



VILLAGE OF MAGDALENA

P.O. BOX 145
108 N. MAIN STREET
MAGDALENA, NM 87825
Phone: (575)854-2261 Fax: (575)854-2273
www.villageofmagdalena.com

AGENDA

NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES MONDAY, AUGUST 22, 2022 VILLAGE HALL 108 N. MAIN STREET 5:00 PM

MEMBERS OF THE PUBLIC WHO WISH TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM MAY DO SO AT THE FOLLOWING LINK:
<https://us02web.zoom.us/j/4861155997?pwd=V0V6SERBNVdGNDNPaE1ZdWp1N004UT09>

Meeting ID: 486 115 5997

Passcode: MAGDALENA

PLEASE SILENCE ALL ELECTRONIC DEVICES

-
1. CALL TO ORDER
 2. ROLL CALL
 3. PLEDGE OF ALLEGIANCE
 4. APPROVAL OF AGENDA
 5. APPROVAL OF MINUTES
 - a. REGULAR MEETING- AUGUST 8, 2022
 6. APPROVAL OF CASH BALANCE REPORTS
 7. APPROVAL OF BILLS
 8. MAYOR'S REPORT
 9. CLERK'S REPORT
 10. PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT
PUBLIC COMMENT MAY BE MADE IN PERSON OR VIA EMAIL (IF LESS THAN 3 MINUTES). EMAIL COMMENTS MAY BE MADE BY EMAILING COMMENTS TO: clerk@villageofmagdalena.com and/or mayor@villageofmagdalena.com THE DEADLINE FOR WRITTEN PUBLIC COMMENTS TO BE RECEIVED IS MONDAY, AUGUST 22, 2022 AT 12:00 PM. EMAILED PUBLIC COMMENT MUST CONTAIN THE AUTHOR'S NAME AND PHYSICAL ADDRESS AND WILL BE ENTERED AND/OR READ INTO THE MEETING MINUTES.
 11. ADJOURNMENT

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 87825. PUBLIC DOCUMENTS, INCLUDING THE AGENDA AND MINUTES, CAN BE PROVIDED IN VARIOUS ACCESSIBLE FORMATS. PLEASE CONTACT THE VILLAGE CLERK/TREASURER IF A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT IS NEEDED. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

DRAFT
MINUTES OF THE REGULAR MEETING OF THE VILLAGE OF MAGDALENA
BOARD OF TRUSTEES
HELD MONDAY, AUGUST 8, 2022, AT 5:00 PM

PURSUANT TO PUBLIC HEALTH ORDER DATED FEBRUARY 17, 2022, SOCIAL DISTANCING SHOULD CONTINUE TO BE MAINTAINED.

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

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Meeting ID: 486 115 5997

Passcode: MAGDALENA

Mayor Richard Rumpf called the meeting to order at 5:01 p.m.

PRESENT: Mayor Richard Rumpf, Trustee Clark Brown, Trustee James Nelson, Carleen Gomez—Deputy Clerk, Attorney Kathy Stout

PARTICIPATING VIA ZOOM VIDEO CONFERENCE: Michael Steininger—Finance Officer, John Larson.

ABSENT: Trustee Donna Dawson (5:26pm came in person)

GUESTS: Collier Nelson—Assistant Clerk, M.A. Maddy

Mayor Richard Rumpf led the gallery in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA: Clark Brown motioned to approve the agenda. James Nelson seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES: (a.) REGULAR MINUTES: James Nelson motioned to approve the minutes as presented for the July 25, 2022, regular meeting and Clark Brown seconded the motion. The motion was carried unanimously. **(b.) SPECIAL MEETING:** Clark Brown motioned to approve the minutes as presented for the July 29, 2022, special meeting. Harvan Conrad seconded the motion. The motion carried unanimously.

APPROVAL OF CASH BALANCE REPORT: James Nelson motioned to approve the cash balance report and Harvan Conrad seconded the motion. The motion carried unanimously.

APPROVAL OF BILLS: Carleen Gomez stated there were additional bills. James Nelson motioned to approve the bill list with the additions and Clark Brown seconded the motion. The motion carried unanimously.

Bill List – August’s BILLS for 8/8/2022 Meeting

Admin Office of the Courts		\$198.00
ABQ Publishing Co.		\$39.33
AZ Wastewater Industries		\$1469.34
Baker Utility Supply		\$490.28
Code 3 Service, LLC		1060.57
Konica Minolta		374.00

Lexipol, LLC		671.52
Merchants Automotive Group		372.80
Nance, Pato & Stout LLC		638.25
NM Judicial Education Center		99.00
O'Reilly Auto Parts		863.65
Provelocity LLC		1409.50
Quick & Easy Tire & Lube		18.50
Quill		1511.54
RAK's Building Supply		76.27
ROSS Electric		202.12
Route 60 Trading Post		100.00
Verizon Wireless		1128.37
WEX Bank		3619.59
Winston's Auto Service		46.90
WNM Communications		733.62
		TOTAL: 15,123.15

ADDITIONS: Bill List – August 2022

Airgas	1 year lease renewal Amb. Cylinders	\$295.48
Ross Electric	Work on well pump	\$193.84
Quill	Supplies	\$138.54
O'Reilly	Blue Def	\$67.96
Tire Shop	Oil Change M3	\$15.00
Quick & Easy Auto	A/C Repair M2	\$699.59
	TOTAL:	\$ 1410.41

MAYOR'S REPORT: Mayor Rumpf stated that he will be attending the Airport Managers meeting in Ruidoso, NM 8/9/2022 through 8/11/2022. He also stated he is attending the NM Rural Water Association Meeting in Las Cruces, NM on 8/11/2022.

CLERK'S REPORT: Deputy Clerk Carleen Gomez stated that there is nothing to report at this time.

DEPARTMENT REPORTS

- a. **EMS-** Jim Nelson stated there was 10 EMS calls in July 2022.
- b. **FIRE-** Mayor Rumpf stated that there were no fire calls in July 2022.
- c. **MARSHAL-** A report was submitted by Marshal Michael Zamora and reviewed by the Mayor and Board of Trustees.
- d. **JUDGE-** No reports currently.
- e. **PUBLIC WORKS-** A report was submitted by Utility Worker Nehemiah Peralta and reviewed by the Mayor and Board of Trustees.
- f. **LIBRARY-** A report was submitted by Librarian Ivy Stover and reviewed by the Mayor and Board of Trustees.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION 2022-14, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BETWEEN THE VILLAGE OF MAGDALENA, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$68,129.39, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF

PURCHASING A NEW POLICE VEHICLE AND RESPECTIVE EQUIPMENT FOR THE GOVERNMENTAL UNIT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE DISTRIBUTION OF STATE LAW ENFORCEMENT PROTECTION FUND REVENUES DISTRIBUTED BY THE STATE TREASURER TO THE GOVERNMENTAL UNIT PURSUANT TO SECTION 29-13-6, NMSA 1978; PROVIDING FOR THE DISTRIBUTION OF STATE LAW ENFORCEMENT PROTECTION FUND REVENUES TO BE REDIRECTED BY THE STATE TREASURER TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT PURSUANT TO AN INTERCEPT AGREEMENT; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT AND INTERCEPT AGREEMENT; SETTING THE MAXIMUM INTEREST RATE OF THE LOAN; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.

James Nelson motioned to approve Resolution 2022-14 and Harvan Conrad seconded the motion.

Mayor Rumpf requested a roll call vote.

Harvan Conrad – AYE

Clark Brown – AYE

James Nelson – AYE

Donna Dawson – ABSENT

The motion passed unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO DIRECT PUBLICATION OF ORDINANCE NO.

2022-02, NIGHT SKIES. Attorney Kathy Stout stated that as presented, the ordinance has minimum requirements and minimum penalties. She stated this could be made stricter later and that the Village can add to the ordinance. James Nelson motioned to approve Direct Publication of the Ordinance and Harvan Conrad seconded the motion.

Mayor Rumpf requested a roll call vote.

Clark Brown – AYE

James Nelson – AYE

Harvan Conrad – AYE

Donna Dawson – ABSENT

The motion passed unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF PAYMENT TO ZAMORA BROTHERS, LLC. FOR FINAL PHASE OF WATER TANK REMOVAL USING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS.

Mayor Rumpf stated that when D&R removed the water tank, there was a couple of layers of concrete, lead and steel. The Zamora brothers are at the final stages of clean-up. Harvan Conrad motioned to approve Direct Publication of Ordinance and James Nelson seconded the motion.

Mayor Rumpf requested a roll call vote.

Harvan Conrad – AYE

Clark Brown – AYE

James Nelson – AYE

Donna Dawson – ABSENT

The motion passed unanimously.

PUBLIC HEARING – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF FY 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

Mayor Rumpf suggested postponing the Community Events Complex/Rodeo discussion to item number three on the agenda for next time, to request funding and needs to be higher on the ICIP List. Mayor also stated that he can put in for the Capital Improvements for street.

Jim Nelson motioned to enter Executive Session and Clark Brown seconded the motion.

Mayor Rumpf requested a roll call vote.

Harvan Conrad – AYE

James Nelson – AYE

Clark Brown – AYE

Donna Dawson – ABSENT

The motion passed unanimously, and the board entered Executive Session at 5:18pm.

At 5:25pm, Jim Nelson motioned to return to Regular Session and resume the regular meeting certifying that only the matters on the agenda were discussed and no decisions were made. Clark Brown seconded the motion.

Mayor Rumpf requested a roll call vote.

Harvan Conrad – AYE

Clark Brown – AYE

James Nelson – AYE

Donna Dawson – ABSENT

The motion passed unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING RESOLUTION NO. 2022-15, A RESOLUTION ADOPTING THE FY 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) James Nelson motioned to approve Resolution 2022-15 with the proposed adjustment. Clark Brown seconded the motion.

Mayor Rumpf requested a roll call vote.

Donna Dawson – NAY

James Nelson – AYE

Clark Brown – AYE

Harvan Conrad – AYE

The motion passed.

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Donna stated she was concerned about unfinished projects at the library, such as the siding and windows. Mayor Rumpf stated that the siding has been replaced and just needs to be painted. He stated that hopefully in the next week, when the rain stops, he and Clark Brown could replace the two remaining windows. Donna

Dawson asked if the locks would be replaced. Mayor Rumpf stated that the back door was pried open during the break in, and cameras have been installed which alert Ivy (the librarian)'s phone.

Donna commented on the Night Skies ordinance, concerning grandfathering lights that are already installed and concerning lights on private property. Attorney Kathy Stout stated that the state sets the minimum standards, those which have just been directed for publication, and that the Village has the power to make a new ordinance with more strict requirements, but not less strict. Donna Dawson stated she is concerned for the safety of citizens due to the high number of people walking around at night and the number of break ins. Mayor Rumpf stated he turned in a list of malfunctioning streetlights to Socorro Electric Coop and that he would follow up on the matter.

ADJOURNMENT: Donna Dawson motioned to adjourn the meeting at 5:33 pm. Clark Brown seconded the motion. The motion carried unanimously.

Respectfully Submitted,

Carleen Gomez, CMC
Deputy Clerk

Richard Rumpf
Mayor

Minutes taken by:

Collier Nelson
Assistant Clerk

MICHELLE LUJAN GRISHAM
GOVERNOR



DEBORAH K. ROMERO
CABINET SECRETARY

DONNIE J. QUINTANA
DIRECTOR

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

August 12, 2022

The Honorable Richard Rumpf
Village of Magdalena
PO Box 145
Magdalena, NM 87825

Dear Mayor Rumpf:

The final budget for your local government entity for Fiscal Year 2022-2023, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2021 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2022-2023 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget via submission on the Local Government Budget Management System (LGBMS).

If you have questions regarding this matter, please call Sherri Green of my staff at 505-629-8102 or via email at shirleyt.green@state.nm.us.

Sincerely,

A handwritten signature in blue ink that reads "Brenna L. Suazo-Dila".

On behalf of:
Donnie J. Quintana, Director
Local Government Division

xc: file