

**San Juan County Commission
Regular Meeting
January 31, 2023**

Chairman Lanier called the San Juan County Commission meeting to order on January 31, 2023 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Commissioner Fortner gave the invocation and Chairman Pro-Tem Beckstead led the Pledge of Allegiance. Those present were:

CHAIRMAN	Steve Lanier
CHAIRMAN PRO-TEM	John T. Beckstead
MEMBER	Terri D. Fortner
MEMBER	GloJean Todacheene
MEMBER	Gary McDaniel
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
EMERGENCY MANAGER	Mike Mestas
EMERGENCY MANAGEMENT COORDINATOR	Dawn Knuppel
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
FIRE CHIEF	John Mohler
DEPUTY FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	Donovan Mack
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
COMMUNICATIONS DIRECTOR	Nicole Brown
CHIEF IS OFFICER	Keith Lund
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley

VISITORS:

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Chairman Lanier stated that on January 24, 2023, pursuant to Section 10-15-1 (H)(7), the Board of County Commissioners had a closed meeting to discuss threatened or pending litigation in which the County is a participant – Navajo Nation Redistricting Lawsuit. Chairman Lanier stated that nothing other than what was stated in the notice of the closed meeting was discussed.

Presentation

1. Yard of the Month

Shana Wells, Code Compliance Officer presented Donald and Joyce Garcia with the "Yard of the Month" for their attractively groomed property located at 8 Road 2930, Aztec NM. The Garcia's have inspired county residents to strive for a clean and beautiful community where natural resources are protected and the environment is enhanced.

Regular Meeting

Approval of Agenda

Mike Stark, County Manager, stated that there were no changes to the agenda. A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve the agenda as presented. Upon voice vote the motion passed unanimously.

Consent Agenda

1. Approval of Regular Meeting Minutes from December 20, 2022
2. Approval of Regular Meeting Minutes from January 3, 2023
3. Approval of Finance Check Registers for December 2022
4. Approval of Treasurer Check Register for December 2022
5. Approval of FY23 Budget Adjustment #9 – Resolution No. 22-23-48
6. Approval of Resolution No. 22-23-47, Disposition of Surplus and/or Obsolete County Property
7. Approval of Resolution No. 22-23-37, Authorizing the city of Farmington's Submittal of the FY2024 LDWI Detox Grant Application
8. Approval of Resolution No. 22-23-43, Authorizing the Sale of Real Property located at 805 Maddox Avenue in Aztec, New Mexico to Presbyterian Medical Services
9. Approval of Resolution No. 22-23-46, to Certify Annual San Juan County Road Mileage to New Mexico DOT
10. Approval of Resolution No. 22-23-44, Supporting New Mexico DOT 2023-2024 Local Government Road Fund Application

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

New Business

1. **Update on the San Juan Historical Society**

Laura Harper, President of the San Juan County Historical Society, presented an update on the following activities of the Historical Society:

- 2024 will mark 30 years of preserving and archiving San Juan County's historical documents.
- Located at 201 N. Main, Aztec, NM, the San Juan County Historical Society Headquarters has outgrown its current space.
- Over 20 books have been published on topics such as pioneers and outlaws, lost communities, and historical cemeteries and the Board of Directors implemented the use of the Integrated Services Digital Network (ISDN) to link the published works worldwide.
- The historical society operates through volunteers and donations, on an annual budget of \$11,000 and has a savings of \$30,000 for future endeavors in preserving history.
- In 2022 the historical society hosted numerous events:
 - Jason Sandel, Aztec Well Service and T. Gregg Merrion, Merrion Oil & Gas, shared their father's story in connection with San Juan County's 100-year history in the oil and gas industry.
 - A concert was given by balladeer, Steve Cormier
 - Angel Watkins, Aztec's Librarian, shared stories from people who chose to make Aztec their home.
 - Partnered with the Aztec Museum for the Aztec Sparkles Christmas Parade.
 - Presented a documentary, Rambo of the Carracas Mesa: A History of the Jicarilla Mustangs and Mustangers, which was sponsored by Mark Ziems
- The published book *Greenlawn: A History of Farmington's Pioneer Community, Established 1896*, written by Connie Nordstrom was donated, along with other books, to the Bridge Living Center.
- A tribute to Marilu Waybourn featuring Ann Hillerman will be held on May 3, 2023 at 6:00 p.m. at the Farmington Civic Center
- A \$20.00 annual membership donation includes the yearly book, newsletters, and invitations to events for free.

Ms. Harper concluded her presentation by thanking San Juan County for their donation of \$4,000.

2. Consideration of Approval of Resolution No. 22-23-34, Granting a Cable Television Franchise to Comcast

Erin Muffoletto, Comcast External Affairs Manager, indicated that in 2002 San Juan County granted Comcast a cable television franchise, which is now expired. The resolution includes updates to customer service standards and language concerning competitive equity that would not exclude other cable franchises from operating in the area. Joe Sawyer, County Attorney, explained that the franchise agreement is a ten-year term and has a franchise fee of 5% of the annual gross revenues. Chairman Lanier asked if there were any plans for expansion? Ms. Muffoletto indicated that Comcast plans to apply for grants, such as the New Mexico Connect Broadband Grant, that would assist with expansion costs to meet the needs of the community. Ms. Muffoletto provided pamphlets regarding the Affordable Connectivity Program (ACP) which ensures that households have access to affordable cable and broadband services. The Commission asked various questions. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Beckstead to approve Resolution No. 22-23-34, Granting a Cable Television Franchise to Comcast. Upon voice vote the motion passed unanimously.

3. Consideration of Public Input for a Property Tax Rebate to Benefit Low-Income Property Taxpayers

Jim Cox, Deputy County Manager, stated that pursuant to NMSA 1978, § 7-2-14.3 in January of odd-numbered years the Commission must conduct a public hearing on the question of whether to adopt an ordinance authorizing a property tax rebate to benefit low-income property taxpayers. The ordinance would authorize an income tax rebate for a percentage of property taxes paid and through a credit on their individual state income tax documents, taxpayers could receive \$175 or \$350 per return. The County must then reimburse the state for the total amount of the rebates taken by taxpayers (all mills billed against the property). The statute indicates that taxpayers with an income of \$24,000 or less would qualify and sets the amount of the rebate that can be received. If this ordinance is passed it is unknown how much it would cost the County or how many property owners in San Juan County would qualify. Based on the statute requirements, the New Mexico Taxation and Revenue Department has prepared some projections as to the potential cost to the county. Depending on these various assumptions, the cost could be between \$528,850 and \$4,231,500, based on a homeownership rate of 70% in San Juan County. There could be as many as 17,000 qualifying returns and utilization could be as low as 25% and as high as 70%. Only two other counties, Santa Fe and Los Alamos have passed this low-income property tax rebate. For tax years 2019-2021 the rebates paid by these two counties are as follows:

	Tax Year 2019	Tax Year 2020	Tax Year 2021
Santa Fe	\$519, 081	\$482, 120	\$404, 796
Los Alamos	\$15, 767	\$14, 736	\$9,600

Mr. Cox stated that the public hearing was published by means of radio and in the Daily Times as required by statute. Chairman Lanier opened the floor for a public meeting. Being no comment by the public, Chairman Lanier closed the public meeting. The Commission asked various questions. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to decline a Property Tax Rebate to Benefit Low-Income Property Taxpayers. Upon voice vote the motion passed unanimously.

4. Consideration of Approval of Resolution No. 22-23-45, Appointing Cannabis Variance Hearing Officer, and Increasing Application Fee

Joe Sawyer, County Attorney, explained that on October 5, 2021, Resolution No. 21-22-28 was adopted by the Commission which appointed William C. Birdsall and Douglas A. Echols as variance hearing officers under Cannabis Regulation Ordinance No. 120. Mr. Birdsall has since announced his retirement, leaving a vacancy. The resolution would appoint F. Chester Miller, III, Esq., an experienced administrative law attorney, as hearing officer to fill the vacancy. In addition to Mr. Miller's appointment, Resolution No. 22-23-45 would increase the current variance application fee from \$100 to \$250 in accordance with what other local government entities are charging. Chairman Lanier asked how many variance hearings had been conducted this year? Michele Truby-Tillen, Community Development Director, stated that 9 hearings have been conducted and 3 more were waiting until a new hearing officer could be appointed. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Beckstead to approve Resolution No. 22-23-45, Appointing Cannabis Variance Hearing Office, and Increasing Application Fee. Upon voice vote the motion passed unanimously.

5. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for D&R Farms, 154 Road 350, Aztec, New Mexico

Michele Truby-Tillen, Community Development Director, stated that Virginia L. Rodgers of D&R Farms submitted a Variance Petition Application to the Community Development Department on October 27, 2022. D&R Farms requested a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120, to establish an indoor cannabis production (grow) facility with a carbon filtration system. There is a residence within 300 feet of the proposed cannabis facility, approximately 62 feet away. On January 4, 2023 a public hearing was held before hearing officer Douglas A. Echols, where no one appeared to speak against the variance nor were there any negative comments received by the Community Development Department. Notice of the hearing was posted online, at the site, and mailed to the property owner. Hearing officer Echols submitted written findings and conclusions and recommended the request for variance be granted. The Commission asked various questions. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for D&R Farms, 154 Road 350, Aztec, New Mexico. Upon voice vote the motion passed unanimously.

6. Strategic Plan 2022 Initiatives Year in Review

Jim Cox, Deputy County Manager, explained that at the September 7, 2021 Regular meeting, the Commission adopted a new strategic plan for 2022-2026 calendar years. The plan consisted of 20 initiatives surrounding economy (8 initiatives), place (5 initiatives), people (6 initiatives) and relations (1 initiative). The plan was posted on the website, distributed throughout the County facilities, discussed at the last two State of the County department/elected office meetings, and provided to various interest groups throughout the County. Mr. Cox recognized Devin Neely, Public Relations & Film Manager, for designing a noteworthy and easy to read flyer to present the plan. Staff met with affected departments and elected offices to create specific achievable tasks to accomplish the initiatives. The County also signed a contract with Achievelt (a strategic planning, performance management & business development software) as a means of better and efficient tracking. The County successfully accomplished the Commission's four initiatives for the 2022 calendar year:

- Support Law Enforcement: purchased a helicopter for the Sheriff's Office and offered recruitment/retention incentives of \$15,000.
- Make Us Shine: partnered with Mesa Sand and Gravel to clean up Road 350, and New Mexico Department of Transportation in clean up efforts on state highways.
- Tree Planting: identified 175 sustainable trees that could be planted in various locations on County property.
- Shop Local: \$15 million in funding was spent locally.

Mr. Cox stated the County will continue to support these initiatives, as well as the initiatives for 2023. Commissioner Todacheene indicated that with the new Navajo Nation President, Navajo relations should be a focus. Mike Stark, County Manager, explained that the County will continue to build its relationship with the Navajo Nation. The Commission made various comments.

7. Review of Boards and Committees Appointments

Mike Stark, County Manager, requested approval of the Board and Committee members appointed by the San Juan County Commission. Staff developed the list and confirmed that all representatives are willing to serve if chosen by the Commission. A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve the Boards and Committees Appointments. Upon voice vote the motion passed unanimously.

Report from County Manager

Mike Stark, County Manager, reported the following:

- The County is tracking 69 bills that will be presented during the Legislative session in Santa Fe that could pose a positive or negative impact.
- Fire Chief, John Mohler is retiring, and Mr. Stark recognized him for his service and dedication to San Juan County.
- David Vega was announced as the new Fire Chief

Reports From Elected Officials And Department Heads

Tanya Shelby, County Clerk, reported that the Clerk's Office is tracking 20 bills during this Legislative session.

Mike Mestas, Emergency Manager, congratulated his former Emergency Management Coordinator Ali Rye who was appointed by the Governor as Deputy Cabinet Secretary for the Department of Homeland Security. Mr. Mestas announced that the Homeland Security Kickoff Seminar will be March 22nd at 11:00 a.m. at the Farmington Civic Center. Dawn Knuppel was introduced as the new Emergency Management Coordinator.

Dawn Knuppel, Emergency Management Coordinator, gave a breakdown of how the State Homeland Security Grant will be distributed.

Chairman Pro-Tem Beckstead requested that Staff review the policy regarding disposal of construction materials by residents at the transfer stations.

Chairman Lanier requested an updated on the Guardian Initiatives Team. Undersheriff Cory Tanner reported that the team is expected to return on February 1st and an update will be provided at a future meeting.

Comments / Input From The General Public

None

Closed Executive Session

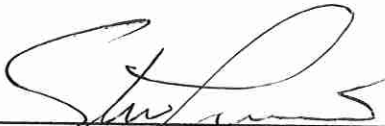
A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Todacheene to go into closed executive session following a 15-minute recess to discuss threatened or pending litigation in which the County is a participant – Navajo Nation Redistricting Lawsuit Pursuant to Section 10-15-1 (H)(7). Upon voice vote the motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Todacheene to go back into open meeting. Upon voice vote the motion passed unanimously. Chairman Pro-Tem Beckstead stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

Adjourn

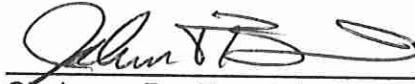
Being no further business, Chairman Lanier adjourned the meeting at 7:13 p.m.

APPROVED THIS 21ST DAY OF FEBRUARY 2023

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



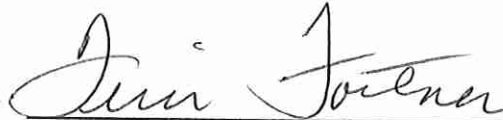
Chairman Steve Lanier



Chairman Pro-Tem John T. Beckstead



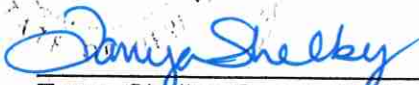
Glojean Todacheene



Terri D. Fortner



Gary McDaniel



Tanya Shelby, County Clerk