



VILLAGE OF MAGDALENA
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AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, MARCH 28, 2022
VILLAGE HALL 108 N. MAIN STREET 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:

<https://us02web.zoom.us/j/4861155997?pwd=V0V6SERBNVdGNDNPaE1ZdWp1N004UT09>

Meeting ID: 486 115 5997
Passcode: MAGDALENA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - a. REGULAR MEETING- MARCH 14, 2022
6. APPROVAL OF CASH BALANCE REPORTS
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. MARVA BRUNSON – UPDATE REGARDING PAINTING OF STEERS TANK
11. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF FIRE DEPARTMENT BYLAWS
12. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF RESOLUTION NO. 2022-03, A RESOLUTION INITIATING AN ELECTION WITHOUT A PETITION FROM QUALIFIED ELECTORS ON THE QUESTION OF WHETHER TO APPROVE THE ISSUANCE OF RESTAURANT LICENSES FOR THE SALE OF BEER OR WINE
13. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO RE-ALLOCATE AMERICAN RESCUE FUNDING
 - a. ROAD IMPROVEMENTS TO WATER TANKS
 - b. QUOTE TO REMOVE WATER STORAGE TANK
14. EXECUTIVE SESSION – THE FOLLOWING MATTERS WILL BE DISCUSSED IN CLOSED SESSION: MOTION & ROLL CALL VOTE TO GO INTO EXECUTIVE SESSION AND THAT, PURSUANT TO NEW MEXICO STATE STATUTES SECTION 10-15-1, ONLY THE FOLLOWING MATTER WILL BE DISCUSSED IN CLOSED SESSION:
 - a. DEPUTY MARSHAL

- MOTION & ROLL CALL VOTE TO RETURN TO REGULAR SESSION
- MOTION & ROLL CALL VOTE THAT MATTERS DISCUSSED IN CLOSED SESSION WERE LIMITED TO THOSE SPECIFIED IN MOTION FOR CLOSURE, AND THAT NO FINAL ACTION WAS TAKEN, AS PER NEW MEXICO STATUTES SECTION 10-15-1

15. DISCUSSION & POSSIBLE DECISION TO HIRE DEPUTY MARSHAL

16. 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, MARCH 28, 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.

17. 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, MARCH 14, 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 5:00 p.m.

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

PARTICIPATING VIA VIDEO CONFERENCE: Trustees: Harvan Conrad and Donna Dawson

GUESTS: Catherine DeMaria, Sabrina A. Aragon – Assistant Clerk

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

APPROVAL OF AGENDA: Harvan Conrad moved to approve the agenda, as presented. Clark Brown seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES: Donna Dawson motioned to approve the minutes of the February 28, 2022, meeting, with no amendments. Harvan Conrad seconded the motion. The motion carried unanimously.

APPROVAL OF CASH BALANCE REPORT: Donna Dawson proceeded to ask what the negative balances on the actual budget column in the cash balance report were. Mayor Rumpf stated that the negative balances are more than likely reimbursements and we are just waiting for the money to come in. Deputy Clerk Gomez clarified that some of the negative balances, are in fact, reimbursements that need to come in. Mr. Steininger added that the previous Clerk/Treasurer's cash balance report that she used was more of a cash flow report instead of a balance report.

Jim Nelson motioned to approve both cash balance reports presented. Clark Brown seconded the motion. The motion carried unanimously.

APPROVAL OF BILLS: Deputy Clerk Carleen Gomez stated that there was one addition to the bill list; Ingram in the amount of \$90.12 for the Library which will be reimbursable through GO Bonds. Trustee Dawson asked why there were two bills on the bill list made out to Mr. Jacob Finch. Deputy Clerk Gomez stated it would have depended on when invoices were submitted and that he is only paid monthly. She stated that Mr. Finch was behind in submitting invoices and they were for services for two different months. Mayor Rumpf clarified that Mr. Finch is paid monthly so it would depend on when the invoice gets mailed to the Village.

Trustee Dawson asked Mr. Steininger about the negative balances in the cash balance report under the actual budget column? Mr. Steininger stated that he cannot address how that column is calculated when he and Francesca talked about the column, the column was being done based on the questions being asked about the cash flow then and not the actual cash balance. Once Mr. Steininger notices a negative, he will address them. Deputy Clerk Gomez asked if Mr. Steininger would like her to use the older version of the cash transaction report moving forward, he stated that the cash transaction report is the timeliest report that we are going to have so it would be the best one to use. Trustee Dawson asked about the negative balance under the Capital Projects Fund and Mr. Steininger stated that there is \$27,000 in the Capital Projects Fund. Mr. Steininger stated he doesn't have a detailed report for what that \$27,000 belongs to but that it could be various expenditures for Airport Grants that are pending reimbursements from D.O.T. Mayor Richard Rumpf stated that the Airport Grant will be closed out soon and the final bills have been submitted for the building. He stated that the funding was increased for the purchase of the tractor. Donna

Dawson moved to approve the bill list with said additions. Harvan Conrad seconded the motion. The motion carried unanimously.

BILL LIST

Acosta Equipment	\$145.84	Quick Med Claims	\$576.73
Admin Office of the Courts	\$138.00	Rak's Building Supply	\$17.07
A-X Propane	\$1141.00	REB Management LLC	\$122.47
Gilbert Garcia & Son Security	\$378.59	Route 60 Trading Post	\$100.00
Ingram Library Services, LLC	\$384.12	Steer Stop	\$262.58
Jacob Finch	\$1074.38	Valley Sanitation	\$3288.53
Konica Minolta	\$374.42	Verizon Wireless	\$963.29
Lowes Companies, Inc	\$47.47	WEX Bank	\$2055.82
Merchants Automotive	\$372.80	Winston's Auto	\$234.39
Mobile Communication	\$1938.70	WNM Communication	\$726.66
Nance, Pato & Stout	\$639.00		
NM Judicial Education	\$69.00		
O'Reilly Auto Parts	\$145.97		
ProVelocity LLC	\$1539.00		
TOTAL	\$16735.83		

MAYOR'S REPORT

Mayor Richard Rumpf stated the Well rig is here and they currently drilled a 20 inch bore. He stated that they will be drilling again in the next week along with conducting a pump test on the well. He added that there will be hydrologists on site for the pump test. He stated that the hydrologists keep a log of the different layers of soil, rocks etc. He was happy to report that the well drilling is moving along great.

Mayor Rumpf stated that the Governor vetoed the junior bill expenditures from legislation. The Mayor reported that the Village would be receiving \$250,000 to replace the water tanks on the hill, \$150,000 is coming to refurbish the old senior center building and \$80,000 to refurbish the buildings at the rodeo grounds. Mayor Rumpf stated that the funding will come from bonds sold and will be available in August 2022.

Mayor Rumpf stated that Mr. Brian Waterman is a certified police officer who has twenty years of experience and he is now on staff with the Marshal's department and he will be presented for official hire at the next meeting. The Village is still waiting for equipment for a new Police vehicle out of Albuquerque but due to the low supply, cameras are not available.

CLERK'S REPORT

Deputy Clerk Gomez stated that she did not have anything to report at this time.

DEPARTMENT REPORTS

EMS

Trustee Nelson reported that there were six calls in February 2022.

FIRE

Fire Chief Jeff Joseph stated that he was approved to be Fire Chief on January 22, 2022 and there are currently eleven sworn members of the Magdalena Volunteer Fire Department.

MARSHAL

A report was submitted by Marshal Michael Zamora and reviewed by the Mayor and Board of Trustees.

JUDGE

There was no report submitted for this meeting.

PUBLIC WORKS

Donna Dawson asked about the intersections getting cleaned on First, Second and Third Street. She wanted to know if they were just cleaning the asphalt or cleaning around the Village driveways. Mayor Rumpf stated they were cleaning up the chip seal and dirt that accumulated along the curb on First Street and also trimming weeds around the signs and fire hydrants. James Nelson asked what was used to get the roads fixed up by the water tank. Mayor Rumpf stated that the Environment Department wanted that road improved so the water tanks can be removed and The Zamora Brothers are using a big dozer to improve the road.

LIBRARY

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

CATHERINE DEMARIA – MAGDALENA ART GALLERY & STUDIO TOUR – A TWO-DAY EVENT – DISCUSSION & POSSIBLE DISCUSSION REGARDING APPROVAL OF REQUEST FOR LODGER'S TAX FUNDING

Ms. Catherine DeMaria stated that for the two-day event she would like to do a brochure with each individual business and they will put a piece of their art on the brochure along with a map. She stated that each location will be putting in \$30. She stated that she would like to use lodger's tax money because it will be putting heads in beds on May 7th & 8th, 2022. She stated that the Magdalena Chamber of Commerce agreed to help with \$200.00 for advertising so the request is now at \$825. Trustee Dawson asked who would be designing everything and Ms. DeMaria stated that Laurie Gregg will designing all the post cards and the ads. Trustee Nelson asked that all entities requesting funding keep in mind that there needs to be documentation from the prior events to have reference to how the events went and what could be improved.

Donna Dawson motioned to approve the request for \$825. Harvan Conrad seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF FIRE DEPARTMENT BYLAWS

Trustee Dawson stated she would like to postpone the item once again because she would like to get the copy of the original ordinance that dates back to the 1970's and she still wants to make changes to the bylaws being presented. Mayor Rumpf stated she may make the changes she wants and submit them to the Village in writing. Trustee Nelson stated he would also like to make some edits to the bylaws.

James Nelson motioned to postpone the item until edits are submitted. Donna Dawson seconded the motion. The motion carried unanimously.

Mayor Rumpf requested a roll call vote:

James Nelson – AYE

Harvan Conrad – AYE

Donna Dawson – AYE

Clark Brown - AYE

The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF PURCHASE OF SCBA BOTTLES AND VALVES FROM ARTESIA FIRE EQUIPMENT, INC. FOR MAGDALENA VOLUNTEER FIRE DEPARTMENT

Mayor Rumpf stated the SCBA Bottles, Valves and masks from Artesia Fire Equipment are being purchased under the Albuquerque Fire Department State Contract. Mayor Rumpf stated that the equipment comes with everything in the package instead of being separate.

Donna Dawson motioned to approve the purchase. Clark Brown seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF PURCHASE OF HEAVY – DUTY WASHING MACHINE EXTRACTOR FROM ARTESIA FIRE EQUIPMENT, INC. FOR MAGDALENA VOLUNTEER FIRE DEPARTMENT

James Nelson asked if we are required to have formal bids. Mayor Rumpf answered yes, he received the bids he just did not receive them in the package.

James Nelson made the motion to purchase the washing machine extractor. Donna Dawson seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF MUTUAL AID AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE VILLAGE OF MAGDALENA AND THE CITY OF SOCORRO

James Nelson motioned to approve the Mutual Aid Agreement for Emergency Medical Services Between the Village of Magdalena and the City of Socorro. Harvan Conrad seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF THE MUTUAL AID AGREEMENT BETWEEN THE SAN ANTONIO VOLUNTEER FIRE DEPARTMENT AND THE VILLAGE OF MAGDALENA INVOLVING FIRE PROTECTION SERVICES

Donna Dawson motioned to approve the Mutual Aid Agreement between the San Antonio Volunteer Fire Department and the Village of Magdalena Involving Fire Protection Services. James Nelson seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF THE MUTUAL AID AGREEMENT BETWEEN THE MIDWAY VOLUNTEER FIRE DEPARTMENT AND THE VILLAGE OF MAGDALENA INVOLVING FIRE PROTECTION SERVICES

James Nelson motioned to approve the Mutual Aid Agreement Between the Midway Volunteer Fire Department and the Village of Magdalena Involving Fire Protection Services. Clark Brown seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF THE MUTUAL AID AGREEMENT BETWEEN THE HOP CANYON VOLUNTEER FIRE DEPARTMENT AND THE VILLAGE OF MAGDALENA INVOLVING FIRE PROTECTION SERVICES

James Nelson asked if the reason items 15 through 18 on the agenda are being brought up is because they are expired. Mayor Rumpf stated he wants to make sure everything is current, and the Fire Department is working on getting things updated.

Harvan Conrad motioned to approve the Mutual Aid Agreement Between the Hop Canyon Volunteer Fire Department and the Village of Magdalena Involving Fire Protection Services. Donna Dawson seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO APPLY FOR BROWNFIELDS ASBESTOS ABATEMENT GRANT INCLUDING REMOVAL OF BIA BUILDINGS

Trustee Dawson asked if all the BIA buildings are going to be knocked down. Mayor Rumpf stated yes all of the buildings have asbestos and will all be knocked down. Mayor Rumpf stated that the asbestos specialists stated that by the time all of the asbestos is removed the BIA buildings will not be salvageable because there is asbestos in the shingles and in all of the garages and the houses. The recommendation is to remove the asbestos and take everything the concrete, cement blocks, the foundation, the floors etc. A grinder can be used to crush all of the materials and make gravel so the Village can use to fix the roads. The asbestos will be shipped to a certified site in Mountainair and the other materials will go to Socorro Landfill. It will take up to 14 months from start to finish to tear down the BIA buildings. The contractors said they would like to hire as many local people to work on the project as possible. An available contractor will be chosen by the Environment Department. The State is going to push to get the BIA buildings taken down. We are hoping the Grant will go through so those buildings will get taken down.

James Nelson motioned to apply for the Grant. Clark Brown seconded the motion. The motion carried unanimously.

DISCUSSION & POSSIBLE DECISION REGARDING POSTING OF CLERK/TREASURER POSITION

Donna Dawson motioned to post the Clerk/Treasurer position. Harvan Conrad seconded the motion. The carried unanimously.

PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT

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There were no public comments.

ADJOURNMENT

Donna Dawson motioned to adjourn the meeting at 5:42 pm. Clark Brown seconded the motion. The motion carried unanimously.

Respectfully Submitted,

Sabrina Aragon
Assistant Clerk

Richard Rumpf
Mayor

The Magdalena Volunteer Fire Department

Bylaws

Commented [ED1]: The document is written in at least three different fonts: Arial, Tahoma, and Microsoft Sans Serif (MSS). It should use only one. The best way to ensure this is to define a style for each style element (a heading, for example) that is based on the Normal style, which employs MSS. If you don't know how to do this, let me know and I will do it for you.

Approved and recommended

this _____ day of _____, 2022

By the **Magdalena Volunteer Fire Department**

The Magdalena Fire Chief

is recommending to

the Magdalena Village Board of Trustees

for approval and adoption

this _____ day of _____, 2022

Approved and adopted

this _____ day of _____, 2022 By the **Magdalena Village Board of Trustees**

Magdalena Volunteer Fire Department

ESTABLISHING BYLAWS FOR THE MAGDALENA VOLUNTEER FIRE DEPARTMENT

BYLAWS APPROVAL AND ADOPTION

Currently the Magdalena Volunteer Fire Department either is following a set of outdated and undocumented bylaws or has no bylaws to follow at all. During the process of trying to locate a set of bylaws for the Magdalena Volunteer Fire Department it was determined that the bylaws were currently non-existent. Magdalena Village Ordinances, Article 2-Section 4-2-6 states ***"The department shall be operated and managed in accordance with such departmental rules, regulations, and by-laws as may be adopted by the department and approved by the board of trustees. Disapproval of department-adopted rules, regulations and by-laws shall be only on the grounds that they are in violation of municipal or state laws."*** The adoption of these bylaws by the Magdalena Volunteer Fire Department and the approval of these bylaws by the Magdalena Village Board of Trustees will allow Fire Department operations and personnel to be more effective and efficient not only in executing the duties required of them by Article 2 in daily operations, emergency operations and during special events or activities, but also in dealing with other agencies per mutual aid agreements with surrounding fire departments and in adherence to other agencies' rules and regulations

Recommended by:

Signature

**Jeffrey D. Joseph, Fire
Chief, Magdalena Fire
Department
Signature**

**James C. Nelson,
Asst. Fire Chief,
Magdalena Fire
Department**

Approved on this _____ day of _____, 2022

Magdalena Village Board of Trustees:

Harvan Conrad, Trustee

Clark Brown, Trustee

Donna Dawson, Trustee

James Nelson Trustee, Mayor Pro Tem

Richard Rumpf, Mayor

ARTICLE I ORGANIZATION

Section 1: Organizational Name

The name of the organization is the Magdalena Volunteer Fire Department.

Section 2: Purpose of Organization

The Magdalena Volunteer Fire Department was created and established by the Magdalena Village Board of Trustees for the purpose of providing necessary fire, rescue, medical and other emergency services for the residents of and visitors to the Village of Magdalena and surrounding area; also for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or endanger life due to fire. The Department shall act in accordance with all applicable federal and state laws, state rules and regulations and Magdalena Village ordinances, plans, and policies.

Section 3: Purpose of Bylaws

These bylaws are hereby recommended by the Magdalena Fire Chief for the purpose of establishing the means by which the operational business of the Magdalena Volunteer Fire Department will be conducted. Nothing in these Bylaws is intended to conflict with Magdalena Village Ordinance Article 2; however, if a conflict exists or is found, Article 2 shall prevail.

Section 4: Preamble

The Magdalena Volunteer Fire Department is fundamental to the Village's ability to provide fire, rescue, medical and other emergency services to the residents of and visitors to the Village of Magdalena and surrounding area. It shall be the mission of the Magdalena Volunteer Fire Department to provide the highest quality emergency services to the residents of, and visitors to, the Village of Magdalena and surrounding area. The goals and objectives of the Department shall be drafted to ensure that the Department's mission is accomplished, and in doing so to protect the lives and property of the residents of the Village of Magdalena and the surrounding area.

ARTICLE II **RULES OF ORDER**

Section 1: Quorum

A quorum consisting of 51 % of the members qualified to vote and in good standing shall be required to conduct business for the Magdalena Volunteer Fire Department.

Section 2: Order

The business of the Magdalena Volunteer Fire Department shall be conducted in an orderly fashion and recorded. The following is an example of the order by which business may be conducted by the Magdalena Volunteer Fire Department.

- A. Call to order
- B. Fire Chief's report
- C. EMS report
- D. Old business
- E. New business
- F. Member concerns
- G. Adjournment

Other categories may be added as necessary.

Section 3: Conduct

The highest-ranking officer (Ranking Officer) present shall conduct the business meeting of the Magdalena Volunteer Fire Department. Meetings shall be conducted in an orderly manner.

ARTICLE III **MEETINGS**

Section 1: Business Meetings

As a minimum, there shall be two regular business meetings held yearly. The date,

time and location of the meetings shall be designated by the Fire Chief and may be changed provided a minimum of 48 hours is given to the membership.

Section 2: Special Meetings

Special meetings may be held at the order or call of the Fire Chief. A minimum of forty-eight hours notice must be given to the membership.

Section 3: Training Meetings

Fire and/or medical training meetings will be held not less frequently than twice a month (minimum of 24 trainings per year) at the date, time and location designated by the Fire Chief.

Departmental fire and medical trainings may be conducted in conjunction with other training offered by Federal, State, Regional or County Fire agencies. Departmental fire and medical training may be conducted in conjunction with other departmental meetings, e.g. Maintenance meetings, Business meetings or Special meetings.

Section 4: Special Training Meetings

Special fire and medical training meetings will be scheduled and held at dates, times and locations designated by the Fire Chief. Special training meetings may be conducted in conjunction with other training offered by Federal, State, Regional or County agencies.

Section 5: Maintenance Meetings

Maintenance meetings will be held not less frequently than twice a month (minimum of 24 meetings per year) at the date, time and location designated by the Fire Chief. Departmental maintenance meetings may be conducted in conjunction with other departmental meetings, i.e. Training meetings, Business meetings or Special meetings.

Section 6: Emergency Meetings

An emergency meeting that concerns the immediate welfare of the Village may be called by the Ranking Officer at any time, provided notification is given to all members who can be contacted personally by telephone, by radio or pager.

Section 7: Notice of Meetings

Notice of all scheduled meetings shall be posted at the Magdalena Fire Station by the Ranking Officer not less than 48 hours, in advance of all scheduled meetings. The posted notice may be in the form of the Fire Department's yearly calendar of events, or monthly meeting schedule and shall contain the date, time and location of the meeting. All members shall be notified before the meeting starts by telephone or electronic communication. It shall be the individual members' responsibility to ascertain scheduled meetings and make personal plans accordingly.

Section 8: Attendance

Regular business, maintenance and training meetings shall be open to all members of the Fire Department regardless of membership status. Business, maintenance and training meetings shall be open to members of the general public, including prospective members who are interested in the business and operations of the fire department, members of other fire departments, and with approval of the Fire Chief, other invited guests or speakers who may wish to address the department membership.

Section 9: Cancellation of Meetings

Cancellation of business, maintenance and training meetings should be avoided. The Fire Chief's inability to attend a meeting is not reason to cancel it. A Ranking Officer may run the meeting in the Chiefs absence. If a meeting must be canceled, all efforts to reschedule the meeting shall be made. When a meeting is canceled owing to an emergency of other qualifying reason, notification must be made as soon as possible to all department members. Notification of cancellation may be made in person, by telephone or e-mail, or by radio or pager.

ARTICLE IV

MEMBERS

Section 1: Membership

The operational success of the Magdalena Volunteer Fire Department depends on the services of those who are willing to volunteer their time, energy and resources to their community. In consideration of the willingness of the volunteer members of the Department to provide such services without monetary compensation, the organizational structure of the Magdalena Volunteer Fire Department shall be based on democratic principles and shall take into consideration the concerns, ideas and needs of its members. However, such consideration shall not conflict with the legal obligation of the Village of Magdalena to operate the department in accordance with all applicable rules, policies, regulations and laws of local, county, state and federal government and to do so with the purpose of providing a necessary public service to residents of and visitors to the Village of Magdalena and surrounding area.

Section 2: Membership Application

All residents of Socorro County may volunteer their services to the Magdalena Volunteer Fire Department. Membership application may be determined based on the applicant's proximity of home or work to the Village, drug use (medical and/or non-medical), and criminal history. Membership application and status within the Fire Department shall be determined based on the applicant's ability and willingness to provide a useful service for the Department, the applicant's volunteer history, and

review by the Fire Chief. Consideration for membership shall be given to all applicants without regard to race, color, religion, national origin, ancestry, gender, age, sexual orientation, mental or physical disability, or medical condition unless based on a bona fide occupational qualification. However, physical limitation shall be used as a factor in determining the applicant's ability to function as a medical first responder, firefighter or as support staff.

A. Application Process:

New applicants for membership shall submit a completed Magdalena Volunteer Fire Department Membership Application. The new applicant for membership should be considered by the Dept. Officers with a recommendation to approve or disapprove during a scheduled meeting within one month of receiving the application. Timely review of the application by the officers of the Fire Department should be afforded the applicant and a recommendation made to the entire membership for their consideration prior to voting.

B. Application Approval:

Applicants that have been approved by the Fire Department membership shall be conditionally approved for membership pending a final determination of the Fire Chief.

C. Insurance Coverage

Approved membership applications must be immediately filed with the Village Administration to ensure that members are covered under the Magdalena Village Volunteer Insurance program.

Section 3: Rights of Volunteer Members

Each volunteer member shall have a right to voice his or her opinion and the right to fair and equitable treatment and consideration in the Department. Every volunteer member shall have the right to receive initial and ongoing training in both fire and emergency medical services and shall be supplied necessary personal protective equipment according to her/his membership status. Every volunteer member shall have a right to enroll in the State of New Mexico Fire Fighter Retirement Program, although enrollment does not determine final eligibility. Eligibility for the retirement program is determined by the Public Employees Retirement Association (P.E.R.A.) based on strict requirements defined in the Volunteer Firefighter Retirement Act and further defined herein.

Membership status in the Department is not determined by the member's eligibility for retirement benefits. Each volunteer member has the right to review his/her personnel file upon timely request to the Fire Chief. Meeting, Training and Emergency Response attendance totals shall be visually posted in the Fire Chiefs office and available for viewing by any member of the department.

Section 4: Expectations of Volunteer Members

Each member is expected to attend business meetings, special meetings, maintenance meetings, and training sessions/meetings and to respond to emergencies as requested in accordance with the requirements set forth in these Bylaws, and pursuant to guidelines, protocols, procedures, rules and regulations and directives adopted by the Magdalena Volunteer Fire Department.

Members who do not attend enough emergency calls and/or training drills to stay current on the fire department's equipment and procedures may become a safety liability to themselves and others. A similar standard will be used to ensure adequate attendance.

Section 5: Oath of Office

All members of the Department shall adhere to the bylaws, guidelines, policies, procedures, directives, rules and regulations as promulgated, adopted and approved by the Department, and shall swear an oath to do so upon accepting membership in the Department.

The Oath of Office shall be made available to all applicants prior to the swearing-in event.

OATH or AFFIRMATION

I, _____, do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of New Mexico and the Ordinances of the Village of Magdalena; that I will be obedient to the Policies, Orders, Rules and Regulations of the Magdalena Volunteer Fire Department; and that I will faithfully and impartially discharge the duties of the Magdalena Volunteer Fire Department in which I am about to enter, to the best of my ability.

Section 6: Status of Volunteer Members

Magdalena Volunteer Fire Department membership status shall be determined and defined as one of the following:

A. Active Duty:

A volunteer member of the Department who performs firefighting and/or emergency medical services for the Department, routinely responds to emergencies within the Department's area of coverage, attends meetings regularly and otherwise meets the requirements listed below. Active duty members shall be provided necessary personal protective equipment.

1. Is at least 18 years of age;
2. Meets all physical requirements for this classification;
3. Has completed the probationary period and all necessary training requirements;
4. Attends a minimum of 40% of all regular meetings;
5. Attends a minimum of 40% of all required trainings;
6. Responds to a minimum of 50% of all emergency calls; **not to include those from which member has been excused due to work, school or leave of absence requirements;**
7. Has passed mandatory training requirements and has been checked out on all vehicles and equipment he or she is assigned to use or operate;
8. Has a current New Mexico driver's license and a clear driving and criminal record and has successfully completed an Emergency Vehicle Operation (EVO) program or will be attending the next scheduled EVO program;
9. Remains SCBA-qualified throughout the year.

B. P.E.R.A. Qualified Duty:

A member of the Department who meets the Active Duty requirements plus the requirements of the Volunteer Firefighters Retirement Act listed below and thus qualifies for PERA Volunteer Firefighter Retirement:

1. Is at least 18 years of age;
2. Attends a minimum of 50% of all regular meetings;
3. Attends a minimum of 50% of all required trainings;
4. Responds to a minimum of 50% of all emergency calls; **not to include those from which member has been excused due to work, school or leave of absence requirements.**

C. Limited Duty:

A volunteer member of the Department who cannot meet the physical fitness requirement and/or is not SCBA qualified but otherwise meets the requirements of an Active Duty member. Limited-duty members perform important support services for the Department but may not be interior firefighters. Limited duty members can hold elected office and provide support on the fire ground. Support services include, but are not limited to, incident command positions, pump operations, EMS, pulling and loading hose, tanker shuttle operations, assisting firefighters at the fire scene (not direct structural fire suppression operations) and other duties as assigned by the officer in command. Limited-duty members shall be provided necessary and adequate personal protective equipment.

D. Probationary:

A volunteer member of the Department who is undergoing orientation and/or training in order to obtain Active or Limited Duty Status. The normal probationary period for a new member shall be six months. Probationary status can be extended if the volunteer member has not completed the State required training. Probationary members shall be provided personal protective equipment necessary for training purposes to ensure their safety during all training exercises. A member may also be placed in this status subsequent to a disciplinary process further defined herein.

E. Cadet (Junior Fire Fighter):

Is a junior volunteer member of the Department who has reached the minimum age of fifteen (15) but is less than eighteen (18) years of age and has the permission of at least one parent or guardian. Cadets must complete a membership application and at least one parent or legal guardian must sign a Department approved waiver prior to the participation in any Department related activity. Cadets may not be firefighters; they may however, receive fire training and provide support services on the fire ground similar to those provided by Limited Duty members. Cadets should always be paired with an Active or Limited Duty member.

F. Auxiliary:

A volunteer member of the Department who provides administrative or other support services for the Department. Auxiliary members may participate in all Department social activities, meetings and training. Participation in any emergency scene, including fire ground activity, is strictly limited and restricted to an area designated as a safe zone. Auxiliary members may not engage in fire fighting or emergency medical service-related activities. However, they may assist with Departmental record keeping, database entry, purchasing, fundraising, public education activities or other Department-related administrative duties.

G. Honorary:

Those persons who have been so recognized by a vote of the majority of the members of the Magdalena Volunteer Fire Department who are in good standing and eligible to vote at a regular meeting at which a quorum of members is present. This honor may be bestowed upon anyone who, in the opinion of the elected officers and membership of the Fire Department, has made a significant contribution to the efforts of the Fire Department.

H. Retired:

Those persons who have been members of the Department for ten (10) or more years, have reached the minimum age of fifty-five (55) and have requested retirement status from P.E.R.A. or have incurred from any cause a disability which prevents them from performing the normal duties and responsibilities of an Active or Limited Duty member. The determination for eligibility for retired status due to a medical condition shall be based on evidence submitted by the member for consideration or upon reported evidence of inability to perform tasks at an acceptable level. A retired member of the Department may continue service in accordance with the Volunteer Fire Fighters Retirement Act. Retired members who remain active may participate in meetings and functions and shall have voting privileges for the purpose of Fire Department business.

I. Inactive:

Any member not meeting the requirements of A. through H. listed above, not in good standing with the department due to disciplinary actions or failure to follow Departmental policies, orders, Rules and Regulations, guidelines and directives. Inactive members are required to return all personal protective equipment and Department-owned equipment. Inactive members shall have their voting privileges terminated. Inactive status will be recommended by a majority of the Department Officers and final determination of a member's inactive status will be made by the Fire Chief.

J. Restrictions:

A volunteer member of the Department who becomes a full-time, paid firefighter for another agency may be limited in the duties he or she performs as a volunteer member of the Magdalena Volunteer Fire Department.

Section 7: Leave of Absence

Members may submit a written request for a leave of absence (LOA) to the Fire Chief when personal, employment, or other circumstances prevent them from fulfilling the requirements of their membership status for an extended period of time. Members who are granted a LOA by the Fire Chief are required to return all Department-owned equipment and personal protective equipment issued by the Department. Upon re-instatement equipment will be re-issued to the member. Members who have been on a LOA may return to the Department with no loss of seniority, except for the time lost while on the LOA, and shall have their voting privileges and status reinstated upon

return. If the LOA has been for a period greater than six months, the member shall be required to perform a standard vehicle and equipment recertification prior to reinstatement. If the member is on LOA due to active military duty, said member may return to the Department with no loss of seniority and shall have their voting privileges and status reinstated upon return.

ARTICLE V DEPARTMENT OFFICERS

Section 1: Election, Confirmation and Duties

The Fire Chief and Assistant Fire Chief are the only officers elected and confirmed, per Article 2 of the Village of Magdalena Ordinances. Election of these officers shall be conducted as follows:

1. A candidate for office must be a volunteer member of the Fire Department, and must be an Active or Limited Duty member in good standing.
2. Eligible voters: only those Active or Limited Duty volunteer members of the Fire Department who have met the requirements of said membership and are in good standing may participate in the nomination of officers and/or vote in the election.
3. A candidate for office is prohibited from nominating himself/herself for any office.
4. A candidate for a specific office must meet the minimum requirements for the office.
5. Elections shall be conducted by secret ballot. However, if only one person is nominated for office that person may be elected by a vote of affirmation of the members present.
6. Any person receiving the greatest number of votes for a particular office cast by a quorum of members eligible to vote and present at the election meeting shall be elected to that office.

Section 2: Appointed Staff Officers

The following officers may be appointed by the Fire Chief to perform duties consistent with said office. Any officer may hold more than one staff position:

1. Safety Officer
2. Training Officer
3. Engineer
4. Staff Captain(s)
5. Staff Lieutenant(s)
6. EMS Coordinator

Section 3: Vacancies

If for any reason an elective office is vacated, an election shall be held at the next regularly scheduled business meeting or at a special meeting, at which a quorum of members eligible to vote is present, to elect an officer to fill the vacated office.

Section 4: Duties

Elected officer duties are set by the Village of Magdalena Ordinances, Article 2, and shall not be amended except by an official vote of the Village Board of Trustees. Appointed Staff Officer duties shall be determined and set forth by the Fire Chief.

ARTICLE VI **CADET PROGRAM**

Section 1:

Cadets, as defined earlier within these bylaws, shall follow all applicable Department Rules, Regulations, Policies, Directives and Guidelines as adopted by the Magdalena Volunteer Fire Department.

Section 2:

Those persons who have attained the age of sixteen (16) and have the permission of at least one parent or guardian, may apply for cadet status in the department. Cadets may not participate in emergency responses except under the direct and constant supervision of a line officer. Cadets shall not drive any Department vehicle under any circumstance and may not operate equipment except under direct supervision during training exercises. **The safety of cadets is of the utmost importance. Department officers will make every effort to ensure the safety of cadets at emergency scenes and during training.**

Section 3:

New cadets must complete a Department application, have the written approval of at least one parent or guardian, and complete an oral interview with the Department Officers prior to appointment to a six-month probationary status. Cadets will not be issued personal protective equipment, badges, or pagers while in probationary status. Cadets must attend seventy-five (75%) of business, maintenance and training meetings, during which time they will be evaluated to determine their eligibility for Active Cadet status. Active Cadet status members will be issued personal protective clothing for fireground support activities. Cadets who reach their 18th birthday and qualify for Active Duty Status will be moved to Active Duty status in the Department following approval of membership.

Section 4:

A mentor from the Fire Department will be assigned to each Cadet during the Cadet's probationary period by the Fire Chief.

Section 5:

During probation, monthly evaluations of the Cadet may be conducted by the assigned

mentor and submitted to the Fire Chief. Testing of fire and medical training proficiency as well as testing the Cadet's ability to perform station and vehicle maintenance shall be noted in the evaluations. Following the probationary period Cadets remain subject to random testing and evaluation.

Section 6:

Cadets must maintain a 2.0 grade point average or better in their schoolwork in order to remain in good standing with the Department. Attendance at business, maintenance and training meetings will be limited to no later than 2200 hours. A Cadet's parent or legal guardian may limit the Cadet's participation in any activities at any time by notifying the Fire Chief or assistant Fire Chief. A Cadet's membership will be terminated immediately if he/she is found to be skipping school to participate in Fire Department activities. ***School comes first!***

ARTICLE VII DISCIPLINE AND REMOVAL OF MEMBERS

Section 1: Detrimental and Improper Conduct

Each member shall be held accountable and responsible for his/her individual actions. No officer or member of the Department shall be exempt from these requirements.

In cases where Village property, other Department members or citizens or their property are at risk because of a member's actions, the Officer in Charge shall put the member on inactive duty status until a hearing is held and a decision is rendered. A members' conviction on a felony charge will result in immediate dismissal.

The following shall be considered conduct detrimental to the welfare and operations of the Department and shall be cause for disciplinary action up to and including immediate suspension and/or dismissal.

1. Insubordination (failure to follow a direct order of a superior officer);
2. Failure to perform his/her duty; (dereliction of duty);
3. Failure to follow Village standards, policies and procedures and/or a Chiefs/Officers directive;
4. Performing any membership function while under the influence of alcohol, controlled substances and/or mind-altering substances;
5. Negligence in the performance of duty including negligence in the operation of Village vehicles or equipment;
6. Negligence of failure to adhere to established safety rules or regulations as well as willful unsafe conduct;
7. Misuse or mismanagement of Department funds;
8. Conduct unbecoming an officer or member of the Department including statements made public or private, or actions performed that degrade the Department or its operations or personnel, including sexual misconduct;
9. Actions that unnecessarily endanger the member, other members, and/or the public.

Section 2: Disciplinary Process

The Department subscribes to the concept of progressive discipline and it should be practiced as a corrective measure whenever possible. However, there are instances when a disciplinary action, including immediate dismissal, is appropriate without first having imposed a less severe form of discipline.

A. Oral Warning/Reprimand:

An oral warning or reprimand is used to correct minor infractions of performance, conduct or behavior. Members should be notified that further instances may require additional progressive discipline.

B. Written Reprimand:

A member shall receive a written reprimand when an infraction is of a greater degree of seriousness than that for which an oral reprimand may be used, or if a previous oral warning/reprimand was not effective as a corrective action.

The Fire Chief shall meet with the member to issue the written reprimand. The member should be asked to sign the document to acknowledge receipt. The member's signature does not necessarily indicate concurrence with the content. If the member refuses to sign the document, the Fire Chief and officer will date and sign the document to verify that the reprimand was issued, in person, to the member. A copy of the reprimand shall be placed in the member's file for a period of 24 months after which, if no other written reprimands have been issued during that period, the document shall be destroyed.

C. Examples of Infractions Requiring Corrective Action

The following instances shall warrant the initiation of a formal progressive disciplinary process. A written reprimand may include a demotion, temporary suspension, or dismissal from the Department.

1. Failure of a member to attend required meetings, trainings or to respond to emergency responses as required to maintain the member's status in the Department.
2. Failure to follow the requirements of a previous disciplinary action.
3. Misuse or abuse of Department equipment or apparatus.
4. Misuse or abuse of Department insignia, identification, or privilege.
5. Misuse or abuse of an emergency vehicle operator permit.
6. Interference with the duties of a law enforcement officer.
7. Misrepresentation of authority and/or any act that implies an inappropriate level of authority and/or intimidates a member of the public.
8. Misuse or abuse of communication equipment and/or violating Department's communication standards.
9. Failure to report damage to any station, Department vehicle or equipment caused by the member or another member of the Department.
10. Willful falsification of Department records or reports.

11. Theft of, unapproved appropriation of, or modification to, Department equipment, vehicles, stations, records or supplies.
12. Failure to follow and/or comply with state and Village procurement codes, rules and regulations.
13. Misrepresentation of qualifications, level of training or licensure or experience.
14. Harassment (physical, mental, or sexual) of another member of the Department.
15. Negligent damage to property and/or person(s).
16. Failure to report duty injuries, accidents or vehicle collisions.
17. Unauthorized use or abuse of Village property (e.g. cell phones, vehicles or other equipment).
18. Fighting while on duty or on Village property.
19. Failure to report loss of driver's license.
20. Operation of a Village vehicle or a private vehicle while on fire department business without a valid driver's license.
21. Acceptance of a bribe or kickback.
22. Use of official position or authority for personal profit or advantage;
23. Theft or destruction of Village property.
24. Being convicted of a felony.
25. Falsification of official documents.
26. Lying to a superior officer.
27. As nothing can constitute an exhaustive list, any action or omission not mentioned herein but of such a serious nature as to warrant serious disciplinary action.

Section 3: Formal Grievance and Appeal Process

This formal grievance and appeal process is applicable for disciplinary actions that include suspension, demotion or dismissal from the Department. Members who have completed their probationary period have a right to the grievance and appeal process.

A. Request for Hearing

The member shall file a formal written request for hearing with the Fire Chief within three (3) working days of receipt of the disciplinary action.

B. Schedule Hearing

Within seven (7) working days of receipt of the written request, the Fire Chief shall schedule a hearing date, time and location to hear the aggrieved.

C. Hearing

The Fire Chief or his designated hearing Officer, shall hear the aggrieved and the evidence and information provided by the Fire Chief. If a hearing officer has heard the aggrieved, a written recommendation shall be forwarded to the Fire Chief within 24 hours.

D. Decision

The Fire Chief shall then have three (3) working days to consider the information and render a written decision to the aggrieved. The decision of the Fire Chief is final and may not be appealed, except as provided by NMSA 1978 Section 39-3-1.1 (1999).

Section 4: Criminal Charges or Convictions

In general, the private life of a member of the Department is considered personal and outside the jurisdiction and authority of the Village. However, when a member's action or behavior may have a detrimental effect on the Department, another member of the Department, or the Village, or when an applicant has applied for membership, such action and/or behavior shall be considered when reviewing an application membership, or the corrective or disciplinary action or termination of that member. Any criminal conviction occurring prior to application for membership must be disclosed by the applicant at the time of application. The information will be considered confidential by the Department and will not be shared unless it is considered to be public information by state statute, by the State Attorney General, by the Village Attorney or by court of law. It should be noted that any individual who has been convicted of a crime and has subsequently served his/her sentence has the right to be considered for membership by the Department. However, the Department reserves the right to use past criminal conduct, behavior, and/or conviction as a reason to deny an application for membership.

ARTICLE VIII AMENDMENT OF BYLAWS

Section 1: Village Board of Trustees

These Bylaws may be amended only by formal action of the Magdalena Village Board of Trustees at the request of the Fire Chief.

Section 2: Recommendations for Amendments

Recommendations to amend these Bylaws may be formalized by the Magdalena Volunteer Fire Department, approved by the Fire Chief, and forwarded to the Village Board of Trustees for formal approval and adoption by resolution.

West's New Mexico Statutes Annotated
Chapter 1. Elections
Article 16. Ballot Questions

N. M. S. A. 1978, § 1-16-3

§ 1-16-3. Ballot questions; certification

Effective: April 3, 2019

Currentness

A. Whenever a state ballot question is to be submitted to the voters of the entire state on a general election or regular local election ballot, not less than seventy days before the election, the secretary of state shall certify the state ballot question to the county clerk of each county.

B. Whenever a local government ballot question is to be submitted to the voters of a local government on a general election or regular local election ballot, not less than seventy days before the election at which the ballot question is proposed to be submitted to the voters, the local government shall file a resolution proposing the ballot question with the county clerk of each county containing any precinct in which votes may be cast for or against the local government ballot question. Not less than sixty-seven days before the election, each county clerk shall certify the local government ballot question to the secretary of state.

C. Whenever a state or local government ballot question is to be submitted to the voters in a special election, the proclamation calling the election shall be filed with or certified to the county clerk of each county containing any precinct in which votes may be cast pursuant to the provisions of the Special Election Act.

Credits

L. 1969, Ch. 240, § 376; L. 1977, Ch. 222, § 93; L. 1981, Ch. 146, § 1; L. 2017, Ch. 101, § 18, eff. June 16, 2017; L. 2019, Ch. 212, § 135, eff. April 3, 2019.

Formerly 1953 Comp., § 3-16-3.

NMSA 1978, § 1-16-3, NM ST § 1-16-3

Current through Chs. 1 to 3, 7, 14, 27, 34, and 35 of the 2nd Regular Session of the 55th Legislature (2022)

West's New Mexico Statutes Annotated
Chapter 1. Elections
Article 24. Special Elections

N. M. S. A. 1978, § 1-24-2

§ 1-24-2. Special election procedures; proclamation; publication

Effective: April 3, 2019

Currentness

A. Whenever a local public body determines that it is necessary or desirable to conduct a special election:

(1) the governing body shall by resolution issue a public proclamation calling the election. The proclamation shall forthwith be filed with the county clerk no later than seventy days prior to the date for the special election. If the boundaries of the local public body include precincts in multiple counties, the proclamation shall forthwith be filed with each county clerk no later than seventy days prior to the election;

(2) the proclamation shall specify:

(a) the date on which the special election will be held;

(b) the purpose for which the special election is called; and

(c) the text of the ballot question or ballot questions to be voted on;

(3) after filing with the county clerk or clerks the proclamation issued pursuant to this subsection, each county clerk shall post the proclamation beginning no later than sixty-seven days before the election and, beginning not less than sixty-three days before the date of the election, each county clerk shall publish the proclamation once each week for two consecutive weeks in a newspaper of general circulation within the boundaries of the local public body; provided that if the boundaries of the local public body include precincts in multiple counties that share the same newspaper of general circulation, the county clerks may jointly publish the proclamation;

(4) the posting and publication pursuant to this subsection shall also inform the public that the special election will be conducted by mailed ballot, of the date ballots will be initially mailed to voters and of the last day to register to vote or to update an existing registration in advance of the special election; and

(5) the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended.

B. Whenever the state determines that it is necessary or desirable to conduct a special election:

(1) the secretary of state shall by resolution issue a public proclamation calling the election. The proclamation shall forthwith be filed with the secretary of state no later than seventy-five days prior to the election;

(2) the proclamation shall specify:

(a) the date on which the special election will be held;

(b) the purpose for which the special election is called; and

(c) the text of the ballot question or ballot questions to be voted upon;

(3) after filing with the secretary of state the proclamation issued pursuant to this subsection, the secretary of state shall within five days certify the proclamation to each county clerk in the state;

(4) the proclamation shall be posted and published in the same manner as provided for a proposed state constitutional amendment pursuant to [Section 1-16-4 NMSA 1978](#);

(5) the posting and publication pursuant to this subsection shall also inform the public that the special election will be conducted by mailed ballot, of the date ballots will be initially mailed to voters and of the last day to register to vote or to update an existing registration in advance of the special election; and

(6) the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965,¹ as amended.

Credits

L. 1989, Ch. 295, § 2; L. 2011, Ch. 137, § 107, eff. July 1, 2011; L. 2017, Ch. 101, § 19, eff. June 16, 2017; L. 2018, Ch. 79, § 40, eff. July 1, 2018; L. 2019, Ch. 212, § 155, eff. April 3, 2019.

Notes of Decisions (1)

Footnotes

¹ 52 U.S.C.A. § 10301 et seq.

NMSA 1978, § 1-24-2, NM ST § 1-24-2

Current through Chs. 1 to 3, 7, 14, 27, 34, and 35 of the 2nd Regular Session of the 55th Legislature (2022)



RESOLUTION № 2022-03

A RESOLUTION INITIATING AN ELECTION WITHOUT A PETITION FROM QUALIFIED ELECTORS ON THE QUESTION OF WHETHER TO APPROVE THE ISSUANCE OF RESTAURANT LICENSES FOR THE SALE OF BEER OR WINE

WHEREAS, the Village of Magdalena Board of Trustees met upon notice of a duly published meeting on March 28, 2022 at 5:00 pm at Village Hall, 108 N. Main Street, Magdalena, New Mexico as required by law; and,

WHEREAS, it is the opinion of the New Mexico Alcoholic Beverage Control Division of the New Mexico Regulation and Licensing Department that the Village of Magdalena is a local option district that was grandfathered in prior to the 1981 enactment of NMSA 1978, Section 60-5A-1 thru 2, the "Local Option";

WHEREAS, local option districts must hold elections on whether to approve the issuance of restaurant licenses. NMSA 1978, Section 60-6A-4;

WHEREAS, such an election may be initiated by petition, Section 60-5A-1(A) or by resolution of the governing body of a local option district without a petition, Section 60-6A-4(A);

WHEREAS, the Village of Magdalena would like to submit this question to the voters at either a special election or the next general election.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees for the Village of Magdalena that the Village opts to submit the question regarding whether restaurant licenses should be allowed, without a petition from qualified electors, at the next general election.

APPROVED, ADOPTED, AND PASSED on this 28th day of March, 2022.

Mayor Richard Rumpf

Attest:

Carleen Gomez, Deputy Clerk

Notes and Recommendations Summary

Notes and Recommendations are defined as any issue which in the estimation of the DWB is not currently significant enough to be considered as a significant deficiency. However, the issue should be further investigated or addressed by the water system so as not to negatively contribute to the poor operations, management, or adequacy of the water system. Recommendations may be escalated to significant deficiencies if they are not addressed before the next sanitary survey.

The following Notes & Recommendations were identified during the survey.

Notes & Recommendations: Road access to the upper storage tank site could be described as poor at best and vegetation growing near to and from under the storage tank foundations suggests a lack of upkeep.

Inadequate access to water system facilities could lead to a lack of maintenance and does not allow for quick access to those facilities during emergency situations.

Recommended Action: It is recommended that the Village of Magdalena work to maintain adequate road access to the upper storage tank site to facilitate inspections, maintenance, and emergency response. This work may need to be completed ahead of storage tank inspections to allow inspectors adequate access to the upper storage tank site.



WATER STORAGE SOLUTIONS QUOTATION

February 16, 2022

Richard Rumpf, CMO, CPO

City of Magdalena

108 N. Main Street

Magdalena, NM 87825

Ph: 575-854-2273, Email: mayor@villageofmagdalena.com

Re: **Demolition of 200,000 Gallon Bolted Water Storage Tank Magdalena, NM**

D&R Tank Co will provide all supervision, labor, material, tools, and equipment to remove one (1) existing 36' diameter x 30' +/- high 200,000-gallon bolted water storage tank from site by method of D & R Tank Co choice. Material will become property of D& R Tank Co.

Included

- Teardown of existing tank
- Removal of demo'ed materials from site by D & R Tank Co trucks

Excluded

- **NM State & Davis Bacon Certified Wage Rates**
- Video Documentation
- **Lead Testing & Lead Abatement except for included items**
- Removal of Electrical, SCADA, Solar Panels if Applicable, and all Existing Power to Tank Must Be Disconnected.
- Removal of foundation, underground piping, yard piping, dirt work, and fence
- All Items to be Retained by Owner Need to Be Removed
- **Road work to access tank**
- Licenses, Permits, Bonds and Sales Tax. All items not specifically included are excluded with common exclusions stated above.

LS Cost to Remove & Dispose of One Existing Bolted Water Storage Tank **\$33,594.00**

**SALES TAX NOT INCLUDED-BONDS
AVAILABLE @ 1.5% of CONTRACT**

Respectfully Submitted,

James Adams

James Adams

1210 Prosperity Avenue SE
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NM DoI No. 0034920050527

NM Preference No. SPD 03C43

AZ License No. ROC286001, L-56

Native American Owned