

**San Juan County Commission  
 Regular Meeting  
 April 5, 2022**

Chairman Fortner called the San Juan County Commission meeting to order on April 5, 2022, at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Commissioner Beckstead gave the invocation and Commissioner Todacheene 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- VIA PHONE
CLERK	Tanya Shelby
CHIEF DEPUTY CLERK	Alyssa Kuhn
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
CHIEF HUMAN RESOURCES OFFICER	Roberta Padilla
ADULT DETENTION ADMINISTRATOR	Daniel Webb
FIRE CHIEF	John Mohler
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
BEHAVIORAL HEALTH SERVICES DIRECTOR	Su Hodgman
VISITORS:	26

## **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 Lanier to approve the agenda as presented. Upon voice vote this motion passed unanimously.

### **Consent Agenda**

1. Approval for Regular Meeting Minutes of March 15, 2022
2. Approval FY22 Budget Adjustment #9-Resolution No. 21-22-56

3. Award of Proposal No. 21-22-15, Engineering/Consulting Services for Bridge 8118 (5-Mile Bridge) on County Road 4450 to AECOM of Albuquerque, NM

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

## New Business

### 1. NMSU Extension Office Update

Bonnie Hopkins-Byers, New Mexico State University County Extension Director, introduced Augusta Ahlm, 4-H Family and Consumer Science Agent. Ms. Ahlm gave a brief description of her background, future endeavors of San Juan County 4-H, and mental health programming. Ms. Hopkins-Byers also introduced Andrew Foster, Growing Forward Farm Project Coordinator. Mr. Foster gave a brief description of his background. The following information was highlighted:

#### 2021 Agriculture Summary

- The San Juan County Cooperative Extension Service mission is to disseminate and encourage the application of research-based knowledge and leadership techniques to individuals, families, and communities.
- The agriculture program addresses immediate challenges facing farmer and ranchers in Northwest New Mexico.
- Collaborated with community partners to host the annual Local Food Summit and create the 2nd Edition of Local Food Guide
- The Growing Forward Farm Project has received over \$300,000 in grants and funds garnered with community partners.
- 13 new Master Gardener Volunteers will be graduating in April

#### 4-H Annual Summary

- San Juan County 4-H members have won five state championships: Archery, .22, Air Rifle, Meat Judging, and Virtual Horse Bowl
- Partnership with Native Sustainable Agriculture and Navajo Technical University providing materials and curriculum to the Newcomb agriculture and shop class
- New programming such as workshops, camps, leadership opportunities, and livestock (showmanship, animal husbandry, and nutrition knowledge)
- Augusta Ahlm is certified to teach QPR Suicide Prevention Training. QPR is the Question, Persuade, Refer researched based program to certify every person to respond to mental health emergencies.
- 2022 4-H plans are as follows: Ag-tivity Summer Camp, day camp, livestock fitting and demo workshops, Harvest Festival, and host tractor/ATV safety trainings.

#### Family & Consumer Science Annual Summary

- Spring programming will focus on at home food safety, managing stress, and personal finance which will be available in person and digital.

- New Farmer Network mission is to foster the next generation of farmers in San Juan County by increasing access to land and providing farmers the support they need to grow. There are over 300 acres currently in the program.
- The New Farmer Training program held in March had over 30 participants
- Growing Forward Farm (GFF) is a cooperative project between San Juan County and the NMSU Cooperative Extension to create an outdoor agriculture education facility to benefit the community.
- 2022 plans for GFF include the following: Host 4,000 4th grade students September-October, complete orchard project, install hoop house, install produce washing facility, and host an annual summer kick-off celebration.

The Commission asked various questions.

**2. Consideration of Approval to Serve as Fiscal Agent for the San Juan River Dineh Water Users Capital Outlay Funding**

Katherine Jim, San Juan River Dineh Water Users Interim CEO, indicated that in 2017 and 2018 San Juan County served as a fiscal agent for capital outlay grants received by the San Juan River Dineh Water Users (SJRDWU). SJRDWU has recently received a \$100,000 grant to purchase farming equipment. As a result of receiving this funding, Ms. Jim requested that San Juan County serve as fiscal agent. Staff recommended serving as fiscal agent if equipment identified fits the budget of the grant funding and a lease agreement approved by the Legal Department is developed between San Juan County and SJRDWU. The Commission asked various questions. A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to approve to Serve as Fiscal Agent for the San Juan River Dineh Water Users Capital Outlay Funding. Upon voice vote this motion passed unanimously.

**3. Consideration of Approval of Resolution No. 21-22-53, Proclaiming the Month of April as National County Government Month**

Devin Neeley, Public Relations Manager, stated that since 1991, National Association of Counties has encouraged counties across the country to actively promote county government programs and services. National County Government Month is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government. This year's theme is: "Counties THRIVE." Mr. Neeley requested that San Juan County, along with other communities throughout our nation, showcase local area government by celebrating April 2022, as National County Government Month. Mr. Neeley also stated that in the coming weeks the County will be hosting an event to familiarize local high school students with the various county agencies and their functions. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve Resolution No. 21-22-53, Proclaiming the Month of April as National County Government Month. Upon voice vote this motion passed unanimously.

**4. Consideration of Notice of Intent to Adopt San Juan County Ordinance No. 122, an Ordinance Approving an Application for an Economic Development Project**

**Extending the Natural Gas Line to the San Juan County Industrial Park and Authorizing Execution of an Intergovernmental Agreement**

Joe Sawyer, County Attorney, indicated that Ordinance No. 122 approves an application for a local economic development (LEDA) project to the New Mexico Economic Development Department (NMEDD) for \$1,820,000 to extend the natural gas pipeline to the San Juan County Industrial Park. The Ordinance will also authorize execution of an intergovernmental agreement with NMEDD to transfer the \$1,820,000 to the County to pay for the project. Upon approval by the Commission, a Notice of Intent to Adopt will be published and placed on the agenda for the May 3rd Commission meeting for consideration. Mike Stark, County Manager, introduced Lorraine Ruggles from the New Mexico Economic Development Department. Ms. Ruggles expressed that the State of New Mexico fully supports the project. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Lanier to approve the Notice of Intent to Adopt San Juan County Ordinance No. 122, an Ordinance Approving an Application for an Economic Development Project Extending the Natural Gas Line to the San Juan County Industrial Park and Authorizing Execution of an Intergovernmental Agreement. Upon voice vote this motion passed unanimously.

**5. Consideration of Adoption of Amended San Juan County Ordinance No. 120, the Cannabis Regulation Ordinance**

Joe Sawyer, County Attorney indicated that since the adoption of the Cannabis Regulation Ordinance on August 17, 2021, the Community Development Department has determined that some provisions of the Ordinance needed adjustments and clarification. The Legal Department has written the following amendments:

1. The 300-foot separation requirement does not apply to the residence of the cannabis establishment owner, if on an adjacent parcel.
2. In the event a portion of a cannabis establishment has no security fence, measurement for the 300-foot requirement shall be made from the nearest point of any structure containing cannabis or nearest point of a portion of security fence that does exist, whichever is nearer.
3. The amounts of required fees have been removed from the Ordinance so that they may be changed from time to time by the Board of County Commissioners without having to amend the Ordinance.
4. Some changes are made to the required personal information to be provided on the application.
5. A letter of approval will be issued initially and then the permit will be issued upon completion of the fire and building inspections.
6. Any businesses operating in violation of the Ordinance will be reported to the State Cannabis Control Division.

The Board of County Commissioners approved a Notice of Intent to Adopt at their March 15th meeting, and the Notice was published in the Daily Times on Friday, March 18, 2022. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Adoption of Amended San Juan County Ordinance No. 120, the Cannabis Regulation Ordinance. Upon voice vote this motion passed unanimously.

6. **Consideration of Approval of Resolution No. 21-22-55, Opposing Federal and State “30 x 30” Initiatives Until More Information Can Be Obtained Regarding Their Effect on Land Ownership and Usage in San Juan County**

Mike Stark, County Manager, stated that at the March 1, 2022, meeting Margaret Byfield, American Stewards of Liberty Executive Director, provided a presentation to the County Commission on the 30 x 30 federal and New Mexico plans. Subsequently at the March 15, 2022, meeting NM Secretary Sarah Cottrell Propst and State Forester Laura McCarthy provided a presentation to the Commission on the State of New Mexico plan. Due to the large quantities of government-owned lands in San Juan County, the well-being, health, safety, welfare, economic condition, and culture of the County and its businesses and its citizens depend on the manner in which these lands and their resources are used, as well as the public right of access to these lands. In addition, the presentation provided by Secretary Propst lack specificity regarding definitions, how the State plan would interact with the Federal 30 x 30 plan, and what land uses would be restricted on state lands. Resolution No. 21-22-55 asks until more information with peer-reviewed scientific data is produced that alleviates citizen concerns, the San Juan County Commission must oppose the 30x30 initiative. Mr. Stark read the resolution aloud:

**SAN JUAN COUNTY  
RESOLUTION NO. 21-22-55**

**OPPOSING FEDERAL AND STATE “30 x 30” INITIATIVES UNTIL MORE INFORMATION  
CAN BE OBTAINED REGARDING THEIR EFFECT ON LAND OWNERSHIP AND USAGE IN  
SAN JUAN COUNTY**

**WHEREAS**, San Juan County contains approximately 3.5 million acres of land; and

**WHEREAS**, only about 6.5 percent of land in San Juan County is held in private ownership; and

**WHEREAS**, the federal government and State of New Mexico own approximately 28 percent of land within the County; and

**WHEREAS**, the Navajo Nation and Ute Mountain reservation consist of approximately 65 percent of land in the County; and

**WHEREAS**, 29 percent of New Mexico’s undeveloped federal, state and private lands are managed by a federal or state agency; and

**WHEREAS**, On January 27, 2021, President Joseph R. Biden, Jr. issued an Executive Order establishing a national goal to conserve at least 30 percent of U.S. lands and freshwater and 30 percent of U.S. ocean areas by 2030, in an initiative commonly referred to as 30 x 30; and

**WHEREAS**, Governor Michelle Lujan Grisham has issued Executive Order No. 2021-052, setting the goal of having at least 30 percent of all lands in New Mexico conserved by 2030, with an additional 20 percent designated as climate stabilization areas; and

**WHEREAS**, the Board of County Commissioners invited American Stewards of Liberty Executive Director Margaret Byfield to provide a presentation on the federal and state 30 x 30 Initiative; and

**WHEREAS**, Ms. Byfield criticized the 30 x 30 Initiative as a "land grab" by the federal government which would require 729 million acres to be set aside for conservation, and Ms. Byfield warned that the 30 percent conservation goal was only the first step in a longer-term goal for the state and federal goal to acquire even more land; and

**WHEREAS**, the Board of County Commissioners also invited New Mexico Energy, Minerals and Natural Resources Department (EMNRD) Cabinet Secretary Sarah Cottrell Propst and State Forester Laura McCarthy to explain how the 30 x 30 initiative would be implemented in New Mexico, and how it would affect San Juan County; and

**WHEREAS**, Cabinet Secretary Cottrell Propst and State Forester McCarthy explained that the first steps in the New Mexico 30 x 30 Initiative was to define what lands should be included in the 30% of lands to be conserved in New Mexico, and what should be defined as conservation; and

**WHEREAS**, Cabinet Secretary Cottrell Propst and State Forester McCarthy admitted that New Mexico state government officials were at the beginning stages of complying with the Governor's Executive Order and were still determining what lands will count towards meeting the 30 percent conservation goal and 20 percent climate stabilization area goal; and

**WHEREAS**, due to the large quantities of government-owned lands in San Juan County, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend on the manner in which these lands and their resources are used as well as the public right of access to these lands; and

**WHEREAS**, many of San Juan County's businesses and its citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the oil and gas industry, livestock grazing, mining and mineral development, recreational industries, hunting and other outdoor recreation; and

**WHEREAS**, these industries are important components of the New Mexico economy, and are major contributors to the economic and social well-being of San Juan County and its citizens.

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

1. The dependence of County businesses and citizens on land usage and land ownership for their well-being, health, safety, welfare, economy, and culture is vitally important to San Juan County. Until more information, specifically peer-reviewed scientific data, is produced that alleviates the Board's concerns, it must oppose the 30x30 Initiatives.
2. The Board supports continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.

3. The Board also maintains that any private lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment of full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of San Juan County, its businesses, and its citizens.

4. The Board recognizes and supports the State of New Mexico's water rights system, and other state laws and programs governing water rights and water use and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under New Mexico law.

**PASSED, APPROVED AND ADOPTED** this 5th day of April, 2022.

The Commission made various comments. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Lanier to approve Resolution No. 21-22-55, Opposing Federal and State "30 x 30" Initiatives Until More Information Can Be Obtained Regarding Their Effect on Land Ownership and Usage in San Juan County. Chairman Fortner, Chairman Pro-Tem Lanier, Commissioner Beckstead, and Commissioner Sullivan voted in favor. Commissioner Todacheene voted against. Upon voice vote the motion passed four to one.

7. **Consideration of Approval of Resolution No. 21-22-54, A Resolution Opposing President Biden's 20 Year Ban on Oil and Gas Development Within a Ten-mile Radius of Chaco Culture National Historical Park and Joining the Navajo Nation and the Nageezi, Pueblo Pintada, Huerfano, Lake Valley, and White Rock Chapters in Supporting a Five-mile Radius**

Mike Stark, County Manager, stated that on November 15, 2021, President Biden proposed a withdrawal of federal minerals from development for 20 years within a ten-mile radius of the existing Chaco Culture National Historical Park boundaries. This withdrawal equates to 351,500 acres of land. Despite the Biden Administration's statement that the ban does "not apply to Individual Indian Allotments or to minerals within the area owned by private, state, and tribal entities," the mixture of property ownership of Indian allotments between federal and non-federal land in the proposed withdrawal would make extraction of minerals from Indian allotment land impossible since pipelines would need to cross federal lands. The Bureau of Land Management and the Bureau of Indian Affairs were actively seeking comments from the public on alternatives for a Resource Management Plan Amendment to include the Chaco Culture National Historical Park. Comments previously submitted by San Juan County, the Navajo Nation, and the Nageezi, Pueblo Pintado, Huerfano, Lake Valley, and White Rock Chapter supported a five-mile buffer. Ultimately, this plan amendment has been halted and the boundary of 10 miles for 20 years has been proposed by President Biden and the Department of the Interior. On February 23, 2022, the local BLM office hosted a proposed Chaco Public Lands Withdrawal public meeting to present the ten-mile proposal. Any comments on the proposed withdrawal are due back by May 6, 2022. Mr. Stark read the resolution aloud:

**SAN JUAN COUNTY, NEW MEXICO  
RESOLUTION NO. 21-22-54**

**A RESOLUTION OPPOSING PRESIDENT BIDEN'S PROPOSAL OF A 20-YEAR BAN ON OIL  
AND GAS DEVELOPMENT WITHIN A 10-MILE RADIUS OF  
CHACO CULTURE NATIONAL HISTORICAL PARK AND JOINING THE NAVAJO NATION  
AND THE NAGEEZI, PUEBLO PINTADO, HUERFANO, LAKE VALLEY, AND WHITE ROCK  
CHAPTERS IN SUPPORTING A 5-MILE RADIUS**

**WHEREAS**, President Joseph R. Biden Jr. has proposed a 20-year ban on oil and gas drilling within a 10-mile radius of Chaco Culture National Historical Park, and

**WHEREAS**, despite the Biden Administration's statement that the ban does "not apply to Individual Indian Allotments or to minerals within the area owned by private, state, and Tribal entities" and will not "impose restrictions on other developments, such as roads, water lines, transmission lines, or buildings", the mixture of property ownership between Federal and non-Federal land in the proposed ban area makes it impossible for owners of Individual Indian Allotments to extract minerals since pipelines must cross federal land (where drilling would be banned) to get to Allottee land (where drilling is not banned); and

**WHEREAS**, the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) were actively seeking comments from the public on alternatives for a Resource Management Plan Amendment / Environmental Impact Statement for the Chaco Culture National Historical Park area, which alternatives included the 10-mile buffer and a 5-mile buffer, however, the Biden Administration's proposal indicates that a 20-year withdrawal of federal lands within 10-miles of Chaco Canyon may be initiated without waiting for proper consultation and comment from affected parties; and

**WHEREAS**, On January 23, 2020, the Navajo Nation Council withdrew its support of a ten-mile buffer zone surrounding Chaco Culture National Historical Park, instead approving language supporting a 5-mile Federal buffer that would provide additional protections to sacred cultural sites, while still allowing allottees to develop their mineral estates beyond the 5-mile buffer area; and

**WHEREAS**, in a press release date November 16, 2021, the Navajo Nation Council reaffirmed its opposition to the Biden Administration's proposal of the 20-year ban on oil and gas driving within a 10-mile radius of Chaco Culture National Historical Park; and

**WHEREAS**, the Eastern Navajo Agency Council of the Navajo Nation passed Resolution No. ENAC-12/2021-063 strongly opposing President Biden's proposal of a 20-year ban on oil and gas development within a 10-mile radius of Chaco Culture National Historical Park on December 4, 2021; and

**WHEREAS**, the Nageezi, Pueblo Pintado, Huerfano, Lake Valley, and White Rock Chapters passed resolutions in 2021, all of which stated opposition to a 10-mile buffer area but support of a 5-mile buffer.



**WHEREAS**, the Board of County Commissioners supports the opinions and economic welfare of its constituents who live in the area who would be affected by the proposed drilling ban.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of San Juan County, New Mexico, strongly opposes President Biden's Proposal of a 20-year ban on oil and gas development within a 10-mile radius of Chaco Culture National Historical Park, but the Board of County Commissioners joins the Navajo Nation, Nageezi Chapter, Pueblo Pinto Chapter, Huerfano Chapter, Lake Valley Chapter and White Rock Chapter in supporting the ban within a 5-mile radius of the Park.

**PASSED, APPROVED AND ADOPTED** this 5th day of April, 2022.

The Commission asked various questions. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve Resolution No. 21-22-54, A Resolution Opposing President Biden's 20 Year Ban on Oil and Gas Development within a ten-mile radius of Chaco Culture National Historical Park and Joining the Navajo Nation and the Nageezi, Pueblo Pintada, Huerfano, Lake Valley, and White Rock Chapters in Supporting a five-mile radius. Upon voice vote this motion passed unanimously.

#### **8. Consideration of FY23 Congressionally Directed Spending Request**

Mike Stark, County Manager, explained that Staff was recently notified by the county federal delegation (Senator Heinrich, Senator Lujan, and Congresswoman Teresa Leger Fernandez) that they will be accepting appropriations requests for fiscal year 2023. Applications for this funding are due by April 11th for Senator Heinrich, April 13th for Congresswoman Teresa Leger Fernandez, and April 15th for Senator Lujan. Mr. Stark presented the following projects to the Commission: Resurfacing the track at the San Juan County Criminal Justice Training Authority facility in Farmington and new turning targets at the shooting range. Undersheriff Cory Tanner clarified that repairs to the track are structural and the shooting targets are aged. The facility is used by several entities for the training of law enforcement. The Commission asked various questions. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve FY23 Congressionally Directed Spending Request. Upon voice vote this motion passed unanimously.

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

Mike Stark recognized and commended Mike Mestas, Emergency Manager and Stewart Logan, Safety & Compliance Manager for their committed service during the COVID epidemic. A plaque was presented to each.

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

Commissioner Todacheene announced that her daughter will be participating in the Boston Marathon.

Su Hodgman, Behavioral Health Services Director, presented an update on the following projects that were recommended by 2019 Behavioral Health GAP Analysis:

- Recognized the members of the National Alliance on Mental Illness (NAMI) - San Juan County affiliate.
- CHAP (Comprehensive Homeless Assistance Providers) will be conducting a Homelessness Solutions Conference on April 12th at the Farmington Civic Center.

Roberta Padilla, Chief Human Resources Officer, announced that San Juan County is a Gold Level recipient of the Family Friendly Business Award from New Mexico Family Friendly.

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

Ervin Chavez, Delora Jesus, and Andrew Charley of Nageezi and Chaco Canyon, thanked the Commission for their support in the passing of the Resolution 21-22-54 and expressed their concerns regarding the withdrawal of federal minerals from development for 20 years within a ten-mile radius of the existing Chaco Culture National Historical Park boundaries.

Jillian Aragon, Bureau of Land Management, announced that an open public meeting will be held on April 27th from 2 p.m. to 7 p.m. at San Juan College to discuss concerns regarding the Chaco Public Lands Withdrawal. A Navajo translator will be available as well. On April 28th there will be a government-to-government tribal consultation meeting with the Navajo Nation.

Joseph Hernandez of Shiprock, spoke in support of the 30 x 30 plan.

### **Closed Executive Session**

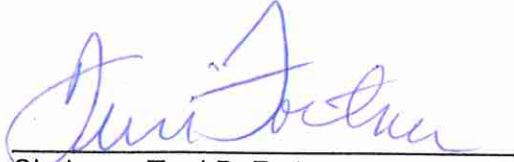
A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to go into closed executive session to discuss the County Manager Evaluation and an Update on Redistricting Litigation. Upon voice vote this motion passed unanimously. Upon return a motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to go back into open meeting. Upon voice vote this motion passed unanimously. Commissioner Beckstead stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

### **Adjourn**

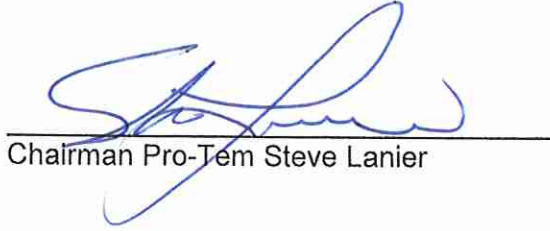
Being no further business, Chairman Fortner adjourned the meeting at 7:39 p.m.

APPROVED THIS 19TH DAY OF APRIL 2022

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



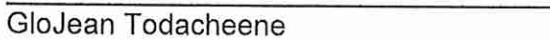
Chairman Terri D. Fortner



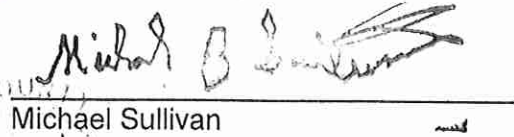
Chairman Pro-Tem Steve Lanier



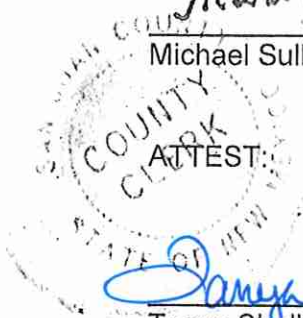
John T. Beckstead



GloJean Todacheene



Michael Sullivan



ATTEST:



Tanya Shelby, County Clerk