



City of Bayard
CITY COUNCIL REGULAR MEETING

June 12, 2023 at 5:00 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 May 22, 2023 and Special Meeting on May 31, 2023.
2. Approval of Accounts Payable Report for June 12, 2023.
3. Approval of the Maintenance Report for May 2023.
4. Approval of Wastewater Treatment Plant Report for May 2023.
5. Approval of Bayard Fire Report for May 2023.
6. Approval of Bayard Municipal Court Report for May 2023.

OLD BUSINESS

7. Discussion from Matt at Western Communications on updating city phones.
8. Update for Rosemary Ruiz on status of survey and appraisal for city property.
9. Discussion from Larry Ojinaga on Vacant Building Ordinance Status.
10. Discussion/Approval of City of Bayard Wastewater Treatment Plant Project Agreement.

NEW BUSINESS

11. Discussion/Approval of Speed Bump Petition for 100 Block of N. East St.

12. Discussion to possibly contract someone to complete the re-addressing of City of Bayard.
13. Discussion from Reyna Garay on easement for property on Lady of Fatima Shrine.
14. Discussion for possibly leasing or selling the HMS Building owned by City of Bayard.
15. Oral Presentations for Solid Waste RFP #SWCS 2023.
 - A. Universal Waste Systems
 - B. Southwest Disposal

ORDINANCES/RESOLUTIONS

- [16.](#) Approval of Intent to Adopt ordinance for Neglected/Vacant Residential and Commercial Structures.

ACTION FOR PERSONNEL

- [17.](#) Approval of Resignation for Judge Jose Sandoval.
- [18.](#) Discussion/ Approval to Remove Wastewater Treatment Plant Employee Stephen Estrada from Introductory Status.

CLOSED SESSION

19. Pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters pertaining to the hiring of the City Clerk-Treasure, Maintenance, and Custodian.

ACTION ITEMS RESULTING FROM CLOSED SESSION

20. Discussion/Approval of hiring City Clerk-Treasurer
21. Discussion/Approval of hiring Maintenance worker
22. Discussion/Approval of hiring Custodian.

DEPARTMENT HEAD REPORTS

MAYOR AND COUNCILORS REPORTS

NEXT MEETING DATE:

Budget Work Session - June 26, 2023

Regular Meeting - June 26, 2023

ADJOURNMENT



City of Bayard
CITY COUNCIL REGULAR MEETING

May 22, 2023 at 5:00 PM

Bayard City Hall

MINUTES

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

Others in attendance were Manuel Garcia, Dolores Charon, Larry Ojinaga, James Ervin, Selina Crespín, Jade Wilson, Michael Koury, Daniel Solis, Mike Stone, Hector Carrillo, Michael Paez, Robert Terrazas, Sonya Dixon, Jenny Castanon, Marlena Valenzuela, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Diaz to amend the agenda to add Jenny Castanon for a proposal to approve grant writing for the City of Bayard, follow-up on property on 101 North Street, Police Chief Carrillo to provide a follow-up on a attorney for the Bayard Police Department, and the restitution plan for the Bayard Volunteer Fire Department, Seconded by Councilor Medina.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

PUBLIC INPUT

Manuel Garcia asked the status on the railroad crossing?

Clerk-Treasure Valenzuela stated she spoke with a representative from the railroad and stated the traffic control plan is currently under development, when is this done, they will have to city sign the plan and once that is signed, they will provide a construction date and materials have been ordered.

Daniel Solis from the New Mexico State Police Department attended the meeting and stated the state police is taking an active roll in the community and will be attending more meetings in the future. He did state if anyone has questions for him after the meeting, he will be available.

CONSENT AGENDA

Motion made by Councilor Diaz, with the special meeting minutes for May 11, 2023 not be to approved and be amended with out the hiring wage rate of \$19.75 for mechanic Jerry Andazola. Police Chief Carrillo would like so guidance on when he should have his police report in. If they council would like it on the first meeting that could be changed or if he can turn it in for the last meeting of the month. Councilor Diaz stated he can leave it at the end of the month, this report is a good detailed report. Seconded by Mayor Pro-tem Villanueva.

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

1. Approval of Minutes of Regular Meeting on May 8, 2023 and Minutes for Special Meeting on May 11, 2023.
2. Approval of Accounts Payable Report for May 22, 2023.
3. Approval of the Bayard Police Department Monthly Report for April 2023.
4. Approval of the Animal Control/Code Enforcement Report for April 2023.

OLD BUSINESS

5. Discussion for Larry Ojinaga on any updates about the Vacant Buildings Ordinance.

Clerk-Treasure Valenzuela stated she did reach out to the city's attorney by e-mail and he has not gotten back with her. Valenzuela stated this ordinance has been approved by Santa Clara's attorney. Bayard's attorney is holding this up.

6. Update from City of Bayard Librarian Sonya Dixon for the Upcoming Foam Event on June 2, 2023.

Sonya Dixon stated she will be placing this event in the new paper. This event will be at the Bayard Little League on June 2 at 1pm to 3 pm. She invites everyone who can attend with a friend. She would like extra eyes and wants to make sure everyone has fun.

NEW BUSINESS

Councilor Diaz stated Jenny Castanon proposal is for working at the library for 30 hours and writing grants for 10 hours at city hall. She is asking for compensation from \$18- \$25 and hour including health benefits.

Motion made by Councilor Diaz to bring Jenny Castanon to \$18 an hour for 40 hours work week with the additional duties of grant writing. Diaz would like for her to look for a grant for a grant writer. Councilor Medina stated he would like to see her spend more time at city hall writing grants then at the library. Grant wringing will be more beneficial to the city. Being that the city is investing this money he would like to see more hours writing grants. He would like 20 at the library and 20 hours at city hall. Sonya Dixon stated there has never been a consideration for 2 full time employees at the library and this is desperately needed. The library was reinitiated 13 years ago and with the increases in size of 5 times no one considered in the staff that is needed for a larger building. So her wish would be to have 2 full time employees. She is already understaffed and with Jenny

not being there she would need at least one more person. Councilor Diaz stated he would like to move forward and advertise for a part time employee. Seconded by Councilor Medina

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

Update on 101 North Street- Clerk Treasure Valenzuela stated she needs to call the surveyor and get the property surveyed. Valenzuela did let Mr. & Mrs. Ruiz know once that is done and once it is placed on the agenda.

Update on attorney for Police Department- Police Chief Carrillo stated he is waiting on meetings with the DA office, so the attorney can get better figures for the council. There are cases the DA's office can assign him because he does work for the DA's office. He will be putting together a monthly fee, case by case fee and an hourly fee.

7. Update from City Auditor Mike Stone on FY22 Audit Report Status.

Mike Stone stated the Bayard's Housing Authority audit is complete and now he is in the process on the city's audit and will be filing it with the state's auditor.

Councilor Gonzales stated she had a concern without getting this audit done this keeps the city from applying for grant money. This was a significant amount of money. The city missed out on \$425,000 from Colonius.

Mike Stone does understand this and he did apologize. He stated he had unforeseen circumstances. He lost staff, medical emergencies both his family and the office staff. He will get it done.

Councilor Diaz asked if there is anything Mike can do to try and get this money?

Clerk-Treasure Valenzuela stated no there is nothing that can be done. This is unforeseen circumstances and emergencies that Mike could not help. Valenzuela stated a lot of accounting firms are short handed and with these grants they will not budge. There are people that are trying to get this law changed because they are very strict.

Mike stated there is nothing he can do about it this year but for next year if your audit is in on time subsequent year you in for consideration the next year.

8. Discussion of MOU with Cobre Consolidated Schools on City leasing and Maintaining Golf Course.

Michael Koury the director of special projects with Cobre Schools he was at the meeting to see if there were any questions that needed to be answered.

Mayor Fierro stated Cobre has been having problems with their maintenance department being short staffed and they would like to see if the City of Bayard would lease the property to be able to send a couple of maintenance men to the property for 2 or 3 hours a week to help with the property. Mayor stated he knows there is a lot of Bayard residents that use this golf course. Cobre did give the city a

lease for the baseball field down by the Bayard grade school. Mayor has been talking with the little league president to try and get funding for that field.

Councilor Diaz stated he would like to hear from the maintenance director and see how it will impact this department and if this is even feasible.

Maintenance Director Paez stated this is not feasible right now. He is also understaffed.

Mayor Fierro stated he does not want a decision made now but when the maintenance department is fully staffed, we can reevaluate this in order to help the school out at least 2 or 3 hours a week.

Councilor Gonzales stated her concern for taking this over is that the maintenance department is going to have to keep it up as a golf course and can not change it to a dog park. She stated the city is going to be doing the maintenance for the schools. Gonzales feels this is going to be a lot more time than two hours a week because she has seen the school's maintenance out at the golf course for a lot more time.

Mr. Koury stated all they are asking for is some help. The residents of Bayard are also using this golf course and if the schools can get some help that would be great.

Mayor Pro-tem Villanueva asked if the city's maintenance department would be the only ones maintaining the golf course or the schools would be helping also.

Mr. Koury stated the schools would be helping also.

Councilor Diaz stated he would recommend to get in contact with the maintenance director and discuss a plan on how this will work come back to the council and we can all help each other out. The city does not want to commit right now because we do not have the manpower.

Councilor Medina asked if the city hires youth to come work in the summer? Medina would like for the city to look in to hiring youth to cut weeds and mow the grass and things like that.

Valenzuela stated no the city has not. She just attended a meeting for the workforce solutions and she will get in contact with them to see who the city can hire.

Councilor Gonzales stated they would need to work more in depth because they need to learn a craft. They would have to be assigned to the maintenance department. This program is for youth that are looking for a trade after they graduate.

9. Discussion/Approval for starting salary for Clerk-Treasurer.

Councilor Medina asked for this to be placed on the agenda. There have not been any candidates for this position. The focus has been on a lot of different salaries and now it is time for this position to get looked at.

Councilor Gonzales stated she believe the clerk should be making more then the chief of police because the clerk oversees the whole city. Gonzales has been looked around at different salaries \$38.50 and after 6 months \$40 an hour.

Councilor Diaz stated his recommendation would be to leave it open from \$38 to \$44 an hour.

Councilor Medina just wants to see a raise in that position. The three individuals all have degrees and the city needs to pay for the degrees. It's time for this position to be invested in. We are going to have to address this to get a clerk for the city. Medina dose not want to be in this predicament every again. The citizens deserve better. He like to idea to open a curtain for the salary but who will decide this? Will it be the interview committee? He feels if he is not involved in the interview then he would not be able to decide what salary the clerk would get.

Clerk-Treasure Valenzuela stated she will be posing a quorum will be present for the interviews so all council and mayor can be present for the interviews. If the council wants to ask questions or if they want to just sit back and listen to the candidates being interviewed.

Councilor Diaz stated the council will be the interview committee so they can make the recommendation. It will get each of the council to ask questions that need to be asked.

Councilor Gonzales aske when can the interview take place because she does not want to lose anyone of the candidates. She is excited for this because they all have degrees.

Motion made by Councilor Diaz the starting pay would be annually at \$79,160 to \$91,000. This will be between \$38 to \$44 an hour, Seconded by Mayor Pro-tem Villanueva.

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

Fire Department Grant- Councilor Diaz stated the no one from the fire department was present so the recommendation is to continue to follow with the letter that was sent out to the department. They department was given to opportunity to bring up the issue no one was there to discuss the issue. So, they city will continue with making this write and collecting the money to make the grant right.

10. Approval of Letter of Interest for Planning and Zoning Board Members- Joe Ramirez and Mark Richard.

Motion made by Councilor Medina adding member Manuel Garcia, Seconded by Councilor Gonzales.

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

ORDINANCES/RESOLUTIONS

11. Approval of Resolution 7-2023 2nd Quarter Adjustments.

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

CLOSED SESSION

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

12. Chief Carrillo to update Mayor and Council for limited personnel matters for Police Department- for Manuel Galaz.
13. Discussion of Tanya Ortiz for job responsibilities and wages.

ACTION ITEMS RESULTING FROM CLOSED SESSION

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

14. Discussion of Tanya Ortiz for job responsibilities and wages.

No action was taken.

MAYOR AND COUNCILORS REPORTS

Police Chief Carrillo stated he will be working with Cobre schools to provide security for there graduation.

Mayor Fierro asked if the school has hired anyone to control the traffic at the school zones?

Carrillo stated they are looking to hire two people one for the Snell and one for the Bayard Elementary.

Clerk-Treasurer Valenzuela stated she has not to report just working on numbers for the budget.

MAYOR AND COUNCILORS REPORTS

Mayor Pro-tem Villanueva thanked the staff for all their work and everything they do. All their work does not go unnoticed and keep up the good work.

Councilor Medina thanked the police department for all they do. He stated they just have to communicate. Maintenance department supervisor Paez he appreciates everything his department is doing. Marlana's staff also they are doing a really good job.

Councilor Gonzales thanked the police department for passing by on the weekend. She thanked the maintenance department for the work they are doing. Residents have stopped her and let her know how well they are doing. She thanked the library for all the work they are doing and all the things they are putting together. She also thanked the city hall staff.

Councilor Diaz thanked all the department for all there work they do. On the little league he would like for Marlena to watch there spending. They ordered a \$1,600 conference table. Diaz did go up to the top of the little league stand and saw that they paint job they did was a mess and not done right and the little league needs to made aware of if any maintenance needs to be done that the city's maintenance will do the work. Diaz thanked the public for coming to the meeting and having their input.

Clerk-Treasure Valenzuela stated she wanted to buy a durable table that will last a longer time. This will be paid out of the recreational grant.

Mayor Fierro thanked all the department for all their hard work. He would like to see light be placed on Hurley Ave. He is going to call Bruce from PNM to see what can be done. That street is very dark and he would like to place lights at the city park. Mayor Fierro stopped in Deming to get gas and he saw some people he has known and they asked if when is there going to be another bingo? The people told him they know the Bayard Beautification Committee give out a lot of money and would like to attend. Mayor will try to get a hold of Lieutenant Governor Morales to see what they can do so the Governor can fund the vocational school that is wanting to be placed just out side of Bayard.

NEXT MEETING DATE:

Regular Meeting - June 12, 2023

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

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

ADJOURNMENT 8:20pm

Chon Fierro
Mayor

ATTEST:

Marlena Valenzuela
Clerk Treasurer

ACCOUNTS PAYABLES**12-Jun-23****GENERAL FUND - 10**

Bank of America	Animal Control-Oil Change	\$	56.91
Bank of America	Police Unit-Oil Change	\$	151.61
Quill	Toner for City Hall	\$	305.07
TOTAL:		\$	513.59

JNT W/S O&M FUND - 150

Mikes Tires	Flat Repair Truck #5	\$	15.98
Bank of America	White Flagging Tape	\$	58.32
Sam's Club	Bleach	\$	1,082.26
O'Reilly Auto Parts	Oil, Air Filters and Washer Fluid	\$	916.12
TOTAL:		\$	2,072.68

JNT WASTEWATER FUND - 170

Bank of America	Wrenches, Tap & Die Set	\$	132.57
Keenan Supply	Poly Truck Rope	\$	98.80
ICI	Aveva Intouch HMI Work Station	\$	3,274.00
Watermen	Drill&Tap Acme Nut	\$	4,030.98
TOTAL:		\$	7,536.35

Little League- 230

NGT Construction	2nd floor Windows	\$	3,492.35
Humphrey's Enterprises	Porter Pots	\$	387.75
TOTAL:		\$	3,880.10

TOTAL:		\$	14,002.72
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ACCOUNTS PAID**12-Jun-23****GENERAL FUND - 10**

Axon	Evidence License - PD	\$ 11,476.30
Western Surety Company	Bond	\$ 114.00
AV Animal Clinic	Euthanasia - Animal Control	\$ 108.69
GC Pest Control	Monthly Spray-City Hall	\$ 39.24
GC Pest Control	Monthly Spray-PD	\$ 14.55
GC Pest Control	Monthly Spray-Animal Control	\$ 29.32
GC Pest Control	Monthly Spray- Parks	\$ 17.51
Sam's Club	Membership Fee	\$ 54.09
U.S Post Office	PO Box Fee-City Hall	\$ 146.00
SC Daily Press	Vacancy/ New Hours-City Hall	\$ 873.24
Comcast	Internet Service-City Hall	\$ 312.51
Comcast	Internet Service- Fire	\$ 10.24
NM Gas Company	Natural Gas Service-City Hall	\$ 42.17
NM Gas Company	Natural Gas Service-PD	\$ 12.59
PNM	Electric Services-City Hall	\$ 497.94
PNM	Electric Services-X-Mas	\$ 16.75
PNM	Electric Services- Star	\$ 16.30
PNM	Electric Services-Parks/Dark	\$ 3,117.78
Grant County	Yearly Budget-PD	\$ 1,318.26
Spectrum Tech	IT Services- City Hall	\$ 4,404.96
Spectrum Tech	It Services-PD	\$ 1,391.04
Grant County Beat	Legal Notices- City Hall	\$ 292.70
Ricoh	Printer Services-City Hall	\$ 32.33
Ricoh	Printer Services-PD	\$ 32.32
Abila	Municipal Water System-City Hall	\$ 123.74
Abila	Municipal Water System-PD	\$ 123.74
AT&T	Cell Phone Service-City Hall	\$ 91.48
AT&T	Cell Phone Service-PD	\$ 464.62
Krystal Mt Water	Drinking Water-City Hall	\$ 7.58
Krystal Mt Water	Drinking Water-PD	\$ 11.64
TOTAL:		\$ 25,193.63

JNT W/S O&M FUND - 150

GC Pest Control	Monthly Spray	\$17.51
The UPS Store	Shipping	\$379.31
Bank of America	Eagle Mail-Shipping	\$21.85
Bank of America	Wal-Mart- Box for Shipping	\$6.68
SC Daily Press	Annual Water	\$ 88.32
Bank of America	Accurate- Jerry Andazola	\$ 122.50
Comcast	Internet Service	\$ 118.06
NM Gas Company	Natural Gas Service	\$ 71.79
PNM	Electric Services	\$ 190.46

SC Daily Press	Special Meeting	\$ 99.36
Badger Meter	Beacon Services	\$ 287.96
Spectrum Tech	IT Services	\$ 772.80
Grant County Beat	Legal Notices	\$ 292.71
Abila	Municipal Water System	\$ 123.74
AT&T	Cell Phone Service	\$ 91.48
PNM	Electric Services-Pumps & Wells	\$ 2,247.92
Krystal Mt Water	Drinking Water	\$ 49.52
TOTAL:		\$4,981.97

Sewer Operations- 155

Abila	Municipal Water System	\$123.74
TOTAL:		\$123.74

JNT WASTEWATER FUND - 170

Xerox Corp	Printer Services	\$ 43.97
GC Pest Control	Monthly Spray	\$ 48.13
The UPS Store	Shipping Specimen	\$ 669.03
American linen	Laundry Service	\$145.56
Grant County	Yearly Budget	\$1,318.27
Hall Envir Analysis Lab	Plant Test/ Sludge	\$ 2,669.27
Spectrum Tech	IT Services	\$ 386.40
Abila	Municipal Water System	\$ 123.74
AT&T	Cell Phone Service	\$ 78.85
PNM	Electric Services-Lt Station	\$ 72.49
Krystal Mt Water	Drinking Water	\$ 15.15
TOTAL:		\$ 5,570.86

COMMUNITY CENTER FUND - 200

GC Pest Control	Monthly Spray	\$ 39.32
NM Gas Company	Natural Gas Service	\$ 39.50
PNM	Electric Service	\$ 178.39
TOTAL:		\$ 257.21

LIBRARY FUND - 210

GC Pest Control	Monthly Spray	\$ 29.32
NM Gas Company	Natural Gas Service	\$ 28.79
PNM	Electric Services	\$ 359.40
Ricoh	Printer Services	\$ 32.33
Krystal Mt Water	Drinking Water	\$ 15.15
TOTAL:		\$ 464.99

MUNICIPAL STREET FUND - 240

Abila	Municipal Water System	\$ 123.74
PNM	Electric Service	\$2,909.95
TOTAL:		\$ 3,033.69

MUNICIPAL COURT FUND - 20

Caselle	Contract Support & Maint	\$ 179.00
GC Pest Control	Monthly Spray	\$ 14.54
NM Gas Company	Natural Gas Service	\$ 12.59
Spectrum Tech	IT Services	\$ 327.12
Abila	Municipal Water System	\$123.74
Admin Office of Courts	Monthly Fee Report	\$ 108.00
TOTAL:		\$ 764.99

FIRE FUND- 30

GC Pest Control	Monthly Spray	\$14.55
Business Radio Licensing	Processing Fee	\$110.00
NM Gas Company	Natural Gas Service	\$45.21
Grant County	Yearly Budget	\$1,318.27
Spectrum Tech	IT Services	\$ 463.68
Abila	Municipal Water System	\$ 123.74
AT&T	Cell Phone Service	\$ 45.74
TOTAL:		\$2,121.19

Solid Waste -160

SC Daily Press	Proposal Requests	\$75.33
Abila	Municipal Water System	\$ 123.74
TOTAL:		\$199.07

GRAND TOTAL:		\$ 42,711.34
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City of Bayard Public Works



Tel: 575.537.5384
Fax: 575.537.5271

800 Central Ave.
Bayard NM, 88023

Email: bayardmaint@cityofbayardnm.com

June 5, 2023

Mayor and Members of the Council,

Monthly report for May, 2023. This is only a list of the non-routine activities that were done during this month. We stay busy doing the routine activities such as checking wells, checking pumps, checking sewer pumps, checking PRV's, working at the cemetery, taking water samples, checking the Little League, checking city parks, checking and servicing vehicles, doing meter turn-ons and turn-offs, checking on plugged sewers, and other customer concerns, checking on the chlorine system, janitorial and being available for whatever problems come along.

Maintenance Department participated, and completed in Mays free trash pick up month.

May 31, 2023: Maintenance crew worked at the Old Fire Station Park and the Bottom Little League Field placing concrete.

Sincerely,

Michael Paez
Public Works Director

Enclosure: Monthly Fuel Log, ACEHardware Invoice Breakdown, Maintenance Job Parts/Materials Report.

May 2023 Maintenance Dept. Fuel Logs

Date	Equipment/ Truck No.	Employee	Odometer	Gallon	Amount
5/1/23	Truck #1	Michael Paez	11175	41.171	\$165.88
5/5/23	Truck #6	Joe Sierra	23378	20.893	\$85.01
5/8/23	Old Case Backhoe	David Palomarez	N/A	14.593	\$62.74
5/10/23	Truck #5	William Welcome	70005	22.906	\$91.60
5/10/23	2020 Ford Fusion	David Palomarez	6455	14.236	\$56.93
5/12/23	Truck #8	Joe Sierra	70500	24.187	\$96.00
5/15/23	2015 Case Backhoe (Truck #11)	William Welcome	N/A	26.365	\$113.34
5/15/23	Truck #7	William Welcome	79257	23.807	\$94.49
5/17/23	John Deere Mower	David Palomarez	N/A	6.408	\$24.79
5/17/23	Truck #1	Michael Paez	11363	15.588	\$60.00
5/22/23	Truck#5	David Palomarez	70245	26.422	\$102.23
5/23/23	Truck #6	Joe Sierra	23553	23.138	\$89.52
5/25/23	Bucket Truck	Mark Diaz	500	27.334	\$108.22
5/30/23	Grasshopper Mower	Mark Diaz	N/A	3.897	\$15.08
5/31/23	2015 Case Backhoe (Truck #11)	David Palomarez	N/A	31.316	\$118.97
Total				322.261	\$1,284.80

Total

322.261

\$1,284.80

	May 2023 ACE HardWare Invoice	
Date	Amount	Use
5/1/2023	\$3.39	Police Dept.
5/2/2023	\$33.81	Park/Lower Little League Field
5/3/2023	\$163.01	Lower Field Backflow Preventor
5/3/2023	\$93.58	Parks
5/3/2023	\$176.89	City Buildings Parking Lines Repainting
5/5/2023	\$130.44	Maint. Shop Tools
5/8/2023	\$239.43	Community Center AC Units
5/9/2023	\$12.92	Maint Shop Supplies
5/11/2023	\$75.98	Parks (weedeater heads)
5/15/2023	\$49.96	Parks tools
5/16/2023	\$6.70	Community Center Repairs
5/16/2023	\$9.18	Maint. Shop Supplies
5/16/2023	\$25.99	Community Center AC Units
5/22/2023	\$35.97	T-Ball Field
5/22/2023	\$107.88	Sewer manhole repairs
5/25/2023	\$79.98	First Aid Kits
5/25/2023	\$44.99	Parks (weedeater line)
5/30/2023	\$14.39	Library Toilets
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	
Total	\$1,304.49	

City of Bayard Public Works

800 Central Ave. Bayard NM, 88023
Tel: 575.537.5384 Fax: 575.537.5271
Email: bayardmaint@cityofbayardnm.com



Job Parts & Material

Date 5/24/23	Time 08:30	Job/Work Order No. N/A
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Job Discription: Water Main Repair/Main Leak

Job Location: N. East St. at Low Income

Employee	Hours		Equipment Used	Hours	Cost/Hour	
Michael P.	7.00				0.00	\$0.00
David P.	9.50					
William W.	6.00					
Mark D.	6.00					
Joe S.	6.00					
Total Hours	34.50	\$824.47	Total Hours	0.00	\$0.00	

Part/Materials	Qty.	Cost
6" C900 Pipe (FT)	4	\$152.00
6" Hymax	2	\$329.85
Total Parts/Materials	6	\$481.85
Total Part/Materials/Labor/Equipment		\$1,306.32

City of Bayard Public Works

800 Central Ave. Bayard NM, 88023
Tel: 575.537.5384 Fax: 575.537.5271
Email: bayardmaint@cityofbayardnm.com



Job Parts & Material

Date 5/25/23	Time 2:30pm	Job/Work Order No. N/A
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Job Discription: Board up broken windows

Job Location: Bayard Community Center

Employee	Hours		Equipment Used	Hours	Cost/Hour	
Michael P.	1.00				0.00	\$0.00
William W.	1.00					
Mark D.	1.00					
Joe S.	1.00					
Total Hours	4.00	\$155.92	Total Hours	0.00	\$0.00	

Part/Materials	Qty.	Cost
4'x8'x3/4" CDX	1	\$49.88
	0	\$0.00
Total Parts/Materials	1	\$49.88
Total Part/Materials/Labor/Equipment		\$205.80

City of Bayard Wastewater Treatment Plant Report for May 2023

5-01-2023: Turned All drying beds, check N Hurley Lift Station
And go to Silver to pick up parts for Rec Plant, go to Keenan
Supply and pick up Acid pump for UV and Fix two leaks at the
Rec Plant

5-02-2023: Work on A/C at Rec Plant and go to Ace Hardware
To buy two Floats and grease all pumps & motors at Rec Plant
And Haul two load of Sludge to Sliver landfill

5-03-2023: Collect all Water Samples and take to Silver UPS and
Change out barrel in the Ras Room and Clean up Blower Area

5-04-2023: Turned All drying beds, Check N Hurley Lift Station
And Haul two load of sludge to silver land fill, turn sludge
Storage pile and Clean up Lab Building

5-08-2023: Turn one and two Drying Beds and turn Sludge pile
And pullout sludge from number Three drying bed and clean
wash water room and check N Hurley Lift Station

5-09-2023: Haul two loads of Sludge to Silver landfill and
change out two-level switch for chlorine at Rec Plant and
Rebuild center drain on number three bed, change out screens
on all four corners of #3 Drying Beds

5-10-2023: Check N Hurley Lift Station, collect all Water Samples and take to Silver UPS and cut weeds around plant

5-11-2023: Turned All drying beds, Check N Hurley Lift Station Sweep and Mop Lab Building and wash TSS filters

5-15-2023: Turned All drying beds, turn Sludge pile and pickup Trash to take to dump and Check N Hurley Lift Station

5-16-2023: Received Polymer barrels and put in screw press And take Trash to land fill and Clean Lab, scrub arms on Clarifiers

5-17-2023: Collect Water Samples and take to Silver UPS and Took pictures of the Headworks Construction Site and send to City Clerk Jump fuel truck and fill up Bobcat

5-18-2023: Turned All drying beds, check N Hurley Lift Station Sweep and Mop Lab Building and wash TSS filters

5-22-2023: Turned two, three drying beds, check N Hurley Lift Station and pullout sludge from number one drying bed and try to exercise valve to the west clarifier

5-23-2023: Check N Hurley Lift Station and Put New Rope on the Dump Truck and Exercise valves. Work on Chlorine at Rec Plant

5-24-2023: Rebuild #2 UV chamber and draining number two digester into #1 Drying bed

5-25-2023: Turned All drying beds, check N Hurley Lift Station Sweep and Mop Lab Building and wash TSS filters

5-30-2023: Turned All drying beds, Check N Hurley Lift Station and change out #3 bulb on #2 UV chamber

5-31-2023: Collect Water Samples and take to Silver UPS and check for a part in Silver at the hardware store and auto parts for UV system

Bayard Fire Department

Monthly Report

May 2023

Monthly Fire Calls: There were 9 fire calls for service in May.

5/4/2023: Dispatched out for a Parade Escort for the High School.

5/8/2023: Dispatched out to Horse Shoe Dr. in North Hurley for a grass fire. Fire was out by the time we were on scene.

5/8/2023: Dispatched to the Bayard City Park for wood chips on fire. Arrived and found that the wood chips had been set on fire. Extinguished and returned to station.

5/9/2023: Dispatched out for a Parade Escort for the High School.

5/12/2023: Dispatched to Blakes Lataburger for the smell of gas. Arrived and used meter detection and found no gas detected.

5/12/2023: Dispatched to 416 Maple St. for a structure fire. Arrived and found the structure on fire and also found two individuals with burns. Extinguished fire and assisted EMS with patients.

5/17/2023: Dispatched to Cortez Ave in Hurley for a grass fire. Arrived on scene and extinguish grass fire.

5/17/2023: Dispatched to Cactus St. for smoke coming from a residence. Arrived on scene and found a grass fire. Extinguished the fire and returned to the station.

5/26/2023: Dispatched to Cobre High School for traffic control after the graduation.

Monthly EMS calls:

There were 32 reported EMS calls for the month of May.

<u>Bayard</u>	22 Calls
<u>Hurley</u>	9 Calls
<u>North Hurley</u>	1 Calls
<u>Hanover</u>	0 Calls

Fierro 0 Calls
Santa Clara 0 Calls

May Training

Fire:

5/4/2023: Training consisted of Equipment and PPE inspections.

5/18/2023: Training consisted of Hose Cleaning.

EMS:

5/2/2023: EMS training consisted of covering mass casualties within the community.

Equipment:

<u>Apparatus</u>	<u>Mileage</u>	<u>Engine Hours</u>
<u>Engine 1</u>	<u>8558</u>	<u>1196.2</u>
<u>Engine 2</u>	<u>14527.5</u>	<u>1221.8</u>
<u>Command 3</u>	<u>40457</u>	<u>3932</u>
<u>Mini</u>	<u>12852.5</u>	<u>1545</u>

Safety: We had no incidents in the Fire Department for the month.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary

**Motor Vehicle Report
Bayard Fire Department
May Report**

Item 5.

Vehicle Make: Rescue

DAY	Place Purchased	Gal	Amount	Quarts	Amount	Misc.	Invoice PO#	Purchaser
5/2/2023	Snappy Mart #210	17.44	\$ 71.00					E.Gonzales
5/12/2023	Snappy Mart #210	21.44	\$ 80.84					E.Gonzales
TOTALS		\$38.88	\$151.84	\$0.00	\$0.00	\$0.00		

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	40457
First of month mileage	40219
Total miles	238
Miles per gallon	

Vehicle Make: Mini Pumper

DAY	Place Purchased	Gal	Amount	Quarts	Amount	Misc.	Invoice PO#	Purchaser
	Snappy Mart #210		\$ -					
TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	12852
First of month mileage	12832
Total miles	20
Miles per gallon	

**Motor Vehicle Report
Bayard Fire Department
May Report**

Item 5.

Vehicle Make: Engine 1

DAY	Place Purchased	Gal	Amount	Quarts	Amount	Misc.	Invoice PO#	Purchaser
	Snappy Mart #210		\$ -					
TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	8558
First of month mileage	8557
Total miles	1
Miles per gallon	
	#DIV/0!

Vehicle Make: Engine 2

DAY	Place Purchased	Gal	Amount	Quarts	Amount	Misc.	Invoice PO#	Purchaser
	Snappy Mart #210		\$ -					
TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	14527
First of month mileage	14448
Total miles	79
Miles per gallon	

Rescue
EPI

WELCOME
00302006
Snappy 210
801 Tom Foy Blvd
Bayard NM

DATE 5/2/23 9:34
TRAN#9079142
PUMP# 07
SERVICE LEVEL: SELF
PRODUCT: UNLD1
GALLONS: 17.448
PRICE/G: \$4.069
FUEL SALE \$71.00
CREDIT \$71.00

*****7318
Stn# 00302006

WEX FLEET

Inv# 0650246
Auth# 024774
Entry Method: Swipe
d
OD 40699

Vehicle
99595
Trans
K0408147057
Earn up to
6cents per gal
with Chevron Texaco
Business Cards
1.888.531.3717

THANK YOU
HAVE A NICE DAY

Rescue
4034577
EPI

WELCOME
00302006
Snappy 210
801 Tom Foy Blvd
Bayard NM

DATE 5/2/23 21:35
TRAN#9054111
PUMP# 05
SERVICE LEVEL: SELF
PRODUCT: UNLD1
GALLONS: 21.149
PRICE/G: \$3.769
FUEL SALE \$80.84
CREDIT \$80.84

*****7318
Stn# 00302006

WEX FLEET

Inv# 0652708
Auth# 107011
Entry Method: Swipe
d
OD 40345

Vehicle
99595
Trans
K0405617738
Earn up to
6cents per gal
with Chevron Texaco
Business Cards
1.888.531.3717

THANK YOU
HAVE A NICE DAY

MONTHLY REPORT

6	3	20
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May Citations In.
traffic- 15
Animal - 1
code enfrc.- 0

- summons issued- 17
- clients in person- 25
- closed cases- 13
- dismissed cases- 3 / 2 fix-it
- officer dismissed cases - 3
- trials scheduled - 0
- officer failed 2 appear 4 trial - 1
- Warrants issued - 5

10/18

Copy

May 31

I would like to be on the agenda for your next council meeting for June 12th 2023

Concern's on the city ordinance concerning Registration and Maintenance of Neglected and Maintenance of Neglected Vacant Residential and Commercial Structures with in the City of Bayard.

At the last council on May 22, 2023 the city stated that the city attorney was called and e-mail on this issue and had not responded.

On May 31, 2023 before your special meeting I asked our city clerk Marlana Valenzuela if they had heard anything on this issue from the the City Attorney she told me no.

What is the city next step.

Larry Jinaga

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

CITY OF BAYARD WASTEWATER TREATMENT PLANT PROJECT AGREEMENT

RECITALS

A. Bayard intends to obtain federal, state or other grant funding ("Grant") to assist with the construction of certain infrastructure improvements to the Bayard Regional Wastewater Treatment Plant ("WWTP") for purposes of increasing its capacity and assuring its ability to meet applicable regulatory and permit requirements ("Project").

B. The Grant is expected to require a cash match ("Match"), the cost of which would likely be absorbed by WWTP customers, including residents in Bayard, Santa Clara and Hurley.

C. The WWTP produces treated effluent which is currently transported to Chino's tailings facility for disposal ("Reclaimed Water").

D. The Project may enable the WWTP to produce additional and/or higher-quality Reclaimed Water able to be utilized in certain applications under applicable regulations. Chino is interested in acquiring the right to purchase all Reclaimed Water that may be produced by the WWTP after completion of the Project.

E. Chino is willing to provide funds up to one million dollars (\$ 1 to meet the Match requirement to facilitate the completion of the Project in exchange for a right of first refusal for the Reclaimed Water, conditioned on Bayard meeting certain progress milestones towards completion of the Project ("Milestones").

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties mutually agree as follows:

1. Recitals. The foregoing Recitals are hereby made a part of this Agreement.
2. Grant Funding. Bayard will be responsible for all aspects of securing Grant funding, administering the Grant(s), and all aspects of Project design, engineering, permitting, completion, and maintenance.
3. Milestones. The Parties will meet annually for Bayard to provide Chino an update on the progress of the Project, and to set progress Milestones for the upcoming year. A reasonable cure period will be allowed in the event Bayard fails to meet a Project Milestone, but is making reasonable progress, in Chino's reasonable discretion.
4. Chino Matching Funds. Chino will provide funds up to a total of one million dollars

(\$ 1,000,000), to meet Match requirements of Grant(s) Bayard secures for the Project within three (3) years from the date of execution of this Agreement, provided Bayard meets the Milestones, to be disbursed as follows:

(a) Three hundred thousand dollars (\$300,000) upon the award of Grant funds to Bayard for the Project ("Initial Payment").

(b) Three hundred thousand dollars (\$300,000) on the first (1st) anniversary of the Initial Payment.

(c) Four hundred thousand dollars (\$400,000) on the second (2nd) anniversary of the Initial Payment.

(d) If the total amount of Match required by the Grant(s) is less than one million dollars (\$ 1,000,000), the total amount of Chino Matching Funds will be reduced to equal the total amount of Match funds required, and the above payment schedule will be adjusted accordingly.

5. Grant Requirement. Bayard shall proceed in compliance with all aspects of the Grant requirements to develop the Project and shall meet any milestones and requirements of the Grant, which will be incorporated as additional Milestones to be timely achieved in compliance with this Agreement.

6. Termination. If Bayard is unable to meet a Milestone, and any cure period has lapsed, Chino may elect to terminate this Agreement.

7. Right of First Refusal. In the event the Project is completed and the WWTP produces and makes available for sale Reclaimed Water, Chino shall have a right of first refusal ("ROFR") for all such available quantities of Reclaimed Water produced by the WWTP that Chino may elect to purchase, in its sole discretion. Bayard shall provide Chino a written notice of its ability to sell Reclaimed Water, and the class of Reclaimed Water under applicable regulations, at least ninety (90) days before Reclaimed Water first becomes available ("Availability Notice"). If Bayard has received a bona fide, written offer or offers from an unrelated third-party ("Offer") to purchase Reclaimed Water from the WWTP, Bayard shall provide Chino a copy of the Offer(s) with the Availability Notice. If no Offer(s) has been received, Bayard shall propose a purchase price for the Reclaimed Water in the Availability Notice reflecting fair market value.

If Chino elects to exercise the ROFR, Chino shall notify Bayard within thirty (30) days of receipt of the Availability Notice ("Chino Notice"), and the Parties shall negotiate a written contract for the purchase and sale of the Reclaimed Water ("Contract") in good faith with the objective of executing the Contract prior to the Reclaimed Water being available. The price for the Reclaimed Water shall be the highest price proposed in any Offer provided with the Availability Notice, or, if no Offer has been provided, the price shall be the Purchase Price proposed by Bayard reflecting the fair market value of the Reclaimed Water ("Purchase Price"). However, Chino may dispute the Purchase Price by providing written notice to Bayard in the Chino Notice, in which event the Parties shall negotiate in good faith to agree upon the Purchase Price. If the Parties cannot reach agreement on the Purchase Price, the Parties shall by mutual agreement, select one independent

valuation individual or firm qualified to value Reclaimed Water in New Mexico ("Appraiser"), and the Appraiser shall determine the fair market value of the Reclaimed Water, which value shall be used as the Purchase Price. Chino shall bear the costs of the valuation if the valuation is equal to or greater than one hundred percent (100%) of the purchase price proposed by Bayard; otherwise, Bayard shall bear the costs of the valuation.

8. Governing Law. The Parties' respective rights and obligations hereunder shall be governed by and construed in accordance with laws of the State of New Mexico without regard to conflicts of laws principles.

9. Regional Water Project. The conditions of this Agreement are contingent upon the completion of the Grant County Regional Water Project initiated by the local governments.

10. Cooperation. Each Party will act in good faith in implementing this Agreement and shall provide such cooperation required to obtain any permits or approvals required, and to comply with relevant laws, rules, or regulations.

11. Disputes. The Parties shall first attempt to resolve any disputes under this Agreement by informal negotiation before initiating litigation.

12. Amendment. This Agreement may only be amended via a written document signed by both Parties.

[Signature page follows]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year first above written.

FREEPORT-MCMORAN CHINO MINES
A New Mexico General Partnership

By: FREEPORT-MCMORAN CHINO, INC., a
Delaware corporation, Its General Partner

By: _____
Randy Ellison, Its President

By: Chino Acquisition LLC, a Delaware limited
liability company, Its General Partner

By: _____
Randy Ellison, Its President

CITY OF BAYARD

By: _____

Its: _____

SPEED HUMP PETITION

We, the undersigned residents of the 100 block of N. East St., Bayard, New Mexico, do hereby petition the City of Bayard to install SPEED HUMPS on our block. We want to slow the speed of traffic to protect our residents and children.

Name (Signature)	Address	Phone Number	Agree	Disagree
<i>Gilberto Guerrero</i>	108 N ST BAYARD	575-313-9494		
<i>Maria Arjaluca</i>	201 E ST	575-5385		
<i>Glenn S. S. S.</i>	205 N 90th Bayard	575-313-6422		
<i>Marina De La Lanza</i>	105 East St	575-915-0345		

Circulator: Gilberto Guerrero

Address: 108 N. East St., Bayard, NM 88023

Phone: 575-313-9494

CITY OF BAYARD, GRANT COUNTY, NEW MEXICO
ORDINANCE No. _____

AN ORDINANCE CONCERNING THE REGISTRATION AND MAINTENANCE OF
 NEGLECTED VACANT RESIDENTIAL AND COMMERCIAL STRUCTURES WITHIN THE
 CORPORATE LIMITS OF THE CITY OF BAYARD,
 AMENDING TITLE 4, "HEALTH, SANITATION AND ENVIRONMENT" OF THE CITY OF
 BAYARD CODE BY INSERTING THE FOLLOWING NEW CHAPTER 1E
 "REGISTRATION AND MAINTENANCE OF NEGLECTED VACANT RESIDENTIAL AND
 COMMERCIAL STRUCTURES"

WHEREAS the City of Bayard requested the Board of Trustees to enact an ordinance pursuant to their statutory authority under N.M.S.A. 1978, Section 3-17-1 (1965, as amended through 1993), which ordinance would require the registration and payment of an annual fee where a vacant residential or commercial structure is certified in writing by the City Police Chief or Fire Chief to be neglected;

WHEREAS the Clerk of the City of Bayard published timely notice in the Silver City Daily Press, a newspaper of general circulation in Grant County, and gave timely notice to interested parties in accordance with the provisions of N.M.S.A. 1978, Section 3-17-3 (1973); and

WHEREAS the Board of Trustees conducted public meetings on March 8, April 12, May 10, June 14, July 20, August 9, and September 20, 2016, and duly considered all statements presented as well as written commentary provided.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF BAYARD, GRANT COUNTY, NEW MEXICO, THAT:

SECTION 1. INTRODUCTION. The CITY OF BAYARD CODE, Title 4 "Health, Sanitation and Environment" is hereby amended by adding a new Chapter 1E, titled "Registration and Maintenance of Neglected Vacant Residential and Commercial Structures," to read as follows:

SECTION 2. PURPOSE. The purpose of this ordinance is to help protect the health and safety of the residents of the City of Bayard so that vacant structures do not constitute a public nuisance, by ensuring appropriate maintenance of vacant residential and commercial structures to prevent the development of insanitary conditions, unsafe deterioration of the structure, and unauthorized entry. This ordinance will help promote the City's public welfare by preventing blight and protecting property values and neighborhood integrity and safety.

CITY OF BAYARD NO. _____
 _____, 2023
 PAGE 1 OF 6

SECTION 3. DECLARATION OF PUBLIC NUISANCE. It is declared a public nuisance for any owner to cause, permit, or fail to maintain any vacant residential or commercial structure in a manner contrary to the provisions of this ordinance.

SECTION 4. APPLICABILITY. The provisions of this ordinance shall apply to all vacant residential and commercial structures within the corporate boundaries of the City of Bayard, as those boundaries may be altered from time to time by annexation.

SECTION 5. DEFINITIONS. For purposes of this ordinance, the following terms are defined as follows. Other terms used in this ordinance are defined in Title 4, CITY OF BAYARD CODE.

LOT	A measured parcel of land having fixed boundaries designated on a survey under one ownership as shown on the last assessor's roll of Grant County or the records of the City, whichever is the most recent.
NEGLECTED VACANT STRUCTURE	A structure which is vacant and is not maintained in accordance with the provisions of this ordinance and certified in writing to be neglected by the City Police Chief or Fire Chief.
OCCUPANCY	The act of residing in the structure with full utilities service or conducting a legal business, properly registered, from the structure with full utilities service.
OWNER:	The owner of record based on the public records of the Grant County clerk and office of the Grant County assessor and any person with legal, financial, or equitable interest in the structure, land, or premises at the time of the determination that the vacant structure is a neglected structure under the provisions of this ordinance.
REGISTRATION	The process of providing name, present address, and other contact information of the owner of a vacant structure for protection of the subject premises and the owner's investment.
STRUCTURE:	A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, and constructed to as a dwelling for the shelter of persons, including a building for the conduct of a legal business. A structure shall include any mobile home or manufactured home , as those homes are defined in NMSA. 1978, Section 3-21A-2(A) and -(B) (2001), whether used for residential or commercial purposes.

**VACANT
STRUCTURE:**

- (1) A residential or commercial structure that has remained unoccupied for a period of more than thirty (30) days.
- (2) A structure is not deemed to be vacant for purposes of this ordinance if any of the following circumstances exist:
 - a. Any unit or portion of the structure is occupied by authorized persons;
 - b. Any other structure on the same lot is occupied by authorized persons; or
 - c. Construction or alteration of the structure is in progress, and where a state permit is required such unexpired permit must be posted. If a required state permit is not posted or has expired, then the structure shall be considered a vacant structure and subject to the requirements of this ordinance.

SECTION 6. REGISTRATION OF NEGLECTED VACANT STRUCTURE.

- A. Notification of Determination of Neglect and Required Registration. When a vacant structure is determined to be neglected, and certified in writing, the City Clerk shall notify the owner by certified mail, return receipt requested, of the neglect determination and the requirement to register the neglected vacant structure with the City. Said notice shall contain a registration form.
 - (1) The owner must register the neglected vacant structure within thirty (30) calendar days of receipt of the notice.
 - (2) The owner must pay the neglected vacant structure fee with the registration.
- B. Registration Information. Registration shall be on a form available from the City Clerk, which includes but is not limited to the following information:
 - (1) Name, address (physical and mailing), and contact telephone number of the owner;
 - (2) Name, address (physical and mailing), and contact telephone numbers of the local agent or representative for the structure /property, if other than the owner.
- C. Keep Registration Information Current. Upon any change in the facts provided in the initial registration, the owner shall file up-dated information within ten (10) business days of such change.
- D. Neglected Vacant Structure Fee. Upon notification of the neglected vacant structure determination, the owner must pay a prorated fee as established below, and continue to pay an annual fee on or before July 1 of each calendar year the vacant structure continues to be classified as a neglected vacant structure.
 - (1) Initial fee shall be prorated from the month following the receipt of notice of the neglected vacant structure determination, which shall be based on a first year annual fee of \$300.00 (\$25.00/month).

CITY OF BAYARD NO. _____, 2023

PAGE 3 OF 6

- (2) First full calendar year annual fee, where the structure is still designated as a neglected vacant structure, shall be \$300 (three hundred dollars).
- (3) For each additional full calendar year the premises remains designated as a neglected vacant structure, the fee shall increase an additional \$100.00 (one hundred dollars) per year up to a maximum of \$500.00 (five hundred dollars) per year.

E. Owner Not Exempt from Complying with Standards Upon Payment of Fee. Payment of the neglected vacant structure fee does not exempt the owner from complying with this ordinance and other applicable laws. Upon a showing that the vacant structure and lot are in full compliance with this ordinance, the Village will vacate the neglected vacant structure fee. No further fee will be due provided the vacant structure and lot continue to be in compliance with this ordinance.

SECTION 7. REQUIREMENTS AND STANDARDS.

- A. Maintenance in Accordance with all Applicable Laws. The owner of a vacant structure shall maintain it and its lot(s) in accordance with all applicable local ordinances and the state sanitary codes, building codes, and fire codes pertaining to the lot and the external (visible) parts of the structure.
- B. Security Standards. The owner shall maintain the vacant structure in a way that secures the structure from any unauthorized entry and shall comply with the following minimum security standards:
 - (1) Promptly cover, secure, or repair all broken windows, doors, other openings, and any unsafe conditions at a vacant structure. Boards or coverings must be fitted and sized to the exterior opening.
 - (2) There shall be at least one operable door into each vacant structure, secured with a suitable lock.
 - (3) The lot(s) upon which a vacant residential or commercial structure is located shall be appropriately secured based on the conditions and surroundings, and maintained in a manner that eliminates any public safety hazard. Said lot(s) must be free of all combustible materials.
- C. Appearance Standards. The owner of a vacant structure shall comply with the following minimum appearance standards:
 - (1) All vacant structures must be maintained in a manner that minimizes the appearance of neglect and deters unauthorized occupation. Owners shall promptly remove graffiti from the vacant structure and any fencing and immediately repair damage from attempted or actual intrusions into the vacant structure.
 - (2) All exterior surfaces, including any boarded windows or doors, shall be applied with sufficient paint, siding, stucco, or other finishes in the same

color or similar color to blend with the structure's existing exterior color scheme. All exterior surfaces, including roofs, shall be of sufficient construction to weatherproof the vacant structure.

- (3) The lot(s) upon which the vacant structure is situated, including all landscaping, shall be kept in such condition as not to create the appearance of an unsecured, unoccupied structure. Said lot(s) shall be free of litter, which includes debris and garbage.

SECTION 8. PARTIAL OR COMPLETE DESTRUCTION OF STRUCTURE. An owner of a structure rendered vacant as a result of catastrophic fire or act of nature shall: (i) *immediately* secure the premises with appropriate fencing and no trespass signs, (ii) within two calendar weeks from the catastrophic event clear the premises of all litter and debris; and (iii) within four calendar weeks from the catastrophic event demolish any remaining parts of the structure and clear the site or show proof to the Code Enforcement Officer of completed and filed application for appropriate state permits for rebuilding the partially destroyed structure.

SECTION 9. PENALTIES.

- A. Penalties: It is unlawful for any person who owns controls, or is the responsible agent of a vacant structure to fail to register and pay the requisite fee as provided in this ordinance, and to maintain, or cause or permit the maintenance of the vacant structure in a condition defined as a "neglected vacant structure" in this ordinance. Violations of this ordinance are in addition to any other violation established by law.
- B. Penalties. The court may impose fine of not more than \$500 (five hundred dollars) or imprisonment of more than ninety days or both upon finding any person in violation of any provision of this ordinance.
- B. Remedies Not Exclusive. This ordinance shall not be interpreted as limiting the penalties, actions, or summary abatement procedures that may be taken by the Village under existing laws, ordinances, or rules, including perfecting a lien upon the premises and foreclosure thereof.

SECTION 10. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 11. SEVERABILITY. Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.

Findings:

1. The presence of unmaintained vacant residential and commercial structures creates a negative impression and has been shown to have an adverse economic impact on neighboring properties and businesses by depressing property values;
2. It is the property owner's responsibility to maintain a vacant structure to minimize the appearance of neglect and to secure the vacant structure from unauthorized entry, and such responsibility should not be a burden placed upon the entire community;
3. Trespassers find vacant structures to be attractive places to conduct criminal activities, and unauthorized access can lead to vandalism and even fires that put the structure and surrounding area at risk;
4. Neglected vacant and unsecured residential and commercial structures can become an attractive but dangerous play area for children and can harbor wild animals, pests, and vermin;
5. Vacant structures that have deteriorated or been neglected are a threat to public safety, health, and welfare of the community.
6. The City of Bayard has an interest in identifying and registering property owners of neglected and unsecured vacant residential and commercial structures located within the corporate limits of the City of Bayard; and
7. To provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the City of Bayard and its inhabitants, it is necessary to establish a process whereby the City can identify neglected vacant structures and impose a fee upon the owners thereof in order to monitor compliance with applicable laws.

PASSED, ADOPTED, AND APPROVED by vote of the City Council of the Bayard, Grant County, New Mexico, this XX day of _____ 2023.

Chon Fierro, Mayor
City of Bayard

Attest:

Marlena Valenzuela / Treasurer
City of Bayard

CITY OF BAYARD NO. _____
_____, 2023
PAGE 6 OF 6



BAYARD MUNICIPAL COURT

801 Central Ave,

P.O. Box 788

Bayard, N.M. 88023

Phone: 575-537-5438

Fax: 575-537-2511

June 5, 2023


Mayor Mr. Chon Fierro and members of the council,

This is to notify you that I intend to leave office on 4 July 2023. It has been a honor and privilege to serve the people of our community. I am also requesting that I be put on the agenda for the next council meeting to formally announce my resignation.

I strongly suggest that the alternate judge councilor Jose Diaz spearhead a committee composed of members of the city and city council to interview candidates for my position I strongly believe the citizen of Bayard should have a say in the selection of next municipal judge, I will be available my court dates for any questions or any updates that you might have. I also urging that the alternate judge confer with me as soon as possible for an update on all court matters. I also urge an inventory conducted by city personal for all MUNICIPAL COURT office equipment.

I STRONG UGE THAT KATHY MORONES BE RETAINED AS THE COURT CLERK REGARDLESS OF WHO TAKES OFFICE. SHE IS VERY EFFICIENT AND COMPETENT. I MAKE THIS RECONDAMADTION AND ASK YOU TO DISREGARD OUR PAST CONFLICTS AND RULEINGS.

Respectfully SUBMITENTED


 Judge Jose Sandoval
 Bayard Municipal court
 C/C Judicial standard commission

June 5, 2023

City of Bayard

Attn: Mayor

800 Central Ave.

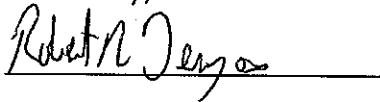
Bayard, NM 88023

RE: Probation

Dear Mayor and Council

I Robert Terrazas Supervisor of the Wastewater Treatment Plant would like to remove Stephen Estrada from Probationary Status to Full Time Status

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Terrazas", is written over a horizontal line.

Robert R. Terrazas