

**San Juan County Commission  
Regular Meeting  
September 3, 2013**

Chairman Eckstein called the San Juan County Commission meeting to order on September 3, 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 Keith Johns 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
ASSESSOR	Clyde Ward
CHIEF DEPUTY ASSESSOR	Jimmy Voita
CLERK	Debbie Holmes
CHIEF DEPUTY CLERK	Tanya Shelby
CHIEF DEPUTY TREASURER	Carol Taulbee
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
DEPUTY FINANCIAL OFFICER	Brooke Quintana
PARKS & FACILITIES ADMINSTRATOR	Mike Davidson
PARKS & FACILITIES DEPUTY ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Dave Keck
CHIEF HUMAN RESOURCE OFFICER	Charlene Scott
ADULT DETENTION CENTER DEPUTY ADMINISTATOR	Daniel Webb
DEPUTY FIRE CHIEF	Craig Daugherty
INDIGENT HOSPITAL CLAIMS COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
GIS COORDINATOR	Sandi Spencer
CHIEF IT OFFICER	Vince Johns
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PRESS: Farmington Daily Times	Ryan Boetel
Tri City Tribune	Lauren Duff

VISITORS: 6

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel 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 August 20, 2013

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns 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 requested that item #4 be moved up to item #3. 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 Award of Proposal 13-14-01, Architectural Services – SJRMC 2<sup>nd</sup> and 4<sup>th</sup> Floor/Endoscopy Renovations to RMKM Architecture, P.C. of Albuquerque, New Mexico**

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.

#### **Old Business**

1. **Consideration of Resolution 13-14-19, Urging the Environmental Improvement Board to Consider the Negative Effects on the Local Economy for the Adoption of the Alternative State Implementation Plan (SIP) as Agreed to by the State of New Mexico, the Environmental Protection Agency (EPA) and the Public Service Company of New Mexico (PNM) on February 15, 2013**

Chairman Pro-Tem Fortner explained that during the August 20, 2013 meeting the Commission tabled this item so the Commission could obtain more information on this issue. Ernie C'de Baca representing Public Service Company of New Mexico (PNM) confirmed that the Alternative State Implementation Plan (SIP) is the best plan there is and if San Juan County were to vote against it could result in more harm to the citizens of San Juan County and result in the loss of more jobs than the county is already facing. Mr. C'de Baca explained the agreement

in principle that was developed as part of the revised SIP to be heard on September 5, 2013, took months of negotiations. He also stated that PNM's original second state implementation plan was never approved by the EPA, they ignored the plan. So going forward PNM proposed closing units 1 and 2, this plan also was rejected by the EPA, because it didn't get close enough to the regional haze requirements. The resulting agreement was for the closing of units 2 and 3. Although this is very difficult for this community PNM believes this is the best plan going forward in order to meet the Regional Haze requirement.

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to bring this item off the table. Upon voice vote this motion passed unanimously. Chairman Eckstein requested CEO Kim Carpenter read the revised Resolution 13-14-19:

**URGING THE ENVIRONMENTAL IMPROVEMENT BOARD TO ADOPT THE ALTERNATIVE STATE IMPLEMENTATION PLAN (SIP) AS AGREED TO BY THE STATE OF NEW MEXICO, ENVIRONMENTAL PROTECTION AGENCY (EPA), AND PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) ON FEBRUARY 15, 2013**

**WHEREAS**, the EPA has adopted regulations regarding air visibility issues in this region which are sometimes referred to as the "Regional Haze Rule"; and

**WHEREAS**, these regulations require coal-fired power plants in the region to install equipment to reduce the release of particulates which is referred to in the regulations as "Best Available Retrofit Technology" or BART; and

**WHEREAS**, the Regional Haze Rule regulations required each state's environmental agency to propose to the EPA a SIP which would detail the specific requirements for power plants within the state that would meet the BART requirements; and

**WHEREAS**, the original SIP for the San Juan Generating Station proposed by New Mexico required all four units at the San Juan Generating Station (SJGS) to add Selective Non-Catalytic Reduction or "SNCR" technology to reduce particulates, but that plan was not approved by the EPA and the EPA then adopted a Federal Implementation Plan or "FIP" which required installation of Selective Catalytic Reduction or "SCR" technology on all four units; and

**WHEREAS**, the cost of installing SCR technology is so expensive (estimated by PNM to be as much as \$750 million to \$1 billion) that the operator of the plant, PNM, appealed EPA's action to the federal courts; and

**WHEREAS**, deteriorating economic conditions for coal fired generation and costly environmental regulations (including the "Regional Haze Rule") have led to numerous planned coal plant closure announcements across the country with little to no mitigation of the negative local economic impacts brought on by coal plant closures; and

**WHEREAS**, the San Juan Generating Station (SJGS) faces similar economic conditions and environmental regulations as the nearby Four Corners and Navajo coal plants; and

**WHEREAS**, PNM and the State of New Mexico were charged by the Governor to seek alternatives to the FIP and address local community and customer economic impacts associated with complying with the Regional Haze Rule, future CO2 and other pending national environmental regulations; and

**WHEREAS**, PNM, the State of New Mexico, and the EPA reached an Agreement in Principle (AIP), aligned with the Governor's charge, that would avoid further litigation and lead to adoption of a new SIP; and

**WHEREAS**, the AIP includes the installation of the less costly SNCR technology and includes substantial local economy mitigation commitments by PNM for the closing of two units at SJGS by constructing a new natural gas plant in San Juan County, an associated natural gas pipeline, agreeing to not lay off any SJGS employees affected by the two-unit closure, contributing \$1 Million to Navajo Nation Training Program, and by contributing \$150,000 to Four Corners Economic Development; and

**WHEREAS**, the San Juan County Commission has weighed these factors and has concluded that it supports the AIP and the Alternative SIP.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of San Juan County, New Mexico, that the County supports the adoption of the alternative State Implementation Plan.

**BE IT FURTHER RESOLVED** that the County urges the New Mexico Environmental Improvement Board to require PNM to fulfill its commitments to construct a new natural gas plant in San Juan County, the associated natural gas pipeline, agree to not lay off any SJGS employees affected by the two-unit closure, contribute \$1 Million to Navajo Nation Training Program, and contribute \$150,000 to Four Corners Economic Development.

**PASSED, APPROVED, SIGNED AND ADOPTED** this 3<sup>rd</sup> day of September, 2013.

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve Resolution 13-14-19, Urging the Environmental Improvement Board to Consider the Negative Effects on the Local Economy for the Adoption of the Alternative State Implementation Plan (SIP) as Agreed to by the State of New Mexico, the Environmental Protection Agency (EPA) and the Public Service Company of New Mexico (PNM) on February 15, 2013. Upon voice vote this motion passed unanimously.

### **New Business**

1. **Consideration of Proclamation Declaring September 17-23 to be Constitution Week, 2013**

CEO Kim Carpenter read the following Proclamation declaring September 17-23 to be Constitution Week, 2013:

**Whereas**, September 17, 2013 marks the two hundred and twenty-sixth 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 23 as constitution week;

**NOW, THEREFORE**, the County of San Juan does hereby proclaim the week of September 17 through 23, 2013 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 had in 1787.

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to declaring September 17-23 to be Constitution Week, 2013. Upon voice vote this motion passed unanimously. Diane Halvorson, Vice-Regent of the Desert Gold Chapter of the Daughters of the American Revolution (DAR) thanked the Commission for approving the Proclamation and invited them to "Bills across America" to start Constitution Week at Orchard Park on September 17, 2013 at 1:30 p.m.

## **2. Presentation of Annual Assessor's Report to the Commission**

Clyde Ward, County Assessor explained as per the state statutes, the Assessor is required to present an annual report to the Commission covering the Assessor's office functions including: total valuations for the county, property valuation program, revaluations and statutes affecting the assessor's office. Mr. Ward thanked the Commissioners and other elected officials for their great working relationships. He explained that the evaluation and re-valuation processes keep everything current and within the statutory limitations of property evaluations. He stated that the vendor for the Assessor's Offices current computer system has filed bankruptcy and they are working with County Treasurer, Mark Duncan to combine the two computer systems. Also the Assessor's office utilizes their website to provide community outreach, education and maps, many of the features are downloadable. It also allows taxpayers to review property values prior to notice of values being mailed. There are 11 certified appraisers in the Assessor's Office and continuing education is a high priority. Mr. Ward further explained that the State assesses property values for power plants and anything that crosses county lines including power lines, transmission lines and cell towers. The Assessors Office is working to stay more attune to values and changes of the centrally assessed and State assessed properties that affect San Juan County. Commissioner Johns questioned when the units at the power plant will be re-assessed if they are decommissioned? Mr. Ward explained they will be removed from the tax rolls in January 1<sup>st</sup> of the following year. He also stated that there will be a decrease in value once the stacks are decommissioned. CEO Kim Carpenter confirmed that if units go offline but the equipment remains they are still of value, if they go offline and are disassembled there would be no value. This was an informational item only.

## **3. Presentation on the Four Corners Paddle Trails**

Sally Burbridge, Mayor of Aztec updated the Commission on the status of the Four Corners Paddle Trails project that started a couple of years ago during Aztec Fiesta Days. A small citizen group, named Aztec Trails / Open Space, offered an opportunity for river rafting on the Animas River with the intent of bringing attention to and educating people on the trail system and river ways. Conversations between communities began and this project was born. The working group for this program consists of San Juan County, City of Farmington, City of Aztec, City of Durango, City of Bloomfield, River Reach Foundation, San Juan College, Farmington

Visitors and Convention Bureau, Durango Trails 2000, Aztec Trails & Open Space, San Juan Watershed Group, Four Corners Economic Development Council, National Park Service, Bureau of Land Management, Jacks Plastic Welding and Four Corners Riversports. This project is receiving technical assistance from Rivers Trails and Conservation Assistance Program through the National Parks Service. Mayor Burbridge explained the vision for the Four Corners Paddle Trails project is for family, friends, and visitors of the Four Corners region to enjoy river recreation on 90 miles of the Animas River and 45 Miles of the San Juan River. Through the project they are looking to increase river accesses, give property owners and businesses knowledge about the river. This project also involves: landowner protection, public safety projects, river access, launches, camping opportunities, marketing and promotion and cooperative agreements for river recreation management between various partners. They hope to finalize and adopt the water trail plan by June 2014. Chairman Pro-Tem Fortner asked if the biggest problem will be private land owners. Mayor Burbridge indicated that they are working on educating the public. Commissioner McDaniel requested current economic impact of Whitewater Recreation information, since the last study was done in 2006. Commissioner Johns questioned where the funding for the program is coming from. Mayor Burbridge stated that at this point there has not been a need for funding. Commissioner Todacheene confirmed the whole concept is based on a national movement which is a grass-root movement to promote water trails and paddle trails and asked if Shiprock or Tribal Communities have expressed interest? Mayor Burbridge explained that they have not expressed an interest at this time. Kim Carpenter, CEO stated this is a positive thing for San Juan County and in 2012 staff started participating in local meetings to discuss the concept of developing a National Paddle Trail System. This was an information item only.

**4. Consideration of Resolution No. 13-14-20, Supporting the 2014 Legislative Priorities of the New Mexico Association of Counties**

CEO Kim Carpenter advised the Commission that the New Mexico Association of Counties is requesting each of the State's 33 County Commissions adopt a resolution supporting their 2014 legislative priorities:

- Delinquent Property Tax Payments
- Delinquent Property Tax List
- Notice of Liens
- Medicaid Benefits Suspension
- County Correctional Facility Gross Receipts Tax
- Property Tax Equity
- Real Property Sales Disclosure

Chairman Pro-Tem Fortner stated that he disagrees with the legislative priority "Notice of Liens". He indicated the various reasons why he has to file liens and indicated by giving the individuals notice they would transfer their property out of their name. He didn't think it would serve the public well to give individuals notice prior to a lien being filed. County Clerk, Debbie Holmes indicated that this bill was introduced by the Clerks Affiliate during the last session and it did not pass. Mrs. Holmes explained that individuals have no idea that a lien is filed against them until they go to make a purchase and it shows up on their credit report, then they are upset with the Clerk's office for recording the liens against them. Mrs. Holmes indicated that she would notify the Clerks Legislative Committee and advise them of the concerns that were brought up on this

legislative priority. Chairman Pro-Tem Fortner stated that he would support it if language was changed to “notice sent to the property owner within 10 days after filing the lien”. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve Resolution No. 13-14-20, supporting the 2014 legislative priorities of the New Mexico Association of Counties with the exception of the “Notice of Liens”. Upon voice vote this motion passed unanimously.

### **Reports From Elected Officials And Department Heads**

Clyde Ward, County Assessor and San Juan County New Mexico Association of Counties (NMAC) representative advised the Commission that the NMAC Board will be meeting on October 18, 2013 to review any comments regarding the legislative priorities. Mr. Ward also indicated that amendments to the legislative priorities may come out of that meeting.

CEO Kim Carpenter indicated that Stewart Logan, Safety and Compliance Office is now serving on the Public Education Retirement Association Board (PERA). He will serve out a 2 year term and will have to be re-elected in 2015. Mr. Carpenter stated that this is a first for San Juan County.

Commissioner Todacheene reminded everyone that the Mission of Mercy is September 13 – 14, 2013. She thanked all of the volunteers.

Chairman Pro-Tem Fortner stated the President of the United States and his advisors need our prayers in regards to the current crisis in Siria.

Kim Carpenter, CEO informed the Commission that San Juan County is going to conduct an Active Shooter Drill on September 10, 2013 in the Administrative Office Building. Stewart Logan, Safety & Compliance Officer explained that OSHA requires us to have an emergency action plan and an active shooter drill is part of plan. Mr. Carpenter explained that public notices have gone out and all entities are involved. Commissioner Todacheene mentioned that the county could participate in National Preparedness month she indicated that there is a proclamation on their website.

CEO Kim Carpenter also indicated that Emergency Management Department, Parks and Maintenance Department and the Sheriff’s Office have been actively involved in getting ready for the Mission of Mercy program.

### **Comments / Input From The General Public**

None

### **Closed Executive Session**

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

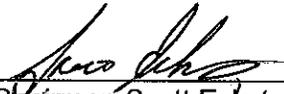
open meeting. Upon voice vote this motion passed unanimously. Chairman Eckstein stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

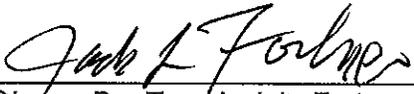
**Adjourn**

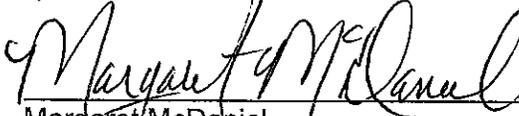
Being no further business a motion was made by Commissioner Johns seconded by Commissioner Todacheene to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:46 p.m.

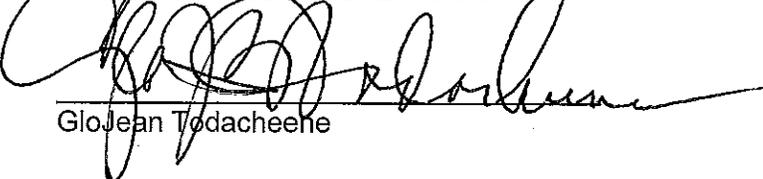
**APPROVED THIS 1ST DAY OF OCTOBER, 2013**

**BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:**

  
\_\_\_\_\_  
Chairman Scott Eckstein

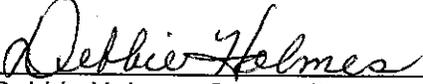
  
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Chairman Pro-Tem Jack L. Fortner

  
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Margaret McDaniel

  
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Keith Johns

ATTEST:

  
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Debbie Holmes, County Clerk