



VILLAGE OF MAGDALENA
PO BOX 145, MAGDALENA, NM 87825
P. 575.854.2261 F. 575.854.2273
WWW.VILLAGEOFMAGDALENA.COM

AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, MAY 13, 2019
VILLAGE HALL 108 N. MAIN STREET 6:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - a. REGULAR MEETING – APRIL 22, 2019
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. DEPARTMENT REPORTS
 - a. EMS
 - b. FIRE
 - c. MARSHAL
 - d. JUDGE
 - e. PUBLIC WORKS
 - f. LIBRARY
 - i. DISCUSSION & POSSIBLE DECISION REGARDING CLARIFICATIONS TO THE LIBRARIAN PERSONNEL DESCRIPTION
11. RITA MARTINEZ – DISCUSSION & POSSIBLE DECISION REGARDING VILLAGE OF MAGDALENA COMMUNITY NEEDS ASSESSMENT PRESENTATION
12. DISCUSSION & POSSIBLE DECISION CONCERNING AGREEMENT BETWEEN THE VILLAGE OF MAGDALENA AND SOCORRO COUNTY FOR CHIP SEALING SERVICES
13. DISCUSSION & POSSIBLE DECISION REGARDING RESCHEDULING MAY 27, 2019 BOARD MEETING IN OBSERVANCE OF MEMORIAL DAY
14. EXECUTIVE SESSION – 10-15-1 (H) (2), LIMITED PERSONNEL MATTER
 - a. CLERK/TREASURER
15. DISCUSSION & POSSIBLE DECISION CONCERNING APPROVAL TO HIRE MUNICIPAL CLERK/TREASURER
16. PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT
17. ADJOURNMENT

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 8725. 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 MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

**MINUTES OF THE REGULAR MEETING OF THE VILLAGE OF MAGDALENA
BOARD OF TRUSTEES
HELD MONDAY, APRIL 22, 2019 AT 6:00 PM**

DRAFT

Mayor Richard Rumpf called the meeting to order at 6:00 p.m.

PRESENT: Mayor Richard Rumpf, James Nelson, Lynda Middleton (6:10 p.m.), Donna Dawson, Clark Brown, Carleen Gomez – Deputy Clerk, Attorney Kathy Stout

GUESTS: Sally Rogers, Liz Briggs, Janice Oest, John Larson, Fancher Gotesky, Judyth Shamosh, Carol Cricket Courtney, Catherine DeMaria, Bryan Romkey, Mike Danielsen, Annie Danielsen, Alejandra Paez – Assistant Clerk

Mayor Richard Rumpf requested that Mr. Rich Esposito lead the gallery in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA: Ms. Dawson motioned to approve the agenda as presented, seconded by Mr. Nelson. The motion carried unanimously.

APPROVAL OF MINUTES: Ms. Dawson motioned to approve the minutes of the Regular Meeting of the April 8, 2019, as presented, seconded by Mr. Brown. The motion carried unanimously.

APPROVAL OF CASH BALANCE REPORT: Ms. Dawson motioned to approve the cash balance report, as presented, seconded by Mr. Nelson. The motion carried unanimously.

APPROVAL OF BILLS: Deputy Clerk Gomez stated that she would like to add some invoices including: Amazon \$29.94, City of Socorro \$125.00, Nebblett & Co. \$225.00 and Socorro Electric for \$1,406.19.

Mr. Nelson motioned to approve the bill list with the addition, seconded by Ms. Dawson. The motion carried unanimously.

Amazon	\$29.94	Baker Utility Supply	\$718.10
City of Socorro	125.00	Gall's	284.84
GT Distributors, Inc	449.94	Konica Minolta	225.10
KSA Engineers	1,799.36	Magdalena Chamber of Commerce	1250.00
Napa Auto Parts	20.10	Nebblett & Co.	225.00
Positive Promotions	82.88	Rak's Building Supply	88.20
RC Plumbing	193.28	Socorro Electric	1,406.19
US 60 Cycles	53.19	W.S. Darley	301.43
Wex Bank	2,141.35		

MAYOR'S REPORT

Mayor Rumpf stated that he attended a SCOPE meeting and they are currently working on a health survey for Socorro County. He stated that they are seeing transportation issues with patients not being able to get to their appointments. He stated that they are looking into partnering with someone from Southwest Transportation.

Mayor Rumpf stated that he and Deputy Clerk Gomez, who is also the Safety Coordinator, would be attending a mandatory safety meeting at the end of week in Albuquerque. He stated that he and Mr. Nelson would also be going to an EMS Conference in Ruidoso when he returned from Albuquerque at the end of the week.

CLERK'S REPORT

Deputy Clerk Gomez stated that she had nothing to report unless the Mayor or Board had any questions.

DISCUSSION & POSSIBLE DECISION CONCERNING POSTING OF LIBRARIAN POSITION

Mayor Richard Rumpf stated that the Librarian's position is currently a part-time position and there are a lot more costs to look at in order to make it a full-time position. He stated that it is something the Village can look at when they are reviewing the budget. He added that for now the position would be posted as a part-time position. Mrs. Fancher Gotesky asked if it would be likely that the position could be a full-time position? Mayor Rumpf explained where the position is paid out of. He stated that Representative Gail Armstrong was looking into seeing if there are more funds available to apply for. Ms. Catherine DeMaria stated that the pension for a part-time librarian is awful and there are no benefits. She stated that it is unfair.

Mr. Nelson motioned to post the part-time Librarian position, seconded by Ms. Dawson.

Mayor Rumpf suggested that Deputy Clerk Gomez request a roll call vote:

Mr. Brown – AYE, Ms. Dawson – AYE, Mr. Nelson – AYE, Mrs. Middleton – AYE

The motion carried unanimously.

PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT

Mrs. Carol "Cricket" Courtney stated that the wish for the budget is to add a full-time Librarian position. She stated that the library is a cultural hub of the community. She stated that she and many others have observed many uncompensated hours and hard work and leadership that Librarian Magener had put forth. Mrs. Courtney stated that in her opinion the Village under values the position. Mrs. Courtney presented numbers on values.

Mr. Bryan Romkey stated that Library is a cultural asset and it is very important to the community.

Mr. Rich Esposito stated that the materials are procured for Phase I of the library repairs and they will be delivered in the next two weeks. He stated that there is a potential start date in May. Mr. Esposito stated that Mr. Brown is allowing them to store the materials at his place.

Mrs. Elizabeth Briggs stated that she would like to have the topic of paying the volunteers on the next agenda. Mrs. Janice Oest asked if there was any plan on keeping the library open. Mayor Rumpf stated that he believed the volunteers were working on that. Mrs. Oest stated that Mrs. Nelda Baker is the only trained volunteer and she has already turned in her keys because she has other interests. Mrs. Gotesky asked what happens to the librarian's salary? Mrs. Middleton stated that she believes that in the past the Village has brought in a temp. Ms. Dawson asked if the Village Attorney could look into it? Attorney Kathy Stout stated that she could. Mrs. Annie Danielsen asked if the volunteers want to put together a schedule to have the library open, they can? Mayor Rumpf stated that they could but he did not know if they had any trained volunteers.

Ms. Dawson motioned to adjourn the meeting at 6:26 p.m., seconded by Mr. Brown. The motion carried unanimously.

Respectfully Submitted,

**Carleen Gomez, CMC
Deputy Clerk**

**Richard Rumpf
Mayor**

Carleen Gomez

From: Michael Bisbee <michael_bisbee@yahoo.com>
Sent: Wednesday, May 8, 2019 4:07 PM
To: Carleen Gomez
Subject: VILLAGE of MAGDALENA FIRE / EMS REPORT April 2019

VILLAGE of MAGDALENA FIRE / EMS REPORT April 2019

EMS

EMS had 5 calls in April 2019

FIRE

4/19/2019 - Extinguished small SUV on fire at rest stop near Tres Montosas

4/22/2019 - Responded to brush pile burn near Forest Road 505 not called in to Socorro County - advised owner to notify Socorro County fire in advance of intent to burn.

Best Regards, Michael Bisbee; Chief Fire / EMS

Magdalena Marshal's Office

Monthly Report	<u>Month: April</u>	<u>Year: 2019</u>
Marshal Zamora	ID#:Mag-1	
Total Miles Driven:		
<u>GENERAL CALLS:</u>	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	23	992
TRAFFIC CITATIONS: State Statutes		
CRIMINAL CITATIONS		
ANIMAL CONTROL CITATIONS		
TRAFFIC ACCIDENTS		
D.W.I. ARRESTS		
FELONY ARRESTS		
MISDEMEANOR ARRESTS		
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	4	
JUVENILE CASES	2	
DOMESTIC CASES	0	
CRIMINAL DAMAGE / PROPERTY	0	
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE	2	
PUBLIC SERVICE	14	
NM STATE POLICE	1	
SHERIFF'S OFFICE	1	
NM FISH & GAME		
US BORDER PATROL		
US FOREST SERVICE		
<u>OTHER:</u>		
ALARM CALLS	5	
FINGERPRINTING	1	
Driving Tests	0	
Misc. Cases	10	
TOTALS:	63	992

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
 For the month of : **April** Year: **2019**

License Number: **_ G93062**
 Make and Model: **_ FORD EXPID.2015**

Report due in NO LATER THAN THE 10th OF THE MONTH

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1								01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5								05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9	51822	51977	155	21.2	58.45			10 Tire Repair
10								11 Wash and Wax
11								(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$
13								10
14								Invoice No.: _____ Amt.\$
15								Date
16								Invoice No.: _____ Amt.\$
17								Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$
19								Code: _____ Date: _____
20								Invoice No.: _____ Amt.\$
21								Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$
23	51977	52186	209	24.1	69.85			Code: _____ Date: _____
24								Invoice No.: _____ Amt.\$
25								Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$
27								Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$
29								Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$
31								
Totals			364	45.3	128.3			

I certify that the above is correct to the best of my knowledge.

Signature: _____ **Title:** MARSHAL

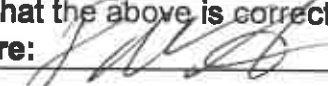
Magdalena Marshal's Office

Monthly Report	<u>APRIL</u>	<u>Year: 2019</u>
Dylan Coslin		
Total Miles Driven:		
GENERAL CALLS:	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	47	3137
TRAFFIC CITATIONS: State Statutes	1	5
CRIMINAL CITATIONS	2	
ANIMAL CONTROL CITATIONS	1	
TRAFFIC ACCIDENTS	2	
D.W.I. ARRESTS		
FELONY ARRESTS		
MISDEMEANOR ARRESTS	3	
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	2	
JUVENILE CASES		
DOMESTIC CASES		
CRIMINAL DAMAGE / PROPERTY	1	
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE	3	
PUBLIC SERVICE		
NM STATE POLICE		
SHERIFF'S OFFICE	1	
NM FISH & GAME		
US BORDER PATROL		
US FOREST SERVICE		
<u>OTHER:</u>		
ALARM CALLS	6	
FINGERPRINTING		
Driving Tests	1	
Misc. Cases		
<u>TOTALS:</u>	68	3034

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
 For the month of : **APRIL** year: **2019**

License Number: G97489
 Make and Model: Chevy Silverado

Report due in NO LATER THAN THE 10th OF THE MONTH								
Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1								01 Chassis Maintenance
2	55179	55290	111	22.5	52.61			02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5	55290	55425	135	19.5	53.79			05 Interior Maintenance
6								06 Lubrication
7	55425	55647	222	16.8	46.24			07 Miscellaneous
8								09 Tire Purchase
9								10 Tire Repair
10	55647	55794	147	20.9	59.61			11 Wash and Wax
11								(Attach Copy of Invoices)
12	55794	55901	107	18.4	52.55			Invoice No.: _____ Amt.\$ _____
13								Date: _____
14								Invoice No.: _____ Amt.\$ _____
15								Date _____
16	55901	56020	119	11.9	33.98			Invoice No.: _____ Amt.\$ _____
17	56020	56192	172	20	57.11			Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19	56192	56348	156	19.7	57.11			Code: _____ Date: _____
20								Invoice No.: _____ Amt.\$ _____
21	56348	56585	237	19.4	56.28			Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23								Code: _____ Date: _____
24								Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26	56585	56801	216	21.7	63.85			Invoice No.: _____ Amt.\$ _____
27	56801	56962	161	17.8	52.33			Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29	56962	57089	127	15.8	46.36			Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals			1910	224.4	631.82		0	

I certify that the above is correct to the best of my knowledge.
 Signature:  Title: Deputy Dylan Coslin

Carleen Gomez

From: Yvonne Magener <ymagener@gmail.com>
Sent: Wednesday, May 8, 2019 11:26 AM
To: annmike@gilnet.com; weaveinbeauty@gmail.com; Janice Oest; lady_adela@yahoo.com; staci.oldham@pmsnm.org; bcgbmv@gmail.com; Bruce Holsapple; greenfingersherbal@gmail.com; Stephen Bodio; Carleen Gomez
Subject: PLS DISREGARD LAST REPORT - Forgot Pre-K's visit!

Librarian's Report

Report for APRIL 2019

Days open 22 (20) Hours open: 128 (117) In parenthesis last years' #'s
Days closed besides Sundays, and Mondays. 0 (1 unpaid)

EVENTS: 5 (4): 25 ppl. (88) CC: 34 ? ppl Mtgs: 16 ppl - Total 89 ppl. (88)
4-2-2019. Pre K Visit to Print Shop 14
4-4-2019 FOL. 5
4-6-2019 Code Club 6?
4-6-2019 History Society: 6
4-11-2019. Library Board: 5
4-12-2019. Code Club: 16
4-20-2019 Egg decorating: 13
4-22-2019 Earth Day- Cricket Courtney: 12
4-26-2019 Code Club: 12

Library Usage:

Number of people visiting Library: Total **668 (792)** (including museum visit, events and code club.) Museum visits: **31**

TOTAL CIRCULATION: Library and Digital: **607 (478)**

Number of books/DVD's/ checked out: **513:** 195 Books (A 215, J 21, Y 5 & YA 3), 305 DVD's, Audio 19 (Total: 478 / 186 Books, 188 DVD's, 14 audio)

Number of eBooks and audio books checked out: Total **94 (104):** (15/35 place in consortium) eBooks 75 (??) (), Audio 19 (??)

Inter Library Loan requests processed: **5 (6)**

New membership cards issued: **9 (0)**

Volunteers: 8 volunteers helped in the Library, shelving, and moving books. total of +-25 hours.

Number of computer hours used: **125+ (117)** (incl. chrome books & new HP's). **149** (incl. coders) (108) people signed in to use the computers. Various people using Wifi. especially tourists... Wifi very unreliable at first 4-12-2019 code club. Have been keeping log and calling Dustin every time it doesn't work.

Maintenance:

Respectfully submitted,
Yvonne Magener, Library Director

Librarian's Report

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Maintenance:

Respectfully submitted,

Yvonne Magener, Library Director

**VILLAGE OF MAGDALENA
POSITION DESCRIPTION**

TITLE: Library/Museum Director

EMPLOYMENT TERM: 12 months part-time
29 hours per week

DEPARTMENT: Library

EXEMPT/NON-EXEMPT: Exempt

FUNDING SOURCE: State and General Funds

QUALIFICATIONS:

1. High school diploma or GED.
2. Working knowledge of work processing, spreadsheets, the internet and social media is essential.
3. Must be willing to complete training and obtain a Professional Librarian's Certificate within one year after hire.
4. Must be able to communicate in an acceptable manner with the staff and the public.

ADDITIONAL PREFERENCES:

- Experience with Dewey decimal system, databases and eReaders.
- Possession of a Grade I, II or Permanent Professional Certification from NM State Library Department at time of application.
- Previous work experience in a library or educational program.
- Post-secondary course work with additional preference for an AA or BA/BS degree and additional preference for course work in library science.

SUPERVISED BY: Village Clerk for day-to-day operations
General supervision and performance evaluation by Mayor or his/her designee

SUPERVISES: Trains and supervises volunteers.

PAY RANGE: Grade C, Grade I library certification – 2 additional steps, Grade II library certification – 4 additional steps, Permanent Professional Certification – Grade D contingent upon appropriations by the Board.

WORKING HOURS: 29 hours per week with a posted regular schedule for library hours as approved by the Mayor.

LUNCH HOUR: Flexible in accordance with library's open hours.

POSITION GOAL: To provide the overall operation of the Magdalena Public Library and Boxcar Museum including the planning, organizing, coordinating and maintenance of the Library and Museum for the Village of Magdalena.

DUTIES & RESPONSIBILITIES:

1. Plans, organizes, and administers policies and procedures governing library and museum services.
2. Prepares, administers, and monitors the annual operating budget as approved by the Village of Magdalena.
3. Selects, trains and manages volunteers to provide library and museum services for patrons.
4. Maintains a well-organized, clean and user-friendly environment.
5. Works with the library staff/volunteers to formulate internal operating policies and communicates city, library and other policies to staff and public.
6. Assesses and develops library programs to meet the needs of the community.
7. Arranges and implements programs and activities for children and adults.
8. Selects and purchases books and other materials to address community needs.
9. Provides patron assistance with locating library reference material, computer use, and museum inquiries.
10. Prepares annual report for the State Library
11. Prepares and presents monthly reports for the Village government and the Library Advisory Board.
12. Collaborates with other public, local and educational agencies on common library issues and community activities.
13. Displays and distributes various government and community service materials.
14. Serves as staff liaison for the advisory Library Advisory Board to the Village Board members.
15. Serves as staff liaison with the Friends of the Library.
16. Seeks and applies for grant funds with the authorization of the Village Board.
17. Provides tourists and new-comers with historical and community resource information.

**VILLAGE OF MAGDALENA
POSITION DESCRIPTION**

18. Attends safety training and professional development as required.

EVALUATION: Will be evaluated in accordance with the Village of Magdalena policies and procedures.

BOARD APPROVED: December 14, 2015

CERTIFICATION

"I have carefully reviewed the above description of the qualifications, duties and responsibilities of this position and certify acceptance of this description as complete and accurate.

Employee



AGREEMENT BETWEEN THE VILLAGE OF MAGDALENA AND SOCORRO COUNTY FOR CHIP SEALING SERVICES

THIS AGREEMENT ("Agreement") is made and entered into by and between the Village of Magdalena, hereinafter referred to as the "Village" and Socorro County, hereinafter referred to as the "County", pursuant to NMSA 1978, Section 13-1-98(A) and is effective as of the date set forth below upon which the last signature is dated.

IT IS AGREED BETWEEN THE PARTIES:

1. Scope of Work.

The County shall provide chip sealing of Main (double-pin - 7,392 sq. yds), Main Street (single pin - 8,213 sq. yds), Chestnut (double pin - 4928 sq. yds.), Chestnut (single pin - 5,632 sq. yds). The Village will be supplying chips and oil and the County Road Department will coordinate with the Village before the work is done. The County Road Department will layout base course and chip seal with double and single pins.

2. Compensation.

Compensation will be provided pursuant to the Estimated Summary of Costs and Quantities dated April 2019. It is expected that the project will cost \$19,690.60 which will be paid in whole or in parts within thirty (30) days of receipt of invoice for satisfactory work performed. It is understood that the cost is an estimate and that reasonable increases due to unforeseen circumstances may be incurred, although the County will consult with the Village should cost increases be expected.

3. Term.

The expected completion date is December 30, 2019, however the term of this Agreement shall be for one (1) year from the date of approval unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations).

4. Termination.

A. Termination. This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended

date of termination. Except as otherwise allowed or provided under this Agreement, the Village's sole liability upon such termination shall be to pay for acceptable work performed prior to the County's receipt of the notice of termination, if the Village is the terminating party, or the County's sending of the notice of termination, if the County is the terminating party; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The County shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the County if the County becomes unable to perform the services contracted for, as determined by the Village.

B Termination Management. Immediately upon receipt by either the Village or the County of notice of termination of this Agreement, the County shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the Village; 2) comply with all directives issued by the Village in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Village shall direct for the protection, preservation, retention or transfer of all property titled to the Village and records generated under this Agreement.

5. **Appropriations.**

The terms of this Agreement and any Purchase Orders are contingent upon sufficient appropriations and authorization being made by the governing body of the Village for performance pursuant to this Agreement. Notwithstanding any language to the contrary in this Agreement or in any Purchase Order or other document, the Village may terminate its obligation under a Purchase Order if sufficient appropriations and authorization are not made by the governing body of the Village to pay amounts due. The Village's decision as to whether sufficient appropriations are available shall be accepted by the County and shall be final and binding. However, the Village agrees not to use insufficient appropriations as a means of terminating a Purchase Order in order to acquire functionally equivalent products or services from a third party.

6. **Status of County Employees.**

The County and its agents and employees are independent contractors performing services for the Village and are not employees of the Village. The County and its agents and employees shall not accrue leave, retirement, insurance, bonding, or any other benefits afforded to employees of the Village as a result of this Agreement.

7. **Amendment.**

This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

8. **Merger.**

This Agreement 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 this written Agreement. No prior Agreement

or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

9. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement and shall be enforceable in the Seventh Judicial District, Socorro County. Neither party waives any immunities it has under the Tort Claims Act and there are no third-party beneficiaries to this agreement.

10. Records and Financial Audit.

The County shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Village, the Department of Finance and Administration and the State Auditor.

11. Notices.

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the Village: Carleen Gomez, Deputy Clerk/Treasurer/PO Box 145/Magdalena, NM

87825 To the County: Delilah Walsh/County Manager/PO Box 1/Socorro, NM 87801

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of signature of all parties.

PASSED, APPROVED and ADOPTED by the Village of Magdalena Board of Trustees on May 13, 2019.

Approved:

Richard Rumpf, Mayor

Attested:

Carleen Gomez/Deputy Clerk/Treasurer

