MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
May 15, 2018, 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
              James Marshall, Assistant Town Manager
              Ann L. Mackie, Town Clerk
              Robert L. Scavron, Town Attorney
              Ed Reynolds, Police Chief
              Freddie Portillo, Police Captain

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 –
   "Municipal Clerks Week" – May 6-12, 2018 - Mayor Ladner read the proclamation that recognized the Office of the Municipal Clerk, and he presented it to Clerk Mackie. She expressed her appreciation for the proclamation and for the encouragement and support that she had received over the years from the current and past Councils and staff.

5. COUNCIL COMMENTS – Councilor Cano discussed the Outdoor Recreation Conference that she recently attended, and how she learned a lot about outdoor recreation and eco-tourism. She commented on her traffic concerns at Bullard Street and 6th Street because drivers were not coming to a complete stop, and that someone may be injured at that intersection. She asked that it be looked at. She stated that a lot of people had a lot of questions and concerns about the Museum's exhibits and how they had not always been reflective of the community. She said they needed exhibits about mining, ranching, and any of the history of Grant County, and that she would like to see it happen soon. Councilor Ray asked Manager Brown for a study at Broadway Street near the Antique Mall because the length of the vehicles were protruding into the lane. Manager Brown said they could look at the traffic study that had already been done. Councilor Ray also said he would bring language to the second meeting in June for the side by side vehicles again. Councilor Aiman-Smith said she was the Ex Officio to the Library Board and she discussed the upcoming Summer programs at the Library that included reading programs for babies to tweens, movies, games, robots, Legos, and weekly special performances and guests. Mayor Ladner discussed comments he had heard from visitors about how nice the flower boxes were downtown. He thanked Gary Stailey and the Community Youth Building Group for building the flower boxes. He also stated that Federal law required the United States flag to be flown at half staff on Memorial Day and on May 15 for National Peace Officers Memorial Day. The Mayor and Councilors congratulated Clerk Mackie on the proclamation and thanked her for the help she provides to them.

6. APPROVAL OF MINUTES FOR THE REGULAR TOWN COUNCIL MEETING HELD ON APRIL 24, 2018. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of April 24, 2018. 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. Update on the Community Youth Building Program by Gary Stailey. – Gary Stailey, the Community Building Coordinator, stated he spent his entire professional career in Juvenile Justice and was the Chief Juvenile Probation Officers for 23 years, and implemented a lot of progressive programs and a lot of initiatives to look at moving the services toward the front end of the continuum. He said in the 1980s and 1990s they averaged 107 referrals per month in Grant County and in 1997 they began to develop the continuum services with an emphasis to work on the front end to identify what the problems were, what was causing youth to get in trouble, and what they could do to plug the boat. He said they had an effective truancy program since 1997 and when he left in 2010 the average referrals dropped to 22 per month for delinquency. He said they did a restorative justice model to develop competency in the youth so they started the Community Youth Building Program to build the community and build the youth to strengthen one another. He said the youth in the program were not college bound and they owed them the best future they could have by helping them develop marketable skills so they could get a job. He showed a PowerPoint presentation with photos of the different projects the youth had worked on. Councilor Aiman-Smith thanked him and the kids for the work they did and she asked Mr. Stailey what other kinds of skills were they working to develop, and that she could think of many. He said their next goal toward maturity for the program was to develop apprenticeships and that a dozen of the youth had applied for the apprentice program at the Volunteer Center and would get paid a stipend. He said he was working with Freeport McMoRan to see if they could get the initial funding to help pay for the stipends, and he provided further information. Mayor Ladner said he was impressed by the program because they could have easily taken the youth to pick up trash, etc., but the kids would see the flower box they built and gain a sense of community pride. There was further discussion about the various work the youth had done and how it was beneficial to the community and to the kids.

B. Staff Reports. Assistant Town Manager Marshall reported on the Territorial Charter Day project in District 4 and how several different groups participated and made the event a success. He said the next Territorial Charter Day project would be on June 9 in District 1 at Hidden Park on 38th Street and he encouraged the community to come out and spruce up the park, and tell them what they would like to see in the park. Councilor Bettison said she was excited about it and that if anyone had ideas before the day about what they might want to see at the park, that she would pass it on to Mr. Marshall. She said the event would be on June 9 from 9:00 a.m. to 1:00 p.m. between 38th Street and 41st Street, but the main entrance was on 38th Street.

Manager Brown said Police Chief Reynolds had worked for the Town for 37 years and that he worked his way up the ranks. He said he retired as an Assistant Chief and when the Town really needed someone to step up as Chief he came back as a regular patrol officer. He said he stepped into the shoes of Chief and had done an excellent job for a long time, but he had decided to move on. He really thanked Police Chief Reynolds for everything he had done for the Town and for him, and that his last day of working would be on May 25. He said on May 26 Captain Freddie Portillo would be the new Acting Chief until they finalized the situation later on.

Police Chief Reynolds and Captain Freddie Portillo went to the podium. Police Chief Reynolds said he wanted to speak from the heart. He said he spent 37 years serving the community, and he thanked the Town Council, the Mayor, previous Town Councils and Mayors, for their support and guidance. He also thanked Attorney Scavron, Manager Brown, and Assistant Manager Marshall, and staff of the Town of Silver City, and he stated they truly had a professional administration in this city. He said staff held accountability and standardization which was extremely important in this age and time. He thanked Mayor Ladner for his comments on law enforcement. He thanked the men and woman of the Silver City Police Department, including the civilian staff, and how they worked tirelessly to hold up the standard and provide a service to the citizens of Silver City. He said law enforcement was not a job, and their officers understood it was a noble cause, and he wanted to thank each one of them. He said each and every one of them were dedicated to the community. He thanked the citizens of the community for their support and their input to the Police Department. He said Captain Portillo, in the interim, would take the department forward; that he was a great officer, knowledgeable and very professional. He concluded by saying thank you very much. Mayor Ladner thanked Chief Reynolds and there was applause.

Captain Freddie Portillo stated he was a lifelong resident of Silver City and had worked at the Silver City Police Department for about 12 years. He said having a great work ethic and having a positive impact on their community
was very important to him. He thanked everyone for the opportunity to be the Interim Police Chief for the Town of Silver City. He thanked Chief Reynolds for recommending him for Interim Chief of Police, and that he was truly grateful to have been able to learn from him in the past 12 years. He said Chief Reynolds had worked very hard to set a solid foundation within the Silver City Police Department, and in return he said he believed it had been shown that the members of the Police Department work hard and show great professionalism. He also thanked his entire family for all of their support. He said as Interim Chief he planned to build and move forward with what had already been established in the community and the Police Department. He said he looked forward to working with all of them to continue to build public relations and public trust within their community, and they would take another step toward community policing and continue to be proactive within the Silver School District. He assured them that he and the Police Department would be proactive to do the best for the citizens of Silver City and the Police Department, and that public safety would always be number one.

Manager Brown thanked Captain Portillo for stepping up and said a position such as the Chief takes up a lot of your time. He said Captain Portillo was a young man with a young family and it would take away from them for a while. He said he really appreciated him for being willing to step up for this community.

Councilor Bettison congratulated Chief Reynolds on his retirement and thanked him for his years of service. She said she had known him for a long time and that he was very dedicated to his job, and that she appreciated him. She also congratulated Captain Portillo on his upcoming Interim Chief's status, and that she hoped he would apply for it. She thanked Chief Reynolds, Captain Portillo, and the officers in the back of the room for their service to the Town of Silver City. Councilor Aiman-Smith thanked the officers and thanked Chief Reynolds for always taking time with her to explain things and to listen to her concerns. Councilor Ray thanked Chief Reynolds for his service and that the Chief made a wise and good choice to get Captain Portillo to follow in his footsteps. He congratulated Captain Portillo. Councilor Cano thanked Chief Reynolds for his service and that she had known Captain Portillo for a long time. She said Captain Portillo was a very responsible person and she thought he would do a great job as Interim Chief, and that she was looking forward to working with him. Attorney Scavron said he worked with the Chief very closely and that in his experience Chief Reynolds impressed him with his intelligence, integrity, compassion, patience, bravery, and commitment to this Town. He thanked him and recognized him for that.

Mayor Ladner asked Manager Brown about the schedule for putting together a committee for the interviews and hiring process for a new Chief. Manager Brown said he planned to put together an interview committee with five members to include Assistant Manager Marshall, Chief Reynolds, and some community members. He said they would do a national search and once the committee had the top ten candidates, they would have a reception so the community could meet them. There was further discussion about how they could have a community forum to learn more about each candidate, etc.

Councilor Aiman-Smith moved for a short break at 6:56 p.m. Councilor Bettison 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. Mayor Ladner called the meeting back to order at 7:05 p.m.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -
A. Approval / Disapproval of a Special Dispenser Permit Application for the Kneeling Nun Bike Run event at 101 E. College Ave., Silver City, NM with alcohol service from 4:00 p.m. to 11:00 p.m. on Friday, May 25, and noon to 11:00 p.m. on Saturday, May 26, 2018. Sponsor: Q's Southern Bistro, LLC. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, Liquor License # 28098, 101 E. College Ave. Silver City, NM. Anthony Quintana said they were doing the annual bike run for their anniversary and for the Blues Festival. He provided further details and stated alcohol service on Friday would be from 4:00 p.m. to 11:00 p.m. and on Saturday from noon until 11:00 p.m. Mayor Ladner said he would hear a motion. Councilor Cano moved to approve a Special Dispenser Permit Application for the Kneeling Nun Bike Run event at 101 E. College Ave., Silver City, NM on May
25-26, 2018 with alcohol service from 4:00 p.m. to 11:00 p.m. on Friday and from noon to 11:00 p.m. on Saturday. Sponsor: Q's Southern Bistro, LLC. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, Liquor License # 28098, 101 E. College Ave. Silver City, NM, Councilor Ray 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.

B. Approval / Disapproval of an Agreement between the Town of Silver City and the Fraternal Order of Police Silver City Police Officers Association. Councilor Aiman-Smith moved to go into closed Executive Session pursuant to N.M.S.A. 1978 Section 10-15-1H (5) for the following reason: meeting for the discussion of bargaining strategy preliminary to collective bargaining negotiations. Councilor Bettison 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. Mayor Ladner said there would be a brief recess and then the Council would go into Executive Session. The Council returned to open session at 7:23 p.m. Mayor Ladner stated the Council was back in open session and that no matters other than those matters included in the motion to go into Executive Session were discussed. He asked the Council members for their affirmation of that statement with a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried. Mayor Ladner read the agenda item and asked Manager Brown to present it. Manager Brown stated he negotiated with the Fraternal Order of Police Silver City Police Officers Association for 45 minutes for a two-year contract, and it would cost $43,000 this year and the same next year. He said it was very hard to recruit and keep police officers, and that when he started with the Town the average length of service was three years and currently it was six to eight years so they were able to keep the officers a lot longer. He said with that you get experience with the job and the community so it was very important to keep qualified and good officers. He said the contract was a move to do that. Mayor Ladner asked for a motion. Councilor Ray moved to approve an Agreement between the Town of Silver City and the Fraternal Order of Police Silver City Police Officers Association. 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. Motion carried.

C. Approval / Disapproval of Notice of Intent Ordinance No. 1267: Adoption of the Town of Silver City Election Code. Attorney Scavron said the State Legislature passed a Local Election Act, and it was basically a game changer for most municipalities throughout the state. He said the Town took the position that the Town's Territorial Charter was unique and a provision of it says the Town can determine how to do its local elections. He said there was a contest in the State Legislature about the rights of a Territorial Charter and the power of the State Legislature to overcome those powers. He said due to extensive work by staff that was led by the Manager Brown and Assistant Manager Marshall, who was up in Santa Fe fighting the good fight, and the support of Clerk Mackie and himself, the Town prevailed in getting the State Legislature to recognize the existence of the Territorial Charter which, in his belief, was the first time the Legislature had, in its history since 1912, actually recognized the validity of the Silver City Territorial Charter. He said the Territorial Charter provides that the Town shall describe the manner of regulation and conduct of local elections. He said in the Local Election Act there is a provision of language that he can interpret to be that the Town Charter provisions are predominant over those matters included in the Local Election Act. He said since the Local Election Act will cause the repeal of the Municipal Election Act, which is the Act that the Town adopted many years ago to be its Code; that the repeal would cause the Town to not have a Code. He said they were not subject to the Local Election Act requirements by virtue of the Territorial Charter and pursuant to the authorization of the Territorial Charter, the Town can make its determination of what election code it chooses to operate under. He said the Town had success with the Municipal Election Code for all these years and if something worked well and was not broken, there was no reason to fix it. He said the Notice of Intent Ordinance adopts the language of the Municipal Election Code as it may exist the day before it is repealed. He said the Town could fine tune it as time goes on, but this was a recommendation to adopt the Municipal Election Code, make it the Town's Code, notify the Town's Code publishing company to renumber it so it will be the Town's. He said they would not share code with the State anymore; that it would be the Town's local election code. He said he had done research on the Municipal Election Code and it had never been attacked for any reason; that it guarantees fair elections, remedies for problems, and it had a good track record so the recommendation was to adopt the Municipal Election Code as it may exist the day before it is repealed. Councilor Bettison asked Attorney Scavron to confirm that they would not take office on April 1; that they would continue with the same procedures for elections that are in the current code. Attorney Scavron stated nothing from the
Councilor Aiman-Smith seconded. Mayor Ladner asked all she personally saw the difference in the Gran Fondo event from having the cross-marketing from the year before; that application. Councilor Aiman-Smith stated it was an excellent example of research-based decision-making, and that let them know the process would be changing, and Manager Brown said they would send out an email with the how much he learned from the surveys. Councilor Cano asked that the Town send out a notice to the organizations to process and why the Town was doing it. Manager Brown said he wanted to move in that direction and he talked about

D. Budget discussion and Council direction for Fiscal Year 2018-2019. Manager Brown said there were no major changes. He said they had previously talked about recycling in the Sanitation Fund, and how because of the costs they would have to pay more for recycling to continue the way they were doing it. He recommended they continue doing that until they had enough time to discuss where to go from there. He said they could continue what they were doing for recycling and they could afford to pay the additional cost without a rate increase. He said he was not going to propose a rate increase in either the Water/Sewer Fund or the Sanitation Fund. He recommended they pass a one-eighths percent of the Hold Harmless Gross Receipts Tax increment to be effective on January 1, 2019, and that it was included in the budget and added $98,000 to the budget. He said almost all of the departments stayed flat in their operating budget. He said the budget included a four percent increase in health insurance and the negotiated union contracts with the police and fire departments. He said the only thing he really needed feedback on was for lodgers tax. He said lodgers tax was about 16 percent higher than what he had budgeted, and that they were building a fund balance in the Lodgers Tax fund. He discussed the work of the tourism coordinator, the feedback received in surveys, event advertising issues, and how the best and cheapest way to change tourists' perceptions of New Mexico was to focus on social media and websites rather than print media. He said he and the tourism coordinator recommended that instead of putting out the big award (the Request for Proposal or RFP) for the events to ask for money to do their own marketing, allow them an application process to get money for the port-a-potties and other things allowed by lodgers tax up to $5,000. He said those applications would be turned over to the Lodgers Tax Advisory Board so they could make their recommendations. He said he wanted to take the majority of the money and do an RFP for a marketing company that all of the events would have to work with. He said the individual events could choose what their target market was and the marketing organization would work with that. He said later in the fiscal year he wanted to bring branding recommendations to the Council to adopt and how they wanted to work with the County so they would all advertise generally under the same brand. He said he had been working with Charlene Webb, County Manager, and they were on the same page. He said the marketing company could ensure that all of the advertising was done with the same branding. He recommended that he put aside a smaller amount for the events so they could put in an application; that it would be much faster because they would not have to do the RFP, and they could be looked at as they were received. He also recommended that they take a larger amount and do an RFP for a marketing company to do the marketing for everybody. Mayor Ladner asked for discussion. Councilor Cano said it was a great idea, but she would like to have funding to change the Town's website. Manager Brown said yes, that the website was very important so they would want the branding to start right there. He said the preliminary budget would include funding for professional services and setting a smaller amount aside for the smaller awards. Councilor Bettison asked about the application and Manager Brown said he would send the Council a copy of the application and the report he received from the tourism coordinator. Councilor Bettison also recommended that an article be written to make sure everybody understood the process and why the Town was doing it. Manager Brown said he wanted to move in that direction and he talked about how much he learned from the surveys. Councilor Cano asked that the Town send out a notice to the organizations to let them know the process would be changing, and Manager Brown said they would send out an email with the application. Councilor Aiman-Smith stated it was an excellent example of research-based decision-making, and that she personally saw the difference in the Gran Fondo event from having the cross-marketing from the year before; that
there was a huge difference and a lot of activity. She said research works if you do the research well, and then make your decisions; that it was a much better process. She thanked Manager Brown for working so hard on it.

E. Approval / Disapproval of Bid #17/18-6 Sale of Inventory. Manager Brown said they were items left in the storage facility that was burnt, and the Town was reimbursed for the items and they had been replaced. He said some of them were semi-useable so they put the bid out. He said staff recommends they approve the sale of inventory. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Bid #17/18-6 Sale of Inventory. Councilor Bettison seconded. There was no 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. Approval / Disapproval of the destruction of Town records from the Finance Department that have met their retention period. Quantity 23 boxes. Clerk Mackie stated the 23 boxes were left in the basement and should have been included in the last destruction request. She asked for their approval to destroy them, and that they would be housed in a separate building until they got authorization to really destroy them. She asked Attorney Scavron to add his comments. Attorney Scavron said at the end of last year the Town received a letter from the Attorney General, and he read from that letter that discussed civil litigation in the County of Santa Fe against those legally responsible for the wrongful distribution of opioids in the State of New Mexico, etc. He said the State was endeavoring to have local municipalities and local county governments to preserve relative evidence that may bear on the damage being done to towns and counties through the abuse of opioids and the wrongful distribution of opioids so they were asking the Town to go through the records, and anything that might be relative or distantly relative to the proving of damages to the community from opioids be retained. He said in that process the department heads would confirm if there were any documents that they were aware of that would bear on this issue. He said if we got a clearance from the department heads that there were no documents that were relevant to this kind of litigation, the records would be destroyed. He said the records that were relevant would be preserved pursuant to the Attorney General's letter. There were no questions. Mayor Ladner asked for a motion. Councilor Bettison moved to approve the destruction of Town records from the Finance Department that have met their retention period. Quantity 23 boxes. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were approved, and there were none. Motion carried.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:52 p.m., and 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.

/s/___________________________________
Ken Ladner, Mayor

Attest:

/s/___________________________________
Ann L. Mackie, Town Clerk