

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
April 26, 2016, 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 Cano, District 4

Also Present:

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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. He announced that Councilor Ray was present by phone.

2. CEREMONIES – None.

3. PROCLAMATIONS – "**Child Abuse Prevention Month**" - **April 2016**. Mayor Ladner read the proclamation and presented it to Melissa Gonzales, Investigations Supervisor of the Child Protective Services in the Grant County area. Ms. Gonzales said they made sure children were safe and their needs and well being were met. She thanked Mayor Ladner and the Councilors for supporting the children of Grant County.

4. PUBLIC INPUT – Lucy Whitmarsh, Executive Director of the Silver City MainStreet Project, presented a framed limited edition, hand printed Silco poster to the Mayor, Town Council and Town staff. She said it was for being such a tremendous help to them for the work and renovations that they did on the Silco Theater. Manager Brown received the framed poster on the Town's behalf. Ms. Whitmarsh also commented on a downtown cleanup program scheduled for April 30th, and she encouraged volunteers to join them.

5. COUNCIL COMMENTS - The Council commented on the following: the recent passing of a beloved member of the community, Jesus "Chuy" Lopez, and retired Battalion Chief of the Silver City Fire Department, and thanks to the Silver City Fire Department for what they did for the family during the funeral; an upcoming proposal for an ordinance about cell phone use; how the State of New Mexico allowed 4 wheelers on public roads with municipalities taking charge of it; the upcoming Blues and Bikes Festival and how the proceeds from the Bike Run would be donated to young ladies in Grant County that were raising money to play softball in Italy; the recent success of the Continental Divide Trail Days and Earth Day events; a recent arts & culture state conference in Silver City that talked about a creative economy; a community input session about the Bicycle Master Plan at the Town Annex on April 27th; how the Silco Theater would play the Easy Rider and Blues Brothers movies during the Blues and Bikes Festival; a new exhibit at the Silver City Museum about Southwestern women and how it was the former Museum Director, Tracy Spikes, last exhibit before he retired; a question about who would be the next Museum Director; how Councilor Bettison was reappointed to the New Mexico Municipal League's Budget Committee so she would provide Silver City a voice and a seat at those meetings; and recently attended events. Mayor Ladner said the previous week was a rough week for the community, and words had such poor power at times like this, but they wanted the families and friends of the two individuals whose lives were lost to know that their thoughts and prayers were with them.

6. CHANGES TO AGENDA – None.

7. APPROVAL OF MINUTES - Regular Meeting on April 12, 2016 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of April 12, 2016. Councilor Bettison seconded. Mayor Ladner asked if there was any other discussion, and there was none. He said there was a motion and a second and asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed to say nay, and there was no opposition.

8. REPORTS -

A. Staff Reports. Manager Brown reported the Museum Director position had been offered to someone who was currently employed at the State Museum in Santa Fe. There was further discussion and he said Eileen Sullivan, Library Director, would be the Acting Museum Director for the next few weeks and would be a good fit during the transition. He also reported the Town was awarded a Colonias award for \$903,000 for the reconstruction of College Street, and that project was about 90 percent engineered so there was not a whole lot to get done. He said the project would begin in about a year.

Clerk Mackie commented that she recently attended and presided over the New Mexico Municipal Clerks and Finance Officers Association's Spring Meeting. She thanked the Mayor, Councilors and Manager Brown for supporting her training and development. She reported that she had the honor of presenting the Clerk of the Year award to Kristina Ortiz, Clerk and Treasurer for the City of Bayard. Ms. Ortiz was present and received congratulatory applause, and thanked everyone that supported her.

James Marshall reported on the Floodplain Management Plan and provided the following information: how all of the Town's plans could be considered sub-plans of the Town's Comprehensive Plan; how the Comprehensive Plan would be coming up for revision and approval; that the Floodplain Management Plan was adopted by Resolution No. 2002-05 and that grant funding required the plan; that it lowered insurance rates to the National Flood Insurance Program and the community rating system; that it mitigated flood damage; that it met 5 of the Comprehensive Plan goals; how the plan listed the flood history of Silver City starting in 1895 through 1999 and some of the protective measures done at the time; significant issues with the masonry walls that were built on all 3 creeks; how development in the floodplain included 13 significant structures and critical facilities such as the wastewater treatment plant, the Grant County Regional Dispatch, the police and fire departments, and numerous water, sewage and gas lines; additional problems were low water street crossings and how the water entered the sewer system at various points, etc.; how there were 4 goals listed in the plan, many had been accomplished, some partly accomplished, and some would never be completed because they were ongoing; how the urban forest had to be maintained continuously, especially in the creeks; and how the goals in the plan were honorable and they continued to work and address the issues. He summarized by reviewing the following lists in the plan: maintaining the floodplains; limit development; educate the community on the risk and dangers of the floodplain and activities around them; seek outside funding; improve warning; update and enforce regulations; incorporate retention; collaborate with others; upper watershed mitigation; implement the Greenway Plan and to revise the plan in 5 years. There was further discussion.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -

A. Budget discussion for Fiscal Year 2016-2017. Manager Brown presented the budget details and proposed changes for the General Fund, Water/Sewer Fund, and Sanitation Fund. For the General Fund a few of the highlights included: how the Fiscal Year 2017 projected revenues of \$5.2 million in gross receipts taxes including 12 months of the new one-fourth percent tax increase for a total 8 percent tax rate; how he pulled out 12 percent for the Hold Harmless; how he was keeping the operational costs flat in each of the departments; a proposed change to decrease Municipal Court's staffing by 3 full time employees due to the decrease in the number of citations filed in the court because state statute citations were filed in Magistrate Court; decreasing the Planning Department by 2 full time employees; increasing the full time employees by 1 for the Parks Division and Street Division due to the longer season of activities in town; how 1 position opened up in the Finance Department and it would be filled by 1 of the Municipal Court employees; how they were trying to keep from eliminating the people that were currently employed; how he was in negotiations with all 3 unions; and how the General Fund would have a decrease of about .5 percent total in expenditures.

For the Water/Sewer Fund a few of Manager Brown's highlights included: how the billed consumption continued to decrease and indicated success in the Water Conservation Plan, but it caused stress on the funding to adequately maintain the operating system; how unaccounted water remained at 10 percent; how the Fiscal Year 2016 revenues of

the Water/Sewer Fund were approximately \$5.46 million and the Fiscal Year 2017 revenues were on pace to realize \$5.3 million so he proposed a .30 cent per thousand gallon rate increase for water only, and not the sewer or waste water rates; how the projections for water revenue was \$3.8 million, the sewer revenue was \$781,000, and the waste water revenue was \$717,000; how the .30 cent per thousand gallon rate increase for water should generate \$147,000; how they had to maintain their current levels of revenue as part of the ESCO approved by the State Engineers Office, and they were required to reconcile their water savings every year and do leak detection all year long; how 2 of the 4 employees in the Meter Division would be moved to the Utilities Department so they could start working on leak detection; how the operating and personnel expenses were budgeted to increase by .5 percent and he would put excess revenues into reserve; and how they were enterprise funds and required a one-twelfth reserve per the ordinance. There was further discussion.

For the Sanitation Fund a few of Manager Brown's highlights included: how the Fiscal Year 2017 projected revenues were \$2.3 million and no increases were being proposed; how the recycling contract cost was going to decrease from \$240,000 to \$140,000; how 2 full time employees would be added as drivers for the new automated recycling system; how the new debt service for the new vehicles would be \$110,000; how all other operating costs would decrease by 9 percent and that was how he was covering the 2 full time employees without increasing the revenue; and how the cost of fuel had gone down substantially due to the new fueling station, especially since the County and Solid Waste Authority were participants and offset the costs of operating the fueling station.

Manager Brown said he was budgeting \$250,000 for the Lodgers Tax awards, and the Gas Tax Fund was going up about 1.5 percent because of the increase in gross receipts taxes. Councilor Bettison said everything was well thought out and explained and the direction he was going in was a good one. She said they were running lean and mean as they always had with a very tight budget, but they were doing well and not facing such significant decreases as other municipalities were in the state. She said she appreciated the work that he and the staff did to keep them in financial health in working through the budget. Councilor Aiman-Smith said she appreciated the logic and rationale, but always had a concern about choosing not to replace positions when there might be other retirements coming up in a particular department, and she encouraged him to think about the work in the Planning Department. Manager Brown said they added an extra planning position the previous year and they were filling it, but it was hard to get the affordable housing experience so they would have another organization do it. Mayor Ladner said he had a lot of respect for the way Manager Brown handled the budget and that he worked miracles with the money they had. He talked about how he was concerned for the people on a fixed income or lower income scale with regard to a water rate increase. He asked if there was a way to build in the water rate structure a smaller percent increase for the people that used a lot less water. Manager Brown said he could introduce a third tier for the 0-3,000 gallons, but they would still need to charge everyone per 1,000 gallons. He said he would bring 2 proposals for the next budget discussion: one with the current 2 tier and one with the 3rd tier so they could make a choice and still generate the necessary revenue.

Manager Brown said Judge Ruiz wanted to make a presentation. Councilor Cano moved for a short recess at 7:17 p.m. Mayor Ladner said they would take a 5 minute recess since they were almost done. He called the meeting back to order at 7:23 p.m.

Judge Ruiz from the Municipal Court reported how the Municipal Court's budget, staff, and work load were impacted by Manager Brown and Police Chief Reynolds' decision to file citations in Magistrate Court rather than Municipal Court, and also with Manager Brown's proposed budget that would cut her court budget by 50 percent and her staff by 75 percent. She expressed her concerns and opinions, and compared the amount of revenues and citation filings from past and present years to demonstrate the negative impact it had on the court, the tax payers, and the municipality. She stated they were not using public funds wisely and how the court made every attempt to not be a burden to the municipality. She discussed various contracts that Manager Brown negotiated with the District Attorney's office and the Magistrate Court's office and said the state was collecting fines and fees for the work that the Silver City Police Department was doing, and that the tax payers should be shocked.

Mayor Ladner interrupted Judge Ruiz and asked her to provide them with the packet to look at and examine. There was further discussion and he allowed her 5 more minutes to speak. She said there were Supreme Court Rules that State Municipal Courts were not required to submit their budget to anybody but the Council. She said her proposal for

the Fiscal Year 2017 budget was to keep the budget intact with no cuts in operations, and she implored that the Mayor and Councilors direct the court to return to its normal function. She requested direction from the Mayor and Councilors on how she should proceed with her budget, and asked if they had any recommendations. Mayor Ladner stated that was not their role at the moment, and he asked her to provide them with all of the information. Councilor Aiman-Smith and Councilor Bettison asked for a written packet. Councilor Bettison also said she was slightly uncomfortable because a number of allegations had been made against staff and she thought Judge Ruiz had to have substantive proof of those allegations. Mayor Ladner asked Judge Ruiz to give written packets to the Town Clerk so she could distribute them to the Council. Councilor Ray agreed. Mayor Ladner gave the floor to Manager Brown.

Manager Brown said the decision that was made was based upon interactions with him, Assistant Town Manager Marshall, and Police Chief Reynolds in trying to do the best they could to keep their police officers on the street and not taking people to jail. He said it had increased 2 and 3 fold over the last 3 years and that he could not pay for more employees so officers could be taking others to jail for a ticket that was not a felony. He explained further and said they were down 1 full time employee to take people to jail and prisoner housing fees went from \$70,000 to \$80,000 to \$110,000 in 2014 and \$197,000 in 2015. He said the basis for their decisions was from the operational standpoint and to serve the community from a Police Department standpoint. He asked for a copy of the Judge's packet so he could respond and provide the numbers, etc.

B. Appointment to Museum Board. Mayor Ladner said they received an application from Judith Billings and her appointment was recommended by the President of the Museum Board, Ronald Phair, and the Museum Director, Tracy Spikes. He said he would like to appoint Ms. Billings to the Museum Board if there were no objections. There were no objections by the Councilors.

12. ADJOURNMENT – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:51 p.m. Councilor Aiman-Smith seconded. Mayor Ladner asked for a vote of all those in favor, and all 4 Councilors said aye. He said the meeting was adjourned.

/s/

Ken Ladner, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk