

**San Juan County Commission
Regular Meeting
March 1, 2022**

Chairman Fortner called the San Juan County Commission meeting to order on March 1, 2022, 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 Lanier gave the invocation and Commissioner Beckstead led the Pledge of Allegiance. Those present were:

CHAIRMAN	Terri D. Fortner
CHAIRMAN PRO-TEM	Steve Lanier
MEMBER	John T. Beckstead
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan
ASSESSOR	Jimmy Voita
CLERK	Tanya Shelby
TREASURER	Carol Taulbee
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
ADULT DETENTION ADMINISTRATOR	Daniel Webb
FIRE CHIEF	John Mohler
COMMUNITY HEALTH & SOCIAL SERVICES DIRECTOR	Liza Gomez
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
BEHAVIORAL HEALTH SERVICES DIRECTOR	Su Hodgman
PRESS: NM Political Report	Hannah Grover
VISITORS:	25

Presentation

1. **New Mexico Behavioral Health Star Award to Cassandra Saiz and Christian McCain, Peer Mentors at MWRC**

Liza Gomez, Community Health and Social Services Director, stated that a virtual award ceremony took place on February 9, 2022, during the Legislature Behavioral Health Day. The New Mexico Behavioral Health Planning Council recognized Mental Wellness Resource Center (MWRC) staff as Behavioral Health Stars for demonstrating leadership in creating Paths to Wellness within our state. Su Hodgman, Behavioral Health Services Director, recognized Peer

Mentors, Cassandra Saiz and Christan McCain, who were among the 21 New Mexicans honored for their contribution to the community and making a difference in the lives of so many in their communities.

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

Board of Finance

1. Report on County Investments and Interest Earned

Carol Taulbee, Treasurer, indicated that County Investments earned \$279,647 in interest as of December 31, 2021, for fiscal year 2022, which is a 15.43% decrease over December 2020. The return on the average balance invested decreased from 0.94% in FY2021 to 0.58% in FY2022. Total average invested dollars increased by \$12.7M over the same period in FY2021 due to the American Rescue Plan Act (ARPA) funds received in May 2021. Total cash and investments as of December 31, 2021, were \$93.7 million which includes December property tax collections. After deducting the property tax payable and outstanding checks, the December 31, 2021, cash, and investment total is \$70.9 million. The receipt of ARPA funds has improved cash flow significantly but the impact of COVID-19 on interest rates created a low-rate investment environment.

A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene 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 were no changes to the agenda. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Lanier to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval for Regular Meeting Minutes from February 1, 2022
2. Approval of Treasurer Check Register for January 2022
3. Approval of Finance Check Registers for January 2022
4. Approval of FY22 Budget Adjustment #7-Resolution No. 21-22-50
5. Approval of Resolution No. 21-22-45, Ratifying the Authorization of Submittal of the FY2023 LDWI Grant Fund Application
6. Approval of Renewal of 20-21-09, Price Agreement for the Purchase of Magnesium Chloride
7. Approval of the Community Development Block Grant (CDBG) Agreement Amendment

8. Renewal of Proposal No. 20-21-08, Property and Casualty Insurance to Kysar Millennium Leavitt Insurance Agency of Farmington, NM

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

New Business

1. **Presentation of the 30 x 30 Plan**

Margaret Byfield, Executive Director of American Stewards of Liberty, provided a presentation that was presented to the New Mexico Counties (NMC) Commissioner's Affiliate at the recently held NM Counties Legislative Conference on the 30 x 30 federal and state plans. Ms. Byfield highlighted the following:

- The 30 x 30 Plan is an international agenda to permanently protect, in its natural state, 30 percent of the world lands and oceans by the year 2030.
- Key points of the Plan: 1 million species will go extinct (including 1/3 of species in the US), losing a football field of habitat every 30 seconds in America, 2/3 of development on private lands, only 12% of total land in the US is permanently protected in natural state, and lands preserved must include areas of high biodiversity/productivity
- The 12% currently protect lands are national parks, wilderness areas, permanent conservation easements of private land, state parks, national wildlife refuges, national monuments, and other protect areas.
- Michelle Lujan Grisham, Governor, State of New Mexico, signed an Executive Order on August 25, 2021, in support of the 30 x 30 Plan and includes an additional 20% designated as climate stabilization areas in New Mexico.
- An Executive Order was signed on January 27, 2021, by President Biden through Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, which was later branded as America the Beautiful
- A Stop 30x30 Summit will be presented by American Stewards of Liberty on April 22, 2022, in Lincoln, Nebraska

Ms. Byfield urged the Commission to create a Resolution in opposition of the 30 X 30 Plan. The Commission asked various questions. Chairman Pro-Tem Lanier requested a resolution in opposition of the plan. Commissioner Todacheene requested a presentation from the proponents of the 30 x 30 Plan prior to the submission of a resolution in opposition. The Commission asked various questions.

2. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Sugar Skunk, 705A Highway 575, Aztec, N.M.**

Michelle Truby-Tillen, Community Development Director, stated that Amy Burchfield, David Blaylock, and Tom Burns, DBA Sugar Skunk, submitted a Variance Petition Application to the Community Development Department on January 3, 2022. The variance requested is from Section 3(A), the 300-foot minimum separation distance from a residence requirement, of Ordinance No. 120. Sugar Skunk will be leasing the property located at 705A Highway 575 in

Aztec, from Winter's Construction and desires to begin an indoor cannabis cultivation production facility in a pre-existing steel building. Applicants indicated an air filtration system would be utilized at the grow facility which would remove approximately 90% of odors. An existing fence on the property line of the parcel will act as the security fence for the facility. There are four (4) residences within 300 feet of the security fence. A public hearing was held before hearing officer Douglas A Echols on February 2, 2022. Notice of the hearing was mailed to properties within 300 feet of the proposed site and published on the County's website. Community Development did not receive any comments regarding this application and no one, aside from the applicants, appeared at the hearing to provide comments. Hearing officer Echols submitted written findings and conclusions and recommended the request for variance be granted for an indoor grow facility only and should be subject to the installation of a filtered exhaust system as described in the application. The applicants requested a minimum 3-year term on the variance. Chairman Fortner opened the meeting for public comment. Being no comments, Chairman Fortner closed public comments. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Commissioner Beckstead to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Sugar Skunk, 705A Highway 575, Aztec, N.M. Upon voice vote this motion passed unanimously.

3. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for High Desert Herb, 358 Road 3000, Aztec, N.M.

Michelle Truby-Tillen, Community Development Director, stated that Adam Stephenson, DBA High Desert Herb, submitted a Variance Petition Application to the Community Development Department on January 4, 2022. High Desert Herb is seeking a variance from Section 3(A), the 300-foot minimum separation distance from a residence requirement of Ordinance No. 120. The applicant owns and resides on the property located at 358 Road 3000 in Aztec and wishes to start an indoor cannabis cultivation production facility on the property. High Desert plans to construct a 90' by 90' (8,100 sq ft) building on the property and surround it with a 100' by 100' security fence. Applicants indicated they would utilize a carbon filtration system at their grow facility to reduce the odors of cannabis plants being grown on the property. There are two (2) residences within 300 feet of the proposed security fence. A public hearing was held before hearing officer William C. Birdsall on February 8, 2022. Notice of the hearing was mailed to properties within 300 feet of the proposed site and published on the County's website. The owners of one of the two residences within 300 feet submitted a written comment and appeared at the hearing to provide comment in opposition to the variance. Comment was not received from the owners of the second affected residence. Several other residents from the surrounding area also provided comment to the hearing officer opposing the variance. There is a triangular area on the applicant's property abutting Road 3000 that is approximately 3,500 square feet and is outside of the minimum 300' separation distance requirement from all residences. The applicant does not need a variance from Ordinance 120 to obtain a permit to grow cannabis on that portion of his property. The applicant has indicated he plans to pursue growing cannabis on this part of his property in lieu of the proposed 90' x 90' structure, should his variance request be denied. Hearing officer Birdsall submitted written findings and conclusions and recommended the request for variance be granted. The applicant requested the variance be granted for the life of the business. Chairman Fortner opened the meeting for public comment. Douglas Hatfield, Beverly Hatley, Cody Bates, and Chris Lamonica are opposed to the variance and expressed their concerns. Being no further comment, Chairman Fortner closed the public comments. Commissioner Beckstead requested to add to the motion that a requirement of a filtration system be installed in order to maintain the variance. The Commission made various comments

and asked questions. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Lanier to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for High Desert Herb, 358 Road 3000, Aztec, N.M., with the requirement that a filtration system be installed to maintain the variance. Upon voice vote this motion passed unanimously.

4. Consideration of Variance for Adolpho DeArmond

Michelle Truby-Tillen, Community Development Director, explained that Adolpho DeArmond requested approval of a plat to bring his parcel into compliance with the Subdivision Regulations. The parcel is 0.47 acres in size, which is under the 0.75-acre minimum required by the Subdivision Regulations Section 8.11.1.b for lots using individual liquid waste systems and Mr. DeArmond has requested a variance from this requirement. As per Section 7.3 of the Subdivision Regulations, the Commission shall consider variance requests caused by unusual conditions, not caused by the actions of the Subdivider or Property Owner. The New Mexico Environment Department has approved using the existing liquid waste system after plat approval and have no objections to the variance. The County Commission approved similar variances on May 2, 2017, for Desert Hills View Subdivision Replat E. Joe Sawyer, County Attorney, indicated that for the Commission to grant the variance, the finding would need to be that it shall not adversely affect the health, safety, and general health of the public. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Variance for Adolpho DeArmond. Upon voice vote this motion passed unanimously.

5. Consideration for Approval of FY22 Additional Capital Expenditures

Jim Cox, Deputy County Manager, explained that at the February 1st Commission meeting, State Infrastructure Advisor, Martin Chaves indicated that there were many opportunities for funding available through the American Rescue Plan Act (ARPA), state capital outlay, and Federal infrastructure dollars available to local governments. County staff has been diligent in seeking out all sources of such funding and is concerned as to the supply of available architects/engineers to design these projects. Furthermore, given the current national supply chain shortages, staff have experienced consequential delays on ordered equipment and project material of upwards of 6 months or more. Due to an inflation rate of 7%, staff is routinely notified of changes in supply chain pricing at a higher frequency than ever before and the County has experienced vendor price escalations of upwards of 15% in a month. Given these unintended consequences of the COVID-19 pandemic and sources of available funding, staff is proposing the Commission approve an adjustment to the FY22 capital budget to prepare for anticipated shortages in architects/engineers/equipment/product and to surpass known or anticipated supplier price escalation schedules. Several projects were planned for the FY23 budget cycle; however, due to these risks staff requested authorization on the following projects and/or purchase the following equipment:

Juvenile Detention Center

- Rooftop Units- \$120,000
- Building E Roof Coating- \$260,000

McGee Park

- Lift Station- \$29,000

- Coliseum Roof Upgrade Coating/Spray- \$950,000
- Multiuse Building: 5 HVAC units/duct system- \$185,000
- Multiuse Building Lighting Upgrades- \$125,000

Sheriff's Office Fire Alarm

- \$60,000 (cost includes new panel a.11d wiring system)

Riverview Golf Course

- 2 motors/pumps- \$120,000

Adult Detention Center

- Rooftop Unit Replacement- \$225,000
- Replace 5 boilers- \$262,300
- Upgrade Camera System- \$432,759

Public Works

- Bank Stabilization Project- \$183,000: corrects issue where Animas River is eroding towards county road 3000. Project would qualify under the Clean Water State Revolving Fund and therefore, is fully allowable under ARPA
- Equipment- \$550,274 for purchase of a motor grader, backhoe, and drum roller
- Bridge Replacement Design- \$250,000: requested budget is \$125,000 for bridge 3121 on CR3000 and \$125,000 for bridge 8111 design on CR3500.

In addition to the listed projects, staff requested authorization to proceed with an engineering firm Request for Proposal (RFP) for the design of the Totah Subdivision water/wastewater project. The City of Farmington has verbally committed to connecting the subdivision to their current infrastructure and charge the Totah Subdivision current City rates. Funding for this project has previously been authorized by the Commission under the ARPA interim spending plan. The listed projects are planned to be funded through one time funding sources received from the New Mexico Taxation and Revenue Department gross receipts tax settlement, State equalization payment received more than budgeted, excess oil and gas revenues (considered one time due to market volatility), and the American Rescue Plan Act. The projects and equipment will be included in a budget adjustment and presented at the March 15th meeting. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Sullivan to approve the FY22 Additional Capital Expenditures. Upon voice vote this motion passed unanimously.

Report from County Manager

Mike Stark informed the Commission that the Legislative session has concluded and that 63 bills passed the House and Senate and were sent to the Governor for her approval. Mr. Stark recognized legislation for their support in obtaining funding for various Capital Outlay needs.

Reports From Elected Officials And Department Heads

Chairman Pro-Tem Lanier recognized Aaron Chavez, Director San Juan Water Commission, who was recently appointed to the Interstate Stream Commission by Governor Michelle Lujan Grisham.

Commissioner Todacheene announced that Farmington Police Chief, Steve Hebbe was named Citizen of the Year by Farmington Chamber of Commerce and requested a congratulatory letter on behalf of the Commission be sent to him.

Comments / Input From The General Public

Don Schreiber, submitted commented on-line, requesting that a proponent of the 30 x 30 Plan provide a presentation to the Commission.

Joseph Hernandez is in support of the 30 x 30 Plan.

Rose Rushing, submitted comment by phone, is in support of the 30 x 30 Plan.

Eloise Brown is in favor of the 30 x 30.

Closed Executive Session

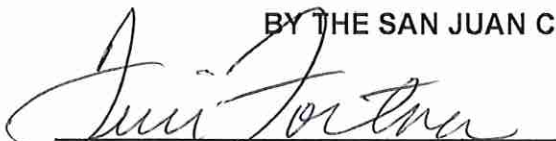
Chairman Fortner announced no need for a Closed Executive Session.


Adjourn

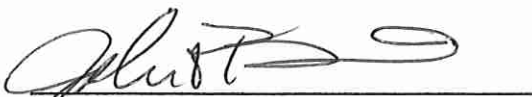
Being no further business, Chairman Fortner adjourned the meeting at 6:01 p.m.

APPROVED THIS 15TH DAY OF MARCH 2022

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:


Chairman Terri D. Fortner


Chairman Pro-Tem Steve Lanier


John T. Beckstead


Glojean Todacheene


Michael Sullivan

ATTEST:


Tanya Shelby, County Clerk

