San Juan County Commission
Regular Meeting
September 2, 2014

Chairman Fortner called the San Juan County Commission meeting to order on September 2, 2014 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Mark Duncan, San Juan County Treasurer gave the invocation and Judge Bill Liese led the Pledge of Allegiance. Those present were:

CHAIRMAN	Jack L. Fortner
CHAIRMAN PRO-TEM	Keith Johns
MEMBER	GloJean Todacheene
MEMBER	Margaret McDaniel
MEMBER	Scott Eckstein
ASSESSOR	Clyde Ward
CHIEF DEPUTY ASSESSOR	Jimmy Voita
CLERK	Debbie Holmes
TREASURER	Mark Duncan
SHERIFF	Ken Christesen
COUNTY EXECUTIVE OFFICER	Kim Carpenter
COUNTY OPERATIONS OFFICER	Mike Stark
ASSISTANT CEO	Linda Thompson
ATTORNEY	Jim Durrett
DEPUTY ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Doug Echols
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 DEPUTY ADMINISTATOR	Daniel Webb
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Miller
JUVENILE SERVICES ADMINISTRATOR	Traci Neff
JUVENILE SERVICES DEPUTY ADMINISTRATOR	Heidi Sawyer
CHIEF	Doug Hatfield
DEPUTY FIRE CHIEF	Craig Daugherty
HEALTH CARE ASSISTANCE PROGRAM COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
COMMUNICATIONS DIRECTOR	David Ripley
CHIEF IT OFFICER	Vince Johns
SAFETY & COMPLIANCE MANAGER	Stewart Logan

PRESS: Farmington Daily Times — Dan Schwartz

VISITORS: 74

Presentation

Don Cooper, Emergency Manager informed the Commission the New Mexico Emergency Managers Association is an organization dedicated to serving the emergency management community by offering opportunities for networking, development of professional standards, holding trainings, and fellowship. Each year, the New Mexico Emergency Managers Association presents an award for the Emergency Manager of the Year and an Emergency Support Staff of the Year. This year, the award for Emergency Support Staff was given to Mike Mestas, Emergency Management Coordinator

A motion was made by Chairman Pro-Tem Johns, 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 19, 2014

A motion was made by Commissioner McDaniel, 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 that at the request of Chairman Fortner item #6, Request for Approval of Resolution No. 14-15-10, Report on Inspection of Detention Center will be removed from the agenda. A motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Todacheene to approve the agenda as amended. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Utility Easement Conveyance to City of Farmington
2. Approval of Alternative Sentencing Division Policies

A motion was made by Commissioner Eckstein, seconded by Commissioner Todacheene 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 2014

Chairman Fortner introduced Diane Halvorson, Vice-Regent and Viola Kelly of the Desert Gold Chapter, Daughters of the American Revolution, and stated they request that San Juan County issue a proclamation declaring the week of September 17th – 23rd to be Constitution Week, 2014.

SAN JUAN COUNTY, NEW MEXICO
PROCLAIMING SEPTEMBER 17th - 23rd AS
CONSTITUTION WEEK, 2014

Whereas, September 17, 2014 marks the two hundred and twenty-seventh 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 its memorable anniversary; and to 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 September 23, 2014 to be

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Johns to approve the Proclamation Declaring September 17th– 23rd to be Constitution Week 2014. Upon voice vote this motion passed unanimously.

2. Consideration of First Amendment with Navajo Nation Concerning Occupancy of a Substation

Leonard Chee, Division Director of Navajo Nation Community Development informed the Commission that the Navajo Nation Community Development is requesting an amendment to the current Memorandum of Agreement (MOA). The Navajo Nation Community Development Department is requesting the use of vacant office space to house an Administrative Service. The Administrative Service Center would consist of two employees, a planner and accountant, who would be responsible for servicing the chapters of Huerfano, Nageezi, Counselor, Ojo Encino, Pueblo Pintado, Whitehorse Lake, and Torreon. The original agreement for use of the substation was executed on March 26, 2009 and allowed for use of the facility specifically for law enforcement purposes to include San Juan County Sheriff's Office, Navajo Nation Police

Department, State police, and the Federal Bureau of Investigation for a period of ten years. The First Amendment as currently proposed is requesting the use of three offices for the remainder of the initial 10 yr. period which would expire on March 26, 2018. Mr. Chee stated that the utilization of the two vacant office spaces would allow the Navajo Nation to better service the local area. Commissioner Eckstein asked if San Juan County is in agreement with the arrangement. Kim Carpenter, CEO he agreed with the amendment. Chairman Pro-Tem Johns verified the maintenance of the building, the county would only be responsible for the major maintenance and the Navajo Nation would do daily maintenance and pay the utilities. Commissioner McDaniel confirmed the Navajo Nation is in the process of providing their own facility. A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Johns to approve First Amendment to Agreement with Navajo Nation. Upon voice vote this motion passed unanimously.

3. Consideration of Request to Conduct Election for the Town of Kirtland Incorporation

Mark Duncan, San Juan County Treasurer and Frank Coppler, Attorney briefed the Commission that they have met the statutory requirements in getting 60 percent of the property owners who are current with their taxes to sign a petition to go forward with the vote for the Town of Kirtland Incorporation. Mr. Duncan stated most of the proposed town is within the sewer district and by state statute it calls for a minimum of 150 people living, to be within the newly incorporated area. With the proposed area there were only 18 people causing them to include Harper Valley. He stated it's a start, not an ideal situation. Mr. Duncan stated Debbie Holmes, County Clerk verified there are 280 registered voters and Larry Hathaway, Harper Valley Home Owners Association President signed an affidavit stating there was between 420 to 450 people that live in Harper Valley and that provides the 1 acre per person requirement. Mr. Duncan stated that this is a start for the sewer board and for the possibility of receiving some funding. Chairman Fortner asked what the gross receipts tax (GRT) would generate the first or second year. Attorney Frank Coppler stated July 1, 2015 to December 30, 2015 there will be minimal amount of revenue for Kirtland estimating it between $25,000.00 -$50,000.00. Commissioner Todacheene confirmed with Mrs. Holmes that there enough in the budget to hold a Special Election. Commissioner Eckstein verified the election would be held by a mail. Chairman Pro-Tem Johns clarified with Mr. Duncan and Mr. Coppler that the Commission was to validate their findings and the State would set up a committee to review Kirtland's plan and report back to the commission. Mr. Coppler asked the Commission to determine the validity of the Petition for Incorporation of the Town of Kirtland and requested that the Commission find:

1) That there are 337 acres of land in the proposed Town;
2) That the Petitions contain valid signatures of 60% of the owners in the proposed Town;
3) That there is a population of more than 337 residents in the proposed Town;
4) That the proposed Town is within five (5) miles of the boundary of the City of Farmington and that the Farmington City Council adopted a resolution consenting to the Town incorporation;
5) That the Municipal Services and Revenue Plan demonstrates that the Town will provide at least three (3) of the eleven (11) services listed in NMSA 1978 Section 3-2-1 (C).

If the Commission validates the petition for incorporation, it is requested that the Commission direct the CEO to refer the Municipal Services and Revenue Plan to the Local Government Division of Department of Finance and Administration for review and approval. At that point, the State will form a committee to review the plan and report back to the Commission on any deficiencies. The applicant is further requesting that the Commission conduct an election on

January 6, 2015 on the question of incorporating the Kirtland area. Chairman Fortner opened the floor to a public hearing on the Kirtland incorporation. Doug Hatfield, San Juan County Fire Chief informed the Commission he has some serious concerns with the municipality of Kirtland and the effect it has on the state funding that fire department receives and the amount of calls they receive from the area. Commissioner Todacheene confirmed that with the proposed incorporation it would not affect the help the fire department supplies to the Navajo Nation. Chairman Fortner verified with Mrs. Holmes that the signatures had been checked on the petition, but clarified she could not verify the one person per one acre. Mr. Duncan stated they had an affidavit from Mr. Hathaway stating there is one person per one acre. Ken Christesen, San Juan County Sheriff stated he is in favor of Kirtland becoming incorporated and all the details about services will be worked out. Chairman Fortner closed the public hearing. A motion was made by Commissioner Eckstein, seconded by Chairman Pro-Tem Johns to approve the following findings and conduct an Election on January 6, 2015 for the Town of Kirtland Incorporation:
1) That there are 337 acres of land in the proposed Town;
2) That the Petitions contain valid signatures of 60% of the owners in the proposed Town;
3) That there is a population of more than 337 residents in the proposed Town;
4) That the proposed Town is within five (5) miles of the boundary of the City of Farmington and that the Farmington City Council adopted a resolution consenting to the town incorporation.
Upon voice vote Chairman Fortner, Chairman Pro-Tem Johns, Commissioner Eckstein and Commissioner McDaniel voted for the motion and Commissioner Todacheene voted against.

4. Proposal of San Juan County Ordinances:
A. Ordinance No. 90, Adopting a County 1/8 of 1 % Hold Harmless Gross Receipts Tax
B. Ordinance No. 91, Adopting a County 1/16 of 1 % Health Care Gross Receipts Tax
C. Ordinance No. 92, Adopting a County Additional 1/12 of 1 % Gross Receipts Tax

Doug Echols, Deputy County Attorney stated to the Commission he is there to ask for permission to publish in the newspaper the following ordinances.

- Ordinance No. 90 would enact a County Hold Harmless one-eighth of one percent (.125%) gross receipts tax on anyone engaging in business in San Juan County with a repeal clause which would end effective December 31,2017.
- Ordinance No. 91 would enact a one-sixteenth of one percent (.0625%) County Health Care gross receipts tax on anyone engaging in business in San Juan County with a repeal clause which would end effective December 31, 2016. The County Health Care gross receipts tax would be dedicated to the County-supported Medicaid fund.
- Ordinance No. 92 would enact a County additional one-twelfth of one percent (.0833%) gross receipts tax on anyone engaging in business in San Juan County with a repeal clause which would end effective December 31, 2016.

The Health Care GRT and the One-Twelfth GRT are subject to the provisions of NMSA 1978, Section 7-20E-3 which requires an election to be called if, within sixty days of adoption of the Ordinance, a petition signed by at least 5% of the voters in the County who were registered to vote in the most recent general election is filed with the County Clerk. That number would be 3,607 signatures. If a Notice of Intent to Adopt is approved by the Commission, the Legal Department will schedule the proper publication. The adoption of any Ordinances would have to take place at a meeting two weeks after publication and all documentation will have to be delivered to the Taxation & Revenue Department by September 30 in order to go into effect on January 1, 2015. Chairman Fortner verified the one-eighth will have a 3 year sunset and the one-sixteenth will have a 2 year sunset. A motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Todacheene to approve the publication of Notice of Intent to Adopt

Ordinance No. 90, Adopting a County 1/8 of 1 % Hold Harmless Gross Receipts Tax. Upon voice vote this motion passed unanimously. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Johns to approve the publication of Notice of Intent to Adopt Ordinance No. 91, Adopting a County 1/16 of 1 % Health Care Gross Receipts Tax. Upon voice vote this motion passed unanimously. A motion was made by Commissioner Todacheene, to approve the publication of Notice of Intent to Adopt Ordinance No. 92, Adopting a County Additional 1/12 of 1 % Gross Receipts Tax. It died for lack of a second.

5. Consideration of September County Commission Meeting Schedule

CEO Kim Carpenter stated that the County Commission's second regular meeting in September is scheduled for September 16, 2014. Should the Commission approve the publication of the Notice of Intent to Adopt a Gross Receipts tax, staff is requesting that the September 16th meeting be moved to Monday, September 22nd in order to take action on the proposed adoption. In addition, the New Mexico Department of Finance and Administration is expected to mail out the 2014 property tax rates on Tuesday, September 2nd, pursuant to State statutes, the Board of County Commissioners is required to issue and deliver to the County Assessor the order imposing the tax rates within five days of receipt of the Certificate of Property Tax Rates (excluding a Saturday, Sunday or legal holiday). Therefore, it will be necessary to call a Special Meeting sometime the second week in September, if the tax rates are received sometime during that first week. A motion was made by Commissioner Todacheene, seconded by Commissioner Eckstein to approve the Request to Reschedule the September 16th County Commission for Monday, September 22, 2014 at 12:00 p.m. Upon voice vote this motion passed unanimously.

6. Request for Approval of Resolution No. 14-15-10, Report on Inspection of Detention Center

Removed

Reports From Elected Officials And Department Heads

None

Comments / Input From The General Public

Ron Lyman asked permission to circulate petitions and get signatures to not increase taxes. Chairman Fortner stated Mr. Lyman did not need permission and would like to have the public input.

Mike Renault, Presbyterian Medical Services stated raising taxes would benefit the programs.

Victoria Edward, San Juan County Health Care Assistance program stated there will always be a need for their program.

Russell Allen, Triple Eagle stated please raise my taxes and there is no visible alternative.

Joe Earley, Four Winds Recovery Center is in favor of a tax increase and stated that the facility now works on an 8 week waiting list and would benefit the facility to expand.

Darrel Poulston, Poulston Construction asked the Commission to not take away building inspection.

Glen Spencer stated he is against raising taxes.

Closed Executive Session

None

Adjourn

Being no further business a motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Todacheene to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:47 p.m.

APPROVED THIS 22nd DAY OF SEPTMBER, 2014

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

Jack L. Fortner, Chairman

Keith Johns, Chairman Pro-Tem

Margaret McDaniel

GloJean Todacheene

Scott Eckstein

ATTEST:

Debbie Holmes, County Clerk