

**San Juan County Commission
Regular Meeting
January 3, 2023**

Chairman Fortner called the San Juan County Commission meeting to order on January 3, 2023, at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Lt. Chris Rockwell gave the invocation and Joe Sawyer led the Pledge of Allegiance. Those present were:

CHAIRMAN	Steve Lanier
CHAIRMAN PRO-TEM	John T. Beckstead
MEMBER	Terry D. Fortner
MEMBER	GloJean Todacheene
MEMBER	Gary McDaniel
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
RISK MANAGER	Cynthia Singleton
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
FIRE CHIEF	John Mohler
DEPUTY FIRE CHIEF	Donovan Mack
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
VISITORS:	10

Election of Chairman and Chairman Pro-Tem

Chairman Fortner conducted the election for Chairman of the San Juan County Board of Commissioners for the 2023 Calendar Year. Commissioner Beckstead nominated Chairman Pro-Tem Lanier to the position of San Juan County Chairman for the 2023 Calendar Year. Chairman Fortner seconded. There were no other nominations. Upon voice vote, the motion was passed unanimously.

Commissioner McDaniel nominated Commissioner Beckstead to the position of Chairman Pro-Tem. Chairman Lanier seconded. There were no other nominations. Upon voice vote, the motion was passed unanimously Chairman Lanier presented the gavel to Commissioner Fortner thanking her for her service as Chairman in 2022.

Regular Meeting

Approval of Agenda

Mike Stark, County Manager, stated that there was one change to the agenda. Line Item #3 will be presented by Lt. Chris Rockwell. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the agenda as amended. Upon voice vote the motion passed unanimously.

Consent Agenda

1. Approval of FY23 Budget Adjustment #8 – Resolution No. 22-23-40
2. Approval of Resolution No. 22-23-39, Adoption of Required Community Development Block Grant (CDBG) Annual Certifications and Commitments

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

New Business

1. **Consideration of Approval of Resolution No. 22-23-42, Acceptance of the FY22 Annual Comprehensive Financial Report (ACFR) – Completed by Pattillo, Brown and Hill, LLP**

Kim Martin, Chief Financial Officer, explained that Section 2.2.2.10M(4) NMAC (2022 New Mexico State Audit Rule) requires that the FY22 ACFR be presented by the IPA (Pattillo, Brown and Hill, LLP) to a quorum of the County Commission at a meeting held in accordance with the Open Meetings Act. Furthermore, the New Mexico Department of Finance and Administration requires the Commission sign a resolution accepting the audit. Ms. Martin introduced Chris Garner, Partner with Pattillo, Brown and Hill, LLP. Mr. Garner reported a successful compliance audit with a clean opinion. There were no difficulties encountered during the audit and no corrected misstatements. The County has received the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for 16 consecutive years. Ms. Martin and Mike Stark, County Manager thanked the Finance staff and County Departments for their support and assistance during the audit process. Staff requested the approval of the FY22 audit through resolution 22-23-42. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Beckstead to approve Resolution No. 22-23-42, Acceptance of the FY22 Annual Comprehensive Financial Report (ACFR) – Completed by Pattillo, Brown and Hill LLP. Upon voice vote the motion passed unanimously.

2. **Consideration of Approval of Resolution No. 22-23-41, Supporting Legislation for Cost Recovery for Farmington Electric Utility System (FEUS) from the Loss of the San Juan Generation Station (SJGS) In Order to Lower Electricity Cost to the Citizens of Northwest New Mexico and Shield Them from the Rate Shock Associated with Volatile Energy Market Pricing**

Nate Duckett, City of Farmington Mayor, stated that the City of Farmington and Enchant Energy have been working to find solutions to keep San Juan Generating Station open for jobs, tax revenue, and to provide affordable, reliable, power to the Farmington Electric Utility System customer base since the passage of the Energy Transition Act in 2019. Recently, an arbitration panel denied the City's request to keep PNM (Public Service Company of New Mexico) from auctioning off equipment necessary for plant operations effectively dismantling SJGS. As a result, the City has chosen to withdraw further legal action related to ownership of the plant. A shovel-ready project, that will provide 18 megawatts of power, has been devised to help offset the cost of undepreciated assets and the loss of 43 megawatts of power caused by the closure of SJGS. Additionally, to recover these costs and lower the already imposed rate increases, the City of Farmington requested the County's support of State legislation for cost recovery via Resolution No. 22-23-41. The Commission asked various questions. A motion was made by Commissioner Todacheene, seconded by Commissioner Fortner to approve Resolution No. 22-23-41, Supporting Legislation for Cost Recovery for Farmington Electric Utility System (FEUS) from the Loss of the San Juan Generating Station (SJGS) In Order to Lower Electricity Cost to the Citizens of Northwest New Mexico and Shield Them from the Rate Shock Associated with Volatile Energy Market Pricing. Upon voice vote the motion passed unanimously.

3. Consideration of Resolution No. 22-23-38, Recognizing the Salvation Army's Contributions in San Juan County

Chris Rockwell, Farmington/San Juan Salvation Army Lieutenant, explained that by assessing local needs the Salvation Army has been successful in building local programs designed to offer immediate relief, short-term care, and long-term growth in the areas that will best benefit the community. Lt. Rockwell listed the following contributions the Farmington/San Juan Salvation Army has made to the community in recent years:

- People Assisted 86, 561
- Meals Served- 18,228
- Emergency Food Boxes Provided- 11,614
- Clothing Items Distributed- 24, 658
- People Assisted with Rent and Utilities- 1,503

The Commissioners thanked Lt. Rockwell for his service and commitment to the Farmington/San Juan Salvation Army. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve Resolution No. 22-23-38, Recognizing the Salvation Army's Contributions in San Juan County. Upon voice vote the motion passed unanimously.

4. Consideration of Approval of Amendment #1 to Cooperative Agreement with NMDOT for Design of Pinon Hills Blvd, Extension Phase III

Nick Porell, Public Works Director, stated that on September 12, 2022 San Juan County and the New Mexico Department of Transportation (NMDOT) executed a cooperative agreement for the engineering design services of the Pinon Hills Extension Phase III. The First Amendment to the agreement reflects the \$1.25 million in congressionally directed spending that the County was

awarded in early 2022 for the right of way agent, appraisal, and real estate costs for the project which was authorized on October 1, 2022. In addition to the Federal funds, the required 14.56% local match is \$213,015; Amendment 1 to the agreement increases the design and right of way funding for the project to \$1,863,015 with the initial term of the agreement to expire October 1, 2024. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Beckstead to approve Amendment #1 to Cooperative Agreement with NMDOT for Design of Pinon Hills Blvd. Extension Phase III. Upon voice vote the motion passed unanimously.

5. Consideration of Adoption of Ordinance No. 123, Repealing Ordinance No. 70, Which Established the San Juan County Amateur Radio Emergency Communications Team

Joe Sawyer, County Attorney, explained that in 2009 Ordinance No. 70 was adopted to establish the Amateur Radio Emergency Communications Team. Under the direction of the Emergency Manager the EmComm (Ham) radio team has served the citizens of San Juan County for over 15 years in the event of a communications emergency. Mike Mestas, Emergency Manager, has determined that due to improvements in technology, which includes a deployable cell tower that can generate area cellular, satellite, and wi-fi, the EmComm team is no longer needed. With the recent resignation of the EmComm team leader, Emergency Management believes now is the appropriate time to repeal Ordinance No. 70. At the December 6th meeting a Notice of Intent to Adopt was approved by the Commission and was published on Sunday, December 11th in the Farmington Daily Times. Chairman Lanier opened the floor for public comment, no public comments were made. A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve the Adoption of Ordinance No. 123, Repealing Ordinance No. 70, Which Established the San Juan County Amateur Radio Emergency Communications Team. Upon voice vote the motion passed unanimously.

6. Consideration of Open Meetings Resolution No. 22-23-35

Joe Sawyer, County Attorney, stated that Section 10-15-1D of the New Mexico Open Meetings Act requires that a public body determine annually what notice for a public meeting is reasonable when applied to that body. Upon review of the resolution, a motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve Open Meetings Resolution No. 22-23-35. Upon voice vote the motion passed unanimously.

7. Consideration of Resolution No. 22-23-32, Cancelling and Rescheduling Certain Meetings in Calendar Year 2023

Mike Stark, County Manager, explained that the New Mexico Association of Counties (NMAC) legislative conference falls during the 2nd meeting in January. Staff requested that the meeting

be rescheduled for January 31st and cancel the 1st meeting in February. Additionally, an interim budget workshop is usually held the 2nd week in May and staff recommended May 9th for this year's meeting from 11:30 a.m.-2:30 p.m. and reschedule the 2nd meeting in May to May 23rd. The 4th of July holiday falls on the first meeting in July and staff asked that the 1st meeting in July be rescheduled to July 25th and cancel the 1st meeting in August. Staff requested the adoption of Resolution No. 22-23-32. A motion was made by Commissioner Todacheene,

seconded by Chairman Pro-Tem Beckstead to approve Resolution No. 22-23-32, Cancelling and Rescheduling Certain Meetings in Calendar Year 2023. Upon voice vote the motion passed unanimously.

Report from County Manager

Mike Stark reported the following:

- A draft of the current Boards and Committees was given to the Commission for review and will be on the next regular meeting agenda.
- The decommissioning plan for PNM has been received and will be reviewed by the County.

Reports From Elected Officials And Department Heads

Chairman Lanier recognized Commissioner Gary McDaniel and welcomed him to the San Juan County Board of Commissioners.

Comments / Input From The General Public

Chris Hunter, citizen, thanked the County for their support of the Farmington/San Juan Salvation Army.

Closed Executive Session

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to go into closed executive session to discuss threatened or pending litigation in which the County is a participant – Navajo Nation Redistricting Lawsuit Pursuant to Section 10-15-1 (H)(7). Upon voice vote the motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to go back into open meeting. Upon voice vote the motion passed unanimously. Chairman Lanier 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 Lanier adjourned the meeting 7:04 p.m.

APPROVED THIS 31ST DAY OF JANUARY 2023

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



Chairman Steve Lanier



Chairman Pro-Tem John T. Beckstead



Terri D. Fortner



Glojean Todacheene



Gary McDaniel



Tanya Shelby, County Clerk