

**San Juan County Commission
Regular Meeting
February 21, 2023**

Chairman Lanier called the San Juan County Commission meeting to order on February 21, 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
TREASURER	Carol Taulbee
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
RISK MANAGER	Cynthia Singleton
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
ADULT DETENTION ADMINISTRATOR	Daniel Webb
ADULT DETENTION CENTER DEPUTY WARDEN	Thomas Paul
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Mitchell
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Timi Howell
JUVENILE SERVICES ADMINISTRATOR	Bowen Belt
FIRE CHIEF	David Vega
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
HOUSING EXECUTIVE DIRECTOR	Charlotte Stanley
SAFETY & COMPLIANCE MANAGER	Stewart Logan

VISITORS:

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Presentation

1. Yard of the Month

Shana Wells, Code Compliance Officer, announced that Robert and Mia North were the recipients of the "Yard of the Month" Certificate. Ms. Wells commended them for their attractively groomed property, which is located at 811 Road 3000, Aztec NM.

A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to call to order the Board of Finance Meeting. Upon voice vote, the motion passed unanimously.

Board of Finance

1. Report on County Investments and Interest Earned

Carol Taulbee, Treasurer, reported that as of December 31, 2022, County investments earned \$444,933 in interest for FY2023, which is a 34.56% increase from the interest earned in December 2020 and 59.11% increase over December 2021. The return on the average balance invested increased from 0.58% to 0.59% in FY2023, although the total average invested dollars increased by \$27.5 million due to the second installment of the American Rescue Plan Act (ARPA) funds, as well as, an increase in gross receipts tax and oil/gas revenue. Total cash and investments as of December 31, 2022, were \$118,932,181. This amount includes December property tax collections of which \$22,173,326 was distributed to the local municipalities and school districts in January 2023. With the deduction of the property tax payable and the December 31, 2022, outstanding checks of \$961,533, the December 31, 2022 cash and investment total is \$95,797,322.

2. Approval of Resolution No. 22-23-49, Authorizing Investment of Monies in the Short-Term Investment Fund

Carol Taulbee, Treasurer, indicated that each year, the San Juan County Commission must authorize the County Treasurer and the Chief Deputy Treasurer to invest County monies in the local short-term investment fund, pursuant to Section 6-10-10.1, N.M.S.A., 1978, which is managed by the New Mexico State Treasurer. The Resolution authorizes Carol Taulbee, County Treasurer and Bryan Myers, Chief Deputy Treasurer to deposit or withdraw monies in the local short-term investment fund. A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve Resolution No. 22-23-49, Authorizing Investment of Monies in the Short-Term Investment Fund. Upon voice vote the motion passed unanimously.

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to adjourn the Board of Finance Meeting 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 was one change to the agenda. Consent Item #5 is changed to read the Award of Bid No. 22-23-14, Purchase and Installation of Vault Toilet to Vigil Contracting Services of Albuquerque, NM,

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 Regular Meeting Minutes from January 31, 2023
2. Approval of Finance Check Registers for January 2023
3. Approval of Treasurer Check Register for January 2023
4. Approval of FY23 Budget Adjustment #10 – Resolution No. 22-23-505.
5. Approval of the Award of Bid No. 22-23-14, Purchase and Installation of Vault Toilet to Vigil Contracting Services of Albuquerque, NM
6. Approval of Award of Bid No. 22-23-19, Cedar Hill Pedestrian Bridge Rehabilitation Project to TRC Construction Inc. of Flora Vista, NM
7. Approval of the Renewal of Bid No. 20-21-09, Price Agreement for the Purchase of Magnesium Chloride to Desert Mountain Corp. of Durango, CO
8. Approval of Award of Proposal No. 22-23-16, On-Call Trail Design, Permitting and Construction Services to Singletrack Trails of Grand Junction, CO
9. Approval of the Contract with Luna County for Non-Guaranteed Bed Space to House Juvenile Detainees
10. Approval of Resolution No. 22-23-36, Ratifying the Authorization of Submittal of the FY2024 LWDI Grant Fund Application
11. Ratification of Resolution No. 22-23-51, Recognizing Guardian Initiatives Accomplishments Completing the World's Toughest Row and Contributions to First Responder Mental Wellness and Suicide Prevention

A motion was made by Commissioner Fortner, 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 Medical Foundation

Audra Winters, Executive Director of the San Juan Medical Foundation, thanked the Commission for their support and presented a brief overview of the services that the San Juan Regional Medical Center Foundation provides:

- Mission: Enhancing the health and well-being of people in the Four Corners Community.
- Established in 1985, the 501(c)3, not-for-profit corporation serves alongside San Juan Regional Medical Center to meet the community's healthcare needs and goals by providing equipment, as well as, services in the community.
- Community projects include: the Cancer Treatment Center, Connelly Hospitality House, Cardiac Cath Lab Equipment, Community Van, Mission of Mercy Dental Clinic, and the Building Wings Children Fund-Pediatric Remodel
- The Connelly Hospitality House is a home for cancer patients and their caregivers during treatments. There are eight guest rooms, an outdoor patio, library, shared kitchen, food pantry, and fitness room.
- The Cathy Lincoln Memorial Cancer Fund assists women over the age of 18 years with cancer-related health services. In 2022, the fund assisted 142 women with \$36,231 medical bills related to cancer treatment.

- The Riley Men's Health Fund provides assistance to uninsured, under-insured, and low-income men over the age of 18 with health-related services such as diagnostic testing and treatments. In 2022 the fund assisted 156 men with \$51,107 in medical bills.

The Commission asked various questions.

2. Update on Four Corners Economic Development (4CED)

Arvin Trujillo, CEO of Four Corners Economic Development, thanked the Commission for their support and presented an update of the accomplishments and goals:

- Membership includes individuals, municipalities, industries, and small businesses.
- Business Retention and Expansion- Interviewed local business to determine the needs in order to retain and expand.
- Improve relations with the Navajo Nation
- Beautification efforts of the County corridors
- Grant received for the Railroad feasibility study.
- Broadband expansion and Hydrogen development
- NextSite consulting service was enlisted to provide a gap analysis regarding the retail needs of individual communities.
- Desk to Careers Initiative

Scott Byrd, Consultant, provided the Competitive Asset Assessment and Diversification Strategy Final Report to the Commission. Chairman Lanier asked what the difference is between the Chamber of Commerce and 4CED. Mr. Trujillo stated that 4CED invests in developing new opportunities in San Juan County and the economic drivers of the region.

3. Consideration of Application for Variance from San Juan County Cannabis Ordinance No. 120 for Blancoponics, 179 Rd. 4599, Blanco, NM

Michele Truby-Tillen, Community Development Director, indicated that Matthew Montoya and Jaylyne Ellison of Blancoponics, submitted a Variance Petition Application to the Community Development Department on January 9, 2023, to request a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 for the property located at 179 Rd 4599, Blanco, NM. Blancoponics currently operates a cannabis cultivation production facility on the property located at 181 Rd 4599, Blanco, NM, in which the variance for that portion of their business was approved on June 13, 2022. The applicant has a vertically integrated license issued by State of New Mexico and is expanding their business per their state license. A cannabis retail establishment and a manufacturing facility where they can process the product that they grow will be built on the property that will be separated into two parts, one part for retail and one part for manufacturing. There is one residence within 300 feet of the proposed building which is approximately 235 feet away. The applicant requested a variance for the life of the business. A public hearing was held before hearing officer Douglas A. Echols on February 7, 2023. Notice of the hearing was posted and was also delivered to all properties within 300 feet of the subject property. No one, other than the applicant and staff, appeared at the hearing to provide comments and Staff did not receive any comments from the public relating to this request. Hearing officer Echols submitted written findings/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 Todacheene to approve the Application for Variance from San Juan County Cannabis Ordinance No. 120 for Blancoponics, 179 Rd. 4599, Blanco, NM. Upon voice vote the motion passed unanimously.

4. Ratification of Approval Submitting FY2022 FEMA AFG Grant

David Vega, Fire Chief, stated that San Juan County Fire & Rescue recently applied for the 2022 FEMA AFG (Assistance to Firefighters Grant) requesting 122 SCBA air packs (SCBA firefighting gear) for firefighter personnel. The estimated cost is \$998,181.82 with a 10% match of approximately \$99,818.18, which would be divided by the districts that receive the equipment. No general fund dollars are required to match this AFG grant application. Mr. Stark stated that there was not a Commission Meeting prior to the grant application deadline and that the Commission would be ratifying the application. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the Ratification of Approval Submitting FY2022 FEMA AFG Grant. Upon voice vote the motion passed unanimously.

5. Consideration to Approve Body Scanner Policy and Procedure for the Adult Detention Center

Daniel Webb, ADC Administrator, reported that in January 2023, Secure Technology Value Solutions (SVTS) installed the HT3000SV Body Scanner at the Adult Detention Center. Staff has received training; however, the Commission must approve policies and procedures prior to operation of the scanner. Mr. Webb stated that the body scanner is an x-ray machine that will greatly enhance the efforts to detect/prevent drugs and other contraband from entering the facility. The Commission expressed concerns regarding the safety of pregnant detainees or staff as well as the radiation exposure levels for detainees/staff. Mr. Webb stated that there are protocols in place to ensure that pregnant detainees or staff will be exempt from being scanned. He also explained that the estimated amount of radiation exposure is minimal, and the scanner has a counter/log of each detainee that is scanned. The Commission asked various questions. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Beckstead, to approve the Body Scanner Policy and Procedure for the Adult Detention Center. Upon voice vote the motion passed unanimously.

6. County Transfer Station Construction and Demolition Waste Collection Feasibility Review

Nick Porell, Public Works Director, explained that at the January 31, 2023, Commission Meeting, Chairman Pro-Tem Beckstead requested Staff complete a feasibility review as to whether construction and demolition waste could be accepted by the County Solid Waste Collection Stations as it is currently prohibited by the Transfer Station Operations Policy. Mr. Porell presented a brief review which included current accepted waste at the collection stations, the process, estimated program costs, and the operational changes associated with the acceptance of construction waste. Mr. Porell presented possible options for consideration by the Commission:

1. Increase costs of disposing waste.

2. Special Rates- Staff would reserve the right to refuse load capacity and a 1-cubic yard daily limitation on construction waste.
3. Construction and demolition waste to be accepted on Free Dumpster Day which is held twice a year.

Chairman Pro-Tem Beckstead expressed his concerns regarding the signage at the sites and requested that they are updated to be consistent. The Commission will review the information provided by Mr. Porell.

Report from County Manager

Mike Stark updated the Commission on the following:

- A virtual meeting will be held on February 22nd for stakeholders and the public regarding the Freight Rail feasibility study.
- February 17th was the last day to introduce bills in the legislative session. There were 1089 bills introduced- 550 in the House and 539 in the Senate. The County is tracking several bills.

Reports From Elected Officials And Department Heads

Commissioner Fortner stated that the mission of New Mexico Association of Counties is to strengthen NM counties' ability to govern their own affairs and improve the well-being and quality of life of their constituents. Ms. Fortner highlighted action item SB310- Crisis Triage Centers and explained the purpose of the bill.

Chairman Lanier, recognized David Vega, Fire Chief, and his department for their service to the community at the recent San Juan County Fire Department Annual Awards Banquet.

Comments / Input From The General Public

Dillon Decker, San Juan Regional Medical Center Flight Paramedic, expressed his concerns regarding the emergency medical services provided by the Medical Center in San Juan County.

Susan Palko-Schaa thanked the Commission for their support of the Cedar Hill Bridge renovations and requested an update regarding the Cedar Hill Bridge. Mr. Porell indicated that the construction should begin in March.

Closed Executive Session

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Todacheene to go into closed executive session to discuss the following:

1. Discussion of Threatened or Pending Litigation in which the county is a participant – Navajo Nation Redistricting Lawsuit Pursuant to Section 10-15-1 (H) (7)

2. Discussion Regarding the New Mexico Opioid Litigation/Retail Pharmacy Agreement Pursuant to Section 10-15-1 (H) (7)
3. Discussion Regarding Water Rights Associated with County Roads 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 the Regular 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.

New Business Continued

7. **Consideration of Approval of Resolution No. 22-23-52, Authorizing San Juan County to Enter into Participation Agreements with certain New Mexico Pharmacies to Resolve Opioid Litigation and Authorizing County Manager to sign Participation Agreements**

This item was discussed in closed session. In 2018, the Board of County Commissioners authorized the County to hire Crueger Dickinson LLC to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals to hold them financially responsible for the impact of the Opioid epidemic on the County. In addition, the New Mexico Attorney General has been pursuing similar claims against the same manufacturers, distributors, and retailers. The State has now entered into Settlement Agreements with New Mexico pharmacies operated by Albertsons, CVS, Kroger, and Walmart. The resolution indicates San Juan County's desire to join the settlement and authorizes the County Manager to sign the participation agreements for the Albertsons, CVS, Kroger, and Walmart Settlements, as well as anticipated agreements with other pharmacies. The County will receive its allocated portion from the Attorney General within 30 days of the County's execution of the Agreement. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve Resolution No. 22-23-52, Authorizing San Juan County to Enter into Participation Agreements with certain New Mexico Pharmacies to Resolve Opioid Litigation and Authorizing County Manager to sign Participation Agreements. Upon voice vote the motion passed unanimously.

Adjourn

Being no further business, Chairman Lanier adjourned the meeting 7:14 p.m.

APPROVED THIS 7TH DAY OF MARCH 2023

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



Chairman Steve Lanier



Chairman Pro-Tem John T. Beckstead



G. Jean Todacheene

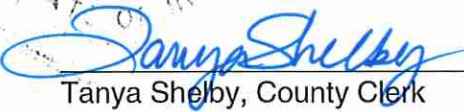


Terri D. Fortner



Gary McDaniel

ATTEST:



Tanya Shelby, County Clerk

