



VILLAGE OF MAGDALENA
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AGENDA

**NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, SEPTEMBER 23, 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 – SEPTEMBER 9, 2019
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. FIRST CONSIDERATION - DISCUSSION & POSSIBLE DECISION TO PUBLISH ORDINANCE NO. 2019-06, AN ORDINANCE PROVIDING FOR THE PERMITTING OF PAWNBROKERS; IMPOSING FEES; AND ESTABLISHING PROCEDURES FOR SUSPENSION OR REVOCATION
11. DISCUSSION & POSSIBLE DECISION CONCERNING DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT WITH THE HIGHEST RANKED ENGINEERING FIRM FOR THE WATER SYSTEM IMPROVEMENTS PROJECT
12. DISCUSSION & POSSIBLE DECISION CONCERNING APPROVAL TO POST VILLAGE CLERK/TREASURER POSITION
13. PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT
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.

**MINUTES OF THE REGULAR MEETING OF THE VILLAGE OF MAGDALENA
BOARD OF TRUSTEES
HELD MONDAY, SEPTEMBER 9, 2019 AT 6:00 PM**

DRAFT

Mayor Richard Rumpf called the meeting to order at 6:01 p.m.

PRESENT: Mayor Richard Rumpf, James Nelson, Lynda Middleton, Donna Dawson, Clark Brown, Carleen Gomez - Deputy Clerk, Attorney Kathy Stout

ABSENT: Janet Keenly - Clerk/Treasurer

GUESTS: Antonio R. Martinez, Richard Esposito, John Larson, Dr. Glen Haven, Abby Haven, Michael Zamora, Carlos Valenzuela, Sarita Johnson, Bryan Romkey

Mayor Richard Rumpf requested that Marshal Michael Zamora lead the gallery in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA: Mrs. Middleton motioned to approve the agenda as presented, seconded by Mr. Nelson. The motion carried unanimously.

APPROVAL OF MINUTES: Ms. Dawson motioned to approve the minutes of the Regular Meeting of the August 26, 2019, as presented, seconded by Mr. Brown. The motion carried unanimously.

APPROVAL OF CASH BALANCE REPORT: Ms. Dawson motioned to approve the cash balance report, as presented, seconded by Mrs. Middleton. The motion carried unanimously.

Ms. Dawson asked what the Emergency DV account was within the Agency Fund. Mrs. Middleton explained that it is an emergency and domestic violence fund that can be used for things such a motel rooms, gas if a family is stranded, etc. She stated that Marshal Zamora has authority and discretion to authorize use of that funding.

Mrs. Middleton stated that it looks like the expenditures are high for what the revenue is. Mrs. Middleton asked that the Mayor keep an eye on the purchase orders and requisitions that are being issued. Mrs. Middleton mentioned that the annual transfer into the Library of \$20,000.00 still needed to happen.

APPROVAL OF BILLS: Deputy Clerk Gomez stated that she would like to add invoices from the following vendors: Magdalena Auto Shop in the amount of \$139.34, Albuquerque Publishing in the amount of \$39.00, Pitney Bowes in the amount of \$214.86, Creative Products in the amount

of \$165.82, Action Training in the amount of \$2,160.00, New Mexico EMT Association in the amount of \$160.00 and DMCO in the amount of \$415.83.

Ms. Dawson motioned to approve the bill list with said additions, seconded by Mr. Nelson. The motion carried unanimously.

Admin Office of the Courts	\$240.00	Alb. Publishing	\$39.00
Action Training	2,160.00	Baker Utility Supply	2,036.96
Cielito Lindo Ranch, Inc	75.00	City of Socorro	3,412.40
Creative Products	165.82	DMCO	415.83
Eagle Wholesale Company	4.00	First Security Systems LLC	1,146.66
Magdalena Auto Shop	139.34	Nance, Pato & Stout LLC	638.25
NM EMT Association	160.00	NM Judicial Education Center	123.00
NTS Communications	30.45	Pitney Bowes	214.86
Purchase Power	39.09	Rak's Building Supply	41.88
Route 60 Trading Post	100.00	Socorro Electric Coop	3,876.21
Verizon Wireless	984.77	W.S. Darley	1,979.44
Winston's Auto Service	171.65		

MAYOR'S REPORT

Mayor Rumpf reported that there have been two different engineering firms that have come to visit the sites for the Water Well Project. Mayor Rumpf stated that he spoke with four different engineering firms that were interested in the project when he was at the Annual NMML Conference. He stated that he would be having a conference call with the Water Trust Board on September 10, 2019. He stated that the Request for Proposals are due on September 19, 2019 at 2:00 p.m. He stated that the evaluations of the RFP would be done on September 20, 2019. Mayor Rumpf stated that the evaluators would be Utility Manager Jacob Finch and Trustees, Jim Nelson and Lynda Middleton. He stated that the item would be placed on the September 23, 2019 agenda. Mayor Rumpf stated that a Hydrology Study is the first thing that is needed for this project. Ms. Dawson asked how much money the Village will have for this project. Mayor Rumpf stated that \$275,000.00 is allocated for water and the hydrology study will be about \$20,000.00.

Mayor Rumpf stated that he and Trustee Nelson had attended the New Mexico Municipal League Annual Conference and they both received their plaques for their Municipal Officials Leadership Institute certifications.

CLERK'S REPORT

Deputy Clerk Gomez stated that she had nothing to report at the time. She asked if the Mayor or Board had any questions.

DEPARTMENT REPORTS

EMS

A report was submitted by Fire Chief Michael Bisbee and reviewed by the Board. EMS responded to two calls in the month of August 2019.

FIRE

A report was submitted by Fire Chief Michael Bisbee and reviewed by the Board. The Fire Department responded to two calls in the month of August 2019.

MARSHAL

A report was submitted by Marshal Michael Zamora and reviewed by the Board. Mr. Brown asked how the qualifying went for shooting. Marshal Zamora stated that Deputy Valenzuela qualified.

JUDGE

No report was submitted.

PUBLIC WORKS

A report was submitted by Joint Utility Manager Jacob Finch and reviewed by the Board.

LIBRARY

A report was submitted by Librarian Ivy Stover and reviewed by the Board.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF 2021-2025 LOCAL GOVERNMENT INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

Mayor Rumpf began by explaining that the ICIP is a document that the State requires municipalities to do as a type of wish list or living document that changes every year of projects. He added that it is good to have when going after funding.

Mayor Rumpf reviewed what was currently on the Village's ICIP and asked the Board for their input. Mayor Rumpf suggested that the Garbage Truck be moved to first priority. He stated that the Village was originally approved for another garbage truck from the City of Albuquerque when Mayor Berry was in office. He stated that when the new Mayor, Tim Keller, was elected into office he did not fulfill the approval. Mayor Rumpf stated that the approximate cost of a new garbage truck is \$250,000.00. Mayor Rumpf suggested that the Water and Wastewater Items be prioritized as second, third and fourth. Mayor Rumpf stated that the Village has received \$75,000.00 for streets and Street Improvements are still on the ICIP. He stated that the \$275,000.00 would help with water. Mayor Rumpf reported that Representative Gail Armstrong will try to allocate \$25,000.00 for the kitchen at the rodeo grounds as far as the Community Events Complex goes.

Mrs. Middleton motioned to move the Garbage Truck to the number one priority and the rest down in the order that they are on the ICIP, seconded by Mr. Nelson.

Mayor Rumpf suggested that Deputy Clerk Gomez request a roll call vote:
Ms. Dawson – AYE, Mr. Brown – AYE, Mr. Nelson – AYE, Mrs. Middleton – AYE
The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2019-15, A RESOLUTION ADOPTING THE 2021-2025 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

Mrs. Middleton motioned to approve Resolution No. 2019-15, seconded by Mr. Nelson.

Mayor Rumpf suggested that Deputy Clerk Gomez request a roll call vote:
Mr. Brown – AYE, Mrs. Middleton – AYE, Ms. Dawson – AYE, Mr. Nelson
The motion carried unanimously.

PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT

Mr. Richard Esposito introduced himself and stated that he had previously been working on getting materials for the Magdalena Public Library and its renovation. Mr. Esposito stated that unfortunately that all fell through. He stated that he is a resident of Hop Canyon and while he was out of state his competency of contracting was questioned. He stated that he has forty-two years of experience in construction and he didn't want to just band-aid the issues with the building. He stated that there is no gratitude towards volunteers, and he is appalled at how the Village treats volunteers. After this Mr. Esposito excused himself from the meeting. Mrs. Middleton stated that she had issues with the way that this all went down. Mayor Rumpf stated that the main issue was to not change the outward appearance of the building. Mayor Rumpf apologized for any misunderstanding and not putting this in writing.

Mr. Antonio Ray Martinez thanked the Mayor and Board for working on the Village street. He stated that all the hard work is showing, and results are being seen. He stated that the County is getting calls on erosion of Kelly Road. He recommended that the Village get with the new County Manager to discuss the issues. Mr. Martinez recommended that the Village look into gabion baskets for the erosion issues. He stated that he would be meeting with the Forest Service and its engineers to fix Riley Road and would ask them to fix the portion of Riley Road just north of Village Hall. Mayor Rumpf added that the County Road Department will be helping the Village Utility Department with the base course during the upcoming week. He stated that roads are scheduled to be chip sealed the following week. Mayor Rumpf stated that after the big rain the County should be grading North Ash Street.

Dr. Glenn Haven, Superintendent of the Magdalena Municipal Schools, introduced himself. He was happy to say that the new school year had started off good. Dr. Haven stated that he was in contact with the Magdalena Marshal and Mayor Rumpf regarding the evacuation drills and the safety of the students and staff. He stated four drills are required during the school year including two fire drills, one lock down and one evacuation drill. He stated that all the teacher and support staff positions are now filled. Dr. Haven stated that there are School Board seats up and the election for those seats would be in November.

Ms. Dawson motioned to adjourn the meeting at 6:44 p.m., seconded by Mr. Brown. The motion carried unanimously.

Respectfully Submitted,

**Carleen Gomez, CMC
Deputy Clerk**

**Richard Rumpf
Mayor**



**VILLAGE OF MAGDALENA
ORDINANCE 2019-06**

**AN ORDINANCE PROVIDING FOR THE PERMITTING OF
PAWNBROKERS; IMPOSING FEES; AND ESTABLISHING
PROCEDURES FOR SUSPENSION OR REVOCATION**

WHEREAS, NMSA 1978, Section 56 Article 12 (“The Pawnbrokers Act”) provides that every pawnbroker shall obtain a pawnbroker permit from his local government, in addition to the imposition of fees, standards, reporting requirements, and suspension or revocation procedures.

NOW THEREFORE, BE IT ORDAINED that the Board of Trustees of the Village of Magdalena adopts the following Ordinance pertaining to the permitting of pawnbrokers and establishing procedures for suspension or revocation of permits.

Section 1. DEFINITIONS

- A. **Pawnbroker**: means a person engaged in the business of making pawn transactions.
- B. **Pawnshop**: means the location or premises at which a pawnbroker regularly conducts his business.
- C. **Pawn Transaction**: means either the act between a pawnbroker and a person pledging a good of lending money or extending credit on the security of pledged goods or of purchasing tangible personal property with an express or implied agreement or understanding that it may be redeemed or repurchased by the seller at a stipulated price.
- D. **Local Law Enforcement Agency**: means the Magdalena Marshal’s Office.

Section 2. APPLICATION OF ADDITIONAL LAWS

- A. Permitted pawnbrokers must comply with all conditions of State and Federal Law that may not be contained within this Ordinance. There are several provisions of the Pawnbrokers Act in particular that are not included in this permitting Ordinance. Failure to so comply may result in suspension or revocation proceedings of the pawn permit.
- B. Permitted pawnbrokers must register their pawnshop with the Village pursuant to its Business Registration Ordinance.

Section 3. APPLICATION

- A. Submission of an application will be made on form(s) as promulgated by the Village Clerk/Treasurer and approved by the Mayor.
- B. At a minimum, each application shall be accompanied by the name, social security number, address, and date of birth of each agent, servant and employee of the applicant engaged in the business of pawn transactions.
- C. Each application must be accompanied by the yearly permit fee in the amount of \$ _____ .
- D. Each application must be accompanied by proof of execution and delivery of a bond to the Village in the sum of five thousand dollars (\$5,000.00). The bond shall be for the benefit of each and every person damaged by a breach of any condition set forth in the bond. Every pawnbroker shall provide the Village with thirty days' notice in writing of the cancellation of the bond.

Section 4. PERMIT AND RENEWAL

- A. **Permit.** A Permit shall issue unless:
 - i. There is a current suspension or revocation of a prior permit issued to the applicant.
 - ii. The applicant has been convicted of a felony.
 - iii. The Application required by Section 3(A) is not complete.
- B. **Responsibilities Upon Obtaining a Permit.**
 - i. Every Pawnbroker must register with the local law enforcement agency and follow the provisions of NMSA Section 56-12-9.

- ii. Permits must be conspicuously displayed in the pawnbroker's place of business.

C. Renewal of Permit.

- i. Permits shall expire on July 1 of each year and must be renewed by application in writing before that date.
- ii. Changes in agents, servants, or employees must be listed with each renewal application.
- iii. The bond and permit fee required by Section 3 (C) and (D) must be included.

Section 5. SUSPENSION OR REVOCATION OF PERMIT

A. Notice.

- i. The Village may institute proceedings for the suspension or revocation of any permit issued pursuant to this Ordinance upon the filing of a written complaint by the local law enforcement agency or the Attorney General charging the permitted business or any of its employees with having violated any provision of the Pawnbrokers Act or this Ordinance.
- ii. The Village shall serve written notice upon the permit holder of the alleged violation and the date and time of the hearing not more than ten days nor less than five days following the date of notice. Notice may be accomplished by personal service on the permit holder or posting in a conspicuous place at the place of business.

B. Hearing.

- i. A hearing will be held before a quorum of the Board of Trustees.
- ii. The permit holder and any other interested person shall have the right to appear and produce evidence. The rules of evidence shall not apply.
- iii. If violation(s) are found, the Board shall issue, serve upon the permit holder in accordance with Section 5(A)(ii), and file with the Clerk for public inspection its written order within five business days after the hearing.
- iv. The official serving the order shall remove the permit from the premises and deliver the permit to the Clerk/Treasurer.

Section 6. 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.

Section 7. REPEAL.

Any prior Ordinance concerning the permitting of pawnbrokers is hereby repealed.

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

Approved:

Richard Rumpf, Mayor

Katherine Stout, General Counsel as to
legal sufficiency

Attested:

Carleen Gomez, CMC
Deputy Clerk