



City of Bayard
CITY COUNCIL REGULAR MEETING
April 11, 2022 at 1:30 PM
Bayard City Hall

AGENDA

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC INPUT

CLOSED EXECUTIVE SESSION pursuant to 10-15-1 (H-2, and H-7) NMSA 1978 for limited personnel matters, and items related to threatened or pending litigation.

1. Approval of Hiring of Police Chief.
2. Action/Discussion for Volunteer Fire Department

ACTION ITEMS RESULTING FROM CLOSED EXECUTIVE SESSION pursuant to 10-15-1 (H-2, and H-7) NMSA 1978 for limited personnel matters, and items related to threatened or pending litigation.

3. Hiring of Police Chief
4. Action for Volunteer Fire Department

CONSENT AGENDA

5. Approval of the Fire Report for March 2022.
6. Approval of the Wastewater Report for March 2022.
7. Approval of the Accounts Payable Report for April 11, 2022.
8. Approval for Michael Paez and Anthony Aveles to attend NMWWA Workshops on May 16-19, 2022 and June 21-23, 2022.

OLD BUSINESS

9. Credit Card authorization for Elected Officials.

NEW BUSINESS

- [10.](#) Reyna Maynes Garay with the non-profit Divine Mercy Charity is requesting permission to create an access road to the Shrine of Our Lady of Guadalupe.
- [11.](#) Cheryl Fowler is requesting the use of the T-ball field and water for May 25, 2022 for fun day with watersides and bouncy obstacle course for the Bayard Elementary students.
- [12.](#) Concern resident would like to have a update on hiring of police officers, Highway 356 abandon house, business and cars and railroad crossings.
- [13.](#) United Steelworkers would like to request the City of Bayard to pay the taxes in consideration of the donation of the property. In the amount of \$731.06.
- [14.](#) Stand-by/On-call Wages for Department Heads.
- 15. Discussion/Action for consideration of establishing Town Manger Classification.
- 16. Discussion/Action for Employee Wages.

ORDINANCES/RESOLUTIONS

- [17.](#) Approval of Resolution 10-2022 NM 356 Sidewalks.
- [18.](#) Approval of Resolution 11-2022 Open Meetings Notice.
- [19.](#) Approval of the Resolution 12-2022 Fair Housing Resolution.
- [20.](#) Approval of the Resolution 13-2022 CDBG.
- 21. Resolution 14-2022 accepting the GRMC Medical Clinic by donation.

MAYOR AND COUNCILORS REPORTS**NEXT MEETING DATE:**

Regular Meeting – April 25, 2022

ADJOURNMENT



City of Bayard
CITY COUNCIL REGULAR MEETING
March 28, 2022 at 1:30 PM
Bayard City Hall

MINUTES

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz. A quorum was present.

A quorum was present. Others in attendance were Larry Ojinaga, Steve Gabaree, Lori Gabaree, Melissa Rackel, Tighe Burg, Aaron Burg, Luiz Terrazas, Siah Correa Hemphill, Jesus Perez, Joan Perez, Hannah Dunas, Selina Crespín, Jason Jaeger, Anthony Aveles, Mark Diaz, Sonya Dixon, Euphemio Gonzalez, Kristina Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

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

PUBLIC INPUT

Mark Diaz with the Beautification Committee came before the council with an update on the clean up day and stated it was successful and would like to thank Mayor Fierro for the donation for pizza, Mayor pro-tem Villanueva for helping and everyone else that went out and helped.

Larry Ojinaga asked the council when will police be hired to patrol at night and would like to know when the light by Mi Ranchito will be fixed.

Steve Gabaree stated the property at the M&M Auto is getting worse. The fence is being put up with railroad ties. He would like to know what the status is on the property.

CONSENT AGENDA

Motion made by Councilor Gonzales, Seconded by Councilor Medina.

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

1. Approval of Minutes of Regular Minutes of March 14, 2022.
2. Approval of Special Meeting Minutes on March 7, 2022.
3. Approval of Accounts Payable Report for March 28, 2022.
4. Approval of the Fire Report for February 2022.
5. Approval of the Police Report for February, 2022.
6. Approval for the administrative staff to attend Clerk's Spring Meeting, April 19-22, 2022. City hall will be closed.
7. Approval for Judy Diaz to attend Managing the Property and Evidence Room Training April 19-20, 2022 in Albuquerque.

OLD BUSINESS

8. Discussion to move City Council meetings to 5:30 p.m.

Councilor Gonzales would like the City Council Meetings to be moved to 5:30 pm to insure all Councilors will be in attendance for the entire meeting. Councilor Villanueva agreed and would like for the meetings to be moved and if it does not work the meeting times can be changed back to the original time.

9. Perez- McKee Street Complaint.

The property has been cleaned up by the property owners and the owners will be fixing the roof.

NEW BUSINESS

10. Discussion to limit public input time.

Discussion will be kept the same 3-5 minutes.

11. Legislative update from Senator Siah Correa Hemphill and Representative Luis Terrazas.

Senator Siah Correa Hemphill and Representative Luis Terrazas gave an update on the legislative session. City of Bayard will be receiving \$250,000 to purchase a new rescue truck and \$50,000 for sewer system improvements.

12. Approval of contract for Police Policies and Procedures with Daigle Law Group and Power DMS estimate of \$20,000.

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

13. Approval and discussion for Police Salary Adjustments.

Councilor Medina made a motion to approve Police department salaries Police Chief \$34.00 hour, Lieutenant no action taken, Sergeant \$27.00 hour, Certified Police Officer \$24.00 an hour, un-certified \$18.00 hour. Also only two un-certified police officers hired at a time. Councilor Raul Villanueva, Councilor Frances Gonzales and Sergeant Jesus Lopez to be on the interview committee.

Seconded by Councilor Diaz.

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

14. Highway 356 side walk project work order amendment for preliminary design.

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

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

15. Approval of Fiscal Year 2021 Audit and adoption of Resolution 9-2022

Mike Stone came before the council and presented the Audit for Fiscal Year 2021. The City of Bayard got a unmodified opinion on the financial statements. Which is as highest of an opinion as they can give.

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

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

16. Approval of public safety computer upgrade in the amount of \$26,127.72.

Motion made by Councilor Gonzales, Seconded by Councilor Medina.

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

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva thanked the beautification committee for the clean-up around town. He also thanked Kristy and her staff, the maintenance department for all their hard work.

Councilor Medina thanked Anthony for going above and beyond in helping a resident. He also stated a lot of times some things don't show progress but the city has to do things by the law.

Councilor Diaz stated the decisions that are made cannot be disclosed due to legality. He also thanked the maintenance department for the little league field and stated it looks nice. Porta pots will be placed at the site.

Councilor Gonzales stated there will be a Housing Board meeting March 31 at 4 pm. She also thanked Kristy and all the staff for their work.

Mayor Fierro thanked the maintenance department for there work.

NEXT MEETING DATE:

Regular Meeting - April 11, 2022

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

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

ADJOURNMENT 4:28 P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer



Bayard Fire Department

Monthly Report

March 2022

Monthly Fire Calls: There were 7 fire calls for service in March.

3/1/2022: Dispatched to Cobre Mine Road in Vanadium for a grass fire. Extinguished fire with the help of Santa Rita Fire.

3/8/2022: Dispatched to the corner of Diaz and Romero in Hurley for a grass fire. Arrived and found someone had started the weeds on fire. Extinguished the fire and returned to the station.

3/14/2022: Dispatched to 102 N. Main for someone burning trash. Found someone burning trash and wood under carport. Extinguished the fire and advise the person of a fire permit.

3/19/2022: Dispatched to 500 N. East St. for a structure fire in an apartment. Arrived on scene and found a coffee pot that had burned. Extinguished fire with an extinguisher and placed fans to ventilate the apartment.

3/22/2022: Dispatched to N. Hurley road for a grass fire. Arrived on scene and found that the fire had been extinguished by Bayard PD.

3/23/2022: Dispatched to 314 Aztec in Hurley for a structure fire. Arrived on scene and found a shed on fire. Extinguished the fire on the west side and used water and foam.

3/31/2022: Dispatched to 102 Main St. for a structure fire. Arrived on scene and found homeowner burning trash under carport again. Advised the homeowner of the need of a burn permit again.

Monthly EMS calls:

There were 30 reported EMS calls for the month of March.

<u>Bayard</u>	18 Calls
<u>Hurley</u>	9 Calls
<u>North Hurley</u>	1 Calls
<u>Vanadium</u>	1 Calls
<u>Fierro</u>	1 Calls

March Training**Fire:**

3/3/2022: Training consisted of learning the characteristics of a fire stream.

EMS:

3/17/2022: Training consisted of preparing paper work for PERA.

Equipment:

<u>Apparatus</u>	<u>Mileage</u>	<u>Engine Hours</u>
<u>Engine 1</u>	<u>8213.5</u>	<u>1145.7</u>
<u>Engine 2</u>	<u>13790.8</u>	<u>1146.9</u>
<u>Command 3</u>	<u>37135.2</u>	<u>3585</u>
<u>Mini</u>	<u>12387.5</u>	<u>1473.8</u>

Safety: No incidents reported this month.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary

City of Bayard Wastewater Treatment Plant March 2022

03-01-2022: Plant staff cleaned the wash water screens in the washwater pump room.

03-02-2022: Plant staff checked all the fire extinguishers, filled the chlorine barrel in washwater pump room. Sprayed and lubed the influent headworks barscreen.

03-03-2022: Turned the #1, #2, and #3 drying beds.

03-07-2022: Plant staff rebuilt the #2 UV unit replacing the lamps and the sleeves.

03-08-2022: Turned the #1, #2, and #3 drying beds. Plant staff had to unclog and repair the screen on the shredder pump in the #1 digester. #1 digester had been down for 3 days trying to dewater it. The digester didn't dewater so it was brought back on line.

03-09-2022: Plant staff worked on repairing an acid leak in the UV room.

03-10-2022: Turned the #1, #2, and #3 drying beds. Plant staff worked on the sprayer system on the West side clarifier.

03-11-2022: Dement Alarms came down to the plant and replaced the front gate sensors.

03-14-2022: Pulled the sludge out of the #2 drying bed and added it to the sludge stockpile and turned the #1, and #3 drying beds.

03-15-2022: Plant Staff repaired sprayers on the West side clarifier. The North Hurley lift station had a high level alarm when plant staff went out to make the rounds at the lift station.

03-28-2022: Plant staff replaced the sampling hose on the sampling unit in the UV room.

03-29-2022: Turned the #1, #2, and #3 drying beds. Dement Electric came out to the plant and started to gut out the #4 aeration blower control cabinet.

03-30-2022: Dement Electric worked on the #4 aeration blower control cabinet.

03-31-2022: Dement Electric worked on the #4 aeration blower control cabinet. Turned the #1, #2, and #3 drying beds.

ACCOUNTS PAYABLES**11-Apr-22****GENERAL FUND - 10**

Bank of America	Anthem Sports	\$ 1,148.92
Foxworth	Little League Building	\$ 363.44
Keenan	Urinals and Bowls	\$ 1,487.05
Keenan	Urinals and Bowls	\$ 2,081.97
Keenan	Plumbing for Urinals	\$ 258.27
Sandia Office Supply	Copy Paper City Hall	\$ 236.85
Sandia Office Supply	Copy Paper- PD	\$ 236.85
Ewing Irrigation	Sprinklers, Valves, Joints	\$ 1,746.19
Unicorn Press	Business Cards Gonzales/ Diaz	\$ 100.00
Home Depot	Little League	\$ 203.85
TOTAL:		\$ 7,863.39

JNT W/S O&M FUND - 150

Baker Utility Supply	E-Series Tax	\$ 507.31
Sandia Office Supply	Copy Paper	\$ 236.85
Humphreys Ent	Vac Truck Lift Station	\$ 165.70
Home Depot	Power Washer Replacement	\$ 95.00
Harbor Freight	Tile Saw	\$ 79.99
TOTAL:		\$ 1,084.85

Sewer Operation - 155

Humphreys Ent	Vac Truck Lift Station	\$ 165.69
TOTAL:		\$ 165.69

JNT WASTEWATER FUND - 170

DeMent Electric, INC	Rebuild Blower Cabinet	\$ 23,080.94
Sandia Office Supply	Copy Paper	\$ 236.85
Hach	Silicone Tubing	\$ 547.07
Keenan Supply	DeZurik 6" Eccentric Valve	\$ 6,238.10
TOTAL:		\$ 30,102.96

COMMUNITY CENTER FUND - 200

Bank of America	Kitchen-Monkey	\$ 10,349.99
Keenan	Urinals and Bowls	\$ 4,163.74
Sandia Office Supply	Copy Paper	\$ 236.85
TOTAL:		\$ 14,750.58

LIBRARY FUND - 210

Keenan	Urinals and Bowls	\$ 297.41
Sandia Office Supply	Copy Paper	\$ 236.85
TOTAL:		\$ 534.26

Reserves - 230

Keenan Supply	Remote Chiller	\$ 2,497.14
Keenan Supply	Valves, Flange Kits,	\$ 2,128.47
TOTAL:		\$ 4,625.61

MUNICIPAL STREET FUND - 240

DeMent Electric, INC	ReConnect Light Pole	\$269.69
TOTAL:		\$ 269.69

FIRE FUND- 30

Sandia Office Supply	Copy Paper	\$ 236.90
TOTAL:		\$ 236.90

TOTAL:		\$ 59,633.93
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ACCOUNTS PAID
11-Apr-22

GENERAL FUND - 10

Ricoh	Printer Services- City Hall	\$ 71.29
Ricoh	Printer Services- PD	\$ 112.76
Xfinity	Internet - Fire	\$ 8.55
PNM	Electric- Unit Star	\$ 17.96
PNM	Electric- Unit PKloop	\$ 79.69
PNM	Electric- Unit X-Mas	\$ 17.05
Samsara	GPS-City Hall	\$ 140.44
Samsara	GPS-PD	\$ 140.44
NM Gas Company	Gas Service- PD	\$ 108.33
NM Gas Company	Gas Service-Fire Dept	\$ 46.16
NM Gas Company	Gas Service-City Hall	\$ 153.12
GC Pest Control	Monthly Spray-City Hall	\$ 39.24
GC Pest Control	Monthly Spray-PD	\$ 14.55
GC Pest Control	Monthly Spray-Parks	\$ 17.22
Gov Fina Offic Assoc	Agency Membership Dues	\$ 160.00
Municode	Municipal Code-City Hall	\$ 123.93
Municode	Municipal Code-PD	\$ 123.93
TOTAL:		\$ 1,374.66

JNT W/S O&M FUND - 150

PNM	Electric- Unit PMP #3	\$133.87
Silver City Daily Press	Work Session/Reg Meeting	\$59.49
Samsara	GPS	\$140.44
Gila Health Resources	Joseph Gomez	\$87.00
NM Gas Company	Gas Service	\$ 310.42
Comcast	Internet	\$ 118.08
GC Pest Control	Monthly Spray	\$ 17.22
Municode	Municipal Code	\$ 123.93
TOTAL:		\$990.45

Sewer Operations- 155

Municode	Municipal Code	\$247.86
TOTAL:		\$247.86

JNT WASTEWATER FUND - 170

The UPS Store	Specimen Shipping	\$ 190.52
Silver City Daily Press	WasteWater Improvements	\$ 53.61
Samsara	GPS	\$ 140.44
Allstate	Floor Insurance	\$3,023.00
American Linen	Laundry Service	\$93.64
HughesNet	Internet Service	\$ 278.94
TOTAL:		\$ 3,780.15

COMMUNITY CENTER FUND - 200

GC Pest Control	Monthly Spray	\$	39.32
TOTAL:		\$	39.32

LIBRARY FUND - 210

Ricoh	Printer Services	\$	57.69
PNM	Electric	\$	308.98
NM Gas Company	Gas Service	\$	105.25
GC Pest Control	Monthly Spray	\$	29.32
TOTAL:		\$	501.24

MUNICIPAL STREET FUND - 240

Municode	Municipal Court	\$	123.93
TOTAL:		\$	123.93

MUNICIPAL COURT FUND - 20

NM Gas Company	Gas Service	\$	96.73
GC Pest Control	Monthly Spray	\$	14.54
Municode	Municipal Court	\$	123.93
TOTAL:		\$	235.20

FIRE FUND- 30

NM Gas Company	Gas Service	\$181.84
GC Pest Control	Monthly Spray	\$14.55
Municode	Municipal Court	\$123.93
TOTAL:		\$320.32

Solid Waste -160

Samsara	GPS	\$	140.44
Municode	Municipal Court	\$	123.93
TOTAL:		\$	264.37

GRAND TOTAL:		\$	7,877.50
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NMWWA SW Section “Jake Hands Memorial Workshop” PRE-REGISTRATION FORM

***SW Section Workshop
June 22-23, 2022
Inn of the Mountain Gods
Ruidoso, NM***

Payment in full must accompany this form or it will not be processed. Please submit this form to the contacts listed below. Thank you

NAME: MICHAEL P PAEZ Operator ID# 18812

ADDRESS: PO BOX 728 CITY: BAYARD STATE: NM

PHONE: 575-313-6147 EMPLOYER: CITY OF BAYARD

E-Mail mpaez 4823@gmail.com

Are you a member of NMWWA? ☒ Yes ☐ No Are you certified? ☒ Yes ☐ No

Registration Fees: Member: \$120 ☒ Non-Member: \$165 ☐

Category: Basic Water: ☒ Basic Wastewater: ☐

Credit for Classes: 13 credits if all classes are attended.

Accommodations

Contacts:

Filiberto Aguirre Jr. at 575-805-4966
filibertoaguirrejr@yahoo.com

Ricardo Gomez: 575-649-3582
gomezrick1981@gmail.com

Make check payable to: **NMWWA, SW Section**

Mail to: **P.O. Box 2703
Mesilla Park, NM 88047**

Form of payment: Check: ☐ Credit Card: ☐ PO: ☐

Pay Online: (fees apply)

\$3.89 for Members & \$5.24 Non-Member

Member total: \$123.89 / Non-Member total: \$170.24

Inn of the Mountain Gods 1-800-545-9011, 575-464-7059
287 Carrizo Canyon Road
Mescalero, New Mexico 88340

June 21-23, 2022

5 Rooms available daily, Double Queen at \$125.99

June 22-23, 2022

24 Rooms available daily, King Superior at \$120.99

Hotel Ruidoso 855-213-0582

Deadline is 5 days prior of arrival – mention your are with NMWWA
For a rate of \$96.00 standard double queen rooms
from June 21-24, 2022 (20 blocked rooms available)

110 Chase St.

Ruidoso New Mexico 88345



NM Water & Wastewater Association
2022 Northern School
PRE-REGISTRATION FORM
May 16-19, 2022 (27) credits

Item 9.

NMWWA NORTHERN SCHOOL
May 16-19, 2022
OHKAY Casino/Convention Center
Hwy. 68, 1 mile North of Espanola
Espanola, New Mexico

Payment in full must accompany this registration form
or it will NOT be processed. Please call 505-753-8840
for payment arrangements.

NAME: Anthony Aveles

OPERATOR ID# (NO SSN#): 18431

ADDRESS: 800 Central Ave.

CITY: Bayard STATE: NM ZIP: 88023

EMPLOYED BY: City of Bayard

OPERATOR CELL PHONE#: (575) 590-1258

E-MAIL ADDRESS (REQUIRED, PRINT CLEARLY): anthonyaveles@gmail.com

Are you a member of NMWWA: ☒ YES ☐ NO

CURRENTLY CERTIFIED: ☒ YES ☐ NO

NOTE: Call (505) 753-8840 to confirm registration or email Caroline Sanchez at csmartinez@windstream.net or Rose at rtnmwwa@gmail.com. Study materials are available online on the NMED website:

https://www.env.nm.gov/drinking_water/uocpexams/#:~:text=Exam%20Study%20Guides%20and,Operator%20Certification%20Study%20Manual Note: Study guides will not be provided at the school. If you already have a water and / or wastewater study guide, please bring it with you to the school. Refunds apply ONLY if cancellations are received one week before the specified school - \$25 processing fee for all cancellations. (Classes: 8:00 – 5:00 Monday-Thursday).

REGISTRATION FEES: (☒ what you are paying)

Member Fee: \$300 ☒
Non-Member Fee: \$350 ☐

NMWWA State & Section Dues: (if not yet paid):

☒ Form of payment: Active \$55 ☐
Corporate \$53 ☐
Associate \$50 ☐
Check: _____
Po: _____
Credit Card: _____
Other: _____
TOTAL: _____

CLASSES:

Due to Covid and CDC Health Guidelines, space is limited.

You MUST ☒ the category of classes that you will be attending in order for this form to be complete. You may attend One or two categories of classes.

ENROLLMENT:

50 people Basic Water (I – II & SS) _____
50 people Basic Wastewater (I – II & SS) _____
30 people Advanced Water (III – IV & SS) ☒
30 people Adv. Wastewater (III – IV & SS) _____
(27 credits for the school)

CATEGORY

Make check payable to:

N.M. Water & Wastewater Association
or pay online on the NMWWA website
(fees apply)

Mail form & check to:

N.M. Water & Wastewater Association
P. O. Box 819
Espanola, NM 87532

Pre-Registration Deadline:

May 11, 2022

E-mail registration form to:

rtnmwwa@aol.com

Accommodations:

Make your motel reservations before May 9, 2022

Be sure to tell them you're with NMWWA to get this special rate:

> Ohkay Casino & Resort

Hwy. 68, One mile North of Espanola
505-747-1668 or 877-829-2865

\$39.99 Single – (queen/Double)

\$59.99 Suite

March 31, 2022

City Council of Bayard

Hello, Council Members

My name is Reyna Maynes Garay, I am the Director of the Divine Mercy Charity, Inc. The charity has been established to repair and restore church's and shrines that are in disrepair. The Charity was granted permission from the Diocese of Las Cruces to complete the restoration Of Our Lady of Fatima Shrine for Our Lady of Fatima Church.

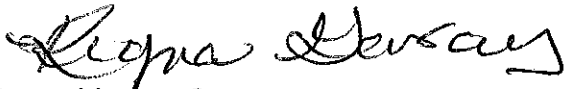
I am humbly requesting permission to create an access road to the Shrine of Our Lady of Guadalupe. It would be used for religious activities as well for public use. The road would be handicap accessible and used for all emergency vehicles to enter and exit. There is already an easement established on the east side of the Shrine of Our Lady of Guadalupe property on Cactus Road.

I have been fortunate enough to see and experience the Beautification of the City of Bayard since I have returned to my hometown in Santa Clara. There have been so many POSITIVE changes that need to be mentioned. Especially, the Library and its park next door, Code Enforcement, Staffing of Police Officers, enhancing Safety though lighting. The Baseball fields are phenomenal and keep on improving. The clean-up was very successful last week.

The Divine Mercy Charity will be financially responsible for all costs incurred.

I truly believe by the time the Shrine will be restored, the City of Bayard will not only be a tourist attraction but will also have a positive and economic impact on all surrounding communities.

Sincerely Grateful,



Reyna Maynes Garay

Divine Mercy Charity, Inc

575 519 2290



Joyce Barela, Interim Superintendent
George Peru, Deputy Superintendent
José E. Carrillo, Ph.D., Associate Superintendent

Item 12.

Cobre Consolidated Schools

P.O. Box 1000
Bayard, NM 88023-1000

Telephone 575-537-4010
Fax 575-537-5455

April 4, 2022

City of Bayard
Kristina Ortiz, City Clerk
800 Central Avenue
Bayard, NM 88023

Dear Ms. Ortiz:

Bayard Elementary is having our end of year celebration the last week of May. We have set a tentative date of Wednesday, May 25th.

We do not have access to water at our school and are requesting the use of your t-ball field and water for the day to set up 2 waterslides and a bouncy obstacle course. We will have 3 staff members supervising each activity, as well as teachers supervising their classes throughout the event. We plan on having the older students participate in the morning and the younger students in the afternoon. The event will be from 10:00-12:00 & 1:00-3:00. We are renting the bouncy/waterslides through Rosarios out of Deming, NM. They have generators for power.

I plan on attending the City Council meeting on Monday at 2pm, should you have any questions or concerns.

Sincerely,

Cheryl A. Fowler
School Counselor
Bayard Elementary School
100 Park Street
Bayard, NM 88023
(575) 537-4040 (Work)
(575) 342-4302 (Cell)
Email: cfowler@cobre.k12.nm.us

538-8442

3-31-22

I would like to be in the agenda for
April 11, 2022 meeting.

1. Concern Bayard Resident
2. Up date on your hiring of police officers
3. On 356. Abandon house, business, cars
4. Rail Road crossings

Larry Ojinaga

Statement Of Taxes Due

Account Number R099969

Parcel 3073104166311

Assessed To

 INTN'L UNION OF MINE MILL & SMELTER WORKERS LOCAL
 C/O:UNITED STEELWORKERS LOCAL 9424
 632 ALMENDRA ST
 LAS CRUCES, NM 88001
Legal Description

Subd: FOY'S #3 Block: 4 Lot: 7 .138 AC

Situs Address

US HIGHWAY 180 E

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2021	\$709.76	\$10.65	\$10.65	\$0.00	\$731.06
2020	\$707.52	\$17.69	\$17.69	(\$742.90)	\$0.00
2019	\$701.92	\$0.00	\$0.00	(\$701.92)	\$0.00
2018	\$691.12	\$13.82	\$13.82	(\$718.76)	\$0.00
2017	\$617.56	\$27.79	\$21.62	(\$666.97)	\$0.00
2016	\$579.04	\$2.11	\$5.79	(\$586.94)	\$0.00
2015	\$588.20	\$0.00	\$0.00	(\$588.20)	\$0.00
2014	\$607.68	\$0.00	\$0.00	(\$607.68)	\$0.00
2013	\$629.96	\$0.00	\$0.00	(\$629.96)	\$0.00
2012	\$658.16	\$62.53	\$32.90	(\$753.59)	\$0.00
Total Tax Charge					\$731.06
Grand Total Due as of 04/05/2022					\$731.06

Tax Billed at 2021 Rates for Tax Area 02B_NR - 02B_NR

Authority	Mill Levy	Amount	Values	Actual	Assessed
CITY OF BAYARD OPERATIONAL	5.2250000	\$126.78	LAND-COMMERICAL	\$21,099	\$7,033
GRANT COUNTY DEBT SERVICE	1.0710000	\$25.99	IMPROVED		
GRANT COUNTY NON-RES	11.8500000	\$287.53	COMMERCIAL	\$51,694	\$17,231
STATE OF NEW MEXICO	1.3600000	\$33.00	INDUSTRIAL BLDG		
COBRE SCHOOL DISTRICT CAPIT	2.0000000	\$48.53	Total	\$72,793	\$24,264
COBRE SCHOOL DISTRICT DEBT	7.2740000	\$176.50			
COBRE SCHOOL DISTRICT OPERA	0.4710000	\$11.43			
Taxes Billed 2021	29.2510000	\$709.76			

Grant County Treasurer

P. O. Box 89

Silver City, NM 88062

(575) 574-0055

Payment options:

Website: www.grantcountynm.gov

or IVR Number 1-866-606-6401

Credit & Debit Cards Payments 2.50% Convenience Fee

E-Checks Payments \$1.50 Fee

Would like to request CofB to pay the
 taxes in consideration of the
 donation of the property.

Tax Account**Summary**

Account Id R099969
 Parcel Number 3073104166311
 Owners INTNL UNION OF MINE MILL & SMELTER WORKERS LOCAL
 Address 632 ALMENDRA ST
 LAS CRUCES, NM 88001
 Situs Address US HIGHWAY 180 E
 Legal Subd: FOY'S #3 Block: 4 Lot: 7 .138 AC

Inquiry

As Of 04/05/2022 

Payment Type ☐ First
☒ Full

Taxes Due \$709.76
 Interest Due \$10.65
 Penalty Due \$10.65
 Total Due \$731.06

Value

Area Id	Mill Levy	
02B_NR - 02B_NR	29.2510000	
	Actual	Assessed
LAND-COMMERICAL IMPROVED - 0220	21,099	7,033
COMMERCIAL INDUSTRIAL BLDG - 3067	51,694	17,231
Total Value	72,793	24,264
Taxes		\$709.76

The amounts of taxes due on this page are based on last year's property value assessments.

Exempt pay as it was raised as a safety issue and i feel it is not fair to our department managers attached is the policy language please review and see if this is something that can be placed into the cities policies

PURPOSE [Copy Link](#)

1. To compensate bi-weekly salaried (exempt) caregivers who are placed on an "on-call" status in order to have departmental coverage for after hours or unusual situations.

POLICY [Copy Link](#)

1. Any caregiver who is placed "on-call" is required to stay within easy and immediate access to and with GRMC
 1. This policy does not apply to caregivers in departments that have their own approved policy based on their specific needs such as Surgical Services who have their own on-call policy.
2. Caregivers placed "on-call" will be expected to arrive at their destination within thirty (30) minutes of notification.
3. Salaried (exempt) caregivers are eligible for "on-call" when their departments have an "on-call" status for departmental caregivers.
4. Caregivers placed "on-call" will be paid an established on-call rate per hour. Time worked will be paid at an hourly equivalent determined as the bi-weekly salary divided by eighty (80) for at least one hour of work.
5. Call pay will stop when a caregiver is called in until the caregiver clocks out. Call pay will then resume.

City Manager- can you please look at this description especially with Municipal League and make sure it would be possible to change you title rather than town clerk. the manager title has more responsibilities.

thank you!! any questions please feel free to contact me anytime.

Stand-by Time/Call Out Policy

Kristina Ortiz is requesting the City Council approve the recommended Stand-by Time Policy which would allow a scheduling mechanism for the wastewater and maintenance departments for weekend and after hour work requirements. The recommended policy is as follows:

Department heads shall establish a work week schedule with consideration to payroll pay periods in which a single individual per department shall be responsible for stand-by duty per week. Stand-by pay will be paid at \$75 per week (168 hours). City cell phone will be issued to those employees on stand-by schedule. Failure to answer and/or respond in a reasonable time (30 minutes) will be subject to disciplinary action. Employees must ensure that communication can be acquired (by cell phone, land line, message line). Call out pay provision will continue to be applied in addition to stand-by time. This policy shall be effective immediately upon approval by City Council.

August 27, 20218

City of Bayard

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

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

RESOLUTION 10-2022

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Bayard and the New Mexico Department of Transportation have entered into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$628,129.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$596,722.55
and
- b. City of Bayards proportional matching share shall be 5% or \$31,406.45

TOTAL PROJECT COST IS \$628,129.00

City of Bayard shall pay all costs, which exceed the total amount of \$628,129.00

Now therefore, be it resolved in official session that City of Bayard determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 30, 2022 and the City of Bayard incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the City of Bayard to enter into Cooperative Agreement Control Number LP10008 with the New Mexico Department of Transportation for "NM356 sidewalk and ADA Improvements – Plan, Design and Construct improvements" within the control of the City of Bayard in Bayard, Grant County, New Mexico.

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

City of Bayard

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

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

RESOLUITON 11-2022

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 6:00 P.M. on the second and fourth Monday of each month in the governing body meeting room of the municipal building, located at 800 Central Avenue in Bayard, New Mexico. Other municipal committees and or boards shall dedicate the location and meeting dates annually. In the event that the

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

3. Work sessions may be held by the governing body at 5:30 P.M. prior to regular monthly meetings or as determined by the governing body. Method of publication for work sessions shall be as required for regular meetings. Work sessions will be held for the purpose of discussing public business and formal action will not be taken at any work session.

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

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

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

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

6. 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 11th DAY OF APRIL, 2022.

Chon S. Fierro, Mayor

ATTEST:

Kristina Ortiz, MMC, Clerk-Treasurer

City of Bayard

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

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

RESOLUTION # 12-2022

Grantee Name: City of Bayard

CDBG Project Number: _____

ADOPTION OF REQUIRED

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

CERTIFICATIONS AND COMMITMENTS

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the City of Bayard (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

Citizen Participation: certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)

Fair Housing: certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin. **Residential Anti-Displacement** certifies its compliance with the Uniform Relocation Assistance and Real & Relocation Assistance Section 3

Procurement: Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity

Section 3: certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community. Attached is the Grantee Section 3 hiring information.

Procurement: certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy for CDBG projects.

NOW, THEREFORE, BE IT RESOLVED, that the Grantee adopts the above CDBG certifications through the term of the CDBG grant agreement with the Department of Finance and Administration, as amended, if applicable.

PASSED, APPROVED, SIGNED, AND ADOPTED at a duly called and convened regular meeting of the governing body on this _____ day of _____, 20____.

Chon S. Fierro, Mayor, Chief Elected Official

ATTEST:

Kristina Ortiz, MMC, Clerk-Treasurer

CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further Encourage citizen participation, City of Bayard has prepared and adopted this Citizen Participation Plan.

Objective A

City of Bayard will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

City of Bayard will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be , available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

City of Bayard will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. Note: the level and type of assistance is to be determined by the county/municipality. *Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

City of Bayard will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings.*
3. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
4. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
5. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

City of Bayard will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

City of Bayard will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the City Council of the City of Bayard adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the City Council of the City of Bayard hereby wish all persons living, working, doing business in or traveling through this City to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the City of Bayard to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the City of Bayard will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the City of Bayard shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the City of Bayard shall undertake the following actions to affirmatively further fair housing; Rev 11-2020

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

The City of Bayard shall promote all Fair Housing activities and information by publishing to the local newspaper, city website, municipal buildings and media outlets as appropriate to the activity.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing

regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, City of Bayard must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, relocation assistance, and a description of the steps City of Bayard will take to minimize displacement.

II. Activities Covered by the Plan All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. City of Bayard's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within City of Bayard to the extent feasible, the units shall be located within the same neighborhood as the units replaced.
- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless City of Bayard has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between City of Bayard and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8

project-based assistance.

- F. Before City of Bayard enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, City of Bayard must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:

1. A description of the proposed assisted activity;
2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
5. The source of funding and time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within City of Bayard. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in City of Bayard and the number of eligible families on the Section 8 waiting list.

- V. Relocation Assistance Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement

persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, City of Bayard must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.
 - 2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

'Total Tenant Payment', as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within City of Bayard.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

- VI. Eligibility for Relocation Assistance A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A

displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to City of Bayard for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if City of Bayard or state of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 - 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.
 - 2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
 - 3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the City of Bayard determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or

- C. City of Bayard determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
1. Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 2. Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition;

a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by City of Bayard covering the rehabilitation or demolition.

IX. Grievances The City of Bayard will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

SECTION 3 PLAN REQUIRED ELEMENTS

The Bayard is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The Bayard has appointed April 26, 2021 as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of Bayard. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the City of Bayard shall:

1. Hiring

- A. Advertise for all Bayard positions in local newspapers;
- B. Give preference in hiring to lower income persons residing in the City of Bayard. This means that if two equally qualified persons apply and one is a resident of Bayard and one is not, the resident will be hired
- C. Maintain records of Bayard hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.

2. Contracting

- A. The City of Bayard will compile a list of businesses, suppliers and contractors located in the City of Bayard.
- B. These vendors will be contacted for bid or quotes whenever Bayard requires supplies, services or construction.
- C. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City of Bayard and one from outside the City of Bayard, the contract will be awarded to the business located within the community.

3. Training

The City of Bayard shall maintain a list of all training programs operated by the City of Bayard and its agencies and will direct them to give preference to Bayard residents. The City of Bayard will also direct all CDBG sponsored training to provide preference to Bayard residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City of Bayard shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The City of Bayard will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in Bayard and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Bayard. Information contained in our Section 3 Plan reflects the status of Bayard employees regarding lower income considerations based on their salary paid by the Bayard.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The City of Bayard herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.

PASSED AND ADOPTED BY THE City Council of the City of Bayard on this 11th day of April 2022.

APPROVED AS TO FOR:

//s// _____
City Attorney

ATTEST:

//s// _____
City Clerk

Plan Adoption Date: _____

Adoption Instrument: _____

Certified By: //s// _____ Date _____
Chon S. Fierro, Mayor

Copy to Local Government Division with attachments

City of Bayard

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

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

RESOLUTION 13-2022

A RESOLUTION AUTHORIZING AND ACCEPTING THE DONATION OF PROPERTY FROM GILA REGIONAL MEDICAL CENTER – BAYARD MEDICAL CLINIC (BRMC)

WHEREAS, the City of Bayard wishes to improve the economic development of Bayard; and

WHEREAS, the City of Bayard wishes to accept a donation of real property by GRMC; and

WHEREAS, the City of Bayard wishes establish the future use of said property for economic development; and

WHEREAS, the City of Bayard wishes to accept the transfer of property by GRMC for the property filed an recorded in the Office of the County Clerk, Grant County, New Mexico on March 16, 2005, in Plat Book 267, Pages 131-132 as Instrument No. 200500131; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BAYARD THAT;

The Mayor or his designee be, is hereby, authorized to accept on behalf of the City of Bayard the donation of property by GRMC described above.

PASSED, APPROVED AND ADOPTED by the Governing Body this 11th day of April 2022.

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC, Clerk Treasurer