# San Juan County Commission
# Regular Meeting
# September 20, 2016

Chairman Eckstein called the San Juan County Commission meeting to order on September 20, 2016 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Pro-Tem Fortner gave the invocation and Chairman Eckstein led the Pledge of Allegiance. Those present were:

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| CHAIRMAN | Scott Eckstein |
| CHAIRMAN PRO-TEM | Jack Fortner |
| MEMBER | Keith Johns |
| MEMBER | Margaret McDaniel |
| MEMBER | Wallace Charley |
| CHIEF DEPUTY ASSESSOR | John Kuhn |
| CLERK | Debbie Holmes |
| CHIEF DEPUTY TREASURER | Carol Taulbee |
| UNDERSHERIFF | Shane Ferrari |
| COUNTY EXECUTIVE OFFICER | Kim Carpenter |
| COUNTY OPERATIONS OFFICER | Mike Stark |
| ATTORNEY | Doug Echols |
| DEPUTY ATTORNEY | Joe Sawyer |
| RISK MANAGER | Kristi Galloway |
| EMERGENCY MANAGER | Mike Mestas |
| CHIEF FINANCIAL OFFICER | Jim Cox |
| DEPUTY FINANCE OFFICER | Kim Martin |
| PARKS & FACILITIES ADMINSTRATOR | Daniel Hill |
| PUBLIC WORKS ADMINISTRATOR | Fran Fillerup |
| CHIEF HUMAN RESOURCES OFFICER | Charlene Wells |
| ADULT DETENTION CENTER ADMINISTRATOR | Tom Havel |
| ALTERNATIVE SENTENCING ADMINISTRATOR | Jennifer Miller |
| ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR | Heidi Sawyer |
| 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 |
| Talon | Debbie Israel |
| VISITORS: | 20 |

### Presentation

Larry Hathaway, General Services/Community Development Administrator invited Fred Frost, Code Compliance to join him in presenting the Yard of the Month. The "Yard of the Month" program's mission is to recognize citizens of San Juan County for their voluntary efforts in "Building a Stronger Community" by taking pride in the appearance and maintenance of their yard and home. Joe and Beverly Farrell were presented a plaque, by Mr. Frost, for inspiring county residents to strive for a clean and beautiful community where natural resources are protected and the environment is enhanced. The Farrell's attractively groomed property is located at 7251 Old Aztec Highway, Farmington, NM. The judging criteria reviewed by the Code Compliance Officer and the Community Development Administrator were as follows:

• House numbers attractively displayed.
• The yard is free of litter, junk, and debris.
• The yard is free of junked or inoperable vehicles.
• Trash receptacles are hidden from view.
• The yard is free of appliances and indoor furniture on front porches or patios.
• The yard is attractively groomed and well maintained. In other words, pleasing to the eye or to the passerby.
• The residence, out buildings, fences, porches, decks and patios on the premises are in good repair.

This item is a presentation only.

## 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 Fortner, seconded by Commissioner Johns to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Chairman Eckstein recognized and commended Phillip Francisco as the new Navajo Nation Chief of Police.

### Consent Agenda

1. Approval of Renewal of Request for Proposal 15-16-04, Volunteer Firefighters Insurance to The Walker Agency of Farmington, NM
2. Approval of September 6, 2016 Regular Meeting Minutes
3. Approval of August 2016 Check Register

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

## New Business

### 1. San Juan Regional Medical Center CEO Introduction and Update

Jeff Bourgeois, President/CEO of San Juan Regional Medical Center, introduced himself to the Commission and expressed his gratitude for the warm reception he has received. Mr. Bourgeois provided updates, as required by the State Safety Net Program:

- The Health Services Department received $11,891,676 for the calendar year 2015 from the Safety Net Care Pool
- Since May 2016 $1,234,398 received
- In July 2016 $1,234,398 received, no distributions since July
- Total cost of health care in 2015 for Unreimbursed Cost Services is $36,978,500 which is in two components: Charity Care is $1.4 million and the difference in what we receive and the cost of delivering services to Medicaid, Medicare, Indian Heath, and County Indigent patients makes up the total.
- Written Financial Assistance Policies are posted on our website, and in the main and the emergency registration areas at the hospital, making the general public aware of those policies

Karen Miller, CFO, San Juan Regional Medical Center stated that pursuant to Internal Revenue Service (IRS) Section 501.R regulations the Financial Assistance Policies are also included on the billing statements and in other areas of the hospital.

This item is a presentation only.

### 2. Consideration of Approval of Final Agreement with Navajo Nation for Transfer of Fire Stations, Establishment of Effective Date of Transfer, and Consideration of Assistance with the Northern Navajo Nation Fair

Craig Daugherty, Fire Chief, introduced Arbin Mitchell, Chief of Staff Navajo Nation President's Office, Larry Chee, Navajo Nation Fire Chief, and Pete Atcitty, Navajo Nation Speaker's Office Chief of Staff. Chief Daugherty stated that Staff has successfully negotiated a final agreement with the Navajo Nation for the transfer of the Shiprock, Ojo Amarillo, and Newcomb fire stations along with related equipment. The Navajo Nation has requested fire assistance from San Juan County for the duration of the Northern Navajo Nation Fair, and Staff would like direction on how to proceed. Doug Echols, County Attorney clarified that in the transfer the County is relinquishing all rights to Ojo Amarillo, Shiprock, and Newcomb fire stations along with all equipment in place. The County has agreed to continue to service Nenahnezad, Upper Fruitland, and the checkerboard area east of 550 of the Navajo Nation. Commissioner Charley asked Mr. Mitchell when the remaining payments would be made to the County. Mr. Mitchell stated that a resolution requires approval of payment by the Navajo Nation Counsel, which will go before the Counsel Legislative Session on September 21, 2016 for approval and also requested that the transition date to be moved to after the fair because part of the change will be educating the community to call the Shiprock emergency dispatch and it will give them the time needed. Chief Daugherty expressed his concerns regarding recruiting volunteers and reimbursement for services at the Shiprock Fair. Chairman Pro-Tem Fortner asked various questions regarding previous reimbursement. Kim Carpenter suggested waiving reimbursement

for the fair. Navajo Nation Fire Chief Chee and Chief Daugherty will coordinate with each other. The Commission made various comments and concerns. Rickie Nez, President of District 13 which represents Nenahnezad, San Juan, T'iis Tsoh Sikaad, and Upper Fruitland read a letter opposing the Navajo Nation Take-over of Fire and Rescue. Mr. Nez stated that the chapters have not been provided any type of progress or status reports (hiring, training personnel and transfer of equipment/property) nor has District 13 Leadership been contacted for input or recommendations by the Navajo Nation or its fire department. The letter expressed their concerns and requested assurance that services will continue with minimal issues during the transition and at the same level that San Juan County has provided and maintained. Commissioner Charley asked if the resolution is not approved by the council to pay the past amounts due what would the Navajo Nation do to resolve past due payments. Mr. Etcitty reassured Commissioner Charley that the payments would be made and up to date. Chief Daugherty will present resolutions at the October 4, 2016 Commission Meeting for approval of the transfer to take place October 4, 2016. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Charley to approve the Transfer Agreement with the Navajo Nation for Transfer of Fire Stations with the transition date extended to October 4, 2016, without the request of reimbursement, and Consideration of Assistance with the Northern Navajo Nation Fair. Upon voice vote this motion passed unanimously. A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Fortner to approve the Mutual Aid Agreement Concerning Fire Responses by San Juan County, New Mexico and the Navajo Nation. Upon voice vote this motion passed unanimously.

**3. Consideration of Adoption of San Juan County Ordinance No. 96, Repealing the Sunset of One-Sixteenth County Health Care Gross Receipts Tax**

Doug Echols, County Attorney explained that at the August 16 meeting, the Commission approved a Notice of Intent to Adopt Ordinance No. 96 which was published in the Daily Times on Sunday, August 21, 2016. Ordinance 96 would repeal Section 6, the sunset clause, of Ordinance No. 91 which enacted the one-sixteenth of one percent (.0625%) county health care gross receipts tax that went into effect on January 1, 2015, and will otherwise sunset on December 31, 2016. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve to Adopt San Juan County Ordinance No. 96, Repealing the Sunset of One-Sixteenth County Health Care Gross Receipts Tax. Upon voice vote this motion passed unanimously.

**4. Review and Consideration of Fee Schedules for the Munis System**
**A. Sheriff's Office Fee Schedule**
**B. Geographic Information Systems Fee Schedule**
**C. Community Development Fee Schedules**

Mike Stark, COO, informed the Commission that staff has been working on the Phase 1 implementation of the Pinnacle project which includes the Finance and Purchasing modules. We are currently creating revenue charge codes in the system and for some specific fees; we were unable to find documentation of previous Commission approval. Therefore, in order to show that all fees and credits have been approved by the Commission, we are bringing the entire fee schedules for the Sheriff's Office, GIS, and Community Development back for approval. Staff recommends approval of all fee schedules as presented. A motion was made by

Chairman Pro-Tem Fortner, seconded by Commissioner Charley to approve the Fee Schedules of A. Sheriff's Office, B. Geographic Information Systems, and C. Community Development for the Munis System. Upon voice vote this motion passed unanimously.

**5. Consideration of Approval of Resolution 16-17-18, Approving Amended and Restated Lease Agreement Between San Juan County and SunRay Gaming of New Mexico, LLC**

Kim Carpenter, CEO, turned item over to Doug Echols, County Attorney. Mr. Echols informed the Commission that staff and SunRay have negotiated and Amended and Restated Lease Agreement for SunRay Park and Casino. The agreement will not be effective until September 2017. The Amended Agreement adds an additional 10 year option to the Lease. Effective September 2017 annual rent for the first three years will be $750,000.00 per year or 7.5% of net gaming and operational net income, whichever is greater. In September 2020, the base rent will increase to $1,000,000.00 dollars or the same percentage rate, whichever is greater. The Amended and Restated Agreement is subject to approval by the New Mexico Board of Finance on October 20, 2016. Dr. Carpenter introduced Kenny Kendrick, Chairman of the Management Committee, Brad Boehm, General Manager, and Greg Hamilton from SunRay Park and Casino. Mr. Kendrick gave a brief history on SunRay Park and Casino and expressed his appreciation of the partnership. A motion was made by Commissioner Johns, seconded by Chairman Pro-Tem Fortner to approve Resolution 16-17-18, Approving Amended and Restated Lease Agreement Between San Juan County and SunRay Gaming of New Mexico, LLC. Upon voice vote this motion passed unanimously.

**Report from the CEO**

Kim Carpenter informed the Commission that the Health Care Assistance Program updates will now be monthly and that he will be attending the County Management Conference September 21, 2016 to September 23, 2016 for discussion of potential priorities for the State legislative session.

**Reports From Elected Officials And Department Heads**

Mike Stark, COO gave an update on the Pinnacle Project, implementing the Tyler Technologies Munis System. Phase one will be implemented in January of 2017 and the Human Resources phase, payroll, will be in July 2017.

**Comments / Input From The General Public**

None

## Adjourn

Being no further business a motion was made by Commissioner Charley, seconded by Chairman Pro-Tem Fortner to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:08 p.m.

**APPROVED THIS 4th DAY OF October, 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