

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
December 12, 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
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Ed Reynolds, Police Chief

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m.

2. CHANGES TO THE AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Cano had no comments. Councilor Ray said Merry Christmas and Happy New Year to all. Councilor Aiman-Smith requested that Manager Brown and Police Chief Reynolds discuss how the Town's process of educating the public should move to citations with regard to recreational vehicles not being allowed on the Town's streets. She encouraged them to take action on the unlawful use of recreational vehicles in the Town. Police Chief Reynolds stated there would be a zero tolerance of it and they were done with the educational portion of it. Councilor Aiman-Smith thanked Chief Reynolds and Manager Brown for moving into enforcement, and that she would be interested in the number of tickets that would be issued. She also responded to Mayor Ladner's question about the status of the County's move to reduce the speed limit, and stated the County Commission sent a letter to the New Mexico Department of Transportation (NMDOT) in District 1 to request that certain speed limits drop and to have signage, and that the letter was regarded by NMDOT as a request for a speed study on the highways that were named. Councilor Bettison wished everyone Merry Christmas, Happy Holidays, and Happy New Year. Councilor Ray commented on the side by side recreational vehicles, how people could ask the county for the road map, and how he was not going to pursue it for the Town because it created too much friction. Mayor Ladner commented on state trucks working on signage because some signs were totally unreadable and that Silver City was on their radar for new signs.

6. APPROVAL OF MINUTES - Regular Meeting on November 28, 2017 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of November 28, 2017. Councilor Bettison 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.

7. PUBLIC INPUT – None.

8. REPORTS -

A. Staff Reports. Manager Brown said he gave them a copy of a letter that the State Auditor sent to the Interstate Stream Commission that commended the Town and that agreed with the Town on every comment when the Town decided not to join the CAP (Central Arizona Project) entity. He commended Attorney Scavron and former Mayor James Marshall for working on it, and said their comments became true and the questions they posed had yet to be answered. He said the State Auditor said he did not think the questions could be answered.

Clerk Mackie reported on various election information and important upcoming dates for the declaration of candidacy, etc. Attorney Scavron stated he had been asked about the Mayor and Councilor jobs and said they received no compensation, no retirement, no healthcare or anything else that was good. He said it was just hard work and the gratitude of the public. Mayor Ladner welcomed Municipal Judge Sonya Ruiz to the meeting.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2017-30: a Resolution approving the Town of Silver City Supplemental Forty-Year Water Plan. Manager Brown it was the same plan as previously presented, but with a couple of changes: one change was to increase the capacity so they could get all of the water rights that they owned into the water system, and the other change was to include the comments from a member of the community and the engineer's response. Councilor Bettison thanked staff for the clarifications and language that made it more clear; that it really enhanced the document to make it more explanatory. There was further discussion. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2017-30: a Resolution approving the Town of Silver City Supplemental Forty-Year Water Plan. Councilor Bettison seconded. There was no further discussion. The Mayor 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.

B. Approval / Disapproval of Resolution No. 2017-31: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund (for improvements to the Wastewater Treatment Plant). Manager Brown said it was for a Wastewater Treatment Plant project and that after the completion of the project they would have almost completely replaced the majority of the plant. He said it would be between \$250,000 and \$300,000, and the actual application had to be submitted by mid-January 2018. He provided further information. Mayor Ladner asked if the pumps would provide water to the golf course, and Manager Brown said no, that it was all part of the processing of the waste. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-31: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund (for improvements to the Wastewater Treatment Plant). Councilor Cano seconded. There was no further discussion. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

C. Approval / Disapproval of Resolution No. 2017-32: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund (for Street and Drainage Improvements to Ridge Road, Phase I Construction). Manager Brown said the last award they got was for the design of Ridge Road and they planned to have that completed by September 2018. He said they hoped to be ready to go right into construction by that time. He said they would do Ridge Road in phases due to the costs. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-32: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund (for Street and Drainage Improvements to Ridge Road, Phase I Construction). Councilor Cano seconded. There was no further discussion. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

D. Approval / Disapproval of Notice of Intent Ordinance No. 1265: an Ordinance amending Chapter 28, Sections 28-22 (Office created) and 28-27(b) (Compensation) of the Code of Ordinances of the Town of Silver City. Attorney Scavron said the ordinance was necessary in order to clear up some ambiguity and to consolidate various provisions in the ordinance that established the Municipal Court and appointed the Municipal Judge. He said they were not changing anything; that the salary was the same, but there was some ambiguity whether elected officials earned personal leave and sick leave. He said they did not earn personal leave and sick leave so they have corrected it in the Notice of Intent Ordinance to make it clear what the compensation is. He said there was one change to be made in the last paragraph of Section 28-27 (b), and he read it, "The Municipal Judge shall, in exchange for such compensation and benefits, be obligated to fulfill the duties mentioned in Section 28-30 and elsewhere in this Chapter,

and be available to the Court during all hours the Court is open for the conduct of business, at the minimum of 32 hours per week." He said the Municipal Judge would get other benefits such as insurance and medical, and in order for it to be paid the Judge was considered to have worked 32 hours or more. He said they were changing the hours in the Notice of Intent Ordinance so they did not run into problems with the medical and other benefits which were part of the compensation package. There was further discussion about the upcoming election of the Municipal Judge position and how the ordinance was ministerial to make it more clear, but it did not change the compensation; how an elected official did not collect sick leave or personal leave; how the Judge was not required to take any formal leave if they were not going to be there so they did not earn vacation leave; how the Judge earned \$36,000 in compensation plus the health insurance plan and retirement; how the Judge was not an employee of the Town and was answerable to the people that elected them rather than to the Town Manager or the Mayor; how other communities the size of Town of Silver City were comparable; how the Judge would get \$36,000 plus benefits as long as the Court was open 32 hours per week; and how full-time meant 32 hours per week. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1265: an Ordinance amending Chapter 28, Sections 28-22 (Office created) and 28-27(b) (Compensation) of the Code of Ordinances of the Town of Silver City with the amendment in Section 28-27(b) last paragraph and the last line to change the minimum number of 30 hours to the minimum number of 32 hours per week. Councilor Aiman-Smith seconded. There was no further discussion. 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.

E. Approval / Disapproval of the destruction of records from the following departments: Community Development, Executive, Finance, Library, Municipal Court, Police, Recreation Center, and Utilities. Quantity: 121 boxes. Clerk Mackie requested the Council's approval of their annual records destruction with a quantity of 121 boxes. There was further discussion about the wording on some of the Request for Destruction forms and how some of the departments requests still stated the records were eligible for destruction according to the most current State of New Mexico Records Retention and disposition Schedules for Municipalities, when in fact, the Town had adopted the State's repealed schedules as their own in January 2017. Attorney Scavron offered a remedy that could be included in the motion. Mayor Ladner asked for a motion. Councilor Cano moved to approve the destruction of records from the following departments: Community Development, Executive, Finance, Library, Municipal Court, Police, Recreation Center, and Utilities. Quantity: 121 boxes with an asterix on the cover memo denoting the change on the rest of the pages. Councilor Aiman-Smith seconded. There was no further discussion. 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.

F. Appointment to the Planning and Zoning Commission. Mayor Ladner said the Town received a reapplication from Carmon Steven to continue her service on the Planning and Zoning Commission. He said she had served since September 10, 2013 and the Chair of the Planning and Zoning Commission and the Community Development Director had highly recommended her reappointment. He said if there was no objection from the Council that he would reappoint Carmon Steven. There was no objection so she was approved for reappointment.

Mayor Ladner also stated he was present during the exit interview for the Town's audit, and the head auditor for Stone, McGee and Company said to make sure to pass on to the Council that it was a great experience for him. He said the head auditor said he always enjoyed working with the Town of Silver City because in spite of City Hall being inundated with lots of people, everybody at City Hall was really accommodating and that it was easy to work with Manager Brown, etc.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 6:38 p.m., and Councilor Bettison 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.

Ken Ladner, Mayor
Attest:

Ann L. Mackie, Town Clerk