



City of Bayard
CITY COUNCIL REGULAR MEETING
August 08, 2022 at 5:30 PM
Bayard City Hall

AGENDA

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC INPUT

CONSENT AGENDA

1. Approval of the Minutes of Regular Meeting on July 25, 2022
Approval of the Public Hearing of July 25, 2022
Approval of Budget Work Sessions on July 18, 2022, April 28, 2022 and July 19, 2022
2. Approval of the Fire Report for July 2022
3. Approval of the Wastewater Report for July 2022
4. Approval of the attendance to the Annual Budget Conference 2022 for available finance staff.
5. Approval of the attendance to the New Mexico Economic Development Conference by finance staff and City Council.

OLD BUSINESS

6. Sustainable Communities - Ken Hughes; Discussion/Action for lobbying activities.
7. Approval of the appointment of Gary Arellano as Training Officer for the Bayard Fire Department.
8. Approval of the Law Enforcement Sign-on contract.

NEW BUSINESS

- [9.](#) Summer Fest complaint by Samantha Morales.
- [10.](#) Joe Ramirez - Carney Height Subdivision - concerns with mobile homes in subdivision.
- [11.](#) Approval of the annual contract and dues between City of Bayard and Southwest Council of Governments.
- [12.](#) Approval of the Credit Card Acceptance and Processing Policy for submission to Department of Finance and Administration for approval.
- [13.](#) Approval of COVID-19 Mitigation, Self-Screening, and Reporting Policy and Procedure for city employees.
14. Approval of Guidance on Administrative Leave for COVID-19 Related Conditions for employees

ORDINANCES/RESOLUTIONS

- [15.](#) Adoption of Resolution 18-2022 for Southwest Council of Government Contract and Annual Dues
- [16.](#) Adoption of Resolution 19-2022 Employee Compliance with Public Health Requirements
- [17.](#) Adoption of Ordinance 3-2022 Personnel Policy Amendments.

CLOSED SESSION

18. Closed Executive Session - pursuant to 10-15-1 (H-2 and H-7) for limited personnel matters, and pending or threatened litigation

Police Department

Administrative Department - introductory period for Michelle Holguin; action for extension or removal.

Public Works Department - introductory period for Joseph Gomez; action for removal, extension, or termination.

ACTION ITEMS RESULTING FROM CLOSED SESSION

19. Administrative Department - introductory period for Michelle Holguin; action for extension or removal.

Public Works Department - introductory period for Joseph Gomez; action for removal, extension, or termination.

MAYOR AND COUNCILORS REPORTS

[20.](#) Report on needs of public works department.

NEXT MEETING DATE:

Regular Meeting - August 22, 2022

ADJOURNMENT



City of Bayard
CITY COUNCIL PUBLIC HEARING
July 25, 2022 at 5:30 PM
Bayard City Hall

MINUTES

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz

A quorum was present. Others in attendance were Larry Ojinaga, Jesus Perez, Joan Perez, Steve Gabaree, Lori Gabaree, Marcela Johnson, Selina Crespín, Jade Wilson, James Ervin, Matthew Valenzuela, Marisa Valenzuela, Ken Hughes, Kenneth Martinez, Dolores Charon, Frankie Gomez, Mikey Paez, Jason Jaeger, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Gonzales.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

PUBLIC INPUT

Steve Gabaree stated his intentions are never to put anyone out of business. The M&M garage shall not be a scrap yard, salvage yard, or recycling center, it should only be according to the ordinances of Bayard an auto repair shop, and he feels this is not what it is. The shop is in violation everyday. There are junk cars and two garbage truck parked on the street for weeks now. The fence they have is not up and is an eye sore. He feels if they can not comply with the rules then they should not have their business license renewed.

Marisa Valenzuela stated this has been an on going issue with the only two people that complain. She stated she is working on fixing the problems that have been addressed. These repairs take time. The fence that is being put up will be painted to look nice. The business was established before all of the ordinances were put in place and they don't have to comply but they are still trying to comply to keep the peace. They do not own the auto shop, Dave Wilguess is the owner.

Matthew Valenzuela has been working at the auto shop for 20 years. Dave Wilguess has showed him how to help people out. He has a lot of people helping him with the fence. He has had people in the community helping him and he has people trying to knock him down. The auto shop has been open since 1942 and is under the grandfather law. As far as the business license Matthew stated it is against the law to deny him a license even if he is in violation. Everyone has to make a living and that is what he is trying to do to. He is working alone and work till 3 o'clock in the morning alone because no one wants to work. A lot of cars that are parked is because people can't pay and he has to keep them until they can pay.

Selina Crespín stated she is against the M&M Auto Shop. The business is unsightly, dangerous, and hazardous for the public. They have cost her over \$1,500 for her vehicle. Her vehicle had to be towed back to her home. A business that is helping a community is not helping her. The vehicle is at her home with vehicle parts in boxes sitting in side the vehicle. She is still paying on the vehicle and she can not utilize the vehicle. Another reason she is against the business is because this business has a second location just out side of Bayard and now there are junk vehicles parked there and now there are people living there with no water or electricity. If this continues Bayard is going to become a place for homeless people and that is unsanitary. She does not see any benefit from this business, it is bringing junk.

Matthew stated he was being nice and allowing Selina Crespín ex-husband to work on her car at Matthew's shop using his tools for free.

Kenneth Martinez stated he has worked for Matthew and his wife for 2 years and they have been good to him. He works a lot for the community and the community has been good to him. He believes the city should give them a break and they will continue to comply with the city.

CLOSED SESSION

1. Closed Executive Session pursuant to 10-15-1 (H-1) NMSA 1978 for meetings pertaining to issuance, suspension, renewal or revocation of a license-M&M Bayard Auto Business License.

Final approval/disapproval will be made during the regular open session of City Council Meeting at 6:00 pm. on July 25, 2022

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

Coming back from closed session Councilor Diaz ask the Code Enforcer Frank Gomez Jr. what violations has he seen at the shop? Has Mr. Gomez seen any improvement after the citations have been issued? Is there more than 10 vehicles on the property?

Frank Gomez Jr. stated they are storing junk vehicles on the property and other violations on that section of the code, he has given Matthew two citations. Yes he has seen improvements at the auto shop. He is seeing the fence being put up but not yet complete. He has been staying away from the auto shop as advised by his supervisor.

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ADJOURNMENT 6:11 P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer



City of Bayard
BUDGET WORK SESSION
MAY 19, 2022 at 5:30 PM
Bayard City Hall

MINUTES

The Bayard City Council conducted a budget work session on Thursday, May 19, 2022, at 5:30 p.m. at the Bayard City Hall.

City Council members present were Mayor Fierro, Councilor Medina, Councilor Villanueva, Councilor Gonzales, and Councilor Diaz.

Others in attendance were Kristina Ortiz, Hector Carrillo, Marlena Valenzuela, Larry Ojinaga, Dolores Charon, and Tanya Ortiz.

Clerk-Treasurer Ortiz presented final recommended budget amounts for the FY2023 Budget. Clerk Ortiz stated that there is no recommendation to increase wages for employees that have an hourly wage below \$15.00, further discussions would be required to develop a consensus on employee wages across the board. Clerk Treasurer presented the recommended utility rate increases which would be at minimum 13% or about \$11.87 for a minimum residential unit.

City Council members discussed how the increases would affect the budget if not completed. Clerk Ortiz stated that the water operations fund would have a shortfall of approximately \$60,000 and the city would lose \$300,000 in Colonias Project Funding that was just awarded. The awards were based on a utility increase for water, sewer, and wastewater fees. The city would lose additional funding that is required to complete projects.

Residents Dolores Charon and Larry Ojinaga did not like that the rates would be increase but they stated that they understood the need to increase rates. They attend the meetings so they can be informed of what is happening.

Clerk-Treasurer Ortiz stated that this was the recommended final budget to be approved on Monday, July 25, 2022. She would not be available for the meeting but the approvals are required so the budget can be submitted by the July 31, 2022 state statute deadline.

Kristina Ortiz, MMC
Clerk Treasurer



City of Bayard
BUDGET WORK SESSION
MAY 19, 2022 at 5:30 PM
Bayard City Hall

MINUTES

The Bayard City Council conducted a budget work session on Thursday, May 19, 2022, at 5:30 p.m. at the Bayard City Hall.

City Council members present were Mayor Fierro, Councilor Medina, Councilor Villanueva, Councilor Gonzales, and Councilor Diaz.

Others in attendance were Kristina Ortiz, and Tanya Ortiz.

Clerk-Treasurer Ortiz presented preliminary budget amounts for the FY2023 Budget. Discussions included possible wage increases for employees that have an hourly wage below \$15.00. Also discussed was the recommendation of a utility rate increase for all services. Estimated increase would be between 8-10%.

Kristina Ortiz, MMC
Clerk Treasurer



City of Bayard
BUDGET WORK SESSION
APRIL 28, 2022 at 5:30 PM
Bayard City Hall

MINUTES

The Bayard City Council conducted a budget work session on Thursday, April 28, 2022, at 5:30 p.m. at the Bayard City Hall.

City Council members present were Mayor Fierro, Councilor Medina, Councilor Villanueva, Councilor Gonzales, and Councilor Diaz.

Others in attendance were Kristina Ortiz.

Clerk-Treasurer Ortiz presented preliminary budget amounts for the FY2023 Budget. Discussions included possible wage increases for employees that have an hourly wage below \$15.00. Estimated ending cash balances were also reviewed.

Kristina Ortiz, MMC
Clerk Treasurer



City of Bayard
CITY COUNCIL REGULAR MEETING
July 25, 2022 at 6:00 PM
Bayard City Hall

MINUTES

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz

A quorum was present. Others in attendance were Larry Ojinaga, Jesus Perez, Joan Perez, Steve Gabaree, Lori Gabaree, Marcela Johnson, Selina Crespín, Jade Wilson, James Ervin, Matthew Valenzuela, Marisa Valenzuela, Ken Hughes, Kenneth Martinez, Dolores Charon, Frankie Gomez, Mikey Paez, Jason Jaeger, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Diaz, with item number 7 to approve Anthony Aveles resignation only and removal of items numbers 18 and 19. Also Judge Sandoval discussion of the Municipal Court Budget to be put on the next agenda.

Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

PUBLIC INPUT

Steve Potts stated several months ago he had to call 911 because his neighbor's house was getting broken into. The officer caught the two suspects. He had to hold the two suspects at gun point by himself for 5 minutes before any back up came to help him. Mr. Potts has been subpoenaed to the court 3 times and none of the suspects have gone to trial. The District Attorney has failed to notify the arresting office of the trial. Also, the District Attorney fails to notify the officer and himself if the hearing has been postponed. He feels bad for the neighbor that has property damage, and the community for the people that are breaking and entering. He feels bad for the arresting officer that did his job and answered the call by his self. The

officer did his job and does not have support from the District Attorney. He is wondering if the City of Bayard can put any leverage on the District Attorney? The District Attorney has no respect for the officer and there is a break down in the justice system.

Councilor Diaz stated this issue would have to be brought up to the District Attorney's office. The City of Bayard does not over see them. They city has just hired a new Police Chief and two new officers. The Mayor and council are doing their part to have public safety for Bayard.

Councilor Villanueva asked if the property owner has gone to the DA office and has asked question because they would be the ones that would have to go in and ask the questions. The process would be to go to the DA himself and ask him the questions. Councilor Villanueva would be happy to help with this matter because it is happening in our municipality.

Jade Wilson would like to invite the public to the Bayard Beautification Committee Bingo fund raiser on July 31st at 5:00 pm at the Bayard Community Center.

CONSENT AGENDA

Motion made by Councilor Gonzales, with the changes that Councilor Diaz made with item number 7.

Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

1. Approval of the Regular Meeting Minutes for July 11, 2022.
2. Approval of the Accounts Payable Report for July 25, 2022.
3. Approval of the Police Report for June, 2022.
4. Approval of Administration Staff, Mayor, Council to attend NMML 65th Annual Conference August 31- September 2, 2022.
5. Approval for Judy Diaz to attend Managing Police Records in New Mexico (\$259) Online August 3, 2022 @ 8 am-3pm.
6. Approval for attending Singer Valve training for Anthony Aveles and Adrian Badillo on July 19, 2022 and Mikey Paez on July 20, 2022 in Anthony, Texas.
7. Approval of the Resignation of Public Works Director Anthony Aveles as of July 25, 2022.

Boards/ Committees

8. Approval of Tina Forgas to become a member on the Housing Authority Board.

Motion made by Councilor Gonzales, Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

NEW BUSINESS

9. Discussion/ Presentation for Ken Hughes with Sustainable Communities.

Ken Hughes came before the council who is with the Sustainable Communities and would like for the City of Bayard to join his group, he helps communities with funding. He has helped plenty of communities with solar energy, charging stations for electric vehicles here in Bayard, and there are plenty more he can help with. The cost will be \$1,000 a year for his service.

10. Approval of Gary Arellano to be the Training Officer for the Bayard Volunteer Fire Department.

Councilor Diaz tabled this item for the next meeting. He would like the Fire Chief to be present.

11. Approval of June 30th Financial Report and Budget Adjustments.

Motion made by Councilor Medina, Seconded by Councilor Diaz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

12. Fiscal Year 2023 Budget

Discussion of Municipal Court Budget with Judge Jose Sandoval.

Approval of the Fiscal Year 2023 Budget.

Motion made by Councilor Medina, and requested Judge Sandoval be put on the agenda for next council meet. Seconded by Mayor Pro-tem Villanueva. Councilor Diaz stated the municipal court budget need to be disused in public so the rest of the public can know how it is impacting the budget.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

13. Approval of Uniform Policy.

Motion made by Councilor Diaz, Seconded by Councilor Medina.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

14. M&M Bayard Auto-Business License Approval/Disapproval

Motion made by Councilor Diaz, to disapprove the business license at this time hearing the constituent and the problems on hand there are contented issues. He feels this needs to be disapproved until all the issues are fixed completely and an inspection be done by the Fire Marshall, the EPA, the Fire Chief, our Codes Enforcer and our Police Chief. When all reports come back good then the M&M Auto can reapply for a business license. Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ORDINANCES/RESOLUTIONS

15. Approval of Intend to adopt Bayard Utility Increase.
16. Approval of Intend to adopt Regional Wastewater Utility Increases.
17. Adoption of Resolution 17-2022 FY 2023 Budget

Councilor Diaz stated during covid the City of Bayard did not raise any utility rates. This utility rate increase is way overdue. There have been many lengthy discussions on this. There are 3 projects currently pending through the Colonias Infrastructure Program for \$300,000 and the rate increase will heavily impact these projects. If this is bypassed then next year it will be a lot worse. The whole council is very hesitant to do this.

Motion made by Councilor Diaz, Seconded by Councilor Medina.

Voting: Mayor Pro-tem Villanueva no, Councilor Medina no, Councilor Gonzales no, Councilor Diaz yes.

Motion does not carry.

Action was not taken on item number 17.

City Council reconsidered action on items 15-17 after item number 20.

ACTION FOR PERSONNEL

18. Approval of extension of introductory period for 30 days for Michelle Holguin.
19. Approval of extension of introductory period for 30 days for Joseph Gomez.
20. Approval of Procurement Officer Certification wage increase of \$.25 for Marlena Valenzuela, Tanya Ortiz, and Michelle Holguin as of July 30, 2022.

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

Councilor Diaz requested discussion of the Fiscal Year 2023 Budget. He asked if the Budget got approved and the Resolution did not get approved what happens?

Utility Clerk Tanya Ortiz stated there is no budget and she will not be able to submit to the State for approval and the city will get an audit finding.

Councilor Diaz stated it was very important that the budget got approved tonight. Kristy clearly stated at the last budget meeting if anyone had question to ask because she will not be attending this council meeting. She also had all council sign the Resolution 17-2022 to have it ready, and now the city does not have a budget.

Councilor Medina asked if the budget was approved without the increases?

Utility Clerk Tanya stated the budget includes utility increase and no employee increases.

Councilor Diaz stated no employee will get a raise because we have to do utility increases just to make the budget we have now.

Councilor Gonzales asked if the budget is not approved will this impact our loans?

Mayor Fierro stated yes, all three loans in the amount of around \$500,000.

Resident Selina Crespin asked who is responsible for this?

Councilor Diaz stated the council is responsible for the budget.

Resident Selina Crespin asked if the person that we need information from in on vacation?

Utility Clerk Tanya stated there was a budget hearing the week prior and answered all the question all that needed to be done was approve and disapprove the budget.

Councilor Diaz stated there were two budget meetings and there were plenty of opportunities to ask all the questions.

Resident Selina Crespin stated what a disappointment this is.

Councilor Diaz stated the meeting has not adjourned and this can be brought back up. If not, we are in a major disaster right now. If we all walk out tonight, we do not have a budget.

Councilor Medina stated \$15 more on the water bill is catastrophic for some residents. He is not against the city not having project money. The problem is families that are low income is going to be hard for them. At the budget meeting he heard a resident stated \$15 more is a lot. Some families are blessed and \$15 more isn't bad but families on a fixed budget this will wreck them.

Councilor Diaz stated this has been discussed back and forth and the council has tried getting creative but this is what it has come out to.

Resident Larry Ojinaga stated the City of Bayard has not increased rate in how long?

Mayor Fierro stated they rate have not been increased in four years.

Resident Joan Perez stated Bayard will lose all that money. She understands will affect a whole bunch of people but is the city willing to lose all that money? She understands \$15 is a lot of money for a lot of people. Mrs. Perez stated if people can't afford this utility increase the why do they not attend the meeting to see what is going on and this is one of the reasons why she comes to the meeting to know what is going on.

Resident Jesus Perez stated he is on a budget but now understands why there will be utility increases.

Councilor Diaz stated the city has applied for a program through the state to help low-income residents with their water bill. The Beautification Committee has volunteered to sit down with residents and help them apply for this program. The city is waiting for the contract so the residents can start to apply.

Resident Steve Potts state he thinks the city should have meeting to let the community know about the utility increases.

Council Medina stated there is going to be forum with the city employees and with the Bayard Municipal Judge so we can all be transparent. This year's budget is very impactful and the city will not be giving any employee raises and they city always gives raises.

Council Villanueva stated he is grateful for the residents that has attend the meetings and the support the residents have given.

Councilor Gonzales stated she would like to made a motion to approve the of Intend to adopt Bayard Utility increase and the intend to adopt Regional Wastewater Utility increases.

Utility Clerk Tanya stated Councilor Diaz would need to amend his previous motion and made a new motion.

Councilor Diaz amended his previous motion for approval of Intend to adopt Bayard Utility increase and approval of Intend to adopt Regional Wastewater Utility increases. Made a motion to approve the Intend to adopt Bayard Utility Increase, approval of Intend to adopt Regional Wastewater Utility increases and Adoption of Resolution 17-2022 FY 2023 Budget. Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva stated Cobre Schools will be hosting a Summer Fest this Saturday. He feels it is a great thing. The schools will be giving out backpacks and school supplies that will come in handy for a lot of parents that don't have income to buy the supplies that they really need. The city councilors will be there to support this and hopes it is a big success.

Councilor Diaz thanked everyone for coming to the meeting and thanks the public for the support. He was hesitant for the utility upgrade. Communication is a big key with the community and the employees. He hopes to see you all at the Cobre Summer Fest and on behalf of the Bayard Beautification Committee they will be giving out cold water. He spoke with Dr. Spaletta Cobre Superintendent, he has around 20 booths that will be set up.

Councilor Gonzales stated the Governor and Lt. Governor will be in Silver City on Wednesday for a meet and greet. Also, they will be in Hurley on Thursday at 8 am for the ground breaking of the 4-lane highway from Bayard to Deming and after they will be going to Bear Dam at 10 am for the ground breaking there also. She also thanked the residents for their support for the decision she had to make on the utility rate increases.

NEXT MEETING DATE:

Regular Meeting - August 8, 2022

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ADJOURNMENT 7:07 P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

Bayard Fire Department

Monthly Report

July 2022

Monthly Fire Calls: There were 6 fire calls for service in July.

7/4/2022: Dispatched to patrol the City of Bayard for fireworks.

7/8/2022: Dispatched to Bayard Elementary School for a fire alarm going off. Arrived and found that they had set off the alarm by accident.

7/9/2022: Dispatched to 303 North Street for a structure fire. Arrived on scene and found smoke coming out of the roof area. Attacked the house with E-1 and E-2 to extinguish.

7/10/2022: Dispatched to Hwy 356 MM1 for smoke coming from the ditch. Arrived on scene and found that it was a water line leak.

7/22/2022: Dispatched to 811 Benjamin St. for a gas leak. Arrived on scene and dispatched the Gas Company to shut the gas off.

7/29/2022: Dispatched to 329 Manhattan Park Drive for Parade Escort.

7/30/2022: Dispatched to Cobre High School for Cobre Back to School Event.

Monthly EMS calls:

There were 36 reported EMS calls for the month of July.

<u>Bayard</u>	21 Calls
<u>Hurley</u>	8 Calls
<u>North Hurley</u>	1 Calls
<u>Santa Clara</u>	1 Calls
<u>Vanadium</u>	2 Calls
<u>Hanover</u>	3 Calls
<u>Santa Clara</u>	1 Calls

July Training

Fire:

7/5/2022: Officers Meeting. Go over By-Laws for the fire department and also the annual meeting.

7/19/2022: Annual Meeting. Election of Officers and also cover the Back to School event at Cobre High School.

7/28/2022: Preparation for Back to School Event at Cobre High School.

7/29/2022: Prep. Apparatus for the Bac to School Event.

7/30/2022: Attend Back to School Event at Cobre High School.

EMS:

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Equipment:

<u>Apparatus</u>	<u>Mileage</u>	<u>Engine Hours</u>
<u>Engine 1</u>	<u>8315.9</u>	<u>1160</u>
<u>Engine 2</u>	<u>13939.1</u>	<u>1168.1</u>
<u>Command 3</u>	<u>38280</u>	<u>3696</u>
<u>Mini</u>	<u>12615.5</u>	<u>1502.9</u>

Safety: No incidents reported this month.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary

City of Bayard Wastewater Treatment Plant

July 2022

07-01-2022: Called Central Dispatch to inform them of a schedule change for watering at the Bayard Cemetery.

07-06-2022: Plant staff worked on weeds around the plant and the North Hurley lift station.

07-07-2022: Plant staff called out to the North Hurley lift station at 6:45am. Turn Drying beds #1, #2, and #3.

07-10-2022: Plant staff came out to the plant to try and dewater the #1 digester.

07-11-2022: Plant staff took the sludge out of the #2 drying bed and added it to the stockpile. Started to dewater the #1 digester. Badger western came out to the plant and installed the lifts on the digesters. Garage door came in for the dewatering building and the electricians showed up to run electrical for dewatering building.

07-12-2022: Plant staff shut down the MCC2 for the electricians to install an electrical bucket for the dewatering building. The MCC2 controls eight items in the plant system, one of them being the #2 UV system. This event marked the 4th time the UV system had been powered on and off. This will greatly reduce the lifespan of the lamps. Placed a call to Jason Lockett to

inform him that the meter for the North Hurley lift station was not working. Plant staff shut down the #2 digester to dewater.

07-13-2022: Plant staff rebuilt the #2 drying bed. Meter at the North Hurley lift station not working.

07-14-2022: Dropped the #3 digester to the #2 drying bed. The #2 digester not dewatering. Plant staff turned the #1 and #3 drying beds. Sprayed weeds around the plant. North Hurley meter not working.

07-15-2022: North Hurley Lift station meter not working.

07-18-2022: Turned the #1, #2, and #3 drying beds. North Hurley lift station not working.

07-19-2022: Plant staff had been called out to the North Hurley lift station several times for the #1 pump failure. A call was placed to Jason Lockett and plant staff were told to shut the #1 pump off. Started to dewater the #1 digester.

07-20-2022: Plant staff unplugged the lab sink in the lab. TLC came down to the plant to work on the #1 and #2 influent pump standpipes in the influent wetwell. Plant suffered a power surge; this would be the 5th time for the UV lamps to be shut on and off.

07-21-2022: TLC came down to the plant to continue work on the standpipes for the #1 and #2 influent lift station pumps. The foremen told plant staff that the gas levels inside of the wetwell were so high they could only have there workers inside of the wetwell for two-to-three-minute stretches before they had to

pull them out and had to wait for the gas levels to lower. The influent level indicator for the influent wetwell had a glitch in it possibly caused by the power surge. Plant staff had to take the power supply off of the unit to see if it would reset itself. This is not good practice since there is a possibility of the unit getting damaged when the power wire is put back into the unit. Talking with the tech of the company that makes the unit they did acknowledge that with the current set up at the plant there was no other way to try and clear the glitch.

07-22-2022: Plant staff had an alarm at the Rec Plant for high cell temp on the Chlorine manufacturing cell. Plant staff turned on the water chiller unit but found the unit was not coming on. Water chiller unit maybe bad. Plant staff shut down the #3 digester to see if it would dewater. Plant staff called out after hours for pump #3 failure in the influent wetwell.

07-25-2022: Plant had a power surge at 7:30am this would be the 6th time the UV lamps had been turned on and off. Pipestone came down to the plant to see if they could get the surge anticipator valve in the effluent dry well to work. After several hours the Tech for Pipestone came into the lab and had his boss on speaker phone. They had come to the conclusion that the valve that was placed into the system was not the correct valve for the job being asked of it. They had a couple of suggestions from installing variable speed drives on the pumps to a different kind of check valve to be placed in front of the pumps to try and absorb some of the water hammer that was

hitting the system every time a pump shut off. A call was placed to the City Engineer to inform him of what Pipestone had just said and to ask him if he had any suggestions for the issue the plant was having. The City Engineer said he would call one of his contacts and get back with plant staff.

07-26-2022: Plant staff worked on the chlorine system in the Rec plant. Plant staff are trying to find out why the chlorine residuals have been staying low after increasing the pumping rate. Plant staff started to check into the problem on the A/C at the reclamation plant. Pipestone sent a letter to plant staff detailing why the valve in the effluent lift station was not working. A copy was forwarded to the City Engineer. Plant staff found the generator at the North Hurley lift station to be running. A call was placed to Jason Lockett who said he thought it was running on its schedule.

07-27-2022: Plant staff found the North Hurley generator to still be running. A call was Placed to Jason Lockett informing him that the generator was still running. Jason sent out one of his electricians and it was found that a power leg had been lost from the power company's line.

07-28-2022: The #2 digester didn't dewater. Plant staff turned the air back on to it. Plant staff cleaned the D.O. probes in the aeration basins and turned the #1 and #2 drying beds.

07-29-2022: Plant staff dropped the #2 digester to the #3 drying bed. Plant staff also tried running the #3 influent lift station pump but found it would run for a little while and then

kick out. A electrician will need to come out to the plant to determine if the problem is in the pump, the wiring or the overloads.

Bayard Surge Anticipator Valves

Tommy Christian <tchristian@pipestoneeq.com>

Tue 7/26/2022 3:07 PM

To: Jason Jaeger <wastewater@cityofbayardnm.com>

Cc: Sloan Pearsall <spearsall@pipestoneeq.com>; Dan Minich <dminich@pipestoneeq.com>

 1 attachments (3 MB)

Surgebuster® Check Valve Brochure.pdf;

Hi Jason,

To summarize, when we came to the plant the downstream ball valve on the surge anticipator valve was closed, so that would prevent the valve from opening. Originally, we thought the application required a lighter spring as the system pressure was about 20psi (we understood the engineer thought it should be 10-15psi, but we observed 20psi at the valve), and the low level pilot had a range of 30-300psi. We changed the springs out, and as you saw the valve was constantly blowing water by. This is due to the constant cycling of the pumps. The surge valve is not meant to open that frequently. It is generally used in situations where there is a constant header pressure and is used to act as a relief valve on over-pressure situations and to anticipate surges when pumps cut out due to power loss. The constant cycling in the station will never allow the surge anticipator valve to recover and close.

Given the extremely low pressure here, I would consider using a surge buster check valve to prevent the waterhammer you are seeing back in the station. It's a swing check valve with a rubber closure door, but it also has a piece of steel that increases the speed of closure like a spring. I have attached a brochure.

If you want to discuss this application further, let's set up a time to do with your engineer as well.

Thank you!

Tommy Christian
Field Service Manager

C: (720) 926-2774 Fax: (303) 567-2861
Email: tchristian@pipestoneeq.com
676 Moss Street, Golden, CO 80401
Website: www.pipestoneeq.com

Local Government Division

Item 4.



Annual Budget Conference 2022



VIRTUAL VIA MICROSOFT TEAMS

Monday, November 14

through

Friday, November 18, 2022



Conference Topics

- Budgeting for Counties and Municipalities
- Budgeting for Special Districts
- Capital Outlay Update by DFA
- Ethics in Government by NM Ethics Commission
- Financial Reporting for Special Districts
- GRT Overview by TRD
- Bridging the Funding Gap By DFA
- Law Enforcement Protection Fund (LEPF) Updates
- Financial Reporting for Counties and Municipalities
- Local Government Budget Management System (LGBMS) refresher
- Lodger's Tax Updates
- Mileage and Per Diem review of rate change
- New Mexico Municipal League Update/NM Counties Update
- Open Meetings Act and Inspection of Public Records Act by NMAG
- Tier System of Financial Reporting & FAQ by OSA
- Unemployment Overview by GSD



New Mexico Department of
Finance & Administration
407 Galisteo Street
Santa Fe, NM 87501



"The Budget and Finance Bureau's mission is to assist officials and employees of the local public bodies in New Mexico to maintain budget and fiscal integrity for the benefit of our citizens."

Kristina Ortiz

From: Marquez, Louise, EDD <Louise.Marquez2@state.nm.us>
Sent: Thursday, July 28, 2022 12:19 PM
Cc: Myers, Jennifer, EDD
Subject: FW: Mark your Calendars!!!

Hello Community Leaders!

I wanted to make sure you are aware that New Mexico will once again be holding the

New Mexico Economic Development Conference

on Monday, September 26 – in
Tuesday, September 27

Albuquerque. At this point, details are limited, but please make sure and hold the dates on your calendars.

More to come soon!

Keep on making New Mexico great!

Louise

Louise Marquez
LEDA Specialist/Region 5 Representative
575-430-1232



From: Munoz, Sarah, EDD <Sarah.Munoz@state.nm.us>
Sent: Wednesday, July 27, 2022 1:23 PM
To: EDD-All EDD <EDD-AllEDD@state.nm.us>
Subject: Mark your Calendars!!!

New Mexico Economic Development Conference

Monday - September 26, 2022 & Tuesday - September 27, 2022

Starts at 12:00pm on Monday.
Ends at 5:00pm on Tuesday.

Location: Albuquerque, NM / TBD

More information coming soon!

Sarah Munoz

New Mexico Economic Development Department
Administrative Assistant
(she/her)
P.O Box 20003
Santa Fe, NM 87504-5003
505-827-2182
Sarah.Munoz@state.nm.us
EDD.NewMexico.gov



TRAINING REPORT NARRATIVE

(Provide a written narrative of training that was conducted during this session. Include subjects covered; tools used, inspections conducted, if this was a live drill/training, Classroom etc)

DATE: 7/19/2022 TIME: _____ Start Time: 17:00 End Time: _____

- Give all members a copy of Bayard Fire By Laws.
- Give members a copy of SOP
- Bayard Fire will attend Back to School Basics with the Cobee school district on July 30th - 9:00am - 4:00pm.

Vote For members

Chief - Euphenio - by areles
 Assist. Chief - Mike - Gary
 Training - Gary - by Mike & Cody
 Secretary - Juan - by Lowell & Areles
 Captain - Cody - by Frankie & Areles
 1st Lieut - Frank - by Lowell & Cody
 2nd Lieut - Lowell - by Cody & Frank.

- New EMT's will need to finish ride along and also do Testing.
- Issue new bunker gear to members that attended.



BAYARD POLICE DEPARTMENT

SIGN-ON BONUS AGREEMENT



This Agreement is made between **CITY OF BAYARD** and EMPLOYEE 1 ("Employee").

WHEREAS the Employee begins employment for the City of Bayard in the Bayard Police Department for the first time as a POLICE OFFICER who meets the Bayard Police Department requirements as a Lateral Police Officer;

WHEREAS the Department wishes to bestow upon the Employee a sign-on bonus ("Sign-on Bonus") as an incentive for the Employee to accept employment with the Bayard Police Department and remain satisfactorily employed in the Department for **least two full years**; WHEREFORE, City of Bayard and the Employee agree to the following terms.

1. City of Bayard, acting through the Department, agrees to bestow upon the Employee the amount of \$2,000.00 as a Sign-on Bonus in return for the Employee accepting City of Bayard's offer of employment. This amount shall be paid directly to the Employee on the Employee's paycheck as follows:

- * 25% paid upon successful completion of thirty (30) days of employment; and
- * 25% paid upon successful completion of twelve (12) months of employment; and
- * 25% paid upon successful completion of (18) months.
- * 25% paid upon successful completion of (24) months.

2. City of Bayard will apply all required federal and state tax deductions and will report all payments made under this Agreement as required by federal and state law. Taxes shall be withheld as bonus earnings from the Sign-on Bonus and reported to the Internal Revenue Service as income on the Employee's Form W-2. The Sign-on Bonus is not considered "salary" and shall not be included for purposes of retirement benefit calculations or salary increases.

3. Department will adhere to all relevant City of Bayard and Department policies during the hiring process and in making bonus payments to employees.

4. In return for accepting the Sign-on Bonus as provided in paragraphs 1 and 2, above, the Employee agrees to work for the Department, on a regular and full-time basis for at **least two years** beginning on **July 11, 2022** and ending on **July 11, 2024**. Should the Employee resign, quit, or be terminated for cause before the above stated ending date, the Employee shall repay a prorated amount of the Sign-on Bonus as provided for in the following paragraphs.

5. The Employee's failure to remain employed by the Department for two years, will trigger the Employee's duty to repay, pro-rata, the amount paid by the Department pursuant to paragraph 1, above. (This amount may be more than the Employee received due to tax or other withholdings.) For example, if the Employee leaves one year prior to the end date, he/she will repay 12/24 of such amount. To facilitate this repayment, the Employee, by signing below, expressly gives City of Bayard a lien on all his/her salary, wages, and other sums payable to him/her by City of Bayard. In addition, the Employee hereby authorizes City of Bayard to withhold all amounts so due from any sum payable to the Employee by the Department and City. The Employee also agrees that any tax consequences borne as a result of the repayment of the Sign-on Bonus or any portion thereof will be the sole and exclusive responsibility of the Employee.

6. If the Employee fails to remain employed by the Department for two years for reasons beyond his/her control (e.g. injury, illness or death), other than just cause termination, the Department may in its sole discretion waive all or part of the liability owed by the Employee. Any such waiver must be approved in writing by the Employee's Department Head, the City Clerk and Mayor.

7. In the event the employee is unable or unwilling to work, is taken off work, or is placed on a leave of absence at any time during the period that this Agreement is effective, any payments owed or due to be owed to Employee shall be delayed the same amount of time as the Employee remains off work. For purposes of this section, any period of time in excess of 10 consecutive days that the Employee does not work during the time period of this Agreement shall delay the bonus payment periods owed to Employee by this Agreement. For example, if Employee is injured during his 10th month of employment and is placed off work for three months, the second bonus payment payable after the 12th month will be delayed another two months, to the 15th month of employment, the third and final bonus payments will be delayed two months.

8. In the event the Employee leaves the Department to work at another department within City of Bayard during the two-year period noted above, the Department and the Department to which the employee is transferring ("New Department") shall negotiate in good faith for the repayment, pro-rata, of the Sign-on Bonus by the New Department. It is the Employee's obligation to make the New Department aware of the Employee's receipt of the Sign-on Bonus and to request repayment assistance from the New Department. Unless the New Department affirmatively agrees to reimburse the Department for the pro-rated portion of the Sign-on Bonus, the Employee remains responsible for repaying the Department.

9. If any part of this Agreement is found to be invalid or unenforceable, the other parts shall remain valid and enforceable and Employee agrees, represents, and warrants that he/she will be held to any applicable repayment of Sign-on Bonus. BY SIGNING BELOW, the Employee certifies that he/she has not accepted a financial incentive for accepting employment at City of Bayard, other than as described in this Agreement.

IN WITNESS THEREOF:

Employee Signature

Date

Department Head Signature

Date

City of Bayard Mayor Signature

Date

City Clerk Signature

Date

Kristina Ortiz

From: Samantha Morales <semoral22@gmail.com>
Sent: Wednesday, August 3, 2022 6:24 PM
To: Kristina Ortiz
Subject: Letter to Bayard City Council

To the esteemed members of the Bayard City Council:

I am here today as a concerned member of the community. I took part in Cobre High School's Summer Fest this past Saturday and was appalled at the behavior of Councilwoman Francis Gonzales. I was walking past her tent to go back to the Republican Party tent and overheard her talking to herself saying she told the organizers to keep her tent away from political party tents. I then stopped and told her the Democratic Party's tent was a couple of tents away from her location. She then proceeded to say that the Republicans were not good people and stated that "they do not like people like us." (Insinuating that they are racist) In which I promptly responded saying I am a Republican and then stated in Spanish "también son para pa gente que trabajan." She then replied saying she was the chairwoman before and became a Democrat because Republicans are not good people. I decided to leave well enough alone as this event was for the children and should not have anything to do with political divisions.

She is an official of the city of Bayard and should be diplomatic, respectful, and unprejudiced towards all people. I find this is a direct representation of the city of Bayard and it does not reflect well upon the community. I implore you all to further investigate Councilwoman Gonzales' behavior as her actions reflect very poorly on the city of Bayard.

Samantha Morales & Devin Corral
505-397-1277

BAYARD CITY COUNCIL
August 1, 2022

Request to be added to the agenda on August 8th 2022.

Council

I, JOE RAMIREZ representing owners of Carney Heights Subdivision, would like to address the Bayard council in regards to covenants in our subdivision. It has come to our attention that potential buyers of land in our subdivision would like to buy property in our subdivision and put in mobile homes or such.

Some of my neighbors will also attend and would like to be heard.

Sincerely



Joe Ramirez

Carney Heights Subdivision property owner

PROTECTIVE COVENANTS

SURVEY PLAT

CARNEY HEIGHTS SUBDIVISION TO THE VILLAGE OF BAYARD,
GRANT COUNTY, NEW MEXICO

TO WHOM IT MAY CONCERN:

Whereas, the undersigned are the owners in fee of all of the lots in Carney Heights Subdivision to the Village of Bayard, Grant County, New Mexico, as shown by survey plat filed in the office of the County Clerk and Recorder, Grant County, New Mexico.

Now, Therefore, for and in consideration of the restrictions agreed to by the purchaser, and the additional consideration of \$1.00 in hand paid to the undersigned, they hereby agree to make the following Protective Covenants and Easements with reference to all of the lots embraced in said Subdivision.

A. All lots shall be known and described as residential lots. No structure shall be erected, altered, placed, or permitted to remain on any residential building plot other than one detached family dwelling, not to exceed two stories in height, and a private garage for not more than 2 cars, and other outbuildings incidental to residential use of the plot.

B. All construction shall be of new materials and no existing dwelling or building may be moved upon any of the lots in the aforementioned addition.

C. No building shall be erected, placed, or altered on any building plot in this subdivision until the building plans, specifications, and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation, by a committee composed of three members named by sponsor, or by a representative designated by a majority of the members of said committee. In the event of death or resignation of said committee, the remaining member, or members,

shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority. In the event said committee, or its designated representative, fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it or, in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this Covenant will be deemed to have been fully complied with. Neither the members of such committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this Covenant. The powers and duties of such committee, and of its designated representative, shall cease on and after January 1, 1995. Thereafter the approval described in this Covenant shall not be required unless, prior to said date and effective thereon, a written instrument shall be executed by the then record owners of a majority of the lots in this subdivision and duly recorded appointing a representative, or representatives, who shall thereafter exercise the same powers previously exercised by said committee.

D. No building shall be located on any residential building plot nearer than 25 feet to the front lot line, nor nearer than 15 feet to any side street line. No building, except a detached garage or other outbuilding located 60 feet or more from the front lot line, shall be located nearer than 10 feet to any side lot line.

E. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 10,000 square feet or a width of less than 80 feet at the front building setback line.

F. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

G. No trailer, basement, tent, shack, garage, barn, or

other outbuilding erected in the subdivision shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

H. No building costing less than \$17,000.00 shall be permitted on any lot in Blocks 1, 2 and 3 or on Lots 9 through 11, inclusive, Block 4, in said subdivision. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1500 square feet.

I. No building costing less than \$25,000.00 shall be permitted on Lots 1 through 8, inclusive, Block 4, of said subdivision. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 2000 square feet.

J. An easement is reserved over the rear five feet of each lot for the purpose of utility installation and maintenance, excepting, however, those certain lots in said subdivision that are located on an alley as shown on said survey plat.

K. These covenants are to run with the land and shall be binding on all the parties and all persons claiming under them, until January 1, 1995, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.

L. If the parties hereto, or any of them, or their heirs or assigns, shall violate any of the covenants herein it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation.

M. Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

N. Not more than one residence may be built on any one lot in the residential section of said subdivision without a special permit in writing from the sponsor and all owners of lots within 300 feet of the lot on which the proposed additional residence is to be built.

O. That said premises or any buildings erected thereon shall not at any time be used for the purpose of any trade, business or manufacture, it being expressly agreed and understood that said subdivision shall be used for residential buildings only.

P. That a building once started shall be completed as to external appearance within a period of nine months.

WITNESS our hands and seal, this 15th day of October,
A. D. 1965.

Thomas Foy
Thomas Foy

Mary V. Foy
Mary V. Foy

Rosemary F. Stewart
Rosemary F. Stewart

J. Franey Foy
J. Franey Foy

Winifred Ann F. Momen
Winifred Ann F. Momen

Thomas P. Foy
Thomas P. Foy

STATE OF NEW MEXICO)

COUNTY OF GRANT)

ss.

On this 15th day of October, 1965, before me personally appeared THOMAS FOY and MARY V. FOY, his wife, ROSEMARY FOY STEWART, J. FRANEY FOY, WINIFRED ANN F. MOMSEN and THOMAS P. FOY, known to me to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal, the day and year above

Myrtle L. Lowe
Notary Public



City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION NO. 18-2022

RESOLUTION OF THE CITY OF BAYARD RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF BAYARD AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, FOR THE PERIOD OF JULY 2022 TO JUNE 2023, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF CITY OF BAYARD.

WHEREAS, the City of Bayard is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for the City of Bayard be entered into and it is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by the City of Bayard to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of the City of Bayard to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF BAYARD THAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of the City of Bayard.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of the City of Bayard and is hereby authorized and instructed to affix their signature thereto.
3. A Certified copy of this Resolution (together with the Agreement) shall be filed at the Southwest New Mexico Council of Governments.

Done this the 8th day of August, 2022 in Regular Session, at Bayard City Hall.

ATTEST:

Chon S. Fierro
Mayor

Kristina Ortiz, MMC
Clerk Treasurer

AGREEMENT

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as COG), and the City of Bayard a Member of said Southwest New Mexico Council of Governments (hereinafter known as Member) is as follows:

1. COG agrees to furnish the following services to Member:
 - (a) Provide an updated statistical data base of federal and state statistics.
 - (b) Furnish technical assistance to Member as requested by Member in planning development.
 - (c) Coordination of planning with other Members of COG and various other State of New Mexico and local agencies.
 - (d) Furnish management, advice and assistance to Member as Member requests in implementing their plans.
 - (e) Furnish clearinghouse and environmental review of all projects of Member and where requested by Member, assist in the development of material for clearinghouse review.
 - (f) Assist Member in developing Infrastructure Capital Improvement Plan.
 - (g) Assist Member, when requested, in the development of Community Development Block Grant applications, as well as, assistance in monitoring and compliance.
 - (h) Assist Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Represent Member with economic development activities.
 - (j) Assist Member with economic development activities.
 - (k) Assist Member, with the development of housing initiatives and programs.
 - (l) Assist Member in the preparation of applications under Department of Transportation.
 - (m) Represent membership, when requested, under NM Department of Transportation for program funding.
 - (n) Assist Member with Capital Outlay process.
 - (o) Provide training that will benefit the membership.

2. Member agrees to furnish the following:

- (a) To remain a voting member of the Southwest New Mexico Council of Governments and to participate in its policy development and administration.
- (b) Will designate _____ (name), to be the Member of (email address) _____.
- (c) To pay, in one lump sum, annual dues in the amount of \$2,063.00 into the treasury of COG as payment for these services.

Total Assessment for Fiscal Year 2022-23 is \$2,063.00

- (d) Such payment shall be for all services rendered to Member, by COG, for the period beginning July 1, 2022 and ending June 30, 2023. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the _____ day of _____, 2022
_____, New Mexico.

Name of Local Unit of Government: City of Bayard

Signature of Authorized Official

ATTEST:

Clerk or other Authorized Official

(S E A L)

=====

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

Aaron Sera, Chairman

Priscilla C. Lucero, Secretary/Treasurer

SOUTHWEST NEW MEXICO
COUNCIL OF GOVERNMENTS
PO Box 2157, Silver City, NM 88062

Invoice No.

1

INVOICE**Customer**

Name City of Bayard
Address P.O. Box 728
City Bayard State NM ZIP 88023
Phone (575)537-3327

Misc

Date 7/8/2022
Order No.
Rep
FOB

Qty	Description	Unit Price	TOTAL
1	FY 2022-2023 Member's Dues	\$ 2,063.00	\$ 2,063.00
			SubTotal \$ 2,063.00
			Shipping
			TOTAL \$ 2,063.00

Payment Check

Tax Rate(s)

Comments
Name
CC #
Expires

Office Use Only

Please remit to: SWNM Council of Governments, PO Box 2157, Silver City, NM 88062



Southwest New Mexico Council of Governments

PO Box 2157, Silver City, NM, 88062 • Ph: 575-388-1509 • Fax: 575-388-1500 • www.swnmcog.org

MEMORANDUM

TO: City of Bayard

FROM: Jessie St. Clair, Administrative Assistant

DATE: July 14, 2022

SUBJECT: Agreement and Dues Fiscal Year 2022-2023

Enclosed are the agreement, resolution, and invoice for Southwest New Mexico Council of Governments (SWNMCOG) membership. Please return the completed signed agreement and resolution. The SWNMCOG will return final documents with executed signatures.

Please return all documents and membership dues by October 31, 2022. If you would like any of these documents e-mailed please contact me at (575) 388-1509 or jessie@swnmcog.org.

Thank you for your time!

Enclosures

Members: Catron County, Grant County, Hidalgo County, Luna County, City of Bayard, Village of Columbus, City of Deming, Town of Hurley, City of Lordsburg, Village of Reserve, Village of Santa Clara, Town of Silver City, Village of Virden, Cobre Consolidated Schools, Deming Public Schools, WNMU, Lordsburg Municipal Schools, Deming Soil & Water Conservation District, Hidalgo Soil & Water Conservation District, San Francisco Soil & Water Conservation District, Tyrone MDWCA, Rancho Grande MDWCA, Hanover MDWCA, Casas Adobes MDWCA, Lake Roberts MDWCA, Arenas Valley MDWCA, SW Solid Waste Authority



New Mexico Department of Finance & Administration Local Government Division, Budget & Finance Bureau **REQUIRED CHECKLIST FOR ACCEPTANCE OF CREDIT CARDS AND ELECTRONIC TRANSFERS**

This checklist is intended to assist local governments in complying with Section 6-10-1.2, NMSA 1978 which states *“the local governing body shall adopt procedures, subject to the approval of the department, on the terms and conditions of accepting payments by credit card or electronic transfers”*. *“Department” is the Department of Finance and Administration (DFA).*

Check completed items below, as applicable, and prepare documents as needed.

This signed checklist and supporting documentation must be included with the submission of your local entity's "Interim Budget" due on or before June 1st. Upload all files onto the Local Government Budget Management System (LGBMS) using the "files" tab.

Local Government Entity Contact Information

Entity: _____ Phone Number: _____

Entity Contact Name: _____ Email Address: _____

REQUIRED DOCUMENTATION-Submit as part of the formal request for approval.

A letter addressed to the DFA Local Government Division Director, from the local entity's County Manager, Municipal Mayor or CFO including all the following:

GENERAL INFORMATION

- _____ The reason the local entity would like to accept credit card payments or electronic transfers.
- _____ A list of all fees, taxes, or other amounts to be collected from credit card payments or electronic transfers.
- _____ A statement as to whether the local entity will absorb fees for acceptance of payment cards, or the cardholders will be assessed a convenience or service fee.
- _____ A statement identifying the payment gateway that will be used to facilitate online credit card payments or electronic transfers.

ATTESTATION THAT THE LOCAL ENTITY WILL:

- _____ Follow the terms and conditions for payment card acceptance as set out in the Fiscal Agent Agreement. **Include fiscal agent name and agreement effective dates on letter.**

CONTINUED-ATTESTATION THAT THE LOCAL ENTITY WILL:

- _____ Follow industry guidance, procedures, and rule compliance established by National Automated Clearing House Association (NACHA) for electronic payments and Payment Card Industry (PCI) for credit card payments.
- _____ Pay all costs associated with the acceptance of payment card services card services, including but not limited to (1) purchases or leases of merchant equipment, as set out in the Fiscal Agent Agreement and any agreement with an approved third-party processor, and (2) any assessment charged by local entity to cover the cost of compliance with PCI data security standards (DSS) and NACHA.
- _____ Be responsible for tracking, researching, and recording all payment card transactions for reconciliation purposes.
- _____ If a PCI audit has been completed, please provide a copy of the audit compliance report to DFA.
- _____ Provide your independent auditor with DFA's approval letter.

CONFIRMATION THAT:

- _____ Memorandum or other attestation from your local entity's information and technology (IT) which certifies the acceptance of payment cards and electronic transfers are on a secure system, meet current PCI-DSS and NACHA standards, provide proper encryption of account numbers, and customer data is protected. **A copy of the memorandum or PCI Audit must be provided to DFA.**
- _____ If fees for acceptance of payment cards will be paid by the cardholder, procedures must be developed defining current charges of collected convenience and/or service fees from cardholders. In addition, confirmation that the convenience and/or service fees will be in compliance with Subsection B of 6-10-1.2 which states "*local governing body may charge a uniform convenience fee to cover the approximate costs imposed by a financial institution that are directly related to processing a credit card or electronic transfer transaction.*" **A copy of these procedures must be provided to DFA.**
- _____ Memorandum or other attestation from the Fiscal Agent-Merchant Service Agreement that the structure and/or procedures for collecting payment cards meet the Fiscal Agent's requirement, complying with the Fiscal Agent Agreement. **A copy of the memorandum or attestation must be provided to DFA.**
- _____ If the local entity is using a third-party processor, **a copy of the executed third-party processor agreement must be provided to DFA.**

I _____, certify this check list is complete and
Name & Title (must be signed by Mayor or County Manager)

copies of all required documents have been uploaded onto DFA's Local Government Budget Management System (LGBMS) with the local entity's interim budget due on or before June 1st: and

Attest _____ will comply with all PCI, DSS
Local Entity's Name

and NACHA Standards, and **release The Department of Finance and Administration (DFA), against any claims, suits, or actions of any kind whatsoever for liability, damages, compensation or otherwise brought by anyone on behalf of the Local Entity, including attorney's fees and any related costs.**

Signature

Date: _____

City of Bayard

Credit Card Acceptance and Processing Policy

Adopted 06/14/2022

Introduction

The purpose of these procedures is to provide guidance for accepting credit card payments for services throughout the City of Bayard, accounting controls to mitigate risks of credit card fraud, and an understanding of the Payment Card Industry (PCI) regulations.

Scope

All town employees involved in processing credit card transactions and in the support of the cardholder data environment (process, review, reconcile, approve, system support, etc.) are subject to the terms of this procedure.

Applicable Policies and Procedures

Payment Card Industry Executive Charter and Compliance Policy
City of Bayard Internal Controls Policy

Acceptance and Processing

- 1-1-1 Credit card payments shall be used for the sole purpose of processing payment transactions for services provided by the City of Bayard to the cardholder. Cash advances or any cash withdrawals are not authorized at the City of Bayard.
- 1-1-2 New Services to be processed for the payment within any activities within the City of Bayard shall be in accordance with these standards and approved by the City of Bayard Governing Body. The cost of equipment will be paid from departmental funds, processing fees will be passed on to the card user. Technology implementation must be in accordance with the Payment Card Industry Data Security Standards (PCIDSS).
- 1-1-3 All departments must use the credit card payment processor under contract with the City of Bayard. The City of Bayard's administrative staff will assist in obtaining new services and equipment working with the contracted credit card payment processor. Only authorized personnel shall contact the payment processor directly for new equipment or services.

Handling Credit Card Information

In accordance with PCI DSS, Req. 12.6.1, all employees involved in processing credit card transaction and the support of the cardholder data environment (process, review, reconcile, approve, system support, etc..) must be trained upon hire.

Protecting cardholder data is essential; thus, every effort shall be made to protect the cardholder. Any physical access should be appropriately restricted to data or systems that house, process or transmit cardholder data to not provide the opportunity for persons to access and/or remove devices, data, systems or hardcopies.

For each Payment Channel, the acceptable PCI DSS compliance method is explained below:

- 2-1-1 Via phone: Credit card payments over the phone shall be processed with procedures in place to secure and ensure the cardholder is protected. Staff is prohibited from writing or storing card information. Credit card information will be processed directly in the system or POS terminal while customer is on the telephone line.
- 2-1-2 Via U.S. Mail: Credit card payments shall not be processed via U.S. Mail or any delivery service.
- 2-1-3 In Person: When Processing a credit card transaction into the system or POS terminal, it must be processed in full view of the customer. Staff is prohibited from writing or storing card information. Credit card information will be processed directly in the system or POS terminal while customer is present at the location. Security controls must be in place when handling in-person transactions. The POS terminal will be turned for accessibility by the card user.
- 2-1-4 Via Fax or Email: Credit card payments shall not be processed via fax or email.
- 2-1-5 Internet: Transactions shall be processed through the secure website managed by contracted by a 3rd party processor for processing internet payments. No information shall be saved/stored if this option is available.
- 2-1-6 ACH: Customer transactions shall be processed monthly on a specified date set by the City of Bayard through the POS terminal with the authorized amount approved by the cardholder. Procedures are in place to secure and ensure the cardholder is protected. Vendor ACH payments shall be processed throughout the month by the City of Bayard through the POS terminal and shall be authorized by the Clerk or Deputy Clerk. No other employee shall have the rights to issue the final approval for ACH transactions.

Accounting Controls

3-1-1 Refunds, Voids, Credits

1. There will be no refunds issued for credit card payment to the City of Bayard
2. Credits will be applied to the customer/card user account for a future billing

3-1-2 Reconciliation: Each day the batches must be closed and reconciled using the daily reports provided with the end of the packet using the City of Bayard's utility program.

A detailed reconciliation process will be done monthly in conjunction with the bank reconciliation done by the finance department. All copies will be retained for audit review.

All deposits will be reviewed and approved by the Clerk Treasurer or other assigned staff.

Terminals (Point of Sale (POS) Equipment)

Terminals shall be stored in a physically secure location when not in use. There shall be a documented and periodic review process in place and performed at least quarterly to detect

any tampering of equipment (unauthorized payment card skimmers) and a log must be maintained for the periodic review.

The City of Bayard does not use wireless terminals, if this equipment becomes necessary the wireless terminals shall connect directly to the City of Bayard approved processor in accordance with Point to Point Encryption (P2PE) devices. Portable devices that attach to tablets, smartphones, etc. are not PCI compliant and should not be used. Only authorized staff will be allowed to order credit card equipment.

Payment Card Industry Data Security Standards

The PCI DSS is the global data security standard adopted by the payment card brands for all entities that process, store, or transmit cardholder data. It consists of common-sense steps that mirror security best practices. Noncompliance to these standards can result in significant fines assessed to the City of Bayard and may result in loss of the ability to accept credit cards.

In order to ensure compliance with PCI DSS requirement an annual PCI Self-Assessment Questionnaire must be completed and submitted to DFA with the Interim Budget by June 1st of each year.

All standards for the PC DSS requirements can be found at
<https://www.pcisecuritystandards.org/>

Adopted this _____ Day of _____, 2022.

Roman Garcia-Mayor
 City of Bayard

Attest:

Shaline Lopez-Clerk/Treasurer



J E M U R A I

Matt Konda
CEO, Jemurai, LLC
<https://jemurai.com>
mkonda@jemurai.com

02/24/2022
Kris Bultman
Director of Technology
Continental Utility Solutions, Inc.

Dear Kris:

Jemurai was contracted by Continental Utility Solutions, Inc. (CUSI) to conduct a third-party Application Penetration test of the CUSI Customer Web Portal and their UMS Web API. The goal of the Application Penetration test was to ensure the software, as implemented, follows best practices as specified by the Open Web Application Security Project (OWASP) utilizing the OWASP Application Security Verification Standard (ASVS).

In May 2021, Jemurai performed attack exercises designed to reveal security flaws with CUSI's Customer Web Portal and their UMS Web API. At the end of the test, Jemurai delivered a detailed document of Jemurai's analysis and recommendations. In October 2021, CUSI contracted Jemurai to perform a second round of testing to ensure remediation of any previous findings.

In conclusion, Jemurai has successfully completed Application Penetration Testing of the CUSI Customer Web Portal and UMS Web API. Jemurai has delivered to CUSI a final report detailing Jemurai's findings and recommended best practices. Future changes to the application will require additional analysis to ensure the software adheres to recommended best practices.

Sincerely,

Matt Konda
CEO, Jemurai



CONTINENTAL UTILITY SOLUTIONS, INC.

Sales Representative: Charli Jo Ledgerwood

P. O. Box 1515

Jonesboro, AR 72403

www.cusi.com

(870) 336-2203

Quote #: cj210405100700

April 5, 2021

Sales Agreement



Bayard Municipal Water System

800 Central Ave

Bayard, NM

88023

Kristina Ortiz

575-537-3327

cityclerk@cityofbayardnm.com

IT Services

CUSI Managed Data Security Services - Setup Fees

1 Basic Managed Data Security Services - Deployment Fee	\$350.00	\$350.00
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CUSI Managed Data Security Services

1 Basic Managed Data Security Services - First Device Per Year	\$540.00	\$540.00
Includes: CIS/Utility Billing Setup & Configuration, CIS/Utility Billing Data Restoration, Cloud Backups, Antivirus Protection, Endpoint and SSL Monitoring		

Additional Software for UMS Utility Billing Solution

1 SQL Server 2019 Express		Included
---------------------------	--	----------



Economic Summary

CUSI Managed Data Security Services - Setup Fees	\$350.00
CUSI Managed Data Security Services	\$540.00
Additional Software for UMS Utility Billing Solution	\$0.00

Total \$890.00



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Terms of Sale

Company has ordered and agrees to purchase from CUsi the products and services defined under this Sales Agreement at the listed quantities and rates. Upon receipt of an executed Sales Agreement CUsi shall ship all products to the Company address and contact defined above and services shall be scheduled and initiated. Company acknowledges that CUsi's products and services are subject to the terms and conditions of a separate Software License Agreement between Company and CUsi located at www.cusi.com/legal. Any service requiring CUsi or third parties to travel will incur corresponding expenses that will be billed actual as incurred unless otherwise noted. Travel requiring more than 5 hours of travel time will be billed an additional charge equal to 50% of the daily rate. If Company is not tax exempt or does not provide exemption documentation, CUsi shall invoice for such applicable taxes on each invoice. In the event the tax exemption documentation provided by the Company is disallowed or deemed invalid, Company agrees to pay in full all such taxes, including any applicable interest or penalties.

Tax Exempt Status

Initial where appropriate:

X

This entity **IS EXEMPT** from sales tax and will provide or has provided our exemption certificateThis entity **IS NOT EXEMPT** from sales tax

Quotation Terms

This quote is valid until 05/05/2021. Quote was created using Sales Agreement Version: 2021.04.01

Execution Instructions

Execute, date, and email all pages to sales representative.



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Kristina Ortiz

575-537-3327

cityclerk@cityofbayardnm.com

**Purchaser Authorization**Purchase Order # 9489

I certify that as the person signing this form I have purchasing authority for Bayard Municipal Water System.

Print Name:

Kristina Ortiz

Title:

Clerk Treasurer

Authorized Signature:

[Signature]

Date:

4/14/21

TO include CWP Turnkey Solution
Server



CONTINENTAL UTILITY SOLUTIONS, INC.

P.O. Box 1515
Jonesboro, Arkansas 72403

870-336-2227 Phone
870-336-2227 Fax
sharrington@cusi.com

March 3, 2022

RE: CWP Security Updates & NACHA Compliance Mandate 2021 – Account Validation

Dear Valued CUSI Client:

CUSI is preparing to release important changes to the Customer Web Portal platform on or about March 19, 2022. These modifications will both increase security standards and comply with NACHA Article Two Subsection 2.5.17.4 Debit Web Entries for processing WEB Debit transactions – <https://www.nacha.org/rules/supplementing-fraud-detection-standards-web-debits>.

Please review the below information and embedded FAQ/Workflow links to understand the impact to your Utility.

SECURITY UPDATE:

Affects: All CWP Utility Clients

Due to the increasing risk and threat of bot attacks in the U.S., CUSI is increasing Customer Web Portal security by adding reCAPTCHA to the Quick Pay payment option. This security feature is an additional measure to protect the web portal from being used for malicious activity by outside sources. Utility customers who attempt to process credit card payments through Quick Pay will first be required to prove they are not a robot.

NACHA UPDATE:

Affects: Utilities that accept eChecks and/or allow recurring ACH signups via CWP

Effective March 19 NACHA requires that all end user web debit transactions validate bank routing numbers and account numbers.

CUSI has partnered with Plaid to validate Utility customer routing numbers and account numbers when initiating eCheck transactions and authorizing recurring ACH signups through CWP. The validation process will occur the first time a Utility customer attempts to process an eCheck, updates banking information, or signs up for recurring ACH through the web portal.

CUSI's validation service will also verify the Utility customer's balance as part of the account validation process. A "soft decline" will be given to customers whose balance reflects a lower amount than the payment they are attempting to make. This will give the customer the opportunity to proceed with the payment or select another payment option.

The account validation process will also verify recurring ACH draft accounts upon initial sign up for such service online.

The fees for this service are transaction based and will be invoiced to the Utility monthly based upon actual consumption:

Account Authorizations: \$1.50 per account link/update (one-time)

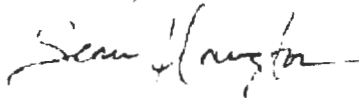
Balance Checks: \$0.20 per transaction

Due to the nature of the Account Validation process, eChecks will be disabled from CWP Quick Pay. Utility customers will still have the ability to register with CWP to process an eCheck payment. Credit/Debit transactions may still be processed through Quick Pay.

CUSI is aware that these are significant changes. We believe the changes will increase the quality of eCheck transactions and ACH validation and ensure your Utility is compliant with the most up-to-date security and ecommerce regulations. CUSI will continue to provide updates and operational support as we roll out these new validation services and Customer Web Portal version over the next month.

For more information, please contact your account manager, implementation manager, tech support, or myself.

Thank You,



Sean Harrington

**Payment Services Commercial Manager
Continental Utility Solutions, Inc.**

[Plaid FAQs Document](#)

[Plaid Workflow Document](#)

RESOLUTION – 2022
A RESOLUTION REQUIRING CITY EMPLOYEES TO
COMPLY WITH CERTAIN PUBLIC HEALTH
REQUIREMENTS

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (“COVID-19”) that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another,

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of health confirmed the first cases on individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Governor Grisham issued Executive Order 2020-004 declaring that a Public Health Emergency existed in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All-Hazards Emergency Management Act;

WHEREAS, Governor Grisham has renewed the declaration of a Public Health Emergency through May 4, 2022;

WHEREAS, the currently available COVID-19 vaccines are a safe and effective way of preventing serious illness or death;

WHEREAS, regular testing and social-distancing remain some of the most effective ways to minimize the spread of COVID-19.

NOW, THEREFOR, I, Chon Fierro, Mayor of the City of Bayard, hereby adopt the provisions of Executive Order 2022-010 regarding use of masks, vaccinations, and testing requirements; and hereby ORDER and DIRECT as follows:

1. City employees shall comply with the provisions regarding the use of masks contained in the operative Public Health Order issued by the Secretary of the Department of Health during the course and scope of their employment.
2. City employees who (i) are not fully vaccinated against COVID-19, as defined by the Centers for Disease Control and Prevention; (ii) have not received a booster dose of the vaccine, if eligible according to the FDA, by February 17, 2022, or within four weeks of becoming eligible; or (iii) are not willing or able to provide adequate proof of such

vaccination shall provide adequate proof that the employee has tested negative for COVID-19 on a weekly basis.

3. Any city employee who is not fully vaccinated or has not receive a booster dose of the vaccine, if eligible, and who tests positive for COVID-19 may return to work following the completion of any mandatory isolation period prescribed by the New Mexico Department of Health. A negative COVID-19 test result is not required to return to work, provided the employee completes the mandatory isolation period. All such employees who test positive for COVID-19 shall be exempt from the testing requirement in Paragraph 2 for a period of 90 days following the date of the employee's positive COVID-19 result.

4. Employees who refuse to abide by the above requirements may be subject to disciplinary action, up to and including termination, in accordance with applicable law.

5. City department heads shall ensure, consistent with law, that any documentation related to vaccination status, healthcare directives, or test results are not disclosed to individuals other than those necessary to ensure compliance with this Order.

6. The City Council shall approve the Guidance on the full implementation and administration of this Order, and COVID-19 mitigation, Self-screening, and Reporting Policy and Procedure, which shall be provided to the department heads.

I, FURTHER ORDER and DIRECT that this Order shall take effect immediately, and shall remain in effect until renewed, modified, or rescinded.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Bayard, New Mexico this 8th day of August 2022.

WITNESS MY HAND THE SEAL
OF THE CITY OF BAYARD

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

Guidance on Administrative Leave for COVID-19-Related Conditions

Purpose:

In consultation with the City Council, and pursuant to Personnel Ordinance 1-2015 A, Administrative Leave, the purpose of this memorandum is to authorize paid administrative leave for certain employees who meet one or more of the COVID-19-Related Conditions identified below beginning August 1, 2022.

Scope:

Paid Administrative Leave for COVID-19-Related Conditions, as described herein, is not an entitlement under federal law; it is a benefit authorized by the City Council, only for City of Bayard employees who meet the criteria set forth below, including term and temporary appointments.

Background:

On March 11, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-004, Order Declaring a State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act, declaring a public health emergency due to the spread of COVID-19 in New Mexico. That Order and the public health emergency have been renewed in subsequent Executive Orders.

COVID-19-Related Conditions:

1. The employee is subject to isolation or quarantine related to COVID-19 pursuant to government order or Agency policy;
2. The employee has been advised by a healthcare provider or the employee's Cabinet Secretary or Agency Head or Agency Human Resources to isolate or quarantine due to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis/ awaiting results of a COVID-19 test;
4. The employee is caring for an individual subject to an isolation or quarantine order related to COVID-19; or
5. The employee is caring for the employee's son or daughter under 18 years of age, if the school or childcare facility for the child has been closed or the caregiver or childcare provider of such son or daughter is unavailable because of a public health emergency.

Paid Administrative Leave for COVID-19-Related Conditions:

Due to the continuing public health emergency, and pursuant to Personnel Ordinance 1-2015 A, Administrative Leave, beginning August 1, 2022, paid administrative leave shall be available for employees who have one or more of the identified COVID-19-Related Conditions, as follows:

- A. For employees who meet COVID-19-Related Conditions 1-4 as described above:

i. Mayor/Mayor Pro-tem may authorize administrative leave with pay for up to five (5) consecutive workdays when it is in the best interest of the City to do so. Under this subsection (i):

a. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of COVID19-Related Conditions 1-4.

b. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Conditions 1-4 and are able to work from home or telework intermittently, but in no event shall extend past five (5) consecutive workdays total.

c. City Council approval is not required.

ii. Mayor/Mayor Pro-tem may authorize, administrative leave with pay in excess of five consecutive workdays and up to ten (10) consecutive workdays when it is in the best interest of the City to do so. Under this subsection (ii):

a. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of the COVID-19-Related Conditions 1-4.

b. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Conditions 1-4 and are able to work from home or telework intermittently, but in no event shall extend past ten (10) consecutive workdays total.

B. For employees who meet COVID-19-Related Condition 5 as described above (caring for a son or daughter because school is closed), Mayor/Mayor Pro-tem may authorize up to twenty (20) hours of paid administrative leave per workweek for up to four (4) workweeks per employee request. Under this subsection (B):

i. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of COVID-19-Related Condition 5.

ii. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Condition 5 and are able to work from home or telework intermittently, but in no event shall extend past twenty (20) hours per workweek for up to four (4) workweeks.

iii. Employees may work, work at home or telework, use accrued leave, or take leave without pay for the remainder of the workweek.

iv. Employees must have been employed with the City for at least thirty (30) days to be eligible for this paid administrative leave.

Unable to Work from Home or Telework:

An employee is "unable to work from home or telework" if the Agency has work or duties for the employee and one of the COVID-19-Related Conditions set forth in this Memorandum prevents the employee from being able to perform that work at home or by telework. If the City agrees that the employee will work the normal number of hours, but

outside of the employee's normally scheduled hours (for instance early in the morning or late at night), then the employee is able to telework or work from home and leave is not necessary unless a COVID-19-Related Condition prevents the employee from working that schedule or part of that schedule. Agencies should consider all viable options for work from home, telework, and flexible work schedules and collaborate with employees who meet COVID-19-Related Conditions 1-5 to achieve flexibility and meet mutual needs.

Work from Home or Telework:

For purposes of this Memorandum, "telework" means an employee who is working from home doing their normal/regular duties, making use of the Internet, email, or phone. "Work from home" is broader and means that an employee is working from home doing work, including work other than their normal/regular duties, that may not require Internet, email, or phone.

A detailed log of all work completed under the provision of "telework" or "work from home" shall be submitted to the department head upon return to work, or end of pay period. All logs shall be submitted to the payroll clerk for filing.

Part-time employees:

Part-time employees subject to the Personnel Ordinance who are unable to work from home or telework are eligible for Paid Administrative Leave for COVID-19-Related Conditions under the same conditions as stated herein. This includes part-time employees in term and temporary appointments subject to the Personnel Act.

Interaction with Family and Medical Leave Act (FMLA) Leave:

Paid Administrative Leave for COVID-19-Related Conditions will not count toward an employee's FMLA Leave entitlement.

Calculating Paid Administrative Leave for COVID-19-Related Conditions:

City Human Resources (HR)/or Payroll Clerk will calculate Paid Administrative Leave for COVID-19-Related Conditions 1-4 and enter it into Abila based on the employee's average number of work hours in a two-week period (the employee's normal hours scheduled). (For example, if an employee works an average of 76 hours per two-week period, and is otherwise eligible, they may receive 76 hours of Paid Administrative Leave for COVID-19-Related Conditions 1-4.) If an employee's normal hours scheduled are unknown, or if the employee's schedule varies, the department or agency may use a six-month average to calculate the average daily hours. If this calculation cannot be made because the employee has not been employed for at least six months, the City may use the number of hours that the employee and the City agreed that the employee would work upon hiring. And if there is no such agreement, the City may calculate the appropriate number of hours of leave based on the average hours per day the employee was scheduled to work over the entire term of their employment.

Additional Procedure:

- Employees may submit a request to the HR for Paid Administrative Leave for COVID19-Related Conditions. The City will provide HR with two (2) forms to request Paid Administrative Leave for COVID-19-Related Conditions, one for Conditions 1-4 as described above and one for Condition 5 as described above (caring for a son or daughter because school is closed). Due to social distancing requirements during this public health emergency, employees may sign and scan the form to HR. If they are unable to do so, they may contact their HR by email or telephone and HR may submit the form on their behalf. HR should include a copy of the email or specific reference to the telephone call on the form.
- For Conditions 1-4 as described above, once approved by the Mayor/Mayor Pro-tem, HR will notify the employee of Paid Administrative Leave status. The employee will then be required to follow city leave policy and procedures.
- For Condition 5 as described above (caring for a son or daughter), once approved by the Mayor/Mayor Pro-tem, HR will notify the employee of Paid Administrative Leave status. The employee will then be required to follow city leave policy and procedures.
- Paid Administrative Leave pursuant to this Memorandum is in addition to any sick or other leave the employee has accrued.
- Paid Administrative Leave for COVID-19-Related Conditions 1-4 should be coded by HR/Payroll as "PDCVL" in ABILA with the relevant COVID-19-Related Condition(s) indicated in the comment bubble on the timesheet.
- Paid Administrative Leave for COVID-19-Related Condition 5 (caring for a son or daughter because school is closed) should be coded by HR/Payroll as "PFCVL" in ABILA.
- The PDCVL and PFCVL codes are only available to and need to be entered into ABILA by HR/Payroll.
- The City has the authority to audit the use of paid administrative leave for COVID-19-Related Conditions.

CITY OF BAYARD COVID-19 MITIGATION, SELF-SCREENING, AND REPORTING POLICY AND PROCEDURE

1. PURPOSE

- 1.1.1 The CITY's goal is to return its employees to their designated workplace in municipal buildings and facilities safely while minimizing the risk of its employees contracting COVID-19. This Policy and Procedure provides direction and guidance to employees accordingly.
- 1.1.2 The CITY is requiring its employees to follow a COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices to reduce the possibility of COVID-19 transmission in our buildings and facilities. The COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices are set out below.
- 1.1.3 If any provision of this Policy and Procedure is in conflict with an Executive Order or Public Health Order, the Executive Order or Public Health Order shall control.

2. REFERENCES

- New Mexico Department of Health (NMDOH), *Policies for the Prevention and Control of COVID-19 in New Mexico* (January 13, 2022):
<https://cv.nmhealth.org/wp-content/uploads/2022/01/EPI-COVID19-Containment-Policies-1.13.2022.pdf>
- NMDOH COVID-19 website:
[NMDOH - Coronavirus Updates | Coronavirus Updates in New Mexico \(nmhealth.org\)](https://nmhealth.org/coronavirus/)
- Centers for Disease Control and Prevention (CDC), *Ending Isolation and Precautions for People with COVID-19: Interim Guidance* (updated December 28, 2021):
[Ending Isolation and Precautions for People with COVID-19: Interim Guidance \(cdc.gov\)](https://www.cdc.gov/media/releases/2021/s1228-covid19-isolation.html)
- CDC, *Quarantine and Isolation* (updated January 4, 2022):
[COVID-19 Quarantine and Isolation | CDC](https://www.cdc.gov/media/releases/2022/s0104-covid19-quarantine.html)
- CDC, *How to Protect Yourself & Others* (updated November 29, 2021):
[How to Protect Yourself & Others | CDC](https://www.cdc.gov/media/releases/2021/s1129-covid19-protect.html)
- CDC, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (updated June 9, 2021):
[Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities | CDC](https://www.cdc.gov/media/releases/2021/s0609-covid19-correctional.html)
- CDC, *Guidance for Wearing Masks* (updated April 19, 2021):
[COVID-19: Considerations for Wearing Masks | CDC](https://www.cdc.gov/media/releases/2021/s0419-covid19-masks.html)
- CDC, *Cleaning and Disinfecting Your Facility* (updated November 15, 2021):
[Cleaning and Disinfecting Your Facility | CDC](https://www.cdc.gov/media/releases/2021/s1115-covid19-cleaning.html)
- CDC, *Stay Up to Date with Your Vaccines* (updated January 5, 2022):
[Stay Up to Date with Your Vaccines | CDC](https://www.cdc.gov/media/releases/2022/s0105-covid19-vaccines.html)
- CDC, *CDC Expands COVID-19 Booster Recommendations* (November 29, 2021):
[CDC Expands COVID-19 Booster Recommendations \(November 29, 2021\):](https://www.cdc.gov/media/releases/2021/s1129-covid19-booster.html)

[CDC Expands COVID-19 Booster Recommendations | CDC Online Newsroom | CDC](#)

- [CDC, *CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population* \(December 27, 2021\):](#)

[CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population | CDC Online Newsroom | CDC](#)

- [CDC, *Quarantine & Isolation* \(updated January 9, 2022\)](#)

[COVID-19 Quarantine and Isolation | CDC](#)

- [Executive Order 2021-062 \(November 12, 2021\):](#)

[Executive-Order-2021-062.pdf \(state.nm.us\)](#)

- [Executive Order 2021-066 \(December 2, 2021\):](#)

[Executive-Order-2021-066-1.pdf \(state.nm.us\)](#)

- [U.S. Equal Employment Opportunity Commission \(EEOC\), *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* \(updated December 16, 2020\):](#)

[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

- [EEOC, *Pandemic Preparedness In the Workplace and the Americans With Disabilities Act* \(updated March 21, 2020\):](#)

[Pandemic Preparedness in the Workplace and the Americans with Disabilities Act | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

3. DEFINITIONS

- 3.1 **"Booster Dose"**: An additional dose of Pfizer-BioNTech or Moderna COVID-19 vaccine for an individual who has completed a primary series of Pfizer-BioNTech, Moderna, or Johnson & Johnson Janssen COVID-19 vaccination.
- 3.2 **"Close Contact"**: Within six feet for a cumulative total of 15 minutes or more over a 24-hour period. Wearing a mask or cloth face-covering does not affect the definition for Close Contact.
- 3.3 **"Common Areas"**: Any areas in State buildings, facilities, or property generally accessible to all occupants and available for use by more than one person, including but not limited to: entrance areas, hallways, conference rooms, auditoriums, multi-occupant offices, kitchens, bathrooms, and State vehicles. Single-occupant offices and cubicles occupied by a single employee are not Common Areas.
- 3.4 **"COVID-19 Infectious Period"**: For people who are COVID-19 positive, whether or not they have symptoms, the Infectious Period starts two days before symptoms begin and can extend up to 10 days after symptom onset or testing COVID-positive, whichever is longer. However, the highest period of infectiousness starts two days before symptoms begin and ends 3 days after symptom onset.
- 3.5 **"COVID-19 Symptoms"**: Fever (temperature of 100.4 degrees Fahrenheit or more), chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.
- 3.6 **"Eligible for Booster Dose"**: All individuals 18 years of age and older are eligible to receive a Booster Dose five months after an individual's primary series of vaccination with Pfizer-BioNTech or Moderna COVID-19 vaccines or two months after an

- individual's primary series of vaccination with Johnson & Johnson's Janssen COVID-19 vaccine.
- 3.7 **"Exposure" or "Exposed"**: Close Contact with a person with laboratory-confirmed COVID-19 during their COVID-19 Infectious Period, without the employee wearing Personal Protective Equipment.
 - 3.8 **"Fully Vaccinated"**: Two weeks after an individual has completed the primary series of vaccination with a vaccine approved by the Food and Drug Administration, including on an emergency basis, to prevent COVID-19. An individual will be fully vaccinated two weeks after the second dose of the Pfizer-BioNTech or Moderna COVID-19 vaccines or two weeks after single-dose Johnson & Johnson's Janssen COVID-19 vaccine.
 - 3.9 **"Human Resources"**: CITY Human Resources.
 - 3.10 **"Isolation" and "Quarantine"**: Both Isolation and Quarantine are public health strategies that refer to someone being physically separated from other people to prevent the spread of a communicable disease. For purposes of this Policy and Procedure, "Isolation" separates people who are COVID-positive (with or without symptoms) from others who are not COVID-positive; "Quarantine" separates people who were Exposed to a COVID-positive person from others who are not COVID-positive while they monitor if they develop COVID-19.
 - 3.11 **"New Diagnosis of COVID-19"**: The first positive COVID-19 test result received during a single COVID-19 infection.
 - 3.12 **"Partially Vaccinated"**: An individual who has started, but not completed, their primary series of vaccination.
 - 3.13 **"Personal Protective Equipment"**: At minimum, a mask, eye protection, gloves, and isolation gown. The CITY has discretion to require employees providing direct care to COVID-19 positive persons to wear additional forms of personal protective equipment. The CITY will provide training in the proper use of Personal Protective Equipment it requires its employees to use.
 - 3.14 **"Primary Series of Vaccination"**: The first and second doses of the Pfizer-BioNTech and Moderna COVID-19 vaccines or the first dose of Johnson & Johnson's Janssen COVID-19 vaccine.
 - 3.15 **"Proof of Vaccination"**: Proof of COVID-19 vaccination in the form of a CDC vaccine card or a vaccine record from the New Mexico Statewide Immunization Information System (https://nmsiis.health.state.nm.us/webiznet_nm_public/Application/PublicPortal), which indicates the name of the vaccine recipient, the date(s) the vaccines were received, and which COVID-19 vaccines were received.
 - 3.16 **"Social Distancing"**: Maintaining a distance of at least six feet between individuals to limit the spread of COVID-19. Wearing a mask or cloth face-covering does not affect the definition for Social Distancing.
 - 3.17 **"Telework"**: means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the employee's assigned position location, during any part of regular, paid hours, including from an employee's residence.

- 3.18 **“Up to Date on COVID-19 Vaccinations”:** When an individual has received all recommended vaccine doses for which they are eligible. Currently an individual is Up to Date on COVID-19 Vaccinations if they are Eligible for a Booster and have received a Booster Dose or if they are not yet Eligible for a Booster but are Fully Vaccinated. An individual is not Up to Date on COVID-19 Vaccinations if they are not Fully Vaccinated, are Partially Vaccinated, or if they are Eligible for a Booster but have not received a Booster Dose.

4. POLICY

- 4.1 The **CITY** will take proactive steps to protect its employees and minimize the spread of COVID-19.
- 4.2 Completing the COVID-19 Symptoms and Exposure Self-Screening is mandatory for CITY employees each day they plan to enter a CITY or State building or facility.
- 4.3 Following COVID-19 Safe Practices is mandatory for CITY employees when they are in a CITY or State building or facility.
- 4.4 Any employee who fails to adhere to the COVID-19 Symptoms and Exposure Self-Screening Procedure, the COVID-19 Safe Practices, or any other provision of this Policy and Procedure set forth herein may be subject to disciplinary action, up to and including dismissal.
- 4.5 Any employee who harasses or discriminates against another employee due to the employee's mask-wearing or vaccination status in violation of CITY's **[ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICIES]** may be subject to disciplinary action, up to and including dismissal.
- 4.6 CITY shall work toward adopting applicable COVID-19 safe building guidance and procedures as recommended by the New Mexico Environment Department, Occupational Health and Safety Bureau (NMED-OSHA) found here: https://www.env.nm.gov/occupational_health_safety/wp-content/uploads/sites/18/2020/03/OSHA-COVID19-publication.pdf.

CITY shall publish measures that ensure air ventilation standards are maintained.

5. PROCEDURES

5.1 Mandatory COVID-19 Symptoms and Exposure Self-Screening.

Prior to entering any municipal building or facility, all employees shall complete the COVID-19 Symptoms and Exposure Self-Screening (“Self-Screening”). The Self-Screening consists of three questions about an employee's COVID-19 status, COVID-19 Symptoms, and COVID-19 Exposure, which are based on recommendations from the CDC and the NMDOH with the goal of preventing infection in the workplace and minimizing the spread of COVID-19. Employees are required to be accurate and truthful in their self-assessment.

A. *Self-Screening Questions.*

Question 1: Have you received a New Diagnosis of COVID-19 in the last 5 days?

Question 2: Have you experienced any COVID-19 Symptoms in the past 24 hours?

Question 3: Have you been Exposed to COVID-19

in the last 10 days?

B. Analysis of Self-Screening Results.

1. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 1 (have received a New Diagnosis of COVID-19 in the last 5 days), until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
2. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 2 (have experienced COVID-19 Symptoms in the past 24 hours), until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
3. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 3 (have been Exposed to COVID-19 in the last 10 days) and are not Up to Date on COVID-19 Vaccinations, until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
4. **Employees may come to the office and enter municipal buildings and facilities** if they answer no to Questions 1, 2, and 3, i.e.:
 - No New Diagnosis of COVID-19 in the last 5 days,
 - No COVID-19 Symptoms in the past 24? hours, and
 - No COVID-19 Exposure in the last 10 days.
5. **Employees may come to the office and enter municipal buildings and facilities** if they answer yes to Question 3 (have been Exposed to COVID-19 in the last 10 days), as long as they answer no to Question 2 (have experienced COVID-19 Symptoms in the past 24 hours) and are Up to Date on COVID-19 Vaccinations, i.e.:
 - Yes, COVID-19 Exposure in the last 10 days,
 - No COVID-19 Symptoms in the last 24 hours, and
 - Yes, Up to Date on COVID-19 Vaccinations.

C. When Employee May Not Enter Municipal Building or Facility.

1. When an employee's Self-Screening indicates they may not enter a municipal building or facility:
 - The employee shall contact their supervisor immediately to indicate they did not pass their Self-Screening. The employee shall also follow the CITY's established call-in procedure.
 - The employee shall follow the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
 - The employee should request permission to Telework (unless they are too sick to do so). An employee who is unable to Telework or too ill to Telework may contact Human Resources to ask if they are eligible for COVID-19-Related Conditions Leave.
2. Any employee who enters a Municipal building or facility within 5 days of receiving a New Diagnosis of COVID-19, while experiencing COVID-19 Symptoms, or within 24 hours of experiencing COVID-19 Symptoms without having completed the *Isolation, Quarantine, and Testing Instructions* required

by Section 6 below, shall be sent home immediately and may be subject to discipline, up to and including dismissal.

3. Any employee who is not Up to Date on COVID-19 Vaccinations and enters a municipal building or facility within 10 days of a known COVID-19 Exposure without having completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below shall be sent home immediately and may be subject to discipline, up to and including dismissal.

D. *Additional Agency Screening*

1. It is within CITY's discretion to require its employees to record and submit their answers to the COVID-19 Symptoms and Exposure Self-Screening questions. If CITY collects employees' COVID-19 Symptoms and Exposure Screening responses and results, the Americans with Disabilities Act (ADA) requires that CITY treat such Screening responses and results as confidential medical information and maintain them separately from the employees' personnel files.
2. CITY is permitted to administer COVID-19 Symptoms and Exposure Screening to clients, customers, and other members of the public who seek to enter CITY's buildings. It is recommended that an agency maintain any Screening responses and results from members of the public for contact-tracing purposes for 60 days. During any period of time CITY maintains Screening responses and results from members of the public, it shall treat those responses and results as confidential medical information. CITY shall not ask clients, customers, or other members of the public seeking to enter CITY's buildings if they are vaccinated.

5.2 COVID-19 Safe Practices.

All employees shall take the following steps to reduce the transmission of COVID-19 in municipal buildings and facilities:

- A. *New Diagnosis of COVID-19 or COVID-19 Symptoms.* **DO NOT** report to any municipal building or facility if you received a New Diagnosis of COVID-19 in the last 5 days, if you are experiencing COVID-19 Symptoms, or if you have experienced COVID-19 Symptoms in the last 24 hours, regardless of vaccination status, until you have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
- B. *COVID-19 Exposure.* **DO NOT** report to any municipal building or facility if you have been Exposed to COVID-19 within the last 10 days and are not Up to Date on COVID-19 Vaccinations. Call your supervisor and follow the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
- C. *Wearing Masks.* Employees, regardless of vaccination status, must wear face masks or cloth face-coverings in all Common Areas and when performing field work in indoor settings. Masks must be well-fitted and cover both your mouth and nose. The CITY will provide disposable masks to employees as necessary. Any employee who fails to mask as required herein shall be directed to put on a face mask or cloth face-covering immediately and may be subject to discipline, up to and including dismissal. All employees may remove masks when alone inside a single-occupant office with the door closed in a CITY building or facility.

- D. *Social Distancing.* Employees, regardless of vaccination status, must maintain 6 feet distance from other employees, clients, and customers at all times in Common Areas and when performing field work in indoor settings, except when less distance is required for an employee to perform documented job duties. Any employee who fails to maintain Social Distancing as required herein shall be directed to follow the Social Distancing requirement immediately and may be subject to discipline, up to and including dismissal.
- E. *Avoid Using Others' Equipment.* Employees must avoid using other employees' phones, desks, offices, keyboards, mice, or other work tools and equipment, whenever possible, except when sharing equipment is required for an employee to perform documented job duties. Clean and disinfect hands and the equipment before and after use. The CITY will supply hand sanitizer, soap, and appropriate cleaning materials to employees as necessary.

5.3 COVID-19 Best Practices.

It is strongly recommended that all employees take the following additional steps to reduce the

transmission of COVID-19 in State buildings and facilities:

A. *Clean Hands.* Employees should wash their hands often with soap and water for at least 20 seconds, especially after they have been in a public place, or after blowing their nose, coughing, or sneezing. If soap and water are not readily available, employees should use a hand sanitizer that contains at least 60% alcohol to cover all surfaces of their hands and rub them together until they feel dry. The CITY will supply hand sanitizer to employees as necessary.

B. *Cover Mouth and Nose.* Employees should cover their mouth and nose with a tissue when coughing or sneezing or use the inside of their elbow.

C. *Avoid Touching Face.* Employees should avoid touching their face, nose, mouth, and eyes.

D. *Clean and Disinfect.* Employees should clean and disinfect frequently touched objects and surfaces in their office or workstation, including phones, keyboards, mice, doorknobs, and handrails. The CITY will supply appropriate cleaning materials to employees as necessary.

6. ISOLATION, QUARANTINE, AND TESTING INSTRUCTIONS

6.1 For Employees Not Up to Date on COVID-19 Vaccinations:

- A. If employee does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the Isolation, Quarantine, and Testing Instructions provided in the Chart below.

PLEASE READ EACH QUESTION CAREFULLY.

If employee answers **YES**, they *must* follow the instructions in **red**.

1. HAVE YOU RECEIVED A NEW DIAGNOSIS OF COVID-19 IN THE LAST 5 DAYS?	If you answered YES to Question #1: • IF NEW DIAGNOSIS OF COVID-19 AND NO COVID-19 SYMPTOMS, ISOLATE 5 days from test date.
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	• IF NEW DIAGNOSIS OF COVID-19 <u>AND</u> EXPERIENCING COVID-19 SYMPTOMS OR DEVELOP COVID-19 SYMPTOMS AFTER TESTING POSITIVE, ISOLATE at least 5 days from test date or symptom onset, whichever is longer, and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved.
2. HAVE YOU EXPERIENCED ANY OF THE FOLLOWING COVID-19 SYMPTOMS IN THE PAST 24 HOURS THAT ARE INCONSISTENT WITH AN EXISTING DIAGNOSIS? ✓ Fever (100.4 degrees Fahrenheit or more) ✓ Chills ✓ Cough ✓ Shortness of breath or difficulty breathing ✓ Fatigue ✓ New loss of taste or smell ✓ Congestion or runny nose ✓ Muscle or body aches ✓ Headache ✓ Sore Throat ✓ Nausea or vomiting ✓ Diarrhea	If you answered YES to Question #2: • GET TESTED AS SOON AS POSSIBLE. • QUARANTINE while awaiting test results. ○ IF POSITIVE TEST, follow instructions for Question #1 above. ○ IF NEGATIVE TEST AND SYMPTOMS HAVE RESOLVED, continue working as normal. ○ IF NEGATIVE TEST BUT STILL HAVE SYMPTOMS, CONTINUE TO QUARANTINE AND TEST AGAIN IN 1-2 DAYS IF POSSIBLE. ▪ IF POSITIVE TEST, follow instructions for Question #1 above. ▪ IF NEGATIVE TEST, continue working as normal or take personal leave if too sick to work. ▪ IF YOU DO NOT TEST AND STILL HAVE SYMPTOMS, assume you are COVID-positive and follow instructions for Question #1 above. • IF EXPOSED to someone with COVID-19 in the last 10 days, follow instructions for Question #3 below.
3. HAVE YOU BEEN EXPOSED TO COVID-19 IN THE LAST 10 DAYS?	If you answered YES to Question #3: • QUARANTINE FOR AT LEAST 5 DAYS AFTER EXPOSURE • GET TESTED (Ideally on Day 5 after the Exposure, but no earlier, unless symptoms develop.) • QUARANTINE while awaiting test results. ○ IF POSITIVE TEST, follow instructions for Question #1 above. ○ IF NEGATIVE TEST AND <u>NO</u> COVID-19 SYMPTOMS, you may return to the workplace. • IF YOU DEVELOP COVID-19 SYMPTOMS, follow instructions for Question #2 above.

6.2 For Employees Up to Date on COVID-19 Vaccinations:

If employee does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the instructions provided below.

- A. An employee who receives a New Diagnosis of COVID-19 or develops COVID-19 Symptoms must follow the relevant Isolation, Quarantine, and Testing Instructions in the Chart in Section 6.1 above.
- B. An employee who is Exposed to COVID-19 shall get tested (ideally on day 5 after Exposure, but no earlier), but is NOT required to Quarantine if they remain asymptomatic.

6.3 Test Sites.

Test sites can be found at <https://cv.nmhealth.org/public-health-screening-and-testing>.

The Vault Health test can be ordered at <https://learn.vaulthealth.com/nm>

6.4 Telework.

Employees who can Telework must Telework while they Isolate or Quarantine. CITY managers and supervisors may authorize a temporary Telework schedule and assign employees temporary Telework duties during any COVID-19-related Isolation or Quarantine period required by this Section 6. Employees unable or too ill to Telework may be eligible for COVID-19-Related Conditions Leave. Please consult with Human Resources to determine eligibility.

7. **PROOF OF VACCINATION**

- 7.1 CITY may require an employee to provide Proof of Vaccination if the inquiry is job-related and consistent with business necessity. For example, CITY may require Proof of Vaccination to determine an employee's compliance with an Executive Order or Public Health Order, to determine an employee's appropriate Quarantine practice following a COVID-19 Exposure, to determine whether an employee may travel out-of-State for work, or to determine whether an employee can carpool with other employees in a city vehicle.
- 7.2 CITY requests for Proof of Vaccination: (1) shall not elicit information about an employee's disability, (2) shall not ask why an employee did not receive a vaccination, and (3) shall warn the employee not to provide any medical information beyond the requested Proof of Vaccination.
- 7.3 Agencies shall record their employees' COVID-19 vaccination data on the designated employee medical folder. An employee's Proof of Vaccination and any other employee vaccination data shall be treated as confidential medical information and will be maintained by Human Resources separately from the employee's personnel file and/or maintained confidentially in ABILS. An employee's vaccination status (but not the actual Proof of Vaccination) can be shared with the employee's supervisors to determine compliance with this Policy and Procedure.
- 7.4 Any employee who provides inaccurate information or is untruthful about their vaccination status may be subject to discipline, up to and including dismissal.
- 7.5 Any employee who refuses to provide vaccination status or Proof of Vaccination shall be treated as not Up to Date on COVID-19 Vaccinations under this policy, shall not be eligible for COVID-19-Related Conditions Leave, and shall be required to utilize accrued annual or sick leave for any required Quarantine period under Section 6.1.

8. **COVID-19 - REPORTING INSTRUCTIONS**

8.1 If an employee receives a New Diagnosis of COVID-19, they must report the positive test to their supervisor as soon as possible. This includes employees who are Teleworking.

8.2 Within 30 minutes of learning of an employee with a New Diagnosis of COVID-19, the supervisor shall notify the Clerk Treasurer or designee by email at cityclerk@cityofbayadnm.com. This reporting requirement must be met even if the report is made after normal working hours or on a weekend.

8.3 The supervisor shall include the following information in the notification to the Clerk Treasurer or designee:

- Name of employee that tested positive.
- The date the employee took the COVID-19 test.
- The date the employee tested positive.
- The last day the employee reported to the office, and what office or building area(s) the employee occupied or spent time in that day.
- The names of all employees that may have had Close Contact with the COVID-19 positive employee when they last reported to the office.

The information in the notice should be based on conversations with the COVID-19 positive employee.

An employee's COVID-19 positive status is confidential medical information, and the name of any COVID-19 positive employee shall be disclosed to the minimum extent necessary to maintain business operations and comply with reporting requirements.

8.4 The Clerk Treasurer or designee will report the case to the New Mexico Environment Department (NMED) within four hours of notification as described below.

8.5 The Clerk Treasurer or designee will notify employees who may have been Exposed.

The notification will include the following:

- A. A report that the employees may have been Exposed to a COVID-19 positive employee. The report shall not include the name of the COVID-19 positive employee.
- B. A request that employees who occupy exposed office space vacate or remain Teleworking until further notice to allow for cleaning.
- C. A note directing the employees to get a COVID-19 test (ideally 5 days after the potential Exposure, but no earlier) and instructing the employees not to report to the office if they develop COVID-19 Symptoms or test COVID-19 positive.

8.6 Within 48 hours of learning of a COVID-positive employee, CITY shall provide notice of the positive case to CITY employees assigned to the same office or facility where the COVID-positive employee reported if the COVID-positive employee was in the office or facility within 48 hours prior to developing symptoms or, if asymptomatic, within 48 hours prior to the positive test. The notice shall not release the name of the employee, but will indicate that close contacts, if any, have been notified.

8.7 The CITY will coordinate a thorough cleaning of the exposed space before employees are allowed to return to the office, as per CDC guidelines.

8.8 Clerk Treasurer will notify employees when they may return to the office.

8.9 Required NMED Protocol:

On August 5, 2020, NMED filed an emergency amendment requiring employers to report New Diagnoses of COVID-19 cases in the workplace to the NMED Occupational

Health and Safety Bureau within four hours of being notified of the case. The initial notification must be sent to NMENV-OSHA@state.nm.us and shall include:

- Establishment name and address,
- Employer representative name and contact information (phone and email),
- Number of people employed at the location,
- Number of employees who tested COVID-19 positive,
- Date each COVID-19 positive employee was tested,
- Date and time employer was notified of the COVID-19 positive test(s),
- Last date each COVID-19 positive employee was in the establishment, and
- Date each COVID-19 positive employee began Quarantine.

8.10 CITY will report any work-related fatalities by mail to Occupational Health and Safety Bureau, New Mexico Environment Department, P.O. Box 5469, Santa Fe, NM 87502; by email to NMENV-OSA@state.nm.us, by phone to (505) 476-8700; or by fax to (505) 476-8734.

9. ADA REASONABLE ACCOMMODATION RELATED TO COVID-19

If an employee with a disability or medical condition needs a reasonable accommodation related to COVID-19, including, but not limited to, related to COVID-19 risk, COVID-19 Safe Practices required herein, or COVID-19 long-haul syndrome, the employee shall contact their supervisor or Human Resources to initiate the reasonable accommodation process. An employee may request an accommodation verbally or in writing and should indicate that a workplace barrier removal is needed related to a medical condition. A reasonable accommodation can be requested at any time; however, the employee should initiate the reasonable accommodation process as soon as possible so that barrier removal solutions can be explored in a timely manner. (See also Attachment A, Disability Resources.)

10. FAMILY AND MEDICAL LEAVE ACT LEAVE RELATED TO COVID-19

Pursuant to the federal Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. Section 2601 *et seq.*, as amended, and State Personnel Board Rule 1.7.7.12 NMAC, eligible city employees are entitled to a total of 12 weeks of unpaid, job-protected leave for serious health conditions that make the employee unable to perform the essential functions of the employee's job, and to care for the employee's spouse, domestic partner, child, or parent who has a serious health condition. COVID-19-related health conditions may qualify as serious health conditions under the FMLA. Employees with COVID-19-related health conditions should contact Human Resources to determine if FMLA leave may be available.

11. UPDATES

This Policy and Procedure may be updated and supplemented by additional guidance as circumstances require. Clerk Treasurer will provide up-to-date information as it becomes available and encourage all supervisors to communicate regularly with their teams so that information is distributed and that questions are elevated, and can be answered, quickly.

12. ACKNOWLEDGMENTS

All employees shall receive a copy of this Policy and Procedure in paper or electronic form and acknowledge its receipt.

13. ATTACHMENTS

(A) Disability Resources

14. APPROVAL

Approved by:

Mayor

Date: _____, 2022

Attachment A: Disability Resources

COVID-19 and the pandemic has had a unique impact on people with disabilities. To help employers, employees with disabilities, and Human Resources managers understand their rights and obligations, the following State agencies and organizations are available to provide technical assistance, resources, assistive technology, and information.

In addition, the U.S. Equal Employment Opportunity Commission offers answers to frequently asked questions about the workplace, COVID-19, and the rights of people with disabilities. The EEOC's guidance can be found here - <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

Southwest ADA Center

Toll-Free: 1-800-949-4232

Fax: 713-520-5785

Email: swdbtac@ilru.org

www.southwestada.org

*The Center is part of the ADA National Network funded by NIDILRR at the U.S. Department of Health & Human Services

NM Governor's Commission on Disability

491 Old Santa Fe Trail
Santa Fe, NM 87501-2753

Phone: 505-476-0412

Toll-free (in State only): 877-696-1470

Fax: 505-827-6328

Email: gcd@state.nm.us

<http://gcd.state.nm.us/>

*Serves NM with local offices in Albuquerque, Santa Fe

NM Commission for the Deaf and Hard of Hearing

505 Marquette Ave. NW, Suite 1550
Albuquerque, NM 87102

Direct Phone: 505-228-7710

Video Phone: 505-435-9319

Toll-free: 800-489-8536

Fax: 505-383-6533

<https://www.cdhh.state.nm.us/>

*Serves NM with local office in Albuquerque, Las Cruces

NM Commission for the Blind

2200 Yale Blvd. SE
Albuquerque, NM 87106

Phone: 505-841-8844

Toll-Free: 888-513-7958

<https://www.cfb.state.nm.us/>

*Serves NM with local offices in Alamogordo, Albuquerque, Farmington, Las Cruces, Las Vegas, Roswell, Santa Fe

NM Human Rights Bureau

The Bureau investigates claims of discrimination, including those based on disability, and provides mediation and training.

Toll Free (in NM): 1-800-566-9471

Phone: 505-827-6838

<https://www.dws.state.nm.us/Human-Rights-Information>

NM Developmental Disabilities Planning Council

625 Silver Avenue SW, Suite 100
Albuquerque, New Mexico 87102

Office: 505-841-4519

DDPC Fax: 505-841-4590

OOG Fax: 505-841-4455

<https://www.nmddpc.com/>

**U.S. Equal Employment Opportunity
Commission**

Coronavirus and COVID-19 Information

<https://www.eeoc.gov/coronavirus>

Job Accommodation Network (JAN)

Toll-Free: 800-526-7234

TTY: 877-781-9403

Text: 304-216-8189

www.askjan.org



New Mexico State Personnel Office
Paid COVID-19-Related Conditions Leave Form
Conditions 1-4

Form - Jan. 31, Item 13.

SHARE Code: PDCVL

Agency/Employee Information

Date: Business Unit Name: Bus. Unit #:

Employee Name: Empl ID:

Request #: Begin Date: End Date:
(not to exceed 10 consecutive workdays)

Number Hours Administrative Leave Requested:
(may be consecutive or intermittent -- if intermittent, specify leave hours requested)

- Due to the public health emergency declared by the Governor on March 11, 2020, and pursuant to State Personnel Board Rule 1.7.7.14, Administrative Leave and *State Personnel Office General Memorandum 2022-001*, employee is requesting Paid COVID-19-Related Conditions Leave for one or more of the following COVID-19-Related Conditions as determined by the Cabinet Secretary or Agency Head, up to ten (10) consecutive workdays. These Conditions are identified in *General Memorandum 2022-001*.

☐ By checking here, Employee certifies:
I meet one or more of the conditions below and, as a result, I am unable to telework or work from home for the number of hours of COVID-19 Leave requested above.
(Manager or Division Director must confirm by signing below.)

The COVID-19-Related Conditions are: (complete all that apply)

- ☐ Employee is subject to isolation or quarantine related to COVID-19 pursuant to government order or Agency policy;
 Specify government entity or Agency policy
- ☐ Employee was advised by healthcare provider, Cabinet Secretary/Agency Head, or Agency HR to isolate or quarantine due to COVID-19;
 Name of healthcare provider or Agency representative
- ☐ Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis/awaiting results of a COVID-19 test;
- ☐ Employee is caring for an individual subject to an isolation or quarantine order related to COVID-19.

Name of individual	Relationship	Specify government entity or healthcare provider

Employee Signature: Date:

Manager or Division Director Signature: Date:
(Confirming inability to telework or work from home)

Agency HR Manager Signature: Date:

Agency Head/Designee Signature: Date:

State Personnel Director Signature: Date:
(only required if more than five consecutive workdays up to ten consecutive workdays)



New Mexico State Personnel Office
Paid COVID-19-Related Conditions Leave Form Condition 5
(Caring for Son or Daughter/School Closed)

Form - Jan. 31, 2020 Item 13.
SHARE Code: PFCVL

Agency/Employee Information

Date: Business Unit Name: Bus. Unit #:

Employee Name: Empl ID:

Request #: Begin Date: End Date:
(not to exceed 4 workweeks)

Hours per Week Requested:
(may be consecutive or intermittent – if intermittent, specify leave hours requested; may not exceed 20 hours per week)

☐ Hrs Work/Telework ☐ Accrued Leave ☐ LWOP

Balance of Workweek Hours: ☐ Combination
(hours per week must total a full workweek) (if a combination, enter hours per category)

Due to the public health emergency declared by the Governor on March 11, 2020, and pursuant to State Personnel Board Rule 1.7.7.14, Administrative Leave, and State Personnel Office General Memorandum 2022-001, employee is requesting Paid COVID-19-Related Conditions Leave for the following COVID-19-Related Condition as determined by the Cabinet Secretary or Agency Head, up to twenty (20) hours per week for four (4) weeks. This Condition is identified in General Memorandum 2022-001.

By checking here, Employee certifies:

☐ I meet the condition below and, as a result, I am unable to telework or work from home for the number of hours of COVID-19 Leave requested above.
(Manager or Division Director must confirm by signing below.)

The COVID-19-Related Condition is: (check and complete fully)

☐ The employee is caring for the employee's son or daughter under 18 years of age (or 18 years of age or older who has a mental or physical disability and is incapable of self-care because of that disability) because the school or childcare facility for the child has been closed or the caregiver or childcare provider of such son or daughter is unavailable because of a public health emergency.

Child(ren) name(s)

School or childcare facility

☐ *!! Employee certifies there is no other suitable person available to care for my son or daughter during the period requested above. *!!

Previous Requests Granted - Begin Date: End Date:
(leave blank if this is 1st request)

Employee Signature: Date:

Manager or Division Director Signature: Date:
(confirming inability to telework or work from home)

Agency HR Manager Signature: Date:

Agency Head/Designee Signature: Date:
(State Personnel Director approval NOT required)

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION NO. 18-2022

RESOLUTION OF THE CITY OF BAYARD RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF BAYARD AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, FOR THE PERIOD OF JULY 2022 TO JUNE 2023, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF CITY OF BAYARD.

WHEREAS, the City of Bayard is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for the City of Bayard be entered into and it is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by the City of Bayard to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of the City of Bayard to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF BAYARD THAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of the City of Bayard.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of the City of Bayard and is hereby authorized and instructed to affix their signature thereto.
3. A Certified copy of this Resolution (together with the Agreement) shall be filed at the Southwest New Mexico Council of Governments.

Done this the 8th day of August, 2022 in Regular Session, at Bayard City Hall.

ATTEST:

Chon S. Fierro
Mayor

Kristina Ortiz, MMC
Clerk Treasurer

AGREEMENT

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as COG), and the City of Bayard a Member of said Southwest New Mexico Council of Governments (hereinafter known as Member) is as follows:

1. COG agrees to furnish the following services to Member:
 - (a) Provide an updated statistical data base of federal and state statistics.
 - (b) Furnish technical assistance to Member as requested by Member in planning development.
 - (c) Coordination of planning with other Members of COG and various other State of New Mexico and local agencies.
 - (d) Furnish management, advice and assistance to Member as Member requests in implementing their plans.
 - (e) Furnish clearinghouse and environmental review of all projects of Member and where requested by Member, assist in the development of material for clearinghouse review.
 - (f) Assist Member in developing Infrastructure Capital Improvement Plan.
 - (g) Assist Member, when requested, in the development of Community Development Block Grant applications, as well as, assistance in monitoring and compliance.
 - (h) Assist Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Represent Member with economic development activities.
 - (j) Assist Member with economic development activities.
 - (k) Assist Member, with the development of housing initiatives and programs.
 - (l) Assist Member in the preparation of applications under Department of Transportation.
 - (m) Represent membership, when requested, under NM Department of Transportation for program funding.
 - (n) Assist Member with Capital Outlay process.
 - (o) Provide training that will benefit the membership.

2. Member agrees to furnish the following:

- (a) To remain a voting member of the Southwest New Mexico Council of Governments and to participate in its policy development and administration.
- (b) Will designate _____ (name), to be the Member of (email address) _____.
- (c) To pay, in one lump sum, annual dues in the amount of \$2,063.00 into the treasury of COG as payment for these services.

Total Assessment for Fiscal Year 2022-23 is \$2,063.00

- (d) Such payment shall be for all services rendered to Member, by COG, for the period beginning July 1, 2022 and ending June 30, 2023. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the _____ day of _____, 2022
_____, New Mexico.

Name of Local Unit of Government: City of Bayard

Signature of Authorized Official

ATTEST:

Clerk or other Authorized Official

(S E A L)

=====

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

Aaron Sera, Chairman

Priscilla C. Lucero, Secretary/Treasurer

SOUTHWEST NEW MEXICO
COUNCIL OF GOVERNMENTS
PO Box 2157, Silver City, NM 88062

Invoice No.

1

INVOICE**Customer**

Name City of Bayard
Address P.O. Box 728
City Bayard State NM ZIP 88023
Phone (575)537-3327

Misc

Date 7/8/2022
Order No.
Rep
FOB

Qty	Description	Unit Price	TOTAL
1	FY 2022-2023 Member's Dues	\$ 2,063.00	\$ 2,063.00
			SubTotal \$ 2,063.00
			Shipping
			TOTAL \$ 2,063.00

Payment Check

Tax Rate(s)

Comments
Name
CC #
Expires

Office Use Only

Please remit to: SWNM Council of Governments, PO Box 2157, Silver City, NM 88062



Southwest New Mexico Council of Governments

PO Box 2157, Silver City, NM, 88062 • Ph: 575-388-1509 • Fax: 575-388-1500 • www.swnmcog.org

MEMORANDUM

TO: City of Bayard

FROM: Jessie St. Clair, Administrative Assistant

DATE: July 14, 2022

SUBJECT: Agreement and Dues Fiscal Year 2022-2023

Enclosed are the agreement, resolution, and invoice for Southwest New Mexico Council of Governments (SWNMCOG) membership. Please return the completed signed agreement and resolution. The SWNMCOG will return final documents with executed signatures.

Please return all documents and membership dues by October 31, 2022. If you would like any of these documents e-mailed please contact me at (575) 388-1509 or jessie@swnmcog.org.

Thank you for your time!

Enclosures

Members: Catron County, Grant County, Hidalgo County, Luna County, City of Bayard, Village of Columbus, City of Deming, Town of Hurley, City of Lordsburg, Village of Reserve, Village of Santa Clara, Town of Silver City, Village of Virden, Cobre Consolidated Schools, Deming Public Schools, WNMU, Lordsburg Municipal Schools, Deming Soil & Water Conservation District, Hidalgo Soil & Water Conservation District, San Francisco Soil & Water Conservation District, Tyrone MDWCA, Rancho Grande MDWCA, Hanover MDWCA, Casas Adobes MDWCA, Lake Roberts MDWCA, Arenas Valley MDWCA, SW Solid Waste Authority

RESOLUTION – 2022
A RESOLUTION REQUIRING CITY EMPLOYEES TO
COMPLY WITH CERTAIN PUBLIC HEALTH
REQUIREMENTS

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (“COVID-19”) that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another,

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of health confirmed the first cases on individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Governor Grisham issued Executive Order 2020-004 declaring that a Public Health Emergency existed in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All-Hazards Emergency Management Act;

WHEREAS, Governor Grisham has renewed the declaration of a Public Health Emergency through May 4, 2022;

WHEREAS, the currently available COVID-19 vaccines are a safe and effective way of preventing serious illness or death;

WHEREAS, regular testing and social-distancing remain some of the most effective ways to minimize the spread of COVID-19.

NOW, THEREFOR, I, Chon Fierro, Mayor of the City of Bayard, hereby adopt the provisions of Executive Order 2022-010 regarding use of masks, vaccinations, and testing requirements; and hereby ORDER and DIRECT as follows:

1. City employees shall comply with the provisions regarding the use of masks contained in the operative Public Health Order issued by the Secretary of the Department of Health during the course and scope of their employment.

2. City employees who (i) are not fully vaccinated against COVID-19, as defined by the Centers for Disease Control and Prevention; (ii) have not received a booster dose of the vaccine, if eligible according to the FDA, by February 17, 2022, or within four weeks of becoming eligible; or (iii) are not willing or able to provide adequate proof of such

vaccination shall provide adequate proof that the employee has tested negative for COVID-19 on a weekly basis.

3. Any city employee who is not fully vaccinated or has not receive a booster dose of the vaccine, if eligible, and who tests positive for COVID-19 may return to work following the completion of any mandatory isolation period prescribed by the New Mexico Department of Health. A negative COVID-19 test result is not required to return to work, provided the employee completes the mandatory isolation period. All such employees who test positive for COVID-19 shall be exempt from the testing requirement in Paragraph 2 for a period of 90 days following the date of the employee's positive COVID-19 result.

4. Employees who refuse to abide by the above requirements may be subject to disciplinary action, up to and including termination, in accordance with applicable law.

5. City department heads shall ensure, consistent with law, that any documentation related to vaccination status, healthcare directives, or test results are not disclosed to individuals other than those necessary to ensure compliance with this Order.

6. The City Council shall approve the Guidance on the full implementation and administration of this Order, and COVID-19 mitigation, Self-screening, and Reporting Policy and Procedure, which shall be provided to the department heads.

I, FURTHER ORDER and DIRECT that this Order shall take effect immediately, and shall remain in effect until renewed, modified, or rescinded.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Bayard, New Mexico this 8th day of August 2022.

WITNESS MY HAND THE SEAL
OF THE CITY OF BAYARD

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

Guidance on Administrative Leave for COVID-19-Related Conditions

Purpose:

In consultation with the City Council, and pursuant to Personnel Ordinance 1-2015 A, Administrative Leave, the purpose of this memorandum is to authorize paid administrative leave for certain employees who meet one or more of the COVID-19-Related Conditions identified below beginning August 1, 2022.

Scope:

Paid Administrative Leave for COVID-19-Related Conditions, as described herein, is not an entitlement under federal law; it is a benefit authorized by the City Council, only for City of Bayard employees who meet the criteria set forth below, including term and temporary appointments.

Background:

On March 11, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-004, Order Declaring a State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act, declaring a public health emergency due to the spread of COVID-19 in New Mexico. That Order and the public health emergency have been renewed in subsequent Executive Orders.

COVID-19-Related Conditions:

1. The employee is subject to isolation or quarantine related to COVID-19 pursuant to government order or Agency policy;
2. The employee has been advised by a healthcare provider or the employee's Cabinet Secretary or Agency Head or Agency Human Resources to isolate or quarantine due to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis/ awaiting results of a COVID-19 test;
4. The employee is caring for an individual subject to an isolation or quarantine order related to COVID-19; or
5. The employee is caring for the employee's son or daughter under 18 years of age, if the school or childcare facility for the child has been closed or the caregiver or childcare provider of such son or daughter is unavailable because of a public health emergency.

Paid Administrative Leave for COVID-19-Related Conditions:

Due to the continuing public health emergency, and pursuant to Personnel Ordinance 1-2015 A, Administrative Leave, beginning August 1, 2022, paid administrative leave shall be available for employees who have one or more of the identified COVID-19-Related Conditions, as follows:

- A. For employees who meet COVID-19-Related Conditions 1-4 as described above:

i. Mayor/Mayor Pro-tem may authorize administrative leave with pay for up to five (5) consecutive workdays when it is in the best interest of the City to do so. Under this subsection (i):

a. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of COVID19-Related Conditions 1-4.

b. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Conditions 1-4 and are able to work from home or telework intermittently, but in no event shall extend past five (5) consecutive workdays total.

c. City Council approval is not required.

ii. Mayor/Mayor Pro-tem may authorize, administrative leave with pay in excess of five consecutive workdays and up to ten (10) consecutive workdays when it is in the best interest of the City to do so. Under this subsection (ii):

a. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of the COVID-19-Related Conditions 1-4.

b. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Conditions 1-4 and are able to work from home or telework intermittently, but in no event shall extend past ten (10) consecutive workdays total.

B. For employees who meet COVID-19-Related Condition 5 as described above (caring for a son or daughter because school is closed), Mayor/Mayor Pro-tem may authorize up to twenty (20) hours of paid administrative leave per workweek for up to four (4) workweeks per employee request. Under this subsection (B):

i. Administrative leave shall be granted only for the period of time an employee is unable to work from home or telework as a result of COVID-19-Related Condition 5.

ii. Administrative leave may be granted intermittently to employees who meet COVID-19-Related Condition 5 and are able to work from home or telework intermittently, but in no event shall extend past twenty (20) hours per workweek for up to four (4) workweeks.

iii. Employees may work, work at home or telework, use accrued leave, or take leave without pay for the remainder of the workweek.

iv. Employees must have been employed with the City for at least thirty (30) days to be eligible for this paid administrative leave.

Unable to Work from Home or Telework:

An employee is "unable to work from home or telework" if the Agency has work or duties for the employee and one of the COVID-19-Related Conditions set forth in this Memorandum prevents the employee from being able to perform that work at home or by telework. If the City agrees that the employee will work the normal number of hours, but

outside of the employee's normally scheduled hours (for instance early in the morning or late at night), then the employee is able to telework or work from home and leave is not necessary unless a COVID-19-Related Condition prevents the employee from working that schedule or part of that schedule. Agencies should consider all viable options for work from home, telework, and flexible work schedules and collaborate with employees who meet COVID-19-Related Conditions 1-5 to achieve flexibility and meet mutual needs.

Work from Home or Telework:

For purposes of this Memorandum, "telework" means an employee who is working from home doing their normal/regular duties, making use of the Internet, email, or phone. "Work from home" is broader and means that an employee is working from home doing work, including work other than their normal/regular duties, that may not require Internet, email, or phone.

A detailed log of all work completed under the provision of "telework" or "work from home" shall be submitted to the department head upon return to work, or end of pay period. All logs shall be submitted to the payroll clerk for filing.

Part-time employees:

Part-time employees subject to the Personnel Ordinance who are unable to work from home or telework are eligible for Paid Administrative Leave for COVID-19-Related Conditions under the same conditions as stated herein. This includes part-time employees in term and temporary appointments subject to the Personnel Act.

Interaction with Family and Medical Leave Act (FMLA) Leave:

Paid Administrative Leave for COVID-19-Related Conditions will not count toward an employee's FMLA Leave entitlement.

Calculating Paid Administrative Leave for COVID-19-Related Conditions:

City Human Resources (HR)/or Payroll Clerk will calculate Paid Administrative Leave for COVID-19-Related Conditions 1-4 and enter it into Abila based on the employee's average number of work hours in a two-week period (the employee's normal hours scheduled). (For example, if an employee works an average of 76 hours per two-week period, and is otherwise eligible, they may receive 76 hours of Paid Administrative Leave for COVID-19-Related Conditions 1-4.) If an employee's normal hours scheduled are unknown, or if the employee's schedule varies, the department or agency may use a six-month average to calculate the average daily hours. If this calculation cannot be made because the employee has not been employed for at least six months, the City may use the number of hours that the employee and the City agreed that the employee would work upon hiring. And if there is no such agreement, the City may calculate the appropriate number of hours of leave based on the average hours per day the employee was scheduled to work over the entire term of their employment.

Additional Procedure:

- Employees may submit a request to the HR for Paid Administrative Leave for COVID19-Related Conditions. The City will provide HR with two (2) forms to request Paid Administrative Leave for COVID-19-Related Conditions, one for Conditions 1-4 as described above and one for Condition 5 as described above (caring for a son or daughter because school is closed). Due to social distancing requirements during this public health emergency, employees may sign and scan the form to HR. If they are unable to do so, they may contact their HR by email or telephone and HR may submit the form on their behalf. HR should include a copy of the email or specific reference to the telephone call on the form.
- For Conditions 1-4 as described above, once approved by the Mayor/Mayor Pro-tem, HR will notify the employee of Paid Administrative Leave status. The employee will then be required to follow city leave policy and procedures.
- For Condition 5 as described above (caring for a son or daughter), once approved by the Mayor/Mayor Pro-tem, HR will notify the employee of Paid Administrative Leave status. The employee will then be required to follow city leave policy and procedures.
- Paid Administrative Leave pursuant to this Memorandum is in addition to any sick or other leave the employee has accrued.
- Paid Administrative Leave for COVID-19-Related Conditions 1-4 should be coded by HR/Payroll as "PDCVL" in ABILA with the relevant COVID-19-Related Condition(s) indicated in the comment bubble on the timesheet.
- Paid Administrative Leave for COVID-19-Related Condition 5 (caring for a son or daughter because school is closed) should be coded by HR/Payroll as "PFCVL" in ABILA.
- The PDCVL and PFCVL codes are only available to and need to be entered into ABILA by HR/Payroll.
- The City has the authority to audit the use of paid administrative leave for COVID-19-Related Conditions.

CITY OF BAYARD COVID-19 MITIGATION, SELF-SCREENING, AND REPORTING POLICY AND PROCEDURE

1. PURPOSE

- 1.1.1 The CITY's goal is to return its employees to their designated workplace in municipal buildings and facilities safely while minimizing the risk of its employees contracting COVID-19. This Policy and Procedure provides direction and guidance to employees accordingly.
- 1.1.2 The CITY is requiring its employees to follow a COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices to reduce the possibility of COVID-19 transmission in our buildings and facilities. The COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices are set out below.
- 1.1.3 If any provision of this Policy and Procedure is in conflict with an Executive Order or Public Health Order, the Executive Order or Public Health Order shall control.

2. REFERENCES

- New Mexico Department of Health (NMDOH), *Policies for the Prevention and Control of COVID-19 in New Mexico* (January 13, 2022):
<https://cv.nmhealth.org/wp-content/uploads/2022/01/EPI-COVID19-Containment-Policies-1.13.2022.pdf>
- NMDOH COVID-19 website:
[NMDOH - Coronavirus Updates | Coronavirus Updates in New Mexico \(nmhealth.org\)](https://nmhealth.org/coronavirus/)
- Centers for Disease Control and Prevention (CDC), *Ending Isolation and Precautions for People with COVID-19: Interim Guidance* (updated December 28, 2021):
[Ending Isolation and Precautions for People with COVID-19: Interim Guidance \(cdc.gov\)](https://www.cdc.gov/media/releases/2021/s1228-covid19-isolation.html)
- CDC, *Quarantine and Isolation* (updated January 4, 2022):
[COVID-19 Quarantine and Isolation | CDC](https://www.cdc.gov/media/releases/2022/s0104-covid19-quarantine.html)
- CDC, *How to Protect Yourself & Others* (updated November 29, 2021):
[How to Protect Yourself & Others | CDC](https://www.cdc.gov/media/releases/2021/s1129-covid19-protect.html)
- CDC, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (updated June 9, 2021):
[Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities | CDC](https://www.cdc.gov/media/releases/2021/s0609-covid19-correctional.html)
- CDC, *Guidance for Wearing Masks* (updated April 19, 2021):
[COVID-19: Considerations for Wearing Masks | CDC](https://www.cdc.gov/media/releases/2021/s0419-covid19-masks.html)
- CDC, *Cleaning and Disinfecting Your Facility* (updated November 15, 2021):
[Cleaning and Disinfecting Your Facility | CDC](https://www.cdc.gov/media/releases/2021/s1115-covid19-cleaning.html)
- CDC, *Stay Up to Date with Your Vaccines* (updated January 5, 2022):
[Stay Up to Date with Your Vaccines | CDC](https://www.cdc.gov/media/releases/2022/s0105-covid19-vaccines.html)
- CDC, *CDC Expands COVID-19 Booster Recommendations* (November 29, 2021):
[CDC Expands COVID-19 Booster Recommendations \(November 29, 2021\):](https://www.cdc.gov/media/releases/2021/s1129-covid19-booster.html)

[CDC Expands COVID-19 Booster Recommendations | CDC Online Newsroom | CDC](#)

- [CDC, *CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population* \(December 27, 2021\):](#)

[CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population | CDC Online Newsroom | CDC](#)

- [CDC, *Quarantine & Isolation* \(updated January 9, 2022\)](#)

[COVID-19 Quarantine and Isolation | CDC](#)

- [Executive Order 2021-062 \(November 12, 2021\):](#)

[Executive-Order-2021-062.pdf \(state.nm.us\)](#)

- [Executive Order 2021-066 \(December 2, 2021\):](#)

[Executive-Order-2021-066-1.pdf \(state.nm.us\)](#)

- [U.S. Equal Employment Opportunity Commission \(EEOC\), *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* \(updated December 16, 2020\):](#)

[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

- [EEOC, *Pandemic Preparedness In the Workplace and the Americans With Disabilities Act* \(updated March 21, 2020\):](#)

[Pandemic Preparedness in the Workplace and the Americans with Disabilities Act | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

3. DEFINITIONS

- 3.1 **"Booster Dose"**: An additional dose of Pfizer-BioNTech or Moderna COVID-19 vaccine for an individual who has completed a primary series of Pfizer-BioNTech, Moderna, or Johnson & Johnson Janssen COVID-19 vaccination.
- 3.2 **"Close Contact"**: Within six feet for a cumulative total of 15 minutes or more over a 24-hour period. Wearing a mask or cloth face-covering does not affect the definition for Close Contact.
- 3.3 **"Common Areas"**: Any areas in State buildings, facilities, or property generally accessible to all occupants and available for use by more than one person, including but not limited to: entrance areas, hallways, conference rooms, auditoriums, multi-occupant offices, kitchens, bathrooms, and State vehicles. Single-occupant offices and cubicles occupied by a single employee are not Common Areas.
- 3.4 **"COVID-19 Infectious Period"**: For people who are COVID-19 positive, whether or not they have symptoms, the Infectious Period starts two days before symptoms begin and can extend up to 10 days after symptom onset or testing COVID-positive, whichever is longer. However, the highest period of infectiousness starts two days before symptoms begin and ends 3 days after symptom onset.
- 3.5 **"COVID-19 Symptoms"**: Fever (temperature of 100.4 degrees Fahrenheit or more), chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.
- 3.6 **"Eligible for Booster Dose"**: All individuals 18 years of age and older are eligible to receive a Booster Dose five months after an individual's primary series of vaccination with Pfizer-BioNTech or Moderna COVID-19 vaccines or two months after an

- individual's primary series of vaccination with Johnson & Johnson's Janssen COVID-19 vaccine.
- 3.7 **"Exposure" or "Exposed"**: Close Contact with a person with laboratory-confirmed COVID-19 during their COVID-19 Infectious Period, without the employee wearing Personal Protective Equipment.
 - 3.8 **"Fully Vaccinated"**: Two weeks after an individual has completed the primary series of vaccination with a vaccine approved by the Food and Drug Administration, including on an emergency basis, to prevent COVID-19. An individual will be fully vaccinated two weeks after the second dose of the Pfizer-BioNTech or Moderna COVID-19 vaccines or two weeks after single-dose Johnson & Johnson's Janssen COVID-19 vaccine.
 - 3.9 **"Human Resources"**: CITY Human Resources.
 - 3.10 **"Isolation" and "Quarantine"**: Both Isolation and Quarantine are public health strategies that refer to someone being physically separated from other people to prevent the spread of a communicable disease. For purposes of this Policy and Procedure, "Isolation" separates people who are COVID-positive (with or without symptoms) from others who are not COVID-positive; "Quarantine" separates people who were Exposed to a COVID-positive person from others who are not COVID-positive while they monitor if they develop COVID-19.
 - 3.11 **"New Diagnosis of COVID-19"**: The first positive COVID-19 test result received during a single COVID-19 infection.
 - 3.12 **"Partially Vaccinated"**: An individual who has started, but not completed, their primary series of vaccination.
 - 3.13 **"Personal Protective Equipment"**: At minimum, a mask, eye protection, gloves, and isolation gown. The CITY has discretion to require employees providing direct care to COVID-19 positive persons to wear additional forms of personal protective equipment. The CITY will provide training in the proper use of Personal Protective Equipment it requires its employees to use.
 - 3.14 **"Primary Series of Vaccination"**: The first and second doses of the Pfizer-BioNTech and Moderna COVID-19 vaccines or the first dose of Johnson & Johnson's Janssen COVID-19 vaccine.
 - 3.15 **"Proof of Vaccination"**: Proof of COVID-19 vaccination in the form of a CDC vaccine card or a vaccine record from the New Mexico Statewide Immunization Information System (https://nmsiis.health.state.nm.us/webiznet_nm_public/Application/PublicPortal), which indicates the name of the vaccine recipient, the date(s) the vaccines were received, and which COVID-19 vaccines were received.
 - 3.16 **"Social Distancing"**: Maintaining a distance of at least six feet between individuals to limit the spread of COVID-19. Wearing a mask or cloth face-covering does not affect the definition for Social Distancing.
 - 3.17 **"Telework"**: means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the employee's assigned position location, during any part of regular, paid hours, including from an employee's residence.

- 3.18 **“Up to Date on COVID-19 Vaccinations”**: When an individual has received all recommended vaccine doses for which they are eligible. Currently an individual is Up to Date on COVID-19 Vaccinations if they are Eligible for a Booster and have received a Booster Dose or if they are not yet Eligible for a Booster but are Fully Vaccinated. An individual is not Up to Date on COVID-19 Vaccinations if they are not Fully Vaccinated, are Partially Vaccinated, or if they are Eligible for a Booster but have not received a Booster Dose.

4. POLICY

- 4.1 The **CITY** will take proactive steps to protect its employees and minimize the spread of COVID-19.
- 4.2 Completing the COVID-19 Symptoms and Exposure Self-Screening is mandatory for CITY employees each day they plan to enter a CITY or State building or facility.
- 4.3 Following COVID-19 Safe Practices is mandatory for CITY employees when they are in a CITY or State building or facility.
- 4.4 Any employee who fails to adhere to the COVID-19 Symptoms and Exposure Self-Screening Procedure, the COVID-19 Safe Practices, or any other provision of this Policy and Procedure set forth herein may be subject to disciplinary action, up to and including dismissal.
- 4.5 Any employee who harasses or discriminates against another employee due to the employee's mask-wearing or vaccination status in violation of CITY's **[ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICIES]** may be subject to disciplinary action, up to and including dismissal.
- 4.6 CITY shall work toward adopting applicable COVID-19 safe building guidance and procedures as recommended by the New Mexico Environment Department, Occupational Health and Safety Bureau (NMED-OSHA) found here: https://www.env.nm.gov/occupational_health_safety/wp-content/uploads/sites/18/2020/03/OSHA-COVID19-publication.pdf.

CITY shall publish measures that ensure air ventilation standards are maintained.

5. PROCEDURES

5.1 Mandatory COVID-19 Symptoms and Exposure Self-Screening.

Prior to entering any municipal building or facility, all employees shall complete the COVID-19 Symptoms and Exposure Self-Screening (“Self-Screening”). The Self-Screening consists of three questions about an employee's COVID-19 status, COVID-19 Symptoms, and COVID-19 Exposure, which are based on recommendations from the CDC and the NMDOH with the goal of preventing infection in the workplace and minimizing the spread of COVID-19. Employees are required to be accurate and truthful in their self-assessment.

A. *Self-Screening Questions.*

Question 1: Have you received a New Diagnosis of COVID-19 in the last 5 days?

Question 2: Have you experienced any COVID-19 Symptoms in the past 24 hours?

Question 3: Have you been Exposed to COVID-19

in the last 10 days?

B. Analysis of Self-Screening Results.

1. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 1 (have received a New Diagnosis of COVID-19 in the last 5 days), until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
2. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 2 (have experienced COVID-19 Symptoms in the past 24 hours), until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
3. **Employees may not come to the office or enter any municipal building or facility** if they answer yes to Question 3 (have been Exposed to COVID-19 in the last 10 days) and are not Up to Date on COVID-19 Vaccinations, until they have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
4. **Employees may come to the office and enter municipal buildings and facilities** if they answer no to Questions 1, 2, and 3, i.e.:
 - No New Diagnosis of COVID-19 in the last 5 days,
 - No COVID-19 Symptoms in the past 24? hours, and
 - No COVID-19 Exposure in the last 10 days.
5. **Employees may come to the office and enter municipal buildings and facilities** if they answer yes to Question 3 (have been Exposed to COVID-19 in the last 10 days), as long as they answer no to Question 2 (have experienced COVID-19 Symptoms in the past 24 hours) and are Up to Date on COVID-19 Vaccinations, i.e.:
 - Yes, COVID-19 Exposure in the last 10 days,
 - No COVID-19 Symptoms in the last 24 hours, and
 - Yes, Up to Date on COVID-19 Vaccinations.

C. When Employee May Not Enter Municipal Building or Facility.

1. When an employee's Self-Screening indicates they may not enter a municipal building or facility:
 - The employee shall contact their supervisor immediately to indicate they did not pass their Self-Screening. The employee shall also follow the CITY's established call-in procedure.
 - The employee shall follow the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
 - The employee should request permission to Telework (unless they are too sick to do so). An employee who is unable to Telework or too ill to Telework may contact Human Resources to ask if they are eligible for COVID-19-Related Conditions Leave.
2. Any employee who enters a Municipal building or facility within 5 days of receiving a New Diagnosis of COVID-19, while experiencing COVID-19 Symptoms, or within 24 hours of experiencing COVID-19 Symptoms without having completed the *Isolation, Quarantine, and Testing Instructions* required

by Section 6 below, shall be sent home immediately and may be subject to discipline, up to and including dismissal.

3. Any employee who is not Up to Date on COVID-19 Vaccinations and enters a municipal building or facility within 10 days of a known COVID-19 Exposure without having completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below shall be sent home immediately and may be subject to discipline, up to and including dismissal.

D. *Additional Agency Screening*

1. It is within CITY's discretion to require its employees to record and submit their answers to the COVID-19 Symptoms and Exposure Self-Screening questions. If CITY collects employees' COVID-19 Symptoms and Exposure Screening responses and results, the Americans with Disabilities Act (ADA) requires that CITY treat such Screening responses and results as confidential medical information and maintain them separately from the employees' personnel files.
2. CITY is permitted to administer COVID-19 Symptoms and Exposure Screening to clients, customers, and other members of the public who seek to enter CITY's buildings. It is recommended that an agency maintain any Screening responses and results from members of the public for contact-tracing purposes for 60 days. During any period of time CITY maintains Screening responses and results from members of the public, it shall treat those responses and results as confidential medical information. CITY shall not ask clients, customers, or other members of the public seeking to enter CITY's buildings if they are vaccinated.

5.2 COVID-19 Safe Practices.

All employees shall take the following steps to reduce the transmission of COVID-19 in municipal buildings and facilities:

- A. *New Diagnosis of COVID-19 or COVID-19 Symptoms.* **DO NOT** report to any municipal building or facility if you received a New Diagnosis of COVID-19 in the last 5 days, if you are experiencing COVID-19 Symptoms, or if you have experienced COVID-19 Symptoms in the last 24 hours, regardless of vaccination status, until you have completed the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
- B. *COVID-19 Exposure.* **DO NOT** report to any municipal building or facility if you have been Exposed to COVID-19 within the last 10 days and are not Up to Date on COVID-19 Vaccinations. Call your supervisor and follow the *Isolation, Quarantine, and Testing Instructions* required by Section 6 below.
- C. *Wearing Masks.* Employees, regardless of vaccination status, must wear face masks or cloth face-coverings in all Common Areas and when performing field work in indoor settings. Masks must be well-fitted and cover both your mouth and nose. The CITY will provide disposable masks to employees as necessary. Any employee who fails to mask as required herein shall be directed to put on a face mask or cloth face-covering immediately and may be subject to discipline, up to and including dismissal. All employees may remove masks when alone inside a single-occupant office with the door closed in a CITY building or facility.

- D. *Social Distancing.* Employees, regardless of vaccination status, must maintain 6 feet distance from other employees, clients, and customers at all times in Common Areas and when performing field work in indoor settings, except when less distance is required for an employee to perform documented job duties. Any employee who fails to maintain Social Distancing as required herein shall be directed to follow the Social Distancing requirement immediately and may be subject to discipline, up to and including dismissal.
- E. *Avoid Using Others' Equipment.* Employees must avoid using other employees' phones, desks, offices, keyboards, mice, or other work tools and equipment, whenever possible, except when sharing equipment is required for an employee to perform documented job duties. Clean and disinfect hands and the equipment before and after use. The CITY will supply hand sanitizer, soap, and appropriate cleaning materials to employees as necessary.

5.3 COVID-19 Best Practices.

It is strongly recommended that all employees take the following additional steps to reduce the

transmission of COVID-19 in State buildings and facilities:

A. *Clean Hands.* Employees should wash their hands often with soap and water for at least 20 seconds, especially after they have been in a public place, or after blowing their nose, coughing, or sneezing. If soap and water are not readily available, employees should use a hand sanitizer that contains at least 60% alcohol to cover all surfaces of their hands and rub them together until they feel dry. The CITY will supply hand sanitizer to employees as necessary.

B. *Cover Mouth and Nose.* Employees should cover their mouth and nose with a tissue when coughing or sneezing or use the inside of their elbow.

C. *Avoid Touching Face.* Employees should avoid touching their face, nose, mouth, and eyes.

D. *Clean and Disinfect.* Employees should clean and disinfect frequently touched objects and surfaces in their office or workstation, including phones, keyboards, mice, doorknobs, and handrails. The CITY will supply appropriate cleaning materials to employees as necessary.

6. ISOLATION, QUARANTINE, AND TESTING INSTRUCTIONS

6.1 For Employees Not Up to Date on COVID-19 Vaccinations:

- A. If employee does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the Isolation, Quarantine, and Testing Instructions provided in the Chart below.

PLEASE READ EACH QUESTION CAREFULLY.

If employee answers **YES**, they *must* follow the instructions in **red**.

1. HAVE YOU RECEIVED A NEW DIAGNOSIS OF COVID-19 IN THE LAST 5 DAYS?	If you answered YES to Question #1: • IF NEW DIAGNOSIS OF COVID-19 AND NO COVID-19 SYMPTOMS, ISOLATE 5 days from test date.
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	• IF NEW DIAGNOSIS OF COVID-19 <u>AND</u> EXPERIENCING COVID-19 SYMPTOMS OR DEVELOP COVID-19 SYMPTOMS AFTER TESTING POSITIVE, ISOLATE at least 5 days from test date or symptom onset, whichever is longer, and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved.
2. HAVE YOU EXPERIENCED ANY OF THE FOLLOWING COVID-19 SYMPTOMS IN THE PAST 24 HOURS THAT ARE INCONSISTENT WITH AN EXISTING DIAGNOSIS? ✓ Fever (100.4 degrees Fahrenheit or more) ✓ Chills ✓ Cough ✓ Shortness of breath or difficulty breathing ✓ Fatigue ✓ New loss of taste or smell ✓ Congestion or runny nose ✓ Muscle or body aches ✓ Headache ✓ Sore Throat ✓ Nausea or vomiting ✓ Diarrhea	If you answered YES to Question #2: • GET TESTED AS SOON AS POSSIBLE. • QUARANTINE while awaiting test results. ○ IF POSITIVE TEST, follow instructions for Question #1 above. ○ IF NEGATIVE TEST AND SYMPTOMS HAVE RESOLVED, continue working as normal. ○ IF NEGATIVE TEST BUT STILL HAVE SYMPTOMS, CONTINUE TO QUARANTINE AND TEST AGAIN IN 1-2 DAYS IF POSSIBLE. ▪ IF POSITIVE TEST, follow instructions for Question #1 above. ▪ IF NEGATIVE TEST, continue working as normal or take personal leave if too sick to work. ▪ IF YOU DO NOT TEST AND STILL HAVE SYMPTOMS, assume you are COVID-positive and follow instructions for Question #1 above. • IF EXPOSED to someone with COVID-19 in the last 10 days, follow instructions for Question #3 below.
3. HAVE YOU BEEN EXPOSED TO COVID-19 IN THE LAST 10 DAYS?	If you answered YES to Question #3: • QUARANTINE FOR AT LEAST 5 DAYS AFTER EXPOSURE • GET TESTED (Ideally on Day 5 after the Exposure, but no earlier, unless symptoms develop.) • QUARANTINE while awaiting test results. ○ IF POSITIVE TEST, follow instructions for Question #1 above. ○ IF NEGATIVE TEST AND <u>NO</u> COVID-19 SYMPTOMS, you may return to the workplace. • IF YOU DEVELOP COVID-19 SYMPTOMS, follow instructions for Question #2 above.

6.2 For Employees Up to Date on COVID-19 Vaccinations:

If employee does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the instructions provided below.

- A. An employee who receives a New Diagnosis of COVID-19 or develops COVID-19 Symptoms must follow the relevant Isolation, Quarantine, and Testing Instructions in the Chart in Section 6.1 above.
- B. An employee who is Exposed to COVID-19 shall get tested (ideally on day 5 after Exposure, but no earlier), but is NOT required to Quarantine if they remain asymptomatic.

6.3 Test Sites.

Test sites can be found at <https://cv.nmhealth.org/public-health-screening-and-testing>.

The Vault Health test can be ordered at <https://learn.vaulthealth.com/nm>

6.4 Telework.

Employees who can Telework must Telework while they Isolate or Quarantine. CITY managers and supervisors may authorize a temporary Telework schedule and assign employees temporary Telework duties during any COVID-19-related Isolation or Quarantine period required by this Section 6. Employees unable or too ill to Telework may be eligible for COVID-19-Related Conditions Leave. Please consult with Human Resources to determine eligibility.

7. **PROOF OF VACCINATION**

- 7.1 CITY may require an employee to provide Proof of Vaccination if the inquiry is job-related and consistent with business necessity. For example, CITY may require Proof of Vaccination to determine an employee's compliance with an Executive Order or Public Health Order, to determine an employee's appropriate Quarantine practice following a COVID-19 Exposure, to determine whether an employee may travel out-of-State for work, or to determine whether an employee can carpool with other employees in a city vehicle.
- 7.2 CITY requests for Proof of Vaccination: (1) shall not elicit information about an employee's disability, (2) shall not ask why an employee did not receive a vaccination, and (3) shall warn the employee not to provide any medical information beyond the requested Proof of Vaccination.
- 7.3 Agencies shall record their employees' COVID-19 vaccination data on the designated employee medical folder. An employee's Proof of Vaccination and any other employee vaccination data shall be treated as confidential medical information and will be maintained by Human Resources separately from the employee's personnel file and/or maintained confidentially in ABILS. An employee's vaccination status (but not the actual Proof of Vaccination) can be shared with the employee's supervisors to determine compliance with this Policy and Procedure.
- 7.4 Any employee who provides inaccurate information or is untruthful about their vaccination status may be subject to discipline, up to and including dismissal.
- 7.5 Any employee who refuses to provide vaccination status or Proof of Vaccination shall be treated as not Up to Date on COVID-19 Vaccinations under this policy, shall not be eligible for COVID-19-Related Conditions Leave, and shall be required to utilize accrued annual or sick leave for any required Quarantine period under Section 6.1.

8. **COVID-19 - REPORTING INSTRUCTIONS**

8.1 If an employee receives a New Diagnosis of COVID-19, they must report the positive test to their supervisor as soon as possible. This includes employees who are Teleworking.

8.2 Within 30 minutes of learning of an employee with a New Diagnosis of COVID-19, the supervisor shall notify the Clerk Treasurer or designee by email at cityclerk@cityofbayadnm.com. This reporting requirement must be met even if the report is made after normal working hours or on a weekend.

8.3 The supervisor shall include the following information in the notification to the Clerk Treasurer or designee:

- Name of employee that tested positive.
- The date the employee took the COVID-19 test.
- The date the employee tested positive.
- The last day the employee reported to the office, and what office or building area(s) the employee occupied or spent time in that day.
- The names of all employees that may have had Close Contact with the COVID-19 positive employee when they last reported to the office.

The information in the notice should be based on conversations with the COVID-19 positive employee.

An employee's COVID-19 positive status is confidential medical information, and the name of any COVID-19 positive employee shall be disclosed to the minimum extent necessary to maintain business operations and comply with reporting requirements.

8.4 The Clerk Treasurer or designee will report the case to the New Mexico Environment Department (NMED) within four hours of notification as described below.

8.5 The Clerk Treasurer or designee will notify employees who may have been Exposed.

The notification will include the following:

- A. A report that the employees may have been Exposed to a COVID-19 positive employee. The report shall not include the name of the COVID-19 positive employee.
- B. A request that employees who occupy exposed office space vacate or remain Teleworking until further notice to allow for cleaning.
- C. A note directing the employees to get a COVID-19 test (ideally 5 days after the potential Exposure, but no earlier) and instructing the employees not to report to the office if they develop COVID-19 Symptoms or test COVID-19 positive.

8.6 Within 48 hours of learning of a COVID-positive employee, CITY shall provide notice of the positive case to CITY employees assigned to the same office or facility where the COVID-positive employee reported if the COVID-positive employee was in the office or facility within 48 hours prior to developing symptoms or, if asymptomatic, within 48 hours prior to the positive test. The notice shall not release the name of the employee, but will indicate that close contacts, if any, have been notified.

8.7 The CITY will coordinate a thorough cleaning of the exposed space before employees are allowed to return to the office, as per CDC guidelines.

8.8 Clerk Treasurer will notify employees when they may return to the office.

8.9 Required NMED Protocol:

On August 5, 2020, NMED filed an emergency amendment requiring employers to report New Diagnoses of COVID-19 cases in the workplace to the NMED Occupational

Health and Safety Bureau within four hours of being notified of the case. The initial notification must be sent to NMENV-OSHA@state.nm.us and shall include:

- Establishment name and address,
- Employer representative name and contact information (phone and email),
- Number of people employed at the location,
- Number of employees who tested COVID-19 positive,
- Date each COVID-19 positive employee was tested,
- Date and time employer was notified of the COVID-19 positive test(s),
- Last date each COVID-19 positive employee was in the establishment, and
- Date each COVID-19 positive employee began Quarantine.

8.10 CITY will report any work-related fatalities by mail to Occupational Health and Safety Bureau, New Mexico Environment Department, P.O. Box 5469, Santa Fe, NM 87502; by email to NMENV-OSA@state.nm.us, by phone to (505) 476-8700; or by fax to (505) 476-8734.

9. ADA REASONABLE ACCOMMODATION RELATED TO COVID-19

If an employee with a disability or medical condition needs a reasonable accommodation related to COVID-19, including, but not limited to, related to COVID-19 risk, COVID-19 Safe Practices required herein, or COVID-19 long-haul syndrome, the employee shall contact their supervisor or Human Resources to initiate the reasonable accommodation process. An employee may request an accommodation verbally or in writing and should indicate that a workplace barrier removal is needed related to a medical condition. A reasonable accommodation can be requested at any time; however, the employee should initiate the reasonable accommodation process as soon as possible so that barrier removal solutions can be explored in a timely manner. (See also Attachment A, Disability Resources.)

10. FAMILY AND MEDICAL LEAVE ACT LEAVE RELATED TO COVID-19

Pursuant to the federal Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. Section 2601 *et seq.*, as amended, and State Personnel Board Rule 1.7.7.12 NMAC, eligible city employees are entitled to a total of 12 weeks of unpaid, job-protected leave for serious health conditions that make the employee unable to perform the essential functions of the employee's job, and to care for the employee's spouse, domestic partner, child, or parent who has a serious health condition. COVID-19-related health conditions may qualify as serious health conditions under the FMLA. Employees with COVID-19-related health conditions should contact Human Resources to determine if FMLA leave may be available.

11. UPDATES

This Policy and Procedure may be updated and supplemented by additional guidance as circumstances require. Clerk Treasurer will provide up-to-date information as it becomes available and encourage all supervisors to communicate regularly with their teams so that information is distributed and that questions are elevated, and can be answered, quickly.

12. ACKNOWLEDGMENTS

All employees shall receive a copy of this Policy and Procedure in paper or electronic form and acknowledge its receipt.

13. ATTACHMENTS

(A) Disability Resources

14. APPROVAL

Approved by:

Mayor

Date: _____, 2022

Attachment A: Disability Resources

COVID-19 and the pandemic has had a unique impact on people with disabilities. To help employers, employees with disabilities, and Human Resources managers understand their rights and obligations, the following State agencies and organizations are available to provide technical assistance, resources, assistive technology, and information.

In addition, the U.S. Equal Employment Opportunity Commission offers answers to frequently asked questions about the workplace, COVID-19, and the rights of people with disabilities. The EEOC's guidance can be found here - <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

Southwest ADA Center

Toll-Free: 1-800-949-4232

Fax: 713-520-5785

Email: swdbtac@ilru.org

www.southwestada.org

*The Center is part of the ADA National Network funded by NIDILRR at the U.S. Department of Health & Human Services

NM Governor's Commission on Disability

491 Old Santa Fe Trail
Santa Fe, NM 87501-2753

Phone: 505-476-0412

Toll-free (in State only): 877-696-1470

Fax: 505-827-6328

Email: gcd@state.nm.us

<http://gcd.state.nm.us/>

*Serves NM with local offices in Albuquerque, Santa Fe

NM Commission for the Deaf and Hard of Hearing

505 Marquette Ave. NW, Suite 1550
Albuquerque, NM 87102

Direct Phone: 505-228-7710

Video Phone: 505-435-9319

Toll-free: 800-489-8536

Fax: 505-383-6533

<https://www.cdhh.state.nm.us/>

*Serves NM with local office in Albuquerque, Las Cruces

NM Commission for the Blind

2200 Yale Blvd. SE
Albuquerque, NM 87106

Phone: 505-841-8844

Toll-Free: 888-513-7958

<https://www.cfb.state.nm.us/>

*Serves NM with local offices in Alamogordo, Albuquerque, Farmington, Las Cruces, Las Vegas, Roswell, Santa Fe

NM Human Rights Bureau

The Bureau investigates claims of discrimination, including those based on disability, and provides mediation and training.

Toll Free (in NM): 1-800-566-9471

Phone: 505-827-6838

<https://www.dws.state.nm.us/Human-Rights-Information>

NM Developmental Disabilities Planning Council

625 Silver Avenue SW, Suite 100
Albuquerque, New Mexico 87102

Office: 505-841-4519

DDPC Fax: 505-841-4590

OOG Fax: 505-841-4455

<https://www.nmddpc.com/>

**U.S. Equal Employment Opportunity
Commission**

Coronavirus and COVID-19 Information

<https://www.eeoc.gov/coronavirus>

Job Accommodation Network (JAN)

Toll-Free: 800-526-7234

TTY: 877-781-9403

Text: 304-216-8189

www.askjan.org



New Mexico State Personnel Office
Paid COVID-19-Related Conditions Leave Form
Conditions 1-4

Form - Jan. 31, Item 16.

SHARE Code: PDCVL

Agency/Employee Information

Date: Business Unit Name: Bus. Unit #:

Employee Name: Empl ID:

Request #: Begin Date: End Date:
(not to exceed 10 consecutive workdays)

Number Hours Administrative Leave Requested:
(may be consecutive or intermittent -- if intermittent, specify leave hours requested)

- Due to the public health emergency declared by the Governor on March 11, 2020, and pursuant to State Personnel Board Rule 1.7.7.14, Administrative Leave and *State Personnel Office General Memorandum 2022-001*, employee is requesting Paid COVID-19-Related Conditions Leave for one or more of the following COVID-19-Related Conditions as determined by the Cabinet Secretary or Agency Head, up to ten (10) consecutive workdays. These Conditions are identified in *General Memorandum 2022-001*.

☐ By checking here, Employee certifies:
I meet one or more of the conditions below and, as a result, I am unable to telework or work from home for the number of hours of COVID-19 Leave requested above.
(Manager or Division Director must confirm by signing below.)

The COVID-19-Related Conditions are: (complete all that apply)

- ☐ Employee is subject to isolation or quarantine related to COVID-19 pursuant to government order or Agency policy;
 Specify government entity or Agency policy
- ☐ Employee was advised by healthcare provider, Cabinet Secretary/Agency Head, or Agency HR to isolate or quarantine due to COVID-19;
 Name of healthcare provider or Agency representative
- ☐ Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis/awaiting results of a COVID-19 test;
- ☐ Employee is caring for an individual subject to an isolation or quarantine order related to COVID-19.

Name of individual	Relationship	Specify government entity or healthcare provider

Employee Signature: Date:

Manager or Division Director Signature: Date:
(Confirming inability to telework or work from home)

Agency HR Manager Signature: Date:

Agency Head/Designee Signature: Date:

State Personnel Director Signature: Date:
(only required if more than five consecutive workdays up to ten consecutive workdays)



New Mexico State Personnel Office
Paid COVID-19-Related Conditions Leave Form Condition 5
(Caring for Son or Daughter/School Closed)

Form - Jan. 31, 2020 Item 16.
SHARE Code: PFCVL

Agency/Employee Information

Date: Business Unit Name: Bus. Unit #:

Employee Name: Empl ID:

Request #: Begin Date: End Date:
(not to exceed 4 workweeks)

Hours per Week Requested:
(may be consecutive or intermittent – if intermittent, specify leave hours requested; may not exceed 20 hours per week)

☐ Hrs Work/Telework ☐ Accrued Leave ☐ LWOP

Balance of Workweek Hours: ☐ Combination
(hours per week must total a full workweek) (if a combination, enter hours per category)

Due to the public health emergency declared by the Governor on March 11, 2020, and pursuant to State Personnel Board Rule 1.7.7.14, Administrative Leave, and State Personnel Office General Memorandum 2022-001, employee is requesting Paid COVID-19-Related Conditions Leave for the following COVID-19-Related Condition as determined by the Cabinet Secretary or Agency Head, up to twenty (20) hours per week for four (4) weeks. This Condition is identified in General Memorandum 2022-001.

By checking here, Employee certifies:

☐ I meet the condition below and, as a result, I am unable to telework or work from home for the number of hours of COVID-19 Leave requested above.
(Manager or Division Director must confirm by signing below.)

The COVID-19-Related Condition is: (check and complete fully)

☐ The employee is caring for the employee's son or daughter under 18 years of age (or 18 years of age or older who has a mental or physical disability and is incapable of self-care because of that disability) because the school or childcare facility for the child has been closed or the caregiver or childcare provider of such son or daughter is unavailable because of a public health emergency.

Child(ren) name(s)

School or childcare facility

☐ *!! Employee certifies there is no other suitable person available to care for my son or daughter during the period requested above. *!!

Previous Requests Granted - Begin Date: End Date:
(leave blank if this is 1st request)

Employee Signature: Date:

Manager or Division Director Signature: Date:
(confirming inability to telework or work from home)

Agency HR Manager Signature: Date:

Agency Head/Designee Signature: Date:
(State Personnel Director approval NOT required)



P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

ORDINANCE 3-20222

AN ORDINANCE ADOPTING AMENDMENTS TO APPENDIX A. PERSONNEL POLICIES OF THE BAYARD CODE OF ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BAYARD, NEW MEXICO, the following amendments are hereby made to the Bayard Personnel Policy:

Chapter 12. Conditions of Employment, Section D. Call Out Pay:

Addition of new language to section:

When an employee has multiple call-outs in a single day, the two-hour minimum will apply when there is a defined break in time from the completion of the previous call-out to the initiation of the next call-out that is outside the time frame of the previous 2-hour minimum period.

Example 1: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 9:30 am with job completion at 11:00 am – pay would be for 3 hours for actual time worked.

Example 2: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 9:30 am with job completion at 9:45 am – pay would be for 1 - 2-hour minimum.

Example 3: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 2:30 pm with job completion at 3:30 pm – pay would be for 2 - 2-hour minimums.

Chapter 12. Conditions of Employment, Section E Compensatory Time

Delete existing language and replace with:

All employees shall have the option to accumulate compensatory time at the rate of one and one-half hours for any actual work time beyond their standard work schedule. Compensatory time may be carried over to the next calendar year on January 1 for a total of 120 hours. Employees may elect to have the worked hours paid as overtime hours for the pay period in which the hours were earned.

Employees have the option to request a cash payout of accumulated compensatory time in July and December of each year.

Chapter 13. Paid Leave Policy, Section A. Annual Leave Time:

Delete last sentence:

All employees shall be required to schedule and utilize one work week period as annual leave time off of which shall be placed on the department's annual work schedule not later than January 31 of each year. Delete.

Chapter 13. Paid Leave Policy, Section A. Annual Leave Time:

Addition of new section:

5. 20 or more years. Full-time employees who have worked for the City of Bayard for (20) twenty years and one day up or more shall accumulate 9.23 hours of annual leave per pay period. This will be a total of 240 hours or thirty (30) eight hour working days per year. Part-time A employees shall accumulate 6.94 hours annual leave per pay period. This will be a total of 180.44 hours or thirty (30) six hour working days per year. Part-time B employees shall accumulate 4.62 hours annual leave per pay period. This will be a total of 120.12 hours or thirty (30) four hour working days per year.

Chapter 13. Paid Leave Policy, Section I. Sickness

Delete all existing language in section and replace with:

- I. Paid Sick Leave: All employees shall accumulate paid sick leave at the rate of 1 hour per 30 hours of the normal department work schedule per pay period:
 1. Full-time employees 2,080 scheduled hours: $69.33 = 2.66$ hours
 2. Part-time A employees 1,560 scheduled hours: $52.00 = 2.00$ hours
 3. Part-time B employees: 1,040 scheduled hours: $34.58 = 1.33$ hours

Paid sick leave accrual will be pro-rated for those employees that do not reach the standard work schedule hours. Example: any approved unpaid leave (FMLA) will not accrue paid sick leave or new hires.

Paid sick leave will be implemented using to following the provisions under the Healthy Workplace Act:

Pay

Used sick leave is compensated at the employee's usual hourly rate and benefits. The hourly rate must be at least minimum wage.

There shall be no pay for sick leave upon resignation, lay-off, or involuntary dismissal of the employee.

Sick leave is not granted in advance of accrual.

Reason For Use Of Leave

Employees may use accrued sick leave for the following reasons:

- Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Meetings related to employee's child's health or disability.
- Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employee or their family member.

Use Of Sick Leave

Department heads must grant use of earned sick leave upon the oral or written request of an employee or an individual acting on the employee's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching for or finding a replacement worker to cover during the employee's absence. An employer may not require an employee to use other paid leave before the employee uses sick leave. The employee should notify the employer in advance when use of sick leave is foreseeable and make a reasonable effort to schedule the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the employer as soon as practicable or within 30 minutes of start of shift.

Reasonable Documentation

The employee may be required to present reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses three or more consecutive workdays of sick leave. Department heads must treat all information obtained related to an employee taking sick leave as confidential.

Retaliation Prohibited

Department heads may not make or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the policy. Department heads may not retaliate because an employee raises concerns about violations of the policy, exercises their rights under the policy, or participates in investigations or legal proceedings related to alleged violations of the policy. Examples of retaliation include the following: denying use or delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments or scheduling, threats, discipline, counting use of earned sick leave hours

as an absence that may lead to any adverse action, or any other employment action considered less favorable.

Complaint Process

Employees must file a complaint with the Mayor or Mayor Pro-tem identifying the date the alleged violation occurred.

Section Q. Leave Without Pay

Delete all existing language of section and insert new language as:

Q. Leave without pay

When it is practical and reasonable to do so for extenuating circumstances, leave without pay may be requested by the employee and shall be approved by the Mayor or Mayor Pro-tem taking into consideration such factors as length of service, work performance, needs of the department and the needs of the city as determined by management. The Mayor or Mayor Pro-tem shall determine the period of time allowed without pay.

Leave without pay shall not be granted for employees under introductory status.

Chapter 19 Miscellaneous Policies, Section C. Uniforms as:

Addition of language to section:

Special Event Wear (polo shirts/jackets) shall be provided to elected officials and city employees for wear during special events and training in which representation of the city is requested. Such items shall be allowed to be used during office hours.

Any city representative wearing any uniform or special event wear shall conduct themselves in a professional manner.

Chapter 19 Miscellaneous Policies, Section G. Examination Fees

Delete all existing language of section and insert new language as:

G. Examination Fees: The City will pay only for expenses incurred relative to three examinations of any specific certification which is applicable to an employee's position within the City's organizational structure and is requested by the department head. Expenses related to unsuccessful subsequent testing to receive the certification, at the employee's request, will be the sole responsibility of the employee. When an employee does not acquire certification within the first three allowances, the employee will be reimbursed for the testing/qualification costs relative to the final certification event when certification is received.

Chapter 19 Miscellaneous Policies.

Addition of new section as:

H. Law Enforcement Hiring Incentive Policy: A hiring sign-on incentive program may be utilized for the employment of Police Officers meeting the requirements of a certified or certifiable law enforcement officer. A contract shall be completed between the city and the individual police officer which shall at minimum: set the length of service to be provided, payment schedule, and repayment schedule. The Hiring Incentive Policy shall only be used to determine the conditions of the hiring incentive payment and shall not be construed as an employment contract. All relevant City of Bayard and Department policies must be adhered to by employee. The Hiring Incentive Policy shall be dependent upon availability of funds identified within the fiscal year budget and may not be available each year.

EFFECTIVE DATE

This ordinance shall take effect on the 29th day of August.

PASSED, APPROVED AND ADOPTED this _____ day of _____.

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

NOTICE OF INTENT TO ADOPT

CITY OF BAYARD

The City of Bayard hereby gives public notice of the intent to adopt amendments to Ordinance 1-2015 A Personnel Ordinance:

AN ORDINANCE TO AMENDING ORDINANCE 1-2015 A PERSONNEL ORDINANCE APPENDIX A - WITHIN THE BAYARD CODE OF ORDINANCES; FOR THE ADDITION AND SUBTRACTION OF LANGUAGE IN CERTAIN SECTIONS OF THE ORDINANCE.

Any public comment must be submitted to the City Clerk between July 11, 2022 and July 22, 2022 at City of Bayard, 800 Central Avenue, Bayard, NM 88023.

Consideration of the final ordinance will not take place until at least two weeks (14) days subsequent to the date of this notice, and only at a public meeting called and held in accordance with S10-5-1 et seq. NMSA 1978 comp. Copies of the proposed ordinance may be obtained at the Bayard City Hall.

Consideration is currently scheduled for and will not take place prior to July 25, 2020 for final adoption.

Kristina Ortiz, MMC

Clerk-Treasurer

Amendments for Personnel Policy

Insert new language to Chapter 12. Conditions of Employment, Section D. Call Out Pay:

When an employee has multiple call-outs in a single day, the two-hour minimum will apply when there is a defined break in time from the completion of the previous call-out to the initiation of the next call-out that is outside the time frame of the previous 2-hour minimum period.

Example 1: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 9:30 am with job completion at 11:00 am – pay would be for 3 hours for actual time worked.

Example 2: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 9:30 am with job completion at 9:45 am – pay would be for 1 - 2-hour minimum.

Example 3: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 2:30 pm with job completion at 3:30 pm – pay would be for 2 - 2-hour minimums.

Delete existing language under Chapter 12. Conditions of Employment, Section E Compensatory Time and replace with:

All employees shall have the option to accumulate compensatory time at the rate of one and one-half hours for any actual work time beyond their standard work schedule. Compensatory time may be carried over to the next calendar year on January 1 for a total of 120 hours. Employees may elect to have the worked hours paid as overtime hours for the pay period in which the hours were earned.

Employees have the option to request a cash payout of accumulated compensatory time in July and December of each year.

Delete last sentence in Chapter 13. Paid Leave Policy, Section A. Annual Leave Time:

All employees shall be required to schedule and utilize one work week period as annual leave time off of which shall be placed on the department's annual work schedule not later than January 31 of each year. Delete.

Insert new section to Chapter 13. Paid Leave Policy, Section A. Annual Leave Time:

5. 20 or more years. Full-time employees who have worked for the City of Bayard for (20) twenty years and one day up or more shall accumulate 9.23 hours of annual leave per pay period. This will be a total of 240 hours or thirty (30) eight hour working days per year. Part-time A employees shall accumulate 6.94 hours annual leave per pay period. This will be a total of 180.44 hours or thirty (30) six hour working days per year. Part-time B employees shall accumulate 4.62 hours annual leave per pay period. This will be a total of 120.12 hours or thirty (30) four hour working days per year.

Delete existing language in Chapter 13. Paid Leave Policy, Section I. Sickness and replace with:

- I. Paid Sick Leave: All employees shall accumulate paid sick leave at the rate of 1 hour per 30 hours of the normal department work schedule per pay period:
1. Full-time employees 2,080 scheduled hours: $69.33 = 2.66$ hours
 2. Part-time A employees 1,560 scheduled hours: $52.00 = 2.00$ hours
 3. Part-time B employees: 1,040 scheduled hours: $34.58 = 1.33$ hours

Paid sick leave accrual will be pro-rated for those employees that do not reach the standard work schedule hours. Example: any approved unpaid leave (FMLA) will not accrue paid sick leave or new hires.

Paid sick leave will be implemented using to following the provisions under the Healthy Workplace Act:

PAY

Used sick leave is compensated at the employee's usual hourly rate and benefits. The hourly rate must be at least minimum wage.

There shall be no pay for sick leave upon resignation, lay-off, or involuntary dismissal of the employee.

Sick leave is not granted in advance of accrual.

REASON FOR USE OF LEAVE

Employees may use accrued sick leave for the following reasons:

- Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Meetings related to employee's child's health or disability.
- Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employee or their family member.

USE OF SICK LEAVE

Department heads must grant use of earned sick leave upon the oral or written request of an employee or an individual acting on the employee's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching for or finding a replacement worker to cover during the employee's absence. An employer may not require an employee to use other paid leave before the employee uses sick leave. The employee should notify the employer in advance when use of sick leave is foreseeable and make a reasonable effort to schedule the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the employer as soon as practicable or within 30 minutes of start of shift.

REASONABLE DOCUMENTATION

The employee may be required to present reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses three or more consecutive workdays of

sick leave. Department heads must treat all information obtained related to an employee taking sick leave as confidential.

RETALIATION PROHIBITED

Department heads may not make or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the policy. Department heads may not retaliate because an employee raises concerns about violations of the policy, exercises their rights under the policy, or participates in investigations or legal proceedings related to alleged violations of the policy. Examples of retaliation include the following: denying use or delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments or scheduling, threats, discipline, counting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less favorable.

COMPLAINT PROCESS

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Delete existing language of Section Q. Leave Without Pay and insert new language as:

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When it is practical and reasonable to do so for extenuating circumstances, leave without pay may be requested by the employee and shall be approved by the Mayor or Mayor Pro-tem taking into consideration such factors as length of service, work performance, needs of the department and the needs of the city as determined by management. The Mayor or Mayor Pro-tem shall determine the period of time allowed without pay.

Leave without pay shall not be granted for employees under introductory status.

Delete existing language of Chapter 19 Miscellaneous Policies, Section G. Examination Fees and insert new language as:

G. Examination Fees: The City will pay only for expenses incurred relative to three examinations of any specific certification which is applicable to an employee's position within the City's organizational structure and is requested by the department head. Expenses related to unsuccessful subsequent testing to receive the certification, at the employee's request, will be the sole responsibility of the employee. When an employee does not acquire certification within the first three allowances, the employee will be reimbursed for the testing/qualification costs relative to the final certification event when certification is received.

Insert new section to Chapter 19 Miscellaneous Policies.

H. Law Enforcement Hiring Incentive Policy: A hiring sign-on incentive program may be utilized for the employment of Police Officers meeting the requirements of a certified or certifiable law enforcement officer. A contract shall be completed between the city and the individual police

officer which shall at minimum: set the length of service to be provided, payment schedule, and repayment schedule. The Hiring Incentive Policy shall only be used to determine the conditions of the hiring incentive payment and shall not be construed as an employment contract. All relevant City of Bayard and Department policies must be adhered to by employee. The Hiring Incentive Policy shall be dependent upon availability of funds identified within the fiscal year budget and may not be available each year.

Kristina Ortiz

From: Bayard Public Works
Sent: Wednesday, August 3, 2022 10:19 AM
To: Kristina Ortiz
Subject: Equipment

Per the mayor request:

He wants a list of all the equipment that needs to be replaced/ and don't used or have a need for.

Break down:

The sewer jetting machine is #1 on the necessity list used for sewer collections.

A small VAC truck was quoted out at \$346,026.20 this is a multipurpose truck, it is capable of "sucking out" debris from manholes, sucking while high pressure sewer jetting, and is also capable of hydro-excavating for pot-holing without damaging other utilities.

This truck has many capabilities, both for sewer collections, water system, and even be used at the waste water treatment plant

We also got quote on just a sewer jetting machine at \$94,190.40, and another at \$128,873.25

The equipment is old, parts are imposable find and get when the machine goes down repair are very expensive, and timely.

These equipment is used on a daily bases. The equipment has ran its life course.

It's time that we looking in to buy or leasing options for the equipment.

The equipment that needs replacing in priority is as follows:

1990 Sewer Jetting Machine

1987 Dresser Loader

1987 580-E Case Backhoe

1986 Sullivan air compressor/jackhammer

The equipment that would be the replacement would be a newer backhoe, and a mid-size loader, and newer air compressor/jackhammer preferably lighter to handle.

The equipment that we don't use or have a use for is the 1968 John Deere Grader, parts for this are imposable to fine and are very expensive.

The grader is just to big for our needs and uses the loader is the one that can do the work of the grader.

Its use was for grading the road to the wells witch the loader can do, and grading N. Foy St. which is soon to be paved. Deleting the need to keep it, or replace it

Pete's Equipment Repair, Inc.

Item 20.



Cleaning and Protecting Our Communities

1412 Broadway NE
Albuquerque, NM 87102
(505) 242-6969 Phone
(505) 242-4156 Fax
www.petesequip.com

July 6, 2022

City of Bayard
Michael Paez
Wastewater Department

Dear Mr. Paez:

I am pleased to offer you a new 2022 iMPACT Vactor mounted on a 2023 International MV 607 SBA chassis for \$343,026.20 via Federal Signal Sourcewell Contract # 101221-VTR. Pricing is on the attached worksheet. This price includes the following options and features:

- 40 GPM / 2500 PSI
- 500 Gallon Water Capacity
- Lube Manifold
- Rodder Pump Drain Valves
- Accumulator System
- 500' Piranha Hose
- High Pressure Hose Reel
- 6" Rear Door Butterfly Valve
- Wireless Bellypack
- Air Purge System
- Digital Water Level Indicator
- 15" PD Blower
- LED Arrowstick
- Federal Signal 6 Strobe Lights
- Recirculation System
- Debris Body Washout
- Lateral Cleaning Kit
- Hydro Excavation Kit
- 14W X 36H X 88D Toolbox
- LED Work Lights
- Rear Door Splash Shield
- Debris Body Level Indicator

The purchase order should be addressed to Pete's Equipment as we are the sole dealer for Vactor products in New Mexico. Please understand that the current climate of chassis availability and steel prices is volatile. Chassis pricing will be subject to change based upon availability of that model year at time of order. Therefore, this quote is good for 30 days from today's date and can be updated for you anytime. If you have any questions, please give me or Laurie Rebarchik a call.

Thank you for this opportunity,
William T. Pedigo

General Manager
Pete's Equipment Repair INC.



1412 Broadway NE, Albuquerque, NM 87102 (505) 242-6969 Phone, (505) 242-4156 Fax

115



**Pete's Equipment Repair, Inc.
Presents a Proposal Summary**

of the



Impact

Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System Mounted on a Heavy-Duty Truck Chassis

for

**City of Bayard
800 Central Avenue
Bayard, New Mexico**

List Summary

Order Qty	Part Number	Description	List Price
1	2100C-3	IMPACT PD, 15" Vacuum, 3 yrd Debris, 500 Gal Water, Combo	\$188,289.00
1	010CSTD	Curbside Toolbox w/ Nozzle Storage Rack	\$0.00
1	011CSTD	Aluminum Fenders	\$0.00
1	012CSTD	Mud Flaps	\$0.00
1	014CSTD	Electric / Hydraulic Proportional Boom Control	\$0.00
1	016CSTD	Color Coded Sealed Electrical System	\$0.00
1	019CSTD	Intultouch Electronic Package	\$0.00
1	020CSTD	Double Acting Hoist Cylinder	\$0.00
1	025CASTD	Handgun Assembly	\$0.00
1	026CSTD	Ex-Ten Steel Cylindrical Debris Tank	\$0.00
1	030CSTD	Flexible Hose Guide	\$0.00
1	032CSTD	(2) Nozzles w/ Carbide Inserts	\$0.00
1	045CSTD	Suction Tube Storage	\$0.00
1	046CSTD	3/4" Nozzle Pipe	\$0.00
1	048CSTD	10' Leader Hose	\$0.00
1	1005CSTD	Stainless Steel Float Shut Off System	\$0.00
1	1016CSTD	Horizontal Microstrainer Prior to Blower	\$0.00
1	1024CSTD	Debris Body Vacuum Relief System	\$0.00
1	1041CSTD	Debris Body-Up Light and Alarm	\$0.00
1	2001CSTD	Low Water Alarm with Water Pump Flow Indicator	\$0.00
1	2022CSTD	Water Tank Sight Gauge	\$0.00
1	2023CSTD	Liquid Float Body Level Indicator	\$0.00
1	3015CSTD	Front Controlled Blower Drive	\$0.00
1	3019CSTD	Digital Water Pressure Gauge	\$0.00
1	4006CSTD	Joystick Boom Control	\$0.00
1	4010CSTD	Boom Hose Storage	\$0.00
1	4005CSTD	180 deg. 5ft Extendable Boom	\$0.00
1	4017CSTD	Boom Out of Position Light and Alarm	\$0.00
1	5002CSTD	40 GPM/2500 PSI Jet Rodder pump	\$0.00
1	5010CSTD	Rodder System Accumulator - Jack Hammer on/off Control w/ manual valve	\$0.00
1	5011CSTD	3" Y-Strainer at Water Pump	\$0.00
1	5012CSTD	Multi-Flow Water System	\$0.00
1	5014CSTD	1" Water Relief Valve	\$0.00
1	5015CSTD	Midship High Pressure Coupling	\$0.00
1	6000CSTD	500' x 3/4" Sewer Hose 2500 PSI, Piranha	\$0.00
1	6004CSTD	Hose Wind Guide (Dual Roller), Manual	\$0.00
1	6005CSTD	Digital Hose Footage Counter	\$0.00
1	6017CSTD	Hydraulic Tank Shutoff Valves	\$0.00
1	6020CSTD	Rotating Hose Reel, 3/4" x 500' Capacity, 180 Deg. Rotation	\$0.00
1	7001CSTD	Tachometer / Chassis Engine w/ Hour Meter	\$0.00
1	7003CSTD	Water Pump Hour Meter	\$0.00
1	7004CSTD	PTO Hour Meter	\$0.00
1	7005CSTD	Hydraulic Oil Temp Alarm	\$0.00

1	7007CSTD	Tachometer / Blower w/ Hour Meter	\$0.00
1	8000CSTD	Circuit Breakers	\$0.00
1	8025CSTD	LED Lights, Clearance, Backup, Stop, Tail, & Turn	\$0.00
1	9002CSTD	Tow Hooks, Front	\$0.00
1	9002CSTD	Tow Hooks, Rear	\$0.00
1	9003CSTD	Electronic Back-Up Alarm	\$0.00
1	9021CSTD	Camera System, Rear Only	\$0.00
1	S390CSTD	6" Vacuum Pipe Package	\$0.00
1	S560CSTD	Emergency Flare Kit	\$0.00
1	S590CSTD	Fire Extinguisher 5 Lbs.	\$0.00
1	500655B-30	Vector Standard Manual and USB Version - 1 + Dealer	\$0.00
1	1003C	Body Washout	\$1,699.00
1	1008C	6" Rear Door Butterfly Valve, 6:00 position	\$888.00
1	1014C	Centrifugal Separators (Cyclones)	\$3,327.00
1	1022C	Rear Door Splash Shield	\$1,647.00
1	1023C	Lube Manifold	\$2,568.00
1	1023CA	Lube Chart, included with Lube Manifold	\$0.00
1	2006C	Air Purge	\$1,455.00
1	3019C	Digital Water Level Indicator	\$735.00
1	3021C	Digital Debris Body Level Indicator Tied to Vacuum Relief	\$1,014.00
1	4011C	Bellypack Wireless Controls, including hose reel controls	\$3,330.00
1	5008CA	Cold Weather Recirculator, PTO Driven, 12 GPM	\$1,854.00
1	5021CA	Hydro Excavation Kit - Includes Lances w/ Shield, Nozzles, Storage Tray, and Vacuum Tube	\$2,924.00
1	6004CC	Pinch Roller	\$1,563.00
1	6014C	High Pressure Hose Reel	\$1,641.00
1	6019C	Rodder Pump Drain Valves	\$551.00
1	8001CM	Rear Directional Control, LED Arrowstick	\$1,977.00
1	8004CF	Rear Mounted, LED Beacon Light w/ Limb Guard	\$1,144.00
1	8005C	H.A.L.O. (Handsfree Accessory Light Option)	\$3,185.00
1	8020C	6 Light Package, 6 Federal Signal Strobe Lights, LED	\$1,703.00
1	8029CA	Worklights (2), Boom	\$844.00
1	8029CB	Worklights (2), Rear Door	\$669.00
1	8029CC	Worklights (2), Driver & Passenger Side, LED	\$1,159.00
1	8029CD	Worklight, Manhole	\$723.00
1	9023C	Safety Cone Storage Rack - Post Style	\$182.00
1	9071CAL	Toolbox, Behind Cab - 14w 36h x 88d - with Lighting	\$3,671.00
1	9085CA	2022 Vector Surcharge	\$3,125.00
1	P112STD	Module Paint, DuPont Imron Elite - Sanded Primer Base	\$0.00
1	LOGO-APPL.	Vector/Guzzler Logos - Applied	\$0.00
1	20836-30	(1) Hydrant Wrench	\$30.42
1	52846-30	(1) Flexible Hose Guide	\$71.35
1	MSIS300A-CH	Vector Supplied Chassis, Single Axle, 2023 International MV607 SBA, 300 HP, Auto, 25,999 GVWR, GHG	\$108,631.25
1	R38923	Lateral Cleaning Kit w/150' Hose and Nozzle (iMPACT)	\$4,612.00
1	VDS-154	Freight Charges	\$5,000.00
1	PDI, D&T	PDI, Delivery and Training	\$2,500.00
1	DISC	Sourcwell Discount	(\$9,685.82)

Chassis Source - Vactor Supplied
Module Paint Match Cab - Yes
Module Paint Color - White
Cab Color - White
Certified Unit Weights Required? - No

Chassis Note: None

Factory Price: \$343,026.20

Price indicated includes approved Special Requests

Special Customer Price: \$343,026.20

Price valid for 30 Days from date of 7/6/2022

LIMITED WARRANTY

Limited Warranty. Each machine manufactured by VACTOR MANUFACTURING (or, "the Company") is warranted against defects in material and workmanship for a period of 12 months, provided the machine is used in a normal and reasonable manner and in accordance with all operating, maintenance and safety instructions. In addition, certain machines and components of certain machines have extended warranties as set forth below. If sold to an end user, the applicable warranty period commences from the date of delivery to the end user. If used for rental purposes, the applicable warranty period commences from the date the machine is first made available for rental by the Company or its representative. This limited warranty may be enforced by any subsequent transferee during the warranty period. This limited warranty is the sole and exclusive warranty given by the Company.

STANDARD EXTENDED WARRANTIES (Total Warranty Duration)

2100 Series, HXX Series and Jetters 10 years against water tank leakage due to corrosion. nonMetallic water tanks are covered for 5 yrs against any factory defect in material or workmanship.

2100 Series, HXX Series and Guzzler only 5 years against leakage of debris tank, centrifugal compressor or housing due to rust-through.

2100 Series and Jetters 2 years - Vactor Rodder Pump

Exclusive Remedy. Should any warranted product fail during the warranty period, the Company will cause to be repaired or replaced, as the Company may elect, any part or parts of such machine that the Company's examination discloses to be defective in material or factory workmanship. Repairs or replacements are to be made at the selling Company's authorized dealer's or distributor's location or at other locations approved by the Company. In lieu of repair or replacement, the Company may elect, at its sole discretion, to refund the purchase price of any product deemed defective. The foregoing remedies shall be the sole and exclusive remedies of any party making a valid warranty claim.

This Limited Warranty shall not apply to (and the Company shall not be responsible for):

1. Major components or trade accessories that have a separate warranty from their original manufacturer, such as, but not limited to, trucks and truck chassis, engines, hydraulic pumps and motors, tires and batteries.
2. Normal adjustments and maintenance services.
3. Normal wear parts such as, but not limited to, oils, fluids, vacuum hose, light bulbs, fuses and gaskets.
4. Failures resulting from the machine being operated in a manner or for a purpose not recommended or not in accordance with operating, maintenance or safety instructions by the Company.
5. Repairs, modifications or alterations without the express written consent of the Company, which in the Company's sole judgment, have adversely affected the machine's stability, operation or reliability as originally designed and manufactured.
6. Items subject to misuse, negligence, accident or improper maintenance.

NOTE The use in the product of any part other than parts approved by the Company may invalidate this warranty. The Company reserves the right to determine, in its sole discretion, if the use of non-approved parts operates to invalidate the warranty. Nothing contained in this warranty shall make the Company liable for loss, injury, or damage of any kind to any person or entity resulting from any defect or failure in the machine.

THIS WARRANTY SHALL BE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND TO THE EXTENT PERMITTED, CONFERRED BY STATUTE, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR ANY WARRANTY AGAINST FAILURE OF ITS ESSENTIAL PURPOSE, ALL OF WHICH ARE DISCLAIMED.

This warranty is in lieu of all other obligations or liabilities, contractual and otherwise, on the part of the Company. For the avoidance of doubt, the Company shall not be liable for any indirect, special, incidental or consequential damages, including, but not limited to, loss of use or lost profits. The Company makes no representation that the machine has the capacity to perform any functions other than as contained in the Company's written literature, catalogs or specifications accompanying delivery of the machine. No person or affiliated company representative is authorized to alter the terms of this warranty, to give any other warranties or to assume any other liability on behalf of the Company in connection with the sale, servicing or repair of any machine manufactured by the Company. Any legal action based hereon must be commenced within eighteen (18) months of the event or facts giving rise to such action.

The Company reserves the right to make design changes or improvements in its products without imposing any obligation upon itself to change or improve previously manufactured products.

GUZZLER

VACTOR MANUFACTURING
1621 S. Illinois Street
Streator, IL 61364

VACTOR