

San Juan County Commission
Regular Meeting
September 19, 2023

Chairman Lanier called the San Juan County Commission meeting to order on September 19, 2023 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Commissioner McDaniel gave the invocation and Joe Sawyer, County Attorney 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
ASSESSOR	Jimmy Voita
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
TREASURER	Carol Taulbee
SHERIFF	Shane Ferrari
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Steven Saavedra
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
EMERGENCY MANAGER	Mike Mestas
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
FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	Donovan Mack
COMMUNICATIONS DIRECTOR	Nicole Brown
CHIEF IS OFFICER	Keith Lund
HOUSING EXECUTIVE DIRECTOR	Charlotte Stanley
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
PROJECT MANAGER	Porter Smith

VISITORS:

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Chairman Lanier recognized Keegan Mackenzie-Chavez, Economic Development Department, Mayor of Bloomfield Cynthia Atencio, Leonard Trujillo, Bloomfield Irrigation Ditch Board Member, and State Representative Rod Montoya.

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner 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, County Treasurer, reported that County investments earned \$1,377,879.14 in interest as of June 30, 2023 which is a 100.01% increase from the interest earned in June 2021; 135.38% increase from June 2022. The return on the average balance invested increased from 1.07% in FY2022 to 1.66% in FY2023 which is indicative of the increased Federal Reserve quarterly rate and interest rate increases. Total average invested dollars increased by over \$27.9M for FY2023 due to additional Gross Receipts and Oil and Gas revenue. Total cash and investments were \$104,031,487.70, which includes June property tax collections of which \$894,147.28 was distributed to the local municipalities and school districts in July 2023. The cash and investments total, which includes the deduction of property tax payables and outstanding checks, is \$100,635,103.46.

A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Todacheene 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 were no changes to the agenda. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the agenda as presented. Upon voice vote the motion passed unanimously.

Consent Agenda

1. Approval of Treasurer Check Register for August 2023
2. Approval of Finance Check Registers for August 2023
3. Approval of Regular Meeting Minutes for September 5, 2023
4. Approval of Special Meeting Minutes for September 12, 2023

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

New Business

1. **Consideration of Resolution No. 23-24-17, Affirming Support for the Right to Keep and Bear Arms Under the Constitution of the United States and the State of New Mexico and to Uphold the Duty of the Government Officials to Support the Constitution and Laws of the United States and the State of New Mexico**

Shane Ferrari, San Juan County Sheriff, stated that on September 7, 2023 Governor Michelle Lujan Grisham issued Executive Order 2023-130 declaring a State of Public Health Emergency Due to Gun Violence. Department of Health Secretary Patrick Allen issued a Public Health Emergency Order imposing a temporary firearm restriction, drug monitoring, and other public safety measures. Firearm restrictions include no person, other than a law enforcement officer, as defined in NMSA 1978, Section 30-7- 4.1, can carry either openly or concealed firearms. This applies to cities/counties with violent crimes that average 1,000 or more per 100,000 residents per year since 2021. This excludes those related to private property, premises of a licensed firearms dealer, or gunsmith for the purpose of lawful transfer or repair of a firearm, use at a shooting range, or when traveling to a location listed in Paragraph 1-4 of this section assuming the firearm is in a locked container or locked with a firearm safety device rendering the firearm inoperable. The order states that local governments are encouraged to request emergency proclamations and additional measures pursuant to the Riot Control Act; which would authorize the governor, by proclamation, to prohibit in those localities the possession of firearms or any other deadly weapon by a person in any place other than his place of residence or business, except for peace officers, and prohibit other activities the governor reasonably believes should be prohibited, with violations being punishable as crimes. Sheriff Ferrari expressed his concerns about the governor's public health order restricting Second Amendment rights and stated that he will uphold the rights of the Constitution, as well as advocate for criminal justice reform. On September 13th, United States Federal Court Judge David Urias of Albuquerque approved the temporary restraining order through October 3rd, when Judge Urias will consider motions seeking a preliminary injunction that could further block enforcement of the public health order. The Commission made various comments. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve Resolution No. 23-24-17, Affirming Support for the Right to Keep and Bear Arms Under the Constitution of the United States and the State of New Mexico and to Uphold the Duty of the Government Officials to Support the Constitution and Laws of the United States and the State of New Mexico. Upon voice vote the motion passed unanimously.

2. **Consideration of Resolution No. 23-24-16, Declaring Damage to Bloomfield Irrigation District Ditch to be a Disaster: Requesting State Aid to Mitigate the Effects**

Mike Mestas, Emergency Manager, explained that on September 5, 2023, there was a major breach in one of the siphons for the Bloomfield Irrigation District Ditch, affecting the Bloomfield City Reservoir, which is the City's main source of drinking water. Before a declaration of emergency can be issued the cost of damage must meet a threshold of around \$540,174. The Department of Homeland Security Recovery Unit completed a preliminary damage assessment on September 12, 2023, which concluded that the damage repairs will exceed the threshold amount. Chairman Lanier asked how many days the City of Bloomfield can rely on their water reserves. Mayor of Bloomfield Cynthia Atencio indicated that the main water reserve could supply the city for 28 days and George Ducan, Bloomfield City Manager, explained that a second reserve can offer an additional 3 to 4 days of water. Commissioner Todacheene asked if the breach was due to deteriorating infrastructure, to which Mayor Atencio explained that there was some deterioration, however the cities of Aztec and Bloomfield are collaborating to resolve the issue. Leonard Trujillo, Bloomfield Irrigation Ditch (BID) Board Member, stated that the BID is working diligently to repair the line, however due to supply issues and constant water flow in the ditch, progress has been slow. Chairman Pro-Tem Beckstead asked if this section of the line was marked for replacement. Stacy Dodd, Bloomfield Irrigation Ditch Coordinator, indicated that

a yearly visual inspection is conducted, to which other than some debris removal there were no signs of decline in the area. The Commission asked various questions. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve Resolution No. 23-24-16, Declaring Damage to Bloomfield Irrigation District Ditch to be a Disaster: Requesting State Aid to Mitigate the Effects. Upon voice vote the motion passed unanimously.

3. Consideration of Resolution No. 23-24-14, Approving the Purchase of Real Estate from the Harold A. Christensen Estate

Mike Stark, County Manager, stated that to facilitate the Totah Water and Waste Project for the Totah Subdivision property must be acquired for the lift stations. The personal representative of the Harold A. Christensen Estate has agreed to sell Lots 9, 10, and 11 of the Totah Vista Subdivision for \$36,000. To complete the purchase, the title company requires a resolution approving the purchase and naming the County officers authorized to execute the required documents. A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve Resolution No. 23-24-14, Approving the Purchase of Real Estate from the Harold A. Christensen Estate. Upon voice vote the motion passed unanimously.

4. Consideration of Resolution No. 23-24-15, Support for the U.S. DOT Reconnecting Communities and Neighborhoods Discretionary Grant Funding

Nick Porell, Public Works Director, indicated that at the August 15, 2023 Regular Commission meeting, transportation alternatives for Largo Canyon pertaining to the closure of Bridge 8118 (5-Mile Bridge) were presented, and it was requested that funding programs for long-term replacement of Bridge 8118 be pursued. On July 5, 2023, the United States Department of Transportation (DOT) issued a Notice of Funding Opportunity (NOFO) for the Reconnecting Communities and Neighborhoods (RCN) Program. Applications are scored on merit-based criteria which include equity, environmental justice, access, facility suitability, community engagement, equitable development, climate/environment, workforce development and economic opportunity. The program targets removing environmental and community burdens created by transportation infrastructure particularly as they relate to disadvantaged populations. Bridge 8118 and those residents south of Largo Canyon are located within a census tract designated as disadvantaged per the United States Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST). Grants awarded through the RCN are limited to project planning and preliminary engineering up to but not including activities associated with National Environmental Policy Act (NEPA) compliance. Staff has prepared the application, which is due September 28, 2023, for the Community Planning Grant only for completion of Phase 1A/B Alternatives Study and engineering activities up to a 60% level design. The estimated project cost is \$1,000,085; \$868,000 would be funded by the RCN with a required non-federal match of \$217,000 (20%) by the County. A motion was made by Commissioner McDaniel, seconded by Commissioner Todacheene to approve Resolution No. 23-24-15, Support for the U.S. DOT Reconnecting Communities and Neighborhoods Discretionary Grant Funding. Upon voice vote the motion passed unanimously.

5. Consideration to Order County Assessor to Impose 2023 Property Tax Rates

Kim Martin, Chief Financial Officer, reported that the Board of County Commissioners is required to issue a written order imposing the property tax at the rates set on the taxable value of property allocated in the appropriate governmental units. The order must be issued within five days of receipt of the Department of Finance & Administration's (DFA) Property Tax Rate Setting Order, however, for the second straight year, DFA is allowing additional time for the governing body to respond back; this year's deadline is September 22nd. The written order must be delivered to the County Assessor immediately. The finance officers of the municipalities, school districts, and San Juan College have been notified regarding the new tax rates for their governmental units. Ms. Martin presented the following information:

- DFA and the County Commission issue and deliver its own written order to the County Assessor. No later than October 1st, the Assessor prepares and delivers the property tax schedule to the County Treasurer who mails the tax bills no later than November 1st.
- Tax rates can be set by a combination of taxing authorities, however tax rates set by the taxing authority are subject to change due to the Yield Control Statute.
- The Yield Control Statute considers growth control factors such as inflation and new construction
- Other than Eddy County at 7.5 mills, San Juan County remains the second lowest in the state at 8.5 mills for the 2023 tax year
 - Residential mill rates showed an increase of .49% from 7.141 to 7.176
 - Non-Residential mill rates remain at 8.5 mills
- No General Obligation Bond debt has been issued by the County in 32 years
- The last property tax increase was in FY2005 in which the mill rate increased from 8 to 8.5 mills to fund the Water Reserve Fund for the San Juan Water Commission

During certification of last year's rates, it was discovered that yield control was not applied to the San Juan Water Commission's .5 operational mill rate, but only the County's operational rate of 8 mills. As a result, the Water Commission's water reserve fund has received a subsidy from the County general fund of approximately \$250,000 for a full tax year. Currently the water reserve fund has a cash balance of approximately \$10 million. Chairman Pro-Tem Beckstead requested for next year an analysis of the past 5 years be conducted to evaluate the impact of not imposing the yield control on the Water Commissions operational mil rate. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the County Assessor to Impose 2023 Property Tax Rates. Upon voice vote the motion passed unanimously.

Report from County Manager

Mike Stark, County Manager, reported the following:

- Saturday, September 23rd is National Public Lands Clean Up Day and the Bureau of Land Management in conjunction with San Juan County will be hosting a dumpster day at various locations.
- Open enrollment for County employees to enroll in the State insurance plan begins October 1st and ends October 31st, notice will be sent out via email and through Department Heads

- The City of Farmington has indicated that 60% of the usage of the recycling center is by county residents and has requested that the County help share in the cost to compensate for usage by county residents.

Reports From Elected Officials And Department Heads

Nick Porell, Public Works Director, provided information regarding the on-call system for road emergencies that can be placed through the non-emergency dispatch.

Keith Lund, Chief IS Officer, introduced Alex Bogedain as the new GIS Manager.

Daniel Hill, Parks & Facilities Administrator, stated that veterans can golf at Riverview Golf Course at a reduced rate of \$29.50 on Tuesdays and Thursdays. Mr. Hill introduced Tina Pacheco White with Four Corners First Tee. Ms. Pacheco White stated that the PGA Hope program offered veterans golf lessons at no cost and started a veteran's league over the summer.

Daniel Webb, Adult Detention Administrator, announced that Sergeant Brandon Stafford will be part of the Hero's Campaign which aims to dispel misconceptions about correctional officers and to humanize those who wear the uniform. Mr. Webb introduced Sergeant Stafford, who also had the opportunity to play a part in a movie that was recently filmed at the detention center. Sergeant Stafford indicated that the movie is called The Post, which will be in local theaters starting October 20th.

Commissioner Fortner stated that the Farmington Rotary Club will be hosting a fundraiser, Airport Fly-In, Drive-In, on Saturday September 23rd from 8 a.m. to 2 p.m. at Farmington Airport.

Comments / Input From The General Public

Leonard Trujillo, Bloomfield Irrigation Ditch Board Member, expressed his gratitude for the Commission's support of Resolution No. 23-24-16.

Adjourn

Being no further business, Chairman Lanier adjourned the meeting at 5:33 p.m.

APPROVED THIS 17TH DAY OF OCTOBER 2023

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:




Chairman Steve Lanier

Chairman Pro-Tem John T. Beckstead



Glo Jean Todacheene



Terri D. Fortner



Gary McDaniel





Tanya Shelby, County Clerk