

February 28, 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 moving items 16 & 20 to follow item 5. 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 February 14, 2023

Chairman Wier asked if the Commissioners had any comments or corrections on the Regular Meeting Minutes for February 14, 2023, Regular Meeting. County Clerk Rayetta Trujillo advised Commissioner Trujillo his corrections were made. Commissioner Trujillo made a motion to approve the Minutes 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.

16. Discuss/Action – Agreement Between Department of Finance and Administration, State of NM, Local Government Division and Colfax County

Joana Apodaca, Financial Specialist, stated this a Legislative Appropriation for FY 22-23 received by the Sheriff's Department for Vehicles and there are no matching funds that are needed. Commissioner Kern made a motion to approve the Agreement Between Department of Finance and Administration, State of NM, Local Government Division 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.

20. Discuss/Action – Public Hearings-American Rescue Plan Act Funding

Manager Gore stated he was delegated to set up meeting dates to travel to the municipalities for discussion on how the ARPA funds should be spent. Manager Gore stated he was advised by Legal Counsel it was illegal and the County Meetings must take place at the County seat. Commissioner Wier stated he did not feel it was illegal and would like to see the documentation, which states it is. Sheriff Baca stated he received quotes for the repeater which would include the repairs to the repeater itself, the generator and the electrical. Sheriff Baca stated the approximate cost is between \$200,000.00 and \$250,000.00 for repairs. Sheriff Baca stated if the repeaters go down, there is no communication for Emergency Services in the Valley, Fire Marshal Nick Cardenas agreed with the importance of repairs to the Repeater. Fire Marshal Cardenas requested the County Purchase 80 sets of Bunker Gear which will cost approximately \$300,000.00 for the County Fire Departments. Nick stated there is an expiration date on the gear and they have several sets that are going to expire soon. Commissioner Kern asked if the average cost of the gear is \$4,000.00 to \$5,000.00. Nick stated it was but if they purchase in bulk, it will bring the cost down. Mayor Lopez asked if the Municipalities could reimburse the County for Bunker Gear so they could get a better price. Chairman Wier stated this was not the time to discuss that business. Chairman Wier questioned why the bunker gear had not been purchased out of the Departments budget. Tom Vigil stated most of the Departments are staying on top of when the gear expires. Manager Gore stated the Department Heads have come together

to request the County Records be digitized. County Clerk Rayetta Trujillo stated she is estimating it is going to cost approximately between \$1.3 Million - \$1.4 Million to have the documents digitized. Clerk Trujillo also mentioned the repeater at the VMDC needed to be added to the funding as this is a safety issue. Chairman Wier stated he is in-favor of the digitizing the records as a matter of fact he spoke with a representative from a Digitizing Company at the mid-winter conference and was told the Clerk had already been in contact with the company. Manager Gore stated there are seven openings at the VMDC and would like to look at retention and sign-on bonuses again. Commissioner Trujillo requested before any bonuses were given out, he would like for the bonus to be brought before the Commission. Chairman Wier stated he just wanted to have a representative from NACO (National Association of Counties) come out and present to the public how the money can be spent. Chairman Wier stated he did not realize he was going to get the resistance from the Employees that he is getting. Chairman Wier stated he did not feel it was illegal to hold the meetings and would like to see the documentation, which states it is. Chairman Wier stated he would just like to have some public discussion from constituents on how they would like the funds spent. Chairman Wier questioned if the items requested were on the ICIP. Joana Apodaca stated the Repeater Repairs were on the ICIP Plan as well as the digitization of the records. Chairman Wier stated he was suspicious about the sudden need of fire gear and asked why they were not on the ICIP. Clerk Trujillo stated they were just trying to let the Commissioners know how much money the Departments are requesting to give them an idea of how much money will be left over. Todd Tatum stated the repeater is needed for the safety of the Emergency Services, Fire Departments, and the Sheriff's Departments to communicate with dispatch as well as other Departments. Commissioner Trujillo stated he feels the County needs to reduce the liability which if the Records are digitized it will cut back on the IPRA's and the Fire Equipment and Generator/Repeater cuts back on the liability for Emergency Responders. Commissioner Kern stated she echoed Commissioner Trujillo's comments.

Commissioner Kern made a motion to postpone how the funds were to be spent and have a special meeting so input can be available to the public and to get information on how the Elected Officials would like to spend the money. 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.

6. Recognize Visitors

Others present: Sara Torres, Joana Apodaca, Roger Smith, Tina Colangelo, Amadeo Soto, Regina Slade, Leonard Baca, Anita Valdez, Tim Martinez, Boe Lopez, Alfonso Ortiz, Nathaniel Sandoval, Nick Cardenas, Rob Morper, Roy Fernandez, Glen Stevens, Tabitha Avitia, Todd Tatum, Danae Rigoni, Gary Allison, Sally Swartz, Rose Lew, Tom Trujillo, Ashley DeHerrera, and Zita Rae Lopez.

7. Public Comment

Chairman Wier asked if anyone would like to speak regarding anything that is not on the agenda. Mayor Boe Lopez stated he was approached by a neighbor and was told the County lost the Tax Lawsuit which was caused by a Property Tax Assessment mistake which affected Springer. Mayor Lopez stated he attempted to get the correct amount which each entity was over-paid, he got three different amounts and it seemed like no one in the Treasurer's Office could give him a correct amount, and the only notice that was sent was a paper with a negative amount on it. Mayor Lopez stated he spoke with past Treasurer Kathy Trujillo as he was told she did not place the money in a suspense account when the protest was initiated, and she recommended Taxation & Revenue be contacted to get the correct amounts. Mayor Lopez stated everyone is taking a hit due to this error. Mayor Lopez asked if there was anything the County could do to help cover the cost due to the assessment being wrong. Mayor Lopez stated he would like to see the County have better communication with everyone. Mayor Lopez also asked if the Fire Excise Tax Meeting has been scheduled, because he missed it one year and it did affect the funding his departments received.

Commissioner Kern asked for this issue to be placed on the next agenda.

Gary Allison from the Springer School District stated they were one of the affected entities that received zero communication from anyone regarding this issue. Mr. Allison stated the school district is trying to absorb the negative difference in the budget, but they should have been contacted by someone so he could have contacted the PED to advise about the situation so they could offset the negative amount. Mr. Allison stated this is not the first time they have received notice of a negative amount, but the amounts have always been small. He stated he feels an explanation by the Assessor is owed to the entities affected.

Ashley DeHerrera of the South Central Colfax County Special Hospital District stated the Hospital District provides services throughout the County and they did not receive any communication regarding this issue. Ms. DeHerrera stated they are building a \$21 Million facility, which has the support of the Mayor and Governor, and they are expecting communication from the Elected Officials regarding situations like this.

Commissioner Trujillo asked for the individuals to touch base with the Treasurer or Alfonso to obtain the correct amounts. Mr. Allison stated he did not believe it was their responsibility to check the amounts, because the amounts came from the Treasurer's Office.

Roy Fernandez stated they need to keep in mind there could be a possibility of a tort claim filed and that could also increase the bottom line. Roy Fernandez stated the District Judge ruled against the County in the case. Mayor Lopez stated he is very aware, but communication needs to come from these offices.

8. Discuss/Action – Indigent Care Claims

Tabitha Avitia stated there were six claims submitted, which were from the VMDC for the dentist and hospital and paid at 100%. Commissioner Kern made a motion to approve the Indigent Care Claims as presented. 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.

9. Discuss/Action – Appoint Road Review Committee for Vacating of County Road A-17

Tabitha Avitia stated she was contacted by Mr. Smith regarding an application that was submitted back in March of last year regarding vacating County Road A-17. Tabitha stated since it has taken so long, she is having to start over with the vacation. Tabitha stated she was notified it would only affect one location which was the Kings Ranch. Rose Lew questioned where A-17 was located and stated the vacation would affect more than one owner. Chairman Wier stated the Legal Counsel needed to be contacted regarding this issue. After further discussion regarding the location and the individuals affected by the vacation, Commissioner Trujillo made a motion to postpone the Appointment of the Road Review Committee for vacating County Road A-17. 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.

10. Discuss/Action- Claim of Exemption, #7, Roberto and Elida F Urquijo

Tabitha Avitia stated this Claim of Exemption was submitted by Alsup Law, which is a property swap between neighbors. Tabitha stated she presented the Exemption to Jun and the information was approved by him. Commissioner Trujillo made a motion to approve the Claim of Exemption, #7, Roberto and Elida F Urquijo. 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.

11. Discuss/Action – Lodgers Tax Promotional Funding, Colfax Tavern & Diner LLC, Morgan Ashley Premier Concert

Tina Colangelo, Lodger's Tax Clerk, stated the request was made by Shelly Quartieri in the amount of \$600.00 for advertising a special concert on March 18, 2023, event hosted by Colfax Tavern & Diner at Cold Beer NM. Tina also stated there would only be fifty tickets sold. Commissioner Kern asked if the request was approved by the Lodger's Tax Committee and was told it was. Commissioner Kern made a motion to approve the Lodgers Tax Promotional Funding, Colfax Tavern & Diner LLC, for the Morgan Ashley Premier Concert. 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.

12. Discuss/Action – Lodgers Tax Promotional Funding, Colfax County Lodgers Tax, New Legends Magazine Advertisement

Tina Colangelo, Lodger's Tax Clerk, stated the request was made to place ads in the New Legends Magazine highlighting different areas throughout Colfax County. Such as areas like Vermejo Park, Chase Ranch and others with a lot of history. Tina stated this article will be a two-page cutout. Commissioner Kern made a motion to approve the Lodgers Tax Promotional Funding, Colfax County Lodgers Tax, with New Legends Magazine Advertisement. 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. Discussion – Update, Emergency Management, Possible Planning and Zoning Ordinance for Colfax County

Tom Vigil, Emergency Manager stated this all started with the Discussion of a Roofing Ordinance. Tom stated he had a list of six potential ways the County could go with this issue, as this is a very complex issue.

1. Take no Action and leave it up to the Sub-Division Ordinance – not complicated.
2. Form a standalone Roofing Ordinance – This Ordinance will be difficult to find, but if put into place it won't have any teeth, but County would have to hire a part-time employee.
3. NMAC Title 14 – Simple and Direct – Teeth or no Teeth depending on what the wishes of the Commission are.
4. Reconfiguration of NMAC Title 14 – Building Code Enforcement, which would include Building Code Enforcement, Plan Review and Inspections. The County would have a lot of control, but it would take approximately 3 full-time employees for this type of ordinance.
5. Comprehensive Planning and Zoning which would include options 4 & 6 with Inspectors going out to inspect and having a Planning and Zoning Land Use Policy.
6. The Majority of County Land use Policy starts with one Zoning and dividing the zones into Residential, Non-Residential, and Commercial, like what the Assessor's Office currently does. Develop a permit that would need to be handled by the P&Z Department, as a check list will need to be completed. This will also create a new Law Enforcement of what is in place.

Chairman Wier asked Tom which option he would recommend that would be the least evasive. Tom stated the NMAC Title 14 as far as staying in the middle of the road, including the roofing Ordinance, which would help the County when they apply for grants with the County being able to get scoring points regarding a Roofing Ordinance as far as fire retardant roofs. Tom stated he is thinking it is going to take three people in the P&Z as well as two processing the paperwork. Tom suggested maybe they could reorganize the job duties and then maybe only one or two positions would be needed.

Commissioner Trujillo stated he is in support of going with the NMAC Title 14, with adding teeth to it.

Roy Fernandez stated he did not hear anything about the weed and tree control due to fire mitigation and he would like to see something like that in there.

Rose Lew stated she could see weed control and the trimming of the trees in town and the subdivisions, but not on the ranches.

Chairman Wier stated the roof ordinance is brought up in grant applications and is needed to qualify for the grants.

14. Discuss/Action – Creation of Special Committee to Put Together Planning and Zoning Proposal

Manager Gore stated the intent of this was to give some overview as to what direction the County wants to take with regards to items 2-6 in the aforementioned item. Commissioner Kern made a motion to postpone the Creation of Special Committee to Put Together Planning and Zoning Proposal until a future meeting. 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.

15. Discuss/Action – Update, Roofing Ordinance

Tom stated this is recognized as NMSA 14, so once the Commission decides which option they are going to take it will be included as part of that option.

There was no action taken on this item.

16. Discuss/Action – Agreement Between Department of Finance and Administration, State of NM, Local Government Division and Colfax County

Moved to follow item 5.

17. Discuss/Action – Resolution 2023-08, A Resolution Calling on The NM Legislature to Enhance the Faith of The Voting Public in Election Outcomes Through Improved Election Process 2

Chairman Wier stated that this is something that he had asked to be put on the agenda and it is a resolution that other counties have adopted. Chairman Wier stated this is a resolution of support to send to the legislature letting them know that Colfax County Commission is in support of these items. Commissioner Kern asked for input from County Clerk Rayetta Trujillo. County Clerk Trujillo discussed each item listed on the resolution and the processes that are in place now. Bureau of Elections Clerk Josette Encinias explained the process of how voters can and cannot be taken off the voter rolls and invited the Commissioners to come to the office to see how the process works. Commissioner Trujillo read the following statement: It is common knowledge we are a full Republican Commission, and I have always considered myself a pretty level-headed Republican. I love this county and the people in it! I want the

people to know that each commissioner received this resolution originally from NM ET-Network via certified mail. This resolution was first passed in Sandoval County. I have read through this resolution and have discussed it with our County Clerk and County Attorney to get their feedback. My original thought was if we pass this, the county will be getting a lawsuit the next day from the far left. Then the county would have to pay to defend the commission. Legal counsel stated he does not believe the County would have any legal issues if the County were we to adopt this resolution. It is simply a policy statement without practical legal effect, calling upon the Legislature to adopt certain measures to improve the security of elections and the perceived security of elections. We as a commission need to be thoughtful of 3rd party entities and what they are trying to push. We need to remember we represent all our constituents regardless of party. This resolution falls further right of the political spectrum in my opinion. As this resolution is written there are some issues I can support, others I cannot and some I would like modified. As a Republican, I do believe ensuring the integrity of our elections, but not by this resolution. Currently this is a sensitive political statement, without practical legal effect so it is not in our constituent's best interest that we pass this resolution as written. We are a red county in an ocean of blue. We need to work together on the things we can change as a commission while keeping Santa Fe in our good graces. I believe NMET-Network and the Republican party if interested can lobby the Legislators and have just as much of an effect or greater without retribution than the commission would passing this resolution. With that being, said I do have faith in our election system in Colfax County and the State of New Mexico. If I were in another state this would be a different story. I know some will not agree with me, but I hope you will see the logic behind this. Commissioner Kern stated that when we are elected, we represent everybody and as this resolution is written she does not support it. Commissioner Kern made a motion to postpone. 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 – nay. The motion carried 2 to 1.

18. Discuss/Action – Resolution 2023-09, A Resolution Supporting House Bill 344 and Senate Bill 124 of the 57th Legislature.

Commissioner Wier stated that this is just a resolution to support legislation and it does not affect any actions at the county level. Manager Gore stated that he thinks this resolution is important to pass and recommends approval, as it allows retired individuals to return to work. Commissioner Kern made a motion to approve Resolution 2023-09, A Resolution Supporting House Bill 344 and Senate Bill 124 of the 57th Legislature. 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 – Ordinance 2023-01, An Ordinance Authorizing a Property Tax Rebate to Benefit Low Income Property Taxpayers for Taxable Years 2023-2024

Chairman Wier stated that this is the item we had the Public Hearing on and asked if there is any further discussion. Manager Gore stated that it is not economically feasible for the county to provide for such tax rebate out of its own budget at this time and he respectfully requests that the county does not adopt this ordinance. Commissioner Kern made a motion not to adopt Ordinance 2023-01, An Ordinance Authorizing a Property Tax Rebate to Benefit Low Income Property Taxpayers for Taxable Years 2023-2024. 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 – Public Hearings-American Rescue Plan Act Funding

Moved to follow item 5.

21. Discuss/Action- Job Description, Special Projects Manager/Grant Writer

Manager Gore stated that he had been approached by Chairman Wier and Commissioner Trujillo with the idea of hiring a grant writer or special project manager to be able to obtain grants for the county and he agreed stating there are a lot of grants out there. Manager Gore stated that the salary would start at \$37,000.00 up to \$58,000.00 depending on experience and stated the HR and the Finance Department worked on this salary range. Manager Gore stated that he has discussed this with the Financial Specialist and the county is within budget to be able to hire for this position. Commissioner Wier asked if we had the money in the budget today to hire for this position. Manager Gore stated yes. Commissioner Kern stated the County currently has access to a grant writer free of charge with NCNMED to utilize currently. Commissioner Kern stated that she still thinks this should be brought up at budget time and does not think it needs to be approved right now. Commissioner Trujillo stated that he did push for a project manager, and he believes this would benefit the county. Chairman Wier stated that he did request a grant writer because it is obvious that Colfax County is missing out on grant funds. Chairman Wier stated that this was brought to the agenda to start talking about this. After further discussion, no action was taken.

22. Managers' Docket

Manager Gore asked Road Superintendent Glen Stevens to come up to the podium and stated that he wanted to thank Glen and his crew for all their hard work and efforts during the snowstorm. Glen stated that he feels that the road crew does a great job, and he is very proud of them and they go above and beyond. Manager Gore thanked Virginia and Tiana for their continued efforts with the solid waste issue. Manager Gore stated that the Sheriff's office will be doing fingerprints and thanked South Central Hospital District for helping the county with fingerprints for applicants since there was no other facility locally doing them. Manager Gore stated that he will be asking the Assessor and the Treasurer to be at the next meeting.

23. Commissioners' Docket

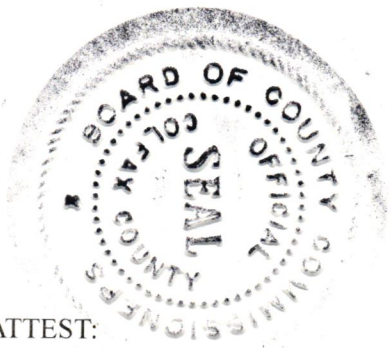
Commissioner Kern thanked the staff for their continued efforts with the solid waste issues and for getting a roll-off to the area as a short-term fix. Commissioner Kern stated that she would like to have an update on the expenditures in the lodger's tax and the renovation of the bathrooms at the event center on the next agenda. Commissioner Kern stated she would like to see a current salary schedule for all staff.

Commissioner Trujillo stated that he has been working to push for the county and the municipalities to work together. Commissioner Trujillo stated that he would like for Manager Gore to look into any policies that are in place for notifying any schools or special districts for instances which have occurred recently and stated he just wanted to know if there was a break down in our policy or if it needed to be reviewed or added. Commissioner Trujillo stated that as Commissioners they need to make sure that the policies are in place and are being followed. Commissioner Trujillo stated that budget workshops are starting soon, and he is going to be reaching out to other public official offices and county departments to sit down and talk so he can fully understand what they do for the county and the constituents and as a commissioner he can better serve them and be successful. : Commissioner Trujillo suggested that the commission cut back a little bit on the amount of time for the meetings, to be mindful and fiscally responsible with those employee's time that we require to attend these meetings.

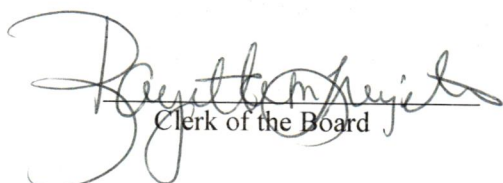
Commissioner Wier stated that there were two meetings held last week for the Community Wildfire Protection Plan one was in Cimarron and one was in Eagle Nest. Commissioner Wier stated that the county does have a Community Wildfire Protection Plan but unfortunately when it was developed a lot of the communities were left out of the plan. Commissioner Wier stated that there are grants that are out there for wildfire protection that are all based on your community wildfire protection plan and if you're not listed in the plan, you can't use the grant money. Commissioner Wier stated that Emergency Manager Tom Vigil and Fire Marshal Cardenas are working with Rick Smith from the Cimarron Watershed Alliance to draw up an amendment to our current wildfire protection plan. Commissioner Wier stated that if anyone has concerns or needs anything to be put in the plan, they should contact one of the three gentlemen mentioned. Commissioner Wier stated that the new community wildfire defense grant is two hundred fifty million dollars for the next five years and Colfax County requested twenty million dollars but has not found out if we got it yet. Commissioner Wier thanked Road Superintendent Glen Stevens and his crew for all their hard work with the roads during the snowstorm and especially because of the winds. Commissioner Wier stated that he doesn't believe that the county could have prevented the solid waste issue that is ongoing and the county is doing all it can, and the staff is working hard with the contractor to get back on track.

24. Adjourn

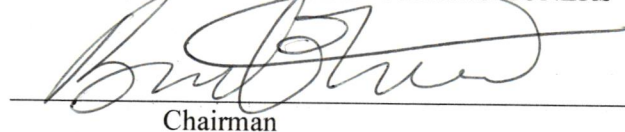
Commissioner Trujillo made a motion to adjourn. Commissioner Kern seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously. The meeting adjourned at 12:36 p.m.



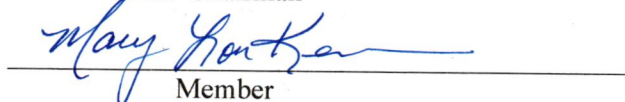
ATTEST:


Clerk of the Board

COLFAX COUNTY BOARD COMMISSIONERS


Chairman


Vice-Chairman


Member