

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
SPECIAL COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
January 28, 2019, 8:30 a.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
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk

1. Call to Order / Pledge of Allegiance – Mayor Ladner called the meeting to order at 8:30 a.m.

2. Approval / Disapproval of a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for the Silver City Charter Day Ball to be held at the Murray Hotel, 200 W. Broadway, Silver City, NM on February 16, 2019 with alcohol service from 5:00 pm to 11:00 pm. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, LLC, Liquor License #28098, 101 W. College Ave., Silver City, NM 88061. Anthony Quintana from Q's Southern Bistro stated he was asked to help with the Charter Day Ball with his liquor license and that they had done several events at the Murray Hotel. He said they would provide security and it would be like all their other events with alcohol service. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for the Silver City Charter Day Ball to be held at the Murray Hotel, 200 W. Broadway, Silver City, NM on February 16, 2019 with alcohol service from 5:00 pm to 11:00 pm. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, LLC, Liquor License #28098, 101 W. College Ave., Silver City, NM 88061. Councilor Cano 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.

3. Approval / Disapproval of Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (7) of the State's Open Meetings Act to meet subject to the attorney-client privilege pertaining to threatened or pending litigation regarding elections. At 8:33 a.m. Councilor Bettison moved that the Town Council go into Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (7) of the State's Open Meetings Act to meet subject to the attorney-client privilege pertaining to threatened or pending litigation regarding elections. Councilor Aiman-Smith 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.

At 9:25 a.m. the Council returned to open session. Mayor Ladner stated 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. Councilor Bettison said aye; Councilor Aiman-Smith said aye; Councilor Ray said aye; and Councilor Cano said aye.

4. Approval / Disapproval of Stipulated Settlement and Order cancelling March 5, 2019 Municipal Election. Mayor Ladner gave the floor to Attorney Scavron. Attorney Scavron said the New Mexico Secretary of State's Office through the Attorney General filed a lawsuit against the Town alleging that the Local Election Act that the legislature passed last year explicitly barred the Town from holding an election this March. He said the Town had argued back and forth on the law, and the Town's position was the Town's Territorial Charter was valid on its statement regarding staggered and annual elections. He said the Secretary of State and the Attorney General argued that it was a general law with general applicability and that the law barred the Town. He said after significant negotiations they came to a settlement and order. He said the settlement was that the Secretary of State would not oppose the Town's efforts to get a legislative fix. He pointed out that the original bill for the Local Election Act was around 200 pages and the suggested re-write of the bill was around 400 pages which gives an indication of the problems and flaws in the Local

Election Act. He said the Town and Secretary of State were committed to getting a clearer body of law that would define the exact rights of the Town of Silver City and all the other municipalities. He said the re-write legislation would affect all the municipalities in the state. He said the Secretary of State could not commit to lobbying for the Town, but the Secretary of State indicated she would not oppose the Town's legislative efforts. He said they did not want to go into extensive litigation because if they went into litigation it would not be terminated by March 5, 2019. He said the recommendation of outside counsel, a body of attorneys that were among the best in the state, himself, and the Town Manager all came to the conclusion that this was the best way to go – to look for a fix in the legislature and not a temporary fix. He said outside counsel, himself, and the Town Manager recommend to the Town Council that they accept the Stipulated Order and Settlement Agreement, execute the documents, cancel the March 5 election, and work diligently in the legislature to get the amended bill that would define the rights of the municipalities statewide as well as Silver City. He asked if there were any questions. Councilor Aiman-Smith asked what would happen with the serving Councilors if they canceled the March 5 election. Attorney Scavron stated that by operation of state law, when the election is canceled it would be treated the same way as a natural disaster that prevented an election from taking place. He said in those situations, the candidates who normally would have been up for an election are held over until when the election can take place. He said in this case the election will take place, one way or the other, in March of 2020. He said at that time they will know if they will have annual elections or elections every two years, and they will know if the terms will be extended from two years to four years. He concluded that the holdover would be by operation of law, the election is canceled, and there are no candidates. There were no further questions from the Council and no questions from the public. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve the Stipulated Settlement and Order cancelling March 5, 2019 Municipal Election. 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.

5. Adjournment – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 9:32 a.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.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Ann L. Mackie, Town Clerk