San Juan County Commission
Regular Meeting
July 7, 2015

Chairman Pro-Tem Eckstein called the San Juan County Commission meeting to order on July 7, 2015 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Commissioner Fortner gave the invocation and Commissioner Charley led the Pledge of Allegiance. Those present were:

CHAIRMAN PRO-TEM	Scott Eckstein
MEMBER	Jack Fortner
MEMBER	Margaret McDaniel
MEMBER	Wallace Charley
ASSESSOR	Clyde Ward
CHIEF DEPUTY ASSESSOR	Jimmy Voita
CLERK	Debbie Holmes
COUNTY EXECUTIVE OFFICER	Kim Carpenter
COUNTY OPERATIONS OFFICER	Mike Stark
ATTORNEY	Jim Durrett
DEPUTY ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Doug Echols
RISK MANAGER	Kristi Galloway
EMERGENCY MANAGER	Don Cooper
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 ADMINISTRATOR	Tom Havel
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Heidi Sawyer
ADULT DETENTION CENTER DEPUTY ADMINISTRATOR	Daniel Webb
DEPUTY FIRE CHIEF	Craig Daugherty
HEALTH CARE ASSISTANCE PROGRAM COORDINATOR	Liza Gomez
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
SUBDIVISION REVIEW OFFICER	David Barnett
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PRESS: Farmington Daily Times	Dan Schwartz
VISITORS:	14

A motion was made by Commissioner Fortner, seconded by Commissioner Charley to call to order the Indigent Hospital and County Health Care Board Meeting. Upon voice vote, the motion passed unanimously.

Indigent Hospital and County Health Care Board Meeting

1. Review of Claims
2. Approval of Minutes of June 9, 2015

The Indigent Hospital and County Health Care Board Meeting Minutes are taken separately and are made a part of the permanent minute's folder.

A motion was made by Commissioner Fortner, seconded by Commissioner Charley to adjourn the Indigent Hospital and County Health Care Board Meeting and call to order the Regular Meeting. Upon voice vote, the motion passed unanimously.

Regular Meeting

Approval of Agenda

Kim Carpenter, CEO stated that there are no changes to the agenda. A motion was made by Commissioner McDaniel, seconded by Commissioner Charley to approve the agenda as presented/amended. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of DWI Grant Agreement #16-D-J-G-25 with Department of Finance and Administration/Local Government Division for operation of the Local DWI Program
2. Approval of FY 2016 DWI Planning Council Membership
3. Approval of FY 2016 Client Fees for the DWI Treatment and Aftercare Services and the Axis & Nexus Treatment, Transition and Aftercare Services
4. Approval of Memorandum of Agreement with Sandoval County Authorizing DWI and Incarceration Services
5. Approval of May 19, 2015 Special Meeting Minutes
6. Approval of May 26, 2015 Regular Meeting Minutes
7. Approval of June 9, 2015 Regular Meeting Minutes

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

New Business

1. Consideration of Byrne Memorial Justice Assistance Grant (JAG) Application

Dave Hamlin, Sheriff's Department explained to the Commission that this is the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) application from the Department of Justice. The San Juan County Sheriff's Office was determined to be eligible to receive $21,489 in conjunction with the Farmington Police Department which will receive $36,953. The San Juan

County Sheriff's Office will be using this allocation to purchase seventeen (17) Taser ECW devices, fifty (50) 25ft cartridges, fifty (50) 15ft cartridges, seventeen (17) holsters and seventeen (17) battery packs. There are no matching funds required with this grant; however, to purchase these items will require an additional $1,176.30 from the Sheriff's Office FY15-16 operating budget. We are requesting any public comment & commission approval of this Agreement. Chairman Pro-Tem Eckstein opened the floor for public comment. There were no comments from the public. A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve the Byrne Memorial Justice Assistance Grant (JAG) Application. Upon voice vote this motion passed unanimously.

2. Consideration of Memorandum of Understanding with the new Town of Kirtland to Provide Services

Doug Echols, Deputy Attorney reported the county has successfully negotiated a Memorandum of Understanding with the new Town of Kirtland to provide law enforcement services for $71,000 annually, fire & emergency services for $240 per call, and road maintenance up to $10,000 annually on a time and materials basis. A motion was made by Commissioner Fortner, seconded by Commissioner Charley to approve the Memorandum of Understanding with the new Town of Kirtland to Provide Services. Upon voice vote this motion passed unanimously.

An Intergovernmental Agreement for Building Inspection Services is also attached which would allow the County's Community Development Department to issue Town of Kirtland building permits and allow County building inspectors to perform electrical, plumbing, and mechanical inspections in return for the building permit fees which would be paid to the County. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve the Memorandum of Understanding with the new Town of Kirtland to provide building inspection services. Upon voice vote this motion passed unanimously.

3. Consideration of Opting-Out of the Provisions of the Federal Health Insurance Portability and Accountability Act

Doug Echols, Deputy Attorney briefed the Commission that in 1996, the federal Health Insurance Portability and Accountability Act (HIPAA) was enacted. Among other things, the Act limited the ability of employers to limit health insurance of pre-existing conditions, required parity in insurance coverage for mental illnesses, and made a number of other sweeping changes to insurance law. The law has obvious ramifications on the County's self-insured employee health plan. However, the various statutes also permit a governmental entity to "opt-out" of HIPAA simply by filing a notice with the Health Care Financing Administration yearly. The Commission has voted to opt-out of HIPAA each year since 1997. Although some portions of our health insurance policy comply with HIPAA, some elements may not comply and it is the recommendation of staff that we therefore opt-out of HIPAA once again. This year's HIPAA opt out is slightly different from previous years as a result of Healthcare Reform. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve Opting-Out of the Provisions of the Federal Health Insurance Portability and Accountability Act. Upon voice vote this motion passed unanimously.

4. Request for Award of Proposal 14-15-17, Architectural Services for Valley Station #1 and First Divide Fire Station

Larry Hathaway, Community Development Administrator reported that on May 31, 2015, Central Purchasing issued a request for sealed proposals for the purpose of selecting an Architect that would provide architectural design services for a Valley Station #1 and First Divide Fire Station. Fifty-nine (59) invitations were mailed out. On June 11, 2015, they received and opened four (4) proposals. The Evaluation Committee consisting of Mike Stark, Craig Daugherty, Daniel Hill and Diana Baker have evaluated the responsive offers in accordance with the evaluation criteria and recommends that an award is made to Rodahl & Hummell Architecture of Farmington, NM, as the highest rated offeror for the services. The award will be subject to the successful negotiation of a contract. Design services for this project are estimated to be $130,000. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve the Award of Proposal 14-15-17, Architectural Services for Valley Station #1 and First Divide Fire Station. Upon voice vote this motion passed unanimously.

5. Request for Approval of Amendment and Restatement of San Juan County Ordinance No. 58, the Flood Damage Prevention Ordinance

Joseph Sawyer, Deputy County Attorney stated the Office of Emergency Management and the Legal Department are requesting changes to the Flood Damage Prevention Ordinance. A Floodplain Use Permit would be created and required for all changes to a structure or land located within the floodplain. Article VI, Penalties for Noncompliance, is changed to clarify the Ordinance and make it more enforceable in court. The jail time penalty is removed. If approval is given for publication of the Notice to Amend and Restate, the Legal Department will schedule the proper publication and will place this item on the July 28, 2015 Commission meeting agenda requesting adoption of the amended and restated Ordinance at that time. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve publication of the Notice to Amend and Restatement of Ordinance No. 58, the Flood Damage Prevention Ordinance. Upon voice vote this motion passed unanimously.

6. Consideration of Amendment to San Juan County Ordinance No.4, Unlawful Disposal of Refuse

Joseph Sawyer, Deputy County Attorney proposed an amendment to Ordinance No. 4, Unlawful Disposal of Refuse, which would change the penalties for violation of the Ordinance, removing the 90 day imprisonment penalty for a first conviction. The 90 day sentence would still be an option for subsequent convictions. If approval is given for publication of a Notice of Intent to Amend, the Legal Department will schedule the proper publication and will place this item on the July 28, 2015 Commission meeting agenda requesting adoption of the amended Ordinance at that time. Commissioner Fortner stated concern of there not being a jail penalty. A motion was made by Commissioner McDaniel, seconded by Commissioner Charley to approve publication of the Notice of Intent to Amend San Juan County Ordinance No.4, Unlawful Disposal of Refuse. Upon voice vote Chairman Pro-Tem Eckstein, Commissioner Charley, Commissioner McDaniel voted in favor of the motion, Commissioner Fortner voted against the motion.

7. Consideration of Accepting Donation of Land from the City of Farmington for Sobering House

Mike Stark, County Operations Officer informed the Commission that staff has been working with the City of Farmington and San Juan Regional Medical Center on finding a site to locate the new Sobering House. A parcel of land owned by the City of Farmington has been located just south of the existing Totah Behavioral Health Authority located on Ojo Court in Farmington. Farmington City Council is scheduled to take formal action on donating the 1.65 acre parcel to the County for construction of the Sobering House. The property has been environmentally cleared and acceptable for construction. The location of this property is ideal given the close proximity to the Totah Behavioral Health Authority and the new Joint Intervention Program being constructed by the City of Farmington. Co-location of these programs will be helpful in building the circle of treatment needed to truly combat the problems of substance abuse. Staff recommends acceptance of the land from the City of Farmington upon their approval. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve Accepting the Donation of Land from the City of Farmington for Sobering House. Upon voice vote this motion passed unanimously.

8. Consideration of Resolution 15-16-01 and Resolution 15-16-02, Authorizing and Approving Submission of a Completed Application for Financial Assistance to the New Mexico Finance Authority

Mike Stark, County Operations Officer informed the Commission staff was recently approached by a couple of citizens who owns property in the Totah Subdivision, located just south of the City of Farmington in the unincorporated part of San Juan County. All of the homes within this subdivision have potable water delivered via wells and wastewater handled via septic tanks. Due to a close proximity to the San Juan River, the water table is quite high and could allow for contamination of associated wells. The request from the citizens was to find funding to extend the nearby City of Farmington water and wastewater infrastructure necessary to tie in the existing homes. Prior to requesting funding for construction of this project, a preliminary engineering report (PER) needs to be completed to evaluate both the water and wastewater needs in order to determine project feasibility and a cost estimate. A planning grant is available via the New Mexico Finance Authority (NMFA) to allow for completion of both a water and wastewater PER. Due to the socio-economic status of this area, we are requesting a $50,000 for a wastewater study and $50,000 for a water study with no county match. It is possible that a 100% grant would not be awarded. Regardless, any offer from NMFA would be brought back for Commission approval. This item is just formally approving our application to NMFA for both of these projects. Staff request approval of Resolution No. 15-16-01 and 15-16-02. A motion was made by Commissioner Fortner, seconded by Commissioner McDaniel to approve Resolution 15-16-01 and Resolution 15-16-02, Authorizing and Approving Submission of a Completed Application for Financial Assistance to the New Mexico Finance Authority. Upon voice vote this motion passed unanimously.

9. Report on Inspection of Detention Center

Jim Durrett, County Attorney informed the Commission the 2011 session of the legislature repealed NMSA 1978, §33-3-4, Inspection of Jails and Detention Centers, which required the governing body to inspect jails at least twice a year and report to the District Court and enacted

a new §33-3-4 which provides that the governing body shall conduct an annual site visit to inspect the overall conditions at the facility and present an inspection report at a regular meeting of the governing body. The last report was submitted on September 22, 2014. If the Commission will visit the jail we will prepare an inspection report to present at a regular County Commission meeting. This was an informational item only.

Reports From Elected Officials And Department Heads

Commissioner Fortner commended the City of Bloomfield for the firework show on July 4, 2015.

Comments / Input From The General Public

No comments from the general public.

Kim Carpenter, County Executive Officer presented a plaque to Jim Durrett for his 24 years of service. Today's Commission meeting is his last and he is retiring. The Commission made various comments.

Adjourn

Being no further business a motion was made by Commissioner Charley, seconded by Commissioner Fortner to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 4:37 p.m.

APPROVED THIS 28TH DAY OF JULY, 2015

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

Chairman Keith Johns

Chairman Pro-Tem Scott Eckstein

Margaret McDaniel

Wallace Charley

Jack Fortner

ATTEST:

Debbie Holmes, County Clerk