



City of Bayard
CITY COUNCIL REGULAR MEETING
September 16, 2026 at 4:30 PM
Bayard City Hall

MINUTES

CALL TO ORDER: Mayor John L. Ojinaga

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor John L. Ojinaga
Councilor Eloy Medina
Councilor Eloy Gonzales
Councilor Gilbert Ortiz
Councilor Chuck Gray

Others in attendance were Terry Humble, Kym Clark, Alesha Montoya, Dolores Charon, Mary Helen Padilla, Helen, David, Cordell Jones, Gabe Gonzales, Ty Warhank, Adrian Carbajal, Jared Sifentes, Sam Arellano, Hector Carrillo, Martha Salas, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Medina, Seconded by Councilor Gonzales.
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

PUBLIC INPUT

No public input.

CONSENT AGENDA

Motion made by Councilor Medina, Seconded by Councilor Gonzales.
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

1. Approval of Special Meeting Minutes July 22, 2026
2. Approval of Public Hearing Minutes August 19, 2026
3. Approval of Regular Meeting Minutes August 19, 2026
4. Approval of Accounts Payable
5. Approval of Police Department Reports

6. Approval of Maintenance Report
7. Approval of Wastewater Report
8. Approval of Fire Department Report
9. Approval of Municipal Court Report
10. Approval of Library Report
11. Approval for Employees to Attend the New Mexico Rural Water Association 16th Annual Southern Fall Conference on October 20th-22nd, 2026 in Las Cruces, NM
12. Approval for Employees to Attend the Annual Clerk's School on October 19th-23rd, 2026 in Ruidoso, NM
13. Approval for Employees to Attend the Evidence 101 School on September 23rd-25th, 2026 in Albuquerque, NM
14. Approval for Volunteer Fire to Attend the New Mexico Fire and EMS Expo on October 21st-25th, 2026 in Socorro, NM

NEW BUSINESS

15. Discussion/Action- Presentation by Dolores Charon on Domestic Violence Awareness

Dolores Charon talked about all the events in October for Domestic Violence Awareness Month. She asked if the City would be involved this year again?

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

16. Discussion/Action- Acceptance of City Attorney Resignation

Motion made by Councilor Gonzales, Seconded by Councilor Medina.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

17. Discussion/Action- Legal Services Agreement

No action

18. Discussion/Action- Mining Museum Design by Stantec

David from Stantec presented what needs to be done at the Mining Museum. David explained what repairs and the design of the building.

No action was taken

19. Discussion/Action- Cobre Homecoming Parade

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

20. Discussion/Action- Agreement Between City of Bayard and Town of Hurley for Temporary Use of Animal Shelter

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

21. Discussion/Action- Authorize the National Center for Frontier Communities to use property under the Outdoor Recreation Trails+ Grant

Alisha Montoya gave an update on the Outdoor garden.

22. Discussion/Action- 911 Addressing Contract

Peter Hurley will be helping with the addressing for Bayard. He works at Grant County but will work on this after hours. Mr. Hurley will be asking for \$20 an hour.

Motion made by Councilor Gray, Seconded by Councilor Medina.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

PROCLAMATION/ORDINANCES/RESOLUTIONS

23. October Community Cleanup Proclamation

Kym Clark stated this weekend is National Clean-Up, there will be trash dumpsters placed at the Public Safety Building from Friday September 18-20, 2026.

OCTOBER COMMUNITY CLEANUP MONTH

WHEREAS, the City of Bayard recognizes the importance of keeping our community clean, safe, and welcoming for residents and visitors; and

WHEREAS, Mining District Pride is organizing community cleanup activities throughout October to encourage residents, businesses, schools, organizations, and volunteers to take pride in their neighborhoods; and

WHEREAS, community cleanups provide an opportunity for neighbors to work together, improve public spaces, remove litter and unwanted debris, and make a positive difference in our community; and

WHEREAS, a clean community reflects the pride, care, and commitment of the people who live and work here;

NOW, THEREFORE, BE IT PROCLAIMED, that the City of Bayard recognizes October 2026 as Community Cleanup Month and encourages residents, businesses, organizations, and volunteers to participate in cleanup activities and help make our community cleaner, safer, and more beautiful.

BE IT FURTHER PROCLAIMED, that the City of Bayard thanks Mining District Pride, NMDOT's ¡Qué Linda! program, and all community volunteers for their efforts to improve and strengthen our community.

PROCLAIMED this 16st day of September, 2026.

John L. Ojinaga, Mayor

Attest:

Martha Salas, City Clerk Treasurer

24. Discussion/Action- Resolution 24-2026 Participation in Transportation Project Fund Program Administered by New Mexico Department of Transportation

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

City of Bayard

RESOLUTION 24-2026

PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED

BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Bayard and the New Mexico Department of Transportation enter into a grant agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be \$399,800.00 to be funded in proportional share by the parties hereto as follows:

a. New Mexico Department of Transportation's share shall be 95% or \$379,810.00

and

b. City of Bayard proportional matching share shall be 5% or \$19,990.00

d. TOTAL PROJECT COST IS \$399,800.00

The City of Bayard shall pay all costs, which exceed the total amount of \$399,800.00.

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 June 30, 202X 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 for Project Control Number LP100XX with the New Mexico Department of Transportation for the TPF program for year 202X for Royal Street Design Improvements Survey and Design of Royal Street Roadway, ADA and Drainage Improvements to consist of Survey, Geotechnical Investigation, Drainage Analysis, Environmental Certification and Project Design- within the control of the City of Bayard in New Mexico.

Bayard City Council

25. Discussion/Action- Resolution 25-2026 City of Bayard Ratifying a Certain Agreement Between the City of Bayard and the Southwest New Mexico Council of Governments

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

26. Discussion/Action- Resolution 26-2026 to Participate in Capital Outlay Program Administered through New Mexico Department of Transportation

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

27. Discussion/Action- Ordinance 2-2026 to Amend the City of Bayard Municipal Code, Section 40- 60 "Landfill Services", to Establish a Solid Waste Sanitation Fee Based on regional Landfill Operational Charges Assessed to Bayard

Motion made by Councilor Gray, Seconded by Councilor Medina.

Roll Calling Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz, Councilor Gray

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ORDINANCE 2-2026

AN ORDINANCE AMENDING THE CITY OF BAYARD MUNICIPAL CODE, SECTION 40-60 "LANDFILL SERVICE", TO ESTABLISH A SOLID WASTE SANITATION FEE BASED ON REGIONAL LANDFILL OPERATIONAL CHARGES ASSESSED TO BAYARD.

WHEREAS the City of Bayard provides water, sewer, wastewater treatment, garbage collection, and landfill access to Bayard residents and to customers residing outside the city limits;

WHEREAS in 1995 the City of Bayard with other municipalities and Grant County entered into a Joint Powers Agreement with the regional Southwest Solid Waste Authority for solid waste disposal services at the Authority's landfill facilities, which Agreement was amended and restated in 2019;

WHEREAS the Bayard City Council establishes annual utility service fees when it reviews the preliminary municipal budget for the coming fiscal year and any increase in the fees is based on the current consumer price index (CPI);

WHEREAS the Authority recently increased the monthly member assessment it charges the government members of the Agreement, which far exceeds the current consumer price index.

WHEREAS the City of Bayard Council proposes an amendment to the City's current landfill services ordinance to establish a strict pass-through rate for the Authority's charges to the City and where the City will absorb its administrative costs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYARD, NEW MEXICO, THAT SECTION 40-60 OF THE CODE OF

ORDINANCES OF THE CITY OF BAYARD, NEW MEXICO, IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1. Title: This Ordinance may be cited as “2026 AMENDMENT TO CITY OF BAYARD’S LANDFILL SERVICES FEES AS A PASS-THROUGH RATE ONLY STRUCTURE.

SECTION 2. Ordinance. This Ordinance amends Chapter 40, Section 60 “Landfill service” of the Bayard Municipal Code (Ord. No. 3-2013, §3, 10-15-2013) by deleting the section in its entirety and replacing it with language basing the customer landfill fees on the regional Southwest Solid Waste Authority’s municipal monthly member assessment rates, without including any charge for the City’s administration costs.

SECTION 3. Municipal Code Sections: The amended Section 40-60 of the Bayard Municipal Code shall read as follows

Sec. 40-60. – Landfill service.

(a) Purpose and authority.

(1) The purpose of this ordinance is to ensure the fiscal stability of the City of Bayard’s (“city”) solid waste disposal system through a reasonable, fair, and equitable customer fee structure.

(2) The city is a signatory on the 2019 amended and restated Joint Powers Agreement with the regional Southwest Solid Waste Authority (“SWSW authority”) and is legally responsible for its proportional share of SWSW authority’s overall landfill operational, maintenance, and closure costs.

(b) Establishment of landfill services fees.

(1) Mandatory fee. The city establishes a mandatory monthly landfill fee for each active residential and commercial utility customer within and outside the Bayard city limits.

(2) Proportional allocation. The city calculates each customer’s landfill services fee by dividing the total SWSW authority’s monthly member assessment to the city by the total number of active utility customers.

(3) Utility billing cycle. The city sends to each utility customer a monthly bill that includes the customer’s landfill services fee, upon which the city charges gross receipt tax, but no city administrative costs.

(4) Customer landfill weight exemption. Under the SWSW authority’s regulations, the city’s member assessment landfill fee is inclusive of tonnage, haul fees, and the

Tri City Convenience Center operations, which allows each city customer to transport and deposit a specified quantity of debris at SWSW authority facilities without additional charge. If a city customer exceeds the exempt weight, the customer's

monthly utility bill includes the charge assessed by the SWSW authority.

(5) Application. The city landfill services fee shall apply regardless of whether the customer utilizes the city landfill services or generates physical waste during the billing cycle.

(c) City of Bayard pass-through adjustment.

(1) Annual review. At the beginning of each fiscal year, the Bayard city council shall review the SWSW authority's landfill rates assessed to the City of Bayard and, if necessary, adjust the city's landfill fees accordingly. This provision does not prohibit the Bayard city council from amending the landfill fee at other times as needed.

(2) Calculation date. Fee adjustments shall become effective immediately after the city council approves a resolution by majority vote at a duly noticed public meeting. The approved adjustment shall appear in the next utility billing cycle.

(3) Public notice. The published and posted meeting agenda of the city council in accordance with the provisions of the New Mexico Open Meeting Act shall serve as sufficient notice of any proposed landfill fee change. Within twenty-four hours after adopting a resolution changing the landfill fee, the Bayard city clerk or designee shall post the updated fee schedule at city hall where agendas are posted and publish such notice on the city's web site. The notice shall remain posted and published for at least fourteen (14) days, or until the next billing cycle, whichever occurs first.

(d) Billing, collection, and penalties.

(1) Utility integration. The landfill fee shall be itemized on the monthly city's utility bill with the charges for water, sewer, wastewater treatment, and garbage collection.

(2) Non-payment. Failure to pay the landfill fee shall subject the customer's account to standard utility discontinuation protocols, late fees, and property liens as authorized by state law and the Bayard Municipal Code.

FINDINGS:

1. The regional Southwest Solid Waste Authority ("Authority") as a government entity is not regulated by the New Mexico Regulatory Commission.

2. The reasonableness standard for public utilities requires that rates and fees be fair, just, and equitable, but New Mexico law mandates no particular methodology

for making that determination (Fleming v. Town of Silver City, 1999-NMCA-149, 128 N.M. 295, 902 P.2d 308).

3. Section 3 of the 2019 amended and restated Joint Powers Agreement authorized the Authority to exercise powers and duties necessary to carry out its operations under the Agreement, including the following:

(K) On or before June 30th of each year, the Authority, shall prepare and submit for approval an annual budget to the New Mexico Department of Finance and Administration ("DFA"). The budget will be prepared on a fiscal year basis commencing July 1 through June 30 of each year.

(L) To set fees, rates, and charges for the use of the integrated solid waste management system necessary for adequate financing for the operation of the Authority.

4. The Authority significantly increased member contributions in July 2026, stating that smaller increases beginning in fiscal year 2028 would be capped at six percent (6%) of the consumer price index (CPI), but acknowledged its right to further increase member assessments "to ensure the continued financial stability and operational sustainability of the Authority."

5. To establish fair, just, and equitable landfill fees, the City of Bayard finds its only option is to adopt a pass-through ordinance under which the City will not recover administrative costs and will charge customers only their proportional share of the membership assessment imposed on the City of Bayard by the Authority, plus gross receipt taxes (GRT).

PASSED, ADOPTED, AND APPROVED by majority vote of the Council of the City of Bayard, Grant County, New Mexico, this day of 2026.

John L. Ojinaga, Mayor City of Bayard

ATTEST:

Martha Salas, Clerk-Treasurer City of Bayard

DEPARTMENT HEAD REPORTS

Fire Chief Gabe Gonzales he reviewed his fire department report.

Police Chief Hector Carrillo reviewed his police department report. The police department has been invited to attend on Free Fishing Day at Bill Evens. Code Enforcement and Animal Control has been busy. Carrillo did speak with Mr. Flores for the barking dog issue on Street. They had a good conversation. Carrillo is down two units and he will be looking a options of finding new units.

Public Works Director Sam Arellano reviewed his maintenance report.

City Clerk/Treasurer Martha Salas gave her update on admin office. Auditors will be in the office from September 21 through 25th. Movie at the Park has been successful. Blake's Lotaburger is official opening in the next couple of weeks.

MAYOR AND COUNCILORS REPORTS

Mayor Ojinaga congratulated the city hall staff on the award they were given by the State Auditor for Most Improved Audit, Medium Municipality. This is the first time this award has been given to any municipality.

NEXT MEETING DATE:

Regular Meeting - October 14, 2026 (Rescheduled due to Clerk's Conference on Regular Meeting date- October 21, 2026)

ADJOURNMENT

6:15pm

John L. Ojinaga
Mayor

ATTEST:

Martha Salas
Clerk Treasurer