

February 27, 2024  
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 asked if the Commissioners had any changes. Chairman Trujillo stated he had an amendment to item #16 which reads Discuss/Action – Amending VMDC Policy, Transport Post Order Discuss/Action – Agreement Between Colfax County and Rocky Road Gravel and Well Drilling Services LLC and should read Discuss/Action – Amending VMDC Policy, Transport Post Order. Commissioner Kern made a motion to approve the agenda as amended. 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 Special Meeting Minutes, Public Hearing Meeting Minutes, Regular Meeting Minutes for February 13, 2024, and Special Meeting Minutes for February 15, 2024

Chairman Trujillo stated he contacted the Clerk's Office with a correction. Commissioner Kern made a motion to approve the Special Meeting Minutes, Public Hearing Meeting Minutes, and the Regular Meeting Minutes for February 13, 2024, and the Special Meeting Minutes for February 15, 2024, 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, Joana Apodaca, Joseph Martinez, Tarin Giacomo, Tina Colangelo, Roger Smith, Todd Tatum, Tim Martinez, Carol Bridge, Danielle Avila, Matt Billingsly, Sharon Niederman, Deputy Simpson, Tiana Romero, Regina Slade, Leonard Baca, and via electronic device – Jun Roh and Scott Matthews.

7. Public Comment

Joe Martinez, Chairman for the Safety Committee presented the Commission with a draft of the Safety Policy for Colfax County for their review. Joe advised the Commission the safety committee would like for them to review the Policy and make any corrections they would like to see in the policy. Commissioner Kern thanked Joe for presenting them with a hard copy so they could mark it up. Commissioner Wier requested a digital copy.

Scott Matthews, Airport Manager gave an update on the airport. Scott reported the parking lot is complete and the prairie dog numbers have been decreasing and there has been less damage at the airport due to them. Scott stated the second part of the parking lot will be completed during construction season and stated he had a meeting with Mike Provine and his associates regarding the hangers and stated he already has them sold once they are built. Scott also reported on the replacement of the hanger doors and advised Commission the overgrowth on the North Runway has been removed and reported the new assistant manager has been hired but was in an accident and will not be to work for a month.

8. Discuss/Approve-Indigent Care Claim

Tiana Romero stated there were twelve indigent care claims, all are from the VMDC – York Canyon Dentistry – Five claims in the amount of \$1,863.00; Guardian Flight – one claims - \$92,193.00; MCMC – four claims -



\$15,189.00; City of Raton - in the amount of 524.75; Advanced MD – one claim - \$700.00 for a total of \$110,469.75. Tiana stated all the claims meet the Indigent Care guidelines. Commissioner Kern questioned the fee for the Guardian Flight charge and questioned if there is a \$7,500 cap per case and stated she is not opposed to the care of the inmate. Tiana stated the fees for the VMDC inmates are paid at 100%. It was recommended that Tiana find out if there is a cap for the VMDC. Commissioner Wier asked if there is a supplemental insurance that can be purchased for issues like this. After further discussion, Commissioner Kern made a motion to approve the Indigent Care Claims except for claim #2024-09. 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.

9. Discuss/Action – Memorandum of Agreement (MOA) By and between the North Central New Mexico Economic Development District (NCNMEDD,) and Colfax County for Restoring our Communities (ROC)

Chairman Trujillo stated this agreement is between Colfax County and NCNMEDD as the County has agreed to give them \$100,000.00 to purchase vacant single-family houses in Colfax County so they can be repaired and sold to the workforce in the County. Chairman Trujillo stated the funds are from the LAPCF funding. Commissioner Wier made a motion to approve the Memorandum of Agreement (MOA) By and between the North Central New Mexico Economic Development District (NCNMEDD,) and Colfax County for Restoring our Communities (ROC). 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 – Angel Fire Airport (KAXX) Owned and Operated by Colfax County, Hanger/Hanger Ground Lease Agreement

Manager Gore stated he and others had toured the Raton Airport and discussed how they lease their hangers and stated he felt that is how Colfax County needs to run the AF Airport. Commissioner Wier questioned if the lease agreements would need to be approved by DFA. Manager Gore stated the County can provide a packet to DFA for approval. Commissioner Wier stated he felt the County needed to sign the agreement and move forward. Commissioner Wier stated individuals are interested now in signing a lease agreement due to the lease term of 50 years. Commissioner Wier stated that due to the pricing and not sure what amounts to give, he stated that the fee can be added to the schedule later. Chairman Trujillo stated that Commissioner Wier's statement made good business sense. Commissioner Wier made a motion to approve the Angel Fire Airport (KAXX) Owned and Operated by Colfax County, Hanger/Hanger Ground Lease Agreement. 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 – Resolution 2024-12, Amendment to Resolution 2022-51, A Resolution to Adopt Policy and Procedures for the Abandonment and Vacation or Closure of Road and County Maintained Right-of-Ways

Manager Gore stated there have been issues in the past when individuals have come to the County for a road vacation and feels this policy is needed. Commissioner Wier asked if the vacation of abandoned County roads were covered in this Resolution. Commissioner Kern stated when the vacations are brought to the Commission that the Commission needs to take into consideration if they are land locking public lands. After further discussion, Commissioner Kern made a motion to postpone the Resolution until the next meeting. 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 – Resolution 2024-06 Fee Schedule for Colfax County

Manager Gore stated that they have been working on this to come up with a fair fee schedule. Commissioner Wier asked why the airfield and hanger fees for the Angel Fire Airport are higher than the Raton Airport. Chairman Trujillo stated that this is referring to the old La Mesa Airfield not the Raton Airport. Chairman Trujillo stated that he would like to see road vacations for \$600.00 per application be added on. Commissioner Kern stated that she has no questions on this but if there are changes it will have to be brought back. Commissioner Wier recommended approving this now and bringing it back at the next meeting with any additions to it. County Clerk Trujillo stated that on the claim of exemptions and vacation of plats there is a \$300.00 - \$700.00 fee and a \$400.00 - \$ 750.00 fee and asked if it is going to look like we are treating people differently by having different amounts and suggested there should be a set amount. Manager Gore stated that he worked with the attorney, and they thought a sliding scale would be fairer to the constituents because some are simple, and some are more complex. Chairman Trujillo asked if the sliding scale is to cover the cost of the attorney. Manager Gore stated that it is. County Clerk Trujillo asked if the fees are paid when they turn in the application. Manager Gore stated yes, but they can look at the application to determine if it is a simple or more complex one and work to get them the appropriate fee. Chairman Trujillo suggested putting brackets around attorney fees. Commissioner Wier stated that a sliding scale would be nice, but it needs to be defined better. Chairman Trujillo stated that he wants road vacations added to this. Chairman Trujillo stated that he is okay with approving this and bringing it back with a better definition for the sliding scale and airport hanger leases. After further discussion Commissioner Kern made a motion to approve Resolution 2024-06 Fee Schedule for



Colfax County and to bring it back to the next meeting with amendments. 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 Colfax County Financial Policy and Procedures

Manager Gore stated that at the last meeting he was directed by the Commission to work with County Clerk Trujillo, and County Treasurer Garcia, to see if they had any changes or amendments. Manager Gore stated that he had a meeting with the County Clerk, County Treasurer, and Financial Specialist for their input and this is the Financial Policy which reflects their input. Chairman Trujillo stated that he has not seen this with the changes yet. Commissioner Kern stated that she has not seen the changes and stated that there is an issue with the Sheriff's Office because they operate on a five-day business week and the County works on a four-day business week and the Sheriff had some questions on this. Commissioner Kern stated that she is not prepared to vote on this since she has not seen the changes. Commissioner Wier stated that he has reviewed it and there are a few minor changes with inconsistent titles such as Financial Specialist and Financial Director, but he did not consider the five-day work week versus the four-day work week but overall, he thinks it is a good policy. Commissioner Kern made a motion to postpone the Amendment to Colfax County Financial Policy and Procedures so that she can have an opportunity to review it and to address the issue with the Sheriff's Office. 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 – Ordinance 2024-02, The Amendment to Ordinance 2021-03, An Ordinance Adopting the Legislative Intent, Findings, and Purpose Relating to The Regulation of Cannabis

Manager Gore stated that when they adopted the ordinance it did not include an indemnification clause and it has now been added. Commissioner Kern stated Commissioner Wier has some changes and reminded the Commission that if there are changes it will reset the thirty-day clock. Commissioner Wier stated that he is okay with the indemnification clause but in section 10 paragraph E he is requesting to have the word not be stricken and section 15 stricken. Chairman Trujillo state that he thinks the ordinance is okay the way it is written. Commissioner Wier made a motion to amend Ordinance 2024-02 with section 10 paragraph E to strike the word not out of the last sentence and strike section 15. 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 – nay. The motion carried 2-1.

### 15. Discuss/Action – Appoint Lodgers Tax Advisory Board Members, Laurie Bunker, Michael Brown

Tina Colangelo, Lodger's Tax Clerk stated that the letters of interest are in the Commissions packets. Commissioner Kern made a motion to Appoint Lodgers Tax Advisory Board Members, Lauri Bunker, and Michael Brown. 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.

### 16. Discuss/Action – Amending VMDC Policy, Transport Post Order

Warden Slade stated in the process of doing the mock audit they found that this was left out and it needed to be put in. Commissioner Wier asked how close they are to being accredited. Warden Slade stated it is her goal to be accredited by April. Commissioner Wier thanked her for her hard work. Commissioner Kern asked Warden Slade to share the assessment when she gets it. Commissioner Kern made a motion to approve Amending VMDC Policy, Transport Post Order. 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 – Agreement Between Colfax County and Rocky Road Gravel and Well Drilling Services LLC

Manager Gore stated that this is the signed contract from Rocky Road. Chairman Trujillo asked if there was a change in the agreement. Manager Gore stated there were no changes and the attorney suggested bringing this back when it was signed. Chairman Trujillo made a motion to approve the Agreement Between Colfax County and Rocky Road Gravel and Well Drilling Services LLC. 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. Managers' Docket

Manager Gore stated that a letter was sent to Tri-State on February 12, 2024, for the sixty-day notice and stated he talked to Ricardo from Tri-State and April 13, 2024, is going to be the last day of service. Manager Gore stated that they are working with Arthur Rolloff for the transition. Manager Gore stated that notification has been sent to businesses and citizens about the change of the solid waste provider. Manager Gore provided an



update on County lawsuits. Chairman Trujillo asked how many lawsuits there are. Manager Gore stated there were six lawsuits.

#### 19. Commissioners' Docket

Commissioner Kern stated that she did not have anything to report. Commissioner Kern stated regarding the Indigent Care, in the past the County has tried on occasion to work with the Judge to request charges be dropped against an inmate if they were a high-risk inmate so that the county would not have a tremendous amount of fees for medical care. Chairman Trujillo asked Commissioner Kern if she has heard back from AT&T. Commissioner Kern stated that she has not.

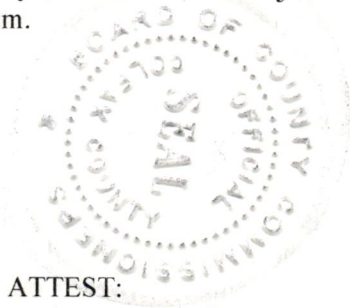
Commissioner Wier thanked the staff for working on the financial policy. Commissioner Wier stated that NEEDO has a new Director, and he will be attending the next meeting and will report back to the Commission. Commissioner Wier thanked the Commission for working with North Central Economic Development for housing.

Chairman Trujillo asked for an update on what was done on the Tiger IX grant. Manager Gore stated that paperwork was filled out and they are moving forward. Chairman Trujillo asked if a certified letter had been sent to Amtrak. Manager Gore stated that he had to verify if a letter had been sent. Chairman Trujillo stated that he met with the City of Raton about their National Park Service grant, and they asked for a letter of support from the Commission, and he is going to do a letter of support himself and he also did a letter of support for Resound. Chairman Trujillo stated that in the past it has been mentioned that the county owns an old railroad spur in the Village of Cimarron and he mentioned this to the National Park Service, and they are interested in this for trails. Commissioner Wier stated that he has been trying to get that portion of land within the Village of Cimarron transferred to the Village of Cimarron for three years and they want to utilize it for the extension of their Veteran's Memorial. Commissioner Wier stated that he would have to consult with the Village of Cimarron's Mayor and Council about a trail. Commissioner Wier stated that he thinks they should move toward transferring the land to the Village of Cimarron. Commissioner Kern stated that the land is currently being used for historical markers and there was a question at one time if the county even owned the property or if NMDOT owned the property and it was never clarified, and she thinks that maybe NMDOT owns that property. Chairman Trujillo stated that he received his information from the Assessor's Office, and he thinks it would be a great economic development for a trail and it would benefit the Boy Scouts and local citizens. Chairman Trujillo stated that a notice will need to be sent out since himself, Commissioner Wier and possibly Commissioner Kern will be attending a meeting on March 22, 2024, for the NM Counties legislative review at Highlands University in Las Vegas. Commissioner Wier asked for an update on the Commercial Airline Grant. Chairman Trujillo stated that the Senate put fifteen million to fund the RISE program and he has contacted Pedro Rael for the next steps but has not heard back from Pedro. Tarin Giacomo stated that she has been in contact with Dan Moran, and they are not announcing the availability of the funds until July and stated that Dan commented that they do not intend to have Colfax County reapply and they will consider our prior application.

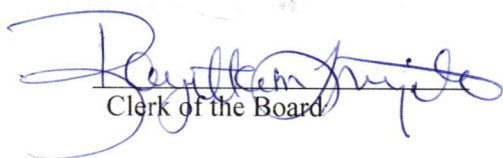
Manager Gore stated that the certified letter did go out to Amtrak last week. Manager Gore stated that the culverts were made last week and have arrived for the low water crossing at Chicorica Creek. Manager Gore stated that he talked with Warren Mathews and with weather permitting they should have a low water crossing in two and a half weeks.

#### 20. 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 10:27 a.m.



ATTEST:

  
Clerk of the Board

#### COLFAX COUNTY BOARD COMMISSIONERS

  
Chairman  
  
Vice-Chairman  
  
Member