



City of Bayard
CITY COUNCIL REGULAR MEETING
February 13, 2023 at 5:30 PM
Bayard City Hall

AGENDA

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC INPUT

CONSENT AGENDA

1. Approval of the Regular Meeting Minutes for January 09, 2023.
2. Approval of the Accounts Payable Report for February 13, 2023.
3. Approval of the Maintenance Report for January 2023.
4. Approval of the Fire Report for January 2023.
5. Approval of the Bayard Municipal Court Report for January 2023.
6. Approval of the Wastewater Treatment Report.
7. Approval for Anthony Macias to attend Drug Interdiction Techniques- Patrol in Las Cruces, NM on March 10, 2023.
8. Approval for Luz Lozano and Valerie Barboa to attend Report Writing Class in Rio Rancho, NM on March 13, 2023.
9. Approval for Manuel Galaz to attend First Line Supervisor in Rio Rancho, NM on March 6-10, 2023.
10. Approval for Stephen Estrada to attend NMRWA school in Albuquerque, April 4-6, 2023.
11. Approval for Marlena Valenzuela and Council to attend Municipal Day in Santa Fe, NM, February 16-17, 2023.

- [12.](#) Approval for Marlana Valenzuela and Tanya Ortiz to attend Capital Outlay Application training in T or C on Tuesday, February 21, 2023.

OLD BUSINESS

13. Discussion/Approval Maintenance Schedule Change.
- [14.](#) Discussion/Approval Volunteer Firefighter Stipend Policy.

NEW BUSINESS

- [15.](#) Approval of the Joint Power Agreement for Grant County Water Commission.
- [16.](#) Discussion/Approval for Wastewater Schedule Change for Daylight Savings Time.
17. Approval/Discussion for Covid Testing Paid Time Off.
18. Discussion/Action to Convert Arizona Water Settlement Funds from Wastewater Reuse/Ball Fields to regional Water Supply Project for Approximately\$1,343,000.00

ORDINANCES/RESOLUTIONS

- [19.](#) Discussion/ Approval to Rescind Supporting Resolution 31-2022 Affordable Clean Energy.
- A. Bruce Ashburn-PNM
- B. Rick Lass-LCE
- C.Stephen Fischmann-LCE
- D. Gabe Vasquez- Congressman
- [20.](#) Approval of Resolution 1-2023 Open Meetings Notice

CLOSED SESSION- pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters for maintenance department.

22. Discussion/Action for Disciplinary/Termination for Maintenance Department Gabriel Flores

ACTION ITEMS RESULTING FROM CLOSED SESSION

DEPARTMENT HEAD REPORTS

MAYOR AND COUNCILORS REPORTS

NEXT MEETING DATE:

Regular Meeting - February 27, 2023

ADJOURNMENT



City of Bayard
CITY COUNCIL REGULAR MEETING

January 09, 2023 at 5:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Councilor Diaz stated he would like to have a section on the agenda for department heads to share what they need to share. He believes the section for Mayor and Councilors Reports should only be for that reason only. He also asked about the accounts payable report for the expense on the Christmas parade where did that money come from?

Deputy Clerk Valenzuela stated it is donation money.

Councilor Diaz asked what was the repair for Sierra Emergency in the amount of almost \$4,000 for fire truck?

Fire Chief Gonzales stated annual maintenance and any repairs that need to be done.

Councilor Diaz asked about the expense for Grant County Detention Center in the amount of \$376 what is this for? and he ask if the court has given a report on how much revenue has come in?

Deputy Clerk Valenzuela stated it is anytime the city takes an inmate to jail. Also there has not been a report.

Councilor Diaz would like a report from the municipal court for the next agenda to be able to see what revenue has come in.

Councilor Diaz stated the weekend schedule change for Public Works Department he wanted to meet with the Director Michael on the language and that did not happen, so he would like to table this item for the next meeting.

Deputy Clerk Valenzuela stated she just did a webinar on the Text My Gov, and she believes this would be good for the city to have more interaction with the residents. How it works is there will be a phone number that the residents can text and ask for job postings and in return this will send them a link to all the job postings for the city. The city can send out text messages with important information, if there is a water break and water will be off in an area. Also, residents can text a picture of potholes and we receive the message and a work order will be made.

Deputy Clerk Valenzuela stated for Covid protocol, the Watts Hall in Silver City is no longer open. So, her question was how is the city going to receive a test from employees when they do test positive.

Councilor Diaz recommended working on trusting employee and if an employee feels sick or has covid symptoms have the department head test the employee with the test we have. Then they can send them home or do what needs to happen. If you are exposed at home continue to follow the guide lines of what needs to happen if not, we can fall into violation of the hipaa law. Diaz stated if we send the employee to their medical provider, we incur an additional expense to the city and it does take a while for the test results to come back. He will be working on a policy the next couple weeks with a new process.

Councilor Medina stated you cannot mandate a department head to test someone. If the municipality decides to do this, it has to be one individual. Medina stated if was decide to have the fire department do the testing with us at home test, he will be okay with that.

Deputy Clerk Valenzuela stated for the stipend policy this policy is drafted but she is still waiting on the Assistant Fire Marshal to get back with them for language and how the stipend can be spent.

Councilor Diaz asked if there is a stated date on when this money can start being spent?

Fire Chief Gonzales stated November.

Kristina Ortiz from Rural Partners Network presented the Rural Partners Network

Through the Rural Partners Network (RPN), the Biden-Harris Administration is taking action to transform the way the federal government partners with rural communities to spur inclusive, sustainable economic growth. The RPN creates an alliance of federal agencies and civic partners working to expand rural prosperity through job creation, infrastructure development, and community improvement. The RPN will improve equitable access to federal programs and funding, to help drive local economic development. RPN is operated under USDA-RD.

Xochitl Torres Small, Undersecretary for Rural Development works with Secretary Vilsack, The Domestic Policy Council, and the Biden Administration to champion RPN and promote federal program alignment and funding priorities for rural America.

The objectives of RPN are to:

Increase access to critical economic development resources.

RPN will conduct research to identify resources that may be available from federal, state, local and private agencies to aid in economic development. RPN will help rural communities create more desirable, livable, and economically viable communities. One strategy is to link rural community projects to multiple funders to "stack" capital.

Enhance inter-agency collaboration.

RPN will have access to over 15 federal agencies and regional commissions through the Rural Prosperity Interagency Policy Council, co-led by the White House Domestic Policy Council and USDA. RPN will have access to federal agencies through the use of targeted staffing, tools, and resources.

Strategic visionary planning. RPN will assist with the development of strategic visionary planning for your organization for the development of job creation, infrastructure development, and community improvement.

Build local leadership capacity. RPN is working on the ground in selected RPN Community Networks to help navigate and access programs from across the federal government and other providers, secure technical assistance, and develop local capacity.

Build trust through community engagement

Create longevity and continuity through institutionalized processes and systems

Federal agency partners for RPN are:

The White House, US Department of Agriculture, Department of the Treasury, US Department of the Interior, US Department of Commerce's Economic Development Administration, US Department of Labor, US Department of Health and Human Services, US Department of Housing and Urban Development, US Department of Transportation, US Environmental Protection Agency, US Small Business Administration, Social Security Administration, and 6 regional authorities not directly related to this network.

Rural Partner Networks have been selected by Cohorts. Two cohorts are already established with more being added in the future.

Cohort 1 includes: Arizona, New Mexico, Mississippi, Kentucky, and Georgia

Cohort 2 includes: Nevada, Alaska, Wisconsin, West Virginia, North Carolina, and Puerto Rico

RPN is represented within each state by community networks. The community networks are comprised of motivated, inclusive, and collaborative local leaders and stakeholders collaborating to identify opportunities to address high-priority community needs with additional technical and financial assistance.

In New Mexico three community networks have been established and each has a participating host entity.

Southwest New Mexico Community Network – representing the counties of Catron, Grant, Hidalgo, and Luna. Dona Ana Community Network – representing the county of Dona Ana. Northern New Mexico Community Network – representing the counties of Taos, Colfax, Mora, and San Miguel

The community networks are sponsored by community host as follows:

Southwest New Mexico Community Network – Southwest New Mexico Council of Governments, Dona Ana Community Network – Mesilla Valley Public Housing Authority, Northern New Mexico Community Network – North Central New Mexico Economic Development District.

RPN has hired a community liaison for each community network. This slide provides the contact information of the New Mexico liaisons. The Northern New Mexico network is waiting for the selection of its community liaison.

One of the first requests as the RPN network is to ask that each network partner complete a Project Inquiry Form for any projects you are seeking assistance with. This form has been developed to document project requests and needs within the Rural Partners Network. Community Network Partners, members and stakeholders provide preliminary information through this form to assist RPN community liaisons and staff as a guide to appropriate funding options, technical assistance, or information resources. This is not an application for funding but will be used for informational and planning purposes only. I have previously emailed a link to my community partners.

She thanked the Mayor and Council for their time and attention and she looks forward to working with everyone.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

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

A quorum was present. Others in attendance were Larry Ojinaga, Jade Wilson, Jo Lutz, Selina Crespín, James Ervin, Dolores Charon, Scott Siville, Matthew Valenzuela, Marisa Torres, Hector Carrillo, Luz Lozano, Valerie Barboa, Frank Gomez Jr., Manuel Galaz, Judy Diaz, Robert Terrazas, Michael Paez, Gary Arellano, Mike Armendariz, Euphemio Gonzales, Marlena Valenzuela, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Diaz with item number 9 to be postponed for the next agenda so he can meet with the department head, Seconded by Mayor Pro-tem Villanueva.

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

1. Swearing in of Un-certified Police Officers Valerie Barboa and Luz Lozano.

Police Chief Carrillo addressed the Mayor, Council and citizens of Bayard and stated two un-certified officers were hired, the progress they have made is Captain Macias and Lieutenant Galaz have been working hard and putting in a lot of hours to make sure they both qualify with their weapons. They have had a lot of class room hours and now they are ready to be sworn in as Police Officers for the City of Bayard.

Municipal Judge Jose Sandoval performed the swearing in of both police officers.

PUBLIC INPUT

Councilor Diaz stated he wanted to address the public. He has been on the council for a year and he would like to remind the public that he is human just like everyone else, he understands their concerns. If there is a concern be polite about it. He is not here to get bullied or harassed. He is here to listen and if he can work with you, he will work with you. In the past meetings the council has gotten bashed and this year he would like to move forward. He feels everyone understands each other when everyone comes to a common ground, instead of it turning in to a shouting match and arguing with each other.

Wastewater Treatment Plant Director Robert Terrazas stated there is movement at the treatment plant with Morrow on working on the effluent line.

Sherry Edwards asked the mayor and council if her AA group that meets at the Bayard Community Center on Monday nights if they can have drinks in the Colorado room during their meetings.

Mayor and Council agreed that would be fine.

CONSENT AGENDA

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

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

2. Approval of the Special Meeting Minutes for December 15, 2022.
3. Approval of the Accounts Payable Report for January 9, 2023.
4. Approval of the Maintenance Report for December 2022.
5. Approval of the Fire Report for December 2022.
6. Approval for Michael Paez to attend CoRe-EX Program in Silver City NM.
7. Approval of Online Supervisor Training for Marlana Valenzuela, Michael Paez, and Robert Terrazas.

OLD BUSINESS

8. Discussion for concerned resident Larry Ojinaga.

Larry Ojinaga asked about the abandon buildings ordinance, why hasn't that been on the agenda or why hasn't there been public input on it?

Deputy Clerk Valenzuela stated there is still a process and it needs to be reviewed by legal counsel.

Larry Ojinaga also asked about the railroad crossings, when are they going to get improved?

Kristy Ortiz stated where the process in now is the federal agencies have awarded funding to the NMDOT. The NMDOT has to get cost estimates, they have and now the NMDOT has signed off award contracts. The federal government had to wait on their budget to get approved. The Poplar Street crossing did get approved in the budget this past summer. Now that the federal government has approved the bill on that money for the second railroad crossing will come out of this bill. So now the contracts have been signed, now the wait for supplies is around 6 months. So, the process has already been done, now it's a supply issue.

9. Approval for weekend schedule change for Public Works Department.

Postpone until next meeting.

10. Discussion/Action to approve Business License for M&M Auto/ Matthew Valenzuela.

Matthew Valenzuela stated since 2017 the council has issued the Business license for the M&M Auto and in the description of the business license, they have always put the same working on the business license and they have all been signed. He has put up a fence and removed all the cars on the curb. He would like to know if he can get his business license renewed.

Councilor Diaz stated the Council and him are all about wanting businesses in Bayard. Their intentions were never to shut M&M Auto down. Diaz stated some of the concerns of the residents in the area, the M&M Auto is working late at night and the neighbors do not have any peace or quite time. Also, there are extension cords running from the shop to RV trailers with people living in them. Also, the M&M Auto should not be a scrap yard, salvage yard, or a recycle center. It should to in accordance to the ordinance of an auto repair shop. This is not what is happening. There are violations every day. Back in July when the business license was denied there were some things that needed to be done before getting approved, so his questions are, has an inspection been conducted by the Fire Marshal? Has an inspection been conducted by the Fire Chief of Bayard, the Code Enforcer, the Police Department, and the environment department? Once all these inspections have been done then the business license will be approved.

Marisa Torres stated she has explained on the business license that they do have junk cars on the property for years now.

Councilor Diaz stated now there is new council and they are listening to the residents of Bayard and they had a lot of concerns on this. He does not want to shut the business down.

Matthew Valenzuela stated when Eddie Sedillos was the maintenance supervisor, he would bring a lot of work to him and he would help the city out and sometimes not charge the city. As far as the RV trailers, they have been moved and he has

enclosed the property. He stated it takes a lot of money to do this. Mr. Valenzuela stated he helps out a lot of people and does not charge people a lot of money. He has 4.7 stars on his business reviews and the reason he works late is because he does not have anyone to work for him. No one wants to work. Mr. Valenzuela asked if anyone can park on the curb?

Councilor Diaz stated he understands Mr. Valenzuela helps out the community but there are certain steps that need to be taken to get the business license approved. Once all that is cleared let's get this business up and running. Diaz stated the Mayor, Council and him are not going to tell him how to run his business but there is a 10:00 p.m. noise ordinance and that cannot be violated. They all want to work with Mr. Valenzuela to get his business up and running. The answer to can you park on the curb is yes but only for a short period of time but not for two, three days.

Councilor Medina asked if we can get Mr. Valenzuela phone numbers to all of the people, he needs to get clearance from.

Scott Siville stated he has been a customer at M&M Auto for 15 years and they are a necessary part of the services that can be provided to this community, because they are able to operate with recycled car parts. He stated it has been an expansion since Mr. Valenzuela took on the business. Also, there is a fence around the property and that was no small cost to him. Mr. Siville thinks M&M Auto is an important part of the community. There are a lot of people that do business at M&M Auto. Also, he knows the city has a right to enforce the codes and ordinance but they should also work with every individual that is operating a business one piece at a time and try and get it done together.

Councilor Diaz stated this is what this mayor and council is trying to do. But with prior meetings and all the concerns from Bayard residents, the mayor and council had to make a decision and have the business owner uphold the codes and ordinances. Diaz sees Mr. Valenzuela is moving in the right direction and the council is willing to work with him.

Police Chief Carrillo stated there are citation for violation on the codes and ordinances of Bayard and he advised to go with Judge Sandoval and take care of these citations.

NEW BUSINESS

11. Discussion/Action to purchase Text My Gov in the amount of \$4,500 for the first year and \$3,000 for the following years.

Mayor Pro-tem Villanueva asked if the other entities that are using this program how are they paying for it or this there any grants that can pay for it?

Deputy Clerk Valenzuela stated the entity is the one paying for it.

Councilor Diaz asked is this going to be an additional tool that the administrative department will have time to maintain this also knowing you all are already short staffed. You all maintain the web page, the security cameras and now this? Will you

be able to handle this? He does not want this to be purchase and not get used because the web page still has positions that are already filled and they are still up.

Deputy Clerk Valenzuela stated it's nothing that has to be done today. She is just wanting a tool to be able to get a hold of the public in an easier way and she knows this is a good tool. She will be maintaining the website better.

Motion made by Councilor Diaz to postpone this item, Seconded by Mayor Pro-tem Villanueva.

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

12. Discussion for Covid Protocol.

Councilor Diaz will have a proposal done for the next council meeting.

13. Approval of the Volunteer Firefighter Stipend Policy

14. Rural Partners Network Presentation by Kristina Ortiz

ACTION FOR PERSONNEL

15. Approval for hiring of the Parks & Recreation Gabriel Flores, hiring of the Janitor Robert Herbert and hiring of Wastewater laborer Steven Estrada.

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

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

16. Discussion to promote Marlena Valenzuela to City Clerk-Treasurer and to promote Robert Terrazas to Wastewater Director.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Motion made by Mayor Pro-tem Villanueva to enter open meeting, Seconded by Councilor Gonzales.

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

17. Approval to promote Marlena Valenzuela to City Clerk-Treasurer and to promote Robert Terrazas to Wastewater Director.

Councilor Diaz made a motion to promote Marlena Valenzuela to City Clerk-Treasurer at the starting pay of \$27 an hour, with a 6-month reviewal. If for some reason she feels this position is not the best fit for her, she can go back to her position of Deputy Clerk and do not fill the Deputy Clerk position. Also, Michelle Holguin and Tanya Ortiz get a temporary salary increase of \$3 for their additional duties they will be taking on for the next 6 months and we will post the position of Deputy Clerk. Seconded by Councilor Gonzales. Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

Mayor Pro-tem Villanueva made a motion to promote Robert Terrazas to Wastewater Director with the starting pay of \$29 an hour. Seconded by Councilor Gonzales.

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

MAYOR AND COUNCILORS REPORTS

Mayor Pro-tem Villanueva wished everyone a Happy New Year and stated it has been a good start to a new year. He has started a new position as the Grant County Sheriff and it has been a challenging being gone from law enforcement for 4 years but it has been nice getting back. He thanked all the staff for all their work and for stepping up.

Councilor Diaz I was elected in November, 2021 and had my first council meeting for this term on January 10, 2022.

yes, during that meeting there was only one officer in the department, a new police chief had been hired prior to my arrival, who had plenty of ideas and thoughts of how to get more people in the department, however myself along with the rest of the council's priority was getting more boots on the ground/officers patrolling streets became a reality when we hired Chief Hector Carrillo in March, 2022. Today the police department stands fully staffed with two uncertified officers pending to attend the New Mexico State Police Academy this summer.

During my first year in office, there has been many changes, some of which have been personnel matters to where employees have left or retired, let me stop some of the rumors or comments most of what I have heard that we Mayor and Council have fired some good employees. This Mayor and Council have not fired/terminated anyone because they are doing a good job or because we just don't like him or her. It has been the actions of that individual that he/she have been terminated and all we have done is hold that individual accountable for such reckless actions, which have caused them to leave their employment with the city of Bayard.

This past year, Bayard is the highest paying police department in the area to which some have expressed some concern, however you all can see we have high quality, experienced officers in the department and the citizens are seeing not one, but two police units patrolling/ doing traffic stops at once and answering calls for the community. Public Safety was one of my main concerns when I ran for this position and will continue being a priority and the outcome has shown to where we are at now.

This past year we did lose a very valuable employee, who has my upmost respect, along with the rest of this council, citizens of Bayard and surrounding areas which was City Clerk Kristy Ortiz. Ms. Ortiz retired in December after 25+ years with the municipality and took a federal job. This position that Ms. Ortiz took was very well deserved to a lady who has always worked with the public, elected officials and has always kept the community of Bayard moving forward. You have been missed, by this council and the new clerk has a lot to learn from you.

This new year and the next three years that I do have in office, I will continue to stand by my decisions which are accountability, transparency and making the right decisions for the citizens of Bayard. Many changes are yet to come, many challenges are yet to be encountered, and many more success stories are yet to be told and all of this can be accomplished and done with the right kind of personnel in place to do the job, by educating, training and working together in a team environment. My motto as a leader/supervisor has been and always will be if our employees fail, it is because of his/her behavior or decision to do so, because I have provided you with all the right tools and training to do the job done right. Back again it is what most of you already know why I do what I do because accountability starts with me.

Mayor Fierro wished everyone a Happy New Year and congratulated Miss. Valenzuela and Mr. Terrazas on their new job positions.

NEXT MEETING DATE:

Regular Meeting - January 23, 2023

ADJOURNMENT

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

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

ADJOURNMENT 6:57 P.M.

Chon Fierro
Mayor

ATTEST:

Marlena Valenzuela
Deputy Clerk

ACCOUNTS PAYABLES**13-Feb-23****GENERAL FUND - 10**

Ace Hardware	Running Ticket- City Hall	\$ 243.21
Ace Hardware	Running Ticket- Parks	\$ 41.92
Ace Hardware	Running Ticket- PD	\$ 23.74
O'Reilly Auto Parts	Valve and Battery-PD	\$ 203.22
Wal-Mart	Office Supplies-City Hall	\$ 24.48
Quill	Office Supplies-PD	\$ 55.60
Quill	Office Supplies-City Hall	\$ 633.05
Amazon	Ink Carts- Marlena Office	\$ 1,854.99
Bank of America	Dog Food	\$ 30.06
O'Reilly Auto Parts	Handle/Fright	\$ 60.95
Ace Hardware	Running Ticket-Jan-City Hall	\$ 130.10
Ace Hardware	Running Ticket-Jan-PD	\$ 10.79
Ace Hardware	Running Ticket-Jan-Parks	\$ 41.41
Amazon	No Dogs Allowed Signs	\$ 256.04
Bank of America	Hometown Store-Little League	\$ 1,404.92
Foxworth Galbraith	Trim work-Little League	\$ 141.74
TOTAL:		\$ 5,156.22

JNT W/S O&M FUND - 150

Humphrey's Enterprises	Mayo Street	\$ 871.07
Ace Hardware	Running Ticket	\$ 341.33
Wal-Mart	Bleach for Boosters	\$ 837.70
O'Reilly Auto Parts	Tire Repair Kit	\$ 12.35
Quill	Office Supplies	\$ 13.27
O'Reilly Auto Parts	Hose/Hub	\$ 99.78
Ace Hardware	Running Ticket for January	\$ 443.57
TOTAL:		\$ 2,619.07

Sewer Operations- 155

Humphrey's Enterprises	Mayo Street	\$ 871.07
Ace Hardware	Running Ticket for January	\$ 143.49
TOTAL:		\$ 1,014.56

JNT WASTEWATER FUND - 170

ChemNation	Polymer	\$ 2,116.39
Ace Hardware	Running Ticket	\$ 23.74
O'Reilly Auto Parts	Fuel Filter	\$ 177.11
Hach Company	AS950 Sampler Box	\$ 294.84
Wal-Mart	Office Supplies	\$ 65.73
Amazon	Folders, Hanging Frame	\$ 141.40
Napa Auto Parts	Gasket, Vaccum, Fuel Filter	\$ 346.21
Alba Electric	Trouble Shoot Digester	\$ 1,027.29

Ace Hardware	Running Ticket-January	\$ 19.57
TOTAL:		\$ 4,212.28

COMMUNITY CENTER FUND - 200

Ace Hardware	Running Ticket	\$ 108.86
Ace Hardware	Running Ticket-January	\$ 70.50
TOTAL:		\$ 179.36

LIBRARY FUND - 210

Premiere Products	Converta-Bench	\$ 399.90
Moises Trujillo	Landscape Labor	\$ 1,000.00
Ace Hardware	Running Ticket	\$ 23.74
Wal-Mart	Office Supplies	\$ 11.77
Quill	Office Supplies	\$ 81.97
Amazon	State Grant Books	\$ 748.74
Ace Hardware	Running Ticket-January	\$ 10.79
TOTAL:		\$ 2,276.91

MUNICIPAL STREET FUND - 240

Big O Tires	Backhoe Tire	\$300.37
O'Reilly Auto Parts	Starter-Jeter Rotting Battery	\$213.54
T.G McCauley	Base Course Stock Pile	\$2,698.68
TOTAL:		\$ 3,212.59

MUNICIPAL COURT FUND - 20

Ace Hardware	Running Ticket	\$ 23.73
Ace Hardware	Running Ticket-January	\$ 10.79
TOTAL:		\$ 34.52

FIRE FUND- 30

Ace Hardware	Running Ticket	\$ 23.74
SunTreat	Water and Gatorade	\$ 282.50
O'Reilly Auto Parts	Tail Light	\$ 51.10
Ace Hardware	Running Ticket-January	\$ 10.76
Morning Star	Uniforms	\$ 2,456.00
TOTAL:		\$ 2,824.10

LAW ENFORCEMENT FUND - 60

The Line	Uniforms for Female Officers	\$ 1,905.13
TOTAL:		\$ 1,905.13

TOTAL:		\$ 23,434.74
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ACCOUNTS PAID**13-Feb-23****GENERAL FUND - 10**

Krystal Mountain Water	Drinking Water-City Hall	\$ 15.16
Krystal Mountain Water	Drinking Water- PD	\$ 19.22
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
Arenas Valley Animal	Rabies Vacc, DHP-P Booster	\$ 53.98
Wex	Gas Cards- PD	\$ 764.09
Wex	Gas Cards- City Hall	\$ 43.61
Comcast	Internet for PD	\$ 244.85
Comcast	Internet for Little League	\$ 141.49
LC Physician Services	MountainView Valerie Barboa	\$ 328.19
Civic Plus	Online Coding- City Hall	\$ 133.33
Civic Plus	Online Coding- PD	\$ 133.33
SBA Monarch	Tower Site Rent	\$ 275.63
Comcast	Internet Service-Fire	\$ 10.24
PNM	Electric Payment- STAR	\$ 17.50
PNM	Electric Payment-X-MAS	\$ 59.11
PNM	Electric Payment-PKLOOP	\$ 84.11
NM Gas Company	Gas Payment- City Hall	\$ 331.47
AT&T Mobility	Cell Phone Services-City Hall	\$ 131.60
AT&T Mobility	Cell Phone Services-PD	\$ 424.76
TOTAL:		\$ 3,312.29

JNT W/S O&M FUND - 150

Badger Meter	Monthly Fees for Gateways	\$768.27
Krystal Mountain Water	Drinking Water	\$19.22
GC Pest Control	Monthly Spray	\$17.51
Wex	Gas Cards	\$709.09
Civic Plus	Online Coding	\$ 133.33
Comcast	Internet Service	\$ 118.06
PNM	Electric Payment	\$ 176.42
NM Gas Company	Gas Payment	\$ 676.27
AT&T Mobility	Cell Phone Services	\$ 91.56
TOTAL:		\$2,709.73

Sewer Operations- 155

Civic Plus	Online Coding	\$133.33
TOTAL:		\$133.33

JNT WASTEWATER FUND - 170

Hall Environmental	Plant Testing	\$ 1,623.48
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The UPS Store	Shipping for Specimen	\$ 569.95
Krystal Mountain Water	Drinking Water	\$ 22.73
GC Pest Control	Monthly Spray	\$48.13
Wex	Gas Cards	\$383.30
American Linen	Laundry Service	\$ 33.65
Hughes Net	Internet Service	\$ 139.32
IMGrail	Pipeline Right of Way	\$ 1,348.00
Accurate Now	Stephen Estrada	\$ 119.48
Accurate Now	Robert Herbert	\$ 119.48
Xerox Corp	Printer Services	\$ 137.45
AT&T Mobility	Cell Phone Services	\$ 60.83
TOTAL:		\$ 4,605.80

COMMUNITY CENTER FUND - 200

GC Pest Control	Monthly Spray	\$ 39.32
NM Gas Company	Gas Payment	\$ 448.86
TOTAL:		\$ 488.18

LIBRARY FUND - 210

GC Pest Control	Monthly Spray	\$ 29.32
LC Sun News	Subscription	\$ 9.30
PNM	Electric Payment	\$ 360.33
NM Gas Company	Gas Payment	\$ 330.48
TOTAL:		\$ 729.43

MUNICIPAL STREET FUND - 240

Wex	Gas Cards	\$ 472.73
Civic Plus	Online Coding	\$133.35
TOTAL:		\$ 606.08

MUNICIPAL COURT FUND - 20

GC Pest Control	Monthly Spray	\$ 14.54
Caselle	Contract Support	\$ 179.00
NM Gas Company	Gas Payment	\$ 376.23
TOTAL:		\$ 569.77

FIRE FUND- 30

GC Pest Control	Monthly Spray	\$14.55
NM Gas Company	Gas Payment	\$451.12
RW Specialists	Power Pack Valve Repair	\$163.73
AT&T Mobility	Cell Phone Services	\$45.78
TOTAL:		\$675.18

Solid Waste -160

Civic Plus	Online Coding	\$133.33
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TOTAL: **\$133.33**

GRAND TOTAL: **\$ 13,963.12**

Activity Report for Bayard Maintenance January 2023	
#1) Sewer Main Repair	
Labor Charge: Mark 7.5hrs, David 5hrs, Michael: 5hrs, Tony 4hrs, Joe 4hrs	\$595.32
Equipment Charge: Backhoe 1 hr, Dump Truck 1hr	\$140.00
Materials Charge: (1)Plastic to Plastic coupling \$23.77, (1) Plastic to Clay coupling \$23.77, (10ft) 6" SDR-35 sewer pipe \$71.50 5Tons Base Course \$35.00	\$154.04
Total:	\$889.36
#2) Wate Main Repair Killian Dr.	
Labor Charge: David 6hrs, William 6hrs	\$297.90
Equipment Charge:	\$0.00
Materials Charge: (2) 2" Repair Clamps \$96.30	\$96.30
Total:	\$394.20
#3) Wate Main Repair S. Railroad St.	
Labor Charge: David 2hrs, David 2hrs, Adrian 1hr, Mark .5hrs	\$131.59
Equipment Charge: Backhoe 1hr	\$65.00
Materials Charge: (1) 6" Repair clamp \$140.32 1yd ³ Base Course \$7.50	\$147.82
Total:	\$344.41
#4) Move sewer cleanouts out of Virgina St. Right of Way, and clear service line to main	
Labor Charge: Michael 3hrs, Mark 8hrs, William 8hrs, David 4hrs, Gabriel 6hr	\$560.97
Equipment Charge: Backhoe 2hrs, Loader 2hrs, Dump Truck 2hrs	\$510.00
Materials Charge: (2) 4" Sewer Cleanouts \$195.62, (4ft) 4" SDR35 \$14.20 2Tons Base Course \$14.00, (2) 50# Bags of Lime \$55.98	\$279.80
Total:	\$1,350.77
This is only a list of the non-routine activited that were done during this month. We stay busy doing the routine activities such as checking wells, checking pumps, cheaking 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 clorine system, janitorial and being available for whatever proplems come along. *Jan. 25 William, 1city truck and rodding machine went to assist Ft. Bayard with sewer back up at hospital. Got autherization from the Mayor to assist Ft. Bayard.	

Bayard Fire Department

Monthly Report

January 2023

Monthly Fire Calls: There were 5 fire calls for service in January.

1/7/2023: Dispatched to 1001 Tom Foy for a person burning weeds. Arrived on scene and found a resident burning weeds.

1/10/2023: Dispatched to 204 N. Cactus for a CO alarm going off. Arrived on scene and found no one home. Made contact with a family member and found home full of smoke from a wood stove.

1/14/2023: Dispatched to Reynolds Appt. D-1 for a stove on fire. Arrived on scene and found stove was smoking and resident extinguished with water.

1/26/2023: Dispatched to 305 Cactus for a possible gas leak. Arrived and we could not locate and smell or gas leak.

1/26/2023: Dispatched to 104 Cactus for a grass fire. Arrived on scene and found a small section of grass on fire.

Monthly EMS calls:

There were 38 reported EMS calls for the month of January.

<u>Bayard</u>	28 Calls
<u>Hurley</u>	5 Calls
<u>North Hurley</u>	4 Calls
<u>Hanover</u>	1 Calls
<u>Fierro</u>	0 Calls
<u>Santa Clara</u>	0 Calls

January Training

Fire:

1/4/2023: Officer's Training

1/5/2023: Training consisted of Pump Operator Training.

1/19/2023: Training consisted of meeting with MES Representative.

EMS:

1/3/2023: Training consisted of Safety while on EMS Calls.

1/17/2023: Training consisted of going over Burns and treatment of burns.

Equipment:

<u>Apparatus</u>	<u>Mileage</u>	<u>Engine Hours</u>
<u>Engine 1</u>	<u>8510.4</u>	<u>1185.6</u>
<u>Engine 2</u>	<u>14402.2</u>	<u>1207.6</u>
<u>Command 3</u>	<u>39738.5</u>	<u>3844</u>
<u>Mini</u>	<u>12767.5</u>	<u>1537.9</u>

Safety: We had two incidents in the Fire Department for the month.

1. Ambulance unit hit the Rescue unit on the Right Rear.
2. Responder fell on the floor while on an EMS Call.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary

BAYARD MUNICIPAL COURT

MONTHLY REPORT

Jan-23

[illegible]

Citations that came in

Traffic - 10

ACO - 0

Code Enforcement - 3

Summons Issued

31

People came in

31

closed cases

20

Discontinued cases

10

by

Trials / Telephone

4

City of Bayard Wastewater Treatment Plant Report for January 2023

1-02-2023: Change out 3 fans in #2 UV Electrical panel

1-03-2023: Turned the #1, and #3 drying beds.

1-04-2021: Collect all Water Samples and took to Silver City

1-05-2023: Turned the #1, and #3 drying beds, check N Hurley Lift Station, Hauled 2 loads of sludge to the Silver City landfill

1-09-2023: Turned the #1, and #3 drying beds, check N Hurley Lift Station

1-10-2023: Pick up all trash cans and take to Transfer Station

1-11-2023: Collect all Water Samples and took to Silver City, check N Hurley Lift Station, Hauled 2 loads of sludge to the Silver City landfill

1-12-2023: Hauled 3 loads of sludge to the Silver City landfill

1-16-2023: Turned the #1, and #3 drying beds, Staff filled up Chlorine tank in wash water building

1-17-2023: Sprayed and lubed bar screen, Dewatered the #2 digester.

1-18-2023: Collect all Water Samples and took to Silver City, check N Hurley Lift Station

1-19-2023: Alba Electric came out to Troubleshoot outlets on digesters

1-23-2023: Plant staff filled the acid tank for the #2 uv.

1-24-2023: Turned the #1, and #3 drying beds. Started to dewater the #3 digester.

1-25-2023: Dumped the #2, and #3 digesters to the #2 drying bed.

1-26-2023: Hauled 2 loads of sludge to the Silver City landfill

1-30-2023: Turned the #1, and #2 drying beds.

1-31-2023: Change out 4 fans in #1 UV Electrical panel

DRUG INTERDICTION TECHNIQUES - PATROL

This fast paced one-day course is intended for patrol officers and supervisors who want to become more effective in detecting, apprehending, and documenting the arrest of criminals including drug users, drug traffickers, fugitives, gang members, and even terrorists.

Course topics include:

- Background and History of Criminal Apprehension
- Suspect Contacts
- Pre- and Post-stop Characteristics of Criminal Behavior
- Making a Legal Stop / Consensual Encounters
- Difference Between Interviews and Interrogations
- Roadside Interviews
- Detecting Deception
- Consent Searches
- Salvaging Turn-Downs
- Arrest Tactics
- Basics of Detecting Hidden Compartments
- Contact and Cover

March 10, 2023
8:00 a.m. – 5:00 p.m.

Hosted by the
New Mexico HIDTA

NO COST

Training provided through the

**National Guard Counterdrug
Training Program**

The instructor for this course, Ed Delmore, is currently the Chief of Police for the Gulf Shores, AL Police Department. He has been a police officer since 1982. He began his career in Chester, Illinois leaving there in 1984 to join the Collinsville, Illinois Police Department in the St. Louis metropolitan area. He served in Collinsville as a patrol officer, undercover narcotics investigator, patrol sergeant, watch commander, criminal interdiction unit commander, and retired as the assistant chief of police in 2005. During his tenure Mr. Delmore created and was the working commander of the most successful city criminal interdiction unit in the State of Illinois. He has instructed thousands of officers throughout the United States in criminal apprehension techniques and officer safety. He has also lectured to police administrators from around the world at the FBI National Academy. After his retirement from Collinsville PD, Mr. Delmore served as the Chief of Police in Fairview Heights, Illinois from 2005 until 2010. Fairview Heights is also within the St. Louis metropolitan area. In 2010 following a nation-wide recruitment Chief Delmore began leading the Gulf Shores Police Department. Mr. Delmore earned a Bachelor of Arts Degree from Western Illinois University and a Master of Arts Degree from Webster University in St. Louis, Missouri. He is a graduate of the Administrative Officers course at the University of Louisville's Southern Police Institute and of the FBI National Academy Session 205.

Register at: http://cpsireg.spcollege.edu/og_register.aspx?25355

**Location: New Mexico HIDTA, 555 South Telshor Blvd., Suite 200,
Las Cruces, NM 88011**

Contact: Cheryl Navarrete, training@nmhidta.org, 575-541-7502

Report Writing Class



When you become a police officer you usually think of the excitement that the day to day duties bring. The last thing you think about is "The Report". However, the report is the most critical element of your investigation. The detail and clarity of the documented incident provides crucial information for a case that will not question your integrity or professionalism. This class will provide you with the basic techniques on how to outline, detail and place your report in chronological order. After this course you will be confident in your ability to document any incident you encounter on the job.

Hours of Training

Course:

Report Writing Class

Course Date:

March 13, 2023

0800-1700

Course Location:

Rio Rancho Police Dpt.

Course Cost:

\$100.00

For registration or course inquiry please contact Michael Quinones

michael.quinones@swtcm.com or call 05-980-2075

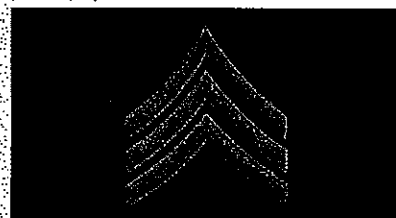
FIRST LINE SUPERVISOR

Southwest Training Consultants is proud to offer FIRST LINE SUPERVISOR hosted by the **Rio Rancho Police Dpt.** This course will provide you with the basic know how in becoming an effective Supervisor, Leader and Manager. All employees are different, this course will provide you with various techniques in order to approach your employees in an effective way in order for them to have confidence in themselves and most importantly work positively for you. This course is designed to help the newly promoted supervisor and develop them into a more effective leader. This course will challenge you into implementing new and innovative way of being a good leader, as well as a follower. Times have changed and so have the generations, this is important for a leader to recognize in order to adapt and become more affective.

For registration or course inquiry please visit our website at www.swtcnm.com or contact

Michael Quinones (505) 980-2075

Michael.quinones@swtcnm.com



Hours of Training

Course:

First Line Supervisor Class

Course Date:

March 6-10, 2023

8am - 5pm

Course Location:

Rio Rancho Police Dpt.

COST

\$425.00

February 8 ,2023

To: Mayor and City Council Members

RE: School for Stephen Estrada

Dear Mayor and City Council Members,

The NMRWA is holding school from April 4 to April 6 in Albuquerque at the Isleta Resort & Casino. I would like to request that Stephen Estrada attend this school for needed credits for his certification.

Sincerely,

A handwritten signature in black ink that reads "Robert Terrazas". The signature is written in a cursive, flowing style.

Robert Terrazas

Bayard Wastewater Supervisor



Michelle Lujan Grisham, Governor
 Katrina Hotrum-Lopez, Cabinet Secretary

2/2/2023

Greetings Fiscal Agents:

The Aging & Long-Term Services Department (ALTSD) sent out an email a few days ago announcing that Capital Projects Bureau (CPB) 2024 Application database system opened for application submittals, found on-line at <https://capitalapplication.altsd.state.nm.us/>

Our training's locations, dates and times are listed below for those who may need assistance completing the application. The trainings will be different this year, it will be a more hands on approach. We ask everyone attending the training to bring their laptops and remember to bring their log-in code/passwords you normally use to get into the application database system. Your username is your email address. You can click forgot password and create a new one. Please go in and test your email and password prior to the training. If you do not know your log-in code/password, please let us know as soon as possible. This will be needed for the training. During the training we will be starting the application process with you and will be available for assistance throughout the whole training. We will have a morning and lunch break. Snacks, water, and lunch will be provided. Please try to RSVP so we can get a headcount for the food.

Remember to please visit our newly revised website! Forms requested in the application can be found here by going to <https://aging.nm.gov/for-our-partners/capital-outlay>

Deadline to submit your 2024 Senior Capital Outlay project requests is May 31, 2023, by 5:00 pm. We encourage you to submit your application sooner than later.

Las Vegas	Wednesday, February 15, 2023	500 Sabino Street	Senior Center	10:00 am-3:00pm
Roswell	Friday, February 17, 2023	1st Mary's Place	Admin Bldg. Sheriff's Training Rm	10:00 am-3:00pm
T or C	Tuesday, February 21, 2023	400 4th Ave	Ralph Edwards Civic Center Auditor	10:00 am-3:00pm
Santa Fe	Tuesday, February 28, 2023	Rio Grande Room	2550 Cerrillos Rd	10:00 am-3:00pm

Partners in Lifelong Independence and Healthy Aging

2550 Cerrillos Rd. Santa Fe, NM 87505

505-476-4799 • Toll-free 1-800-432-2080 • www.nmaging.state.nm.us

ALL TRAININGS WILL BE IN PERSON

We look forward to seeing you at the training. Please RSVP with a count and the location you plan to attend.

Send email to: Elizabeth Chavez, elizabeth.chavez@altsd.nm.gov or Connie Garcia, connie.garcia@altsd.nm.gov

VOLUNTEER FIREFIGHTER STIPEND POLICY

PURPOSE OF THIS STANDARD

The Volunteer Firefighter Stipend Program has been established by the Bayard Fire Department to help reimburse volunteer firefighters for expenses incurred while responding to emergency calls and participating in Fire Department activities. This program is provided to promote recruitment and retention of firefighters. These guidelines are provided to insure proper administration of this program.

SECTION 1 - ELIGIBILITY AND CONDITIONS

- A. Volunteer firefighting personnel who are active members of the Bayard Fire Department are the only persons eligible to participate in this program. Each Firefighter shall receive a payment for responding to alarms, participating in training, cleaning bays and equipment and meeting attendance.
- B. For a volunteer firefighter to be eligible for payment, the following conditions must be met:
 - a. Respond to an incident to which their assigned station has been dispatched by Central Dispatch.
 - b. Personnel must be an active participant in fire suppression, mop up and returning apparatus and equipment to "ready condition" for the next call.
 - c. Personnel must have in their possession all issued Personal Protective Equipment and wearing such equipment in accordance with their departments policy and procedures.
 - d. Personnel must actively participate in all aspects of the fire suppression activities assigned to them during the incident.
 - e. Personnel will not be reimbursed by the Fire department if the incident is reimbursed by the New Mexico State Forestry Division.
 - f. Fire Department response must be within the Bayard Fire Department response area as agreed to in the mutual aid agreement.
 - g. During 4th of July Activities, fire personnel will only be paid for one response.
 - h. Firefighters must obtain a minimum of 8 stipend points of participation per month to receive stipend compensation.
 - i. The annual stipend distribution shall only be available upon secured stipend funding by the Fire Protection Grant Program.

SECTION 2 - Calculation of participation hours:

- A. Firefighters will accrue stipend points based upon the activity being completed. Training hours, EMS response, and other general activities shall accrue 1 stipend point, firefighting activities shall accrue 1 stipend point for activities under four (4) hours. Firefighting activities lasting more than four (4) hours shall accrue 2 stipend points.
- B. The fire department meets 4 times per month generally two-hour meeting/training, which will account for the minimum 8-hour requirement to qualify for the monthly

stipend. If a firefighter cannot attend all the meetings, they can, with approval of an officer, come in to perform miscellaneous activities to make up hours.

- C. The available department stipend points shall be calculated by the total of all activities completed for the full month for all firefighters. Firefighters not accruing the minimum of 8 stipend points shall not receive compensation, nor will the activity hours be added to the available department stipend points for the month.
- D. The individual stipend points shall be the total of all activities completed by the individual firefighter.
- E. The formula for stipend distribution shall be:

- i. $\text{Annual Funding} / \text{months per year} = \text{Monthly stipend availability}$

Example: FY2022

$\$25,000 / 8 \text{ months} = \$3,125 \text{ monthly allocation}$

- ii. $\text{Total individual stipend points} / \text{total available department stipend points for the month} = \text{Total stipend credits}$

Example: November 2022 – John Doe

$15 \text{ individual points} / 92 \text{ department points} = 16.3\%$

- F. Stipend Payment Formula:

$\text{Monthly allocation} * \text{Percentage of individual stipend points} = \text{Individual stipend payment.}$

Example: November 2022 – John Doe

$\$3,125 * 16.3\% = \509.51

SECTION 3 - ADMINISTRATION

- A. The Volunteer Monthly Participation Report Form will be used to record and report activity for the Stipend Program.
- B. The Volunteer Firefighter Monthly Participation report forms will be turned in to the Bayard Municipal Clerk no later than **30 days after the incident or activity**. The report must be turned in to the State Fire Marshalls office.
 - a. Instructions for filling out the report form are as follows:
 - i. Enter current Date
 - ii. Enter your Fire Departments Name
 - iii. Enter the Date of the month you are requesting reimbursement for.
 - iv. Enter the name of the Fire Chief.
 - v. Enter the name(s) of all firefighter's that are eligible for reimbursement.
 - vi. Each person shall sign their name acknowledging they participated in the activity.

- vii. Fire Chief or designee must Sign and Date the Document.
- viii. Fax to the State Fire Marshal
- ix. EMS runs shall be reported on the Monthly Activity Reimbursement Form (EMS Runs)

SECTION 4 – PAYMENT

Payments will be made monthly and mailed directly to the Fire Chief. It is the responsibility of the Fire Chief to distribute pay checks to each member.

This policy has been established to work in conjunction with the annual stipend funding allocated by the New Mexico State Fire Marshall through the Fire Protection Grant Program. Awards are made for use throughout an annual fiscal year (July 1-June 30).

Passed, Approved, and Adopted this _____ day of February 2023.

Euphemio Gonzales, Fire Chief

Chon S. Fierro, Mayor

ATTEST:

Marlena Valenzuela, Clerk-Treasurer

FIREFIGHTER MONTHLY ACTIVITY REIMBURSEMENT FORM

DATE	ACTIVITY
------	----------

FIRE DEPARTMENT	
------------------------	--

FIRE CHIEF'S NAME	
-------------------	--

PERSONNEL PARTICIPATING	
-------------------------	--

[illegible]

I hereby certify that the above is true and accurate.

Fire Chief

Date

Fire Administration Only

<i>Date Received</i>	
<i>Received By</i>	
<i>Date Processed</i>	

FIREFIGHTER MONTHLY ACTIVITY REIMBURSEMENT FORM (EMS RUNS)

DATE		RESPONDER	
------	--	-----------	--

FIRE DEPARTMENT	
-----------------	--

FIRE CHIEF'S NAME	
-------------------	--

PERSONNEL PARTICIPATING

Run Date / Time	Report Number	Run Date / Time	Report Number

I hereby certify that the above is true and accurate.

Fire Chief

Date

<i>Fire Administration Only</i>
--

<i>Date Received</i>	
<i>Received By</i>	
<i>Date Processed</i>	

November		2022	Monthly Activity Log										
Unit #	Name	Training #1	Training #2	Training #3	Training #4	Washing Trucks	EMS Calls	Fire Calls	Extra duties	Total			
											100%	92	\$ 3,125.00
1		2	2	2	2	2	15		1	26	28.26%	\$	883.15
2		2	2	2	2	2	4		2	16	17.39%	\$	543.48
3		2	2	2	2	2	5			15	16.30%	\$	509.51
4		2				2			1	5	0.00%	\$	-
5			2							2	0.00%	\$	-
6				2	2	2	3			9	9.78%	\$	305.71
7			2	2	2	2	4			12	13.04%	\$	407.61
8										0	0.00%	\$	-
9							1			1	0.00%	\$	-
10			2	2						4	0.00%	\$	-
11				2						2	0.00%	\$	-
12										0	0.00%	\$	-
13			2							2	0.00%	\$	-
14			2		2	2	8			14	15.22%	\$	475.54
15										0	0.00%	\$	-
													\$ 3,125.00
		Fire Fighters will need to attend 8 hrs minimum to receive Compensation.											
		Less than 8hrs will not receive compensation.											
		Monthly allowance will be divided among Fire Fighters with 8 hrs and above.											
	Fund amount	\$25,000.00											
	Monthly disbursement	\$ 3,125.00											

1. **Authorization:** This is an amendment to the December 8, 2006 agreement entered into between the Board of County Commissioners of Grant County, the City of Bayard, the Town of Hurley, the Town of Silver City, and the Village of Santa Clara pursuant to the Joint Powers Agreement Act, Section 11-1-1 eq.seq., NMSA 1978 as amended through 1999. The aforementioned members have been granted authority by a majority vote of their respective governing bodies to amend the December 8, 2006 agreement.
2. **GRANT COUNTY WATER COMMISSION**
 - A. There is hereby created Grant County Water Commission (hereinafter, "Commission") under the authority of NMSA 1978, Section 11-1-5 composed of five (5) members. Each governmental unit (village, town, and county) shall appoint one member and one alternate member to the Commission in a manner consistent with the policy and ordinances of each respective party. At the Commission's first meeting, a Chairperson shall be elected and provisions for the employment or appointment of a secretary shall occur for, at least, the keeping of minutes of that first meeting. Thereafter, other officers may be elected as determined necessary by the Commission.
 1. The Commission shall consist of one representative from the Town of Silver City, one from the Town of Hurley, one from the Village of Santa Clara, one from the City of Bayard, and one from the County of Grant. All members shall be residents of Grant County.
 2. Terms of Office: Each commissioner shall serve for two years but may be removed for cause under the rules of internal governance adopted by the Commission. A renewal of a Commissioner shall not infringe upon the right of representation by the constituent parties, and no meeting shall occur until a replacement Commissioner is appointed by the represented entity.
 3. Each member shall have one vote. Written and signed proxies shall be permitted.
 4. Meetings of the Commission shall occur as often as deemed necessary but shall occur at least quarterly.
 5. Alternate members shall be permitted to attend Commission meetings and to participate in discussions but shall have no vote unless the primary Commissioner is absent.
 6. No member of the Commission shall act in such a way as to frustrate the purpose described herein, including but not limited to the failure to attend a meeting or to address the business of the Commission. If the Commission shall determine that the member(s) appointed by a signatory have failed to attend regular or special meetings of the Commission the Commission shall give written notice to the signatory demanding the replacement of the members and setting for the reasons, therefore. The affected signatory shall appoint a new member, within 30 days of the service of such notice appoint a new member. If the affected signatory fails to make such an appointment, said signatory will be disenfranchised from any voting or other activities of the Commission.
 - B. The Commission shall adopt bylaws for the internal governance of the Commission, except that the Commission shall be subject to the State of New Mexico's Open Meetings Act and Inspection

of Public Records Act. A secretary to the Commission shall keep minutes of public meetings and act as the repository of public documents.

- C. A quorum to conduct business shall be a majority of the voting members of the Commission.
- D. A super-majority vote should be required for the execution of any contracts, the purchase or lease of water, to amend this Agreement, or for the use of funds to create projects or to recharge watersheds, provide conservation education, or to construct wells and distribution system for the benefit of the constituent parties for the Joint Powers Agreement, EXCEPT that nothing in the Joint Powers Agreement or the Commission formed hereby shall restrict those parties from individually, or in concert with other, from seeking and obtaining sources of water on their own, individual behalf, or from doing any other act which could have been done by the Commission as a whole.
- E. Without further action by the constituent members of the joint Powers Agreement, no party to this agreement shall be individually obligated financially for any project costs for the development of reservoirs, diversion project, distribution systems, treatment facilities, pumping facilities, ditches, and canals, or any other construction associated with the securing, retaining, or distribution of water obtained under this Agreement. The parties intend that all funds expended, and all obligations assumed by this Commission shall be predicated on the availability of federal or state funds.
- F. Additional members: This Joint Powers Agreement may be expanded to include additional members upon a unanimous vote of the original signatories.

3. PURPOSES:

- a. The purpose of this Joint Powers Agreement is to establish and empower an independent water entity to provide municipal water utility services to present and future development within a designated service area and the unincorporated territory of Grant County as stated in the service area and depicted on map Exhibit "A" attached. Water Service Area ("Service Area"): The service area includes areas within the unincorporated territory of Grant County as depicted on map Exhibit "A" attached hereto and excludes the service area within the incorporated Town of Hurley, Village of Santa Clara, the City of Bayard, and Town of Silver City limits.
- b. The Commission will accomplish the following:
 - 1. Negotiate the purchase, lease, or acceptance of water by contract or other agreement including those agreements necessary to obtain funding therefore between said commission and any other entity including the United States, the Secretary of Interior, the New Mexico Interstate Stream Commission, the State of New Mexico, any other Federal or State agency or entity, and any other entity whether public or private;
 - 2. Improve water conservation practices;
 - 3. Finance the construction, operation, and maintenance of water distribution infrastructure;
 - 4. Cooperate with other water entities for public benefit.

5. Do all things necessary to carry out the aforesaid purposes, PROVIDED that any contract, lease, or acceptance made under this Agreement shall be subject to the ratification of each of the constituent parties herein, and FURTHER, that any purchase, lease, or acceptance or agreement for funding shall be subject to the limitations described herein.

4. POWERS OF THE COMMISSION

The Commission is the administrating agency authorized to exercise all powers common to each of the parties in the designated service area concerning water systems and facilities within the designated areas but not limited to the following:

The Commission shall be empowered to:

- A. Investigate all reasonable options for securing additional water supplies for the constituent parties of this Agreement; and
- B. Investigate all reasonable options regarding watershed restoration, water conservation, and similar projects; and
- C. Conduct public meetings for the discussion of options; and
- D. Recommend fiscally sound methods of additional funding for infrastructure, including the possibilities of issuing bonds and other evidence of indebtedness; and
- E. Recommend a fair and equitable system of taxation should it be determined prudent to do so; and
- F. Recommend specific tax districts; and
- G. Recommend a specific manner for allocation of resources obtained under this Agreement; and
- H. Represent the constituent parties in all and any negotiations with any party regarding New Mexico's entitlement to Central Arizona Project water or funds associated therewith, and the use thereof for the benefit of the public of Southwest New Mexico and more specifically, the people of Grant County; and
- I. Recommend to the constituent parties of the Joint Powers Agreement such amendments to the Agreement which are deemed necessary and proper to accomplishing the goals described therein; and
- J. Hire or employ such managers, consultants, and employees, as determined to be necessary; and
- K. Prepare and adopt an Annual Operating Budget for the allocation and disbursement of funds; and
- L. Establish permanent and temporary committees which shall report to the Commission; and
- M. Execute contracts providing for the lease, purchase, or acceptance of water from any party, including the United States Secretary of Interior and any other federal or state authority; and
- N. Allocate water and costs for specific projects to the respective members of the Joint Powers Agreement and negotiate and execute the Water Supply Contract or the acquisition of additional funds for projects based on said allocation and cost determinations; and
- O. To make and enter contracts; and

- P. To apply for and accept grants and contributions; and
- Q. To incur debts, liabilities, and obligations to further the purpose of this JPA
- R. To employ or contract for the services of employees, consultants, professionals, and such other persons or entities as it deems necessary, including but not necessarily limited to contract operators for all or any portion of the water facilities or all or any portion of the functions and under such terms and conditions established by the Commission Board; and
- S. To obtain in its name all appropriate governmental permits, licenses, entitlements, opinions, and rulings; and
- T. To adopt, implement and enforce all policy and procedure necessary for the accomplishment of its purposes herein; and
- U. To acquire, maintain and operate buildings, facilities, and equipment necessary for the proper operation of the water facilities; and
- V. To acquire and dispose of real property; and
- W. To acquire and dispose of equipment; and
- X. To sue and be sued in its name; and
- Y. To incur debt sufficient to maintain its operations subject to the limitations of this JPA; and
- Z. To set reasonable rates which are at least sufficient to pay all operations, maintenance, debt and administrative expenses, financial and operational reserve funding, debt service reserve, and all other costs and expenses necessarily incurred by the Commission; and
- AA. To bill and collect fees and other charges based on usage and the rates set by the Commission for connection to and use of the water facilities; and
- BB. To create policies to provide services to associations, unserved, and underserved areas.
- CC. To impose conditions on the use of its facilities; and
- DD. To adopt resolutions and ordinances necessary to carry out the purposes of this JPA;
- EE. To issue revenue bonds and to pledge the net revenue from the operation of the Joint Authority's water system to the payment of the revenue bonds; and
- FF. To obtain necessary public liability and property insurance coverage; and
- GG. Consistent with the New Mexico Tort Claims Act, to indemnify, hold harmless, and defend the parties involved from any claim for personal injury or property damage resulting from the willful acts or negligence of the Joint Authority, any of its agents, employees, contractors, representatives, officers, and directors under this JPA. However, such indemnification shall be paid solely from a special fund created from the water revenues generated by the Joint Authority utility operations with no indemnification to be sought from or paid from the Joint authority's general treasury; and
- HH. To undertake the planning, development, and implementation of a forty (40) year water plan to acquire and hold unused water rights under such plan and exercise such other powers granted by NMSA 1978, 72-1-9 (2008) or as amended; and
- II. To perform any other lawful power or action reasonably necessary to execute the foregoing expressed powers.

The Commission shall be restricted from:

- A. Condemning property of rights
- B. 2) Imposing taxes, levies, or assessments without the express approval of the governing bodies of the constituent parties whose residents would be directly affected

- C. 3) Allocating water or funds for projects to constituent parties of this Joint Powers Agreement in any manner not fair and equitable

5. BATEMAN ACT

Nothing herein contained shall be construed to create an indebtedness beyond the current fiscal year of any member political subdivision in violation of the Bateman Act, nor shall this Agreement or anything herein contained be construed to create an obligation on the parties which constitutes the general obligation or indebtedness with the meaning of Article IX, Section 12 and 13 of the Constitution of the State of New Mexico and shall never constitute a charge against the general credit or taxing power of a constituent party to the Joint Powers Agreement.

6. OPERATION AND MAINTENANCE

The Commission shall provide for the operation and maintenance of its water system. The JPA shall either hire or contract for the operations and/or maintenance of its water systems. Any contract with a private operator shall be entered into under and consistent with the New Mexico State Procurement Code and Regulations.

7. USE AND DISPOSITION OF WATER UTILITY REVENUES

During the existence and continued operations of the Commission, income derived from the operation of the Commission water utility shall be used in the following priority:

- A. To maintain Commission's utility in good repair and to pay legitimate expenses of operations; and
- B. To pay principal and interest on revenue bonds assumed or issued by the Commission for the purpose of acquiring, repairing, improving, or enlarging the water utility services, which expenses include but are not limited to debt obligations; and
- C. To create a sinking fund for future capital expenses and a reasonable reserve fund to make payments on the indebtedness of the Commission as required by the ordinance(s) authorizing the revenue bonds and the laws governing their issuance; and
- D. To pay the cost of improving and extending the Commission water utility and the redemption of revenue bonds before their maturity if permitted by the ordinance(s) authorizing their issuance; and
- E. Any other purposes determined by the Commission Board as reasonably necessary for operations; and
- F. Any surplus revenues not expended shall remain in a Commission utility fund for future water utility expansion or other water utility uses at the discretion of the Board.

8. FINANCIAL OPERATIONS

- A. The Commission shall be responsible for all financial operations of the Commission water operations, but not limited to providing strict accountability of all receipts and disbursements, establishing a uniform system of accounts, paying all obligations and expenses, investing operating and excess funds not required for current operations and maintaining financial records by generally accepted accounting principles (GAAP).

- B. The Commission may employ a general manager to perform the functions necessary for the JPA.
- C. The Joint Powers Agency may employ any additional staff or contract for services by consultants, professionals, or such other persons or entities it deems necessary to accomplish the JPA's purposes. Any contract with a private party including but not limited to consultants and professionals shall be entirely into pursuant-to and consistent with the New Mexico State Procurement Code and Regulations.

9. ACCOUNTS AND RECORDS

- A. The JPA shall maintain strict accountability of all funds and reports.
- B. The JPA shall either hire or contract with a Certified Public Accountant.
- C. The JPA shall prepare and submit unaudited quarterly, and audited annual financial reports, including but not limited to a profit & loss statement, balance sheet, and statement of cash flows to the member entities. The financial reports shall be prepared by generally accepted accounting principles (GAAP).
- D. The JPA shall file its annual budget to the Department of Finance and Administration.
- E. The JPA shall prepare and submit to its members quarterly and annual status reports on the JPA's major projects, both planned and in progress, including cost projections.

10. DEBT

The debts, liabilities, and obligations of this JPA shall be the debts, liabilities, and obligations of the JPA alone and shall not constitute any debts, liabilities, or obligations of any of the parties making up this JPA.

11. ALLOCATION OF JPA COSTS

A. Payment Allocation:

The allocation of the Operating Expenses shall be prorated based on the number of connections by each member entity. The allocation of payment will be established at the beginning of the fiscal year and member entities shall make their payments within 45 days of receipt of the payment request.

B. Payment Obligations

The JPA Board shall assess annually the projected costs which may include the operating budget and a reasonable cash reserve for the fiscal year. The payment obligations will be set forth by the annual budget and shall be consistent with the projected cash flow needs of the JPA.

Each party shall be responsible for paying its respective share of the JPA's cost and any budgeted cash reserve assessed. If the revenues are insufficient to satisfy the JPA's operating costs, then the JPA Board may assess such deficiencies in the same manner as the annual assessment or amend the annual budget to reduce costs. If collected assessments exceed the JPA's actual costs and budgeted cash reserves, they shall be considered excess revenues and applied to the next fiscal year's costs to reduce each party's respective share of next year's costs.

If a Party fails to pay its assessed share of the JPA's costs, the JPA may exercise any available remedy to enforce payment by the defaulting Party, including expulsion from the JPA according to the Bylaws procedures.

12. WITHDRAWAL, EXPULSION, TERMINATION, OR DISSOLUTION

In the event of dissolution of the Commission for any reason(s), or termination of this Joint Powers Agreement, the individual parties shall have the right to continue under independent or cooperative water supply contract as successors-in-interest to the Commission or otherwise.

Further, upon the completion of this Agreement's purpose or the dissolution of the Commission, surplus money on hand shall be returned to each member entity in proportion to the contributions made by those members pursuant to NMSA 1978, Section 11-1-5(F). Additionally, to the extent any member entity contributes real property, structures or facilities located thereon, or other unique contributions, they shall be returned to the contributing member.

13. SEVERABILITY

The sections, subsections, or paragraphs and sentences are severable, and if any phrase, clause, sentence, section, or subsection of this Agreement be declared unconstitutional, illegal, or unenforceable by a court of competent jurisdiction, such unconstitutionality, illegality or unenforceability thereof shall not affect any of the remaining sections, subsections, paragraphs and sentences of the Agreement since the same would have been entered into by the parties without such invalid portion.

February 8 ,2023

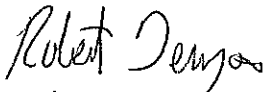
To: Mayor and City Council Members

RE: Schedule Change

Dear Mayor and City Council Members,

I Robert Terrazas Supervisor of the Wastewater Treatment Plant. Would like to Request a schedule change for Daylight Saving Time. I feel we can get a lot more Done. If we go to a schedule of 4 Days of 10 Hours days. Because we can start A job and have time to finish it up like the UV System.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Terrazas".

Robert Terrazas

Bayard Wastewater Supervisor

SENATE BILL 165

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Carrie Hamblen

AN ACT

RELATING TO UTILITIES; ENACTING THE LOCAL CHOICE ENERGY ACT;
AUTHORIZING CUSTOMERS OF A PUBLIC UTILITY OR COOPERATIVE TO
AGGREGATE THEIR ELECTRIC LOADS IN THEIR LOCAL COMMUNITY AS A
LOCAL CHOICE ENERGY PROVIDER; PROVIDING POWERS AND DUTIES OF
LOCAL CHOICE ENERGY PROVIDERS; REQUIRING RULEMAKING; PROVIDING
A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Local Choice Energy Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Local Choice Energy Act:

A. "commission" means the public regulation
commission;

B. "cooperative" means a rural electric

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underscored material = new
[bracketed material] = delete

1 distribution cooperative that has opted to participate in a
2 local choice energy program;

3 C. "local choice energy program" means a program
4 enacted by a municipality, county or Indian nation, tribe or
5 pueblo to combine the loads of multiple end-use customers for
6 the sale or purchase of electric energy or the provision of
7 other electric energy-related services;

8 D. "local choice energy provider" means a
9 municipality, county or Indian nation, tribe or pueblo, or a
10 combination of municipalities, counties or Indian nations,
11 tribes or pueblos, that enacts a local energy choice program;
12 and

13 E. "public utility" means an investor-owned
14 electric public utility.

15 SECTION 3. [NEW MATERIAL] GENERAL AUTHORIZATION.--

16 A. Customers of a public utility or a cooperative
17 within a municipality, county or tribal jurisdiction shall have
18 the right to aggregate their electric loads as members of their
19 local community with a local choice energy provider in
20 accordance with the provisions of the Local Choice Energy Act.

21 B. A local choice energy program shall not be
22 enacted within the jurisdiction of an electric utility owned
23 and operated, directly or indirectly, by a municipal
24 corporation that provided electrical service as of January 1,
25 2023.

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1 C. A municipal, county or tribal government that
 2 serves as a local choice energy provider shall offer customers
 3 within its jurisdiction the opportunity to purchase electricity
 4 or sell electricity back to the provider.

5 D. A municipal, county or tribal government that
 6 serves as a local choice energy provider may purchase, sell or
 7 trade electricity with a public utility, cooperative, local
 8 choice energy provider or facility that produces, transmits or
 9 distributes electricity.

10 E. A local choice energy provider shall be solely
 11 responsible for all electricity generation procurement
 12 activities on behalf of the local choice energy provider's
 13 customers, except where other generation procurement
 14 arrangements are expressly authorized by statute.

15 F. A local choice energy provider may group retail
 16 electricity customers to solicit bids, broker and contract for
 17 electricity and energy services for those customers. The local
 18 choice energy provider may enter into agreements for services
 19 to facilitate the sale and purchase of electricity and other
 20 related services.

21 **SECTION 4. [NEW MATERIAL] RENEWABLE PORTFOLIO STANDARD.--**

22 A. A local choice energy provider shall at a
 23 minimum meet the renewable portfolio standard requirements, as
 24 provided in this section, to include renewable energy in its
 25 electric energy supply portfolio as demonstrated by its

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1 retirement of renewable energy certificates associated with
 2 energy assigned to the provider. Requirements and targets of
 3 the renewable portfolio standard are as follows:

4 (1) no later than January 1, 2025, renewable
 5 energy shall comprise no less than forty percent of the local
 6 choice energy provider's total retail sales to New Mexico
 7 customers;

8 (2) no later than January 1, 2030, renewable
 9 energy shall comprise no less than fifty percent of the local
 10 choice energy provider's total retail sales to New Mexico
 11 customers;

12 (3) no later than January 1, 2040, renewable
 13 energy resources shall supply no less than eighty percent of
 14 all retail sales of electricity in New Mexico; and

15 (4) no later than January 1, 2045, zero carbon
 16 resources shall supply one hundred percent of all retail sales
 17 of electricity in New Mexico. Reasonable and consistent
 18 progress shall be made over time toward this requirement.

19 B. A local choice energy provider shall prepare and
 20 publicly post a summary of its purchases and generation of
 21 renewable energy during the preceding calendar year.

22 SECTION 5. [NEW MATERIAL] ENROLLMENT--OPT-OUT.--

23 A. An affirmative declaration shall not be required
 24 to become a customer of a local choice energy provider, but
 25 each customer shall be informed of the customer's right to opt

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1 out of the local choice energy program. If a negative
2 declaration is not made by a customer, that customer shall be
3 served through the local choice energy program.

4 B. If an existing local choice energy program
5 customer moves the location of the customer's electric service
6 within the jurisdiction of the local choice energy provider,
7 the customer shall retain the same subscriber status as prior
8 to the move, unless the customer affirmatively changes the
9 customer's subscriber status. If a customer moves the location
10 of the customer's electric service from outside to inside the
11 jurisdiction of a local choice energy provider, the customer
12 shall be informed of the customer's right to opt out of the
13 local choice energy program.

14 SECTION 6. [NEW MATERIAL] IMPLEMENTATION.--

15 A. A local choice energy provider shall develop an
16 implementation plan detailing the process and characteristics
17 of the local choice energy program. The implementation plan,
18 and any subsequent changes to it, shall be considered and
19 adopted at a duly noticed public meeting. If the
20 implementation plan is adopted, it shall be filed with the
21 commission. The implementation plan shall contain:

22 (1) an organizational structure for the
23 program and its operations;

24 (2) a rate-setting process, including
25 provisions for notice and customer protection;

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1 (3) the methods for entering and terminating
2 agreements with other entities;

3 (4) the rights and responsibilities of
4 participating customers;

5 (5) provisions for termination of the program;
6 and

7 (6) a plan to procure adequate resources to
8 meet the energy needs of its customers when the program begins
9 service.

10 B. Within fifteen days after a local choice energy
11 provider files its implementation plan with the commission, the
12 commission shall:

13 (1) notify a public utility serving the
14 customers eligible for service by the local choice energy
15 provider that an implementation plan has been filed; and

16 (2) acknowledge that the commission has
17 received the implementation plan.

18 C. Prior to serving customers, a local choice
19 energy provider shall adopt the following documents and reports
20 pursuant to the local choice energy provider's rules and
21 procedures, the adoption of which is the responsibility of the
22 local choice energy provider and is not subject to commission
23 oversight:

24 (1) an energy procurement policy that defines
25 and includes criteria for the selection of energy resources

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1 that are the most cost-effective among feasible alternatives
2 and meet the local choice energy provider's goals with respect
3 to local workforce development, climate and environment and
4 public safety;

5 (2) an annual budget that reflects the local
6 choice energy provider's projected total revenues from sales of
7 electricity and related services and its total costs, including
8 the cost of electricity and distribution and any fees that are
9 required to be charged as required by statute or by the
10 commission in rule;

11 (3) a fiscal management policy that provides
12 guidance for the local choice energy provider's financial
13 decision making;

14 (4) a determination that the local choice
15 energy provider has adequate resources to meet the needs of its
16 customers; and

17 (5) a determination that public safety is met
18 for the generation facilities from which the local choice
19 energy provider obtains the power that is ultimately sold to
20 its customers.

21 D. Prior to serving customers, a local choice
22 energy provider shall:

23 (1) establish rates for different classes of
24 customers who own or lease rooftop solar systems, including:

25 (a) a rate, including a value, for the
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1 consumption of electricity supplied by the local choice energy
 2 provider in consideration of any applicable renewable energy
 3 credit for which the local energy choice provider is eligible;
 4 and

5 (b) a rate or value for the electricity
 6 that is supplied to the grid by the customer; and

7 (2) establish a process applicable for
 8 customers who own or lease rooftop solar systems for net
 9 metering to determine the net energy delivered from the local
 10 choice energy provider to the customer and from the customer to
 11 the local choice energy provider for each time-of-use or single
 12 rate period, as applicable, during a billing period.

13 E. To the extent feasible, a local choice energy
 14 provider shall establish rates and make other arrangements that
 15 honor customer subscriptions to community solar programs.

16 **SECTION 7. [NEW MATERIAL] FORMATION.--**

17 A. A municipality, county or Indian nation, tribe
 18 or pueblo that elects to implement a local choice energy
 19 program within its jurisdiction shall do so by municipal or
 20 county ordinance or, in the case of a tribal government,
 21 through the tribal government process in place.

22 B. A municipality, county or Indian nation, tribe
 23 or pueblo may authorize, by affirmative resolution of its
 24 governing council or board, that another entity that is
 25 authorized to be a local choice energy provider act as the

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1 local choice energy provider on its behalf. If a municipality,
2 county, Indian nation, tribe or pueblo, by resolution,
3 authorizes another entity to be the local choice energy
4 provider for the municipality, county, Indian nation, tribe or
5 pueblo, that authorized entity shall comply with the
6 requirement of Subsection A of this section.

7 C. Two or more entities authorized to be a local
8 choice energy provider may jointly enact a local choice energy
9 program through a joint powers agency established pursuant to
10 the Joint Powers Agreements Act.

11 D. Following adoption of a local choice energy
12 program through the ordinance or lawmaking required by
13 Subsection A of this section, the program shall allow any
14 retail customer to opt out and the customer shall continue to
15 be served by the existing public utility or rural electric
16 distribution cooperative, or its successor in interest, on the
17 same terms and conditions as are applicable to retail customers
18 from the same class.

19 E. A privately owned community solar facility and
20 subscribers of a privately owned community solar facility
21 located within the jurisdiction of a local choice energy
22 provider are automatically excluded from the local choice
23 energy program but may opt in.

24 F. Energy distribution and transmission services
25 shall be provided by a public utility or cooperative at the

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1 same rates, terms and conditions, as approved by the
 2 commission, to local choice energy customers and retail
 3 customers that are served by that public utility or
 4 cooperative.

5 G. Once enrolled in a local choice energy program,
 6 a customer that chooses to opt out within sixty days, or two
 7 billing cycles, of the date of enrollment may do so without
 8 penalty and shall be entitled to receive service pursuant to
 9 Subsection D of this section.

10 H. Customers that return to a public utility or
 11 cooperative to procure electricity services shall be subject to
 12 the same terms and conditions that are applicable to retail
 13 customers from the same class, as determined by the commission
 14 and as authorized by the commission pursuant to the Public
 15 Utility Act.

16 I. Nothing in this section shall be construed as
 17 authorizing a local choice energy provider to restrict the
 18 ability of a retail customer to obtain or receive electric
 19 service from any authorized electric service provider in a
 20 manner consistent with law.

21 SECTION 8. [NEW MATERIAL] RURAL ELECTRIC DISTRIBUTION
 22 COOPERATIVES--PARTICIPATION.--

23 A. A rural electric distribution cooperative may
 24 participate in a local choice energy program if a majority of
 25 its governing board votes to authorize participation.

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1 B. A rural electric distribution cooperative that
2 opts to participate in a local choice energy program is subject
3 to the provisions of the Local Choice Energy Act.

4 SECTION 9. [NEW MATERIAL] NOTICE.--

5 A. A local choice energy provider shall provide
6 notice to:

7 (1) eligible participating customers at least
8 twice within two calendar months, or sixty days, in advance of
9 the date of commencing automatic enrollment in the local choice
10 energy program; and

11 (2) enrolled participating customers for not
12 less than two consecutive billing cycles following enrollment.

13 B. Notice may be provided concurrently with
14 billing, in direct mailings to customers or in inserts in
15 water, sewer or other utility bills.

16 C. Notice shall include:

17 (1) a statement that the customer will be
18 automatically enrolled in the local choice energy program and
19 that the customer has the right to opt out of the local choice
20 energy program without penalty;

21 (2) the terms and conditions of the services
22 offered; and

23 (3) a description of the process by which a
24 customer may opt out of the local choice energy program. The
25 opt-out may take the form of a self-addressed return postcard

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1 expressing the customer's election to remain with, or return
2 to, electrical service provided by a public utility or
3 cooperative, or another direct means by which the customer may
4 elect to receive electrical service through a public utility or
5 cooperative providing service in the area.

6 D. The local choice energy provider may request the
7 commission to order the public utility or cooperative to
8 provide the notice required by this section. A public utility
9 or cooperative shall be entitled to recover from the local
10 choice energy provider the reasonable costs incurred for
11 providing the notice. The public utility or cooperative that
12 has opted to participate in a local choice energy program shall
13 fully cooperate with the local choice energy provider in
14 determining the feasibility and costs associated with using the
15 public utility's or cooperative's normally scheduled monthly
16 billing process to provide one or more of the notices required.

17 SECTION 10. [NEW MATERIAL] COOPERATION OF PUBLIC
18 UTILITIES AND COOPERATIVES.--

19 A. Public utilities and cooperatives shall
20 cooperate fully with any local choice energy provider that
21 investigates, pursues or implements a local choice energy
22 program, including by providing the local choice energy
23 provider with:

24 (1) appropriate billing and electrical load
25 information;

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- 1 (2) electrical consumption data; and
2 (3) other data detailing electricity usage and
3 patterns of usage, as determined by the commission and in
4 accordance with procedures established by the commission.

5 B. Public utilities and cooperatives that have
6 opted to participate in a local choice energy program shall
7 continue to provide metering, billing, collection and customer
8 service to retail customers that participate in local choice
9 energy programs; provided that if the local choice energy
10 program makes a formal request to the public utility or
11 cooperative to assume some or all of the metering, billing,
12 collection or customer service to customers, the local choice
13 energy program shall assume these responsibilities. Bills
14 shall identify the local choice energy provider as providing
15 the electrical energy component of the bill and shall include
16 bill inserts provided and paid for by the local choice energy
17 provider upon request.

18 C. The commission shall expedite the complaint
19 process for disputes regarding a violation of the obligations
20 of a public utility or cooperative pursuant to this section in
21 order that all complaints are resolved no more than one hundred
22 eighty days following the filing of a complaint.

23 D. If the commission finds that a public utility or
24 cooperative has violated this section, the commission shall
25 consider the impact of the violation upon the local choice

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1 energy provider in determining remedies and may impose a
 2 penalty on a public utility or cooperative that fails, omits or
 3 neglects to obey, observe or comply with a lawful order of the
 4 commission in accordance with Chapter 62, Article 12 NMSA 1978.

5 E. The commission shall exercise its authority to
 6 enforce the requirements of this section when it finds that the
 7 requirements of this section have been violated.

8 SECTION 11. [NEW MATERIAL] OPERATION WITH PUBLIC UTILITY
 9 OR COOPERATIVE.--

10 A. A local choice energy provider shall have an
 11 operating service agreement with the applicable public utility
 12 or cooperative prior to furnishing electric service to
 13 customers within its jurisdiction.

14 B. Within one hundred eighty days of the effective
 15 date of the Local Choice Energy Act, the commission shall
 16 develop and approve as part of its rulemaking a standard
 17 operating agreement that addresses the basic rules and
 18 responsibilities of each party and includes equitable
 19 responsibilities and remedies for all parties.

20 C. A local choice energy provider shall notify the
 21 commission upon entering into an operating service agreement
 22 with a public utility or cooperative. The commission may
 23 require the local choice energy provider to submit basic
 24 information to the commission to ensure that the operating
 25 service agreement complies with basic consumer protection rules

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1 and legal requirements, but the information required shall not
 2 be burdensome to produce or unreasonable in cost or scope and
 3 provision of the information may be conditioned on a
 4 confidentiality agreement or protective order.

5 D. Once the operating service agreement between the
 6 local choice energy provider and the public utility or
 7 cooperative is executed, the local choice energy provider shall
 8 notify the public utility or cooperative that local choice
 9 energy service will commence thirty days from the date of the
 10 notice or a later date determined by the local choice energy
 11 provider and included in the notice.

12 E. Once notified of the commencement of a local
 13 choice energy program, the public utility or cooperative shall
 14 transfer all applicable accounts to the local choice energy
 15 program within thirty days from the date of the close of the
 16 normally scheduled monthly metering and billing process.

17 **SECTION 12. [NEW MATERIAL] PUBLIC EMPLOYEES.--**

18 A. A person employed by a local choice energy
 19 provider within a municipality or county is a public employee.

20 B. An employee of a local choice energy provider or
 21 other entity that is a public employer that has a collective
 22 bargaining agreement in place with that provider shall retain
 23 the employee's bargaining agreements, benefits and bargaining
 24 units.

25 C. An employee of a local choice energy provider or

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1 other entity that is a public employer that is a member of an
 2 employee organization that provides its own retirement plan and
 3 health care plan may choose to keep the employee's existing
 4 retirement and health care plans or opt into the employer's
 5 retirement and health care plans.

6 D. The provisions of this section shall not apply
 7 to contracts for goods and services into which a local choice
 8 energy provider may enter.

9 SECTION 13. [NEW MATERIAL] EQUAL OPPORTUNITY.--

10 A. The commission shall not discriminate against
 11 local choice energy programs in the administration or award of
 12 funding, eligibility for programs or application of law.

13 B. Local choice energy programs shall have the same
 14 and equal opportunity to obtain funding, participate in
 15 programs and take other actions that require approval by the
 16 commission as public utilities and rural electric distribution
 17 cooperatives.

18 SECTION 14. [NEW MATERIAL] COMMISSION RULEMAKING.--

19 A. The commission shall adopt rules to implement
 20 the Local Choice Energy Act within one hundred eighty days of
 21 the effective date of that act. The rules shall include the
 22 requirements and mechanisms for load data sharing, standard
 23 operating agreements and fee structures.

24 B. The commission shall not authorize service by a
 25 local choice energy provider until the commission has adopted

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1 rules for implementing the Local Choice Energy Act.

2 C. The rules shall mandate that a public utility or
3 cooperative maintain authority over transmission and
4 distribution services and that the local choice energy provider
5 has authority over rates and procurement.

6 D. Customers of a local choice energy provider
7 shall not be required to pay charges for goods, services or
8 programs for which they are ineligible or that do not directly
9 benefit them.

10 E. The commission shall not require customers of a
11 local choice energy program to assume debts, liabilities or
12 obligations of the entity that enacted the local choice energy
13 program.

14 SECTION 15. [NEW MATERIAL] DEVELOPMENT AND PROCUREMENT.--

15 A local choice energy provider:

16 A. shall adopt a procurement policy that defines
17 and includes criteria addressing:

- 18 (1) local workforce development;
- 19 (2) the selection and use of resources that
20 are the most cost-effective among all feasible alternatives;
- 21 (3) climate and environmental goals; and
- 22 (4) public safety;

23 B. shall establish goals in its procurement policy
24 and annually thereafter review those goals and make any updates
25 or amendments necessary;

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1 C. may enter into contracts with third parties,
2 including public utilities and cooperatives, to contract for
3 energy production; and

4 D. may develop generating facilities, own
5 generating facilities or acquire generating facilities from
6 third parties, including public utilities and cooperatives.

7 SECTION 16. [NEW MATERIAL] SALES.--A local choice energy
8 provider may:

9 A. sell energy and related products and services to
10 customers located within its jurisdiction;

11 B. provide retail service; and

12 C. engage in the wholesale market.

13 SECTION 17. [NEW MATERIAL] TERMINATION.--

14 A. A local choice energy provider may terminate
15 services subject to an affirmative vote of its governing body.
16 Prior to termination, the local choice energy provider shall
17 hold a duly noticed public meeting regarding termination and
18 provide advance notice to its customers regarding their options
19 to obtain electrical service from other providers.

20 B. The commission shall not terminate the services
21 of a local choice energy provider.

22 C. A public utility or cooperative shall not
23 terminate the services of a local choice energy provider.

24 - 18 -
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City of Bayard

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RESOLUTION 1-2023

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 between three (3) to five (5) minutes, unless the Mayor (Chairman) deems that additional time is necessary.

PASSED ADOPTED AND APPROVED THIS 13th DAY OF FEBRUARY, 2023.

Chon S. Fierro, Mayor

ATTEST:

Marlena Valenzuela, Clerk-Treasurer