

San Juan County Commission Regular Meeting November 18, 2014

Chairman Fortner called the San Juan County Commission meeting to order on November 18, 2014 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Jack Fortner gave the invocation and Ken Christesen led the Pledge of Allegiance. Those present were:

CHAIRMAN	Jack L. Fortner
CHAIRMAN PRO-TEM	Keith Johns
MEMBER	GloJean Todacheene
MEMBER	Margaret McDaniel
MEMBER	Scott Eckstein
ASSESSOR	Clyde Ward
CHIEF DEPUTY ASSESSOR	Jimmy Voita
CLERK	Debbie Holmes
CHIEF DEPUTY CLERK	Tanya Shelby
SHERIFF	Ken Christesen
COUNTY EXECUTIVE OFFICER	Kim Carpenter
COUNTY OPERATIONS OFFICER	Mike Stark
ASSISTANT CEO	Linda Thompson
ATTORNEY	Jim Durrett
DEPUTY ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Doug Echols
EMERGENCY MANAGER	Don Cooper
EMERGENCY MANAGEMENT COORDINATOR	Mike Mestas
CHIEF FINANCIAL OFFICER	Marcella Brashear
PARKS & FACILITIES ADMINSTRATOR	Mike Davidson
PARKS & FACILITIES DEPUTY ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Dave Keck
CHIEF HUMAN RESOURCES OFFICER	Charlene Scott
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Miller
FIRE CHIEF	Doug Hatfield
HEALTH CARE ASSISTANCE PROGRAM COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR	Sandi Spencer
CHIEF IT OFFICER	Vince Johns
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PRESS: Farmington Daily Times	Dan Schwartz
VISITORS: 22	

A motion was made by Commissioner McDaniel, seconded by Commissioner Todacheene to call to order the Indigent Hospital Board Meeting. Upon voice vote, the motion passed unanimously.

Indigent Hospital Claims Board Meeting

1. Review of Claims
2. Approval of Minutes of November 6, 2014

The Indigent Hospital Board Meeting Minutes are taken separately and are made a part of the permanent minute's folder.

A motion was made by Commissioner Todacheene, seconded by Commissioner McDaniel to adjourn the Indigent Hospital Board Meeting and call to order the Regular Meeting. Upon voice vote, the motion passed unanimously.

Regular Meeting

Approval of Agenda

Kim Carpenter, CEO stated that there are no changes to the agenda. A motion was made by Commissioner Todacheene, seconded by Commissioner Eckstein to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of October 21, 2014 Regular Minutes Meeting
2. Approval of October 2014 Check Register

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

Old Business

1. **Request to Amend Ordinance 15 to Allow the Sale of All State-Approved Fireworks**

Jim Burnham, Burnham Bros Fireworks, discussed this item at the October 21st Regular County Commission meeting. San Juan County's Ordinance No. 15 permits the sale of certain aerial and ground audible fireworks including aerial devices, mines, roman candles, shells, ground audible devices, and firecrackers. Mr. Burnham has requested that the Commission allow the sale of all state approved fireworks and will be present to display the fireworks. Doug Hatfield, Fire Chief stated there are no safe and sane fireworks except those for public display. In the

last 5 years, there is an average of 31 calls per day for the volunteer firefighters in the 14 districts of the county. When the sale of fireworks begins the call volume increases to 41 calls per day on average. Chief Hatfield is against the amendment. A motion was made by Commissioner Eckstein, seconded by Commissioner Todacheene to approve the publishing of a Notice of Intent to Adopt the amended Ordinance No. 15 at the December 16th Regular Commission Meeting. Upon voice vote this motion passed unanimously.

New Business

1. Consideration of Adoption of San Juan County Ordinance No. 92, Praxair Industrial Revenue Bonds

Justin Horwitz, Rodey Law Firm is serving as council for the county regarding the following matter. Mr. Horwitz stated Praxair, Inc. is requesting adoption of San Juan County Ordinance No. 92 authorizing the issuance and sale of San Juan County Industrial Revenue Bonds in the amount of \$70,000,000 to finance an expansion of Praxair's current facility located in Kirtland. This subject matter is also in Inducement Resolution 14-15-17 which was approved by the Commission October 21, 2014. The proposed expansion consists of additional nitrogen plants and liquefiers on approximately 3 ½ acres of leased property adjacent to its current facilities. Praxair is expected to commence installation on the project on or before September 2015 and complete construction before year end 2016. If approved this project will be the third IRB issued by the county for the benefit of Praxair. While the County is in no way responsible for the repayment of the bonds, issuance of the bonds will result in certain property, gross receipts, and compensating tax abatements for Praxair. Similar to the 2002 and 2013 IRB, the ordinance contemplates that the transaction will be self-funded by Praxair and the county will merely serve as a conduit issuer. Any approval of the IRB by the Commission will not obligate the county to any pecuniary liability or charge against the general credit or taxing power of the county. If the ordinance passes and at the closing of the transaction the county will not lend money to Praxair nor have any obligation to pay part of the costs of the bonds, the operation, or installation of the project. In exchange for the tax abatement, the county, the school district, and the community college district, would each receive a payment in lieu of taxes from Praxair. The pilot payment would commence in 2016, following commencement of construction but prior to completion of construction of the facilities. The bonds would mature July 2034, the property would then be put back on the tax roll and the assessor would assess the property January 2035, property taxes would continue in the ordinary course. The county will be protected by a clawback provision, which requires Praxair to fully reimburse the county for any abated taxes associated with the project to the extent that Praxair terminates the project within 5 years of the issuance of the bonds. Mr. Horwitz informed the Commission that the transaction is anticipated to close by December 31, 2014. A Notice of Intent to Adopt was published in the Daily Times on Sunday, November 2. A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Johns to approve the adoption of Ordinance No. 92, Praxair Industrial Revenue Bonds. Upon voice vote this motion passed unanimously.

2. Presentation on Coalition for Self Government in the West

Carl Graham, Director, Sutherland Institute Coalition for Self-Government in the West showed a PowerPoint presentation to the Commission on the movement in the western US on transferring

land from federal control to state control. The Sutherland Coalition for Self-Government in the West (CSG-W) is a project of Sutherland Institute, a think tank advocating conservative principles in Salt Lake City, UT. The coalition's mission is to protect freedom and opportunity in Utah and the West by promoting federalism and equipping state leaders – both public and private – to reclaim their powers and responsibilities under the United States Constitution. Fifty percent of all land west of Nebraska is owned by the U.S. Government. Forty percent of New Mexico's land is owned by the government which cannot be taxed by the state for schools and improvements. Presentation only.

3. Presentation on Proposed New Entrance Fees at Chaco Culture National Historical Park

Larry Turk, Superintendent for Chaco Culture National Historical Park and Aztec Ruins National Monument, provided a presentation on the proposed new entrance fees at the Chaco Culture National Historical Park. Presently, the entrance fee is \$8.00 for vehicles, \$4.00 for motorcycles and bicycles. The last time that Chaco increased their entrance fee was in 1998. The proposed fee increase is \$20.00 for vehicles, \$15.00 for motorcycles, and \$10.00 for bicycles in a 3 year period. In the spring of 2015 the fee would increase to \$12.00, in 2016 to \$16.00, and in 2017 to \$20.00. The increase would not affect the National Parks Pass, Senior Access Pass, or the Military Pass. Chaco retains 80% of the entrance fees and 20% is national. The monies received are used to upgrade trails, campgrounds, and visitor programs. The newest project is to upgrade trails and renovate the amphitheater to seat up to 250 people. The Commissioners expressed their concerns. Presentation only.

4. Consideration of Resolution 14-15-19, Establishing Salaries of Newly-Elected County Officers

Kim Carpenter, County Executive Officer, indicated there are two County Commissioners representing District 1 and District 2, the Assessor, the Sheriff and the Probate Judge that were elected to their respective offices in the November 2014 General Election. The New Mexico State Legislature increased the maximum salaries for newly elected or re-elected county officials. If the Commission approved Resolution 14-15-19, the newly elected officials will receive the maximum salaries for county officers of a Class A County beginning the first day of the term of their respective offices. The current and maximum salaries as established by the legislature are as follows:

	Current Salary	Maximum Allowed Salary
County Commissioners	\$29,569 each	\$34,005 each
Treasurer, Assessor and Clerk	\$65,501 each	\$75,327 each
Sheriff	\$68,308	\$78,555
Probate Judge	\$28,820	\$33,143

It has been seven (7) years since the legislature increased the maximum salaries for county officers. The FY2015 budget includes the wage increase of \$18,618 for FY15 for the newly elected and re-elected county officials. A motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Todacheene to approve Resolution 14-15-19 establishing salaries of newly elected county officers. Upon voice vote this motion passed unanimously.

Reports From Elected Officials And Department Heads

None

Comments / Input From The General Public

Chairman Fortner introduced members of Leadership San Juan and thanked them for attending. He also welcomed Senator Bill Sharer and Tony Atkinson.

Closed Executive Session

A motion was made by Chairman Pro-Tem Johns, seconded by Commissioner McDaniel to go into closed executive session to discuss threatened or pending litigation and the acquisition or disposal of real estate. Upon voice vote this motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Todacheene to go back into open meeting. Upon voice vote this motion passed unanimously. Chairman Fortner stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

Adjourn

Being no further business a motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Johns to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 6:15 p.m.

APPROVED THIS 8th DAY OF JANUARY, 2015

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



Chairmah



Chairman Pro-Tem



Member

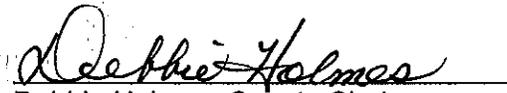


Member



Member

ATTEST:



Debbie Holmes, County Clerk