



VILLAGE OF MAGDALENA
PO BOX 145, MAGDALENA, NM 87825
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AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, OCTOBER 25, 2021
VILLAGE HALL 108 N. MAIN STREET 5:00 PM

PURSUANT TO PUBLIC HEALTH ORDER DATED AUGUST 17, 2021 ALL INDIVIDUALS ARE REQUIRED TO WEAR MASKS AND CONTINUED SOCIAL DISTANCING IS ENCOURAGED.

MEMBERS OF THE PUBLIC WHO WISH TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM MAY DO SO AT THE FOLLOWING LINK:

<https://us02web.zoom.us/j/4861155997?pwd=V0V6SERBNVdGNDNPaE1ZdWp1N004UT09>

Meeting ID: 486 115 5997

Passcode: MAGDALENA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - a. REGULAR MEETING- OCTOBER 11, 2021
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT

10. PUBLIC HEARING – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2021-02, AN ORDINANCE ESTABLISHING A CONDITIONAL STIPEND FOR THE MAYOR OF THE VILLAGE OF MAGDALENA

11. FINAL CONSIDERATION - DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2021-02, AN ORDINANCE ESTABLISHING A CONDITIONAL STIPEND FOR THE MAYOR OF THE VILLAGE OF MAGDALENA

12. PUBLIC HEARING – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2021-03, AN ORDINANCE PROVIDING FOR REGULATION OF LOCATION AND CONSUMPTION OF RECREATIONAL AND MEDICAL CANNABIS; PROVIDING A PENALTY; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE

13. FINAL CONSIDERATION - DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2021-03, AN ORDINANCE PROVIDING FOR REGULATION OF LOCATION AND CONSUMPTION OF RECREATIONAL AND MEDICAL CANNABIS; PROVIDING A PENALTY; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE

14. DISCUSSION & POSSIBLE DECISION REGARDING RECISSION, REVIEW AND/OR REVISION OF EMERGENCY COVID-19 POLICY FOR EMPLOYEE LEAVE

15. DISCUSSION & POSSIBLE DECISION REGARDING APPLYING FOR FY2023 RECYCLING AND ILLEGAL DUMPING (RAID) GRANT

16. PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT

PUBLIC COMMENT MAY BE MADE IN PERSON OR VIA EMAIL (IF LESS THAN 3 MINUTES). EMAIL COMMENTS MAY BE MADE BY EMAILING COMMENTS TO: clerk@villageofmagdalena.com and/or mayor@villageofmagdalena.com THE DEADLINE FOR WRITTEN PUBLIC COMMENTS TO BE RECEIVED IS MONDAY, OCTOBER 25, 2021 AT 12:00 PM. EMAILED PUBLIC COMMENT MUST CONTAIN THE AUTHOR'S NAME AND PHYSICAL ADDRESS AND WILL BE ENTERED AND/OR READ INTO THE MEETING MINUTES.

17. ADJOURNMENT

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 87825. PUBLIC DOCUMENTS, INCLUDING THE AGENDA AND MINUTES, CAN BE PROVIDED IN VARIOUS ACCESSIBLE FORMATS. PLEASE CONTACT THE VILLAGE CLERK/TREASURER IF A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT IS NEEDED. 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.

DRAFT

MINUTES OF THE REGULAR MEETING OF THE VILLAGE OF MAGDALENA
BOARD OF TRUSTEES
HELD MONDAY OCTOBER 11, 2021 AT 5:00 PM

PURSUANT TO PUBLIC HEALTH ORDER DATED JUNE 30, 2021 ALL UNVACCINATED INDIVIDUALS ARE REQUIRED TO WEAR MASKS AND CONTINUED SOCIAL DISTANCING IS ENCOURAGED.

MEMBERS OF THE PUBLIC WHO WISH TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM MAY DO SO AT THE FOLLOWING LINK:

<https://us02web.zoom.us/j/4861155997?pwd=V0V6SERBNVdGNDNPaE1ZdWp1N004UT09>

Meeting ID: 486 115 5997

Passcode: MAGDALENA

Mayor Richard Rumpf called the meeting to order at 5:00 p.m.

PRESENT: Mayor Richard Rumpf, Trustee Clark Brown, Trustee Jim Nelson, Kathy Stout – Attorney, Francesca Smith- Clerk/Treasurer

Participating via Video Conference: Trustees: Donna Dawson, Harvan Conrad

GUESTS: none

Mayor Richard Rumpf requested that all those present recite the Pledge of Allegiance.

APPROVAL OF AGENDA: Donna Dawson moved to approve the agenda, as presented. Clark Brown seconded. The motion carried.

APPROVAL OF MINUTES: Donna Dawson noted a correction on the Roll Call votes for the Mayor stipend. Donna Dawson moved to approve the September 27, 2021 minutes, with corrections. Harvan Conrad seconded. The motion carried.

APPROVAL OF CASH BALANCE REPORT: Jim Nelson asked about the Library funds. Francesca Smith responded that they are still waiting for GO bonds reimbursement. Harvan Conrad moved to approve the cash balance report. Clark Brown seconded. The motion carried.

APPROVAL OF BILLS: Donna moved to approve the bill list. Harvan Conrad seconded. The motion carried.

BILL LIST

Admin office of Courts	\$36.00
AX Propane	\$48.90
Book Systems	\$995.00
Consultant Pharmacist	\$431.50
Ernest Welding	\$130.00
Lowe's	\$599.82
Merchants Auto	\$372.80
Nance Pato & Stout	\$639.00
NM Judicial Education	\$18.00
NM Regulation & Licensing	\$50.00

NM811	\$197.00
O'Reilly Auto Parts	\$65.91
Positive Promotions	\$249.45
Printing Systems	\$531.32
Provelocity	\$1274.00
Quill	\$586.25
Route 60 Trading Post	\$100.00
Verizon Wireless	\$891.72
WEX Bank	\$1663.79
Winstons Auto	\$66.85
WNM Communications	\$730.50
Total	\$9677.81

MAYOR'S REPORT

Mayor Rumpf said there will be a car show this weekend. He said there are 10-12 cars already entered. The Mayor said there will be a parade.

CLERK'S REPORT

Francesca Smith had no report.

DEPARTMENT REPORTS

- a. **EMS**- Jim Nelson, EMS Coordinator, reported 5 calls in September 2021.
- b. **FIRE**- Mayor Rumpf reported 2 calls in September 2021.
- c. **MARSHAL**- A report was submitted by Marshal Zamora and reviewed by the Mayor and Trustees.
- d. **JUDGE**- Judge Simon Armijo and Court Clerk Carleen Gomez submitted a report that was reviewed by the Mayor and Trustees.
- e. **PUBLIC WORKS**- A report was submitted by Nehemiah Peralta and reviewed by the Mayor and Trustees.
- f. **LIBRARY**- Librarian Ivy Stover submitted a report that was reviewed by the Mayor and Trustees.

Donna Dawson wanted to thank Jed Peacock, Deputy Marshal, for helping with a bull loose on HWY 60.

DISCUSSION & POSSIBLE DECISION REGARDING POSTING OF FULL TIME DEPUTY MARSHAL POSITION

Donna Dawson moved to approve posting of full time Deputy Marshal position. Harvan Conrad seconded. The motion carried.

DISCUSSION & POSSIBLE DECISION REGARDING POSTING OF JOINT UTILITY WORKER

Donna Dawson asked what happened to the previous utility worker. The Mayor said he no longer works here due to health reasons. Harvan Conrad moved to approve posting of Joint Utility worker. Donna Dawson seconded. The motion carried.

PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT

PUBLIC COMMENT MAY BE MADE IN PERSON OR VIA EMAIL (IF LESS THAN 3 MINUTES). EMAIL COMMENTS MAY BE MADE BY EMAILING COMMENTS TO: clerk@villageofmagdalena.com and/or mayor@villageofmagdalena.com THE DEADLINE FOR WRITTEN PUBLIC COMMENTS TO BE RECEIVED IS

MONDAY, OCTOBER 11, 2021 AT 12:00 PM. EMAILED PUBLIC COMMENT MUST CONTAIN THE AUTHOR'S NAME AND PHYSICAL ADDRESS AND WILL BE ENTERED AND/OR READ INTO THE MEETING MINUTES.

There was no public input. Donna Dawson said during the bull out on Hwy 60 someone called the Marshal non-emergency line and no one answered and asked if it gets forwarded to State Police. The Mayor said he will have Carleen check on it. Harvan Conrad said the Marshal did a good job coordinating the Poker Run. The Mayor said they hope next year will be bigger. Donna Dawson said they are planning a 2022 Old Timers.

Trustee Donna Dawson moved to adjourn the meeting at 5:09pm. Clark Brown seconded. The motion carried.

Respectfully Submitted,

Francesca Smith
Clerk/Treasurer

Richard Rumpf
Mayor



**VILLAGE OF MAGDALENA
ORDINANCE 2021-02**

**ESTABLISHING A CONDITIONAL STIPEND FOR THE MAYOR OF THE
VILLAGE OF MAGDALENA**

WHEREAS, the Village of Magdalena Board of Trustees met upon notice of meeting duly published at Village Hall, 108 N. Main St., Magdalena, NM 87801 on , 2021 at 5:00 p.m. as required by law; and,

WHEREAS, NMSA 1978, Section 3-10-3 provides that municipalities may establish by Ordinance compensation for the Mayor; and,

WHEREAS, NMSA 1978, Section 3-11-4(C) establishes that the Mayor is the chief executive officer of the municipality and may perform other duties, compatible with his office, that the governing body may require; and,

WHEREAS, NMSA 1978, Section 3-12-3(A)(9) provides that the governing body may impose additional powers and duties upon those officers whose powers and duties are provided for by law; and,

WHEREAS, the Board of Trustees for the Village of Magdalena finds that consistent Mayoral presence and accessibility are conducive to the efficient administration of the Village, and believes that establishing a stipend for a Mayor who meets minimum requirements would be in the best interest of the Village; and,

WHEREAS, Article IV, Section 27 of the New Mexico Constitution provides that “[n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except as otherwise provided in this constitution.

NOW THEREFORE, BE IT ORDAINED that the Board of Trustees of the Village of Magdalena adopts this Ordinance establishing a conditional stipend for Village Mayors taking office beginning with the next term of office January 2022 and for ensuing terms unless and until this Ordinance is amended or repealed.

NOW, THEREFORE, BE IT FURTHER ORDAINED that a Mayor who logs at least fifty (50) work hours per month, whether they be performed in the Village offices, in the community, or elsewhere, on a form approved by the Village, shall receive a monthly stipend in the amount of one thousand dollars (\$1000.00). Minimal hours must be served each month and may not be carried over from month-to-month. The stipend may not be prorated, but must be earned in its entirety, or not at all, for that month.

NOW, THEREFORE, BE IT FURTHER ORDAINED that any existing ordinances addressing a mayoral stipend be repealed at the time this Ordinance takes effect.

Passed, Approved, and Adopted this _____ day of _____, 2021.

Approved:

Richard Rumpf, Mayor

Katherine Stout, General Counsel as to
legal sufficiency

Attested:

Francesca Smith
Village Clerk/Treasurer



VILLAGE OF MAGDALENA RECREATIONAL AND MEDICAL CANNABIS REGULATIONS

PASSED: _____, 2021

EFFECTIVE: _____, 2021

ORDINANCE # 2021-03

AN ORDINANCE PROVIDING FOR REGULATION OF LOCATION AND CONSUMPTION OF RECREATIONAL AND MEDICAL CANNABIS; PROVIDING A PENALTY; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE

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, Section 3-17-1 et seq. NMSA 1978 provides that municipalities may adopt ordinances to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of its inhabitants; and,

WHEREAS, NMSA 1978, Section 26-2C-12 (2021), and NMSA 1978, Sections 24-16-2 (1985) and – 20 (2007) vests the Village with the authority to adopt time, place and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit density of licenses and operating times consistent with neighborhood uses; and,

WHEREAS, the Cannabis Regulation Act, NMSA 1978, Section 26-2C-1 *et seq.*, has authorized a variety of uses related to the legalization of commercial cannabis activities, which legalization has the potential to greatly expand the legal cannabis market; and,

WHEREAS, Cannabis cultivation, production, and manufacturing creates strong odors, can involve the use of significant amounts of energy and water, and requires security and other measures to reduce the risk of theft or other diversion to the illegal cannabis market, including possession and use by persons under the age of twenty-one; and,

WHEREAS, Cannabis is an intoxicating drug, making it appropriate to regulate the hours during which cannabis products may be sold and the areas in which cannabis products may be consumed; and,

WHEREAS, the smoking of cannabis products may create health risks due to exposure to secondhand smoke and vaporized cannabis concentrates; and,

WHEREAS, density limits are necessary to ensure that cannabis retailers and consumption areas are not unduly concentrated and do not crowd out other non-residential uses.

WHEREAS, the Village of Magdalena Board of Trustees finds it necessary to adopt this Ordinance to restrict the time, place, and manner of the sale and consumption of cannabis to protect residents from annoyance and injury resulting from such operations, and to prescribe penalties for violations of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village of Magdalena Board of Trustees as follows:

**SECTION I
SHORT TITLE**

1.1 This Ordinance shall be known as the “VILLAGE OF MAGDALENA RECREATIONAL AND MEDICAL CANNABIS REGULATIONS”, and shall be referred to herein as “this Ordinance”.

**SECTION II
AUTHORITY**

2.1 This Ordinance is enacted pursuant to the authority granted to municipalities to provide for the safety and to preserve the health of the residents of the municipality as set forth in NMSA 1978 3-17-1 and pursuant NMSA 1978, Section 26-2C-12 (2021) and NMSA 1978, Sections 24-16-2 (1985) and 24-16-20 (2007).

**SECTION III
DEFINITIONS**

3.1 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cannabis: (1) all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and

(2) does not include:

(a) the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or

(b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.

Cannabis Consumption Area: an area where cannabis products may be served and consumed.

Cannabis Courier: a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

Cannabis Establishment: (1) a cannabis testing laboratory; (2) a cannabis manufacturer; (3) a cannabis producer; (4) a cannabis retailer; (5) a cannabis research laboratory; (6) a vertically integrated cannabis establishment; (7) a cannabis producer microbusiness; or (8) an integrated cannabis microbusiness.

Cannabis Extract: (1) means a product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by extraction methods approved by the division; and (2) does not include the weight of any other ingredient combined with cannabis extract to prepare topical or oral administrations, food, drink or another product.

Cannabis Flowers: only the flowers of a cannabis plant.

Cannabis Manufacturer: a person that: (1) manufactures cannabis products; (2) packages cannabis products; (3) has cannabis products tested by a cannabis testing laboratory; or (4) purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.

Cannabis Producer: a person that: (1) cultivates cannabis plants; (2) has unprocessed cannabis products tested by a cannabis testing laboratory; (3) transports unprocessed cannabis products only to other cannabis establishments; or (4) sells cannabis products wholesale.

Cannabis Producer Microbusiness: a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.

Cannabis Product: a product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients.

Cannabis Research Laboratory: a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.

Cannabis Retailer: a person that sells cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

Cannabis Testing Laboratory: a person that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing.

Commercial Cannabis Activity: (1) the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriership, purchase for resale, sale

or consignment of cannabis products; and (2) does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

Consumer: a person twenty-one years of age or older who purchases, acquires, owns, possesses or uses a cannabis product for a purpose other than resale.

Cultivation: any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

Dry Weight Basis: when used in the context of regulation of commercial cannabis activity, means a process by which delta-9-tetrahydrocannabinol concentration is measured relative to the aggregate weight of all parts of the plant genus *Cannabis*, whether growing or not, including the leaves of the plant, the flowers and buds of the plant, the seeds of the plant, the resin of the plant and the stalks of the plant at the point of harvest by a licensee and with no moisture added to the harvested plant.

E-cigarette: a product containing or delivering nicotine or another substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product, including a device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah or vape pen or under another product name or descriptor.

Facility: a building, space or grounds licensed for the production, possession, testing, manufacturing or distribution of cannabis, cannabis extracts or cannabis products.

Integrated Cannabis Microbusiness: a person that is authorized to conduct one or more of the following: (1) production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time; (2) manufacture of cannabis products at a single licensed premises; (3) sales and transportation of only cannabis products produced or manufactured by that person; (4) operation of only one retail establishment; and (5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

Licensed Premises: a location that includes: (1) all enclosed public and private areas at the location that are used in the business and includes offices, kitchens, restrooms and storerooms; (2) all areas outside of a building that are specifically included in the license for the production, manufacturing, wholesale sale or retail sale of cannabis products; and (3) with respect to a location that is specifically licensed for the production of cannabis outside of a building, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases or has a right to occupy.

Manufacture: to compound, blend, extract, infuse, package or otherwise prepare a cannabis product. **Medical Cannabis:** cannabis products used by a qualified patient or reciprocal participant in accordance with the Lynn and Erin Compassionate Use Act, NMSA 1978, Chapter 26, Article 2B.

Medical Cannabis Program: the program created pursuant to the Lynn and Erin Compassionate Use Act, NMSA 1978, Chapter 26, Article 2B.

Public Place: a place to which the public has access and includes hallways, lobbies, and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; and places used in connection with public passenger transportation.

Public Property: any property owned or occupied by the Village of Magdalena.

Qualified Patient: a resident of New Mexico who holds a registry identification card pursuant to the Lynn and Erin Compassionate Use Act, NMSA 1978, Chapter 26, Article 2B.

Reciprocal Participant: a person who is not a resident of New Mexico and who holds proof of enrollment by a governmental regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a governmental regulatory authority of a New Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program.

Retail Establishment: a location at which cannabis products are sold to qualified patients, primary caregivers and reciprocal participants and directly to consumers.

Smoking: (1) inhaling from, exhaling from, burning, carrying or holding: (a) a lighted or heated cigar, cigarette, hookah or pipe; or (b) any other lighted or heated tobacco or plant product intended for inhalation, including cannabis, whether natural or synthetic; or (2) any use of an e-cigarette that creates an aerosol or vapor.

Standalone Building: a building whose heating, air conditioning and ventilation system services only that building.

Unprocessed: unaltered from an original, raw or natural state.

Vertically Integrated Cannabis Establishment: a person that is authorized to act as any of the following: (1) a cannabis courier; (2) a cannabis manufacturer; (3) a cannabis producer; and (4) a cannabis retailer.

SECTION IV LOCATION

4.1 No cannabis establishment, cannabis consumption area, or cannabis courier may be located within 300 feet of a school or daycare center, residence, church or religious assembly, library, rodeo or fairgrounds, cultural center, or other cannabis establishment, cannabis consumption area, or cannabis courier, in existence at the time a license was

sought for the cannabis establishment, cannabis consumption area, or cannabis courier. For purpose of this section, all measurements for the purpose of determining the location of a cannabis establishment, cannabis consumption area, or cannabis courier in relation to such locations shall be the shortest direct line measurement between the main entrance of the school, daycare center, residence, church or religious assembly, library, rodeo, fairgrounds, cultural center, or other cannabis establishment, cannabis consumption area, or cannabis courier, in existence at the time a license was sought, and the main entrance of the proposed cannabis establishment, cannabis consumption area, or cannabis courier. **THE FOOTAGE, MEASUREMENTS, FACILITIES, ETC. CAN BE LESS**

4.2 Cannabis retailers and cannabis consumption areas may only operate during the following hours: Cannabis products may only be served and consumed in cannabis consumption areas between the hours of 7:00 a.m. and 2:00 a.m. Monday through Saturday and noon to midnight on Sundays. Cannabis retailers may only sell cannabis products for off-site consumption between the hours of 7:00 a.m. and midnight Monday through Saturday and noon to midnight on Sundays.

4.3 Cannabis producers that cultivate cannabis plants indoors and cannabis manufacturers must use industry standard techniques to minimize odorous matter, toxic or noxious matter, such as activated carbon filtration and regular maintenance of HVAC systems.

SECTION V CONSUMPTION

5.1 Cannabis consumption areas are subject to the following:

- a. A cannabis consumption area in which consumption is limited to consumption by qualified patients or reciprocal participants may be located inside any cannabis retailer; provided, however, that smoking of cannabis products in such consumption areas is only allowed if the cannabis consumption area occupies a standalone building from which smoke does not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16.
- b. Cannabis consumption areas that are open to consumers are also subject to the following:
 - i. the smoking of cannabis products is not allowed outdoors;
 - ii. the smoking of cannabis products is only allowed within a licensed cannabis consumption area that occupies a standalone building from which smoke does not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited

pursuant to the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16; and

- iii. access to cannabis consumption areas open to consumers is restricted to persons twenty-one years of age and older.
- c. No person shall consume cannabis in a public place or on public property or consume cannabis products in any place where the smoke is detectable from a public place or from public property.

**SECTION VI
APPLICABILITY OF OTHER LAWS**

6.1 Any person engaged in commercial cannabis activities and activities under the medical cannabis program other than personal production and use must obtain a Village business license, and comply with all applicable State and local laws.

**SECTION VII
ENFORCEMENT**

7.1 The Magdalena Marshal is responsible for the enforcement of this chapter. All citations must be honored in a court of law subject to penalties as stated herein.

**SECTION VIII
PENALTIES**

8.1 Any person who violates any of the provisions of the Recreational and Medical Cannabis Regulations shall be deemed guilty of a misdemeanor.

8.2 Each violation of this chapter shall be punishable by a fine of no more than \$300, and/or imprisonment for no more than 90 days, or both.

**SECTION IX
SEVERABILITY**

9.1 If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of any article, section, subsection, paragraph, sentence, clause, phrase or provision in this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the Village of Magdalena Board of Trustees to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

**SECTION X
EFFECTIVE DATE**

10.1 This Ordinance shall be recorded, authenticated and published by the Village Clerk/Treasurer following adoption by this Board. This Ordinance shall take effect five (5) days after publication.

APPROVED, ADOPTED, AND ORDAINED on this _____ day of _____, 2021.

Approved:

Richard Rumpf, Mayor

Katherine Stout, General Counsel as to
legal sufficiency

Attested:

Francesca Smith
Village Clerk/Treasurer



EMERGENCY COVID-19 POLICY FOR EMPLOYEE LEAVE

WHEREAS, the Village of Magdalena Board of Trustees met upon notice of a duly published meeting at 6:00 P.M. on November 23, 2020 at Village Hall, 108 N. Main Street, Magdalena, New Mexico as required by law; and,

WHEREAS, the Village renewed its emergency declaration due to continued and increasing infections of COVID-19 on October 26, 2020; and,

WHEREAS, the Families First Coronavirus Response Act provides for eighty (80) hours of fully paid sick leave when an employee is unable to work because they are quarantining due to exposure or are experiencing symptoms. Other provisions of that Act provide for leave when a family member or child is affected due to the pandemic; and,

WHEREAS, the Board desires to offer additional leave benefits for those employees who test positive for the virus and to offer protections for the rest of its staff.

NOW, THEREFORE, THE FOLLOWING PANDEMIC EMERGENCY PROVISIONS SHALL BE ADDED TO THE VILLAGE'S SICK LEAVE POLICY:

1. Employees who test positive for the coronavirus shall be eligible for an additional 80 hours of sick leave at ½ their regular pay. The employee may use their own accumulated leave to supplement that pay in order to receive full pay for the second 80 hours.
2. Employees who test positive will not be considered fit-for-duty to return to work until they have tested negative for the coronavirus.
3. The Village will follow State Law concerning quarantining upon leaving the State. Employees will need to request additional time off for the quarantine period and must use their own accumulated leave or take leave without pay.

APPROVED, ADOPTED AND PASSED on this 23rd day of November 2020.

Richard Rumpf
Richard Rumpf, Mayor



Attest:

Francesca Gutierrez
Francesca Gutierrez, Clerk Treasurer

Employee Acknowledgment of Receipt

Date



Grant Funding Opportunity Approaching: Recycling and Illegal Dumping (RAID) Grant

The New Mexico Environment Department (NMED) would like to make municipal partners aware of the fiscal year 2023 Recycling and Illegal Dumping (RAID) grant opportunity. The RAID grant is a reimbursement grant program which provides funding for the prevention and abatement of illegal dumpsites, scrap tire abatement and management, and the development of recycling programs and infrastructure.

Now is the perfect time to start planning for the upcoming RAID grant funding cycle. We encourage you to allow your entity enough time to research and develop your project and associated costs, as well as coordinate with potential partners. Now is also a good time to contact Solid Waste Bureau staff to ask questions regarding eligible activities, expenses, and funding priorities. PLEASE KEEP IN MIND: the COVID-19 pandemic has caused many delays in the manufacturing and transportation of equipment and may impact your project's costs and timeline.

Eligible Entities:

Municipalities, counties, pueblos, nations, tribes, solid waste authorities, cooperative associations (as defined in the RAID Act) and land grant communities are eligible for funding.

Eligible Activities:

Grant funding may be used for: scrap tire management and abatement; development of recycling infrastructure; abatement of illegal dumpsites; purchase of equipment for recycling programs; development of educational outreach and marketing campaigns– and more.

Funding Allocation:

A total of \$800,000 will be available for funding in state fiscal year 2023. Two-thirds of the RAID fund (\$533,000) will be awarded for scrap tire management and abatement projects, and one-third of the fund (\$266,666) will be awarded for recycling projects and illegal dumpsite abatement. Matching funds and in-kind contributions are not required but are encouraged.

Application Period and Funding Cycle:

Grant applications for FY23 will become available on the NMED website in February 2022 and will be due in late March.

Projects are funded on a state fiscal year cycle, beginning July 1 and ending June 30. Funded projects must be completed within the fiscal year. A list of previously funded projects is available [here](#). Examples of past grant applications can be found [here](#) under Solid Waste Bureau, RAID grants.

Contact:

For more information about the upcoming RAID grant cycle or to discuss project ideas and eligibility, contact Solid Waste Bureau Outreach Specialists:

Amanda Otieno	Amanda.Otieno@state.nm.us	505-795-1502
Levi Lementino	Levi.Lementino@state.nm.us	505-795-1255
Sonia Suazo	Sonia.Suazo1@state.nm.us	505-670-1696