

**San Juan County Commission Meeting
Administration Building - Commission Room
Agenda
April 7, 2020**

Present (via web cams): Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chair
Bruce Adams - Commissioner
Mack McDonald - County Administrator
John David Nielson - Clerk

Attendees (via go to meeting): Kendall Laws, Kirk Benge, Tammy Gallegos

1. Electronic Meeting Ordinance

Mack explained that Governor Herbert issued Executive Order #2020-5. He stated that the order suspended the requirements of the Open Meetings Act and allowed for electronic meetings during the COVID-19 outbreak or another emergency. Mack explained that the proposed ordinance would allow for electronic meetings to take place in an anchored location, which has been determined to be the Administration Building in Monticello. Notification of the meetings would still need to be made to the public and public comments from citizens have been and would be mailed to the commissioners. Commissioner Adams made the motion to approve the ordinance as explained by Mack McDonald. Commissioner Grayeyes seconded the motion. Voting in favor was unanimous.

2. Consent Agenda (Routine Matters) - Mack McDonald, SJC Administrator

- a. Meeting Minutes
- b. Check Registers
- c. Ratify Interlocal Agreement with the Navajo Nation for School Bus Routes
- d. Ratify Department of Heritage and Arts Contract
- e. Ratify Cross Easement Access for Roads Building and Questar Gas Line
- f. Board of Health Appointments
- g. Board of San Juan Water Conservancy District Appointments
- h. EDA Grant Opportunity
- i. Wheeler Lease Buy Back for Loaders for the Road Department
- j. County Health Insurance Renewal Agreement with Regence
- k. San Juan County Aging Adult Services Four-Year Plan

Mack reviewed each item on the consent agenda with the commissioners and explained A motion to pass the consent agenda items discussed was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

3. Business/Action

- a. Noxious Weeds Ordinance
 - b. County Emergency Declaration
 - c. Budget Resolution
 - d. AT&T Tax Request
 - e. Maternal and Child Health Funding Amendment
 - f. CR 230 Road Repair and Crossing Agreement
- A. Mack summarized the ordinance and explained that the ordinance applies to the entire county and that county has a Weed Board to help make decisions as well as receives grant money to help with the removal of noxious weeds. Mack explained that the responsibility of removing noxious weeds lies with the individual, but the county can help remove the weeds at the owner's expense. A motion to accept the ordinance was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.
- B. Mack talked about the County Emergency Declaration and stated that a Public Health emergency was declared, but to this point a county emergency had not been declared. Approving the county emergency declaration would allow the county to work with state agencies and FEMA. A motion to approve the County Emergency Declaration was made by Commissioner Grayeyes. Commissioner Adams 2nd the motion with discussion. Commissioner Adams explained that he had received several calls from individuals regarding the order to not allow Bear Hunting. Kirk Benge stated that he had discussed with the county attorney and sheriff how to interpret the Governor's order of no leisure traveling. He explained that from the discussion they felt that Bear Hunting was a recreational activity and that if a restriction was put on one recreational activity then they would have to evaluate other recreational activities. Commissioner Adams stated that guides from the county felt that the restriction hurt their businesses of being guides. County Attorney, Kendall Laws, explained that Kirk Benge has the authority to authorize the restriction. He also explained that guides from other industries within the county have also been restricted from operating their businesses. Kirk stated that he was concerned for the county and in doing was necessary for the safety of the county. Kendall also stated that the county is treating the Bear Hunters the same as others in the county. Commissioner Grayeyes, explained that there could be funding for families during hard economic times. Tammy Gallegos, stated that there are small business loans that could be available through Natalie Randall in economic development. Following the discussion, Commissioner Adams made a motion to pass the County Emergency which was 2nd by Commissioner Grayeyes. Voting in favor was unanimous.
- C. Mack summarized the Budget Resolution. He stated that due to the economic need of the county caused by COVID-19, that the county would not increase rates as proposed in the Truth and Taxation, but would accept New Growth. He also stated that the resolution limits purchases and expenses of county departments to items which are critical and vital to operating the county until further notice. Mack also explained that monies appropriated for the PRC rodeo, mud bog, travel, conferences, and other non

essential allocations would be distributed where needed. He also explained that the county fair may be adjusted and that all inter-local agreements would be cancelled or renegotiated. A motion to discuss was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion. Commissioner Adams suggested that changes to the language of the resolution be made with regards to cancelling inter-local agreements. He stated that the idea of leaving the municipalities without essential services was not what was intended, rather renegotiating agreements.

County Attorney Kendall Laws interjected and explained that citizen comments should be read because it was advertised that citizen comments would be read.

After the citizen comments were read, modifications to the resolution to renegotiate inter-local agreements to benefit both municipalities and the county, to perform necessary budget reductions to be approved later, and to develop a fee schedule to fund services were suggested and read into the record.

Comments were then read by Mack McDonald and John David Nielson (see comments below).

After the discussion, a motion to approve the resolution with the recommended changes was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

- D. Mack stated that AT&T has asked the state tax commission to change from being a centrally assessed entity to a locally assessed entity. He also stated that if this were to happen there would be a decrease in taxes collected. Mack also explained that allowing AT&T to change to a locally assessed entity would open the door for more telecommunication companies to do the same thing. It would also put a greater burden on the county assessor. The request is for county to participate in the litigation process to not allow AT&T to change to a locally assessed entity at a rate of 6.5%. A motion to allow the county to participate in the litigation process was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous. Kendall Laws explained that paying 6.5% of litigation costs now could help save the county from paying 100% of litigation costs later.
- E. Mack stated that each year since 2016, the county renews the Maternal and Child Health agreement which allows the health department to receive funding for services provided to the county. Kirk explained that the funding has been increased to compensate for the extra duties placed on the Director of Nursing which are required by the amended agreement. A motion to discuss was made by Commissioner Adams and 2nd by Commissioner Maryboy. Commissioner Adams asked if the additional money would be used to compensate personnel or to support health education. Kirk explained that the money would be used for both. A motion to approve the Maternal and Child Health Funding Amendment was made by Commissioner Adams and 2nd by Commissioner Maryboy. Voting in favor was unanimous.
- F. Mack requested that the CR230 Road Repair and Crossing Agreement be tabled until the kinks can be worked out. A motion to table the item was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

4. **Citizen Comments** (comments were read during the discussion of the Budget Resolution)

Anthony Lott - Bluff Fire Department

Anthony is concerned about the effect that canceling the inter-local agreements would have on the communities. With the pandemic, the focus should be on the interconnectedness of the county to allow for healthcare and other services to continue through the COVID-19 outbreak

Kaitlin Harris - Bluff resident

Kaitlin asked the commissioners not to undo the interlocal agreements. She said that the agreements assist in community partnerships and coordination for COVID-19 responses.

Dawn Dilego - Bluff resident

Dawn stated that during the COVID-19 pandemic the county should be reliant on one another and the inter-local agreements allow for continued resources. Cancelling them will put the citizens at greater risk.

Kathy Carson - Bluff resident

Kathy explained that Emergency Services would be affected by the withdrawal of the inter-local agreements and that Bluff and the Navajo Reservation can't afford to take over these services at this time.

Justin Howland - Bluff resident

Justin said that canceling or altering the agreements would have potentially devastating consequences on the ability of Fire and EMS to provide services.

Ann Leppanen - Bluff resident and mayor

Ann urged the commissioners to vote no on the resolution canceling the inter-local agreements. Voting no would allow the municipalities to work with the County Administrator to review and the agreements.

Ann Leppanen - Bluff Mayor

Tim Young - Monticello Mayor

Joe B Lyman - Blanding Mayor

The Mayors of San Juan County municipalities stated that inter-local agreements have been in place for decades and have mutually benefitted all parties as well as the citizens. They urged the county to work with cities and towns and continue the spirit of mutual cooperation. Cancelling the agreements would result in duplication of services, unnecessary billing and increase costs to the residents.

Cheryl Bowers - Blanding resident

Cheryl commended Natalie Randall and Kirk Benge and their teams for continuing to share information. Cheryl asked the commissioners to review the proposed resolution and consider

the power it gives the County Administrator regarding county decisions. Cancelling inter-local agreements would be costly to the county residents. Cheryl also encouraged the county to work with the cities to provide savings to the residents.

Linda Sosa - Bluff resident

Linda urged the commissioners to vote no or table the Budget Resolution. Cancelling the inter-local agreements puts the whole county at risk.

Jennifer Weidensee - San Juan County resident

Jennifer was concerned about the Health Board and San Juan Water Conservancy district board appointments. She would like the appointments to those boards be an open discussion so that there could be balanced representation

Monette Clark - Spanish Valley

Monette thanked the commissioners for their leadership during the COVID-19 epidemic. She also requested that items covering board appointments be removed from the consent agenda because board considerations should always be discussed.

5. Commissioner Comments

Commissioner Maryboy encouraged everyone to stay home and be safe.

Meeting adjourned at 1:07