



**City of Bayard**  
**CITY COUNCIL REGULAR MEETING**  
September 09, 2024 at 4:30 PM  
Bayard City Hall

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## 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

**ABSENT**

Councilor Frances Gonzales

Others in attendance were Elysha Montoya, Ben Rasmussen, Chuck Gray, Carney Foy, Hattie Harris, Dolores Charon, Jesus Perez, Joan Perez, Rosemary Arciero, Cordell Jones, Michael Paez, Andrew Gonzales, Frankie Gomez, Robert Terrazas, Trevor Jenson, 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

**PUBLIC INPUT**

Rosemary Arciero on McKee street had a complaint on her neighbors dogs and their barking. She would like something done about this issue.

Cordell Jones asked about the money Freeport gave the city and would like to know if anything is being done with the money. He would like for the city to start having property owners cleaning up there properties.

**CONSENT AGENDA**

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

1. Approval of Accounts Payable Report
2. Approval of Regular Meeting Minutes August 26, 2024

### **NEW BUSINESS**

3. Discussion/Action- Proposal from Frontier Food Hub for a community garden/greenhouse

Ben Rasmussen the direct of Frontier Food Hub is wanting to plant a garden/greenhouse in the empty property right next to the police department. Elysha Montoya and Mr. Rasmussen explained there plans and asked if the city would allow for this to be planted in Bayard.

Councilor Medina thinks it's a good idea but would like to know who would be responsible for the liability and he would like a contract to be in place.

There was no motion and this will be on the next agenda.

4. Discussion- Travel Trailers being used as Permanent Dwelling

There was no action for this item.

5. Discussion/Action- Provide Village of Santa Clara Replacement Light Poles

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

### **CLOSED SESSION**

6. Closed Session May Be Held Pursuant to 10-15-1 (H-8) NMSA 1978 for Real Property and Water Rights to Purchase land from Foy, Inc. and Pursuant to 10-15-1 (H-2) NMSA 1978 Limited Personnel Matters for Police Department employee

Motion made by Councilor Medina to enter closed session, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina , Councilor Gonzales, Councilor Ortiz

Motion made by Councilor Medina to enter open session, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz

### **ACTION ITEMS RESULTING FROM CLOSED SESSION**

Motion made by Councilor Medina purchase of land from Foy Inc. , Seconded by Councilor Gonzales.

Carney Foy President of Foy Inc. came before the mayor and council to offer they city to purchase 675 acres of land. This land goes all the way to Santa Clara on both sides of the highway. The board of Foy Inc. feels that this property is a perfect fit for the City of Bayard and

the future of Bayard. With the purchase of this property Bayard will double in size and have control of growth.

Ms. Lucero stated she will be helping the city with funding and help navigate with anything the city needs help with. She feels this is a very good opportunity for they City of Bayard.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz

## **RESOLUTIONS/ORDINANCES**

7. Discussion/Action- Resolution No. 16-2024 Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority

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

## **ACTION FOR PERSONNEL**

8. **Discussion/Action- Resignation of Police Officer**

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

## **DEPARTMENT HEAD REPORTS**

Robert Terrazas stated running good. Water is being sent over to the cemetery and waiting of funding to get some work done at the treatment plant.

Michael Paez 1million gal tank project will be running through the beginning of January.

Hector Carrillo still working with the schools. Problem with McKee but will be working with codes. The department is short handed but there are still working hard.

Andrew Gonzales has done fire training for the month.

Chuck Gray stated there will be a Bingo hosted by the beautification committee on September 29, 2024.

Martha Salas community center will be opening this week and the rental will began this week. On Monday September 16, 2024 the library will re-opened.

## **MAYOR AND COUNCILORS REPORTS**

Eloy Medina had a reminder the run of fun was that weekend in Fort Bayard he invited everyone to go out and have a good time.

## **NEXT MEETING DATE:**

**Regular Meeting - September 23, 2024**

**ADJOURNMENT**

6:06 P.M.

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John L. Ojinaga  
Mayor

ATTEST:

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Martha Salas  
Clerk Treasurer

ACCOUNTS PAYABLES

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>P.O.</u>
	<u>GENERAL FUND - 10-31 Police</u>		
Grant County Pest Control	Monthly Service	\$ 12.69	
Century Link	Monthly Service	\$ 122.08	
WNM	Monthly Bill	\$ 106.05	
Krystal Mountain Water	Monthly Drinking Water	\$ 26.80	
WEX	Monthly Fuel Usage	\$ 1,851.56	
Caselle	Application Software Training and Setup	\$ 2,285.00	
Spectrum	Monthly Service	\$ 1,398.18	
<b>TOTAL</b>		<b>\$ 5,802.36</b>	

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>P.O.</u>
	<u>GENERAL FUND - 10-24 City Hall</u>		
Grant County Pest Control	Monthly Service	\$ 37.07	
Century Link	Monthly Service	\$ 259.89	
Silver City Daily Press	Regular Meeting 8/26/24	\$ 33.82	
WNM	Monthly Bill	\$ 212.10	
Krystal Mountain Water	Monthly Drinking Water	\$ 22.71	
WEX	Monthly Fuel Usage	\$ 40.04	
Caselle	Application Software Training and Setup	\$ 2,286.00	
Vivint	Monthly Bill	\$ 61.75	
Xfinity	Monthly Bill	\$ 309.80	
Spectrum	Monthly Service	\$ 4,419.25	
<b>TOTAL</b>		<b>\$ 7,682.43</b>	

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>P.O.</u>
	<u>GENERAL FUND - 10-43 Parks</u>		
Grant County Pest Control	Monthly Service	\$ 27.45	

**TOTAL** \$ 27.45

**GENERAL FUND - 10-34 ACO**

		<u>P.O.</u>
Grant County Pest Control		
PNM	Monthly Service	15.64
	Monthly Service	5.55
<b>TOTAL</b>		<b>21.19</b>

**SOLID WASTE FUND - 160**

		<u>P.O.</u>
Caselle	Application Software Training and Setup	2,285.00
<b>TOTAL:</b>		<b>2,285.00</b>

**JNT WASTEWATER FUND - 170**

		<u>P.O.</u>
Grant County Pest Control	Monthly Service	46.26
Century Link	Monthly Service	274.08
WNM	Monthly Bill	70.70
The UPS Store	Weekly Sample Shipment 9/11	282.28
American Linen & Uniform	Weekly Uniform Maint 9/16	50.71
Krystal Mountain Water	Monthly Drinking Water	22.71
WEX	Monthly Fuel Usage	170.67
American Linen & Uniform	Weekly Uniform Maint 9/09	50.71
Caselle	Application Software Training and Setup	2,285.00
The UPS Store	Weekly Sample Shipment 9/4	282.28
Spectrum	Monthly Service	393.54
<b>TOTAL:</b>		<b>3,928.94</b>

**MUNICIPAL COURT FUND - 20**

		<u>P.O.</u>
Administrative Office of the Courts	Fees	162.00
Grant County Pest Control	Monthly Service	12.67



EMS FUND - 320

P.O.

TOTAL:	\$	-
<u>Maintenance 150</u>		
Grant County Pest Control	\$	15.64
WNM	\$	35.35
Krystal Mountain Water	\$	72.18
WEX	\$	1,279.36
Caselle	\$	2,285.00
Spectrum	\$	779.94
<b>TOTAL:</b>	<b>\$</b>	<b>4,467.47</b>

FIRE FUND- 30

P.O.

Grant County Pest Control	\$	12.68
WNM	\$	35.35
Airgas	\$	44.55
WEX	\$	74.60
Spectrum	\$	470.83
<b>TOTAL:</b>	<b>\$</b>	<b>638.01</b>

SEWER FUND- 155

P.O.

WEX	\$	426.46
Caselle	\$	2,285.00
<b>TOTAL:</b>	<b>\$</b>	<b>2,711.46</b>



Law Enforcement Protection Fund 60

P.O.

<b>TOTAL:</b>	\$	-
<b>PROJECTS</b>		
Stantec	\$	13,818.01
Stantec	\$	4,900.93
C.D. General Contractors	\$	39,950.40
<b>TOTAL:</b>	\$	<b>58,669.34</b>
<b>TOTAL:</b>	\$	<b>88,907.74</b>

**BAYARD POLICE DEPARTMENT  
MONTHLY REPORT  
August, 2024**

**Traffic Activity**

Accidents	8
Traffic stops made	80
Citations Issued	52
Municipal: 20	
Magistrate: 6	
Written Warnings: 26	
Stop Sign: 2	
DWI	0
Motorist Assists	4
Reckless driver	4
Missing or Stolen vehicle	1
Parking violation	1

**Criminal Activity**

Arrests	8
Burglary/Larceny	4
Criminal damage	1
Domestic calls	3
Harassment	5
Unwanted subject	8
Shoplifting	1
Battery	1
Fraud	1
Disturbance	4
Kidnapping	1

**General Activity**

Suspicious Activity	24
Escorts	2
Welfare check	13
Meetings	7
Training	1
Follow up investigations	8
Alarm	8
Noise complaints	3
Civil matter	2
Open door	4
Court	3
Criminal trespass	2
Requests for public service	11
Citizen assist	11
Child exchange	1
Attempt to locate	2
Citizen contact	10
Pan handler	1
Frequent patrols	5

Lost property	1
Dog bite	1

**Juvenile Activity**

Arrests	1
Citations	11
Narcotic violations	5
Fights	2
Welfare check	1
Disturbance	1
Criminal damage	1
Assault on school personnel	2

**Agency Assists (NMSP & CYFD)** 3

**Offense/Incident reports generated** 29

Police informational report  
 Use/Possession of drug paraphernalia  
 Warrant arrest  
 Breaking & Entering; Unauthorized Graffiti  
 Informational: CYFD assist  
 Battery; Public Affray  
 Warrant arrest  
 Supplemental on Arrest  
 Use or possession of drug paraphernalia  
 Battery  
 Use/Possession of drug paraphernalia  
 Possession of synthetic cannabis; Use/Possession of drug paraphernalia  
 Possession of marijuana; Use/Possession of drug paraphernalia  
 Burglary (Dwelling house)  
 Bench arrant  
 Warrant; Controlled substance/possession  
 Battery; Public Affray  
 Criminal damage to property  
 Unauthorized graffiti  
 Harassment  
 Informational: neighbor dispute  
 Assault on school personnel x2; Making school threats; Resisting, evading,  
 Obstructing  
 Assault upon a school employee  
 Kidnapping, Tampering with evidence; Agg Battery; Unlawful taking of  
 motor vehicle; Possession of controlled substance; Larceny  
 Bench warrant  
 Dog Bite  
 Use or possession of drug paraphernalia  
 Bench warrant arrest  
 Enticement of a child

**CALLS IN BAYARD HANDLED BY  
GRANT CO SHERIFF'S DEPT**

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15

Child exchange	1
Citizen assist	1
Welfare check	2
Alarm	5
Suspicious activity	3
Loud music	1
Domestic disturbance	1
Hit & Run accident	1

OLD RESOLUTION

RESOLUTION 7-2024

OPEN MEETINGS NOTICE

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE  
REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency or authority or any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of the Open Meetings Act; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that no resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that any person violating any of the provisions of Section 10-15-1 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense; and,

WHEREAS, Section 10-15-1D requires that any meeting at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body.

NOW, THEREFORE BE IT RESOLVED by the governing body of the municipality of Bayard, New Mexico that:

1. Notice shall be given at least ten days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

2. The regularly scheduled meetings of governing body will be held at 4:30 P.M. on the second and fourth Monday of each month in the governing body meeting room of the municipal building, located at 800 Central Avenue in Bayard, New Mexico. Other municipal committees and or boards shall dedicate the location and meeting dates annually. In the event that the

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

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

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

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

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

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

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

Public input will be via email and comments must be submitted prior to the meeting. Comments may be emailed to bayardclerk@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 22nd DAY OF APRIL, 2024.

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John L. Ojinaga, Mayor

ATTEST:

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Tanya Ortiz, Deputy Clerk

RESOLUTION 17-2024

OPEN MEETINGS NOTICE

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency or authority or any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of the Open Meetings Act; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that no resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that any person violating any of the provisions of Section 10-15-1 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense; and,

WHEREAS, Section 10-15-1D requires that any meeting at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body.

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

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

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

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

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

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 23rd DAY OF September, 2024.

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John L. Ojinaga, Mayor

ATTEST:

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Martha Salas, Clerk Treasurer