

**San Juan County Commission
Regular Meeting
November 1, 2022**

Chairman Fortner called the San Juan County Commission meeting to order on November 1, 2022, at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Fortner 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- ABSENT
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
CHIEF FINANCIAL OFFICER	Kim Martin
DEPUTY FINANCE OFFICER	Travis Sisco
PUBLIC WORKS ADMINISTRATOR	Nick Porell
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Timi Howell
FIRE CHIEF	John Mohler
DEPUTY FIRE CHIEF	Donovan Mack
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
VISITORS:	14

Presentation

1. Government Finance Officers Association (GFOA) Award to Finance Department

Jim Cox, Deputy County Manager, announced that the Government Finance Officers Association of the United States & Canada (GFOA) awarded San Juan County the Certificate of Achievement for Excellence in Financial Reporting, the Popular Annual Financial Reporting Award for FY2021, and the Distinguished Budget Presentation Award for the FY2022 budget year. This makes the 16th year the County has received the ACFR award, 14th year for the Budget award and the 2nd year for the PAFR award. The awards represent a significant achievement for San Juan County; to receive these awards, the County must satisfy all applicable accounting and reporting standards as well as nationally recognized presentation guidelines. Upon each submission, the ACFR and Budget are reviewed by multiple GFOA reviewers which grade the County's performance which determines if the County should receive

the award for an additional year. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. Only four of the 33 New Mexico counties received the ACFR award, three of 33 receive the PAFR award and only five of the 33 Counties received the Budget award based on the most recent data available by GFOA. Additionally, GFOA designates entities that receive all three awards as a Triple Crown Winner. This makes the second consecutive year the County has won this designation and is one of three New Mexico Counties and one of six local governments in the entire state to receive this distinction. This recognition can be viewed as a positive factor by credit rating agencies, constituents of the County, and State Oversight Agencies. It is through the collective dedication and hard work of all the Finance team members that make the County's ongoing financial records accurate, reliable, and reported at the highest level. Mr. Cox recognized the Finance Department for their commitment to ensuring accuracy and presented the awards to the Finance Department.

Chairman Fortner welcomed Candace Kuebler, Davis Schritter, and Teia Camacho from Leadership San Juan to the meeting; each gave a brief introduction.

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

Consent Agenda

1. Approval of Regular Meeting Minutes from October 18, 2022
2. Approval of Resolution No. 22-23-25, FY23 Budget Adjustment #4
3. Approval of the Renewal of Proposal No. 20-21-02, Correctional Food Management, Inmate Commissary & Banking Services

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. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Foster Farms, 574 and 576A Road 6100 Kirtland, NM**

Ellen Wayne, Deputy County Attorney, indicated that Foster Farms is operating an outdoor cannabis cultivation production facility at 576A Road 6100 which was previously approved by Community Development and is properly licensed through the State. Corbyn Foster, Owner, desires to utilize an existing metal structure located on the same parcel at 574 Road 6100 for packaging and processing cannabis. The property is located within 300 feet of two (2) residences and requires a variance from Section 3(A) of Ordinance No. 120. Mr. Foster

submitted a Variance Petition Application to the Community Development Department on August 21, 2022, seeking a variance from the minimum separation distance from a residence requirement. In reviewing the variance request, the Community Development Department became aware that one residence that is located on an adjoining parcel to the west of the property is an in-home daycare facility which was in existence prior to the grow operation becoming licensed. The residential daycare is not located within 300 feet of the security fence of the existing grow area nor the proposed packaging facility, however, Section 3(C) of the Ordinance defines the measurement between a cannabis establishment and school or daycare as between "the actual limits of the real property of the school or daycare in which there is regularly conducted educational functions or childcare, and the actual limits of the real property of the cannabis establishment" (i.e. property line to property line). The property line is directly adjacent to the daycare property line which creates a zero-foot distance, and a variance is required. Mr. Foster submitted an additional application seeking a variance from the minimum separation distance from a daycare requirement in Section 3(8) of Ordinance No. 120 on August 31, 2022. During the research and notification process, staff measured property line to property line with the property located across Road 6100 from the Foster property where the administrative offices for Central Consolidated School District (CCSD) are located; measuring property line to property line, the CCSD property is 76 feet from the Foster property. Information available to staff indicated that this property houses primarily office space, so a variance would not be required. However, CCSD gave some indication that there may be other uses, so to err on the side of due process and transparency, a second, separate variance hearing was scheduled to allow CCSD ample opportunity to appear and explain any other functions the administrative property may be used for, which might qualify it as a school, and therefore trigger the need for a variance. The first public hearing was held before hearing officer William C. Birdsall on September 14, 2022. The focus of this hearing was the two residences within 300 feet of the proposed packaging building and the residential day care facility within 300 feet of both the existing grow area and the proposed packaging building. All property owners within 300 feet were provided notice of the hearing, including the residential daycare and CCSD. Tina Ellsworth, whose residence is within 300 feet of the proposed packaging building, appeared at this hearing and spoke against the variance. The second hearing was held before hearing officer William C. Birdsall on October 19, 2022. The focus of this hearing was the CCSD property; first to determine if a variance is required and if so, to determine whether it should be approved or not. All property owners within 300 feet were provided notice of this hearing, including an invitation sent directly from County Attorney, Joe Sawyer, to the superintendent of CCSD. No representative of CCSD appeared at the hearing. At the conclusion of both hearings, Hearing Officer Birdsall submitted written findings and conclusions; without evidence presented to the contrary, Hearing Officer Birdsall found that there is no school regularly conducted educational functions on the CCSD property located at 583 Road 6100 and recommended that a variance from that property is not required. Hearing Officer Birdsall further recommended the applicant's requests for variance related to the residential daycare and the two residences and production facility be granted. Chairman Fortner inquired as to what distance is the grow area, property line to property line, from the daycare and if there will be additional traffic to the area. Ms. Wayne stated the day care facility is 356 ft from the fence line to the daycare structure and that it is not licensed to be retail. Chairman Pro-Tem Lanier asked if approved, could Foster Farm develop a grow area closer to the daycare since a variance isn't required. Ms. Wayne stated that site plans are submitted with the current application to change the grow area it will require a new variance application with site plans. Commissioner Beckstead requested a description of the production facility and what type of filtration system will be used. Mr. Foster stated that there is a carbon filtration system, and the production facility is a metal air-conditioned building. Mike Stark, County Manager, asked Mr. Foster if signage will be posted or

use of the facility will remain non-discrete. Mr. Foster indicated that no signage will be posted and that it is a wholesale facility. The purpose of the facility is to accommodate the six employees that they currently have. 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 Foster Farms, 574 and 576A Road 6100 Kirtland, NM. Upon voice vote this motion passed unanimously.

2. **Consideration of Resolution No. 22-23-21, Petitioning the State of New Mexico, and Particularly the NM Dept. of Transportation, to Continue to Repair, Improve and Rebuild NM State Road 173 from US 550 in Aztec to Navajo Dam**

Mike Stark, County Manager, explained that New Mexico State Road 173 was constructed by a group almost exclusively of Aztec residents, businesses, neighbors and without government support in 1963. The Navajo Dam Road/State Road 173 was built with donated equipment, material, supplies, cash, and labor in a 3-month period. School boys and girls raised road fund money by staging plays and with over 3,000 volunteers (3/4ths of Aztec's population) contributing to the effort, Aztec received the prestigious All-American City award from the National Civic League. Today, NM 173 is used by residents and as a major thoroughfare by which boaters, fisherman, and other tourists access the nationally and internationally famous San Juan Quality Waters and Navajo State Park. In addition, businesses and industry also rely heavily on NM 173 for access to the areas including Navajo Lake to service oilfield pipelines and exploration/production of oil and gas. Through time, constant and heavy truck traffic on NM 173 has caused the road to deteriorate; the road also suffers from inadequate highway width, lack of shoulders, and current vertical geometry has noted safety concerns. Resolution No. 22-23-21 affirms the County Commission's strong support for rebuilding New Mexico Highway 173 that will result in safe travel for travelers along that route. Chairman Fortner read the resolution aloud:

**SAN JUAN COUNTY
RESOLUTION NO. 22-23-21**

PETITIONING THE STATE OF NEW MEXICO, AND PARTICULARLY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, TO CONTINUE TO REPAIR, IMPROVE, AND REBUILD NEW MEXICO STATE ROAD 173 FROM U.S. 550 IN AZTEC, NEW MEXICO, TO NEW MEXICO HIGHWAY 511 IN NAVAJO DAM, NEW MEXICO (APPROXIMATELY 18.09 MILES)

WHEREAS New Mexico State Road 173 is a major thoroughfare by which boaters, fishermen and other tourists access the nationally and internationally famous San Juan Quality Waters and Navajo State Park; and

WHEREAS business and industry also rely heavily on NM 173 for access to the areas surrounding Navajo Lake to service oilfield pipelines and for exploration and production of natural gas; and

WHEREAS residents who live in the vicinity of Navajo Lake and other areas served by NM 173 rely on the road for safe access to their homes; and

WHEREAS Navajo Lake State Park visitation in 2018 was 557,547 visitors; the

commercial activity on that part of the San Juan River last year consisted of 5,252 trips that served 10,197 clients (53 guide companies with over 100 guide permits issued for that four and one quarter miles of river), and visitors stay five to eight days on average; and

WHEREAS the constant and heavy use of NM 173 have caused the road to deteriorate substantially through the years; and

WHEREAS, concerned area residents presented a 15-page petition of signatures to the Farmington Metropolitan Planning Organization (FMPO) in May 2019 citing inadequate highway width, lack of shoulders, and current vertical geometry as a safety concern; and

WHEREAS work has already begun on the first three miles on 173 from highway 550, there are still 15 miles on 173 that need to be rebuilt; and

WHEREAS the health, safety, and welfare of the travelers on Highway 173 is of critical importance to San Juan County, the Cities of Aztec, Bloomfield, Farmington and Kirtland and the State of New Mexico; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of San Juan County:

1. Affirms its strong support for rebuilding New Mexico Highway 173 that will result in safe travel for travelers along that route.
2. Affirms its strong support to improve the economic development and tourism of Northwest New Mexico by improving NM 173; and
3. Petitions the State of New Mexico, particularly the New Mexico Departments of Transportation, Tourism, Economic Development, as well as the New Mexico State Legislature, the Federal Highway Administration, and the Oil and Gas Industry to collaborate in the pursuit of a master plan to address the rebuilding of New Mexico Highway 173.
4. Requests that the State of New Mexico, particularly the New Mexico Department of Transportation and the New Mexico State Legislature, appropriate a budget for planning, design, and completion of highway 173.

Jim Maes, Citizen, thanked the Commission and explained that repairing the road will provide safety to the community, economic development, and tourism in the Four Corners Area. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve Resolution No. 22-23-21, Petitioning the State of New Mexico, and Particularly the NM Dept. of Transportation, to Continue to Repair, Improve and Rebuild NM State Road 173 from US 550 in Aztec to Navajo Dam. Upon voice vote this motion passed unanimously.

3. Discussion of Valley Water and Sanitation District

Mark Duncan, Town of Kirtland Mayor, via WebEx stated that it has been difficult to find members to sit on the Valley Water and Sanitation District (VWSD) board. Mayor Duncan requested the dissolution of the Valley Water and Sanitation District and for Kirtland to assume

VWSD's duties. Joe Sawyer, County Attorney, indicated that the procedure to dissolve VWSD is similar to the procedures that were followed to form it. The steps are as follows:

1. A County Special District Commission must be formed, consisting of 5 members as follows: a) 2 County Officers appointed by the Board of County Commissioners, b) 2 City Officers from 2 cities, appointed by the mayors or chief executive of all the municipalities in the County, c) a 5th member appointed by the other 4 members, who will represent the general public in the County and who will be Chairman.
2. The County Special District Commission must request that the Clerk give notice of the petition to governing bodies of each governing body within twenty miles of VWSD, the Board of County Commissioners, and each special district adjacent to VWSD, of which there are none.
3. Notice must be published in the newspaper of receipt of the petition to dissolve and notice of intent to hold a hearing on dissolution.
4. The County Special District Commission must hold a hearing on the Petition to dissolve VWSD and must consider the factors in Section 4-53-8 NMSA 1978.
5. Decision by County Special District Commission on whether to order dissolution of VWSD.
6. Revocation by San Juan County of Ordinance No. 104 to remove the tax currently in place for VWSD once dissolved and duties are taken over by Kirtland.

Mike Stark, County Manager, stated that Resolution No. 2022-10 was signed by the Town of Kirtland, requesting the County Special District Commission to approve the dissolution of the Valley Water and Sanitation District. Staff will be presenting to the Board of County Commissioners suggestions for appointment to the County Special District Commission at the next County Commission Meeting.

4. **Consideration of Resolution No. 22-23-26, Establishing the Calendar Year 2023 Holiday Schedule for San Juan County**

Devin Neeley, Public Relations & Film Manager, explained that each November the County Commission designates San Juan County's legal holiday schedule for the upcoming year. Section 12-5-2, N.M.S.A.1978, as amended, designates the legal public holidays in New Mexico; the proposed 2023 Holiday Schedule for San Juan County follows the statute with the following exceptions:

Good Friday will be observed on Friday, April 7, 2023.

Martin Luther King Jr.'s Birthday will be observed on Friday, November 24, 2023.

Indigenous Peoples' Day will be observed on Tuesday, December 26, 2023.

The proposed holiday schedule has been reviewed by department heads, elected officials, and the Employee Point of View Committee. Staff requested approval of Resolution No. 22-23-26, establishing the Calendar Year 2023 Holiday Schedule for San Juan County. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to approve the Consideration of Resolution No. 22-23-26, Establishing the Calendar Year 2023 Holiday Schedule for San Juan County. Upon voice vote this motion passed unanimously.

Report from County Manager

Mike Stark reported the following:

- The 13th Annual 2022 Food Drive Challenge, the largest drive for ECHO Food Bank in San Juan County, began October 13th and ends on November 17th.
- The Adventure One fleet vehicle has received a wrap promoting the different outdoor recreational activities and sites in San Juan County.
- The Totah Subdivision Public Meeting, regarding water and sewer services to the subdivision was a success and 60 property owners showed interest and signed a service agreement by the October 28th deadline. HDR Engineering has been notified to begin on the design with construction beginning next year.

Reports From Elected Officials And Department Heads

Chairman Pro-Tem Lanier requested an update on the electronic billboards. Devin Neeley, Public Relations & Film Manager, stated that the digital billboards have been installed and the vendor has been notified for programming.

John Mohler, Fire Chief, invited the Commission to the Blanco District Helicopter Pad ribbon cutting at the Blanco Fire Station on November 14th.

Tanya Shelby, County Clerk, announced that 80% of the absentee ballots that did not have a return address on the prepaid envelope have been received. As of, October 31st, there are 22 less voters than during the election in 2018.

Devin Neeley thanked Parks & Facilities for preparing the exterior of the County facilities for Operation Greenlight in honor of the U.S. Veterans.

Comments / Input From The General Public

None

Closed Executive Session

A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to go into closed executive session to Discuss the Acquisition or Disposition of Real Property pursuant to NMSA 1978, Section 10-15-1(H)(8) regarding the Property located at 35 Road 3260, Aztec NM. 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.

meeting at 5:18 p.m.

DECEMBER 2022

COMMISSIONERS:



Tom Steve Lanier




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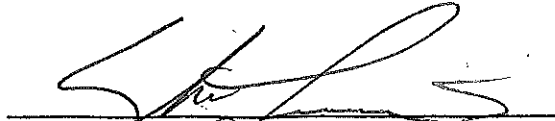
Adjourn

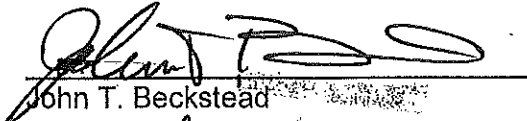
Being no further business, Chairman Fortner adjourned the meeting at 5:18 p.m.

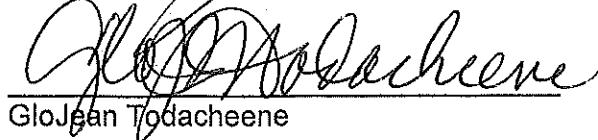
APPROVED THIS 6TH DAY OF DECEMBER 2022


BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

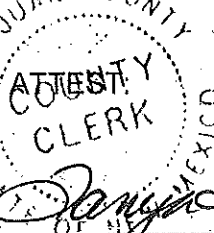


Chairman Terri D. Fortner


Chairman Pro-Tem Steve Lanier


John T. Beckstead


Glojean Todacheene


Michael Sullivan



Tanya Shelby, County Clerk