

1. May 26, 2020 Regular Town Council Meeting Materials

Documents:

- 01 - 2020 05 26 AGENDA REGULAR COUNCIL.PDF
- 02 - 2020 05 12 REV DRAFT MINUTES REGULAR COUNCIL.PDF
- 03 - RES 2020-12 ADJUST PERSONNEL COSTS FY 2021.PDF
- 04 - 2020 05 26 LEGAL NOTICE REGULAR COUNCIL MEETING.PDF



# TOWN OF SILVER CITY COUNCIL

## REGULAR MEETING AGENDA

MAY 26, 2020, 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
5. COUNCIL COMMENTS
6. APPROVAL OF MINUTES - Regular Meeting on May 12, 2020
7. PUBLIC INPUT
8. REPORTS
  - A. Staff Reports: Update on the budget by Manager Brown.
9. PUBLIC HEARINGS
10. UNFINISHED BUSINESS
11. NEW BUSINESS
  - A. Approval / Disapproval of Resolution No. 2020-12: Adjustments to Personnel Costs for Fiscal Year 2021.
  - B. Discussion of the format of future meetings.
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**;
  - A. 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;
  - B. 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;
  - C. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
  - D. 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](http://www.townofsilvercity.org).**

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT**  
**May 12, 2020, 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  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk  
Freddie Portillo, Police Chief  
Jeff Fell, Assistant Fire Chief & Emergency Manager

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m. He welcomed everybody that was attending the remote meeting. He asked all of those in attendance to join him in the Pledge of Allegiance. He asked all the Councilors to acknowledge they were there, and all four Councilors announced their presence.

**2. CHANGES TO AGENDA** – None.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Ray commented that he was proud of Silver City for hanging in there, and he asked everybody to obey the rules and hope for the best. He said he hoped it would be over soon so everybody could get back to business and back to work. Councilor Aiman-Smith said everyone should look at the Town's new website and she acknowledged Manager Brown, Clerk Mackie, and staff. She commented on the website's posting of the Mayor's Task Force Plan regarding the reopening of businesses in Silver City, and how the more accessible and easier to use website would make it much easier for the public to find things and understand things going on in the town. She said the community radio had a short Corona Virus update every weekday at noon for the current state of infections for New Mexico and Grant County. She said the radio programs included community members and staff, and how a Library staff member, Lillian Galloway, recently discussed the digital library books that were available in the library portal. Councilor Bettison congratulated Mayor Ladner for being appointed to Governor Lujan Grisham's Mayors Economic Recovery Council that met weekly. She also thanked everyone that served on Mayor Ladner's Economic Recovery Committee which was an effort of Silver City, Grant County, and the Mining District communities to move forward. She said she was impressed by Silver City for hanging in there and she was incredibly impressed by the Town employees and both Chiefs for serving the public because they knew how important it was for the community. She said the Rotary Club gave out free masks at the Food Co-op and masks to the city workers that were painting new lines on the streets, crosswalks, etc. She thanked all the residents for everything they were doing and gave examples. She said they will survive and be better for it because they were doing it together as a community. Councilor Cano congratulated the Class of 2020 and commented on several interesting drive-thru graduations. She said the graduates would do a lot for the community and they were appreciated because they set the tone for the rest of the community. She asked Police Chief Portillo about several traffic and safety issues concerning speeding and the transportation of cattle. Chief Portillo said transporting cattle was fine as long as they were in an appropriate travel trailer and he could address any speeding issues. Mayor Ladner thanked all those that participated in the Give Grandly fundraising event over the weekend. He also thanked those that participated in the Task Force to create a proposal for reopening businesses in Silver City that was sent to the Governor a few days ago. He said a tremendous number of people participated and it was a great example of how they came together for a common goal. He said every business had an opportunity to provide input; that there was an open session when businesses could call in and give their input. He thanked Manager Brown, Assistant Manager Marshall and Fire Chief Lambert for serving on the Steering Committee. He said Manager Brown never ceased to amaze him with his amazing foresights, such as his idea to work

with the County Manager to create a repository of Personal Protective Equipment (PPE) for businesses that were unable to find any or afford them, and how it provided a way for all businesses to be able to get those PPE. He thanked Manager Brown. He asked if anyone knew how much Give Grandly raised and Councilor Bettison commented that Facebook at some point mentioned \$167,000 was raised, but that was not the final figure. The Mayor said they had a conference call with the Governor that day and no one was sure when they would go into Phase I. He encouraged people to check the Governor's Facebook page because she had live streams and it was a nice way to interact with the Governor.

**6. APPROVAL OF MINUTES - Regular Meeting on April 14, 2020 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of April 14, 2020.** Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He 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.

**7. PUBLIC INPUT** – Mayor Ladner asked Clerk Mackie if any emails for public input were received, and she said no.

## **8. REPORTS –**

**A. Staff Reports –** (1) Manager Brown asked both Chiefs to give updates on their activities for March and April in 2019 and 2020 so they could learn the affect that COVID-19 had on safety in 2020. Police Chief Portillo reported aggravated assaults with a deadly weapon increased from three in April 2019 to five in April 2020; robberies were at five in April 2020 and there were none by that time in 2019; there were two commercial burglaries in April 2019 and in April 2020 there were seven; overall burglaries were 18 in 2020 and seven in 2019; and shoplifting was consistent with 13 to 17. He said they were trying to stay highly visible and proactive in the community and continue operations. He said in March the violent crimes started to rise, including an officer involved shooting, two robberies and a homicide in April, some aggravated batteries and shootings from a motor vehicle, etc. He said the end of March and April were their busiest months so far.

Fire Chief Lambert reported the call numbers for the months of January through April, and May 1 to 10. He said statewide there had been a sizable decrease of Emergency Medical Services (EMS) calls by most services. He said he spoke with Gila Regional Medical Center (GRMC) and their calls were half the amount of 2019. He said the Silver City Fire Department had a 10 percent increase in EMS calls each month and about an 18 percent increase in overall call volume than in 2019, which was against the statewide level with the isolation orders in effect. He said they had 10 to 13 calls a day and that did not take into effect everything they were performing. He said Assistant Chief Fell had been instrumental in providing services for the Forest Service who was used to doing their annual physical testing at Fox Field, which was closed, so they found alternatives for the federal agencies to move forward and still continue with business without having an interruption. He said they found creative ways to keep business as normal for emergency services. He said their call volume had increased and their public service output had drastically increased. He said the majority of public service was with businesses in safety protocols, occupancy loads, means of egress, etc. He said they were much busier than they were at this time in 2019.

Manager Brown asked Assistant Fire Chief and Emergency Manager, Jeff Fell, for an update. Emergency Manager Fell said it was the goal of every department head to maintain essential services that the Town provided while protecting employees and citizens to the best of their ability. He said all essential departments were operational and staffed, although some of the staffing was done by virtual means and reduced hours. He said all of the Town buildings were closed to the public or appointments could be made for certain services. He said the leadership from the County and the Town met on a weekly basis to coordinate efforts to the best of their ability and to roll out changes. He said their goal was to reduce confusion and to be on the same page when it came to opening things up, putting in restrictions, etc. He said as of April 21 all of the Town employees that reported to work had been given a personal bottle of hand sanitizer to keep clean as best as possible, and each department had been given or offered a large 67 ounce bottle of hand sanitizer in order to refill each employee's personal bottle. He said all of the Fire Department employees were fit tested for N95 masks in April and about 98 percent of the Police Department employees had been fit tested. He said all the Town departments were encouraging staff to limit their time and increase their distance if working together in order to practice social distancing. He said Manager Brown implemented a one person per vehicle

policy. He said as of May 11 the Governor had a revised public health order that said all essential employees must wear a mask, and the Town employees had been given a directive to wear a mask when within six feet of someone else. He described how the Fire Department was working with other agencies and had fit tested numerous volunteer firefighters, forest service employees, and doctors and nurses. He said they were able to provide Personal Protective Equipment (PPE) to local clinics and local day care facilities. He said they were doing their best to stay informed and to stay in line with what the Governor asked them to do. There was further discussion about the following: the Governor's press releases and how beginning May 6 masks were required to be worn by all employees at grocery stores, large retail spaces greater than 50,000 square feet, and businesses offering curbside and delivery; starting on May 11 face coverings were required at all essential businesses; how the Silver City Police Department would take complaints and remind the business of the order; how enforcement was handled by the State Police; how the northeast section of the Town was more prone to crime around the schools and apartment complexes; and how face coverings helped to reduce the amount of droplets, etc. that get on things all around public places and businesses.

**(2) Update on the budget by Manager Brown.** Manager Brown stated they were required to submit a preliminary budget by the end of May, but since it would just be a working draft, it would not require the Council's approval. He said since things were so different this year, and it was the first time anything like this had happened, the Department of Finance Administration recommended that everybody submit a Fiscal Year 2020 budget to comply with regulations. He said the packet included a letter that discussed the nine to 22 to 25 percent decreases which amounted to a \$1,100,000 to \$2,500,000 decrease of revenue within the General Fund. He described the process of decreasing the budget and reported the budget reductions in many of the departments. He said the Library cuts would be 37 percent and it would be achieved with job sharing and a decrease in hours from 47 to 37 hours. He said the Library Foundation was looking at providing funding for staffing as well. He said the Museum would focus more on their online presence and get supplemental funding from the Museum Society. He said he was still working with the other departments. He said Municipal Court was reducing the two employees by eight hours a week. He said they had not made final decisions yet and he wanted to wait until the middle of June to make specific recommendations to the Council. He said he would send out letters to employees by the end of May regarding hours being cut, furloughs or layoffs. He said he may hold off on layoffs or furloughs for a month or so to make sure they had to do it. He said he wanted to build up as big of an ending cash balance as they could to help support it and to keep additional employees on staff longer. He said Parks and Streets got their cuts with the hiring freeze, and the Utility Department was funded by the user's fees, but they were still trying to keep them in line with the rest of staff. He said the Utilities Department was short by two people and they would get help from other employees or departments. He said everybody was stepping up to help make sure not everyone was hit really hard or lose their jobs. He said there would be a 3.9 percent pay cut across the board because of the extra pay day in 2020 and they would use the current hourly wage for overtime. He said all scheduled increases over the next fiscal year would be canceled. There were no questions. Mayor Ladner thanked Manager Brown for his leadership and for the letter, and said he was really fair in distributing the load.

## **9. PUBLIC HEARINGS – None.**

## **10. UNFINISHED BUSINESS –**

**A. Approval / Disapproval of Ordinance No. 1290: An Ordinance declaring the intention of the Town to continue the existence and operation of its “Local Labor-Management Relations Board”, and further, amending Chapter 38, Article II (Collective Bargaining), Sections 38-22 through 38-35, of the Town of Silver City Municipal Code.** Attorney Scavron said during the recent legislative session the legislators tried to centralize labor relations in the state and created a group of hurdles for local government to maintain its local labor management board. He described the steps and said at the last Council meeting Manager Brown described why it was important to maintain local control over its labor board relationships. He described how the ordinance met all of the required provisions and how it would be forwarded to the state, etc. Manager Brown stated they wanted decisions to be made at the local level because local issues were different than other unions faced around the state. There were no questions. Councilor Bettison moved to approve Ordinance No. 1290: An Ordinance declaring the intention of the Town to continue the existence and operation of its “Local Labor-Management Relations Board”, and further, amending Chapter 38, Article II (Collective Bargaining), Sections 38-22 through 38-35, of the Town of Silver City Municipal Code. Councilor Cano seconded. 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.

**11. NEW BUSINESS -**

**A. Approval / Disapproval of Audit Services Firm Recommendation for Fiscal Year 2019/2020.** Manager Brown stated said it was time to renew their Request for Proposal for auditing services, and they received three quotes. He said the awards were not based on the dollar value but were based on qualifications. He said they had worked with Stone McGee for many years; that Stone McGee knew where everything was at the office, they took care of business, and they took care of the Town all year long. He said it was staff's recommendation to award the Request for Proposal to Stone McGee and Company, Certified Public Accountants. Councilor Aiman-Smith moved to approve per staff's recommendation for audit services, Stone McGee and Company, Certified Public Accountants. Councilor Ray seconded. 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.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and requested the press to emphasize Councilor Bettison's concerns because they were real and serious; that a lot of people were doing their best for social distancing and wearing masks in Silver City, and a number groups like Rotary were making and passing out masks. He said a lot of people were doing their best to keep the pandemic from getting out of hand, and they could use help to encourage businesses and employees to follow the guidelines of the Governor. He asked for a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 6:53 p.m., and Councilor Ray seconded. Mayor Ladner stated there was a motion and a second to adjourn. He 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.

---

Ken Ladner, Mayor

Attest:

---

Ann L. Mackie, Town Clerk

**RESOLUTION NO. 2020-12**

**ADJUSTMENTS TO PERSONNEL COSTS FOR FISCAL YEAR 2021**

**WHEREAS**, the COVID-19 Pandemic has resulted in major impact to the economy of the State of New Mexico, to include the County of Grant and the Town of Silver City; and

**WHEREAS**, budgetary concerns have become critical to the Town of Silver City in providing essential services to the citizens of the municipality; and

**WHEREAS**, this requires the adjustment of major budget funds;

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Silver City, Grant County, New Mexico that:

- 1) All scheduled pay raises for fiscal year 2021 are hereby canceled;
- 2) All employees' pay will be decreased 3.9% for the period of July 1, 2020 through June 30, 2021;
- 3) Non-exempt employees will continue to earn overtime based on their current rate of pay; and
- 4) No employee will earn a wage below the minimum wage.

**PASSED, ADOPTED AND APPROVED** this 26th day of May, 2020.

(Seal)

\_\_\_\_\_  
Ken Ladner, Mayor

Attest:

\_\_\_\_\_  
Ann L. Mackie, Town Clerk



## LEGAL NOTICE

The Town of Silver City Council will hold a remote Regular Meeting on Tuesday, May 26, 2020 at 6:00 p.m. The meeting will be held remotely via Go To Meeting and in compliance with the NM Open Meetings Act. The public may attend the meeting as follows:

Town of Silver City Council Meeting 5/26/20, Tue, May 26, 2020 6:00 PM - 9:00 PM (MDT)

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/700418445>. You can also dial in using your phone.

United States: [+1 \(872\) 240-3311](tel:+18722403311). Enter Access Code: 700-418-445. Public input may be

submitted by email by 3:00 p.m. on May 26 to the Town Clerk at [townclerk@silvercitynm.gov](mailto:townclerk@silvercitynm.gov).

Please enter "Public Input" in the subject line of the email. The comments will be read into the record during the Council meeting. The action items on the agenda include:

**Approval of Minutes:** May 12, 2020 Regular Council Meeting

**New Business:** A. Approval / Disapproval of Resolution No. 2020-12: Adjustments to Personnel Costs for Fiscal Year 2021, B. Discussion of the format of future meetings.

### **Adjournment**

Agendas are available prior to the meeting and may be on the Town's website, [www.townofsilvercity.org](http://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.