

**San Juan County Commission
Regular Meeting
January 8, 2013**

Chairman Pro-Tem Todacheene called the San Juan County Commission meeting to order on January 8, 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 Johns led the Pledge of Allegiance. Those present were:

MEMBER	Scott Eckstein
MEMBER	Jack L. Fortner
MEMBER	Keith Johns
MEMBER	Scott Eckstein
MEMBER	Margaret McDaniel
ASSESSOR	Clyde Ward
CHIEF DEPUTY ASSESSOR	Jimmy Voita
CHIEF DEPUTY CLERK	Tanya Shelby
TREASURER	P. Mark Duncan
CHIEF DEPUTY TREASURER	Carol Taulbee
SHERIFF	Ken Christesen
COUNTY EXECUTIVE OFFICER	Kim Carpenter
COUNTY EXECUTIVE OFFICE	Joann Thomas
ASSISTANT CEO	Linda Thompson
COUNTY OPERATIONS OFFICER	Mike Stark
ATTORNEY	Jim Durrett
DEPUTY ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Doug Echols
EMERGENCY MANAGER	Don Cooper
CHIEF FINANCIAL OFFICER	Marcella Brashear
PARKS & FACILITIES ADMINSTRATOR	Mike Davidson
PARKS & FACILITIES DEPUTY ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Dave Keck
DEPUTY HUMAN RESOURCES OFFICER	Roberta Padilla
FIRE CHIEF	Doug Hatfield
INDIGENT HOSPITAL CLAIMS COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
COMMUNICATIONS DIRECTOR	David Ripley
CHIEF IT OFFICER	Vince Johns

PRESS: Farmington Daily Times
Tri City Tribune

Chuch Slothower
Lauren Duff

VISITORS: 10

Election of Chairman and Chairman Pro-Tem

Chairman Pro-Tem Todacheene requested CEO Kim Carpenter conduct the election for Chair and Chair Pro-Tem.

CEO Kim Carpenter called for nominations for the position of Chair of the Board of County Commissioners for the 2013 calendar year. Commissioner McDaniel nominated Commissioner Todacheene. Commissioner Fortner nominated Commissioner Eckstein. Nominations ceased. CEO Kim Carpenter called for the vote. Commissioner Todacheene received 2 votes and Commissioner Eckstein received 3 votes. Commissioner Eckstein was elected to the position of Chairman to the Board of County Commissioners for the 2013 calendar year.

CEO Kim Carpenter called for nominations for the position of Chair Pro-Tem for the 2013 calendar year. Commissioner Johns nominated Commissioner Fortner. Commissioner McDaniel nominated Commissioner Todacheene. Nominations ceased. CEO Kim Carpenter called for the vote. Commissioner Johns, Commissioner Eckstein and Commissioner Fortner voted for Commissioner Fortner. Commissioner Fortner received the majority vote and was elected to the position of Chairman Pro-Tem for the 2013 calendar year.

A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Todacheene to adjourn the Regular Meeting and call to order the Board of Finance Meeting. Upon voice vote, the motion passed unanimously.

Board of Finance

1. **Consideration of Resolution No. 12-13-29, Authorizing Investment of Monies in the Local Short-Term Investment Fund**

Mark Duncan, County Treasurer requested the Commission approve Resolution No. 12-13-29 authorizing investment of monies in the local short-term investment fund. At the first meeting of each year, the San Juan County Commission must authorize the County Treasurer and the Chief Deputy Treasurer to invest County monies in the local short-term investment fund, pursuant to Section 6-10-10.1, N.M.S.A., 1978. The fund is managed by the New Mexico State Treasurer. Resolution 12-13-29 authorizes P. Mark Duncan, County Treasurer and Carol Taulbee, Deputy County Treasurer to deposit or withdraw monies in the local short-term investment fund. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve Resolution No. 12-13-29 authorizing investment of monies in the local short-term investment fund. Upon voice vote this motion passed unanimously.

A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Fortner to adjourn the Board of Finance meeting and 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 December 18, 2012

A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner 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 there are no changes to the agenda. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of December 18, 2012 Regular Meeting Minutes
2. Approval of December 2012 Check Register

A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to approve the Consent Agenda. Upon voice vote this motion passed unanimously.

New Business

1. Presentation on the Proposed Navajo Nation Purchase of the BHP Navajo Mine

Pat Risner, BHP Billiton New Mexico Coal President and Norman Benally, BHP Billiton External Affairs briefed the Commission on the proposed sale of the BHP Navajo Mine to the Navajo Nation. Mr. Risner explained that BHP has entered into a Memorandum of Understanding (MOU) with the Navajo Nation to work toward the transition of the Navajo Mine to a Navajo Nation Tribally owned company. BHP has considered all of its options and in order to preserve the operation of the mine and jobs thru 2016 they believe this is the right thing to do. BHP employs 1100 people and all are high paying jobs. This transaction would preserve 800 jobs at the power plant and economic benefits. Mr. Risner explained that the plant will have to be retro fitted for environmental regulatory compliance and the new owners will have to work with all of the stake holders. Four Corners Power Plant is planning to shut down of units 1, 2 and 3 which will create a decrease in production volume by 30% and coal sales by 30%. This shut down is expected to take place in June of 2013. If this transaction goes thru the Navajo Nation will charter a tribally owned corporation and become the owner of Navajo Mine. BHP Billiton has agreed to operate the mine through 2016. And after 2016 the Navajo Nation will hire a mine manger. CEO Kim Carpenter discussed the impact of this transaction on San Juan County property taxes. Mr. Risner stated that San Juan Mine is not part of this transaction and BHP Billiton will continue to own and operate San Juan Mine. This was an informational item only.

2. Consideration of San Juan County Ordinance No. 79, Adopting a Countywide Emergency Communications and Emergency Medical and Behavioral Health Services Tax, and Resolution No. 12-13-27, Calling for an Election on Imposition of the Tax

Jim Durrett, County Attorney advised the Commission that in 2003 voters approved a 3/16 of 1% (.1875%) County Emergency Communications and Emergency Medical Services Gross Receipts Tax. This tax funds the operation of the Consolidated Communications Center and emergency medical services (ambulance service) within the County and will sunset on June 30, 2013. In 2007 the Legislature amended the County Local Option Gross Receipts Taxes Act to include behavioral health services as an authorized use of the funds. At the December 4, 2012 meeting, the Board of County Commissioners approved a Notice of Intent to Adopt Ordinance No. 79 which would re-enact the County Emergency Communications and Emergency Medical and Behavioral Health Services Gross Receipts Tax so that it continues uninterrupted on July 1, 2013. The Notice of Intent to Adopt was published in the Daily Times on Sunday, December 9, 2012. If the Board of County Commissioners chooses to adopt Ordinance No. 79, NMSA 1978, Section 7-20E-22 requires the Commission to call for an election allowing voters to approve or disapprove the tax. Resolution No. 12-13-27 calls for an election to be held on Tuesday, March 12, 2013. CEO Kim Carpenter explained that the performance of this tax has dropped over the years and the Communications Authority and Emergency Medical Services budgets are being monitored. In the event that this tax doesn't pass the County has the operating funds to sustain both budgets for 18 months. San Juan County and the City of Farmington are 44% responsible and the Cities of Aztec and Bloomfield are 6% responsible for the operating budgets of the Communications Authority and Emergency Medical Services. Chairman Pro-Tem Fortner confirmed that if this tax is approved by the voters it will become a permanent tax. Mr. Carpenter also explained that a marketing committee has been established to educate voters. A motion was made by Chairman Pro-Tem Fortner to approve San Juan County Ordinance No. 79, adopting a Countywide Emergency Medical and behavioral health services tax, and Resolution No. 12-13-27 calling for an election on imposition of the tax. Mr. Durrett explained that a public hearing needs to be held before the adoption of this ordinance. Chairman Pro-Tem Fortner withdrew his motion. Chairman Eckstein called for public comment, no public comment was received. A motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner Johns to approve San Juan County Ordinance No. 79, adopting a Countywide Emergency Medical and behavioral health services tax, and Resolution No. 12-13-27 calling for an election on imposition of the tax. Upon voice vote this motion passed unanimously.

3. Request for Adoption of Open Meetings Resolution No. 12-13-28

County Attorney, Jim Durrett explained that the Open Meetings Act requires that a public body determine annually what notice for a public meeting is reasonable when applied to that body. Commissioner Johns asked if there had been any complaints from the public regarding the current meeting schedule. CEO Kim Carpenter confirmed with staff that no complaints were received. Commissioner McDaniel mentioned that she had received some comments about the 4:00 p.m. time. A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Fortner to approve the adoption of open meetings Resolution No. 12-13-28. Upon voice vote this motion passed unanimously. Mr. Carpenter clarified that the County Commission meetings will be held on the first and third Tuesdays of each month at 4:00 p.m.

4. Review of Boards and Committees Appointments

CEO Kim Carpenter provided the Commission with a list of Board and Committee members appointed by the San Juan County Commission. Staff has contacted the various appointees and all have indicated a willingness to continue to serve. Commissioner McDaniel has

expressed an interest in serving on the San Juan Water Commission and the San Juan County Communications Authority Board of Directors. There are also vacant alternate positions on the San Juan County Museum Association Board of Directors and the Northwest New Mexico Rural Transportation Planning Organization and the Northwest New Mexico Council of Governments two primary positions and one alternate position available. Commissioner Todacheene has expressed interest in serving as the second primary and alternate on this board. Tanya Shelby, Chief Deputy Clerk announced that Clyde Ward was elected as San Juan County's New Mexico Association of Counties Board Member. A motion was made by Chairman Pro-Tem Jack Fortner, seconded by Commissioner McDaniel to approve the following changes; Commissioner Todacheene will serve as the primary on the Northwest New Mexico Council of Governments, as of April 1, 2013 Commissioner McDaniel will serve on the Communications Authority Board of Directors, Chairman Pro-Tem Fortner will serve as the alternate on the Museum Association Board, Commissioner McDaniel will serve as an alternate on San Juan Water Commission Board, and Clyde Ward will be on the New Mexico Association of County's Board. Upon voice vote this motion passed unanimously.

5. Consideration for Award of Bid 12-13-12, Price Agreement for the Purchase of Magnesium Chloride

Larry Hathaway, General Services/Community Development Administrator stated that on December 9, 2012, Central Purchasing issued a request for sealed bids to establish a price agreement for the purchase of magnesium chloride for the Public Works Department. The initial term of the agreement will be from January 9, 2013 through January 8, 2014, with options to renew for up to three (3) additional one year terms. Three (3) Invitations were sent out. On December 20, 2012, four (4) bids were received and opened. Staff from Public Works have reviewed the bid responses and recommends that the Commission award Bid 12-13-12 to Desert Mountain Corporation, Primary Bid and Alternate Bid Offer No. 1, as the overall low bidder meeting the specifications and requirements. The alternate bid award will allow the Public Works Department to purchase an 'enhanced magnesium chloride' product that they would normally mix themselves. The quantities required are estimated only and will be ordered on an as needed basis during the term of the agreements. The estimated amount for the primary bid award is \$180,000.00. The estimated usage of the Alternate Bid Offer is 6,000 gallons, \$4,680.00. A motion was made by Commissioner Johns, seconded by Commissioner McDaniel to approve award of Bid 12-13-12, price agreement for the purchase of magnesium chloride. Upon voice vote this motion passed unanimously.

6. Consideration of Cancellation of Second County Commission Meeting in January 2013

Kim Carpenter, CEO explained to the Commission that the second regular meeting in January is scheduled for Tuesday, January 15, 2013. January 15th marks the beginning of the New Mexico Association of Counties Winter Conference in Santa Fe, NM. Currently, the majority of County Commissioners are scheduled to attend this conference. Mr. Carpenter recommended that the second meeting in January be cancelled, with the next Regular Commission Meeting to be held in February, 2013 as per the Open Meetings Resolution. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to approve the cancellation of the second County Commission Meeting in January 2013. Upon voice vote this motion passed unanimously.

Reports From Elected Officials And Department Heads

Commissioner Todacheene congratulated Clyde Ward for winning the position on the New Mexico Association of Counties Board.

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 property. Upon voice vote this motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Fortner, seconded by Commissioner McDaniel 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 Chairman Fortner, seconded by Commissioner Johns to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:23 p.m.

Closed Executive Session

None

Adjourn

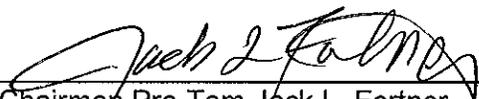
Being no further business a motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Fortner to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 4:30 p.m.

APPROVED THIS 5th DAY OF MARCH, 2013

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



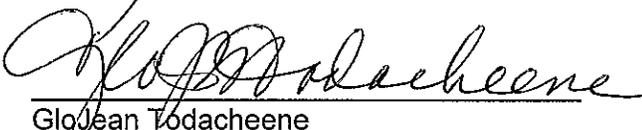
Chairman Scott Eckstein



Chairman Pro-Tem Jack L. Fortner



Margaret McDaniel

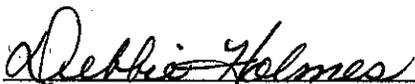


Glojean Todacheene



Keith Johns

ATTEST:



Debbie Holmes, County Clerk