



City of Bayard
CITY COUNCIL REGULAR MEETING

April 11, 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. Others that were in attendance were Larry Ojinaga, Steve Gabaree, Lori Gabaree, Cheryl Fowler, Hannah Dumas, Selina Crespín, Mike Armendariz, Gary Arellano, Epi, Anthony Aveles, Jason Jaeger, Jesus Lopez, Frank Gomez Jr., Kristina Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Need to insert motion.

PUBLIC INPUT

Selina Crespín stated she was really glad to have the new business here in Bayard but she is concerned about the tractor that is parked on Central Avenue, in the parking lot of Recreation Works, as it is blocking traffic views. She also asked if minutes were being taken at the meeting. If yes, we can reference back to them and track purposes of complaints.

Steve Gabaree appreciates everything the Council is doing and hopes it continues.

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.

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

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

Insert roll call vote.

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

Insert return to open session.

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.

(move action up before action items line above). Returned to open session.

Motion made by Councilor Medina, Seconded by Councilor Gonzales.

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

3. Hiring of Police Chief

Councilor Villanueva stated that he was part of the interview committee which has made a recommendation to Mayor Fierro for the hiring of Hector Carrillo as Police Chief. Councilor Diaz abstained this motion to vote. He stated the reason for abstaining is because Hector Carrillo is his nephew and even though in the policy it does not directly state he can not vote but he will hold Carrillo to a higher standard than he holds every employee. He also stated he strongly believes that with Carrillo's experience, knowledge, his education and his background, he will be an asset to the city of Bayard and welcomed Carrillo. (move this section to after the vote.

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

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, and Councilor Diaz abstained his motion.

4. Action for Volunteer Fire Department

The recommendation for the volunteer fire department is to require that all volunteers submit the standard employment application including a background check before being allowed to participate as a volunteer and the current members will be required to have an application on file and an updated background check.

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

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

CONSENT AGENDA

Approved on consent agenda was the Fire Report for March 2022, Wastewater Report for March 2022, and Accounts Payable Report for April 11, 2022. Delete. Insert the request to remove item 9 from the consent agenda for further discussion.

The following items were included within the consent agenda:

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

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz
move to after item 8.

5. Approval of Minutes of Regular Minutes of March 28, 2022.
6. Approval of the Fire Report for March 2022.
7. Approval of the Wastewater Report for March 2022.
8. Approval of the Accounts Payable Report for April 11, 2022.
9. Approval for Michael Paez and Anthony Aveles to attend NMWWA Workshops on May 16-19, 2022 and June 21-23, 2022.

Councilor Villanueva did discuss other maintenance workers to attend training. Superintendent Anthony Aveles did state this training is to keep up the certifications the employees already have. Anthony will be sending others for training. Some employees are not yet eligible to attend until they have been working one year in the related field. Councilor Medina did ask for a list of upcoming trainings. Councilor Gonzales asked Anthony if they can get a list of employees and what they are certified in.

Insert motion for item 9.

OLD BUSINESS

10. Credit Card authorization for Elected Officials.

Discussion on credit cards for elected officials was held. The cards would be used on a check out basis. Councilor Gonzales did state it would have been helpful if she had it this past week when she attended the Municipal League conference. Councilor Diaz stated if some choose to want to use it can those that don't don't have to. Fire Chief Gonzalez asked if the fire department can also have one. He had a call and went all the way to Deming and came back on empty. Councilor Diaz does want the credit card authorization for fire department to be put on the next agenda. Councilor Medina asked if Kristy can look in to the fleet system. He would like for employees to have a fleet card for emergencies.

Motion made by Councilor Gonzales, Seconded by Councilor Diaz.

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

NEW BUSINESS

11. 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.

This item was postponed due to Reyna Maynes Garay not being present.

12. Cheryl Fowler is requesting the use of the T-ball field and water for May 25, 2022 for fun day with waterslides and bouncy obstacle course for the Bayard Elementary students.

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

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

13. Larry Ojinaga -concerned resident, would like to have an update on hiring of police officers, Highway 356 abandon house, businesses and cars and railroad crossings.

Police Chief will be getting hired at todays council meeting. Police vacancy will continue to be published this week. Mr. Hernandez has six months to take down the burnt house and the railroad crossing will be improved this summer. Mr. Ojinaga did ask about the white house on Central Ave. He did state that house is a fire hazard.

14. 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.

Councilor Gonzales did state she is in favor to pay for the taxes on the building. Councilor Medina did ask if the city would be on the next tax form. Kristina did state yes we will, but the city is tax exempt and the city will not have to pay taxes.

Motion made by Councilor Gonzales, Seconded by Councilor Medina.

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

15. Stand-by/On-call Wages for Department Heads, Discussion/Action for consideration of establishing Town Manger Classification, Discussion/Action for Employee Wages.

Councilor Diaz made a motion to table Stand-by/On-call Wages for Department Heads, Discussion/Action for consideration of establishing Town Manger Classification and Discussion/Action for Employee Wages until the council can take a look at the budget and make sure the budget is feasible without having to raise water rates for the residents.

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

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

ORDINANCES/RESOLUTIONS

16. Approval of Resolution 10-2022 NM 356 Sidewalks

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.

//s// _____

Chon S. Fierro, Mayor

ATTEST:

Kristina Ortiz, MMC, Clerk Treasurer

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

17. Approval of Resolution 11-2022 Open Meetings Notice.

Mayor Fierro stated the work session will start at 5:30p.m., and meetings will start at 6:00 p.m. Councilor Villanueva stated he is willing to try having the meetings later because he does work and it was hard for him to get to the meeting. He does feel that it is important to be available for the residents. Councilor Diaz we are working together for the citizens of Bayard. He does appreciate the other council wanting to give it a try. If the outcome isn't what they want the meetings can be moved back. Mayor Fierro stated working together is what it is all about and to do what is best for the City of Bayard. Councilor Diaz asked the Mayor if its possible for him and/or the Mayor Pro-tem can meet with the department heads prior to the council meetings so the department heads don't have to attend the 6 o'clock meetings, unless it is important and something they really need to be present.

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

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.

//s// _____

Chon S. Fierro, Mayor

ATTEST:

Kristina Ortiz, MMC, Clerk-Treasurer

18. Approval of the Fair Housing Proclamation.

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

Proclamation

WHEREAS, fair and equal housing is a right guaranteed to all Americans; and

WHEREAS, the principle of fair and equal housing is a fundamental human entitlement;
and

WHEREAS, all citizens have the right to live where they choose within their financial
means; and

WHEREAS, people must not be denied housing because of race, color, religion, sex,
national origin, handicap of familial status; and

WHEREAS, we must, as individuals, assure equal access to housing for all in our
communities; and

WHEREAS, Bayard acknowledges the importance of assuring fair and equal treatment
to all citizens;

NOW, THEREFORE, I, Raul Villanueva, Mayor Pro-tem of Bayard, do hereby proclaim
April 2022 as:

“Fair Housing Month” throughout the City of Bayard.

Done on this 11th day of April, 2022.

Witness my hand and the seal of the City of Bayard

//s// _____

Chon S. Fierro, Mayor

ATTEST:

Kristina Ortiz, MMC ,Clerk-Treasurer

19. Approval of the Resolution 12-2022 CDBG.

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

RESOLUTION # 12-2022

Grantee Name: City of Bayard

CDBG Project Number: 20-C-NR-I-01-G-30

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 11TH day of April, 2022.

//s/ _____

Chon S. Fierro, Mayor, Chief Elected Official

ATTEST:

//s// _____

Kristina Ortiz, MMC, Clerk-Treasurer

20. Resolution 13-2022 accepting the GRMC Medical Clinic by donation.

Councilor Villanueva stated he thinks the city should accept this donation so we can attract a business. He does know it needs work. Councilor Diaz stated he thinks we should get that building going and get a business in there.

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

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

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.

//s// _____

Chon S. Fierro, Mayor

ATTEST:

//s// _____

Kristina Ortiz, MMC, Clerk Treasurer

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva is glad the city is moving forward with hiring a chief of police. Now that we have a chief the city can start working on other patrol officers getting hired and getting the department fully staffed to be able to provide the services the residents deserve. Councilor Villanueva thanked the residents for being patient with the situation. He tanked the employees for everything they do day in and day out.

Councilor Medina stated he is excited to have a police chief on board. He thinks great thing are ahead and we are headed in the right direction. Councilor Medina did state the fire department does get overlooked and thanked them for all they do.

Councilor Gonzales stated she went to the Bayard Housing meeting and they had their audit done and the audit went really well, they were really organized. They moving forward on incorporating the Santa Clara Housing with the Bayard Housing. Half of the apartments are getting new heaters and refrigeration. At the next meeting they will be discussing salaries for employees. She also stated she is really pleased with residents bringing things to the council. She asked the residents if there is any others thing they can do just to let the council know. Councilor Gonzales attended the New Mexico Municipal League and gave a summary on it.

Councilor Diaz stated the Bayard Beautification committee is looking to have a bingo fund raiser at the Bayard Community Center. He stated the little league looks awesome. He thanked Mr. Aveles, Kristy and everyone else for all the work that had gotten done there. He thanked the Copper Little League and all the volunteers. He also thanked the fire department for everything they do. He would like to get the new police chief going and get an interview committee going to start the interviews.

Mayor Fierro thanked the maintenance department for all they have done. He thanked the code enforcer for all he has done. He had a meeting with Dave Chandler the executive director of The Commons Center for Food Security and Sustainability they are looking for a building in Bayard to distribute the commodities.

NEXT MEETING DATE:

Regular Meeting – April 18, 2022

ADJOURNMENT

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

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

ADJOURNMENT 3:54P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer