



VILLAGE OF MAGDALENA
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AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, NOVEMBER 23, 2020
VILLAGE HALL 108 N. MAIN STREET 6:00 PM

DUE TO THE NATIONAL, STATE AND COUNTY COVID-19 DECLARED EMERGENCY AND PUBLIC HEALTH ORDER DATED OCTOBER 16, 2020 LIMITING GATHERINGS TO 5 PERSONS OR LESS THE MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC WILL BE ABLE TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM 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 – NOVEMBER 9, 2020
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT

10. DISCUSSION & POSSIBLE DECISION TO SUBMIT REVISIONS TO SOCORRO ELECTRIC COOPERATIVE REGARDING FRANCHISE AGREEMENT

11. DISCUSSION & POSSIBLE DECISION CONCERNING AN EMERGENCY COVID POLICY FOR EMPLOYEE LEAVE

12. DISCUSSION & POSSIBLE DECISION TO POST DEPUTY MARSHAL POSITION

13. PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT
PUBLIC COMMENT MAY BE MADE VIA EMAIL AND WILL BE ENTERED AND/OR READ INTO THE MEETING MINUTES (IF LESS THAN 3 MINUTES) BY EMAILING COMMENTS TO: mayor@villageofmagdalena.com THE DEADLINE FOR WRITTEN PUBLIC COMMENTS TO BE RECEIVED IS MONDAY, NOVEMBER 23, 2020 AT 12:00 PM. EMAILED PUBLIC COMMENT MUST CONTAIN THE AUTHOR'S NAME AND PHYSICAL ADDRESS.

14. 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. 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, NOVEMBER 9, 2020 AT 6:00 PM

DUE TO THE NATIONAL, STATE AND COUNTY COVID-19 DECLARED EMERGENCY AND PUBLIC HEALTH ORDER DATED OCTOBER 16, 2020 LIMITING GATHERINGS TO LESS THAN 5 PERSONS OR LESS THE MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC WILL BE ABLE TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM AT THE FOLLOWING LINK:

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Meeting ID: 4861155997

Passcode: MAGDALENA

Mayor Richard Rumpf called the meeting to order at 6:08 p.m.

PRESENT: Mayor Richard Rumpf, Clark Brown- Trustee, Francesca Gutierrez- Clerk/Treasurer, Kathy Stout - Attorney

Participating via Video Conference: Trustees: Donna Dawson, James Nelson, Harvan Conrad, Carleen Gomez - Deputy Clerk

GUESTS: Sabrina Aragon - Assistant Clerk, Michael Steininger

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

APPROVAL OF AGENDA: James Nelson made a motion to approve the agenda as presented. The motion was seconded by Donna Dawson. The motion carried unanimously.

APPROVAL OF MINUTES: James Nelson made a motion to approve the minutes of the Regular Meeting held on October 26, 2020, as amended. The motion was seconded by Donna Dawson. The motion carried unanimously with the suggested spelling corrections.

APPROVAL OF CASH BALANCE REPORT: James Nelson mentioned the Library fund was negative. Michael Steininger said he corrected the balance and the new balance is \$9,000. James Nelson made a motion to approve the cash balance report, as presented. The motion was seconded by Harvan Conrad. The motion carried unanimously.

APPROVAL OF BILLS: Donna Dawson asked about the status of funds for the new trash truck. The Mayor said he will look into it. Donna Dawson made a motion to approve the bill list. The motion was seconded by James Nelson. The motion carried unanimously.

BILL LIST

A-1 Quality Redi Mix	\$1078.70
Admin Office of the Courts	\$84.00
JR Library Guild	\$204.00
JV Professional Auto	\$569.39
Magdalena Schools	\$202.50
Nance, Pato, Stout	\$639.00
Napa Auto Parts	\$198.77

NM Judicial Center	\$42.00
O'reilly Auto	\$360.64
Provelocity	\$640.00
Quick & Easy wrecker	\$2010.00
RAKS	\$124.50
Safety Counselling	\$80.91
Sierra Propane	\$146.11
Tire Shop	\$15.00
Verizon Wireless	887.09
WEX Bank	\$1397.41
Winstons Auto	140.70
WNM Communications	\$804.40
Total	\$9732.54

MAYOR'S REPORT

Mayor Rumpf stated that the Airport project is complete. We are working on closing the grant in the next week or two.

CLERK'S REPORT

Clerk/ Treasurer Francesca Gutierrez had nothing to report.

DEPARTMENT REPORTS

- a. **EMS-** James Nelson, EMS Coordinator, reported 10 calls in October 2020.
- b. **FIRE-** No report was submitted.
- 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-** Mayor Rumpf said the Utility Vehicles are getting maintenance done on them. Some of the utility workers have been on vacation for the hunting season.
- f. **LIBRARY-** A report was submitted by Librarian Ivy Stover and was reviewed by the Mayor and Trustees.

PAMELA RICE –PRESENTATION AND DISCUSSION REGARDING APPROVAL OF FISCAL YEAR 2019 AUDIT

Pamela Rice gave an overview of the FY2019 audit. The Village received a rating of an "Unmodified Opinion". The Village had findings that are currently being rectified. Donna Dawson thanked Ms. Rice for the presentation.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2020-22, ACCEPTANCE AND APPROVAL OF THE FY 2019 AUDIT

Donna Dawson motioned to approve Resolution No. 2020-22 of the FY 2019 Audit. Harvan Conrad seconded the motion.

Clerk/ Treasurer requested a roll call vote:

James Nelson- AYE

Harvan Conrad- AYE

Donna Dawson- AYE

Clark Brown- AYE

The motion was carried unanimously.

DISCUSSION TO SUBMIT REVISIONS TO SOCORRO ELECTRIC COOPERATIVE REGARDING FRANCHISE AGREEMENT

The Mayor said the franchise fees agreement will go from 2% to 3%. Also, in Section 7, to add fiber optics. Kathy Stout will correct Section 8 to read 10 years and will check the franchise tax fee. The revised agreement will be presented at the next meeting. Donna Dawson motioned to postpone this issue until they can see the revised agreement with corrections. Harvan Conrad seconded the motion. James Nelson abstained from the vote.

PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT

PUBLIC COMMENT MAY BE MADE VIA EMAIL AND WILL BE ENTERED AND/OR READ INTO THE MEETING MINUTES (IF LESS THAN 3 MINUTES) BY EMAILING COMMENTS TO: mayor@villageofmagdalena.com THE DEADLINE FOR WRITTEN PUBLIC COMMENTS TO BE RECEIVED IS MONDAY, OCTOBER 26, 2020 AT 12:00 PM. EMAILED PUBLIC COMMENT MUST CONTAIN THE AUTHOR'S NAME AND PHYSICAL ADDRESS.

The Mayor received no public comments.

Trustee Donna Dawson moved to adjourn the meeting at 6:51pm. The motion was seconded by Clark Brown. The motion carried unanimously.

Respectfully Submitted,

Francesca Gutierrez
Clerk/Treasurer

Richard Rumpf
Mayor



DRAFT
VILLAGE OF MAGDALENA
ORDINANCE №. 2020-03

AN ORDINANCE GRANTING TO SOCORRO ELECTRIC COOPERATIVE, INC. AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO DISTRIBUTE ELECTRICAL ENERGY IN THE VILLAGE OF MAGDALENA, NEW MEXICO, AND USE THE STREETS, ALLEYS AND OTHER PUBLIC PLACES FOR SUCH PURPOSE

WHEREAS, NMSA 1978, Section 3-42-1 provides that municipalities have the power to grant, by ordinance, a franchise to any person, firm or corporation for the construction and operation of any public utility; and,

WHEREAS, Ordinance 2000-01 is over twenty (20) years old and the longest a franchise ordinance can be in effect is twenty-five (25) years.

NOW THEREFORE, BE IT ORDAINED that the Board of Trustees of the Village of Magdalena adopts the following Ordinance providing a franchise to Socorro Electric Cooperative, Inc. (SEC).

Section 1. That there is hereby granted to SEC and its successors, assigns, employees, and agents hereinafter referred to as the “Grantee”, the right, privilege and franchise to construct, maintain, and operate in the present and future roads, streets, alleys and public areas of the Village of Magdalena, Socorro County, New Mexico, hereinafter referred to as the “Village”, an electric distribution system consisting of poles and lines, with all necessary and desirable appurtenances, including underground conduits, for the purpose of supplying electrical current or internet service within and in the vicinity of the Village.

Section 2. The Grantee may enter in and upon the said roads, streets, alleys and public places at any time for the purpose of making excavations and removing, repairing and maintaining such poles, wires, cables and all other structures necessary or convenient in supplying such electric service. Any and all excavations shall be repaired and obstructions removed as quickly as is reasonably possible under the circumstances.

Section 3. The poles for such distribution system shall be placed and erected in such a manner as not to interfere with the use of the roads, streets, alleys and public places in the Village or the inhabitants or property owners along such roads, streets, or alleys.

Section 4. The construction, replacing and manner of erecting the poles and lines of the Grantee and all fixtures and attachments thereto shall be at all times subject to the police power of the Board of Trustees of the Village and shall comply with all applicable industry standards and regulations.

Section 5. The Grantee shall during the term of this franchise hold the Village harmless against any and all damage that may be caused by reason of the construction, maintenance, and operation of the Grantee's electrical distribution system in the Village to any and every person that may be damaged by reason of the construction, maintenance, or operation of such distribution system. The Grantee shall defend or cause to be defended at its own expense, all actions that may be commenced against the Village for the damages caused by reason of the construction, maintenance, or operation of such distribution system.

Section 6. For and in consideration of the right, privilege and franchise herein granted, the Grantee shall pay the Village a sum equal to three percent (3%) of the gross receipts of the Grantee from electric power furnished by the Grantee to customers within the corporate limits of the Village (excluding non-profit organizations, governmental entities, and all other qualifying facilities); said sum to be paid by the Grantee to the Village on or before the fifteenth (15th) day of each month for the preceding month.

Section 7. In further consideration of the grant made herein, the Village may install or contract for the installation of fire alarms, police wires, fiber optic or internet cables, and other necessary equipment to the poles belonging to the Grantee which are located within the Village limits. Furthermore, the Village shall assume responsibility for its own attachments and additions within the limits of the Tort Claims Act and the Village will be responsible for maintaining such attachments in a workmanlike manner consistent with any applicable industry standards with adequate clearances between Village owned equipment and facilities for the protection of life and property.

Section 8. This ordinance will take effect thirty (30) days after approval subject to NMSA 1978, Section 3-42-1(C) and (D) and will expire upon rescission or the passage of ten (10) years, whichever comes first. The provisions of this ordinance are severable and if any section, provision, or part shall be held invalid, the remainder shall continue in full force and effect.

PASSED, APPROVED, and ADOPTED this day of , 2020.

Approved:

Richard Rumpf, Mayor

Katherine Stout, General Counsel as to
legal sufficiency

Attested:

Francesca Gutierrez, Clerk/Treasurer