

**San Juan County Commission  
Regular Meeting  
April 16, 2019**

Chairman Fortner called the San Juan County Commission meeting to order on April 16, 2019 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 Crowley gave the invocation and Mike Stark 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
CLERK	Tanya Shelby
COUNTY MANAGER	Mike Stark
COUNTY ADMINISTRATIVE OFFICER	Fran Fillerup
ATTORNEY	Doug Echols
DEPUTY ATTORNEY	Joe Sawyer
RISK MANAGER	Cynthia Singleton
EMERGENCY MANAGEMENT COORDINATOR	Ali Rye
CHIEF FINANCIAL AND STRATEGY OFFICER	Jim Cox
DEPUTY FINANCE OFFICER	Kim Martin
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Nick Porell
CHIEF HUMAN RESOURCES OFFICER	Charlene Wells
ADULT DETENTION CENTER WARDEN	Tom Havel
ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR	Gail Peters
JUVENILE SERVICES DEPUTY ADMINISTRATOR	Bowen Belt
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
VISITORS:	21

**Regular Meeting**

**Approval of Agenda**

Mike Stark, County Manager, stated that there is one change to the agenda. New business #5 will be postponed to another date. A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to approve the agenda as amended. Upon voice vote this motion passed unanimously.

## **Consent Agenda**

1. Approval of Grant Agreement with Children, Youth and Families Department (CYFD) for Juvenile Continuum Funding.
2. Approval of Award of Bid 18-19-13, purchase of Two 3,000-Gallon Tanker Trucks
3. Approval of Resolution 18-19-65, FY19 Budget Adjustments #10.
4. Approval of April 2, 2019 Regular Meeting Minutes.

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

## **New Business**

### **1. San Juan County Historical Society Annual Update**

Patricia Tharp, President, San Juan County Historical Society, thanked the Commission for their support and extended thanks to Chairman Fortner and Commissioner Beakstead for additional funding. Ms. Tharp highlighted the following:

- Mission Statement- To collect and preserve historical documents pertaining to San Juan County for future generations.
- Membership has doubled over the last 18 months to approximately 150 members.
- The historical society is outgrowing the current space of 829 sq ft. They are looking for a new building of at least 2,500 sq ft. Expanding programs, archive space, and number of volunteers.
- The 18<sup>th</sup> booklet was released: *The Lost Communities of Navajo Dam, Vol 1, Los Martinez*, written by Patricia Tharp.
- Field trip in October 2018, Dr. Carol Cloer led an excursion to the Navajo Reservation including stops at: Shiprock Chapter House, Pubic Service Hospital Art Collection, and the historic Toadlena Trading Post.
- First ever historical house tour at 665 W. Main St in Farmington.
- October 19, 2019 the old Hydro-Power plant on McCormick Road in Farmington will be dedicated as an historical landmark.

### **2. Consideration of Proclamation Declaring May 2019 Mental Health Awareness Month**

Gretchen Potter, Chair of the San Juan Safe Communities Mental Health Task Force, has requested that San Juan County issue a proclamation declaring May 2019 Mental Health Awareness Month. Ms Potter also invited everyone to the Masquerade Ball *Hiding Behind the Mask of Mental Illness* on May 10<sup>th</sup> at the Farmington Civic Center. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve Proclamation Declaring May 2019 Mental Health Awareness Month. Upon voice vote this motion passed unanimously.

**3. Consideration of Request for Funding of Interstate Broadband Planning Grant**

Tom Taylor, 4CED Board Member, stated they recently met with representatives from the City of Farmington, San Juan County and Miriam Gillow Wiles, Executive Director for the Colorado Council of Govts (SWCCOG). The SWCCOG had recently been working on regional broadband planning to enhance connectivity and reliability to many towns within Southern Colorado. During their research, they had found some of the redundancy for their area flows thorough San Juan County and ours via Southwest Colorado. Both regions will need to work together across state lines to enhance reach and redundancy. The next step is to apply for a REDI grant from the Colorado Dept of Affairs. As with many grant applications, they are looking for support from benefactors both private and public to participate. Their specific request from the County and the City of Farmington is \$15K each to help fund a comprehensive regional broadband study. Based upon the anticipated benefit of adding fiber to the western part of our county and additional redundancy, staff recommended the funding of this request. Various questions were asked by the Commission. A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Beckstead to approve the Request for Funding of Interstate Broadband Planning Grant. Upon voice vote this motion passed unanimously.

**4. Consideration of the Sixth Amendment to the Agreement for Lease of Real Estate Between Waste Management of New Mexico, Inc. and San Juan County, New Mexico**

Fran Fillerup, County Administrative Officer, stated that in 2017 San Juan County and Waste Management (WM) entered a fifth amendment to the lease agreement for operation of the San Juan County Landfill on Crouch Mesa. The Amendment occurred because decline in County budgets lead the County to remove the subsidy for residents in the unincorporated area to dispose for free at the landfill. This change took effect July 1, 2017. The fifth amendment to the lease agreement included the condition that if WM's revenue during the six-month period between July 1, 2017 and December 31, 2017 decreased by three percent or more as compared to July 1, 2016 to December 31, 2016, WM may request a collaborative review of data to determine if such decrease in revenue is more likely than not attributable to the policy change removing the subsidy. If so, the parties would enter good faith negotiation to modify current rates so that WM's operating revenues will be substantially equal to what it would have been if the County had not ended the subsidy. WM provided data showing that WM experienced a reduction in tonnage in the second half of 2017 as compared to the second half of 2016. During meetings over the past year, County and WM staff have reviewed data for the tons received, as well as long-term trends, and anecdotal information regarding the cause in the reduction. WM stated they have seen a 42 percent reduction in tonnage disposed by County residents and lost approximately \$300,000 of revenue. The County gathered information showing the long-term trend of decline in tonnage over the last ten years (likely due to declining construction activity and population), suggesting the reduced tonnage is not solely due to the removal of the subsidy. Further, the County saw an increase in tons disposed at its transfer stations of 10 percent for the 18 months after the subsidy ended as compared to the 18 months before July 2017. Out of these discussions, County staff and WM staff have undertaken a negotiation to satisfy the terms of the fifth amendment. WM indicated that to be made whole for the revenues which it received prior to the removal of the subsidy, WM should receive either an overall 10.176 percent rate increase or be allowed to close the

landfill on Sundays and receive a rate increase of 7.863 percent. Currently, County and WM staff have come to an agreement on the general terms of amendment to the lease. The preferred alternative is to allow WM to close on Sundays, a change that is estimated to save them \$60,000 to \$70,000 per year. There would be no immediate rate increase for disposal at the landfill. The annual rate adjustment to account for inflation would change from 75 percent of the Consumer Price Index for All-Urban Consumers to the full CPI for Water, Sewer, and Trash Collection Services (CPI-WST). CPI-WST is an index more particular to solid waste disposal costs and would be applied both to the disposal rates paid to WM, and to the price-per-ton of disposed waste paid to the County by WM as a lease payment. The adjustment using CPI-WST would have a floor of 3 percent. WM would also absorb the cost for two free disposal days annually, up to \$7,500 for two days, and adjusting in the future at the same CPI-WST. The County Legal Department will draft a re-stated agreement incorporating the original and the current status of all amendments, which could be reviewed and executed by WM and the County Manager and if the agreement is amended to allow Sunday closure, this would not occur until 30 days from the date of execution of the amended agreement by both parties. Mr. Filerup introduced Dan Darnell and Frank Santiago, of Waste Management. The Commission asked various questions. A motion was made by Commissioner Sullivan to table the Sixth Amendment to the Agreement for Lease of Real Estate Between Waste Management of New Mexico, Inc. and San Juan County, New Mexico. There was no second, motion failed. A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Beckstead to approve the Sixth Amendment to the Agreement for Lease of Real Estate Between Waste Management of New Mexico, Inc. and San Juan County, New Mexico. Upon voice vote this motion passed unanimously.

**5. NMSU Extension Office Update- Removed**

**6. Consideration of Resolution #18-19-66- Proclaiming the Month of April as National County Government Month**

Devin Neeley, Public Relations Manager, explained that since 1991, NACO has encouraged counties across the country to actively promote county government programs and services. National County Government Month is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government. This year's theme is "Connecting the Unconnected" and Mr. Neeley requested that San Juan County showcase local area government by celebrating April 2019, as National County Government Month. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve Resolution #18-19-66 Proclaiming the Month of April as National County Government Month. Upon voice vote this motion passed unanimously.

**Report from County Manager**

Mike Stark, County Manager, stated that the Environmental Protection Agency will be presenting at the La Plata County Board of Commissioners Meeting on April 24, 2019 at 9:00 a.m. to give an update on the Bonita Peak Mining District efforts in treatment of the water from various mines. Mr. Stark also updated the Commission regarding the 2020 Census on April 1, 2020 and the promotion of the Census efforts.

### **Reports From Elected Officials And Department Heads**

Commissioner Sullivan requested clarity on a letter that was sent to the Navajo Nation regarding the solid waste service provided in which payment is in arrears. Commissioner Todacheene stated that she alerted Council Delegate Newton and that she will follow-up

Ali Rye, Emergency Management Coordinator, updated the Commission on the weather and snow pack. Ms. Rye also stated that the Household Hazardous Waste Collection Event will be on April 27, 2019.

Commissioner Beckstead expressed his concern regarding an accident in Shiprock and the importance staffing and training of first responders on the Navajo Nation.

Nick Porell, Public Works Administrator, gave an update on HB694 and funding for the bridge on 5500 and the Largo Bridge.

Tanya Shelby, County Clerk, stated that the New Mexico Counties Board election was held and that Chairman Pro-Tem Crowley will continue to be our NMC Board member through 2021.

### **Comments / Input From The General Public**

None

### **Closed Executive Session**

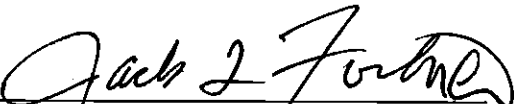
A motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Beckstead to go into closed executive session to discuss PNM Litigation. Upon voice vote this motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Crowley, seconded by Commissioner Todacheene to go back into open meeting. Upon voice vote this motion passed unanimously. Chairman Fortner 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 Pro-Tem Crowley, seconded by Commissioner Todacheene to adjourn the meeting. Upon voice vote this motion passed unanimously and the meeting adjourned at 5:33 p.m.

APPROVED THIS 7<sup>th</sup> DAY OF MAY, 2019

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

  
Chairman Jack L. Fortner

  
Chairman Pro-Tem Jim Crowley

  
John T. Beckstead

  
GloJean Todacheene

  
Michael Sullivan

  
Tanya Shelby, County Clerk

