

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy. 180, Silver City, NM**  
**February 28, 2017, 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  
Guadalupe E. Cano, District 4

**Also Present:**

Alex C. Brown, Town Manager-Finance Director  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m. He said Councilor Aiman-Smith was present by telephone. He gave the floor to the Girl Scouts of the Desert Southwest to present a flag ceremony, followed by the Pledge of Allegiance.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS – "Girl Scout Week" - March 12-18, 2017** - Mayor Ladner read the proclamation and presented it to Annette Toney, Membership Manager of the Girl Scouts of the Deserts of the Southwest. He said many leaders in Silver City were former Girl Scouts, including Councilor Bettison and Councilor Cano.

**4. PUBLIC INPUT** – None.

**5. COUNCIL COMMENTS** – The Council commented on the following: how to report potholes on the Town's website; issues downtown including traffic, parking, panhandlers, street musicians blocking sidewalks, etc.; how aggressive panhandlers should be reported to Central Dispatch; how the Fire Department personnel were trained to direct traffic, but they could not cite violators; how the Highway 15 project would affect traffic in other areas; congratulations to Robert McGrath in the Fire Department for receiving the Firefighter of the Year award; how the Fire Department needed equipment to be replaced that was out of date, especially the self-contained breathing equipment; and information about the Town's recycling program. Mayor Ladner welcomed Mayor Richard Bauch from the Village of Santa Clara. He thanked the Mimbres Region Arts Council and all of those that volunteered to make the Chocolate Fantasia event great and he also thanked the Task Force and other volunteers that made the Territorial Charter Day Celebration a success. He said it was important to note that due to the due diligence of State Legislators Senator Howie Morales, Representative Rebecca Dow, Representative Rudy Martinez, and also Manager Alex Brown, and Assistant Manager James Marshall, two very important Silver City projects were saved: the Ridge Road extension project worth \$2.3 million and the Highway 15 road paving, drainage and sidewalks project worth \$7 million were saved from elimination from the State's budget. He thanked them for playing a major role in keeping those projects in Silver City. He discussed the success of Grant County Day and said it was due to the efforts of the Grant County Prospectors and others. He thanked all of the people, organizations, and media that spent countless hours in Santa Fe to promote their community interests. He also thanked Councilor Bettison and Councilor Cano for spending time in Santa Fe on behalf of their community and that Councilor Bettison, as the Treasurer of the New Mexico Municipal League, made great contributions. He discussed how he learned there were 14 street lights stored in Home Furniture's storage that were intended for the downtown area. Manager Brown explained further and said nine street lights were in the process of being installed and it would leave six spare street lights.

**6. CHANGES TO AGENDA** – None.

**7. APPROVAL OF MINUTES - Regular Meeting on February 14, 2017** - Councilor Bettison moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of February 14, 2017. Councilor Cano seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor to approve the

minutes to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

## **8. REPORTS -**

**A. Staff reports.** Clerk Mackie reported the election for one Councilor in District 1 and one Councilor in District 3 would be held on March 7 at the Silver City Woman's Club from 7:00 a.m. to 7:00 p.m. She said the candidate for Councilor in District 1 was Cynthia Ann Bettison and the candidate for Councilor in District 3 was Jose A. Ray, Jr. She stated the official canvass of the election would be held on March 9 at 8:15 a.m. at City Hall and the newly elected officials would be sworn in after the canvass.

Manager Brown reported Penny Park would be closed for the next week for a grant project to put crushed rubber on the fall zones. He also discussed several other projects that had been put on hold until the legislature released the funds. Those projects included a downtown sidewalk project to design as much of Market Street as possible, sidewalks on the north side of 32nd Street next to Silver High School, and the work that needed to be done on the fourth baseball field at Scott Park.

**9. PUBLIC HEARINGS - None.**

**10. UNFINISHED BUSINESS - None.**

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of Approval / Disapproval of the Town of Silver City Audit Report for Fiscal Year ended June 30, 2016.** Manager Brown said the State Auditor released the audit recently and it required the Town Council to approve the audit. He said Geoff Manrow would go over the audit and answer any of the Council's questions. Mr. Manrow said he was with Southwest Accounting Solutions and that he performed the financial and federal awards audit for the fiscal year ending on June 30, 2016. He said the Town's federal awards and financial statements received an unmodified opinion which was the best opinion they could get, and that there was one finding with both the financial statements and federal awards. He said he appreciated the hard work of Manager Brown and Anita Norero, Deputy Finance Director, and the rest of the staff. He said in 2015 he asked the Town to carry a little bit more cash for emergencies and that he appreciated that his advice was taken. He said he had no issues with the Town's assets and liabilities and that the largest liability was related to the PERA (Public Employees Retirement Association) which was not technically a Town liability because it was in a State fund. He said \$11.5 million in liabilities was related to PERA and the Town was technically responsible for that, but it stayed on the Town's books per State requirements. He said the Town carried some debt, but it was in a good position to cover it, and the fixed assets were still substantial. He discussed one finding that related to a federal award called the High Intensity Drug Trafficking Program (HIDTA) where the draw down was not taken in a timely manner, but it was not handled at Town Hall, that it was handled offsite and that particular program was gone. He said there was a finding in their financial statement that mostly related to the old software than any human issues. He said everyone really did a solid job and there were no issues giving the Town an unmodified opinion whatsoever and he had no going concern. Councilor Bettison thanked the Town staff and said they were pretty amazing and kept the Town afloat and working well. She asked Manager Brown to address the updating of the Town's financial software. Manager Brown said the money had been set aside to pay for the upgrade of the software, but it would not be implemented by the end of the current fiscal year because it had been hard for the software company to start working on it. There was further discussion. Manager Brown recognized the staff from the Finance Department and he thanked them for doing an excellent job. He recognized Renee Van Laningham, Amanda Teran, Erika Martinez, Shay Stark-Lane, Steven Lopez, and Anita Norero, Deputy Finance Director. Mayor Ladner asked for a motion. Councilor Bettison moved to approve the Town of Silver City Audit Report for Fiscal Year ended June 30, 2016. Councilor Ray seconded. There was no further discussion. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

Councilor Cano made a motion to take a short break at 6:50 p.m. Councilor Bettison seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. He called the meeting back to order at 6:57 p.m.

**B. Request for endorsement of the Fort Bayard Project.** Scott Terry, Chamber President of the Silver City Grant County Chamber of Commerce, discussed how the State of New Mexico was doing a bad job of maintaining Historic Fort Bayard because the buildings were deteriorating, etc. and that the Village of Santa Clara had been maintaining things like the removal of old dead trees and mowing the grass. He said the State of New Mexico did not have a vision for Fort Bayard, but the Village of Santa Clara did. He discussed the following: the proposal of transferring the property from Fort Bayard to the Village of Santa Clara; the business plan of what they would like to do for the development of Fort Bayard; how the U.S. Forest Service may use six of the buildings; how money would come in to help revitalize Fort Bayard and help to put money into Santa Clara; how infrastructure would need to be taken care of and the Village of Santa Clara would need additional employees to get things done; and how the State really liked the business plan of Santa Clara and could adopt it as their own and bypass Santa Clara, but he did not think the State would put back any money into Grant County or Santa Clara. He said the odds of the property being transferred to the Village of Santa Clara were probably not that good, but the Village of Santa Clara had a vision and Historic Fort Bayard could be a tourist destination which would probably help Silver City more than any other city and it would benefit all of Grant County. He asked the Council to pass a resolution to support the transfer of Fort Bayard to the Village of Santa Clara, and he said the Mayor of Santa Clara was present and could answer any questions the Council had. Mayor Ladner told Mr. Terry that the agenda item was on the endorsement of the Fort Bayard project so that was what they would be acting on. He asked the Councilors if they had any questions, and there were none. He said a lot of people believed as he did that anything that happened that was good at any of the communities involving Grant County would help all of the other communities, and he gave an example of the water project in Hurley. He asked for a motion. Councilor Bettison moved to approve an endorsement of the Fort Bayard Project. Councilor Cano seconded. There was no further discussion. He asked for a vote of all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**C. Approval / Disapproval of Resolution No. 2017-11: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2016 through June 30, 2017 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof.** Manager Brown presented the details of the budget adjustment, but due to some confusion with the documents that were presented, he recommended to the Council that they postpone action on Resolution No. 2017-11 until the next meeting. Councilor Bettison moved to postpone Resolution No. 2017-11: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2016 through June 30, 2017 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof to the next Town Council meeting scheduled for March 21, 2017 in the same building. Councilor Ray seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**D. Approval / Disapproval of Resolution No. 2017-12: a Resolution to oppose New Mexico Legislation identified as CS/HB 174 to enact the Local Election Act.** Councilor Bettison said during the past several weeks the House Bill 174 had become a topic of much concern by municipal officials across the State, by members of the Town Council, and by the Town Clerk. She said the Town Clerk, Ann Mackie, had been incredibly active in the New Mexico Municipal Clerks and Finance Officers Association as the Immediate Past President and had discussed with other clerks the issues of HB174. She said she appreciated the work that Clerk Mackie had done to provide them with information and to update the clerks on some of the concerns she had, and she thanked her for crafting Resolution No. 2017-12 with assistance from Attorney Scavron. Councilor Bettison said she had been active as an elected official and as a member of the Executive Committee of the New Mexico Municipal League and she said CSHB174 (Committee Substitute House Bill 174) was a combination of House Bill 174 and House Bill 104 and that HB174 included municipalities. She said the bill gave other governmental entities power over the duly elected officials in the municipality and would take away the municipality's ability to self-govern and to maintain local authority and autonomy. She stated the bill seated power to another governing body, the New Mexico Legislature, which basically ignored, invalidated, squashed and repealed the duly cast ballots of the citizens, in particular the municipality's qualified electorate who voted on the municipality's charter or amendments to the charter, specifically the Town of Silver City's Territorial Charter, by forcing the amending of the municipality's charter without the citizen's consent. She said she would hate to think the Legislature could negate all of the votes that the Town of Silver City's citizens had cast to amend the Territorial or Special Act Charter which they just recently celebrated and that it was also celebrated in Senate Memorial 30. She said CSHB174 was about exercising power over duly elected officials in New Mexico by

forcing them to change their terms of office and election dates, and by having another government entity, a county commission, decide what questions would be allowed on a ballot for a local government election and then canvassing that election without municipal government representation. She said the most important thing was that it actually would repeal the Municipal Election Code and would not allow any municipal clerk to participate in any municipal election. She said the Resolution was to oppose the bill and focused on the fact that they had a Territorial Charter, a Special Act, and the only one that existed in the State, and it focused mainly on the Town's opposition to the bill based on the Town's Territorial Charter. She said their Territorial Charter provided the Town with certain rights and powers of self-government that was to be granted in perpetuity to the citizens of the Town of Silver City by the Territory of New Mexico Legislature, and that it was a model of self-government and that was the reason they kept it. She said the bill was trying to remove local authority and autonomy and the Resolution was to tell the Legislature that the Town Council was opposed to CSHB174 and did not want them to change the Town's Territorial Charter, and did not want them to mandate that the terms of office be changed, and they did not want the municipal clerk to forego being able to run their election. She said for 139 years they had carried out their own elections, and they did not need to fix something that was not broken. Councilor Ray said he was glad they were using the Territorial Charter to oppose the bill. Councilor Aiman-Smith said she could see how it was a direct attack and threat on their particular charter and she agreed wholeheartedly with Councilor Bettison, Manager Brown, and Attorney Scavron's thoughtful input on it. Mayor Ladner stated the Town's Territorial Charter was under attack as the Local Election Act was recently passed by the House of Representatives, although the bill still must be approved by the Senate and by the Governor. He said they must do everything they could to protect this valuable part of their heritage and self-governance. He said their Territorial Charter issued in 1878 was a very special document that gave them the fundamental right and freedom of self-governance and with that freedom Grant County became the most respected and progressive community in the State of New Mexico, and the only municipality in New Mexico that had its own Territorial Charter. He said an important part of the charter was the part that gave them the freedom to administer their municipal elections, and he quoted a statement approved by Attorney Scavron by saying, "Of all the legislative acts of the Territorial Legislature the granting of charters in furtherance of local government was quite likely the most intelligent and satisfying accomplishment of the Legislature. It is a shame that such aspirations are treated with such disregard and disrespect by so many of the successors of the founders of this State." Mayor Ladner asked for a motion. Councilor Bettison thanked Representative Rudy Martinez and expressed her appreciation to him for voting no on the legislation in the House of Representatives. Councilor Bettison moved to approve Resolution No. 2017-12: a Resolution to oppose New Mexico Legislation identified as CS/HB 174 to enact the Local Election Act. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

**13. ADJOURNMENT** – Mayor Ladner concluded the meeting and said the next meeting would be held on March 21. He asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:24 p.m. Councilor Ray seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all four Councilors said aye. Motion carried.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk