

September 12, 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:

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

1. Call to Order

Chairman Trujillo called the meeting to order at 9:00 a.m.

2. Pledge of Allegiance

Commissioner Kern led the Pledge of Allegiance.

3. Salute to the New Mexico Flag

Commissioner Wier led the Salute to the New Mexico Flag.

4. Approve Agenda

Chairman Trujillo stated he would like to move item #8 - Discuss/Action – Resolution 2023-32, Budgets Adjustment Various Funds to follow #17 - Discuss/Action – Approval of Fencing at Black Lake Fire Station/ Dumpster Location and to strike item #9 - Discuss/Action – Certification of 2023 Property Tax Rates. Commissioner Wier made a motion to approve the agenda as amended. Commissioner Kern seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

5. Approve Public Input Forum Meeting Minutes and Regular Meeting Minutes for August 22, 2023

Chairman Trujillo asked if the Commissioners had any comments or corrections on the Public Input Forum Meeting Minutes and Regular Meeting Minutes for August 22, 2023. Commissioner Kern made a motion to approve the Public Input Forum Meeting Minutes and Regular Meeting Minutes for August 22, 2023, as presented. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

6. Recognize Visitors

Chairman Trujillo thanked everyone for attending the meeting. Others present: Sara Torres, Leonard Baca, Timothy Martinez, Tina Colangelo, Joana Apodaca, Virginia Strohm, Roger Smith, Todd Tatum, Lydia Garcia, Carol Bridge, Nick Cardenas, Tom Vigil, Mike Provine, and via electronic device – Jun Roh, Dean Williamson, Monica Abeyta, Aaron Law, and Regina Slade.

7. Public Comment

Chairman Trujillo asked if there were any requests or responses from the audience on anything that was not on the agenda. Tom Vigil, Emergency Manager reported on the Fires in New Mexico and their containment. Tom also reported on a Bridge on HWY 21 near Rayado, which is closed to traffic. Tom reported this is a hardship for individuals that live in Miami, as many work in Philmont and in Cimarron. Tom reported the Miami Reservoir stated the work needs to be completed by October 15, 2023, but he has applied for an extension to make sure the work is completed. Commissioner Wier asked about the reseeding around the watershed and Tom stated this is the perfect time of the year to seed the area.

8. Discuss/Action – Resolution 2023-32, Budgets Adjustment Various Funds

This item was moved to follow item #17.

9. Discuss/Action – Certification of 2023 Property Tax Rates

This item was removed under approval of the agenda.

10. Discuss/Action – Law Enforcement Recruitment and Retention Fund, DFA 2nd Distribution, Appropriation Number 22-ZG1016-9-2

Joana Apodaca, Financial Specialist stated this is for the 2nd disbursement of \$150,000.00 to be used for retention and recruiting of deputies. Sheriff Baca stated he is applying for another grant to retain employees. Commissioner Wier asked if the usage was charged from last year and was told it was. Commissioner Kern made a motion to approve the Law Enforcement Recruitment and Retention Fund, DFA 2nd Distribution, Appropriation Number 22-ZG1016-9-2. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

11. Discuss/Action – Professional Service Agreement Between Wireless Tower Solutions Corporation and Colfax County

Virginia Strohm stated this agreement is to retain the Service Provider to assist, advise and represent the County on matters relating to processing, reviewing, evaluating, analyzing, and recordkeeping on applications received by the County for wireless telecommunication facilities. Dean Williamson of Wireless Tower Solutions Corporation stated they will provide a Wireless Facilities Ordinance. Commissioner Wier asked if the expenses are budget for this year. Virginia stated there is no expense to the County it will be paid for by applications. Dean Williamson stated the County does not pay for any fees. Commissioner Kern stated the Fee Schedule needs to be reviewed and updated. Commissioner Wier made a motion to approve the Professional Service Agreement Between Wireless Tower Solutions Corporation and Colfax County. Commissioner Kern seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

12. Discuss/Action - Professional Service Contract Pursuant to RFP 2023-01 Between Colfax County and Advanced Air LLC

Virginia Strohm stated this contract with Advanced Air, LLC is pursuant to RFP 2023-01. Virginia recommended approval contingent to the County receiving the Grant from NMDOT Aviation. Commissioner Kern made a motion to approve the Professional Service Contract Pursuant to RFP 2023-01 Between Colfax County and Advanced Air, LLC. Contingent to the County receiving the grant. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

13. Discuss/Action - Amendment to Agreement for Inmate Confinement Between the County of Colfax and The County of San Miguel

Virginia Strohm stated this is an amendment to the current Inmate Confinement Agreement with San Miguel County which will increase from \$95.00 to \$99.75 per day. Commissioner Kern made a motion to approve the Amendment to Agreement for Inmate Confinement Between the County of Colfax and The County of San Miguel. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

14. Discuss/Action – RFP 2023-003, Information Technology (IT) Services

Virginia Strohm stated Amadeo Soto's Contract will be ending soon and the County needs to go out for RFP for IT Services. Commissioner Wier stated there was a typo on the RFP which needed to be changed from Banking Fiscal Agent to IT Service. Commissioner Wier made a motion to approve RFP 2023-003, Information Technology (IT) Services as amended. Commissioner Kern seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

15. Discuss/Action – Approval of Professional Architectural/Engineering Services of Colfax County Event Center Restroom Upgrades

Mike Provine of Molzen-Corbin advised the Commission on upgrades that need to be completed at the Event Center. Mr. Provine advised the renovation to the restrooms is about \$450,000.00, but he feels the County could purchase portable restrooms which the County would be able to move incase of an emergency. It was asked if the portable restroom station could be used for emergencies if they were purchased with Lodger's Tax monies. It was also asked if someone would need to be certified or need to have specific training to dump the restrooms. The septic system was also discussed, along with the electrical and the possibility of connecting the sewer to the city line and the possibility of having to purchase pumps. After

further discussion, Mike Provine advised the Commission he would like to submit a new task order. There was no action taken.

16. Discuss/Action – NCNMEDD, Colfax County Workforce Housing Proposal

Monica Abeita of the North Central NM Economic Development District stated she would like to work with Colfax County on a pilot project for the operating of a Workforce Housing Program. This program would entail acquisition, rehabilitation, and resale of homes to essential workforce. Ms. Abeita stated the program would be based on the recent technical assistance report which the NCNMEDD completed for the municipalities of Raton, Springer, and Cimarron. Ms. Abeita stated the proposal is that NCNMEDD would hire a contractor or staff person to search for vacant homes in Colfax County, purchase homes that are feasible for rehabilitation, manage the rehabilitation/remodeling of the homes, then sell the homes to qualified buyers within the Colfax County's essential workforce, which includes school personnel, health care workers, public safety workers, government employees, or other categories of workers identified by the County. Commissioner Wiers stated this is a very important project due to the lack of workforce housing in Colfax County. Commissioner Wier stated he would like for Colfax County to enter this pilot project. Commissioner Kern asked the County Manager if the County had seed money for the project. Joana Apodaca stated the County still had the LETCF in the amount of \$250,000.00 from last year. Chairman Trujillo stated he sees the need for workforce housing. After further discussion, Commissioner Wier made a motion to approve the expenditure of \$100,000.00 to use in the grant application for Rebuilding unoccupied homes in Colfax County, with the contingency the grant is approved. Commissioner Kern seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

17. Discuss/Action – Approval of Fencing at Black Lake Fire Station/ Dumpster Location

Manager Gore stated that there have been some issues at the Black Lake dumpster location for some time and cameras have been installed at the site. Manager Gore stated that they have a proposal to install a fence and the amount of the proposal is \$12,616.64. Manager Gore stated that the fence will cover three sides. Manager Gore stated that he wanted the Commission to be aware that the county did not own the property, but he did have a conversation with Mr. Honea, and he does not want the property back and he is okay with the fence. Commissioner Kern stated she would like something in writing from Mr. Honea. Commissioner Kern stated that once we do this site then we will have to look at fencing the other sites in the county. Commissioner Wier stated that the property has been deeded to the county but there is a revision clause in the deed stating that if the property is not used for a fire station it can revert to Mr. Honea. Commissioner Wier stated that he has had conversations with Mr. Honea, and he does not want that property back. Commissioner Wier suggested that the fence not be placed on the property line. Chairman Trujillo suggested to talk to Mr. Honea and ask him to revise the deed to remove the clause. County Clerk Trujillo stated that a corrected deed needs to be filed and recorded to remove the clause. County Attorney Jun Roh stated that he can draw up a special warranty deed to remove the clause. Chairman Trujillo made a motion to approve the Approval of Fencing at Black Lake Fire Station/ Dumpster Location contingent on a written statement from Mr. Honea and to correct the deed to remove the clause. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

8. Discuss/Action – Resolution 2023-32, Budgets Adjustment Various Funds

Financial Specialist Joana Apodaca presented the adjustments for the various funds. Commissioner Kern made a motion to approve Resolution 2023-32, Budgets Adjustment Various Funds. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

18. Discuss/Action – New Mexico Memorandum of Understanding Between Office of The Secretary of The State and Colfax County

County Clerk Rayetta Trujillo stated that the amount of the MOU is \$25,000.00 and it is for election expenses for the election. Commissioner Wier asked if the State covers most of the cost of the election. Clerk Trujillo stated yes it covers almost all the cost. Commissioner Kern made a motion to approve the New Mexico Memorandum of Understanding Between Office of The Secretary of The State and Colfax County. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously.

19. Commissioners' Docket

Commissioner Kern stated that she is still getting complaints about the roads, trash, and trees. Commissioner Kern asked why the expenditures have not been approved since the June 6, 2023, meeting and stated she would like to have them on the agenda for approval. Manager Gore stated that because of continued conflicts they worked with attorney and the expenditures don't need to be approved by the Commission since the budget has been approved and asked Jun to expand on this. County Attorney Jun Roh stated that he checked with the Association of Counties Counsel and the Ethics Commission Council and because of the conflict-of-interest policy and expenditure issue, the expenditures don't have to be approved by the Commission because the budget has been approved. Jun stated that the Commissioners can review the expenditures on the website. Jun stated that he could discuss this further with Commissioner Kern at a later date if she would like to. Commissioner Wier asked who established this policy and who is responsible for establishing policies for the county. Jun stated that the Commission is responsible for establishing policy. Commissioner Wier stated that he wasn't sure how the policy would change without the Commission approval. Commissioner Kern agreed with Commissioner Wier and stated there is a lack of transparency and the expenditures have always been in the minutes for the public's benefit. Commissioner Wier suggested they go back to approving the expenditures until the Commission approves a policy change. Chairman Trujillo agreed with Commissioner Wier. Manager Gore stated that the expenditures are downloaded so the Commissioners can review them, but they have not been on the agenda. Chairman Trujillo asked Manager Gore to put the expenditures from June, July, and August, on the portal and to have them split and on the next agenda for approval and to have the expenditures on the agenda going forward.

Commissioner Wier recommended taking action to remove Tri-State as the county vendor for solid waste removal and acquire a new vendor. Commissioner Wier stated that Julie Martinez has gone above and beyond with the solid waste issues in Black Lake.

Chairman Trujillo stated he has also had issues with solid waste and is frustrated with Tri-State and believes there needs to be a plan moving forward. Chairman Trujillo stated that he has asked the Manager to withhold payment until Tri-State meets the needs of the contract and instructed the Manager's Office not to mail a check and Tri-State needs to come and pick it up because there is a need for a conversation with someone face to face. Chairman Trujillo stated that he had a meeting with the Treasurer and the State Treasurer on investing funds. Chairman Trujillo stated that himself, Manager Gore, and Mike Provine met with the State Aviation, and he received good information. Chairman Trujillo stated that they are going to help with the funding for the fuel containment at the airport. Chairman Trujillo asked Manager Gore, Mike Provine and County Attorney Jun Roh to look into the legality and the possibility of the county purchasing a modular home for the airport for the purpose of the airport manager to reside there. Chairman Trujillo stated he wants the Angel Fire airport to be profitable by eventually increasing fuel sales and having hangers available. Chairman Trujillo stated that State Aviation cannot help with snow removal equipment, but the FAA can. Chairman Trujillo stated that he reached out to Senator Lujan's office, and they are going to have a meeting next week to discuss the Angel Fire airport. Commissioner Wier stated that there is a land lease agreement already which includes hanger and land lease. There was a discussion about the airport. Chairman Trujillo stated that the Blosser Gap Bridge and the paving project are both set to start in the spring of 2024.

20. Managers' Docket

Manager Gore stated that the attorney is reviewing the land use agreement for the airport. Manager Gore stated that the salary for the airport manager was competitive at that time. Manager Gore stated that he followed up with the Mayor of Eagle Nest on the land swap and the land they wanted to swap for is located at their transfer station and he didn't believe this would work for the county. Manager Gore stated that the Road Department is starting to replace cattle guards and culverts in the Angel Fire area. Manager Gore stated that cameras have been installed at the Black Lake solid waste site, but they are still getting things dumped there that shouldn't be. Manager Gore suggested moving the Black Lake dumpsters to the Eagle Nest transfer station to alleviate the illegal dumping. Manager Gores stated that they have applied for a grant for the event center. Manager Gore stated that Tri-State has been a challenge and they have not met the requirements of their contract and the county will send a letter to Tri-State concerning the invoices and the amount to be withheld. Chairman Trujillo recessed the meeting at 11:00 a.m. to resume at 11:15 a.m. at 333 Savage Ave.

21. Tour of Building, 333 Savage Ave., Raton NM

Chairman Trujillo called the meeting back to order at 11:15 a.m. The Commissioners toured the building. Clerk Trujillo stated that election safety was a big priority at the election school she attended and explained

that she believes the building would be good for security for the County Clerk's Office especially during elections. Clerk Trujillo showed the Commissioners what each room would be used for. There was a discussion about the building.

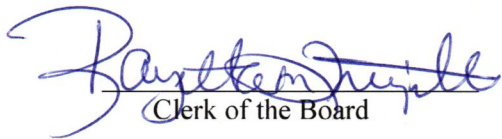
22. Adjourn

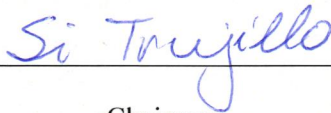
Commissioner Kern made a motion to adjourn. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried unanimously. The meeting was adjourned at 11:44 a.m.

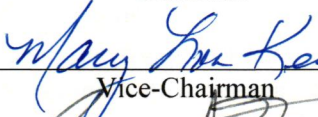
COLFAX COUNTY BOARD COMMISSIONERS

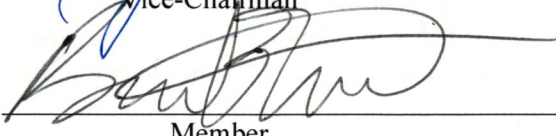


ATTEST:


Clerk of the Board



Chairman


Vice-Chairman


Member