

**San Juan County Commission  
Regular Meeting  
December 7, 2021**

Chairman Beckstead called the San Juan County Commission meeting to order on December 7, 2021 at 4:10 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
ASSESSOR	Jimmy Voita
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
CHIEF FINANCIAL OFFICER	Kim Martin
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
PARKS & FACILITIES DEPUTY ADMINISTRATOR	Steven Dansie
ADULT DETENTION ADMINISTRATOR	Daniel Webb
FIRE CHIEF	John Mohler
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
VISITORS:	11

**Presentation**

1. **FY21 Director's Award**

Jim Cox, Deputy County Manager, explained that each year, the New Mexico Department of Finance and Administration Local Government Division evaluates local governments who stand out amongst the rest in their day-to-day budgeting and financial reporting practices. San Juan County was nominated and received the FY21 Directors Award. Mr. Cox acknowledged Kim Martin, Chief Financial Officer, and her staff for their work and dedication, as well as, all elected offices/department heads who assist in ensuring financial compliance in the day-to-day

operations. Key considerations for the County receiving this award included:

- The Finance Department was proficient in governmental accounting and provided detailed monthly reports to the County Commission on current economic status and future forecasting.
- The County's financial reports were accurate, reconciled, and balanced. Furthermore, their use of the Local Government Budget Management System (LGBMS) and balancing to their internal reporting system appeared to be seamless.
- The County communicated well with their assigned LGD Budget & Finance Analyst and quickly gave notification when there are staffing or other changes that the Analyst needs to be aware of.
- The County has a long-term plan for maintaining economic stability in anticipation of the San Juan Generating Station closure in 2022.

Mr. Cox presented the award to Ms. Martin.

## **2. Aging and Long-Term Services Special Recognition and Appreciation Award**

Chairman Beckstead introduced Michelle Murray, Senior Services Coordinator who was recently presented with a Special Recognition and Appreciation Award by Aging and Long-Term Services for the Lower Valley Senior Center. The award recognizes senior centers for their dedicated service, accomplishments, and continued response to New Mexico's older adults during the COVID-19 public health emergency. The Commission thanked Michelle as well as her staff for their outstanding work and recognition of their service in providing essential meal services to the senior community during these difficult times.

## **Regular Meeting**

### **Approval of Agenda**

Mike Stark, County Manager, stated that there were no changes to the agenda. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Lanier to approve the agenda as presented. Upon voice vote this motion passed unanimously.

### **Consent Agenda**

1. Approval of Regular Meeting Minutes of November 9, 2021
2. Approval of Treasurer Check Register for November 2021
3. Approval of Finance Check Registers for November 2021
4. Approval of Resolution No.21-22-36, FY22 Budget Adjustment #4

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

## **New Business**

### **1. Consideration of County Commission Redistricting Plan**

Mike Stark, County Manager, indicated that San Juan County is required to redraw the County Commission boundaries to comply with the "one-person, one-vote" principle established by the U.S. Constitution. San Juan County contracted with Rod Adair of NM Demographic Research to assist in the process. The guidelines used to redraw the boundaries include the following:

1. Districts shall be equal in population as practicable, with a population that deviates plus or minus five percent from the ideal. San Juan County's population was 121,661 therefore the ideal population would be 24,332.
2. Districts shall not be comprised of split precincts
3. Districts shall be contiguous precincts and reasonably compact, with an attempt to preserve communities of interest.
4. Not dilute a protected minority's voting strength.

Staff conducted a Public Hearing on November 30, 2021 for public comment on three draft plans proposed by Mr. Adair and one submitted by the Navajo Nation Human Rights Commission. The hearing notice was published in the Farmington Daily Times, press releases were sent to all media outlets and advertised on the San Juan County website. A total of 13 individuals attended the hearing which was conducted by Rod Adair and County staff. At the meeting, Mr. Adair presented a summary of the redistricting process and a brief description of the 4 maps presented at the meeting. An open house format allowed for meeting participants to spend time at each plan station and provide comment via a comment sheet. Staff also shared that individuals who were not present at the meeting would be able to review all proposed plans on the County's website and provide comment up until the December 7th meeting. Due to public comment received at the meeting, a fifth plan was developed for consideration. Mr. Adair presented a summary of the proposed plans and maps to the Commission. Following review and discussion of the various plans submitted for consideration to the Commission, a motion was made by Commissioner Sullivan to table the County Commission Redistricting Plan. There was no second. Commissioner Sullivan withdrew the motion to allow further discussion. Mr. Stark read aloud the comments that were submitted in writing by the public. Etta Arviso, Lauren Bernally, Songtree Pioche, and Leonard Gorman expressed support for the redistricting map submitted by the Navajo Nation Human Rights Commission. Mr. Stark stated that a resolution approved unanimously by the Navajo Nation Human Rights Commission was submitted to the Commission. The Commission asked various questions. A motion was made by Commissioner Lanier, seconded by Commissioner Sullivan to table the County Commission Redistricting Plan. Upon voice vote this motion passed unanimously.

### **2. Consideration of Approval of First Amendment to the Real Estate Purchase Option Agreement with Libertad, LLC**

Joe Sawyer, County Attorney, stated that Libertad, LLC desires to amend the Real Estate Purchase Option Agreement that was entered into with the County on September 18, 2018. The original agreement is set to expire in 2022, but the amendment would give Libertad two more option periods of 12 months each, for a total of 2 years and defers option payments of \$2,000 per month until the option is exercised. The Agreement will continue to be subject to the New Mexico Local Economic Development Act. Before the final transaction can close, approval of the

final purchase agreement and adoption of an ordinance by the Commission is required. Dan Klein, Managing Member of Libertad LLC, thanked the Commission for their support of the hydrogen energy project in San Juan County and provided a brief overview of the project. A motion was made by Commissioner Sullivan, seconded by Commissioner Lanier to approve the First Amendment to the Real Estate Purchase Option Agreement with Libertad, LLC. Upon voice vote this motion passed unanimously.

**3. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for DB Organics, 120 Rd 2755, Aztec, NM, 87410**

Michelle Truby-Tillen, Community Development Manager, stated that Stephen and Emily Dwyer, DB Organics, submitted a Variance Petition Application to the Community Development Department on November 1, 2021. DB Organics is seeking a variance from Section 3(A) of Ordinance No. 120 (the minimum separation distance from a residence requirement). DB Organics wishes to start a cannabis cultivation production facility at 120 Road 2755 in Aztec, NM and are seeking a microbusiness license with no more than 200 total mature plants. The area of the property that will become the cultivation area is within 300 feet of one residence located at 11 Road 2680, Aztec, NM. The proposed cultivation area is 180 feet from the residence located at 11 Road 2680; petitioners need a variance of 120 feet from the required 300-foot separation distance and are seeking a permanent variance. A public hearing was held before hearing officer William C. Birdsall on November 18, 2021. Hearing Officer Birdsall submitted written findings and conclusions with the recommendation that the request for variance be granted. A motion was made by Commissioner Lanier, seconded by Chairman Pro-Tem Fortner to accept the findings and conclusions of Hearing Officer Birdsall and approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for DB Organics, 120 Rd 2755, Aztec, NM, 87410. Upon voice vote this motion passed unanimously.

**4. Consideration of Approval of FEMA AFG Grants**

John Mohler, Fire Chief, indicated that San Juan County Fire & Rescue is applying for the 2021 FEMA AFG (Assistance to Firefighters Grant). The request is for 80 sets of bunker gear (structural firefighting gear) for firefighter personnel. The estimated cost of the grant is \$360,000 with a 10% match of \$36,000, which would be broken up across the 10 districts and paid for out of the State Fire fund. No general fund dollars are required to match this AFG grant application. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Todacheene to approve the FEMA AFG Grants. Upon voice vote this motion passed unanimously.

**5. Consideration of Resolution No. 21-22-35, Supporting the 2022 Legislative Priorities for New Mexico Counties**

Mike Stark, County Manager, explained that New Mexico Counties is requesting each of the State's 33 County Commissions adopt a resolution supporting the following 2022 legislative priorities:

1. **HB 2 Appropriations**  
Detention Reimbursement Fund

Restore the County Detention Facilities Reimbursement Act to the original appropriation of \$5 million.

Prisoner Transport and Extradition

Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state prisoners.

RISE Funding

Make permanent as well as 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.

**2. Law Enforcement Protection Fund (LEPF)**

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. The \$5-\$6 million dollars that goes back into the General Fund 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.

A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve Resolution No. 21-22-35, Supporting the 2022 Legislative Priorities for New Mexico Counties. Upon voice vote this motion passed unanimously.

**6. Consideration of Commission Meeting Schedule for December**

Mike Stark, County Manager, removed this item. There was no need for discussion.

**Report from County Manager**

Mike Stark reported the following:

- An Employee Satisfaction Survey is currently being conducted and ends on December 31, 2021.
- Central Purchasing Department won the Annual Food Drive internal competition. City of Bloomfield won the external competition between the County and local governments.

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

Tanya Shelby, County Clerk, reported the results of the 2021 Regular Local Election recount conducted Tuesday, November 30th. The results remained the same, the candidates elected won by one vote; results are as follows:

#### **Aztec School Board Member District 5**

Paul R Marken received 159 votes

Amanda Michelle Miller received 158 votes

#### **Bloomfield School Board Member District 5**

Ben Woody, Jr received 127 votes

Veronica Desbah Tso received 126 votes

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

Jordan Wheeler of Farmington submitted comment by email expressing his concern regarding the integrity of the electronic voting machines.

Justin Hernandez attended virtually and vocalized his support of the proposed Navajo Nation Human Rights Commission redistricting map.

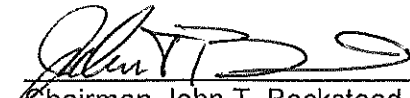
### **Closed Executive Session**

A motion was made by Commissioner Lanier, seconded by Chairman Pro-Tem Fortner to go into closed executive session to discuss the disposition of real estate on Road 3784. Upon voice vote this motion passed unanimously. Upon return a motion was made by Commissioner Lanier, seconded by Commissioner Todacheene to go back into open meeting. Upon voice vote this motion passed unanimously. Commissioner Lanier stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

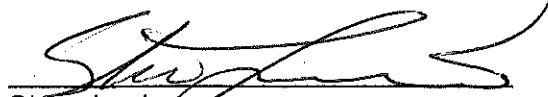
### **Adjourn**

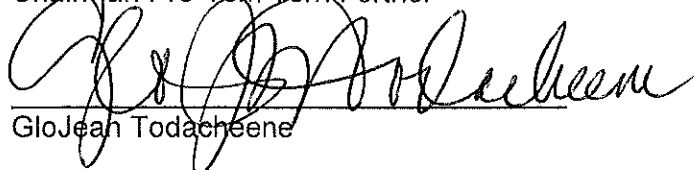
Being no further business Chairman Beckstead adjourned the meeting at 6:02 p.m.


APPROVED THIS 21ST DAY OF DECEMBER 2021  
BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

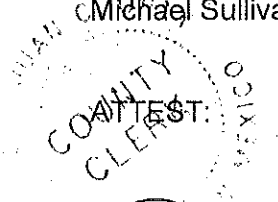
  
Chairman John T. Beckstead

  
Chairman Pro-Tem Terri Fortner

  
Steve Lanier

  
Glojean Todacheene

  
Michael Sullivan



  
Tanya Shelby, County Clerk