

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
July 25, 2023, 6:00 p.m.

Members Present:

Ken Ladner, Mayor
Rudy Bencomo, Councilor District 1
Nicholas Prince, Councilor District 2
Jose A. Ray, Jr., Councilor District 3
Guadalupe Cano, Councilor District 4

Others present:

Alex Brown, Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Thomas Hernandez, Code Enforcement
Ben Beltron, Executive Director, CATS
Juno Ogle, Silver City Daily Press

1. CALL TO ORDER - Mayor Ladner called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG - Mayor Ladner invited the public to recite the Pledge of Allegiance and Salute to the New Mexico State Flag.

Mayor Ladner welcomed the City Administration, Law Enforcement and members of the Press and community.

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Bencomo apologized to the Trujillo Family for the extensive damage they suffered to their vehicle and home. He understands and feels their frustration with the difficulties that are happening in their neighborhood. Councilor Bencomo asked Police Chief Portillo if he had a plan in place to alleviate some of the problems.

Chief Portillo stated he met with Sheriff Raul Villanueva and they will be working together to target specific areas in the southeast portion of town and will target all criminal activity and traffic violations and increase visibility like what has been done downtown.

Councilor Bencomo thanked the Daily Press who placed the article in the paper about the incident.

Councilor Cano reported she was part of a Resolution Committee that met in Albuquerque to discuss bills that will be voted on at the Annual Conference in Farmington to support or oppose at the next legislative session such as tax reform. If some of the tax cuts that are going to be proposed some communities will lose millions of dollars in taxes. Another issue that concerns her was the immediate access to funding in case there are any wild fires, which last year there was a lot of funding for northern New Mexico and

southern New Mexico was fighting the whole time to be able to receive some of the funding. Hopefully it will be available for everyone this time. There will also be a change to Workmen's Compensation, to allow for First Responders of any kind to get workman's comp if they have hearing loss, breast, lung, or prostate cancer and sadly those things are not listed right now as reasons to get workman's compensation. Hopefully that bill will pass.

Councilor Ray echoed Councilor Bencomo's comments. Councilor Ray stated when the Council is elected, they not only serve their district, but the whole community. He also agreed that the newspaper is doing a great job. Councilor Ray feels everyone deserves a quality of life regardless of what they do or do not do, but the people that do destruction to other people's property, that is not a quality of life, that is very wrong. Why are we going to help people that create problems in the community. The Council along with the Police Department are doing their best, so whatever happens in the court system happens in the court system. Councilor Ray announced he will be running for re-election this year.

Councilor Prince commended the Police Department for increasing foot patrols downtown with their new hires. He has received positive feedback and appreciation from people for the sense of safety downtown. Councilor Prince also commended Community Development Department for helping re-locate the Farmer's Market. There also has been a challenge with the pickup of the Green Recycle bins between landlords and their tenants. The landlords never notified the tenants when they received the letter enclosed in the water quality report. He stated that the landlords are not legally required to communicate with their tenants in those ways, but he knows the Postal Service offers the ability to be able to do blanket mailings to an entire geographical zip code and sub-zip code and he would very much encourage the city to be able to employ the service to communicate across to our citizens as opposed to reaching out to whoever's on the deed or whoever is the property manager just because that's not hitting them. Beyond that we've been keeping up with the conversations about Behavioral Health and response to substance use disorders that we have in our community and still one of the number one issues that's been coming up. Councilor Prince was able to speak with Sheriff Villanueva about it and also with HMS. There is still no group that fully knows what the Crisis Response and Crisis Intervention Team is going to look like. The incident that happened on Brewer Hill, there was legal intervention that occurred on the Friday previous to the incident and when there are folks that come out of prison or get out of the hospital and the services they are receiving on a Friday afternoon usually the weekends and days immediately following are the most violent and if we can make sure to accent what we're seeing as far as one of the gaps Crisis Intervention not rooted in law enforcement but rooted in mental health care and wellness is a critical component that we're all still looking for and it's something that he would encourage everybody to reach out to everybody that they know, to be able to engage with, because that's going to be one of the most key components they have for being able to improve the situation. The Substance Abuse and Mental Health Services Administration underneath the Department of Health and Human Services SAMSA has really wonderful guidelines that have been well tested for a Crisis Intervention team and if we can start to work to make sure that when people are having problems that we can have citizens who care about somebody's mental Wellness have connection to resources to be able to get that person housed get them out of Crisis so that we can avoid these issues he thinks that's going to get us to a much better and much healthier Community.

Mayor Ladner reminded the public that during the time for Council Comments those comments are strictly the personal opinions of the council member just like doing public input the public also enjoys the First Amendment right of freedom of expression. Mayor Ladner stated during Monday with the Mayor meetings the number one thing that has come up for a long time has been the homeless situation. A few weeks ago, he met with Mr. Brown and since the budget was in such good order, he asked him if he could hire someone to be in uniform and walk downtown and also in the big ditch. Mr. Brown advised him he would take it to the Police Chief. Chief Portillo did not think that was feasible, however Chief Portillo put together a program that he thought was much better where there are now foot patrols downtown and in the big ditch. Mayor Ladner asked Chief Portillo to make a few comments about how the patrol is going for him.

Chief Portillo stated he put an operation together and set aside some overtime funding that Mr. Brown allowed to specifically increase visibility whenever there are certain issues in the Town. He reminded the public they target specific areas for criminal activity, traffic enforcement and whatever the case may be. Code Enforcement targets specific areas, they are getting a lot of complaints downtown of criminal activity, so he wanted to increase visibility just like what they are going to do on the Southeast portion of the town. During the downtown walks, the officers will talk to business owners and Citizens walking around, it seemed to him that they are getting positive comments from the community which he appreciates. Chief Portillo was glad Mayor Ladner brought it up, it seems the Mayor and Council are getting positive comments and feedback from the operation that was conducted and he will revisit it any time they put operations together to target specific areas and just like any other area in town. If they have a problem, they will put something together and will concentrate on it and allocate manpower and resources to those areas.

Mayor Ladner asked Chief Portillo to speak about what issues are involved when they are trying to enforce the Town's Ordinances.

Chief Portillo has spoken to his officers and comments that he is gathering, what he wants the community to understand is he knows they are frustrated and they are just as frustrated as the community. Chief Portillo stated that the community lacks resources, he knows it is a revolving door system. His officers are out there enforcing the laws. They are doing their jobs and doing their absolute best to protect the community given the environment that they are in today, so there are no questions. They are going to continue to do what they are doing to protect the community. Chief Portillo state he might not have all the answers, but the officers have really good ideas and he will continue to move forward.

6. APPROVAL OF MINUTES – July 25, 2023, Regular Meeting. Councilor Ray moved to approve the July 25, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Bencomo seconded the motion as stated. Motion carried unanimously.

7. PUBLIC INPUT – NONE

8. REPORTS:

A. Manager's Report: NO REPORT

9. PUBLIC HEARINGS: NONE

10. UNFINISHED BUSINESS: NONE

11. NEW BUSINESS:

A. Approval / Disapproval of Appointment of the Town's Labor Management Relation Board -

Alex Brown stated per the Town's Labor Management Relations Ordinance, there are three representatives, it is required that the Unions get together to appoint one (1) representative, the Town appoints the second representative, then the two (2) representatives come to a consensus and appoint a third member. This year the Union has chosen the same person as last year, Terry Fortenberry, the Town has appointed Tony Garcia and the two (2) appointees have chosen AJ Tow. Terry Fortenberry and Tony Garcia have served on both sides of the table, Union and Management, he feels it will be a fair representation.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Prince asked what Union Mr. Fortenberry and Mr. Garcia were a part of. Mr. Brown stated FOP (Fraternal Order of Police) and IAFF (International Association of Fire Fighters).

Mayor Ladner asked if there were any more question. Seeing none Mayor Ladner asked for a motion.

Councilor Cano moved to Appointment of the Town's Labor Management Relation Board. Councilor Prince Seconded the motion. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

B. Approval / Disapproval of RESOLUTION NO. 2023-14 RESOLUTION OF THE TOWN OF SILVER CITY RATIFYING A CERTAIN AGREEMENT BETWEEN THE TOWN OF SILVER CITY AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 25, 2023 AND AUTHORIZING THE EXECUTIVE OF

SAME BY THE PROPER OFFICIAL OF THE TOWN OF SILVER CITY. Alex Brown stated it is required every year to approve a Resolution to be a member of the Council of Governments Organization and it is also required to approve the payment. The amount of six thousand nine hundred ninety-three and fifty-seven cents (6,993.57). Mr. Brown stated we get a steal for what we are paying this year, the payment structure is a little bit different from the Council of Governments because some organizations use them a lot more than others, for instance the Town of Silver City when we do a CDBG application, if it's in public works Peter does the application if it's in utilities Robert does the application and we only get background information from the Council of Governments. In a lot of cases the Council of Governments has to do the entire process for the smaller municipalities, for instance Columbus, they are being charged a little bit more than the base cost each year just to help offset some of the cost of the added cost of labor and everything for the additional personnel that is required to get all the process done. Mr. Brown Stated every year we have to appoint representatives to the different boards and sub boards. The Council Board Member recommendation is myself (Alex Brown) and James Marshall be the alternate, the Economic Development Board would be himself (Alex Brown) and James Marshall as the alternate and then the RTPO (Regional Transportation Organization) Peter

Peña would be the representative and Jacqui Olea would be the alternate. Mr. Brown stated it is his recommendation that the Council adopt the Resolution and continue the Town's participation on the Board.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Bencomo stated that Priscilla Lucero was very instrumental helping a lot of the communities, not only Silver City but the smaller communities get grants. She really helped get a lot of Federal Fire Fighter Grants. It was not uncommon for them to take a grant application to her to look over and she would make suggestions ways to improve their chances of getting the grants.

Councilor Prince echoed Councilor Bencomo's praise of the Council of Governments and the Town's continued support of the Council of Governments especially in being able to host them in our facilities has been one of the great things that allows us to be such a leader in our region. Councilor Prince appreciates all the time and effort that Alex Brown does to be able to make the COG (Council of Governments) work and appreciates all the work at the COG (Council of Governments) does.

Mayor Ladner asked for a motion.

Councilor Cano moved to approve RESOLUTION NO. 2023-14 RESOLUTION OF THE TOWN OF SILVER CITY RATIFYING A CERTAIN AGREEMENT BETWEEN THE TOWN OF SILVER CITY AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 25, 2023 AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE TOWN OF SILVER CITY. Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

C. Approval / Disapproval of Resolution 2023-15 A RESOLUTION AMENDING THE APPROVED AND ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 THROUGH JUNE 30, 2023 AND FOR MUNICIPAL PURPOSE IN THE TOWN OF SILVER CITY, NEW MEXICO, TRANSFERRING AND APPROPRIATING FUNDS THEREOF. Alex Brown stated the first page is basically a summary of the where we ended up after the budget adjustments were put in place. Page two (2) is actually the increase in revenues that we saw over the year, the biggest changes that we saw last year in revenues were gross receipts taxes. They were not able to budget the 3/8 for this settlement the gross receipts taxes that we imposed for the gross receipts taxes so much of that was a result of the increase in Gross receipts taxes and as you'll see later on it was transferred out to other areas mostly to the Debt Service for the settlement bonds. The second biggest was legislative allocations and those were increasing and federal revenues that we received from the ARPA (American Rescue Plan Act) money that we see received the second four million for the Recreation Center. The second page is the increase in revenues there was an increase in adjustments to the general fund then the water sewer fund which are the major ones. The decreasing in expenditures, the increase in expenditures from the water sewer fund were mostly having to do with Grant match which was a big part on the general fund and the other part was the settlement of funds revenues and

expenditures. The next page is budgeted transfers when we received new grants the money has to be put into the general fund and then transferred out to the grants or new grants that we received through the year that we didn't know that we were going to get.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Prince stated in reviewing the adjustments to the primarily budget this year, we have an additional two hundred eight-two thousand (282,000) dollars that got allocated to our Golf Course. The approved budget was two hundred thousand dollars (200,000), we had a two hundred eighty-two thousand (282,000) dollar adjustment on the Golf Course so we had to increase what our bond Debt Service was that was going to be another one hundred thirty-eight-thousand (138,000) dollars. Councilor Prince stated he had a couple questions when it comes to other budget reviews. He appreciated everything being summarized.

Mayor Ladner asked if there were any other questions or comments. Seeing none he asked for a motion.

Councilor Prince moved to approve of **Resolution 2023-15 A RESOLUTION AMENDING THE APPROVED AND ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 THROUGH JUNE 30, 2023 AND FOR MUNICIPAL PURPOSE IN THE TOWN OF SILVER CITY, NEW MEXICO, TRANSFERRING AND APPROPRIATING FUNDS THEREOF.** Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

D. Approval / Disapproval of Resolution 2023-16 FINAL QUARTER FINANCIAL REPORT YEAR ENDING JUNE 30, 2023. Alex Brown stated section of the council packet is the detailed information that was sent to the State of New Mexico. They all include the budget adjustments from the previous Resolution, on the front of the last agenda item, the summary page a summary of all the detailed information they have in their packet. These basically set out the ending cash balances at for fiscal 2023 and the beginning cash balances for fiscal 2024.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Prince had a question regarding the LGBMS (Local Government Budget Management System). Alex Brown explained when it was uploaded there were errors and the Financial Director had to manually input the amounts. Anita Norero stated in the fourth quarter that was presented on the last Resolution, she could not submit the budget adjustments on LGBMS (Local Government Budget Management System) until it gets approved, so you are not going to see those budget adjustment numbers on your fourth quarter until she could upload the numbers correctly from the LGBMS (Local Government Budget Management System).

Councilor Prince stated he was not aware the Town collected Property Taxes; the amount shown was six thousand forty-six thousand one hundred forty-four dollars (646,144). He believed it was twenty-one thousand dollars (21,000) the previous year. Alex Brown stated since the Town raised it about eight years ago it's been around six hundred thousand (600,000). Councilor Prince asked Mr. Brown if two (2) percent was the capacity to levy for Property Taxes, how much is presently being used. Mr. Brown stated it is in mills not percentages. 7.65 mills are the maximum

that can be imposed. We have 2.85 mils imposed right now, if we want to raise the mills, we could only raise it three (3) percent because of what is called tax lightning. The state will not allow you to go up more than three (3) percent a year. Another question from Councilor Prince was for attorney fees of one hundred fifty thousand (150,000) dollars that the Town has this year, was for the Towns in house attorney or is that just going to be what the Town has spent out for attorney fees in addition to different attorney's fees. Mr. Brown stated there are different fees for attorney's who specialize on different issues.

Mayor Ladner asked if there were any more questions or comments for Mr. Brown. Seeing none he asked for a motion.

Councilor Bencomo moved to approve **Resolution 2023-16 FINAL QUARTER FINANCIAL REPORT YEAR ENDING JUNE 30, 2023.** Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

E. Approval / Disapproval of Resolution 2023-17 APPROVAL AND ADOPTION OF THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2023 THROUGH JUNE 30, 2024. Alex Brown stated the only changes from the presentations that he made earlier in the year is from those presentations to what is happening now is the insurance issue, which was most outstanding. In the preliminary budget he had a budgeted eight hundred thousand (800,000) dollars for the extra insurance, it came out to be just over four hundred thousand (400,000) dollars so he took the extra four hundred thousand (400,000) dollars and two thousand (200,000) dollar increase for the exempt employees because that was not included in the previous budget and then the remaining balance a little more than two thousand (200,000) was set aside in to Capital costs, because he is trying to keep between three and four hundred thousand (300,000 and 400,000) dollars out of reoccurring budgeting because when the Rec Center opens we are going to need to budget for the operations of the Rec Center so they need to make sure that they have that reserve of those extra funds.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Prince stated he could not find the amount for Liability Insurance for the previous year under the self-insurance fund and was wondering under which portion of the budget should they be expecting to see for the insurance change. Mr. Brown stated it was under line item 57070, Councilor Prince was still unable to find the line item, then he located it under manager. Councilor Prince stated there was a three hundred fifty thousand (350,000) annual increase for our law enforcement, fire got one hundred fifteen thousand (115,000), sixty thousand (60,000) for the Library and one hundred ten thousand (110,000) for Parks and Recreations. We have a very good budget it's so good to see so many line-item increases. Mr. Brown stated he thought they are raises.

Mayor Ladner asked if there were any questions or comments for Mr. Brown. Seeing none he asked for a motion.

Councilor Ray moved to approve **Resolution 2023-17 APPROVAL AND ADOPTION OF THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2023 THROUGH**

JUNE 30, 2024. Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

Mayor Ladner congratulated Mr. Brown and his staff for the tremendous amount of work that was done putting the budget together.

Mr. Brown stated one thing they realized was when they were done putting everything together on average the size of the budget was between 24 and 38 million dollars, he had looked the last eight years and if you look at this this year's budget the total budget is 58 million dollars so there's a lot going.

F. Approval / Disapproval of Notice of Intent of ORDINANCE NO. 1322 AN ORDINANCE AUTHORIZING THE SALE AND TRANSFER OF A 0.436 ACRE TRACT OF REAL PROPERTY TO RICHARD MATA, PURSUANT TO CHAPTER 48, SECTION 48-22 (a) (5), and (d) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY. Jacqui Olea stated Mr. Richard Mata is interested in purchasing the property that is just adjacent to his, there is only one other property owner that is adjacent to the property and they have been informed that the property is looking to be up for sale. They had no interest in buying the property. There is no legal access to the property aside from Mr. Mata's property is, so he is interested in buying the property from the Town. Mr. Mata has an excavation business and would like to store his excavation equipment. Mr. Mata has done a lot of work in the last year to get the zoning of a portion of his private property to be able to have a Contractor Yard. The area is all zoned industrial.

Mayor Ladner asked if there were any questions for Ms. Olea. Seeing none he asked for a motion.

Councilor Ray moved to approve **Notice of Intent of ORDINANCE NO. 1322 AN ORDINANCE AUTHORIZING THE SALE AND TRANSFER OF A 0.436 ACRE TRACT OF REAL PROPERTY TO RICHARD MATA, PURSUANT TO CHAPTER 48, SECTION 48-22 (a) (5), and (d) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY.** Councilor Cano seconded the motion. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

G. Appointment of the 2023 Annual Conference Voting Delegates - Mayor Ladner stated 2023 Annual Conference voting delegates normally the Mayor is the voting delegate and the Mayor Pro Tem is the alternate, as Councilor Cano pointed out he would not be able to attend the annual meeting, so he is recommending that the Council appoint Mayor Pro Tem Cano as the voting delegate and Councilor Ray who is the next senior member of the council as the alternate member. Mayor Ladner asked for a motion. Councilor Cano moved to appoint Mayor Pro Tem Cano as the voting Delegate for the Annual Conference and Council Ray as the alternate. Councilor Ray seconded the motion. Motion carried unanimously.

12. ADJOURNMENT - Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Bencomo moved to adjourn. Councilor Ray seconded the motion. Motion carried unanimously. Meeting adjourned at 6:48 p.m.

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk