



VILLAGE OF MAGDALENA
PO BOX 145, MAGDALENA, NM 87825
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WWW.VILLAGEOFMAGDALENA.COM

AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, MAY 31, 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 – MAY 14, 2018**
6. **APPROVAL OF CASH BALANCE REPORT**
7. **APPROVAL OF BILLS**
8. **MAYOR'S REPORT**
9. **CLERK'S REPORT**
10. **PUBLIC HEARING – PRELIMINARY ENGINEERING REPORT CONCERNING SEWER SYSTEM**
11. **DISCUSSION AND POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2018-05, PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**
12. **DISCUSSION AND POSSIBLE DECISION REGARDING APPROVAL OF AGREEMENT BETWEEN THE VILLAGE OF MAGDALENA AND THE COUNTY OF SOCORRO, CHIP SEALING OF VILLAGE STREETS**
13. **DISCUSSION & POSSIBLE DECISION REGARDING ANNEXATION OF VILLAGE LIMITS**
14. **PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT**
15. **EXECUTIVE SESSION – 10-15-1(H)(2) – LIMITED PERSONNEL MATTER, 10-15-1(h)(8) – REAL PROPERTY**
 - a. **MARSHAL**
 - b. **DEPUTY MARSHAL**
 - c. **BIA DORMS**
16. **DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF MAYOR'S APPOINTMENT OF MARSHAL**
17. **DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO POST DEPUTY MARSHAL POSITION**

18. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO HAVE BIA DORMS APPRAISED

19. 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, MADALENA, 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.

DRAFT

**Minutes of the Regular Meeting of the Village of Magdalena
Board of Trustees
Held Monday, May 14, 2018 at 6:00 p.m.**

Mayor Richard Rumpf called the meeting to order at 6:02 p.m.

Present: Mayor Richard Rumpf, James Nelson, Lynda Middleton, Clark Brown, Stephanie Finch - Clerk, Attorney Kathy Riley

Absent: Donna Dawson

Guests: Susan Martinez, Jacob Finch, Genevieve Robran, Abiel Carrillo, John Larson, James Cherry, Krys Cherry, Angel Garcia, Angel Garcia Jr., Randy Torres, Yvonne Magener, Mike Danielsen, Kayla Scartaccini

Mayor Richard Rumpf requested that Ms. Susan Martinez lead the gallery in reciting the Pledge of Allegiance.

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

Approval of Minutes: Mrs. Middleton motioned to approve the minutes of the Regular Meeting held on April 23, 2018, seconded by Mr. Nelson. The motion carried unanimously.

Mrs. Middleton motioned to approve the minutes of the Special Meeting held on May 2, 2018, 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 Mr. Nelson. The motion carried unanimously.

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

A-1 Quality Redi Mix	\$858.88	Admin Office of Courts	\$132.00
Bugs or Us Pest	\$140.00	Eagle Wholesale	\$53.58
El Defensor Chief	\$82.15	Emergency Medical Pro	\$30.36
EMS Billing Serv	\$267.38	Ernest Pargas Welding	\$162.50
Gall's	\$113.48	Kathy Muncy	\$25.00
Konica Minolta	\$430.08	Merchant's Auto Group	\$384.09

MES-Arizona	\$2,495.44	Nance, Pato & Stout	\$638.25
Napa Auto Parts	\$547.69	National Business Furn.	\$1,916.33
NM Judicial Ed	\$66.00	NM Tax & Rev	\$91.32
O'Reilly Auto Parts	\$18.70	Public Safety Psych	\$376.25
Rak's Building Supp	\$343.03	Route 60 Trading Post	\$100.00
Sealmaster	\$495.00	Sierra Propane	\$19.43
The Catron Courier	\$70.00	The Ink	\$104.62
Tire Shop	\$15.00	TP Pump	\$332.00
Verizon Wireless	\$787.91	W.S. Darley	\$4,463.28
WEX Bank	\$2,182.65	Winston's Auto	\$90.13
WNM Communications	\$985.98		

Mayor's Report

Mayor Rumpf stated that the horno project on the south side of the library should be completed by 5/15/18. Mayor Rumpf also stated that there is a total burn ban on 4-5 counties in the state. He said that people cannot do any grinding or welding as it creates sparks and could start a fire. Mayor Rumpf stated that the server install and setup is finally complete, and things seem to be working well. Mayor Rumpf also stated that he and Mayor Pro-Tem Nelson would be out of town 5/16/18 - 5/18/18 and Trustee Middleton would be in charge.

Clerk's Report

Clerk Finch stated that she received her Certified Municipal Clerk (CMC) certification. Clerk Finch also stated that she and the Interim Joint Utility Manager would be meeting with Molzen Corbin on 5/15/18 to go over the Preliminary Engineering Report for the sewer system.

Department Reports

EMS

Trustee Nelson reported that there had been one EMS call for the month of May.

FIRE

Fire Captain Richard Rumpf stated that there were no fire calls in the month of March. Captain Rumpf also stated that the new fire truck is nearly complete, and they expect to receive it in mid to late June.

MARSHAL

A report was submitted by Marshal Larry Cearley and reviewed by the Board.

JUDGE

A report was submitted by Judge Scartaccini and reviewed by the

Board.

PUBLIC WORKS

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

LIBRARY/MUSEUM

A report was submitted by Librarian, Yvonne Magener, and Museum Curator, Judyth Shamosh, and reviewed by the Board.

Yvonne Magener - Discussion & Possible Decision Regarding Internet at Library

Ms. Magener stated the need for another internet line at the library. She stated that when there are residents and visitors using the wi-fi in the parking lot and inside that she cannot use the catalog. She stated that it is a wonderful service to offer 24/7 wi-fi. Ms. Magener sent out a survey regarding the library. She said that 118 people responded. She stated that of those 118 people, five people stated that the internet was slow. Ms. Magener requested that the Board approve a new line for internet for patrons at 25 megabits and upgrade their current service from 10 megabits to 25 megabits. Ms. Magener stated that the library GO Bond grant could help cover some of the cost.

Mr. Nelson motioned to upgrade the capacity of the current internet to 25 megabits and get another line at the library, seconded by Mrs. Middleton.

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

Mr. Nelson AYE

Mrs. Middleton AYE

Mr. Brown AYE

The motion carried by unanimously.

Mrs. Middleton stated that she would talk to the school and see if they would be willing to pitch in some money to help pay for the extra internet line.

Discussion & Possible Decision Regarding Approval to Replace Floor in Health Clinic

Genevieve Robran introduced Susan Martinez as the new Administrator of the Magdalena Area Health Clinic. Ms. Robran stated that there were numerous cracked tiles in the clinic that need to be replaced. She stated that the total cost of the floor replacement was \$5,154.00 and she was requesting for the Village to reimburse the cost of the materials in the amount of \$1,800.00.

Mr. Nelson motioned to approve the reimbursement of materials in the amount of \$1,800.00, seconded by Mrs. Middleton.

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

Mr. Nelson AYE

Mrs. Middleton AYE

Mr. Brown AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval of Memorandum of Understanding Between the County of Socorro & The Village of Magdalena For Limited Grading, Maintenance & Repair of Village Roads

Clerk Finch stated that the cost to grade dirt streets in the Village would be \$225.00 per mile in the present Memorandum of Understanding. She also stated that the Village currently has 5.5 miles of dirt streets. She stated that each time the Village requests for the Socorro County Road Department to grade the cost would be \$1,237.50. Trustee Middleton stated that it was a good deal as leasing or purchasing a grader would cost much more.

Mrs. Middleton motioned to accept the Memorandum of Understanding as presented, seconded by Mr. Nelson. The motion carried unanimously.

Discussion & Possible Decision Regarding Approval of Quote for Auditing Services

Clerk Finch stated that she received three quotes for the next three years of auditing services. Rice & Associates had the lowest quote at \$14,000.00 a year for the next three years, Beazley and Mitchell quoted 17,059.00 a year for the next three years and Southwest Accounting Solutions chose not to submit a quote.

Mr. Nelson motioned to accept the lowest bid from Rice & Associates, seconded by Mrs. Middleton. The motion carried unanimously.

Discussion & Possible Decision Regarding Approval of Audit Contract Between the Village of Magdalena And Rice & Associates, CPA

Mr. Nelson motioned to approve the contract as presented, seconded by Mr. Brown.

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

Mr. Nelson AYE
Mrs. Middleton AYE
Mr. Brown AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Health Insurance for Employees

Clerk Finch received two quotes for Health, Dental and Vision Insurance. Clerk Finch went over the cost differences between the two. The current plan from Blue Cross Blue Shield of New Mexico had a price increase starting July 1, 2018, which does not include dental and vision. Meritain Health Insurance through the New Mexico Self Insurers also included dental and vision insurance.

Mr. Nelson motioned to change to the Meritain basic plan, the dental plan without orthodontia and the vision plan that the New Mexico Self Insurers offers, seconded by Mr. Brown.

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

Mr. Nelson AYE
Mrs. Middleton AYE
Mr. Brown AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval of Resolution No. 2018-04, A Resolution Setting Percentage of Contribution of Group Medical Insurance

Clerk Finch stated that currently the Village covers 80% of the employee and dependents and the employee are responsible for the remaining 20%. Mrs. Middleton stated that she would like to see the Village cover 100% of the employee's health, dental and vision insurance and cover 60% of the employee's spouse and dependents, leaving the employee to cover the remaining 40% of the spouse and dependents.

Mrs. Middleton motioned to approve Resolution No. 2018-04 and insert in the resolution to cover 100% of the employee and 60% of the spouse and dependents, seconded by Mr. Nelson.

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

Mr. Nelson AYE
Mrs. Middleton AYE
Mr. Brown AYE

The motion carried unanimously.

Public Input - 1 Topic Per Person - 3 Minute Limit

Angel Garcia introduced himself. He stated that he was running for Socorro County Sheriff. He stated that he is currently the Assistant Chief of Police for the City of Socorro Police Department. Mrs. Middleton thanked Mr. Garcia for coming to the meeting and introducing himself.

Abiel Carrillo with KSA engineers stated that he came to give a brief update on the radio read meter project. He said that he is finished with the first step of the technical memo. He also stated that he estimates that construction will begin in August.

Mr. Nelson motioned to adjourn the meeting at 7:03 p.m., seconded by Mrs. Middleton. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, CPO
Clerk/Treasurer

Richard Rumpf
Mayor

Village of Magdalena Sewer Collection System Preliminary Engineering Report

Public Meeting and Council Presentation

May 31, 2018

Project Planning & Existing Facilities

- **Project Planning**
 - 20-year planning period
 - Projected 2040 population ~1,015 people
- **Existing Facilities**
 - Gravity fed sanitary sewer (SAS) collection system
 - Vitrified clay pipe (VCP), plastic pipe (PVC), ductile iron pipe (DIP)
 - Concrete manholes
 - Utility Staff notes several areas where root intrusion and/or grease buildup clog the sewerline



Need for Project

- **PER Criteria**
 - Health & Sanitation
 - Aging Infrastructure
 - Reasonable Growth & System Expansion
- **Specific Needs**
 - Sanitary Sewer Evaluation Survey (SSES)
 - Clarify priority improvement locations
 - Rodeo Ground Sewer Extension



Alternatives

- SSES
 - Visual (Closed circuit television – CCTV)
 - Other inspection methods
- Sewerline Replacement
 - Open cut trenching
 - Trenchless technology
- Rodeo Ground Sewer Extension
 - Gravity
 - Pumped

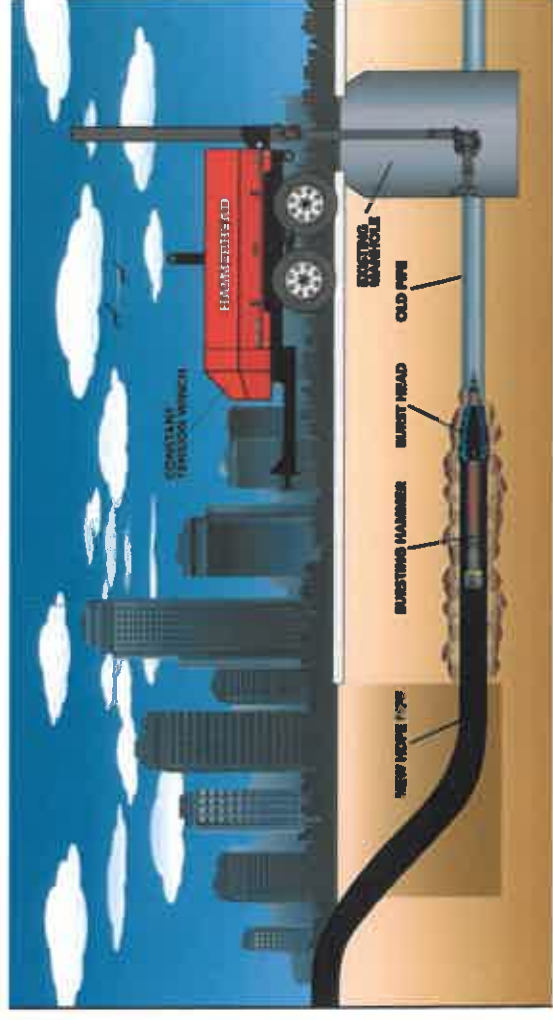
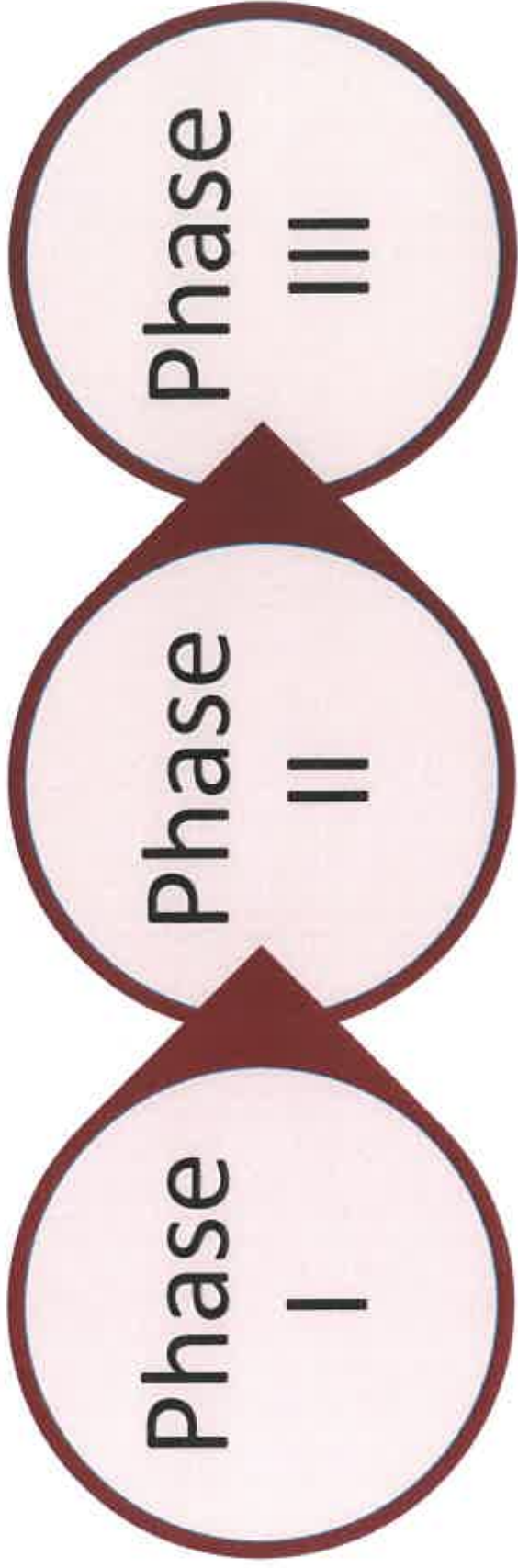


Image courtesy of Hammerhead Trenchless Equipment: https://www.flickr.com/photos/hammerhead_trenchless/5407975887

Proposed Project / Phasing



- Evaluation and Priority A Work
- CCTV Priority A Areas
- Survey remainder of system
- Replace 2,000 LF of sewerline
- Replace 33 service connections
- Replace 3 manholes

- Rodeo Ground Extension
- 1,200 LF of 8" sewerline
- 500 LF waterline extension
- New restroom facilities

- Priority B Improvements
- Sewerline
- Service connections
- Manholes
- Complete SSES before Phase III

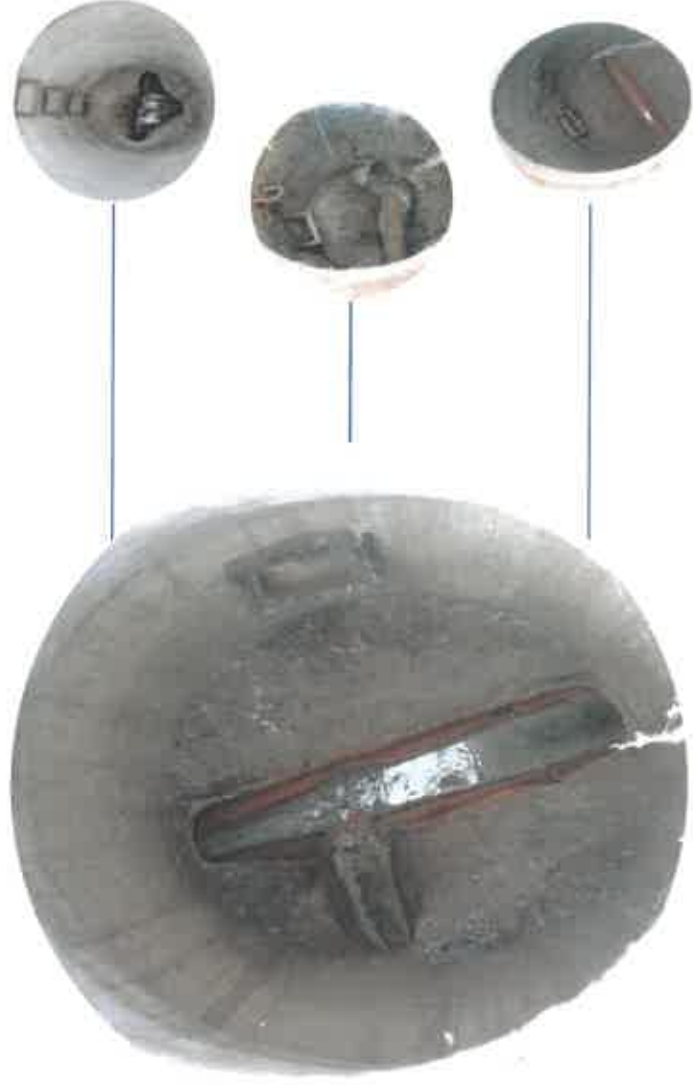
Opinion of Probable Cost

Phase	Cost Opinion	Annual Payment on 3% 20-year Loan	Potential Sewer Rate Impact
Phase I SSES and Priority A	\$643,000	\$43,300	\$9
Phase II Rodeo Ground Sewer Extension	\$1,107,000	\$74,400	\$16
Phase III Priority B	\$1,965,000	\$132,100	\$28

Funding Strategies

Description	Pros	Cons
Dedicate NMGRT	<ul style="list-style-type: none"> • Doesn't raise rates. • Doesn't target residents only. 	<ul style="list-style-type: none"> • Less towards general fund. • Difficult to anticipate.
Mil Levy (Property Tax)	<ul style="list-style-type: none"> • Fairly easy to budget. 	<ul style="list-style-type: none"> • Affects Village property owners only.
Low Interest Loan	<ul style="list-style-type: none"> • Lower annual payment. • Village's MHI qualifies for assistance (easier to obtain). 	<ul style="list-style-type: none"> • Doesn't reduce principal. Annual payment still applies.
Grant Funding	<ul style="list-style-type: none"> • Reduces principal. 	<ul style="list-style-type: none"> • Grant/Loan package, with grant portion determined by Funding Agency. • Strings may be attached.
State Appropriations	<ul style="list-style-type: none"> • Reduces principal. • Fewer strings attached. 	<ul style="list-style-type: none"> • Competitive. May be difficult to obtain.

Questions?



Thank you for your time!

**VILLAGE OF MAGDALENA
BOARD OF VILLAGE TRUSTEES
RESOLUTION № 2018-05**

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the *Village of Magdalena* and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$59,709.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or 44,782.00

and

- b. *The Village of Magdalena's* proportional matching share shall be 25% or \$14,927.00

TOTAL PROJECT COST IS \$59,709.00

The Village of Magdalena shall pay all costs, which exceed the total amount of \$59,709.00.

Now therefore, be it resolved in official session that *the Village of Magdalena* determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2019 and the *Village of Magdalena* incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the *Village of Magdalena* to enter into Cooperative Agreement Project Number SP-1-19 (965), Control Number HW2 L100365 with the New Mexico Department of Transportation for LGRF Project for year 2018 – 2019 to "Chip Seal - Ash Street - from US 60 to .25 miles south; Cedar Street - from US 60 to .15 miles south; Main Street - from US 60 to .2 miles south; Oak Street - from US 60 to .35 miles south. Grade and reshape ROW to reduce erosion and channel storm runoff- Duggins Street - from US 60 to .3 miles south; Chestnut Street - from US 60 to .3 miles south; Pine Street - from US 60 to .7 miles south; Spruce Street - from US 60 to .7 miles south; Main Street - from US 60 to .2 miles south; Elm Street - from US 60 to .5 miles south; Oak Street - from US 60 to .35 miles south; Ash Street - from US 60 to .25 miles south; Cedar Street - from US 60 to .15 miles south." within the control of the *Village of Magdalena* in Socorro County, New Mexico.

Richard Rumpf, Mayor

May 30, 2018

Attest:

Stephanie Finch, Clerk/Treasurer



AGREEMENT BETWEEN THE VILLAGE OF MAGDALENA AND SOCORRO COUNTY FOR CHIP SEALING SERVICES

THIS AGREEMENT ("Agreement") is made and entered into by and between the Village of Magdalena, hereinafter referred to as the "Village" and Socorro County, hereinafter referred to as the "County", pursuant to NMSA 1978, Section 13-1-98(A) and is effective as of the date set forth below upon which the last signature is dated.

IT IS AGREED BETWEEN THE PARTIES:

1. Scope of Work.

The County shall provide chip sealing of Elm, Spruce, Pine, Ash and Oak Streets in Magdalena. The Village will be supplying chips and oil and the County Road Department will coordinate with the Village before the work is done. The County Road Department will sweep the streets, spread the chip material, and roll it.

2. Compensation.

Compensation will be provided pursuant to the Estimated Summary of Costs and Quantities dated May 11-12, 2018. It is expected that the project will cost \$15,667.60 which will be paid in whole or in parts within thirty (30) days of receipt of invoice for satisfactory work performed. It is understood that the cost is an estimate and that reasonable increases due to unforeseen circumstances may be incurred, although the County will consult with the Village should cost increases be expected.

3. Term.

The expected completion date is June 30, 2018, however the term of this Agreement shall be for one (1) year from the date of approval unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations).

4. Termination.

A. **Termination.** This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Agreement, the

Village's sole liability upon such termination shall be to pay for acceptable work performed prior to the County's receipt of the notice of termination, if the Village is the terminating party, or the County's sending of the notice of termination, if the County is the terminating party; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The County shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the County if the County becomes unable to perform the services contracted for, as determined by the Village.

B Termination Management. Immediately upon receipt by either the Village or the County of notice of termination of this Agreement, the County shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the Village; 2) comply with all directives issued by the Village in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Village shall direct for the protection, preservation, retention or transfer of all property titled to the Village and records generated under this Agreement.

5. Appropriations.

The terms of this Agreement and any Purchase Orders are contingent upon sufficient appropriations and authorization being made by the governing body of the Village for performance pursuant to this Agreement. Notwithstanding any language to the contrary in this Agreement or in any Purchase Order or other document, the Village may terminate its obligation under a Purchase Order if sufficient appropriations and authorization are not made by the governing body of the Village to pay amounts due. The Village's decision as to whether sufficient appropriations are available shall be accepted by the County and shall be final and binding. However, the Village agrees not to use insufficient appropriations as a means of terminating a Purchase Order in order to acquire functionally equivalent products or services from a third party.

6. Status of County Employees.

The County and its agents and employees are independent contractors performing services for the Village and are not employees of the Village. The County and its agents and employees shall not accrue leave, retirement, insurance, bonding, or any other benefits afforded to employees of the Village as a result of this Agreement.

7. Amendment.

This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

8. Merger.

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written Agreement. No prior Agreement

or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

9. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement and shall be enforceable in the Seventh Judicial District, Socorro County. Neither party waives any immunities it has under the Tort Claims Act and there are no third-party beneficiaries to this agreement.

10. Records and Financial Audit.

The County shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Village, the Department of Finance and Administration and the State Auditor.

11. Notices.

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the Village: Stephanie Finch/Clerk, Treasurer/PO Box 145/Magdalena, NM 87825

To the County: Delilah Walsh/County Manager/PO Box 1/Socorro, NM 87801

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of signature of all parties.

PASSED, APPROVED and ADOPTED by the Village of Magdalena Board of Trustees on May 31, 2018.

Approved:

Richard Rumpf, Mayor

Attested:

Stephanie Finch, Clerk/Treasurer

COUNTY OF SOCORRO

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

BOARD OF COUNTY COMMISSIONERS

PAULINE JARAMILLO, CHAIR
DISTRICT I

MARTHA SALAS,
DISTRICT II

MANUEL ANAYA, COMMISSIONER
DISTRICT III

GLEN DUGGINS, VICE-CHAIR
DISTRICT IV

RAY MARTINEZ, COMMISSIONER
DISTRICT V

ATTEST BY:

BETTY SAAVEDRA, COUNTY CLERK

Adren Robert Nance
David Matthew Pato
Katherine Stout Riley



May 8, 2018

MEMORANDUM

To: Village of Magdalena
ZW Rumpf, Mayor
Jim Nelson, Mayor Pro-Tem
Stephanie Finch, Clerk/Treasurer
Lynda Middleton, Trustee
Donna Dawson, Trustee
Clark Brown, Trustee

From: Katherine S. Riley, Village Attorney

Re: METHODS OF ANNEXATION OF TERRITORY TO THE VILLAGE OF MAGDALENA

Counsel was asked by Ms. Finch to research how the Village might be able to annex additional territory. There are three (3) methods available by which to do so: The Arbitration Method, the Boundary Commission Method, and the Petition Method.

ARBITRATION METHOD

First, the Village would pass a Resolution declaring that the benefits of municipal government could be made within a reasonable time to the territory proposed to be annexed, and that it desires to annex said territory. The Resolution and a copy of the plat of the territory to be annexed must be filed with the County Clerk. Within ten (10) days after the filing of the documents, the County Clerk will publish notice stating that an election will be held to elect three (3) members to the Board of Arbitration within fifty (50) to sixty (60) days. During that time, hopefuls will file their nominating petitions and the Board of County Commissions will appoint one (1) judge and at least two (2) clerks for each polling place and furnish election supplies and ballots. The expense of the election will be paid by the Village.

Next, three (3) additional members will be appointed to the Board of Arbitration by the Board of

Tel: (575) 838-0911 ext. 803
Fax: (866) 808-1165

P.O. Box 772
Socorro, NM 87801

Trustees before the election takes place. Finally, the seventh member will be selected by the Board of Arbitration following the canvassing of the election results by the Board of County Commissioners.

The seven member Board will, by majority vote, decide whether or not the territory should be annexed. If they deny the annexation, then the Village will be unable to attempt to annex the territory again for a period of two years. If approved, the Board will file their decision with the Municipal Clerk, the County Clerk, the Secretary of the Department of Finance and Administration, and the New Mexico Taxation and Revenue Department. The Board of Trustees will then pass an Ordinance effectuating the terms of the Board's decision to annex.

BOUNDARY COMMISSION METHOD

This method can be triggered by either the Village petitioning the Municipal Boundary Commission for annexation of additional territory, or, the majority of landowners of the proposed territory doing so. Members of the Municipal Boundary Commission are appointed by the Governor. The Village will be required to pay the members' Mileage and Per Diem if the Village petitions the Commission, while the majority landowners must pay if they petition the Commission.

The Petition itself must include a description of the territory proposed to be annexed, be signed by the Mayor and Clerk or the majority of landowners of the proposed territory; and, include a map showing the external boundary of the territory proposed to be annexed, any federal, state, or county highways within the territory, and the relationship of the territory to the existing boundaries of the municipality. The Petition is then filed with the Department of Finance and Administration.

The Boundary Commission will then make the decision whether or not the territory should be annexed based on whether or not they determine the proposed territory is "contiguous" to the Village, meaning that it is in physical contact or in close proximity, and whether municipal services may be provided to the territory. If annexed, copies of the Order will be filed by the Department of Finance and Administration with the Village and County Clerks and with the Taxation and Revenue Department.

PETITION METHOD

This method may be utilized when the territory to be annexed is contiguous with the current boundaries of the Village. The petition must be signed by the majority of owners of the majority of acres within the proposed territory, along with a map showing the external boundary of territory and the relationship of the territory with the existing boundaries of the Village. The petition is to be presented to the Board of Trustees who will decide whether to annex the territory by ordinance. If annexed, a copy of the ordinance and the plat must be filed with the County Clerk who will in turn provide copies to the Secretary of the Department of Finance and to the Taxation and Revenue Department. Any owner of land within the territory annexed must appeal to the District Court within thirty (30) days, or the annexation will be final.