

1. 6:00 P.M. May 11, 2021 Town Council Meeting Materials

Documents:

- 01 - 2021 05 11 AGENDA REGULAR COUNCIL.PDF
- 02 - 2021 04 27 DRAFT MINUTES REGULAR COUNCIL.PDF
- 04 - BID 20_21-5 RECOMMENDATION.PDF
- 05 - 2021 05 11 LEGAL NOTICE REGULAR COUNCIL.PDF



TOWN OF SILVER CITY COUNCIL

REGULAR MEETING AGENDA

MAY 11, 2021, 6:00 PM

REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT

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 April 27, 2021.

7. PUBLIC INPUT

8. REPORTS

- A. Staff Reports.

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

- A. **Approval / Disapproval of Executive Session** pursuant to NMSA 1978 Section 10-15-1(H) (7) subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Los Alamos County, City of Albuquerque et al v. New Mexico Taxation and Revenue Department et al. Cause No.: D-202-CV 2018-08036, 2nd Judicial District, State of New Mexico.
- B. Statement/Motion regarding closed session.

11. NEW BUSINESS

- A. **Approval / Disapproval of BID 20/21 RE-BID VISITORS CENTER PEDESTRIAN & TRAILHEAD IMPROVEMENTS**

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.

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT
April 27 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 Reynolds, Town Attorney
Freddie Portillo, Police Chief
Milo Lambert, Fire Chief
Senator Siah Correa-Hemphill
Geoffrey Plant, Silver City Daily Press
Kylle Marshall Sr., Deputy Chief of FP
Robert Higgins, Information Technology Director
Maria C. Sublasky, Adm Asst. to Exec Dept.

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m. Ms. Sublasky did a roll call of the Mayor, Councilors and Staff.
- 2. CHANGES TO AGENDA** – None.
- 3. CEREMONIES** – None.
- 4. PROCLAMATIONS** – None.
- 5. COUNCIL COMMENTS** – Councilor Bettison stated she did not have any comments other than to say hello to Senator Hemphill and everyone else.

Councilor Aiman-Smith stated she had two brief comments and first she wanted to say that three or four times a week I go and hike on Boston Hill and I just want to say how awesome the trails and open spaces are out there and how much I love being out there and especially see/love the bicyclists who are so wonderful who are using those trails. I'm just, I know we have a little item on the agenda later and I just want to say, I personally benefit every week from the good medicine of walking on Boston Hill.

My next comment is to remind everyone in the Town of Silver City that Grant County, I believe is still yellow, and that masks are required inside buildings. Though the CDC today released guidelines; I don't know that's going to be followed yet in New Mexico. That in small groups outside you don't need to be masked. But I actually have a question from one of my constituents in District Two that might get direction from the Town Manger or perhaps Chief Portillo. She had a disappointing experience of being in our post office, which I know is a Federal building where about half of the people were unmasked. Where she politely asked the person by her to put the mask up over their nose, they refused, and then she was yelled at by another customer. Now I know that we have enforced in public places and we have enforced in businesses where the management has called, but what recourse does she have other than speaking to the postmaster about asking to have masking enforced inside of the Post Office. You don't have to answer here, I'll take an answer offline. But I think that was a really important question from a constituent. So those are the only comments I have, thank you. Mayor thanked Councilor Aiman-Smith, and stated next is Councilor Cano.

Councilor Cano thanked the Mayor and stated she had no comments this evening.

Mayor stated next is Councilor Ray. Councilor Ray thanked the Mayor and said I have a couple of things to say. I participated here couple of weeks ago in the Veterans walk and was very impressed with the people there. There were two runners Siah and Ms. Dow and I have no idea who won but I think I'm going to give it to Siah that she won

because she took off running like a bat out of you know what. But it was very interesting and I had a couple of comments with Siah and I like her, she's cool, she's for the people. That's what we need. We need to put our differences away be Democrat, being Republican, being Independent. Let us all work for the common cause let us all go to common grounds. Thank you Siah I appreciate that. My other comment is that we have been quite busy in our Carnitas, Musica and Mas on board. If everything goes well, and Mr. Brown said we can do it, so Mr. Brown thank you. We have most of the music down pat, we've got vendors, we've got a Lady that is going to do things for the kids. It was very interesting to find out today what she was going to do. I am going to ask Mr. Brown if it is possible to have some sort of a water slide, if possible, for the kids there if we do it, if we have this Carnitas, Musica y Mas Fiesta. It is scheduled for September 3, 4th and 5th. And we are going to have different types of music. Of course, Chente's is going to do the fajitas besides other things. We are going to have a Beer Garden. I did talk to some of the motels here and they are going to keep their prices as they are right now. So, it is looking very, very good and hopefully that we can pull it off. We're all praying that this thing, this Covid-19 thing will be over by then so we can all be being humans again, not that we aren't, but we are and I did go get tested today. So, I'm going to go back on my word and I want to say that maybe I'll get a shot...of Tequila. No, anyway, thank you, and I appreciate it and that's all I have.

Mr. Brown asked the Mayor if he could add a little bit to that. As we have talked, right now we are working on, preliminarily, we're working on the Fall events hoping that we'll be able to have them in some form. Of course, we will be working along with the Governors orders so any gathering limits will be abided by. So, I do plan on renting the fence so that way we can control the crowds attending the events. I just want to make it clear to the council and the public that we will be planning this safely, according to the rules. But we do know that we need to start moving forward and try to get things moving and save some sanity in this country.

Mayor asked if there were any other council comments. He stated he had one comment he would like to make. He would like to thank all of those citizens, organizations and groups that participated in Earth Day this past weekend. A lot of great things were done in our community and in surrounding communities to help not only to help make our community look better but to also work better. So, thank you to all those groups.

6. APPROVAL OF MINUTES - Regular Meeting on April 13, 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 April 13, 2021. Councilor Ray seconded. The Mayor asked if there was any discussion, 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 Ms. Sublasky if any public input was received by email, phone or otherwise. Ms. Sublasky indicated that an email was received from Mr. Ron Parra of USSSA late this evening and proceeded to read the statement from Mr. Parra.

Our staff would like to be on your agenda on this April 28th meeting.

We will be letting the city know of the end of our league.

The city has not cooperated in having Little League share the fields with us this year.

We can't play at Ben Altamirano this year because of Covid High School season ending on June 26th

Our league has been in existence for 18 years, we have won USSSA awards as top city, best league and all 3 executive board members are inducted into the USSSA Hall of Fame.

Our motto is "Where we keep kids of all ages off the streets and on the ball fields"

With the cancellation of our league the city will lose these divisions;

T-ball 4u division and 6u division

Coach pitch boys

Coach pitch girls (only coach pitch division for girls in the state of NM)

10u boys Baseball

11u girls Fastpitch

13u boys Baseball

16u girls Fastpitch

18u boys Baseball

Men's Slow Pitch

Women's Slow Pitch (only remaining women's league in New Mexico)

We asked and filled out papers in January we knew we would have to share fields at Scott Park since the NMAA schedule was already out.

We were willing to shorten our season and just try to get by this year.

Little League and Town of Silver City disagree with this and are willing to let Little League have full access to Scott Park. All we were asking was to have Little League end their season by June 5th so that we could play from June 7th to July 3rd

There was no other public input.

8. REPORTS –

A. Senator Hemphill–2021 Legislative Update-Regular and Special Session State and District Legislative Impact Report.

Senator Hemphill thanked the Mayor and stated it was wonderful to see everybody and just to be home and to see all your smiling faces, and friendly faces. It was a long session and quite isolating especially the first month where we were spending sometimes over twelve hours a day on Zoom. Our brains are not programmed to socialize that way. So, it was really very challenging experience and being away from my family for the first time in twenty-eight years was challenging as well. My oldest daughter is twenty-eight and I have four children and the youngest is just eight and so being away from them was a new experience. It was a little rough going that first month. The second month when we were doing more floor sessions and able to see people, even though we wearing masks and we had plexiglass dividers it was so much better just doing things in person. So, I am really looking forward to moving forward and being able to open things up. I saw that the CDC is reducing mask restrictions outside so it will be great to see people's faces. You know we're so dependent on that body language and facial expression to connect and so I am looking forward to that and having meetings in person. It will be great to see all of you in person. I just wanted to be here this evening to be as accessible as possible as your State Senator after the session and as we prepare for next legislative session. Please feel free to call or text. I know Mayor you have my cell phone number and I believe Councilwoman Bettison has it. But feel free to share it with the other City Council members. I am happy to respond to text or phone calls whenever you have availability. While I was up at the session it was so nice to hear from people from back home. So, feel free to reach out anytime. It is always so nice to hear from all of you. I am so grateful for this privilege of being your State Senator and representing you up in the legislature this last year. It was a wonderful experience in spite of having significant challenges there in the beginning. It was a very rewarding experience and a wonderful opportunity to get to know other legislators in the State of New Mexico. I left with so much hope about our government, our state government. I didn't meet a single person that I wasn't just completely impressed with on both sides of the aisle. We have some amazing people there and the attendants are really unsung heroes who were just working so hard behind the scenes. The staff there at the Roundhouse is just incredible. It was my son Nicholas, who has multiple disabilities, it was his birthday March 11th. I was giving a birthday shout out to him in the morning right before we started the floor session doing the announcement and I got emotional because it was the first time in twenty-five years that I was not with him on his birthday. Afterwards, one of the attendants just came over and she just hugged me and cried with me, and it was just the sweetest having these human moments where we can just share in the human experience. It was just beautiful. Thank you, Councilman Jose Ray, for that experience during the Veteran's March. That was a beautiful opportunity just to be able to connect with you too. Thank you for your kind words, that was really thoughtful to which Councilor Ray commented "as is mine, thank you".

We were able to do so much this legislative session. I carried sixteen pieces of legislation. It was just a huge honor to be able to carry so many bills and memorials. I had two memorials and then I co-sponsored with other Senators and representatives for additional bills during the regular session. Of those pieces of legislation, I was able to pass eight bills and my outdoor classroom memorial which I was really proud of. It was "Wild Friends Memorial". Wild Friends is this amazing organization through the UNM Law School. It's a group of students across New Mexico who get together and work on legislation over the year. My son was able to be part of Wild Friends a few years back and the legislation that he worked on was creating a pollinator garden that now sits on the south side of the Roundhouse. I was able to visit that and there's a plaque there commemorating the work that they did. So, to carry the Wild Friends Memorial that establishes a task force to promote outdoor classrooms was really special. It's just a perfect opportunity for us to start to move classrooms outside whenever possible. It's good for mental wellbeing and of course, healthier

when we're trying to recover from this pandemic. Kid's love being outside. As a school psychologist, whenever I see students, most of the time they want to go outside, and we'll go outside and talk. I know how much they appreciate being outside and spending time in the fresh air and the sun. We have such great weather here in the southern New Mexico so it's really conducive to that.

During the Special Session there were three bills that were carried and I got to carry one, it was Senate Bill 1- the LEDA bill. That was the Local Economic Development Bill that I carried with Senator Griggs. It's a bi-partisan piece of legislation we got that through. It's going to be able to create thousands of jobs here in New Mexico attracting larger businesses to New Mexico. It was an honor to be able to carry that, I know it was a Governor's priority bill.

We also passed a 7.4-billion-dollar budget that will enhance key state investments in public education, in early childhood wellbeing, which we know we really need here in New Mexico and of course economic development, pandemic relief, behavioral health and infrastructure. Now as we recover from the pandemic, we're really going to need to focus on mental health, mental wellbeing and childhood wellbeing. And so, I am really grateful that the Governor is really prioritizing that. I know a few years back in Grant County we lost our mental health infrastructure and we are still trying to rebuild that. We lost a lot of really great therapists so I really want to make that a priority just to be able to rebuild that mental health infrastructure here.

Of course, it is always will be priority to advocate for our rural communities. Which is why I carried SB193-Rural Equity Ombudsman Bill. I carried that with Senator Crystal Diamond. It will create a position for somebody to be able to advocate for rural communities at the state level, the local level and the federal level. In the House side, Luis Terrazas carried it for us and Representative Gail Armstrong. I was grateful to have their support with that. It is always going to be my priority to carry bi-partisan legislation whenever I can. That was really rewarding just to be able to work with others and get to know them on a real personal level and recognize that we have so much more in common than we do differences. That rural ombudsman bill is really going to do a lot to just lower barriers in rural New Mexico and create genuine sustained equity, which is really important to me.

Another bill that I carried was SB190- and that was the Developmental Disability Planning Council Bill that updates the DD Act and aligns the language with federal language and makes sure that we are prioritizing self-advocacy, helping those with disabilities be self-advocates and be part of those decisions when they are made. Making sure that we have family members and people with disabilities on the council. So that is really important to me as well.

Again, I just want to thank you all for taking the time to meet with me prior to the session. I know Alex Brown took the time, he did along with James Marshall to talk about some of the priorities they had. Chief Lambert and Chief Portillo both took several hours out of their day to meet with me and I am grateful for that opportunity with both of you. Mayor you took time also. It's always great to see Councilwoman Bettison in the parking lot of the Museum, I see her often and we get to have really casual conversations there. I really appreciate living in town where I am able to see all of you on a regular basis and look forward to working with you during this interim period and hearing more about your legislative priorities.

I also want to announce that I have my first interim committee this week. I am on the Legislative Finance Committee as a Voting Member, which is a huge honor. Our first committee is this Thursday, all day Thursday and half day Friday. So, in addition to being a member of the Senate Finance, I will be in a really good position to advocate for our community and I look forward to doing just that. You'll be hearing from me and we'll be meeting and having those discussions. Thank you again for this opportunity. Does anyone have any questions? Mayor asked if there were any questions, there were none. Mayor thanked Senator Hemphill for being here.

B. Staff Reports-Manager Brown stated Chief Lambert had an announcement. Chief Lambert addressed the Mayor, Council and staff and gave a report on the current fire situation. He stated we have moved into an extreme drought condition with our local winds and the amount of dry grass and timber in our area. In consultation with Town Manager

Brown, we have decided to enact State One Fire Restrictions to the Town of Silver City. Typically, every year, I looked back and historically, when we are required to or when its necessary for us to require state one restrictions it is usually about this time of year. In 2019 I think it was the 16th of April that we enacted these restrictions. I have been meeting with the Forrest Service, and they enacted fire restrictions across the entirety of the Gila this morning. They went into effect. Ours will go into effect immediately. He proceeded to state the requirements of the State One Fire Restrictions as follows:

Stage One Fire Restrictions - Pursuant to the Town of Silver City Ordinances Section 18-24 (9).

The Fire Chief and Town of Silver City has declared that a state of fire danger does presently exist. By the order of the Fire Chief, the following restrictions are in effect:

No building or maintaining of campfires.

No open burning to include the burning of yard waste, tree limbs, and weeds.

UL approved propane grills with appropriate covers/lids are approved.

Any other outdoor wood or charcoal burning device shall have protective firescreens and prior approval from the Silver City Fire Department.

Underground fire pits for use of meal preparation shall have appropriate covers such as screen, metal siding and /or dirt. Fires used to prepare hot coals must have a protective screen and a five-foot clearance around the entire fire pit. Fire pits must have prior approval from the Silver City Fire Department who will issue a special burn permit. These restrictions are effective immediately and shall remain in effect until conditions improve and will only be lifted by the Fire chief.

Anyone caught in violation of this order is subject to the following penalties: A fine of not less than \$100 nor more than \$500 and or imprisonment of up to 30 days.

Chief Lambert stated they would be issuing special operational permits for those particular instances regarding underground fire pits. He stated that they were going into the stage one fire restrictions for a couple of key reasons. One, he met with the County, Randy Villa and the Rural Volunteer Chief's Commission and they are about four to seven days out of going into their own fire restrictions. The Forest Service has put out their fire restrictions and we're following suit for public safety. The other reason we're really concerned about this is yesterday a fire started in Ruidoso, it's the Three River's Fire. It started at approximately Eight AM yesterday morning and by Four PM yesterday afternoon, it had reached Four thousand acres. It sitting at sixty-one hundred acres as of Eight O'clock this morning and the only reason it hasn't flared up again is it's actually snowing and raining on the fire, and the fire is still gaining ground. So, we're going to be pro-active in Silver City and enact Stage One Fire Restrictions. This doesn't mean that's there's absolutely no burning or outdoor cooking but it's just the first step for us to help the community prepare for what could be a devastating wild and season. Chief Lambert indicated he would entertain any questions the council may have.

Councilor Bettison asked if Chief Lambert or Tina Sublasky could please send out the order and she takes it has been sent to the press for publication in the paper. Chief Lambert stated it will be published in Friday's newspaper being there is no Thursday paper. It will have a week-long radio spot; it will be posted prominently in businesses around town. Starting at Eight O'clock in the morning it will be posted around town. He indicated he would get the Council an electronic copy. It was sent to Tina this afternoon but we were finalizing the awareness to the public and we did not get it to the Council. He would be glad to send it tonight. Councilor Bettison thanked him and asked if it would begin effective immediately, this evening or tomorrow morning. Chief Lambert indicated it would be effective immediately, as soon as they were done with this announcement. Mayor called on Councilor Aiman-Smith.

Councilor Aiman-Smith thanked Chief Lambert for making the announcement at this meeting. She stated that parts of Grant County, part of Silver City are in extreme drought and it's very dangerous. As is my usual practice, I stay, every week I look at the [climace] which is the monsoon forecasting and it doesn't look like we're going to have great monsoons. So, I think that being really prudent and proactive is important so I want to thank you, the town manager and town staff for trying to keep us safe from fire in this fire prone area in which we live, thank you. Mayor asked if there were any others.

Chief thanked Councilor Aiman-Smith and stated he has been discussing our extreme drought situation with the State Forester as well and its every likely that we will move forward with more restrictions if we don't get some relief. So, this is the first step to preparing for the season and there may be more and I will be in contact with you about those.

Mayor inquired if there were any other questions for Fire Chief Lambert. There were none. The Mayor then asked Mr. Brown if he had any other reports. Mr. Brown answered no sir.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -

A. Budget Discussion and Council Direction /FY 2021-2022. Manager Brown addressed the Mayor and Council and requested Mr. Higgins display the presentation he had. Mr. Brown stated he believed the Council should have received the presentation before the meeting. Mr. Brown started off first with how he came up with the revenue projection for Gross Receipts Taxes. He stated in FY19, he did something a little bit different this year and said he would explain more in a little bit. He indicated he included what the Town would have received in Hold Harmless during these years. The numbers you see in red, the Hold Harmless, are based on the average sales of food and medical services between FY 2015-2019. We took those average sales and just used the used phase out formula of Hold Harmless. In 2019 that's an actual number of two hundred eighty thousand dollars which was phased out in hold harmless. Let me go back one step, the average sales of food and medical services between 2015 and 2019 was between forty-one and forty-three million dollars a year. So, using forty-one million and trying to be conservative these are the numbers as the phase out was compounded. Now but something happened in fiscal year 2020 and fiscal year 2021. In fiscal year 2020, our total sales of foods specifically went from went from forty-three million to fifty-three million. So, I would assume, I made the assumption that the majority of that was because so many people were staying at home, not eating out. Of course, we all saw what happened at the beginning of Covid when everybody was, all the shelves at the grocery stores were empty and for so long and people were stocking up, I figured it would be a one-year thing and we were going to semi- go back to normal. But as of right now, as of April, our total sales are already passed last year. So, we are above fifty-three million dollars. And if we use the numbers of the total sales from May and June of last year, we are going to hit somewhere around sixty-one million in food sales. So, I don't know how to handle that when your food and medical services go up thirty percent in two years. So, I am going to use the forty-three-million-dollar number for my projected numbers for hold harmless because that's a portion of our calculation for the gross receipt's projections. As you can see our gross receipts taxes have gone up substantially over the last few years. In 2019, it was nine point nine six million without hold harmless, and that was the number that we used for the budget projections. In 2020, that is an actual realized number of ten million four hundred and fifty-two thousand dollars that was realized. So, gross receipts actually did go up even with the pandemic. This year we're on track to hit eleven point four million dollars in total gross receipts revenue. I am having to make assumptions this year as I project out for next year. My assumptions are that stimulus payments are not going to be around next year; the enhanced unemployment payments are most likely going away somewhere near September. So, I would see that our revenues would decrease a little bit, maybe not a whole lot because as we all know the stimulus bill that was passed, the last one that was passed, we're going to get some money out that. I believe its two point two million over two years. That means there will be injection of income into our economy over the next two years. So, I believe the next two years are going to be fairly stable, if not increasing. So usually though, to be conservative. I use the average of the three years. So, the average of the three years is ten point six million and still even being a little bit more conservative, I'm basically going to project that we are going to bring in ten point one million dollars in gross receipts sales. Now, this doesn't take into account that if our population comes in at under ten thousand. I believe the numbers are supposed to come out at the end of April. If they come out below ten thousand, then based on conversations we've had with the Lieutenant Governor, DFA and Tax & Revenue, because we have not passed any of the hold harmless gross receipts tax increments, and if our population goes back below ten thousand, we are eligible to receive; we can choose to receive the whole hold harmless or have the ability to impose the three eighths gross receipts tax that have been authorized for us. Now in previous years, based on sales, the three eights would have generated one point two million dollars annually. Based off of past history once hold harmless was phased out one hundred we would have lost about one point eight million dollars annually. So, the better choice would be to keep the hold harmless. With that that would add in, based on the sixty-one million dollars in food sales that would bring in about nine hundred dollars additionally

this year, well next year if it continues at that route. Also not included in here are the internet, the gross receipts taxes on internet sales because I have no idea how I would calculate that. I would rather start with very low projections and be able to add in spending if necessary, throughout the next fiscal year. So, that's where I am right now, I'm projecting ten point one million. Do you have any questions about any of that? There were no questions or comments.

Mr. Brown continued next with addressing General fund. He stated last year, not all gross receipt taxes get budgeted in the General Fund. Part of the gross receipt taxes that come go out to the Public Safety, which covers the cost of three police officers and one firefighter. It also goes out to part to gas tax, part goes out to the debt service for 2011 bonds, and part goes out to the sanitation fund. So, with that as you can see, I am projecting about a seven hundred fifty-one thousand dollars increase in gross receipt taxes revenues in the General Fund this year. A slight decrease in property tax and franchise fees. And for all other services, an increase of about one hundred and forty thousand dollars. That's because we hope to be a little bit more open. We're planning to open the swimming pool this year, hopefully by the end of May we should be ready. Once we open that, the capacity levels will be guided by the color code that we are in. So right now, its thirty, thirty three percent, if we get to green, I believe its fifty percent, then turquoise we would get some more. Basically, those fees for other services are user fees basically, they would be the cost for the swimming pool, library, museum, all those fees we collect there. Also, on the expenditure side, we have an increase of nine hundred twenty-five thousand in expenditures this year, and our transfers out have actually decreased by one hundred twenty-four thousand for this fiscal year. So, with that we're looking at about nine hundred sixty-six thousand beginning balance; ten point three four six million in revenue, nine point eight nine million expenditures with an estimated ending cash balance of one point one three million dollars.

So, we're a little bit above our one twelfth requirement and that's even being very conservative. With that, I'll talk about a few things that I'm going to ask some questions and would like to get your guidance on for some of the three hundred and six thousand dollars on going forward this next year.

These numbers are pretty small but basically most of them are department by department. Every Department's operational budget was restored back to fiscal 2020 budget numbers. On top that, all the exempt employees; I budgeted four and a half percent increase for the exempt employees. The AFSCME contract has a dollar fifty increase in negotiating their contract. I will be bringing an "agree upon" contract for the Police Department at the next council meeting. The Fire Department has a pay plan that increases by two and a half percent each year. As well as this year because of some legislative changes more of their income is covered under PERA. So, the Town will be having to increase our compensation levels to the Fire Department to cover those additional PERA costs. So, with that basically as you can see, every department has increased expenses except finance, facility maintenance, those are because there was a retirement in facility maintenance and we budgeted to replace that person at a lower pay. In the finance department, we did eliminate one position back in 2020-2021, basically that's the majority of that. In the Recreation center we are only budgeting thirty-four thousand that is basically for building maintenance. As well, you know we're hoping to allow those entities that are willing to provide programming for the youth and the public over this next year to use the facility to be Covid safe. Because we're not opening the rec center, I would like to recommend that we take part of the three hundred thousand dollars and spend about one hundred and fifty thousand dollars of it so we can contract with as many entities to help provide additional programming such as examples, tennis lessons, golf lessons, dance lessons. Just additional things that our community can do so they can get out and get active and do things this summer, unlike last summer. So, with that, are you okay with me adding that additional into the General costs? I would be doing that this year; does anyone have any objections to it? There were no objections. Councilor Ray did have a question but indicated he would wait until later. The next thing Mr. Brown indicated, was we did receive a grant to bring on a Narcotics Dog, a K-9 unit, so we could have the K-9 unit take one of the current budgeted positions within the Police Department which will mean it will take one patrol officer off the street. So, I would recommend we add one position to the Police Department so that we can maintain the same number of patrol officers on the streets as well as provide for that additional position to provide the Narcotics K-9 Unit over the next, I believe we have the grant for two years. We would like to take a stab at that so this would basically be for two years unless the program went well and then I would bring it back to you and say we need to fully fund this for future years. With that, does anybody

have any opposition to that or any issues? Councilor Aiman-Smith had a question and stated so it sounds like you're proposing a program for which there is a grant and you all set some metrics and measure against those metrics to decide to request, or to continue to program based on how things go? Mr. Brown replied correct. Councilor Aiman-Smith thanked him and stated she just wanted to be clear. Mr. Brown addressed Councilor Cano, and stated he was sorry but he could not see her on the screen and inquired if she had any questions on anything. Councilor Cano replied she did not have any questions, thank you.

If revenues come in like I actually think they are, the one, I would like to add, right now we haven't included the Education position at the museum. I did talk to Bart that if everything goes as I actually think it's going to go and not as were budgeting, by mid-year we would be able to add that position back into the budget. There's another clerk position at the museum, not the museum, the library and we would like to do same thing. With that, that's the General Fund. Does anybody have any questions comments or direction for me on that? Council Aiman-Smith stated she was glad Mr. Brown was thinking of funding another position at the library and the educator position at the museum. She stated she had or knows lots of people who discovered those educational programs, for kids especially, and they really enjoyed them at the museum so thanks. Council Bettison said she was just going to echo what Councilor Aiman-Smith said she was pleased to see that both those positions will be hopefully mid-year or prior will filled or reinstated. Mr. Brown thanked them.

Next Mr. Brown presented the Water/Sewer Fund and stated last fiscal year's total water revenue was five point four million dollars and next year he is budgeting five point eight million dollars. That is actually budgeting a zero percent increase based on actual revenues that we are seeing this year. We are seeing an increase in water revenues that has been caused by a number of additional households that people are living in, in the community now. We've seen a lot of consumption at homes where we really didn't consumption before, very much consumption. Or people are purchasing homes, coming in and just starting yards. I think part of it, maybe is because people are at home as well. More time being at home being laid off or whatever it might be. So, as you'll see, I'm not increasing expenditures as much as I am increasing revenues, just so you can see that. Then, the transfers out basically went down a little bit, because debt service is a little bit lower. The salaries and benefits, the operating expenditures were all put back to what they were pre- 2020 and the personnel costs are because the increases, the union raises as well as the exempt employee raises. Any questions there? There were none.

Mr. Brown reviewed the current water rates being charged for in town, out of town and the water associations. I am not going to propose any rate increase this year whatsoever. This will have to be adopted in the final budget in July. So, I am not projecting any increases. Mr. Brown stated that sanitation is area where we are hurting a little. He stated revenue has actually been going down, it's gone down a little bit. Last year we projected one point two million-dollars in garbage collection and nine hundred and seven thousand in landfill fees. The garbage collection we're probably hit a little over one point one million. So, we're about one hundred thirty thousand dollars there. Landfill fees are eight hundred twenty some thousand dollars. So were coming up short in those things. I am going to suggest that we increase sanitation and landfill rates by three percent. I've also seen out at the landfill that this has probably been the busiest year they ever had. What's hurting us is that we have so many...at the landfill you can take one ton of trash every month. It costs forty-two dollars per ton. On a monthly basis we charge a customer an average for a ninety-five-gallon container, thirteen dollars. If you have a bunch of customers taking one ton to the landfill, they are paying thirteen dollars, that is making us come up short on covering our costs. So that is probably one of the bigger parts of why we're having to do this. I am projecting a thirty percent increase in revenues and small decrease in transfers out and an increase in expenditures. Most of that is on contractual services, which basically are the professional services for the hauler. Universal Waste as well as out tipping fees... Does anyone have any questions? There were none.

Next, Mr. Brown reviewed Lodgers Tax. He stated this year we projected one hundred and sixty-four dollars as of right now. He looked at it today and we are already at one hundred and seventy-two thousand. So, we are actually doing better than what we had projected. So, for fiscal year twenty, twenty-two, I am going to project two hundred and fifty-four thousand dollars. That's nowhere close to our high in twenty nineteen which was three hundred and

sixty-four thousand dollars. And so, with that were hoping to use as much of those funds to get out and promote Silver City, hopefully, knock on wood, that were open and ready to go this next FY. I did take out last year on the expenditure side, the salaries for the museum, their portion, I put them back. And then as you can see the contractual services went from one hundred forty, for the promotions for Sunny 505. I'm going to increase that to two hundred and ten thousand dollars. I also may be able to have a letting this year for the events probably in December. I am trying to save as much money in this year's funds so that way I can carry it over in cash balance of, I am hoping around seventy some thousand dollars. And then I'll take fifty thousand of that to do a letting in December for the events of next spring and summer. Any questions? There were none.

Mr. Brown reviewed the Gas Tax and stated this is where we pay for most of our maintenance on the streets. Hopefully it will go up a little bit. Part of it is in Gross Receipts Tax and part goes to gas tax and part of the increase comes from there. I am going to project a little bit of an increase in our, two cents per gallon tax that we receive. Hopefully people will get out there, even though gas is going up, and has gone up substantially. Hopefully people will get out, when appropriate, get out and start visiting, and help us make some money, support your community. Any questions on this? There were none.

Mr. Brown then reviewed the fund balances-beginning cash balances, revenues, expenditures, estimated cash balances. As you see the General Fund, that three hundred and six thousand dollars will go away after I put the Police Officer and the one hundred and fifty thousand for the Recreation Center. The Water/Sewer fund, were looking about two hundred and fourteen thousand above our one twelve that we have imposed on ourselves. So that's actually almost six hundred thousand dollars above budgeted expenditures this next year. Sanitation, with the three percent increase, is still pretty tight ending up with about thirteen, fourteen thousand dollars. Lodger's Tax, ten thousand, but like I said the beginning cash balance right now is at seventy-two thousand dollars. I just wanted to leave it there and am hoping we can save it for next year. Gas tax, were going to spend more money on maintenance this year. With that do you have any questions, comments?

Councilor Bettison addressed Alex and stated she really appreciated the really comprehensive projection of what the budget's going to look like next year. I appreciate the attention to detail concerning being conservative regarding internet sales. Although I think that if you ask the local post office, it seems to be that they're just an Amazon distribution facility with the number of boxes that come through. So, I think, I appreciate you being conservative as in the past, and am thankful for that. I also want to touch base again, you said that the estimates of the census will be...? Mr. Brown responded saying he was told that at the end of April, so in the next few weeks, if we're below ten thousand, I will immediately go and contact DFA and Tax and Rev to get everything fixed. If that's going to happen, during next fiscal year, I will add the hold harmless back into the bud for next year. Mayor Ladner entertained any other comments? There were none. He thanked Mr. Brown and thanked Mr. Higgins for the very clear presentation that could be seen really well on the screen. Mr. Higgins commented that he appreciated it.

B. Appointments to Trails and Open Space Advisory Committee:

Mayor indicated applications were received for two reappointments and one new appointment. Mr. Robert Schiowitz has applied to be reappointed to the committee and has been recommended by Ms. Jaime Embick, the Community Development Director. Mayor Ladner stated he would like to recommend him if there were no objections from the council. There were none. Mayor asked for a roll call vote.

Mr. Martyn Pearson has also re-applied to the committee and has been recommended by Ms. Jaime Embick. Mayor would like to reappoint him if there are no objections from the council and asked for a roll call vote. Councilor Bettison, stated not objection, Councilor Aiman-smith voted no objection and stated Martyn Pearson has been really very active in the bicycling and appreciates it; Councilor Ray stated no objection, Councilor Cano state no objection. Motion carried. He is reappointed.

Ms. Susannah Barson has applied to be appointed to the Trails and Open Space Advisory Committee. Her application is forwarded by Ms. Jaime Embick. The Mayor indicated he would like to appoint her. If there were no objections from the council. Mayor requested a poll of the council. Councilor Bettison state no objection, Councilor Aiman-Smith

voted no objection, Councilor Ray voted no objection, Councilor Cano voted no objection. Motion carried. Ms. Barson is appointed.

Mayor Ladner pointed out some vacancies on several committees, for example, the P&Z Commission has one vacancy. If you know of someone who would do well on that committee, please encourage them to submit an application. Another vacancy exists on the Municipal Museum Community Advisory Group has one vacancy. If anyone knows of anyone who could serve on that group, please encourage them to apply. Other than that, with the actions tonight, all of the town's committees are fully staffed with the exception of the Lodgers Tax Committee. He stated Mr. Brown has been working on that. Mr. Brown stated he is using the participants of the Lodger's Tax Committee for the lettings they have been doing a couple times of the year.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and entertained a motion to adjourn. Councilor Ray moved to adjourn at 7:06 p.m., and Councilor Aiman-Smith seconded motion as stated. Mayor Ladner asked if there was any further discussion. There was none. Mayor 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. Meeting Adjourned.

Ken Ladner, Mayor

Attest:

Maria C. Sublasky, Acting Town Clerk



TOWN OF SILVER CITY

P.O. Box 1188, Silver City, New Mexico 88062 (575) 538.3731 • FAX (575) 534-6377

TO: Mayor, Council Members and Mr. Brown
FROM: Vanessa Cardenas, Purchasing Agent
DATE: April 30, 2021
RE: Bid# 20/21-5 Visitors Center Pedestrian & Trailhead Improvements
NMDOT Highway Safety Improvements Program
Project# CN1101660

The town has received one bid for the above referenced project. Bids were received on April 6, 2021 @ 10:00 a.m. and opened shortly after at the office of Stantec, 3400 Hwy 180 E, Suite A. Silver City, NM 88061.

The following bids were received:

CONTRACTOR	BASE BID, ADDITIVE ALTERNATE #1 AND ADDITIVE ALTERNATE #2
C&E INDUSTRIAL SERVICES, INC(NON-RESPONSIVE)	\$ 226,531.64

The sole bid for the project was received from C&E Industrial Services, Inc., of Sunland Park, NM. Unfortunately, their bid is considered as non –responsive since they were not listed on the NMDOT Prequalified Contractors and Subcontractors List as of the date of the bid opening. This is a requirement for projects that contain NMDOT funding.

As a result it is staff’s recommendation to reject the BID and rebid this project during the Spring of 2021.

Sincerely,

Vanessa Cardenas

Vanessa Cardenas
Purchasing Agent

LEGAL NOTICE

The Town of Silver City Council will hold a remote Regular Meeting on Tuesday, May 11, 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, May 11, 2021 6:00 PM - 9:00 PM (MST).

<https://global.gotomeeting.com/join/525653789>

You can also dial in using your phone.

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

Access Code: 525-653-789

Public input must be submitted by email by 4:00 PM on May 10, 2021 to the Town Clerk at 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: April 27, 2021 Regular Council Meeting

Unfinished Business:

A. Approval / Disapproval of Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (7) subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Los Alamos County, City of Albuquerque et al v. New Mexico Taxation and Revenue Department et al. Cause No.: D-202-CV 2018-08036, 2nd Judicial District, State of New Mexico.

B. Statement/Motion regarding closed session.

New Business:

A. Approval/Disapproval of Bid 20/21 Re-Bid Visitors Center Pedestrian & Trailhead

Improvements

Adjournment

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