

March 28, 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 Kern led the Pledge of Allegiance.

3. Salute to the New Mexico Flag

Commissioner Trujillo led the Salute to the New Mexico Flag.

4. Approve Agenda

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 Regular Meeting Minutes for March 14, 2023

Chairman Wier asked if the Commissioners had any comments or corrections on the Regular Meeting Minutes for March 14, 2023. Commissioner Trujillo made a motion to approve the Regular Meeting Minutes for March 14, 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, Leonard Baca, Boe Lopez, Zita Lopez, Lydia Garcia, Joe Martinez, Alfonso Ortiz, Diann Dixon, Robert Thompson, Timothy Martinez, Nathaniel Sandoval, Tom Montgomery, Lyssa Morgan, Jenell Ross, Virginia Strohm, Glen Stevens, Tabitha Avitia, Ambrosia Trujillo, John Lock, Anita Valdez, Danae Rigoni, Gary Allison, Kevin Nolan, Tom Vigil, William Williams, and Todd Tatum.

7. Public Comment

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

8. Discuss/Action – Indigent Care Claims

Tabitha Avitia stated there were two claims submitted, which were from the VMDC for the hospital and paid at 100% and both were for MCMC. Commissioner Kern made a motion to approve the Indigent Care Claims 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.

9. Discuss/Action – Letter of Support, Elk Ridge Subdivision, New Mexico Counties 2023-2024 Wildfire Risk Reduction Program

Chairman Wier stated this Program is sponsored by the BLM through the NMC. Chairman Wier stated this grant is for anyone that is located close to BLM land for fire protection. Chairman Wier stated there is a Subdivision that is located on Highway 120 near the County Line that is applying for the grant. Commissioner Trujillo asked if the County would need to be the fiscal agent. Chairman Wier stated the HOA would accept the grant. Commissioner Trujillo made a motion to approve the Letter of Support for the Elk Ridge Subdivision, New Mexico Counties 2023-2024 Wildfire Risk Reduction Program. 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.

10. Discuss/Action – Ratification of Letter of Support for the FY 2024 Congressional Direct Spending Request, Northeastern NM College and Career, Career and Technical Education Project

Chairman Wier stated he along with the other Commissioners signed a letter in support for Adon Estrada for Congressional Direct Spending Request/Northeastern NM College and Career – Career and Technical Education Project, which will provide workforce training for students in the area. Chairman Wier stated this program will give many graduates training in the construction industry which will allow them to obtain local jobs and remain in the community. Commissioner Trujillo made a motion to approve the Ratification of Letter of Support for the FY 2024 Congressional Direct Spending Request, Northeastern NM College and Career, Career and Technical Education Project. 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. Discuss/Action – Colfax County DWI Prevention Specialist Contract, John Lock

Ambrosia Trujillo stated this Contract is for John Lock which will be the new Prevention Specialist. Ambrosia stated there needed to be corrections on page 2 section IV – Payments to the Prevention Specialist. Ambrosia stated the full payment is \$2,000.00 a month payable in two payments of \$1,000.00. Commissioner Kern made a motion to approve the Colfax County DWI Prevention Specialist Contract with John Lock. 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.

12. Discuss/Action – Application for Law Enforcement Protection Funds

Sheriff Leonard Baca stated this is done annually and the LEPF (Law Enforcement Protection Funds) are used as a one-time expenditure. Sheriff Baca stated he uses the funds for training and equipment. Commissioner Kern made a motion to approve the Application for Law Enforcement Protection Funds. 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.

13. Discuss/Action- Approval of Volunteer Firefighter Annual Reporting Forms, PERA, Various Departments

Tom Vigil stated this is the Annual Reporting that is required by PERA for Fire Fighters to receive PERA Credit. Tom stated fire fighters are required to serve 15 years to qualify for \$150.00 a month in retirement or can serve 25 years to get \$250.00 per month. Chairman Wier asked if this is inclusive to all fire districts. Tom stated it was. Commissioner Trujillo asked if there are annual services required to receive benefits. Tom stated they must attend meetings, training and respond to a certain number of fire calls to qualify. Commissioner Trujillo made a motion to approve the Approval of Volunteer Firefighter Annual Reporting Forms, PERA, Various Departments. 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- RFB 2023-01, Purchase of Grader for the Road Department

Virginia Strom and Glen Stevens stated they were seeking approval to lease a new Grader as one of their leases was going to expire in July. Commissioner Kern questioned the verbiage on the agenda versus what was presented. Commissioner Kern questioned if the item could be postponed until the next meeting. Glen Stevens, Road Superintendent stated this purchase needed to be done soon as it takes a while to get the equipment in. Chairman Wier questioned the County Attorney if the agenda could be amended to approve the business as a lease rather than a purchase. County Attorney Roh stated he did not see a problem amending the agenda to reflect the lease rather than the purchase. Commissioner Trujillo made a motion to amend the agenda to reflect RFB 2023-01, lease of grader for the Road Department. 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 to 1 with Commissioner Kern voting nay.

Commissioner Trujillo made a motion to approve RFB 2023-01, Lease of grader for the Road Department. Chairman Wier 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 – Road Department Administrative Assistant Job Description

Monte Gore stated the reason he is requesting this position is to accommodate the Road Superintendent and the Road Department. Monte stated Glen has requested to change one of his FTEs on the Road Department for an Administrative Assist. Glen stated if he had an assistant, he would be able to help the crew out in the field as well as check on how the roads were being graded. Commissioner Kern asked Glen if he had already filled his second position and he stated he had. Robert Thompson stated he could attest there is a need for an administrative assistant. Chairman Wier stated he did not want to make a new FTE, but reclassifying a current position that was already budgeted. Glen stated the position was already in the budget and the salary will be less than what the other position is budgeted at. Commissioner Kern made a motion to approve the Road Department Administrative Assistant Job Description. 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 – Grant Writer/Special Projects Coordinator Job Description

Monte Gore stated he feels the County needs a Grant Writer/Projects Coordinator, because he feels there is a lot of money out there is grants that the County is missing out on. Monte stated he does not have the staff to be able to write and manage the grants. Monte stated he currently has a vacancy in his office and would like to replace the position with a Grant Writer/Special Projects Coordinator. Commissioner Kern asked if the Financial Specialist would still be responsible for monitoring the grants. Joana Apodaca, Financial Specialist stated she would still be responsible for monitoring the grants. Todd Tatum asked what position was being replaced with this position. Manager Gore stated the position was the Certified Purchasing Officer. Manager Gore stated he met with his staff, and they are 100% in favor of the position. Commissioner Kern stated the Job Descriptions need to be updated in the Managers Office if approved. Chairman Wier stated the Job Descriptions need to be updated and asked if the Salary Range is higher than what is budgeted. Joana Apodaca stated the Job Descriptions are all current and the CPO is still doing the Accounts payable and the E911 is still doing the Solid Waste. After further discussion, Commissioner Trujillo made a motion to approve the Grant Writer/Special Projects Coordinator Job Description, but not to approve a new FTE. 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 2023-12, Opposing the Listing of the Lessor Prairie Chicken as an Endangered Species

Chairman Wier stated this Resolution was brought forward to the NMC and it affected other counties in NM and only a very small section in the bottom of Colfax County. Commissioner Trujillo questioned how it got on the agenda since there are no lessor prairie chicken in Colfax County. Commissioner Trujillo went on to state when he worked in the oil and gas field, when animals were protected, operation would be shut down for a week at a time during mating season. Chairman Wier stated he put it on the agenda to assist other counties in the state. Mayor Boe Lopez spoke on behalf of the Farm Bureau, the NM Livestock Board and as well as the Cattle Growers in opposition of the Resolution. Chavez County Manager William Williams also spoke against the Resolution. Commissioner Kern made a motion to approve Resolution 2023-12, Opposing the Listing of the Lessor Prairie Chicken as an Endangered Species. 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 2023-13, Creation of a Colfax County Planning and Zoning Commission

Emergency Manager Tom Vigil stated that there needed to be a correction on the first line which reads Section 4-51-1, and it should be Section 4-57-1 Tom stated that article 57 of the NM Statues allows for the creation of a planning and zoning commission. Commissioner Trujillo asked if this is just to establish a planning and zoning commission. Chairman Wier stated yes this would be to establish a planning and zoning commission per New Mexico State law. Tom stated this would be a first step towards potential development of planning and zoning in the county. Todd Tatum asked if this was for the unincorporated areas of the county. Tom stated yes it would cover all the unincorporated areas. Todd stated they were not in favor of a Planning and Zoning commission. Tom stated that municipalities oversee their own areas. Tom stated that the county does not know what structures are being built. After further discussion Commissioner Trujillo made a motion to approve Resolution 2023-13, Creation of a Colfax County Planning and Zoning 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 – Ordinance 2023-02, The County of Colfax Adopting Building and Construction Codes

Emergency Manager Tom Vigil stated that this ordinance does not create anything new in the system and what it does is recognize the New Mexico building code as one in the same for Colfax County and the State can enforce the code. Commissioner Kern stated that an ordinance must be advertised for 30 days, and this cannot be approved today and all they can do is take action to introduce it. Chairman Wier stated that the intent was to introduce the ordinance and to see if the Commission wanted to move forward with it. Commissioner Kern stated she thinks it should have been advertised as an introduction to the ordinance for discussion because what is in the packet it appears as if we are approving an ordinance. After further discussion Commissioner Trujillo made a motion to pursue the introduction of the ordinance. 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 – Approve Bylaws for Colfax County Airport Advisory Board

Chairman Wier stated that at the last meeting of the Airport Advisory committee they wanted to make some changes to the bylaws. Chairman Wier stated that the changes are, in addition to the primary representative, an alternate will be appointed to allow proxy voting. Commissioner Kern asked if you have an alternate available what is the purpose of the proxy vote. Chairman Wier stated that he was going to recommend striking the language for proxy voting. Commissioner Kern stated that she doesn't see the need for proxy voting and agrees with Chairman Wier that it should be stricken. Commissioner Kern asked if the alternates would be vetted the same as the advisory members are. Chairman Wier stated yes, they would. Commissioner Kern suggested that this be postponed until the next meeting to clean it up because the agenda says approve bylaws, but in the packets, it is a resolution, and the resolution number is not part of the agenda and to remove the proxy voting. After further discussion Commissioner Trujillo made a motion to postpone the Approve Bylaws for Colfax County Airport Advisory Board. 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 – nay. The motion carried 2 to 1.

21. Discuss/Action – Approve Appointed Colfax County Airport Advisory Board Members

Chairman Wier stated that he is not sure if it makes sense to proceed with this at this time because the approval of the bylaws was postponed. Chairman Wier stated that he wanted to remind the Commission that in the bylaws it does state that the Commission every two years in odd years will readdress the committee membership. Chairman Wier recommended that the committee members go through the process of being reappointed. Chairman Wier recommended at the next meeting the Commission appoint the new committee members. County Clerk Trujillo recommended that the names be given to the clerk's office so that they can make sure they are registered voters because they must be registered to serve on the board, and they have not received anything. Commissioner Kern also requested that their letters of interest be part of the packet. Commissioner Trujillo made a motion to postpone the Approval of the Appointed Colfax County Airport Advisory Board. 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 – Failure to Notify Effected Entities

Chairman Wier stated that there was a legal battle with the County in relation to assessed property taxes and the ruling was not in favor of the County and as a result this created a hardship for some government agencies. Chairman Wier stated that at the end of this discussion he would like to see the Commission take some kind of action to assist the government agencies that were affected by this. Manager Gore stated that there was a court case that the County lost. Manager Gore stated that taxes received from McCloy in November 2019 with the intention to protest should have been placed in escrow which did not happen. Manager Gore stated he spoke with Assessor Kristi Graham regarding contacting South Central Colfax County Special Hospital District (the "District") and any other affected entities because of the final order entered by the Court on December 14, 2022, in the matter of D-809-CV-2020-123. Monte stated the Order finds in favor of the Plaintiff (protestors) and states that the County "Assessor unlawfully changed the classification of Plaintiffs' real property from agricultural use to non-residential use...." Because of this Court's decision, there may be affected entities including the district by the Court's decision per the New Mexico Hospital Funding Act (the "Act"). Manager Gore stated the County assessed a mill levy of 4.25% per every \$1,000 of commercial and residential property values within the County's jurisdiction in 2018 and 2019. Monte stated per NMSA sections 4-48A-1 through 30; see also the District Financial Statement on June 30, 2019. In addition, under section 7-36-16, the County assessor retains sole responsibility at the county level for property valuation maintenance. Monte stated he respectfully requested that the Assessor notify the affected entities regarding correct classification of the property impacted by the Court's

decision. Monte stated he asked if the Assessor required assistance, he asked that she not hesitate to contact him, and he would provide the support if needed. Commissioner Trujillo stated he supported taking the funds out of General Fund to reimburse the Entities affected by the situation. Commissioner Kern made a motion to hold the effected entities harmless and the County would compensate the affected entities with the following amounts: Springer High School - \$20,063.45, Hospital District - \$9,534.53 and LUNA - \$6,749.31 which would be paid out of the General Fund. 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.

23. Commissioners' Docket

Commissioner Kern stated that she had received several calls last week about some issues with the Elm trees in Maxwell. Commissioner Kern stated that the trash pickup has improved, and they have been consistent.

Commissioner Trujillo stated that they are continuing to work on the vacation of road A-17, and they are making progress. Commissioner Trujillo stated that he has completed his review of the public offices and it was very educational. Commissioner Trujillo asked Manager Gore to look into making it a requirement for the County to have the newly elected officers to go through the offices and fully understand what they do in each office. Commissioner Trujillo stated that he did a walkthrough of some of the county buildings and believes they should do a walk through once a year for all the county buildings not just the Detention Center as required by State Statue. Commissioner Trujillo stated that he had his Coffee with the Commissioner and a handful of people showed up and he got some good feedback. Commissioner Trujillo suggested that a deer fence be put around the dumpsters to prevent the trash from blowing everywhere when it is windy. Commissioner Trujillo stated that he did apply for the Congressional Direct Spending and asked for \$730,000.00 for the Road Department and asked for a new building, new culverts, cattle guards, and trucks and he also applied for \$950,000.00 for the County building. Commissioner Trujillo stated that Representative Sanchez is sending a letter of support and he has reached out to Representative Chatfield and Senator Campos, and he is waiting for their reply. Commissioner Trujillo stated that he attended a meeting last week with Grow Raton and they had some good ideas for growing businesses and how to use public land and encourage tourism. Commissioner Trujillo stated that one idea was to do a Fly In event at the Angel Fire Airport and another idea was to have a skate park out by the Event Center and possibly have the Tony Hawk Foundation pay for it. Commissioner Trujillo stated that he attended an ECCOG meeting. Commissioner Trujillo stated that he plans on attending the Angel Fire Airport Advisory meeting on Thursday.

Chairman Wier stated that he wanted to notify the Commission that on May 11, 2023, there will be a regional broadband meeting in Springer at Luna Community College. Chairman Wier stated that the State has received a large amount of funding for the expansion of broadband across the State and they have divided the State into 7 districts. Chairman Wier stated that he volunteered for the Northeast District to set up the meeting and this will be an all-day event. Chairman Wier stated that the trash pickup also looked good in the valley. Chairman Wier stated that Rick Smith from the Cimarron Watershed Alliance applied for a 8.3 million dollar grant from the Community Wildfire Defense fund and they got that grant and due to the in-kind matching funds the amount of the grant will be 8.1 million and they have four and a half years to spend those funds on the unincorporated areas of Moreno Valley. Chairman Wier stated that the Cimarron Watershed Alliance in conjunction with the Flying Horse Ranch received 1.8 million dollars to create a fire break through an area on their ranch. Chairman Wier stated that he also filled out a Congressional Direct Spending request for 6 million to be broken down by the first year 1 million, second year 1 million, and third year 4 million to be used for a septic system and water lines for affordable housing units in Angel Fire.

24. Managers' Docket

Manager Gore thanked Emergency Manager Tom Vigil for taking on additional duties. Manager Gore thanked Virginia and Joana for attending the Fire Departments meeting with him last night and stated he thought it was a positive meeting. Manager Gore asked Fire Chief Nathaniel Sandoval to come up to the podium and asked him what his opinion was on the meeting that was held. Chief Sandoval stated that as Fire Chiefs they always felt that they were left without a voice with the Fire Marshal's Office and any concerns or comments they had would stop there and never go beyond that point, and he decided that he had to go higher up and in doing so he feels they are now being heard. Chief Sandoval stated that with the help of the Manager's office he feels they have helped them to understand how procurement is done and, in the past, they had to filter through the Fire Marshal's office, and they were at the mercy of whether it was getting done in a timely matter. Chief Sandoval stated that with some training and understanding the system better it will be more efficient for them. Chief Sandoval stated he appreciated the County Manager's office stepping up to help them out. Manager Gore thanked the Commission for the grant writer position. Manager

Gore stated that the Road Department facility needs to be upgraded and he will work on getting a time established for a tour of their facility.

25. Adjourn

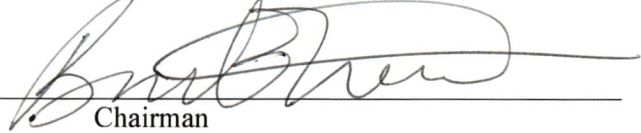
Commissioner Kern made a motion to adjourn. Commissioner Trujillo seconded the motion. Chairman Wier asked for a roll call vote, the Clerk polled the Commissioners. Commissioner Kern – aye, Commissioner Trujillo – aye, and Chairman Wier – aye. The motion carried unanimously. The meeting adjourned at 11:34 a.m.



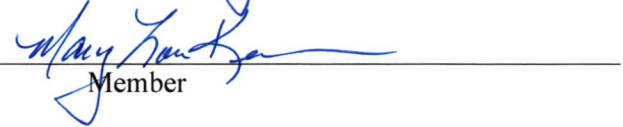
ATTEST:


Clerk of the Board

COLFAX COUNTY BOARD COMMISSIONERS


Chairman


Vice-Chairman


Member