

San Juan County Commission Regular Meeting February 19, 2019

Chairman Fortner called the San Juan County Commission meeting to order on February 19, 2019 at 4:00 P.M. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Stewart Logan gave the invocation and Hector Rangel led the Pledge of Allegiance. Those present were:

CHAIRMAN	Jack L. Fortner
CHAIRMAN PRO-TEM	Jim Crowley
MEMBER	John T. Beckstead
MEMBER	Glojean Todacheene
MEMBER	Michael Sullivan
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
CHIEF DEPUTY TREASURER	Carol Taulbee
SHERIFF	Shane Ferrari
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
COUNTY ADMINISTRATIVE OFFICER	Fran Fillerup
DEPUTY ATTORNEY	Joe Sawyer
RISK MANAGER	Cynthia Singleton
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL AND STRATEGY OFFICER	Jim Cox
PUBLIC WORKS ADMINISTRATOR	Nick Porell
CHIEF HUMAN RESOURCES OFFICER	Charlene Wells
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Gail Peters
FIRE CHIEF	Craig Daugherty
DEPUTY FIRE CHIEF	John Mohler
GENERAL SERVICES ADMINISTRATOR	Larry Hathaway
HOUSING EXECUTIVE DIRECTOR	Faye Anderson
SAFETY & COMPLIANCE MANAGER	Stewart Logan
PUBLIC RELATIONS MANAGER	Devin Neeley
PRESS: Farmington Daily Times	Hannah Grover
VISITORS:	514

Regular Meeting

Approval of Agenda

Mike Stark, County Manager, stated that there is one change to the agenda; there is not a Closed Executive Session. A motion was made by Commission Sullivan, seconded by

Chairman Pro-Tem Crowley to approve the agenda as amended. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Renewal of Proposal 16-17-11, Property and Casualty Insurance to Kysar Millennium Leavitt Insurance Agency of Farmington, New Mexico.
2. Approval of Resolution 18-19-54, Appointing a Representative and Alternate to the New Mexico Workers' Compensation Fund Board of Directors.
3. Approval of Resolution 18-19-51, Supporting New Mexico Department of Transportation (DOT) 2019-2020 Local Government Road Fund Application.
4. Approval of Resolution 18-19-36, Authorizing Submittal of the FY2020 Local Driving While Intoxicated (LDWI) Grant Fund Application.
5. Approval of Resolution 18-19-50, Disposal of Surplus and/or Obsolete County Property
6. Approval of January 22, 2019 Regular Meeting Minutes
7. Approval of January Check Register

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

New Business

1. **Consideration of Resolution No. 18-19-52, Declaring San Juan County to be a Second Amendment Sanctuary County**

Shane Ferarri, San Juan County Sheriff, requested the Commission adopt Resolution 18-19-52 declaring San Juan County to be a Second Amendment Sanctuary County. The resolution affirms County Commissioners support for the duly elected Sheriff of San Juan County in exercising his sound discretion and affirm its resolve to support decisions by the Sheriff to not enforce any firearm law previously determined to be unconstitutional. It also indicates that the Commission will not authorize or appropriate governments funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing a law previously determined to be unconstitutional that infringes on the right of people to keep and bear arms. Chairman Fortner read the resolution aloud:

SAN JUAN COUNTY, NEW MEXICO
RESOLUTION 18-19-52

DECLARING SAN JUAN COUNTY TO BE A
SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, the Board of County Commissioners met in a Regular Meeting on February 19, 2019 at 4:00 P. M. at 100 S. Oliver Drive in Aztec, New Mexico; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1975) provides that Counties have the power to "provide for the safety; preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants"; and,

WHEREAS, NMSA, 1978, Section 4-38-18 (1876) provides that a Board of County Commissioners has the duty and authority "[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law"; and,

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court in the District of Columbia v. Heller 554 U.S. 570 (2008), decision affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and,

WHEREAS, the Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and,

WHEREAS, Article II, Section 6 of the Constitution of New Mexico provides that "[n]o law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms"; and,

WHEREAS, it is the desire of the Board to declare its support of the Second Amendment to the United States Constitution and the New Mexico Constitution protecting citizens' inalienable and individual right to keep and bear arms; and,

WHEREAS, the members of this Board took an oath to support the United States Constitution, the Constitution of the State of New Mexico and the laws of the State of New Mexico (insofar as they are constitutional).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of San Juan, by the authority granted the Board by the laws of the State of New Mexico and people of San Juan County, New Mexico to stand and defend their rights and liberties, which are guaranteed by the United States and New Mexico Constitutions, we hereby declare this Resolution as follows:

Second Amendment Preservation Resolution Designating San Juan County a

Second Amendment "Sanctuary County"

BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Sheriff of San Juan County, New Mexico in the exercise of his sound discretion and affirms its resolve to support decisions by our Sheriff to not enforce any firearm law previously determined to be unconstitutional.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or

offices for the purpose of enforcing a law previously determined to be unconstitutional that infringes on the right of the people to keep and bear arms.

APPROVED, ADOPTED, AND PASSED on this 19th day of February 2019.

The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Sullivan to approve Resolution No. 18-19-52, Declaring San Juan County to be a Second Amendment Sanctuary County. Chairman Fortner, Chairman Pro-Tem Crowley, Commissioner Beckstead, and Commissioner Sullivan voted for. Commissioner Todacheene voted against. Upon voice vote the motion passed.

2. Consideration of Extension of PESCO Lease at La Plata Industrial Complex

Mike Stark, County Manager, stated that in December, the County Commissioners granted an extension of 90 days to the lease that Process Equipment & Service Company, Inc (PESCO) has at the La Plata Industrial Complex which was originally set to expire December 31, 2018. PESCO has now requested another two-month extension of the lease, as they are experiencing construction delays on the remodel of their new building located on U.S. Highway 64. The new extension would move the expiration date from March 31, 2019 to May 31, 2019. Commissioner Todacheene thanked PESCO for their contribution to the community. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Crowley to approve the Extension of PESCO Lease at La Plata Industrial Complex. Upon voice vote this motion passed unanimously.

3. Approval of Purchase Agreement for land in Harvest Gold Subdivision

Joe Sawyer, Deputy Attorney, explained that the County received state capital outlay funds for improvement to the water system that serves Harvest Gold subdivision. In order to gain access to the water tank storage site for construction, the County needs to acquire Lot 42 (25 Road 4909) of the Harvest Gold Subdivision. The lot consists of 1.44 acres and its value has been appraised at \$25,000. Staff recommends approval of the Purchase Agreement subject to the receipt of a clean Phase 1 environmental site assessment. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Crowley to approve the Purchase Agreement for land in Harvest Gold Subdivision. Upon voice vote this motion passed unanimously.

4. Consideration for Award of Bid 18-19-09 McGee Park Coliseum and Site Electrical Upgrades

Larry Hathaway, General Services Administrator, stated that in January 12, 2019, Central Purchasing issued a request for sealed bids for the McGee Park Coliseum and Site electrical upgrades in Farmington, NM. One hundred and eighteen (118) invitations were sent. On February 12, 2019, two (2) bids were received and opened. The bid responses have been reviewed by County staff and the project engineer and recommended award of Bid No. 18-19-08, McGee Park Coliseum and site electrical upgrades to Echo Electric Company of Farmington, NM as the low bidder meeting specifications and requirements. The award will be for base bid amount only \$460,000 plus NMGRT \$30,187.50 for a total of \$490,187.50. A

motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Todacheene to approve the Award of Bid 18-19-09 McGee Park Coliseum and Site Electrical Upgrades. Upon voice vote this motion passed unanimously.

5. Approval of Grant of Easement to Valley Water and Sanitation District for Booster Pump Station in Road 6100 Right-of-Way

Joe Sawyer, Deputy Attorney, informed the Commission that Valley Water and Sanitation District (VWSD) requested that the County grant VWSD a 60' x 40' easement for a booster pump station site in the Road 6100 Right-of-Way. VWSD plans to construct a booster pump station in the easement. VWSD will pay the County \$170 for the easement; which is the price at which it appraised. Staff recommended approval of the grant of easement. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Crowley to approve the Grant of Easement to Valley Water and Sanitation District for a Booster Pump Station Site in the Road 6100 Right-of-Way. Upon voice vote this motion passed unanimously.

6. Consideration of Participation in Two County-wide Dumpster Weekends in 2019

Nick Porell, Public Works Director, explained that in 2018, San Juan County and other local governments participated in a free dumpster weekend for the weekends of March 24, 2018 and October 20, 2018. On those weekends, the City of Farmington operated a drop-off at Berg Park where household items could be disposed of free of charge. In a coordinated effort, the County waived fees at the twelve (12) County operated transfer stations as well as absorbed the tipping fees for County residents at the County landfill which provided residents cost-free disposal of household waste at transfer stations and the landfill for one day in the spring and one day in the fall. San Juan County paid for the disposal fees and hauling costs. A summary of the costs to the County in 2018 is as follows:

Item	Date	
	03/24/2018	10/20/2018
Overtime	\$2,536.50	\$1,554.10
Trucking	\$2,440.40	\$1,220.20
Disposal Fees	\$2,138.27	\$2,222.68
Total	\$7,115.17	\$4,996.98

Disposal fees were consistent for each of the free dumpster weekends and the additional costs incurred for the March 2018 disposal day were associated with staffing and trucking. At the time, the need for staff and equipment was unknown as this was the first such occurrence of the dumpster weekend. The City of Farmington has planned a free dumpster weekend for April 6, 2019 and October 19, 2019 and should the County choose to participate, cost implications would be anticipated similar to those in October 2018 of approximately \$5,000. Each of the free dumpster weekend days are on a Saturday. The County already operates all but one of its transfer stations on Saturdays. The additional staffing and hauling costs as described above are to accommodate the projected large volume on these days. Currently, San Juan County operates a Household Hazardous Waste Day two times per year, in the spring and fall, in which a contractor accepts and disposes of paints, chemicals, oils, etc., which are not allowed to be

disposed directly in the landfill. The next Household Hazardous Waste Day is scheduled for April 27, 2019. Dumpster Weekend events are scheduled for different days from the Household Hazardous Waste Days in the spring and fall to avoid confusion about disposal locations. Staff requested approval from the Commission to provide staffing, equipment, and disposal fees for participation in the 2019 free dumpster weekends. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Crowley to approve Participation in Two County-wide Dumpster Weekends in 2019. Upon voice vote this motion passed unanimously.

Report from County Manager

None

Reports From Elected Officials And Department Heads

Nick Porell, Public Works Director, gave an update on the bridge acquisition on Road 5500. Mr. Porell also gave an update on snow removal from the recent storm.

Commissioner Todacheene updated the Commission regarding roll call before going into closed session.

Comments / Input From The General Public


M.P. Shildmeyer gave an update on her meeting with Senator Jacob Candelaria regarding Senate Bill 489.

Adjourn


Being no further business, a motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 4:43 p.m.

APPROVED THIS 7TH DAY OF MARCH, 2019


BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:




Chairman Jack L. Fortner



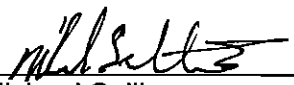
Chairman Pro-Tem Jim Crowley



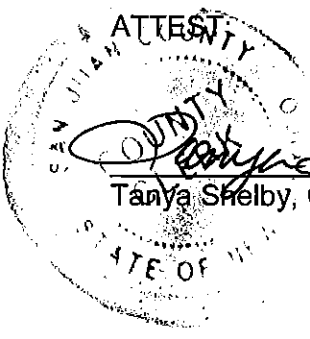
John T. Beckstead



Glojeah Todacheene



Michael Sullivan


ATTEST

Tanya Shelby, County Clerk