



City of Bayard
CITY COUNCIL REGULAR MEETING
December 11, 2023 at 5:30 PM
Bayard City Hall

MINUTES

WORK SESSION

Discussion of changing the City Clerk/Treasurer to City Administrator/Manager. The office of City Administrator or Manager can be found at Section 3-13-3 NMSA 1978: The governing body of any municipality having a population of one thousand or more persons may provide for a manager either by ordinance or by an election to be called by the governing body upon the filling of a petition containing the signatures of at least ten percent of the registered voters in the municipality. The office of manager shall carry the same qualifications, duties and responsibilities as provided for a manager under Section 3-14-13 through 3-14-15 NMSA 1978. So, this may be by election or by ten percent of the registered voters. This also dose stated the city manager can do the Clerk/Treasurer position. This is for discussion only and will with till the new mayor is in office.

Approval/Disapproval of removal of probation status for Public Works Director. Clerk/Treasurer Ramos stated Michael Paez is doing a great job. He sat in with the elevation and him along with the mayor suggest he gets removed from probation. With a 5% pay increase.

Approval/Disapproval of hiring of Enrique Quinteros for maintenance. Clerk/Treasurer Ramos stated he is a good candidate for the job with the winter coming it will be good to have a full staffed maintenance crew.

Approval/Disapproval of hiring Isaiah Vega as Patrol Officer. Police Chief Carrillo stated Isaiah is ready to go to the academy, he has completed his run and he believe he will do good for the city of Bayard.

Richard Maynes from Stantec gave an update on the 1million gallon tank. Two bins were received Smithco Construction, Inc. in the amount of \$1,220,975. Then other was File Construction in the amount of \$1,647,328.30. The recommendation would be to award the base bid tank improvements, interior coating, new inlets/outlets and bid lot #2 roof replacement both would be \$1,314,074.34 including GRT's.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro

Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz
Councilor Eloy Gonzales

Others in attendance were Dolores Charon, Alfredo Gonzales, Selina Crespín, Matthew Chavez, Juno Ogle, Jade Wilson, Jesus Perez, Joan Perez, Gary Arellano, Johnny Esqueda, Michael Paez, Hector Carrillo, Gabe Ramos, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Medina, Seconded by Councilor Diaz.

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

PUBLIC INPUT

No public input.

CONSENT AGENDA

Motion made by Councilor Diaz, Seconded by Councilor Medina.

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

1. Approval of 2024 Holiday schedule
2. Approval of the 2024 Meeting Schedule.
3. Approval of Library report
4. Approval of Steven Estrada to attend NMWWA Certification class in Las Cruces NM.
5. Approval of Accounts Payable Report for Dec 11, 2023
6. Stantec Project updates, George Esqueda.

George Esqueda came before the council and gave an update on the NM356 project. This project is predicted to be finished by December 30, 2023.
7. Approval of Special Meeting Minutes for November 20, 2023
8. Approval of Regular Meeting Minutes for November 27, 2023

OLD BUSINESS

9. Discussion of Changing the City Clerk/Treasurer to City Administrator/Manager.

Councilor Diaz stated this was discussed during work session and this item will wait till the mayor elect will be in office for further discussion. Clerk/Treasurer Ramos did provide documentation on the differences of both City Administrator and Manager.

This would have to change as an ordinance. The public would be able to give you input at that time.

Councilor F. Gonzales stated she would like to discuss this a little because there are more people in attendance for this meeting.

Clerk/Treasurer Ramos stated the manager/administrator would oversee all the employees and answer directly to the mayor.

Councilor F. Gonzales asked for a letter that was supposed to be put in the councils' packets.

Clerk/Treasurer Ramos stated the letter came in too late to make the agenda and the letter should have been sponsored by a counselor and was not. This letter stated we needed to follow procedure but we already knew this and this item if for discussion only.

NEW BUSINESS

10. Proclamation to Declare the week of December 11, 2023 honoring the Cobre All American Cheerleaders.

Proclamation was read to honor the Cobre All American Cheerleaders.

11. Approval of bid recommendation for 1MG Tank, Stantec Richard Maynes.

Motion made by Councilor Gonzales, Seconded by Councilor Diaz.

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

ORDINANCES/RESOLUTIONS

12. Approve/Disapprove Resolution 20-2023 "Loan Agreement for Police Cars".

Clerk/Treasurer Ramos stated this is a formality that needs to be done as soon as possible so we can get the document done and the check can be sent to the city to buy the vehicles.

Police Chief Carrillo stated the truck should be available January 2nd and be ready by the end of January.

Motion made by Councilor Gonzales, Seconded by Councilor Diaz.

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

13. Approval/Disapproval of Resolution 21-2023 Personnel policy change allowing up to 160 hours carried over after January 1 of each calendar year.

This item was removed from the agenda.

ACTION FOR PERSONNEL

14. Approval/Disapproval of the removal of probation status for Public Works Director.

Motion made by Councilor Medina with a 5% pay increase, Seconded by Councilor Gonzales.

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

15. Approve/Disapprove of hiring of Enrique Quinteros for maintenance position.

Motion made by Councilor Diaz with starting pay of \$14.25, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

Voting Abstaining: Councilor Gonzales

16. Approval/Disapproval of hiring Isaiah Vega as Patrol Officer.

Motion made by Councilor Diaz with starting pay of \$18 an hour, Seconded by Councilor Gonzales.

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

MAYOR AND COUNCILORS REPORTS

Tanya Ortiz stated Santa Clause is coming to town he will be driving around town handing out candy bags on December 16, 2023 starting at 5 p.m.

Councilor E. Gonzales offered his best to Mayor Chon on his retirement and thanked him for everything he has done for Bayard.

Councilor F. Gonzales stated December 20th there will be a Housing meeting at 4oclock. She attending the mental health meeting and stated it was very informative. Gonzales thanked the mayor for all his time her has giving to Bayard.

Councilor Diaz stated the Bayard Beautification Committee will be going around town the 18th through the 22nd for the lighted contest. Diaz thanked Mayor Fierro for his time of service as a public servant.

Clerk Treasure Ramos stated there is someone interested in renting the HMS building and would like to know if we can start looking in to rehabbing the building?

Police Chief stated all his officers are getting there training and the McKee St. house is getting cleaned up.

Mayor Fierro stated he had a meeting with NMDOT and asked about the Welcome sign property if they can donate the property to the city. He will follow up. He thanked all the departments for all their hard work.

NEXT MEETING DATE:

Regular Meeting January 8, 2024

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

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

ADJOURNMENT 7:13p.m.

Chon Fierro
Mayor

ATTEST:

Gabriel Ramos
Clerk Treasurer



City of Bayard
CITY COUNCIL SPECIAL MEETING
December 26, 2023 at 10:00 AM
Bayard City Hall

MINUTES

CALL TO ORDER: Eloy Medina, Mayor Pro-Tem

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Pro-Tem, Councilor Eloy Medina

Councilor Frances Gonzales

Councilor Jose Diaz

Councilor Eloy Gonzales

ABSENT

Mayor Chon Fierro

APPROVAL OF THE AGENDA

Motion Made by Councilor Jose Diaz and Seconded by Councilor Eloy Gonzales.

Motion Passed Unanimous.

NEW BUSINESS

1. Approve/Disapprove **THIRD AMENDMENT TO LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND GRANT AGREEMENT**

George Esqueda explained the third amendment and thanked the council for coming together to get the third amendment.

Councilor Diaz explained the delay of receiving the working permit which took 5 weeks.

Representative Terrazas explained his role on getting the amendment from the Department of Transportation. Representative Terrazas thanked the council for coming together and working hard to get the extension.

Motion to approve made by Eloy Gonzales, Seconded by Councilor Frances Gonzales.

Motion passed unanimous.

ORDINANCES/RESOLUTIONS

2. Approval/Disapproval of Resolution 22-2023 PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

Motioned to Approve made by Councilor Jose Diaz, Seconded by Frances Gonzales.

Motion Passed Unanimous.

NEXT MEETING DATE:

January 12, 2024

ADJOURNMENT

Motion to adjourn made by Councilor Jose Diaz, Seconded by Frances Gonzales.

Motion passed Unanimous.

Eloy Gonzales
Mayor Pro-Tem

ATTEST:

Gabriel Ramos
Clerk Treasurer

Library Report December 2023

1. The library park received two hand carved cottonwood tree benches. One will carry a plaque for the Imagination Library as we received a generous donation to help pay for one.
2. Enchanted Touch resigned from his park landscaping contract due to conflict of interest. We will pursue other contractors to resume the original proposal of a rain garden and a child-friendly design.
3. The New Mexico State Library paid a visit on December 14th to discuss print materials for the blind and disabled, GED scholarships and several new options offered in El Portal.
4. We held a reception for in-house artist Jenny Valdez (Castanon) on December 15th.
5. Joe Kennedy will be the next local artist to have his works displayed in the conference room.
6. The library is looking to hold yoga classes again in the conference room on Fridays, 2024.
7. The library is taking donations for all of the local animal shelters through February 2024.
8. Grant County Commissioners donated \$2000 to the library on December 21st.
9. We received a donation of over 500 stuffed animals in excellent condition from a patron. We gave a toy to each child patron, donated brand new ones for the Christmas drive-by, donated to a Hurley church and took several hundred to the orphanage in Palomas.

ACCOUNTS PAYABLES

8-Jan-24

GENERAL FUND - 10

Bank of America	Champion Car Wash	\$	24.87
Amazon	Time Clock Key	\$	12.99
Foxworth Galbraith	Wall Repairs at City Hall	\$	32.45
H&S Electric	Electrical at City Hall	\$	85.13
Sherwin Williams	Interior Wall	\$	457.06
TOTAL:		\$	612.50

JNT W/S O&M FUND - 150

Air Gas	Torch Gas	\$	183.70
Foxworth Galbraith	Battery/Tool	\$	244.98
TOTAL:		\$	428.68

COMMUNITY CENTER FUND - 200

Foxworth Galbraith	Ceiling Tiles	\$	75.16
TOTAL:		\$	75.16

LIBRARY FUND - 210

Sherwin Williams	Interior Wall Paint	\$	143.72
TOTAL:		\$	143.72

MUNICIPAL STREET FUND - 240

TG McCauley	Fill Dirt		\$75.46
TOTAL:		\$	75.46

BEAUTIFICATION COMMITTEE FUND - 430

Wal-Mart	Christmas Decorating Contest	\$	774.70
Wal-Mart	Christmas Candy for Parade	\$	443.26
TOTAL:		\$	774.70

FIRE FUND- 30

AT&T Mobility	Cell Phone	\$	199.99
Artesia Fire	Ladders	\$	3,222.41
Sun Treat	Gatorade and Waters	\$	224.00
TOTAL:		\$	3,646.40

EMS FUND - 320

Sun Treat	Gatorade & Water	\$	266.00
Wal-Mart	BGL Machine and Strips	\$	46.04
TOTAL:		\$	312.04

COMMUNITY FUND- 430

Bank of America	Sausage Gift Set for Parade for Santa	\$	21.13
TOTAL:		\$	21.13

LAW ENFORCEMENT FUND- 60

Bank of America

Rough Country-AMMO

\$ 92.51

TOTAL:

\$ 92.51

TOTAL:

\$ 6,068.66

ACCOUNTS PAID

8-Jan-24

GENERAL FUND - 10

Lumen	Long-Distance Calls-City Hall	\$ 1.64
Lumen	Long-Distance Calls-PD	\$ 1.64
PNM	Electric for Parkloop	\$ 46.85
1st Choice OccMed	Louis Gomez Drug Screen	\$ 531.67
Technicon Training	Manuel Galaz Training	\$ 435.00
SC Daily Press	Vacancy-Deputy Clerk	\$ 162.80
AT&T Mobility	Monthly Cell Phone Services-PD	\$ 61.10
AT&T Mobility	Monthly Cell Phone Services-City Clerk	\$ 61.10
NM Gas Company	Natural Gas Services-PD	\$ 220.86
NM Gas Company	Natural Gas Services-City Hall	\$ 113.62
TOTAL:		\$ 1,636.28

JNT W/S O&M FUND - 150

PNM	Electric for Wells Pmp #3	\$75.54
Badger Meter	Beacon Services	\$291.17
SC Daily Press	Regular Meeting/Work Session	\$32.35
Comcast	Internet Services	\$118.04
NM Gas Company	Natural Gas Services	\$ 164.31
TOTAL:		\$681.41

JNT WASTEWATER FUND - 170

HughesNet	Internet Services	\$ 138.35
DeMent Alarms	Dispatch Service	\$ 440.00
Eurofins	Plant Testing	\$ 221.25
American Linen	Laundry Services	\$96.94
AT&T Mobility	Monthly Cell Phone Services	\$84.85
TOTAL:		\$ 981.39

COMMUNITY CENTER FUND - 200

Humphrey's Enterprises	Grease Trap Clean Out	\$ 134.48
DeMent Alarms	Dispatch Service	\$ 330.00
NM Gas Company	Natural Gas Services	\$ 306.57
TOTAL:		\$ 771.05

LIBRARY FUND - 210

Lumen	Long Distance Calls	\$ 1.64
LC Sun News	Monthly Subscriptions Fee	\$ 39.47
DeMent Alarms	Dispatch Services	\$ 279.95
NM Gas Company	Natural Gas Services	\$ 105.63
PNM	Electric Services	\$ 298.04
TOTAL:		\$ 724.73

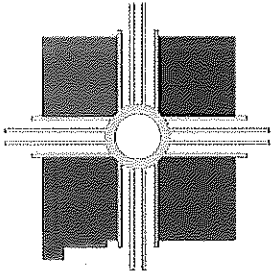
MUNICIPAL COURT FUND - 20

Lumen	Long Distance Calls	\$	1.64
NM Gas Company	Natural Gas Services	\$	220.86
TOTAL:		\$	222.50

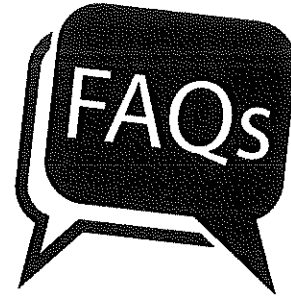
FIRE FUND- 30

NM Gas Company	Natural Gas Services		\$40.53
TOTAL:			\$40.53

GRAND TOTAL:		\$	5,057.89
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New Mexico DEPARTMENT OF
TRANSPORTATION



Tribal/Local Public Agency (T/LPA) Training and Certification Process Frequently Asked Questions (FAQs)

Q1 – Why is NMDOT requiring local agencies to be certified prior to obtaining Federal-aid for projects?

Generally, the NMDOT is responding to an ongoing request from local agencies to provide more training opportunities on managing federal projects. We know that increased expertise at a local level will ensure compliance and yield more efficient projects. This specific training and certification process is supported by CFR, see below. The NMDOT is proactively taking steps to fulfill its responsibilities by the creation of the Training and Certification program.

In addition to the Code of Federal Regulations (CFR) requirement, NMDOT is responsible for ensuring that no more than 2% of projects become inactive, that is, no payment has been made in 12 months.

23 CFR 710.201 Grantee and subgrantee responsibilities:

(a) **Program oversight.** States administer the Federal-aid highway program, funded under Chapter 1 of Title 23, United States Code, through their SDOTs. The SDOT shall have overall responsibility for the acquisition, management, and disposal of real property interests on its Federal-aid projects, including when those projects are carried out by the SDOT's subgrantees or contractors. This responsibility shall include ensuring compliance with the requirements of this part and other Federal laws, including regulations. Non-SDOT grantees of funds under title 23 must comply with the requirements under this part, except as otherwise expressly provided in this part, and are responsible for ensuring compliance by their subgrantees and contractors with the requirements of this part and other Federal laws, including regulations.

23 CFR 635.105(a) defines the roles and responsibilities of the "Supervisory Agency" as follows:

"The State DOT has responsibility for the construction of all Federal aid projects and is not relieved of such responsibility by authorizing performance of the work by a local public agency or other Federal agency. The State DOT shall be responsible for ensuring that such projects receive adequate supervision and inspection to ensure that projects are completed in conformance with approved plans and specifications."

Q2 - Does the Person in Responsible Charge need to be a full-time employee?

NMDOT is mindful that many agencies have employees who perform multiple roles and prefer to have a consultant perform this role.

The Person in Responsible Charge must be a full-time employee, pursuant to 23 CFR 635.105(c)(4). In those instances where a local public agency elects to use consultants for construction engineering services, the local public agency shall provide a full-time employee of the agency to be in responsible charge of the project.

For locally administered projects, the Person in Responsible Charge is not required to be an engineer. This requirement applies even when consultants are providing construction engineering services. A link to the Federal-Aid Program Administration is provided here:

[Responsible Charge - Federal-aid Program Administration - Federal Highway Administration \(dot.gov\)](#)

Q3 – What are the duties of the Person in Responsible Charge?

In 2011, FHWA issued a memorandum clarifying the requirements of a “responsible charge”. A “responsible charge” must be a full-time employee of the local agency and shall perform the following duties and functions:

- Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal aid projects;
- Maintains familiarity of day-to-day project operations, including project safety issues;
- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project;
- Reviews financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- Directs project staff, agency, or consultant, to carry out project administration and contract oversight, including proper documentation.
- Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

Q4 – Is it necessary to attend the training in person?

NMDOT is aware that agencies have a limited travel budget and may not be able to travel the training in person.

Participants do not have to attend the training in person. If you have read the manual and are confident with your understanding of the material contained within the manual, you have an option to take an online test. On December 1, 2023, you will be able to contact the T/LPA Training and Certification Administrator at DOT-TLPA_cert@dot.nm.us to obtain a code and website to take the test. If you pass the test with a minimum of 70%, you will be certified for 2 years from the date of the test.

Q5 – Is this training and certification program aimed at reducing funding to local agencies?

The sole intent of the training and certification program is to strengthen the ability of local agencies to manage federal-aid projects. There is not intent to reduce local agency financial support.

Errors have occurred by the local agencies not following the federal process which has resulted in a loss of funding, such as not providing certificates for Buy America, not following the federal right-of-way process, and not completing/conducting testing of materials as required in the contract. This training is being offered to assist locals understand the process so that fewer errors are made at the local level and reduce the use of local funding to cover non-compliant work.

Q6 – Why do the rules always seem to be changing?

USDOT and Congress update regulations and requirements which are enforceable by FHWA and thus NMDOT. It is an evolving process. An example is when Buy America requirements were put in place for steel and iron, and now Build America – Buy America (BABA) requirements are required. Even the BABA requirements now have modifications. To utilize the federal funding, the Federal rules and regulations must be followed. Please understand that on many occasions it is that the regulations have been in place, yet not enforced.

Q7 – What happens if I fail the test at the end of the training?

The test is open book and truly aimed at increasing participant engagement. To date, no one who has attended the training has received a failing grade. If for some reason, someone fails the test, there are options outlined in the Training and Certification Program that allow an individual to retake the test, after they have had an opportunity to review the material again.

Q8 – What happens if our Person in Responsible Charge leaves?

It is recommended that an agency have more than one person certified. However, in the case that the agency loses all certified personnel, the agency will have one month to get another employee certified, so that federal funding is not jeopardized.

NMDOT will work with local agencies to ensure a training is available for certifying new employees.

Q9 – Why are the trainings being conducted in person and not via Zoom or Teams?

The training is interactive, which is difficult in an online environment. It is also easy to be distracted during lengthy online meetings. Attendance of the training is not mandatory – the test can be taken online starting December 1, 2023.

Q10 – Why is the certification for the person and not for the entity?

The certification remains with the person because the person has knowledge of the T/LPA process. If an entity only has one person certified and they leave the agency, there is no one at the agency with the knowledge to ensure the process is followed, and this could result in non-compliance.

Q11 - Does a public transportation provider that transfers FHWA funds to FTA need to become certified?

No. It is a different funding source with different regulations.

Q12 - When does the agency need to be certified?

Prior to entering into either a design/preliminary engineering or construction agreement with NMDOT on a T/LPA project with Federal Funding.

Q13 – How often will the training be offered?

There are multiple training opportunities at different locations throughout the state through February 2024. After 2023, training will be offered a minimum of once a year, and more often if necessary and requested.

Q14 – When does the certification requirement become effective?

The original certification deadline was December 31, 2023. Due to overwhelming attendance for the Albuquerque area, additional training opportunities have been scheduled in December 2023, as well as January and February 2024. The deadline for certification has been moved to March 1, 2024.

Q15 - If the agencies are certified through the NMDOT process as currently proposed, what will be the need for NMDOT T/LPA staff and CLEs?

FHWA requires that the State Department of Transportation oversee the disbursement of funds and that they be responsible for compliance with the CFRs. NMDOT T/LPA staff will continue to provide support to T/LPAs throughout design and construction. Construction Liaison Engineers (CLEs) will continue to oversee design and construction on behalf of FHWA to ensure the correct processes are being followed.

Q16 – Who will maintain the certification database?

The NMDOT Construction and Civil Rights Bureau (CCRB) has two new positions responsible for training and managing the certification database.

Q17 – What funding types need to follow the processes outline in the T/LPA Handbook?

Funding Acronym	Funding Description
CRP (CRPL, CRPUC, CRPS, CRPR, CRPF)*	Carbon Reduction Program
TAP (TAPL, TAPUC, TAPS, TAPR, TAPF)*	Transportation Alternatives Program
RTP	Recreational Trails Program
CMAQ	Congestion Mitigation & Air Quality
HSIP	Highway Safety Improvement Program
NHFP	National Highway Freight Program
NHPP (If awarded by Districts)	National Highway Performance Program
HIBOP (If awarded by Bridge Bureau)	Highway Infra Bridge Program-Off system
STBG (STPL, STBUC, STBGS, STPR, STPF)*	Surface Transportation Block Grant Program

*Large Urban = over 200K population (only Albuquerque & El Paso MPOs, direct allocation)

Urban Clusters = 5K-49,999 population
Small Urban = 50K-199,999 population
Rural = less than 5K in population
Flex = Can be used anywhere in the state

Note: Programmatic Projects funded with CRP, TAP, RTP, CMAQ, HSIP or NHFP do follow the T/LPA Handbook but are not required to have the T/LPA Certification. For more information on what is considered a Programmatic Project, please refer to Section 2.C.3 of the T/LPA Handbook or contact Shannon Glendenning at the NMDOT Planning Department at 505-231-4300 for questions regarding a specific project funding.

Please email additional questions to Tisha Clark at tisha.clark@dot.nm.gov

City of Bayard

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RESOLUTION 1-2024

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 5:30 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. The Bayard City Council may hold work sessions for the purpose of discussing public business and formal action will not be taken at any work session. Method of publication for work sessions shall be as required for regular meetings.

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. Due to the Coronavirus (COVID-19) Emergency declared by Governor Michelle Lujan Grisham meetings may be held as virtual public meetings, open to the public. The public is required to register on Zoom using the link provided for in the individual meeting legal notice, in order to have access to the meeting.

Public input will be via email and comments must be submitted prior to the meeting. Comments may be emailed to cityclerk@cityofbayardnm.com with Public Comment (meeting date) noted in the subject line.

7. 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.

8. 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.

9. 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.

10. 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.

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

PASSED ADOPTED AND APPROVED THIS 12th DAY OF JANUARY, 2024.

John Larry Ojinaga, Mayor

ATTEST:

Gabriel Ramos, Clerk-Treasurer