

1. June 23, 2020 Town Council Meeting Materials

Documents:

- 01 - 2020 06 23 AGENDA REGULAR COUNCIL.PDF
- 02 - 2020 05 26 DRAFT MINUTES REGULAR COUNCIL.PDF
- 03 - SUNNY 505 REPORT 6-8-20.PDF
- 04 - NOI ORD 1291 FRANCHISE AGRMT W FATBEAM LLC. DOCS.PDF
- 05 - RES 2020-13 AUTHORIZE APPLICATION FOR CDBG WATER SYSTEM IMPRVMENTS.PDF
- 06 - RES 2020-14 SUPPORTING A PUBLIC-PRIVATE ECO DEV MAINSTREET PROJECT.PDF
- 07 - 2020 06 23 LEGAL NOTICE REGULAR COUNCIL MEETING.PDF



# TOWN OF SILVER CITY COUNCIL

## REGULAR MEETING AGENDA

JUNE 23, 2020, 6:00 PM

REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT

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**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**2. CHANGES TO AGENDA**

**3. CEREMONIES**

**4. PROCLAMATIONS**

**5. COUNCIL COMMENTS**

**6. APPROVAL OF MINUTES** - Regular Meeting on May 26, 2020. Note: The Regular Council Meeting scheduled for June 9, 2020 was canceled.

**7. PUBLIC INPUT**

**8. REPORTS**

- A. Sunny 505 report from Joanie Griffin, Chief Executive Officer of Sunny 505.
- B. Staff Reports: Update on the budget by Manager Brown.

**9. PUBLIC HEARINGS**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

- A. Approval / Disapproval of Notice of Intent Ordinance No. 1291: An Ordinance granting a Telecommunications Franchise to Fatbeam, LLC.
- B. Approval / Disapproval of Resolution No. 2020-13: A Resolution of the Town Council of Silver City, New Mexico, authorizing the submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government Division; and authorizing the Mayor to act as the Town of Silver City's Chief Executive Officer and Authorized Representative in all matters pertaining to the Town of Silver City's participation in the Community Development Block Grant Program (for water system improvements).
- C. Approval / Disapproval of Resolution No. 2020-14: Supporting a Public-Private Economic Development MainStreet Project.

**12. ADJOURNMENT**

## Town of Silver City Council Members

<u>Name</u>	<u>Elected Position</u>	<u>Telephone</u>	<u>Term of Office</u>
Ken Ladner	Mayor	534-6346	03/2018 - 03/2022
Cynthia Ann Bettison	Councilor, District 1	597-7031	03/2020 - 03/2024
Lynda D. Aiman-Smith	Councilor, District 2	597-7032	03/2018 - 03/2022
Jose A. Ray, Jr.	Councilor, District 3	313-4944	03/2020 - 03/2024
Guadalupe Cano	Councilor, District 4	597-7034	03/2018 - 03/2022

### *MISSION STATEMENT OF THE TOWN OF SILVER CITY*

*Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and education resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.*

*Approved by the Town Council on May 25, 2010.*

**The Council may call an EXECUTIVE SESSION pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons:**

1. meetings pertaining to **issuance, suspension, renewal or revocation of a license**, except that a hearing at which evidence is offered or rebutted shall be open;
2. **limited personnel matters** which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee;
3. deliberations by a public body in connection with an **administrative adjudicatory proceeding**;
- A. meetings for the **discussion of bargaining strategy preliminary to collective bargaining negotiations** between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
- B. that portion of meetings at which a decision concerning **purchases in an amount exceeding \$2,500 that can be made only from one source** and that portion of meetings at which the **contents of competitive sealed proposals solicited pursuant to the Procurement Code (13-1-28 NMSA 1978) are discussed during the contract negotiation process**. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
- C. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
- D. meetings for the **discussion of the purchase, acquisition or disposal of real property or water rights** by the public body.

Note: NMSA 1978 Section 10-15-1(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (10) relating to the gaming control board were not listed above since they do not apply to the Town of Silver City.

**For information on what's happening in local government,  
please visit the Town's website at [www.townofsilvercity.org](http://www.townofsilvercity.org).**

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT**  
**May 26, 2020, 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  
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 6:00 p.m. He welcomed everybody that was attending the remote meeting. He asked all of those in attendance to join him in the Pledge of Allegiance. The Councilors and staff acknowledged their presence.

**2. CHANGES TO AGENDA** – Councilor Ray moved to remove New Business Item B. Discussion of the format of future meetings. Councilor Bettison seconded. There was no discussion. 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.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Cano expressed concern for how things were going in town and how people were being cruel to each other in the past week. She said it set a bad tone and it had a lot to do with a local restaurant owner that decided to display a sign with a racial tone that offended at least half of the community and set a bad example that may cause some people to never come back to Silver City. She said Silver City was a great place and she did not want people to feel unwelcome; that hopefully other business owners would not follow suit because it was embarrassing. Councilor Ray commented that La Capilla Hill had a lot of personal garbage, broken beer bottles, human waste, dog waste, etc., and it was too nice of a park to be a dumping area. He asked Manager Brown if they could make it a nice park with some sort of restrictions, and if he could start a Go Fund Me account for La Capilla and how the Town could be the fiscal agent so they could improve some of the areas on the south side of the hill. He also talked about local people running for office and how they were teaching the younger generation how to cut-throat everybody else with no respect whatsoever, and how it was very rude throughout the country. He said they should have patience with COVID-19 and trust in God about it. He also commented on the following: how he did not wear a face mask because he was claustrophobic; how he would not vote for a person that supported planned parenthood and abortion; how the Governor's special session should also provide money to law enforcement, the fire departments and first responders; and how people were camping at La Capilla and he asked if the Town could put up a gate. Manager Brown said they could look into putting up a gate and maybe install cameras at La Capilla. Councilor Aiman-Smith agreed with Councilors Cano and Ray about being patient and kind towards each other and how the Council was always respectful and kind towards each other even with their wide variety of opinions, etc. She encouraged people to think of the common good rather than one individual freedom. She also mentioned that people were excited that the Silver City Public Library began curbside availability of books. Councilor Bettison echoed Councilor Aiman-Smith's comments about being respectful and kind to each other, and stated civility was a good thing and would ensure they would move forward for the common good. She congratulated the Western New Mexico University (WNMU) graduates and commented that the WNMU Museum was trying to do things online and a virtual exhibit was available on the [www.wnmu.edu](http://www.wnmu.edu) website. Councilor Ray said he would like to see public input to see if they could make a park at La Capilla and make it a District 3 project every year. He also commented that a lot of people were enjoying the outdoors. Manager Brown stated they got funding from Freeport McMoRan to do a Recreation Master Plan and the La

Capilla Park would be an excellent idea as part of that plan, and they would get a lot of public input. Mayor Ladner commented on how important it was to set the right example and how the Town Council had done that when multiple people were running for one seat. He said people were civil to each other, there was good discourse, and a respectful exchange of opinions. He said he would also like to see La Capilla as a park and that Councilor Ray could count on him to help during his District 3 workday. He asked Manager Brown to do an article about the 4<sup>th</sup> of July parade and about the library. He said the Governor issued a revision to the health orders and restaurants could offer outdoor service at 50 percent occupancy of what the area was evaluated at. He asked Manager Brown to look into possibly helping restaurants with no outdoor dining, especially on Bullard Street, to see if they can create something on Bullard Street for a couple of hours a day so restaurants could offer outdoor dining. Manager Brown said he would look into it.

**6. APPROVAL OF MINUTES - Regular Meeting on May 12, 2020 -** Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of May 12, 2020. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He 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.

**7. PUBLIC INPUT** – Mayor Ladner asked Clerk Mackie if any emails for public input were received, and she said no.

## **8. REPORTS –**

**A. Staff Reports – (1) Update on the budget by Manager Brown.** Manager Brown said they were in a holding pattern while waiting to see what would happen with the gross receipts taxes over the next couple of months. He said the March sales showed a decrease of 8.65 percent and the worst-case scenario would be a 22 percent decrease. He said they were looking at furloughs mostly and a couple of layoffs that would take affect at the beginning of July. He said he felt they had enough of a cash balance so they could hold off the furloughs and layoffs for a month or two. He said they still had to scale back the hours at the library and museum by 20 percent and two positions would be laid off, and those notifications would be sent out at the end of the week. He said at the beginning of July they would have 12 positions frozen, the museum and library operations would be cut by 20 percent, and all negotiated raises would be canceled and a 3.9 percent cut across the board for all employees to cover the extra payday in the next fiscal year. He said it would not be a salary cut, but each month would be decreased by 3.9 percent. He said he agreed to maintain the employees' hourly rate for purposes of overtime for the next fiscal year. There were no questions.

Manager Brown said they were awarded a few grants and received \$1.6 million for Phase II of Ridge Road which would get them down to the road to the golf course. He said they were also awarded a little over \$900,000 for a water tank renovation. He said they received \$443,000 for the Police Department for overtime funds and to help out with PPE (personal protective equipment). He discussed each of the grants and their matching fund requirements and how they may borrow the funds for the match side of the two Colonias grants to spread it out with a payment of \$25,000 per year for the next 20 years.

Mayor Ladner asked for a report on how the policy was working with the water bills. Manager Brown said he was monitoring it and the budget for the water and sewer fund was looking at a five percent decrease in revenues. He discussed the uncollectable accounts, how there was a community action agency that could help people, and how they would not shut off water or utility accounts at this time until things started to clear up and get back on track.

**9. PUBLIC HEARINGS** – None.

**10. UNFINISHED BUSINESS** – None.

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of Resolution No. 2020-12: Adjustments to Personnel Costs for Fiscal Year 2021.** Manager Brown said it was the resolution to help shore up the finances for the next fiscal year. He said there were two parts: 1) they were canceling all negotiated raises for the next fiscal year, and 2) a straight across the board 3.9 percent decrease in salary for all employees except for the purposes of overtime for non-exempt employees. He said no one's salary would be decreased below the state minimum wage. He asked that the resolution be amended to say "state

minimum wage” because the state minimum wage was higher than the federal minimum wage. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2020-12: Adjustments to Personnel Costs for Fiscal Year 2021 with an amendment to Item 4 to read “No employee will earn a wage below the State of New Mexico minimum wage.” Councilor Ray 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.

**B. Discussion of the format of future meetings.** This item was removed. See Changes to the Agenda above.

**12. ADJOURNMENT** – Mayor Ladner stated the soft opening of restaurants for the southwest region of New Mexico did not include Doña Ana County because their cases had really gone up. He said it was a good example of the way the virus was spread by the contact of people from other areas and how there was a lot of interchange between Las Cruces and El Paso still going on. He concluded the meeting and asked for a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 6:34 p.m., and Councilor Ray seconded. Mayor Ladner stated there was a motion and a second to adjourn. He 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.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk



# SUNNY 505

*June 9, 2020*



# FY21 Tourism Marketing in the New Normal COVID-19 Era

- We will phase out of Stay At Home orders through June & beyond as businesses gradually reopen
- Our tourism advertising focuses on what people can do when it's safe to come back
- Images feature wide open spaces, lack of crowds





## Between Now & Then

- Electronic newsletter going out monthly
- Social Media posts
- Public Relations monthly
- Taking our lead from the Governor & NM Tourism Department
  - We've applied for a NM True grant. That advertising will start in August
  - We have ads with NM Tourism Department that didn't run at end of FY20 and will rollover into FY21

SUNNY505



## FY21 Plans

**We trimmed the budget by 25% from FY20. Total budget is \$149,077. Easing back in slowly**

- Working with Grant County to maximize budget
- NM Tourism Department offering Stimulus Recovery program 2:1 match (digital, social, online search)
- TripAdvisor package Sept. – Nov.
- NM True Adventure Guide (annual)
- NM Magazine May – July (Grant County Sept. – Dec.)
- Desert Leaf (Tucson) – July – Sept and May/June
- Tucson Street Car (Grant County)
- Digital Ads
- Connected TV (streaming)
- I-10 Billboards – July – Sept. and May/June



## Why Silver City will Thrive

- People will avoid air travel
- NM Tourism and Silver City are targeting drive markets
- People are seeking small towns, authentic experiences
- People want wide open spaces to explore
- We must promote what we are doing to keep people safe

**NOTICE OF INTENT  
TO ADOPT AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE  
TO FATBEAM, LLC**

**The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an Ordinance granting a Telecommunications franchise to Fatbeam, LLC. This notice is given the title as follows:**

**ORDINANCE NO. 1291**

**AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO  
FATBEAM, LLC.**

**Sponsored by: Councilor Aiman-Smith**

**WHEREAS**, the Town of Silver City (the Franchising Authority) has determined that the financial, legal and technical ability of Fatbeam, LLC, (the “Grantee”), is reasonably sufficient to provide services, facilities, and equipment necessary to meet the present and future telecommunications needs of the community; and

**WHEREAS**, the Town of Silver City desires into a Franchise Agreement with Fatbeam, LLC, for the operation of a telecommunication system on the terms set forth herein:

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SILVER CITY:**

This Ordinance shall be known and may be cited as the Fatbeam Franchise Ordinance.

**Section 1. - Grant of franchise.**

There is hereby granted by the Town of Silver City (the Town or Municipality) to Fatbeam, LLC, its successors and assigns, the right and privilege to do a telecommunications business within said Town of Silver City and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares, and public highways, places and grounds within said town, poles, wires and other appliances and conductors for all telephone and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of Fatbeam, LLC, its successors and assigns, may be laid underground, and such other apparatus may be used as may be necessary or proper to operate and maintain the same. Any and all changes made by Fatbeam, LLC solely for the benefit of Fatbeam, LLC specific reasons in the location of the poles, wires, cables, underground conduits, manholes and other communications facilities shall not require the Town to pay for the change in any street, roadway or traffic control facility caused by the change of Fatbeam, LLC and the cost thereof shall be paid by Fatbeam, LLC, subject to the exceptions outlined below and in Section 4.

**Section 2. - Excavations.**

It shall be lawful for Fatbeam, LLC, its successors and assigns, to make all needful excavations in any of the streets, alleys, avenues, thoroughfares, and public highways, places and grounds in said town for the purpose of placing, erecting, laying and maintaining poles or other supports or conduits or such wires and appliances and auxiliary apparatus or repairing, renewing or replacing the same. The work shall be done in compliance with the necessary rules, regulations, ordinances or orders, which may during the continuance of this franchise be adopted from time to time by the Town of Silver City.

**Section 3. - Restoration.**

Whenever Fatbeam, LLC, its successors and assigns, shall disturb any of the Town's infrastructure within the Town's rights-of-way for the purpose aforesaid, it or they shall restore the same good order and condition as soon as practicable all in conformance with current standards and requirements contained in the Town's Municipal Code without unnecessary delay, and failing to do so the Town of Silver City shall have the right to fix a reasonable time within which such repairs and restoration of the Town's infrastructure within the Town's rights-of-way shall be completed, and upon failure of such repairs being made by Fatbeam, LLC, its successors and assigns, the said Town shall cause the repairs to be made at the expense of Fatbeam, LLC, its successors and assigns.

**Section 4. - Relocation.**

Nothing in this ordinance shall be construed in any way to prevent the proper authorities of the Town of Silver City from sewerage, grading, planking, rocking, paving, repairing, altering or improving any of the streets, alleys, avenues, thoroughfares, and public highways, places and grounds within the Town's public rights-of-way in or upon which the poles, wires or conductors of Fatbeam, LLC shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes or other apparatus. In the event that the Town requires that Fatbeam, LLC move, alter, change, adapt or conform its facilities, where such move is necessary, reasonable and for reasons pertaining to the health, welfare and safety of its citizens, Fatbeam, LLC shall pay the cost of the relocation. Prior to such move in the pre-design phase of any such project, the Town and Fatbeam, LLC shall coordinate such activity to avoid unnecessary relocation and cost for both parties. If such move is for aesthetic purposes, for the Town's benefit to compete with Fatbeam, LLC as a telecommunications service provider or which is necessitated for the development of a non-roadway structure, the Town shall reimburse Fatbeam, LLC for relocation. If such move is for the benefit or convenience of, or at the request of a third party, including a private developer or development, such costs shall be borne by the third party. The Town shall not require Fatbeam, LLC to remove or relocate its facilities or vacate any street, alley or other public way incidental to any public housing or renewal project without reserving Fatbeam, LLC's right therein or without requiring Fatbeam, LLC to be compensated for the costs thereof.

**Section 5. - Moving aerials.**

Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables or wires or other apparatus of Fatbeam, LLC to permit the passage of any building, machinery or other object moved over the roads, streets, alleys, avenues, thoroughfares and public highways within the Town, Fatbeam, LLC will perform such a rearrangement within a reasonable period after written notice from the owner or contractor-mover desiring to move said building,

machinery or other objects. Said notice shall bear the approval of the Town, shall detail the route of movement of the building, machinery or object, shall provide that the costs incurred by Fatbeam, LLC in making such a rearrangement of its aerial facilities will be borne by the contractor-mover and shall further provide that the contractor-mover will indemnify and save Fatbeam, LLC harmless of and from any and all damages of claims whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the facilities of Fatbeam, LLC, and if required by Fatbeam, LLC, shall be accompanied by cash deposit or a good and sufficient bond to pay any and all such costs as estimated by Fatbeam, LLC.

#### **Section 6. - Payment by grantee.**

In consideration of the rights, privileges, and franchise hereby granted, said Fatbeam, LLC, its successors and assigns, shall pay the Town of Silver City from and after the date of the acceptance of this franchise an amount equal to three percent of the monthly recurring revenues received for basic local exchange service within the Town limits of Silver City for in town services listed in Appendix A, less net uncollectibles (“Franchise Fee”). Payment shall be made quarterly on or before 60 days after the end of each calendar quarter. The Franchise Fee shall also serve as payment of any license, privilege or occupation tax or fee for revenue or regulation, franchise fee, or any permit or inspection fees or similar charges for street openings, installations, construction or for any other purpose now or hereafter, or other forms of excise or revenue taxes based upon or measured by revenues, employees, payroll, property, facilities or equipment of Fatbeam, LLC to be imposed by the Town of Silver City upon Fatbeam, LLC during the term of this franchise. Notwithstanding that no permit or inspection fees will be assessed upon Fatbeam, LLC by the Town, Fatbeam, LLC shall apply for permits and inspections pursuant to the requirements of the applicable provisions of the Town's Municipal Code.

#### **Section 7. - Term.**

The rights, privileges and franchise herein granted shall continue and be in force for the period of ten years from and after the date this ordinance becomes effective, except that it is understood and agreed that either party may terminate this ordinance after 180 days notice in writing. This ordinance shall be subject to any and all state or federal legislative enactments. The right to cancel this franchise agreement on the part of the Town shall be limited to cause wherein the franchisee has demonstrated a pattern of non-compliance with the franchise agreement and the obligations thereunder.

#### **Section 8. - Reservation of rights.**

By accepting this ordinance, Fatbeam, LLC reserves all rights under the law including, but not limited to, those rights arising under section 253 of the Federal Telecommunications Act and the law of the State of New Mexico. In the event additional and subsequent telecommunication franchise agreements are adopted by the Town, Fatbeam, LLC will be offered the opportunity to adopt and operate under any new franchise provisions which are in variance with the provisions herein.

#### **Section 9. - Inspection of Fatbeam, LLC's books.**

Fatbeam, LLC shall make available to the Town, upon reasonable advance written notice of no less than 30 days, such information pertinent only to enforcing the terms of this ordinance in such form and at such times as Fatbeam, LLC can reasonably make available. Subject to New Mexico public records laws, any information that is provided to the Town and/or that the Town

reviews in camera is confidential and proprietary and shall not be disclosed or use for any purpose, other than verifying compliance with the terms of this ordinance. If such information is provided to the Town, it shall be immediately returned to Fatbeam, LLC upon review. The Town will not make copies of such information.

**Section 10. - Indemnification.**

Subject to and in compliance with New Mexico Tort Claims Act, including state, federal and the New Mexico Public Regulation Commission laws, the Town and Fatbeam, LLC shall indemnify and save the other harmless from any liabilities, claims or demands (including the costs, expenses and reasonable attorney's fees on account thereof) that may be made by anyone for personal injuries, including death, or damage to tangible property, resulting from the negligence and/or willful misconduct of that party, its employees or agents in its performance under this ordinance. The Town and Fatbeam, LLC shall defend the other at the other's request against any such liability, claim or demand. The Town and Fatbeam, LLC shall notify the other promptly of written claims or demands against such party of which the other party is responsible hereunder.

**Section 11. - Effective date.**

This ordinance shall, if accepted by Fatbeam, LLC, as signified by Fatbeam, LLC's filing with the Town Manager of the Town of Silver City its written acceptance of all the terms and conditions of the ordinance, take effect and be in force 30 days from the passage and approval of this ordinance.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(Seal)

TOWN OF SILVER CITY

\_\_\_\_\_  
Ken Ladner, Mayor

Attest:

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

\_\_\_\_\_  
Date

## **APPENDIX A. [LISTING OF CATEGORIES]**

### **LISTING OF SERVICE CATEGORIES INCLUDED IN GROSS REVENUE FOR CALCULATION OF FRANCHISE FEES:**

- Business Local Access—Including Flat Rate, Multiparty, and Extended Area Service.
- Business Measured Usage Local Access Service.
- Flat Usage Local Access Trunks.
- Low Income Telephone Assistance Program Local Access.
- Measured Rate Local Access Trunk Usage.
- Message Rate Local Access Trunk Usage.
- Public Access Line (PAL) Service.
- Residential Local Access—Including Flat Rate, Multiparty, and Extended Area Service.
- Residential Measured Usage.

### **THE FOLLOWING IS A NON-EXCLUSIVE LISTING OF CATEGORIES OF REVENUE NOT REPRESENTING THE RETAIL SALE OF LOCAL ACCESS SERVICES AND THEREFORE EXCLUDED FROM THE DEFINITION OF GROSS REVENUES AND, THEREFORE, ARE NOT INCLUDED IN THE CALCULATION OF ANY FEE DUE TO THE TOWN:**

- Proceeds from the sale of bonds, mortgages, or other evidences of indebtedness, securities or stocks.
- Bad debt write-offs and customer credits.
- Revenue from directory advertising.
- Any amounts collected from customers that are to be remitted to a federal or state agency as part of a Universal Service Fund or other government program, including but not limited to support for the hearing impaired.
- Any amounts collected for taxes, fees, or surcharges and paid to the federal, state or local governments.
- Revenues from internet access.
- Revenues from digital or other electronic content, such as computer software, music and video downloads.
- Revenues from equipment sales, rentals, installation and maintenance.
- Revenues from any carrier purchased for resale.
- Revenues from private line services not for switched local access service.



**RESOLUTION NO. 2020-13**

**A RESOLUTION OF THE TOWN COUNCIL OF SILVER CITY, NEW MEXICO, AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE MAYOR TO ACT AS THE TOWN OF SILVER CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE TOWN OF SILVER CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the need exists within the Town of Silver City for neighborhood improvement projects in several low- and moderate-income neighborhoods, and the Town of Silver City desires to apply to the Housing and Urban Development's Community Development Block Grant Program to obtain funding for neighborhood improvement projects; and

**WHEREAS**, the Town of Silver City held three public meetings for public input and comment on January 6, 2020 at 12:00pm & 5:00pm, and May 13, 2020 at 10:00am, during the 2020 application process; and

**WHEREAS**, the Town Council finds that there is a significant need to undertake the Water Distribution System Improvement Project on Daniel Street, Dorothy Street, Victoria Street, Bard Avenue, and Elias Avenue to provide adequate services to the community; and

**WHEREAS**, the Town Council determines that the Water Distribution System Improvement Project on Daniel Street, Dorothy Street, Victoria Street, Bard Avenue, and Elias Avenue meets the requirements of the Community Development Block Grant Program.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF SILVER CITY, NEW MEXICO**, that

1. The Town of Silver City is hereby authorized to prepare and submit a Community Development Block Grant application to the New Mexico Department of Finance and Administration/Local Government Division for a Water Distribution System Improvement Project on Daniel Street, Dorothy Street, Victoria Street, Bard Avenue, and Elias Avenue in the Chihuahua Hill East Neighborhood;
2. That the Town Council directs and designates the Mayor as the Town of Silver City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the Town of Silver City's participation in the New Mexico Community Development Block Grant Program.
3. The Town of Silver City's officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

4. Per the CDBG Program, the Town of Silver City is required to submit an application for a full and phased version of the project.
  - a. That the Full project grant application request amount is \$652,596.00 and the Town of Silver City will commit the required cash match of \$65,259.60 for the Water Distribution System Improvement Project on Daniel Street, Dorothy Street, Victoria Street, Bard Avenue, and Elias Avenue in the Chihuahua Hill East Neighborhood Area;
  - b. That the Phased project grant application request amount is \$607,236.00 and the Town of Silver City will commit the required cash match of \$65,259.60 for the Water Distribution System Improvement Project on Daniel Street, Dorothy Street, Victoria Street, Bard Avenue, and Elias Avenue in the Chihuahua Hill East Neighborhood Area, with portions of Bard Avenue, and Elias Avenue removed;

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of June 23, 2020.

\_\_\_\_\_  
Signature, Chief Elected Official

\_\_\_\_\_  
Town of Silver City  
Applicant Entity

Ken Ladner  
Name (Printed)

Mayor  
Title                      Date

State of New Mexico  
County of Grant

Signed and sworn (or affirmed) before me on \_\_\_\_\_, 2020 by Ken Ladner.

SEAL

\_\_\_\_\_  
Ann L. Mackie, Notary

My commission expires: 2/22/2023

**TOWN OF SILVER CITY**

**RESOLUTION NO. 2020-14**

**SUPPORTING A PUBLIC-PRIVATE ECONOMIC DEVELOPMENT  
MAINSTREET PROJECT**

WHEREAS, the Town of Silver City supports the revitalization and economic re-development of its historic commercial core; and

WHEREAS, the Town of Silver City desires to maintain an economically vital and vibrant town center for its residents, visitors and tourists; and

WHEREAS, the Town of Silver City sees an economically healthy downtown as one of its critical assets; and

WHEREAS, the Town of Silver City realizes that a sustainable town center economy contributes to the community's economic health; and

WHEREAS, the Town of Silver City recognizes its traditional commercial core as representing the unique history and culture of our community; and

WHEREAS, the Town of Silver City wishes to maintain a livable, walkable town center with opportunities to shop, work, live and discover recreational, cultural and heritage opportunities; and

WHEREAS, the Town of Silver City wishes to pursue a partnership with a MainStreet non-profit economic re-development organization to invest in enhancing the quality of life for the community's citizens via the implementation of asset-based economic development strategies under the Main Street Four Points Approach®; and

WHEREAS, the Town of Silver City in partnership with the Corporation for Downtown Development D/B/A Silver City MainStreet, a MainStreet Corporation, may leverage technical assistance and other resources through the New Mexico Economic Development Department, New Mexico MainStreet Program to support the economic re-development and revitalization of the Silver City MainStreet district;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL, THE  
GOVERNING BODY OF THE TOWN OF SILVER CITY:**

1. The Town of Silver City agrees to work with the New Mexico Economic Development Department's New Mexico MainStreet Program dedicating resources and financial support as available to create a successful downtown economic development program including strategies

established by the National Main Street Center's Economic Transformation Strategies and the Main Street Four-Point Approach®.

2. The Town of Silver City commits to work collaboratively with the Corporation for Downtown Development D/B/A Silver City MainStreet, a MainStreet organization, and the New Mexico Economic Development Department's MainStreet Program to meet the standards and principles of revitalizing and re-developing the core commercial district of the community, contracting with the local MainStreet organization to coordinate and administer activities for the Town of Silver City as set forth in a Biennial Memorandum of Understanding (MOU) and a separate "services contract" with the local MainStreet organization.

3. The Town of Silver City commits to provide philosophical, available financial, planning, and coordination assistance for the Corporation for Downtown Development D/B/A Silver City MainStreet, a MainStreet organization, to support operations and projects under the specifications of the Biennial MOU and a separate "services contract" with the local MainStreet organization.

4. The term of this resolution shall be deemed effective for the life of the MOU, generally a two-year period commencing July 1, 2020.

**PASSED, ADOPTED, AND APPROVED this 23rd day of June, 2020.**

TOWN OF SILVER CITY

(Seal)

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk

## LEGAL NOTICE

The Town of Silver City Council will hold a remote Regular Meeting on Tuesday, June 23, 2020 at 6:00 p.m. The meeting will be held remotely via Go To Meeting and in compliance with the NM Open Meetings Act. The public may attend the meeting as follows:

Town of Silver City Council Meeting on Tuesday, June 23, 2020 at 6:00 PM (MDT). Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651579341>. **You can also dial in using your phone.**

United States: [+1 \(571\) 317-3122](tel:+15713173122). **Access Code:** 651-579-341. Public input may be submitted by email by 3:00 p.m. on June 23 to the Town Clerk at [townclerk@silvercitynm.gov](mailto:townclerk@silvercitynm.gov). Please enter "Public Input" in the subject line of the email. The comments will be read into the record during the Council meeting. The action items on the agenda include:

**Approval of Minutes:** May 26, 2020 Regular Council Meeting

### **New Business:**

- A.** Approval / Disapproval of Notice of Intent Ordinance No. 1291: An Ordinance granting a Telecommunications Franchise to Fatbeam, LLC.
- B.** Approval / Disapproval of Resolution No. 2020-13: A Resolution of the Town Council of Silver City, New Mexico, authorizing the submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government Division; and authorizing the Mayor to act as the Town of Silver City's Chief Executive Officer and Authorized Representative in all matters pertaining to the Town of Silver City's participation in the Community Development Block Grant Program (for water system improvements).
- C.** Approval / Disapproval of Resolution No. 2020-14: Supporting a Public-Private Economic Development MainStreet Project.

### **Adjournment**

Agendas are available prior to the meeting and may be on the Town's website, [www.townofsilvercity.org](http://www.townofsilvercity.org). If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid service to attend or participate in the hearing or meeting, contact the Town Clerk at 534-6346 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact The Town Clerk if summary or other type of accessible format is needed.