

Regular Meeting
January 24, 2023

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 9:00 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 removing items #24 thru #37 dealing with the VMDC Policy Changes and changing non-Promotional to Promotional on item #18. 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 January 10, 2023

Chairman Wier asked if the Commissioners had any comments or corrections on the Regular Meeting Minutes for January 10, 2023. Commissioner Kern made a motion to approve the Minutes for the January 10, 2023, Regular Meeting, 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.

6. Recognize Visitors

Others present: Sara Torres, Joana Apodaca, Roger Smith, Tina Colangelo, Amadeo Soto, Todd Tatum, Rob Morpu, Regina Slade, Rick Smith, Tiana Romero, Tom Vigil, Kevin Nolan, Leonard Baca, Chris Furr, Chris Griffith, Tabitha Avitia, Kristi Graham, Anita Valdez, Sandra Young, Kim Davis, Linda Mascarenas, Lydia Garcia, Chris Morris, and Connie Martinez.

7. Public Comment

Chairman Wier asked if there were any requests or responses from the audience on anything that is not on the agenda. Lydia Garcia, County Treasurer, stated she was asked by Commissioner Trujillo to report on the County Mutual Funds and how they were invested and if the County was losing interest in the way they are invested. Lydia stated they were invested in 30-day CDs but due to the interest rates being better in the checking account she will no longer be investing in CDs. Lydia stated there would be a penalty for early withdrawal. Chairman Wier stated sometimes it is better to pay the penalty and get a better rate. Chairman Wier stated this should have been reported in the Treasurer's quarterly report rather than at this time.

8. Discuss/Approve-Indigent Care Claim

Tabitha Avitia, Indigent Care Clerk reported the County received two Claims from the VMDC which are paid at 100% and one claim which was denied as the individual was over the income guidelines. Commissioner Trujillo made a motion to approve the Indigent Care Claims report 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.

9. Discuss/Action – Presentation Good Neighbors Agreement, US Forestry, Rick Smith

Chairman Wier stated the top priority in the County is Fire Prevention and he would like to see the County possibly enter into a Good Neighbors Agreement with the US Forestry. Rick Smith, Chris Furr and Chris Griffith stated they were interested in an Agreement with the County, so the Forests could be thinned, to increase the health of the forest as well as to assist with fire prevention. Chairman Wier stated he would like an overview of the program and what the County's obligation would be. Chairman Wier stated Taos County has an agreement and would like to have a similar agreement for Colfax County. Rick Smith stated the Good Neighbor Agreement would be between the Forest Service and Colfax County, but subsequent agreements can be added to the agreement. After further discussion as to what could be accomplished with the agreement, Chairman Wier stated the next step would be to get a draft agreement and work with the County Manager and get the agreement to legal for his review, comments and approval. Commissioner Kern asked if they have contacted NRCS and NSWCD and was told they had not.

10. Discuss/Action – Need for a Roofing Ordinance, Rick Smith

Chairman Wier stated he realized having a Zoning Ordinance was a big deal and their maybe individuals that are not in agreement, but if the County did have a Zoning Ordinance the County would qualify for a lot of funding. Rick Smith stated he has applied for a federal grant which asked if the County had a Zoning Ordinance which discussed roofs and types of roofs that were legal. Chairman Wier asked if the grant specifically asked about roofs and Rick said it did. Rick also mentioned roofs that are already in place would be grandfathered in. Rick stated most of the roofs are in-compliance, but the roofs with wood shakes are not. Commissioner Trujillo stated he would like to see what is in the proposed Ordinance and stated metal roofs are very expensive and he has now gone to asphalt shingles on his properties. Commissioner Kern stated it was a good idea to review the proposed ordinance, because the County did not want to be too restrictive and currently the County follows State building regulations. Chairman Wier stated the Ordinance process takes about a month. Commissioner Trujillo asked if the Ordinance would also cover gutters and stated he agreed with the Chairman and thinks this ordinance is a step in the right direction. Nick Cardenas, Fire Marshal stated he would contact Lincoln and Taos Counties to get a copy of their ordinances. Tom Vigil, Emergency Manager stated he did not oppose a Planning and Zoning Ordinance but stated the County did not have anyone to enforce the ordinance. Chairman Wier asked Tom to work with Nick to see what they could come up with.

11. Discuss/Action – Need for a Town Hall Meeting to Discuss ARPA funding.

Chairman Wier stated he would like to have Town Hall meetings so individuals and business owners can voice their concerns and needs for funding for businesses that suffered during the pandemic. Commissioner Wier stated the County still has \$2 million in funds that have not been used, which needs to be spent by December 2025. Chairman Wier mentioned a representative from NACO is willing to attend a meeting to discuss how the funds can be spent. Commissioner Kern stated she was in favor of the meetings and agreed the meeting should be moved to the Communities and should be held on Saturdays. Manager Gore stated he would check with Legal Counsel to make sure this is legal and if it is, he would have everyone check their schedule so meetings could be scheduled. Commissioner Trujillo made a motion to have the Manager schedule the Town Hall Meetings in relation to the ARPA Funds. 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.

12. Discuss/Action – Capital Outlay Project Submission, County Manager Monte Gore

Manager Gore stated he met with the Department Heads, and they had a good meeting regarding their wants and wishes. Manager Gore stated the list consisted of up-grades to the County Repeater, Class A-pumpers, a utility trailer, and truck to haul equipment for the road department, a backhoe, and dump truck, paving of parking lot at VMDC and updates to transport vehicles, security of the County Building, repair of leaks, heat, and ventilation of the building. Monte also stated due to the safety issues the purchase and equipping of a new building for the Clerk's office and digitizing of records. Manager Gore stated IT requested new user devices and IT Security and the Sheriff requested repairs to the Colfax County Repeater and a new Generator for the Repeater along with vehicles. Airport hangers were also requested. Chairman Wier asked if the items were on the ICIP. Manager Gore stated some were. Chairman Wier stated Representative Sanchez and Senator Compos would receive from \$100,000 to \$200,000 range for their counties. Commissioner Kern asked if any of these were part of

the top five of the ICIP and Manager Gore stated he would email the ICIP plan to the Commissioners. Commissioner Kern asked if the Restrooms at the Event Center is on this list as it should be, and she would like for it to be a #1 priority. Chairman Wier stated the restroom renovations qualify for Lodger's Tax.

13. Discuss/Action – Appoint Northern Area Workforce Development Board Member and Alternate

Commissioner Kern stated she was the Board Member when she was the Manager and recommended Manager Gore be the Board member and Commissioner Trujillo recommended, he be the alternate. Commissioner Trujillo made a motion to appoint Manager Gore as the Board Member and himself as the Alternate. 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.

14. Discuss/Action – Appoint Economic Development Representative for Colfax County to the Board of Directors of North Central Economic Development District

Chairman Wier stated he was approached by Monica Abeyta and was told the County needed to appoint an individual to the Board of Directors of the North Central Economic Development District. Chairman Wier made a motion to appoint Anita Valdez from Grow Raton be appointed as the Representative. 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.

15. Discuss/Action – New Mexico Department of Transportation Aviation Grant Agreement –Project No AXX-23-01

Joana Apodaca stated this Agreement was for the Airport Parking Apron Pavement Sealing and Marking. Commissioner Trujillo asked if the County has the funds and reimbursement for the match. Chairman Wier asked since the County has used a land match if they would be doing that now or if the County had the funds in the budget. Ms. Apodaca stated the amount the County would have to pay is \$1,842.00 and the County does have the funds. Commissioner Kern made a motion to approve the New Mexico Department of Transportation Aviation Grant Agreement –Project No AXX-23-01. 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.

16. Discuss/Action – Resolution 2023-04, Budget Adjust Various Funds

Joana Apodaca presented the Resolution to the Commission. Commissioner Kern asked the Sheriff whether the funding was for current positions or if he was creating new positions. Commissioner Kern stated she did not want reoccurring expenses to be funded by one time money. Sheriff Baca stated the positions are current positions and are not being filled just because of the grant. Commissioner Trujillo made a motion to approve Resolution 2023-04, Budget Adjust Various Funds 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.

17. Discuss/Action – Resolution 2023-05, Agreement Allowing North Central New Mexico Economic Development District (NCNMEDD) to Develop a Hazard Mitigation Plan for Colfax County

Tom Vigil, Emergency Manager stated the Hazard Mitigation Plan for the County has expired. Tom stated the Mitigation Plan will be a Regional Plan and it just needs to be updated. Commissioner Kern made a motion to approve Resolution 2023-05, Agreement Allowing North Central New Mexico Economic Development District (NCNMEDD) to Develop a Hazard Mitigation Plan for 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.

18. Discuss/Action – Lodgers Tax Promotional Funding, Lamar Advertising Co. of NM- Renewal Contract, Billboards

Tina Colangelo, Lodger's Tax Clerk stated this is for the two billboards off of I-25 off of highway 72 and South of Maxwell which were rented last year. Tina also mentioned the vinyl has been replaced on the signs. Commissioner Kern made a motion to approve the Lodgers Tax Promotional Funding, Lamar Advertising Co. of NM- Renewal Contract, Billboards. 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 – Lodgers Tax Promotional Funding, Phillips Broadcasting, Radio Advertising

Tina Colangelo stated this is a yearly contract. Tina mentioned if there is not an event scheduled during the time frame, the County is advertised. Commissioner Trujillo made a motion to approve the Lodgers Tax Promotional Funding, Phillips Broadcasting for Radio Advertising. 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.

20. Discuss/Action – Lodgers Tax Promotional Funding, LMNOC Broadcasting LLC, Radio Advertising

Tina Colangelo stated this is the same as KCRT contract previously discussed. Commissioner Kern made a motion to approve the Lodgers Tax Promotional Funding, LMNOC Broadcasting LLC for Radio Advertising. 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.

21. Discuss/Action – Lodgers Tax Promotional Funding, National Veterans Wellness & Healing Center of Angel Fire, Military Winterfest

Chairman Wier stated this function will serve many Veterans that have never skied before, and they will be able to do so. Chairman Wier thanked the Angel Fire Resort for helping make this function possible. Commissioner Trujillo made a motion to approve the Lodgers Tax Promotional Funding for the National Veterans Wellness & Healing Center of Angel Fire, Military Winterfest. 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.

22. Discuss/Action – Lodgers Tax Promotional Funding, Friends of Eagle Nest, Eagle Nest Lake Ice Fishing Tournament

Chairman Wier stated this event will bring in over 700 people to the event. Chairman Wier also stated he must abstain from voting due to his involvement with the Tournament. Commissioner Kern made a motion to approve the Lodgers Tax Promotional Funding for the Friends of Eagle Nest, Eagle Nest Lake Ice Fishing Tournament. 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 – abstained. The motion carried.

23. Discuss/Action – Agreement for Inmate Confinement Between the County of Colfax and Town of Clayton

Warden Regina Slade stated this is to include adding medical to the contract. Commissioner Trujillo made a motion to approve the Agreement for Inmate Confinement Between the County of Colfax and Town of Clayton. 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.

24. Discuss/Action – Vigil Maldonado Detention Center Medical Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

25. Discuss/Action – Vigil Maldonado Detention Supervision of Detainees and Security Checks Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

26. Discuss/Action – Vigil Maldonado Detention Center Contract Personnel Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

27. Discuss/Action – Vigil Maldonado Detention Center Food Service Operation Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

28. Discuss/Action – Vigil Maldonado Detention Center Housekeeping and Maintenance Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

29. Discuss/Action – Vigil Maldonado Detention Center Community Relations Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

30. Discuss/Action – Vigil Maldonado Detention Center Grievance Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

31. Discuss/Action – Vigil Maldonado Detention Center Detainee Correspondence Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

32. Discuss/Action – Vigil Maldonado Detention Center PREA Sexual Misconduct Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

33. Discuss/Action – Vigil Maldonado Detention Center Personnel, Assignments Selection, Retention, Promotion, Training Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

34. Discuss/Action – Vigil Maldonado Detention Center Employee Training and Staff Development Policy Change

This item was removed from the Agenda Under item number 4 – Approval of Agenda.

35. Discuss - Quarterly Department Updates

Warden Regina Slade stated that they are staying on target with their budget. Warden Slade stated that revenue for the detention center was \$ 606,658.84. Warden Slade stated that they now have a nurse and psychiatrist on board and two of her Sergeants have left but she did hire one and is advertising to hire one. Warden Slade stated that she continues to work on getting accredited.

County Treasurer Lydia Garcia stated that they are finished with tax season, and they had one of the best collection years. Treasurer Garcia stated that collection as of December were 63%. Treasurer Garcia stated that they are also working on return mail and in the next few months she would like to have two of her staff members get training for mobile homes. Treasurer Garcia stated that in 2019 there was a protest, and the payment was not voided and put into suspense until the protest is settled which is the normal procedure when there is a protest. Treasurer Garcia stated this did not happen in this case which is now going to affect the county, school districts, and hospital district. Chairman Wier stated that to his understanding of this is that items that were protested were not put into suspense and so the money was distributed to these entities and expended and now the protest has been won. Treasurer Garcia stated that is correct and she had to go back and void payments out of seventeen accounts and the amount on that is \$ 64,571.00. County Assessor Kristi Graham stated that there was a claim for refund, and it happened in December of 2019, and she reiterated what Treasurer Garcia stated happened and she said they did go to court but lost the case.

County Assessor Kristi Graham stated that January and February are busy with sending out letters for rendering livestock and letters to business personal property. County Assessor stated that there are about 700 business personal property and along with the cattle they have about 1,500 accounts, and she has added 10 new business. Assessor Graham stated that the letters for rendering mobile homes went out on January 1 and stated that they must apply by February 28th, or they get a 5% penalty on their taxes. Assessor Graham stated that they are also sending out the sixty-five and older and disabled veterans forms and if they make less than \$40,400.00, they will qualify for their exemptions. Assessor Graham stated she will be attending a zoom meeting on January 31, 2023, for Assessors. Assessor

Graham stated that the notice of values will go out on March 31, 2023. Commissioner Wier stated he was concerned with how long it takes for the new value to be assessed when a property is sold, and it doesn't appear that undeveloped property reflects the current market value. Assessor Graham stated that she has a new chief appraiser and is working on getting the rates up to date.

County Clerk Rayetta Trujillo stated that they have been mailing out business registrations. Clerk Trujillo stated that she is working on a big IPRA request which is county wide. Clerk Trujillo stated that she was talking with Fire Marshal Nick Cardenas about some of the big projects he has going on and she felt that those vendors or contractors who are doing business in the county should be getting a business registration from the county. Clerk Trujillo stated that they are actively working on the voter registrations and sending out letters to voters who have moved and checking the obituaries. Clerk Trujillo stated they cannot remove a voter off the books unless they are purged, or the voter gives their permission to be removed and stated her staff is doing an outstanding job. Chairman Wier stated that he has constituents willing to volunteer to help go through the voter rolls. Clerk Trujillo stated that since there are social security numbers and full dates of birth, she will not turn those documents over to just anyone. Clerk Trujillo stated that if they have a list of names and addresses where people have moved to, her office would be happy to send out letters to remove the voter and stated we are doing the best we can to clean up the books and reminded the Commission that there is the intent law.

Sherriff Leonard Baca stated they are working hard to recruit, and they are using sources like Indeed to help with recruiting and stated that they did have some applicants from out of state apply but after they came to tour the area they were no longer interested. Sherriff Baca stated he had hired officers from other agencies in the county which he understands leaves those agencies shorthanded and stated he did reach out to the State Police to see if they could assist with some help in the area. Sherriff Baca stated that two individuals will be starting the academy on Monday. Sherriff Baca stated that with the grant they received they will be able to move forward with hiring and retention stipends, replacing computers and updating the technology, and purchasing another vehicle. Sherriff Baca stated there has been an increase in transports and document services. Sherriff Baca stated that he is also working on IPRA requests. Sherriff Baca stated that he is working on investigations with state and federal agencies in the area. Commissioner Kern asked if the Sherriff's office is going to be able to help out the agency that was left shorthanded. Sherriff Baca stated that they would do their best to help, and they will respond to emergencies and 911-calls, but he can't guarantee there will be someone there for traffic control and stated he advised those agencies to reach out to the State Police also. Chairman Wier suggested the Sherriff have a meeting with the different government agencies in the county to try and work together for public safety.

Emergency Manager Thomas Vigil stated that he is still doing paperwork for FEMA reimbursements from last summers' fires. Tom stated that the original timeline for the Miami watershed is February 20, 2023, and he has applied for an extension for the project which will extend it until October 2023. Tom stated that the deadline to file a claim is November 23, 2023. Tom stated that he will be going to a conference at the end of February. Tom stated that the State Forestry is also short staffed. Tom stated that he is working with MCMC Long Term Care on exercises for shelter in place and evacuation procedures for the upcoming wildfire season.

Manager Monte Gore stated that the Manager's Office is fully staffed, and they are reassigning duties and are doing cross training. Manager Gore stated that they are continuing to look for someone to help with the airport. Manager Gores stated that he contacted Scott Barry and let him know that he would be interested in working with the Ports to Plains Committee. Manager Gore thanked the staff for their hard work with the solid waste issues. Manager Gore stated that Virginia and Tabitha are training for procurement. Manager Gore stated they are moving forward and are working with IT on security, the website, and possibly a Facebook page for the County. Manager Gore stated that he will be attending a meeting tomorrow with Sherriff Baca, Clerk Trujillo, Warden Slade, Joanna, and PDS Document Services to discuss digitalization of documents. Manager Gore stated they are also working on IPRA requests.

36. Commissioners' Docket

Chairman Wier stated that due to some of the staff having a meeting at 1:00 p.m. he will forgo his report.

Commissioner Trujillo thanked Jeanne Tatum for her service on the Lodger's Tax board and he thanked Amadeo Soto for working on the website and the YouTube page. Commissioner Trujillo thanked Tri State, Virginia, and Tiana for taking care of the dumpster issues. Commissioner Trujillo stated that he would like to discuss a special project writer or grant writer and would like it to be put on the next agenda. Commissioner Trujillo stated that he would like to see on the agenda a time for the Elected Official's to speak if they have anything to report. Chairman Wier stated that Elected Official and Department Heads are encouraged to speak during public comment.

Commissioner Kern commended the Super Cross people for all their efforts and stated that it is a big deal to have the circuit finals here in September. Commissioner Kern stated that the bathrooms at the event center need to be fixed and have needed to be fixed for several years. Commissioner Kern stated she would like to have this on the next agenda to be discussed and possibly using the Brick-and-Mortar portion of Lodger's Tax to improve the bathrooms before September. Chairman Wier stated that it can be discussed on the agenda, but the Commission can only act on recommendations from the Lodger's Tax Advisory Committee. Commissioner Kern asked that the Lodger's Tax Advisory Committee address this as soon as possible and have a recommendation. Chairman Wier stated that the committee meetings are on the first Monday of each month.

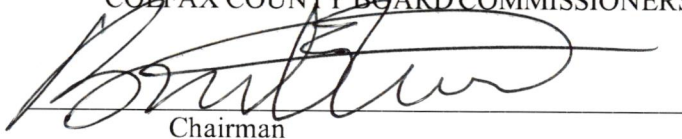
37. Managers' Docket

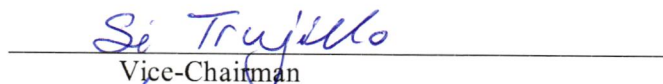
This was discussed under item number 35 – Quarterly Department Updates.

38. Adjourn

Commissioner Kern made a motion to adjourn. 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. The meeting adjourned at 12:57 p.m.

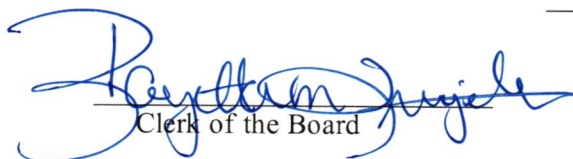
COLFAX COUNTY BOARD COMMISSIONERS


Chairman


Vice-Chairman


Member

ATTEST:


Clerk of the Board