

REGULAR MEETING
May 9, 2022

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

1. Call to Order

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

2. Pledge of Allegiance

Commissioner Wier led the Pledge of Allegiance.

3. Salute to the New Mexico Flag

Commissioner LeDoux led the Salute to the New Mexico Flag.

4. Approve Agenda

Commissioner Wier made a motion to approve the agenda as presented. Commissioner LeDoux seconded the motion. Chairman Fernandez stated he would like to move items 13 – 16 to follow the approval of the agenda. Commissioner Wier made a motion to approve the friendly amendment. Commissioner LeDoux agreed as well and 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 – Letter of Interest for Lodger's Tax Advisory Committee

Amanda Segura stated the Lodger's Tax Board received a resignation From Jade McBride and the Board received a letter of interest from Angel Campbell to fill the position. Commissioner LeDoux made a motion to accept the Resignation Letter from Jude McBride and appoint Angel Campbell to the Lodger's Tax Board. 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 – Lodger's Tax Non-Promotional Funding Request Supercross

Amanda Segura stated the request is for lights to improve the lighting in areas that were dark at the events center, as this is a security issue. Commissioner Wier made a motion to approve the Lodger's Tax Non-Promotional Funding Request Supercross in the amount of \$4,500 for lights. 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.

15. Discuss/Action – Lodger's Tax Promotional Funding Request Supercross

Amanda Segura stated this request was for the purchase of Banners and advertising in the amount of \$15,720.00 the Supercross. Commissioner LeDoux made a motion to approve the Lodger's Tax Promotional Funding Request Supercross in the amount of \$15,720.00. 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 – Lodger's Tax Non-Promotional Funding Request-Blu Dragonfly Brewing/Gate City Craft Bar

Amanda Segura stated she received a request from the local breweries to serve alcohol at the Supercross event taking place at the Colfax County Event Center and this request is for security. Amanda stated that there is an issue with the security that Blu Dragonfly obtained. Chairman Fernandez stated that he received

a call from the State of New Mexico stating that a license for Dead Eye Security could not be found with the State of New Mexico. Chairman Fernandez stated he called the owner of Blu Dragonfly Brewing and stated that they could not serve alcohol at the Supercross event until they get a license of security approved by the State of New Mexico. Chairman Fernandez suggested that the Commission approve this lodger's tax funding request with the understanding that Blu Dragonfly will need to provide proof of an approved license of security. Commissioner LeDoux asked if they are approving for Blu Dragonfly and then they will subcontract to Gate City. Amanda stated that was correct. Commissioner LeDoux made a motion to approve the Lodger's Tax Non-Promotional Funding Request-Blu Dragonfly Brewing/Gate City Craft Bar with the stipulation that Blu Dragonfly provides proof of an approved license of security. 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.

5. Approve Budget Workshop Minutes April 12, 2022, Special Emergency Meeting Minutes for April 22, 2022, Special Meeting Minutes for April 25, 2022, Regular Meeting Minutes for April 26, 2022, Special Meeting Minutes for May 3, 2022, Budget Workshop Minutes for May 3, 2022

Chairman Fernandez asked if the Commissioners had any comments or corrections on the minutes from the Budget Workshop Minutes April 12, 2022, Special Emergency Meeting Minutes for April 22, 2022, Special Meeting Minutes for April 25, 2022, Regular Meeting Minutes for April 26, 2022, Special Meeting Minutes for May 3, 2022, Budget Workshop Minutes for May 3, 2022. Commissioner LeDoux made a motion to approve the Budget Workshop Minutes April 12, 2022, Special Emergency Meeting Minutes for April 22, 2022, Special Meeting Minutes for April 25, 2022, Regular Meeting Minutes for April 26, 2022, Special Meeting Minutes for May 3, 2022, Budget Workshop Minutes for May 3, 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, Robert Thompson, Roger Smith, Berry Harper, Monte Gore, Amanda Segura, Joana Apodaca, Aaron Fluhman, Kaycee Sandoval, Lydia Garcia, Boe Lopez, Jeff Carr and Amadeo Soto.

7. Closed Session Pursuant to NMSA 1978 10-15-1H (7) Pending Litigation

Commissioner Wier made a motion to go into Closed Session Pursuant to NMSA 1978, Section 10-15-1H (7), Pending Litigation and NMSA 1978 10-15-1H (2) Limited Personnel Matters, Colfax County 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. The Board went into Executive Session at 8:01 a.m. Chairman Fernandez stated the Commission should be back by 9:23 a.m. Chairman Fernandez asked Commissioner Wier if he agreed. Commissioner Wier seconded the friendly amendment. 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.

8. Closed Session Pursuant to NMSA 1978 10-15-1H (2) Limited Personnel Matters, Colfax County Manager

This was discussed under #7.

9. Discuss/Action – Open Session Pursuant to NMSA 1978 10-15-1H (7) Pending Litigation

This was covered under # 10.

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

At 9:58 a.m. Commissioner LeDoux made a motion to return to Open Session. 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. Commissioner LeDoux stated the Commission decided not to accept any of the Applications for the County Manager, but to re-advertise or promote from within. 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.

Chairman Fernandez read the following statement regarding the Pending Litigation:

1. The Commission finds that the former County Manager, Mary Lou Kern, erroneously made premium employment payments to elected officials of Colfax County (the “County”), former employees and non-employees of the County. These expenditures were in violation of the final ruling of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan Act.
2. The Commission finds that based on the erroneous recommendation of the former County Manager, the Commission approved certain premium payments to elected officials and former employees who were retired or laid-off (Note: Commissioner Wier abstained from voting as to former employees).
3. The Commission finds that the former County Manager also approved some premium payments that were not specifically authorized by the County Commission. (Note, Chairman Fernandez did not approve payments to VMDC contract employees)
4. The Commission finds that the State of New Mexico Office of State Auditor (“OSA”) is aware that the County erroneously made such premium employment payments to County elected officials, former employees, and non-employees of the County.
5. The Commission finds that the County received reimbursements of erroneously remitted funds from certain elected officials but that some funds remain outstanding. The Commission further finds that the County has made diligent effort to collect outstanding funds, however, certain difficulties associated with collection of the outstanding funds necessitates an alternative approach to remediation of this issue.
6. The Commission finds that pursuant to OSA’s direction, the County has notified their independent public accountant to remediate these erroneous payment issues. The independent public accountant has advised that the County should reimburse the federal funds for the amounts that have not been reimbursed to the County at this time.
7. The Commission finds that upon due consideration in order to resolve this issue in a timely manner and in an effort to avoid future violations of the federal and state law, the County should transfer funds from its General Fund to the American Plan Act Fund (260-0618).
8. The Commission’s actions in this Ordinance are taken to avoid future additional violations of the federal and state law by rectifying errors made by the former County Manager.

11. Discuss/Action – Resolution #2022-23, Budget Adjustment-Variou Funds

Commissioner Wier made a motion to approve Resolution #2022-23, Budget Adjustment-Variou Funds transferring \$69,534.68 from the General Fund to the American Relief Act Program for the funds that were mis-appropriated by the previous County 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.

12. Discuss/Action – Approve Expenditures

Chairman Fernandez asked the Commissioners if they had any questions. Commissioner Wier made a motion to approve the Expenditures as presented. 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.

General Fund	\$ 527,288.26
General Hold Harmless GRT	0.00
Hold Harmless GRT	0.00
Corrections Fund	39,207.34
County Property Valuation	5,537.85
Vermejo Debt Service	0.00
County Road Department	57,232.79
French Tract Fire Fund	1,597.41

Miami Fire Fund	407.89
Farley Fire Fund	377.95
Ute Park Fire Fund	646.72
Philmont Fire Fund	4,915.54
Moreno Valley Fire Fund	6,057.93
County Fire Marshal Fire Fund	4,717.26
Rapid Response Fire Fund	1,307.37
Vermejo Park Fire Fund	166.67
Moreno Valley Wildfire	0.00
Farley Wildfire Suppression	713.72
French Tract Wildfire Suppression	0.00
Philmont Wildfire Suppression	0.00
Ute Park Wildfire Suppression	0.00
Vermejo Wildfire Suppression	0.00
CC Rapid Response Wildfire Suppression	0.00
Law Enforcement Protection	460.40
Lodgers Tax	48,074.12
YES Program	17,051.20
YES, BHSD Prevention	7,340.52
Maternal/Child Healthcare	0.00
NM Transportation Grants	0.00
WIPP	0.00
Legislative Appropriations	0.00
Indigent Care Gross Receipts	0.00
Fire Protection – Fire Excise Tax	1,958.82
Community DWI – TSB	0.00
DWI Distribution	18,014.41
LDWI Grant	900.00
State Farm	0.00
DWI-ALC	0.00
Recording/Filing Fund	0.00
American Rescue Plan Act	0.00
Sheriff Forfeiture Fund	0.00
MCMC Hospital Fund	0.00
Capital Improvement	0.00
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	0.00
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	28,813.42
Colfax County Airport Operations	78,064.18
<u>Total</u>	<u>\$ 843,851.77</u>

Chairman Fernandez asked if the Commissioners had any questions or comments regarding the expenditures. Commissioner Wier made a motion to approve the expenditures as presented. 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.

13. Discuss/Action – Letter of Interest for Lodger’s Tax Advisory Committee

This item was moved to follow #4 approval of the agenda.

14. Discuss/Action – Lodger’s Tax Non-Promotional Funding Request Supercross

This item was moved to follow #4 approval of the agenda.

15. Discuss/Action – Lodger’s Tax Promotional Funding Request Supercross

This item was moved to follow #4 approval of the agenda.

16. Discuss/Action – Lodger’s Tax Non-Promotional Funding Request-Blu Dragonfly Brewing/Gate City Craft Bar

This item was moved to follow #4 approval of the agenda.

17. Discuss/Action – Discuss/Action – Molzen Corbin Task Order #1, Aircraft Apron Pavement Seal

Joana Apodaca stated the funds are part of a grant received and the \$22,613.00 are available. Commissioner LeDoux made a motion to approve the Molzen Corbin Task Order #1, Aircraft Apron Pavement Seal. 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 – Vector Control Service Agreement between Colfax County and the Raton Country Club

Chairman Fernandez asked if the Commission wanted to handle all of the Vector Control Service Agreements together. Commissioner LeDoux asked Mayor Carr of the Village of Eagle Nest if they had a mosquito problem and was told no. Commissioner LeDoux made a motion to approve the Vector Control Service Agreements between Colfax County and the Raton Country Club, City of Raton, Village of Maxwell, Town of Springer and the Village of Cimarron. 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 – Vector Control Service Agreement between Colfax County and the City of Raton

This item was approved under # 18.

20. Discuss/Action – Vector Control Service Agreement between Colfax County and the Village of Maxwell

This item was approved under # 18.

21. Discuss/Action – Vector Control Services Agreement between Colfax County and the Town of Springer

This item was approved under # 18.

22. Discuss/Action – Vector Control Service Agreement between Colfax County and the Village of Cimarron

This item was approved under # 18.

23. Commissioners’ Docket

Commissioner Wier stated that he continues to monitor and communicate with the public concerning the ongoing fires but believes there could be better communication from the Sheriff, Fire Marshall, and Emergency Manager and stated he would like to have a public hearing after the fires to discuss ways of communicating better. Commissioner Wier stated that there will be a meeting on May 19, 2022, starting at 4:30 at the Val Verde Fire Station in Angel Fire with Kit Carson Electric to discuss the extended power outage that occurred.

Commissioner LeDoux thanked all the firefighters for all their efforts with the fires. Commissioner LeDoux stated that the NM Association of Counties Board of Directors meeting was moved from Las Vegas to Albuquerque because of the fire and he was not able to attend the meeting.

Commissioner Fernandez stated that he is in constant contact with the Sheriff and Fire Marshall concerning the fires and he believes the communication is good. Commissioner Fernandez stated that the Commission passed a resolution to get federal funding. Commissioner Fernandez stated he is continuing to work on the

vacation of a county road and said he had a request for another vacation of a county road. Commissioner Fernandez stated himself and Road Superintendent Robert Thompson went to look at a road in his area. Commissioner Fernandez stated that the Light House Church contacted him about the possibility of exchanging 10 acers of their land for 10 acers of County land and he is going to be contacting the attorney to talk about this issue. Commissioner Fernandez thanked the employees for all their hard work and for helping him throughout this process and hopes to have a new County Manager soon.

Commissioner LeDoux stated he just wanted to remind everyone that tomorrow early voting begins for the Primary Election.

24. Manager’s Docket

Chairman Fernandez presented a report in his docket.

25. Adjourn

Commissioner LeDoux made a motion to adjourn. 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. The meeting adjourned at 10:35 a.m. Chairman Fernandez reconvened the meeting.



COLFAX COUNTY BOARD OF COMMISSIONERS

R. P. Fernandez
Chairman
[Signature]
Vice-Chairman
[Signature]
Member

[Signature]
Clerk of the Board