

February 14, 2023
Regular Meeting

The Colfax County Board of Commissioners met on this date in Regular Session in the Commission Chambers with the following members present:

Bret Wier, Chairman
Si Trujillo, Vice-Chairman
Mary Lou Kern, Member
Rayetta M. Trujillo, County Clerk
Monte Gore, County Manager

1. Call to Order

Chairman Wier called the meeting to order at 9:05 a.m.

2. Pledge of Allegiance

Commissioner Trujillo led the Pledge of Allegiance.

3. Salute to the New Mexico Flag

Commissioner Kern led the Salute to the New Mexico Flag.

4. Approve Agenda

Commissioner Trujillo made a motion to approve the agenda as presented. Commissioner Kern seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

5. Approve Regular Meeting Minutes for January 24, 2023, Special Meeting Minutes for January 30, 2023

Chairman Wier asked if the Commissioners had any comments or corrections on the Regular Meeting Minutes for January 24, 2023, and the January 30, 2023, Special Meeting. Commissioner Trujillo made a motion to approve the Minutes for the January 24, 2023, Regular Meeting and the January 30, 2023, Special Meeting, as presented. Commissioner Kern seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – abstained, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried 2-0 with Commissioner Kern abstaining from the vote.

6. Recognize Visitors

Others present: Sara Torres, Joana Apodaca, Roger Smith, Tina Colangelo, Amadeo Soto, Regina Slade, Kevin Nolan, Leonard Baca, Anita Valdez, Tim Martinez, Diane Garcia, Ambrosia Trujillo, Beto Dominguez, Boe Lopez, Alfonso Ortiz, Diane Dixon, and Lawrence Trujillo.

7. Public Comment

Chairman Wier asked if there were any requests or responses from the audience on anything that is not on the agenda.

8. Discuss/Action – Approve Expenditures

General Fund	\$810,416.14
General Hold Harmless GRT	\$0.00
Hold Harmless GRT	\$0.00
Corrections Fund	\$59,716.83
County Property Valuation	\$7,604.47
Vermejo Debt Service	\$0.00
County Road Department	\$84,575.34
French Tract Fire Fund	\$2,190.81
Miami Fire Fund	\$1,387.63

Farley Fire Fund	\$5,316.25
Ute Park Fire Fund	\$265.57
Philmont Fire Fund	\$1,241.63
Moreno Valley Fire Fund	\$6,381.29
County Fire Marshal Fire Fund	\$5,932.75
Rapid Response Fire Fund	\$19,084.58
Vermejo Park Fire Fund	\$166.67
Moreno Valley Wildfire	\$0.00
Farley Wildfire Suppression	\$0.00
French Tract Wildfire Suppression	\$0.00
Miami Wildfire Suppression	\$0.00
Philmont Wildfire Suppression	\$0.00
Ute Park Wildfire Suppression	\$0.00
Vermejo Wildfire Suppression	\$400.00
CC Rapid Response Wildfire Suppression	\$0.00
Fire Marshal Wildfire Suppression	\$0.00
Law Enforcement Protection	\$2,207.10
Law Enforcement Recruitment	\$82,306.97
Lodgers Tax	\$1,080.00
YES Program	\$14,467.50
YES, BHSD Prevention	\$8,347.60
Maternal/Child Healthcare	\$0.00
NM Transportation Grants	\$0.00
WIPP	\$0.00
Legislative Appropriations	\$0.00
Indigent Care Gross Receipts	\$454.00
Fire Protection – Fire Excise Tax	\$1,043.51
Community DWI – TSB	\$0.00
DWI Distribution	\$11,801.89
LDWI Grant	\$ 900.00
State Farm	\$0.00
DWI-ALC	\$0.00
Recording/Filing Fund	\$5,149.00
American Rescue Plan Act	\$0.00
Sheriff Forfeiture Fund	\$0.00
MCMC Hospital Fund	\$0.00
Capital Improvement	\$33,143.38
CAP IMP HHGRT/2015	\$0.00
Angel Fire Airport Improvements	\$46,830.00
Angel Fire Airport FFA	\$0.00
Tiger Grant IX	\$0.00
Revenue Bonds Debt Service	\$0.00
Bond Series Jud Ctr	\$0.00
French Tract Debt Service	\$0.00
Miami Fire Debt Service	\$0.00
Philmont Debt Service	\$0.00
Moreno Fire Debt Service	\$0.00
Solid Waste Fees	\$38,593.94
Colfax County Airport Operations	\$7,906.62
Total	\$1,258,911.47

Chairman Wier asked if the Commissioners had any questions or comments regarding the expenditures. Chairman Wier requested the Treasurers Report be put into and Electronic Version and

placed in the portal so it can be reviewed prior to the day of the meeting. Chairman Wier asked Commissioner how the check signing was going. Commissioner Trujillo stated it was going well and if he had questions regarding a check or invoice, he would ask questions and his questions were answered prior to him signing the checks and stated he did not sign checks made payable to him. Commissioner Kern made a motion to approve the expenditures as presented. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – abstained, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried 2-0 with Commissioner Kern abstaining from the vote.

9. Presentation – Colfax County Forensic Audit Report – Eide Bailly, LLP

Brett Johnson of Eide Bailly, LLP presented the Forensic Audit Report which is located on the OSA website - saonm.org/auditing/audit-report-search/ 5004 - Colfax County, Colfax County Forensic Audit FY2018-2022 (2023). Mr. Johnson asked if there were any questions. Manager Gore asked Mr. Johnson if he would read the County's Responses to the findings.

Chairman Wier asked if the Commission had any questions. Commissioners Trujillo and Kern stated they did not. Chairman Wier asked Mr. Johnson about the two areas of expenses related to the findings that exceeded the contract, in the amount of \$18,011.38 paid to Roadrunner for premium pay for medical staff, the \$537.18 to Diamond Medical Supply submitted by Roadrunner which was for services unrelated to the County and the amount of \$46.44 submitted by Roadrunner for a dartboard, mug set and path products purchased at Walmart for \$46.44 which were not allowable under the terms of the contract. Chairman Wier also questioned the computer items that were purchases which were not under the contract which were included as billable. Chairman Wier asked if the firm did not take a deep dive into the contract to determine if other purchases were non-billable under the contract. Chairman Wier asked if the findings would be included in this year's audit as findings. Manager Gore stated the responses have been provided to the OSA and the policies were in place but not followed. Mr. Johnson asked if there were any other comments. Chairman Wier asked if the Commission would have to take action to accept this audit. Joana Apodaca stated the Audit was on the agenda for a presentation only and it has already been approved by the State Auditor. Chairman Wier thanked Mr. Johnson for his work.

10. Presentation – Ann Theis, El Raton Media

Chairman Wier stated this was an initiative started by the City of Raton for the film industry. Ann Theis stated they have been working on this project for two years. Ann stated they want to develop a training facility, education center and a state-of-the-art XR studio and plan on bringing film, television, and emerging media projects to Northern New Mexico. Ann stated they would like to build a qualified XR sound stage with an LED virtual wall and will seek capital outlay for this project. Ann stated the facility will be located at the old Kearny school. Ann stated this will bring tech jobs and they are working with Santa Fe Community College to offer tech training. Chairman Wier asked Ann if she has had any contact with the Enchanted Circle. Ann stated she did do a presentation for the Enchanted Circle, and she has sent out e-mails to them, but has not heard back from them. Chairman Wier thanked Ann for the presentation and asked the Commission if they had any questions. There were no questions.

11. Discuss/Action – Letter of Support, Ann Theis, El Raton Media

Chairman Wier stated that there was a letter of support for El Raton Media in the Commission packets. Commissioner Trujillo made a motion to approve the Letter of Support, Ann Theis, El Raton Media. Commissioner Kern seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

12. Discuss/Action – Statement of Receipts and Expenses Report, Colfax County Treasurer

Chief Deputy Treasurer Alfonso Ortiz presented the statement of receipts and expense report to the Commission. Commissioner Kern stated that the total amount was not correct. Alfonso stated it would be corrected and a new report would be given to Commission. Commissioner Kern made a motion to approve the Statement of Receipts and Expenses Report, Colfax County Treasurer with the correction on the total. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

13. Discuss/Action – Need for Special Project Coordinator & Assistant

Manager Gore stated this was asked to be put on the agenda to look at somebody who could maybe write grants because there is a lot of money out there in the form of grants. Manager Gore commended

the Sherriff and Fire Marshall for obtaining grants for their departments. Manager Gore stated the Commission is looking at a position or entering into a contract with somebody who can go after grants for the County and thinks the County should move forward with this. Commissioner Trujillo stated in addition to a grant writer he would like to hire an assistant to keep up with the paperwork and to free up the workload. Commissioner Kern stated she is not for or against this, but she will not approve anything without a job description and salary range for both positions and thinks this should be discussed during budget. After further discussion no action was taken.

14. Discuss/Action – Nomination for the PERA Board-County Membership Position

Chairman Wier stated the state retirement is asking Colfax County to nominate a representative for the PERA Board membership position, and he discussed the process. Financial Specialist Joana Apodaca stated that it was her understanding that it was a county position as a whole and every county in New Mexico has an opportunity to submit a nomination and only one person out of all the counties would serve as a county representative and this isn't just exclusive to Colfax County. Chairman Wier stated that he did not realize this was an at large position to represent counties on the PERA Board and stated he misunderstood. Commissioner Kern suggested to Manager Gore to send a notice to all staff about this. Manager Gore stated that this has already been sent out to the staff. No action was taken.

15. Discuss/Action – State of NM Governmental Services Agreement between the State of NM, Energy, Minerals, and Natural Resources Department. and Colfax County

Fire Marshall Nick Cardenas stated this is for a couple of grants and one is for the Farley Fire Station in the amount of \$14,500.00 and the other is for a Wildland Coordinator in the amount of \$24,999.00 which will be a part time position and recommends approval. Commissioner Trujillo asked Nick if this is a new position that the county is bringing on. He said yes, but the grant will cover all the cost of this new position and that the county would pay this individual and then get reimbursed. Kern asked if this was a one-time grant etc. Commissioner Kern made a motion to approve the State of NM Governmental Services Agreement between the State of NM, Energy, Minerals, and Natural Resources Department and Colfax County. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

16. Discuss/Action – Farley Volunteer Fire Department, Grant Award Agreement Between the State of NM, Energy, Minerals, and Natural Resources Department. and Colfax County

Fire Marshal Nick Cardenas stated that a grant was awarded to the Farley Fire Department in the amount of \$14,500.00 for personal protective gear and he recommends approval. Commissioner Trujillo made a motion to approve the Farley Volunteer Fire Department, Grant Award Agreement Between the State of NM, Energy, Minerals, and Natural Resources Department and Colfax County. Commissioner Kern seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

17. Discuss/Action – Memorandum of Understanding, Between Colfax County and the NM Dept. of Finance and Administration, Local Government Division/DWI Program

DWI Coordinator Ambrosia Trujillo stated that she is requesting approval for all the annual documents for the DWI program. Chairman Weir asked if they were the same as last year. Ambrosia stated yes. Commissioner Kern made a motion to approve the Memorandum of Understanding Between Colfax County and the NM Dept. of Finance and Administration, Local Government Division DWI Program. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

18. Discuss/Action – Statement of Assurances, Local DWI Grant, and Distribution Program

Commissioner Kern made a motion to approve the Statement of Assurance, Local DWI Grant, and Distribution Program. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

19. Discuss/Action – Resolution 2023-06, Authorizing Colfax County to Apply to the Dept. Of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program

Commissioner Kern made a motion to approve the Statement of Assurance, Local DWI Grant, and Distribution Program. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

20. Discuss/Action – Application, FY24 Local DWI Program Distribution and Grant Funding, Local Government Division -DFA

Commissioner Kern made a motion to approve the Application, FY24 Local DWI Program Distribution and Grant Funding, Local Government Division -DFA. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

21. Discuss/Action – Resolution 2023-07, Supporting the NM Counties, 2023 Legislative Priorities

Chairman Wier stated he had previously discussed the NM Counties 2023 Legislative Priorities in his Commissioner's Docket but did not submit it for approval to the Commission. Commissioner Kern made a motion to approve Resolution 2023-07, Supporting the NM Counties, 2023 Legislative Priorities. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

22. Discuss/Action – Vigil Maldonado Detention Center Standard Operating Procedures Policy Changes

Warden Slade stated that add ins needed to be put into the policy for accreditation and they have been reviewed by the attorney. Warden Slade stated that the blue are the add in's she put in the policy for accreditation, the red crossed out are from the attorney, and the red line. Commissioner Kern asked if the NM Counties Risk Management review this. Warden Slade stated that they have not reviewed the changes, but they are based on the accreditation book. Commissioner Trujillo made a motion to approve the Vigil Maldonado Detention Center Standard Operating Procedures Policy Changes. Commissioner Kern seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously.

23. Commissioners' Docket

Manager Gore stated they are continuing to address the solid waste issues and on Monday there was a meeting with Tri -State to discuss these issues. Manager Gore stated that Tri-State did sell their business and the new owners are aware of the issues and are doing their best to correct the issues. Manager Gore stated that Tri-State gave a date of March 1, 2023, to be fully functional to fulfill their contract. Manager Gore stated that he is aware of the issues of solid waste throughout the County, and he is diligently working on the issues. Manager Gore stated that the County was awarded \$620,400.20 in the settlement and he is checking to see what the money can be used for, and the County has already received those funds. Manager Gore stated that himself and Scott Berry continue to work together for the betterment of the County and the City of Raton. Manager Gore thanked Amadeo Soto and Fred Martinez for relocating the tv screen and stated that Amadeo is working on improving the acoustics. Manager Gore stated that Tabitha and Virginia are testing for procurement officers.

24. Managers' Docket

Commissioner Kern thanked Manager Gore for addressing the solid waste issue in Maxwell. Commissioner Kern stated that in the previous meeting she has brought up the issue of the restrooms at the event center and asked if it had been addressed at the Lodger's Tax meeting. Commissioner Kern stated that she noticed that there is still \$80,000.00 in capital outlay in the budget that has not been spent and asked if it was being saved for something or asked if it need to be put on the agenda for discussion.

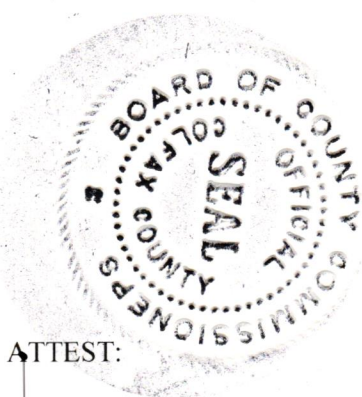
Commissioner Trujillo stated that he attended the Northeastern Economic Development meeting last week and learned about PRO's which is the potential relocation opportunity for businesses, and he

reached out to Manager Gore to see what a viable lease would be on a certain piece of land or possible sale and get some kind of criteria set up to fit into these PRO's. Commissioner Trujillo thanked Ann from Raton Media Works for her presentation. Commissioner Trujillo stated he attended the sweetheart ball and stated it was a huge success. Commissioner Trujillo stated that Senator Lujan is having his mobile office here tomorrow at the Senior Citizens Center from 11:30 a.m. to 1:00 p.m. and he will be going down there and encouraged the public to go. Manager Gore stated that the County Attorney said that a lease is possible, but we need information for fair market value and there is a need for more information on this.

Chairman Wier introduced Ann Dickson and stated that Ann had contacted him to discuss the issue of the County not having transportation services for the elderly. Chairman Wier stated Ann came up with a possible solution and he suggested that Ann contact the other Commissioners individually to talk about how to solve this issue. Chairman Wier stated that he will ask Ann to come back and do a presentation for the Commission. Ann Dickson stated that this is going to be for medical transportation for Raton and there is a company in Clayton that is contracted with DOT, NM Department of Veterans, and NM Medicaid and she hopes to present this to the Commission at the next meeting on February 28, 2022. County Clerk Trujillo asked if this is just related to Raton because we do represent other communities in the county. Chairman Wier stated that Raton is the starting point but to grow it over time to be throughout the County. Chairman Wier asked Manager Gore to ask Emergency Manager Vigil for an update on the roofing ordinance initiative for the next meeting and he would like to have dates scheduled for the ARPA meetings. Chairman Wier asked that an update on the Good Neighbor Agreement be added to the next agenda, and he would also like to get an update on the MOUs for the ambulance money. Chairman Wier stated that he will be requesting a resolution be put on the next agenda dealing with and in support of certain aspects of the election code. Chairman Wier stated that he spoke with Representative Sanchez, and he said that \$100,000.00 will be coming to the county to help finance the repeater project but it is a \$200,000.00 project and the county will have to come up with \$100,000.00. Commissioner Trujillo asked if the ARPA funds could be used to come up with the \$100,000.00 and if the funds could also be used for solar panels for county buildings. County Clerk Trujillo stated that she did meet with an individual who is estimating the cost to be around 1.2 million dollars to digitalize the records for the County. Chairman Wier stated that he made a recommendation to Manager Gore that legal counsel start attending the meetings via zoom or phone call.

25. Adjourn

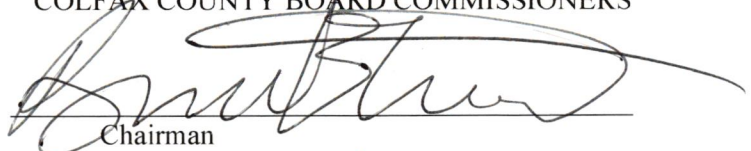


Commissioner Kern made a motion to adjourn. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously. The meeting adjourned at 12:10 p.m.



ATTEST:


Clerk of the Board

COLFAX COUNTY BOARD COMMISSIONERS


Chairman

Vice-Chairman

Member