



**City of Bayard**  
**CITY COUNCIL REGULAR MEETING**  
**November 27, 2023 at 5:30 PM**  
**Bayard City Hall**

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## MINUTES

### WORK SESSION

Clerk/Treasure Ramos stated Judge Elect Charles Kelly will be flying to Albuquerque to attend the Court Educational Institute in December.

Councilor Diaz stated the Judge Elect should have been sworn in within 6 days after the election according to the rules and regulations from the supreme court. If this has not been done it is up to the mayor and council to vacate that position. Diaz stated the Judge Elect as of now is negligible to attend the class. Diaz stated Mr. Kelly may be upset about this, but when you put your name on the ballot you need to read all the rules and regulations. He has tried to call Mr. Kelly but his phone calls go to voicemail. He believes Ramos would have to get all the documents sign and sent.

Clerk/Treasure Ramos asked for a special meeting on Friday to appoint a new judge. Mr. Ramos stated he was elected by the people maybe he can be appointed at the next meeting.

Councilor Medina asked what if there is no one to appoint? Would Mr. Kelly be able to be appointed?

Diaz stated you seek letters of interest and it will be up to the mayor to appoint. If no one is appointed by December 4th then the next class will about in March. Diaz stated he wasn't sure if Mr. Kelly could be appointed.

Clerk/Treasure Ramos stated he doesn't see why Mr. Kelly couldn't be appointed.

Councilor Diaz stated if nothing gets resolved he can stay as alternate judge.

Mayor Fierro stated there will be a special meeting Friday to take care of this issue.

Councilor Gonzales about the infant surrender box if there is a grant?

Ramos stated they will send the box and get a contractor to install that is anywhere from \$3,000 and \$10,000.

**CALL TO ORDER:** Mayor Chon S. Fierro

**PLEDGE OF ALLEGIANCE**

**ROLL CALL****PRESENT**

Mayor Chon Fierro  
Councilor Eloy Medina  
Councilor Frances Gonzales  
Councilor Jose Diaz  
Councilor Eloy Gonzales

Others in attendance where Juno Ogle, Dolores Charon, Elysha Montoya, Ben Resmsen, Larry Ojinaga, Michael Paez, Gabe Ramos and Tanya Ortiz.

**APPROVAL OF THE AGENDA**

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

**CONSENT AGENDA**

Motion made by Councilor Diaz for item number 3 will be the newly appointed Judge,  
Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

1. Approval of the regular meeting minutes for October 23, 2023
2. Approval of the Grant writer report.
3. Approval of Court Educational Institute for the newly elected Judge Charles Kelly
4. Approval of Bayard Police Department Monthly Report for October 2023
5. Approval of Accounts Payable Report

**PUBLIC INPUT**

Robert Whitaker the new CEO of Gila Regional Medical Center introduced himself, he stated he is excited to be here in Grant County. He knows this is a community hospital and there is a lot of needs and he is wanting to meet those needs. They have recruited a pediatrician; they will be starting in January and he will be looking to recruit more physicians. Mr. Whitaker would like to be involved with our community and know what is going on. He is also going to be ask for money to upgrade equipment.

Mayor Fierro asked what is his plan to keep Doctors here in Grant County?

Mr. Whitaker stated there are some things that retention wise that a medical staff they can do to encourage and retain.

Councilor F. Gonzales stated she is impressed with the people that work at the place for heart disease. All the equipment and training they are receiving. She also stated the lab department get people in and out pretty fast. She thanked him for coming and welcomed Mr. Whitaker.

Councilor Diaz stated the emergence department turned around time is great and the camo department staff is great.

## OLD BUSINESS

6. Approve/Disapprove The restructure of maintenance department.

Motion made by Councilor Gonzales to make park and recs position part of the maintenance department, Seconded by Councilor Medina.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

7. Approve/Disapprove The install of an Infant Surrender Box.

Councilor Medina stated the placement has to be in a public building and easy access. He believes it should be placed between the PD and the fire department. There should not be any cameras in the area.

Motion made by Councilor Medina, Seconded by Councilor Diaz.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

## NEW BUSINESS

8. TYCHO Energy presentation, Miguel Cabrerra

Erik Lindgren Co-owner of Tycho Energy came before the council and stated he knows how to do all the bids for commercial solar. Mr. Lindgren just wanted to interduce himself to the mayor and council and see what the city is interested in doing and he would like to help with what the city wants to do. He will be in contact with the City Clerk to get a whole year of electric bills and will see how much energy is used and go from there.

9. Proclamation to Declare the week of November 27th Dolores Charon week.

Clerk/Treasure Ramos read the Proclamation of Dolores Charon week.

10. Frontier Food Hub, introduction to mining district food hub.

Ben Rasmssen and Elysha Montoya from Non-profit Frontier Food Hub came before the mayor and council to interduce themselves. They will be disturbing food sell food to the school, senior centers, food pantries, there food goes all the way to north. Ben would like to generate revenue here in the mining district. They received a USDA grant and they will be here in the mining district in the years to come.

11. Discussion on changing the Clerk/Treasurer position to City Administrator.

Clerk/Treasurer Ramos stated a city administrator is a lot like a city manager they will be over all the department heads. Ramos thinks it make it easier for the mayor to speak to one person and not all the different administrators.

Councilor Medina stated he brought this up for discussion with the mayor and council, this will give the administrator more rain in the day-to-day operations in case the mayor is not available. He would like input.

Clerk/Treasurer Ramos stated if there is a problem from any department, they go to him. At time his hands are tied because it's not his department.

Councilor F. Gonzales stated she spoke with Shella form Santa Clara about this and some things to look at are the new mayor coming in to office soon and she believes he needs so say in this. Medina stated the first discussion on this was in July before there was a mayor elect. F. Gonzales stated per state statute you still have to have a clerk-treasurer. So, you will have a city administrator then clerk-treasurer and deputy clerk with that salaries will be brought up. F. Gonzales does not think it will be fair to the constituents to have to raise water rates because of salaries. One other thing is as a city administrator you cannot be politically active. F. Gonzales is not in favor of this position because of the size of the municipality and they council needs to be considerate about the new mayor coming in to officer soon.

Clerk/Treasurer Ramos said the salaries would stay the same and all that would change would be the city administrator would be over all the department heads.

Councilor Diaz stated with this position of administrator he believes there will be consistency. When the mayor is away on vacation it ties the hands of the city clerk. It works for Silver City and Santa Clara. We may just need to restructure the position.

Mayor Fierro stated this does need to be looked at.

Mayor elect Larry Ojinaga stated you should go with the chain of command if the supervisor is not able to take care of the issue then you go to the mayor if the mayor is not available then you go to the mayor pro-tem.

Mayor Fierro stated the administrator will stay with the at will position.

## **ACTION FOR PERSONNEL**

12. Approval/Disapproval of Temporary \$4.00/hr upgrade for Tanya Ortiz as Deputy Clerk

Councilor F. Gonzales asked what Ortiz will be doing? Both utility and deputy clerk? Ortiz is doing both jobs and Gonzales would like for there to be a \$6 increase.

Councilor Diaz stated the deputy clerk is posted now and there is no deputy clerk this is only temporary.

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

13. Approval/Disapproval of back pay for Police Officers Shift Deferential Starting on October 7, 2023

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

14. Approval/Disapproval of the Grant Writer contract extension.

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

15. Approve/Disapprove of hiring of Isaac Gonzales for maintenance position.

Motion made by Councilor Medina, Seconded by Councilor F. Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz  
Voting Abstaining: Councilor E. Gonzales

## **MAYOR AND COUNCILORS REPORTS**

After research on the state statute for the judge the state statute 3-8-33 was repealed in 2018. No special meeting is needed for Friday and Judge Elect Kelly is approved to go to class in Albuquerque in December.

Councilor Diaz stated December 5, there will be behavior health discussion will be healed. Diaz thanked the Beautification Committee for their donation of turkey to the City of Bayard employees and to the public. The Beautification Committee will be having a Christmas lighting contest the week of the 19th to the 22nd.

Councilor F. Gonzales stated Planning and Zoning will be meeting December 7, 2023 at the City Hall, and December 20th Housing Authority will be meeting at 4pm.

Clerk/Treasure Ramos thanked the county of lending the city one of their backhoes. The election is official he did receive the canvas.

Jenny Castanon grant writer for the City of Bayard had a update on the Union Hall she spoke with Bert the director of the Silver City Museum and they are going to form a committee to come up with a master plan for the Union Hall.

Mayor Fierro when to Deming for a meeting with the DOT and the spoke on the NM356 Sidewalk project and this project needs to get finished by the end of the year if not the city will lose money. He also discussed further plans at the Welcome Sign. Fierro thanked the maintenance department for putting up all the Christmas lights. There will be trees be put up at the depo and at the cemetery.

**CLOSED SESSION**

- 16. Closes Executive Session pursuant to 10-15-1(H-2 & H-8) NMSA 1978 pertaining to limited personnel matters, pending or threatened litigation.

Motion made by Councilor Diaz to enter Closes Executive Session pursuant to 10-15-1(H-2 & H-8) NMSA 1978 pertaining to limited personnel matters, pending or threatened litigation, Seconded by Councilor Medina.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

Motion made by Councilor Medina to return from Closes Executive Session pursuant to 10-15-1(H-2 & H-8) NMSA 1978 pertaining to limited personnel matters, pending or threatened litigation, Seconded by Councilor E. Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

**ACTION ITEMS RESULTING FROM CLOSED SESSION**

**NEXT MEETING DATE:**

**Regular Meeting - December 11, 2023**

**ADJOURNMENT**

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz, Councilor Gonzales

ADJOURNMENT 8:35P.M.

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Chon Fierro  
Mayor

ATTEST:

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Gabriel Ramos  
Clerk Treasurer