

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
May 22, 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  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
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** – Councilor Aiman-Smith stated she was the sponsor of Item 11. A. and she moved to postpone Agenda Item 11. A. under New Business which pertains to an ordinance proposing various amendments to the Municipal Code regarding boards, commissions, and committees, and she proposed to postpone it to the Council Meeting of July 10, 2018. 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.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Bettison provided details of the upcoming District 1 Territorial Charter Work Day on Saturday, June 9 from 9:00 a.m. to 1:00 p.m. at Hidden Park between 38th Street and 41st Street. She invited people to participate and to let staff know what they wanted to see in terms of improvements in Hidden Park, etc. Councilor Cano reminded the public to exercise their right to vote during early voting that was going on for the state and county races until June 2 at the County Clerk's Office and for election day on June 5. Councilor Aiman-Smith commented that the Blues Festival would be occurring during the upcoming weekend and it would kick-off on Friday with a glass competition, street printing, etc. Mayor Ladner thanked all of the people that were going to be volunteering to help with the Blues Festival. He said it took a lot of energy and people power to make it work.

**6. Approval of Minutes for the Regular Town Council Meeting held on May 15, 2018.** Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of May 15, 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** – Sherry Clements commented on the following: how she had lived in the Silver Heights neighborhood for 21 years and there had always been a drug house within four blocks of her home; how the police responded to their neighborhood crime issues; and how she researched problems with community watch groups and her main concern was that it could just drive her neighborhood drug dealer into another neighborhood. She said she wanted the new Police Chief to aggressively go after drug crime and make it a priority, be willing to ask for outside help from the State Police or Drug Enforcement Agency to help get it taken care of, and be willing to look at what other communities had done to be successful to reduce their drug crime and drug houses. She said her final recommendation was to have a medium-sized to large-sized drug task force that would include members of the community and members of the local police force or sheriff's office, and that she would be super happy to be on a drug task force like that. Jackie Cusick commented that she also lived in the Silver Heights neighborhood and directly across from one of the drug houses. She commented on the following: her experience in being robbed and how the

offender was arrested and then released; how offenders were captured and released and no justice was given to the victims of the crime; how they never hear about where their property went or whether there was a decision made with regard to justice, and the drug business continues across the street; how families were torn apart from this behavior and it goes on and on; how the residents of Silver Heights were paying a high price and she explained how it affected their security and the economics of their community; how it was time for Silver Heights and Silver City to take a stand and how they needed the Town Council, police force, and justice officers to support them; how they should make this Town an example of what it can be and not what it was a victim to; and how she would like to see neighborhoods restored to the security and justice that they all deserved. She asked the Town Council to stand with them and help them find solutions to make a real difference for their neighborhoods and communities. Al Gamboa said he was with the Museum Society and how they wanted to meet with the Town Council so they could verify their status within the organization so they could all get back to work to start making money for the operations of the biggest landmark. Manager Brown said it was not a city board meeting so he would meet with Mr. Gamboa. Ron Phair from the Museum Board discussed the Notice of Intent Ordinance No. 1268 that was postponed and he had the following comments: how reducing the size of the Museum Board to five members was fine with them because it would make it easier to have a quorum; how there was an issue with the word "county" being excised because they had two county members on the Board; and how in Section 30-21 specific language was replaced with standardized language, but the Museum Board was going to continue doing the way they do their business and it would not require an explicit okay; how they were worried about losing some of the things that they had spent the last few years building to try to come up with a more active role of the Board itself in so far as advice; thanks to Councilor Bettison for her support to help work together with the last Museum Director to establish the committee system setup, and how they were hoping to still use that procedure because it was the best way they could get their advice to the Director currently; and he asked the Council to take that into consideration when they reviewed the ordinance language. Jane Foraker-Thompson, representative of the Silver City Museum Society, stated there was a crisis between them and the Museum Director, and how two months ago they had asked for a meeting with the Town Manager, Museum Director, and Museum Board because there was confusion with the responsibilities of each board. She said they had not worked well with the Museum Director and she provided further information. She invited the Town Council, Town Manager, and Museum Director to attend their meeting on May 24 so they could have a working session to figure out what the responsibilities and duties were for everyone; that they wanted direction and clarification. She said if the rest of the Museum Society resigned the 501c3 would fold and they would have to spend the money on another 501c3, and not the Silver City Museum, so it was important that they start working together. She said they had good intentions and wanted the Museum to survive and thrive and she asked for the Town Council's support and help.

## **8. REPORTS -**

**A. Staff Reports.** Freddie Portillo, Police Captain, said the Police were aware of the issues in the Silver Heights area and that he understood the frustration of the individuals and the frustrations of the justice system, and that the Police were frustrated as well. He said they were trying to be proactive to resolve the issues long-term, and he would explore more options to resolve the issue. He said he already had something in place, but he could not go into the specifics because there was sensitive information. He encouraged citizens to come forward with any information because it would help the Police greatly. He said they would follow-up with the victims so they were not left in the dark. He said the Police had impacted that area in the past and it was not forgotten. Councilor Bettison discussed the following: the importance of the Police following-up with the victims of crime regarding their property, etc.; how they should try some of the great ideas mentioned in public input; how important it was to show the community that they are listening and are going to move on it; and to have a plan to say, "We are done. We do not want drugs in our community." Councilor Aiman-Smith asked Captain Portillo for the contact number for people to contact the Police with information or observations, and Captain Portillo gave the non-emergency number of Central Dispatch as 388-8840 and the emergency number of 9-1-1. Manager Brown stated the Town was part of the Drug Task Force that it was made up of all the agencies in Southwest New Mexico and he listed the agencies. He said they were all working together using federal funds to work cooperatively to lend detectives to other agencies, etc., but there was another side to the picture. He explained how it was not the Police's fault, that it was the court's fault, and he gave an example of a person that was arrested 120 times in one year and served no time so they needed to completely work with the Police, but they also needed to work with the legal system as well. He said they should not blame the Police all of the time; that there were two sides and they need to work on everybody. Mayor Ladner discussed how some time ago he met with Chief Reynolds and Manager Brown to develop a formal system whereby the investigating officer would talk to

the victim and find out how often they wanted the Police to contact them to let them know what the status of their case was. He said he sure wanted it to happen and that it should be part of a report, not just a memo. Captain Portillo said there was a directive given out with case management procedures and that he would follow-up on that. Mayor Ladner said they needed to make sure the victim knew what was going on. Manager Brown asked Captain Portillo to bring a report to the next Council meeting. Councilor Bettison asked that they examine doing a task force that would include community members for their Town, and she explained further.

**9. PUBLIC HEARINGS** - None.

**10. UNFINISHED BUSINESS** – None.

**11. NEW BUSINESS** -

**A. Approval / Disapproval of Notice of Intent Ordinance No. 1268: an Ordinance proposing various amendments to the Municipal Code regarding boards and committees of the Town.** See Item 2. Changes to the Agenda above.

**B. Approval / Disapproval of Endorsement of Councilor Bettison's Candidacy for the position of President-Elect of the New Mexico Municipal League.** Councilor Bettison said she was currently the Vice President of the New Mexico Municipal League and was honored to say she had been endorsed by the Town Council each time she had sought an elective position within the League. She provided further details and explained how important it was that the League heard Silver City's voice, etc. She asked for the Council's endorsement to seek the office of President-Elect of the New Mexico Municipal League. Councilor Aiman-Smith moved to approve the endorsement of Councilor Bettison's Candidacy for the position of President-Elect of the New Mexico Municipal League. 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 there were any opposed, and there were none. Motion carried. Mayor Ladner said when they go up to participate in the various activities of the New Mexico Municipal League, he felt proud when he saw Councilor Bettison as one of the leaders in the state. He thanked her for doing it and that he knew it took a lot of work and a lot of time and travels. Councilor Bettison thanked the Mayor and Council for the endorsement.

**C. Approval / Disapproval of Request for Proposal # 17/18-4P: General Engineering Support.** Manager Brown said periodically they go out for general engineering services, and these were the engineers that they could go to when a project came up without having to go out for bid each time a project came up. He said the general engineering services could only be used for state and locally funded projects, not federal projects. He said the Town received six proposals and it was staff's recommendation to award the General Engineering Services to Stantec Consulting Services, Inc. of 3400 Highway 180 E., Suite A, Silver City, NM. He commented that Stantec was formally Engineers Inc. which was just formally Occum Engineering. He said the review committee chose to recommend only one engineer this time. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Request for Proposal # 17/18-4P: General Engineering Support on staff recommendation to award the bid as follows to Stantec Consulting Services Inc., 3400 Highway 180 E., Suite A, 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.

**D. Approval / Disapproval of Preliminary Budget for Fiscal Year 2018-2019.** Manager Brown said they had to submit their preliminary budget to the New Mexico Department of Finance and Administration by May 31, and then their final budget was due by July 31. He said as presented at an earlier meeting they were holding a flat budget with gross receipts taxes at approximately a little over \$9.4 million total, but to get to the \$9.4 million they will have to pass the first Hold Harmless gross receipts tax increment that would begin on January 1, 2019 in order to get three months of those revenues to equal about \$98,000. He said the \$98,000 would be close to what they would lose the next year in Hold Harmless gross receipts taxes for the next six percent that was going to be phased out. He said he did a comparison of what they had lost so far in Hold Harmless revenues between the current year and 2014, the last year they got the full Hold Harmless revenues, and the difference to date was about \$455,000 that they were losing annually. He said the next year it would add approximately another \$110,000. Regarding the budget, he said the only change from the last Council meeting was how in the Lodgers Tax Fund he would put more money aside for

professional services and put \$50,000 for the \$5,000 allocations for events. He said they were working hard to get a marketing firm on board that would be used for all of the tourist events, etc. He said the only other change was in the Water and Sewer Fund; that he changed the out-of-town residents' sewer base fee to decrease it down to \$6.63 from \$13.26 because they added 164 out-of-town sewer customers with base rates plus usage fees. He said they did not need to increase their revenue and it was only fair to take the burden off of the out-of-town sewer users. There was further discussion about the following: how the in-town and out-of-town base fee per one thousand gallons and the usage fee would be the same for sewer only; how in calendar year 2019 the Town would lose an additional \$110,000 in Hold Harmless gross receipts tax revenues; how in 2020 the Town would lose seven percent rather than six percent in Hold Harmless gross receipt tax revenues and how it was cumulative so they would be losing more in 2020; and how Manager Brown's plan was to only impose the Hold Harmless gross receipts tax increments as needed in order to keep the services where they were at unless the community asked for additional services. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve the Preliminary Budget for Fiscal Year 2018-2019. Councilor Bettison seconded. The Mayor 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. Appointment to Cemetery Board.** Mayor Ladner said the Town received one application for the Cemetery Board; that Linda Nunez applied to continue her service. He said the Vice Chair of the Cemetery Board and the Public Works Director had recommended her reappointment. He said if there was no objection he would like to reappoint her. There was no objection from the Council.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 6:48 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/ \_\_\_\_\_  
Yolanda C. Holguin, Acting Town Clerk