

San Juan County Commission Regular Meeting September 6, 2022

Chairman Fortner called the San Juan County Commission meeting to order on September 6, 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 Beckstead led the Pledge of Allegiance. Those present were:

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| 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 |
| CLERK | Tanya Shelby |
| TREASURER | Carol Taulbee |
| SHERIFF | Shane Ferrari |
| 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 |
| PUBLIC WORKS ADMINISTRATOR | Nick Porell |
| CHIEF HUMAN RESOURCES OFFICER | Roberta Padilla |
| ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR | Timi Howell |
| DEPUTY FIRE CHIEF | David Vega |
| DEPUTY FIRE CHIEF | Chris Cardin |
| COMMUNITY DEVELOPMENT DIRECTOR | Michele Truby-Tillen |
| PUBLIC RELATIONS & FILM MANAGER | Devin Neeley |

VISITORS: 24

A motion was made by Commissioner Todacheene, 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 Meeting

1. Report on County Investments and Interest Earned as of June 30, 2022

Carol Taulbee, Treasurer, reported that County investments earned \$585,372.63 in interest as of June 30, 2022 which is a 42% decrease from the interest earned in June 2020; 15% decrease from June 2021. The return on the average balance invested decreased from 1.88% in FY2021 to 1.07% in FY2022 which is indicative of the low-rate environment. Total cash and

investments were \$85.3 million which includes June property tax collections. With the deduction of property tax payables and outstanding checks the cash and investment total is \$82,431,794.23.

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 of Regular Meeting Minutes from August 16, 2022
2. Approval of Resolution No. 22-23-12, FY23 Budget Adjustment #1

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

New Business

1. Annual Update on the San Juan Water Commission

Aaron Chavez, Water Commission Executive Director, updated the Commission on the status of the reservoirs and action plan for water conservation:

- There were normal snow-pack levels last year, however the County remains in extreme drought condition due to low soil moisture from previous years.
- Navajo Dam is currently at a 55% capacity; Lake Nighthorse located in the San Juan River Basin is currently at 99% capacity with no projection for release or pumping.
- A Drought Response Operations Agreement was designed to support water conservation in Lake Powell. The agreement was signed by all states including Estevan Lopez, who was appointed by the Governor to represent the State of New Mexico.
- Lake Powell is at a 26% capacity; it will operate in the Lower Elevation Balancing Tier to water year 2023.
- Lake Mead is at 28%; it will operate in its first-ever Level 2a Shortage Condition in calendar year 2023.
- Mr. Chavez will be attending the Colorado River Water Users Association Annual Conference in Las Vegas, Nevada December 14-16, 2022, and invited the Commissioners to attend as well.

Chairman Pro-Tem Lanier recognized Mr. Chavez for his commitment to San Juan County. The Commission asked various questions

2. **Consideration of Access Agreement between San Juan County and Dugan Production and Hilcorp Energy Company**

Nick Porell, Public Works Director, indicated that representatives of Dugan Production and Hilcorp Energy Company requested to utilize a portion of a 34-acre County-owned property on Road 6480 for operations and maintenance access to oil and gas production sites located north of the property. A small portion of the property is utilized by Public Works for interim storage of road construction materials. To resolve conflict with residential properties, the Companies proposed to utilize the existing access into the property along the western boundary to re-route the industrial traffic associated with oil and gas production. The road will be extended to the north across the full length of the property where it will then intersect with existing industry road infrastructure, which will reduce road maintenance in the residential areas. Security gates will be installed by the Companies at the north and south entrance of the property to discourage trespassing by unauthorized users. An Access Agreement was prepared by the Legal Department and will be a year-to-year agreement. Mike Stark, County Manager, recognized Lukas Durham of Dugan Production. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Access Agreement between San Juan County and Dugan Production and Hilcorp Energy Company. Upon voice vote this motion passed unanimously.

3. **Consideration of Approval to Amend the Current San Juan Basin Community Wildfire Protection Plan**

David Vega, Deputy Fire Chief, requested Commission approval to amend the current San Juan Basin Community Wildfire Protection Plan, which will allow the County to apply for Community Wildfire Defense Grants. The grants will provide funding to assist in identifying areas that are most at risk for wildfires and wildfire reduction on private lands. In 2004, 40,000 acres of non-native species, such as Russian Olive and Salt Cedar were identified; to date 23,000 acres have been removed in the riparian areas. Commissioner Todacheene asked if the Navajo Nation is included in the identification and reduction of non-native species as it pertains to wildfire reduction. Mr. Vega stated that although the Navajo Nation has been included in prior years, unfortunately the grant only applies to private lands. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve to Amend the current San Juan Basin Community Wildfire Protection Plan. Upon voice vote this motion passed unanimously.

4. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for High Noon Dispensary, 2210 W. Aztec Blvd., Aztec, NM 87410**

Michele Truby-Tillen, Community Development Director, indicated that Bryan Johnson of High Noon Dispensary, submitted a Variance Petition Application to the Community Development Department on July 21, 2022. The variance requested is from Section 3(A), the 300-foot minimum separation distance from a residence requirement, of Ordinance No. 120. The

cannabis dispensary retail facility will be located at 2210 W. Aztec Blvd, Aztec NM, which is an existing commercial area and is within 300 feet of six (6) residences. Mr. Johnson is seeking the variance to last until he decides to move his business to a larger store front. A public hearing was held before hearing officer William C. Birdsall on August 17, 2022. Hearing office Birdsall submitted written findings and conclusions and recommended the request for variance be granted. Ms. Truby-Tillen stated that only one resident attended the hearing. A motion was made by Commissioner Todacheene, seconded by Commissioner Sullivan to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for High Noon Dispensary, 2210 W. Aztec Blvd., Aztec, NM 87410. Upon voice vote this motion passed unanimously.

5. Consideration of Approval to Apply for Office of Natural Resources Trustee Gold King Mine Restoration Grant

Mike Stark, County Manager, stated that on June 14, 2022, the State reached a settlement with the United States Environmental Protection Agency (EPA) valued at approximately \$32 million. As part of that settlement, the United States will deposit \$10 Million into an escrow account for use by the New Mexico Office of the Natural Resources Trustee (ONRT) to assist in restoration of natural resources. The funds will be administered through a process governed by the provisions of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and other applicable laws and will be available for projects that restore or replace injured natural resources or the services they provide. Project proposals with the goal of implementing restoration in connection to the Animas and San Juan Rivers in NM, benefiting areas most adversely affected by the Gold King Mine release. A preliminary schedule for screening and project proposal evaluation was provided during an ONRT webinar on August 24th and applications are due by September 30, 2022. San Juan County staff met and comprised a list of projects to apply for in order of priority:

1. Construction of a new County Extension Office to include irrigation line upgrades to Growing Forward Farms Est. Cost- \$3,500,000, which requires a 10% match.
2. Upgrades to Boat Ramps at McGee Park and Lions Park Est. Cost- \$1,000,000
Staff requests direction from the Commission on the project(s) to apply for, which requires a 10% match.
3. Construction funding for Totah Subdivision Water and Wastewater System improvements Est Cost- \$1,000,000.

Bonnie Hopkins Byers, Program Director for the New Mexico State University Extension Office explained the benefits of having a larger facility to better serve the agricultural community. The Commission commented and asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Pre-Tem Lanier to approve to Apply for Office of Natural Resources Trustee Gold King Mine Restoration Grant, with the proposed order of project priority. Upon voice vote this motion passed unanimously.

6. Consideration of Adopting Amendment #2 to the JPA Between the Navajo Nation and San Juan County Regarding the Operation and Maintenance of the Solid Waste Compacting and Transfer Stations in San Juan County

Jim Cox, Deputy County Manager, explained that on April 7, 1994, the County entered into a Joint Powers Agreement (JPA) with the Navajo Nation for the purpose of operating and maintaining three transfer stations within the Navajo Nation in San Juan County. The original JPA was amended August 23, 2016 and is currently in effect for the operation and maintenance of the Shiprock, Upper Fruitland and Sand Springs stations. Under the JPA the County charges the Navajo Nation the amount of cost to operate and maintain all three stations in excess of the disposal fee revenues collected from the residents disposing at the stations. The Navajo Nation Division of Community Development requested an amendment to the agreement to specify a timeframe of services to begin October 1st of each year and ending September 30th, which will allow their billing to fall in line with their fiscal year. The Navajo Nation has indicated that they desire to commit \$745,513, in one-time funding, to the County's operation and maintenance of these stations. It is estimated that these funds, in addition to the current funds paid by the Navajo Nation, would sustain operations thru December 2025. This amendment does not terminate the JPA after funds have been depleted or after December 2025. The Commission commented and asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve Adopting Amendment #2 to the JPA between the Navajo Nation and San Juan County Regarding the Operation and Maintenance of the Solid Waste Compacting and Transfer Stations in San Juan County. Upon voice vote this motion passed unanimously.

7. Consideration of Commission Meeting Schedule for September

Jim Cox, Deputy County Manager, indicated each year the County Assessor receives the property tax rates for affirmation from the Department of Finance and Administration. The notice was received Thursday September 1st, statute requires a 5-day response, however the county received notification that the deadline to issue the written order imposing the 2022 Property Tax Rates is September 23rd. The regular meeting is scheduled for September 20th, where the written order will be presented to the Commission for approval. Chairman Fortner stated that no action was needed.

Report from County Manager

Mike Stark, County Manager, reported the following:

- The Mission of Mercy Dental Clinic will be held at McGee Park September 23-24, 2022 and requested volunteers to assist with the operations of the clinic.
- PNM donated an ambulance to the County to use at a new training facility located in Crouch Mesa.
- Four Corners Freight Rail Line Feasibility Study will be hosting public information meetings at the Phil Thomas Performing Arts Center on September 13, 2022, and at the Farmington Civic Center on September 14, 2022.
- Deputy Fire Chief Chris Cardin will be retiring, and Mr. Stark recognized him for his service and dedication to San Juan County.

Reports From Elected Officials And Department Heads

Commissioner Todacheene stated that a Certificate of Appreciation was awarded to the County for sponsoring the Twelfth Annual Women's Conference, Let's Talk About Life Let's Talk About Living.

Comments / Input From The General Public

Linda Corwin, citizen, expressed concern about the lack of enforcement of Ordinance No. 4, Defining refuse and providing penalties for the unlawful disposal of refuse and Ordinance No. 73, Trash and Refuse Disposal.

Amanda Knight, citizen, requested review and amendment Ordinance No. 10 Section 3.6, to allow for at home quarantine regarding an animal that has been bitten and subject to rabies.

Larry Rhodes, citizen, presented information to the Commission regarding elections and the banning of mail-in voting and voting machines.

Bruce Higgins, citizen, expressed his concern for absentee ballots, drop boxes, and voting machines.

William Gilbert, citizen, expressed concern that voting machines can be manipulated, and the peoples trust needs to be restored in the voting process.

Adjourn

Being no further business, Chairman Fortner adjourned the meeting at 5:29 pm.

APPROVED THIS 4TH DAY OF OCTOBER 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 Shelby, County Clerk