

**San Juan County Commission
Regular Meeting
July 2, 2013**

Chairman Eckstein called the San Juan County Commission meeting to order on July 2, 2013 at 4:00 P. M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive in Aztec, New Mexico. CEO Kim Carpenter gave the invocation and Commissioner Margaret McDaniel led the Pledge of Allegiance. Those present were:

CHAIRMAN	Scott Eckstein	
CHAIRMAN PRO-TEM	Jack L. Fortner	
MEMBER	GloJean Todacheene	
MEMBER	Margaret McDaniel	
MEMBER	Keith Johns	
CHIEF DEPUTY ASSESSOR	Jimmy Voita	
CHIEF DEPUTY CLERK	Tanya Shelby	
CHIEF DEPUTY TREASURER	Carol Taulbee	
UNDERSHERIFF	Ron Anderson	
COUNTY EXECUTIVE OFFICER	Kim Carpenter	
ASSISTANT CEO	Linda Thompson	
COUNTY OPERATIONS OFFICER	Mike Stark	
ATTORNEY	Jim Durrett	
DEPUTY ATTORNEY	Joe Sawyer	
DEPUTY ATTORNEY	Doug Echols	
EMERGENCY MANAGER	Don Cooper	
EMERGENCY MANAGEMENT	Mike Mestas	
CHIEF FINANCIAL OFFICER	Marcella Brashear	
PARKS & FACILITIES DEPUTY ADMINISTRATOR	Daniel Hill	
PUBLIC WORKS ADMINISTRATOR	Dave Keck	
CHIEF HUMAN RESOURCE OFFICER	Charlene Scott	
ADULT DETENTION CENTER ADMINISTRATOR	Tom Havel	
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Daniel Webb	
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Jennifer Miller	
JUVENILE SERVICES ADMINISTRATOR	Traci Neff	
FIRE CHIEF	Doug Hatfield	
DEPUTY FIRE CHIEF	Craig Daugherty	
INDIGENT HOSPITAL CLAIMS COORDINATOR	Liza Gomez	
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway	
CHIEF IT OFFICER	Vince Johns	
HOUSING EXECUTIVE DIRECTOR	Faye Anderson	
SAFETY & COMPLIANCE MANAGER	Stewart Logan	
PROCUREMENT MANAGER	Diana Baker	
PRESS:	Tri City Tribune	Lauren Duff
VISITORS:	9	

Presentation

CEO Kim Carpenter explained that in 2010, a joint initiative between the New Mexico Association of Counties, New Mexico Municipal League and the Adult Detention Professional Standards Committee was created to promote and enhance Professional Detention Standards within all New Mexico County Detention Facilities. The Professional Standards Committee developed stringent accreditation programs based on industry best practices from organizations such as the National Institution of Correction, the American Correctional Association as well as best practice policies and procedures of detention facilities from across the nation. There are 208 professional standards ranging from Administration, Physical Plant, Safety/Security Controls, Medical and Mental Healthcare and Inmate Programs which comprise the accreditation program. The San Juan County Adult Detention Center has successfully passed all standards and is the first Class "A" County to receive this accreditation. Staff formally recognized and congratulated Tom Havel and his staff on this major accomplishment. Chairman Eckstein explained that Commissioner Todacheene and he were present at the New Mexico Association of Counties Conference in Clovis, NM when Tom Havel, Adult Detention Center Administrator was presented with this accreditation. Chairman Eckstein indicated that this made San Juan County proud.

CEO Kim Carpenter also recognized Commissioner Todacheene. He explained that she is the first Navajo woman to serve on the San Juan County Board of County Commissioners, she's an avid learner who has enthusiastically taken the NM EDGE County College classes, and she recently earned dual designation for Certified County Commissioner and Certified Advocate for Public Ethics. She received certificates of completion from the New Mexico State University, New Mexico EDGE program on June 20, 2013 for both of these designations.

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns 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 June 4, 2013

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

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

Regular Meeting

Approval of Agenda

Kim Carpenter, CEO stated under new business item #1 Pat Risner, New Mexico Coal asset President will be presenting along with Norman Benally. A motion was made by Commissioner

Johns, seconded by Commissioner Todacheene to approve the agenda as amended. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Resolution 13-14-03, Accepting Terms and Conditions of a New Mexico Association of Counties Wildfire Risk Reduction Grant
2. Approval of Memorandum of Agreement with Sandoval County Authorizing DWI and Incarceration Services
3. Approval of Resolution 13-14-02, Ratifying the Appointment of Kristi Galloway to the Workers' Compensation Fund Board of Directors Representing San Juan County, and the Appointment of Joe Sawyer as Alternate
4. Approval of First Amendment to Cooperative Project Agreement, Control Number F100020, CR 3900 Pinon Hills Extension, Requesting an Extension of the Termination Date to the Agreement with the New Mexico Department of Transportation from September 30, 2013 to September 30, 2015
5. Approval of Third Amendment to Cooperative Agreement Control Number F100040, Road Repairs to CR 7500 from mp 0.0 to mp 7.2, Revising the Termination Date from September 30, 2017 to September 30, 2016
6. Approval to Opt out of the Provisions of the Federal Health Insurance Portability and Accountability Act (HIPPA)
7. Approval of Eighth Amendment to Employee Medical Benefit Plan, Incorporating the Changes Approved by the Commission at its May 7, 2013 Meeting
8. Approval of June 4, 2013 Special Commission Minutes
9. Approval of June 4, 2013 Regular Commission Minutes
10. Approval of May 2013 Check Register

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. Update on the Sale of the Navajo Mine from BHP Billiton to the Navajo Nation

Pat Risner, BHP Billiton updated the Commission on the progress that has been made for the sale of the mine to the Navajo Nation. Mr. Risner explained the Navajo Nation Council passed legislation and established the Navajo Transitional Energy Team or INTECH. INTECH would be the company that would purchase the mine. John Grubb past President of BHP Billiton New Mexico Coal and former General Manager at Navajo Mine and currently on the mining and engineering staff at the Colorado school of mines was appointed as INTECH management committee executive. A management committee was also established. Since INTECH was established, focus has been on finalizing the paperwork which will govern the sale of Navajo Mine. In December BHP Billiton signed a Memorandum of Understanding (MOU) with the Navajo Nation to facilitate a smooth transition of ownership where BHP Billiton agreed to operate the mine through 2016. Agreements are nearing completion. However, at the end of May the Arizona Corporation Commission (ACC) opened a docket to explore open competition or deregulation in the Arizona electricity market. APS advised BHP Billiton of this issue and how it may affect the sale of the mine. The coal sale agreement from 2016 to 2031 is affected; APS will not be able to

enter into this agreement until there is clarity on deregulation. This agreement is necessary for the sale of the mine to the Navajo Nation, the completion and transfer of ownership will be on hold until there is more clarity on the ACC's process. APS is working with US Environmental Protection Agency (EPA) to get an extension to meet their best available retrofit technology (BART) requirements later this year; this is another key component for this sale. The Navajo Mine will be running at full production until they can enter in agreements and complete this transaction. APS continues to run units 1, 2 and 3 beyond July 1, 2013. Mr. Risner explained results of an environmental impact study that was done on the closing of the Navajo Mine. If the mine closes 15 years after 2016 this would be a \$5.6 billion and impact to San Juan County and \$2.6 billion on jobs and labor and estimated direct and indirect jobs at 2,000. CEO Kim Carpenter and Chairman Pro-Tem Fortner asked Mr. Risner various questions regarding deregulation. Mr. Risner explained that he could not speak on behalf of APS. CEO Kim Carpenter informed the Commission that staff is requesting an APS representative attend a Commission meeting. This was an information item only.

2. Request for Approval of One-Year Sublease of One Room in SunRay Park and Casino Building to VFW Post 2182 to Conduct Public Bingo Operations Four Nights Each Week

Byron Campbell, CEO, SunRay Gaming of N.M. LLC is requesting approval of a one year sublease of one of the banquet and event rooms in the SunRay Park and Casino Building to VFW Post 2182 four nights each week to conduct public bingo operations. Nominal rent would be \$1.00 a year. The bingo operation is licensed by New Mexico Gaming Control Board, and SunRay cannot be involved in the management or operation of the VFW bingo and will not receive any revenue or profit sharing. Also SunRay will not serve alcohol during the bingo operation. Mr. Campbell stated that this is an annual lease but it contains an automatic renewal. This lease also contains a 90 day termination clause; either party can terminate without any issues. Commissioner Todacheene questioned the rent amount. Mr. Campbell indicated that SunRay doesn't have a benefit in this issue and they support the United States Military personnel and Veterans. Jerry Smalley, representative from VFW Post 2182 mentioned that most of their revenue goes back into the community to help veterans that need help. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve the one-year sublease of one room in SunRay Park and Casino building to VFW Post 2182 to conduct public bingo operations four nights each week. Upon voice vote this motion passed unanimously.

3. Consideration of Amendment #7 to Governmental Services Agreement with Children, Youth and Families Department

Traci Neff, Juvenile Services Administrator requested formal approval of the contract between the County and Children Youth and Families Department (CYFD) to provide treatment to all long-term committed youth from the Northwest Region. The goal of this contract is to decrease the number of re-adjudicated clients and decrease the number of clients recommitted to a CYFD facility. San Juan County Juvenile Services has seen the benefit of this contract first-hand and we are pleased to continue this service for Fiscal Year 2014. The contract for FY14 will total \$843,000 based on need for service delivery of committed youth. The Juvenile Services Department would like to express gratitude for continued legislative support during this past session regarding this contract. It is of significant benefit to the juveniles and families residing in San Juan and McKinley counties and Juvenile Services will be in a position to provide outcome data for CYFD on regionalization of

facilities across the State. Mrs. Neff indicated that this is the 7th year San Juan County has participated in this contract and to date \$4.2 million has been generated. A motion was made by Commissioner Johns, seconded by Chairman Pro-Tem Fortner to approve Amendment to Governmental Services agreement with Children, Youth and Families department. Upon voice vote this motion passed unanimously.

4. Approval of Alternative Sentencing Division Policies

Jennifer Miller, Alternative Sentencing Division Deputy Administrator explained to the Commission that staff is engaged in an ongoing process of developing Professional Operation Standards specific to the San Juan County Alternative Sentencing Division in order to align with the New Mexico Association of Counties (NMAC)/New Mexico Municipal League (NMML) established jail operations standards. The attached policies and procedures have been reviewed and approved by the county legal department. These six (6) policies relate to Alternative Sentencing Division Administration (2 Policies), Detention Security (2 Policies), Inmate Medical and Mental Health (2 Policies). Commissioner Todacheene confirmed that cultural sensitivity surrounding death and traditions such as Navajo cleansing rituals, etc. will be respected and reasonably accommodated as necessary. Commissioner Johns confirmed that the professional operation standards are approximately 80% complete. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve the Alternative Sentencing Division policies. Upon voice vote this motion passed unanimously.

5. Consideration of Resolution 13-14-01, Amending and Updating County Purchasing Policies and Procedures

Diana Baker, Procurement Manager requested the Commission approve of the following proposed changes to the Purchasing Policies and Procedures:

- 1) Amend existing Purchasing Policies and Procedures revising small purchase amounts in accordance with revision of section 13-1-125 of the New Mexico Procurement Code:
 - Raise the cap for small purchases requiring best obtainable price utilizing a direct purchase order from \$10K to \$20K
 - Raise cap requiring three quotes from \$20K to \$60K
 - Raise cap allowing for procurement of professional services without use of an RFP from \$50K to \$60K

- 2) Amend existing Purchasing Policies and Procedures revising Sole Source Procurements per revision section 13-1-126 of the New Mexico Procurement Code:
 - The subject of the contract be unique
 - Other services or items cannot meet the intended purpose
 - The use of “due diligence” as to the basis for the Sole Source rather than a “good-faith” review of available sources
 - The determination shall be in writing and included in the procurement file
 - Prohibits pre-selection through the drafting of narrow specifications
 - Must be posted to the agency website and Sunshine Portal at least thirty (30) days before such award

- 3) Amend existing Purchasing Policies and Procedures revising Emergency Procurements per revision of Section 13-1-127 of the of the New Mexico Procurement Code:
 - The use of “due diligence” as to the basis for the Emergency procurement and for the selection of a contractor.
 - The determination shall be in writing and included in the procurement file
 - Must be posted to the agency website and Sunshine Portal within three (3) business days

- 4) Amend the existing Purchasing Policies and Procedures to include the following as exempted purchases from the Procurement Code per revision of Section 13-1-198 of the New Mexico Procurement Code:
 - Training materials in printed or electronic format
 - Magazine subscriptions, web-based or electronic subscriptions, conference registration fees, and other similar purchases where prepayment is required not exceeding \$10K
 - Legal Subscriptions and research services

- 5) Amend the existing Purchasing Policies and Procedures to include the following Records Retention requirement per Senate Bill 182:
 - Records relating to competitive sealed bids or proposal procurements must be retained for three (3) years.

- 6) Amend the existing Purchasing Policies and Procedures relating to Design and Build Public Works Projects per revision of section 13-1-119 of the New Mexico Procurement Code:
 - Removes the \$10M floor for design/build procurement (Allows local government bodies to utilize the design/build procurement method for all construction projects)

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve Resolution 13-14-01, amending and updating County Purchasing policies and procedures. Upon voice vote this motion passed unanimously.

6. Consideration of Request to Demolish the Old District Attorney’s Office

Linda Thompson, Assistant CEO advised the Commission that Central Purchasing issued bids for the sale of the old District Attorney’s office on February 17th and again on April 14th. No responses were received on either bid. There has been some interest shown in buying the property if it were vacant. When appraised in December, 2012 the site was appraised at \$260,000 if vacant and \$340,000 with the building on the property. Since the District Attorney moved out in January, San Juan County has expended \$13,373.78 for utilities and maintenance of the facility. The estimated cost to demolish the facility is \$70,000, including engineering and disposal fees. Chairman Pro-Tem Fortner asked if there was a minimum bid. Ms. Thompson explained that according to procurement procedures what the property appraises for establishes the minimum bid amount, the property appraised for \$340,000. Chairman Pro-Tem Fortner discussed acquiring a new appraisal. Ms. Thompson explained that the condition of the building has to be disclosed to potential buyers. Commissioner Johns asked who would demolish the facility. Ms. Thompson replied that the County would hire an engineering firm to evaluate the best way to demolish the building and Public Works would perform the work. Commissioner Johns confirmed that the \$70,000 includes Public Works payroll, engineering fees, asbestos removal fees and land fill fees.

The Commission discussed their options. A motion was made by Commissioner Johns, seconded by Commissioner Todacheene to approve the request to demolish the old District Attorney's Office. Upon voice vote this motion passed unanimously.

7. Adoption of San Juan County Ordinance No. 83, Re-Enacting a County Water and Sanitation Gross Receipts Tax Within the Valley Water and Sanitation District, and Approval of Special Election Proclamation

Doug Echols, Deputy County Attorney advised the Commission that on May 15 the Valley Water & Sanitation District presented to the County a resolution calling on the Commission to adopt an ordinance to hold an election to re-enact a one-fourth percent gross receipts tax. NMSA 1978, Section 7-20E-26 requires the Commission to adopt such an ordinance and call for an election when presented with a resolution. This tax was originally enacted in 2007 after approval by the voters within the District. At the June 4 meeting, the Commission approved a Notice of Intent to Adopt and the Notice was published in the Daily Times on June 9, 2013. Mr. Echols also stated that this is the public hearing. A motion was made by Commissioner Johns, seconded by Commissioner Todacheene to approve Ordinance No. 83, re-enacting a County Water and Sanitation Gross Receipts Tax within the valley water and sanitation district. Upon voice vote this motion passed unanimously.

Mr. Echols requested approval of the Special Election Proclamation. He explained that the election will be by mail and is scheduled for September 16, 2013. The election needs to be held, certified, and the Ordinance and results delivered to the New Mexico Department of Taxation & Revenue prior to October 1, 2013, if the taxes are to be imposed January 1, 2014. A motion was made by Commissioner Johns, seconded by Commissioner Todacheene to approve the Special Election Proclamation. Upon voice vote this motion passed unanimously.

8. Consideration of a 4-10 Work Schedule

Mike Stark, County Operations Officer explained to the Commission that at the Commission meeting on June 4, 2013, staff presented the Commission with a presentation regarding the feasibility of moving the County to a 4-10 work schedule. The presentation covered both the pro and cons of moving to such a schedule. The benefits of such a schedule includes reduced energy costs for the County, extended hours of operation for citizens, increased employee productivity, fuel savings for the County and employees, reduction of medical claims & sick leave, increased employee morale, and improved quality of life for employees. The challenges of moving to a 4-10 schedule involve educating the citizens on the change of operating hours, childcare coordination for some employees, managing holiday pay and holidays that fall on a Friday, and adjusting to the new operating hours. After reviewing employee and citizen feedback received since the last Commission meeting, staff recommends the following: Implement a 4/10 schedule, Monday through Thursday from 7:00 a.m. to 5:30 p.m. for a trial period of one year with the exception of the County Clerk's Office, Sheriff's Office, Fire Department, Parks and Facilities, Adult Detention Center, Juvenile Services and Alternative Sentencing. Those departments will remain open 5 days a week and the Treasurer's Office will open 5 days a week during tax season approximately 30 days. It is further recommended that Holidays be handled as follows:

- 1) Holidays hours paid to employees shall be the same number of hours as the employee's regular scheduled hours;

- 2) Holidays such as Martin Luther King Day and Columbus Day will be observed on the actual holiday date.
- 3) If a Holiday falls on a Friday for employees that work the 4-10 schedule, employees will observe that holiday, as a floating holiday, during the same pay period that the holiday falls within.

The CEO's Office requests a 60 day implementation period to educate the citizens on the change of hours, and to allow employees to make necessary changes. Mr. Stark explained to the Commission that during the 1 year trial period staff would update the Commission on the any issues that arise on a quarterly basis. There was discussion regarding office hours and lunch hours. CEO Kim Carpenter suggested reasonable flexibility with employees. Mr. Stark indicated that 80% of the employees are still in favor of the 4-10 work week. Jimmy Voita, Chief Deputy Assessor explained that citizens are using the internet instead of coming into the Assessor's Office.

A motion was made by Commissioner Johns, seconded by Commissioner Todacheene to approve the 4-10 work schedule. Commissioner Johns requested a roll call vote. Chairman Eckstein called for a roll call vote. Results as follows:

Commissioner Johns – in favor
Commissioner Todacheene – in favor
Commissioner McDaniel – in favor
Chairman Pro-Tem Fortner – in favor
Chairman Eckstein – in favor

9. Report on Inspection of Detention Center

Jim Durret, County Attorney indicated that the 2011 session of the legislature repealed NMSA 1978, §33-3-4, Inspection of Jails and Detention Centers, which required the governing body to inspect jails at least twice a year and report to the District Court and enacted a new §33-3-4 which provides that the governing body shall conduct an annual site visit to inspect the overall conditions at the facility and present an inspection report at a regular meeting of the governing body. The last report was submitted on August 7, 2012. If the Commission will visit the jail the Legal department will prepare an inspection report to present at a regular County Commission meeting. It was the consensus of the Commission to visit the jail individually.

Reports From Elected Officials And Department Heads

Commissioner Todacheene reported that when she attended the New Mexico Association of Counties meeting they discussed how fast things are happening. A lot of business is done online and before long workers will be working from home.

Comments / Input From The General Public

Ron Allen, Flora Vista resident voiced his concerns regarding an article he read in the Aztec Talon on pool lagoons or service lagoons for RV's Park. CEO Kim Carpenter explained that there is a situation where the County doesn't have any jurisdiction based on state statutes on sewer systems/permitting sewer and septic systems. There is a proposal that a sewer lagoon be implemented as part of the development of an RV Park which sits above a ditch system. This

system is creating some controversy of which we have been approached by citizens asking what the county can do to prevent this. The Environmental Department has been contacted and the concerns of the citizens have been passed on to them. Mr. Allen asked Mr. Carpenter about the Kirtland, NM lagoon. Mr. Carpenter indicated the County has spent approximately \$6,000 on the Kirtland, NM lagoon. Mike Stark, COO explained that an application has been submitted to the New Mexico Environment Department (NMED). Due to public interest the NMED will hold a public meeting.

Closed Executive Session

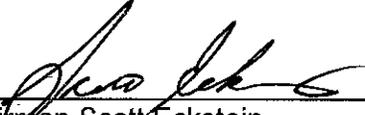
None

Adjourn

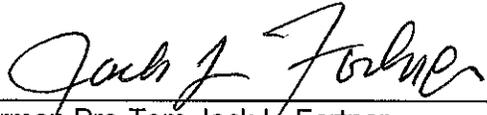
Being no further business a motion was made by Commissioner Todacheene, seconded by Commissioner Johns to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:48 p.m.

APPROVED THIS 6th DAY OF AUGUST, 2013

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

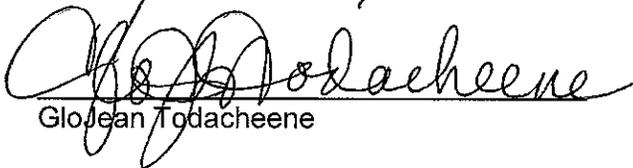


Chairman Scott Eckstein

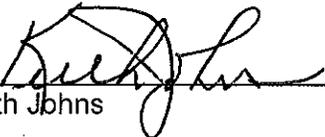


Chairman Pro-Tem Jack L. Fortner

Margaret McDaniel

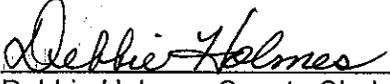


Glojean Todacheene



Keith Johns

ATTEST:



Debbie Holmes, County Clerk