



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, JANUARY 28, 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 – JANUARY 14, 2019
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR WEST CENTRAL CONSORTIUM, INCLUDING CONTINUED PARTICIPATION OF MAGDALENA PUBLIC LIBRARY IN THE WEST CENTRAL CONSORTIUM
11. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ONE-TIME COSTS FOR INTERNET UPGRADE AT MAGDALENA PUBLIC LIBRARY
12. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF VENDOR AND MONTHLY REOCCURRING COSTS FOR PROPOSED INTERNET SERVICE AT MAGDALENA PUBLIC LIBRARY
13. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL FOR CLERK-TREASURER TO PUBLISH A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR MAGDALENA MUNICIPAL AIRPORT
14. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2019-02, POLICY GOVERNING INCLUSION OF AGENDA ITEMS FOR CONSIDERATION & FOR PUBLIC PARTICIPATION AT OPEN MEETINGS
15. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2019-03, POLICY CONCERNING DISPOSITION OF PERSONAL PROPERTY
16. DISCUSSION & POSSIBLE DECISION REGARDING VALUE OF AND DIRECTION TO SELL USED MARSHAL DEPARTMENT FIREARMS
17. DISCUSSION & POSSIBLE DECISION REGARDING RESCHEDULING OF TRUSTEE WORKSHOP
18. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT
19. 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, January 14, 2019 at 6:00 p.m.**

DRAFT

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

Present: Mayor Richard Rumpf, James Nelson, Lynda Middleton, Donna Dawson, Clark Brown, Stephanie Finch - Clerk/Treasurer, Attorney Kathy Stout

Guests: Dolly Dawson, Athena Gassoumis, Jacob Finch, Bryan Romkey, Tim O'Neill, Cynthia Welton, John Larson, Ramona Marshall, Mike Danielson, Dylan Coslin, Kayla Scartaccini, Tyler Scartaccini, Frank Martinez, Michael Zamora, Sarita Johnson, Bowden Russell, Carleen Gomez - Deputy Clerk

Mayor Richard Rumpf requested that Mr. Bryan Romkey lead the gallery in reciting the Pledge of Allegiance.

Approval of Agenda: Mrs. Middleton motioned to approve the agenda as presented, seconded by Mr. Brown. The motion carried unanimously.

Approval of Minutes: Ms. Dawson motioned to approve the minutes of the Regular Meeting held on December 10, 2018, as amended, seconded by Mr. Brown. The motion carried unanimously.

Approval of Cash Balance Report: Mrs. Middleton motioned to approve the cash balance report, as presented, seconded by Ms. Dawson. The motion carried unanimously.

Approval of Bills: Ms. Dawson motioned to approve the bills, as presented, seconded by Mrs. Middleton. The motion carried unanimously.

Artesia Fire	\$1,927.50	Barco Products	\$544.76
Cody Henderson	25.00	Eagle Wholesale	29.83
El Air, LLC	189.50	El Defensor Chieftain	59.52
EMS Billing Services	268.35	EQC Technologies	353.47
GSD - State Printing	34.00	Konica Minolta	462.04
KSA Engineers	3,186.63	Magdalena Schools	406.97
Med-Tech Resources	104.75	Merchants Automotive	384.09
Nance, Pato & Stout	638.25	Napa Auto	328.71
NM Finance Authority	2.39	NM Municipal League	300.00
NM Self-Insurers Fund	2,653.00	NM811	185.43

NTS Communications	30.86	O'Reilly Auto Parts	83.90
Pitsco Education	400.10	Presbyterian Medical	233.50
Quill	693.71	Rice And Associates, CPA	2,100.00
Romero's Tires	48.33	Route 60 Trading Post	100.00
Sierra Propane	2,150.82	Socorro Electric	4,083.60
Tire Shop	15.00	Verizon Wireless	982.94
Waterway Of NM	1,559.58	Winston's Auto	84.70
WNM Comm.	1,091.21		

Mayor's Report

Mayor Rumpf reported that the Village crew had cut down trees around Village Hall. He stated that the Village had requested and received railroad ties from the VLA to do landscaping work around the office. He stated that the Village is cleaning their property to encourage residents to clean and to keep their right-of-way's clean and clear. He stated that hopefully in warmer weather they could start on the medians. Mayor Rumpf stated that there are classes coming up soon for horno building. He stated that they would also work on repainting the community center, the well houses and the airport building.

Clerk's Report

Clerk Finch reported that the Radio Read Project is coming along. She stated that File Construction submitted their documents and they are waiting on approval from the Environment Department.

a. Discussion & Possible Decision Regarding Approval Of Budget Adjustment Resolution No. 2019-04

Clerk Finch stated that she needed to increase the expenditures by \$20,000.00 for supplies and equipment for the ambulance so that the ending budget would be \$22,348.00. Clerk Finch stated that \$15,000.00 of that money was for the new ambulance stretcher and the rest for the remaining medical supplies and to keep the ambulance running.

Mrs. Middleton motioned to approve Resolution No. 2019-04, seconded by Mr. Nelson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Brown	AYE
Mrs. Middleton	AYE
Ms. Dawson	NAY
Mr. Nelson	AYE

The motion carried by majority.

Department Reports

EMS

A report was submitted by Fire Chief Michael Bisbee and reviewed by the Board. It was reported that there were six calls in December 2018 and there had been five calls in January 2019 so far.

FIRE

A report was submitted by Fire Chief Michael Bisbee and reviewed by the Board. It was reported that there were five calls for service in December 2018.

MARSHAL

A report was submitted by Marshal Zamora and reviewed by the Board. Marshal Zamora stated that he and his Deputy were busy with warrants and breathalyzer training.

JUDGE

A report was submitted and reviewed by Municipal Judge Kayla Scartaccini. Judge Scartaccini reported that there was one dog case, one case of no vehicle registration and one case of speeding with a total of \$59.00 being charged.

PUBLIC WORKS

Joint Utility Manager Jacob Finch submitted a report and reviewed it with the Board. Mr. Finch stated that the static levels at the wells were steadily declining and had been doing so for the past couple months. She stated that Mrs. Stacey Timmons with New Mexico Tech had given him the information. Mr. Finch also reported that the Village had been approved for the Grant for a new well. He stated that usage has been going up while the static level is going down. He stated that with the most current moisture maybe it will help to replace the loose. Mr. Finch stated that it is not a major concern.

LIBRARY

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

Mark Cortner - Discussion & Possible Decision Regarding Access On Village Property

Mr. Clark Brown stated that he would be speaking on behalf of Mr. Mark Cortner who is his brother-in-law. Mr. Brown stated that Mr. Cortner has seen kids building fires, shooting deer and having parties on the Village's old airport property. He stated that Mr. Cortner has property on North Pine Street and can see where this is happening. Mr. Brown suggested signage be placed

in the area so that people keep out of that property. He also suggested that no access be allowed to the property.

Discussion & Possible Decision Regarding Approval Of Walkability Study & Railroad Grant

Mayor Rumpf stated that there is money from the State Department of Health to fund walking paths. He stated that Mrs. Jackie Muncy is willing to write the one-page grant of which the deadline would be in the upcoming two weeks. He stated that most of these grants do not have a match. Mayor Rumpf stated that there are different areas being looked at for walking. He stated that there would be walking maps available if it all works out. There would be a study done for viability. He suggested that crusher fines be used for the walkways, if possible.

Mrs. Middleton motioned to explore the concept and apply for the grant, seconded by Mr. Nelson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Ms. Dawson NAY

Mr. Brown AYE

Mr. Nelson AYE

Mrs. Middleton AYE

The motion carried by majority.

Discussion & Possible Decision Regarding Approval Of Needle Exchange

Mayor Rumpf stated that the State Health Department is contracted with a company out of Las Cruces to pick up needles. He stated that they are currently coming to Socorro to do the needle exchange and to give information on help. He stated that on-site testing for HIV is also offered. He stated that Hepatitis is another issue and they will give out clean needles. Mayor Rumpf stated that the Health Department is requesting the use of the rodeo grounds so that this can be done in Magdalena. Mayor Rumpf stated that it would be a good program to help keep needles off the streets. He stated that it would be available on the second and forth Wednesday of the month and they would be there for two to two and a half hours. Mayor Rumpf stated that there is currently a needle drop at the Marshal's Office.

Mrs. Middleton motioned to allow the use of the rodeo grounds for the needle exchange, seconded by Ms. Dawson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mr. Brown AYE

Mrs. Middleton AYE

Ms. Dawson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Fire Chief Appointee

Mayor Rumpf explained that the members of the Fire Department elected Mr. Michael Bisbee to remain the Fire Chief and brought forth his name to the Board. Mayor Rumpf added that the other members were Mr. Jim Nelson - Assistant Fire Chief and Richard Rumpf - Captain.

Mrs. Middleton motioned to approve Mr. Michael Bisbee as Fire Chief of the Magdalena Volunteer Fire Department, seconded by Mr. Brown. The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Lodger's Tax Advisory Board Appointees

Mayor Rumpf submitted a letter requesting that the following individuals be approved to serve on the Lodger's Tax Advisory Board:

Mrs. Wanda Mansell - High Country Lodge

Mrs. Gail Armstrong - Magdalena Hall Hotel

Mr. Fritz Kapraun - La Posada Art Gallery

Mrs. Kayla Kersey - Steer Stop

And the member at large would remain to be determined because no one had come forth and expressed interest.

Mrs. Middleton motioned to approve the requested individual's, seconded by Ms. Dawson. The motion carried unanimously.

Discussion & Possible Decision Regarding Scheduling A Trustee Workshop

Mayor Rumpf stated that he would like to get everyone together to look at what they want to see accomplished this year. Mrs. Middleton stated that it would be a visionary of planning for the next few years.

The Board agreed that they could meet on Friday, February 8, 2019 at 8:30 a.m.

Discussion & Possible Decision Regarding Approval Of Resolution No. 2019-01, Setting Lease Rates For Use Of Airport Facilities
Clerk Finch stated that there are currently quite a few people wanting to rent airport hangars. She stated that other airports

that are the Village's size charge up to \$4,000.00 per year. She stated that there are grants to pay for the building of new hangars. Clerk Finch stated that the airport is currently bringing in \$800.00 per year. She stated that the insurance and electric bill costs more than what is brought in. Clerk Finch stated that the Joint Utility Worker's had done work out at the airport. She stated that there is one tie-down, but funding can be attained for that as well.

Mr. Tim O'Neill asked when the runway would be paved. Mayor Rumpf stated that the runway is packed and maintained. Joint Utility Manager Jacob Finch stated that he has been asking the County to grade the runway for the past four months.

Mr. Nelson motioned to approve Resolution No. 2019-01, seconded by Mrs. Middleton.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Ms. Dawson AYE

Mrs. Middleton AYE

Mr. Nelson AYE

Mr. Brown AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Aviation Grant Agreement

Clerk Finch stated that three quotes would be needed for Professional Engineering Services under \$60,000.00 and the State would give \$11,363.00 and the Village's match would be \$1,200.00. Mayor Rumpf explained that updating the Airport Action Plan would help to get more funding. Mrs. Middleton stated that it would also be a good way to see what improvements are needed at the Municipal Airport. Mrs. Middleton stated that the contract presented is standard.

Mrs. Middleton motioned to approve the Aviation Grant Agreement, seconded by Mr. Brown.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mrs. Middleton AYE

Mr. Nelson AYE

Ms. Dawson AYE

Mr. Brown AYE

The motion carried unanimously.

Final Consideration - Discussion & Possible Decision Regarding Approval Of Ordinance #2019-01, Opting Into The Statewide, Bi-Partisan, November Of Odd Years Municipal Elections

Mrs. Middleton motioned to adopt Ordinance #2019-01, seconded by Mr. Nelson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Brown AYE

Ms. Dawson AYE

Mr. Nelson AYE

Mrs. Middleton AYE

The motion carried unanimously.

First Consideration - Discussion & Possible Decision To Publish Ordinance #2019-02, An Ordinance Relating To The New Mexico Uniform Traffic Ordinance By The Village Of Magdalena; Establishing A Penalty Assessment Program; Defining Penalty Assessments; And Repealing All Ordinances Or Parts Of Ordinances In Conflict Thereof

Attorney Kathy Stout stated that AOC and JEC Fees would only be charged if a defendant appeared in court. She stated that the amount of that fee is \$29.00. It was noted that the \$29.00 needed to be added to the Ordinance. Court Clerk Carleen Gomez questioned if the \$10.00 fee mentioned in the Ordinance was the same the Corrections Fee that is being charged. Mrs. Stout clarified that it is the same and it is only added to those citations where the penalty assessment is agreed to be paid.

Ms. Dawson motioned to publish Ordinance #2019-02 with the \$29.00 addition, seconded by Mr. Nelson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Nelson AYE

Mr. Brown AYE

The motion carried unanimously.

First Consideration - Discussion & Possible Decision To Publish Ordinance #2019-03, An Ordinance Prohibiting Offenses Relating To Public Order And Safety And Establishing Penalties For Violation

Mr. Nelson gave some minor grammar changes. Attorney Stout stated that she would make those corrections. Marshal Zamora stated that these offenses could be prosecuted in Municipal Court and it would allow the Department to not have to travel to Magistrate Court using time and fuel to do so. Marshal Zamora

stated that revenue would also go to the Village instead. Municipal Judge Kayla Scartaccini stated that she was concerned about hearing stalking and harassment or battery and assault cases. She stated that she would recuse herself if she believed they were not in her jurisdiction and send them to Magistrate Court.

Mr. Nelson motioned to publish Ordinance #2019-03, seconded by Mrs. Middleton.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Ms. Dawson AYE

Mrs. Middleton AYE

Mr. Nelson AYE

Mr. Brown AYE

The motion carried unanimously.

First Consideration - Discussion & Possible Decision To Publish Ordinance #2019-04, Limited Open Burning Within The Incorporated Areas Of The Village Of Magdalena; Providing For Penalties

Mr. Nelson gave some minor grammar and spelling changes.

Attorney Stout stated that she would make those corrections.

Mr. Nelson motioned to publish Ordinance #2019-04, seconded by Mr. Brown.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Ms. Dawson NAY

Mr. Brown AYE

Mr. Nelson AYE

Mrs. Middleton AYE

The motion carried by majority.

First Consideration - Discussion & Possible Decision To Publish Ordinance #2019-05, An Ordinance Of The Governing Body Of The Village Of Magdalena Water Wells Located Within Three Hundred Feet (300') Of Municipal Distribution Lines

Clerk Finch explained that when Mr. Diego Montoya was the Mayor this Ordinance was adopted but he never signed it. Clerk Finch stated that Attorney Stout suggested that the Village pass it again.

Ms. Dawson motioned to publish Ordinance #2019-05, seconded by Mrs. Middleton.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Ms. Dawson AYE

Mr. Brown AYE

Mrs. Middleton AYE

The motion carried unanimously.

Public Input - 1 Topic Per Person - 3 Minute Limit

Mayor Rumpf announced that Mr. Jim Nelson was now the new representative for Socorro Electric Cooperative.

Ms. Dawson stated that Mr. Ambers Guin had moved and he is the Municipal Airport Manager. Mayor Rumpf stated that he was aware an has appointed Mr. Jacob Finch as Airport Manager.

Ms. Athena Gassoumis stated that she noticed that the trees around Village Hall had been cut down and stated that it looks nice.

Mr. Frank Martinez asked what the issue was with vehicles not being allowed to park on right of ways. Mayor Rumpf stated that it only concerns vehicles that are broken down and not usable. He stated that it also includes other non-usable items that are creating an eye sore. He added that the Village is trying to make the community a cleaner more presentable place to come to and live in.

Ms. Sarita Johnson stated that she believes the walkability project is a very good thing, but she is worried about loose dogs running around. Mayor Rumpf stated that the Socorro Shelter continues to have staffing issues, but the Marshal's Office has had to take animals down when needed. Clerk Finch stated that the Village had approved a Mutual Aid Agreement with the City of Socorro Animal Shelter, but the City never approved it.

Mrs. Dolly Dawson asked what the issue was with what she believes are black-out street lights. Clerk Finch stated that around six to eight months ago Socorro Electric did an audit on the street lights and some belonged to property owners that the Village was paying for so if the property owner did not want to pay for them, they were turned off. Mrs. Middleton suggested that the updated street light map be placed on the next agenda.

Ms. Dawson motioned to adjourn the meeting at 7:39 p.m., seconded by Mr. Brown. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, CMC, CPO
Clerk/Treasurer

Richard Rumpf
Mayor

Minutes Taken By:

Carleen Gomez, CMC
Deputy Clerk

MEMORANDUM OF UNDERSTANDING

West Central Consortium

PURPOSE

This Memorandum of Understanding (MOU) is entered into by and between the following entities: Magdalena Public Library and Central Region Educational Cooperative REC5.

These entities are applying to the Federal Communication Commission (FCC) Schools and Libraries Division E-Rate program as applicant members (herein also called members) of this consortium (Consortium) for funding year FY2019. The purpose of this MOU is to establish the framework through which, if the E-Rate program approves their application, the applicant group (Consortium) will collaborate, articulate and distribute the specific roles and responsibilities of each applicant member in implementing the services requested under E-Rate 470# 190000681.

RESPONSIBILITIES OF THE PARTIES

Parties understand that each should be able to fulfill its responsibilities under this MOU in accordance with the provisions of law and regulation that govern their individual activities. Nothing in this MOU is intended to negate or otherwise render ineffective any such provisions or operating procedures. If at any time any partner is unable to perform its functions under this MOU consistent with such partner's statutory and regulatory mandates, the affected partner shall immediately provide written notice to the others to establish a date for mutual resolution of the conflict.

Lead Applicant and Fiscal Manager will:

The Lead Applicant will assume administrative duties in order to comply with E-rate rules on behalf of the Consortium and will serve as the fiscal agent and procurement officer for the Consortium in the event a grant is awarded. As fiscal agent, Lead Applicant understands that it is responsible for but not limited to the following: procurement process, contract management, coordinating discounted and non-discounted payments, and being aware of and submitting E-Rate forms as required. The Lead Applicant will ensure that the project is carried out by the Consortium in accordance with E-Rate requirements. Lead Applicant and Fiscal Agent responsibilities-

- E-Rate filing for program participation and compliance
- E-Rate archiving of bid documents, invoices, correspondence, CIPA compliance
- Coordinate Consortium payments to vendors
- Management of Consortium Letters of Agency to maintain E-Rate eligibility

Lead Applicant and fiscal agent is Central Region Educational Cooperative — REC#5 for purposes of signing this MOU.

Participating Member Responsibilities will:

Each participating MEMBER agrees to—

- 1) Pay its portion of the discounted and non-discounted fees on time, including the incurred procurement application costs to the CREC. Their indirect rate charge would be at the

posted annual rate on the PED website, currently 8%. See Exhibit A for a breakdown by MEMBER.

- 2) Be aware of and submit any required documentation for E-Rate compliance.
- 3) Assure site access and other logistical coordination during the duration of the construction process.

JOINT RESPONSIBILITIES FOR COMMUNICATIONS AND DEVELOPMENT OF TIMELINES

Each member of the Consortium agrees to the following joint responsibilities--

- 1) Within 30 days of Funding Commitment Decision Letter (FCDL) members will convene
 - a. review network design to
 1. Finalize contract terms.
 11. Develop a timeline and assign areas of responsibility.
- 2) Within 30 days of FCDL all members must convene and adopt an agreement for the operation and long-term maintenance of the fiber optic network, including but not limited to the following elements:
Governance structure, identifying and articulating E-Rate administrative responsibilities, long-term management of the network, assurance of fiscal accountability, and providing for a network operations center (NOC) services.

ASSURANCES

Each member of the Consortium hereby assures and represents that it:

- 1) Agrees to be bound to every statement and assurance made by the Lead Applicant in the application;
- 2) Has all requisite power and authority to execute this MOU;
- 3) Is familiar with the consortium application and is committed to working collaboratively
 - a. to meet the responsibilities specified in this MOU
 - b. to ensure that the proper elements and commitments are in place to provide dependable telecommunications service, support, and delivery to the members of the West Central Consortium, and
 - c. to maintain the integrity of the network;

Will comply with all E-Rate rules and member responsibilities in the execution of services awarded for successful project completion

INDEMNIFICATION

Parties to this agreement indemnify, defend and save harmless the Parties, State or local governments, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged in the performance of this MOU.

TERMINATION PROVISIONS

Notification of termination shall be given to all Parties at least 30 days prior to the intended date of termination. Notification of termination shall not relieve the terminated partner of the obligation to complete duties imposed prior to the date of termination.

EXTENSION

Partner to this Memorandum may extend the agreement for a specified time. Any notification of extension must be by mutual agreement and must be in writing. Notification of intention to extend the agreement must be given at least 30 days prior to the expiration of the agreement. Any extension of or amendment to this Memorandum will be pursuant to the terms stated herein.

Parties agree to review this agreement at least annually and provide written suggestions as to recommended changes, clarifications, deletions or additions. An addendum signed by the authorized representatives of each partner shall be sufficient to modify the agreement.

AMENDMENT

This Memorandum shall not be altered, changed or amended except by instrument in writing executed by the Parties hereto.

NOTICE OF FAILURE TO PERFORM

If any partner to this agreement is dissatisfied with the performance of any of the obligations imposed on the other partner, under the terms of this Memorandum, the dissatisfied partner shall give written notice to the non-performing partner of the duties which the dissatisfied partner believes have not been performed. The non-performing partner shall have 10 days in which to correct any failure to perform the duties so specified or to communicate with the dissatisfied partner to resolve any disagreement between the Parties.

SCOPE OF AGREEMENT

This Memorandum 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 Memorandum. No prior agreement or understandings verbal or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Memorandum.

FUNDS ACCOUNTABILITY AND ACCOUNTING

The Parties hereto agree that each shall maintain appropriate records for strict accountability for all receipts and disbursements of funds transferred or expended pursuant to this Memorandum, pursuant to established federal and New Mexico cost accounting requirements.

LIABILITY

Parties shall each be responsible for their respective liability. No partner shall be responsible for the liability of the other partner as a result of acts or omissions in connection with the performance of this Memorandum.

SCOPE OF CONTRACT

This Memorandum incorporates all the contracts, covenants and understandings between the Parties hereto concerning the subject matter hereof, and all such covenants, contracts and understandings have been merged into this written Memorandum. No prior contract or understandings, verbal or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Memorandum.

SUBCONTRACTING

Parties may not subcontract any portion of this Memorandum without obtaining the prior written approval of the remaining Parties.

DURATION OF AGREEMENT

This Agreement shall be in force throughout the 2019-2020 fiscal year. This MOU shall be effective beginning with the date of the last signature hereon. If an FCDL is obtained, this MOU shall terminate upon completion of the project as defined by the E-Rate rules. In the event an FCDL is not obtained, this MOU shall terminate and be of no further force or effect.

SIGNATURES

In Witness Whereof, the Parties to this MOU execute this agreement.

Magdalena Public Library

Name

Title

Date

*Central Region Educational Cooperative
RECS*

Name

Title

Date

Maria Jaramillo

Executive Director

11/24/2019

West Central Consortium

Exhibit A - Breakdown by Member

MRC: IA Cost Breakout per Entity:	Bandwidth Appportioned	MB/GB	%	\$ IA	\$ WAN	\$ Total	E-rate %	Net After E-rate	8% Indirect to CREC (Monthly)
Magdalena Public Library	50	MB	0.05	\$ 196.94	\$ 1,069.09	\$ 1,266.03	90%	\$ 126.60	\$ 10.13

**State of New Mexico
Public School Facilities Authority**



Jonathan Chamblin, Director

Martica Casias, Deputy Director

**Jonathan Chamblin, Director
1312 Basehart Road, SE, Suite 200
Albuquerque, NM 87106
(505) 843-6272 (Phone); (505) 843-9681 (Fax)
Website: www.nmpsfa.org**

January 22, 2019

Created for: Magdalena Public Library

Subject: West Central Consortium Participation, Cost Proposal Explanation, and Communicating Need to Get Board Approval

Magdalena Public Library has been working with the Broadband program (BDCP) of PSFA, as one of 7 entities, pursuing a consortium RFP project for better internet service for the region. The project has progressed to the point of having a recommended proposal and needing to present the proposal to each board for approval, in order to move forward with the E-rate funding application.

Documents accompanying this memo include:

- 1) MOU between this entity and the Central Regional Education Cooperative (CREC), signature required. Please return ASAP to Ruth Bingham at PSFA, rbingham@nmpsfa.org
- 2) Reference sheet that provides procurement detail;
- 3) Letter from the State Library of New Mexico explaining additional funds that can possibly be used for the portions of the project that E-rate funds will not cover.

The rest of the scope of this memo is to provide a summary narrative outlining what is to be expected for this entity related to the overall cost, the net cost to the entity (after E-rate funds have been applied), what is being provided by being a part of the Consortium, and how that compares to current internet speeds and costs.

The goal in creating the West Central Consortium (WCC) and doing the E-rate project RFP was to lower costs, improve quality, and share resources, for all 7 entities. By doing a group purchase through CREC, it was believed that these results could be achieved. We are pleased to present the results of the proposal and request that you take this to your board for consideration and approval. The RFP's evaluation committee has proceeded through all the options provided in the proposals received and presented their recommended choice to the full WCC.

Please award the following applicable portion of the proposal for Magdalena Public Library.

Internet Bandwidth to be shared by all 7 entities: 1 Gbps

Apportioned Internet Bandwidth to be billed (Monthly, before E-rate funding is applied):	Amount due after E-rate funding is applied (Monthly):	Consortium Fee of 8% (Monthly):	One time costs: Special Construction - covered 100% by E-rate and the PSFA programs for Schools and GO Bonds for Libraries	One Time Non-recurring Cost:
\$ 1,266.03	\$ 126.60	\$ 10.13	\$ 14,894.00	\$964

Timeline: Many parts of the timeline are not able to be determined at this point, but it is anticipated that the new internet service will be turned on by July 1, 2020. The commitment being considered is for a 12-month term.

Dependencies: This project is dependent on E-rate funding approval.

Pricing – Minor Adjustments: The costs provided here are specific but are subject to minor adjustments, once the project is entered into the E-rate system and once the service is in place and billing starts.

For more details, please see attached Reference Sheet.

The West Central Consortium selection committee recommends:

“It is requested that the board make a motion to:

- 1) approve the continued participation in the West Central Consortium, and**
- 2) approve from vendor WNM (Western New Mexico Communications) a 12 month agreement, for the proposed internet service apportioned bandwidth monthly cost, after E-rate, of \$126.60 (not including fees and taxes), with a target start date of July 1, 2020, and**
- 3) approve one-time costs of \$14,894 and \$964, which will be covered 90% through E-rate and 10% through GO Bonds or other source of funding, including pending library legislation.**
- 4) approve the MOU, which includes a consortium fee of 8% of the amount listed above in item 2.”**

Thank you for your attention to these items. Once you have board approval, please provide documentation of the approval to Ruth Bingham at PSFA, rbingham@nmppsfa.org not later than one week after the board meeting.

Regards,

Jerry Smith
Project Manager for West Central Consortium

**State of New Mexico
Public School Facilities Authority**

Jonathan Chamblin, Director



Martica Casias, Deputy Director

Jonathan Chamblin, Director
1312 Basehart Road, SE, Suite 200
Albuquerque, NM 87106
(505) 843-6272 (Phone); (505) 843-9681 (Fax)
Website: www.nmpsfa.org

January 22, 2019

Reference Sheet for:
Magdalena Public Library

Proposed Cost Information (after applying E-rate & State Funds*):

Monthly Internet	Consortium Fee	Total Monthly
\$126.60	\$10.13	\$136.73

One-Time Costs:	Non-Recurring Cost	Special Construction
	\$96.40 *	\$1,489.40 *

How much bandwidth? What am I paying now? How does the new proposal compare?

Current bandwidth	25 MB
New bandwidth	50 MB (up to 200 MB useable from shared 1 GB)
Current cost	\$289
Current cost per megabit	\$11.56 / MB
New cost	\$1,266.03
New cost per megabit	\$25.32 / MB

*Library responsible for securing state funds, to make these costs go to zero local/out-of-pocket cost.

NEW MEXICO



STATE LIBRARY

TO: West Central Consortium Libraries

June 23, 2019

FROM: Joy Poole, Deputy State Librarian

RE: Matching Funds for E-Rate Category 1 and 2

This memo serves to confirm the NM State Library distributes General Obligation Bonds (GOB) to public libraries and the funds allocated to the libraries in the West Central Consortium have enough remaining balance available for the match and recurring costs of Broadband for E-Rate discounts for Category 1 and 2. Please see the attachment stating the law governing the allowable broadband acquisitions for the General Obligation Bonds and the NMAC 4.5.8 governing the distribution of GO Bonds.

Specifically, as of January 23 the remaining 2016 GOB allocations are as follows:

- Magdalena - \$0
- Reserve - \$6936.72
- Glenwood - \$5426.54

2018 GOB allocations (May - 2019):

- Magdalena - \$7,889.20
- Reserve - \$9,327.37
- Glenwood - \$7,239.63

These GOB funds are available to the library for the one time Category 1 construction costs and the Category 1 reoccurring monthly telecommunications costs. Beyond this it is estimated that each library would be responsible for a one-time expenditure of up to \$1400 for Category 2 matching costs for broadband equipment.

In addition, each public library receives State Grants in Aid which can be used for operational costs of the Public Library. Each library listed above receives over \$7,500 per annum per the NMAC 4.5.2. – State Aid in Grants

Finally, the Library Broadband Fund established in the 2018 NM Legislative Session has been recommended for funding of \$1.6 M during the 2019 NM State Legislature. These funds will provide additional matching funds for libraries to participate in the E-Rate program.

Thank you for your consideration and participation towards closing the digital divide by providing higher broadband capacity to the residents of your rural community.

2016 General Obligation Bonds for Public and Tribal Public Libraries

SB122, the "[2016 Capital Projects General Obligation Bond Act](#)"

was approved by the 2016 New Mexico Legislature and was approved by the registered voters at the 2016 General Election of the State. Language from the law [SFA/SB 122, pp. 22-23]:

B. for library acquisitions at public libraries, public school libraries, academic libraries and tribal libraries statewide:

(1) to the cultural affairs department:

(a) three million dollars (\$3,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, and for the purchase and installation of broadband internet equipment and infrastructure at nontribal public libraries statewide; and

(b) seven hundred fifty thousand dollars (\$750,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, and for the purchase and installation of broadband internet equipment and infrastructure at tribal libraries statewide;

ALLOCATIONS

Allocations are based on the [4.5.8 NMAC](#). Distribution of Funds, using 2015 Estimated Census information for Counties and 2010 U.S. Census for LSAs).

2018 General Obligation Bonds for Public and Tribal Public Libraries

The 53rd Legislature, State of New Mexico, Second Session, 2018 approved SB0094, the "[2018 Capital Projects General Obligation Bond Act](#)"

Language from the law [SFA/SB0094, pp. 20-21]:

B. for library acquisitions at public libraries... and tribal libraries statewide:

(1) to the cultural affairs department:

(a) four million dollars (\$4,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at non-tribal public libraries statewide; and

(b) seven hundred fifty thousand dollars (\$750,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at tribal libraries statewide;

ALLOCATIONS TO THE PUBLIC LIBRARIES

Allocations are based on the [4.5.8 NMAC](#). Distribution of Funds. The allocations are being finalized, using 2017 Estimated Census information for Counties and 2010 U.S. Census for the libraries' Legal Service Areas.

Stephanie Finch

From: Moran, Dan, NMDOT <Dan.Moran@state.nm.us>
Sent: Friday, January 25, 2019 8:49 AM
To: Magdalena, Village of
Subject: Blank RFP for On Call Engineering Services
Attachments: Sample RFP for on-call Airport Engineering Services 2018.doc; Sample RFP Advertisement.doc

Good Morning Stephanie,

I'm so happy to hear how excited you are about the airport. In order to take advantage of the federal funds we need to move on this as quickly as possible. Please email your proposed schedule for completing the RFP process and awarding/executing the master services agreement at your earliest convenience. I will forward that to the FAA and develop a plan to move forward.

Thanks,

Daniel R. Moran

NMDOT Aviation Division
PO Box 9830
Albuquerque, NM 87119
(505) 244-1788 ext 9112 - Office
(505) 699-5462 - Cell
dan.moran@state.nm.us



The advantage in any arena of life, is earned far in advance of the moment one is required to perform. – Andy Andrews

xx AIRPORT

address
Phone xxx

REQUEST FOR PROPOSALS

xx AIRPORT
Opening time, date

I. INVITATION

_____, New Mexico (referred to herein as "Sponsor"), as owners of the _____ Airports, are requesting proposals from consulting firms ("Proposers") qualified and experienced in the field of airport engineering.

The Sponsor plans to award a four-year contract for engineering services for any and all engineering projects subject to federal assistance under the Airport and Airway Improvement Act of 1982 as amended. Contemplated projects at the _____ airport under this contract may include:

- a. Runway 6-24 Pavement Rehabilitation and Maintenance
- b. Apron Pavement Rehabilitation and Maintenance
- c. Design/Construct Runway 6-24 Turn-Arounds
- d. Construct Helipad
- e. Construct AWOS
- f. Design/Construct Airport Phone System
- g. Prepare DBE program and goals
- h. Prepare and update Storm Water Pollution Prevention Plan (SWPPP)
- i. Environmental services, excluding project specific Environmental Impact Statements and Environmental Assessments.
- j. Prepare Airport Action Plan
- k. Prepare Wildlife Hazard Assessment
- l. Update Airport Layout Plan
- m. Other projects that may be approved over the 4 year period of this contract for services.

The above-contemplated projects are dependent upon federal AIP funding and State Aviation Division funding and approval of the Sponsor, so it shall be understood that some of the services related to the above-listed projects may be deleted and that the Sponsor reserves the right to initiate additional services not included in the initial procurement. Any project not listed above will not be eligible for federal AIP funding.

The above-contemplated projects are dependent upon State Aviation Division funding and approval of the Sponsor, so it shall be understood that some of the services related to the above-listed projects may be deleted and that the Sponsor reserves the right to initiate additional services not included in the initial procurement.

II. BACKGROUND

_____ is located in _____, NM located (distance, direction, city). The Airport has approximately _____ annual operations.

The _____ Airport (is, is not) a Certificated FAR Part 139 airport and there (is, is not) a controlled tower.

The contract issued to the successful consultant is subject to the provisions of Executive Order 11246 (Affirmative Action to Ensure Equal Employment Opportunity) and to the provisions of the Department of Transportation Regulation 49 CFR Part 26 (Disadvantaged Business Enterprise Participation). DBE firms are encouraged to participate.

III. REQUESTS FOR CLARIFICATION

Any requests for clarification of additional information deemed necessary by any respondent to present a proposal shall be submitted in writing, via postal service, e-mail, or fax, to the _____ office at the above address, referencing this request. Written requests must be received a minimum of seven (7) days prior to the submission deadline. Any requests received after this deadline will not be considered. All requests received prior to the deadline will be responded to, in writing, by the _____ in the form of an addendum addressed to all prospective respondents.

IV. SCOPE OF WORK

Basic engineering services are utilized in four distinct and sequential phases. Proposers are required to set out their qualifications and to propose on the following scope of work.

A. Preliminary Phase: This phase involves those activities required for defining the scope of a project and establishing preliminary requirements including, but not limited to, the following:

1. Conferring with the Sponsor on project requirements, programming, finances, schedules, early phases of the project, and other pertinent matters and meeting with FAA and other concerned agencies and parties on matters affecting the project.
2. Assisting the Sponsor in the preparation of necessary pre-applications, applications, and required documents for federal grants, including Disadvantaged Business Enterprise (DBE) plan and goals, and exhibits.
3. Planning, procuring, and/or preparing necessary surveys, field

investigations, and architectural and engineering studies required for preliminary design considerations.

4. Develop design schematics, sketches, environmental and aesthetic considerations, project recommendations, and preliminary layouts and cost.

B. Design Phase: This phase includes all activities required to undertake and accomplish a full and complete project design including, but not limited to, the following:

1. Meetings and design conferences to obtain information and to coordinate or resolve design matters.
2. Collecting engineering data and undertaking field investigations and surveys and engineering and environmental studies.
3. Preparing necessary engineering reports and recommendations.
4. Preparing detailed plans, specifications, and cost estimates.
5. Conducting a detailed value engineering analysis, if applicable and requested.

C. Bidding or Negotiation Phase: This phase, at a minimum, involves providing plans, specifications, and all bid documents. The phase also includes assisting the Sponsor in advertising and securing bids, negotiating for services, analyzing bid results, furnishing recommendations on the award of contracts, and preparing contract documents.

D. Construction Phase: This phase includes all basic services rendered after the award of a construction contract including, but not limited to, the following:

1. Providing consultation and advice to the Sponsor during all phases of construction.
2. Representing the Sponsor at pre-construction conferences.
3. Providing on site construction inspection and management involving the services of a full-time resident engineer, inspector, or manager during the construction or installation phase of a project, and providing appropriate reports to the Sponsor.
4. Reviewing and approving shop and erection drawings submitted by contractors for compliance with design concept.

5. Reviewing, analyzing, and approving laboratory and mill test reports of materials and equipment.
6. Preparing and negotiating change orders and supplemental agreements.
7. Observing or reviewing performance tests required by specifications.
8. Determining payment amounts to contractors, and assisting Sponsor in the preparation of payment requests for amounts reimbursable from grant projects.
9. Conducting wage rate reviews of certified payrolls.
10. Making final inspection and submitting a report of the completed project to the Sponsor, including "as built" drawings.

E. Proposers may be required to provide other incidental services, or subcontract with third party individuals or companies for such services. Incidental services include, but are not limited to, the following:

1. Soils investigation, including core sampling, laboratory tests, related analyses, and reports.
2. Detailed mill, shop, and/or laboratory inspections of materials and equipment.
3. Land surveys and topographic maps.
4. Field and/or construction surveys.
5. Expert witness testimony in litigation involving specific projects.
6. Miscellaneous plans, studies, and assessment reports including environmental, noise, etc.
7. Assist Sponsor in preparing equipment (i.e. snow removal, Airport Rescue and Fire Fighting, etc.) specifications for procurement purposes.

V. SELECTION PROCESS

1. The selection process will be in strict accordance with Federal Aviation Advisory Circular 150/5100-14D, Architectural, Engineering and Planning Consultant Services for Airport Grant Projects and 49 CFR Part 18.
2. The Selection Committee shall consist of:

XXXX

Four Sponsor representatives (to be determined)

3. Communication between Proposers and any member of the Selection Committee during the selection process, except when and in the manner expressly authorized by the proposal documents, is strictly prohibited; violation of this requirement shall be grounds for disqualification of the Proposers from the process. Contact with the Airport Manager is allowed for project information and airport visits.
4. Instructions to Proposers are attached hereto and incorporated herein.

VI. CONTENTS OF STATEMENT OF QUALIFICATIONS

1. Proposers interested in the provision of engineering services to accomplish the proposed projects should limit their Statements of Qualifications to 25 pages, exclusive of cover letters, divider tabs or letters of transmittal containing introductory language only. The Statement of Qualifications should include:
 - a. A cover letter.
 - b. A narrative statement detailing the Proposer's understanding of the requirements of the Sponsor and the capability to perform all or most aspects of the engineering projects and tasks contemplated.
 - c. A general description of the Proposer's firm, including company organizational structure, size of company, recent experience in comparable airport/aviation projects, and experience with projects funded by Federal Aviation Administration AIP grants.
 - d. Identification of those key individuals who will be involved in the contemplated projects and their qualifications, backgrounds, experience, and specific responsibilities.
 - e. A representative list of previous clients and representative projects comparable to the proposed planning and/or engineering projects listed above (include contact person, airport, brief project description(s), and phone numbers.
 - f. Demonstrated capability to meet schedules/deadlines, without delays, cost escalations or overruns, and contractor claims.
2. (Municipality) invite firms to submit Statements of Qualifications to perform the above-described services. Interested firms shall submit one (1) original and five (5) copies of the proposal on or before XXXX to:

**City / County Manager
address
phone**

**Proposals received after the deadline, as determined by the
Purchasing Agent, will not be considered.**

3. All proposals must be submitted in a sealed envelope and clearly marked in the lower left hand corner: **"Request for Proposals for Engineering Services at the (Airport Name)"**
4. Proposals must contain the name, address, and daytime telephone number for contact persons to whom additional selection process requests should be communicated.
5. Following the selection process, the proposal for the selected Proposer shall be made available for public review, except for any items that Proposer has requested, in writing, to remain confidential under applicable law.

VII. SELECTION CRITERIA

Selection criteria contained in FAA Advisory Circular 150/5100-14D Chapter Two, will be applied in the following order of importance:

- | | | |
|----|---|------------------|
| 1. | Recent experience in airport planning and development projects. | 30 points |
| 2. | Capability to perform all aspects of project. | 30 points |
| 3. | Reputation. | 20 points |
| 4. | Ability to meet schedules within budget. | 20 points |
| 5. | Quality of previous airport project undertaken. | 25 points |
| 6. | Familiarity with Sponsor and project location. | 25 points |
| 7. | Understanding the airport and proposed projects. | 30 points |
| 8. | Understanding the Sponsor's special concerns. | 10 points |
| 9. | Interest shown. | <u>10 points</u> |
| | Total | 200 points |

A short list may be developed from the submittals received. Consultants on the short list may be asked to attend an interview prior to final selection being made. A schedule of fees will be negotiated with the selected consultant for the services to be performed under the initial NMDOT - Aviation Division and/or FAA grant. Subsequent fees will be negotiated on a task order basis as additional grants are obtained.

It is the intent of the Sponsor to enter into a contract with the most qualified firm no later than **xxx**. The consulting firm most qualified to perform engineering services for the contemplated projects will be selected and consulting fees for each project will be negotiated in accordance with FAA regulations.



RESOLUTION № 2019-02

POLICY GOVERNING INCLUSION OF AGENDA ITEMS FOR CONSIDERATION AND FOR PUBLIC PARTICIPATION AT OPEN MEETINGS

WHEREAS, the Board of Trustees for the Village of Magdalena met at a duly noticed meeting on January 14, 2019 at 6:00 P.M. at Village Hall, 108 N. Main Street, Magdalena, New Mexico; and,

WHEREAS, the governing body of a municipality may determine the rules of its own proceedings. NMSA 1978, Section 3-12-3(A)(5); and,

WHEREAS, in the interest of efficiency and in order to ensure that only relevant subjects the Board needs or wishes to address are on the Agenda, a policy regarding how and whether items appear on the Agenda should be established; and,

WHEREAS, the Board of Trustees welcomes public comment at its regular meetings in order to encourage freedom of speech in the Village and as a valued tool to communicate with its constituents even though the Courts have held that the New Mexico Open Meetings Act "[] does not require the trustees to allow the public to speak at its meetings, but instead, only requires them to allow the public to attend and listen." *See, Mesa v. White*, 197 F.3d 1041, 1046 (10th Cir. 1999); and,

WHEREAS, the Board has traditionally reserved a public comment period as a designated public forum at a selected time during its meetings; and,

WHEREAS, the Board must balance the desire to afford members of the public a full and complete opportunity to address the Board with the Board's need to conduct the people's business in an orderly and efficient manner; and,

WHEREAS, there is a need for the Board to set content neutral rules for the public comment period, as well as neutral rules for what matters will appear on the Agenda, that will allow individuals the ability to make their comments or requests for inclusion on a subsequent Agenda, in a meeting environment that fosters respect for the time and views of all attendees, while also being narrowly tailored to promote orderly and efficient meetings of the Board; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Village of Magdalena that each member of the public wishing to address the Board shall be given an opportunity to address the Board during the public comment period at regular meetings.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees adopts the following rules for its public comment period:

- I. So that freedom of speech is unrestricted:
 - A. Anyone will be allowed an opportunity to speak during the public comment period.
 - B. Speakers may discuss any subject during the public comment period.
- II. In order to promote orderly efficient meetings respectful of everyone's time:
 - A. All individuals will be limited to a three minute comment period.
 - B. No individual will be permitted to speak more than one (1) time; no rebuttals to the comments of others will be permitted.
 - C. Comments, applause and other interruptions from the audience are not allowed.
- III. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:
 - A. Threatening/abusive comments that disrupt the meeting will not be allowed.
 - B. All speakers must address the Board of Trustees.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution does not in any way diminish the Mayor's authority to conduct meetings consistent with the rules and powers granted to the Mayor.

NOW, THEREFORE, BE IT FURTHER RESOLVED that items appearing on the agenda of meetings of the Board shall be those necessary for the proper consideration and management of Village business, as determined by the Mayor. Additionally, the Village shall place any item necessary for the proper consideration and management of Village business requested by any individual member of the Board of Trustees on the agenda for the meetings of the Board.

APPROVED and ADOPTED, this 28th day of January, 2019.

Richard Rumpf, Mayor

ATTEST:

Stephanie Finch, Clerk/Treasurer



**VILLAGE OF MAGDALENA
BOARD OF TRUSTEES
RESOLUTION № 2019-03**

POLICY CONCERNING DISPOSITION OF PERSONAL PROPERTY

1. PURPOSE

To clarify and explain procedures for the sale of property; to provide the Board of Trustees the discretion to take advantage of the various ways municipalities may sell or dispose of property pursuant to State Law; to provide potential bidders fairness, transparency, and consistency in the process; to maximize the benefit of sales to both the buyers and to the Village.

2. DEFINITIONS

Invitation for Bid. Publication describing terms and conditions for public sale of personal property.

Publish or Publication. Printing in a newspaper that maintains an office in the Village and is of general circulation within the Village or, if such newspaper is a nondaily paper that will not be circulated to the public in time to meet publication requirements or if there is no newspaper that maintains an office in the Village and is of general circulation within the Village, then "publish" or "publication" means posting in six public places within the Village on the first day that publication is required in a newspaper that maintains an office in the Village and is of general circulation within the Village. One of the public places where posting shall be made is the office of the Village Clerk who shall maintain the posting during the length of time necessary to comply with the provisions relating to the number of times publication is required in a newspaper of general circulation within the Village. The Clerk may, in addition to posting, publish one or more times in a newspaper of general circulation in the Village.

Responsible Bidder. Bidder who accepts the terms and conditions contained in the Invitation for Bid and the Bid Agreement and who has not previously bid successfully on the same property.

Successful Bidder. Responsible bidder whose bid is awarded by the Board.

3. STATUTORY AUTHORITY

- A. The Village may sell personal property for cash at public or private sale without notice where it is shown to the governing body that such property does not exceed the value of two thousand five hundred dollars (\$2,500);
- B. The Village may sell personal property having a value of more than two thousand five hundred dollars (\$2,500) at public or private sale.
 - a. If a private sale is held, such sale shall be held only after notice is published at least twice, not less than seven days apart, with the last publication not less than fourteen days prior to the sale.
 - b. If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the Village, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, the Village may reject all bids. Terms and conditions for a proposed sale or lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen (14) days prior to the bid opening.
- C. The Village may sell, at a private or public sale, exchange or donate personal property to the state, to any of its political subdivisions or to the federal government if such sale, exchange or gift is in the best interests of the public and is approved by the local government division of the department of finance and administration. NMSA 1978, Section 3-54-2.
- D. NMSA Section 3-54-2 is intended to afford another and additional method of disposing of real and personal property and are not to be construed as repealing or qualifying any other statutory authorization granted the Village to dispose of or exchange real or personal municipal property or as affecting in any way the sale, lease, exchange or other disposition of real or personal property pursuant to the Local Economic Development Act.

4. BOARD OF TRUSTEES

- A. The Board of Trustees may decide by majority vote at a Regular or Special Meeting to dispose of an item or items of personal property belonging to the Village.
- B. If the disposal will be pursuant to Section (A) or (B) of this Policy:
 - i. The Board will be shown whether the item or items are worth more or less than twenty-five hundred dollars (\$2,500) in order to determine notice and form of re-numeration requirements. Items should not be artificially separated or combined in order to affect value under this subsection.
 - ii. The Board will determine the method, conditions, terms, deadlines, qualifications, form of payment, and additional descriptors, if any.
- C. If disposal will be pursuant to Section 3(C) of this Policy:
 - i. The Board will issue a statement as to how the proposed method is in the best interest of the public; and,
 - ii. obtain Department of Finance approval prior to proceeding with disposal.
- D. The Board may opt out of this Policy pursuant to Section 3(D).
- E. The Board may direct the Clerk/Treasurer to administer the processes pursuant to this Policy and the Board's specific directives.

5. PROPERTY

- A. Property will be sold "as is" as of the date of publication unless otherwise specifically indicated. The Village makes no warranties or guarantees as to the condition of the property or its suitability for any given purpose.
- B. Vehicles will not include decals, lights, sirens, radios, or other emergency or special equipment unless otherwise indicated.
- C. Potential offerors will be given reasonable opportunity under the circumstances to view the property for sale should they choose to do so.
- D. In order to avoid the appearance of an unfair advantage, a successful bidder who does not follow through with the purchase for whatever

reason, may not bid again on the same property.

6. BID AGREEMENTS

If property is to be sold pursuant to an Invitation for bid, a responsible bidder must submit their bid on an agreement form approved by the Board and made available at the Village Offices, on the Village website if applicable, and by mail or email upon request. The Bid Agreement shall contain, at a minimum, acknowledgement by the bidder that:

- a. The invitation for bid has been received, reviewed, and accepted;
- b. That the bidder has had the opportunity to view the property, whether the opportunity was actually taken or not;
- c. The property is sold "as is" unless otherwise specified;
- d. Successful Bidders will pay in full within three (3) working days of award unless the Board has authorized alternative payment terms for property valued at over twenty-five hundred dollars (\$2500), in which event a payment agreement is to be executed within three (3) working days;
- e. A successful bidder who does not comply with the terms of the agreement will not be allowed to bid again on the same property; and,
- f. Failure to unconditionally agree to or comply with terms of the agreement will result in the bid not being awarded or an award being subsequently rescinded by the Board.

PASSED, APPROVED and ADOPTED by the Village of Magdalena Board of Trustees of on the 28th day of January, 2019.

Approved:

Richard Rumpf, Mayor

Attested:

Village Clerk/Treasurer