

**TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
January 09, 2024, 6:00 p.m.**

Members Present:

Ken Ladner, Mayor
Rudy Bencomo, Councilor District 1
Nicholas Prince, Councilor District 2
Stan Snider, Councilor District 3 (Via Phone)
Guadalupe Cano, Councilor District 4

Others present:

Alex Brown, Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Police Chief
Milo Lambert, Fire Chief
Vickie Toney, Code Enforcement-
Animal Control
Thomas Hernandez, Code Enforcement
Ben Beltron, Executive Director, CATS

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

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

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Bencomo welcomed Councilor Stan Snider to the Council and hoped to make him comfortable as he was made comfortable when he was appointed to the Council.

Councilor Cano welcomed Councilor Snider and Councilor Bencomo back to the Council. She looks forward to working with them for the next few years. Councilor Cano received a small plaque for the Town of Silver City from the Silver City Grant County Chamber of Commerce in recognition and appreciation for sponsoring the 2023 4th of July Community Event. She read the inscription and passed it to the Council and Mayor Ladner to see. Councilor Cano stated that today (Tuesday January 9, 2024) is National Law Enforcement Officer Appreciation Day and thanked the Police Department, Code Enforcement and all who work for the Police Department for all they do. Councilor Cano spoke regarding the Municipal League, she stated she is on the Strategic Planning Committee for the Municipal League and they are working on trying to make the League more accessible to their members by focusing for the next few years on education, advocacy and risk management. She will be pushing for the Municipal Official Leadership Institute (MOLI) hoping to convince all the Councilors to participate in the program to hopefully be the first Council in the State to have all Certified Officials. Mayor Ladner and Councilor Cano have already completed the course. The Municipal League is also working on having

satellite offices in all the quadrants of the State so they will not have to travel to Santa Fe for meetings. The Clovis Municipality have given them office space where they have opened and are still deciding where to place the other offices. Within the next year she is hoping not to travel as much.

Councilor Prince – See Exhibit “A”

Councilor Snider stated he appreciated the City sending him to Santa Fe for the Municipal League Training; it was very informative and thought provoking. He also thanked Town Clerk Alfred Sedillo for getting him all the details for his travel to Santa Fe. Councilor Snider wished everyone a prosperous New Year.

Mayor Ladner asked if there were any more Council Comments.

Councilor Prince wanted to advise the public that on Saturday, January 13, 2024, the High Desert Humane Society will be offering their reduced-price vaccination and spay and neutering program.

Mayor Ladner congratulated Councilor Bencomo and Councilor Snider. He was able to attend the Oath of Office Ceremony which brought back some good memories. He also congratulated Councilor Cano for her role with the New Mexico Municipal League. Being on the Board has a lot of special benefits for Silver City because they determine the agenda for the year.

6. APPROVAL OF MINUTES – December 12, 2023, Regular Meeting. Councilor Bencomo moved to approve the December 12, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded the motion as stated. Motion carried unanimously.

7. PUBLIC INPUT – Wil Marvin stated he and his wife Robin are trying to purchase City property and wanted to let the public know their intent for the property. They are not contractors, and the property will not be subdivided or developed. They have purchased one hundred and five (105) acres of the Furr Ranch in 2014, the next section of eighty (80) acres from the Brooks in 2018 and this purchase would be the final section of the ranch which will be placed into a land trust which never can be developed and never be subdivided. They have tracts of land for their future generations to enjoy. Mr. Marvin made a proposal to place into the buy sale agreement to make it legal and binding so that the land can never be subdivided or developed. That is what they have on the one hundred five (105) acres. The intent is to put the three hundred (300) acres back together again to make the Ranch whole again.

Robert Whitaker, the new and permanent CEO Administrator of Gila Regional Medical Center stated his family moved a few weeks ago and has purchased a house in Grant County. Two (2) of his five (5) children have started High School and Middle School. Mr. Whitaker advised there will be a Community Town Hall meeting on Wednesday, January 10th from 5:00 pm to 7:00 pm at the Convention Center where he will be going into detail about the hospital and updates and plans that are ongoing. Also, a permanent CFO has been hired and he will be joining the Hospital on January 22nd. That will complete the permanent administration. Mr. Whitaker stated in the upcoming Legislative Session there will be a bill proposed, and he is reaching out to our State Legislators about how important it is. The bill is the New Mexico Health Care Delivery and Access Act which will focus on changing how the State funds in some regard’s hospitals in the State. The Hospital Association as well as the Governor’s Office and the Health and Human

Services Department have worked closely in developing the bill. Mr. Whitaker stated that it's going to be a big push for this bill during the Legislative Session.

Wiley Hudson commended the Marvin's for wanting to purchase the property and place it in a conservation easement. Ms. Hudson liked the stipulation of it being in the buy sell agreement and was curious if this is something that can be done when the City sells properties. She would like to know what the process is when the City sells properties.

Carl Davis thanked the Police for their protection at the meeting, hoping it will not be needed. Mr. Davis stated he was there on his own but representing the Pickleball Community. He has heard there will be three (3) courts in the new Recreation Center or maybe more. In the near future there will be an official group getting together to give a professional presentation regarding the construction of some outdoor Pickleball Courts not just for the community, but for people who bring their travel trailers can have access as they do in Arizona who have hundreds if not thousands of Pickleball Courts. Mr. Davis stated that Pickleball is the fastest growing sport in America for people of his age and people in their forties (40's) and younger. He stated to expect to hear more about Pickleball in the future.

8. REPORTS:

Manager's Report: Alex Brown reported that at the beginning of the fiscal year he was informed by Senator Heinrich's office that he has put three hundred thirty thousand (\$330,000) dollars into the Federal Budget for Vista De Plata for this next budget cycle which was all that he was expecting to that point. In the middle of December, he got a call from the Governor's office offering the Town another three million (\$3,000,000) for Vista De Plata and then on December 15th the Town was awarded another five hundred thousand (\$500,000) dollars from the from MFA for next fiscal year and then he got an email from Senator Heinrich's office today (Tuesday January 9th) that it was official that instead of three hundred thirty thousand (\$330,000) put in the budget he was actually able to put one point five million (1.5) dollars in the budget so we went from maybe three hundred thirty thousand (\$330,00) to five (5) million a good problem to have. That has been happening quite a bit these last two (2) years, it's been good.

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

Councilor Prince stated he had a comment that access to housing has been such a challenge for so many constituents, all the efforts are being put towards being able to build affordable housing in our community.

9. ORGANIZATIONAL MEETING

A. Election of President Pro Tempore Mayor Ladner stated according to our Charter in case of the absence of the mayor the Mayor Pro Tem acts on behalf of the Mayor and conducts the duties of the Mayor and presiding officer of the Town Council. Mayor Ladner opened the floor for nomination or nominations. Councilor Snider nominated Councilor Prince. Mayor Ladner stated

there was a nomination for Councilor Prince and asked if there was a second. Due to a lack of a second, Mayor Ladner advised Councilor Snider the nomination did not go through for lack of a second motion. Mayor Ladner asked if there were any more nominations. Councilor Bencomo nominated Councilor Guadalupe Cano as Mayor Pro Tem. Mayor Ladner asked if there was a second, Councilor Prince seconded the nomination. Mayor Ladner stated there is a motion and a second all those in favor of closing the nominations. All Councilors voted aye to close nominations. Nominations were closed. Mayor Ladner stated that Councilor Cano has been nominated as Mayor Pro Tem and asked all in favor of her nomination. All Councilors voted aye. Councilor Cano's was elected Mayor Pro Tem unanimously.

Mayor Ladner asked Councilor Cano if she would like to make any comments.

Councilor Cano thanked the Council for having faith in her and stated they are doing well right now, so she probably would not be doing much.

Mayor Ladner acknowledged that Councilor Cano has done a great job as Mayor Pro Tem during these past two years.

B. Appointments of Councilors to Committee and Board positions. Mayor Ladner read aloud the list of Committee and Board positions that each Councilor, Executive and Staff Member is appointed. Mayor Ladner stated that those that are currently serving on the Boards positions will continue to serve on the committee and board except for Jose Ray who will be replaced by Councilor Stan Snider to the Committee and Board. After consulting with Alex Brown and James Marshall to keep the list current, the Grant County Workforce and Economic Development Alliance Board of Directors no longer exists, and the Health Council will be removed.

Councilor Prince asked if there was still a Southwest Solid Waste Board.

Mayor Ladner apologized for overseeing it and stated the representatives are Mayor Ladner, Alternate, Stan Snider, Staff Alex Brown, and Alternate Peter Peña.

C. Welcome to all employees and department heads and affirmation of employment in this new administration. SEE EXHIBIT "B"

10. PUBLIC HEARINGS: NONE

11. UNFINISHED BUSINESS: NONE

12. NEW BUSINESS:

A. Approval / Disapproval of RESOLUTION NO. 2024-01 – Open Meetings Alex Brown stated the Open Meetings Act is required to be adopted every year, it basically sets the time and location for the Council meetings, how we can have emergency meetings, where the meetings must be advertised.

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

Councilor Prince just to confirm especially for our new Elected and Reelected Councilors that the seventy-two (72) hour notification period that we have if we do require a work session for being able to review legislation speak in modalities that are not as accommodated by the Roberts Rules of Order just be able to speak a little bit about this legislation all of that is still available to us.

Mayor Ladner asked for a motion.

Councilor Cano moved to approve **RESOLUTION NO. 2024-01 – Open Meetings.** Councilor Prince seconded the motion as stated.

Mayor Ladner asked if there was any discussion or comments. Hearing none, Mayor Ladner asked for a roll call vote. Town Clerk, Alfred Sedillo did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Snider voted aye; and Councilor Cano voted aye. Motion carried unanimously.

B. Approval / Disapproval of RESOLUTION NO. 2024-02 A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT (“AGREEMENT” OR “LOAN/GRANT AGREEMENT”) BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY (“NMFA” OR “LENDER/GRANTOR”) AND THE TOWN OF SILVER CITY, NEW MEXICO (“BORROWER/GRANTEE”), IN THE TOTAL AMOUNT OF ONE MILLION FIVE HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$1,559,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION INCLUDING PAVING, CURB OR GUTTER, SIDEWALKS, DRAINAGE IMPROVEMENTS ON LITTLE WALNUT ROAD, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT OF ONE HUNDRED FIFTY-FIVE THOUSAND NINE HUNDRED DOLLARS (\$155,900) SOLELY FROM THE NET SYSTEM REVENUES OF THE JOINT WATER AND WASTEWATER SYSTEM OF THE BORROWER/GRANTEE; AND ACCEPTANCE OF A GRANT AMOUNT OF ONE MILLION FOUR HUNDRED THREE THOUSAND ONE HUNDRED DOLLARS (\$1,403,100); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. Alex Brown stated the funding is the second part of the Little Walnut Road Project that we are working on, the design is actually one hundred percent (100%) complete and if we were able to, we would be able to put it out to bid right now, but we previously adopted a TPIF agreement which is the second half of the funding that was adopted a couple months ago so we are waiting

until late spring to put the little Walnut Road Project out for bid. There is so much work being done that the two (2) contractors that usually bid on our road projects are really packed. Bayard put out a bid for a small street project and did not receive any bids. For that reason, that's why we plan on putting our CDBG project which is also ready to go and is a smaller project so we'll be putting that one out in early Spring and then this Little Walnut Road Project we will be putting it out to bid in late Spring.

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

Councilor Prince had a couple of items, first was how amazing it is when we are able to meet the funding that the Town needs and the ability to match the amount of one hundred fifty-five thousand nine hundred (\$155,900) being augmented by the New Mexico Finance Authority for the full one point five million (\$1.5) dollars that we are going to need. Councilor Prince second item was to verify the amount stated of one million four hundred three thousand one hundred (\$1,403,100) dollars was the true amount, or if it is one million four hundred three thousand (\$1,400,000) dollars.

Alex Brown stated is one million four hundred three thousand one hundred (\$1,403,100) dollars.

Councilor Bencomo asked Alex Brown if there were going to be any bicycle lanes.

Alex Brown stated it will be exactly like the previous phase, it will have bicycle lanes.

Mayor Lander asked Councilor Snider if he had any comments.

Councilor Snider (via phone) stated he had no comment.

Mayor Ladner asked for a motion.

Councilor Prince moved to approve **RESOLUTION NO. 2024-02 A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT ("AGREEMENT" OR "LOAN/GRANT AGREEMENT") BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY ("NMFA" OR "LENDER/GRANTOR") AND THE TOWN OF SILVER CITY, NEW MEXICO ("BORROWER/GRANTEE"), IN THE TOTAL AMOUNT OF ONE MILLION FIVE HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$1,559,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION INCLUDING PAVING, CURB OR GUTTER, SIDEWALKS, DRAINAGE IMPROVEMENTS ON LITTLE WALNUT ROAD, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT OF ONE HUNDRED FIFTY-FIVE THOUSAND NINE HUNDRED DOLLARS (\$155,900) SOLELY FROM THE NET SYSTEM REVENUES OF THE JOINT WATER AND WASTEWATER SYSTEM**

OF THE BORROWER/GRANTEE; AND ACCEPTANCE OF A GRANT AMOUNT OF ONE MILLION FOUR HUNDRED THREE THOUSAND ONE HUNDRED DOLLARS (\$1,403,100); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

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

C. Approval / Disapproval of a Notice of Intent to adopt ORDINANCE 1325: AN ORDINANCE PERMITTING THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY BY THE TOWN OF SILVER CITY, BEING A 119.973 ACRE (MORE OR LESS) TRACT OF LAND, PURSUANT TO CHAPTER 48, SECTION 48-29, OF THE TOWN OF SILVER CITY MUNICIPAL CODE. Pursuant to Section 48-30 of the Town Code, the following apply:

- (1) **The terms of the sale: The sale price is \$401,000 due at closing; the location of the property is: A tract of land in the NW¼NE¼ AND E½NW¼, SECTION 21, T. 17S., R. 14W., LOCATED NORTH OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, containing 119.973 ACRES +/- VACANT LAND**
- (2) **The appraised value of the municipal real property: \$380,000.**
- (3) **The time and manner of payments on the lease or sale: Payment in full due at closing.**
- (4) **The amount of the sale: \$401,000.**
- (5) **The identities of the purchasers: Paul William Marvin, Jr., and Robin L. Hildebrand-Marvin.**
- (6) **The purpose for the municipality making the lease or sale: The Property has no present or future use for the Town.** Alex Brown stated back in 2006 the Town adopted an ordinance pertaining to sell and or lease of Town-owned property over five thousand (\$5,000) dollars, at that time it the Town was required to identify essential properties which would never be available for sale or lease and the non-essential properties which are available for sale, lease, or trade and as a requirement to the sell or lease of Town own property it has to be appraised. We cannot sell or lease it for less than appraised value if it is over five thousand (\$5,000) dollars, then it must be put out to bid for anyone to bid on the property. This property was appraised at three hundred eighty thousand (\$380,000) dollars and was put out to RFP (Request For Proposal) for all bidders to apply. The only bidders were Mr. Paul Marvin and Ms. Robin Hildebrand-Marvin. Alex Brown asked if there were any questions.

Councilor Prince wished to expand just so that they can make sure it is entered into the minutes beyond public input the conversations that have currently had been had about Community Land Trust or Land Trust Agreement that could potentially exist for the sale of this land to be able to ensure its viability for conservation as well as public access potentially. He was interested as far

as what conversations Alex Brown has had with the Marvin's presently that would be able to reinforce it.

Alex Brown stated that they have not had any real conversations yet.

Mr. William Marvin stated that he has had discussions with Ms. Jacqui Olea, Mr. James Marshall, and a phone conversation with Mr. Jim Reynolds on what their intent was with the property. Attorney Will Perkins will set up the Land Trust.

Mayor Ladner asked if there were any questions or comments. Hearing none, Mayor Ladner asked for a motion.

Councilor Prince moved to approve of a Notice of Intent to adopt **ORDINANCE 1325: AN ORDINANCE PERMITTING THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY BY THE TOWN OF SILVER CITY, BEING A 119.973 ACRE (MORE OR LESS) TRACT OF LAND, PURSUANT TO CHAPTER 48, SECTION 48-29, OF THE TOWN OF SILVER CITY MUNICIPAL CODE.** Pursuant to Section 48-30 of the Town Code, the following apply:

(1) **The terms of the sale: The sale price is \$401,000 due at closing; the location of the property is: A tract of land in the NW¼NE¼ AND E½NW¼, SECTION 21, T. 17S., R. 14W., LOCATED NORTH OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, containing 119.973 ACRES +/- VACANT LAND**

(2) **The appraised value of the municipal real property: \$380,000.**

(3) **The time and manner of payments on the lease or sale: Payment in full due at closing.**

(4) **The amount of the sale: \$401,000.**

(5) **The identities of the purchasers: Paul William Marvin, Jr., and Robin L. Hildebrand-Marvin.**

(6) **The purpose for the municipality making the lease or sale: The Property has no present or future use for the Town.** Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Town Clerk, Alfred Sedillo did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Snider voted aye; and Councilor Cano voted aye. Motion carried unanimously.

D. Approval / Disapproval of a Notice of Intent of Ordinance 1326: A NOTICE OF INTENT TO ADOPT AN ORDINANCE ADDING SECTIONS 22-31 THROUGH 22-39, ARTICLE III, CHAPTER 22, HEALTH, TO THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, ALLOWING PERSONS TO SAFELY LEAVE INFANTS NOT MORE THAN NINETY DAYS (90) OF AGE OR LESS, AT SAFE HAVEN SITES, OR IN SAFETY DEVICES FOR SURRENDER, WITHOUT CRIMINAL PROSECUTION FOR ABANDONMENT OR ABUSE OF A CHILD; AND ALLOWING THE INSTALLATION AND OPERATION OF SAFETY DEVICES FOR THE SURRENDER OF INFANTS. Councilor Cano stated before the end of the year Representative Terrazas reached out to both her and Councilor Bencomo.

Representative Terrazas and herself believe it was Representative Gallegos who secured funds to have a Baby Box put in every County in New Mexico. It is not going to cost us anything to make sure that any child in this community is safe. This also gives people options. There are situations

where someone cannot take care of their child, and this is a safe anonymous way to make sure that the child remains safe for the rest of their life. Councilor Cano thinks it is a good thing and since this is a Notice of Intent (NOI) there will be two (2) weeks to get public input if there is someone who thinks the Council should not be doing this, they are able to let the Council know.

Mayor Ladner asked if there were any questions for Councilor Cano.

Councilor Prince stated that if he is not mistaken the State of New Mexico already has a Safe Haven law so that the surrender right now of an infant less than 90 days then to our Public Safety offices is already in place since 2002.

Councilor Cano responded yes, that is true for example, if she has a child tomorrow and decided at 10 o'clock at night she is not ready to be a parent, she is going to surrender that child to the Police Department. The Police Department might all be on duty, there is not really a safe place to be outside in thirteen-degree (13°) weather, this Baby Box is heated, it's safe, nothing's going to happen to that child. The only people that can open it are the Fire Department or the Police Department, so she feels like this is just an extra added level of security for that child.

Mayor Ladner thinks this is really a good Ordinance because he has heard horror stories of mothers putting their infants in a trash can.

Councilor Cano stated this is important to her because the weather we are having there were two (2) gentlemen who she knew her whole life that have frozen to death in the last two (2) years. Those were grown men, so a child cannot take care of themselves, so this just adds to that extra level of security.

Councilor Prince stated one of his concerns is that through several National Organizations for the safety and well-being of children are entering into the Foster Care System. One of the most common needs is being able to create a form of reunification. One of the issues that comes up is that the conditions that a new mother or a new parent might be in, it is going to change that this is going to create a layer of anonymity at that point. Councilor Prince is concerned right now about any opportunities for abuse or any issues that might come up where it could harm the overall wellbeing of the child that might be having to enter the Foster Care System because this is going to be following in line with what we have with the State. It is still going to be the surrender to Childrens Youth & Family Department (CYFD) that we have with the State and will limit what services they are going to be able to offer for anybody that is looking to give up custody of their child.

Councilor Cano stated when a baby is put into the Baby Box it will be anonymous, no one will know who the child belongs to, however if there is a situation where the person changed their mind, then they would have to go through the process with the Childrens Youth & Family Department (CYFD) to a prove that the child is theirs and prove that their home is safe and if there is anything where the police need to be involved so if someone is not sure if they want to have the child or not, then they probably need those services from the Childrens Youth & Family Department (CYFD) to make sure that they do have a home that is adequate for that child.

Mayor Ladner asked if there were any more questions or comments.

Councilor Bencomo stated he spoke with Chief Lambert about the possibilities of this Ordinance being adopted and passed and we are on board with this, we actually talked about the logistics of where it would be placed and make sure people are trained. Councilor Bencomo stated that the month of October or November there was a child that was turned into one of the Safety Boxes in Hobbs and that child is alive because that was in place.

Town Attorney Jim Reynolds addressed Councilor Prince's concern that there is a provision for procedures for reunification in the Ordinance as well as in the State Statute the parent would always have standing to intervene in any Childrens Youth & Family (CYFD) legal action so they could automatically intervene if they change their mind.

Council Prince stated his concern is going to be for the reunification process, are we just going to expect that if a parent were to come in and say I surrendered my infant and now they are going to have to go through DNA blood test and we are going to have to try to find a way to be able to verify. Councilor Prince was unclear as far as what that mechanism looks like.

Mr. Reynolds state that Childrens Youth & Family Department (CYFD) has been dealing with these issues for decades and they have a procedure in place for parents to intervene to prove they are the parent, they will pay for any parental test or DNA tests to show that they are the parent. The procedures have been set out and he has been involved in dozens of these cases and seen Childrens Youth and Family (CYFD) in action.

Councilor Prince asked if it would be possible to be able to have that procedure could be submitted into record just because if the Council is going to be extending the State Law what would be the expectations for the stakeholders that are going to be a part of this process. Councilor Prince wanted to make sure that some of the risks that are going to be opened that by having an anonymous infant Dropbox built that the Council make sure that those procedures and things are likely understandable and are not going to be things that could be potentially abused.

Mr. Reynolds stated that the Council would impinge upon State Law and State Departments their rules and procedures so we really cannot do that.

Mayor Ladner stated since this such an interesting question if there are any members of the public who wish to ask a question or make a comment.

Fire Chief Lambert stated as Councilor Bencomo had stated earlier, they have spent time discussing the placement and installation of the Baby Safe Boxes and he believes they have several locations where it can be installed at either one of the Fire Stations. Mr. Lambert stated for the record that he loves babies and if this is an opportunity to provide for the well-being and safety of an infant child, he gladly accepts it. He would much rather have an Ordinance and a Baby Safety Box in place and never have to use it than not to have one or have the need for one. As Councilor Bencomo stated, he is one hundred percent (100%) ready to move forward.

Mayor Ladner asked if there were any more questions or comments from the public. Hearing none, Mayor Ladner asked for a motion.

Councilor Cano moved to approve **of a Notice of Intent of Ordinance 1326: A NOTICE OF INTENT TO ADOPT AN ORDINANCE ADDING SECTIONS 22-31 THROUGH 22-39, ARTICLE III, CHAPTER 22, HEALTH, TO THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, ALLOWING PERSONS TO SAFELY LEAVE INFANTS NOT MORE THAN NINETY DAYS (90) OF AGE OR LESS, AT SAFE HAVEN SITES, OR IN SAFETY DEVICES FOR SURRENDER, WITHOUT CRIMINAL PROSECUTION FOR ABANDONMENT OR ABUSE OF A CHILD; AND ALLOWING THE INSTALLATION AND OPERATION OF SAFETY DEVICES FOR THE SURRENDER OF INFANTS.** Councilor Snider seconded the motion as stated.

Mayor Ladner asked for a roll call vote. Town Clerk, Alfred Sedillo did a roll call vote. Councilor Bencomo voted aye; Councilor Prince abstained; Councilor Snider voted aye; and Councilor Cano voted aye. Mayor Ladner stated there were three (3) yes votes and one (1) abstained which is a no according to Robert’s Rules of Order. Motion is approved three (3) to one (1).

E. Approval / Disapproval of rescheduling January 23, 2024, Regular Town Council Meeting to January 30, 2024. Mayor Ladner stated most of the Council will be in Santa Fe on January 23rd and would like to reschedule the Council Meeting to January 30th. Mayor Ladner asked for a motion.

Councilor Prince moved to approve the rescheduling of the January 23rd Regular Town Council meeting to January 30th. Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Town Clerk, Alfred Sedillo did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Snider voted aye; and Councilor Cano voted aye. Motion carried unanimously.

12. ADJOURNMENT - Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Prince moved to adjourn. Councilor Cano seconded the motion. Motion carried unanimously. The meeting was adjourned at 7:04 p.m.

/s/
_____ **Ken Ladner, Mayor**

Attest:

/s/
_____ **Alfred Sedillo, Town Clerk**