

**TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
June 27, 2023, 6:00 p.m.**

Members Present:

Ken Ladner, Mayor
Rudy Bencomo, Councilor District 1
Nicholas Prince, Councilor District 2
Jose A. Ray, Jr., Councilor District 3
Guadalupe Cano, Councilor District 4

Others present:

James Marshall, Assist. Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Vickie Toney, Code Enforcement
Animal Control Officer
Thomas Hernandez, Code Enforcement
Ben Beltron, Executive Director, CATS
Juno Ogle, Silver City Daily Press
Lynn Janes, Grant County Beat

1. CALL TO ORDER - Mayor Ladner called 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.

Mayor Ladner welcomed the City Administration, Law Enforcement and members of the Press and community.

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Ray stated he was glad the Silver School Board will be allowing armed guards in the schools to protect the children and staff. Also, he has noticed that the homeless have become more aggressive to the public, he is asking for the public to have patience with them and try to help them if possible. Councilor Ray encouraged everyone to support the activities of the surrounding municipalities.

Councilor Prince stated in the last two (2) weeks he was on point for the community evacuation preparation in Pinos Altos standing up against the militarization of our school security, and meeting with key institutional leaders for our community's response to the behavioral health crisis we are all seeing in our streets. Professionally, he has been able to still maintain the technical needs of community's healthcare providers, schools, and construction groups. There was a follow-up meeting, of which Ms. Patricia Cano and Commissioner Chairman Ponce were in attendance. Councilor Prince outlined the current measured thought from medical experts in our community. Underneath the Federal Department of Health and Humans Services, or DHHS, the relevant body is the Substance Abuse and Mental Health Services Administration, or SAMHSA.

Their recommendation is a Certified Community Behavioral Health Clinic, or CCBHC. As Dr. Teresa Arizaga, head of HMS' behavioral health explained, the key services required are: Crisis Intervention, Treatment Planning, Screening/Diagnosis/Risk Assessment, Outpatient Mental and Substance Use Services, Targeted Case Management, Outpatient Primary Care Screening and Monitoring, Community-Based Mental Health for Veterans, Peer/Family/Counselor Services, and Psychiatric/Neuropsychiatric Rehabilitation Services. As we've all seen, there has been significant concern about the gaps in our present system, and, if we would remember a short year and a half ago, when the eviction moratorium ended, when housing prices were doubling, if not quadrupling, that this would be a consequence.

For those working the problem, and those who want to work on the problem, he reminded this body that we can't afford to exclude, not communicate with, or work without the people and resources we've got. We are a small community, in a small county, in a small state, and cannot afford the loss of human capital.

Be kind, remember that communication is a two-way street, as the elected representatives of this town it is good to call and email the folks already doing the work with concerns, and then be there for outreach because we are losing lives to this system, and we, more than most, can connect the dots to get us all to a better societal outcome.

Councilor Bencomo stated he attended the Fiesta Latina at the University; it was well attended and the music was great. He also attended the Monday with the Mayor where there were many concerns and had good ideas on how to improve the City overall. Councilor Bencomo stated they are handling the issues the best that they can. Councilor Bencomo reminded the public of the removal of the green recycling bins starting on July 1st, but was corrected it will be the end of July. He also met with Chris Uribe who offered opportunities on how to improve the Town's website and the information that was presented was very appealing. Councilor Bencomo thanked all the fire fighters from all the agencies who participated on the Rico Fire.

Councilor Cano stated she also attended the Fiesta Latina, one of the good events in town. The University continues to bring world class musicians to Silver City at reasonable prices and encourages people participate in the events. Councilor Cano echoed Councilor Ray about participating in other municipalities events, she attends the Music in the Park at Viola Stone Park in Santa Clara Friday evenings starting at 6:00 with food vendors and great music, a great place for families. Another event that was in conjunction with Fiesta Latina was the Bi-National Indigenous Expo/Encuentro the first of its kind with presentations from the Chiricahua Apache Nation a very good learning experience. Councilor Cano commented on the School Board decision which was very hard for them to make and asked the public to be kind when they are giving their comments. Councilor Cano touched on the Homelessness Task Force, advising they are having meetings and are working on several issues at once and have already solved some issues. The meetings are closed to the public because they are working on some very sensitive issues, also there are no elected officials on the Task Force they are all community members, for now they will not be open to the public. The Task Force members can be contacted through their emails they put public or you can reach out to Councilor Cano and she will convey the message to the member. Councilor Cano wished everyone a Happy 4th of July and encouraged everyone to attend all the festivity's going on in the community.

Mayor Ladner thanked the Code Enforcement Department for the recent work they have done getting a home that had burned down cleaned up. Mayor Ladner also received an email from Silver Schools Superintendent Hawkins to remind the public to be diligent watching for children riding their bikes and outside enjoying the summer.

6. APPROVAL OF MINUTES – June 13, 2023, Regular Meeting. Councilor Ray moved to approve the June 13, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Bencomo seconded the motion as stated. Motion carried unanimously.

7. PUBLIC INPUT – Anne Nitopi stated she did not fully understand the zoning change, she had a few questions but was informed there is no question and answer during Public Input. Ms. Nitopi stated she was informed she could get answers to her questions at the Regular Town Council Meeting. Ms. Nitopi continued to ask her questions knowing she would not get an answer. Mayor Ladner stated Public Input was only for the input and if they had any questions to visit with Assistant Town Manager James Marshall or any other city administrator.

Janet Wallet-Ortiz echoed a little of what Anne Nitopi had spoken about, but had a few concerns of herself. Ms. Wallet-Ortiz stated she had spoken and written publicly on the development of the specific area. She feels there is a conundrum, zoning as Open Space which she is not against being done, what will happen after it is rezoned. Ms. Wallet-Ortiz continued with her questions and concerns and hope during the meeting some of them would be answered.

Greg Sierra's concern are the wild animals as well as cleaning the area, it seems no one has a concern cleaning the area. Mr. Sierra would like to see Game and Fish get involved to help control the wild animals from entering the area and resident's homes. Mr. Sierra stated he saw Mayor Ladner picking up trash going towards Boston Hill, he has a lot of respect for him.

8. REPORTS:

A. Managers' Report: Assistant Town Manager James Marshall reported on the sewer leakage at San Vicente Trail. Currently there are signs posted about the water is not being safe to be in or okay to consume. Mr. Marshall gave a report on test values taken, but was not sure if the test measurements are consistent with the measurements from the Gila Water Shed Keepers use. Above the spill they were well within normal limits and below the spill were exceeding the limits. The tests were done on June 21st, the test was redone this week at a couple of different sites and the results are still not safe. The signs will continue to stay up and they encourage everyone to continue to stay out of the water as well as people's pets. Mr. Marshall stated with a couple of good rains, it should wash everything out of the stream. The removal of hard items people flush down their toilets that does not dissolve all the way down the creek where the water disappeared into the ground. The visible items should be cleaned and the bacteria (E. coli) will remain until there is a good rain. Testing will continue to make sure it is safe for the public before the signs can be removed. Mr. Marshall stated on July 4th the Town of Silver City has adopted the New Mexico Fireworks Licensing Safety Act and there are some criteria within our code. Mr. Marshall continued to go over what is legal and illegal types of fireworks within the city limits along with the time frame of June 30th through July 4th from the hours of 9:00 to 10:00 except for July 4th and weekend nights excluding Sunday the permitted hours will be 9:00 to 12:00. If anyone is wondering what type of firework is legal or illegal, the Fire Department has inspected all firework stands within the city limits and anything sold at these stands are legal. If fireworks are purchased outside the city limits or elsewhere in the state, it may or not be legal in the city limits. Mr. Marshall stated for a fire restriction the Fire Chief after consultation with the Town Manager and upon consideration of evidence that a circumstance of great fire danger exists by virtue of extreme or severe drought presently existing the Council can issue a Proclamation. Mr. Marshall has looked at the drought monitor used by code; we are far from a drought. The Fire chief is in contact with the Forest Service who helps guide when to issue a fire restriction. Mayor Ladner asked if there were any questions for Mr. Marshall. Councilor Bencomo asked Mr. Marshall if the Fire Department would be patrolling for the 4th of July. Mr. Marshall stated the fire units would be patrolling. Councilor Prince asked if fireworks are still going off after the time allotted by Town

accessory uses, trails, and structures directly incidental to such open space use, protection, and maintenance, such as parking areas, hikers' shelters, and maintenance equipment sheds.” Ordinance, if Town residents contact Central Dispatch. Mr. Marshall stated if after 10:00 on weekdays other than the 4th or on a Friday or Saturday night after midnight call dispatch.

9. PUBLIC HEARINGS: PUBLIC HEARINGS: Approval / Disapproval of a request for a Zone Change, for one tract of land, from Residential A to Open Space, legally described as Quarter: SW S: 34 T: 17S R: 14W PT NEQSWQ Quarter: SE S: 34 T: 17S R: 14W PT NWQSEQ 29.593 AC. The property is approximately bounded on the south by the Silver Cliff Apartments, approximately on the east by Ursa Major and Crestway Drive, and approximately on the west by Little Walnut Rd. excluding all private property in Silver City, NM. The applicant is the Town of Silver City. "The Town Council will serve as the Hearing Board, and I as Mayor will be the presiding officer."

"Have any members of this Hearing Board had ex parte discussions with any person regarding the subject matter of this hearing, or had any communications from any party to this case, or has a direct or indirect financial interest affected by this matter?" Council advised no.

Mayor Ladner stated, "Will all parties and witnesses intending to testify, including those staff members who intend to present testimony or who will be available for questioning, please rise to be sworn in by the Town Clerk. If you have not been sworn, you will not be permitted to testify or otherwise participate in this hearing." Jacqui Olea, Janet Wallet-Ortiz, Anne Nitopi and Joann Saucedo were sworn in by Town Clerk, Alfred Sedillo.

Mayor Ladner stated, "The Hearing will be conducted as follows: The Town Staff, Jacqui Olea the proponent who is also the Community Development Director, shall present a brief synopsis of the matter being brought before the Town Council. Next will come any other witnesses that have been sworn in the staff and witnesses for the Town may then be questioned by the Hearing Board and presiding officer. At the end of all testimony for the Town, The Presiding Officer will then ask the proponent if that concludes his/her case in chief, and state that the proponent and his/her witnesses shall remain available to be further questioned by the Hearing Board or by Opponents to the Towns case.

Following the close of the proponent's case, witnesses in support to the proponent's case, if any, shall be permitted to testify, during the course of which the witness may address questions to any previous witness, but such questions shall be made through the Presiding Officer. The Presiding Officer shall have the sole discretion in directing the question for response, considering whether the question is relevant, is cumulative to other testimony, or is otherwise inappropriate."

"Will the Town Staff come forward and identify yourself and proceed to present the substance its case to the Council.

Analysis: Jacqui Olea stated on February 24, 2023 the Community Development Department completed an application for a zone change on the subject property. The application was heard by the Planning and Zoning Commission on May 2nd where the Commission provided a recommendation to the Silver City Town Council.

The land is currently undeveloped. According to the Land Use and Zoning Code of 2010 Section 3.1.12 "Open Space is intended to preserve and enhance public open space. Purposes served by such lands include recreational uses such as hiking and bicycling, preservation of scenic vistas, preservation of sensitive lands, protection of natural vegetation, wildlife, and land forms, and protection of natural areas for such natural processes as flooding to occur without damaging development." The use of the area is restricted to operations described in 3.2.6(B) "natural areas and

Town of Silver City Comprehensive Plan of 2017, page 3-24; C. Development Regulations-Zoning; The Town should coordinate land use and community design goals with the goals of other planning elements such as housing, community design, transportation, and economic development. The Town's development regulations should reflect this integrated approach to planning, ensuring all new development has a beneficial influence on the quality of life to improve future opportunities for the community. The zoning map should be updated to reflect all categories and current uses.

Individual amendments to the Official Zoning Map on a case-by-case basis, like this request, provide the Town and its residents some flexibility in meeting a long-term goal of the Land Use and Zoning Code of 2010. Based on the objectives of the Comprehensive Plan and the Land Use Code, the Town hopes to align the Official Zoning Map with the Land Use Code, the Comprehensive Plan, property owners' wishes, and the ways that the Town has grown and developed.

After departmental review of the application, the Code Enforcement, Utilities, Fire, Police, Public Works, Engineering, and Meters Division had no comment.

Citizen Participation Report: As required by Section 6.2.11 of the Land Use Code of 2010, The Community Development Department contacted the property owners as identified by Grant County Assessor parcel data, within 300 feet of the affected area by U.S. mail, regarding the proposed Zone Change. The Community Development Department mailed notification letters on June 6th, 2023, and scheduled the meeting for June 27th, 2023. One response was received during the Citizen Participation process. The respondent (Jose Barrios representative) asked only for clarification on what Open Space Zoning Designation entails. Once informed of the zoning regulations, they were in favor of the proposal and liked the idea of preserving the area.

Findings: When the Town Council provides its decision about the request at hand, it shall, at a minimum, make at least one of the following findings:

1. The proposed amendment is in substantial compliance (or not in substantial compliance) with the Town's Comprehensive Plan;
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan (or it will adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan);
3. The proposed amendment is justified in order to correct a mistake in the Town's Comprehensive Plan (an error in the assumptions about the property, surrounding uses population forecasts, rate of land consumption, or other factors);
4. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code (or it will adversely impact the public health, safety, or general welfare and will not promote the original purposes of the Land Use Code);
5. The proposed amendment responds to changed conditions, such as changes in assumptions on capital investments, road locations, population trends, land committed to the development, density, and use of further studies that have been completed since the adoption of the Land Use Code, (or does not respond to changed conditions);
6. The proposed amendment is necessary in order to respond to state and/or federal legislation.
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

Recommendation: It is the recommendation of the Community Development to the Planning and Zoning Commission to approve this Map Amendment/Zone Change as it meets the following

findings:

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan and
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan.
4. The proposed amendment will not adversely impact the public health, safety, or general welfare and will promote the original purposes of the Land Use Code.

Jacqui Olea stated that the land is currently zoned as residential and is one of the most restrictive residential zones which only allows mainly houses but under certain circumstances different types of housing are allowed such as duplexes, condominiums, tiny homes and assisted living facilities. With conditional uses Art Galleries would be allowed, Bed and Breakfast would be allowed as well as Restaurants. With this zoning designation it would be an administrative change which has nothing to do with the trail. Every property in the Town of Silver City has to be zoned. This is an extra protection to allow this natural space vista that has been recognized as an archaeological site would be further preserved in future generations and once the zone is changed, to change again, it would have to go through the zoning process. Which they would have to inform people within three hundred (300) feet, have two (2) Public Hearings as was done for this zone change.

Mayor Ladner asked "Does that conclude her case in chief"?

Jacqui Olea responded yes, unless the Council had any questions.

Mayor Ladner asked the Council if they had any questions for Ms. Olea.

Councilor Cano stated she wanted her statement recorded in the minutes, her concern, if this is done will it mean that trail changes that were proposed a couple of months ago would make things easier and will it mean that the trails such as that have to go in front of the Council approval since the zone change.

Jacqui Olea stated whenever it comes to outdoor recreation most things can be done without going to the Council. There previously was a proposed plan for a trail, that is not happening. There was a lot of outreach from surrounding property owners, with that the area is undeveloped and will remain undeveloped for the foreseeable future. The property will be left as naturalized as it is currently.

Councilor Cano asked a couple of questions that were asked by some of the people during public input. Who will be maintaining the area and how is the area going to be as protected sites and also open space?

Jacqui Olea stated, the area is Town property, so if there is any dumping or if anyone sees the area used inappropriately, they would contact Code Enforcement depending on the nature of what the act is or call dispatch. As far as maintenance in the area, the current trail is not made to the specifications as the trails are at San Vicente or Boston Hill. The property has been used as recreation openly, if it is kept as protected space more infrastructure would be required and residents in the area did not want infrastructure. So, without infrastructure it will remain open space.

Councilor Cano was also concerned about the wild life animals in the area, if the Town would be liable if a citizen was bitten by a wild animal. Ms. Olea did not know the legality if someone is bitten by a wild animal on Town property. She does encourage citizens to report if they do see a wild animal in the area.

Councilor Bencomo asked Ms. Olea if she is required to reach out to residents when zone changes are being requested. Ms. Olea stated by the Municipal Code, the residents must be contacted if they are within three hundred (300) feet of the property being rezoned along with ads in the newspaper.

Councilor Prince stated the major concern heard was how important and relevant the property is for the community and if there was a committee holding public meetings monthly bases and if there was any engagement with the residents. Ms. Olea stated there has been an increase in public input to the committee.

Councilor Cano asked Ms. Olea could someone purchase the property to add a structure or structures on the property. Ms. Olea stated, since it will be zoned as open space it could not be sold.

Mayor Ladner asked Ms. Olea if there was anything else she wanted to be reflected in the record. Ms. Olea stated no.

Mayor Ladner asked “If anyone sworn in who wish to testify in opposition to the zone change?” “Please come forward to the podium”.

Janet Wallet-Ortiz had a couple of questions, not so much in opposition just clarification. If there is anyone familiar with invasive species such as mistletoe which is very bad in the area if something can be done or will the Town do something. Ms. Olea asked Ms. Wallet-Ortiz if she could meet with her at her office they could speak on the issue. Ms. Wallet-Ortiz also asked about signage in the area especially in regards to fireworks. Ms. Olea advised Ms. Wallet-Ortiz the Fire Chief is in the same building as her office and she could speak to him.

Anne Nitopi expressed in opposition to the rezoning of the area, she had several concerns on how the area will not be protected. She feels the rezoning is to build in the area and make bike trails.

Mayor Ladner again asked “If anyone sworn in who wish to testify in opposition to the zone change?” Seeing none. Mayor Ladner asked if the Hearing Board was prepared to consider the matter and ready to render a decision.

Mayor Ladner asked for a motion.

Councilor Bencomo moved to approve of **a request for a Zone Change, for one tract of land, from Residential A to Open Space, legally described as Quarter: SW S: 34 T: 17S R: 14W PT NEOSWO Quarter: SE S: 34 T: 17S R: 14W PT NWQSEQ 29.593 AC. The property is approximately bounded on the south by the Silver Cliff Apartments, approximately on the east by Ursa Major and Crestway Drive, and approximately on the west by Little Walnut Rd. excluding all private property in Silver City, NM. The applicant is the Town of Silver City.** Based on the recommendations and findings: The proposed amendment will not adversely impact the public health, safety, or general welfare and will promote the original purposes of the Land Use Code. Councilor Prince seconded the motion as printed correcting the wording of Ursa Major not Ura Minor. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted nay; Councilor Prince voted aye; Councilor Ray voted nay; and Councilor Bencomo voted aye. Mayor Ladner stated the vote was two (2) to two (2) with Councilor Cano and Councilor Ray voting in opposition and Councilor Prince and Councilor Bencomo voting for the zone change. Mayor Ladner stated in case of a tie the Mayor can break the tie. Mayor Ladner voted aye in favor of the motion. Mayor Ladner asked for a roll call vote to have it on the record accurately. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted nay; Councilor Prince voted aye; Councilor Ray voted nay; and Councilor Bencomo voted aye. Including Mayor Ladner as a yes. **Motion carried.** Mayor Ladner stating the Public Hearing is concluded.

10. UNFINISHED BUSINESS: NONE

11. NEW BUSINESS:

A. Approval / Disapproval of a Special Dispenser Permit: for Oldies Music Venue with Cars Festival for July 8, 2023, with alcohol served from 5:00 pm to 11:00 pm at 101 E. College Ave., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, NM 88061. Anthony Quintana stated they are looking to do a community event in front of Q's Bistro on July 8th including cars and music with the road fenced off from the east side Pope Street with liquor served within the fenced area with security. They have had several events like this in the past and are asking the approval of the Council. Mayor Ladner asked if there were any questions for Mr. Quintana. Seeing none Mayor Ladner asked for a motion. Councilor Ray moved to approve **of a Special Dispenser Permit: for Oldies Music Venue with Cars Festival for July 8, 2023, with alcohol served from 5:00 pm to 11:00 pm at 101 E. College Ave., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, NM 88061.** Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

B. Request from Supporting People In Need (SPIN) Mayor Ladner stated it would be a presentation and no action will be taken. Joann Saucedo gave the Council and Mayor a handout and then proceeded to introduce herself as the Chair of the Board of Directors of (SPIN) Supporting People In Need. Ms. Saucedo went over several services the shelter provides to its clients and advising that due to the loss of a primary income stream that they are attempting to resolve. Ms. Saucedo stated SPIN is in urgent need of help, without assistance SPIN will have to reduce services to the community and is strongly urging the Council to approve financial assistance for SPIN.

C. Approval / Disapproval of names for Town Manager Job Description Committee. Councilor Cano reminded the public and for people who will be watching on CATS. The Council is in the process of creating a committee of community members to work on a job description for when the Town Manager retires. The Council has submitted their name they want on the committee and Councilor Cano moved to approve the names presented by each Councilor to create the committee for a job description for the Town Manager. Councilor Cano read each name starting with Mayor Ladner, Susie Trujillo, George Carr and Gail Stanford. District One (1), Priscilla Lucero, Rudy Jacquez and Mike Starr, District Two (2), Linda Aiman-Smith, Dr. Barbara Mora and Mattie Eagle, District Three (3), Wendy Phillips, Albert "Wico" Morales and Melinda Bartlett and for District Four (4), Jack Howell, Joe Saenz and Anthony Verovich. Councilor Cano recommended all names be approved and to move the committee move forward. Councilor Bencomo second the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

D. Approval / Disapproval of Resolution 2023-13: A RESOLUTION TO NOTIFY THE GRANT COUNTY CLERK OF ALL ELECTIVE POSITIONS TO BE FILLED AT THE REGULAR LOCAL ELECTION TO BE HELD ON NOVEMBER 7, 2023. Town Clerk Alfred Sedillo stated since the Town has opted to have the Grant County Clerk's Office handle the Municipal Elections, the Resolution will notify them what districts are up for election which are District One (1) and District Three (3). The approval of the Resolution will allow the Grant County Clerk to move forward with the election on November 7th. Mayor Ladner asked if there were any comments or questions for Mr. Sedillo. Seeing none, Mayor Ladner asked for a motion. Councilor Bencomo moved to approve **of Resolution 2023-13: A RESOLUTION TO NOTIFY THE GRANT COUNTY CLERK OF ALL**

ELECTIVE POSITIONS TO BE FILLED AT THE REGULAR LOCAL ELECTION TO BE HELD ON NOVEMBER 7, 2023. Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

E. Approval / Disapproval of Guadalupe Cano's candidacy for the New Mexico Municipal League Board of Directors. Councilor Cano stated every annual conference for the New Mexico Municipal League the Board of Directors is reelected and since being a part of the Municipal League for the past ten (10) years she is ready to be on the Board of Directors. She has strongly been involved with the Municipal League by becoming a Certified Municipal Official her first year and has attended all the advance classes and has been involved in other committees along with State committees. She has spoken to A J Forte the Director of the Municipal League who she would be working closely with if supported by the Council to approve her candidacy.

Mayor Ladner strongly urged the Council to support the agenda item. Mayor Ladner asked for a motion. Councilor Ray moved to approve of **Guadalupe Cano's candidacy for the New Mexico Municipal League Board of Directors.** Councilor Prince seconded the motion as stated. Mayor Ladner asked if there was any discussion. Councilor Prince asked Councilor Cano if there would be any conflict between the Silver City Town Council and the New Mexico League Board of Directors if she would feel comfortable recusing herself from any talks. Councilor Cano stated yes. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

12. Approval / Disapproval of Closed Executive Session pursuant to NMSA 1978 Section 10-15- 1(H)(6) for meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; Mayor Ladner asked for a motion. Councilor Cano moved **of Closed Executive Session pursuant to NMSA 1978 Section 10-15- 1(H)(6) for meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;** Councilor Ray seconded the motion. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously. Mayor Ladner stated they would adjourn to the Red Room after a five (5) minute break.

Council reconvened at 7:21 p.m. Mayor Ladner stated no matters other than those matters included to go into executive session were discussed. Mayor Ladner asked Town Clerk, Alfred Sedillo if he would poll each councilor for an affirmation of that statement. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Mayor Ladner stated the Council responded unanimously, let the record show that all Council members affirmed the statement that no matters other than those matters included to go into executive session were discussed.

13. ADJOURNMENT - Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Ray moved to adjourn. Councilor Bencomo seconded the motion. Motion carried unanimously. Meeting adjourned at 7:45 p.m.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Alfred Sedillo, Town Clerk