

March 14, 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:

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

Chairman Wier asked that Item #11 be moved to follow #19 and to remove item #15, as it was too late for it to be submitted to the legislature. Commissioner Trujillo made a motion to approve the agenda as amended. 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 Notice of Public Hearing Meeting Minutes for February 28, 2023, and Regular Meeting Minutes for February 28, 2023

Chairman Wier asked if the Commissioners had any comments or corrections on the Public Hearing Minutes February 28, 2023 and Regular Meeting Minutes for February 28, 2023. Commissioner Trujillo made a motion to approve the Public Hearing Meeting Minutes for February 28, 2023, and Regular Meeting Minutes for February 28, 2023, 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.

6. Recognize Visitors

Others present: Sara Torres, Joana Apodaca, Roger Smith, Tina Colangelo, Amadeo Soto, Regina Slade, Diane Garcia, Leonard Baca, Boe Lopez, Zita Lopez, Nancy Poe, Kathy Trujillo, Lydia Garcia, Kristi Graham, Joe Martinez, Katie Webb, Tracy Madrano, Elias Romero, Jeannie Kovacs, Steve McConnell, Nick Cardenas, Alfonso Ortiz, Diane Dixon, Fernand Garcia, and Todd Tatum.

7. Public Comment

Chairman Wier asked if there were any requests or responses from the audience on anything that is not on the agenda. There were no comments.

8. Discuss/Action – Approve Expenditures

General Fund	\$611,119.60
General Hold Harmless GRT	\$0.00
Hold Harmless GRT	\$0.00
Corrections Fund	\$54,837.86
County Property Valuation	\$50,310.49
Vermejo Debt Service	\$0.00
County Road Department	\$80,745.05
French Tract Fire Fund	\$2,190.71
Miami Fire Fund	\$1,139.17
Farley Fire Fund	\$4,402.62
Ute Park Fire Fund	\$2,842.04
Philmont Fire Fund	\$9,912.13

Moreno Valley Fire Fund	\$5,562.19
County Fire Marshal Fire Fund	\$3,504.76
Rapid Response Fire Fund	\$2,074.19
Vermejo Park Fire Fund	\$166.67
Moreno Valley Wildfire	\$3,281.92
Farley Wildfire Suppression	\$0.00
French Tract Wildfire Suppression	\$0.00
Miami Wildfire Suppression	\$0.00
Philmont Wildfire Suppression	\$6,312.00
Ute Park Wildfire Suppression	\$0.00
Vermejo Wildfire Suppression	\$0.00
CC Rapid Response Wildfire Suppression	\$0.00
Fire Marshal Wildfire Suppression	\$441.70
Law Enforcement Protection	\$0.00
Law Enforcement Recruitment	\$21,060.01
Lodgers Tax	\$13,954.62
YES Program	\$14,806.23
YES, BHSD Prevention	\$21,850.49
Maternal/Child Healthcare	\$992.29
NM Transportation Grants	\$0.00
WIPP	\$0.00
Legislative Appropriations	\$0.00
Indigent Care Gross Receipts	\$0.00
Fire Protection – Fire Excise Tax	\$2,848.03
Community DWI – TSB	\$0.00
DWI Distribution	\$8,845.76
LDWI Grant	\$ 1,800.00
State Farm	\$0.00
DWI-ALC	\$0.00
Recording/Filing Fund	\$1,847.95
American Rescue Plan Act	\$0.00
Sheriff Forfeiture Fund	\$0.00
MCMC Hospital Fund	\$0.00
Capital Improvement	\$46,863.88
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	\$85,159.63
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	\$26,951.61
Colfax County Airport Operations	\$40,648.59
Total	\$1,126,470.25

Chairman Wier asked if the Commissioners had any questions or comments regarding the expenditures. Commissioner Kern questioned the extra check made payable to Tri-State for the roll-off pick up. Virginia Stromb stated it was a separate check, because they were trying to see if the County could get a discount regarding the trash pickup issues. Commissioner Kern also asked why the Attorney fees were so high for the last three months. Commissioner Kern stated in 2021 the fees were about \$50,000.00 for the year and now within the last three months the attorney fees have been \$52,000.00 plus. Manager Gore stated it was

because of personnel issues and litigation the County has been involved with. Chairman Wier stated the fees can be listed out with the charges. Commissioner Trujillo made a motion to approve the expenditures as presented. Chairman Wier seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – Nay, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried 2-1 with Commissioner Kern voting nay.

9. Presentation - Krossroads Integrative Health and Recovery Solutions Inc., Jeannie Kovacs

Jeannie Kovacs introduced the team that works for Krossroads and stated they serve Raton and other Counties in the Northern Part of the State. Jeannie stated their company works with individuals that have received referrals from the Court for drug addiction and who may be in the community or incarcerated at the VMDC. Jeannie stated this program helps reintroduce the individual to the community and offer some vocational training for them as well. Jeannie stated this will also assist the VMDC with their accreditation as well. Jeannie also mentioned Krossroads has already implemented this program in Rio Arriba County, and they can deliver all the services as well as manage all the financial. Commissioner Kern asked about the liability insurance and how the County would be covered. Jeannie stated Krossroads will provide liability insurance up to \$1 million for each incident. Commissioner Trujillo asked if the grant has already been awarded and was told it will not be submitted until March 31, 2023, and it will be for two years, starting July 1, 2023, and Krossroads will manage the grant. Chairman Wier asked if they have reached out to NCNMED and was told they have not at this time. Chairman Wier asked how they would intergrade with Pinwheel and the County Medical provider. Jeannie stated most of their staff was with Pinwheel and they will work with the County provider. Chairman Wier asked if they could give some statistics on the success with other departments. Jeannie stated she did not have the statistics at that time but would be willing to provide them and also stated they have served over 1,000 clients from 2021 in Raton.

10. Discuss/Action – Letter of Support, Krossroads Integrative Health and Recovery Solutions Inc., Provide Behavioral Health, and Substance Abuse Services to Detainees at VMDC

Commissioner Trujillo made a motion to approve the Letter of Support for Krossroads Integrative Health and Recovery Solutions Inc. to Provide Behavioral Health, and Substance Abuse Services to the Detainees at VMDC. 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.

11. Presentation – Golden Spread Rural Frontier Coalition, Raton Transportation

This item was moved to follow item 19.

12. Closed Session Pursuant to NMSA 1978, Section 10-15-1H (7), Pending Litigation, McCloy vs. Colfax County

Commissioner Kern made a motion to go into Closed Session Pursuant to NMSA 1978, Section 10-15-1H (7), Pending Litigation, McCloy vs. 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. The Board went into Executive Session at 9:58 a.m. Present in Executive Session: Commissioner Kern, Commissioner Trujillo, Chairman Wier, Monte Gore, Kristi Graham, Joe Martinez, Steve McConnell, and Jun Roh.

13. Discuss/Action – Open Session Pursuant to NMSA 1978, Section 10-15-1H (7), Pending Litigation, McCloy vs. Colfax County

At 10:59 a.m. Commissioner Kern made a motion to return to Open Session Pursuant to NMSA 1978, Section 10-15-1H (7), Pending Litigation, McCloy vs. Colfax County and stated the only item that was discussed was what was on the agenda and stated the following were present in Executive Session: Commissioner Kern, Commissioner Trujillo, Chairman Wier, Monte Gore, Kristi Graham, Joe Martinez, Steve McConnell, and Jun Roh. 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.

14. Discuss/Action – Failure to Notify Affected Entities

Commissioner Kern made a motion to postpone until the next meeting. Commissioner Trujillo seconded the motion. Chairman Wier stated this may have sorted itself out in Executive Session. 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.

Mayor Boe Lopez asked the Commission who was going to notify the PED on behalf of the School District, because they still have not been notified. Lydia Garcia stated she would notify the PED regarding the situation.

15. Discuss/Action – Letter of Support, Rural Air Service Enhancement Fund, House Bill 303

This item was removed from the agenda under item #4.

16. Discuss/Action – Resolution 2023-08, A Resolution Calling on The NM Legislature to Enhance the Faith of The Voting Public in Election Outcomes Through Improved Election Process

Chairman Wier stated he asked that this item be brought back to the Commission. Commissioner Kern stated she does support ID at the polling places and the Clerk spoke on the ERIC for the removal of voters. Commissioner Kern stated the Post Election Audit is already taking place and she feels if a photo ID is required to be placed with the Absentee Ballot, the voters lose the secrecy of their ballot. Commissioner Trujillo echoed Commissioner Kern's statements. Commissioner Trujillo stated he is all about supporting voting and the security of elections, but does have issues with individuals having to complete affidavits if they did not have an ID. Commissioner Trujillo stated some voters will just not go vote if the process is too stringent. Commissioner Trujillo stated the ballot drop boxes are monitored and does not feel it is necessary to move forward with this resolution. Chairman Wier thanked the Clerk and staff for their clarification on their procedures. Chairman Wier stated he feels the Clerk's Office does a good job conducting the elections and feels they could be a model for the rest of the State with their practices. Chairman Wier stated he was just wanting to notify the Legislature the Commission had concerns with some of the issues in the Resolution, before House Bill 4 is heard and passed, as he feels it opens the door for fraud in New Mexico but does not feel we have the issues in Colfax County. Chairman Wier stated he was concerned about the Ballot Drop Off Boxes and the Ballot Harvesting and stated he did not feel the ID for the absentee ballots would be an issue. Nancy Poe asked the Commission to not pass the resolution and stated HB 4 restores voting rights to felons, allows for a permanent absentee list, and automatic voter registration. Chairman Wier asked for a motion of support for Resolution 2023-08, A Resolution Calling on The NM Legislature to Enhance the Faith of The Voting Public in Election Outcomes Through Improved Election Process. A motion was not made, and the Commission moved on to the next item on the agenda.

17. Discuss/Action – Resolution 2023-10, Certifying County Road Milage

Glen Stevens, Road Superintendent, stated this is done annually and the County Roads mileage is 570.8. Commissioner Kern made a motion to approve Resolution 2023-10, Certifying County Road Milage. 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 – Resolution 2023-11, Resolution of the Private Counsel to Regularly Apprise Status of Litigation on Behalf of the County to the Colfax County Commission

Manager Gore stated that considering recent events the Commission and the Manager's office are taking proactive steps to ensure that we are constantly improving and doing better. Manager Gore stated that this resolution would require counsel when in litigation to keep the Commission regularly appraised as to the status of the case and he is recommending approval. Commissioner Trujillo made a motion to approve Resolution 2023-11, Resolution of the Private Counsel to Regularly Apprise Status of Litigation on Behalf of the County to the Colfax County Commission. 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.

19. Discuss/Action – Approval of ARPA Funds, Digitizing of County Records

County Clerk Rayetta Trujillo stated that this has been discussed several times regarding the digitization of county records. Clerk Trujillo stated that the ARPA funds can be used for this. Clerk Trujillo stated that there are records that date back to the 1800's in her office and it would be devastating if there was a fire, or water leak and those records were destroyed. Clerk Trujillo stated that the documents would be available not only in Colfax County but throughout the US and worldwide. Clerk Trujillo stated that the documents would be stored on the cloud as well as a backup copy of microfiche. Clerk Trujillo stated that they got quotes for the Clerk, Sheriff, Assessor, Treasurer, Human Resources, and Detention Center departments along with the equipment needed to continue scanning and software licenses. Commissioner Trujillo asked if the microfilm that is in the Clerk's office would be digitalized. Clerk Trujillo stated the microfilm and aperture cards will also be digitalized. Commissioner Kern stated that this has been on the ICIP for a long time, and it would always get put down because it is expensive but there is a tremendous number of records at the county and she thinks it would be a wise move to move us into the 21st Century and it would make it easier for people to search the records. Commissioner Trujillo asked if this would be done by a third party

and what the estimated time frame would be for this to be finished. Clerk Trujillo stated that the work would be done by a third party and the time frame is six to nine months to be completed. Chairman Wier stated that his understanding is that this is a one-time fee estimated at 1.7 million dollars which would utilize what is remaining in or ARPA fund. Chairman Wier stated there is going to be an ongoing fee of \$50,000.00 a year. Commissioner Wier stated that his concern is that the price keeps going up and his recommendation is going to be to postpone this because he would like the vendor to come and do a presentation. Chairman Wier stated that at this point he is not convinced that this is the best use of this money and there are many other needs in the county and 1.7 million dollars is a lot of money to spend on this at this time. County Clerk Trujillo asked Chairman Wier if he could put a value on some of the old records from the 1800's. Chairman Wier stated that he was not going to go down that road and the Clerk is using an extreme situation to draw emotion, and this is a business decision. County Clerk Trujillo stated this is a business decision and if there was a fire in this building, we would lose all those records. After further discussion Chairman Wier asked for a motion to postpone and to have the vendor come and do a presentation. Commissioner Trujillo made a motion to postpone the Approval of ARPA Funds, Digitizing of County Records. 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.

11. Presentation – Golden Spread Rural Frontier Coalition, Raton Transportation

Diane Dixon stated that there is no medical appointment transportation for Colfax County, and she contacted Ferdinand Garcia from the Golden Spread Coalition to discuss opening a satellite office in Raton which will serve all of Colfax County. Diane stated that this service will provide free transportation to and from medical appointments for Medicare recipients and Veterans and believes it will benefit all of Colfax County. Diann then introduced Ferdinand Garcia from Golden Spread Rural Frontier Coalition. Mr. Garcia stated that they do public transportation out of Clayton. Mr. Garcia stated that the initial plan would be to send a driver from Clayton to Raton to pick up the client and take them to their appointment and the cost right now would be \$125.00 that the county would have to come up with to initialize this. Mr. Garcia stated that if the county wanted to do a long-term basis, they would ask for office space and vehicle storage here in Raton. Mr. Garcia stated that they have contracts with NMDOT and New Mexico Medicaid and Medicaid pays them directly. Mr. Garcia stated that their budget is \$350,000.00 a year but since they have a contract with NMDOT they pay 80% of administrative costs and 50% of operation costs. Commissioner Kern stated that this had been previously discussed in 2019 and then COVID hit, and the previous Commission was in favor of this, and she would be in favor to continue the dialog and get something worked out. Commissioner Trujillo questioned if the county gave them office space if it would be considered anti-donation. Commissioner Trujillo asked if there have been any other local communities approached about this. Mr. Garcia stated no. Chairman Wier stated that the county has other non-profit organizations that have contracts for office space so it shouldn't be an issue. Chairman Wier asked if the service would be for the entire county. Mr. Garcia stated yes but the base would be in Raton. After further discussion Chairman Wier asked Manager Gore to research the proper way to go forward with this.

20. Commissioners' Docket

Commissioner Kern stated that the trash has been better, but Maxwell hasn't been picked up in two weeks. Commissioner Kern asked Manager Gore to provide a copy of the current ETZ ordinance to herself and Commissioner Trujillo as they have a meeting on Thursday.

Commissioner Trujillo thanked all the public participants that come to the meetings and stated that he appreciates their input. Commissioner Trujillo stated that he wanted to give an update on the vacation of A-17 and stated that himself and Road Superintendent Glen Stevens went to look at the road last week and he is also working with Tabitha to get physical addresses to be able to get a committee together and there is progress being made on this issue. Commissioner Trujillo stated that he also touched base with Glen on the paving of some dirt roads in his district. Commissioner Trujillo stated that he met with Glen, and he was impressed with the county roads. Commissioner Trujillo stated that the County Road Department yard has a lot of old vehicles there and other old items that are not needed there and he would like to auction that stuff off or just get rid of it and get the yard cleaned up and more presentable and stated there is a need to upgrade their facility. Commissioner Trujillo thanked Glen for meeting with him last week. Commissioner Trujillo stated that Senator Lujan has a Congressional Direct Spending and stated that he is going to put in for General Facility Infrastructure Improvement for Colfax County and this will cover a broad scope of things. Commissioner Trujillo stated he would like to get Senator Lujan to come and look at our facilities. Commissioner Trujillo stated that he has been meeting with the Elected Officials to get a better understanding of their departments and it has been insightful and helpful. Commissioner Trujillo stated that at on March 17, 2023, at Sage Coffee he is going to be having a Coffee with the Commissioner event and the public is invited to come and visit with him.

Chairman Wier stated that the Angel Fire Resort is having a record year this year and with it being spring break for Texas this week they are going to have a lot of visitors and there will be a large amount of trash and recommended that Manager Gore contact Tri-State to possibly have them pick up on Friday and Monday. Commissioner Wier stated that there is a storm coming in on Thursday and thru the weekend in the Valley and asked Road Superintendent Glen Stevens to keep an eye on the weather. Commissioner Wier stated that Congressional Spending that Commissioner Trujillo is doing on behalf of Colfax County is fantastic and appreciates him for doing that. Commissioner Wier stated that he is going to sign a letter of support today and this was not brought to the Commission to vote on because he didn't learn about it in time to get it on the agenda, but he is going to put it on county letterhead and stated this is for a construction industry educational program which will interact with all the school districts in Colfax County. Commissioner Wier stated that Superintendent Adan Estrada from Cimarron Municipal Schools is getting ready to retire and he is starting up a new organization and it is going to interact with high schools in Colfax County to educate students on the construction industry. Commissioner Trujillo stated that he would sign the letter of support. Commissioner Kern stated that she would also sign the letter of support. County Clerk Trujillo asked if they could sign the letter of support and then bring it back at the next meeting to ratify it. Commissioner Wier stated they would sign the letter and put it on the agenda to ratify it at the next meeting.

21. Managers' Docket

Manager Gore stated that he wanted to address the issue of the costs for the County Attorney and stated that by not going to the County Attorney previously we are dealing with substantial loss and damages to Colfax County and the issues will not be resolved right away. Manager Gore stated having the attorney attend the commission meetings is a good thing. Manager Gore stated that the Event Center has a lot of needs and they are trying to get those needs met and are moving forward to get improvements done. Manager Gore stated that in August of 2022 the commission approved a grant in the amount of \$45,000.00 to plan, design and equip the Colfax County Event Center. Manager Gore stated that in the minutes from the July 12, 2022 meeting the lodger's tax incumbered \$101,805.16 for repairs and improvements to the Colfax County Event Center and the project is ready to begin with the design phase and move forward. Manager Gore thanked Maintenance and IT for repositioning the tv screen and the speakers for better sound. Manager Gore stated that they continue to work on the solid waste issues, and they did get a map put together that shows where every dumpster is located. Manager Gore stated that the Road Department facility needs to dispose of some of the vehicles that are in their yard and suggested they have an auction. Manager Gore stated that the Road Department facilities have not had any improvements for a long time and suggested this be looked at during budget time and he also suggested that the commission visit the facility. Manager Gore stated that he will have Joana come up and speak about the Tiger IX Grant. Joana stated that 90% of the work is complete but they have filed for an extension on the project due to electrical issues. Joana stated that this has been difficult because there are so many entities involved and the lack of communication. Joana stated that the reporting requirements are up to date. Joana stated that there were some issues with remitting payments and getting the reimbursements back to us in a timely manner. Joana stated that there were issues with the CDOT changing staff and they were having issues getting the contract approved for Colfax County and the matching funds had not been received from them at that point. Joana stated that she didn't think Colfax County was the right fit to facilitate that significant size of a grant because we don't have the cash flow, or the experience working in the capacity we were supposed to be working in and it was difficult to have communication with these big agencies who we relied on to complete our reporting. Joana stated that there has been a change in staff with FRA again and the person is from Denver, and she has been helpful. Joana stated that they are going to start the process of issuing payments and then submitting for reimbursement. Commissioner Kern stated that she wanted to reiterate what Joana said and that it was difficult with being so large and so many entities involved. Manager Gore thanked Joana and stated that she is more than just a financial specialist and is a great asset to the county.

22. 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 12:52 p.m.

COLFAX COUNTY BOARD COMMISSIONERS

Chairman

Vice-Chairman

Member

ATTEST:

Clerk of the Board