

Emergency Public Hearing
June 13, 2018

The Colfax County Board of Commissioners met on this date in an Emergency Public Hearing in the Commission Chambers with the following members present:

William Sauble, Chairman – Via Electronic Device
Landon Newton, Vice-Chairman
Roy Fernandez, Member

Also present were: Mary Lou Kern, County Manager and Rayetta M. Trujillo, County Clerk.

Commissioner Newton called the meeting to order at 8:36 a.m. He stated the reason for the meeting was to discuss the consideration of a Proclamation declaring extreme or severe drought conditions and discuss to ban the sale of certain fireworks in Colfax County.

Others in attendance were: Amanda Segura, Sara Torres, Larry Osborn, Rick Sinclair, Leonard M. Baca Jr., Linda Gallegos, Tom Vigil, Joana Apodaca, and Joe Bustos.

Discussion during the Emergency Public Hearing included:

Commissioner Newton stated public comment will be heard and following this meeting at 9:00 a.m. the Board of Commissioners will meet to discuss Resolution #2018-16.

County Manager Kern stated the county is under severe to extreme drought conditions. She stated the monitors are showing the county at 80% of extreme drought conditions through the end of August. County Manager Kern stated the Ute Park, Branson, and Emery Gap fires are currently being contained. She is asking the county to consider declaring an extreme to severe drought condition and the banning of all aerial fireworks until conditions no longer exist. County Manager Kern provided the Board with National and State Documentation. She stated the documents are also on the portal and asked if anyone had any questions.

County Fire Marshal Osborn stated within the last few weeks the county has seen resources expanded beyond measure which can constrain resources. He stated a fire can be started quickly with the high temperatures and winds the county is experiencing. County Fire Marshal Osborn stated he spoke with Fire Chief Espinoza from the City of Raton and he indicated the city would not follow suit. Chief Espinoza also stated he would encourage the participation at the city firework display. County Fire Marshal Osborn stated the city firework display is in a moderate-controlled environment and the county should proceed in banning aerial fireworks.

Commissioner Fernandez stated he looked over the Colfax County Ordinance No. 1999-3. He stated it was signed by the Board of Commissioners of Colfax County who were: Marietta G. Shell-Chairman, Johnny S. Volpato Vice-Chairman, and James B. Marchetti-Member in 1999. Commissioner Fernandez read Section 13.1 which states:

When emergency conditions exist, which have created an extreme fire danger, as determined by resolution of the Board of Colfax County Commissioners all possession, use and/or sale of fireworks, of any and all types enumerated herein, are prohibited.

Commissioner Fernandez spoke of current fires, past fires, and how our County is in extreme fire danger. Commissioner Newton stated with the ordinance the County has the responsibility and ability to ban the sale of fireworks. He also read Colfax County Ordinance No. 1999-3; Section 13.1 and presented State Statute Section 60-2C-8.1. addressing, Extreme or severe drought conditions; restricted sale and use (1999). Commissioner Newton stated this section addresses a governing body's proclamation which reads:

Shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and