

**San Juan County Commission  
 Regular Meeting  
 November 9, 2021**

Chairman Beckstead called the San Juan County Commission meeting to order on November 9, 2021 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Pro-Tem Fortner gave the invocation and Chairman Beckstead led the Pledge of Allegiance. Those present were:

CHAIRMAN	John T. Beckstead
CHAIRMAN PRO-TEM	Terri D. Fortner
MEMBER	Steve Lanier
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan- VIA PHONE
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
SHERIFF	Shane Ferrari
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
ATTORNEY	Joe Sawyer
RISK MANAGER	Cynthia Singleton
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
BEHAVIORAL HEALTH SERVICES DIRECTOR	Su Hodgman
VISITORS:	9

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

**Call to Order of the Canvass Board**

Tanya Shelby, County Clerk, reported to the Commission the results of the 2021 Regular Local Election held November 2, 2021. There were 8,623 voters who cast ballots during the election including 2,140 early voters and 5,765 Election day voters. There were 897 absentee ballots mailed and 717 were returned (1 absentee envelope was returned without a ballot, two absentee ballots were dropped off at the polling place before 7:00 p.m. and were counted). No provisional ballots were issued. This was the second Regular Local Election conducted and is the first that had municipal candidates on the ballot. There will be a recount for the Aztec School Board District 5 race and the Bloomfield School Board District 5 race; both are separated by 1 vote. Ms. Shelby thanked her staff, the poll workers, and the various County departments that assisted with the election. The Commission asked various questions.

A motion was made by Commissioner Todacheene, seconded by Commissioner Lanier to certify the Canvass. Upon voice vote, the motion passed unanimously.

A motion was made by Commissioner Sullivan, seconded by Commissioner Lanier to adjourn the Canvass Board 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 three changes to the agenda. Mike Stark will be presenting New Business Items 6, 7, and 8. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Todacheene to approve the agenda as amended. Upon voice vote this motion passed unanimously.

### **Consent Agenda**

1. Approval of Regular Meeting Minutes of October 19, 2021
2. Approval of Treasurer Check Register for October 2021
3. Approval of Finance Check Registers for October 2021
4. Renewal of Lease of Water Rights for Southside Domestic Water Association
5. Approval of Resolution No. 21-22-32, Disposition of Surplus Property and Appoint New Surplus Committee Members
6. Approval of Request to Authorize the County Manger to Award Bid No. 21-22-04, Generator Project
7. Renewal of Proposal No. 20-21-02, Correctional Food Management, Inmate Commissary & Banking Services
8. Approval of Resolution No.21-22-34, FY22 Budget Adjustment #3
9. Approval of Memorandum of Agreement with New Mexico Dept. of Agriculture for "Nonnative Phreatophyte Removal and Riparian Restoration"
10. Approval of Memorandum of Agreement with Sandoval County Authorizing DWI and Incarceration Services
11. Approval of Contracts with San Miguel County and Eddy County to House Juvenile Detainees

A motion was made by Commissioner Todacheene, seconded by Commissioner Sullivan to approve the Consent Agenda. Upon voice vote this motion passed unanimously.

### **New Business**

1. **Consideration of Proclamation Declaring November 7th-13th as National Nurse Practitioner Week 2021**

Chairman Pro-Tem Fortner read the following proclamation aloud:

**SAN JUAN COUNTY, NEW MEXICO  
PROCLAIMING NOVEMBER 7TH-13TH, 2021 AS  
NATIONAL NURSE PRACTITIONER WEEK**

**Whereas**, nurse practitioners (NPs) serve as trusted health care providers for patients in our state; and

**Whereas**, NPs are at the forefront of efforts to combat COVID-19, educating patients about prevention and ensuring the equitable distribution of vaccinations; and

**Whereas**, NPs work to expand access to care in underserved communities, end health disparities and combat systemic racism in health care; and

**Whereas**, patients depend on the more than 325,000 licensed NPs in the United States, nearly 2000 in New Mexico and nearly 60 in San Juan County to diagnose, manage and treat their chronic and acute health care conditions; and

**Whereas**, NPs provide high-quality primary, acute and specialty health care services while emphasizing health promotion, disease prevention, health education and counseling, guiding patients to make smarter health and lifestyle choices every day; and

**Whereas**, the confidence that patients have in NP-delivered health care is evidenced by the more than 1 billion visits made annually to NPs across the country; and

**Whereas**, more than five decades of research confirms the high quality of care provided by NPs; and

**Whereas**, better utilization of NPs through modernized state laws and improved policies creates better health through a more accessible, efficient, cost-effective, and higher-quality health care system; and

**Whereas**, 23 states, the District of Columbia, Guam, and the Northern Mariana Islands have implemented Full Practice Authority for NPs, granting patients full and direct access to the outstanding care offered by these health care professionals; and

**Whereas**, leading governmental and policy entities including the National Academy of Medicine, National Council of State Boards of Nursing, National Governors Association and Federal Trade Commission have taken notice of the benefits of providing patients full and direct access to NP care; and

**Whereas**, the San Juan County Commission is proud to recognize and honor the service of NPs to our state.

**Be It Resolved**, therefore, that I, Commissioner Terri Fortner

hereby declare November 7th-13th, 2021, as National Nurse Practitioner Week in San Juan County New Mexico in recognition of the countless contributions NPs have made over the past half century and will continue to make on behalf of the health and well-being of citizens in our state.

The Commission made various comments. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve the Proclamation Declaring November 7th-13th as National Nurse Practitioner Week 2021. Upon voice vote this motion passed unanimously.

**2. Consideration of Adoption of San Juan County Ordinance No. 121, Coal-Fired Electricity Generating Facility Remediation Ordinance**

Joe Sawyer, County Attorney, explained the proposed ordinance requires owners of coal-fired electricity generating facilities, that are being abandoned, to submit remediation plans to the County that describe how the facilities will be remediated and how the remediation will be funded. Mr. Sawyer highlighted the following:

- Remediation/Demolition plans must be submitted no later than three (3) months after a qualifying generating facility is retired and no earlier than five (5) years prior to a planned retirement.
- Retirement is defined as ceases combustion of fuel and permanently ceases to generate electricity. It does not include non-permanent plant shutdowns for maintenance, repair, upgrade, or other capital improvements including carbon capture facilities and equipment
- Plans must describe how the demolition and remediation will be funded and completed by the owners

After the remediation plan is approved by the Commission with the assistance of a qualified engineer, the facility will be demolished upon retirement according to the plan in accordance with federal, state, local and tribal laws. A Notice of Intent to Adopt Ordinance No. 121 was approved by the Commission at the October 19th meeting and was published in the Farmington Daily Times on Friday, October 22nd. In addition, current and past owners received copies of the Ordinance. Mr. Sawyer summarized comments that were received in writing from Public Service Company of New Mexico (PNM), Utah Associated Municipal Power Systems (UAMPS), Los Alamos County, Southern California Public Power Authority, M-S-R Public Power Agency (M-S-R PPA), and the City of Farmington. The Legal Department has made the following revisions to the Ordinance based on the comments received:

- The original requirement to remove all above ground equipment down to 3 feet below the prevailing grade was changed to read that equipment only needs to be removed to the prevailing grade.
- Additional language was added regarding the removal of equipment
- Changes to the wording on section 3
- The word demolition was added throughout

Chairman Beckstead opened the floor for public comment. All written comments that were received will be filed with the County Clerk's office.

Martin Hopper, General Manager of M-S-R PPA, spoke in support of the proposed ordinance as amended.

Matthew Jaramillo, PNM, spoke in opposition of the proposed ordinance.

Steve Cummins, Deputy Utilities Manager of Los Alamos County Department of Public Utilities, spoke in support of the ordinance.

Being no further comment, Chairman Beckstead closed the public hearing.

The Commission made various comments. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve the Revised San Juan County Ordinance No. 121, Coal-Fired Electricity Generating Facility Remediation Ordinance. Upon voice vote this motion passed unanimously.

**3. Presentation of County Commission Redistricting Draft Maps**

Rod Adair, New Mexico Demographic Research, stated that NMSA 1978, 1-3-13 requires that local governments redistrict every ten years in to comply with the "one-person, one-vote" principle established by the U.S. Constitution. Mr. Adair presented three draft maps of proposed County Commission boundaries for review by the Commission. A public hearing regarding the proposed boundaries will be held on November 30th at 6:00 p.m. in the Commission Chambers. Mr. Adair will be in attendance. Public feedback will be presented to the Commission at the December 7th meeting. The Commission asked various questions.

**4. Consideration of Approval of Hiring Bonus for New-Hire Lateral Deputies**

Cordell Tanner, Undersheriff, explained that due to continued staffing challenges, the Sheriff's Office would like to attract more applicants by enacting an \$8,000 hiring bonus for eight lateral deputy slots, ending once those eight slots are filled. The bonuses would be paid out in three increments over the course of two years of employment, with employee obligation to repay a prorated amount if employment ends prior to three years. The funds will come from salary savings from vacant positions this first year and salary savings in subsequent years for the last two payments. The Commission asked various questions. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to approve the Hiring Bonus for New-Hire Lateral Deputies. Upon voice vote this motion passed unanimously.

**5. Consideration for Award of Proposal No. 21-22-05, Insurance Producer to Kysar Millennium Leavitt Insurance Agency of Farmington, N.M.**

Cynthia Singleton, Claims Manager, indicated that on September 12, 2021, Central Purchasing issued a request for proposals to obtain an Insurance Producer for the property and casualty insurance for San Juan County. Fifteen (15) invitations were mailed out. Two (2) responses were received and opened on October 14, 2021. In accordance with the evaluation criteria the evaluation committee recommended that an award be made to Kysar Millennium Leavitt Insurance Agency, as the highest rated responsive Offeror. Kysar will be charging a commission of \$110,000. The initial contract term for producer services will be November 30, 2021 through November 29, 2022. The initial insurance policy term shall be March 31, 2022 through March 31, 2023. This contract, upon mutual agreement of the parties, may be renewed for up to three (3) additional one-year terms. The primary term and all one-year renewal options shall not exceed four years. A motion was made by Commissioner Lanier, seconded by Chairman Pro-Tem Fortner to approve the Award of Proposal No. 21-22-05, Insurance Producer to Kysar

Millennium Leavitt Insurance Agency of Farmington, N.M. Upon voice vote this motion passed unanimously.

**6. Consideration of the Interim Spending Plan of ARPA (American Rescue Plan Act) Dollars Allocated to San Juan County**

Mike Stark, County Manager, explained that on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Under the Act, all counties within the United States will receive direct federal aid totaling \$65.1 billion for COVID 19 response and recovery efforts including county revenue replacement for lost revenues directly related to the pandemic. Of the amount allocated, San Juan County will receive a total of \$24,077,388. The County received \$12,038,694 on May 19, 2021 and will receive the second tranche on or after May 20, 2022. The U.S. Department of Treasury will oversee the disbursement and reporting on use of funds up to the expiration date of December 31, 2024 (the date all Counties must obligate the dollars). On May 17, 2021, the Treasury issued 31 CFR Part 35, Interim Final Rule, to govern the available uses of spending under this Act. Due to the Interim Final Rule having a 60-day comment period (due July 16, 2021), the National Association of Counties (NACo) urged Counties to take their time in the development of their spending plan. As a result of this recommendation the County delayed development of a recommended plan to the County Commission in anticipation of the final rule being issued by the Treasury in September/October 2021. The Treasury has since released notice that they have received nearly 1,000 unique comments and would continue to review comments and plan to adopt those comments in a final rule but would continue this process into the fall. NACo estimated this final rule wouldn't be issued until early 2022. Given the delay by the Treasury, staff considered it prudent to provide the Commission with an interim spending plan that could be adjusted when final guidance is received. The Treasury Department did clarify that until the Treasury adopts a final rule and the final rule becomes effective, the Interim Final Rule is, and will remain, binding and effective. Under the Act, the County can expend ARPA funds for the following:

- To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits or aid to impacted industries
- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers
- For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency
- To make necessary investments in water, sewer, or broadband infrastructure

Staff has reviewed all guidance in preparation of the proposed plan. Within the County's interim plan, a total of \$7.8 million was allocated to infrastructure, \$5.3 million to addressing the negative economic impacts, \$4.3 million to public health response, and \$6.7 remaining in contingency/reserve for future guidance or unforeseen costs with the proposed projects. A breakdown of how these costs are anticipated to be expended/reimbursed are as follows:

<u>ARPA Category</u>	<u>Costs the Commission would authorize to spend immediately or authorize to proceed with procurement of items</u>		<u>Costs the Staff would bring forward to the Commission for approval prior to proceeding</u>
	<u>Reimbursable Immediately</u>	<u>Estimated Costs</u>	<u>Estimated Costs</u>
Public Health	\$ 1,790,302	2,470,353	-
Negative Economic Impacts	\$ 175,575	5,134,929	-
Infrastructure	\$ -	1,753,517	6,065,000
Contingency	\$ -	-	6,687,712
<b>TOTALS</b>	<b>\$ 1,965,877</b>	<b>9,358,799</b>	<b>12,752,712</b>

Staff will bring any further developments to the Commission as needed. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Commissioner Lanier to approve the Interim Spending Plan of ARPA (American Rescue Plan Act) Dollars Allocated to San Juan County. Upon voice vote this motion passed unanimously.

**7. Consideration for Award of Bid No. 21-22-06, East Culpepper Water Connection for North Star Mutual Domestic Water Consumers Association**

Mike Stark, County Manager, stated that on September 26, 2021, Central Purchasing issued a request for sealed bids for the East Culpepper Water Connection for the North Star Mutual Domestic Water Consumers Association. Seventeen (17) invitations were mailed. On October 26, 2021, five (5) bids were received and reviewed by staff and the project engineer. Staff recommended an award of Bid No. 21-22-06, East Culpepper Water Connection to TRC Construction Inc. of Flora Vista, NM as the overall low bidder. The award will be for the base bid amount of \$2,297,542.94, Material Testing Allowance of \$25,000, Electrical Allowance of \$40,000, Additive Alternate #1, Horizontal Directional Drill under NM 574 of 40 LF of 1" Copper Water Line Pipe & Fittings \$9,625.00 plus NMGRT of \$154,291.85 for a total award of \$2,526,459.79. The final award has been approved by the New Mexico Environment Department. The Commission asked various questions. A motion was made by Commissioner Todacheene, seconded by Commissioner Sullivan to approve the Award of Bid No. 21-22-06, East Culpepper Water Connection for North Star Mutual Domestic Water Consumers Association. Upon voice vote this motion passed unanimously.

**8. Consideration of 2022 State and Federal Legislative Requests**

Mike Stark, County Manager, indicated the 2022 State Legislative Session is scheduled for January 18, 2022 through February 17, 2022. Each year San Juan County submits various capital outlay requests to our Legislative delegation for consideration; the last day to submit requests is January 13, 2022. Staff recommended pursuing funding for the Sheriff's Office helicopter in the amount of \$3.2 million which coincides with the recently adopted 2022 strategic initiative of supporting law enforcement. Staff further recommended a request funding cold mill and asphalt resurfacing of County Road 6480 in the amount of \$850,000. Both amounts have factored in inflationary costs since the update of the most recent Infrastructure Capital Improvement Plan (ICIP). Sheriff Ferrari gave a brief overview of the services the Sheriff's

Office Aviation Program provides to the community and other entities. There is a need for a new helicopter; the current helicopters are the years 1971 and 1972 and replacement parts for repairs are difficult to obtain. Chairman Beckstead requested funding for \$250,000 be added to purchase fire apparatus for the fire department with the order of priority as the helicopter, road, and fire apparatus. Staff requested direction of the 2022 State and Federal Legislative requests and prioritization. Commissioner Sullivan moved that the list be in the order as follows:

1. Sheriff's Office Helicopter
2. Apparatus for the fire department
3. Cold mill and asphalt resurfacing of County Road

The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Fortner to approve the 2022 State and Federal Legislative Requests. Upon voice vote this motion passed unanimously.

**9. Consideration of Resolution No. 21-22-33, Establishing the Calendar Year 2022 Holiday Schedule for San Juan County**

Devin Neeley, Public Relations & Film Manager, stated that each November, the County Commission designates San Juan County's legal holiday schedule for the upcoming year. Section 12-5-2, N.M.S.A.1978, as amended, designates the legal public holidays in New Mexico. The proposed 2022 Holiday Schedule for San Juan County follows the statute with the following exceptions:

Good Friday will be observed on Friday, April 15, 2022;  
Martin Luther King Jr.'s Birthday will be observed on Friday, November 25, 2022;  
Indigenous Peoples' Day will be observed on Friday, December 23, 2022;  
Christmas Day will be observed on Monday, December 26, 2022;  
The resolution further includes New Year's Day, 2023 to be observed on Monday, January 2, 2023

Department heads, elected officials, and Employee Point of View Committee have reviewed and approve the proposed holiday schedule. Chairman Beckstead asked various questions. A motion was made by Commissioner Lanier, seconded by Chairman Pro-Tem Fortner to approve Resolution No. 21-22-33, Establishing the Calendar Year 2022 Holiday Schedule for San Juan County. Upon voice vote this motion passed unanimously.

**10. Consideration of November Meeting Schedule**

Chairman Beckstead removed this item. There was no need for discussion.

**Report from County Manager**

None



**Reports From Elected Officials And Department Heads**

Su Hodgman, Behavioral Health Services Director, invited the Commission to attend the Mental Wellness Resource Center First Anniversary Open House at 4:00 p.m., November 10th at 814 W Maple Street in Farmington.

**Comments / Input From The General Public**

Lauren Bernally, Navajo Nation Human Rights Commission, submitted an email stating that they will be submitting their proposed redistricting map and requested the draft plans of redistricting information provided by Rod Adair.

**Adjourn**


Being no further business, Chairman Beckstead adjourned the at 6:17 p.m.

APPROVED THIS 7TH DAY OF DECEMBER 2021

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

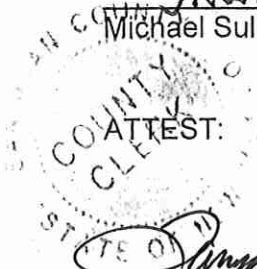
  
Chairman John T. Beckstead


  
Chairman Pro-Tem Terri Fortner

  
Steve Lanier

  
GloJean Todacheene

  
Michael Sullivan



ATTEST:  
  
Tanya Shelby, County Clerk