

MINUTES
WORKSHOP OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
RUIDOSO DOWNS SENIOR CITIZENS CENTER
DECEMBER 8, 2003

Council Members of the City of Ruidoso Downs met in a Workshop on December 8, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Ida Hale to lead the Pledge of Allegiance. The following Councilors were present:

Councilor Morales	Councilor Miller
Councilor Olivo	Councilor Garrett

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Alan Morel, Lincoln County Attorney

APPROVAL OF AGENDA

Mayor Miller asked for a motion to approve the agenda. Motion was made by Councilor Morales and seconded by Councilor Miller to approve the agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, discussion of the Cooperative Agreement and Lease for the Ruidoso Downs Senior Citizens Center.

Attorney Bryant said I have prepared a work sheet with a list of items for discussion. We have had a couple of meetings since mid-summer discussing the Senior Citizens Center. Basically, there were two sets of issues. One was getting broader use out of the facility, part of which we accomplished in a meeting Mr. Waters and I had with Tom Stewart and Alan Morel. I have given all of the Councilors copies of a Senior Citizens Center use brochure and an application form. We amended the language in the draft lease to allow for those kinds of uses. The county has this little pamphlet and sign up form to use when people want to use the Senior Citizens Center. However, in my discussions of the last couple weeks with some of you, there have been concerns about using the Senior Citizens Center for private activities such as weddings, quinceañera, birthday parties and things of that nature. I put that on the list of items for discussion and below that I listed the concerns that were expressed by the county about those kinds of private uses. I believe either Mr. Stewart or Mr. Morel with the county will be arriving shortly to discuss those issues. If we want to expand the use of the facility for private activities, we are going to have to revise the

draft lease agreement again and then we will have to work out how we handle insurance coverage, liability issues, security for the meal site and their equipment, a rental fee for the facility and then how do you handle the issue of cleanup. Except for the weekends, anytime the facility would be used by a private entity or civic group, it has to be cleaned up, set up and ready by 9:00 a.m. for the meal site operation. Since this isn't a center like Ruidoso's where they don't do meals on site, we have to address this issue in terms of those other kinds of uses.

We held a meeting at the Center in June or July and we discussed transportation of people to and from the meal site for meals, individual transportation of area seniors for appointments that are local in nature and then we also discussed having a scheduled transportation system for local appointments. We also discussed how do we set things up if we want to take someone out of town for a medical appointment. I know some of that does happen from time to time. It is my opinion, and I think Mr. Morel agrees, that the transportation issues can be worked out outside of the lease. We don't have to amend the lease; we just have to come up with a budget, what kind of a program do we want, how are we going to staff it and fund it.

The third item in my list of topics, if we are going to do one or more of the items above, we have to talk about how are we going to staff it, what are the requirements going to be, and how much money do we need. That is an introductory discussion of the topics that I had identified for this work session.

Attorney Morel said the County Commission had a meeting about six months ago and wrestled to come up with a policy that would be utilizing all the centers that we operate so that we are not treating one person differently from another. After a lot of consideration, we adopted this policy. If there is anything in here that you would like to change, I will take it back to the Commission and see if they would like to incorporate it in. We discussed every one of these issues of whether we should open it up to the public and when, under what scenarios would you want to make sure liquor wasn't involved and if it was then what type of insurance. In discussing all of those various issues, this is what we came up with and it seems to be working really well. Is there anything you would like in your Center that we are not allowing then talk to me.

Mayor Miller asked what is your concern Councilor Olivo. Councilor Olivo said my concern was our Senior Center was used in the past for our citizens to use it for private parties and weddings. We are aware of the incident that happened and everything came to an end. I am for our citizens using that facility for their use after hours or on weekends provided as it says here we charge a cleanup fee, they have to have security and no alcohol allowed.

Councilor Garrett said I spoke to Gerald Garcia at the Department of Finance and Administration in Santa Fe and he is going to get back to me but it is my understanding that the State's position probably is it shouldn't be used for private

parties. Public facilities owned by a government entity isn't open to private parties. He said he would give me a written decision but he hasn't gotten back to me yet. He said the State is leaning toward the fact that they shouldn't be used for private parties. Councilor Miller said there is no law against it, right. Councilor Garrett said I don't know.

Attorney Morel said we don't control some things that happen in the centers. We have some restrictions placed on us with respect of the use of the facility when we are getting funded to provide certain services. That is why during the day we couldn't allow anything to interfere with providing Meals-On-Wheels and those kinds of things. Even in the evening use with this particular program, you still have to make sure when other people use it they are paying their fare share to offset the cost.

Councilor Miller said I rented it in 1995 for 3 to 4 hours it was \$150.00 and there was nothing really to clean up. Councilor Olivo said Ruidoso does rent theirs for so much per hour, so much deposit for cleaning fee and so much for security. That's because there is no alcohol allowed. To me, since our citizens in this beautiful city don't have any facilities; the only facilities we have are the Civic Center which is very expensive or the Elk's Club. Councilor Garrett said the Ramada has a room. Councilor Olivo said that is not a public place. Councilor Miller asked why does the Auxiliary rent it for their arts and crafts. Councilor Garrett said we have rented it before but I don't if we will be able to rent it this year because we charge admission. We are a civic group; we are not a private person. This State says civic groups are allowed to rent it. It just comes down to the private rental, not the civic groups and not a group that is sponsored by the city. That is what Mr. Garcia tried to explain to me. There is a big difference between private rental and use by a civic or public group. Councilor Olivo asked Mr. Morel when this was done before, did we have any problems with renting to the public. Were you then an attorney for the County. Mr. Morel responded but was inaudible. Mayor Miller said there were restrictions imposed when it was built; it was built by CDBG funding. Administrator Waters said when you build a facility with CDBG funding, it depends on what it was built for originally. I would have to go back and check again with DFA to see if there is some type of usage clause on what you can actually use it for. If it was built with CDBG funds there may still be a usage clause that this facility must be used as a senior center if it was built for a senior center. If it was built as a senior/community center then you would have to go back to the original language.

Councilor Olivo said there is a lady in the audience that was one of the originators; in fact there are two of them when the senior center was built. Why don't we ask them some questions and what they applied for when they built it. Florence Harris said I helped organize the Auxiliary. It had gone dormant for about ten years and then Bessie Gates and me reorganized the Auxiliary. We had our first arts and crafts fair in the early eighties to raise money to build a community center. It turned out we couldn't get a loan and CDBG and do this on our own. The Village had to take it over and they helped. We had all of the metal work done, we had a cement floor

and we had put in quite a bit of money into it and we wanted it for a community center but we had to change it because we weren't able to do it.. The Village took it over and it turned out to be a Senior Citizens Center. I would have to look back on the Minutes to see exactly everything about it. That is basically all that I can tell you right now.

Councilor Miller asked Flo if she remembered using it as a community center at times. Flo said whenever the Village took it over, I don't think they were able to use it as a community center; I think they had to change it to a senior center in order to get the loan or CDBG, I think. Councilor Garrett said that is what I understood too. Mayor Miller said it was leased to the county. The County took it under their control and have been doing a wonderful job. Flo said our first idea was we wanted a community center for Ruidoso Downs where everybody could get together and have a place for the children but it didn't work out that way. The Village took it over and did the best they could to finish it with what they could get. I think it had to be a senior citizens center but I am not positive.

Sally Rue said I live in Ruidoso Downs and I was also a member of the ladies auxiliary. As I can remember that community center at the time was established in 1992 because I was the first one to rent that center for my daughter's wedding. It was a community senior center. Mayor Miller asked it was not leased to Lincoln County like it is now and Ms. Rue replied the Village had matched our funds. Councilor Garrett said so it was CDBG funds. We just need to pull the contract. It is my understanding it is a senior center. Councilor Olivo asked do we know what year it was leased to the county. Attorney Bryant said the lease we are operating under was a ten year lease. It started in 1993 and expired in 2003. What I don't know is if there was a lease in place before that one. I do remember this just from living in the community. The Meals program was run out of the Ruidoso Senior Citizen Center. There kitchen wasn't big enough and the Meals program was growing. There might have even been a period of time when we lost the Meals program for a while until we got it set back up and moved down here because this one had a bigger kitchen that could actually meet the need. Sally Rue said we were having a hard time doing it but I don't think it ever stopped; we were doing it out of a restaurant.

Pappy said I live in the Downs. Pappy's Diner did the Meals-On-Wheels from 1992 to sometime in 1993. That was before the kitchen was built. In fact, a fellow that is doing Meals now was working for me at one time before he started at the Senior Center. He was about the third chef they had and he has been there five to seven years. There was no lease before this ten year lease with Lincoln County. Actually the auxiliary cleaned it; how the contract read I have no idea. It was a Senior Citizens Center before it was turned over to the County. The building was owned by the City before it was turned over to the County. I don't know anything about the grant. I wasn't involved except for the Meals-On-Wheels. I did the Meals-On-Wheels through the Ruidoso Senior Center.

Ida Hale said in those years you are talking about, they asked one of the Auxiliary ladies and I happened to be one of them that went down to each center once a week on Thursday because the county was going to take over things. It was not too long before they had a contract. (Some of Ms. Hale's comments were inaudible.)

Administrator Waters said Carol Virden provided me with a 1991 CDBG document, Final Progress Report, on the Senior Citizens Center. It is listed as CDBG Project No. 90-C-NR-I-3-258. It talks about the explanation of the impact of the problems that were necessary for the program. It says "the construction and completion of the Senior Citizens Center providing a year round recreation facility and social service programs for the senior citizens of Ruidoso Downs. This was a concern for many years as funds were not available. Future plans are to use the facility to provide a meal site for proper nutritional meals for the senior citizens. The completed project will benefit low to moderate income. Under the limited clientele activities (which is the clause I was concerned about as to governing the use of the facility) this project will serve 100% elderly persons, therefore, 100% of the project beneficiaries will be from low to moderate income families."

We used senior citizens as a reason to get it just as if our CDBG grant for the River Park area would be to the areas of the affected people or the people that live there, we would have to receive some kind of permission from CDBG in order to use that somewhere else as of my understanding of the regulation. The age of the facility may have some bearing on it; it might be something we could ask for. I haven't had a chance to read the actual grant agreement yet but if it is similar to the current CDBG grants, they want the project to be used for people in the affected area which means the population you got the grant for. This says 100% elderly people and 100% of the beneficiaries of low to moderate income families.

Councilor Garrett said one of the questions I got asked by the Department of Finance when I called was has it continually been used as a senior center and I said yes so that does affect how they look at what we are doing. If we had changed the use or begun to change the use then I think they would have looked at it differently but because it has continually been used daily for meals five days a week. That is one of the criteria they use. Councilor Olivo said did you state to them that it had previously been rented out for parties. Councilor Garrett said yes and I think he is saying that the State has changed their position on those things since it is a public building they are leaning towards not using public buildings for personal use. I don't want to say that right now because I don't have the document in hand; he may change his mind but that was the jest of the conversation we had. I wanted some general information on how the CDBG funding worked because I really didn't know.

Bonnie Richardson said I have been involved with using the Senior Citizens Center and I feel like there are several issues coming in here that have not really caused a problem. Before the Lincoln County Commissioners came out with a contract with a page of rules, it seems to me like the senior citizens building was being used for

different activities and there really weren't any problems until these half a dozen rules came down last year. One of those rules said the building cannot be used on Sundays and I think all this was triggered, if I am not mistaken, by an incident whereby somebody in another community wanted to use the building and it was for a political activity or meeting so the Commissioners felt like they needed to get a list of rules down. When they came out with these rules it shut out some activities. My personal experience has been that gymnastics year before last asked to use the facility during our summer camp. We used it Friday afternoon, Saturday and Sunday morning and there was no problem. We only used the part of the building that had no chairs in it and we did use the restrooms. This year when we asked to use the facility and they said yes we could use it. Between the asking and the actual days we were going to use it, these rules came down. We could not use the building on Sunday therefore we were shut out because the activity we had planned for Friday afternoon, Saturday and Sunday morning. Gymnastics is a non-profit organization; it is primarily to support the sport of gymnastics for the children in the county. I do not want to speak for the Auxiliary but these rules will impact their arts and crafts fair, their money making project that benefits this community. If they cannot use it as they have in the past, it is going to present some problems. The problem that I see is the rules the Commissioners past. One of the Commissioners told me if we have a problem with these rules, come back to them and talk to them. He said I am sure we can work something out. I feel like they are willing to but if the rules stall here and we don't meet the communities' needs, then that building will not be used for anything else. So if it goes back to whether CDBG says yes, you can use it for recreation or no you can't, that hasn't even come into play yet. If that is something that you fear after ten or twelve years might happen, then maybe in can be addressed. To me right now, it is the rules that the Commissioners themselves drew up. Personally, I don't like those rules. We weren't having a problem. I don't know if anyone wanted to use the building for political purposes; that wasn't our problem.

Councilor Morales asked Ms. Richardson if she had a copy of those rules. It is not anything different than this when you make application for it and Ms. Richardson said that is right it says what you can and can't do. Councilor Olivo asked who changed the rules about Sunday; did that come down from Ada or Mr. Stewart. Ms. Richardson said I went to Ada and she read the rules and sent me the rules that say we can't do it.

Councilor Miller said the way I read this, no civic group or non-profit group could hardly use it. Even non-profit groups charge admission sometimes. Ms. Richardson said, yes, because the Auxiliary charges to get in, they cannot use the building. Councilor Miller said even for a fundraiser, you charge admission. Ms. Richardson said like the gymnastics camp; there is a charge for the camp. The way I read the rules, if you charge to get into the building, you cannot use it.

Mr. Morel said I generally try not to speak for the Commissioners because they don't always agree. What we found out when something did occur six or eight

months ago, we didn't know what was going on in our facilities. It was different in every single facility. Quite frankly until something came up, we really didn't think about it. In all of our leases, the County is ultimately responsible for that property; we have leased it from you. I think we indemnify and hold you harmless for what happens so the County does have an interest in what does happen. I think there are a couple of issues that I didn't make clear earlier. The State Agency on Aging has placed certain restrictions on the County on all of the facilities that it utilizes for the Meals-On-Wheels programs and other senior programs. I am not competent to speak about those restrictions or regulations but they are there. I need to get those for you and I will. We are limited to what we can do in those facilities over and above providing Meals-On-Wheels services and senior services. Again, it is a little different in each one of the facilities because the County only owns one out of all them that we use, the church owns some, Capitan owns theirs. As it relates to the use of the facility on weekends, that was an issue of whether we wanted to pay an employee to open it up and be responsible for the facility. If someone goes in there and tears it up because we let them in there, the County is ultimately responsible. We treat different groups differently. Those groups that have been coming there for months and years, we don't even charge them the same deposit; we don't require that a county employee be present on a weekend or in the evening. But if we are paying someone to be there in the evening or on the weekend to make sure that nothing happens to your center so that we don't get sued or have to fix it, that was the reason for the evening and weekend issue. I think the County would be willing to look at whatever but I think it has to be tempered with what the State Agency on Aging will actually allow us to do and continue to use it for a senior center. If we can't use it for a senior center, the County probably doesn't want it.

Councilor Garrett said the Auxiliary presented to the County proof of insurance because we had event insurance. We paid \$500 security deposit which we always receive back. We pay a \$500 rental fee for that building and we guarantee that it comes back exactly the way it was. In fact we usually do things; we bought all the new tables for the senior program through the Auxiliary funds. The only part I think we had a problem with as the Auxiliary was the dollar we charge to come in to the arts and crafts fair. I don't necessarily think that is a dollar to enter the building. I think that can be worked out with the County but I haven't sat down and talked to anyone yet. Mr. Morel said I don't think that is an issue since you are a non-profit organization. If it is civic, cultural, educational or governmental, it is not restricted; at least that is what I intended to draft. It is just the individual use for parties, weddings and those types of things. I don't know even if you want to do that the County would be take on that liability and responsibility. If you want to do that then I will take it back to them and let them give you an opinion.

Councilor Garrett said we have two attorneys present. If someone falls during an event and that particular group of people doesn't have liability insurance, what happens. Mr. Morel said we both get sued and the County indemnifies you.

Administrator Waters said on February 26, 1990, the then Village of Ruidoso Downs adopted Resolution 90-02. This is the resolution they did prior to applying for the grants. This is 1990 mind you and this was the mentality of the Council at that time and their intent which may have changed since then. "The Village of Ruidoso Downs would like to establish a Senior Citizens Center for the Village of Ruidoso Downs. Whereas the Village recognizes the need to provide a Senior Citizens Center for the many residents in this area. Whereas the Village of Ruidoso Downs is eligible to apply for funding assistance through the State of New Mexico Community Development Block Grant Program. Then, therefore be it resolved, the governing body of the Village of Ruidoso Downs authorizes Mayor Jake Harris as Chief Elected Official to apply on behalf of the Village of Ruidoso Downs the State of New Mexico Community Development Block Grant Program for funding under the 1990 Community Development Block Grant Program. Passed, approved and signed this 26th day of February 1990."

With that is the application and I will have Carol make copies for everybody if you would like. The application basically states some specific things, all of which mention the need for senior citizens to have a place to gather, have a place to have meals and a home for the project. Nowhere in here does it mention anything about a community center. This does date to 1990 when this project went through. What we told the State and therefore, what the State gave us a grant for was specifically for a senior citizens center. From what I have seen here, I am starting to get somewhat concerned that we get something from the Department of Finance and Administration allowing us to do whatever we are planning on doing with this facility whether it be leasing it to non-profit organizations or to the public in general because what I see here, and certainly DFA makes the final judgment on anything other than having a senior citizens center, it might be in violation of the Federal Housing and Urban Development Community Development Block Grant Program and the regulations that they have.

Councilor Miller said I remember definitely getting in trouble for placing the senior center in the park because that should have never been put in our park. Attorney Bryant said it took us about seven years to convince the federal agency not to make us tear the building down. To address a couple of issues, the way this language is written, it doesn't prohibit a non-profit group from using the facility for a fundraiser. Charging admission to the fundraiser because non-profit groups do fundraising activities. So a fundraiser for a non-profit group, whether it is the Auxiliary, the Gymnastics Academy or anybody else, they are not a profit making agency; they are not there to make money to put in some persons pocket to buy groceries with. They conduct non-profit activities so they can fulfill their mission and purpose. I don't think a non-profit group would be prohibited just because for example the Gymnastics Academy charges admission to the summer camp or the Auxiliary charges admission to the art fair. I don't think that factor would prohibit them. I am concerned because I did not know before I heard it tonight that the building was built with grant money through a CDBG application process. I have to tell the City Council and the Mayor, you need to give me time to research the law,

research the grant rules and regulations. I couldn't understand Mr. Garcia's conversation with you until I understood it was CDBG because there is no law that says a public entity can't provide one of its facilities to a private person. You just can't do it for free; you can't violate the anti-donation clause. If we are violating provisions of a CDBG grant, we have to address that. I would urge you to exercise caution because we have already been in trouble on this building once and we got out of that by the skin of our teeth. We had to make some significant promises. The new ball park that is built there in All American Park and all of that fill that was put in, all of that was done to help get us out of that violation of the grant rule that we did for the real estate that is the All American Park. Let's assume that we work all of that out and we can use it for private kinds of functions, if the City wants to do that the Council has to sit down with me in an Executive Session and you have to let me talk to you about the liabilities; how you do the insurance program, how you staff that. If I were representing the County, I would come to the City and say we are going to put a new clause in the lease that says whenever you are letting somebody use it for a private function, you are buying 100 percent of the liability. Both the Municipal League and the New Mexico Association of Counties recognize that public facilities are sometimes used by private organizations. Both of them have negotiated with national carriers a private insurance policy that is called an event's liability program. You have to fill out an application, describe the event, how many people are going to be attending. You file that either at the NMAC office if the county were doing it or with the Municipal League office if we were doing it. Based on that description the underwriter for the company that they placed that coverage with would come back and tell the organization we will insure your function but the fee is "X". By doing that as an organized function through the Municipal League and the Associations of Counties, we have been able to keep the costs down. But there are some particular functions that are heinous in nature for which they charge exorbitant insurance rates. One example is the Rattlesnake Roundup that is done at the Otero County State Fair. There are other kinds of events that are very suspect. Dances because the insurance industry looks at a dance this way. I don't care what your rule is, they think those young people are going to go out to the parking lot and drink and they know they are going to slip and fall on the dance floor and they are going to get claims. So those kinds of events have to pay a very high premium even with this special kind of coverage.

When we first started this, the City was under the impression that we couldn't use the facility at all. When we discussed the lease with Mr. Stewart and Mr. Morel, we expanded it to allow for all of these civic and cultural education uses. The remaining step, Mr. Olivo, is the private use step. I don't think you can make a decision on that tonight because I have to get some information for you and get for you what I hope will be a reliable legal opinion about whether we can even do that or not. Alan, let me ask you about the Sunday usage. We have already identified two civic groups that would use the facility if we could expand that. Do you think there would be a lot of heartburn, and I am not asking you to make the call for the Commission, but it seems like that is something we can at least go back and talk about. Attorney Morel said actually I think Tom Stewart has the ability to override

any provision in here. If that is something you want to do; it was strictly related to us not having to hire an employee to go sit over there paying them double time on Sunday for an event that we are not going to receive any income back. Councilor Garrett said as long as I have been with the Auxiliary, I have never had a problem with the County.

Administer Waters stated this is a Workshop so if you would like an actionable item, we would have to wait to a Council meeting to schedule it.

Pappy Bell said this is just an opinion but Dan when you are researching for the grant and how it can be used I wondered if you could research also for the private party. I know when I was doing the Cree Meadows Country Club, I did a lot of functions at the Civic Center with my liquor license. At all of those functions, I was the responsible person; I had to have the liability insurance. It was only a temporary license they gave us to move out from the Cree Meadows Country Club to the Civic Center ; it was a picnic license and you have to make quite an extensive application to the Liquor Board for that and you have to have all of the responsible insurances and liabilities to be able to promote that. The liquor license holder is the one that is responsible for the liability of anything that would happen. If the party had something go array they were responsible for the liability of whatever happened.

Mayor Miller said the way the lease is now, they won't allow any alcoholic beverages.

Pappy Bell asked why does the City lease the Senior Center to the county. Attorney Morel said it is my understanding it is based upon the fact the county runs the senior program and Meals-On-Wheels program. Attorney Bryant said when we went through the move of Meals-On-Wheels from Ruidoso to your restaurant because I do remember for a year or so, we didn't have a Senior Center that was doing that. When we went through that process, Ruidoso Downs had a budget of about \$150,000 a year and \$75,000 of that was a gift from the racetrack every year. We didn't have anything to do anything with. Ruidoso couldn't afford it because they were busy with their renovations to run the program and the county, through its general fund budget, took on the Meals-On-Wheels program. The County gets grant money from the Area Agency on Aging that helps with those expenses but I guarantee you they contribute a significant sum of money, I think six figures, to the seniors program out of their general fund revenues every year. Unless the citizens of the City of Ruidoso Downs want this municipality to take on that expense and take over that program. We can transfer the grant for the Meals-On-Wheels from the county to the city and take the center and make it a city center and do all of those things and Tom Stewart will probably buy my lunch every week for a year. Before we try to do something like that, we have to understand the real cost. Lincoln County stepped up to the plate, assumed the burden and is now running senior citizens centers in all of the communities in the county. That is to the credit of the County Commissioners and their dedication to their citizenry. I want everybody to be cautious because you have to understand the real picture here. We don't want to

upset the appletart needlessly and we don't want to unknowingly saddle ourselves with an extra \$150,000 to \$250,000 a year in expenses and then have to find a way to stop doing other things so we can pay for that. So we want to work very carefully through these issues.

Sally Rue said I have been doing Meals-On-wheels for eighteen years and I have done the whole thing; pick up the people, bring them down, pick up the meals and deliver them. I am the most aged employee. As of now I am doing the Downs two days a week, Monday and Friday and I am one of the highest paid employees of about \$13,000 to deliver meals. Attorney Bryant said that is just the transportation side.

Councilor Olivo asked does the Village of Ruidoso pay so much to our Center for some of the meals they deliver over there.

Marty Seward said we are temporary residents of Ruidoso Downs. The thing I am concerned about is if they have a private party, what is going to happen to our Senior Center if someone drives out of there having alcohol in their system and kill somebody.

Councilor Olivo said they used to rent it out and then they had one problem but that is not what caused it to be stopped and there was no alcohol involved.

Councilor Morales said it is the general consensus of this Council that we would not allow alcoholic beverages on the premises on in the area. Mayor Miller said who is going to enforce that.

Councilor Miller said I would like to ask Mr. Hood how many requests do you have a year for private parties. Mr. Hood answered about one a month for someone to use the facility for an anniversary or something like that. Councilor Miller said I feel like if we are able to let private entities use it, they should be screened, definitely and be held responsible for whatever and sign a document because we do not have a community center and I am for a community center. It is hard for people; not very many can afford to rent the Civic Center. Mr. Hood said I agree with you; Ruidoso Downs needs a community center. I, for one, am against leasing that center out for private. We had too many problems. Ex-Mayor Hayhurst could tell you some of the problems we had. We had property damage; we had people break into the kitchen area, they stole equipment. I think you are opening a whole big can of worms. If we lease it out, I think with the grant money that everybody gets and also from the money from the State of New Mexico for the food program, I think we are opening up a lot of headaches. All of the equipment that has been bought in the kitchen area was bought out of CDBG grant and bond money. When we used to lease that building out, they ruined two pool tables. The way they did it last time, they didn't have anybody come by and check out that facility. You are going to have to hire somebody to come open and close that building because it is not going to be fair for

somebody to come down there open and close it and make sure that it is all cleaned up. Who is going to be responsible so you have a lot of decisions to make.

Councilor Olivo asked Mr. Hood when you used to work for Caroline and they leased the building, who used to open the building for the parties. Mr. Hood said they gave them the key. That was another problem we had with the lease program; the ex-manager did not get a contract signed. I don't know all of the legalities but Mr. Morel can tell you some of it. Councilor Olivo said you mentioned that a lot of items were stolen from the kitchen. Now the kitchen has locks and food service doors and nobody can go into the kitchen at all. Mr. Hood said there a lot of things you are going to have to think about. You are going to have to find a way for people to refrigerate their food because we are going to lock the walk-ins up and we are going to take all of the detergents and everything out of that building because it is against County policy and the State is not going to let you use any of their equipment and they are not going to let you use any of their food products, like coffee.

Councilor Miller asked when did they end using it for private parties. Mr. Hood said to answer your question I don't think they ever intended it to be used for private parties. Councilor Miller said but it was for many years. Mr. Hood said I agree with you; it's a deal that came about that should not have come about and I agree with you that Ruidoso Downs needs a community facility to take care of that problem. Mayor Miller said I agree with that but I am for the senior citizens center and the senior citizens; it's their building.

Councilor Garrett said I don't the county was aware that the center was being rented out. Councilor Miller said yes they were because that is who I made the check out to; I personally paid the County when I used it for an anniversary. Attorney Morel said I think actually the county knew some of the time that something was going on. A lot of the time they didn't know everything that was going on and that is why we wanted to have a uniform lease that would fit everybody so we treat everybody the same. The county is going to try to work with you for whatever is best for you. I am going to check with the State Agency on Aging to see what restrictions we have. I know there are some and it may prohibit us from using it for anything else. Our next meeting is the 16th if you would like to have something on for the Commission to consider, I will need it by Friday and I will be happy to put it on the agenda. Otherwise, we have a monthly meeting and we will be happy to discuss it when you come.

Councilor Olivo said we have to know all of the rules and regulations. It is no big problem; it is a senior citizens building and the only thing of concern, I would like to know how many of our citizens use that building. The way I see it I go to lunch once in awhile and we have more than four other than our citizens there, that is too many. It is senior center for the seniors of Ruidoso Downs. Same thing on the meals; how many of our citizens get the meals. The city is paying for all of that.

Councilor Garrett asked what is the city paying for. Councilor Olivo said for maintenance and everything. Councilor Garrett said not according to the contract. Councilor Garrett said the contract says the county is responsible for building maintenance. The only thing we are responsible for are water, sewer, and garbage. Councilor Olivo said have you looked at how much we budget every year. Councilor Garrett said that is because we have chosen to do that; we don't have to.

Councilor Miller said on the new contract it says under No. 6 we are responsible for paying water, sewer, garbage services provided to the premises. In addition, the city shall provide the use of a van for transporting senior citizens. This is a ten year contract and our van is getting old. We bought that I think in 1992. If we are going to promise them a van and that one clunks out, we may be paying \$30,000 for a van one day. Administrator Waters said try \$60,000. I hear complaints all the time from seniors how hard that van is to get in and out of it. To me, a ten year contract, we are looking at money here to provide a van for the seniors. Councilor Garrett said I don't know why that needs to be in the contract. Councilor Miller said but it is here and we pay so much a year for the van driver so our residents can have transportation. Councilor Olivo asked Mr. Hood how many vehicles do we have at the center. Mr. Hood answered we have the one big van that the City of Ruidoso Downs provides. We have one county four-wheel Bronco that was handed down from the sheriff's department. Then we have a handicapped van. Councilor Miller said the Ruidoso Downs van is not totally depended on. Mr. Hood said not all of the time; the only time we use the van the city gives us is for taking someone to the doctor or picking them up and bring them into lunch. We do deliver lunches out of it once in awhile. Councilor Miller said that just concerned me because I know how old it is and if we have to come up all of a sudden with \$60,000 for a van and a ten year contract, we might have to come up with it soon as old as our van is. Mr. Hood said there was some discussion at budget time about replacing the van but we never did proceed on it because it only has 55,000 miles on it. We just put new brakes and tires on it before this budget. Attorney Bryant said you are looking at a ten year proposal essentially because the city attorney is lazy. The truth of the matter is that under the Bateman Act every contract that a public entity enters into is a one year contract because the Bateman Act prohibits you from committing funds beyond the existing fiscal year. This contract has an annual renewal and termination clause in it so it can be terminated at any time. We set them up to go for multiple years so we don't have to rewrite the contracts every year and come in to see you in July with a stack of contracts and make you sign them again because if it is something that is working well and we don't need to fix it, we will let it automatically renew. So if we came up on huge expense like the van situation, we would just get back with the county during the budget cycle and we would redo the lease if we just couldn't afford it or split the cost with them or find some way of managing that part of the process. I can make it however long you want it but it is there so you don't have to look at it again every year unless you want to.

Councilor Morales said one question I do have is we do provide funds for a van driver and I think that has been a big issue. If we are providing funds for a van

driver why do we not having a van driver doing Meals-On-Wheels. Sally, do you get a lot of requests in Ruidoso for Ruidoso Downs citizens and Sally said yes I do. If we have the funds for a van driver then I think we should have a van driver; that is what the funds are for. Mr. Hood said we do have that person available to go out and do Meals-On-Wheels and take them to the doctor. Ada Hendrix, the program director, is the one who sets the transportation guidelines for us. If we need to change them that is fine but it will have to come from her and I am sure Tom Stewart and Alan Morel will get involved in it because the person we use for van driver/kitchen help is a county employee. The only other way we could do that is if you want to take over the transportation needs yourself. Councilor Morales said we fund the driver but he is a county employee and Mr. Hood answered right. Councilor Olivo asked how many other cities give the county money to hire a driver. Councilor Morales said from what I understand Carrizozo, Corona and Capitan do not in any way fund their senior centers. Councilor Olivo said so we are the only city in Lincoln County that uses funds for a driver so the county can use him in the kitchen or wherever they want to use him. Mr. Hood said the way it originally started, when Bob came into office, Gladys, his clerk at the time, and Karen was the Financial Director came across the street and asked me what we wanted. I said it would be nice if we had to make a multi-task schedule for this person so we could use that person to deliver meals, work in the kitchen and use that person at will to do whatever we wanted so that is how we did that. Gladys at that time approached the Council to fund it. If we need to change some things, we are open to change them. I hear about these people that we havd turned down for services but I don't know who they are. Nobody will tell me; all I know is I get barbequed and I still don't know who they are. All you have to do is give me their names and if you don't trust me, I will give it to that man right there and he can check it out if we turned them down.

Councilor Garrett asked how many calls did you receive this month for rides and Mr. Hood responded we had fifteen ask for transportation last month. Councilor Garrett said fifteen is not enough as far as I am concerned to pay a full-time person just to do transportation. Councilor Olivo said why are we using public funds for a driver so the county can hire him in. Councilor Miller said if we don't fund it then our citizens don't have a way to go anywhere, right. Councilor Garrett said that's not true; the Agency on Aging will still provide the services that needed to be provided like going to the doctor. Councilor Morales said when you look at a budget item and you see driver, driver, driver; if the intention was that this person would be a multi-task person then that needs to be clarified because my thought is if you say driver then we are going to take Meals-On-Wheels, we are going to pick up seniors, we are going to take them to the doctor, we are going to take them shopping, we are going to do whatever the description of transportation says. If the intention was to have a multi-task person then we need to be clarified on that so we are all on the same page.

Mayor Miller said let me interrupt here and ask Council to share the job description. Attorney Bryant said I passed out to the City Councilors the job description. The job

description does indicate that this is a multi-task person who needs to help out in the center, serving meals and in the kitchen. The job description says that but from a P.R. perspective, I don't think you all ever knew that. What I would like everybody to do as councilors and I will assist, I don't mean you physically need to go do this. What you need to do is you have got to get the County's budget for this center and look at the grant funds that are available because I guarantee you the grant funds don't cover the cost. If Sally Rue is only getting \$13,000 a year as total compensation for everything she does at the Ruidoso Senior Center then I am going to ask the Pope to step Mother Theresa aside and put her in her place. I think I know pretty clearly that Sally's cost to Ruidoso is far greater than the \$13,000 Ruidoso gets. We need to understand those fiscal impacts. If we want more transportation service what we ought to do as a city is this, find out who will really use it and when they will use it. We have gotten some sporadic complaints that I didn't get a ride and somebody else did. Most of those, when I have looked at them, have been folks who didn't call pursuant to the schedule 24 hours ahead of time. I would ask you as the City Council do we want to step up to the plate and do something for these emergency situations. Maybe we need to fund a half-time position at the Citizens Center to handle emergency transports when those come up. The complaints I have been able to look at, Rene, are emergency situations where somebody had a ride set up to go to the doctor, it fell through and then they tried to get a ride and couldn't was one story I heard back in July. The story about the rent check is one I heard this fall. We need to get with Tom and Tom because we need to get the County's budget for the center and look at how much are they really being reimbursed. What you are going to find out is that Ruidoso Downs is supporting the senior's program. That \$22,000 salaried employee you are paying for is doing a whole lot more than driving and the Center won't function without that position in there. I don't know that for a fact because I haven't studied the budget but that is what Mary Rivas tells me. Mary is a volunteer at the Center and she says that they have more work to do than they have people to get it done.

Councilor Morales said I am on RSVP and I know they are always asking for people to help with Meals-On-Wheels; there is a shortage there. I think we do need to change the funding we have out of our city money to reflect it is driver and/or multi-task person so there is not this conception of a driver only. I would also like to see us encourage our citizens and possibly when they call Ruidoso encourage them to call Ruidoso Downs; they can get you Meals-On-Wheels, they can take you shopping but we need to get the word out to the public saying we have a Senior Center and we have a driver/multi-task person that can pick you up. And then I agree with Dan, if we have an emergency, if we have to hire somebody different to do that on a part-time basis or use the same driver we have then let's do that. Councilor Garrett said half the time if they are busy at the Center Tommy Hood takes them. Don't you take emergency people to the doctor, Tommy and Mr. Hood said I have one lady tomorrow I am taking to the doctor. Councilor Morales said we need to encourage our citizens to call Ruidoso Downs and when they call we need to provide the service which is to drive them where they need to go. A lot of these

people that may be the only way they get out. Mr. Hood said I agree with you, Margie. Councilor Garrett said they need to schedule it unless it is an emergency.

Councilor Olivo asked is our driver entitled to take anybody to a doctor in Las Cruces or Albuquerque. Mr. Hood said we split the job duties. When Ada made out the transportation schedule, no he is not; I am the one going out of town. I am the manager so it is my call. Councilor Olivo said you take them out of town so our driver can work in the kitchen, isn't that correct? Mr. Hood said no, not necessarily, Rene. He has other duties to do. If you don't like the way we do it why don't you just take that employee back. Councilor Olivo said that is not the point we are bringing up tonight, Tom. Mr. Hood said it is an issue because you keep bringing up old garbage.

There was further discussion in the audience but it was inaudible.

Attorney Bryant said this discussion is not about somebody being at fault. The discussion is about if there is a need for additional transportation services above and beyond what is happening now. I think in all fairness to everybody involved, based on everything I have been able to learn, that the answer is we don't know if there is a need for more transportation than what is being provided right now. The Center has a comprehensive schedule in response to the July meeting. That schedule was put into water bills in one of our months this summer and sent out to all of the citizens of Ruidoso Downs. I communicated with the newspaper and we got it in the newspaper once or twice. I think somebody from Ruidoso took this schedule and added it to Ruidoso's newsletter. All of those things occurred between about July 9th and today. Administrator Waters said we put it in the city newsletter.

Attorney Bryant said one of the things that Mr. Waters and I have discussed is trying to put out a little questionnaire in like the water bills that ask people to tell us are you eligible, if you are would you use the program, how many times a week do you think you would and gather up that survey so that we can find out what kind of need would be expressed. That is going to be different than what people do. We have to remember that we live in America and Americans were brought up and we all have our cars and when we want to go somewhere we get in it and go and when we don't, we don't. Americans are notoriously bad about using mass transportation systems. You can ask every major city in the country; they are all going broke because their ridership won't pay for the system. There is going to be a certain amount of that. There is going to be a certain amount of disgruntled people who have an immediate need, try to get it fulfilled, don't get that need met and then are mad about it. You folks get the big bucks to hear those complaints. That is going to keep happening to you from time to time. If the Council is interested, we can pursue this notion of getting a questionnaire out and trying to survey our community and find out how much use would we make if we did spend \$6,000 or \$8,000 more every year on a half-time person to do some of this urgent transport.

Councilor Morales said on the other hand if we have a driver that is a multi-task person, we may not need to hire another person because it may be that in case of an emergency you could possibly pull him off line or whatever and send him on an emergency run. I don't know.

Councilor Garrett said Tommy does it; if he is working in the kitchen and there is an emergency, Tommy goes and he takes that person. I don't know of anyone that has been turned down. That is where I get fascinated because I don't know of anyone that has been turned down for an emergency. They might call Sally and Sally says yes, I will be glad to take you and I think that is what she does. We talked about it once before and it is gracious and it is wonderful. It doesn't mean that Sally is doing something bad. Sally is actually doing something that helps Ruidoso Downs but it also doesn't mean that our Center is doing anything bad because if they had called our Center we would have seen that they got there. I don't think anyone gets turned down to go to the doctor for an emergency ever. If one of us who isn't a senior, call us, one of us will do it. There isn't anyone who is going to get turned down for an emergency. I just can't imagine that.

Councilor Olivo said right now they are looking for somebody for Meals-On-Wheels delivery in December. If they call me, I won't be able to do it.

Councilor Garrett said no, I am not going to do it. I can't do that but I will help find someone.

Councilor Olivo said be sure and tell Jeannie that you will find somebody.

Mayor Miller said that is enough.

Councilor Olivo said Mr. Mayor, they just said they had a schedule out for transporting our people to luncheon; you said we could revise that, Tommy.

Mr. Hood said no, sir. Alan, Tom Stewart and Ada Hendrix will have to get together to revise that deal because one of the reasons is the driver is a county employee. When you all relinquished that privilege when you made him a county employee. If you have left him as a city employee, you could do whatever you wanted to. If you wanted to put him on the Parks & Rec Board you could.

Councilor Olivo said the only thing I was referring to here like for lunch. How can you pick up an eighty-year old lady like at 10:30 a.m. to eat lunch, she has to wait at the Center until 1:00 p.m. or 2:00 p.m. to be taken back. That is not fair.

Councilor Garrett said Rene, you missed the whole boat. When I talked to Nancy from the State Area on Aging what she says is this is a social time for these people. It is time for them to get out; they are not coming just to eat lunch. They are coming to be together as a group of people. That is what the Area on Aging will tell you. It is a social event for that eighty-year old lady; that may be the only people she sees

all day are the people at the Senior Center. The time element isn't of such essence as running over eating lunch and running back. It is the fact that they get a chance to talk to other people and communicate and that is part of what that is for.

Councilor Olivo said if they want to go back right after they finish lunch they will be taken home or they have to stay until 1:00 p.m. in the afternoon and socialize.

Councilor Garrett said it is not for the individual person it has to be for a group of people. We can't treat everybody individually.

Mr. Hood said they said it is that way in other senior centers when you come in to eat lunch in most cases they have more than one or two people. They make them wait until the time period they want to take them all home because of fuel costs and the cost of the van. Like Nancy told us when we had that meeting at the Senior Center, there is no money for individual transportation.

Councilor Morales said in the alternative if you had somebody that absolutely wanted to go down and eat and go home you would accommodate them. Mr. Hood said by all means. As far as I know, we have never turned somebody down. Councilor Morales said I realize that but what I am saying is if you had someone that is just adamant that I am not going to stay, I don't want to socialize, I just want you to take me home. Mr. Hood said I wouldn't want her or anybody, man or woman, to be offended in that Center. Councilor Morales said I think that all goes back into the transportation. Yes, I can see the fuel cost and you can take them as a group that is one thing but if you had somebody that absolutely didn't want to stay, take them home.

Councilor Miller said I think you have to because of the type of condition that person might be in too.

Mayor Miller entertained for a motion to adjourn.

Councilor Olivo said one question before we close. Why does the City of Ruidoso Downs have to do the maintenance on the building. Mayor Miller said because I told them they did. Councilor Olivo said what is the agreement on the contract with the County. Why do we have to do the maintenance on the building. I'm not picking on Tommy or anything but he turns in a list of repairs and our department has to repair it. Doesn't the county have to do that? Mayor Miller said they do but the thing is any additions, it is our building and we are going to do the maintenance. Councilor Olivo said it is our building but aren't you in violation of the contract. Mayor Miller said I'm not. It is our building and we are going to maintain it. Councilor Olivo said I realize it is our building, sir but my question to you is are we in violation of the contract that we have with the County. You can read for the contract with the county what it says for ten year and not telling how long it has been in affect. Mayor Miller said I am going to tell you this, because our senior

citizen is a priority with me and I am going to see they get anything they need. That is my feeling.

Councilor Olivo said in another words you are not abiding by this paper; you are doing whatever you want.

Attorney Bryant said the discussion about the doors, the security windows and two or three other items started two or three fiscal years back and we wanted to put those in because at the time the kitchen was insecure, the foodstuffs and the equipment and the kitchen cooking utensils were not secured in the facility. We wanted to make these changes so we could start this process of allowing other groups to use it. That is why the City agreed to budget and spend that money. What it really is that was capital improvement to the facility and it wasn't just purely maintenance. I didn't view it "as a violation of the ordinance". Now, if the county came to us and they asked us to do something that was purely maintenance, we are able to look at the agreement and say no, we don't have to, you agreed to do that but we are also able to say well yes, you had something that happened and funding is short and this is really important and we can do that. I think that was the spirit in which this particular set of budget numbers were expended. I don't think we were just trying to take over all of the maintenance.

Mayor Miller said the City Council at that time approved the budget.

Councilor Olivo said it was approved by the City Council, Mr. Mayor, because the Council was not aware they had a contract with the county.

Councilor Garrett said that is not true; that was over and above the contract.

Councilor Miller said we did this contract years ago. I can remember when we did it. Their repairs are daily routine repairs is what is says right here.

Mayor Miller said I am talking about improvement to the building because it was blowing all of the fuses. They needed some additional wiring. We improved some doors but just general maintaining the building, we didn't do any of that.

Councilor Miller said no, that was the county's responsibility.

Mayor Miller said the water was running inside and ruining the floor and causing all kinds of problems so I sent a man over there.

Councilor Miller said I think the ceiling and roof and things like that is our responsibility because of the fact it is our building and they are renting it.

Councilor Olivo said you have accused me Mayor of trying to close the Center. I am not trying to close the center, sir. I just want to do what is best for our citizens of Ruidoso Downs.

Mayor Miller said my opinion is if we lose this contract with the County ...

Councilor Olivo said you accuse me of trying to close the center, sir. You are referring to me, you don't refer to the other Council, just me.

Mayor Miller said because you are the one that is liable to cause the cancellation of the contract we have with the County.

Councilor Olivo said I think as a councilman I was elected by the people of Ruidoso Downs and I have the right to question any contract the city has. If not, then I shouldn't be a councilman.

Mr. Hood said we have to keep in mind this is not only for Ruidoso Downs. This facility is located in Ruidoso Downs but it is for all of Lincoln County. We don't close our door to anybody that comes in there. It doesn't make any difference if you are under 60, we accept you. If you are sixty and above you know the suggested donation is \$2 per person. You have to keep in mind this is not just for Ruidoso Downs. This is open to the public.

Councilor Garrett said isn't this a federal program that if I want to eat in Austin, Texas, I can go there and Mr. Hood answered yes. So this program is available to the seniors no matter where.

Mr. Hood said most senior centers ask you to call in ahead of time to justify their meal count. We allow in our Center because we are making frozen meals out of food that comes out of the steam table, we allow ten percent variance so that allows us serve whoever comes in. We have to keep in mind this is not just for Ruidoso Downs and I know your argument is about the maintenance on that building. Also at the time we have to go back to when Bob came into office, he asked us what he could help us with; the driver/kitchen help. And to bring up the activities, that was part of it because the ex-Mayor Hayhurst brought that in. Also, Bob said he wanted to help us out on building maintenance. So whether or not we nullified the agreement or not, that is what it all comes down to because when Mr. Miller came into office, he helped us. The food program, and Alan Morel can tell you this right now, is stretched to the max because we don't get raises like a lot of people do.

Councilor Olivo said I have helped you a lot also and Mr. Hood said I know you do and we appreciate it.

Councilor Olivo said I am not opposed to anything like that, we have a contract and we should abide by the contract.

Councilor Morales said I would like to make a comment. First of all, as Council members of the City of Ruidoso Downs, we have a duty to our citizens to look at and review all contracts. This contract is a ten year old contract and we need to look

at it to be sure that it is meeting the needs of our senior program and of our city. One other thing I would like to say because this contract is ten years old and things have changed in the past ten years, we did need to look at it. If we have issues that we have to address then we need to be able to talk to you all about them and you all need to be able to address us at the same time with concerns. I think there have been so many tempers flaring over issues that we are just discussing, and it is a healthy discussion, but I don't want anybody to go away mad because of this workshop we have had. We have the right to look at these contracts, to make decisions on them and if they are not working to change them. That is all I want to say. As your elected officials we do need to look at these contracts if it has been ten years; personally, I think they should be done every four years. I don't think I, as a Councilor, should encumber this Council for ten years down the road because it may be what I thought was good may not be good ten years later.

Councilor Miller said I would like to say that I appreciate Sally's expertise; she's been transporting seniors for eighteen years. She knows what she is talking about and if she thinks there is more need in Ruidoso Downs for driving time that is what it sounds like to me. You don't know for sure but you do pick up in Ruidoso Downs for shopping and medical appointments. Sally Rue commented that sometimes the Downs schedule does not fall into when they need to go. Councilor Miller said how in the world can you say you can only go to the doctor on Tuesday and Thursday.

Mr. Hood said one of things with the transportation deal, if you make an appointment to go to the doctor, we will take you. Councilor Miller said it doesn't matter if it is not Tuesday or Thursday. Mr. Hood said I think the only restrictions on there were Tuesday, Wednesday and Thursday we put restrictions on there to take you shopping and is miscellaneous stuff. I may be wrong but I think that is the way it is supposed to be written. We leave Monday and Friday open to take care of Meals-On-Wheels. We always have people calling off of the Meals-On-Wheels program that need service.

Administrator Waters said one thing I need to make clear just from the staff's point of view. It is obvious there are a lot of heated issues and some things we need to do but keep in mind there were three things brought up tonight that are going to require future Council action at a future meeting. You need to keep in mind when you want these and let us know so that these things are at an opportune time. The first thing that was mentioned was a survey. Dan and I have talked about it and I have put something preliminary together but after tonight's conversation, I guarantee you are going to approve it before I get it out because I want to make sure everyone's concerns are addressed by the survey. That is one thing I need to bring before the Council. The second thing is contract provisions obviously we have to bring that before the Council so if you think of any separate contract provisions you would like to see, let us know. The last thing that was brought up by Councilor Olivo is the budget. If we have to cut the budget for the Senior Citizens Center line item that was approved, that can be done. Remember we have the mid-year adjustments that come up in January. If you have any suggestions on that to put on

the agenda, let us know by the first meeting in January and that way we can make sure it is on either by the second meeting in January or the first meeting in February when we have our budget mid-year adjustments. Just from a staff point of view, we need to know about those things so we can schedule them and discussed in a timely manner.

Councilor Morales said let's be perfectly clear that we are not interested in closing the Senior Center; we are not interested in severing the relationship with the County to do away with our Senior Center that is not the intention by any means. We want to keep Meals-On-Wheels. We just want to be sure that our citizens are getting transportation and Meals-On-Wheels and that the community's needs are being met. We don't want to close the Senior Center down and we don't want to take it over. Councilor Olivo and Councilor Morales said we don't want to hurt anybody.

Councilor Olivo asked Dan Bryant if he found out about the activity fund; is that legal. Attorney Bryant said the activity fund was being budgeted in a different way when it originally came up. With the new budget cycle that money is paid into the County and the County is expending it for activities at the Center so the concerns I had in previous years about how that money was being handled. What was happening is it was getting put in a private account that only two people had the ability to sign on and they were paying bands and doing things like that. None of those things are happening anymore. It is being appropriately accounted through our agreement with the County. Councilor Olivo said we are the only city that has that in Lincoln County for the senior citizens. Attorney Bryant said that I don't know.

Councilor Morales said Carrizozo gives \$300 for cards and stuff that I am aware of.

Councilor Olivo said that is one of the concerns that we don't know and he is just now giving us the facts on it.

Councilor Garrett said why do you care what other cities do; this city has agreed to do that for years before you or I were ever on the Board. I get a little concerned when we start saying these cities don't do it. I am concerned with what we do not with what the other do.

Councilor Olivo you heard what Mr. Bryant said before; there were only two people signing the checks. Councilor Garrett said that has been resolved. Councilor Miller said when we decided to do that it was explained to us as being items bought for recreation. Attorney Bryant said that is the appropriate use. Councilor Garrett asked Attorney Morel in order to expend that money from that account it has to go through the regular voucher system at the County. Mr. Morel responded but was inaudible. Councilor Miller said but the money is spent for Ruidoso Downs recreation. Mr. Hood said we give out prizes for 42 tournaments, shuffleboard tournaments, and game day also pool tournaments. Councilor Miller said they are not cash. Mr. Hood said the only place we can usually go and shop, we get a

purchase order from the County and we go to Wal-Mart so we keep the money right here.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 7:31 p.m.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, Clerk/Treasurer