

**San Juan County Commission
Regular Meeting
September 15, 2015**

Chairman Johns called the San Juan County Commission meeting to order on September 15, 2015 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	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
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
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
ADULT DETENTION CENTER ADMINISTRATOR	Tom Havel
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Daniel Webb
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Heidi Sawyer
JUVENILE SERVICES ADMINISTRATOR	Traci Neff
FIRE CHIEF	Craig Daugherty
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 Steve Garrison
VISITORS:	13

A motion was made by Commissioner Fortner, seconded by Commissioner Charley 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 September 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 Commissioner Fortner, seconded by Commissioner Charley 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 Chairman Pro-Tem Eckstein, seconded by Commissioner Fortner to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Americans with Disabilities Act Agreement
2. Approval of Use of Emergency Psychotropic Intervention Policy for Juvenile Services Facility
3. Approval of August 2015 Check Register

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

Old Business

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

Joe Sawyer, Deputy Attorney explained that the Legal Department has drafted two versions of 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.

Version A exempts garage and yard sales less than three days, vendors at flea markets and farmers markets, and roadside sellers of fruits and vegetables.

Version B exempts garage and yard sales less than three days, and vendors at flea markets and farmers markets only.

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. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve Version A of Ordinance No. 95, the San Juan County Business Registration Ordinance for publication. Upon voice vote this motion passed unanimously.

New Business

1. Consideration of Resolution No. 15-16-19, In Support of Dine College

Kim Carpenter, County Executive Officer informed the Commission that Dine College has requested support of the Dine College Act of 2015 introduced in the United States Congress by Representative Ann Kirkpatrick (Democrat-Arizona) “to fulfill the United States Government’s trust responsibility to serve the high education needs of the Navajo people to clarify, unify, and modernize prior Dine College legislation.” Dr. Carpenter read the ending portion of the resolution which states that the Board of County Commissioners of San Juan County, New Mexico, does hereby urge the New Mexico Congressional Delegation to support both the Senate and House versions of the Dine College Act of 2015. A motion was made by Commissioner Charley, seconded by Commissioner Fortner to approve Resolution No. 15-16-19, In Support of Dine College. Upon voice vote this motion passed unanimously.

2. Discussion of Rural Water Service Boundaries

Doug Echols explained to the Commission that at the last San Juan Water Commission meeting, there was discussion regarding a resolution formalizing the boundaries of the various water users groups within the county. They have requested that the County Commission provide a resolution that would map out the service areas and an understanding amongst the associations which would help with attaining grants, loans, etc. to assist in maintenance and operations of their service agreements. Chairman Johns introduced Aaron Chavez, Acting Executive Director San Juan Water Commission, Steve Dunn, Jim Dunlap, and Dwight James, Upper La Plata Water Users Association, and Keith Lee, Lower Valley Water Users Association. Mr. Dunn stated one issue rural domestics has is planning infrastructure and that support from the County Commission is very valuable to the groups accepting their current areas. Mr. Chavez presented a map of the current service area for the Animas La Plata project water rights which will be used. There are about 10 rural associations. A resolution in support of the defined areas and that the 10 entities agree with the motion the Commission is taking will be presented at the next meeting. Mr. Dunlap stated that Santa Fe and Bernalillo County have franchises that they issue to the larger water servers in a certain areas and requested Mr. Echols look into it further. The Commission asked various questions. Discussion only.

3. Appointment of New County Assessor to Fill Vacancy

Doug Echols, County Attorney stated that at the September 10 County Commission meeting, County Assessor Clyde Ward announced his resignation, effective September 25, 2015. NMSA 1978, Section 10-3-3 requires the Board of County Commissioners to fill any vacancy in any county office (other than county commissioner) by appointment. Said appointee shall hold the office until a successor shall be duly elected and qualified according to law. In 2012 the Attorney General issued Opinion No. 12-04 outlining the procedure for running for office which an appointee must follow. Based upon this Opinion, the person appointed would run for a two-year term in 2016 and could be elected to two (2) four (4) year terms beginning in 2018. Commissioner McDaniel nominated Jimmy Voita, Chief Deputy Assessor for the Assessor position when it becomes vacant. A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Eckstein to approve the Appointment of New County Assessor to Fill Vacancy. Upon voice vote this motion passed unanimously.

4. Request for Approval of Second Amendment to the Agreement between New Mexico Department of Transportation and San Juan County which Provides Funding for the Pinon Hills Project

Dave Keck, Public Works Administrator informed the Commission that the County entered into a Cooperative Project Agreement with New Mexico Department of Transportation (NMDOT) to provide funding for design and purchase of a right of way (ROW) for the Pinon Hills Project. Due to the complexity of acquiring the ROW it has become necessary to request a one year extension to the Cooperative Agreement. Staff is very close to actually purchasing property necessary for the Project but needed the extension due to the September 30, 2015 deadline on the current agreement. Staff recommends approval of second amendment to the Cooperative Project Agreement between NMDOT and San Juan County for the Pinon Hills Project. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve the Second Amendment to the Agreement between New Mexico Department of Transportation and San Juan County which Provides Funding for the Pinon Hills Project. Upon voice vote this motion passed unanimously.

5. Consideration of Adult Detention Center Inmate Medical Co-Pay Policy

Tom Havel, Adult Detention Administrator stated that at the September 1, 2015 County Commission meeting, Commissioner Fortner requested that staff bring forth the Adult Detention Center (ADC) Inmate Medical Co-Pay policy for consideration by the Commission. The policy for assessing an Inmate Medical Co-pay was originally adopted by the County Commission at the May 7, 1997 Commission meeting. The policy has been amended and approved by various Commissions throughout the years in 2004, 2009, 2012 and the last time in 2015. In 2012, the Commission established the following fee structure: twenty dollar fee (\$20) to see a physician/dentist, fifteen dollar fee (\$15) for a clinician visit and a five dollar (\$5) per month prescription processing fee. This fee structure approved in 2012 is still in place today. In FY 2015, 4,000 inmates were seen for inmate medical services resulting in total billable fees of \$24,842. Only \$14,043 was collected due to insufficient individual inmate commissary funds resulting in a collection rate of 56% or \$3.51 per inmate visit. In FY 2014, a total of \$19,630 was billed for the 1,779 inmates which resulting in collection of fees of \$7,083. This represents a 36% collection rate or \$3.98 per inmate visit. Historically, inmate Co-pays have generated an

average of \$18,000 per year. For FY 16, medical and mental health services for the ADC are budgeted at \$3,445,000 – 24% of the total ADC budget and the average inmate medical co-pay revenue of \$18,000 represents less than one half of one percent of the total medical and mental health expenditures for FY16. Staff is requesting direction regarding the ADC Inmate Medical Co-Pay policy. The Commission expressed various concerns. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Eckstein to approve removal of the Adult Detention Center Inmate Medical Co-Pay Policy with close monitoring. Upon voice vote this motion passed unanimously.

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

Mike Stark, County Operations Officer stated that at the February 19, 2015 Regular Commission Meeting, staff had indicated that it would bring forth to the Commission each project prior to implementation. Staff would like to proceed with implementing the following projects either by direct contract, RFP/Bid process or under an approved contract if applicable:

- 1) Purchase of Carpeting and Painting the interior of the Fire Operations Center- this work was planned with the original bond request but has been moved up in priority due to the recent damages sustained from the flooding. Five offices were damaged and require new sheetrock and painting. Given the need for this work, we are requesting this funding to have the remainder of the office area painted and re-carpeted. The estimated project cost is \$60,000. Staff recommends use of the 2015 Fire Dept. bond monies for this purchase.
- 2) Purchase of Carpeting for the Administration Building, carpet in the Administration Building has failed in a number of office areas. The estimated cost to re-carpet the entire building is \$277,000. In the original bond request for county capital projects, \$100,000 was included. Staff recommends approval of \$100,000 for replacement of the carpet in the office areas of most need. Upon completion of other bond projects, staff will analyze remaining funding and make recommendation to the commission of utilizing any remaining funding for additional future re-carpeting. Staff recommends approval of this request and to utilize the bond monies for this purpose.

Mr. Stark informed the Commission there is \$11 million remaining in bond funding and \$5.5 million in the fire funding to date. The Commission expressed their concerns. A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve Implementation of Certain Capital Bond Projects. Upon voice vote this motion passed unanimously.

7. Consideration of FEMA SAFER (Staffing for Adequate Fire and Emergency Response) Grant # EMW-20 14-FF-00529 with the Department of Finance and Administration, Local Government Division

Craig Daugherty, Fire Chief informed the Commission that Staff applied for and has received a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant and is requesting approval of the attached Grant with the Dept. of Finance and Administration for \$280,000. The grant will fund hiring a Recruitment and Retention Coordinator which will work with the recruitment of volunteers and retention. This grant is fully

funded and requires no match on behalf of the County. The SAFER grant is fully funded starting 21st November 2015 to 20th November 2019. A motion was made by Commissioner McDaniel, seconded by Commissioner Charley to approve the FEMA SAFER (Staffing for Adequate Fire and Emergency Response) Grant #EMW-2014-FF-00529 with the Department of Finance and Administration, Local Government Division. Upon voice vote this motion passed unanimously.

8. Issue Written Order to Impose 2015 Property Tax Rates

Marcella Brashear, Chief Financial Officer indicated that the Board of County Commissioners is required to issue a written order imposing 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 Property Tax Rate-Setting Order. The Commission's 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 and have confirmed in writing the new tax rates for their governmental units. There is one exception in that confirmation has not been received from San Juan College. Ms. Brashear calculated the yield control formula for their rate to compute the correct operating mil rate. Corrections were made and recertified by the state, to the City of Bloomfield values reporting the new properties from the annexation under net new valuation instead of valuation maintenance. By reporting as valuation maintenance the yield control formula was decreasing the non-residential mil rate by over 1 mil, resulting in a loss of \$47,000 to the City of Bloomfield and the city was not getting the full revenue benefit from the recent annexation which would also impact future years. Ms. Brashear indicated that the net taxable value is \$4 billion. This is an overall increase of 7.35%; 2.74% for residential; non-residential increased by 5.96%; oil and gas production increased by 17.50% and oil and gas equipment increased by 16.74%. The maximum allowed mils is 11.85 and the rate imposed is 8.5, making San Juan County second lowest in the state. A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve to Issue a Written Order to Impose 2015 Property Tax Rates. Upon voice vote this motion passed unanimously.

Reports From Elected Officials And Department Heads

Craig Daugherty, Fire Chief briefed the Commission that the Insurance Service Organization (ISO) rating for Flora Vista Fire Department District 2 dropped from 5 to 4 and Hart Valley Fire Department District 8 dropped from 6 to 5 effective December 1. The insurance customers in the area may have a drop in their insurance rates. The State Fire Protection Fund will also increase to an additional \$25,000 per year.

Clyde Ward thanked the Commission for their nomination of Jimmy Voita as Assessor. He also thanked them for all they do for the community and citizens.

Kim Carpenter announced that a recommendation for the New Mexico Association of Counties (NMAC) board member to replace Clyde Ward's position by next Commission meeting. It must be an elected official.

Commissioner Eckstein requested the Commission meeting set for October 6, 2015 be moved to October 7, 2015. He and Chairman Johns will be attending the New Mexico Oil & Gas

Association annual meeting on October 4, 5, and 6. The Commission meeting will be held Wednesday, October 7, 2015 at 4:00 p.m.

Doug Echols stated that Jim Durrett asked him to remind the Commission to do the yearly visit to the jail.

Don Cooper informed the Commission that the Governor has declared a monsoon disaster that will cover the County and City of Aztec which is 75% of the cost of losses. There is not federal funding for private houses. It takes 170 houses to be destroyed, uninhabitable, and unreparable before the federal government would help and they would pay up to \$10,000 per house. Mr. Cooper stated that citizens must have flood insurance. He also informed the Commission that Emergency Management will be having a full scale exercise at the airport and Praxair in Kirtland.

Comments / Input From The General Public

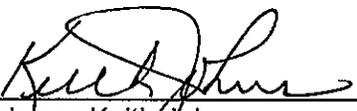
None

Adjourn

Being no further business a motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Eckstein to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:17 p.m.

APPROVED THIS 7TH DAY OF OCTOBER, 2015

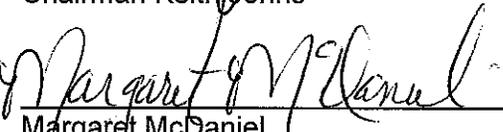
BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



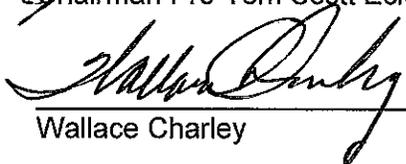
Chairman Keith Johns



Chairman Pro-Tem Scott Eckstein



Margaret McDaniel

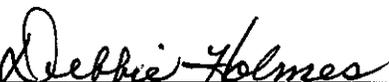


Wallace Charley



Jack Fortner

ATTEST:



Debbie Holmes, County Clerk