



**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, OCTOBER 23, 2017**  
**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 – OCTOBER 10, 2017
  - b. CDBG PUBLIC HEARING – OCTOBER 17, 2017
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. JUDYTH SHAMOSH – DISCUSSION REGARDING POCKET PARK PROPOSAL
11. DISCUSSION REGARDING NM DEPARTMENT OF FINANCE & ADMINISTRATION'S CHANGE TO THE FY 18 BUDGET
12. DISCUSSION & POSSIBLE DECISION REGARDING INPUT FROM THE CDBG PUBLIC HEARING HELD TUESDAY, OCTOBER 17, 2017
13. DISCUSSION & POSSIBLE DECISION REGARDING APPOINTMENT OF CEMETERY BOARD
14. DISCUSSION & POSSIBLE DECISION REGARDING CLEANING UP THE CEMETERY
15. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF CUSTODIAN PERSONNEL DESCRIPTION AND POSTING OF SAID POSITION
16. FINAL CONSIDERATION – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2017-05, REGISTRATION OF BUSINESS ACTIVITIES
17. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2017-24, DISPOSITION OF FINANCIAL RECORDS FISCAL YEARS 2005-2007 AND CERTAIN NON-RECORDS
18. FIRST CONSIDERATION – DISCUSSION & POSSIBLE DECISION REGARDING PUBLISHING ORDINANCE NO. 2017-07, IMPOSING CIVIL PENALTIES FOR FALSE FIRE ALARMS
19. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT
20. EXECUTIVE SESSION
  - a. 10-15-1(H)(7), POTENTIAL LITIGATION

**I. SETTLEMENT CONCERNING CLAIMED DEBT TO FIRST DATA GLOBAL LEASING**

**21. DISCUSSION & POSSIBLE DECISION REGARDING ACCEPTANCE OF FIRST DATA GLOBAL LEASING SETTLEMENT**

**22. 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 Tuesday, October 10, 2017 at 6:00 p.m.**

**DRAFT**

Mayor Pro-Tem Lynda Middleton called the meeting to order at 6:00 p.m.

**Present:** Mayor Pro-Tem Lynda Middleton, James Nelson, Donna Dawson, Stephanie Finch - Clerk/Treasurer, Attorney Kathy Riley

**Absent:** Mayor Richard Rumpf, Jose "Artie" Castanon

**Guests:** Dolly Dawson, John Larson, Abiel Carrillo, Clayton Scales, Antonio R. Martinez, Kayla Scartaccini, Sarita Johnson, Mike Danielsen, Carleen Gomez - Deputy Clerk

Mayor Pro-Tem Lynda Middleton requested that Ms. Donna Dawson 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:** Mr. Nelson motioned to approve the minutes of the Regular Meeting of the September 25, 2017, as presented, seconded by Ms. Dawson. 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:** Mr. Nelson motioned to approve the bills, as presented, seconded by Ms. Dawson. The motion carried unanimously.

|                            |         |                      |          |
|----------------------------|---------|----------------------|----------|
| Baker Utility Supply       | \$99.60 | Bugs Or Us Pest      | \$170.00 |
| Consultant Pharmacist      | 428.00  | DMCO                 | 257.24   |
| Dona Ana Community College | 150.00  | Eagle Wholesale      | 124.13   |
| El Defensor Chieftain      | 36.38   | EMS Billing Services | 140.81   |
| Gall's                     | 286.51  | IIMC                 | 125.00   |
| Med-Tech Resources         | 495.13  | Michael Bisbee       | 149.80   |
| Nance, Pato & Stout LLC    | 636.00  | Napa Auto Parts      | 16.04    |
| NM Municipal League        | 560.00  | NM Rural Water       | 1,500.00 |
| NM Self Insurers Fund      | 71.49   | NTS Communications   | 47.35    |

|                          |          |                       |         |
|--------------------------|----------|-----------------------|---------|
| O'Reilly Auto Parts      | \$26.99  | Pitney Bowes          | \$64.80 |
| Quill                    | 211.23   | Rak's                 | 241.92  |
| Route 60 Trading Post    | 100.00   | Richard Rumpf         | 32.00   |
| Socorro County Manager's | 180.00   | Socorro Electric Coop | 98.12   |
| Tyler Technologies       | 3,973.67 | Verizon Wireless      | 739.41  |
| Wex Bank                 | 2,136.71 | Winston's Auto        | 261.08  |
| WNM Communications       | 798.94   |                       |         |

### **Mayor's Report**

Mayor Pro-Tem Lynda Middleton stated that Mayor Rumpf would be on vacation for the next two weeks. Mrs. Middleton stated that she and Mayor Rumpf met with the County Manager regarding cardboard pick-up for businesses in town. Mrs. Middleton stated that they spoke about other options for the cardboard issue but it will be discussed further on in the meeting.

### **Clerk's Report**

Clerk Finch had nothing to report.

### **Department Reports**

#### **EMS**

Mayor Pro-Tem Middleton stated that there were three incidents in the month of September 2017.

#### **FIRE**

Mrs. Middleton reported that there were three fire calls in the month of September.

#### **MARSHAL**

A report was submitted by Marshal Larry Cearley and reviewed by the Board.

#### **JUDGE**

A report was submitted and reviewed by Municipal Judge Kayla Scartaccini and the Board. Judge Scartaccini reported that there were five cases heard in the month of September. She stated that there was a total of \$787.00 charged in fines and fees.

#### **PUBLIC WORKS**

A report was submitted by Utilities Director Jake Finch and reviewed by the Board. Mrs. Middleton stated that the water department had been working on the Benjamin Wellhouse. She stated that they were insulating and painting and should have completed the project.

## **LIBRARY**

A report was submitted by Librarian Yvonne Magener and reviewed by the Board.

A report was also submitted by the Museum Curator Ms. Judyth Shamosh and reviewed by the Board. Ms. Dawson asked if the electrical and moving of the second boxcar can be placed on the next agenda. Mrs. Middleton stated that Mayor Rumpf is looking into the legalities of having a gift shop. Ms. Dawson stated that she would just like to know the status of things if nothing else.

## **Final Consideration - Discussion & Possible Decision Regarding Approval Of Ordinance No. 2017-04, An Ordinance Adopting The New Mexico Uniform Traffic Ordinance By Reference**

Clerk Finch stated that the Ordinance had already been published. Mrs. Middleton stated that it would now be time to approve the Ordinance.

Ms. Dawson motioned to approve Ordinance #2017-04, seconded by Mr. Nelson.

Clerk Finch requested a roll call vote:

Mrs. Middleton     AYE

Mr. Nelson         AYE

Ms. Dawson         AYE

The motion carried unanimously.

## **Discussion & Possible Decision Regarding Card Board**

Mrs. Middleton stated that she and Mayor Rumpf had recently met with Socorro County Manager Delilah Walsh to lay out the procedures for how the Village handled cardboard. She stated that they came up with three options for dealing with cardboard. The first option being, to continue picking up cardboard and have a Village employee help to compact it at the transfer station on Fridays, which would be very time consuming. The second option discussed was to use the old Village trash truck to pick it up and take it to the City of Socorro recycling once a month free of charge. Mrs. Middleton stated that would be the most cost effective. She stated that the last option would be to no longer pick up cardboard at all. Mrs. Middleton added that the Village wants to encourage businesses to thrive and would like to continue to offer the service to them. Ms. Dawson asked Attorney Kathy Riley if the Village would need to have this service in an ordinance. Attorney Kathy Riley stated that it could be added to the Joint Utility Ordinance if the Board would like to do that.

Mr. Nelson motioned to approve the second option discussed and have the Village pick-up cardboard once a month and take it to the City of Socorro recycling center free of charge, seconded by Ms. Dawson. The motion carried unanimously.

Mr. Nelson added that he would also like to see more options being explored concerning items that were allowed at the transfer station such as ashes, tires and used motor oil. Mrs. Middleton stated that she would like to put out a newsletter to educate the community on these issues.

#### **Discussion & Possible Decision Regarding Approval To Pay Out Vacation Time For Employee**

Mrs. Middleton stated that an employee has recently encountered a hardship and is requesting that some of their vacation time be paid out to them. Mr. Nelson asked Attorney Kathy Riley if this could be done. Attorney Kathy Riley stated that it could be done although it is not in the personnel policy. Mr. Nelson stated that he is concerned about the precedence it sets.

Ms. Dawson motioned to approve the request due to the hardship, seconded by Mrs. Middleton. The motion carried unanimously.

#### **Public Input - 1 Topic Per Person - 3 Minute Limit**

County Commissioner Ray Martinez, thanked the Mayor and Board for working with the County on the cardboard issues. Mr. Martinez stated that the County will be accepting oil and ashes but it is a work in progress at this time. He also stated that they will be getting a landline phone for the Transfer Station Attendant soon. He stated that the County will be having a meeting at the Magdalena Senior Center to discuss all the different issues that have come up including the punch card. Mr. Nelson stated that the Socorro landfill will soon be accepting paper but not plastic.

Ms. Sarita Johnson asked if there is anything that is going to be done about the loose dog issues? Mrs. Middleton stated that she will see if Mayor Rumpf has received more information from the Animal Shelter.

Mr. Abiel Carrillo with KSA Engineering thanked the Board for allowing he and his colleague sit in on the meeting.

Ms. Dawson motioned to adjourn the meeting at 6:30 p.m., seconded by Mr. Nelson. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, CPO  
Clerk/Treasurer

Richard Rumpf  
Mayor

Minutes Taken By:

Carleen Gomez, CMC  
Deputy Clerk

**Minutes of the CDBG Public Hearing in the Village of Magdalena  
Held Tuesday, October 17, 2017 at 6:00 p.m.**

**DRAFT**

Mrs. Lisa Baca with the South-Central Council of Governments welcomed those present and called the meeting to order at 6:02 p.m.

**Guests:** Holly Hagy, Jeanette Stolle, Fancher Gotesky, Dan Klinglesmith, John Larson, Sharon Harris, Leslie Clark, Abiel Carrillo, Sarita Johnson, John W. Briggs, Linda Montoya, Catherine DeMaria, Mike Danielsen, Annie Danielsen, Carleen Gomez - Deputy Clerk

**Purpose & History Of Community Development Block Grant**

• **Program Objectives**

Mrs. Baca explained that this program would benefit low and moderate-income families and aid in the prevention of slum and blight. She stated that the program is designed to meet urgent community development needs where an existing condition poses a threat to the health and welfare of the community and other financial resources are not available. She reported that that \$8.5 million was available in the last fiscal year.

• **Eligible Applicants**

Mrs. Baca stated that the eligible applicants would be all counties and incorporated municipalities in the State that do not already directly received HUD funding. Mrs. Baca stated that Indian Pueblos and tribes would also not be eligible to apply because they receive funding directly from HUD. She explained that water and mutual domestic associations can apply for a planning grant through an eligible county or municipality.

• **Eligible and Ineligible Activities**

Mrs. Baca listed the categories and activities that are eligible including community infrastructure, housing, public service capital outlay, economic development, emergency, planning and colonias. She stated that ineligible activities are city halls and county courthouses including general operations and maintenance expenses for public facilities.

• **Program Requirements**

Mrs. Baca stated that in order to apply at least one public hearing should be held before the selection of a project. She stated that a minimum of three hearings is recommended. She



added that in the public hearings citizen participation is encouraged and all efforts are made to make sure the public has been advised of the hearing. She stated that in the public hearing recommendations are taken from the public and given to the governing body at an official regularly scheduled council meeting.

- **Application Requirements**

Mrs. Baca went over all the requirements for the application process. She stated that application requests are limited to a maximum of \$750,000 which was increased from \$500,000 and planning grants up to \$50,000. She explained that planning grants for regionalization can be eligible for more. She stated that \$65,000 is the limit for engineering and if the cost is higher they will have to go out for Requests for Proposals. She stated that a phased project may also be applied for. Mrs. Baca explained that an application cannot be submitted if there is a current CDBG project going on that is not yet closed out. She stated that rural applications for a municipality that is applying must be a population of 3,000 or less and must have a minimum of a 5% cash match. She stated that an in-kind match may also be allowed. She stated that applicants may request a waiver of the matching requirements if there are no local resources or apply for a loan at an appropriate interest rate. She stated that applications are scored based on need, income, citizen participation, planning, feasibility and readiness. She added that they will take into consideration current economic situations and when the entity was last funded, along with the presentation of the application.

**Current & Past CDBG Projects**

Mrs. Baca stated that the Village's last funded CDBG project was the Pine Street Project. She stated that Socorro County currently has one project going which is the Veguita Health Care Center.

**Questions**

Mr. John Briggs asked who will submit the grant application on behalf of the Village. Mrs. Baca stated that Mayor and Board members will select a project to apply for and she and the office staff will work on the actual application and grant. Mr. Briggs also asked how often can an eligible entity apply. Mrs. Baca stated that they can apply annually if the previous grant is closed out and there are no on-going projects.

Ms. Catherine DeMaria asked if the Village's ICIP is the same as CDBG. Mrs. Baca stated that it is not the same but projects

from the ICIP may be eligible for the CDBG process. Mrs. Baca added that the upcoming deadline for applying would be in March 2018.

Mrs. Jeanette Stolle asked if the grant covers 100% of a project or just a portion of it. Mrs. Baca stated that the Village can submit a phased request and be required to pay a 5% match or an in-kind match may also be allowed.

Mrs. Annie Danielsen asked if the Village Board would have to select one of the ideas that the public has suggested or can they choose their own. Mrs. Baca stated that she would have to check on that.

#### **Citizen Input**

Mrs. Holly Hagy stated that she would like to see the old dormitories taken down and have a park created. Mr. John Larson agreed that was a good idea.

Mrs. Linda Montoya stated that she would like to back Mr. Ray Martinez's suggestion that was emailed to the Village. She stated the idea was to improve the Community Center by making it a larger facility and add bathrooms and a kitchen with heating and cooling. He suggested that a metal roof be placed over the current cement slab so that the area can be used for different events and gatherings. Mr. John Larson agreed with Mr. Martinez's suggestions and added that some zero-scaping should also be done on the property. Mrs. Jeanette Stolle suggested adding tables to have for different events.

Ms. Sarita Johnson suggested that something be done to help with the loose dog situation in the Village. Ms. Johnson voiced a suggestion that came from Mrs. Laurie Ware, she stated that she would like to also see the dormitories torn down and have a statue made by a native American family that lived there honoring those who lived there. She also wanted to see a park made on the property.

Mrs. Leslie Clark suggested a swimming pool and weight room or a wellness center. She stated that there would have to be an enclosed pool for year around access. She stated that it could be a facility maintained by the Village or perhaps the school.

Ms. Catherine DeMaria stated that all the ideas were great. She asked if law enforcement was eligible. Mrs. Baca stated that it was not. Ms. DeMaria suggested that renovations be made to the Public Library. Mrs. Baca stated that since the building is on

the historic registry there are other grants that would cover something of that sort.

Mrs. Sharon Harris suggested that idea of having a Community Kitchen like the one that is in the City of Socorro.

Mrs. Holly Hagy spoke about the idea that was submitted via email by Ms. Judyth Shamosh. Ms. Shamosh submitted ideas concerning having more places that people can do instead of just having people drive through the Village. She stated that it should be something that will generate revenue to support the community. She stressed the need for encouraging entrepreneurs to open small businesses that will provide jobs and revenue. She stated that she would like to see Main Street further developed including the blocks just north and south of Route 60. She would like to see sidewalks and benches along the sidewalks with the proper lighting to go with it all. She would like to see vacant lots along the highway purchased and made into flea market, farmer's market and vendor's market venues. She would also like to see a park just south of the Public Library. She suggested that the old west and historic architectural style of old and new structures be preserved.

Mr. Daniel Klinglesmith and Mr. John Briggs both agreed that being astronomers they would like to see the lighting fixtures in the Village be brought up to code. They stated that the lights should be shielded for their type of work.

Mrs. Linda Montoya stated that she would like to see Village roads fixed.

Mrs. Annie Danielsen stated that she would like to see old water and sewer lines fixed so that the roads can then be repaired. She also suggested that leak detection be done for the water system. Mrs. Danielsen suggested a Grocery Store. She stated that it may be part of the economic development along Highway 60.

Mrs. Lisa Baca adjourned the meeting at 6:53 p.m.

Respectfully Submitted,

Carleen Gomez, CMC  
Deputy Clerk

**Stephanie Finch**

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**From:** donotreply@godaddy.com  
**Sent:** Sunday, October 15, 2017 7:23 PM  
**To:** Stephanie Finch  
**Subject:** villageofmagdalena.com Request to be Placed on Agenda: Form Submission  
**Attachments:** Pocket Park Proposal.docx

**Date of Meeting Requested:**

10/23/2017

**Name:**

Judyth Shamosh

**Phone**

602-513-1528

**Email:**

greenfingersherbal@gmail.com

**Subject:**

Pocket Park Proposal

**Item request will be:**

Discussion/Action

**Brief description of topic to be discussed:**

Pocket Park at lot south of the Library

**Submitted File 1:**

<http://nebula.phx3.secureserver.net/70b34a180452edcfaadb4b5e804c576c?AccessKeyId=90FF3CF311466652CC3A>

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***This message was submitted from your website contact form:***

<https://www.villageofmagdalena.com/request-to-be-placed-on-agenda.html>

Use your free GoDaddy Email Marketing Starter account to follow up with contacts who agreed to receive email campaigns! Click [here](#) to get started.

*Approve for  
discussion on  
agenda.*

*Lynne Middleton  
10/16/17*

## **Village of Magdalena Pocket Park Proposal**

The “blighted” lot south of the Library

***Parks strengthen communities. They increase community cohesion by providing a place for people to get together.***

Peter Harnik, Director, Center for City Park Excellence, Trust for Public Land

Research has found that distressed neighborhoods where vacant lots have been converted into small parks (pocket parks) and community green spaces are associated with reduced crime when compared to neighborhoods without unimproved vacant lots.

Removing trash and debris, grading the land, planting grass and trees to create a park-like setting, installing low wooden post-and-rail fences around each lot to show that it is cared for, attracts people to the area and creates a place for the community.

### ***“Creative solutions prevent paralyzing problems.”***

- People need parks. Good parks provide a place for rest and relaxation but more importantly they are places for developing pride in the community.
- It can be difficult to build community pride, but it is easy to build the spaces where community pride can be created. Small “pocket parks” are one of the very best spaces to facilitate this.
- A pocket parks can serve as a marketing feature for local economic development efforts by providing a place where visitors can enjoy our Village.
- Design is what makes a great park the community and visitors will enjoy. A well-designed park attracts people and provides for interaction.

There are important physical characteristics that should be considered when planning and designing a “pocket park.”

#### **1. Places to sit.**

- Good seating is the most basic characteristic of a public park. Setting can be on grass-covered slopes, benches, chairs, walls, ledges, planters and steps.
- Seating should be physically and socially comfortable. People like to sit where they can see other people. Internet users and visitors would have a place to sit and meet others.

***The best way to handle the problem of undesirables is to make a place attractive to everyone else. Places designed for mistrust will get what they were looking for.***

William H. Whyte, *The Social Life of Small Urban Spaces*

**2. Safety Issues.**

- A park should have good visual access. People cut off from their surroundings may feel unsafe.

**3. Permaculture design**

- The park should utilize the concepts of permaculture to minimize the need for watering and maintenance.
- Create an educational opportunity for the community and visitors to see just how effectively permaculture works—a demonstration garden—a destination.
- Through the use of native, edible and water-wise plants, affordable rainwater harvesting techniques, and attractive pollinators, the permaculture demonstration garden will show off the beauty and possibilities of xeriscaped garden spaces.

**4. Sun and Wind**

- The park will be designed so that the effects of sun and wind are minimized.

**5. Trees**

- Native trees and other vegetation would be used because they usually require less maintenance and attract native wildlife.

**6. Special activities and features**

- Features to promote community, such as art and music.

**7. Maintenance**

- A properly designed permaculture pocket park requires minimal maintenance. Adequate mulching of planted areas and walkways will nearly eliminate the need for weeding. Involving school children (and parents) with skilled and enthusiastic leadership will educate them on the principles of permaculture and engage them in the community.

**8. Getting Started**

- The garden should be designed by those in the community who have expertise in permaculture and or xeriscape gardening. These people can be found by advertising on the Mag-Eboard and conversing with people in the community.
- Talks or classes can be presented on the concepts of permaculture and/or xeriscaping using the future pocket park as an example.
- The plants and materials should be donated by community individuals and/or businesses. Therefore, Village Involvement would be minimal.
- Arrange pot-luck parties to encourage attendance at planting and/or maintenance times. The food would be donated by those who are unable or unwilling do the required work but want to support the project.
- Hold a Village-wide contest to name the pocket park.

Submitted by

Judyth Shamosh

October 2017

**SUSANA MARTINEZ**  
GOVERNOR



**DUFFY RODRIGUEZ**  
CABINET SECRETARY

**RICK LOPEZ**  
DIRECTOR

**MICHAEL MARIANO**  
ACTING DEPUTY DIRECTOR

**STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
Bataan Memorial Building ♦ 407 Gallateo St. ♦ Suite 202 ♦ Santa Fe, NM 87501  
PHONE (505) 827-4950 ♦ FAX (505) 827-4948**

August 25, 2017

The Honorable Richard Rumpf  
Village of Magdalena  
PO Box 145  
Magdalena, NM 87825-0145

Dear Mayor Rumpf:

The final budget for your local government entity for Fiscal Year 2017-2018, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2016 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2017-2018 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget.

If you have questions regarding this matter, please call Paula Flores of my staff at 505-827-4202.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Lopez".

Rick Lopez, Director  
Local Government Division

xc: file



**MUNICIPALITY:**

Village of Magdalena

New Mexico Department of Finance and Administration  
Local Government Division  
Budget Request Recapitulation SECTION 6-2 NMSA 1978  
ROUNDED TO NEAREST DOLLAR GOVERNMENT DIVISION

Fiscal Year 2017-2018

| FUND TITLE                         | FUND NUMBER | UNAUDITED BEGINNING CASH BALANCE @ JULY 1 | INVESTMENTS | BUDGETED REVENUE | BUDGETED EXPENSES | BUDGETED FINANCIAL STATEMENTS | ESTIMATED BUDGETING CASH BALANCE | LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING | ADJUSTED ENDING CASH BALANCE |
|------------------------------------|-------------|---|-------------|------------------|-------------------|-------------------------------|----------------------------------|--|------------------------------|
| GENERAL FUND - Operating (GF)      | 101         | \$292,122                                 | \$0         | 399,721          | 22,798            | 372,822                       | \$341,819                        | 31,069   | \$310,750                    |
| CORRECTION                         | 201         | \$10,182                                  | \$0         | 6,500            | 0                 | 3,000                         | \$13,682                         |  | \$13,682                     |
| ENVIRONMENTAL GRT                  | 202         | \$4,830                                   | \$0         | 4,282            | 0                 | 6,500                         | \$2,612                          |  | \$2,612                      |
| EMS                                | 206         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| ENHANCED 911                       | 207         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| FIRE PROTECTION FUND               | 209         | \$147,432                                 | \$0         | 61,667           | (120,000)         | 62,984                        | \$26,135                         |  | \$26,135                     |
| LEPF                               | 211         | \$138                                     | \$0         | 21,200           | (13,100)          | 8,238                         | \$0                              |  | \$0                          |
| LODGERS' TAX                       | 214         | \$5,155                                   | \$0         | 4,000            | 0                 | 6,240                         | \$2,915                          |  | \$2,915                      |
| MUNICIPAL STREET                   | 216         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| RECREATION                         | 217         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| INTERGOVERNMENTAL GRANTS           | 218         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| SENIOR CITIZEN                     | 219         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| DWI PROGRAM                        | 223         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| OTHER                              | 299         | \$3,270                                   | \$0         | 11,443           | 21,000            | 31,808                        | \$3,905                          |  | \$3,905                      |
| CAPITAL PROJECT FUNDS              | 300         | \$0                                       | \$0         | 118,173          | (10,358)          | 107,815                       | \$0                              |  | \$0                          |
| G. O. BONDS                        | 401         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| REVENUE BONDS                      | 402         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| DEBT SERVICE OTHER                 | 403         | \$98                                      | \$0         | 0                | 133,481           | 133,481                       | \$0                              |  | \$0                          |
| ENTERPRISE FUNDS                   | 500         |   |             | 399,297          | (5,867)           | 384,691                       | \$8,827                          |  | \$8,827                      |
| Water Fund                         |             | \$36,175                                  | \$0         | 181,500          | (6,818)           | 161,104                       | \$49,753                         |  | \$49,753                     |
| Solid Waste                        |             | \$16,512                                  | \$0         | 125,000          | (6,818)           | 107,554                       | \$27,140                         |  | \$27,140                     |
| Waste Water                        |             | \$36,191                                  | \$0         | 70,600           | (14,318)          | 51,747                        | \$40,726                         |  | \$40,726                     |
| Airport                            |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Ambulance                          |             | \$28,209                                  | \$0         | 30,000           | 0                 | 32,931                        | \$25,278                         |  | \$25,278                     |
| Cemetery                           |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Housing                            |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Parking                            |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Other Enterprise (enter fund name) |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Other Enterprise (enter fund name) |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Other Enterprise (enter fund name) |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| Other Enterprise (enter fund name) |             | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| INTERNAL SERVICE FUNDS             | 600         | \$0                                       | \$0         | 0                | 0                 | 0                             | \$0                              |  | \$0                          |
| TRUST AND AGENCY FUNDS             | 700         | \$18,158                                  | \$0         | 6,075            | 0                 | 6,075                         | \$18,158                         |  | \$18,158                     |
| Grand Total                        |             | \$598,461                                 | \$0         | \$1,439,458      | (\$0)             | \$1,478,852                   | \$661,067                        | \$31,069   | \$530,910                    |

DATE: 8/2/18

Prepared by: [Signature]

Reviewed by: [Signature]

Approved by: [Signature]

1,478,852

5/21/18

5/21/18

5/21/18

5/21/18

5/21/18

5/21/18



**VILLAGE OF MAGDALENA  
POSITION DESCRIPTION**

**TITLE:** Custodian

**EMPLOYMENT TERM:** Part-time - 19 hours per week

**DEPARTMENT:** Joint Utilities Department

**EXEMPT/NON-EXEMPT:** Non-Exempt

**FUNDING SOURCE:** General Fund

**QUALIFICATIONS:**

1. High School diploma or GED.
2. Must be dependable
3. Must be in good physical condition and able to lift 30 lbs.
4. Knowledge of cleaning equipment, products, techniques and standards
5. Skill in using cleaning products and equipment
6. Skill in following verbal and written instructions

**ADDITIONAL PREFERENCES:**

Prior custodial experience

**SUPERVISED BY:** Joint Utilities Manager

**SUPERVISES:** None

**PAY RANGE:** Grade B contingent upon appropriations.

**WORKING HOURS:** Scheduled by Joint Utilities Manager

**LUNCH HOUR:** 12:00 to 1:00 p.m. on days worked.

**POSITION GOAL:** Cleans offices, restrooms, and multi-use areas of assigned Village buildings and facilities.

**DUTIES & RESPONSIBILITIES:**

- Sweeps, mops, polishes, and strips floors in rooms and halls.
- Dusts and/or polishes furniture, blinds, and equipment.  
Cleans restrooms and fills dispensers.  
Vacuums, spot cleans, and/or shampoos rugs, carpets, and furniture using commercial-type vacuum cleaners and shampooing equipment.  
Reports malfunction of bathroom fixtures, light fixtures, and/or damages to room and hall furnishings to supervisor.  
Stocks area with appropriate supplies.  
Locks and unlocks doors as directed.  
Initiates work orders for repair/maintenance.  
Moves furniture, equipment, or fixtures as required.  
Washes dishes or utensils as required.

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

**ADVANCEMENT OPPORTUNITY:** Promotion is dependent on experience, job training, availability, job performance, seniority and job opening.

**BOARD APPROVED:**

**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.

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Employee

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Date

**VILLAGE OF MAGDALENA  
ORDINANCE 2017-05**

**REGISTRATION OF BUSINESS ACTIVITIES**

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

**WHEREAS**, NMSA 1978, Section 3-38-3 provides that municipalities have the authority to charge a business registration fee on each place of business conducted within a municipality.

**NOW THEREFORE, BE IT ORDAINED** that the Board of Trustees of the Village of Magdalena adopts the following Ordinance establishing registration requirements for business conducted within the Village.

**Section 1.     APPLICABILITY and PRESUMPTIONS**

Each business within the Village, whether or not the same person, firm, corporation, or association conducts more than one business, must be registered with the Village unless otherwise exempted by state law. Specifically exempted are part-time artists whose income from sales of artwork in the prior taxable year did not exceed one thousand dollars (\$1,000) and registered athletic officials who officiate for any association or organization that regulates any public school activity and whose rules and regulations are approved by the state board of education. Otherwise, it is presumed that all businesses and occupations conducted in the Village are subject to the registration fee.

A “business” is a person or organization engaged in the sale or lease of goods or services, including those businesses that do not have a fixed and regular location.

**Section 2.   SCOPE**

No action taken under the provisions of this chapter shall be construed as authorizing either the conduct or continuance of any business in an unlawful manner or in an unlawful location.

**Section 3.     REPEALER**

Ordinance No. 2015-01 is repealed, and any other ordinance, resolution, or rule directly in conflict with this ordinance is hereby repealed to the extent of such conflict.

#### **Section 4. REGISTRATION OF BUSINESS ACTIVITY**

- A. Prior to engaging in any business, any person or entity proposing to engage in a business shall register its business on a form provided by the Village Clerk.
- B. Each calendar year, between January 1 and March 1, any business within the Village shall apply for the renewal of its business registration with the Village Clerk. Renewal fees paid after March 15 will be overdue.
  - i. Any person or entity engaged in, or proposed to be engaged in the provision of commercial lodging accommodations shall comply with the Lodgers Tax Ordinance, Licensing 6-1-5.
- C. Any application or renewal of a business registration shall include the current revenue division taxpayer identification number or evidence of application for a current revenue division taxpayer identification number. The Village shall not issue or renew business registration to a person or entity that has not furnished this information.
- D. Prior to the issuance or renewal of registration: the registration fee must be paid; and, information requested by the Clerk and the data required by Section 3(C) be provided.
- E. Upon completion of registration requirements, the Clerk shall issue or renew business registration in the form of a certificate within ten (10) working days.

#### **Section 5. FEES**

- A. The registration fee for both issued and renewed registrations shall be set at thirty-five dollars (\$35.00) per year.
- B. The fees shall not be prorated.
- C. Only those businesses exempted by State Law are exempt from the payment of fees.

#### **Section 6. ENFORCEMENT**

- A. Pursuant to NMSA 1978, Section 3-17-1(C)(1), a fine of up to five hundred dollars (\$500).

- B. In addition to penalties provided under Subsection A, the Village may institute, at any time up to four (4) years after the violation, any appropriate judicial action or proceeding to:
- i. prevent the conduct of the business;
  - ii. prevent the occupancy of the building, structure or land on which the business is located;
  - iii. collect fees by suit in court; or,
  - iv. charge a late fee of ten dollars (\$10.00) per year for registration renewal payments made after the due date of March 15.
- C. Unpaid fees constitute a lien in favor of the Village upon the personal property of the business. The lien may be enforced as provided in NMSA 1978, Sections 3-36-1 through 3-26-7.

## **Section 7. SEVERABILITY**

If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, word or phrase thereof be held unconstitutional or otherwise invalid.

**PASSED, APPROVED, and ADOPTED** this 23<sup>rd</sup> day of October, 2017.

Approved:

\_\_\_\_\_  
Richard Rumpf, Mayor

\_\_\_\_\_  
Katherine Riley, General Counsel as to  
legal sufficiency

Attested:

\_\_\_\_\_  
Stephanie Finch  
Village Clerk/Treasurer

**VILLAGE OF MAGDALENA  
BOARD OF VILLAGE TRUSTEES  
RESOLUTION № 2017-24**

**DISPOSITION OF FINANCIAL RECORDS, FISCAL YEARS 2005-2007 AND CERTAIN NON-RECORDS**

**WHEREAS**, the Village of Magdalena recognizes that it is important to organize, retain, refer to, and provide municipal records for public inspection;

**WHEREAS**, some records are so old that they are no longer useful or informative, and take up valuable storage space at Village Offices;

**WHEREAS**, the Village, pursuant to NMAC 1.21.3, desires to dispose of outdated financial records and certain non-records and hereby gives notice of its intent to do so should a record or records subject to disposal be needed for copying or inspection by the public prior to disposal.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees for the Village of Magdalena does hereby intend to dispose of financial records for the fiscal years of 2005-2007, pursuant to NMAC 1.21.2.301-1.21.2.331, all of which are subject to between three (3) and six (6) years minimum retention following the return of audit.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Board of Trustees for the Village of Magdalena does hereby intend to dispose of the following, defined by NMAC 1.13.30 as “non-records” in that they are blank and unused: 17 books of deposit slips for an Enterprise Account closed June, 2017; Enterprise Account checks #15771-16334 and #14610-15234; General Fund Account checks #29297 – 29650 as these checks cannot be used as they are incompatible with current software; and, General Fund paper receipts #15526-15750 that are no longer used.

**PASSED, APPROVED and ADOPTED** by the Village of Magdalena Board of Trustees on October 23, 2017.

Approved:

\_\_\_\_\_  
Richard Rumpf, Mayor

Attested:

\_\_\_\_\_  
Stephanie Finch, Clerk/Treasurer

**VILLAGE OF MAGDALENA  
ORDINANCE 2017-07**

**IMPOSING CIVIL PENALTIES FOR FALSE FIRE ALARMS**

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

**WHEREAS**, NMSA 1978, Section 3-18-17 provides that municipalities have the authority to define, abate, and impose penalties upon those who create or allow a nuisance to exist; and,

**WHEREAS**, the Village Fire Department spends excess time and resources that could otherwise be allocated to actual emergencies by responding to false fire alarms; and,

**WHEREAS**, while State law criminalizes the intentional activation of false alarms; negligent or careless activation is unaddressed, yet requires the unnecessary expending of valuable Village resources.

**NOW THEREFORE, BE IT ORDAINED** that the Board of Trustees of the Village of Magdalena adopts the following Ordinance establishing civil penalties upon users of fire alarms that produce excessive false alarms requiring emergency response.

**Section 1. USER RESPONSIBILITIES**

Each user of fire alarms within the Village has the responsibility to keep alarms in good working order and to coordinate with the alarm provider to ensure that the alarms are working properly.

- A. When testing an alarm, the user shall contact the Fire Department and inform them of the anticipated testing and to confirm that no response is required.
- B. When an alarm sounds due to a controlled burn, harmless smoke, or for no discernable reason, the user shall contact the Fire Department and inform them that no response is required.

**Section 2. SCHEDULE OF FEES TO BE IMPOSED**

- A. Upon a second false alarm that causes initiation of an emergency response during a twelve (12) month period, the user will be assessed a fifty dollar (\$50.00) fee by the Fire Chief, in writing.

- B. Upon a third false alarm that causes initiation of an emergency response during a twelve (12) month period, the user will be assessed a seventy-five dollar (\$75.00) fee by the Fire Chief, in writing.
- C. Upon a fourth and subsequent false alarm that causes initiation of an emergency response during a twelve (12) month period, the user will be assessed a one hundred twenty-five dollar (\$125.00) fee by the Fire Chief, in writing.

### **Section 3. PAYMENT and DISPOSITION OF ASSESSMENTS**

- A. Fees will be payable at Village Hall within thirty (30) days of assessment.
- B. Fees will be deposited into the Fire Fund account.

### **Section 4. APPEAL**

- A. An appeal of assessed fees must be filed in writing with the Village Clerk prior to the payment due date, or the assessment is considered final.
- B. The Mayor or his or her designee will review documentation and/or hear argument in an informal setting, and, if by a preponderance of the evidence finds that the alarm was not false, or determines that equity requires a different result, will dismiss the imposition of the fee.
- C. The Mayor will issue the decision to either uphold or dismiss the imposition of the fee, in writing, within thirty (30) days of hearing the appeal.

### **Section 5. SEVERABILITY**

If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, word or phrase thereof be held unconstitutional or otherwise invalid.

**PASSED, APPROVED, and ADOPTED** this       day of       , 2017.

Approved:

**Richard Rumpf, Mayor**

**Katherine Riley, General Counsel as to  
legal sufficiency**

**Attested:**

**Stephanie Finch  
Village Clerk/Treasurer**