to determine how best to support our local business
- Outlook for 2021
  - Operations- continued board training and strategic goal implementation
  - Four Corners Regional Development- continue to develop relationships with businesses and civic organizations within the County and the Four Corners region
  - Communications and Marketing by expanding outreach and advocacy
- Projects include: Railroad Spur from San Juan County to the I-40 corridor, San Juan County Middle Mile Broadband Plan, Navajo Dam Escrow Account, Raytheon Dine Manufacturing Plant expansion, Pump Storage Hydroelectric Project in Beclabito
- Advocacy projects include: San Juan Generating Station, Accelerator Development (Southern Colorado Accelerator Program for Entrepreneurs (SCAPE), Energy/Petrochemical Committee, Farmington Electric & Utility Service review the prospect of becoming an internet service provider

Mike Stark, County Manager, commended Mr. Trujillo for his involvement in the community. The Commission asked various questions.

## **3. Consideration of Resolution No. 20-21-49, Opposing Senate Bill 227 of the First Session of the 55th Legislature and Requesting the Legislature to Engage in Conversations with Law Enforcement to Achieve Meaningful Police Reform**

Shane Ferrari, Sheriff, expressed his concerns about Senate Bill 227. If passed the bill would significantly impair the ability of law enforcement to effectuate arrests and provide for public

safety. The Bill would outlaw the use of choke holds, stun guns, rubber bullets, teargas or other chemical weapons, and police attack dogs. Sheriff Ferrari indicated that San Juan County Sheriff's Office already prohibits the use of choke holds, currently does not have a canine unit, but does require deputies to attend extensive training in de-escalation, and crisis intervention. The use of stun guns or tasers are an integral part of the use of non-deadly force. This resolution will be forwarded to our Legislative delegation and to other legislators as appropriate. Mike Stark, read the following resolution:

**SAN JUAN COUNTY, NEW MEXICO  
RESOLUTION NO. 20-21-49**

**OPPOSING SENATE BILL 227 OF THE FIRST SESSION OF THE 55TH LEGISLATURE AND  
REQUESTING THE LEGISLATURE TO ENGAGE IN CONVERSATIONS WITH LAW  
ENFORCEMENT TO ACHIEVE MEANINGFUL POLICE REFORM**

**WHEREAS**, San Juan County has taken meaningful steps to ensure that the San Juan County Sheriff's Office is a well-trained department; and

**WHEREAS**, safety and justice can be achieved when working with law enforcement and providing the tools to achieve community safety while implementing policies that establish the highest standards of integrity, accountability, and transparency in law enforcement; and

**WHEREAS**, SB 227 does not achieve the goal of creating necessary change for establishing the highest standards of integrity, accountability, and transparency in law enforcement; and

**WHEREAS**, SB 227 increases the risk to law enforcement officers' safety by imposing use of force rules that place the safety of criminal safety above the safety of officers; and

**WHEREAS**, SB 227 will cause unnecessary risk to law enforcement's safety and will take away law enforcement's ability to use less lethal means of force by banning those tools; and

**WHEREAS**, SB 227 fails to address the organizational changes that reform demands by shifting resources away from training, crisis intervention teams, and community policing, leaving the most vulnerable community members at risk; and

**WHEREAS**, San Juan County and the San Juan County Sheriff's Office continue to strive to provide training in de-escalation, community policing, and mental health response; and

**WHEREAS**, San Juan County will continue to implement reform and to address necessary changes.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of San Juan County, New Mexico:

- 1) San Juan County opposes SB 227, as the bill will divert valuable resources from programs, services, and tools and will hamper the reforms and progress made by the San Juan County Sheriff's Office.

- 2) San Juan County opposes SB 227 for the risk that the bill creates to the safety of law enforcement within San Juan County and the State of New Mexico.
- 3) The San Juan County Sheriff's Office has already prohibited the use of choke holds.
- 4) The San Juan County Sheriff's Office has a policy requiring each use of force to be reviewed by a Sergeant or Lieutenant. If the use of force was significant, if there were any injuries, or if there is any question as to the appropriateness of the use of force, the case then referred to the Patrol Captain for review. If it includes the use of deadly force or significant injury, the case is sent to the Professional Standards Captain for review.

The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Fortner to approve Resolution No. 20-21-49, Opposing Senate Bill 227 of the First Session of the 55th Legislature and Requesting the Legislature to Engage in Conversations with Law Enforcement to Achieve Meaningful Police Reform. Upon voice vote this motion passed unanimously.

4. **Consideration of Resolution No. 20-21-50 to Certify Annual San Juan County Maintained Road Mileage to NMDOT**

Nick Porell, Public Works Director, stated that the New Mexico Department of Transportation (NMDOT) requires an annual certification of county-maintained roads, associated mileage, location, and surface. This information is submitted electronically to NMDOT. The total miles of maintained and lesser maintained roads in 2021 is 740.1 miles; the same figure in 2020 was 737.9 miles. Minor changes were made to County maintained road mileage as the result of continued refinement of GIS data versus available aerial photography and city limits. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Todacheene to approve Resolution No. 20-21-50 to Certify Annual San Juan County Maintained Road Mileage to NMDOT. Upon voice vote this motion passed unanimously.

5. **Consideration of Approval of Media Relations Policy and San Juan County Official Logos and Policy for Use**

Devin Neeley, Public Relations & Film Manager, stated that to efficiently represent San Juan County, a policy was created to govern interactions with media and how dissemination of information to the public is handled. A policy has been created with guidelines for consistent use of San Juan County logos to establish a proper logo and what formats and usages are acceptable. Commissioner Todacheene requested the first sentence of the goal statement in the Media Relations Policy be amended to read: San Juan County intends to foster a relationship with members of the media that is open, effective, positive, honest, and factual. Mr. Stark stated that the County logo was previously adopted but these policies will protect the brand, as well as the other logos. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to approve the Media Relations Policy and San Juan County Official Logos and Policy for Use as amended. Upon voice vote this motion passed unanimously.

### **Report from County Manager**

Mike Stark updated the Commission on the current Covid statistics and vaccine distribution. There have been 28,338 citizens in San Juan County who have received their vaccination which is 29.2% of the County.

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

Carol Taulbee, Treasurer, introduced Bryan Myers as the Chief Deputy Treasurer.

Jennifer Mitchell, Alternative Sentencing Administrator, introduced Timi Howell as the Alternative Sentencing Deputy Administrator.

Bowen Belt, Juvenile Services Director, introduced Shane Starr as the Juvenile Services Deputy Director.

Chairman Beckstead commended Sheriff Ferrari for his leadership skills and his service to the community.

### **Comments / Input From The General Public**

None

**Adjourn**

Being no further business, Chairman Beckstead adjourned the meeting at 5:51 p.m.

APPROVED THIS DAY OF 2021

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

*Approved by phone*  
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Chairman John T. Beckstead

*[Signature]*  
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Steve Lanier

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Michael Sullivan

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Chairman Pro-Tem Terri Fortner

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GloJean Todacheene



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Tanya Shelby, County Clerk