

**San Juan County Commission
Regular Meeting
November 14, 2023**

Chairman Lanier called the San Juan County Commission meeting to order on November 14, 2023, at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Commissioner Todacheene gave the invocation and Commissioner Fortner 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	Steven Saavedra
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
CHIEF FINANCIAL OFFICER	Kim Martin
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Nick Porell
ADULT DETENTION ADMINISTRATOR	Daniel Webb
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Thomas Paul
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Mitchell
FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	Donovan Mack
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
MARKETING ASSISTANT	Tim Mietty

VISITORS:

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

Canvass Board

Tanya Shelby, County Clerk, reported to the Commission the results of the 2023 Regular Local Election held November 7, 2023. There were 4,259 early voters, 988 absentee voters, and a total of 7,003 voters on Election Day for a total of 12,250 voters. There was a 16% turnout which is an increase in comparison to the first regular local election the Clerk's Office conducted in

2019 in which there were 8,587 voters; in 2021 there were 8,622 voters. The hope is that by conducting the Regular Local Elections in the odd numbered years and the State/Presidential elections in the even numbered years, that the voter numbers will increase. There were no provisional ballots issued. There were three absentee ballots delivered to the voting convenience centers prior to 7:00 p.m. on Election Day after the absentee board had adjourned for the day; those ballots were counted. Ms. Shelby indicated that the State Canvassing Board will meet on November 28th, and it is expected that the San Juan County Clerk's Office will be ordered to conduct 3 recounts: Aztec Schools Capital Improvement Tax Question which is currently separated by 4 votes, Central Consolidated School Board Member District 2 which is separated by 2 votes, and San Juan College Board Member District 5 which is separated by 5 votes. Ms. Shelby thanked her staff, the poll workers, and the various County departments that assisted with the election. Chairman Lanier asked various questions. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to certify the Canvass. Upon voice vote this motion passed unanimously.

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner 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 Chairman Pro-Tem Beckstead 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 October 17, 2023
2. Approval of FY24 Budget Adjustment #4 – Resolution No. 23-24-27
3. Approval of Finance Check Registers for October 2023
4. Approval of Treasurer's Check Register for October 2023
5. Approval of Resolution Nos. 23-24-24, 23-24-25 and 23-24-26, Disposition of Surplus and/or Obsolete County Property
6. Approval of the Award of Bid No. 23-24-08. Price Agreement for the Purchase of Hot Mix Asphalt to C & E Concrete of Flora Vista, NM and Oldcastle SW Group of Farmington, NM
7. Approval of the Renewal of Proposal No. 20-21-02, Correctional Food Management, Inmate Commissary & Banking Services to Trinity Services Group, Inc. of Oldsmar, FL
8. Approval of Amendment #1, LDWI Grant No. 24-D-J-G-24 for FY24
9. Approval of the 15th Amendment to the Intergovernmental Agreement for Detention Center Services

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.

Chairman Lanier acknowledged Pete Atcitty, Leadership San Juan and Brian Lee, Staff, United States Senator Ben Ray Lujan's office.

New Business

1. **Consideration of Adoption of Amended and Restated San Juan County Ordinance No. 49, Fire, and Emergency Services Administration**

Joe Sawyer, County Attorney, stated that Chief Vega presented an overview of the current state of fire and emergency services at a previous Commission Meeting. Due to the decline in volunteer firefighters and inadequate staffing in all districts, revision of the Emergency Services Administration is necessary. The changes to Ordinance No. 49 consolidate all the fire districts into a single department, combining all equipment, resources, and personnel, as well as, dissolving the San Juan County Fire Chief's Association. The name change from Fire Department to Fire and Rescue is reflected in the amended Ordinance. The Commission approved a Notice of Intent to Amend and Restate at the October 17th meeting and the Notice was published in the Farmington Daily Times on Sunday, October 22nd. Chairman Pro-Tem Beckstead asked if all questions and concerns have been resolved. Fire Chief David Vega stated that Staff has opened communications with all volunteers and there was not 100% satisfaction; however, change is needed and there is a great deal of support. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Beckstead to approve the Adoption of Amended and Restated San Juan County Ordinance No. 49, Fire, and Emergency Services Administration. Upon voice vote the motion passed unanimously.

2. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for J & J Flowers, 1129 NM Hwy 516, Aztec, NM, 87410**

Joe Sawyer, County Attorney, announced that the Commission will only be relying on evidence gathered at the original variance hearing so as not to violate the due process rights of parties involved. Michele Truby-Tillen, Community Development Director, indicated that Jared O'Tool, owner of J & J Flowers, submitted a Variance Petition to the Community Development Department on September 27, 2023, requesting a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120. J & J Flowers desires to open a cannabis manufacturing facility with plans to open a retail facility in an existing structure on property located at 1129 NM 516, Aztec NM, a generally commercial area. The proposed Cannabis Manufacture/Retail Establishment is within 300 feet of one (1) residence, which is 288 feet away. A public hearing was held before Hearing Officer Douglas A. Echols on October 25, 2023. Notices were sent to surrounding properties by certified mail and no one appeared at the hearing in opposition to the variance request. Hearing Officer Echols submitted written findings and conclusions and recommends the request for variance be granted. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Beckstead to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for J & J Flowers, 1129 NM Hwy 516, Aztec, NM, 87410 for production and retail. Upon voice vote the motion passed unanimously.

3. **Consideration of Adoption of San Juan County Ordinance No. 124, an Ordinance Repealing a County Local Option Gross Receipts Tax on any Person Engaging in Business within the Area of the County located within the Valley Water and Sanitation District**

Joe Sawyer, County Attorney, indicated that Ordinance No. 124 repeals Ordinance No. 104, which imposed an excise tax of one-fourth of one percent (.25%) of the gross receipts of any person engaging in business within the area of San Juan County located within the Valley Water and Sanitation District (VWSD) which was dissolved on September 27, 2023, pursuant to NMSA 1978, Section 4-53-6 at a meeting held for that purpose. The functions of the VWSD have been taken over by the Town of Kirtland, who on September 13, 2022, imposed a tax of .25% of the gross receipts in Kirtland to help cover the expense. As a result of the Town of Kirtland's imposition of the .25% gross receipts tax, the New Mexico Taxation and Revenue Department stopped collecting the VWSD tax. Although the tax is no longer being collected, repeal of Ordinance No. 104 is necessary to prevent confusion or error. A Notice of Intent to Adopt was approved by the Commission at the October 17th meeting and was published in the Farmington Daily Times on Sunday, October 22nd. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Todacheene to approve the Adoption of San Juan County Ordinance No. 124, an Ordinance Repealing a County Local Option Gross Receipts Tax on any Person Engaging in Business within the Area of the County located within the Valley Water and Sanitation District – . Upon voice vote the motion passed unanimously.

4. **Consideration of Notice of Intent to Amend and Restate the San Juan County Employee Handbook, Ordinance No. 34**

Ellen Wayne, Deputy County Attorney, stated that on January 1, 2024, San Juan County will be joining the State of New Mexico's insurance plan for employees which necessitates some changes to the Employee Handbook to remove references to the County's self-insured plan. Updates and clarifications to reflect questions and issues that have arisen, changes in technology, and updates to the law have also been included. The revision includes the following: holiday pay has been changed to the duration of an employee's shift (up to 12 hours), personal leave may now be used in quarter hour increments with new employees eligible after 90 days of employment, employees out on workers compensation will have the employee's group insurance contributions paid by the County for themselves and their dependents, and Information Services policies have been combined into one comprehensive policy entitled "San Juan County Cyber Policy." A summary of the changes has been distributed to employees along with a redlined version showing changes in their entirety and is also available on the County's web page. Ms. Wayne requested that the Commission review four County policies that will be presented by resolutions at the December 5th meeting:

1. Travel Policies and Procedures (amendment only, previously adopted)
2. Cyber Policies and Procedures
3. Department of Transportation Policies and Procedures
4. Workplace Violence Policies and Procedures

If approval is given for publication of the Notice of Intent to Adopt, the Legal Department will schedule the proper publication of the notice and will place this item on the December 5, 2023, meeting agenda requesting adoption of the Ordinance at that time. If adopted on December 5, the new version of the Employee Handbook would go into effect 30 days on January 4, 2024.

The Commission thanked Staff for the opportunity to be involved in the handbook process. A motion was made by Commissioner Todacheene, seconded by Commissioner Fortner to approve the Notice of Intent to Amend and Restate the San Juan County Employee Handbook, Ordinance No. 34. Upon voice vote the motion passed unanimously.

5. Consideration of 2024 State and Federal Legislative Requests

Mike Stark, County Manager, announced that the 2024 State Legislative Session (30-day session) is from January 16th through February 15th and that each year, San Juan County submits various capital outlay requests to Legislative delegation for consideration. Requests need to be submitted through the State's legislative capital request portal by January 11, 2024. Mr. Stark highlighted the projects that have been funded from the 2023 Federal Legislative Requests and indicated that Staff recommended approaching our federal delegation with the same list of state priorities agreed upon by the Commission as in similar years. Mr. Stark requested direction on the 2024 State and Federal Legislative requests and prioritization. Upon discussion between Commissioners, Chairman Pro-Tem Beckstead presented the following in order of priority:

1. County Road 4990 Improvements
2. Replacement Fire Apparatus
3. EMS Station 6 Relocation
4. ADA Improvements at County Facilities
5. Safety City Improvements

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the 2024 State and Federal Legislative Requests. Upon voice vote the motion passed unanimously.

6. Consideration of Resolution No. 23-24-21, Supporting the 2024 Legislative Priorities for New Mexico Counties

Mike Stark, County Manager, indicated that New Mexico Counties has requested each of the State's County Commissions adopt a resolution supporting the following 2024 legislative priorities:

1. HB 2 Appropriations

Detention Reimbursement Fund- Fully fund County Detention Facilities Reimbursement Act Fund to reimburse counties for the actual cost of housing state inmates.

Detention Recruitment and Retention- Appropriate \$10 million to the newly formed Corrections Workforce Capacity Building Fund administered by DFA.

Prisoner Transport and Extradition- Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state prisoners.

RISE Funding- Make permanent and increase county participation in the RISE (Reach, Intervene, Support and Engage) Program.

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 EMS services. Emergency medical services in New Mexico 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.

Courthouse Funding- Create a recurring appropriation of \$25 million for construction and renovation of state district courthouses.

State Health Benefits Plan- Create a State Health Benefit Fund solvency plan. NMC has filed a lawsuit on behalf of 24 counties questioning the legality of these "special assessments" and seeks a solution to ensure fund solvency and guarantee proper notice and planning to enable LPBs to adequately budget for increased cost moving forward.

2. Elected Official Salary Increase

Increase the salary cap for newly elected county officials by 15% with a provision for future adjustments to track the Consumer Price Index (CPI).

- Last amended in 2018 (HB69) for increases beginning in 2019.
- Historically adjusted approximately every 4 years.
- Must be in place when newly elected officials take office in 2024.
- CPI provision would eliminate the need for repeated legislative action.

3. Firefighter Recruitment & Retention

Appropriate a \$50 million reoccurring fund to the NM Department of Homeland Security to be administered by the State Fire Marshal's Office for fire departments to staff, recruit, and retain career as well as volunteer firefighters.

- Call volume has increased by as much as 50% in the last year.
- Response systems are overburdened.
- Average age of New Mexican volunteer is 65.

Commissioner Fortner gave a brief overview of priorities. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve Resolution No. 23-24-21, Supporting the 2024 Legislative Priorities for New Mexico Counties. Upon voice vote the motion passed unanimously.

Report from County Manager

Mike Stark reported the following:

- A Crisis Triage Center Feasibility Study was held November 13th at the Farmington Civic Center with 40 citizens in attendance.
- A public meeting regarding the grant received from the Economic Development Department to extend natural gas to the San Juan Industrial Facility and residents of La Plata, will be held on November 15th at the La Plata Schoolhouse at 6:00 p.m.
- The Highway Clean-Up is November 16th at 8:00 a.m. in collaboration with NMDOT, City of Bloomfield, and City of Farmington. The project will be on Hwy 516 between Farmington and Aztec and Hwy 64 between Farmington and Bloomfield.
- A letter was received from the State regarding the health insurance premium increase that will incur on January 1, 2024. Mr. Stark mentioned a possible resolution to assist employees with the unanticipated increase at the next meeting.

Reports From Elected Officials And Department Heads

Chairman Lanier thanked Daniel Hill, Parks and Facilities Administrator and his staff for the efforts they put forth in making the employee golf tournament a success and congratulated Commissioner Fortner for completing the New Mexico Edge classes and being certified as a County Commissioner.

Devin Neeley, Public Relations & Film Manager, introduced Tim Mietty, Marketing Assistant.

Michelle Truby-Tillen, Community Development Director, introduced Teresita (Terry) Clashin, County Planner.

Daniel Hill, Parks and Facilities Administrator, updated the Commission on Riverview Golf Course alcohol sales, grill sales, and staffing.

Commissioner Todacheene announced that Barbara Tedrow received Business of the Year by San Juan Professionals. She also thanked the Commission for supporting Northwest Sexual Assault Services.

Comments / Input From The General Public

Tim McCarthy, Citizen, expressed his concerns regarding the declining condition of a property near his residence as well as safety concerns.

Brian Lee, Field Representative, United States Senator Ben Ray Lujan's Office, updated the Commission regarding the funding priorities and San Juan County.

Closed Executive Session

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to go into closed executive session to discuss Possible Acquisition of Real Property for EMS Ambulance Station #6, 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 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 5:44 p.m.

APPROVED THIS 5TH DAY OF DECEMBER 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