

February 28, 2022
Regular Meeting

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

Roy Fernandez, Chairman
Bret Wier, Vice-Chairman
Bobby LeDoux, Member
Rayetta M. Trujillo, County Clerk
Mary Lou Kern, County Manager

1. Call to Order

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

2. Pledge of Allegiance

Commissioner LeDoux 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 Fernandez asked if the Commissioners had any changes. Manager Kern requested Item #9 - Discuss/Action – Resolution #2022-09, Asset Disposal be tabled and Item # 22 - Discuss/Action – Mask Mandate Within Colfax County Buildings be moved to follow #7 - Recognize Visitors. Commissioner Wier made a motion to approve the agenda with changes per the Manager. Commissioner LeDoux seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

5. Approve Regular Meeting Minutes for February 14, 2022

Chairman Fernandez asked if the Commissioners any comments or corrections on the minutes from the February 14, 2022, Regular Meeting. Commissioner LeDoux made a motion to approve the Regular Meeting Minutes for February 14, 2022, as presented. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

6. Recognize Visitors

Others present: Sara Torres, Joana Apodaca, Robert Thompson, Roger Smith, Danielle Avila, Sharon Niederman, Monte Gore, Amanda Segura, Leonard Baca, Nick Cardenas, Barry Harper, Jay Mitchell, Patricia Duran, Kristi Graham, Tom Vigil, Mike Vigil, Sandra Salazar and Amadeo Soto.

7. Public Comment

Chairman Fernandez asked if there were any requests responses from the audience. There was no public comment.

22. Discuss/Action – Mask Mandate Within Colfax County Buildings

Manager Kern advised the Commission the CDC, and the State lifted the mask mandates. Commissioner LeDoux stated he felt since the County has followed what is in place by the CDC the County should continue to follow what the CDC is recommending and lift the mask ban in the County buildings. Chairman Fernandez stated he would like to keep mask mandate in the County Building, as he feels it is too early to lift the mandate. Commissioner Wier stated he agreed with Commissioner LeDoux. Kristi Graham stated she would like to see the mask mandate stay in place at the County Building. Clerk Trujillo stated she would like to see the mask mandate stay in place and advised the Commission she will keep the Doors to the Clerk's Office closed, as her staff will continue to wear their masks while dealing with the public for their safety as well as the publics. Tom Vigil stated the County continues to hold steady of ½ dozen cases per day. He stated many individuals are testing at home and not reporting the positive cases. Tom stated there have been outbreaks in the schools also, but the Omicron is tapering down, but the hospital is still getting cases.

After further discussion, Commissioner LeDoux made a motion to follow the CDC Guidelines and lift the mask mandate in the County Buildings and Employees may choose to wear their masks. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – nay. The motion carried 2-1.

8. Discuss/Approve – Indigent Care Claims

Sandra Salazar presented the Indigent Care Claims to the Commission and stated there was one claim case #2021-03 in the amount of \$748.28 to MCMC. Commissioner LeDoux made a motion to approve the Indigent Care Claims as presented. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

9. Discuss/Action – Resolution #2022-09, Asset Disposal

This Item was tabled under #4 Approval of Agenda.

10. Discuss/Action – Resolution #2022-10, Solid Waste Fee – 2022

Manager Kern stated this Resolution was the same one that was approved last year and advised Commission there would not be an increase. Commissioner LeDoux made a motion to adopt Resolution #2022-10, Solid Waste Fee – 2022. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

11. Discuss/Action – Resolution #2022-11, Organization of Angel Fire Airport Advisory Committee

Manager Kern stated this Resolution was brought forward by Jay Mitchell, which was changing the County Commissioner which is required to be in Commission District 3 to be a non-voting member. Manager Kern stated the decision to bring this Resolution to the Commission was voted on unanimously. Commissioner Wier stated the resolution was not voted on unanimously, as he nor the Representative from the Angel Fire Resort voted in-favor of bringing the Resolution to Commission for approval. Commissioner LeDoux thanked the volunteers for sitting on this Airport Board and stated the Commission had the final say regarding decisions made for the Airport and Commissioner Wier could vote at that time. After further discussion, Commissioner LeDoux made a motion to approve Resolution #2022-11, Organization of Angel Fire Airport Advisory Committee. Chairman Fernandez seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – nay, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried 2-1.

12. Discuss/Action – Resolution #2022-12, Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program

Manager Kern stated this Resolution is an annual submission and recommended approval. Commissioner LeDoux asked if this is needed for submission of the DWI Grant. Manager Kern stated it was needed for submittal of the grant. Commissioner LeDoux made a motion to approve Resolution #2022-12, Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

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

Manager Kern stated this is also required by Commission to apply for the DWI grant. Commissioner LeDoux made a motion to approve the Statement of Assurances, Local DWI Grant and Distribution Program. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

14. Discuss/Action – Memorandum of Understanding between the Colfax County DWI Program and the NM Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program

Manager Kern stated this is also an annual requirement for the DWI grant participation. Commissioner LeDoux asked if the DWI program was audited. Manager Kern stated DFA oversees the grant. Commissioner LeDoux made a motion to approve the Memorandum of Understanding between the Colfax County DWI Program and the NM Department of Finance and Administration/Local Government Division/Driving while Intoxicated Program. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

15. Discuss/Action – Approve Contract for the Colfax County DWI Program Compliance Officer, Jessica Candelario

Manager Kern stated the position needed to be filled after Ambrosia Trujillo was promoted to DWI Coordination. Manager Kern stated Ms. Candelario worked for the Police Department as a Dispatcher. Commissioner LeDoux made a motion to approve the Contract for the Colfax County DWI Program Compliance Officer, Jessica Candelario. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

16. Discuss/Action – RFP #2022-01, Colfax County Financial Audit Services

Manager Kern stated the County is at the end of the current contract with the Auditors and the County needs to go out for RFP. Commissioner LeDoux made a motion to approve RFP #2022-01, Colfax County Financial Audit Services. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

17. Discuss/Action – Joint Powers Agreement between Colfax County and the Village of Eagle Nest for Law Enforcement Protection Funds

Sheriff Baca stated this JPA is to provide Law Enforcement to the Village of Eagle Nest. Commissioner LeDoux asked how much the County would be receiving in funding. Sheriff Baca stated the County would be receiving \$45,000.00 in funding. Commissioner LeDoux made a motion to approve the Joint Powers Agreement between Colfax County and the Village of Eagle Nest for Law Enforcement Protection Funds. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

18. Discuss/Action – Lodger's Tax Funding Request from the Center for Community Innovation

Amanda Segura advised Commission the Lodger's tax Committee received a request for funding from the Center for Community Innovation. Amanda stated the request is in the amount of \$4,000.00 plus GRT which Peaks to Plains will be a marketing and advertising brand for tourism of Colfax County and Northeast NM focused on promoting outdoor recreation for affordable vacations and things to do. The brand will focus on region's states and national parks, as well as our unique heritage and history of ranching, exploring, and settling in the wild west, and our rich coal mining and ghost town culture. Amanda stated there is sufficient funds available for this request. Commissioner LeDoux made a motion to approve the Lodger's Tax Funding Request from the Center for Community Innovation. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

19. Discuss/Action – Lease Agreement between Colfax County and Youth Heartline

Manager Kern stated Hartline has been leasing the Annex building and is wanting to enter a 16-month lease, which will expire in 2023. Commissioner Wier made a motion to approve the Lease Agreement between Colfax County and Youth Heartline. Commissioner LeDoux seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux– aye, and Chairman Fernandez – aye. The motion carried unanimously.

20. Discuss/Action – Angel Fire Airport Tech Services Contract, Jay Mitchell

21. Discuss/Action – Angel Fire Airport Tech Services Contract, Jeffrey Gilmer

Manager Kern stated the next two items were Service Contracts for Jay Mitchell and Jeffrey Gilmer. Manager Kern stated Fraser MacPhee will be out on vacation for three weeks and Jay and Jeffrey have agreed to keep the airport open while he is out. Both can move and fuel the planes as well as both are familiar with the equipment used to do snow removal. Commissioner LeDoux questioned the February 11th date on the contracts and asked if they had been paid. Manager Kern stated they have not been paid. Commissioner Wier stated he is in-favor of the contracts but was not sure if they should be contract employees or employees and recommended the Manager look into how they were going to be paid. Manager Kern stated they could be seasonal employees, but as seasonal employees they could only work for three months. Chairman Fernandez stated the term of the contract was for way more than three weeks. Mr. Mitchell stated he and Mr. Gilmer did not even want to be paid, but they would like to be covered by insurance in case of an accident or damage to planes or equipment. Commissioner LeDoux made a motion to approve the contracts as presented. Commissioner Wier seconded the motion. After further discussion, Commissioner Wier asked if Commissioner LeDoux would accept a friendly amendment to his motion to remove Item E from the contracts. Chairman Fernandez asked for a roll call vote, on the original motion for approval of the contracts as presented, the Clerk polled the Commissioners. Commissioner Wier – Nay, Commissioner LeDoux – aye, and Chairman Fernandez – aye. The motion passed 2-1. Chairman Fernandez asked for a roll call vote, for the motion which removes Item E. referring to the Independent Contractor the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux – aye, and Chairman Fernandez – aye. The motion carried unanimously.

22. Discuss/Action – Mask Mandate Within Colfax County Buildings

This item was moved to follow item #7.

23. Discuss/Action – Colfax County Fire Protection Excise Tax Advisory Bylaws

County Fire Marshall Nick Cardenas stated that Mike Vigil who is the Secretary for the Excise Committee was present, and he would like to turn it over to Mike for any questions. Commissioner Wier stated he was not clear on the formation of the committee and asked if it was appointed by the Commission. Commissioner LeDoux stated that it was appointed by the Commission. Mike Vigil stated that the committee members are appointed by the Department Chiefs, and they are just an advisory board. Fire Marshall Nick Cardenas stated that after the members are established, he brings the document to the Commission for their approval. Chairman Fernandez asked if the committee bylaws are new or being renewed. Mike stated that they are being renewed and went over the changes. Commissioner Wier made a motion to table item #23. Commissioner LeDoux seconded the motion. After further discussion Chairman Fernandez asked for a roll call vote to table item #23, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux – nay, Chairman Fernandez – nay. The motion did not pass. Commissioner LeDoux made a motion to approve the Colfax County Fire Protection Excise Tax Advisory Bylaws as presented but strike the verbiage of members may be removed from the Excise Advisory Committee without cause by their respective jurisdiction and changed to by the County Commission. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – nay, Commissioner LeDoux – aye, Chairman Fernandez – aye. The motion carried 2 to 1.

24. Discuss/Action – Colfax County Fire Protection Excise Tax Advisory Committee Policies

Commissioner LeDoux stated that this is referring to the annual meeting that takes place on the second Saturday of March every year. Commissioner LeDoux made a motion to approve the Colfax County Fire Protection Excise Tax Advisory Committee Policies. Commissioner Wier seconded the motion. Commissioner Wier stated that under item #7 it states that each municipality with EMS services will receive \$2500.00 and asked if Eagle Nest qualifies because they don't have EMS services right now, but they are receiving a grant from the state to be able to reinstate the services. Mike Vigil stated yes, they would qualify because they are trying to rebuild their EMS services. Commissioner LeDoux stated that until Eagle Nest implements the grant that they got, in his opinion they don't qualify. After further discussion Commissioner Wier stated he did not have enough time to properly look at this and he would prefer to talk to the Chief's in his district about the policy. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – nay, Commissioner LeDoux – aye, Chairman Fernandez – nay. The motion did not pass.

25. Discuss/Action – Ordinance #2022-01, Amending Ordinance #2017-01, Personnel Policy, Chain of Command Policy

Chairman Fernandez stated this is the final meeting for this. Commissioner LeDoux stated that he did not like some of the verbiage in the ordinance and suggested adding verbiage as to how the chain of command should be followed if the County Manager is involved in a grievance. Chairman Fernandez asked Commissioner LeDoux if he would email his changes to the County Manager. Commissioner LeDoux made a motion to table item #25 for further changes to be submitted.

Commissioner Fernandez seconded the motion. After further discussion Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – nay, Commissioner LeDoux – aye, Chairman Fernandez – aye. The motion carried 2 to 1.

26. Discuss/Action – TIGER IX Project Final Design Approval

County Manager Kern stated that this affects the Rio Metro portion, and they got the final documentation, and she is asking for approval so it can be submitted to FRA. Commissioner LeDoux made a motion to approve the TIGER IX Project Final Design Approval. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux – aye, Chairman Fernandez – aye. The motion carried unanimously.

27. Closed Session Pursuant to NMSA 1978, Section 10-15-1H (2), Limited Personnel Matters; Colfax County Manager; Section 10-15-1H (7), Pending Litigation, Opioid Class Action Suit

Commissioner LeDoux made a motion to go into Closed Session Pursuant to NMSA 1978, Section 10-15-1H (2), Limited Personnel Matters; Colfax County Manager; Section 10-15-1H (7), Pending Litigation, Opioid Class Action Suit. Commissioner Wier seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye, Commissioner LeDoux – aye, and Chairman Fernandez – aye. The motion carried unanimously. The Board went into Executive Session at 11:27 a.m. Present in Executive Session: Commissioners Fernandez, LeDoux, Wier and Manager Kern. Commissioner LeDoux left Executive Session at 11:55 a.m.

28. Discuss/Action – Open Session Pursuant to NMSA 1978, Section 10-15-1H (2), Limited Personnel Matters, Colfax County Manager

29. Discuss/Action – Open Session Pursuant to NMSA 1978, Section 10-15-1H (7), Pending Litigation, Opioid Class Action Suit

At 12:23 p.m. Commissioner Wier made a motion to return to Open Session Pursuant to NMSA 1978, Section 10-15-1H (2), Limited Personnel Matters; Colfax County Manager; Section 10-15-1H (7), Pending Litigation, Opioid Class Action Suit. Chairman Fernandez seconded the motion. Chairman Fernandez asked for a roll call vote, the Chief Deputy Clerk polled the Commissioners. Commissioner Wier – aye, and Chairman Fernandez – aye. The motion carried unanimously. Commissioner Wier stated the only items discussed were what was on the agenda.

30. Commissioners' Docket

Commissioner Wier stated on March 8, 2022, there will be a meeting for the Cimarron Obtainable Housing Group and stated this is a group of citizens that have come together to try and figure out how to develop housing for employees of the town of Cimarron and surrounding area and he is expecting them to be coming to the Commission to ask for their support.

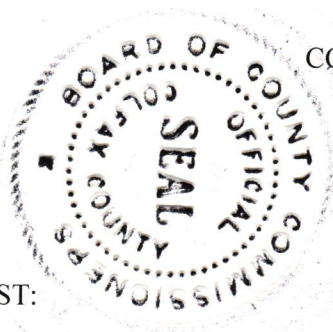
Commissioner Fernandez did not have a report.

31. Manager's Docket

Manager Kern stated that the GEO Test was sent to the Commission last week and Mike Provine recommends proceeding with the dewatering wells. Manager Kern stated that the super cross will be on May 21, 2022, and the rodeo will be on June 18, 2022. County Manager Kern stated the salary study contractor will be here the week of March 7th and will schedule meetings with the department heads to meet with them. County Manager Kern read a statement she had prepared and at the end of her statement she state she has tendered her resignation to the Commission and stated her last day would be March 17, 2022.

32. Adjourn

Commissioner Wier made a motion to adjourn. Chairman Fernandez seconded the motion. Chairman Fernandez asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Wier – aye and Chairman Fernandez – aye. The motion carried unanimously. The meeting adjourned at 12:24 p.m.



COLFAX COUNTY BOARD OF COMMISSIONERS

Chairman

Vice-Chairman

Member

ATTEST:

Clerk of the Board