



VILLAGE OF MAGDALENA
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AGENDA

NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES

MONDAY, DECEMBER 10, 2018

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 – NOVEMBER 26, 2018
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. ABIEL CARRILLO - DISCUSSION & POSSIBLE DECISION REGARDING CONSIDERATION OF AWARD FOR WATER METER PROJECT CONTRACTOR
12. FIRST CONSIDERATION - DISCUSSION & POSSIBLE DECISION TO PUBLISH ORDINANCE #2018-06 OPTING INTO THE STATEWIDE, BI-PARTISAN, NOVEMBER OF ODD YEARS MUNICIPAL ELECTIONS
13. FIRST CONSIDERATION - DISCUSSION & POSSIBLE DECISION TO PUBLISH ORDINANCE #2018-07 ESTABLISHING PENALTY ASSESSMENTS FOR CERTAIN TRAFFIC MISDEMEANORS
14. FIRST CONSIDERATION - DISCUSSION & POSSIBLE DECISION TO PUBLISH ORDINANCE #2018-08 PROHIBITING OFFENSES RELATING TO PUBLIC ORDER AND SAFETY AND ESTABLISHING PENALTIES FOR VIOLATION
15. DISCUSSION & POSSIBLE DECISION REGARDING ADVERTISING FOR DEPUTY MARSHAL POSITION
16. DISCUSSION & POSSIBLE DECISION REGARDING RESCHEDULING THE DECEMBER 24, 2018 REGULAR MEETING
17. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT
18. ADJOURNMENT

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 8725. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

**Minutes of the Regular Meeting of the Village of Magdalena
Board of Trustees
Held Tuesday, November 26, 2018 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 Riley

Guests: Betty Saavedra, Michelle Paz, Abiel Carrillo, Alejandra Paez, Joseph T. Scartaccini, John Larson, Mike Danielsen, Carleen Gomez - Deputy Clerk

Mayor Richard Rumpf requested that Mr. Joseph T. Scartaccini lead the gallery in reciting the Pledge of Allegiance.

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

Approval of Minutes: Mrs. Middleton motioned to approve the minutes of the Regular Meeting held on November 13, 2018, as amended, seconded by Mr. Nelson. 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: Mr. Nelson motioned to approve the bills, as presented, seconded by Mrs. Middleton. The motion carried unanimously.

Amazon Credit Plan	\$1,520.77	Consultant Pharmacist	\$431.50
Gempler's	57.97	Hall Environmental	215.75
Konica Minolta	581.00	Napa Auto Parts	26.38
Nebblett & Company	250.00	NM Municipal League	300.00
NM Regulation & Licensing	50.00	Presbyterian Medical	219.75
Purchase Power	320.99	Quill	428.66
Sierra Propane	1,231.22	Socorro Electric	3,711.06
Valley Tractor	102.75	Yvonne Magener	116.10

Mayor's Report

Mayor Rumpf reported that Volkswagen was given money for charging stations for electric vehicles. He stated that things are currently in the development stages, but the Village would have to pay a \$100.00 maintenance fee. Mr. Scartaccini questioned if the Socorro Electric Cooperative is making money off this contract, they should be the company paying the fee. Mayor Rumpf stated that it was still too early to know for sure. He stated that Quemado should be getting a charging station.

Clerk's Report

Clerk Finch reported that the Christmas Parade is coming along. She stated that registration for the parade is due on December 7, 2018 by 4:00 p.m. She stated that Secret Santa stockings are up and encouraged those who can to donate. She stated that unwrapped gifts are due by December 17, 2018. She stated that donations can also be made for food baskets for families in need. Clerk Finch stated that Santa would be giving out gifts on December 21, 2018 from 9:00 a.m. to noon at Village Hall. She added that the Fire Department will be delivering food baskets on Saturday, December 22, 2018.

Betty Saavedra - Discussion & Possible Decision Regarding Municipal Elections

Mrs. Betty Saavedra, Socorro County Clerk introduced herself as well as her Deputy County Clerk, Michelle Paz. Mrs. Saavedra stated that there are currently 628 registered voters in the Village of Magdalena and 11,000 total for Socorro County. She stated that a total of 259 people voted in the Village's 2018 Municipal Election. Mrs. Saavedra explained that if the Mayor and Council decide to opt-in and have the County Clerk's office run their elections there would be a larger voter turn-out, the Village would be placed first on the ballot and there would only be an annual fee of approximately \$250.00. She stated that opting-in would change the length of terms for elected officials and elections would be in odd numbered years instead of even. She stated that elections would be held in November of those odd numbered years and the elected official would not take office until January. She added that the election would also remain a non-partisan election. County Clerk Saavedra stated that she would get more information from the Secretary of State's Office concerning how the terms would be affected as far as lengthening or extending them. The Mayor and Board thanked both ladies for being present to help them understand the process.

Ms. Dawson motioned to place an Ordinance on the agenda for the next meeting to opt-in, seconded by Mr. Brown.

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.

Abiel Carrillo - Discussion & Possible Decision Regarding Radio Read Meter Project

Mr. Abiel Carrillo with KSA Engineers introduced himself and stated that two bids for the Radio Read Meter Project were received and opened. He stated that the two bidders were File Construction for \$379,000.00 and Total Contractors for \$462,000.00. He stated that the lowest bidder was still over budget. Mr. Carrillo went over the two options that the Village was left with. He stated that the first option was to have a re-bid and take out some of the items so that the costs will go down. He stated that doing so may discourage bidders from submitting another bid. He explained that the second option would be to accept the lowest bid as it is and eliminating items with contract amendments to reduce costs. Clerk Finch stated that Utility Manager Jake Finch says there are approximately fifty meters that don't need new setters and the Village can also hold off on installing curbs stops on meters that are incased in concrete to lower costs. Mr. Carrillo stated that he could present this at the next regular meeting.

Tyler Scartaccini - Discussion & Possible Decision Regarding Community Park

Mr. Scartaccini stated that they are getting ready to break ground on the Community Park. He stated that he wanted to discuss everyone's thoughts before the project began. He stated that he would like to take the horse shoe pits out and move them out of the park area. He stated that there are some drainage issues with the pit where it's at now. Mayor Rumpf stated that they could be moved because they are used for Old Timer's. Mr. Scartaccini stated that he would like to also move some bumpers around to make it more appealing for a park. Mr. Scartaccini stated that he is not worried about the lights and there might be barbeque grills put in, in the future. Mr. Scartaccini stated that he is looking forward to getting a park in. Mayor Rumpf thanked Mr. Scartaccini for all his efforts.

Discussion & Possible Decision Regarding Approval Of Groundwater Level Monitoring Program And Data Sharing Agreement

Clerk Finch stated that Stacy Timmons with New Mexico Tech has

been gathering data on our water and wells for many years now and has presented an agreement to continue to do so. Clerk Finch stated it will continue to be done at no cost to the Village. She added that the data that is provided is very helpful to the Village.

Mr. Nelson motioned to approve the agreement, seconded by Mrs. Middleton.

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

Ms. Dawson AYE

Mrs. Middleton AYE

Mr. Brown AYE

Mr. Nelson AYE

The motion carried unanimously.

Public Input - 1 Topic Per Person - 3 Minute Limit

Ms. Dawson stated that she noticed more lights that have been shielded and she wanted to know who had authorized that. Clerk Finch stated that Village Hall had not authorized anything, and she would contact the Electric Coop about the issue.

Executive Session

Mrs. Middleton motioned to go into Executive Session at 7:26 p.m., seconded by Ms. Dawson.

Clerk Finch requested a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Brown AYE

The motion carried unanimously.

a. NMSA 10-15-1(H) (7) - Potential Litigation

i. Unpaid Lodger's Tax

Mr. Nelson motioned to go back into regular session at 7:47 p.m. and certified that only potential litigation was discussed, and no decisions were made, seconded by Mr. Brown.

Clerk Finch requested a roll call vote:

Mr. Brown AYE

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Nelson AYE

The motion carried unanimously.

Mrs. Middleton motioned to adjourn the meeting at 7:48 p.m., seconded by Ms. Dawson. 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

Monthly Report	November	Year: 2018
Michael Zamora		
Total Miles Driven:		
GENERAL CALLS:	AMOUNT	REVENUE
TRAFFIC CITATIONS: Village Ordinances	15	1135
TRAFFIC CITATIONS: State Statutes	0	
CRIMINAL CITATIONS		
ANIMAL CONTROL CITATIONS	3	
TRAFFIC ACCIDENTS		
D.W.I. ARRESTS	0	
FELONY ARRESTS		
MISDEMEANOR ARRESTS		
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	2	
JUVENILE CASES		
DOMESTIC CASES		
CRIMINAL DAMAGE / PROPERTY	2	
ASSISTANCE CALLS:		
AMBULANCE/FIRE	2	
PUBLIC SERVICE		
NM STATE POLICE		
SHERIFF'S OFFICE		
NM FISH & GAME	1	
US BORDER PATROL	0	
US FOREST SERVICE	0	
OTHER:	1	
ALARM CALLS		
FINGERPRINTING	0	
Driving Tests	1	10
Misc. Cases	9	
TOTALS:	34	1199

Magdalena Marshal's Office

Monthly Report	November	Year: 2018
Dylan Coslin		
Total Miles Driven:	45088	
GENERAL CALLS:	AMOUNT	REVENUE
TRAFFIC CITATIONS: Village Ordinances	22	975
TRAFFIC CITATIONS: State Statutes		
CRIMINAL CITATIONS		
ANIMAL CONTROL CITATIONS		
TRAFFIC ACCIDENTS		
D.W.I. ARRESTS		
FELONY ARRESTS		
MISDEMEANOR ARRESTS		
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	2	0
JUVENILE CASES		
DOMESTIC CASES		
CRIMINAL DAMAGE / PROPERTY		
ASSISTANCE CALLS:		
AMBULANCE/FIRE		
PUBLIC SERVICE		
NM STATE POLICE		
SHERIFF'S OFFICE		
NM FISH & GAME		
US BORDER PATROL		
US FOREST SERVICE		
OTHER:		
ALARM CALLS		
FINGERPRINTING		
Driving Tests		
Misc. Cases	5	0
TOTALS:	29	975

Librarian's Report

Report for NOVEMBER 2018 (Numbers in parenthesis are last years)

Days open: 18 (18) Days le.: 105 (104) Hours.

Days closed (besides Sundays, and Wednesdays) **4 – 11/12 Veteran's Day, 22/23**

Thanksgiving Librarian took unpaid day off: Sat: 24/11. (3)

EVENTS: 3 (3)

11/6 Pre K visit. Learnt about the world. 13 kids and 3 aides. 16ppl.

11/14 JIM NELSON: GPS and georeferencing 18 ppl.

11/17 Steve Havill & Anne Hillerman: Books signing and Q & A. 23

Total Events: 3 / 57 ppl Children specific 1 / 16 attendees. / Adults / 41 / 0 children

Library Usage:

Number of people visiting Library: Total 504 (including events) (412)

Museum visits: 28 signups on the sign in sheet. (closed)

**Deleted / dded Items: Books = Added 147 deleted: 17. (about 20 purchased with GOBond funds.)
Dvd's added 11 deleted 1. Collection Books: 22681, DVD's 2692, Audio 218 Digital 9,000.**

Books/DVDs/ audio checked out: Total: 413 (279) - A: 391 YA: 4 J: 13

Books: 160 (117), DVD's: 251 (162), audio: 2 (?).

Total Including ebooks/audio: (413 & 123) = 536 - (117 & 162 = 437)

eBooks/audio books checked out: 123!! (98)- 16 /32 (place in consortium), eBooks: 81 (66) 16/32 - audio: 42 (32) 18/31

New membership cards issued: 11! - 11 adults, child. (2)

Inter Library Loan requests processed: 7 (1 cancelled) books, 0 articles. (21)

Volunteers: 10 volunteers helped in the library, shelving, cataloging and labeling books etc., Nelda & Russell Baker, Cella LaTasa, Judyth Shamosh, Gary Etter, Don Phillips, Linda Montoya, Cricket Courtney, Kenda Willey, Anne DeCorey **Total of 58 hrs.**

Number of computer users and hours used:

57 (58) people signed in to use computers. 89 (83.5) hours used. Chromebook usage: X hrs. (0) Various people using wireless inside and outside as well. Various tourists using wifi...

Village staff blew away the accumulated leaves, thus lowering the fire hazard, and making it look soo much nicer outside.

Water tank for the garden arrived 11/9.

11/7 Y. went Abq. for WCC meeting.

Respectfully submitted,

Yvonne Magener, Library Director

November 30, 2018

Ms. Stephanie Finch
Clerk/Administrator
Village of Magdalena
108 N Main Street
Magdalena, New Mexico, 87825

via email

**Re: Water Meter Improvements
DWSRF Project Number 4198
Information for Award**

Dear Ms. Finch:

On Tuesday, November 13, 2018, at 11:00 am, Bids were opened for the above-referenced project. We typically assemble a Bid Evaluation table, but only two bids were submitted, so they are summarized within the letter below.

The two Bids received were from File Construction and Total Contracting Services:

- File Construction's Base Bid was in the amount of \$353,968.63 [corrected], and their Additive Alternate Bid was in the amount of \$8,166.56 [corrected].
- Total Contracting Services, Inc's Base Bid was in the amount of \$431,339.00 [corrected], and their Additive Alternate Bid was in the amount of \$6,562.00.

The amounts do not include tax (see also Bid Tabulation).

Both firms acknowledged receipt of the Addendum No. 1 and No. 2.

Both firms submitted Qualification Statement information that is generally relevant to this project.

Both firms submitted evidence of authority to do business in the state of New Mexico and provided their sGB98 license copy.

Both firms hold an A or better Surety Bond rating.

Both firms are headquartered in Albuquerque, NM.

Both firms propose to self-perform, as reflected by the information provided in the Subcontractor's Fair Practice Act form.

Both firms submitted their Equipment Suppliers List.

Both firms submitted the federal forms listed under the Supplemental Conditions for Federally Assisted Drinking Water Infrastructures. However, acceptance of the information in this Section is subject to the review of NMED Construction Programs Bureau.

Should the Village decide to award this project, we recommend to consider the lowest responsive Bid that was received, submitted by File Construction. If awarded, the total base bid contract amount, including NMGRT, will be for \$379,852.64. Note that the bid amount exceeds the available DWSRF loan amount portion set aside for construction, and acceptance of the Bid implies that the Village is able to allocate the difference to complete the project from local funds.

The Bid Tabulation is included, and the original bids will be returned to the Village for filing.

If there is any question please do not hesitate to contact me.

Sincerely,

KSA


Abel Carrillo, P.E.
Project Manager

BID TABULATION

**Village of Magdalena
AMR Water Meter Replacement
KSA Project No. VOM.002
Bid Date: November 13, 2018**

**1
File Construction, LLC
119 Industrial Ave NE
Albuquerque, NM 87107
505.554.1780**

**2
Total Contracting
Services, Inc.
PO Box 72385
Albuquerque, NM 87183
505.880.7156**

BID ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
AMR Equipment & Installation							
1.01	Furnish and Install 5/8 x 3/4-inch Water Meter w/Encoder Register and AMR Transmitter Unit. Remove and salvage meter.	EA	428	\$222.34	*\$95,166.72	\$255.00	\$107,865.00
1.02	Furnish and Install 1-inch Water Meter w/Encoder Register and AMR Transmitter Unit. Remove and Salvage Existing Meter.	EA	2	\$328.82	*\$657.64	\$293.00	\$590.00
1.03	Optional- Salvage Credit (Deduction) for 5/8 x 3/4-inch meters. Budget Brand Nutating Disk Meters	EA	428	No Bid	No Bid	-\$4.00	-\$1,736.00
1.04	Optional- Salvage Credit (Deduction) for 1-inch meters. Budget Brand Nutating Disk Meters.	EA	2	No Bid	No Bid	-\$6.00	-\$12.00
1.05	Furnish and Retrofit Encoder Register and Transmitter Unit to Ex. Water Meter, 2-inch.	EA	4	\$257.00	*\$1,028.00	\$254.00	\$1,016.00
1.06	Furnish and Retrofit Encoder Register and Transmitter Unit to Ex. Water Meter, 3-inch.	EA	1	\$289.80	\$289.80	\$649.00	\$649.00
1.07	Retrofit Encoder Register and Transmitter to Ex. Water Meter, 4-inch	EA	1	\$257.00	\$257.00	\$649.00	\$649.00
1.08	Furnish Retrofit Encoder Register and Transmitter Unit to Ex. Compound Water Meter, 6	EA	1	\$456.89	\$456.89	\$980.00	\$980.00
1.09	Drive By Collector Hardware for Two (2) Users	EA	1	\$10,979.08	\$10,979.08	\$18,893.00	\$18,893.00
1.10	Software, Installation, Startup Support, On Site Training Package and Operations Manual for AMR System	LS	1	\$2,744.77	\$2,744.77	\$10,048.00	\$10,048.00
Water Service Improvements							
1.11	Desilt, Clean and Prepare Existing 3/4" or 1" Meter Can	EA	428	\$38.25	*\$16,370.00	\$30.00	\$12,840.00
1.12	Modify or Replace Can Lid Per AMR Equipment Manufacturer's Published Recommendation. See Technical Section 01200	EA	428	\$37.38	*\$15,878.76	\$67.00	\$28,676.00
1.13	Repair 3/4" Water Service Copper/Poly Pipe Line Leak (Replace Tubing from Main Line to Curb Stop)	EA	5	\$277.77	*\$1,388.85	\$438.00	\$2,190.00
1.14	Furnish and Install 3/4" Curb Stop Ball Valve, Installed Inside Meter Box	EA	428	\$75.54	*\$32,195.72	\$130.00	\$55,760.00
1.15	Furnish and Install 1" Curb Stop Ball Valve, Installed Inside Meter Box	EA	2	\$149.79	*\$299.58	\$132.00	\$264.00
1.16	Furnish and Install Dual Check Valve Copper Meter Setter for 3/8" x 3/4" Service, Installed, Includes Removal and Salvage of Existing Setter	EA	428	\$247.05	*\$104,902.15	\$229.00	\$96,867.00
1.17	Furnish and Install Dual Check Valve Copper Meter Setter for 1" Service, Installed, Includes Removal and Salvage of	EA	2	\$418.45	\$837.90	\$525.00	\$1,050.00
Open Meter Vault Improvements							
1.18	Sewer, Remove and Dispose 4" Concrete Sidewalk	SY	20	\$128.95	*\$2,579.00	\$60.00	\$1,200.00
1.19	Edging 4" Meter Vault, Replace Frame and Cover, Marked "WATER" per CABQ DWG 2310	LS	1	\$93.55	\$93.55	\$1,954.00	\$1,954.00
1.20	6" to 18" Concrete Collar, Etc Water Line Size & Direction, Sloped Base per DWG CABQ 2460	EA	1	\$301.58	\$301.58	\$1,972.00	\$1,972.00
Watermain Meter Installation							
1.21	New Water Service Installed along Existing Service Line, Includes Connection to Main and Tubing; Includes CMP Can, Copper Setter 2/Dual Check Valving, Ball Curb Stop	EA	1	\$717.13	\$717.13	\$1,968.00	\$1,968.00
Miscellaneous							
1.22	Project Sign	LS	1	\$625.70	\$625.70	\$750.00	\$750.00
1.23	Local Road Traffic Control	LS	1	\$1,108.23	\$1,108.23	\$6,101.00	\$6,101.00
1.24	Asphalt Repaving and Concrete Resurfacing Allowance	AL	1	\$18,000.00	\$18,000.00	\$18,000.00	\$18,000.00
1.25	Utility Relocation Allowance	AL	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
1.26	NMDOT Right-of-Way Traffic Control	AL	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
1.27	AMR Hosting Service for 10 Years	LS	1	\$19,729.85	\$19,729.85	\$28,038.00	\$28,038.00
1.28	Mobilization	LS	1	\$28,401.33	\$28,401.33	\$29,471.00	\$29,471.00
Base Bid Subtotal					*\$253,568.43		*\$441,338.00
NMORT @ 7.3125%					*\$25,884.21		*\$51,541.68
TOTAL BASE BID					*\$279,452.64		*\$492,879.68
Additive Alternate #1							
AL.01	Furnish Dual Check Valve Copper Meter Setter for 3/8" x 3/4" service, Spare, Delivered to Owner	EA	5	\$189.00	\$945.00	\$215.00	\$1,075.00
AL.02	Furnish Dual Check Valve Copper Meter setter for 1-inch Service, Spare, Delivered to Owner	EA	1	\$813.16	\$813.16	\$387.00	\$387.00
AL.03	Furnish 3/4" Curb Stop Ball Valve, Spare, Delivered to Owner	EA	5	\$78.20	*\$391.00	\$83.00	\$415.00
AL.04	Furnish Paint 1-Inch Meter Can Lids "Water" Blue	EA	425	\$15.37	*\$6,512.25	\$11.00	\$4,675.00
Subtotal Additive Alternate #1					*\$8,199.41		\$4,877.00
NMORT @ 7.3125%					\$597.20		\$470.83
TOTAL ADDITIVE ALTERNATE #1					*\$8,796.61		\$5,347.83

Compiled by:

Abel Carrillo, P.E.
Project Manager

Village of Magdalena, New Mexico

Ordinance # 2018-06

AN ORDINANCE AUTHORIZING THE VILLAGE OF MAGDALENA TO OPT IN THE ELECTION OF ITS MUNICIPAL OFFICERS IN THE REGULAR LOCAL ELECTION; DETERMINING THE TERMS OF OFFICE FOR CURRENT OFFICE HOLDERS TO BE LENGTHENED TO CORRESPOND WITH THE NEW ELECTION DATE; AND DIRECTING STAFF TO FILE THE ORDINANCE WITH THE SECRETARY OF STATE NO LATER THAN JANUARY 30 OF THE YEAR IN WHICH THE NEXT REGULAR LOCAL ELECTION IS SCHEDULED, AS AUTHORIZED BY SECTION 34B OF HOUSE BILL 98 FROM THE 2018 NEW MEXICO REGULAR LEGISLATIVE SESSION.

Be it ordained by the Village of Magdalena that:

WHEREAS, the New Mexico State Legislature passed and the Governor signed House Bill 98 known as the Local Elections Act as amended March 7, 2018 (“the Act”) that includes the right of a municipality to opt in to it; and

WHEREAS, the Governing Body of the Village of Magdalena is aware that the Act creates uniformity of administration and procedures in most all elections required by New Mexico Statutes Annotated; and

WHEREAS, the proposed Ordinance, by allowing the Village of Magdalena to opt in to the Act, allows for uniformity of procedure and process in most all elections the Village is required to have by New Mexico Statutes Annotated; and

WHEREAS, the Village seeks to obtain consistency in the administration and the procedures which govern its elections and to make the election process more readily available to the citizens of the Village of Magdalena.

NOW, THEREFORE, be it ordained by the Governing Body of the Village of Magdalena that:

A. The Village of Magdalena opts in to the election of its municipal officers as set forth in Section 34 B of House Bill 98 as amended and signed by the Governor on March 7, 2018 known as the Local Election Act (“the Act”), a copy of which is on file at the Village Clerk's Office.

B. The terms of office for the current municipal office holders shall be adjusted, so that:

(1) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2019, the new term of the position shall be elected at the regular local election in November 2019, and the new term shall commence January 1, 2020; and

(2) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022.

C. The effective date of this ordinance shall be **January 18, 2019**. A certified copy of this Ordinance shall be filed with the New Mexico Secretary of State by the Village Clerk no later than January 30th of the year in which the next regular local election is scheduled pursuant to the Act.

Village of Magdalena, New Mexico

ORDINANCE # 2018-06

AN ORDINANCE PURSUANT TO NMSA 1978, SECTION 1-22-3.1 (2018) TO OPT IN TO THE ELECTION OF THE MUNICIPAL OFFICERS OF THE VILLAGE OF MAGDALENA IN THE REGULAR LOCAL ELECTION.

WHEREAS, on July 1, 2018 the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Regular Local Election, a consolidated election day for non-partisan local government bodies on the first Tuesday after the first Monday in November of each off-numbered year; *and*

WHEREAS, the Local Election Act also established the Municipal Officer Election Day on the first Tuesday of even-numbered years; *and*

WHEREAS, the Local Election Act provides the option for each municipality to determine if its elective officers shall be elected on the Municipal Officer Election Day or at the Regular Local Election; *and*

WHEREAS, the Village of Magdalena has considered the issues related to opting in, including uniformity of procedure and convenience for the voters.

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

SECTION 1. MUNICIPAL OFFICERS TO BE ELECTED AT THE REGULAR LOCAL ELECTION

Pursuant to Subsection B of Section 1-22-3.1 NMSA 1978, the Village of Magdalena opts in to the election of its municipal officers in the Regular Local Election.

SECTION 2. ADJUSTMENT OF TERMS TO CORRESPOND WITH NEW ELECTION DATE

OPTION 1:

The terms of office for the current municipal office holders shall be adjusted, so that:

(A) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022; and

(B) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2023, the new term of the position shall be elected at the regular local election in November 2023, and the new term shall commence January 1, 2024.

OPTION 2:

The terms of office for the current municipal office holders shall be adjusted, so that:

(A) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2019, the new term of the position shall be elected at the regular local election in November 2019, and the new term shall commence January 1, 2020; and

(B) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022.

SECTION 3. FILING WITH SECRETARY OF STATE

Following approval of this ordinance, the Municipal Clerk shall file a copy of the ordinance with the secretary of state no later than January 30, 2019.

PASSED, ADOPTED, AND APPROVED at _____ on this ____ day of _____, 2018.

Richard Rumpf
Mayor of the Village of Magdalena

ATTEST:

Stephanie Finch, Municipal Clerk/Treasurer

COUNCIL MEMBERS:

James Nelson, Mayor Pro-Tem

Lynda Middleton, Trustee

Donna Dawson, Trustee

Clark Brown, Trustee



**VILLAGE OF MAGDALENA
ORDINANCE #2018-07**

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.**

Common Name of Offense	Section Violated	Penalty Assessment
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

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

- 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 , 2018.

Approved:

Richard Rumpf, Mayor

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

Attested:

**Stephanie Finch
Village Clerk/Treasurer**



**VILLAGE OF MAGDALENA
ORDINANCE 2018-08**

**AN ORDINANCE PROHIBITING OFFENSES RELATING TO PUBLIC ORDER AND
SAFETY AND ESTABLISHING PENALTIES FOR VIOLATION**

WHEREAS, municipalities may adopt ordinances not inconsistent with the laws of the State of New Mexico for the purpose of providing for the safety and order of the municipality and its inhabitants and enforcing obedience by prosecution in municipals court by imposing fines, court costs, and/or imprisonment. NMSA 1978, Section 3-17-1 and Section 35-14-11(A).

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

SECTION A.

- 1. ASSAULT.** It is unlawful for any person, by unlawful act, threat or menacing conduct to cause another person to believe that he or she is in danger of receiving an immediate battery; or, to attempt to batter another person.
- 2. BATTERY.** It is unlawful for any person to unlawfully and intentionally touch or apply force to the person of another in a rude, insolent, or angry manner.
- 3. DISORDERLY CONDUCT.** It is unlawful to:
 - a.** engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;
 - b.** engage in fighting or tumultuous behavior;
 - c.** disturb public property or property of another so as to create hazardous, unhealthy, or physically offensive conditions;
 - d.** commit trespass on residential or public property. "Trespass" shall mean:

- i. entering upon, or refusing to leave any private property of another, either where such property has been posted with “no trespassing” signs, or where immediately prior or subsequent to such entry, notice is given by the owner or occupancy that such entry or continued presence is prohibited.
 - ii. Entering upon, or refusing to leave, any public property in violation of regulations promulgated by the official charged with the security, care or maintenance of the property and approved by the governing body of the public agency owning property, where such regulations have been conspicuously posted or where immediately prior to such entry, or subsequent thereto, such regulations are made known by the official charged with the security, care, or maintenance of the property, his agent or a police officer.
4. **CONCEALING IDENTITY.** It shall be unlawful for any person to conceal his true name or identity or to disguise himself with the intent to obstruct the due execution of the law or with the intent to intimidate, hinder or interrupt any public officer or any other person in the legal performance of their duty under the laws of the federal government, the State, or the Village.
5. **LARCENY.** It shall be unlawful for any person to steal property, goods, or chattels of whatever kind or character the value of which is under \$250.
6. **EMBEZZLEMENT.** It shall be unlawful for any person entrusted with property valued at under \$250 to fraudulently convert or attempt to convert such property to his or her own use.
7. **SHOPLIFTING.** It shall be unlawful to commit any one of the following acts willfully, in regard to merchandise valued at under \$250:
 - a. Take possession of any merchandise with the intention of converting it without paying for it;
 - b. Conceal any merchandise with the intention of converting it without paying for it;
 - c. Alter, conceal, or transfer any label, price tag, or marking upon any merchandise with the intention of depriving the merchant of all or part of the value of it.

SECTION B.

1. Upon conviction by trial or plea of guilty or no contest of any offense prohibited by this Ordinance, the Municipal Court may impose a fine of \$500, ninety (90) days imprisonment, or both.
2. Should the sentence be suspended in whole or in part, the Municipal Court may impose a term of probation not to exceed one (1) year on terms and conditions it deems best and when the judge is satisfied it will serve the ends of justice and of the public and that the defendant's liability for any fine or other punishment imposed is fully discharged upon successful completion of the terms or conditions of probation. As a condition of probation, the Court may require the defendant to serve a period of time in community service (any labor that benefits the public at large or any public, charitable or educational entity or institution) at its discretion, provided that any person receiving community service shall be immune from any civil liability other than gross negligence arising out of the community service, and any person who performs community service pursuant to court order shall not be entitled to any wages, shall not be considered an employee for any purpose, and shall not be entitled to workmen's compensation, unemployment benefits or any other benefits otherwise provided by law.
3. Upon conviction, the Court shall impose municipal court costs as provided by Ordinance No. 2015-05.

APPROVED, ADOPTED and PASSED this day of , 2018.

Approved:

Richard Rumpf, Mayor

Katherine Riley, General Counsel as to
legal sufficiency

Attested:

Stephanie Finch
Village Clerk/Treasurer