

September 26, 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 9:02 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 asked if any of the Commissioners had any changes to the agenda. Commissioner Kern made a motion to approve the agenda 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.

5. Approve Regular Meeting Minutes for September 12, 2023, and Special Meeting Minutes for September 19, 2023

Chairman Trujillo asked if the Commissioners had any comments or corrections on the Regular Meeting Minutes for September 12, 2023, and Special Meeting Minutes for September 19, 2023. Commissioner Kern made a motion to Approve Regular Meeting Minutes for September 12, 2023, and Special Meeting Minutes for September 19, 2023. 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, Todd Tatum, Leonard Baca, Timothy Martinez, Rob Morper, Joana Apodaca, Virginia Strohm, Regina Slade, Roger Smith, Kristie Medina, Kevin Nolin, Matt Billingsly, Tim Bertocci, Nick Cardenas, Richard Mestas, Scott Berry, Tiana Romero, Carol Bridge, and via an electronic device Jun Roh, Chris Garner, and Andrea Maloney.

7. Public Comment

Chairman Trujillo asked if there were any requests or responses from the audience on anything that was not on the agenda. City Manager Scott Berry advised the Commissioners he will be retiring as of the end of the week. Scott introduced Richard Mestas who will take his place starting Monday. Scott stated Richard is retired from the Federal Government with over 27 years of service. Scott thanked the Commission for working closely with him and the City of Raton and requested they do the same with Mr. Mestas. Mr. Mestas introduced himself and stated he looks forward to working with the Commission. The Commissioners thanked Scott for all his hard work and wished him well.

Kristie Medina from the Raton Public Schools reported to the Commission the School District has a Bond Question on the Ballot to build a new school, as the current schools were built in the 1930's. Ms. Medina stated if the Bond passed it will be for \$30 Million, they will be able to ask the State for a waiver for the State to kick in the remainder of the funding. Chairman Trujillo stated he is in support of the Bond. Commissioner Kern stated she also supports the Bond as Maxwell just passed one to rebuild the school. Commissioner Wier stated when he was on the Cimarron School Board, they were successful in passing bonds to remodel the schools and wished the school luck in the passage.



Kevin Nolan from the Raton Planning & Zoning advised the Commission of a training to be held on October 18, 2023, from 8 a.m. to noon regarding Zoning 101 and Commission training to be held at the Raton Convention Center.

Matt Billingsley stated he was at the meeting to try to come to some sort of resolution regarding the cannabis License he is trying to obtain from the County. Matt stated he has followed the County Ordinance, but he is having issues with an indemnification form that was not part of the Ordinance but given to him after he applied for the license. Chairman Trujillo stated they can't take action during public comment, but this item can be put on the agenda so discussion can be held. Tim Bertocci stated he is the property owner, and he feels the County stepped out of line when they put a cease-and-desist order on his property. Mr. Bertocci questioned if the County has a Planning Department and was told no. Commissioner Wier stated if questions are asked, they can't be answered due to violating the Open Meeting Act. It was suggested this be placed on the agenda for open discussion.

#### 8. Discuss/Action – Indigent Care Claims

Tiana Romero stated there was one claim #2023-16 submitted from the VMDC in the amount of \$677.00 to York Canyon Dental and meets all the requirements of the Indigent Care. Commissioner Kern made a motion to approve the Indigent Care Claim 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.

#### 9. Discuss/Action – Approve/Ratify FAA Airport Improvement Program Grant Agreement-Seal Aircraft Parking Apron Surface/Pavement Joints (Reseal)

Joana Apodaca, Financial Specialist stated this grant is to seal the aircraft parking apron surface and pavement of joints – reseal. Joana stated the amount of the grant is \$245,087.00 and the County will be responsible for a 10% match, and she is unsure if it is cash or land. Commissioner Wier asked if the 10% was budgeted and Joana stated it was not, it would have to come out of the general fund. Commissioner Wier made a motion to approve the Approve/Ratify FAA Airport Improvement Program Grant Agreement-Seal Aircraft Parking Apron Surface/Pavement Joints (Reseal). 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.

#### 10. Discuss/Action – Dispatch Agreement Between the City of Raton and Colfax County

Virginia Strohm stated she had requested this Dispatch Agreement be brought to the Commission two months ago as she thought an RFP was needed, but later found out one was not needed. Commissioner Wier questioned if the Agreement was increased by 50% and was told it was not quite 50%. Commissioner Wier stated the approval of the agreement is the right thing to do. Chairman Trujillo made a motion to approve the Dispatch Agreement between the City of Raton 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.

#### 11. Discuss/Action – Mutual Assistance Agreement Between Vigil Maldonado Detention Center and Colfax County Sheriff Office

Regina Slade, VMDC Warden, stated this agreement is to assist the Detention Center in case a major emergency arises, and the detainees need to be moved. Commissioner Kern asked if this was part of the accreditation. Regina stated it was. Commissioner Kern made a motion to approve the Mutual Assistance Agreement Between Vigil Maldonado Detention Center and Colfax County Sheriff Office. 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.

#### 12. Discuss/Action – Agreement for Inmate Confinement Between the County of Colfax and the City of Raton

Virginia Strohm stated a few meetings ago she was asked if the City of Raton had an agreement with the County for inmate confinement. Virginia stated it was determined that an agreement was needed. Commissioner Kern asked if the fees were the same as the other municipalities and was told the rates were the same. Chairman Trujillo made a motion to approve the Agreement for Inmate Confinement Between the County of Colfax and the City of Raton. 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.



13. Discuss/Action – Proclamation in Support of The New Mexico Practitioner Council Celebrating National Nurse Practitioner Week, November 12-18, 2023, and the Valuable Contributions Nurse Practitioners Make Every Day Serving the Citizens of New Mexico

Andrea Maloney stated due to a shortage of medical personnel, many patients are seen by Nurse Practitioners daily. Andrea stated she is asking the County to support the Nurse Practitioners that care for constituents every day. Commissioner Wier stated in the past four or five years he has gone to the Clinics in Cimarron and Angel Fire and has been seen by a Nurse Practitioner as do his constituents. Chairman Trujillo stated he supports the Nurse Practitioners as his father is seen by one. After further discussion, Commissioner Wier made a motion to approve the Proclamation in Support of the New Mexico Practitioner Council Celebrating National Nurse Practitioner Week, November 12-18, 2023, and the Valuable Contributions Nurse Practitioners Make Every Day Serving the Citizens of New Mexico. Chairman Trujillo 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 – Approve Expenditures, June

General Fund	\$682,844.67
General Hold Harmless GRT	\$0.00
Hold Harmless GRT	\$0.00
Corrections Fund	\$62,205.95
County Property Valuation	\$3,614.37
Vermejo Debt Service	\$0.00
County Road Department	\$168,996.58
French Tract Fire Fund	\$5,276.88
Miami Fire Fund	\$835.12
Farley Fire Fund	\$7,802.01
Ute Park Fire Fund	\$569.67
Philmont Fire Fund	\$40,506.91-
Moreno Valley Fire Fund	\$38,172.79
County Fire Marshal Fire Fund	\$12,094.76
Rapid Response Fire Fund	\$52,029.68-
Vermejo Park Fire Fund	\$22,467.33-
Moreno Valley Wildfire	\$0.00
Farley Wildfire Suppression	\$18,052.84
French Tract Wildfire Suppression	\$0.00
Miami Wildfire Suppression	\$551.00
Philmont Wildfire Suppression	\$1,125.00
Ute Park Wildfire Suppression	\$0.00
Vermejo Wildfire Suppression	\$1,307.67
CC Rapid Response Wildfire Suppression	\$7,400.21
Fire Marshal Wildfire Suppression	\$21,815.97-
Law Enforcement Protection	\$0.00
Law Enforcement Recruitment	\$60,110.55
Lodgers Tax	\$2,962.71
YES Program	\$20,455.68
YES, BHSD Prevention	\$6,301.38
Maternal/Child Healthcare	\$0.00
NM Transportation Grants	\$0.00
WIPP	\$0.00
Legislative Appropriations	\$2,167.67
Indigent Care Gross Receipts	\$222,266.24
Fire Protection – Fire Excise Tax	\$9,462.02
Community DWI – TSB	\$0.00
DWI Distribution	\$81,341.30

LDWI Grant	\$1,843.35
State Farm	\$0.00
DWI-ALC	\$0.00
Recording/Filing Fund	\$0.00
American Rescue Plan Act	\$0.00
Sheriff Forfeiture Fund	\$0.00
MCMC Hospital Fund	\$40,000.00
Capital Improvement	\$331,433.80-
CAP IMP HHGRT/2015	\$4,324.00-
Angel Fire Airport Improvements	\$0.00
Angel Fire Airport FFA	\$437.69
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	\$40,664.72
Moreno Fire Debt Service	\$28,780.02
VMDC/NMFA Loan	\$396,410.10
Dist. 8 Debt Service	\$56,410.22
Vermejo Debt Service	\$22,637.82
Solid Waste Fees	\$42,506.87
Colfax County Airport Operations	\$29,391.15
Total	\$1,624,237.29

Chairman Trujillo asked if the Commissioners had any questions or comments regarding the expenditures. Commissioner Wier stated he had no questions but was pleased with the reports that are being prepared for the Commission but felt the type can be improved. Commissioner Wier made a motion to approve the June Expenditures as presented. 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 - Approve Expenditures, June Pursuant to Resolution #2022-49

Commissioner Kern asked if this was separated out for her or Commissioner Wier, as she would like to know whom needs to abstain from voting. Commissioner Kern mentioned some of the charges indicated there were personnel issues. Jun stated it was a personnel issue and could not be discussed in an open meeting. Chairman Trujillo made a motion to Approve Expenditures for the month of June Pursuant to Resolution #2022-49. Commissioner Wier seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – abstain, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried.

#### 16. Discuss/Action – Approve Expenditures, July

General Fund	\$905,126.84
General Hold Harmless GRT	\$0.00
Hold Harmless GRT	\$0.00
Corrections Fund	\$69,074.43
County Property Valuation	\$9,461.95
Vermejo Debt Service	\$0.00
County Road Department	\$65,351.39
French Tract Fire Fund	\$1,001.75
Miami Fire Fund	\$703.68
Farley Fire Fund	\$9,987.67
Ute Park Fire Fund	\$237.61
Philmont Fire Fund	\$30,115.67



Moreno Valley Fire Fund	\$4,615.33
County Fire Marshal Fire Fund	16,144.59
Rapid Response Fire Fund	\$907.97
Vermejo Park Fire Fund	\$2,022.07
Moreno Valley Wildfire	\$0.00
Farley Wildfire Suppression	\$18,241.30
French Tract Wildfire Suppression	\$0.00
Miami Wildfire Suppression	\$0.00
Philmont Wildfire Suppression	\$349.17
Ute Park Wildfire Suppression	\$0.00
Vermejo Wildfire Suppression	\$2,958.50
CC Rapid Response Wildfire Suppression	\$0.00
Fire Marshal Wildfire Suppression	\$0.00
Law Enforcement Protection	\$26,724.91
Law Enforcement Recruitment	\$1,559.32
Lodgers Tax	\$33,115.66
YES Program	\$25,532.58
YES, BHSD Prevention	\$6,513.46
Maternal/Child Healthcare	\$0.00
NM Transportation Grants	\$0.00
WIPP	\$0.00
Legislative Appropriations	\$183,598.10
Indigent Care Gross Receipts	\$25.00
Fire Protection – Fire Excise Tax	\$420.00
Community DWI – TSB	\$0.00
DWI Distribution	\$10,899.51
LDWI Grant	\$1,800.00
State Farm	\$0.00
DWI-ALC	\$0.00
Recording/Filing Fund	\$0.00
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	\$0.00
Angel Fire Airport FFA	\$0.00
Tiger Grant IX	\$0.00
Revenue Bonds Debt Service	\$355,159.69
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
VMDC/NMFA Loan	\$0.00
Dist. 8 Debt Service	\$0.00
Vermejo Debt Service	\$0.00
Solid Waste Fees	\$44,620.56
Colfax County Airport Operations	\$10,187.02
Total	\$1,869,599.07

Chairman Trujillo asked if the Commissioners had any questions or comments regarding the expenditures for July. Commissioner Kern made a motion to Approve Expenditures for July. 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.

17. Discuss/Action - Approve Expenditures, July Pursuant to Resolution #2022-49

Commissioner Kern stated there were several charges for Jun and this Commission is led to believe all conflict of interest is related to regular County business which is well over \$20,000.00. Commissioner Kern questioned how all the charges for the Attorney are a conflict of interest. County Attorney Roh stated he would be happy to speak to Commissioner Kern on this matter. Commissioner Kern stated she would call Jun. Commissioner Wier made a motion to Approve Expenditures for July Pursuant to Resolution #2022-49. Chairman Trujillo seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – abstain, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried.

18. Discuss/Action – Approve Expenditures, August

General Fund	\$740,479.09
General Hold Harmless GRT	\$0.00
Hold Harmless GRT	\$0.00
Corrections Fund	\$86,555.57
County Property Valuation	\$9,698.73
Vermejo Debt Service	\$0.00
County Road Department	\$70,921.38
French Tract Fire Fund	\$2,596.37
Miami Fire Fund	\$730.21
Farley Fire Fund	\$9,887.63
Ute Park Fire Fund	\$899.21
Philmont Fire Fund	\$40,122.21
Moreno Valley Fire Fund	\$33,084.86
County Fire Marshal Fire Fund	\$894.40
Rapid Response Fire Fund	\$28,409.95
Vermejo Park Fire Fund	\$3,612.17
Moreno Valley Wildfire	\$27,818.81
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	\$8,714.12
CC Rapid Response Wildfire Suppression	\$562.85
Fire Marshal Wildfire Suppression	\$0.00
Law Enforcement Protection	\$7,495.00
Law Enforcement Recruitment	\$133.40
Lodgers Tax	\$5,083.71
YES Program	\$19,232.93
YES, BHSD Prevention	\$5,791.93
Maternal/Child Healthcare	\$0.00
NM Transportation Grants	\$0.00
WIPP	\$0.00
Legislative Appropriations	\$0.00
Indigent Care Gross Receipts	\$99,456.73
Fire Protection – Fire Excise Tax	\$638.53
Community DWI – TSB	\$0.00
DWI Distribution	\$12,503.12
LDWI Grant	\$1,800.00
State Farm	\$0.00
DWI-ALC	\$0.00



Recording/Filing Fund	\$0.00
American Rescue Plan Act	\$20,914.20
Sheriff Forfeiture Fund	\$0.00
MCMC Hospital Fund	\$0.00
Capital Improvement	\$33,165.91
CAP IMP HHGRT/2015	\$0.00
Angel Fire Airport Improvements	\$0.00
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	\$43,297.57
Colfax County Airport Operations	\$23,237.62
Total	\$1,333,978.43

Chairman Trujillo asked if the Commissioners had any questions or comments regarding the expenditures. Commissioner Wier made a motion to Approve Expenditures for August. Chairman Trujillo 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.

#### 19. Discuss/Action - Approve Expenditures, August Pursuant to Resolution #2022-49

Commissioner Wier made a motion to Approve Expenditures for August Pursuant to Resolution #2022-49. Chairman Trujillo seconded the motion. Chairman Trujillo asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – abstain, Commissioner Wier – aye, and Chairman Trujillo – aye. The motion carried.

#### 20. Commissioners' Docket

Commissioner Kern stated that she has had several calls about roads, and she advised the individuals to contact the Manager's Office. Commissioner Kern stated that the roads will need attention before winter.

Commissioner Wier stated that the roads in Moreno Valley have been okay during the summer but the roads in Miami are bad and with Rayado bridge being down it has gotten worse. Commissioner Wier asked Manager Gore to consider going out to bid for the replacement of culverts on Onote Road because it's been two years, and nothing has been done yet. Commissioner Wier stated that the speed limit signs have been received and he has had some feedback from constituents as to where they should be placed. Commissioner Wier asked for an update on the Commercial Airline grant and on the solid waste. Commissioner Wier stated that he was in contact with NMDOT District 4 and the bridge over Rayado Creek that was shut down was estimated to take a year to repair. Commissioner Wier stated that NMDOT has brought in engineers, and they did a study on the bridge and determined that the bridge does not need to be totally replaced and it can be shored up. Commissioner Wier stated that the engineer at NMDOT District 4 has already received one bid to shore up the bridge and they need to get a second bid. Commissioner Wier stated that it will take approximately ten weeks to complete the repairs to the bridge. Commissioner Wier stated that there has been some concern with the Palo Flechado Pass on Highway 64, and he has gotten a commitment from NMDOT that by the end of October they will have two lanes open for the winter months.

Chairman Trujillo stated that he met with Mike Provine, County Manager Gore and Wes Mack to review the Blosser Gap Bridge and it is anticipated that the work will start in the spring of 2024. Commissioner Kern asked if this has gone out to bid. Chairman Trujillo stated that no it has not gone out to bid yet. Chairman Trujillo stated that last week he and Commissioner Wier attended the NMDOT meeting and dinner and stated it was very informative. Chairman Trujillo stated that they are invited to attend the Governor's symposium on October 16, 2023, in Albuquerque. Chairman Trujillo stated that he would also like and update on the solid waste and on the new building for the Road Department. Chairman Trujillo stated that on October 13, 2023, at 10:00 a.m. the City of Raton is holding an economic development meeting at the Raton Convention Center and encourage the Commissioners to attend. Chairman Trujillo



stated that Pete Vigil recently passed away and there is going to be a service to honor him at the Old Pass Gallery on October 14, 2023, at 5:00 p.m. and the City of Raton and the Raton Ambassador are dedicating a bench near the train depot for him.

Commissioner Wier said he forgot to mention that tomorrow there is going to be a blood drive at the Angel Fire Community Center starting at 9:00 a.m.

#### 21. Managers' Docket

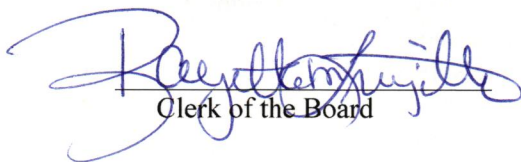
Manager Gore stated that the Motor Cross event was a success and thanked the Road and Maintenance Departments for getting the rodeo grounds ready for the event. Manager Gore stated that an offer was made on the building in the amount of \$ 275,000.00 and it has been accepted. Manager Gore stated that he attended the DOT meeting in Angel Fire and himself and Road Superintendent Glen Stevens drove around and looked at some of the roads between Angel Fire and Eagl Nest. Manager Gore stated that in the next couple of weeks the road department will be working on the roads, cattle guards, and culverts. Manager Gore stated that they are trying to move forward with the Blosser Gap project. Manager Gore stated that they got approval from NMDOT to move 350 yards of tailing material to the airport for the parking lot. Manager Gore said they are also working on a sidewalk at the airport. Manager Gore stated that the speed limit signs have been received for the Angel Fire area and more signs have been put up at the Black Lake solid waste site. Manager Gore stated that he received a message from Mr. Honea, and he is not interested in revising the deed and stated he would like to have a conversation with Mr. Honea and asked Commissioner Weir for his assistance on this matter. Manager Gore stated that he has been contacted by individuals about contracts for solid waste. Manager Gore stated that Tri-State received the letter from the county and they have not responded. Manager Gore stated that he would like to discuss with Commissioner Kern which roads need attention in her area. Chairman Trujillo asked for an update on the new building for the Road Department. Manager Gore stated that they are still in the planning phase. Chairman Trujillo suggested that Manager Gore attend the Economic Development meeting on October 13, 2023.

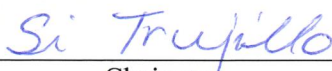
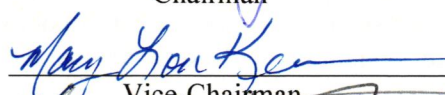
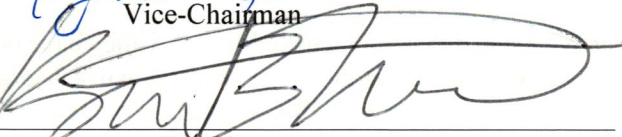
#### 22. Adjourn

Commissioner Wier made a motion to adjourn. 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. The meeting was adjourned at 10:01 a.m.

#### COLFAX COUNTY BOARD COMMISSIONERS



  
Clerk of the Board

  
Chairman  
  
Vice-Chairman  
  
Member