



**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, FEBRUARY 11, 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 28, 2019
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. DEPARTMENT REPORTS
  - a. EMS
  - b. FIRE
  - c. MARSHAL
  - d. JUDGE
  - e. PUBLIC WORKS
  - f. LIBRARY
11. FINAL CONSIDERATION- DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE #2019-02 AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE BY THE VILLAGE OF MAGDALENA; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENTALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF
12. FINAL CONSIDERATION-DISCUSSION & POSSIBLE DECISION APPROVAL OF ORDINANCE #2019-03, AN ORDINANCE PROHIBITING OFFENSES RELATING TO PUBLIC ORDER AND SAFETY AND ESTABLISHING PENALTIES FOR VIOLATION
13. FINAL CONSIDERATION - DISCUSSION & POSSIBLE DECISION APPROVAL OF ORDINANCE #2019-04, LIMITED OPEN BURNING WITHIN THE INCORPORATED AREAS OF THE VILLAGE OF MAGDALENA; PROVIDING FOR PENALTIES

14. FINAL CONSIDERATION - DISCUSSION & POSSIBLE DECISION APPROVAL OF 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
15. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF TRANSFERING FIRE TRUCK TO VLA.
16. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF HARDSHIP AUCTION.
17. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF POSTING OF CLERK/TREASURER POSITION
18. DISCUSSION & POSSIBLE DECISION REGARDING VALUE OF AND DIRECTION TO SELL USED MARSHAL DEPARTMENT FIREARMS
19. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT
20. 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 28, 2019 AT 6:00 PM**

**DRAFT**

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

**PRESENT:** Mayor Richard Rumpf, Lynda Middleton, Donna Dawson, Clark Brown, Stephanie Finch – Clerk/Treasurer, Attorney Kathy Stout

**ABSENT:** Jim Nelson

**GUESTS:** Cricket Courtney, Alejandra Paez, Catherine DeMaria, Sarita Johnson, Mike Danielsen, Carleen Gomez – Deputy Clerk

Mayor Richard Rumpf requested that Mr. Clark Brown lead the gallery in reciting the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Ms. Dawson 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 of the January 14, 2019, as amended, seconded by Mrs. Middleton. The motion carried unanimously.

**APPROVAL OF CASH BALANCE REPORT:** Clerk Finch stated that we received \$51,500 in Gross Receipts Tax in January 2019 which helped the general fund immensely. She stated that it was because of the resurfacing project on Highway 60 within the Village. Mrs. Middleton asked if the Library fund would be able to carry itself until the end of the fiscal year. Clerk Finch stated that she had just completed the GO Bond reimbursement for \$6,000.00 and is waiting the State Grant and Aid in the amount of \$3,800.00.

Mrs. Middleton motioned to approve the cash balance report, as presented, seconded by Mr. Brown. The motion carried unanimously.

**APPROVAL OF BILLS:** Clerk Finch stated that she would like to add an invoice from Ned's Pipe & Steel in the amount of \$369.50 for materials to build a screen to remove rock from fill dirt.

Mrs. Middleton motioned to approve the bill list with the addition, seconded by Mr. Brown. The motion carried unanimously.

Amerizon Wireless	\$144.90	Gall's	\$151.98
JV Professional Automotive	287.99	Magdalena Municipal Schools	80.00
Napa Auto Parts	365.22	Ned's Pipe & Steel	369.50
New Mexico Counties	250.00	Proforce Law Enforcement	1,227.00
Quill	512.19	Secretary of State	250.00
Sierra Propane	1,550.46	Socorro Electric Coop	4,188.02
Socorro Insurance Mart	50.00	Troy Mechanical	96.69
Tyler Technologies	354.00		

## **MAYOR'S REPORT**

Mayor Rumpf stated that Village residents need to have their house numbers posted on their homes. He stated that the ambulance recently had a very hard time finding a house that needed emergency assistance. He added that if people can just put their house number on a piece of cardboard and place it in their window in the meantime, that would be helpful.

Mayor Rumpf reported that he would be attending a meeting with the Rural Water Association. He stated that Joint Utility Manager Jacob Finch and Joint Utility Worker Nehemiah Peralta would soon be taking their Waste Water Certification tests.

## **CLERK'S REPORT**

Clerk Finch reported that DFA had received and approved the Village's second quarterly report. She stated that the Village has the pre-construction conference scheduled for the radio read meter project on Wednesday. Clerk Finch stated that the Village is working on fixing the airport. She reported that the Village will be receiving money from the FAA for some of this work. She stated that 90% of the funding would come from the FAA, 5% from the State and 5% would be the Village's share. Clerk Finch stated that the Village could request 7% to 8% from the State but it is not guaranteed. She stated that the Maintenance Grant can be used for reflectors and chains for the tie-downs. She stated that the Odal lighting system needed to be replaced. Mayor Rumpf stated that the Village could also possibly get a grant for a helipad.

## **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**

Clerk Finch stated that there have been weekly online meetings. She reported that all of this is about one year away but the Memorandum of Understanding still needed to be approved in order to move forward with the project. She explained that the Village is currently paying for twenty-five megs but will be paying for fifty megs and could be receiving up to two hundred megs that is shared with others in the consortium. Clerk Finch stated that the Library is currently being charged nearly \$300.00 per month for internet but as participants of the West Central Consortium will be paying \$136.73 per month after E-Rate pays 90%. She added that there will be a one-time cost of \$1,585.80 to start. She stated that E-rate will pay 90% with the Village only paying 10%.

Mrs. Middleton motioned to approve the Memorandum of Understanding for the West Central Consortium, including continued Participation of the Magdalena Public Library in the West Central Consortium, seconded by Ms. Dawson.

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

Mr. Brown – Aye, Mrs. Middleton – Aye, Ms. Dawson – Aye

The motion carried unanimously.

## **DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ONE-TIME COSTS FOR INTERNET UPGRADE AT MAGDALENA PUBLIC LIBRARY**

Ms. Dawson motioned to approve the one-time cost 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, seconded by Mr. Brown.

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

Mrs. Middleton – Aye, Ms. Dawson – Aye, Mr. Brown – Aye

The motion carried unanimously.

**DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF VENDOR AND MONTHLY REOCCURRING COSTS FOR PROPOSED INTERNET SERVICE AT MAGDALENA PUBLIC LIBRARY**

Mrs. Middleton motioned to approve Western New Mexico Communications with a twelve-month agreement, for the proposed internet service apportioned bandwidth monthly cost, after E-rate, \$126.60 not including fees and taxes, with a target start date of July 1, 2020, seconded by Ms. Dawson.

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

Mr. Brown – Aye, Ms. Dawson – Aye, Mrs. Middleton – Aye

The motion carried unanimously.

**DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL FOR CLERK-TREASURER TO PUBLISH A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR MAGDALENA MUNICIPAL AIRPORT**

Clerk Finch stated that the Village had a four-year contract with Molzen-Corbin for Airport Engineering, but it has expired so in order to move forward the Board needs to publish for an RFP for another four-year contract with an Engineering firm.

Ms. Dawson requested that someone from the public, who is a pilot, be in on the proposal committee. Clerk Finch stated that the public is not normally a part of the proposal committee.

Mrs. Middleton motioned to publish an RFP for Engineering Services for the Magdalena Municipal Airport, seconded by Mr. Brown.

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

Ms. Dawson – Nay, Mr. Brown – Aye, Mrs. Middleton – Aye

The motion carried by majority.

**DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2019-02, POLICY GOVERNING INCLUSION OF AGENDA ITEMS FOR CONSIDERATION & FOR PUBLIC PARTICIPATION AT OPEN MEETINGS**

Clerk Finch stated that this is already in State Statutes, but Attorney Stout drafted it so that the Village could have it as a policy in writing to spell it out in case there are questions. Attorney Stout stated that each council can state how they want to hold their meetings. She stated that public input does not have to be heard but every meeting should follow the same policy. Mrs. Middleton asked if other councils will have to follow this resolution until it is changed. Attorney Stout stated that would be the case.

Mrs. Middleton motioned to approve Resolution No. 2019-02, seconded by Mr. Brown.

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

Ms. Dawson – Aye, Mrs. Middleton – Aye, Mr. Brown – Aye

The motion carried unanimously.

**DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2019-03, POLICY CONCERNING DISPOSITION OF PERSONAL PROPERTY**

Clerk Finch explained the current process on how the Village disposes of personal property. Mrs. Middleton asked Attorney Stout if the property is worth less than \$2,500.00 does it have to come before the Board. Attorney Stout stated that the Board needs to acknowledge what is being sold and how much it is worth but there is no need for bids. She stated that it is at the Boards' discretion to sell or not to sell and it must be at value.

Mrs. Middleton motioned to approve Resolution No. 2019-03, seconded by Mr. Brown.

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

Ms. Dawson – Nay, Mr. Brown – Aye, Mrs. Middleton – Aye

The motion carried by majority.

**DISCUSSION & POSSIBLE DECISION REGARDING VALUE OF AND DIRECTION TO SELL USED MARSHAL DEPARTMENT FIREARMS**

Ms. Dawson motioned to postpone the item until the next meeting when more information could be gathered from Marshal Zamora, seconded by Mr. Brown. The motion carried unanimously.

**DISCUSSION & POSSIBLE DECISION REGARDING RESCHEDULING OF TRUSTEE WORKSHOP**

Mrs. Middleton motioned to reschedule the meeting for Friday, February 15, 2019 at 8:30 a.m., seconded by Ms. Dawson. The motion carried unanimously.

**PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT**

Ms. Sarita Johnson asked if the Mayor was able to get to the bottom of why the City of Socorro did not approve the Memorandum Of Understanding for picking up dogs and cats in the Village. Clerk Finch stated that the City did not approve the MOU because there were staffing issues and they did not have any employees to come and pick the animals up. Mayor Rumpf stated that he would be speaking with the City of Socorro.

Ms. Catherine DeMaria asked what the criteria is for someone from the public to be denied a chance to be placed on the agenda when everything was submitted correctly and in a timely manner. Mayor Rumpf stated that it is different for each case but if it is threatened that an attorney is going to be called all respect is lost. Mayor Rumpf stated that Ms. DeMaria's issue was already heard by the Board and she was asked to be involved with the Park group to discuss any major issues.

Mrs. Cricket Courtney reported that there were over 40 people who attended the Annual Friends of the Library meeting. She stated that there was music and desserts. They recognized and congratulated all their volunteers and Ms. Judyth Shamosh for all her hard work on the renovations to the Box Car Museum. Mrs. Courtney stated that there would be an upcoming Souper Social fundraiser to raise money for the Friends of the Library. Mrs. Courtney also named all the members of the Friends.

Cricket Courtney – President

Staci Oldham – Vice President

Annie Daniels – Treasurer

Sally Rogers – Secretary

Janice Oest & Barbara Moore – Directors At Large

Ms. Dawson motioned to adjourn the meeting at 6:57 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**

## Magdalena Marshal's Office

<b>Monthly Report</b>	<u>January</u>	<u>Year: 2019</u>
Michael Zamora		
<b>Total Miles Driven:</b>	755	
<b>GENERAL CALLS:</b>	<b>AMOUNT</b>	<b>REVENUE</b>
TRAFFIC CITATIONS: Village Ordinances	19	968
TRAFFIC CITATIONS: State Statutes	0	
CRIMINAL CITATIONS	0	
ANIMAL CONTROL CITATIONS	2	
TRAFFIC ACCIDENTS	1	
D.W.I. ARRESTS	3	
FELONY ARRESTS	2	
MISDEMEANOR ARRESTS	4	
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	12	
JUVENILE CASES	3	
DOMESTIC CASES	4	
CRIMINAL DAMAGE / PROPERTY	0	
<b>ASSISTANCE CALLS:</b>		
AMBULANCE/FIRE	1	
PUBLIC SERVICE	12	
NM STATE POLICE		
SHERIFF'S OFFICE	0	
NM FISH & GAME	0	
US BORDER PATROL	0	
US FOREST SERVICE	0	
<b>OTHER:</b>	0	
ALARM CALLS	2	
FINGERPRINTING	0	
Driving Tests	0	
Misc. Cases	16	
<b>TOTALS:</b>	79	968



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

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

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

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1								01 Chassis Maintenance
2	50045	50210	165	21	48.75			02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5								05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous 68
8								09 Tire Purchase
9								10 Tire Repair
10								11 Wash and Wax
11	50210	50365	155	17.5	36.4			(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13								10
14								Invoice No.: _____ Amt.\$ _____
15								Date
16								Invoice No.: _____ Amt.\$ _____
17								Code: _____ Date: _____
18	50365	50582	217	19.2	39.9			Invoice No.: _____ Amt.\$ _____
19								Code: _____ Date: _____
20								Invoice No.: _____ Amt.\$ _____
21								Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23								Code: _____ Date: _____
24								Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$ _____
27	50582	50800	218	21.8	44.5			Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29								Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals			755	79.5	169.55			\$68.00

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

Signature:  Title: MARSHAL 

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

License Number: G97490  
 Make and Model: Chevy Silverado

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

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1								01 Chassis Maintenance
2	47885	48174	289	6.7	15.55			02 Electrical Maintenance
3	48174	48270	96	20.2	47			03 Engine Maintenance
4								04 General Supplies
5	48270	48573	303	21.09	43.65			05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8	48573	48828	255	18.4	40.5			09 Tire Purchase
9								10 Tire Repair
10	48828	49070	242	18.9	39.15			11 Wash and Wax
11								(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13	49070	49321	251	19.4	40.25			Date: _____
14								Invoice No.: _____ Amt.\$ _____
15								Date: _____
16								Invoice No.: _____ Amt.\$ _____
17	49321	49572	251	19.81	41			Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19								Code: _____ Date: _____
20	49572	49809	237	18.22	37.72			Invoice No.: _____ Amt.\$ _____
21								Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23								Code: _____ Date: _____
24	49809	50038	229	17.47	36.15			Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26	50038	50313	275	19.57	40.5			Invoice No.: _____ Amt.\$ _____
27								Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29								Code: _____ Date: _____
30	50313	50585	272	19.67	40.7			Invoice No.: _____ Amt.\$ _____
31								
Totals			2700	199.4	422.17		0	\$9.01

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

Signature:  Title: Deputy Dylan Coslin

# Magdalena Municipal Courts Monthly Report

## January 2019

In the month of January, the Magdalena Municipal Court held a total of **20 cases**.

### **No registration and speeding:**

Defendant was cited on two counts. No registration was dismissed with valid proof. The speeding citation was a guilty plea with a 54.00 fine and a 29.00 fee.

**Total \$83.00**

### **Possession of controlled substance and no insurance:**

Defendant was cited on two counts, a dismissal was done on the no insurance due to valid proof. On second count defendant was found guilty but given a 6 month deferment, due to a stipulation on a medical card.

**Total: \$29.00**

### **Speeding and no registration:**

Defendant requested at arraignment that he be given more proof for his case. He was allotted a month ( feb 11<sup>th</sup>) to obtain the proper proof or case with resume as planned.

**Total : \$.00**

### **Expired registration:**

Defendant pled guilty to of having expired registration, they are current as of resent but ordered to pay \$83.00 in fines and fees

**Total: \$83.00**

### **Speeding:**

Defendant entered a Plea of guilty, was ordered to pay 29.00 CF and a 90 day deferment was requested to keep points off record.

**Total 29.00**

**Speeding:**

Defendant entered a plea of guilty and ordered to pay 73.00 total fine and fee.

**Total \$73.00**

**No insurance:**

Defendant entered a plea of Guilty and was ordered to pay \$29.00 in CFs since they had current proof as present day.

**Total: \$ 29.00**

**No drivers License and Committing Prohibited acts:**

Defendant along with legal Guardian plead not guilty, was dismissed on Prohibited acts and found guilty on no drivers license and ordered to pay \$29.00 in CFs and to complete 7 hrs of community service by February 28<sup>th</sup> 2019.

**Total: \$29.00 with 7 hrs CS**

**No driver license:**

Defendant plead no contest and ordered to pay a 29.00 CF and a 90 day Deferment was put in to place to keep points off record.

**Total \$29.00**

**Total payments in fines and court fees made to the court: \$ 384.00**

**Dismissals with proof: 10**

**Recusals: 2**

## Librarian's Report

### Report for JANUARY 2019

In parenthesis last years' #'s

Days open **20** (20) Hours open: **Hours: 122** (116)

Days closed besides Sundays, and Mondays. **2** (1<sup>st</sup> & 21/1) **MLK** (2)

### EVENTS: 2 (2): **55 ppl.** (19)

**12<sup>th</sup> Jan. (Sat.), Patrick Haynes:** Selected Mineral collecting sites in NM. **29** ppl

**16<sup>th</sup> Jan. (Wed.) Falth Vowler:** Learn about the science behind eclipses. **26** ppl

**27<sup>th</sup> Jan. (Sun.)** Friends of the Library annual membership event.

### Library Usage:

Number of people visiting Library: **Total 683** (395) (including 27 museum visits and 55 event)

Museum visits: **27**

**Total: Circulation and Digital: 588.**

Number of books/dvds/ checked out: **468:** **167 Books** (J 41, Y& YA 13), **301**

**DVD's, Audio 3** (215 Books, 283 DVD's,

Number of eBooks and audio books checked out: **TOTAL120:** (90), (18/32 place in consortium) **eBOOKS 82** (69) (22/31), **Audio 32** (21) (22/31)

Inter Library Loan requests processed: **2** (10)

New membership cards issued: **6** (10)

Volunteers: **10** volunteers helped in the library, shelving, and moving books. total of **+25 hours.**

Number of computer hours used: **130+** (125). **91** (76) people signed in to use the computers.

Various people using Wifi.

WCC contract awarded to WNM for 12 months. Passed by council Monday 28<sup>th</sup> January.

Pilot Program: Category 2 (equipment) out to bid. Will be awarded February 27<sup>th</sup>.

Maintenance: ZW replaced bulbs in foyer with LED's, remainder used to replace burnt out stack lighting. Men's bathroom: toilet flushing problems 2x, (probably frozen sewer pipe under building). Foyer heater out for 2 weeks +, repaired by Steve Troy)

Respectfully submitted,  
Yvonne Magener,  
Library Director



**VILLAGE OF MAGDALENA  
ORDINANCE No. 2019-02**

**AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY THE VILLAGE OF MAGDALENA; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF.**

**WHEREAS**, NMSA 1978 Section 3-17-1(A) provides that municipalities may adopt ordinances for the purpose of effecting or discharging the powers and duties conferred by law upon the municipality; and,

**WHEREAS**, NMSA 1978 Section 66-8-130 allows municipalities to pass ordinances establishing a penalty assessment program for traffic violations, in addition to mandatory fees; and,

**WHEREAS**, NMSA 1978 Section 3-18-17 limits allowable penalties for certain violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAGDALENA AS FOLLOWS:**

**SECTION I. PENALTY ASSESSMENTS AND FEES**

- A.** The term “Penalty Assessment Misdemeanor” means violation of the following sections of the New Mexico Traffic Code as adopted and amended from time to time by the Village. The term does not include any violation that has caused or contributed to the cause of an accident resulting in injury or death to any person.

<b>Common Name of Offense</b>	<b>Section Violated</b>	<b>Penalty Assessment</b>
Improper Display of Registration	66-3-18	\$25.00
Failure to Notify of Change	66-5-22	\$25.00

of Name or Address on License		
Expiration of Dealer Plates	66-3-403	\$25.00
Permitting Unauthorized Minor to Drive	66-5-40	\$50.00
Failure to Obey Stop Sign	66-7-104	\$50.00
Failure to Obey Signal	66-7-105	\$30.00
Unfastened Safety Belt	66-7-372	\$50.00
Child Unrestrained	66-7-369	\$100.00
Minimum Speed	66-7-305	\$25.00
Following Too Closely	66-7-318	\$25.00
Failure to Yield	66-7-328 – 66-7-331	\$25.00
Passing School Bus	66-7-347	\$80.00
Minor on Motorcycle without Helmet	66-7-357	\$100.00
Littering	66-7-364	\$100.00
Destructive or Injurious Material on Roadway	66-7-364	\$100.00
Texting While Driving	66-7-374	\$50.00
Texting While Driving Second or Subsequent Violation	66-7-374	\$100.00
Overtaking Vehicle from Left	66-7-312	\$25.00
Roadways Laned for Traffic	66-7-317	\$25.00
No Registration	66-3-1	\$50.00
Evidence of Registration to be Exhibited on Demand	66-3-13	\$25.00
Parking in Disabled Spaces	66-7-352.5	\$50.00
Passing in No Passing Zones	66-7-317	\$50.00
Drivers to be Licensed	66-5-2	\$50.00
Lighted Lamps Required	66-3-802	\$50.00
Operable Tail Lamps	66-3-805	\$25.00
Lamp or Flag on Projecting Load	66-3-824	\$25.00
One Way Road	66-7-316	\$50.00
Turn Signals Required	66-7-325	\$25.00
Failure to Stop from private drive or alley	66-7-346	\$25.00
Failure to Yield to Emergency Vehicle	66-7-332	\$75.00
Failure to Yield to Oncoming Vehicle	66-7-332.1	\$25.00
License to be Exhibited on	66-5-16	\$25.00

<b>Demand</b>		
<b>Drivers to Use Due Care</b>	<b>66-7-337</b>	<b>\$50.00</b>
<b>Open Container (first offense)</b>	<b>66-8-138</b>	<b>\$25.00</b>
<b>Speeding (up to 5 miles over)</b>	<b>66-7-301</b>	<b>\$25.00</b>
<b>Speeding (from 6 to 10 miles over)</b>		<b>\$50.00</b>
<b>Speeding (from 11-20 miles over)</b>		<b>\$75.00</b>
<b>Speeding (over 20 miles over)</b>		<b>\$90.00</b>

- B.** When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor.
- C.** In addition to the accepted penalty assessment, there shall be assessed a penalty assessment fee of ten dollars (\$10.00) to be deposited in a special fund in the Village treasury for use by the Village only for municipal jailer training; for the construction planning, construction, operation and maintenance of the municipal jail; for paying the costs of housing the Village's prisoners in other detention facilities; or for complying with match or contribution requirements for the receipt of federal funds relating to jails. Should the balance in this fund exceed the amount projected to be needed for the next fiscal year for the purposes described in this paragraph, the Village may transfer the unneeded balance to the General Fund.
- D.** All penalty assessments shall be processed by the municipal court, and all fines and fees collected shall be deposited in the treasury of the Village. A copy of each penalty assessment processed shall be forwarded to the Motor Vehicle Division within ten days of completion of local processing for posting to the driver's record. With the prior approval of the Director, the required information may be submitted to the Division by electronic means in lieu of forwarding copies of the penalty assessments.

## **SECTION II. OPTIONS; EFFECT**

- A.** Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor, the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgement of guilty to



the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation.

- B.** Payment of any penalty assessment must be made by mail to the Municipal Court, Traffic Violations Bureau, Village of Magdalena, New Mexico within thirty (30) days from the date of arrest. Payments are timely made if postmarked within this time limit. The Traffic Violations Bureau shall issue a receipt when a penalty assessment is paid by currency, cashier's check, or money order, but a check tendered by the violator upon which payment is received is sufficient receipt.
- C.** No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

### **SECTION III. FAILURE TO PAY**

- A.** If a penalty assessment is not paid within thirty (30) days from the date of arrest, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if the penalty assessment notice had not been issued.
- B.** The Office of the Municipal Court shall notify the Motor Vehicle Division of the State of New Mexico when a person fails to pay a penalty assessment within the required period of time. The Division shall report the notice upon the driver's record and shall not renew the person's license to drive until the Municipal Court notifies the Division that the penalty assessment or its equivalent, as well as any additional penalties imposed, are properly disposed of.

### **SECTION IV. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **SECTION V. ORDINANCES REPEALED**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed, including, but not necessarily limited to Ordinance 2003-05.

**APPROVED, ADOPTED and PASSED** this        day of        , 2019.

**Approved:**

**Richard Rumpf, Mayor**

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

**Attested:**

**Stephanie Finch  
Village Clerk/Treasurer**

**VILLAGE OF MAGDALENA  
SOCORRO COUNTY  
STATE OF NEW MEXICO**

**NOTICE OF PROPOSED ORDINANCE ADOPTION  
ORDINANCE NUMBER 2019-03**

**THE VILLAGE OF MAGDALENA TO ALL INTERESTED PERSONS,  
GREETINGS:**

**NOTICE IS HEREBY GIVEN** that an ordinance proposed for adoption by the Governing Body of the Village of Magdalena is now pending before said Governing Body.

The title of said ordinance is **“AN ORDINANCE PROHIBITING OFFENSES RELATING TO PUBLIC ORDER AND SAFETY AND ESTABLISHING PENALTIES FOR VIOLATION”**

The purpose of the ordinance is as stated in the title of the ordinance. Said ordinance will come for final consideration by the Governing Body of the Village of Magdalena at its regular meeting held on February 11, 2019.

Any interested person upon request and payment of a reasonable fee, may obtain copies of the proposed ordinance from the Village Clerk during regular business hours.

Stephanie Finch  
Clerk/Treasurer  
Village of Magdalena  
PO Box 145  
Magdalena, NM 87825  
Phone: 575-854-2261

**VILLAGE OF MAGDALENA  
ORDINANCE 2019-04**

**LIMITING OPEN BURNING WITHIN THE INCORPORATED  
AREAS OF THE VILLAGE OF MAGDALENA; PROVIDING FOR  
PENALTIES**

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

**WHEREAS**, NMSA 1978, Section 3-17-1, et. seq. provides that municipalities may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on municipalities, 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 the municipality and its inhabitants; and,

**WHEREAS**, State Administrative Code proscribes certain open burning and does not preempt more stringent controls provided by any local law. NMAC 20.2.60.6(A).

**WHEREAS**, Village Resources are limited and emergency services cannot be available at all times should a fire become out of control.

**NOW THEREFORE, BE IT ORDAINED** that the Board of Trustees of the Village of Magdalena adopts the following Ordinance proscribing open burning and establishes penalties for violation.

**Section 1.     DEFINITIONS**

- A.     Household Waste: means any waste including garbage and trash, derived from households including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas.
- B.     Nonattainment Area: means an area which has been designated under Section 107 of the Federal Clean Air Act as nonattainment for one or more of the national ambient air quality standards by the federal Environmental Protection Agency.
- C.     Open Burning: means any manner of burning, whether caused, suffered or allowed, not in a device or chamber designed to achieve combustion, where the products of combustion are emitted, directly or indirectly, into the open air; open burning does not include detonation of manufactured explosives.

- D. **Pile Volume:** means the gross volume of a pile, including the air space between solid constituents, as calculated from the overall dimensions and shape of the pile.
- E. **Salvage Operation:** means any operation to salvage or reclaim any material for use or sale, such as reprocessing of used motor oils, metals, wire, chemicals, shipping containers, or drums and specifically including automobile graveyards and junkyards.
- F. **Vegetative Material:** means plant material, including:
  - a. Grass, grass clippings, leaves, conifer needles, bushes, shrubs, trees, and clippings from bushes, shrubs and trees, resulting from maintenance of yards or other private or public lands; and
  - b. Wood waste, clean lumber, wood and wood products, including tree stumps, trees, tree limbs, bark, sawdust, chips, scraps, slabs, millings, and shavings, which have not been painted, pigment-stained, or treated with compounds containing chromium, copper, arsenic, pentachlorophenol, or creosote.

## **Section 2. STATE LAW**

- A. State law prohibits the open burning of household waste. NMAC 20.2.60.110(B).
- B. State law prohibits burning associated with a salvage operation. NMAC 20.2.60.110(A)(2).
- C. State law prohibits the burning of more than ten (10) acres or one thousand (1,000) cubic feet of piled material per day unless the requirements of the Smoke Management Regulation, NMAC 20.2.65 are met.
- D. State law prohibits burning within 300 feet of neighbors (dwellings, workplaces, places where people congregate) unless the requirements of the Smoke Management Regulation, NMAC 20.2.65 are met.
- E. Material to be burned must be as dry as practicable.
- F. Material to be burned must be free of paper, plastic, and other trash.
- G. State law prohibits burning earlier than one hour before sunrise, and the burn must be extinguished one hour before sunset.
- H. State law prohibits an unattended burn.
- I. State law prohibits the use of motor oil as an accelerant, and only the minimum amount of auxiliary fuel may be used.
- J. State law prohibits open burning in a nonattainment area.
- K. State law requires that burning shall be in compliance with 20.9.1 NMAC (Solid Waste Management).
- L. State law requires that burning shall not be conducted when an air pollution episode is in effect.

## **Section 3. VILLAGE LAW**

- A. The open burning of vegetative material in accordance with, and not prohibited by, State Law may be performed only upon the declaration of the Mayor, with the

advice of the Fire Chief, a "Burn Day". "Burn Days" will be advertised as public meetings are.

B. Any other open burning within Village limits is prohibited. Ashes generated by a burn must be completely cooled then disposed of at the Transfer Station or curbside, pursuant to the Joint Utilities Ordinance.

**Section 4. PENALTIES**

Persons in violation of this Ordinance; Section 4 A or B may be fined in an amount not to exceed five hundred dollars (\$500) and imprisoned for not more than ninety (90) days.

**Section 5. SEVERABILITY**

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

**PASSED, APPROVED, and ADOPTED** this 11<sup>th</sup> day of February, 2019.

Approved:

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

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

Attested:

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



**VILLAGE OF MAGDALENA**

**ORDINANCE NO. 2019-05**

**AN ORDINANCE OF THE GOVERNING BODY OF THE VILLAGE OF MAGDALENA  
WATER WELLS LOCATED WITHIN THREE HUNDRED FEET (300') OF  
MUNICIPAL WATER DISTRIBUTION LINES**

**WHEREAS**, the Village of Magdalena is desirous of controlling water within its boundaries;  
and

**WHEREAS**, the Village of Magdalena wants to restrict the drilling of new domestic water wells within its boundaries, as allowed by section 3-53-1.1 NMSA (1978 Comp.), as amended.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
VILLAGE OF MAGDALENA, NEW MEXICO as follows:**

1. The Village of Magdalena hereby restricts the drilling of new domestic water wells, except for properties zoned agricultural, if the property of the Domestic Well Applicant is within three hundred feet (300') of a municipal distribution water line, and if the Applicant's property is located within the boundaries of the municipality.
2. The above restriction has the following conditions: a) the total cost to the Applicant of extending the municipal water line and the meter and hook-up will not exceed the cost of drilling the domestic well; and b) the Village shall provide water service to the Applicant within ninety (90) days from the date that the Village denies the Applicant's permit.

3. Any Applicant for a new domestic well located within the boundaries of the municipality shall obtain a permit to drill the well, from the municipality, subsequent to the State Engineer's approval.
4. A copy of the Ordinance shall be filed with the State Engineer's Office upon its approval.
5. The Village of Magdalena must act on a new Domestic Well Permit within thirty (30) days of the receipt of said request or it shall be deemed approved.
6. The Village of Magdalena shall notify the State Engineer's Office of all municipal permit denials for domestic well authorization.
7. The decision of the Village of Magdalena may be appealed to the District Court in the county of the municipality.
8. Nothing in the Ordinance shall limit the authority of the State Engineer to administer water rights as provided by law.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

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

\_\_\_\_\_  
Kathy Riley  
Village of Magdalena – Attorney

ATTEST:

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



# NEW MEXICO PUBLIC REGULATION COMMISSION

## **COMMISSIONERS**

DISTRICT 1 CYNTHIA B. HALL  
DISTRICT 2 JEFFERSON L. BYRD  
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR  
DISTRICT 4 THERESA BECENTI-AGUILAR, CHAIR  
DISTRICT 5 STEPHEN FISCHMANN



P.O. Box 1269  
1120 Paseo de Peralta  
Santa Fe, NM 87504-1269

***Don Shainin, State Fire Marshal***  
***Phone (505) 476-0160***  
***Fax (505)476-0100***

## **INTERIM CHIEF OF STAFF**

Jason N. Montoya, P.E.

February 6, 2019

Stephanie Finch  
Municipal Clerk/Treasurer  
Village of Magdalena  
P.O. Box 145  
Magdalena, New Mexico 87825

Reference: Request to transfer a 1987 Pierce Fire Apparatus from the Magdalena Fire Department to the National Radio Astronomy Observatory (Very Large Array).

Ms. Finch,

In response to your request received on February 5, 2019 regarding the transfer of a 1987 Pierce Fire Apparatus, vin number 1FDPK84N7HVA30698 from the Magdalena Fire Department to the National Radio Astronomy Observatory (Very Large Array). Your request has been reviewed and is approved. This fire apparatus will have to be removed from the Magdalena Fire Department's inventory.

If you have any questions please do not hesitate to contact me at 505-231-7162

Respectfully,

A handwritten signature in black ink that reads "Sammy Anaya".

---

Sammy Anaya  
Fire Department Inspector  
New Mexico State Fire Marshal's Division  
Fire Service Support Bureau



January 31, 2019

New Mexico Incorporated Municipality or County

**SUBJECT: NMDOT 2019 ANNUAL HARSHIP SALE**

The Local Government Road Fund is administered by the New Mexico Department of Transportation (NMDOT). The annual \$500,000.00 fund shall be used only by Incorporated municipalities and counties to purchase surplus automotive and major road equipment.

**In order to qualify for a MAX of \$25,000 – municipalities or counties must submit:**

1. A **Letter of Justification** explaining the entity's financial hardship. Justification should be no longer than 2-3 pages;
2. A **Resolution or Certification** indicating financial hardship; and,
3. An **Equipment Wish List** of items they are interested in acquiring at the Sale.

**Items must be received by March 31, 2019 at the following address:**

**New Mexico Department of Transportation  
Fleet Management Bureau – SB-2  
Attn: Matthew S. Chavez, Management Analyst  
P.O. Box 1149  
Santa Fe, NM 87504-1149**

NMDOT will then coordinate with NM Department of Finance and Administration Local Government Division for financial analysis and confirmation of hardship.

NMDOT will also submit request to the State Transportation Commission.

A letter will be sent notifying each entity of their request no later than June 30, 2019.

**NMDOT will conduct the 2019 Annual Hardship Sale on Wednesday, July 31, 2019 from 8:00 AM – 4:30 PM at the NMDOT Auction Yard located at 7315 Cerrillos Road, Santa Fe, NM. Sale will begin promptly at 8:00 AM**

Please contact Matthew S. Chavez at [matthew.chavez@state.nm.us](mailto:matthew.chavez@state.nm.us) or (505) 660-8885 with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Kraul", is written over a light blue horizontal line.

**John H. Kraul  
NMDOT State Fleet Equipment Manager**

**Michelle Lujan  
Grisham  
Governor**

**Michael R. Sandoval  
Cabinet Secretary-Designate**

**Commissioners**

**Ronald Schmeits  
Chairman  
District 4**

**Dr. Kenneth White  
Commissioner  
District 1**

**David Sepich  
Commissioner  
District 2**

**Keith Mortensen  
Commissioner  
District 3**

**Butch Mathews  
Commissioner  
District 5**

**Billy Moore  
Commissioner  
District 6**



January 31, 2019

New Mexico Public Entities

**SUBJECT: NMDOT 2019 ANNUAL PUBLIC ENTITY SALE**

Public entities may purchase surplus automotive and major road equipment from the New Mexico Department of Transportation (NMDOT) via use of their own capital outlay funds or Local Government Road Funds.

Public entities are defined as:

- o State agencies;
- o Local public bodies;
- o School districts;
- o State educational institutions;
- o Municipalities; and
- o Tribal organizations.

**Public entities are "NOT" allowed to participate in both the NMDOT Entity Sale and Hardship Sale.**

Automotive and major road equipment consists of light duty vehicles, medium/heavy duty trucks and highway heavy and/or off road equipment.

Public entities are expected to provide check, money order or purchase order in order to purchase items at the annual public entity sale.

Title and/or Bill of Sales will be issued on the date purchased. The purchaser will be responsible for proper title and registration through the Motor Vehicle Division of the New Mexico Taxation and Revenue Department within 30 days according to State Statutes.

Public entities who are planning to participate that have questions should email Matthew S. Chavez at [matthew.chavez@state.nm.us](mailto:matthew.chavez@state.nm.us) by no later than Friday, June 10, 2019.

**NMDOT will conduct the 2019 Annual Public Entity Sale on Wednesday, July 10, 2019 from 8:00 AM – 4:30 PM at the NMDOT Auction Yard located at 7315 Cerrillos Road, Santa Fe, NM. Sale will begin promptly at 8:00 AM.**

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Kraul", is written over a light blue horizontal line.

John H. Kraul  
NMDOT State Fleet Equipment Manager

**Michelle Lujan  
Grisham**  
Governor

**Michael R. Sandoval**  
Cabinet Secretary-Designate

**Commissioners**

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Chairman  
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**Dr. Kenneth White**  
Commissioner  
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**David Sepich**  
Commissioner  
District 2

**Keith Mortensen**  
Commissioner  
District 3

**Butch Mathews**  
Commissioner  
District 5

**Billy Moore**  
Commissioner  
District 6