

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM  
February 8, 2022, 6:00 p.m.**

**Present:**

Ken Ladner, Mayor  
Lucian Farmer, District 1  
Nicholas Prince, District 2  
Jose A. Ray, Jr., District 3  
Guadalupe E. Cano, District 4

**Also, present:**

Alex C. Brown, Town Manager  
James Marshall, Asst. Town Manager  
James Reynolds, Town Attorney  
Freddie Portillo, Chief of Police  
Manuel Jaure, Code Enforcement Officer  
Alfred Sedillo, Town Clerk  
Roger Lance, Grant County Beat  
Ben Beltron, Executive Director, CATS  
Jordan Archunde, Silver City Daily Press  
Mike Sprowl, Silver City Citizen

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG-** Mayor Ladner called the meeting to order at 6:00 p.m. and invited the public to recite the Pledge of Allegiance and the Salute to the New Mexico State Flag. The Mayor welcomed Freddie Portillo Chief of Police, Code Enforcement Officer Juare the news media, staff and the members of the community.

**2. CHANGES TO AGENDA – NONE**

**3. CEREMONIES – NONE**

**4. PROCLAMATIONS – NONE**

**5. COUNCIL COMMENTS –** Councilor Ray commented that it was brought to his attention that Walmart is keeping track of people that are and are not wearing a mask. He is not sure why and would like to inquire what it is all about. Councilor Ray stated again to let people decide to wear a mask or not.

Councilor Prince stated that he would like to thank everyone for the outpour of support as he continues conducting his father's Last Will and Testament. Councilor Prince stated that he will return home by the end of this month.

Councilor Farmer had no comments.

Councilor Cano had no comments.

Mayor Ladner wanted to thank the community members for all of the volunteer work that they do, as well as all of the first responders for the hard work they do.

**6. APPROVAL OF MINUTES –** Regular Meeting on January 25, 2022. Councilor Farmer moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of January 25, 2022. Councilor Ray seconded. Motion carried.

**7. PUBLIC INPUT –** Mike Sprowl spoke about the mask mandate comparing the City Ordinance to the CDC requirements and he feels that our Ordinance is good other than the section that states to wear a mask outdoors if in a crowd of people. Mr. Sprowl feels that a person should not be stopped if not wearing a mask if it is not law.

**8. REPORTS –** Chief of Police Freddie Portillo handed out graphs pertaining to Crime and Crash Data from 2021 and previous four years. Chief of Police Portillo stated that at the beginning of the year his

officers and him work on ways to prevent crime and crashes in the community. Chief of Police Portillo wanted to thank the Town management for their continued support and wanted to recognize all the members of the Police Department for the continued effort keeping our community safe.

**9. PUBLIC HEARINGS – NONE**

**10. UNFINISHED BUSINESS – NONE**

**11. NEW BUSINESS**

**A. APPROVAL / DISAPPROVAL OF NOTICE OF INTENT TO ADOPT AN ORDINANCE 1309, AMENDING CHAPTER 32 (NUISANCES), ARTICLE 1 (IN GENERAL), SECTIONS 32-1 THROUGH 32-32, ARTICLE II (ABANDONED VEHICLES), SECTIONS 32-33 THROUGH 32-49, ARTICLE III (RESERVED), SECTIONS 32-50 THROUGH 32-64, PROVIDING DEFINITIONS AND EXAMPLES; PROVIDING FOR ABATEMENT; AND SPECIFYING LEGAL PROCESS.**

Town Attorney Jim Reynolds explained the amendments to Ordinance 1309 allowing Code Enforcement to deal with nuisance in two ways. First, is to file a criminal complaint in Municipal Court where the Municipal Judge can fine the violator if there is a nuisance, which will be for minor violations. The second option is for major violations, the Code Enforcement Officer can cite the violator with a Notice to Abate giving the violator to clean up the nuisance in a reasonable amount of time specified in the Ordinance. If the violator does not clean up the nuisance in the allotted time the City can clean it up. However the violator has a right to a hearing in front of the Town Council, which will be the Town Council's responsibility and duty if a nuisance exists that when and how it's going to be cleaned up and who will clean it up. Attorney Reynolds stated that the current Ordinance did not specify in detail which now it is in section 32.3. Attorney Reynolds also stated that there are illustrations in the Ordinance that what constitutes a nuisance taken verbatim from Deming and Las Cruces Ordinances. It provides a person with the knowledge if what they are doing constitutes a nuisance. Attorney Reynolds advised the Town to use a reasonable standard of common sense to interpret the illustrations in the Ordinance.

Councilor Prince read a hand out to the Councilors on his concerns. Councilor Prince asked if the Council could wait for a final adoption until May 3, 2022 to review all concerns. Councilor Cano opposed to wait until May 2, 2022 to vote on the Ordinance. Normally 30 days for public input is enough time. It does not take three months for the public to give us input so she did not feel that the Council should take three months to give their input to approve the Ordinance. Mayor Ladner asked Attorney Reynolds if he would answer the concerns Councilor Prince pointed out. Alex Brown advised Mayor Ladner that Mr. Reynolds and James Marshall worked on the Ordinance together and Mr. Marshall would answer the questions. Mr. Marshall stated that he reconciled both the proposed NOI and current Ordinance and they both were close to both Deming and Las Cruces Ordinances that Mr. Reynolds used to draft the amended ordinance. Mr. Marshall answered most of the concerns that Councilor Prince spoke about in his comments. Councilor Ray moved to approve NOTICE OF INTENT TO ADOPT AN ORDINANCE 1309, AMENDING CHAPTER 32 (NUISANCES), ARTICLE 1 (IN GENERAL), SECTIONS 32-1 THROUGH 32-32, ARTICLE II (ABANDONED VEHICLES), SECTIONS 32-33 THROUGH 32-49, ARTICLE III (RESERVED), SECTIONS 32-50 THROUGH 32-64, PROVIDING DEFINITIONS AND EXAMPLES; PROVIDING FOR ABATEMENT; AND SPECIFYING LEGAL PROCESS. Seconded by Councilor Cano. Mayor asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

**12. ADJOURNMENT -** Mayor Ladner stated this concluded the business of the Town of Silver City, and asked for a motion to adjourn. Councilor Farmer made a motion to adjourn at 7:17 pm. Seconded by Councilor Ray, All in favor. Mayor asked all opposed say nay, there were none opposed. Motion carried.

/s/  
Ken Ladner, Mayor

Attest:

/s/  
Alfred Sedillo, Town Clerk