

**San Juan County Commission
Regular Meeting
May 24, 2022**

Chairman Fortner called the San Juan County Commission meeting to order on May 24, 2022, at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Mike Stark 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
CHIEF DEPUTY ASSESSOR	John Kuhn
TREASURER	Carol Taulbee
CHIEF DEPUTY TREASURER	Bryan Myers
SHERIFF	Shane Ferrari
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
RISK MANAGER	Cynthia Singleton
EMERGENCY MANAGER	Mike Mestas
DEPUTY FINANCE OFFICER	Travis Sisco
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Nick Porell
JUVENILE SERVICES ADMINISTRATOR	Bowen Belt
FIRE CHIEF	John Mohler
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
SUBDIVISION REVIEW OFFICER	David Barnett
CHIEF IS OFFICER	Keith Lund
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
VISITORS:	16

Presentation

1. Yard of the Month

Bob Carman, Code Compliance Officer, announced that the month of May "Yard of the Month" belongs to Denis and Rebecca Hahn and is located at 38 Road 3665 Aztec, NM. Mr. Carman recognized Mr. and Mrs. Hahn for their attractive, well-kept property and presented them with a certificate.

A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to call to order the Board of Finance Meeting. Upon voice vote, the motion passed unanimously.

Board of Finance

1. Consideration of Approval of Resolution No. 21-22-66, To Update the Electronic Funds Transfer and Credit Card Policy

Bryan Myers, Chief Deputy Treasurer, explained that the updated Electronic Funds Transfer and Credit Card Policy establishes general guidance for the acceptance of payment by credit card by third-party processors and the use/processing procedures of electronic funds including electronic fund transfer (EFT), automated clearing house (ACH), and wire transfers. The guidance in the policy ensures that credit cards payments and electronic fund transactions meet the Payment Cards Industry (PCI) and National Automated House Association (NACHA) standards and to ensure that the financial and legal requirements are implemented uniformly across County departments. Mr. Myers highlighted the following from the policy:

- Credit card payments will be transacted electronically either by credit card machine or by and online gateway portal managed by the third-party vendors.
- Credit card payments may be accepted over the phone however at no time will County employees write down, copy, screen capture, or store cardholder data to ensure cardholder data is secure.

The resolution replaces and updates Resolution 20-21-51 dated March 2, 2021, titled "San Juan County's Electronic Funds Transfer Policy." A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Sullivan to approve Resolution No. 21-22-66, To Update the Electronic Funds Transfer and Credit Card Policy. Upon voice vote this motion passed unanimously.

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

Consent Agenda

1. Approval of Treasurers Check Register for April 2022
2. Approval of Finance Check Registers for April 2022
3. Approval of FY22 Budget Adjustment #11-Resolution No. 21-22-64

4. Approval of Award of Bid No. 21-22-20, Cooperative Price Agreement for Fuel: Cardlock Facilities and Bulk Fuel Purchases to Flyers Energy of Auburn, CA and Windstar Midstream, LLC of El Paso, TX
5. Approval of Award of Bid No. 21-22-22, Price Agreement for Automotive and Heavy Equipment Repairs and Repair Parts to Multiple Vendors
6. Approval of Award of Proposal No. 21-22-23, Engineering/Consulting Services for Bridge 3121 and 8111 Replacement Projects to Ty Lin International of Albuquerque, NM
7. Approval of Award of Proposal No. 21-22-24, Architectural Services for ADA Improvements in 6 County Facilities to Rodahl & Hummell Architecture, P.C. of Farmington, NM
8. Approval of Award of Bid No. 21-22-25, Price Agreement for the Purchase of Asphalt Emulsions and Associated Products to HollyFrontier Refining & Marketing, LLC of Albuquerque, NM
9. Renewal of Request for Proposal No. 19-20-28, Health Screenings to Life Scan Wellness Centers of Tampa, FL for the San Juan County Fire Department
10. Renewal of Proposal No. 18-19-15, Medical Direction for Fire & Rescue Services to EMSDOCs, PC of Farmington, NM
11. Approval of the Award of Bid No. 21-22-16, Price Agreement for the Purchase of Warehouse Supplies to Multiple Vendors
12. Approval of Contract with Mora County to House Juvenile Detainees
13. Approval of Request to Serve as Fiscal Agent to Apply for the Community DWI (CDWI) Prevention Grant
14. Approval of Resolution No. 21-22-65, to Create a Special Revenue fund herein named the Cannabis Regulation Act Fund (Fund 280)

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

Old Business

1. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Maydell Snell, #6 Road 2799, Aztec, NM**

Michele Truby-Tillen, Community Development Director, explained that Maydell Snell of Buckboards, Bullets, & Barstools submitted a Variance Petition Application to the Community Development Department on March 23, 2022. Ms. Snell requested a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 and is seeking a microbusiness permit for an outdoor grow on her property with up to 200 plants from the State. The area of the property that will become the cultivation area on the property located at 6 Road 2799 in Aztec, NM is within 300 feet of six (6) residences. Applicant is seeking a variance to last the life of the business. A public hearing was held before hearing officer Douglas A. Echols on April 12, 2022. Hearing Officer Echols submitted written Findings and Conclusions and recommended the request for variance be granted. Notice of the April 12th hearing was mailed by certified mail to all the properties within 300 feet of the subject property; all but one of the certified returns were received by staff prior to the hearing. The single property that did not receive their notice prior to the hearing was 8 Road 2799; staff posted a door hanging on this property with notice of the variance request and the commission meeting. After receiving notice, the property owners submitted a written comment in opposition to the variance.

An additional hearing was held to allow comment from the property owners in opposition to voice their concerns via telephone on May 23, 2022. Joe Sawyer, County Attorney, stated that due to one of the neighbors not receiving the notice in time, the hearing was re-held to provide opportunity for comment. Chairman Fortner and Commissioner Beckstead recused themselves from this item due to conflict of interest. Chairman Pro-Tem Lanier requested the variance be granted for 2 years and brought back to the Commission for evaluation. Mr. Sawyer stated Hearing Officer Echols submitted written Findings and Conclusions and recommended the request for variance be granted subject to approval and issuance of a micro growers' license from New Mexico Cannabis Control Division as well as the improvements set forth in the recommendation. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Maydell Snell, #6 Road 2799, Aztec, NM with the recommendations of Hearing Officer Echols and two-year variance. Chairman Pro-Tem Lanier, Commissioner Todacheene, and Commissioner Sullivan voted in favor. Upon voice vote this motion passed unanimously.

New Business

1. Consideration of Preliminary Plat for Coyote Ridge Subdivision Phase Two

David Barnett, Subdivision Director, indicated that the proposed subdivision consists of 17.92 acres being divided into 18 lots. The access for this subdivision is Road 3950 approximately one-half mile from the city limits of Farmington. Opinions on the proposed subdivision were received from San Juan County Public Works, San Juan County Fire Department, New Mexico Environment Department, San Juan Soil and Water Conservation District, the Office of the State Engineer, and the New Mexico Department of Transportation. The developer's engineer has responded to and satisfied the concerns of the various agencies, except for Public Works. Phase One of this subdivision was approved by the Commission in 2005 and the paved roads for the entire subdivision were constructed at that time. The roads have not been accepted for county maintenance and the developer proposes to privately maintain them. However, the developer has not provided a formal commitment to fund road maintenance. Section 8.3.2 of the Subdivision Regulations states that no subdivision shall be approved in which streets are not dedicated to the County unless adequate provisions are made by the subdivider for street maintenance. The County may require a performance guarantee or an adequately funded maintenance agreement before approving such a subdivision. A Public Hearing was conducted by the County on May 16, 2022. Staff requested conditional approval of the preliminary plat with the condition that the developer provide a performance guarantee or an adequately funded maintenance agreement. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Lanier to approve the Preliminary Plat for Coyote Ridge Subdivision Phase Two with conditions included. Upon voice vote this motion passed unanimously.

2. Consideration of MOU Between Department of Homeland Security and Emergency Management's Fire Marshall Division and San Juan County for Fire Code Inspections

Joe Sawyer, County Attorney, stated that The Interim State Fire Marshal sent a request to all New Mexico Fire Chiefs for consideration of a Memorandum of Understanding (MOU) whereby the local fire department would accept responsibility for certain fire code inspections and

enforcement in their respective local areas. NMSA 1978 §59A-52-19 authorize the State Fire Marshall to cooperate with agencies in the state to enforce the provisions of the State fire code. San Juan Fire and Rescue has determined that it is in the best interest of San Juan County and its residents for the County to enter this MOU with the State and for San Juan County Fire and Rescue to accept responsibility for fire code inspections for the list of local schools that are attached to the MOU. John Mohler, Fire Chief, stated that due to staff shortages the state has not been able to inspect the schools as often as needed. The local fire department conducting inspections would be in the best interest of the students. The Commission asked various questions. A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to approve the MOU between Department of Homeland Security and Emergency Management's Fire Marshall Division and San Juan County for fire code inspections. Upon voice vote this motion passed unanimously.

3. Consideration for Award of Proposal No. 21-22-19, Employee Assistance Program Services to Deer Oaks EAP Services, LLC of San Antonio, TX

Melissa Wood, Compensation and Benefits Manager, informed the Commission that on March 6, 2022, Central Purchasing issued a request for proposals for a qualified contractor to provide employee assistance services. On April 7, 2022, of twenty-one (21) Invitations; two (2) responses were received. The Evaluation Committee, consisting of Melissa Wood, Lindsey Ward, Mark Pfetzer, Jordan Richards, Bill Wade and Diana Chapman, evaluated the proposal responses in accordance with the evaluation criteria and recommended that an award be made to Deer Oaks EAP Services LLC of San Antonio, TX, the highest rated responsive Offeror. The County cost will be \$3.84 per employee per month and is guaranteed for the next four years (estimated annual cost is \$28,800.00). The services offered are as follows:

- 6 visits (existing model)
- 24-hour Intake triage
- Multi-lingual options
- Access to care through email, text, phone, or video consultation
- Website that includes various articles, materials, on-demand trainings, a specific first responder/public safety helpline, webinars, newsletters, outreach materials, a formulated critical incident response.

The providers are a part of our community; the services are available through a network of affiliated professionals in multiple locations as the network is nationwide. The current affiliated provider network consists of 23 providers in varied practices specifically located in the tri-city area. When the network is expanded to a wider net, there are 92 additional providers available in the state. Deer Oaks ensures that to be an affiliated provider the professional must possess a master's degree in mental health, five years of post-master experience at a minimum, \$1 million in liability Insurance, and attest or disclose any sanctions, limitations, malpractices, or existence of convictions. Their verification division recertifies the affiliate every three years. While conducting reference checks, it was evident that the services were well valued, and clients were happy with the services received both administratively and as a service to employees and their families. Deer Oaks has been working with entities for 30 years and has been providing services in New Mexico for 14 years with several agencies being in the public sector including two other NM Counties. The professionals answering the phones are licensed counselors. Once a person places the call, the staff counselor delivers immediate support, intake, triage, telephonic

counseling, video counseling (if needed), and case management. If further treatment is needed, the staff counselor will refer the member to one of the affiliated providers for face-to-face counseling. This is to reduce anxiety about seeking treatment and reduce access and service barriers. Choices Counseling Services was the provider for EAP services for the County for many years and chose not to submit a response to the RFP this year ending the contract on June 30, 2022. Ms. Wood recognized Bill Pogue and his team at Choices Counseling Services for their services. Choices Counseling Services is not a Cigna contracted provider, however, to ensure that employees and their families continue to receive continuity of care, the County is in the process of creating a direct contract agreement that will allow Tall Tree Administrators to continue to process claims in-network. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Award of Proposal No. 21-22-19, Employee Assistance Program Services to Deer Oaks EAP Services, LLC of San Antonio, TX. Upon voice vote this motion passed unanimously.

4. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Karma Farms, 5557A US 64, Farmington, NM

Michele Truby-Tillen, Community Development Director, indicated that Lisa and Billy Murray of Karma Farms submitted a Variance Petition Application to the Community Development Department on April 14, 2022. Karma Farms requested a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 and is seeking a commercial micro producer permit from the state and plan an outdoor grow on the property with up to 200 plants. There is a fence around the perimeter of the property that meets the state's requirements for a security fence. The area of the property that will become the cultivation area will be divided into two 50ft by 50ft areas each with their own additional security fence. The northern grow area has been used as a medical cannabis outdoor grow establishment for the past 14 years. The southern grow area will be added as part of the expansion as a commercial grow operation. The perimeter security fence is within 300 feet of 9 residences. Applicant is seeking a variance to last the life of the business. A public hearing was held before hearing officer Douglas A. Echols on May 5, 2022. Hearing officer Echols submitted written Findings and Conclusions and recommended the request for variance be granted. The Commission asked various 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 Karma Farms, 5557A US 64, Farmington, NM. Upon voice vote this motion passed unanimously.

5. Consideration of Appointment to the San Juan Regional Medical Center Corporation Board

Mike Stark, County Manager, reported that at the January 18, 2022, Commission Meeting, the Commission approved the Boards and Committee appointments presented at that time for San Juan County. Tony Atkinson has indicated that he no longer wants to serve as the primary representative for San Juan County with the San Juan Regional Medical Center Corporation Board. Mr. Stark stated that the current alternate board member is Jack Fortner. Chairman Fortner announced that Jack Fortner has indicated that he would like to serve as the primary representative of the San Juan Regional Medical Center Corporation Board; Bobby Kaiser desires to serve as the alternate representative. Jack Fortner will serve as the primary representative and Bobby Kaiser will serve as the alternate. The Commission asked various

questions. A motion was made by Commissioner Sullivan to table the Appointment to the San Juan Regional Medical Center Corporation Board, due to a lack of a second, the motion failed. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Appointment to the San Juan Regional Medical Center Corporation Board. Upon voice vote this motion passed unanimously.

6. Consideration of Proposed FY2023 Interim Budget

Travis Sisco, Deputy Finance Officer, communicated that the upon approval by the Commission, the FY2023 interim budget will be submitted to the Department of Finance and Administration (DFA) by June 1, 2022, for approval. The interim budget will be approved by July 1, 2022, and will become a legal binding document until the final budget is approved which is due to the DFA by July 31, 2022. After approval of the interim budget, additional County Commission changes can be addressed in the final budget which will be presented for approval in July. The final approval from DFA will be received by September 6, 2022. Budget adjustments can subsequently be made as operations demand change throughout the fiscal year. Mr. Sisco highlighted the following:

- The overall GRT budgeted 17.5% increase over FY22 GRT budget
- The 1/16th Emergency Medical Services (EMS) increment will be imposed July 1, 2022, and revenues will be distributed beginning in September
- 3% merit-based increase for San Juan County employees
- Additional personnel costs were added as a result of the Market Study
- All capital needs were met
- The budget presented is a balanced budget of \$152,972,473 with 45.5% in excess of the required reserve balance
- Total costs added between the budget workshop and interim budget is \$2,655,011
- Outside agency requests were met
- 24 frozen positions, 13 new positions added; unfroze Equipment Operator II and Accountant to increase the quality of services for the County
- Increase in employee and employer PERA contributions by 0.5% as required by SB72

A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Proposed FY2023 Interim Budget. Upon voice vote this motion passed unanimously.

Report from County Manager

Mike Stark reported the following to the Commission:

- The County received a grant from the state of New Mexico Recreational Trails Program (RTP) \$330,000 to continue the development of recreational trails throughout the county
- The County is the recipient of the New Mexico Association of Counties (NMAC) 2022 National Achievement Award for the Mental Wellness Resource Center
- The County will be hosting the NMAC Summer Conference in 2023 with the theme of Adventure Awaits

- Faye Anderson, Housing Executive Director, is retiring and recognized her dedication and 25 years of service to the citizens of San Juan County

Reports From Elected Officials And Department Heads

Faye Anderson, Housing Executive Director, thanked the Commission, Mike Stark, Jim Cox, Kim Martin, the Finance Department, her team, Albuquerque HUD Field Office, and many others during her years of service to the community. Ms. Anderson announced that Charlotte Stanley will be the Housing Executive Director.

Comments / Input From The General Public

Rose Chromy, Citizen of Flora Vista, expressed her concerns regarding the road maintenance on Road 3494.


Adjourn

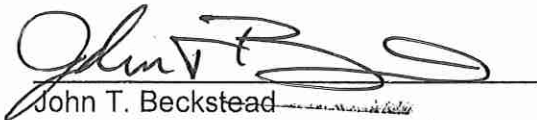
Being no further business, Chairman Fortner adjourned the meeting at 5:10 p.m.

APPROVED THIS 5th DAY OF JULY 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




Tanya Sherby, County Clerk