

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT
May 17, 2021, 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
James Reynolds, Town Attorney
James Marshall, Asst Town Manager
Milo Lambert, Fire Chief
Geoffrey Plant, Silver City Daily Press
Maria C. Sublasky, Adm Asst. to Exec Dept.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Ms. Sublasky did a roll call of the Mayor, Councilors and Staff.

Mayor Ladner indicated that Councilor Bettison had an announcement to make. Councilor Bettison wanted to mention that tonight's paper makes mention that the Town's Mask Mandate coincides with the State's and at this time, the Silver City Police Department will not be enforcing the Town Mask Mandate. However, she reminded everyone that a business can decide to require masks similar to requiring shoes, shirts, etc. and it's up to the business to maintain that if required of their customers who enter. She encouraged everyone to look at the paper, the Grant County Beat website and to remind everyone that the town Ordinance only enabled our town police to cite people into Municipal Court just to parallel what was going on in the state. If you are vaccinated, you are free to not wear a mask. There are recommendations under CDC and in the Governor's latest order, you can go ahead and wear a mask. Please don't shame someone wearing a mask as they may be compromised, they may not be vaccinated or they may be wearing it as a concern for their children who are not vaccinated. Wearing a mask is not a bad thing. If you have any questions, you can always contact Jeff Fell, the Town Manager, the Assistant Town Manager James Marshall, the Mayor and any of the Councilmembers. Please respect those business' requiring you to wear a mask for entry to their business. That is their right.

2. NEW BUSINESS -

A. Approval/Disapproval of Notice of Intent Ordinance No. 1302: An Ordinance Amending Chapter 2 (Administration), Article II(Elections), Division 1 (Generally), Sections 2-21 Through 2-25 of the Municipal Code of the Town of Silver City, Grant County, New Mexico.

Before calling for a vote, Mayor Ladner requested a review of the sequence of events that have led the Town up to this point this evening. Mr. Marshall stated in 2017 a Local Election Act was passed and vetoed, and went through multiple changes in the interim and still continues to. In 2018, HB98 was passed with the title Local Election Act. The Town worked aggressively with Senator Ivey Soto and the Secretary of State to exclude municipalities with a territorial charter from having to modify election dates and procedures, but were unsuccessful in maintaining the two-year terms to maintain the staggered council terms. Multiple attempts were made to plead the Town's case but the state genuinely felt that having municipal elections in November would increase voter participation. The Town's stand was that this was not the solution to increase voter participation, but rather, having a personal reason to vote was. This came true in the last couple of elections as a higher voter participation was seen due to the political climate and not due to the change in the council terms and municipal day changes. He stated that the Town hired a law firm from Albuquerque at the cost of \$28,485 dollars to defend the right within the Territorial Charter to control their own elections. Through the process the Town maintained that it was in the best interest of the Town to maintain its elections every two years in March, rather than annually in March. This decision also required that the Council move to four-year terms, but the town was unsuccessful in defending their annual elections. Several clean up bills have been passed since and Senator Ivey Soto reassured Mr. Marshall that his intent was to completely remove the March option, as well as the Municipal Clerk managed elections and any mention of the Territorial Charter municipalities. General laws may override any charter and have broad applications statewide. The Town is currently without a Municipal Clerk and without any of the previously mentioned promises to further modify elections and historic value that may remain with the charter. The County Clerk has not given any indication of cooperating with the new Town Clerk, or

ensuring assistance in the Town's March election. Without an experienced person, there is a tremendous amount of liability to the Town and a risk to put faith in our elections, should something go wrong. The previous Town Clerk, Ms. Mackie was extremely well trained and we all had great faith in how she ran our election and followed every letter of the law. The Town feels no other option but to allow the County Clerk to manage the Town of Silver City elections and ensure that the public and council have faith in the integrity of our elections at the local level. The Secretary of State Bureau of Elections has reviewed the NOI and stated "it meets the requirements of the Local Election Act for Silver City to opt into the 2021 Regular Local Election. We are excited to have you on board and look forward to working with you in the upcoming election." Mr. Marshall further stated that the Mayor and Councilor Bettison have worked tirelessly to ensure real local elections, run by the municipalities. At this point, the NOI will ensure the elections are managed properly in Silver City, he then entertained any questions. Mayor asked if there were any questions. Councilor Aiman-Smith asked how many municipalities maintained a different schedule than what was called for by the centralization of these elections. Mr. Marshall stated there were 70 municipalities in 2019 that opted in. Councilor Bettison wished to inform the public that if this proceeds to the next step, it would be approved on June 08, 2021. Candidate filing date for the November election would be Tuesday, August 24, 2021 from 9-5pm at the County Clerk's Office. Write in date would be Tuesday, August 21, 2021 from 9-5pm at County Clerk's office, and Election Day would be the first Tuesday, after the first Monday, in November for odd years, or November 02, 2021. Those elected to positions in November, officially take office January 1, 2022 and not similar to the way it would have been if elected in March. Mayor Ladner entertained a motion. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1302: An Ordinance Amending Chapter 2 (Administration), Article II (Elections), Division I (Generally), Section 2-21 Through 2-25 of the Municipal Code of the Town of Silver City, Grant County, New Mexico. Councilor Ray seconded the motion. The Mayor asked if there were any comments. Council Aiman-Smith just wanted to say that she had a few constituents contacted her about Town elections and expressed they would prefer to vote in November and see the off elections as being personal burdens on them. Although it doesn't reflect a huge portion, but it does reflect some portion of the people of District 2. Councilor Bettison stated it reduces the terms of office this election for Mayor, Municipal Judge, and Councilors from District 2 and 4 whose terms would have expired at the end of March, 2022 but shall now serve until December, 2021. Those elected in the upcoming November election will have terms will commence on January 1, 2022 for a 4-year term. The following election would be November of 2025. The terms of office for Councilors in District 1 and 3, whose terms would have expired end of March 2024, shall now serve until December 31, 2023. The new term office for the above cited municipal officers who shall be elected in the Regular Election of November, 2023 shall commence on January 1, 2024. Mayor asked if there were any other comments. He stated he is extremely proud of the history of Silver City and Grant County. The Territorial Charter was no small thing back when it was given to us. And Although the election process and terms have changed, he intends to, as much as possible and with support, to celebrate the 15th of February as Territorial Charter Day. He stated a motion, a second and discussion were had and he requested a roll call. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; Councilor Cano voted aye. Motion carried.

12. ADJOURNMENT – Mayor Ladner entertained a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 6:21 p.m. Councilor Ray seconded motion as stated. Mayor Ladner asked if there was any discussion. There was none. Mayor asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye. Motion carried. Meeting Adjourned.

Ken Ladner, Mayor

Attest:

Maria C. Sublasky, Acting Town Clerk