City of Bayard

CITY COUNCIL REGULAR MEETING

August 09, 2021 at 1:30 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 26, 2021
2. Approval of the Accounts Payable Report for August 9, 2021
3. Approval of the Wastewater Report for July 2021
4. Approval of the Fire Report for July 2021
5. Approval of Fire Service Conference on September 23-26, 2021 in Ruidoso as assigned by Chief Gonzales.

OLD BUSINESS

6. The City of Bayard awarded the IT contract on May 10, 2021 after award of the initial contract Clerk Ortiz realized that the contract was proposed on a monthly cost and not an annual cost. Both parties have worked together to reestablish the information technology needs of the city, and mutually agreeable terms have been negotiated. Basic services under the agreement are for a total of $27,736 annually; with the balance of $65,000 to be allocated to back-up servers, back-up software, cyber security set-up, and various licensing provisions and network set-up and repair of existing infrastructure.

NEW BUSINESS

7. Shawn Russell has provide a quote of $4,500 to cut down and remove the large oak tree that has caused damage to the water channel on Erie Street. The tree would

be cut down to the height requested by the city but he will not provide stump removal due to the drainage infrastructure.

8. Approval to adjust property boundary lines for Coffey Addition; Block 5, Lots 1, 2, 3, & 4. The northwest corner will be moved east; north east corner will be moved east. This adjustment will remove one dwelling unit from encroaching on public property. The property adjustment is of equal size.

9. Adoption of Operating Procedures for the Bayard Police Department

ORDINANCES/RESOLUTIONS

10. Adoption of Resolution 15-2021 Open Meeting Resolution

11. Resolution 16-2021 SAP 21-F2327-STB New Mexico Environment Department, Water Storage Tank Project

CLOSED SESSION

Pursuant to State Statues 10-15-1(H-7) pertaining to threatened or pending litigation

MAYOR AND COUNCILORS REPORTS

NEXT MEETING DATE:

Regular Meeting - August 24, 2021

ADJOURNMENT

City of Bayard
CITY COUNCIL REGULAR MEETING
July 26, 2021 at 1:30 PM
Bayard City Hall

MINUTES

WORK SESSION

Work session was not held.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT
Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Charles Kelly
Councilor Eloy Medina
Councilor Adrian Ortiz

Others present were Anthony Aveles, Jason Jaeger, Hannah Dumas and Kristina Ortiz.

APPROVAL OF THE AGENDA

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PUBLIC INPUT

Mrs. Tanya Ortiz came before the City Council to request that Mr. Cravens be honored in some way for all of the hard work he did to make Bayard beautiful. Mrs. Ortiz suggested that the area by Guinevan Street be improved and the table that Mr. Cravens installed be fixed.

CONSENT AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

The following items were included within the consent agenda:

1. Approval of the Minutes of Regular Meeting on July 12, 2021.
2. Approval of the Accounts Payable Report for July 26, 2021.

3. Approval of Police Report for June 2021.

OLD BUSINESS

4. Discussion/Approval of modifications to community center rental contract (fees, operating hours, terms and conditions).

Clerk Treasurer Ortiz presented information on the rental of the community center fees and operating conditions. The Clerk provided information on the rental fees for government use, non-profit and commercial use. Councilor Medina inquired on having a monitor at the facility. Clerk Ortiz stated that no other facilities have monitors but contracts may require security depending on the type of event (such as a teen dance). Renters are responsible for the security fees. Councilor Medina is concerned with damages occurring during the rentals. Public Works Director requested to have public safety ensure that the facility is closed at the appropriate times. Clerk Ortiz stated that having the police officers check on the building during use and having the maintenance cell phone number posted in case of problems. Councilor Medina recommended $200 for residents and $250 non-resident. Mayor Fierro asked about the fee for the kitchen. Clerk Ortiz state $25/$35 with rental of the auditorium. Councilor Medina inquired on the fee for fund raisers. Clerk Ortiz stated it would be the regular amount since the rental is not considered a 401(c.3) agency. The center also has non-profit rates at $20 per hour. Rental would be free for events open to the general public (without charge). She also requested a specific rate for funeral rentals, currently at $10 per hour with $50 deposit. Councilor Medina was concerned on having high fees for funerals when the families are already looking for funds to pay for the services. Clerk Ortiz requested specific times for use and not after 7 p.m. Discussion was recommended $50 rental and $50 deposit kitchen $25/$35 with a maximum four hour period and nothing after 7 p.m. Councilor Kelly recommended closure of the facility by 11 p.m. Councilor Medina stated that was too early especially if the event was a meeting. Councilor Villanueva recommended midnight closure. Final recommendation is to have the facility closed at midnight with clean-up by 12:30 a.m.

Council consensus for community center use:

Auditorium Fees: Deposit $200 resident, $250 non-resident; Rent per day use, $200 hall/$25 kitchen for residents; $250 hall/$35 kitchen for non-residents, and closure at $12:30 a.m. Funeral services: $50 deposit/$50 rental, kitchen rates $25/$35 with a maximum time of four (4) hours and closure at 7 p.m. Board room will be dependent on type of event held using existing rates.

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

NEW BUSINESS

5. Approval of Cobre High School Homecoming Parade and municipal assistance on September 9, 2021.

   Cobre High School requesting the assistance of municipal personnel for Homecoming Parade and events on September 9, 2021.

6. Approval of the annual contract rate increase as allowed by current contract - increase is 4.16%.

   Clerk Ortiz stated that Southwest Disposal is requesting approval of the annual allowed rate increase of 4.16%.

   Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
   Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz
   Voting Nay: Councilor Medina

7. Approval of the June 30, 2021 Financial Statements and End of Year Budget Adjustments.

   Clerk Ortiz presented the June 30, 2021 Financial Statements and end of year adjustments. She reviewed the adjustment schedule.

   Motion made by Councilor Kelly, Seconded by Councilor Medina.
   Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

8. Approval of the 2022 Fiscal Budget as approved by NM Department of Finance and Administration

   Clerk Ortiz presented the Fiscal Year 2022 Final Budget for approval. The only changes from the interim budget related to construction projects and grant funding.

   Motion made by Councilor Medina, Seconded by Mayor Pro-tem Villanueva.
   Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

ORDINANCES/RESOLUTIONS

9. Adoption of Resolution 13-2021 for the June 30, 2021 Financial Statements and End of Year Adjustments.

10. Adoption of Resolution 14-2021 Fiscal Year 2022 Final Budget

    Councilor Kelly requested both resolutions be adopted at the same time.

Motion made by Councilor Kelly, Seconded by Councilor Medina.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

CLOSED SESSION

Pursuant to 10-15-1(H-2) NMSA 1978 for personnel

1. Termination of Brandi Pyron as Bayard Police Officer
2. Mark Diaz - confirmation of hire date as park & recreation position
3. Hiring of Custodian and Humane/Code Enforcement Officer

Consensus of Council was Closed Session not required.

ACTION ITEMS RESULTING FROM CLOSED SESSION

ACTION FOR PERSONNEL

11. Officer Brandi Pyron - Approval of termination of employment as police officer as recommended by Mayor Fierro.

    Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
    Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

12. Mark Diaz certification of employment as Parks and Recreation employee with the standard introductory period and completion of all pre-employment exams. Mr. Diaz declined the offer of employment as custodian. Due to two additional individuals declining offers or not completing pre-employment exams, Mr. Diaz accepted the parks & recreation position. Approval is to confirm employment with a hire date of May 20, 2021 at the rate of $11.00 per hour (also received the $2.00 increase effective on July 3, 2021.

    Motion made by Councilor Medina, Seconded by Mayor Pro-tem Villanueva.
    Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

13. Custodian

    Recommendation is to hire Joe Sierra at the hourly wage of $12.00 upon successful completion of all pre-employment exams and background checks with the standard introductory rate.

    Humane Officer/Code Enforcement Officer

Recommendation is to hire Samuel Ogas at the hourly wage of $13.50 upon successful completion of all pre-employment exams and background checks with the standard introductory rate.

Custodian - Joe Sierra

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

Humane Officer/Code Enforcement Officer - Samuel Ogas

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva inquired on the status of the police chief and police officer job posting and applications. Clerk Ortiz stated that she has three (3) applications for police chief and is still receiving as they come in. Consensus is to begin advertising for patrol officers.

Councilor Kelly stated that the Policy Committee for personnel met and reviewed the current Personnel Policy. He indicated that discussions went well and staff will continue to work on the changes under review with legal counsel. The city needs to change policy specific for the medical cannabis use. Councilor Kelly also inquired on the pick-up of social security for employees. The city and employees currently do not pay these benefits. Clerk Ortiz stated that she would work on the impact to the budget and an election with the current employees would be required. The current employees have the option to pick-up the benefits once they are approved by the city. Any future employees would be mandated to contribute.

Councilor Medina is wishing to work on the police department and restructuring in order to get officers back on the streets.

Public Works Director Aveles inquired on which department will have oversight of the custodian. Discussion was held and recommended to have the maintenance have daily oversight but requiring the department heads of each building to provide daily duties regarding the needs of the facility.

Mayor Fierro stated that he attended the SW Solidwaste Authority meeting and the board is discussing the ability to fine individuals that go to the landfills without a cover over their load. Bayard does have an uncovered load regulation that the local police can enforce. Mayor thanked Councilor Ortiz for his benefit fund raiser and stated that it was a success and thanked the maintenance for their work at the little league park.

NEXT MEETING DATE:

Regular Meeting - August 9, 2021

ADJOURNMENT

Motion made by Councilor Medina, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

MEETING ADJOURNED AT 3:13 P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

City of Bayard Wastewater Treatment Plant

July 2021

07-06-2021: Turned the #1, #2, and #3 drying beds, Dewatered the #1 digester.

07-07-2021: Plant staff washed the reclamation plant floor.

07-08-2021: Shut down reclamation plant after chlorine injector snapped in half.

07-09-2021: plant staff went to Keenan to try and track down a chlorine injector.

07-13-2021: Turned the #1, #2, and #3 drying beds.

07-14-2021: Joe Trumm came down to plant, Dewatered the #3 digester.

07-15-2021: Joe Trumm came down to the plant. Finished dewatering the #3 digester. Turned the #1, #2, and #3 drying beds.

07-19-2021: Plant staff started to work on repairing the turbidity meter in the reclamation plant.

07-20-2021: Plant staff worked on repairing the turbidity meter in the reclamation plant.

07-21-2021: Plant staff worked on the weeds around the plant, Turned the #1, #2, and #3 drying beds.

07-22-2021: Plant staff pulled the sludge out of the #1 drying bed.

07-23-2021: Plant staff finished repairing the turbidity meter and installed the chlorine injector at the reclamation plant. Started to run water to the reclamation plant to fill up the storage tank so that a chlorine residual could be obtained and the water tested for E-coli.

07-26-2021: Plant staff rebuilt the #1 drying bed and turned the #1, #2, and #3 drying beds.

07-27-2021: Sent water to the cemetery, Dropped the #2 digester to the #1 drying bed.

07-28-2021: Hauled sludge to the Silver City landfill, Worked on leak on polymer system.

07-29-2021: Hauled sludge to the Silver City landfill, Plant staff worked on leak on polymer system, changed out the flow meter found old unit to be cracked.

Bayard Fire Department

Monthly Report

July 2021

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

7/8/2021: Dispatched to 721 Dayhill St. for a cat in the engine compartment.

7/12/2021: Dispatched to 100 Hurley Ave. for a fire alarm.

7/26/2021: Dispatched to 1001 & 1001A Watson for a gas leak. Found that a vehicle had hit the gas meter and damaged it.

7/28/2021: Dispatched to 404 Ruby St. for a structure fire. Found home owner cooking.

7/30/2021: Dispatched to 100 Hurley Ave. for an alarm going off.

7/31/2021: Dispatched to 329 Manhattan Park for a Parade Escort.

Monthly EMS calls:

There were 40 reported EMS calls for the month of July.

Bayard	27 Calls
Hurley	12 Calls
North Hurley	0 Calls
Fierro	0 Calls
Hanover	0 Calls
Santa Rita	1 Calls

July Training

Fire:

7/1/2021: Training consisted of Hooking up to Hydrant and piggy back to #2 engine.

7/6/2021: Training consisted of Landing Zone Training with Native Air.

7/15/2021: Training Consisted of Election of Fire Department Officers. Mayor was present.

7/20/2021: Training Consisted of Supply and Hose Choice, Donning SCBA & Latching to Hydrant.

EMS:

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Equipment:

Apparatus	Mileage	Engine Hours
Engine 1	8125.3	1124.1
Engine 2	13393.4	1109.1
Command 3	34983	3346
Mini	12127.5	1436.4

Safety: No incidents reported this month.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary

2021
New Mexico Fire Service Conference



September 23rd – 26th
Ruidoso Convention Center

New Mexico Fire Chiefs Association
22nd Annual New Mexico Fire Service Conference
September 23 – 26, 2021
Ruidoso, NM

To: All Fire Service Personnel

From: Chief James Salas, NMFCA President

The New Mexico Fire Chiefs Association will host the **22nd Annual New Mexico Fire Service Conference** which will be held September 23rd thru the 26th in Ruidoso.

We welcome you back to in-person leaning and this year's conference program will offer important information and updates. The exhibit hall will be packed with the latest in fire service apparatus, equipment, and valuable door prizes. A pre-conference golf tournament will be held on Thursday, September 23rd at The Links at Sierra Blanca. Join us for our annual BBQ on Friday evening for good food prepared by great folks!

The Annual Business Meeting will take place on Saturday afternoon, remember you (your Chief/Department) must be a paid member to vote. Check your membership status here or for membership application, click here.

Speaker Bios and complete Session descriptions will be available on the NMFCA and NMML websites in the next few weeks.

Don't forget: Class A's for Friday morning Opening Ceremonies!

SCHOLARSHIP OPPORTUNITIES

- Linda Gaume Jaramillo Memorial Scholarship *This scholarship is for the NM Fire Service Conference registration fee.*
- Curtis Family New Mexico Scholarship *This scholarship can be used for registration fee, hotel and travel for this conference as well as other trainings and conferences.*

REGISTRATION

Registration for this event is an on-line format only. You will need username & password for online registration and must pay at check out. Contact Jackie at jportillo@nmml.org for login credentials or if you are unable to register online. Payment for all **registration and golf fees must be received in full prior to Friday, September 17th**. *(Check, VISA or MasterCard accepted.)*

Full Conference
$200.00 (by September 17th)

Golf Tournament *(includes lunch)*
$55.00 (by September 17th)
Tournament fee must be paid in advance.

Spouse/Guest Full Conference *(All meals & social events)*
$90.00 (by September 17th)

To register now, click here. Registration links are also available on both the NM Fire Chiefs Association and the NM Municipal League websites.

22nd Annual New Mexico Fire Service Conference
September 23 – 26, 2021 ✦ Ruidoso, New Mexico

PROGRAM-AT-A-GLANCE

THURSDAY, SEPTEMBER 23RD

9:00 am – 6:30 pm
REGISTRATION

10:30 am – 6:30 pm
VENDORS SET-UP

11:30 am – 6:00 pm
LINDA GAUME JARAMILLO MEMORIAL GOLF TOURNAMENT
Lunch will be provided

6:30 – 8:30 pm
WELCOME RECEPTION & DINNER

FRIDAY, SEPTEMBER 24TH

7:30 am – 5:00 pm
REGISTRATION

8:00 – 9:00 am
REFRESHMENTS/VENDOR TIME
EXHIBIT HALL OPEN

8:30 – 11:00 am
OPENING CEREMONIES
Class A Uniforms or coat and tie

KEYNOTE ADDRESS

TOPIC: First Due Tactical Decision Making for the Company Officer

- Jason Hoevelman
  Co-Owner
  Engine House Training

11:00 am – 12:00 p.m.
NMML/NMSIF UPDATE

- A.J. Forte
  Executive Director
  NM Municipal League

12:00 – 1:00 pm - **LUNCH**

12:00 – 4:30 pm
EXHIBIT HALL OPEN

FRIDAY, SEPTEMBER 24TH

1:00 – 4:30 pm

GENERAL SESSION
AGENCY UPDATES

- NMDOH – EMS Bureau/ERD
  Ann Martinez
  EMS Fund Act Coordinator

- NMSFMD - DHSEM
  John Kondriatic
  NM State Fire Marshal

- ISO
  Kevin Jarvis
  Field Rep

- NFPA
  Bob Sullivan
  Southwest Regional Director

2:45 – 3:00 pm - **BREAK**

5:30 – 10:00 pm
BBQ DINNER

SATURDAY, SEPTEMBER 25TH

8:00 am – 12:00 pm
REGISTRATION

8:00 – 9:00 am
REFRESHMENTS & VENDOR TIME

8:00 am – 1:00 pm
EXHIBIT HALL OPEN

9:00 – 11:30 am
MORNING GENERAL SESSION

TOPIC: Officer Development/ Leadership

- Jason Hoevelman
  Co-Owner
  Engine House Training

11:30 am – 1:00 pm - **VENDOR TIME**

SATURDAY, SEPTEMBER 25TH

12:00 – 1:00 pm - **LUNCH**

1:30 – 4:00 pm
AFTERNOON GENERAL SESSION

TOPIC: Company Level Drills – How to Leave Them Wanting More

- Michael M. Dugan
  President
  N.Y. Fire Training

2:45 – 3:00 pm - **BREAK**

4:30 – 6:00 pm
NMFCA ANNUAL BUSINESS MEETING & BOARD ELECTION
UPDATES FROM NFPA & SW DIVISION - IAFC

SUNDAY, SEPTEMBER 26TH

8:30 am – 12:30 pm
CLOSING PLENARY

8:30 – 10:45 am
TOPIC: TBD

- James Williams, AAS, NREMT-P
  Speak EMS LLC
  Former Fire Chief - Lovington

10:45 – 11:00 am -**BREAK**

11:00 – 12:30 p.m.
- Door Prize Drawings
- SW Division – IAFC Business Meeting & Election

12:30 pm
CONFERENCE ADJOURNS

LODGING

Call the ***MCM Eleganté Lodge & Resort*** directly at 866-211-7727 and refer to the NM Fire Service Conference to receive the conference rates. Conference rates are as follows: Double Deluxe Queen - $99.00, King Studio Suite - $109.00, King One Bedroom Suite - $119.00. Make your reservations prior to the September 12th cut-off date. After the cut-off date, the discounted rates are no longer guaranteed; rooms will be on a space and rate availability basis only. *Note that rooms may sell out prior to the cut-off date.* All rates are subject to tax, based on single or double occupancy and include a breakfast buffet.

CONFERENCE HOTEL & CONVENTION CENTER INFORMATION

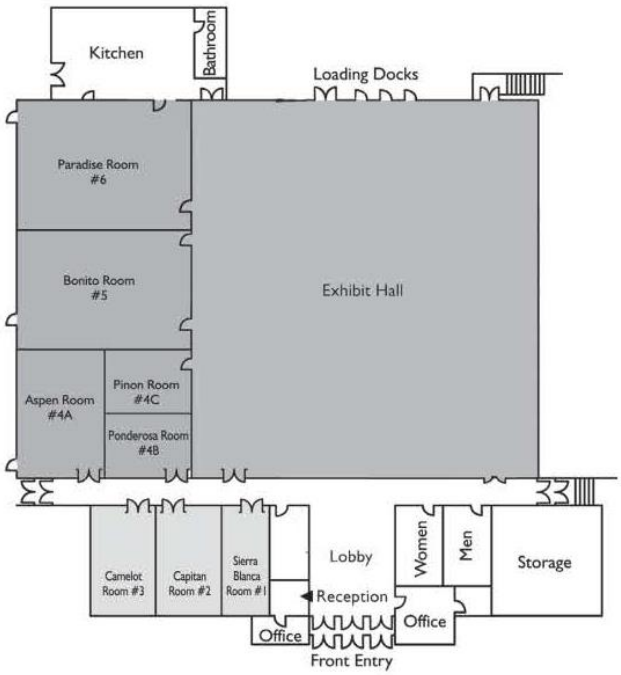


Call The Lodge directly at 866-211-7727 and refer to the NM Fire Service Conference to receive the special rates. Make your reservations prior to the September 8th cut-off date. After the cut-off date, the discounted rates are no longer guaranteed; rooms will be on a space and rate availability basis only.

MCM Eleganté | 107 Sierra Blanca Drive | Ruidoso, New Mexico 88345 | www.thelodgeatsierrablanca.com

NEW MEXICO Ruidoso Convention Center

The Ruidoso Convention Center offers as much beauty indoors as the mountain community boasts of the green outdoors. It has been redesigned with rustic mountain décor and includes conveniences such as wireless internet throughout the facility and comfortably recessed lounges for networking with your peers between sessions.





PLAT OF SURVEY

of

A LAND DIVISION OF LOTS 1, 2, 3, AND 4, BLOCK 5, BAYARD TOWNSITE ALSO KNOWN AS THE COFFEY ADDITION, GRANT COUNTY, NEW MEXICO

LEGAL DESCRIPTION - ORIGINATING TRACT:

Document of record located in Book 271 at Page 720 of the records of the Grant County Clerk.

LANDOWNER CERTIFICATION

The Land Division by Exemption, as indicated upon and described within the caption on this plat, is made with free consent and in accordance with the desire of the undersigned owners and proprietors of the land and boundaries as altered.

_____
Amelia Alvarado

The foregoing instrument was acknowledged before me this _____ of _____ 2021 by Amelia Alvarado.

_____
Notary

APPROVAL - CITY OF BAYARD:

Approval By: _____, with the provision that approval does not lend the City to assume any responsibility for the construction or maintenance of streets, roadways or other public facilities.

_____ _____
City of Bayard Date

GRANT COUNTY TREASURER APPROVAL:

This Land Division is in compliance with Senate Bill 406, 51st Legislature, State of New Mexico, First Session, 2013.

The taxes for the current year _____ are paid. No taxes are due until _____.

By: _____

Title: _____ Date: _____

NOTES
1. Basis of Bearings is New Mexico Coordinate System of 1983, West Zone, Grid North.
2. All distances reflect ground distance in U.S. Survey feet.
3. Subsurface utilities were not located for this survey.

0 15' 30'

DOCUMENTS USED IN THIS SURVEY
Bayard Townsite - Coffey, Plat Book 2, Page 28
Plat of Survey of a Mortgage Division, Plat Book 7, Page 1104

SURVEYOR'S CERTIFICATE:

I, William Ulric Miller, New Mexico Registered Professional Surveyor License No. 8893, do hereby certify that this land division and the actual survey on the ground upon which it is based was performed by me or under my supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico in effect at the time which it was performed; and the same is true and correct to the best of my knowledge and belief.

_____ _____
William Ulric Miller, L.S. 8893 Date

DRAFT

DRAFT

WILLIAM ULRIC MILLER P.S. 8893 NEW MEXICO PROFESSIONAL SURVEYOR

FILE NAME		
21-285 Munoz Coffey B 5 L 1 2 3 4.TRV		
SCALE	DATE	DRAWN BY
15 Ft/In	8-3-2021	Bill Miller
JOB	REVISION	SHEET
21-285	1/1	1/1

INDEXING INFO. FOR COUNTY CLERK

Township: 18 South
Range: 12 West
Section: 7
Subdivision: Coffey
Owner: Amelia Alvarado
UPC: 3-072-104-513-032

Z3 Planners & Surveyors L.L.C.
3435 Highway 180 East • (575) 388-2252
Silver City, New Mexico 88061

RESOLUITON 15-2021

OPEN MEETINGS NOTICE

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency or authority or any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of the Open Meetings Act; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that no resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that any person violating any of the provisions of Section 10-15-1 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars ($500) for each offense; and,

WHEREAS, Section 10-15-1D requires that any meeting at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body.

NOW, THEREFORE BE IT RESOLVED by the governing body of the municipality of Bayard, New Mexico that:

1. Notice shall be given at least ten days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

2. The regularly scheduled meetings of governing body will be held at 2:00 P.M. on the second and fourth Monday of each month in the governing body meeting room of the municipal building, located at 800 Central Avenue in Bayard, New Mexico. Other municipal committees

and or boards shall dedicate the location and meeting dates annually. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution.

3. Work sessions may be held by the governing body at 1:30 P.M. prior to regular monthly meetings or as determined by the governing body. Method of publication for work sessions shall be as required for regular meetings. Work sessions will be held for the purpose of discussing public business and formal action will not be taken at any work session.

4. Notice shall be given at least three days (seventy two hours) in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority or other policy making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

5. The notice requirements of Section 1, 2, 3 and 4 of this Resolution are complied with if notice of the date, time, place and subject matter of any regular or special meeting are published. Additionally, the notice shall contain information on how the public may obtain a copy of the meeting agenda, said agenda to be available seventy-two hours prior to the meeting. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in five public places within the municipality, and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain the posting for public inspection within the time limits specified. The five public places notice shall be posted are:

The Office of the Clerk;
The United States Post Office;
The Bayard Public Library
The First American Bank;
The Bayard Community Center

The clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or hand delivered to federally licensed broadcast stations and newspapers of general circulation in the municipality which have provided a written request for such notice.

6. In addition to the information specified above, all notices shall include the following language: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the city clerk at 800 Central Avenue (575-537-3327) at least one week prior to the meeting or as soon as possible.

7. Notwithstanding any other provisions of sections 1 through 5 of this Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

8. If any meeting is closed pursuant to exclusions contained in Section 10-15-1, subsection H, NMSA 1978, such closed meeting called by a policy making body shall not be held until public notice, appropriate under the circumstances, and in compliance with Sections 1 through 4 of this Resolution, has been given. In addition, such notice shall state the exclusion or exclusions in Section 10-15-1, Subsection H, NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.

9. Notwithstanding any other provision of sections 1 through 8 of this Resolution, the governing authority of the municipality of Bayard, New Mexico may call emergency meetings of the governing body, any board, commission, committee or other policy-making body of the municipality. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the municipality from substantial financial loss. The municipality of Bayard, New Mexico will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours notice, unless a threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

10. Public input will generally be permitted and will be limited between three (3) to five (5) minutes, unless the Mayor (Chairman) deems that additional time is necessary.

PASSED ADOPTED AND APPROVED THIS 9th DAY OF JANUARY, 2021.

_____

Chon S. Fierro
Mayor

ATTEST:

_____

Kristina Ortiz, MMC
Clerk-Treasurer

Resolution 16-2021

Whereas, the City Council of the City of Bayard of Grant county of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as SAP Project #SAP 21-F2327-STB Grant Agreement.

NOW THEREFORE, BE IT RESOLVED by the named applicant that:

Chon S. Fierro, Mayor, is authorized to sign the agreement for this project, and

Kristina Ortiz, Clerk Treasurer or Marlena Valenzuela, Deputy Clerk or her successor is the GRANTTEE REPRESENTATIVE(s) who is(are) authorized to submit any documents pertaining to the project and act as the point of contact, and

Kristina Ortiz, Clerk Treasurer or Marlena Valenzuela, Deputy Clerk or her successor is the SIGNATORY AUTHORITY who is authorized to sign reimbursement requests and other documents requiring a signature for submittal to the New Mexico Environment Department.

PASSED, APPROVED AND ADOPTED this 9th day of August 2021.

_____
Chon S. Fierro
Mayor

ATTEST:

_____
Kristina Ortiz, MMC
Clerk Treasurer