

San Juan County Commission Regular Meeting June 17, 2014

Chairman Fortner called the San Juan County Commission meeting to order on June 17, 2014 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 Johns gave the invocation and Chairman Fortner led the Pledge of Allegiance. Those present were:

CHAIRMAN	Jack L. Fortner
CHAIRMAN PRO-TEM	Keith Johns
MEMBER	Margaret McDaniel
MEMBER	Scott Eckstein
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 DEPUTY ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Dave Keck
CHIEF HUMAN RESOURCES OFFICER	Charlene Scott
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Daniel Webb
ALTERNATIVE SENTENCING ADMINISTRATOR	Jennifer Miller
JUVENILE SERVICES ADMINISTRATOR	Traci Neff
JUVENILE SERVICES DEPUTY ADMINISTRATOR	Heidi Sawyer
FIRE CHIEF	Doug Hatfield
DEPUTY FIRE CHIEF	Craig Daugherty
INDIGENT HOSPITAL CLAIMS COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
CHIEF IT OFFICER	Vince Johns
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PRESS: Farmington Daily Times	Dan Schwartz
VISITORS: 20	

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 June 5, 2014

A motion was made by Commissioner Eckstein, seconded by Commissioner McDaniel 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 Johns, seconded by Commissioner McDaniel to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Award of Bid 13-14-20, Cooperative Price Agreement for Fuel: Cardlock Facilities and Bulk Fuel Purchases
2. Approval of Renewal of Bid 12-13-28, Price Agreement for the Production of 1" Base Course to Sterling Brothers Construction of Aztec, NM
3. Approval of Renewal of the Price Agreements under Bid 10-11-20, Price Agreement for the Purchase of Warehouse Supplies to Various Vendors
4. Approval of Resolution #13-14-50, FY14 Budget Adjustments
5. Approval of E-911 Grant Agreement Amendment Project 15-E-1
6. Approval of DWI Grant Agreement # 15-D-J-G-25 with Department of Finance and Administration/Local Government Division for Operation of the Local DWI Program
7. Approval of May 2014 Check Register

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

New Business

1. **Consideration of Resolution No. 13-14-51, Opposing Expansion of Federal Control under the Clean Water Act**

Dave Keck, Public Works Administrator briefed the Commission that the County and the partners at the National Association of Counties (NACO) are requesting comments from counties in regards to a proposed rule change to the Clean Water Act. This rule change would re-define the definition of "navigable waters" of the U.S. to include almost any surface connection to those waters, such as man-made ditches, public drains, and possibly more. The current Corps of Engineers rules are difficult enough to deal with as it is, creating a costly and lengthy permitting process. It was analyzed there is additional regulations and concluded it would compound San Juan County's ability to permit, construct and maintain even the simplest road or drainage projects. They are asking approval of resolution 13-14-51. NACO will use this

with lobbying efforts to help oppose the new regulations. A motion was made by Commissioner Eckstein, seconded by Commissioner McDaniel to approve Resolution No. 13-14-51, Opposing Expansion of Federal Control under the Clean Water Act. Upon voice vote this motion passed unanimously.

2. Request for Approval of Application for Transfer of Ownership of Liquor License No. 0104, The Sportsman, Navajo Dam

Jim Durrett, County Attorney stated a Notice of Public Hearing was published in the Daily Times on May 25, 2014 and June 1, 2014. The public hearing was held June 10, 2014, to take evidence for approval or disapproval of a transfer of ownership only of Liquor License No. 0104, located at 1810 Highway 173, Navajo Dam, New Mexico. The applicant is Brother & Sisters LLC, d/b/a The Sportsman. There was no one present and there were no comments in favor of or in opposition to the transfer of ownership with the exception of the applicant, Angela Chapman. The State of New Mexico Alcohol and Gaming Division must be notified of approval or disapproval by July 10, 2014. Chairman Fortner confirmed the Sportsman is not within 300 feet of a school or church. A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Johns to approve Transfer of Ownership of Liquor License No. 0104, The Sportsman, Navajo Dam. Upon voice vote this motion passed unanimously.

3. and 4. Request for Approval of Notice of Intent to Adopt Ordinance No. 88, Repealing Hospital Gross Receipts Tax and Request for Approval of Publication of Notice of Intent to Adopt County Ordinance No. 89, Adopting a County Hold Harmless Gross Receipts Tax

Doug Echols, Deputy Attorney informed the Commission that in 2003 the Board of County Commissioners enacted a one-eighth (.125%) local hospital gross receipts tax to fund improvements at San Juan Regional Medical Center. San Juan Regional Medical Center has indicated that the last project to be completed with the proceeds of this tax should be fully funded by December 31, 2014. Should the Commission desire to terminate this tax, the repeal would be effective on January 1, 2015. If the Commission approves the Notice of Intent to Adopt, the Legal Department will schedule the proper publication and place this item on the July 15, 2014 Commission meeting agenda requesting adoption of the Ordinance at that time.

Doug Echols, Deputy Attorney stated as the Commission is aware, the State Legislature, in 2005, removed the statewide gross receipts tax on qualifying food sales and certain medical services. That bill contained a "hold harmless" provision that provided for a new distribution formula to offset the revenue loss counties and cities would incur and was incorporated into NMSA 1978, Section 7-1-6.46. In 2013, however, the Legislature repealed the hold harmless provision with a bill that will phase out the hold harmless payments and also authorized counties to enact a new "hold harmless" gross receipts tax to offset the loss of revenue. Ordinance No. 89 would enact a one eighth of one percent (.125%) gross receipts tax on anyone engaging in business in San Juan County. The one-eighth gross receipts tax would be used for County general purposes. If approved, this tax would go into effect on January 1, 2015, simultaneously with the reduction in the Local Hospital Gross Receipts Tax. If the Notice of Intent to Adopt is approved by the Commission, the Legal Department will schedule the proper publication and place this item on the July 15, 2014, Commission meeting agenda requesting adoption of the Ordinance at that time.

A motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Eckstein to approve #3 Notice of Intent to Adopt Ordinance No. 88, Repealing Hospital Gross Tax and #4

Publication of Notice of Intent to Adopt County Ordinance No. 89, Adopting a County Hold Harmless Gross Receipts Tax. Upon voice vote this motion passed unanimously.

5. Consideration of Performing Chip-Seals for the City of Farmington

Dave Keck, Public Works Administrator informed the Commission that the Public Works Department of the City of Farmington has requested that the County assist them in chip-sealing approximately 1.6 miles of City streets. Staff has prepared an estimate which includes materials, equipment, and labor cost in the amount of \$118,547.60 which is acceptable to the City. Out of that amount the County will collect approximately \$34,547.06 in additional revenue which will offset its fixed equipment and labor cost. Mr. Keck requested that the Commission authorize the CEO to sign the agreement. A motion was made by Commissioner McDaniel, seconded by Commissioner Eckstein to authorize the CEO to sign the agreement for Performing Chip-Seal for the City of Farmington. Upon voice vote this motion passed unanimously.

6. Request for Approval of Resolution Numbers 13-14-52, 13-14-53, and 13-14-54 for Funding Under the New Mexico Department of Transportation County Cooperative Program (COOP)

Dave Keck, Public Works Administrator stated Public Works is requesting the approval of Resolutions #13-14-52, #13-14-53, and #13-14-54 for Funding Under the New Mexico Department of Transportation County Cooperative Program (COOP) for the construction and/or improvements of some designated County roads. The State requires a resolution from the County Commission in support of pursuing an Agreement to receive the funds and to agree to a 25% match. This year, the State will fund the following amounts for pavement/rehabilitation of various County roads:

Project No.	State Share	County Share	Location
CAP-5-15(469)	\$171,564.00	\$57,188.00	CR 3000
SP-5-15(183)	\$119,480.00	\$39,826.00	CR 6480
SB-7805(102)15	\$170,888.00	\$56,962.00	CR 5500, 5510, AND 5512

They are requesting approval of Resolutions #13-14-52, #13-14-53, and #13-14-54 authorizing:

1. The County Executive Officer to execute the Agreements for CAP-5-15(469), SP-5-15(183) and SB-7805(102)15.
2. Payment of the 25% match totaling \$153,976.00.
3. We are receiving an additional \$178,633.00 of funds from the State this year.

A motion was made by Commissioner McDaniel, seconded by Chairman Pro-Tem Johns to approve Resolution #13-14-52, #13-14-53, and #13-14-54 for Funding Under the New Mexico Department of Transportation County Cooperative Program (COOP). Upon voice vote this motion passed unanimously.

Reports From Elected Officials And Department Heads

Chairman Fortner and Commissioner McDaniel asked Don Cooper, Emergency Manager if there was any update on the Chuska Fire. Mr. Cooper stated there is no evacuation plans, the Navajo Nation is not asking for help at this time and the fire is at 0% containment. There is approximately 12,600 acres.

Comments / Input From The General Public

Daniel Goldbreg, Vice President of the New Mexico Bonding Association, stated they have concerns with the jail and when they try to get issues resolved they feel they are being retaliated against. Chairman Fortner asked what issue they are having. Mr. Goldberg informed the Commission that the issue at this time is there has always been a scrolling system in place at the jail that lists the companies and individual names of each bail bondsman. He stated he was told by Mr. Havel that it would no longer be listed by individual names, but by companies. They are requesting that it be listed by individual name.

Bob Savage representing Bob Savage Bail Bondsman and his wife Barbara Savage with AAA Outlaws Bail Bonds, stated they are also having issues with the jail.

Steve Economos, Bail Agent agrees that it should be listed by names.

Daniel Goldberg Jr., Goodfellas Bail Bonds, thinks the list at the jail should be by name and not just by company.

Rocky Fotta, Bad Boyz Bail Bonds, informed the Commission most people know there bail agents by name not by company.

Chairman Fortner asked Daniel Webb, Deputy Administrative Adult Detention Center (ADC), if he would like to respond. Mr. Webb informed the Commission he did not know of any retaliation, or the issues that are going on. The list that is provided is a courtesy. Chairman Fortner stated that bondsman provide a good service and would like it to work between the bail agents and ADC.

Doug Hatfield, Fire Chief stated Assayii Fire as of 6:00 a.m. this morning June 17, 2014 there was 12,105 acres. They are doing assessments at this time. We have 21 personnel from San Juan County Fire area deployed and Farmington has 1 engine there. The fire is not threatening any residential structures. There have been 5 structures lost, 3 of which are unknown structures and 2 were out buildings. There are 520 firefighters that are currently firefighting and they estimating there will be 700. There are no evacuations needed at this time and the fire is at 0% containment. The winds are coming from the Southwest, they expect if the winds keep blowing that way the fire will burn down into the canyon and burn out.

Closed Executive Session

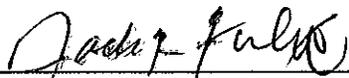
NONE

Adjourn

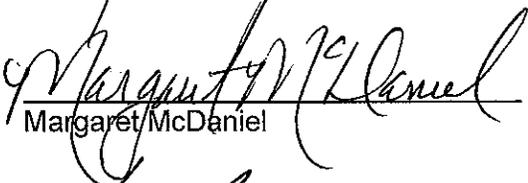
Being no further business a motion was made by Chairman Pro-Tem Johns, seconded by Commissioner Eckstein to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 4:35 p.m.

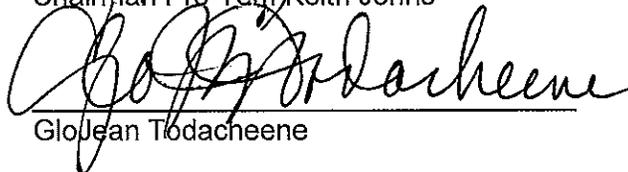
APPROVED THIS 1st DAY OF JULY, 2014

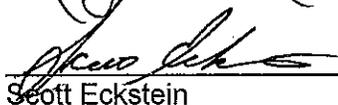
BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:


Chairman Jack L. Fortner


Chairmah Pro-Tem Keith Johns


Margaret McDaniel


Glojean Todacheene


Scott Eckstein

ATTEST:


Debbie Holmes, County Clerk