

1. 6:00 P.M. Mar 23, 2021 Town Council Meeting Materials

Documents:

- 01 - 2021 03 23 AGENDA REGULAR COUNCIL.PDF
- 02 - PROC - FAIR HOUSING MONTH 2021 REV 1.PDF
- 03 - 2021 03 09 DRAFT MINUTES REGULAR COUNCIL.PDF
- 04 - RES 2021-05 WATERTANK MAINTENANCE.TERMINATION.PDF
- 06 - 2021 03 23 LEGAL NOTICE REGULAR COUNCIL.PDF



# TOWN OF SILVER CITY COUNCIL

## REGULAR MEETING AGENDA

MARCH 23, 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. CHANGES TO AGENDA**

**3. CEREMONIES**

**4. PROCLAMATIONS**

**5. COUNCIL COMMENTS**

**6. APPROVAL OF MINUTES**

- A. Regular Meeting on March 9, 2021.

**7. PUBLIC INPUT**

**8. REPORTS**

- A. Staff Reports.

**9. PUBLIC HEARINGS**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

- A. Approval / Disapproval of Resolution No. 2021-05: a Resolution to terminate the Water Tank Maintenance Contract for Project Number 127464, Water Tank Maintenance Contract for Project Number 127465, and Water Tank Maintenance Contract for Project Number 127468.
- B. Appointment to the Library Community Advisory Group.

**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**;
4. 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;
5. 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;
6. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
7. 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).**

**PROCLAMATION**

**WHEREAS**, fair and equal housing is a right guaranteed to all Americans; and

**WHEREAS**, the principle of fair and equal housing is not only a national law and policy, but a fundamental human entitlement; and

**WHEREAS**, all citizens have the right to live where they choose within their financial means; and

**WHEREAS**, people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

**WHEREAS**, the Town of Silver City acknowledges the importance of assuring fair and equal treatment to all citizens; and

**WHEREAS**, the Town of Silver City, the SWNM Council of Governments and the Silver City Regional Association of Realtors is committed to highlighting the 52<sup>nd</sup> Anniversary of the Fair Housing Law to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing;

**NOW THEREFORE, I**, Ken Ladner, Mayor of the Town of Silver City, do hereby proclaim the month of April 2021 as

**"FAIR HOUSING MONTH"**

and urge all citizens to participate in appropriate activities to commemorate this event.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the Town of Silver City to be affixed in Silver City, Grant County, New Mexico, this 23rd day of March, 2021.

(Seal)

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

Attest:

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

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT  
March 9, 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 E. Cano, District 4

**Also, present:**

Alex C. Brown, Town Manager  
James Marshall, Assistant Town  
Ann L. Mackie, Town Clerk  
James Reynolds, Town Attorney  
Freddie Portillo, Police Chief  
Milo Lambert, Fire Chief  
Robert Higgins, Information Technology Director

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

**2. CHANGES TO AGENDA** – Councilor Ray said he would like to see Public Input where Council Comments were at and Council Comments where Public Input was at. Mayor Ladner asked if that was a motion, and he said yes. Mayor Ladner asked for a second. There was no second, and the motion failed.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Ray commented that whatever the Governor did in spending excess money, that he thought politicians should be held accountable because they worked for the public, and not for themselves. He said politicians were no better than anybody else, and if she had something coming to her, then let it be, and if not, then that was fine also. Councilor Bettison thanked everyone that contacted her regarding the flag at 33<sup>rd</sup> Street and Swan Street; the debris piles that remain at the location of the old U-Haul at the northwest corner of Silver Heights Boulevard at Hudson and Juniper Streets; and the home demolition on 12<sup>th</sup> Street west of Grant Street on the east side of Silvas Creek. She said she understood that Mr. Marshall would address those issues under Reports. She said she found the flag to be offensive based on the profanity on the flag and she was sympathetic to others who felt the same. She said the individual flying the flag had a First Amendment right to free speech that does not insight harm to a person or group. She said she firmly believed that conducting oneself in a civil manner through civil discourse engagement was a more formidable way to make a point and seemed to be a lost art. Councilor Aiman-Smith said she too recognized various citizenry who complained about that flag. She referred to the poet Dante Alighieri's poem "Inferno" and how he wrote about the various circles of Hell. She said there was an entire area that was reserved for what he called "sowers of discord" for those people that took the light by sowing anger and disruption; what might now be called "triggering" or "sticking it to another group of people" in order to get people's anger and resentment up. She said such actions have been with them for hundreds and hundreds of years, and she agreed with Councilor Bettison and others that engagement in civil discourse, by being respectful and rational, was probably a much better way. She encouraged everyone that was upset to take deep breaths and soothe their hearts because that kind of behavior had been with them forever. Councilor Cano and Mayor Ladner had no comments.

**6. APPROVAL OF MINUTES - Regular Meeting on February 23, 2021** – Mayor Ladner asked for a motion to approve the minutes. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of February 23, 2021. Councilor Ray 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 public input was received. Clerk Mackie read aloud the public input that was sent by email from Glen Griffin that discussed the flag at 33<sup>rd</sup> and Swan Streets, and that he would like the city to research the matter of the offensive language flying high across from the school right across Swan Street.

## **8. REPORTS –**

**A. Staff Reports.** Mayor Ladner reminded everybody to contact Mr. Brown and Clerk Mackie if they had a report to add to the agenda so it could be published to the community. Assistant Manager Marshall said he had been asked to report on three different issues:

1) He reported the old U-Haul demolition that was done without a permit got red tagged which caused the work to cease until a permit could be acquired. He said it was important as part of the permit to identify any hazardous substances that might be in the pile, and not continue to stir up the pile that would potentially cause stuff to become airborne and increase the public's health risk. He said they contacted the State Construction Industries Division (CID) and they came up with a recommendation to contact the inspector to ask them to please let the pile be removed, and they can continue their enforcement action at will. He reiterated to the contractors and the public that anytime they planned to do construction or demolition, to contact the Town's Community Development Department to make sure to understand the rules and regulations, and the permits required prior to doing any work. He said they have had historic buildings get destroyed without permits, which was a horrendous shame and a loss to the entire community.

2) He reported that a house on 12<sup>th</sup> Street was demolished and removed in a very expeditious manner, but it was also not done in compliance. He said there would be potential enforcement action on that property as well. He said in both cases, had they contacted the Town, it could have been done in a timely, efficient, and safe manner to make sure it did not spread asbestos, lead or other hazardous materials, that could be found in homes throughout neighborhoods.

3) He read a written response regarding the flag being flown on Swan Street and 32<sup>nd</sup> Street, and the investigation that had been done. He said it was very important to be very thorough on the Town's response so citizens could understand both their rights and what good citizens just did not do. He said he did some research regarding the issue of profanity that is displayed in public and if the sign laws applied. He said it was not an isolated issue in Silver City, and other municipalities had determined the flag to be a protected freedom of speech right. He said he had not found that any municipality had forced the removal of offensive language on a sign or flag or other display that did not incite harm on any individual or group. He said he spoke to Attorney Reynolds on the issue, and he agreed that the flag did not meet the criteria set by the Supreme Court for enforcement action. He said as they applied the sign ordinance to the issue, they had some issues with enforcement and he cited "Reed versus the Town of Gilbert, Arizona et al" where the Supreme Court made several determinations: content-based laws targeting speech based on its communicative content are presumptively unconstitutional. He said the Town of Silver City sign code is content-based in some ways and not in some ways. He said laws that are content-based that depend on the communicative content are not constitutional, and laws based on the size of the sign with no regard to the content may be regulated. He said the Town is limited to enforcement of signs or flag ordinances that requires one to read the message upon the sign or flag to determine the legality of the object upon which a message is displayed. The Town can enforce an ordinance that is based on safety, size, aesthetics, building material, lighting, moving parts, and portability. He said if the Town were to ban the flag in question they would be required to ban all flags that did not incite harm to others. He said you cannot yell, "Fire!" in a crowded movie theater because it might cause harm to others. He said the current Silver City ordinance contained sections that would be determined to be unconstitutional as outlined in the Reed Case. He said the Town had not been able to enforce the unconstitutional sections of the current ordinance since the Reed Case was determined. He said at some point the Town may choose to clean up the current sign ordinance and remove the unconstitutional portions and add to or amend the areas that are constitutional. He said while the Town is sympathetic to the parties that expressed displeasure with the offensive flag, the Town's hands are tied and prevent them from impinging on the party's First Amendment rights. Mr. Marshall stated, "We have rights, but we also have responsibilities that run with those rights. It is a responsibility of living in a civil society that we conduct ourselves in a civil manner as to not offend anyone else. This may be by offensive noises, signs, reckless driving, numerous other ways that people may act uncivil and disrespectful of others. Numerous parts of the code are just trying to gain civility in our community."

Mayor Ladner asked Chief Portillo if he took a similar approach during the recent general election campaign that had the same language directed at Trump. Chief Portillo said yes, and they were advising the community that it goes under

freedom of speech from the First Amendment. There was further discussion and the Mayor and Councilor Bettison thanked Mr. Marshall for his research.

**9. PUBLIC HEARINGS** – None.

**10. UNFINISHED BUSINESS** – None.

**11. NEW BUSINESS** -

**A. Update and discussion on the Better Cities survey of the Recreation Master Plan.** Manager Brown said the Town received \$4,000,000 for construction and \$475,000 for the plan and design of a new recreation center, and as a condition of receiving the money, the Town is to put an additional \$4,000,000 for the construction of the recreation center. He said they were also looking at Gough Park and other projects, such as the Rock House, and the Little Walnut connection to the Continental Divide Trail. He said they worked through the Freeport McMoRan Community Enhancement Fund to apply for a Master Recreation Plan so they could identify the needs in the community, as well as what they currently had in the community. He said they contracted with Better Cities, and they have been conducting a survey for the Master Plan for the past four months. He said they had taken in a lot of information and were at the point of starting to make decisions as to what they might want to see in the Master Plan. He said they hired an architect who would start working on preliminary work to identify what the priorities were going to be for the recreation center and cost issues. Ryan Englund and Eric Gibson from Better Cities discussed the results of the survey with 560 respondents, and how they talked to over 40 people in depth. Mr. Englund said the \$8,000,000 would not buy a large aquatic center, although that was the second most requested item. He said the first item on the list was a basketball court with multiple courts with multiple uses to allow for pickleball, volleyball, indoor soccer, etc. He said people also wanted multiple rooms for dancing and arts, etc. He said there was a good balance between arts and culture and recreational activities. He said the architects had all of that information and would be doing more work to fine tune it. He said they had a focus group with youth, and the youth wanted recreation close to school and they wanted tutors and to work with computers, etc. He said people hoped it would employ a lot of young people. He said it was possible, but not all at once; that they could decide what to do now and keep adding to it if they had a footprint for 10 to 15 years out. He said the location was not determined yet at all, and how the Mayor told them they had to be looking out 10 to 15 years so it would not have to be redone. He said Eric Gibson was doing the deliverable report. Mr. Gibson said they would work closely with the architects and define their scope of work, make sure they were not duplicating their efforts, and would utilize the skill sets of each of the contractors. He said they would make sure it aligned with other economic development activities that are occurring in the community. There was further discussion about the following: how middle school and high school youth were in the youth focus group; how it did not have to be one big complex, but the main consideration was cost, parking, etc.; how they wanted the recreation center to be close to trails and parks; how it needed to be accessible for wheelchairs, walkers, and people with difficult conditions; how the architects would make sure it had easy access and reasonable access and not just what was required by law; how they needed to be realistic and work with the reporters to write something to help people understand that it would be a process and they would not be able to get everything all at once with \$8,000,000; how an aquatic center could cost \$20,000,000 and it may come later if they could generate more funds; how it would probably have three basketball courts, side by side, and multi-purpose rooms, beautiful façade, etc.; how they would have another community meeting to go over trade-offs, design options, etc.; how they would include the mining district and the county; how the steering committee was making sure they were not leaving anybody out; how money was available through state and federal and they had to make sure they were consistent and not duplicating their efforts with funding requests; how this plan would be imbedded in the statewide outdoor recreation plan; how there was a big momentum to diversify the economy; and how it needed to be a universal facility that was open and intended for everybody's use.

Manager Brown said Western New Mexico University proposed a partnership in the process whereby the Town would locate the recreation center on University property and then the University would provide additional funding. He said there would be trade-offs because they would not be able to run the facility by themselves and be the sole decision-maker. They would have to abide by the University's rules, etc. There was further discussion from the Council: how locating the recreation center on a hill would be a problem; a question if community members would have to pay to use the facility if it was located at the University; a question if University students would be given priority for employment at the recreation center; how going with the University could harm the Town; how it should be a big thing to benefit a

lot of the community; how the committee members represent a diverse sector and would make sure they were doing the right thing for the entire county and create revenues for the Town of Silver City since it was the hub of the county; how ordinary people should be on the committee and not politicians; how the facility could be located near Gough Park so it would have plenty of parking, would be near the trails, etc.; how accessibility was the key and being able to get to the facility was also important; and how they needed to identify the footprint of the facility before they could choose a location for it.

Manager Brown said he would take the information that had been given to him and have conversations with the University to get some answers to clear things up, and see if there was an option to move forward with them or not. He said they were still getting input on the process from other entities.

Mr. Marshall said there were other things going on to support recreation. He said soon they would have pickleball courts with lighting, and how members of the Trails and Open Space Advisory Committee did extensive work to put together a disc golf community. He said they had an online petition with 599 signatures to support disc golf, and they were requesting that they be able to put up a course at the Old Hearst Millsite. He said the Trails Committee supported it and he thought it was a good thing and they did a tremendous amount of work prior to approaching the Town. He said it would be a great asset to the Town to support outdoor recreation. Manager Brown said it was something they could do fairly easily. He said the Recreation Master Plan would identify all of their activities and some activities may not actually be in the recreation center. He said a splash park could probably go in Gough Park or Penny Park in the future. He said there were a lot of opportunities outside of the recreation center that would enhance the quality of life in their community, and it was his intention to take advantage of everything they possibly could. He said they would bring updates to the Council as they moved through the process. Mayor Ladner thanked all of them for their work.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting. Councilor Ray moved to adjourn at 7:09 p.m., and 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.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk

**RESOLUTION NO. 2021-05**

**A RESOLUTION TO TERMINATE WATER TANK MAINTENANCE  
CONTRACT FOR PROJECT NUMBER 127464, WATER TANK  
MAINTENANCE CONTRACT FOR PROJECT NUMBER 127465, AND WATER  
TANK MAINTENANCE CONTRACT FOR PROJECT NUMBER 127468**

**WHEREAS**, the Town of Silver City, State of New Mexico, referred to as “the Owner,” entered into three (3) separate Water Tank Maintenance Contracts with Utility Service Co., Inc., of P.O. Box 1350, 535 Courtney Hodges Boulevard, Perry, Georgia, 31069, referred to as “the Company;” and

**WHEREAS**, the aforesaid three (3) Water Tank Maintenance Contracts were designated as Project Number 127464, for the Cemetery North Tank located at Dirt Road, Silver City, New Mexico, Project Number 127465, for the Pinos Altos Tank located at Pinos Altos, Silver City, New Mexico, and Project Number 127468, for the Swan Street Tank located at 4201 N. Swan Street, Silver City, New Mexico; and

**WHEREAS**, each of the aforesaid three (3) Water Tank Maintenance Contracts was signed by Town Manager Alex C. Brown, as representative of the Town of Silver City, and Senior Vice President Sheldon Shelton, as representative of the Company, on July 24, 2012; and

**WHEREAS**, Paragraph 7 of the aforesaid three (3) Water Tank Maintenance Contracts stated that the Town of Silver City may terminate said Contracts upon the Company receiving written notice of intent to terminate by ninety (90) days prior to the first day of the upcoming Contract Year, which is July 1, 2021, with the notices to be signed by three (3) authorized voting officials of the Town Council; and

**WHEREAS**, the Town Manager of the Town of Silver City recommends that it is in the best interest of the Town of Silver City to terminate the aforesaid three (3) Water Tank Maintenance Contracts;

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

1. The Town Council approves the termination of Water Tank Maintenance Contract for Project Number 127464, Water Tank Maintenance Contract for Project Number 127465, and Water Tank Maintenance Contract for Project Number 127468, pursuant to the terms of the respective Contracts.

2. The Town Council approves the attached Letters of Termination for the aforesaid Water Tank Maintenance Contracts, concerning and for Project Number 127464, Project Number 127465, and Project Number 127468, and will do all acts necessary to carry out the intent of the Resolution, including the signing of the attached Letters of Termination.

**PASSED, APPROVED AND ADOPTED** this 23<sup>rd</sup> day of March, 2021.

(Seal)

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk

March 24, 2021

Utility Service Co., Inc.  
Attn: Customer Service  
P.O. Box 1350  
Perry, Georgia 31069

Re: Letter of Termination of Water Tank Maintenance Contract - Project #127464

Dear Sirs,

We would like to regretfully inform you that the Town of Silver City is terminating the Water Tank Maintenance Contract for **Project #127464** that was executed on the July 24, 2012. As per the conditions of the contract, please allow this letter to serve as notice of intent to terminate the contract on June 30, 2021, which is one day immediately prior to the first day of the upcoming contract year which commences July 1, 2021. We believe that you will find that this 90-day notice satisfies the legal constraints of the agreement and allows us to sever this contract without any further action.

We greatly appreciate the business relationship we have had with you for years. However, we have decided to cease our maintenance contract with your company due to various circumstances. We have tried the best we can to prevent this, but the circumstances before us are unavoidable, and prompted us to sever ties with you.

In any case that another opportunity arises for us to contract for tank maintenance with you, we hope that you will be open for such engagement.

If you have questions, concerns, or in need of any information regarding this matter, please do not hesitate to get in touch with Alex C. Brown, Town Manager at (575) 534-6350 or email at [townmanager@silvercitynm.gov](mailto:townmanager@silvercitynm.gov).

Signed:

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Ken Ladner, Mayor

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Cynthia Ann Bettison, Councilor - District 1

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Lynda D. Aiman-Smith, Councilor - District 2

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Jose A. Ray, Councilor - District 3

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Guadalupe E. Cano, Councilor – District 4

March 24, 2021

Utility Service Co., Inc.  
Attn: Customer Service  
P.O. Box 1350  
Perry, Georgia 31069

Re: Letter of Termination of Water Tank Maintenance Contract - Project #127465

Dear Sirs,

We would like to regretfully inform you that the Town of Silver City is terminating the Water Tank Maintenance Contract for **Project #127465** that was executed on the July 24, 2012. As per the conditions of the contract, please allow this letter to serve as notice of intent to terminate the contract on June 30, 2021, which is one day immediately prior to the first day of the upcoming contract year which commences July 1, 2021. We believe that you will find that this 90-day notice satisfies the legal constraints of the agreement and allows us to sever this contract without any further action.

We greatly appreciate the business relationship we have had with you for years. However, we have decided to cease our maintenance contract with your company due to various circumstances. We have tried the best we can to prevent this, but the circumstances before us are unavoidable, and prompted us to sever ties with you.

In any case that another opportunity arises for us to contract for tank maintenance with you, we hope that you will be open for such engagement.

If you have questions, concerns, or in need of any information regarding this matter, please do not hesitate to get in touch with Alex C. Brown, Town Manager at (575) 534-6350 or email at [townmanager@silvercitynm.gov](mailto:townmanager@silvercitynm.gov).

Signed:

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Ken Ladner, Mayor

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Cynthia Ann Bettison, Councilor - District 1

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Lynda D. Aiman-Smith, Councilor - District 2

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Jose A. Ray, Councilor - District 3

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Guadalupe E. Cano, Councilor – District 4

March 24, 2021

Utility Service Co., Inc.  
Attn: Customer Service  
P.O. Box 1350  
Perry, Georgia 31069

Re: Letter of Termination of Water Tank Maintenance Contract - Project #127468

Dear Sirs,

We would like to regretfully inform you that the Town of Silver City is terminating the Water Tank Maintenance Contract for **Project #127468** that was executed on the July 24, 2012. As per the conditions of the contract, please allow this letter to serve as notice of intent to terminate the contract on June 30, 2021, which is one day immediately prior to the first day of the upcoming contract year which commences July 1, 2021. We believe that you will find that this 90-day notice satisfies the legal constraints of the agreement and allows us to sever this contract without any further action.

We greatly appreciate the business relationship we have had with you for years. However, we have decided to cease our maintenance contract with your company due to various circumstances. We have tried the best we can to prevent this, but the circumstances before us are unavoidable, and prompted us to sever ties with you.

In any case that another opportunity arises for us to contract for tank maintenance with you, we hope that you will be open for such engagement.

If you have questions, concerns, or in need of any information regarding this matter, please do not hesitate to get in touch with Alex C. Brown, Town Manager at (575) 534-6350 or email at [townmanager@silvercitynm.gov](mailto:townmanager@silvercitynm.gov).

Signed:

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Ken Ladner, Mayor

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Cynthia Ann Bettison, Councilor - District 1

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Lynda D. Aiman-Smith, Councilor - District 2

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Jose A. Ray, Councilor - District 3

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Guadalupe E. Cano, Councilor – District 4

## LEGAL NOTICE

The Town of Silver City Council will hold a remote Regular Meeting on Tuesday, March 23, 2021 at 6:00 PM. The meeting will be held remotely via GoToMeeting and in compliance with the NM Open Meetings Act. Please join the meeting from your computer, tablet or smartphone. Silver City Town Council Meeting on Tuesday, March 23, 2021 6:00 PM - 9:00 PM (MST).

<https://global.gotomeeting.com/join/968953565>

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

United States: [+1 \(872\) 240-3311](tel:+18722403311)

**Access Code:** 968-953-565

Public input must be submitted by email by 4:00 PM on March 22, 2021 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 distributed to the Mayor and Council and be entered into the record of the Council Meeting. The action items on the agenda include:

**Approval of Minutes:** March 9, 2021 Regular Council Meeting

**New Business:**

**A.** Approval / Disapproval of Resolution No. 2021-05: a Resolution to terminate the Water Tank Maintenance Contract for Project Number 127464, Water Tank Maintenance Contract for Project Number 127465, and Water Tank Maintenance Contract for Project Number 127468.

**B.** Appointment to the Library Community Advisory Group.

**Adjournment**

The agenda is available in the Agenda Center of the Town's website at [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.