

**San Juan County Commission
Regular Meeting
March 15, 2022**

Chairman Fortner called the San Juan County Commission meeting to order on March 15, 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 Chairman Pro-Tem Lanier 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 UNTIL 5:45pm
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
RISK MANAGER	Cynthia Singleton
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
DEPUTY FINANCE OFFICER	Travis Sisco
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
CHIEF HUMAN RESOURCES OFFICER	Roberta Padilla
DEPUTY HUMAN RESOURCES OFFICER	Tara Martinez
FIRE CHIEF	John Mohler
COMMUNITY HEALTH & SOCIAL SERVICES DIRECTOR	Liza Gomez
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
CHIEF IS OFFICER	Keith Lund
BEHAVIORAL HEALTH SERVICES DIRECTOR	Su Hodgman
PRESS:	NM Political Report Hannah Grover
VISITORS:	23

Regular Meeting

Approval of Agenda

Mike Stark, County Manager, stated that there was one change to the agenda. Joe Sawyer, County Attorney will be presenting Line #8 in New Business. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve the agenda as amended. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval for Regular Meeting Minutes of March 1, 2022
2. Approval of Treasurer Check Register for February 2022
3. Approval of Finance Check Registers for February 2022
4. Approval FY22 Budget Adjustment #8-Resolution No. 21-22-51
5. Approval of Annual Law Enforcement Protection Fund (LEPF)
6. Approval of Proposal No. 21-22-12, San Juan Regional Medical Center, 2nd Floor Rehabilitation Renovations to RMKM Architecture Inc. of Albuquerque, NM
7. Award of Proposal No. 21-22-13, On-Call Building Automation System & Facility HVAC Services to Farmington Heating & Metal, Farmington, NM
8. Approval of Bid No. 21-22-14, County Road 6100 Cold Milling Services to Old Castle SW Group of Farmington, NM

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

New Business

1. 30 x 30 Plan

At the March 1, 2022, regular Commission meeting, Margaret Byfield, American Stewards of Liberty Executive Director, provided a presentation to the County Commission on the 30 x 30 Federal and State plans. After the item was presented, Commissioner Todacheene requested a presentation from State or Federal officials regarding the proposed 30 x 30 plans. Sara Cottrell Propst, Secretary of the Energy, Minerals and Natural Resources Department, and State Forester Laura McCarthy presented the following to the Commission:

- Governor Michelle Lujan Grisham issued New Mexico Executive Order 2021-052, Protecting New Mexico's Lands, Watersheds, Wildlife, and Natural Heritage, in 2021; the goal is to conserve 30% lands and waters by 2030 with an additional 20% designated as climate stabilization areas.
- The Executive Order committee membership & staff includes several government entities which is responsible for providing advice and recommendations to the Governor on issues raised in the 30 x 30 Executive Order and the Federal government America the Beautiful initiative as well as coordination between agencies and programs
- The benefits identified are supporting the economy, sustaining traditional ways of life, providing drinking water, ensuring food security, preserving biodiversity, and providing recreation opportunities that promote human health and well being
- Core principles of the New Mexico 30x30 plan include respect for tribal sovereignty, respect for private property rights, maintaining adaptability in a changing climate, and a role for natural working lands

- Of the focus areas from the America the Beautiful initiative, the main areas the Committee is focused on is as follows:
 - Tribally led conservation and restoration priorities
 - Access for outdoor recreation
 - Voluntary conservation efforts
 - Create jobs
- The International Union for the Conservation of Nature (IUCN) defines a protected area as: a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means to achieve the long-term conservation of nature with associated ecosystems services and cultural values.
- Goals of the committee include public engagement, release of draft definitions for public feedback, review existing programs to identify opportunities and barriers in addressing New Mexico's expressed conservation needs and issue the first annual report on 30 x 30 by December 2022

The Commission asked questions and made various comments.

2. Update on Tico Time River Resort

Robert Holmes, Tico Time Resort Owner, updated the Commission regarding the improvements made to the Tico Time Resort. Mr. Holmes stated that there will now be 24-hour security staff during events, that the noise levels will be monitored, upcoming events will include wellness events such as a yoga festival, fitness, and church services. Music events will be in-house productions rather than outsourced. Fireworks will only be on the following holidays: Memorial Day, 4th of July, and Labor Day. Chairman Pro-Tem Lanier asked various questions.

3. Consideration of Approval of Annual Renewal of Property/Casualty Insurance through Broker Services Provided by Kysar/Millennium/Leavitt Insurance Agency of Farmington NM

Cynthia Singleton, Risk Manager, introduced Nate Duckett and Bob Kysar of the Kysar/Millennium/Leavitt Insurance Agency (KML) to present the annual renewal for property and casualty insurance through brokerage services for San Juan County. Total premiums for all coverages listed and Kysar commission for this coverage year will be \$1,910,207 which represents an increase of 11% from the past year, excluding the Excess Cyber insurance. The policy period is to begin March 31, 2022, for a one-year term ending March 31, 2023. Mr. Duckett explained that KML offered multiple companies the opportunity to bid to cover San Juan County this year and has reviewed those that were returned. One bidder, Travelers Insurance, offered favorable premiums and required coverage for most lines, and specialty insurance was brokered to multiple companies. KML presented San Juan County a renewal premium with:

- 1) Travelers Insurance of \$1,592,242 (which excludes specialty lines and fees)
- 2) Aircraft coverage for helicopters under Westchester Fire insurance for an increase in coverage and limits not offered by Travelers at an annual premium of \$19,350.
- 3) Excess Liability from Allied World National (\$4MM over basic and Umbrella coverage provided by Travelers) for \$111,153.

- 4) Crime coverage from Hanover remains at \$8,000, and Storage Tank Pollution coverage from Mid-Continent is at \$532.
- 5) Cyber insurance will be provided by Hudson Excess Insurance Co for \$68,931 with a notable increase in deductible from \$25,000 to \$100,000 for \$2MM coverage.
- 6) Excess Cyber insurance above the basic \$2MM coverage is still being sought.
- 7) Brokerage services were previously awarded under RFP 21-22-05 to KML under a combined fee cap of \$110,000.00. KML total commission/fee under these recommendations is \$110,000.00.

Mr. Kysar indicated that insurance coverage has not been a hardening market since the late 90s and that the amount of coverage has decreased or companies no longer carry the coverage needed. The cost of policies has increased due to nuclear judgments and cyber claims. Mike Stark, County Manager, recognized Risk Management and Information Systems for their diligence in ensuring safety and cyber security. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Lanier to approve the Annual Renewal of Property/Casualty Insurance through Broker Services Provided by Kysar/Millennium/Leavitt Insurance Agency of Farmington NM. Upon voice vote this motion passed unanimously.

4. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for John Armenta 57 Road 3145 Aztec NM 87410

Michelle Truby-Tillen, Community Development Director, stated that John Armenta submitted a Variance Petition Application to the Community Development Department on January 20, 2022. Mr. Armenta is seeking a variance from Section 3(A) of Ordinance No. 120, the 300-foot minimum separation distance from a residence requirement. The applicant owns the residence and the property located at 57 Road 3145 in Aztec and desires to begin an indoor cannabis cultivation production facility on the property. The applicant plans to construct a metal building approximately 40' by 80' (3,200 sq ft) on the property for growing up to 200 plants. The entire property would be surrounded by an opaque privacy/security fence. Applicant indicated a filtered exhaust system will be utilized to reduce the odors of cannabis plants being grown on the property. There are seven (7) residences within 300 feet of the proposed security fence. A public hearing was held before hearing officer Douglas A. Echols on February 23, 2022. Notice of the hearing was mailed to the residences within 300 feet of the proposed site and all adjoining properties, as well as, published on the County's website. No written comments were received prior to the hearing. The resident of 11 Road 3320, of one of the seven residences within 300 feet, appeared at the hearing to express concerns and ask questions regarding the variance. After hearing from the applicant, the individual indicated he was no longer opposed to the variance. Hearing Officer Echols submitted written findings and conclusions and recommended the request for variance be granted for a period of 10 years, as requested by the applicant, for an indoor grow facility only and subject to installation and use of a filtered exhaust system. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for John Armenta 57 Road 3145 Aztec NM 87410. Upon voice vote this motion passed unanimously.

5. Consideration of Approval of the First Amendment to the Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program

Liza Gomez, Community Health and Social Services Director, explained that the Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program (JIP) and Sobering Program is a multi-agency partnership between the County, City of Farmington, San Juan Regional Medical Center (SJPMC), and Presbyterian Medical Services (PMS). The purpose is to provide substance use treatment services and emergency housing to the street inebriate and chronically homeless population in our community. One of the services provided for in this agreement is the operation of an emergency shelter for sober individuals from November 1st to March 3rd; operation of the "winter" shelter is currently funded by the City of Farmington. The Mental Wellness Resource Center staff has worked with several homeless individuals who do not have access to safe, short-term emergency housing outside of the winter months. While staff work toward housing these individuals with a more stable solution, it can sometimes take a few days to transition an individual into PATH; and a few weeks to months for other housing programs. Additionally, local providers and agencies have voiced the need for a year-round emergency shelter in which they can meet with their clients and provide case management and other support services. An amendment to the agreement, the first amendment, effectively provides for the operation of the "Winter" shelter aka "Expansion" shelter year-round. The City of Farmington will continue to fund five months, the County will fund five months, and PMS will provide for two months. This expenditure will be earmarked in the BHIZ grant for as long as SJC receives the grant. Subsequent funding will come from HB2 Jr. Funding, or as a last resort funds may be paid from the HCAP program. Ms. Gomez introduced Jill Adair, Region Director for Presbyterian Medical Services. Ms. Adair thanked the County for their partnership and the Commission for their support. Chairman Fortner requested that an update regarding the NAMI (National Alliance on Mental Illness) affiliation be presented at a future meeting. Su Hodgman, Behavioral Health Services Director, announced that San Juan County now has an official affiliate with NAMI of over 600 affiliates in the United States. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve the First Amendment to the Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program. Upon voice vote this motion passed unanimously.

6. Consideration of Approval of Remote Work Policy & Agreement

Jim Cox, Deputy County Manager, stated that at the March 23, 2020, Commission regular meeting, the Commission adopted the Temporary Remote Work and Leave Policy and Procedures in response to the emerging COVID-19 pandemic. This policy allowed employees of the County to work remotely if they were capable of remote work as social distancing was the public health practice, at that time, to prevent sick people from coming in close contact with healthy people to reduce opportunities for transmission. The policy was to remain in effect until the Governor's Declaration of a Public Health Emergency expires or until suspended by the County Manager, whichever is later. Use of this policy has fluctuated based on need with a high usage rate of approximately 50 users. Currently there are approximately 30 users that continue to work remotely on varying schedules (i.e., those that may work two days in the office and two days at their remote work site or those that may work in the field, office and remote work site as needed to meet the needs of their assigned tasks). Work completed remotely by these individuals have been found to be a benefit to the County through increased productivity and

reduced error. At the May 25, 2021, regularly scheduled Commission meeting, the Commission adopted five Information Systems operational policies that help reduce the County's exposure to and liability of cyber-attacks. Furthermore, with the signing of the County's FY22 insurance policies, our cybersecurity insurer required the County implement multifactor authentication

requirements to maintain current coverage. To better strengthen this procedural requirement and to maintain compliance the County needed to include a policy for all employees who work offsite away from a county facility or mobile data terminal (i.e., Sheriffs and Fire vehicle units). With the need to include the cybersecurity requirements for all offsite workers and the unknown of when the Governor's public health emergency may expire, Staff requested the County Commission rescind the current temporary remote work policy and adopt a revised remote work policy and remote work agreement that would remain in effect in perpetuity unless rescinded by the Commission. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to rescind current policy and approve the Remote Work Policy & Agreement as presented. Upon voice vote this motion passed unanimously.

7. **Consideration of Approval of Resolution No. 21-22-52, Approving the Amendment of Lease Agreements, Sublease Agreements, and Bills of Sale Pertaining to the Industrial Revenue Bonds for San Juan Solar I, LLC Replacement Power Project**

Joe Sawyer, County Attorney, stated that in 2021 the Commission approved the issuance and sale of industrial revenue bonds (IRBs) to allow Photosol to finance construction of a solar power project (San Juan Solar) to replace power when San Juan Generating Station is abandoned. Photosol would now like to amend the three San Juan Solar IRBs primarily to help in realigning the property subject to each separate IRB. The same collective property that is currently subject to the IRBs will remain subject to the IRBs, but that property will be shuffled around amongst the three separate IRB projects because of the proposed amendments to the Lease Agreements and Sublease Agreements. Peter Kelton, Bond Attorney, indicated that in 2021, Ordinances 114, 115, and 116 were approved for three different companies to engage in activities related to renewable energy generation. Additionally, Amended and Restated Bills of Sale will be provided by the developer to the County. Resolution 21-22-52 approves the amendments to the Lease Agreements and Sublease Agreements and the Amended and Restated Bills of Sale associated with the IRBs. Adrian Bell, Holland & Hart Law Firm on behalf of the project companies informed the Commission that Photosol has recently sold its membership interest in the project company to DESRI (D.E Shaw Renewable Investments). Mike Stark indicated that Staff would like to schedule a meeting with the new equity owners. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve Resolution No. 21-22-52, Approving the Amendment of Lease Agreements, Sublease Agreements, and Bills of Sale Pertaining to the Industrial Revenue Bonds for San Juan Solar I, LLC Replacement Power Project. Upon voice vote this motion passed unanimously.

8. **Consideration of Notice of Intent to Amend San Juan County Ordinance No. 120, the Cannabis Regulation Ordinance**

Joe Sawyer, County Attorney, explained that following the adoption of the Cannabis Regulation Ordinance on August 17, 2021, the Community Development Department has determined that some provisions of the Ordinance need clarification and adjustment. 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 required fee amounts 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.

If the amendments are approved by the Board of County Commissioners, a Notice of Intent to Adopt, will be published in the Daily Times. The amended and restated Ordinance will be placed on the agenda for the April 5 meeting to be considered for adoption. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve the Notice of Intent to Amend San Juan County Ordinance No. 120, the Cannabis Regulation Ordinance. Upon voice vote this motion passed unanimously.

9. Consideration of Commission Meeting Schedule for May, July, and August

Mike Stark, County Manager, indicated that to accommodate the timeline of submission of an interim budget and final budget to the Department of Finance and Administration (DFA), an interim budget workshop would need to be conducted. Historically, the Commission has chosen to have a budget workshop separate of a normal Commission meeting to conduct a thorough review of the proposed interim budget which is due by May 31st. This year the workshop will be hosted on May 10th from 11 a.m. to 3 p.m. The regular Commission Meeting for May 17th will be moved to May 24th at 4:00 p.m. to allow sufficient time for updates and amendments to the budget. Due to the upcoming primary election, the June 7th regular meeting will be moved to June 13th at 4:00 p.m. to approve the Canvassing Board of the election. The July 19th regular meeting will be moved to July 26th to allow for closure of the fiscal year end and inclusion of the final budget which is due to the DFA by July 31, 2022. The first regular meeting scheduled; August 2nd is cancelled. There will be one regular meeting held August 16th. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Commission Meeting Schedule as amended. Upon voice vote this motion passed unanimously.

Report from County Manager

Mike Stark updated the Commission on the Pinon Hills project funding.

Reports From Elected Officials And Department Heads

None

Comments / Input From The General Public

Judy Bryson submitted comment by email expressing concerns regarding Tico Time River Resort.

Gary & Ellen Hout submitted comment by email expressing concerns regarding Tico Time River Resort.

Ervin Chavez, Bloomfield/Nageezi, expressed his concerns regarding the effects of the oil & gas freeze on over 51,000 acres of San Juan County.

Jose Hernandez requested a bridge in the Hogback/Waterflow area and also expressed his support for the 30 x 30 plan.

Don Schreiber, via online, is 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 evaluation for County Manager, Mike Stark. Upon voice vote this motion passed unanimously. Upon return a motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to go back into open meeting. Upon voice vote this motion passed unanimously. Commissioner Todacheene stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

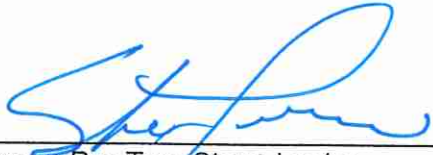
Adjourn

Being no further business, adjourned the meeting at 6:55 p.m.


APPROVED THIS 5TH DAY OF APRIL 2022


BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

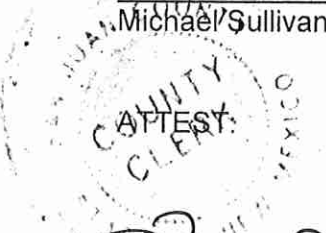

Chairman Terri D. Fortner


Chairman Pro-Tem Steve Lanier


John T. Beckstead


Glojean Todacheene


Michael B. Sullivan




Tanya Shelby, County Clerk