

San Juan County Commission Regular Meeting January 5, 2016

Chairman Johns called the San Juan County Commission meeting to order on January 5, 2016 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Johns gave the invocation and Chairman Pro-Tem Eckstein led the Pledge of Allegiance. Those present were:

CHAIRMAN	Scott Eckstein
CHAIRMAN PRO-TEM	Jack Fortner
MEMBER	Keith Johns
MEMBER	Margaret McDaniel
MEMBER	Wallace Charley
ASSESSOR	Jimmy Voita
CHIEF DEPUTY ASSESSOR	Benay Jones
CHIEF DEPUTY CLERK	Tanya Shelby
TREASURER	Mark Duncan
CHIEF DEPUTY TREASURER	Carol Taulbee
SHERIFF	Ken Christesen
UNDERSHERIFF	Shane Ferrari
COUNTY EXECUTIVE OFFICER	Kim Carpenter
COUNTY OPERATIONS OFFICER	Mike Stark
ATTORNEY	Doug Echols
RISK MANAGER	Kristi Galloway
EMERGENCY MANAGEMENT COORDINATOR	Mike Mestas
DEPUTY FINANCE OFFICER	Kim Martin
PARKS & FACILITIES ADMINSTRATOR	Mike Davidson
PARKS & FACILITIES DEPUTY ADMINISTRATOR	Daniel Hill
PUBLIC WORKS GENERAL MANAGER	Nick Blasingame
CHIEF HUMAN RESOURCES OFFICER	Charlene Scott
ADULT DETENTION CENTER ADMINISTRATOR	Tom Havel
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Daniel Webb
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Miller
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Heidi Sawyer
JUVENILE SERVICES ADMINISTRATOR	Traci Neff
FIRE CHIEF	Craig Daugherty
DEPUTY FIRE CHIEF	Thomas Fields
HEALTH CARE ASSISTANCE PROGRAM COORDINATOR	Liza Gomez Akley
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR	Evan O'Keefe
CHIEF IT OFFICER	Keith Lund
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PRESS: Farmington Daily Times	Hannah Grover
VISITORS:	27

Election of Chairman and Chairman Pro-Tem

Kim Carpenter, CEO, thanked Commissioner Keith Johns for his service as Chairman and conducted the election for Chairman and Chairman Pro-Tem. Commissioner Fortner nominated Commissioner Eckstein to the position of San Juan County Chairman for the 2016 Calendar Year. Commissioner Charley seconded it. There were no other nominations. A motion was made to cease all nominations by Commissioner Johns seconded by Commissioner Fortner. Upon voice vote, the motion passed unanimously. Commissioner Scott Eckstein was elected San Juan County Chairman for 2016. Commissioner Johns nominated Commissioner Fortner to the position of Chairman Pro-Tem for the 2016 Calendar Year. Chairman Eckstein seconded it. There were no other nominations. A motion was made to cease all nominations by Commissioner McDaniel seconded by Commissioner Fortner. Upon voice vote, the motion passed unanimously. Commissioner Jack Fortner was elected Chairman Pro-Tem for 2016. Dr. Carpenter presented a gavel to Commissioner Johns. A motion was made by Commissioner Charley, seconded by Commissioner McDaniel to adjourn the Regular Meeting and call to order the Board of Finance meeting. Upon voice vote, the motion passed unanimously.

Board of Finance

1. Consideration of Resolution No. 15-16-31, Authorizing Investment of Monies in the Local Short-Term Investment Fund

Mark Duncan, County Treasurer, stated that at the first meeting of 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. The fund is managed by the New Mexico State Treasurer. Resolution 15-16-31 authorizes P. Mark Duncan, County Treasurer and Carol Taulbee, Deputy County Treasurer to deposit or withdraw monies in the local short-term investment fund. The County Treasurer requested approval of Resolution 15-16-31, authorizing investment of monies in Local Short-Term Investment Fund. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve Resolution 15-16-31, Authorizing Investment of Monies in the Local Short-term Investment Fund. Upon voice vote, the motion passed unanimously. Mr. Duncan stated that Statute 7-38-38.3 allows taxpayers to pay their property taxes in 10 equal payments throughout the year. He indicated that the recent software upgrade will allow this option. He will bring this before the Commission for their consideration at the next meeting. A motion was made by Commissioner Johns, seconded by Commissioner McDaniel to adjourn the Board of Finance meeting. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to call to order the Indigent Hospital and County Health Care Board Meeting. Upon voice vote, the motion passed unanimously.

Indigent Hospital and County Health Care Board Meeting

1. Review of Claims
2. Approval of Minutes of December 1, 2015.

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

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to adjourn the Indigent Hospital and County Health Care 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 Johns, seconded by Commissioner McDaniel to approve the agenda as amended. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Local Operating While Intoxicated (OWI)Grant # 16-D-J-G-25, Amendment #1, Re-allocating FY2015 Carry Over Funding to FY2016
2. Approval of Memorandum of Agreement with Torrance County Authorizing OWI and Incarceration Services
3. Approval of Alternative Sentencing Division Policies
4. Approval of Proposal 15-16-13, Totah Subdivision Water Preliminary Engineering Report and Wastewater Preliminary Engineering Report to Bohannon Huston, Inc. of Albuquerque, NM
5. Approval of Agreement #F1 00270 with the New Mexico Department of Transportation for Design Funding for Creation of a Walk Path System in the Kirtland Area
6. Approval of Agreement #F1 0021 0 with the New Mexico Department of Transportation for Construction Funding for Improvements to the Intersection of County Road 350 and Road 390
7. Approval of Agreement between San Juan County and Presbyterian Medical Services for Residential Treatment Services for Adolescents
8. Approval of Assignment of Construction Warranties and Agreement to Transfer Property for Lower Valley Lagoon Decommissioning Project- Moved to New Business
9. Approval of Intergovernmental Services Agreement for County Development of a Master Plan for Utility Infrastructure Planning
10. Approval of Employee Vacation Buy-Back
11. Approval of Renewal of the Price Agreement under Bid No. 12-13-12, Price Agreement for the Purchase of Magnesium Chloride to Desert Mountain Corporation of Kirtland, NM

12. Approval of Renewal of Bid 14-15-06, Price Agreement for the Purchase of Jet "A" Fuel to Epic Aviation of Salem, OR
13. Approval of December 1, 2015 Regular Meeting Minutes
14. Approval of November 2015 Check Register

A motion was made by Chairman Pro-Tem Fortner to remove Item #8 from the Consent Agenda and add it to New Business, leaving 13 items on the Consent Agenda, seconded by Commissioner McDaniel. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve the agenda as amended. Upon voice vote this motion passed unanimously. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve the Consent Agenda. Upon voice vote this motion passed unanimously.

New Business

1. Consideration of Ordinance No. 95, the San Juan County Business Registration Ordinance

Doug Echols, County Attorney, stated that at the December 1, 2015 Commission meeting, the Commission reviewed the latest version of Ordinance No. 95 and approved the publication of a Notice of Intent to Adopt. The proposed Ordinance contains the following changes:

1. Removed "Providing for the Collection of Fees" from the title.
2. Removed Business definition because it was unnecessary and confusing.
3. Clarified Engaging in Business definition to emphasize that the definition only covers those who are required by the State of New Mexico to pay gross receipts taxes, so individuals who are not required to pay gross receipts taxes are exempt under the ordinance.
4. Added Occasional Sale of Property or Services Exemption definition to clarify that isolated or occasional sales are not covered by the Ordinance.
5. Throughout the Ordinance added language that persons not required to pay gross receipts or obtain a CRS number are exempt from the Ordinance.
6. Removed Section 8 which had imposed a business registration fee.
7. Removed Section 9 which provided for temporary business registration.
8. Removed the reference to paying a registration fee in Section 9, which has to do with late fees.
9. Replaced \$300 penalty with \$25 penalty.
10. Added Section 16 which provides that a 30-day warning must be issued before someone can be cited under the Ordinance this gives a 30-day window to register without penalty.

The Notice of Intent to Adopt was published in the Daily Times on Monday, December 7, 2015, and a public hearing needs to be held at this time. Mr. Echols stated that the primary reason for the ordinance is to assist the fire department's response and to allow businesses to have a competitive advantage. Fire Chief Craig Daugherty expressed that knowing what to expect at a business will help to protect the fire department, the 208 volunteers and the public. Commissioner Johns asked how the fire department will receive the information from the

business license. Chief Daugherty stated that there is a check box on the application and the fire department would follow-up and develop a pre-plan. Dispatch is currently in the process of getting an updated program in which the information entered into the system will notify the responders of any hazardous chemicals at the scene. Chief Daugherty introduced Bloomfield Fire Chief George Duncan and acknowledged their partnership. Chief Duncan stated that the fire department does pre-incident hazard planning based on the information provided on the Bloomfield business license application. Information provided is square footage of buildings, occupants, high hazard type of environment, construction of building, auto sprinklers, layout of the building etc. which assists in an incident response. Chairman Eckstein inquired on what is included in an inspection of a business. Chief Duncan said it depends on the business. Chief Daugherty stated inspections would be based on fire code and safety concerns. Chris Cardin, Fire Marshall, stated an inspection includes life safety issues and fire code which is checking equipment for safety, adequate smoke detectors, and fire extinguishers for a home based business. Inspections for commercial businesses would also include electrical wiring, storage of hazardous materials, and ingress/egress. The Commission asked various questions and made various comments.

Chairman Eckstein opened the floor for the public hearing.

Elizabeth Rudd is against.

Darci Moss is against.

Daryl Haines is against.

Richard Cast is against.

Sharon Hottell is against.

Sylvia Hensley is against.

Darrell Hains is against.

Joe Palmer is against.

Peter Monet is against.

David Garlington is against.

Jake Hottell is against.

Marsha Monet is against.

A motion was made by Commissioner Charley, seconded by Commissioner Johns to approve Ordinance No. 95, the San Juan County Business Registration Ordinance. Chairman Eckstein, Commissioner Johns, and Commissioner Charley voted in favor of the motion. Chairman Pro-Tem Fortner and Commissioner McDaniel voted against the motion. Upon voice vote motion passed.

2. Consideration of Request for Implementation of Certain Capital Bond Projects

Tom Havel, Adult Detention Center Administrator, requested the following Capital Bond Projects to be approved by the Commission:

1) Replacement of Fire Alarm System at the Adult Detention Center- One of the bond projects presented to the Commission back in February of this year was to replace the existing fire alarm system at the Adult Detention Center due to the frequent operational issues associated with the current system. Staff contracted with ME&E Engineering to evaluate the replacement of the fire alarm system. Their evaluation determined the following: 1) The current Farraday system is no longer manufactured. 2) Availability of parts and troubleshooting by staff has become extremely problematic. 3) System was designed and permitted under 1999 State UBC code and does not reflect current fire protection standards. The engineer's estimate to replace the system with utilizing as many existing devices as possible is \$188,403. Staff recommends approval of the fire alarm system with bond proceeds.

2) Lighting Improvements at the Adult Detention Center- This project was presented to the Commission and involved making energy efficiency improvements to largest energy consuming building in the county, the Adult Detention Center, per the 2010 AMEC Earth & Environment Incorporated (AMEC) Environmental Energy and Water Audit. The AMEC report listed that \$151,000 of lighting efficiency improvements existed. Upon the evaluation of ME&E Engineering, it was noted that the biggest return on investment for lighting upgrades would occur in the kitchen area of the facility. It is the area with highest concentration of fixtures combined with the highest frequency of use. The construction estimate to replace the lights in this area is \$150,308 and this investment would save approximately 16 KW per year or approximately \$20,105 dollars per year based on current energy usage. During investigation of other areas, it was noted by the maintenance staff that a couple of other areas in the facility (shop, laundry area, and hallway corridors) have fixtures that are very outdated with replacement bulbs that are difficult to obtain and extremely expensive. ME&E evaluated these areas and recommends the county pursue replacement in these areas. The total estimated cost for the additional areas totals \$144,626. These areas are expected to save 7.6 KW per year or approximately \$9,495 dollars per year based on current energy usage. Staff recommends bidding out the kitchen area as a base bid with alternates reflecting the shop, laundry, and hallway corridors. If approved, the remaining bond balance would be \$1,899,617 which includes previously approved Commission projects. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve the Request for Implementation of Certain Capital Bond Projects. Upon voice vote this motion passed unanimously.

3. Consideration of Approval to Terminate the New Mexico Department of Transportation Cooperative Agreement #C5142087

Nick Blasingame, Public Works General Manager, informed the Commission on May 4, 2015 the County entered into a Cooperative Project Agreement with New Mexico Department of Transportation (NMDOT) to provide \$110,000 in funding for the design and construction for improvements to the intersection of N36 and Hwy 371. On September 1, 2015 the County entered into a Memo of Agreement with NMDOT turning the project over to the Department of Transportation (DOT) by which they would assume the lead role for the project and be responsible for all project development. As a matter of clarification the DOT is requesting that

the original agreement be terminated per the terms of the agreement. Staff recommends approval of the termination notification. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve to terminate the New Mexico Department of Transportation Cooperative Agreement #C5142087. Upon voice vote this motion passed unanimously.

4. Consideration of Amendment and Restatement of San Juan County's Employee Handbook, Ordinance No. 34

Doug Echols, County Attorney, informed the Commission that the San Juan County Employee Handbook has been updated and clarified. A redlined version showing changes in their entirety is available from the Legal Department for any Commissioner who would like one. A redlined version will also be available on the intra net for San Juan County employees. 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 February 2, 2016 Commission meeting agenda requesting adoption of the Ordinance at that time. Mr. Echols informed the Commission there are changes to the language in the Worker's Compensation and various leave provisions. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve the publishing of the Notice of Intent to Adopt Amendment and Restatement of San Juan County's Employee Handbook, Ordinance No. 34. Upon voice vote this motion passed unanimously.

5. Consideration of Adoption of Open Meetings Resolution, No. 15-16-29

Doug Echols, County Attorney, briefed the Commission that the Open Meetings Act requires that a public body determine annually what notice for a public meeting is reasonable when applied to that body. Unless otherwise specified, regular meetings of the Board of County Commissioners will be held on the first and third Tuesdays of each month at 4:00 p.m. Notice of regular meetings will be given three (3) calendar days prior to the meeting date. Special meetings may be called by the Chairman of the Board of County Commissioners or by a majority of its members, and seventy-two (72) hour notice of such meeting shall be given. Staff request adoption of Resolution No 15-16-29. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Charley to approve the Adoption of Open Meetings Resolution, No. 15-16-29. Upon voice vote this motion passed unanimously.

6. Consideration of Resolution 15-16-30, Cancelling and Rescheduling Certain Meetings in Calendar Year 2016

Kim Carpenter, CEO, stated the Commission has traditionally cancelled the second meeting in January and June of each year to accommodate the New Mexico Association of Counties annual meetings. In addition, we have historically moved the 2nd meeting in July to accommodate consideration of the final budget. As a result, staff is recommending cancellation of the 2nd meeting in January and June, reschedule the 2nd meeting in July to July 26th for consideration of the final budget, and cancel the 1st meeting in August due to anticipation of lack of agenda due to the prior week's meeting. Commissioner Fortner asked various questions. Staff requests adoption of 15-16-30. A motion was made by Chairman Pro-Tem

Fortner, seconded by Commissioner McDaniel to approve Resolution 15-16-30, Cancelling and Rescheduling Certain Meetings in Calendar Year 2016. Upon voice vote this motion passed unanimously.

7. Discussion of Repeal of County Health Gross Receipts Tax

Chairman Pro-Tem Fortner commended Kim Carpenter, CEO, and Mike Stark, COO for their management of County finances. At the September 22, 2014 County Commission meeting, the Commission approved the implementation of a .125% Hold Harmless Gross Receipts Tax with a sunset date of December 31, 2017 and a .0625% County Health Care Gross Receipts Tax with a sunset date of December 31, 2016. Chairman Pro-Tem Fortner requested that the 1/16th tax be repealed if the budget allows. Doug Echols, County Attorney stated that February 16, 2016 is the latest an ordinance can be proposed with an adoption date of March 16, 2016 and sent to the state by March 30, 2016. Kim Carpenter updated the Commission regarding current legislation. The Commission asked various questions. This was a discussion item only.

8. Approval of Assignment of Construction Warranties and Agreement to Transfer Property for Lower Valley Lagoon Decommissioning Project

Mike Stark, COO, explained that the Lower Valley Lagoon Decommissioning Project is a new sanitary lift station, force main, and collection system designed and constructed by San Juan County to allow for the replacement and decommissioning of a wastewater lagoon operated by the Lower Valley Mutual Domestic Wastewater Association (LVMDWA). The County obtained funds, designed and constructed the project on behalf of LVMDWA with the understanding that the County would transfer the project to Valley Water Sanitation District (VWSD) upon expiration of the Construction Warranties. For insurance purposes, staff has determined that it is more efficient to transfer the Construction Warranties and the project property to VWSD before lift station operations begin. A motion was made by Commissioner Johns, seconded by Chairman Pro-Tem Fortner to approve the Assignment of Construction Warranties and Agreement to Transfer Property for Lower Valley Lagoon Decommissioning Project. Upon voice vote this motion passed unanimously.

Report from the CEO

Kim Carpenter, CEO, announced Marcella Brashear, Chief Financial Officer is retiring this year. Deputy Chief Financial Officer, Brooke Quintana is no longer with San Juan County. Kim Martin is now the Deputy Chief Financial Officer.

Reports From Elected Officials And Department Heads

Keith Lund, Chief IT Officer informed the Commission that the installation of the fiber network is complete.

Comments / Input From The General Public

None

Adjourn

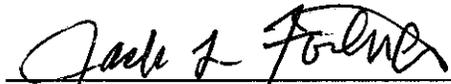
Being no further business a motion was made by Commissioner Charley, seconded by Commissioner Johns to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 7:18 p.m.

APPROVED THIS 2ND DAY OF FEBRUARY, 2016

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



Chairman Scott Eckstein



Chairman Pro-Tem Jack Fortner



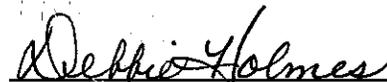
Keith Johns



Margaret McDaniel

Wallace Charley

ATTEST:



Debbie Holmes, County Clerk