

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

Chairman Fortner called the San Juan County Commission meeting to order on November 15, 2022 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Pro-Tem Lanier 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 -VIA WEBEX
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan- VIA PHONE
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
CHIEF DEPUTY TREASURER	Bryan Myers
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
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Nick Porell
FIRE CHIEF	John Mohler
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
VISITORS:	9

Presentation

1. Yard of the Month

Shana Wells, Code Compliance Officer, stated Nora Lujan is the recipient of the "Yard of the Month" award for the month of November. Ms. Lujan's attractively groomed property is located at 44 Road 3333; she was presented with a certificate acknowledging her voluntary efforts in "Building a Stronger Community" by taking pride in the appearance and maintenance of her yard and home.

A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Lanier to call to order the Canvass Board. Upon voice vote, the motion passed unanimously.

Call to Order of the Canvass Board

Tanya Shelby, County Clerk, reported to the Commission the results of the 2022 General Election held November 8, 2022. There were 19,584 early voters, 2,808 absentee ballots, and a total of 17,766 voters on Election Day for a total of 40,158 voters. There was 1 provisional ballot and 7 absentee ballots that were delivered to the Voting Convenience Centers by 7 p.m. that will be counted. There was a 51% voter turnout which is equal to the 2018 General Election. There were 3,133 absentee ballots mailed with a 92% overall return. Ms. Shelby stated that 94% of the absentee ballots that were mailed in the first group without the return address on the envelopes were returned; 58 of those voters voted a replacement ballot. The Department of Justice and the Attorney General's Office were present in San Juan County on Election Day with no issues or concerns reported to Ms. Shelby. There were also multiple Challengers and Watchers at the polling places with no complaints or concerns reported. Ms. Shelby thanked everyone who assisted with the election and her staff for their dedication. Chairman Pro-Tem Lanier thanked Ms. Shelby for the opportunity to view the process of certifying the machines and preparing for the election. Chairman Fortner read the following from the Secretary of State's Office clarifying the role of the County Commission in approving the report of the canvass and declaring the results of the election:

The Board of County Commissioners is ex officio the county canvassing board in each county. NMSA 1978, § 1-13-1(A). The County Canvassing Board ("Board") is responsible for supporting the county clerk in the canvass of the election. The Board does not canvass the election or prepare the report of canvass of the election returns. The Board's main responsibility is to ensure timely certification of the report of canvass. NMSA 1978, § 1-13-6. The Board must meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election.

A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Lanier to certify the Canvass. Chairman Fortner, Chairman Pro-Tem Lanier, Commissioner Sullivan, Commissioner Beckstead, and Commissioner Todacheene were in favor. Upon roll-call vote, the motion passed unanimously.

A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Todacheene to adjourn the Canvass Board 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 Treasurer Check Register for October 2022

2. Approval of Finance Check Registers for October 2022
3. Approval of Award of Bid No. 22-23-10, Adult Detention Center Training and Wellness Center to B & M Cillessen Construction Co., Inc. of Farmington, NM
4. Approval of Award of Bid No. 22-23-11, ADA Improvements to 4 County Facilities to Jaynes Corp. of Farmington, NM
5. Approval of Memorandum of Understanding with City of Farmington for Senior Center Funding
6. Approval of FY23 Budget Adjustment #5-Resolution No. 22-23-28
7. Approval of Award of Bid No. 22-23-13, Purchase of One (1) New X-Ray Body Scanner from Secure Technology Value Solutions of State College, PA

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

New Business

1. Consideration of Proclamation Declaring November 15th as Election Worker Appreciation Day, 2022

Tanya Shelby, County Clerk, requested the San Juan County Commission consider issuance of a proclamation declaring November 15th, 2022 as Election Worker Appreciation Day. Ms. Shelby read the proclamation aloud:

SAN JUAN COUNTY, NEW MEXICO
PROCLAIMING NOVEMBER 15, 2022 AS
ELECTION WORKER APPRECIATION DAY

WHEREAS, election workers make up the front line of democracy and are essential to a free and fair election in the great county of San Juan, New Mexico; and

WHEREAS, election workers are local temporary workers supporting free and fair elections in their local communities; and

WHEREAS, election workers undergo elections training, and take an oath of office to faithfully support the New Mexico Constitution and the Constitution of the United States; and

WHEREAS, many election workers are veterans, retirees, seniors and students who participate in the election process in continued service to our county; and

WHEREAS, election workers are registered as Republicans, Democrats, Libertarians, Independents, Green, or Decline to State, but put aside party affiliation to support a fair and transparent election process; and

WHEREAS, election workers assist thousands of voters in their communities, and provide vital support and access for individuals with disabilities; and

WHEREAS, election workers worked hundreds of hours from the start of early voting on October 11th to election day on November 8th and post-election day tallying of results.

NOW, THEREFORE, the County of San Juan hereby expresses our gratitude to these dedicated public servants and proclaims November 15, 2022, to be Election Worker Appreciation Day.

Ms. Shelby recognized her staff and the election workers for their commitment to serving the community. A motion was made by Commissioner Todacheene, seconded by Commissioner Sullivan to approve the Proclamation Declaring November 15th as Election Worker Appreciation Day, 2022. Upon voice vote this motion passed unanimously.

2. Consideration of Proclamation Declaring November as Native American Heritage Month

Commissioner Todacheene announced that November is recognized as Native American Heritage Month in the United States. This month is an opportunity to educate the public about the proud history of Indigenous people in America and to celebrate the rich and diverse tribal cultures that continue to thrive in New Mexico and San Juan County. Celebrating the traditions, languages, and stories of Native people will ensure their rich histories and contributions can live on with each passing generation. Commissioner Todacheene read the proclamation aloud:

**SAN JUAN COUNTY, NEW MEXICO
PROCLAIMING NOVEMBER 2022 AS
NATIVE AMERICAN HERITAGE MONTH**

WHEREAS, Native Americans were the original inhabitants of the lands that now constitute the United States of America; and

WHEREAS, New Mexico has approximately 228,400 Native American citizens, which represent nearly 10.9% of the state's entire population.

WHEREAS, New Mexico is home to 23 federally recognized Indian tribes: the Navajo Nation, Jicarilla Apache Nation, Zuni Pueblo, Acoma Pueblo, Laguna Pueblo, Ohkay Owingeh, Santa Clara Pueblo, Cochiti Pueblo, Santo Domingo Pueblo, San Felipe Pueblo, Santa Ana Pueblo, Sandia Pueblo, Zia Pueblo, Jemez Pueblo, Isleta Pueblo, San Ildefonso Pueblo, Nambe Pueblo, Pojoaque Pueblo, Tesuque Pueblo, Taos Pueblo, Picuris Pueblo, Mescalero Apache Tribe, and the Ft. Sill Apache Tribe; and

WHEREAS, New Mexico's and San Juan County's Native American communities enrich the State and County with their history, culture and traditions; and

WHEREAS, National Native American Heritage Month is an opportunity to celebrate Native Americans in New Mexico that help shape the cultural fabric of our nation and strengthen New Mexico through their rich and important culture;

NOW THEREFORE, the Board of County Commissioners of San Juan County, New Mexico does hereby recognize and proclaim the month of November 2022 to be

NATIVE AMERICAN HERITAGE MONTH

in San Juan County and urges all citizens to observe this month with appropriate programs, ceremonies, and activities.

A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Lanier to approve the Proclamation Declaring November as Native American Heritage Month. Upon voice vote this motion passed unanimously.

3. Consideration of American Rescue Plan Act Funding Allocation Revisions

Jim Cox, Deputy County Manager, explained that on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Under the Act, all counties within the United States would receive direct federal aid totaling \$65.1 billion for COVID-19 response and recovery efforts including county revenue replacement for lost revenues directly related to the pandemic; of the amount allocated, San Juan County received a total of \$24,077,388. As of the 3rd quarter of 2022, the County expended a total of \$7,783,896 in ARPA approved projects representing a total of 32.33% of the whole award spent. The County has until December 31, 2024 to obligate the funds and until December 31, 2026 to spend on the remaining obligations. The County's current, Commission approved, plan appropriated over 50% of the total award on infrastructure and capital related projects that will incur the bulk of their costs in 2023/early 2024 due to the size, complexity, and design of the projects. Upon review of the specific ARPA related expenditure categories by Staff, Mr. Cox requested the following adjustments:

Public Health: The Commission approved ARPA funding to be utilized on time dedicated to responding to COVID, related medical costs charged to the health plan, and other related expenditures including PPE and the electronic sign boards. Staff recommended the following:

- Allocating the \$420,514 of the remaining budget to supplement the \$337,950 increase in COVID costs incurred to the medical plan
- Adding \$100,000 to the allocation of COVID medical costs to cover an additional estimated two quarters cost hitting the medical plan
- Adding \$115,000 to cover COVID allocable expenses that were incurred and/or anticipated to be incurred which include paying for a COVID shelter to house infected or exposed individuals that would otherwise be eligible for the Joint Intervention Program (JIP), sobering center or expansion shelter.

Public Sector Capacity: The Commission approved ARPA funding for the overtime shift stipend within the Adult Detention Center as an incentive for detention officers and other qualified staff to remain employed within the facility as well as to prevent any further loss of jobs. Costs of the stipend exceeded initial estimates and staff requested increasing the allocation by \$378,373 which offsets the increase in costs already incurred and the final quarter estimated cost for 2022.

Premium Pay: While the US Treasury does allow for a worker retention incentive (noted above), the Treasury Final Rule stipulates certain thresholds the incentive cannot exceed, as a result, staff evaluated any excess amount then moved those costs to the premium pay category and requested increasing the allocation by \$137,423 to offset the increased costs incurred as well as the estimated cost through the final calendar quarter of 2022.

Public Sector Revenue: The Commission approved an initial amount of \$2 million for the ADC Training and Wellness Center; with bids having been received, staff can better estimate the final amount needed for the project and requested to allocate an additional \$306,079 which will allow for the facility to be fully furnished; providing a \$91,000 contingency for unknown costs that might be incurred.

Upon approval, there will be a contingency/reserve balance of \$133,404 remaining unallocated ARPA funds. A motion was made by Commissioner Todacheene, seconded by Commissioner Sullivan to approve the American Rescue Plan Act Funding Allocation Revisions. Upon voice vote this motion passed unanimously.

4. Consideration of 2023 State and Federal Legislative Requests

Jim Cox, Deputy County Manager, announced that the 2023 State Legislative Session is scheduled to begin on January 17, 2023 through March 18, 2023. Each year San Juan County submits various capital outlay requests to our Legislative delegation for consideration; the deadline for submission of requests is January 12, 2023. Staff recommended the following:

1. Funding for the McGee Park poultry/rabbit barn replacement and outdoor riding arena improvements project with an estimated cost of \$1,660,900 (should the County be unsuccessful in receiving the NM Regional Recreation Centers/Quality of Life grant)
2. Purchase of a new fire apparatus for District 8 Hart Valley Fire Station with an estimated cost of \$600,000
3. Supporting the City of Farmington's request for their application of \$1.25 million in Safety City improvements largely to replace the driving track

In the event the County is the recipient of the NM Regional Recreation Centers/Quality of Life grant, staff recommended requesting funding for either ADA improvements and/or the EMS Station 6 relocation. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Todacheene to approve the 2023 State and Federal Legislative Requests as presented. Upon voice vote this motion passed unanimously.

5. Consideration of Approval of Resolution No. 22-23-27, Supporting the 2023 Legislative Priorities for New Mexico Counties

Mike Stark, County Manager, New Mexico Counties requested that the County Commission of each county adopt a resolution in support of the following 2023 legislative priorities:

1. HB2 Appropriations Detention Reimbursement Fund
 - Increase the County Detention Facilities Reimbursement Act fund to reimburse counties for the cost of housing New Mexico Corrections Department (NMCD) inmates. Currently the fund is \$5 million and according to the New Mexico Sentencing Commission, the five-year average cost to house NMCD inmates is \$7.5 million
 - Prisoner Transport and Extradition- Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state

prisoners. Statute 4-44-18C NMSA requires the state to make such payment; Counties should not be responsible to pay for State prisoner extradition.

- Emergency Medical Services- Create a line item in the Department of Health Emergency Medical Services (EMS) Bureau budget with \$10 million to assist local government emergency medical services which have been significantly underfunded for years. Current state appropriations, taxes collected through local GRT increments, and other sources of revenue do not provide sufficient support to local governments to meet community needs, especially in rural areas of the state. Emergency medical services are vital to the health and welfare of New Mexico citizens.

2. Public Safety Package

Return to Work

- Local governments struggle to fill critical public safety positions.
- Allowing able and willing retirees to return to work would create a pool of qualified applicants to fill essential public safety positions.

Recruitment and Retention

- Sufficient numbers of detention staff are essential to a safe and well-operated detention facility which is directly correlated to community safety.
- A public safety recruitment and retention fund would provide local governments with much needed resources to provide detention services to their communities.

Staffing Crisis in Fire & EMS- Create a Fire and EMS fund at \$50 million to support volunteer and paid staff.

- Many New Mexico fire departments are volunteer or combination departments; number of volunteers has greatly declined.
- Call volume and large events continues to rise in New Mexico

3. Courthouse Funding- Create a fund for construction and renovation for state district courthouses.
4. IPRA Election Related Records & Data- Clearly define how IPRA relates to election records and data
 - Need clear guidance on many aspects related to elections records and data that may be subject to IPRA
 - (2) NMSA 1-12-69. A and G 1-12-70

A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Todacheene to approve Resolution No. 22-23-27, Supporting the 2023 Legislative Priorities for New Mexico Counties. Upon voice vote this motion passed unanimously.

6. Consideration of Appointments to County Special District Commission

Joe Sawyer, County Attorney, stated that at the November 1, 2022, Commission Meeting, Mayor Mark Duncan of Kirtland requested that the County and municipalities create a County Special District Commission to consider dissolution of the Valley Water and Sanitation District (VWSD). Section 4-53-3 NMSA 1978 requires the Board of County Commissioners to appoint two members of the County Special District Commission who are County officers (either members of the Board of County Commissioners or elected county officials). Commissioner Todacheene requested more information regarding the hearing. Mr. Sawyer explained that it is a one hearing process. Commissioner Beckstead and Commissioner Todacheene expressed interest in serving on the Board. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Sullivan to approve the Appointments to County Special District Commission. Upon voice vote this motion passed unanimously.

7. Recognition of Sheriff's Office Captain Mark Pfetzer and Lieutenant Jarrod Slindee on Their Approaching Departure for the Talisker Whiskey Atlantic Challenge to Raise Awareness for First Responder Mental Health

Shane Ferrari, County Sheriff, announced that on November 26, 2022, Sheriff's Office Captain Mark Pfetzer, Lieutenant Jarrod Slindee, and retired Sergeant, Mike Hogue will be traveling to the Canary Islands to compete in the Talisker Whiskey Atlantic Challenge 2022. The race is 3000 miles and begins on December 12, 2022. Their endeavor is to raise awareness for first responder mental health. Depending on weather, equipment malfunctions, and sheer determination, they will reach the race end at the shoreline of Antigua, in the Caribbean Sea. Captain Pfetzer and Lieutenant Slindee presented the following by PowerPoint:

- Guardian Initiatives is a nonprofit organization actively working to raise awareness and support for the mental wellness and suicide prevention of Four Corners first responders.
- The psychological traumas experienced by our nation's police, fire, EMS, and 911 dispatchers can lead down a destructive, and all too often deadly path. Seeing and experiencing tragedy on a regular basis can contribute to depression, anxiety, substance abuse, and other ill-effects on first responders.
- Guardian Initiatives uses a multi-part approach to impact first responder wellness by raising awareness that the problem exists, facilitating training to individual first responders and their families, sharing resources with Four Corners first responders and departments of the various organizations/programs that specialize in mental wellness/suicide prevention, and assisting with treatment costs when needed and as funding is available.
- As part of the awareness campaign, "Team Guardian" will row across the Atlantic Ocean in what is known as "The World's Toughest Row" with no support along the way, the team must be fully self-sufficient and carry all their food and filter seawater for drinking. Rotating rowing and resting every 2 hours, they will keep the boat moving 24 hours a day, for 30+ days.
- Guardian Initiatives has raised just under \$250,000 through monetary and in-kind donations.
- Visit www.ROW3000.com to learn about the cause, the team, and available resources. The team's progress can be tracked on social media.

Chairman Fortner asked if fundraising efforts will continue after the race. Captain Pfetzer stated that annual fundraising will continue. Sheriff Ferrari commended the officers for their endeavors and expressed his gratitude. The Commission presented a donation of \$2,500 to Guardian Initiatives.

Report from County Manager

Mike Stark reported the following:

- Recognized Captain Pfetzer, Lieutenant Slindee, and retired Sergeant, Mike Hogue for their courage and perseverance.
- NMDOT Clean-up Day is Thursday, November 17th at 8:00 a.m. The clean-up of Highway 64 will begin at the Valley Fire Department in Kirtland with a goal of finishing in Waterflow
- Expressed gratitude for the US Veterans and the employees of San Juan County

Reports From Elected Officials And Department Heads

Shane Ferrari, County Sheriff, reported that the funding for recruitment and retention has been received and issued to the deputies, an advertising campaign for recruitment has begun, and there will be 6 deputies entering the academy in January.

Sheriff Ferrari announced the passing of Reserve Deputy, Jeff Manning and recognized him as a community leader and an asset to the Sheriff's Office.

Commissioner Todacheene requested a letter be sent to Lynn Trujillo, thanking her on behalf of the Commission for her service as the Cabinet Secretary for Department of Indian Affairs.

Comments / Input From The General Public


None

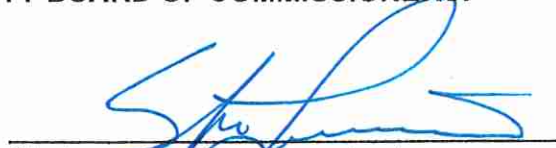
Adjourn

Being no further business, Chairman Fortner adjourned the meeting at 5:19 p.m.

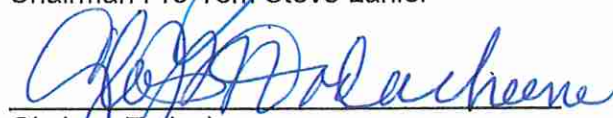
APPROVED THIS 6TH DAY OF DECEMBER 2022

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

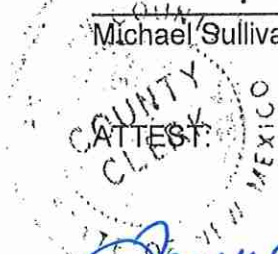

Chairman Terri D. Fortner


Chairman Pro-Tem Steve Lanier


John T. Beckstead


Glojean Todacheene


Michael Sullivan




Tanya Shelby, County Clerk