San Juan County Commission
Regular Meeting
September 1, 2015

Chairman Johns called the San Juan County Commission meeting to order on September 1, 2015 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Dr. Kim Carpenter, CEO gave the invocation and Doug Echols, County Attorney led the Pledge of Allegiance. Those present were:

CHAIRMAN	Keith Johns
CHAIRMAN PRO-TEM	Scott Eckstein
MEMBER	Jack Fortner
MEMBER	Margaret McDaniel
MEMBER	Wallace Charley
ASSESSOR	Clyde Ward
CHIEF DEPUTY ASSESSOR	Jimmy Voita
CLERK	Debbie Holmes
TREASURER	Mark Duncan
CHIEF DEPUTY TREASURER	Carol Taulbee
COUNTY EXECUTIVE OFFICER	Kim Carpenter
COUNTY OPERATIONS OFFICER	Mike Stark
ATTORNEY	Doug Echols
DEPUTY ATTORNEY	Joe Sawyer
EMERGENCY MANAGER	Don Cooper
CHIEF FINANCIAL OFFICER	Marcella Brashear
PARKS & FACILITIES ADMINSTRATOR	Mike Davidson
PUBLIC WORKS ADMINISTRATOR	Dave Keck
DEPUTY HUMAN RESOURCES OFFICER	Roberta Padilla
ADULT DETENTION CENTER ADMINISTRATOR	Tom Havel
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Daniel Webb
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Heidi Sawyer
FIRE CHIEF	Craig Daugherty
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	Dan Schwartz
VISITORS:	17

Kim Carpenter, CEO, announced that there is an open house with the EPA and other agencies regarding the Animas River at McGee Park from 3pm to 8pm. Chairman Johns recognized and welcomed Aaron Chavez, San Juan Water Commission and Bob Campbell, City of Farmington.

A motion was made by Commissioner 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 August 18, 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 Commissioner Fortner, seconded by Commissioner McDaniel to adjourn the Indigent Hospital and County Health Care Board Meeting and 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

Mark Duncan, Treasurer reported that County investments earned $382,305.54 for the year ended June 30, 2015. This is (45,919.79) less than the interest earned for fiscal year 2014. Total cash and investments as of June 30, 2015 was $88,448,661.08. Deducting the June 30, 2015 outstanding checks of $1,606,759.40 brings the June 30, 2015 cash and investments to $86,841,901.68.

2. Consideration of Resolution 15-16-16, Waiving the $5.00 Minimum Penalty on Delinquent Property Taxes

Mark Duncan, Treasurer stated the New Mexico State Statutes allows a county to impose a penalty of 1% per month, but not exceed 5% of the delinquent tax amount except when the penalty is less than $5.00. Each year, San Juan County waives the $5.00 minimum penalty on delinquent property taxes and staff is again requesting that the Commission approve Resolution 14-15-16, waiving the $5.00 Minimum Penalty on Delinquent Property taxes under State of New Mexico Section 7-38-50, NMSA, 1978, Compilation. A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve Resolution 15-16-16, Waiving the $5.00 Minimum Penalty on Delinquent Property Taxes. Upon voice vote, the motion passed unanimously.

3. Consideration of Resolution 15-16-17, Allowing for Treasurer to Implement Fees of $5.00 for Property Tax Releases and $25.00 for Mobile Home Moving Permits

Mark Duncan, Treasurer informed the Commission that to help offset administrative costs the Treasurer wishes to implement a $5.00 property tax release fee to all individuals requesting a tax release form and $25.00 to all individuals requesting a mobile home moving permit fee. The Commission asked various questions. A motion was made by Commissioner Charley,

seconded by Commissioner McDaniel to approve Resolution 15-16-17, Allowing for Treasurer to Implement Fees of $5.00 for Property Tax Releases and $25.00 for Mobile Home Moving Permits. Upon voice vote Commissioners John, Eckstein, Charley, and McDaniel voted in favor of the motion and Commissioner Fortner voted against.

A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel 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

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

Consent Agenda

1. Consideration of Proclamation Declaring September 2015 as Childhood Cancer Awareness Month
2. Approval of Proposal 14-15-15, Harper Valley Wastewater Plant Decommissioning and Lift Station Hookup Design to HDR Engineering of Albuquerque, NM
3. Approval of Resolution 15-16-14, Disposition of Surplus and/or Obsolete County Property and Appointment of New Surplus Committee Member, and Approval of Resolution 15-16-15, Donation of Surplus Property
4. Approval of August 18, 2015 Regular Minutes Meeting

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

New Business

1. **Consideration of Proclamation Declaring September 17 - 23 to be Constitution Week 2015**

Kim Carpenter, CEO introduced Diane Halvorson, Pat Gifford, and Kathy Foyt. Ms. Halvorson, Regent of the Desert Gold Chapter of the National Society of the Daughters of the American Revolution (NSDAR) has requested that San Juan County issue a proclamation declaring the week of September 17th - 23rd to be Constitution Week 2015.

SAN JUAN COUNTY, NEW MEXICO
PROCLAIMING SEPTEMBER 17TH - 23rd AS
CONSTITUTION WEEK 2015

Whereas, September 17, 2015 marks the two hundred and twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through September 23 as Constitution Week;

NOW, THEREFORE, the County of San Juan does hereby proclaim the week of September 17 through 23, 2015 to be

CONSTITUTION WEEK

in San Juan County, and encourage our citizens to learn about the history and meaning of our Constitution and to reaffirm the ideals the Framers of the Constitution.

A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve Proclamation Declaring September 17-23 to be Constitution Week 2015. Upon voice vote this motion passed unanimously.

2. Update on Farmington Regional Animal Shelter

Stacie Voss, City of Farmington Animal Welfare Manager presented an annual update on the activities and numbers at the Farmington Regional Animal Shelter. She presented the following information:

- Intake FY15=7,474 (Dogs-4,131 Cats- 3,343)
- 64% were from county, 36% were from Navajo Nation
- 28% Euthanasia, 29% Adoption, 31% Transferred, 11% Returned to Owner
- Average length of stay for adopted dogs was 16.1 days and 29.1 for adopted cats
- 45% cats and 55% dogs were spayed or neutered
- Positive outcomes are increasing and euthanasia is decreasing
- Overall trend for intake is decreasing
- Operations were within budget
- There is a link between human services and animal services

This is an informational item only, no action was taken.

3. Consideration of Resolution 15-16-13, In Support of Lifting the Ban on Crude Oil Exports

Doug Echols, County Attorney briefed the Commission that in the 1970's, during fuel shortages, the United States Congress enacted a ban on the export of crude oil. Gasoline and other refined petroleum products are not included in the ban and are allowed to be exported. Now that the United States is the world's leading oil and natural gas producer, lifting the ban on crude oil exports would benefit the economy and generate jobs in the United States, particularly in oil and gas-producing states. If the ban were lifted, it is estimated that by the year 2020, 3,700 additional jobs would be created in New Mexico and $640 million in additional revenue would be generated in the State of New Mexico. Resolution No. 15-16-13 urges the United States Congress to lift the ban on the export of crude oil. A motion was made by Chairman Pro-Tem Eckstein, seconded by Commissioner McDaniel to approve Resolution 15-16-13, In Support of Lifting the Ban on Crude Oil Exports. Upon voice vote this motion passed unanimously.

4. Request for Approval of Notice of Intent to Adopt Ordinance No. 95, the San Juan County Business Registration Ordinance

Joe Sawyer, Deputy Attorney stated the Legal Department, in coordination with the Community Development Department, has drafted a Business Registration Ordinance which would require all businesses within the unincorporated areas of the County to register with the County's Community Development Department, pay an annual fee of $35, and display a certificate of registration. Temporary business registrations for 10 days or less will be available for $10. Each application for a certificate of registration will be forwarded to the San Juan County Fire Department which will determine whether the business requires inspection and perform such inspections where required. The penalty for violation of the Business Registration Ordinance is a fine of $300 per day. If the Commission approves publication of a Notice of Intent to Adopt, the Legal Department will publish the Notice and place the Ordinance on the October 6 meeting agenda for consideration of adoption at that time. The Commission asked various questions and requested an amendment be made to exclude yard sales, etc. A motion was made by Chairman Pro-Tem Eckstein, seconded by Commissioner McDaniel to table the Notice of Intent to Adopt Ordinance No. 95, the San Juan County Business Registration Ordinance until next commission meeting, September 15, 2015. Upon voice vote this motion passed unanimously.

5. Consideration of Road Construction Agreement Between the Navajo Nation and San Juan County - Attachment D of the Intergovernmental Agreement

Dave Keck, Public Works Administrator stated that on October 16, 2013 the County and the Navajo Nation entered into an Intergovernmental Agreement (IGA) to cooperate on transportation projects of mutual benefit to the citizens of San Juan County. Attachment D to the IGA will consist of the Navajo Nation providing $965,383.93 of upfront/startup funding to the County for which the County will provide construction services to gravel 2.1 miles of N 548 in the Shiprock area and 6.5 miles of N 362 in the Upper Fruitland area. We will also improve and chipseal approximately 1.6 miles of N 571 also in the Shiprock area. Out of the total project cost the County will earn approximately $482,693 in additional revenue which will offset our fix equipment and labor cost. Staff feels Public Works has the capacity to perform this project for the Nation without interference to normal County road maintenance activities. Staff recommends

approval of "Attachment D" to the IGA. Commissioner Charley asked various questions. A motion was made by Commissioner Charley, seconded by Commissioner McDaniel to approve the Road Construction Agreement between the Navajo Nation and San Juan County-Attachment D of the Intergovernmental Agreement. Upon voice vote this motion passed unanimously.

6. Consideration of Memorandum of Agreement Between the New Mexico Department of Transportation and San Juan County

Dave Keck, Public Works Administrator reported to the Commission that on April 7, 2015 a grant agreement was approved to receive $110,000 acquired by Representative Sharon Clahchischilliage during the 2014 Legislative session for the purpose of planning, designing, and constructing safety improvements to the intersection of New Mexico Hwy 371 and Navajo Route N36. It has always been the understanding that New Mexico Department of Transportation (NMDOT) would be responsible for project development and construction of the improvements and this Memorandum of Agreement (MOA) formalizes that understanding. Staff recommends approval of MOA between NMDOT and San Juan County. A motion was made by Commissioner McDaniel, seconded by Commissioner Charley to approve the Memorandum of Agreement Between the New Mexico Department of Transportation and San Juan County. Upon voice vote this motion passed unanimously.

7. Request for Approval of New Mexico Cooperative Extension Service Funding

Doug Echols, County Attorney briefed the Commission that the Cooperative Extension Service has requested funding for Fiscal Year 2015-2016 in the amount of $127,836.00. The Memorandum of Understanding (MOU) with the Cooperative Extension Service dated October 16, 2012 requires an Addendum for approval of funding. The requested funding amount has been budgeted in the FY 2016 budget. A motion was made by Chairman Pro-Tem Eckstein, seconded by Commissioner Charley to approve New Mexico Cooperative Extension Service Funding. Upon voice vote this motion passed unanimously.

8. Report on Inspection of Detention Center

Doug Echols, County Attorney informed the Commission 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 September 22, 2014. If the Commission will visit the jail we will prepare an inspection report to present at a regular County Commission meeting. Mr. Echols stated that the Inspection needs to be done by the first of October. Commissioner Fortner requested that the issue of inmate co-pay be put on the agenda for the next Commission meeting. This is an informational item only, no action was taken.

9. Consideration of Resolution 15-16-18, Declaring San Juan County to be Under a State of Disaster Due to Flooding; Requesting State Aid to Mitigate the Effects

Don Cooper, Emergency Manager informed the Commission that San Juan County has experienced significant damage caused by the violent storm on the night of August 26, both to County property and to private properties. Declaring a state of disaster will allow the County to request State funds to aid in the clean-up and repairs. San Juan County received 3.8" of rain in less than an hour. Magee Park, Crouch Mesa, Flora Vista, and Aztec received the most damage. A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve Resolution 15-16-18, Declaring San Juan County to be Under a State of Disaster Due to Flooding; Requesting State Aid to Mitigate the Effects. Upon voice vote this motion passed unanimously.

Reports From Elected Officials And Department Heads

Dr. Carpenter updated the Commission regarding the Animas River spill. The EPA indicated they will continue to test and analyze the river daily.

Clyde Ward, County Assessor informed the Commission he will be resigning from his position and his last day will September 25, 2015 to take a job with the state. Mr. Ward accepted a position with the State Land Office and will begin on September 28. He highly recommended Jimmy Voita, Chief Deputy Assessor for the position.

Comments / Input From The General Public

Russell Hodges stated that the flooding from last year moved his doublewide off the foundation. The wash has overflowed 5 times in the last 10 years. He thanked Mr. Carpenter and Dave Keck for their assistance regarding the situation.

Dave Keck, Public Works Administrator stated the drainage structures that were developed are 25 year, 24 hour. The structure that is built near Mr. Hodges properties is a 25 year structure and debris causes them to plug up. There is a $750,000 improvement safety project scheduled for winter and spring to upgrade the drainage system to a 50 year 24 hour standard and the intersection near Dino Mart.

Sherri Gaugh, resident of Kokopelli Subdivision, asked where residents that live in the city go for assistance with damage their property sustained from the storm. Mr. Echols stated that the damage costs must be at a certain threshold before Federal assistance will step in. Dr. Carpenter suggested that the residents with property damage contact the city of Aztec leadership so that they are aware of it.

Closed Executive Session

A motion was made by Chairman Pro-Tem Eckstein, seconded by Commissioner Fortner 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 Commissioner Fortner, seconded by Chairman Pro-Tem Eckstein to go back into

open meeting. Upon voice vote this motion passed unanimously. Chairman Johns 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 Chairman Pro-Tem Eckstein, seconded by Commissioner Fortner to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:48 p.m.

APPROVED THIS 7TH DAY OF OCTOBER, 2015

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

Chairman Keith Johns

Chairman Pro-Tem Scott Eckstein

Margaret McDaniel

Wallace Charley

Jack Fortner

ATTEST:

Debbie Holmes, County Clerk