

1. 6:00 P.M. May 17, 2021 Special Town Council Meeting Materials

Documents:

- 01 - 2021 05 17 AGENDA SPECIAL TOWN COUNCIL MEETING.PDF
- 02 - NOI ORD 1302 AMEND ADMIN OF ELECTIONS.PDF
- 03 - 2021 05 17 LEGAL NOTICE SPECIAL COUNCIL MEETING.PDF



# TOWN OF SILVER CITY COUNCIL

## EMERGENCY MEETING AGENDA

MAY 17, 2021 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. 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.

### 3. 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).**

**NOTICE OF INTENT**

**TO ADOPT 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**

**The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an amendment to the Town of Silver City Code of Ordinances. This notice is given the title as follows:**

**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**

**WHEREAS**, the Territorial Charter of the Town of Silver City, Article III, Sections 1 through 5, authorizes and provides for the Town Council to regulate the conduct of elections for officers of the Town; and

**WHEREAS**, in the 2018 regular session, the State Legislature passed a bill referenced as the “Local Election Act”, which provided for the comprehensive regulation of local elections, and is hereinafter referred to as the “Local Election Act” (NMSA 1978, § 1-22-1, et seq.); and

**WHEREAS**, the Town Council adopted by Ordinance No. 1278 the State Local Election Act as its election code which provided a convenient and comprehensive regulatory scheme for the regulation of its municipal elections; and

**WHEREAS**, Ordinance No. 1278 provided for the election of the Town’s municipal officers on a Municipal Officer Election Day, with said election day being the first Tuesday in March of even numbered years; and

**WHEREAS**, NMSA 1978, § 1-22-3.1(B) and §1-22-3 of the Local Election Act provide that any municipality may opt in to the Regular Local Election for the election of its municipal officers with said election to be held on the first Tuesday after the first Monday in November of each odd-numbered year; and

**WHEREAS**, the Town Council finds that opting in to the Regular Local Election as provided by and pursuant to NMSA 1978, § 1-22-3.1(B) of the Local Election Act, as amended, is appropriate for the health, safety and welfare of the Town and its inhabitants;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that:

1. Chapter 2, Article II, Division 1, Sections 2-21 through Section 2-25 (Municipal Elections.), are deleted in their entirety and replaced with:

**Sec. 2-21. Municipal officers to be elected at the regular local election.**

The Town adopts the State Local Election Act as its election code and opts in to the Regular Local Election as provided by and pursuant to NMSA 1978, § 1-22-3.1(B) of the Local Election Act for the election of its municipal officers, with the municipal officers being the Mayor, the Council, and the Municipal Judge,

**Sec. 2-22. Regular local elections.**

Municipal officers shall be elected at the Regular Local Election, which shall be held on the first Tuesday after the First Monday in November of each odd-numbered year, beginning in November of 2021, pursuant to the Local Election Act.

**Sec. 2-23. Terms of office.**

The term of office for Mayor, Councilors, and Municipal Judge shall be four (4) years, and the term of office for each newly elected municipal officer shall begin on January 1 after the November election.

**Sec. 2-24. Adjustment of terms of office to correspond with new election date.**

To begin with the Regular Local Election in November of 2021, the terms of office for the current municipal office holders shall be adjusted, to conform to the Local Election Act, as follows:

(1) The terms of office for the Mayor, Municipal Judge, and Councilors from District 2 and District 4, whose terms would have expired in 2022, shall now serve until December 31, 2021, and the new term of office for the above-cited municipal officers, who shall be elected at the Regular Local Election in November 2021, shall commence January 1, 2022.

(2) The terms of office for Councilors from District 1 and District 3, whose terms would have expired in 2024, shall now serve until December 31, 2023, and the new term of office for the above-cited municipal officers, who shall be elected at the Regular Local Election in November 2023, shall commence January 1, 2024.

**Sec. 2-25. Vacancies on town council.**

Any vacancy on the Town Council shall be filled by appointment of a qualified elector by the Mayor, with the advice and consent of the Town Council. Any qualified elector so appointed to fill such vacancy shall serve until the next Regular Local Election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any. In the case of a vacancy of the position of Mayor, the Mayor Pro-Tem shall serve until the next Regular Local Election, at which time a qualified elector shall be elected to serve the remaining term of the vacating Mayor, if any.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_ day of June, 2021.

**TOWN OF SILVER CITY**

(Seal)

/s/ \_\_\_\_\_

Ken Ladner, Mayor

ATTEST:

/s/ \_\_\_\_\_

Maria C. Sublasky, Acting 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 June 8, 2021.

/s/ \_\_\_\_\_

Maria C. Sublasky, Acting Town Clerk

May 17, 2021

Date

## LEGAL NOTICE

The Town of Silver City Council will hold an Emergency Meeting on Monday, May 17, 2021 at 6:00 p. m. for the following action item:

**New Business:** 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.

### **Adjournment**

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 NM. Town Council Special Meeting Monday, May 17, 2021 6:00 PM - 9:00 PM (MDT).

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/988617565>

**You can also dial in using your phone.**

United States: +1 (408) 650-3123

**Access Code:** 988-617-565

For more information, please email the Town Clerk at [townclerk@silvercitynm.gov](mailto:townclerk@silvercitynm.gov). Agendas are available prior to the meeting 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.