

1. 6:00 P.M. May 25, 2021 Regular Town Council Meeting Materials

Documents:

- 01 - 2021 05 25 AGENDA REGULAR COUNCIL.PDF
- 02 - PROCLAMATION - 2021 POET LAUREATE--ALLISON WATERMAN
5.2021.PDF
- 03 - 2021 05 11 DRAFT MINUTES REGULAR COUNCIL.PDF
- 05 - RESOLUTION 2021-07 FIREWORKS.PDF
- 06 - 2021 05 25 LEGAL NOTICE REGULAR COUNCIL.PDF



TOWN OF SILVER CITY COUNCIL

REGULAR MEETING AGENDA

May 25, 2021, 6:00 PM

REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. CHANGES TO AGENDA
3. CEREMONIES
4. PROCLAMATIONS-Official proclamation for New Poet Laureate
5. COUNCIL COMMENTS
6. APPROVAL OF MINUTES
 - A. Regular Meeting on May 11, 2021.
7. PUBLIC INPUT
8. REPORTS
 - A. Staff Reports.
9. PUBLIC HEARINGS
10. UNFINISHED BUSINESS
11. NEW BUSINESS
 - A. Approval / Disapproval of FOP SCPOA – Contract Renewal Document
 - B. Approval/ Disapproval of Resolution 2021-07 for proclaiming that extreme and severe drought conditions exist within the Town and a limited ban on the sale and use of certain fireworks.
12. ADJOURNMENT

Town of Silver City Council Members

<u>Name</u>	<u>Elected Position</u>	<u>Telephone</u>	<u>Term of Office</u>
Ken Ladner	Mayor	534-6346	03/2018 - 03/2022
Cynthia Ann Bettison	Councilor, District 1	597-7031	03/2020 - 03/2024
Lynda D. Aiman-Smith	Councilor, District 2	597-7032	03/2018 - 03/2022
Jose A. Ray, Jr.	Councilor, District 3	313-4944	03/2020 - 03/2024
Guadalupe Cano	Councilor, District 4	597-7034	03/2018 - 03/2022

MISSION STATEMENT OF THE TOWN OF SILVER CITY

Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and education resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.

Approved by the Town Council on May 25, 2010.

The Council may call an EXECUTIVE SESSION pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons:

1. meetings pertaining to **issuance, suspension, renewal or revocation of a license**, except that a hearing at which evidence is offered or rebutted shall be open;
2. **limited personnel matters** which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee;
3. deliberations by a public body in connection with an **administrative adjudicatory proceeding**;
4. meetings for the **discussion of bargaining strategy preliminary to collective bargaining negotiations** between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
5. that portion of meetings at which a decision concerning **purchases in an amount exceeding \$2,500 that can be made only from one source** and that portion of meetings at which the **contents of competitive sealed proposals solicited pursuant to the Procurement Code (13-1-28 NMSA 1978) are discussed during the contract negotiation process**. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
6. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
7. meetings for the **discussion of the purchase, acquisition or disposal of real property or water rights** by the public body.

Note: NMSA 1978 Section 10-15-1(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (10) relating to the gaming control board were not listed above since they do not apply to the Town of Silver City.

For information on what's happening in local government, please visit the Town's website at www.townofsilvercity.org.

PROCLAMATION

WHEREAS, the Town of Silver City is incorporated to provide public services and opportunities for cultural enrichment to the community; and

WHEREAS, the Town's effectiveness in the provision of these services and opportunities is often dependent upon the independent vision and efforts of the local citizenry; and

WHEREAS, the steering committee for the Southwest Word Fiesta (SWWF), with the endorsement of the Town of Silver City's Mayor and Town Council, has initiated and completed a search for the Silver City area's next official Poet Laureate; and

WHEREAS, that search has been completed, resulting in the selection of an excellent candidate to hold the honorary post of Silver City Poet Laureate;

*NOW, THEREFORE, on behalf of the Silver City Town Council, I, Ken Ladner, Mayor of the Town of Silver City, Grant County, New Mexico, hereby formally acknowledge, endorse, and proclaim **Allison Waterman as the "Silver City Area's Poet Laureate for 2021-2023.***

IN WITNESS WHEREOF, I have hereunto set my hand and caused this official seal of the Town of Silver City to be affixed this 25th day of May 2021.

(Seal)

Ken Ladner, Mayor

Attest:

*Maria C. Sublasky,
Acting Town Clerk*

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT
May 11, 2021, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3

Also, present:

Alex C. Brown, Town Manager
James Reynolds, Town Attorney
Freddie Portillo, Police Chief
Milo Lambert, Fire Chief
Geoffrey Plant, Silver City Daily Press
Representative Luis M. Terrazas
Lisa Jimenez
Maria C. Sublasky, Adm Asst. to Exec Dept.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Ms. Sublasky did a roll call of the Mayor, Councilors and Staff.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Ray had no comments. Councilor Bettison congratulated Grant county on moving to the Turquoise level status and thanked everyone for their help to move out of the Yellow level status to Turquoise. Councilor Aiman-Smith commented last weekend was the Give Grandly Benefit where the association supports fifty-eight to sixty non-profits. Residents and citizens were generous and all will go to a good cause. She thanked Chief Portillo for following up with the post office superintendent to develop a verbal agreement to enforce that verbal agreement to enforce those not wearing masks, if they have to. We still have to wear masks indoors inside public buildings.

Mayor added that through Give Grandly a lot of organizations met their goals. As of yesterday, or today, over One Hundred Seventy-eight Thousand Dollars were raised. He made mention to the community that they could still give up until May 22 by going to www.givegrandly.org.

6. APPROVAL OF MINUTES - Regular Meeting on April 27, 2021 – Mayor Ladner asked for a motion to approve the minutes. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of April 27, 2021. Councilor Ray seconded. Mayor asked if there was any other discussion or comments. There was none. Mayor asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-smith voted aye; Councilor Ray voted aye. Motion carried.

7. PUBLIC INPUT – Mayor Ladner asked Ms. Sublasky if any public input was received by fax, phone or email. There was none.

8. REPORTS –

A. Alex, introduced Representative Luis Terrazas. Mr. Terrazas thanked the council for the opportunity to be present today and give an update on what is going on in our community. He stated they had a wonderful clean up event on April 24, 2021. Mayor Ladner, Mayor Bauch of Santa Clara and various community members from Hurley, Bayard, and Santa Clara participated. He stated he started working on this late fall but Covid made it so that they could not facilitate a permit. He worked with District I Engineer Trent Doolittle in January and kept moving forward with people who wanted to volunteer. They planned to do something for Earth day. Three days before the event they finally

received the permit. He apologized if the council want aware of it or didn't receive the information but they tried to get it out by radio, Grant County information, Facebook and through email contacts through the Chamber of Commerce. In order to obtain a permit on a State roadway, an entity needed to volunteer to lead the effort and the Chamber stepped up and did so. The group picked up two thousand six hundred pounds of trash. He felt it was a quarter of what could be done but thanked everyone for doing their part.

Representative Terrazas then stated he wanted to give an update of the Deming highway and deflect to a member of the Department of Transportation so they could give an update of the Highway 180 project going towards Deming. He stated that through his work with Senator Hemphill and Rebecca Dow to bring in quite a few dollars to Grant County and stated that all capital outlay projects allocated totaled 2.3 million. In junior accounts they allocated another 498 thousand dollars. He stated he would like in the near future to meet with the Town before the next capital outlay project requests and see what Grant County needs and how he can help. He went on to state he had concerns with HB4 and how it was going to affect the Town. He did not support the bill due to the liability it opened up for municipalities. He would like to meet with the town to see what their thoughts were on that issue. Mayor recommended that Mr. Brown, Mr. Marshall and any others necessary, meet at a later date and time to discuss and Representative Terrazas agreed. He asked if there were any other questions for him before he turned it over to Mr. Pennington with DOT for the presentation. Mayor thanked him for his hard work at the legislature. Due to technical difficulties when attempting to verify if the DOT presenter was online, Representative Terrazas requested that the DOT presentation was postponed until later on in the meeting if they could connect.

Mr. Brown had no other staff reports.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. App/Disapproval Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(7) subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Los Alamos County, City of Albuquerque et al v. New Mexico Taxation and Revenue Department et al. Cause No.: D-202-CV 2018-08036, 2nd Judicial District, State of New Mexico.

Mayor Ladner entertained a motion to go into executive session. Councilor Bettison made a motion to go into closed executive session pursuant to NMSA 1978 Section 10-15-1(H)(7) subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Los Alamos County, City of Albuquerque et al v. New Mexico Taxation and Revenue Department et al. Cause No.: D-202-CV 2018-08036, 2nd Judicial District, State of New Mexico. Councilor Aiman-Smith seconded the motion. Mayor Ladner stated there was a motion and a second to go into closed executive session. He asked if there way any discussion. There was none. He called for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye. Motion carried. At 6:24 pm he stated they would leave the zoom meeting and reconvene in executive session by a Go To Meeting. He inquired if anyone needed a short break before doing so, no break was needed.

Representative Terrazas interjected and stated that Mr. Doolittle did not receive the link. Mayor indicated it was sent when it was sent to Mr. Terrazas. Mr. Terrazas stated if he did not come on after the break, they would just have to reschedule for another time. Councilor Bettison informed him that the link was available on the town's website.

Mayor Ladner called the meeting back to order at 6:57 pm, and stated no action was taken and no matters other than those matters included in the motion to go into executive session were discussed. Mayor Ladner requested a roll call from the Councilors as their affirmation to that statement. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye and affirmed that statement; Councilor Ray voted aye. Motion carried. Mayor Ladner stated the meeting was back in regular session.

Mayor allowed for Representative Terrazas to continue with his presentation. He thanked the council for allowing him to be at the meeting. He contacted Mr. Doolittle and was informed they were not able to connect with the link. He reiterated his concern with the Qualified Immunity situation and the liability it will place on municipalities. He hoped it

doesn't cause too much financial burden on the budget. He complimented the Town on how MainStreet is looking beautiful and getting painted. He loves that we make our community look nice. He looks forward to rescheduling this DOT presentation going forward. His goal is to bring the community together.

11. NEW BUSINESS -

A. Approval/Disapproval of BID 20-21 RE-Bid Visitors Center Pedestrian & Trailhead Improvements. - Mr. Brown stated this was the fourth time this project had been put out to bid and only one bid was received from C&E Industrial Services. They were not on the pre-qualified DOT Contractor's/Subcontractors list at the time of the bid opening but were in the process of getting qualified. A few days after the bid was opened, they became qualified. It is staff's recommendation that we reject the bid and rebid in the hope that C& E Industrial will submit a bit for this project and get it out of the way.

Mayor entertained comments for Mr. Brown. There were none. Mayor Ladner entertained a motion. Councilor Ray moved to reject Bid 20/21 Re-Bid Visitors Center Pedestrian & Trailhead Improvements per staff recommendation. Council Bettison seconded the motion as stated. Mayor asked if there was any discussion, there was none. Mayor asked for a roll call. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye. Motion carried.

Mayor thanked everyone for being at the meeting, he thanked city staff, Mr. Brown, the City Councilors for all the work they do. Last but not least, he thanked the press for being present. He stated they report the news and in order to report it, they have to sit through many countless meetings and events to do so. He wished everyone a good evening.

12. ADJOURNMENT – Mayor Ladner entertained a motion to adjourn. Councilor Ray moved to adjourn at 7:06 p.m. Councilor Aiman-Smith seconded motion as stated. Mayor Ladner asked if there was any comments or discussion. There was none. Mayor asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye. Motion carried. Meeting Adjourned.

Ken Ladner, Mayor

Attest:

Maria C. Sublasky, Acting Town Clerk

RESOLUTION NO. 2021-07

PROCLAIMING THAT EXTREME AND SEVERE DROUGHT CONDITIONS EXIST WITHIN THE TOWN AND A LIMITED BAN ON THE SALE AND USE OF CERTAIN FIREWORKS

WHEREAS, at the regular meeting of the Town Council, consideration was given to the presentation by the Town’s Fire Chief who reported that extreme and severe drought conditions currently exist throughout the Town, and who also consulted with the United States Forest Service and state forester about fire danger to the Town; and

WHEREAS, consideration was given to current drought indices published by the national weather service, and other relevant information supplied by the United States Forest Service, indicating conditions of extreme or severe drought within the boundaries of the Town; and

WHEREAS, the Town of Silver City in Chapter 18, Article III, Section 18-51 (d) of the Town’s Municipal Code has adopted the State of New Mexico Firework Licensing and Safety Act (NMSA 1978, §60-2C-1 et seq.); and

WHEREAS, NMSA 1978, §60-2C-8.1 authorizes the Town Council to issue a proclamation declaring extreme or severe drought conditions within the boundaries of the Town, and to further ban the sale and use of specific fireworks within Town boundaries; and

WHEREAS, based on the consideration of current drought indices published by the national weather service, and other relevant information supplied by the United States Forest Service, the Town Council finds that there exists a state of extreme and severe drought within Town boundaries;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED THAT:

1. There currently exists within the incorporated boundaries of the Town of Silver City extreme and severe drought conditions, creating a significant and immediate threat to the life, safety, health and welfare of residents of the Town of Silver City, and to public and private property located within the Town.
2. The sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are banned within all incorporated boundaries of the Town of Silver City.
3. The use of fireworks not listed in Paragraph 2 above shall be limited to areas that are paved or barren or have a readily accessible source of water for use by the homeowner or general public.
4. The use of all fireworks within all Town wildlands is hereby banned, with wildlands defined as lands owned by the Town and designated for public recreational purposes that are covered wholly or in part by timber, brush or native grass, and includes, but is not limited to, Open Spaces as defined in the Town’s Municipal Code, the Land Use and Zoning Code of 2010, Appendix C, Article II, Section 2.

5. The sale or use of display fireworks is hereby banned except that a public fireworks' display under the immediate supervision of the Town's Fire Department shall be permitted if such display shall be deemed by the Fire Department not to present a likelihood of fire danger to person or property.

6. This resolution and proclamation shall be effective for thirty (30) days from the date below, but the Town Council may issue succeeding proclamations if extreme or severe drought conditions warrant.

PASSED, APPROVED and ADOPTED by the governing body of the Town of Silver City, Grant County, New Mexico, at its regular meeting of May 25, 2021.

TOWN OF SILVER CITY

(Seal)

Approved:

Ken Ladner, Mayor

Attest:

Maria C. Sublasky, Acting Town Clerk

LEGAL NOTICE

The Town of Silver City Council will hold a remote Regular Meeting on Tuesday, May 25, 2021 at 6:00 PM. The meeting will be held remotely via GoToMeeting and in compliance with the NM Open Meetings Act. Please join the meeting from your computer, tablet or smartphone. Silver City Town Council Meeting on Tuesday, May 25, 2021 6:00 PM - 9:00 PM (MST). <https://global.gotomeeting.com/join/948713085>

You can also dial in using your phone.

United States: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 948-713-085

Public input must be submitted by email by 4:00 PM on May 25, 2021 to the Town Clerk at townclerk@silvercitynm.gov. Please enter "Public Input" in the subject line of the email. The comments will be distributed to the Mayor and Council and be entered into the record of the Council Meeting. The action items on the agenda include:

Proclamation-Official Proclamation for New Poet Laureate

Approval of Minutes: May 11, 2021 Regular Council Meeting

New Business:

A. Approval/Disapproval of FOP SCPOA – Contract Renewal Documents

B. Approval/Disapproval of Resolution 2021-07 for proclaiming that extreme and severe drought conditions exist within the Town and a limited ban on the sale and use of certain fireworks.

Adjournment

The agenda is available in the Agenda Center of the Town's website at www.townofsilvercity.org. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid service to attend or participate in the hearing or meeting, contact the Town Clerk at 534-6346 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact The Town Clerk if summary or other type of accessible format is needed.