

**San Juan County Commission
Regular Meeting
October 4, 2022**

Chairman Fortner called the San Juan County Commission meeting to order on October 4, 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 Commission 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 |
| CHIEF DEPUTY ASSESSOR | John Kuhn |
| CLERK | Tanya Shelby |
| SHERIFF | Shane Ferrari |
| UNDERSHERIFF | Cory Tanner |
| 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 |
| ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR | Timi Howell |
| FIRE CHIEF | John Mohler |
| DEPUTY FIRE CHIEF | David Vega |
| COMMUNITY DEVELOPMENT DIRECTOR | Michele Truby-Tillen |
| PUBLIC RELATIONS & FILM MANAGER | Devin Neeley |

VISITORS: 39

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 Fortner to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Regular Meeting Minutes from September 6, 2022
2. Approval of Regular Meeting Minutes from September 20, 2022
3. Approval of Law Enforcement Fund Grant Agreement #22-ZG 1016-22
4. Approval of FY23 Budget Adjustment #2-Resolution No. 22-23-19
5. Approval of Memorandum of Agreement with New Mexico Dept. of Agriculture for "Nonnative Phreatophyte Removal and Riparian Restoration"
6. Approval of Resolution No. 22-23-17 for the Disposition of County Surplus
7. Renewal of Request for Proposals No. 19-20-13, Volunteer Firefighters Insurance to The Walker Agency of Farmington, NM
8. Award of Proposal No. 22-23-03, Planning/Engineering/Survey Services for the Lower Animas Valley Recreation Trail to Souder, Miller & Associates of Farmington, NM-
moved to New Business Item #5
8. Approval of Resolution No. 22-23-18, Supporting New Mexico DOT/2022 Local Government Road Fund Cooperative Agreement Extensions

A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Lanier to move Item #8, Consideration of Award of Proposal No. 22-23-03, Planning/Engineering/Survey Services for the Lower Animas Valley Recreation Trail to Souder, Miller & Associates of Farmington, NM to New Business Item #5. Upon voice vote this motion passed unanimously. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve the Consent Agenda as amended. Upon voice vote this motion passed unanimously.

New Business

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

Michele Truby-Tillen, Community Development Director, indicated that on May 24, 2022, the Commission granted conditional approval of the preliminary plat with the request that the developer provide a performance guarantee or an adequately funded maintenance agreement for road maintenance. The developer has changed their proposal from privately maintained roads to county-maintained roads. Public Works has reviewed the revised proposal and has no objection. Commissioner Beckstead asked if the proposal is in accordance with the guidelines previously presented. Joe Sawyer, County Attorney, stated the recommendations from the previous meeting were followed. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Lanier to approve the Revised Preliminary Plat for Coyote Ridge Subdivision Phase Two. Upon voice vote this motion passed unanimously.

2. Consideration of San Juan Regional Medical Center Estoppel Certificate and Agreement

Joe Sawyer, County Attorney, indicated that a request was made by San Juan Regional Medical Center for San Juan County to execute an estoppel certificate in connection with the Medical Center's plans to enter into a Master Lease and Sublease Agreement dated October 25, 2022. The funds, approximately \$20,000,000, advanced under the lease will be used by the medical center to finance diagnostic imaging equipment, monitoring equipment, surgical equipment, lab

equipment, IT hardware/software and miscellaneous facility equipment such as HVAC, lighting, boilers, and chillers. The purpose of the estoppel certificate is to serve as an acknowledgement that the lease of the hospital premises is a valid, binding lease, that no default has occurred, and that the County has not filed a bankruptcy proceeding, nor has knowledge that anyone else has filed a bankruptcy proceeding against the County. The document also serves as the County's consent that a security interest be granted to the lessor in and to the equipment, waive and release any interest in the equipment, and agree that the County will not take any action to cause the equipment to become the property of the County. Mr. Sawyer stated that Legal department is not aware of any default, nor does it have any reason to believe the lease, as amended, does not remain a valid, binding lease. The execution of the certificate does not subject the County to any pecuniary liability relating to the leased equipment; however, if the County were to assume operation of the hospital, it may be obligated to make the lease payments. The Legal department recommended approval and execution of the certificate. Linda Melendres, Council to San Juan Regional and Ryan Manning, Director of Finance of San Juan Regional gave a brief overview of the lease agreement, equipment, and upgrades to the facilities. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve the San Juan Regional Medical Center Estoppel Certificate and Agreement. Upon voice vote this motion passed unanimously.

3. **Consideration of the 14th Amendment to the Intergovernmental Agreement for Detention Center Services**

Daniel Webb, Adult Detention Administrator, stated that the Intergovernmental Agreement for the Detention Center Services requires that the County notifies the Cities the per diem rate, effective July 1st of the following calendar year, for the Adult Detention Center by October 15th of each year. The per diem rate is calculated from the previous fiscal year actual operating cost of the facility to include supporting department cost, debt service, and any anticipated cost increases for the next fiscal year. Based on the total number of bed days for the same period of 181,808, the per diem rate for FY24 would be \$88.03, or a decrease of \$24.74 per night (21.94% decrease) from the previous year's rate of \$112.77. The total cost for the operation of the Adult Detention Center in FY22 decreased by \$2.2 million as compared to FY21, primarily the result of operations costs that were eligible to be charged to the American Rescue Plan Act (ARPA). Reduction in operations cost has provided a one-time per diem rate reduction of \$11.93. The remaining contributing factor to the significant reduction in per diem rate is due to an increase of 20,659 bed days as compared to FY21 a result of the number detainee's post COVID-19 pandemic. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Sullivan to approve the 14th Amendment to the Intergovernmental Agreement for Detention Center Services. Upon voice vote this motion passed unanimously.

4. **Sheriff's Office Presentation and Consideration of Approval of NM Law Enforcement Recruitment Fund -Recruiting, Hiring and Retention Efforts**

Shane Ferrari, Sheriff, announced that the San Juan County Sheriff's Office was the recipient of \$3,150,000 from the NM Law Enforcement Recruitment Fund grant within HB68. The money is distributed over the next three fiscal years in increments of \$1.8m, \$900k, and \$450k. The first allocation will be received 5 days after acceptance of the signed agreement, any unspent funds will be reverted back to the state at the end of each fiscal year. Mark Fetzer, Captain, presented

the following information as to the utilization of the initial funds to assist in recruiting and retention efforts:

- Fund newly hired officers' salaries and benefits
- Offer \$15,000 hiring stipends upon hire for new officers as well as lateral officers
- Offer \$15,000 retention stipends for all current certified law enforcement personnel as well as those currently hired as cadets to attend the law enforcement academy. The employee agrees to an additional 12 months of employment and will repay the retention payment back at a prorated rate if that obligation isn't met.

Subject to Department of Finance guidance and County legal review, with the savings the above grant creates within the existing budget will allow the following opportunities:

- Offer \$5,000 referral stipends for Sheriff's Office employees that refer a candidate that successfully hires on as a Sheriff's Deputy or law enforcement academy cadet.
- Hire a full-time administrative assistant within the recruiting division.
- Utilize contractual services to hire out background investigation services.
- Conduct a public survey regarding perception and impressions of the Sheriff's Office.
- Conduct a hiring marketing campaign.

These programs will replace any similar, existing programs currently in place. Individuals hired under those programs will continue under those guidelines until fulfilled. Each July, a status check will be conducted to evaluate any funding adjustments needed. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Lanier to approve the Sheriff's Office Presentation and Consideration of Approval of NM Law Enforcement Recruitment Fund -Recruiting, Hiring and Retention Efforts. Upon voice vote this motion passed unanimously.

5. **Consideration of Award of Proposal No. 22-23-03, Planning/Engineering/Survey Services for the Lower Animas Valley Recreation Trail to Souder, Miller & Associates of Farmington, NM**

Nick Porell, Public Works Administrator, stated that the County received a grant from the New Mexico Economic Development Department Outdoor Recreation Division for the Lower Animas Valley Recreation Trail project. The project is included in the current San Juan County ICIP as a 2026 priority and in the San Juan County Strategic Plan also as a 2026 priority. Mr. Porell requested approval to award Proposal No. 22-23-03 to Souder, Miller & Associates. The scope of work included in the feasibility study are as follows: alternative assessment for routing from Farmington to Aztec, a survey, public information campaign, and an engineering/phasing plan. The Commission requested clarification of the purpose of the grant. Mr. Porell stated that the grant does not include the construction of the trail and that the funding is for a feasibility study. Chairman Fortner opened the floor for public comment. William Bloomfield, Casey Blancett, Kyle Rhodes, Sara Baird, Chad Stotts, Kevin Lane, Rick Gillentine, J Paul McWilliams, Michael Munkers, Darrin Blakely, Aundra Stradling, Nolan Gillantine, and Tanya Shelby are residents of the proposed area and are opposed to the trail and opposed to moving forward with the feasibility study. The following concerns were expressed: property values, structures on the rights-of-way, trespassing on private property, littering, loitering, crime, privacy, adding additional rights-of-way, archeological disruption, traffic, safety of livestock, and the monies

being spent on the study. Steve Gabaldon, Land Developer, stated that eminent domain should not be used to develop a bike trail and the path should be built on the highway. Sheriff Ferrari expressed concern that the trail would require additional officers to patrol the area. Chairman Pro-Tem Lanier thanked the public for voicing their concerns and explained that the study would allow their concerns to be documented through the public meetings conducted. Commissioner Todacheene inquired as to what would happen with the funding if the study were not approved. Mr. Porell stated that it will revert to the New Mexico Economic Development Department. Commissioner Beckstead indicated that property would not be obtained via eminent domain, there is no interest in acquiring additional easements, and that the study will provide valuable information. Commissioner Sullivan motioned to table the Award of Proposal No. 22-23-03, Planning/Engineering/Survey Services for the Lower Animas Valley Recreation Trail to Souder, Miller & Associates of Farmington, NM for a later date. Due to lack of second, the motion failed. A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to approve the Award of Proposal No. 22-23-03, Planning/Engineering/Survey Services for the Lower Animas Valley Recreation Trail to Souder, Miller & Associates of Farmington, NM. Chairman Fortner, Chairman Pro-Tem Lanier, Commissioner Beckstead, and Commission Todacheene voted in favor. Commissioner Sullivan voted against. Upon roll call vote the motion passed.

Report from County Manager

Mike Stark reported the following:

- A public input meeting regarding Totah Subdivision Water and Wastewater Improvement will be held October 12th at 6:00 p.m. at the Sycamore Park Community Center
- Household Hazardous Waste Collection Day and Free Dumpster Day is October 15th
- Veterans Stand Down is October 14th from 8 a.m.- 2:30 p.m. providing services to homeless veterans and their families
- Update on the Freight Rail project and how the project would provide economic development opportunities for the Navajo Nation, as well as the County

Reports From Elected Officials And Department Heads

Devin Neeley, Public Relations & Film Manager, reported that San Juan County Emergency Management held a School Reunification Seminar and Drill this morning, October 4th. Emergency Management will also be conducting a simulated incident drill at 7:00 a.m.-11:30 a.m. at the Enterprise Products facilities in Bloomfield and Farmington on October 5th.

Cory Tanner, Undersheriff, presented a brief overview of Ordinance 10 regarding the quarantine guidelines that are followed by the Animal Control officers.

Tanya Shelby, County Clerk, announced that Early Voting begins in begins Tuesday, October 11th in the Clerk's Office and at the alternate sites on October 22nd.

Commissioner Todacheene attended voting machine certification and commended the Clerk's Office for their commitment to ensuring that the election process functions properly. Chairman

Fortner and Chairman Pro-Tem Lanier also attended certification and stated their appreciation for the opportunity to understand the lengthy and detailed process.

Commission Todacheene announced that October 1st is the beginning of the Navajo New Year.

Comments / Input From The General Public

Amanda Knight, Citizen, expressed her concerns regarding Ordinance 10 section 3.6 and requested an amendment be made to regarding quarantine of animals.

Colin Wiza, citizen, stated that Bison Road in Aztec has been washed out and has not been maintained. Mr. Wiza also expressed concern that there are not school zone signs near the Mosaic Academy School. Mr. Stark stated that he will contact the City of Aztec regarding Mr. Wiza's concerns, since the area is within the city limits.

Closed Executive Session

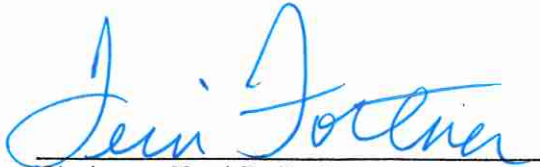
A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to go into closed executive session to discuss threatened or pending litigation in which County is a participant- Navajo Nation Redistricting Lawsuit, Pursuant to Section 10-15-1 (H) (7). Upon voice vote this motion passed 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 7:26 p.m.

APPROVED THIS 18TH DAY OF OCTOBER 2022

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



Chairman Terri D. Fortner

Chairman Pro-Tem Steve Lanier



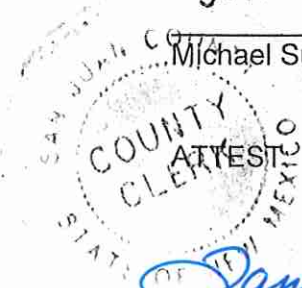
John T. Beckstead



GloJean Todacheene



Michael Sullivan



Tanya Shelby, County Clerk