

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JUNE 15, 2005

The Council of the City of Ruidoso Downs met in rescheduled session on June 15, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Kalvelage to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Olivo	Councilor Garrett

Administrator Waters informed Mayor Miller there was a quorum.

Also present:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Robert Denny, Chief, Department of Public Safety
Dan Gens, Public Works Director
Tom Armstrong, Licensing, Planning, Permitting Supervisor

APPROVAL OF AGENDA

Mayor Miller pulled Item 11.A. under New Business, Southeastern New Mexico Community Action Corporation Grant. Administrator Waters said Elisa Davis from the Southeastern New Mexico Community Action Corporation has been working with several citizens in our community to help improve their housing. She was going to report on their progress but unfortunately when we changed the date of our meeting from Monday until today, she had a conflict. She has asked to come before us at our June 27th meeting. The good thing about that is she will have before and after photos of the assistance for these four or five homes repaired within our community. They have helped the Early Childhood Center as well as they help people pay their utility bills. I think the City will certainly be happy to know that this group exists here in Lincoln County not only for Ruidoso Downs but the entire county. Tom and Emma did a great job of putting together a list of homes that were in bad need of repair. Those folks then filled out an application and we qualified for five homes in Ruidoso Downs to repair. She will give us a progress report as well as introduce the Community Action Corporation and what they can do for Lincoln County.

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

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the consent agenda. Councilor Morales moved to approve the Consent Agenda. Seconded by Councilor Garrett.

Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MAY 18, 2005 BUDGET WORKSHOP

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the May 18, 2005 budget workshop. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MAY 26, 2005 RESCHEDULED REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the May 26, 2005 rescheduled regular meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Accounts Payable. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated next item in the agenda, consider approving Resolution No. 2005-02 Community Business Plan (Action Plan). Administrator Waters said if you remember back we talked about the Economic Development Board and some of the things it is tasked to do. One of the things it has been tasked to do is come up with this Community Business Action Plan for the City of Ruidoso Downs. This is a critical component of the Governor's New Mexico Department of Development Certified Communities Initiative Program which is a grant program that helps communities achieve economic development goals if they put certain things in place. One of those things is an ordinance. You have already done that ordinance. Another thing is putting out this Community Business Plan. With the help of the U.S. Forest Service who gave us an economic development grant of \$5,000 last year we have been able to complete our Community Business Plan. This business plan is an exciting step forward for the City of Ruidoso Downs. It sets out the city's goals for attracting capital investment for the city while supporting the existing business community and the community's excellent quality of life. We started this in May and I think all of you were present when the S.W.O.T. Analysis, the Strength/Weaknesses Analysis a long time ago that the Chamber put on. That was the beginning of all of this and that was used as a basis to further develop our business plan. You will notice a lot of statistics that talk about distribution of jobs by industry, employment by occupation and a lot of demographics of Ruidoso Downs that have been gathered. There is a lot of preliminary information we need to go forward to attract some of these businesses to come into Ruidoso Downs.

Essentially there were certain goals that were identified. On page 16 of the Community Business Action Plan the goals are pretty straightforward. Number one would be diversify the local economy to broaden the City's tax base and create an economy that is resilient through national and regional economic cycles. This is to bring more businesses in so if Wal-Mart ever does decide to move from Ruidoso Downs we have other businesses here to absorb that and certainly that is something any community would want to have. Goal number two is to increase the number of well paying jobs in the community. Certainly we know that we are lower income; that is why we get the CDBG grants. We want our folks to have higher paying jobs so that is a major goal that has been pointed out. The third goal is to provide a well-educated and trained workforce to meet the needs of existing and new businesses. The fourth goal is to reinforce Ruidoso Downs as the regional center for shopping. Obviously, Wal-Mart is a regional center for shopping. A lot of people come here from Otero County and other parts of our county as well as Ruidoso Downs. This is certainly something we want to reinforce is to continue to bring people to Ruidoso Downs. Number five is to strengthen Ruidoso Downs as a tourist destination. We already have the racetrack here as well as the Hubbard Museum of the American West. We have a great park and that is one of the things we should pursue developing further. The Senior Center is another one. It is certainly being utilized by folks all over the valley and the visitors that come in from out of town. All of these things would fall under the fifth goal. You can see the objectives and strategies that are listed underneath each one of those. One of the other areas that the Department of Economic Development requires us to do is to identify target industries as to what we would like to go after. They give you a maximum of five. What was done is to pick five general areas that we would like to go into based upon the characteristics of Ruidoso Downs, where we are located and what has been happening recently as far as increase in traffic with the highways. The first target we would like to go after is tourism and travel-oriented services which include motels, hotels, travel services, restaurants, events, arts and entertainment. An idea that came up would be a youth/elder hostel. The next area would be specialized manufacturing, supply and sales. This would be to manufacture things that this location would need; mountain bikes, ATV's, sporting goods, manufactured home construction, custom motorcycles, medical equipment, recycled material products from our forest products. The third target area has to deal primarily with horse racing. The presence of the racetrack here has brought a variety of specialized services but we have never really targeted those folks to go after them. The next group would be professional services. As the population of the valley increases more things are going to be needed here. We need to try to bring in services such as medical, lawyers, tax advisers, internet, web, graphic designers. These kinds of services are needed with a growing population. Why not have a doctor's office here in Ruidoso Downs. It is certainly something that we can go after. We have already started to encourage legal services to come down here to Ruidoso Downs. Transportation is next knowing that Highway 70 is the next four-lane highway and major corridor for truck traffic. It is on the NAFTA list of international trade corridors between Mexico and the Mid-West. It is a great place for people to stop. Truck motels, truck stops, warehouse depots, things of that nature might be something good to put in here to cater to the transportation. Those are the five target areas we

would like to do. We did have Sites Southwest, the group that helped us do our Comprehensive Master Plan, help us put this together. They used some information from the Master Plan, our S.W.O.T. Analysis and some other things. As you go through here you see that we also have, and we were very creative about this and I think we are the only community that has completed one of these, a commercial property inventory. We have a map of Ruidoso Downs; it is not a complete map by any stretch of the imagination but all of the major properties that are for sale or currently being marketed that are available are listed in this commercial properties inventory. What we would like to do is take this to the Economic Development Department as well as a lot of headhunter organizations. We have places right along Highway 70 and in a lot of cases they have existing buildings and in other cases it is just property. We would like to connect the developers with the sellers of the property within Ruidoso Downs. What this does is it gives them a map and it gives them an appendix that shows who owns it, where it is, what the list price is, the utilities that are available, what the zoning is. It gives them a lot of information that they need to have ahead of time to come into this town. It is not perfect; there may be some vacant land that has been recently sold but this is something we feel is a fluid document that as new things become available, we can put them on the inventory or take them off. All of this will be put on our website as well so people can access this when they look up Ruidoso Downs. It is a very powerful tool and it is very unique. I can't say that it has never been thought of before but I don't see any other plans out there on the economic development websites that have a comprehensive listing like this. It is a great plan. In Appendix C, which is business incentives and resources in New Mexico, these are things that we can pursue to help us bring more businesses in. We have some incentives we can offer through the State of New Mexico but they are trying to work on new things and as these new things become available we can continue to put them in the plan. This is a plan for us to use for the future. We can't do all of it in one day but in the future, as we grow, these are things that we can go after. It gives you a road map for the future for economic development which is something I believe Ruidoso Downs desperately needs. We are asking for the Council to approve this plan as it is then we will go forward on an annual basis, as per the ordinance, review it and update it. The real estate listings are obviously going to have to be updated on a more regular basis but that is something perhaps the Chamber can help with or the real estate agencies in town. The Plan itself is a good document; it will help us grow and bring revenue in.

Mayor Miller entertained a motion to approve. Councilor Morales moved to approve Resolution No. 2005-02, Community Business Plan. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC HEARINGS

Mayor Miller stated next item on the agenda, ORDINANCE NO. 2005-04

A. AN ORDINANCE AMENDING CHAPTER 9 ZONING AND LAND USE ARTICLE 10, DIVISION 2. ADMINISTRATION SECTION 31

TITLED "PLANNING COMMISSION"

9-10-31 Planning Commission

- (b) Membership; appointment of members; compensation of Members
- (c) Terms of members
- (d) Officers; meetings and rules of procedure.

I hereby open the Public Hearing to comments and will be accepted in the following order, first those who oppose Ordinance 2005-04 and second those who support the ordinance. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Are there any persons here to speak on opposition of the action? There was no one to speak on opposition.

Are there any persons here to speak in support of the action? There was no one to speak in support of the ordinance.

Mayor Miller closed the public hearing.

B. Consider Passing, Approving and Adopting Ordinance 2005-04

Mayor Miller entertained a motion to pass, approve and adopt Ordinance No. 2005-04. Councilor Garrett moved to pass, approve and adopt Ordinance No. 2005-04. Seconded by Councilor Morales.

Attorney Bryant said the purpose of this ordinance amendment is to expand the size of the Planning Commission from its current level of seven to nine members. Members of the Council on numerous occasions have expressed the desire to get at least a couple of members on the Planning & Zoning Commission who live out in the area that was annexed pursuant to the annexation process we went through. This will give us the two slots on the Planning & Zoning Commission to fill from that area.

Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor said the next Public Hearing is for ORDINANCE NO. 2005-05

C. AN ORDINANCE AMENDING CHAPTER 2 ARTICLE 4, SECTION 2, TITLED "APPOINTMENTS"

**Article 4
Local Economic Development Act**

2-4-2 Appointment

Are there any persons here to speak on opposition of the action? There was no one to speak on opposition.

Are there any persons here to speak in support of the action? There was no one to speak in support of the ordinance.

Administrator Waters said as attorney Mr. Bryant pointed out for the Planning and Zoning Board, this also allows us to expand the Economic Development Board to allow for two additional members. This will give the Mayor two additional appointments to bring before the Council for consideration. After adoption, there is a five-day waiting period after posting so it is conceivable to have these appointees by the next Council meeting.

Attorney Bryant said there is some internal tinkering we need to do. The opening paragraph provides for three members who are automatically members of this Board as they serve the City in various positions but then we list four positions. We need a comma or the Mayor's designee.

Mayor Miller closed the public hearing.

D. Consider Passing, Approving and Adopting Ordinance 2005-05

Mayor Miller entertained a motion to pass, approve and adopt Ordinance No. 2005-05.

Clerk Virden said Mr. Bryant, on the third paragraph it should read the City Administrator shall sit as the tenth person instead of the eighth.

Councilor Morales moved to pass, approve and adopt Ordinance No. 2005-05. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Councilor Olivo said I would like to put on the agenda for the June 27th meeting to honor two gentlemen from Ruidoso Downs that are going to represent the State of New Mexico for the National Junior High Rodeo finals. Chon Miranda will be representing the State of New Mexico in bull riding and James Sanchez will be representing the State of New Mexico in roping. Maybe next meeting you could present them with a certificate of appreciation from the City of Ruidoso Downs.

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Fire Department Volunteers Roster as follows:

VOLUNTEER FIRE OFFICERS

1. Gregg Kotila - EMS Captain - Firefighter/EMT-Paramedic
2. Jason Kinnick, Fire Lt. - Firefighter/First Responder
3. Mike Weise - Fire Lt. - Firefighter/EMT-Basic
4. Cory Myers - Sen Eng. - Firefighter/EMP-Paraneduc

VOLUNTEER FIREFIGHTERS

5. Bill Dunlap - Firefighter/First Responder
6. Andrew Friberg - Firefighter/First Responder
7. Greg Garcia - Firefighter/First Responder
8. Brady Chambers - Firefighter
9. John Herring - Firefighter/First Responder
10. Thomas Chavez - Firefighter/EMT-Basic
11. Kenny Ellard - Firefighter/EMT-Basic
12. Lawrence Chavez - Firefighter/First Responder
13. Tom Armstrong - Firefighter
14. David Hightower - Firefighter/First Responder
15. Kalyn Ellard - Firefighter/RN
16. Bob Regan - Public Safety Officer
17. Jodi Crockford - Public Safety Officer
18. Doc Olshaskie - Public Safety Officer

Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation, firefighter position, John Herring, Department of Public Safety. Chief Denny said I am going to have Travis Atwell introduce Mr. Herring. Mt. Atwell said John Herring has been with the City for years as a volunteer. He has been very active and active in getting training. He is also scheduled to go to the Academy in August. He will make a real good firefighter. Chief Denny said we would like to recommend him to the position of firefighter for the Fire Department.

Councilor Garrett moved to hire John Herring for the position of firefighter for the Department of Public Safety. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Mayor Miller said welcome aboard, John.

Mayor Miller stated the next item on the agenda, Chief Robert Denny, update on the Department of Public Safety. Chief Denny said first, I would like to say that we are at full compliment right now. We are just waiting on Wes King to graduate in a couple of weeks and he will be on board with us July 6th. I would like to introduce Rich Schwalm; he is our newest detective. He started with us Monday and he came from Boulder, Colorado with a lot of experience. We are happy to have in on board.

As far as the update, Mr. Waters and I talked about DPS becoming a true DPS awhile back. Since then, we have had a number of people graduate from the first responders class and I would like to recognize them for their hard work. Lawrence Chavez, Andrew Friberg, David Hightower and Bill Dunlap have all graduated from the first responder class. They can now take the bridge class to become EMT's. Also, John Herring passed that class. In August, I plan on having David Hightower, Andrew Friberg and Bill Dunlap attend the Fire Academy; they will become Firefighter I after they graduate the two week academy. In October, I am going to send Brady Chambers and Wes King. At that point we will have seven cross-trained officers/firefighters and, of course, Bill Dunlap as Code Enforcement/firefighter. I am very proud of these guys; they worked very hard to do this spending their Friday nights and all day Saturday to complete the first responder's class.

We are working on a survey we would like to mail out to all of the citizens that I would like to put in our newsletter and on our website and give it to our citizens that walk into City Hall. What I am looking for is to get a feel from the community of our strengths and weaknesses as a DPS. Hopefully, we will get some returns on these, take that information and use that to improve in the areas that we need. That way we get the citizens to communicate with us a little more thoroughly so we can find out how they feel about everything that we are doing so far. Also, we are in the process of implementing a walk and talk program. What I want the officers to do more often is get out of their cars and introduce themselves to people they do not know. If we have a daily log and have the officers write down the names of two people they did not know each day, introduce themselves, shake their hand and talk to them. Hopefully, after a time, we will all get to know each other a little bit better, me included. I am going to assign businesses to the various officers as a liaison between the department and the business. Lastly, we are looking into the accreditation process for the police department. Right now we want to do like the State of New Mexico. They have higher standards that the police department has to meet being in the line of SOP's, which we turned in recently, record keeping, evidence storage filtering. We have to meet these standards in order to be approved for the accreditation. It is about a two year process and at the end of the two years we pay about \$1,500 for them to come out, review us and approve us for the accreditation. That is something that we are looking into at this point and hopefully start this over the summer with everyone's approval. Again, that is to help our department get to the place we want to be. Basically, that is all I have as far as a quick update of what we are doing right now. I am just happy that we have a full compliment of employees. That helps a lot. Over the next couple of months I am sure you will see us out there a lot more once we get everyone trained and ready to go. It seems to be going pretty well.

Councilor Morales said I am really pleased to see the cross training with the EMT, first responder and firefighters. Chief Denny said what is going to help us is when we get a radio call for an emergency or emergency fire or EMS. Usually we are the first on the scene anyway. Nothing against the Fire Department but we are already out there whereas the fire department has to travel here to the fire department to get a truck and

then go out. We are already there and our response team can be much faster. We can start the first aid or whatever process needs to take place. I think it will expedite things. Chief Denny said we may not even need additional help once our officer gets there and make an evaluation.

Councilor Olivo asked will they have their bunker gear in their cars. Chief Denny said we are going to get to that once they complete the fire academy. They will have a first aid bag and also carry their bunker gear in their vehicle. Councilor Garrett said I was glad to see, too, you are moving toward the accreditation with the State. Councilor Morales said I also want to compliment on your walk/talk program and interaction with the citizens. That is very good. Councilor Miller said I appreciate Chief Denny's improvements to the department and the outreach to the community is so needed. Mayor Miller said congratulations to the people who completed the first responder class.

Mayor Miller stated next item on the agenda, consider approving Stage III Water Rationing, Ordinance No. 2002-06. Administrator Waters said as we have had in the past things have gotten hectic during the summertime. We currently have a reservoir under construction or starting very soon. We have a couple of projects that are ongoing; the well project and the reservoir project this summer. We are experiencing some very busy times as we anticipated. I would like to turn it over to Mr. Gens who has been watching the situation on a regular basis to give you a more thorough evaluation of what we have today.

Public Works Director Gens said weekends have gotten very tough recently. The guys are working hard to make sure everything stays full. Working with Chief Denny, we have come up with holes on that. We have come up with Bill Dunlap, our Code Enforcement officer, and use him on rotating shifts so he can work on the weekends to help make sure everyone is following our water restrictions. If we are allowed to do this we may be able to hold off on going to Level III water restrictions right now. I have been in town the last few weekends helping out and I have noticed quite a few people watering even in the middle of the day. If we could stop that and get everybody to follow the restrictions we are currently on we may be able to go quite a while before we have to affect Level III or maybe at next Council meeting I will need to bring it up again. Our water system is very stressed right now but I would certainly like to try using Mr. Dunlap in this fashion to see if we can help our water situation. It is Tuesday and Saturday for the even addresses and Wednesday and Sunday for the odd with no watering between 10:00 a.m. and 4 p.m.

Councilor Garrett said when we get really severe problems with the water if maybe the residents could not water on Saturday and Sunday. Saturday and Sunday seems to be the worst time in the world for us to try and keep up with the spring and the well. I just wondered if maybe the residents would voluntarily, it doesn't have to be in the ordinance, but just to let them know that the weekend is a real hard time for the City.

Administrator Waters said one of the reasons why Saturday is kept in on Phase II is because we have a large population that own places here and come in during the weekends and their lawns and trees get bone dry and die and then become a fire hazard. I would agree if people can live with the one day a week that live here currently it might be easier that they utilize the Tuesday or Wednesday watering day. One of the big issues is we lose a lot of water. There have been studies particularly in New Mexico that you lose half of your water if you water during the middle of the day. Most of our days are windy and very dry. When that water is spraying up in the air, it is going to lose quite a bit. I have requested from the State Engineer's Office a special xeriscaping booklet to distribute out to our public. Using things like drip irrigation would also help alleviate that problem. There are some things we are working on to bring in here that possibly folks could adapt their own system from what they currently have to use less water. It is going to help them out as well because we all know our utility bills are very high. If they can save on water use that will save on their water bill later. If that does not work then the same caveat I told the Council back in April still exists; we need to keep Phase III on the table if it is tougher during the hotter months of the year and we don't see our rainfall coming in July then obviously we will be looking at the same situation again. The ordinance has worked well. One of the things we pointed out to the State Funding Agency is after we initiated the ordinance, the peak usage month that we have had, that is the average per day, has dropped down by about 10 to 15 percent over the last two and a half consecutive years. That shows the people are listening; they are helping on cutting down on water use. We certainly want to see that continue. Of course, Ruidoso Downs is growing. The baseline amount still continues to rise. I know our Water Billing department is very aggressive in notifying people if the water meter readers find the meter is spinning and no one is there, they instantly get on the phone with Suzanne. Carols' department deserves a lot of kudo's because they are very good about calling people up when they detect leaks and they work hard to try to save water in that area. Phase III is our highest restriction and it requires the mayor and councils' declaration of emergency. We need to continue to keep that on the table because we know we are not out of our water problems yet.

Mayor Miller stated next item on the agenda, consider approving Resolution 2005-03 Fire Restrictions. Travis Atwell said due to our fire danger being very high and by the end of next week we will be going to extreme, nobody really knows if we are going to get the moisture we need in July we are asking to possibly go to Level II Fire Restrictions. In Level II that will outlaw charcoal grilling and smoking is allowed on baron areas with water available. Right now it is real dry out there and the winds are coming in the afternoon. I talked to the Forest Service today; the Forest Service will be going into full restrictions as of the 27th.

Councilor Morales moved to approve to go into Level II Fire Restrictions which outdoor smoking is only allowed on private property on a baron area with an available water source and no charcoal barbeque. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2005-04, Employee of the Month Program. Attorney Bryant said I have prepared a draft resolution establishing an Employee of the Month program that provides for a different group of employees each month to be eligible for a nomination for employee of the month instead of dividing the City up into its three major departments; Public Works, DPS and Administration. The reason I shied away from that is if we left it in those three departments then one employee in each of those departments is going to get the award four times a year. When you do it that often it becomes no big deal and it gets to be of no affect. I tried to divide the City's employee force into logical groups; certified police and firefighters is one group, certified dispatch officers is another, the water and sewer personnel would be the third, street department personnel would be the fourth and administrative employees would include DPS clerical staff, municipal court clerical staff and all of the administrative employees of the City. If we do it that way and as a monthly program then each of these departments will only be eligible to nominate one of their members twice a year and the award will have meaning for the employees that receive it. The balance of the resolution sets up how it is all to work and it provides that the party that makes the call once the nominations are submitted is the department head over the affected body of employees. Then, that will be brought into your Council meeting.

Councilor Olivo moved to approve Resolution No. 2005-04, Employee of the Month Program. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Garrett said we did have one employee of the month. What ever we plan on doing we need to do something with this employee because we haven't done anything yet. Councilor Olivo said the City bought a plaque and it is going to be out in the hall with the winner each month.

Mayor Miller stated next item on the agenda, discussion of changes to Personnel Policy Manual. Councilor Miller said I asked to put this on the agenda. I talked to John briefly about it and also Dan. I just feel like all policies are better if they are looked at often; maybe on a yearly basis and get department heads' comments about what works and what doesn't work. Also our employees' ideas on what works and doesn't work and for emphasis on this area right here, grievance procedures. I talked to Dan about this. My idea is to keep it from escalating have mediations between the two whatever the grievance is about. I think we need a mediator which would solve a lot of problems. It would keep it from escalating on further and continuing on to a long extent, which the longer you carry it on the worse it gets. Everybody knows that. I feel like communication at the point when it is happening or immediately after it happens communication is the answer. The people involved they need to sit down with a mediator, sort this out and communicate.

Mayor Miller asked you decided on that. Councilor Miller said no, I am asking the Board to consider this. This is my privilege. I am asking the Board to consider thinking about having some kind of mediation for our grievances. Councilor Garrett asked at what stage. Councilor Miller said at the very first stage. Mayor Miller said that is a violation of personnel. Councilor Miller asked Dan, is this a violation. Attorney Bryant said if I understand the proposal right, you are suggesting that we do something like human rights and EEO does. As soon as they get a complaint they send a form to the employee and the employer who is affected that invites them to mediate. If they mediate then they go into a sidetrack, they get 30 days to hold a mediation conference. They hold a mediation conference, the mediator reports back and says it is resolved or it is not. If it is resolved then that is the end of it. If it is not resolved, then it continues right through the same personnel process that is in place or the same program the EEOC has that is in place. As long as we go to appropriately trained mediators and there are a number of them in the community who have attended the courses and have the certifications. That kind of a mediation process could save Mr. Dunigan and Mr. Waters a lot of work on grievances because they get handled at a lower stage. It would be between the department heads or if we have employee A complaining that employee B is doing something then the mediator would handle it between the two of them and it would eliminate all the march up the chain of command that is there for those cases that are successfully mediated. The one issue you would all have to keep in mind is mediators get trained and they charge for their services. We would have to do something. In all of the collective bargaining that I have done, when we do mediation we always make the two parties split the cost of the mediation and this is why. If you don't have anything invested in the mediation, you come, you are mad and you leave. But, if you had to pay \$15 or \$20, half of an hourly fee for a mediator, to sit down and listen to both sides of the story and talk to the two of you, you are invested in the process. When you are invested in the process you tend to come mad, you realize I am invested in this and it is costing me money and you are more willing to look at yourself, make an ugly compromise and settle. I would highly recommend if you are going to do that one of the elements is the City could say we are going to establish a budget of "X" but we are going to require some nominal participation by the participants, \$15 or \$20 for an hour long mediation. Very rarely should the mediation take longer than an hour. It would have to be a pretty significant and serious dispute to consume more time than an hour. Mediation requires the good faith willingness of all parties to walk in the room and say maybe part of this is my fault. If people are willing to do that the program can be successful, our employees can solve their own problems with each other and/or with their supervisors and Mr. Dunigan and Mr. Waters and the various department heads won't have as much personnel to do. If it is not used in good faith, it can become a circus.

Councilor Miller said I know most cities and larger companies are going to this for their grievances. Mayor Miller said I don't know anything about this. This would require changing the personnel policy manual.

Attorney Bryant said we would have to develop a policy and then we would have to amend the personnel policy manual to provide for it.

Mayor Miller asked did you approve the personnel manual as it is now. Councilor Miller answered yes, but there is always room for change. I think we need to go over this thing, the department heads, the personnel people, John, everybody and see what is working and what is not working. There are some things that are not working.

Councilor Garrett said if we do that as a Council, we need to agree as a Council to stay out of this mediation. We need to not have the employees come to us. We need to allow mediation to continue without any input. Councilor Miller said that is step one.

Mayor Miller asked have you talked to any other councilors about this. Councilor Miller said not really; I talked to John briefly. I came in and asked Carol to put this on. I think it is a good policy to go over policies yearly. Mayor Miller said I don't think it is good at all. We have agreed to this policy we are using right now. Councilor Miller said I know but I feel like it is not working in some places. Mayor Miller said you are saying we have a disgruntled employee and he comes to you and nothing is working. Is that right? Councilor Miller said I don't think they get heard. Councilor Garrett asked do they follow policy. Councilor Miller said I am sure they follow policy but their thoughts and their statements are not getting heard. Councilor Morales said I would agree with Judy. I realize that we have adopted this personnel policy. It doesn't hurt for each one of us individually to look at the personnel policy and see what changes we think might be good or might not be good. Councilor Miller said this is not set in concrete; no policy is. Councilor Morales said I think we should review it and see if there are any changes that need to be made. I am not saying they are or they aren't but maybe we should look at it. It can't hurt is my thought. Councilor Miller said I think we need input from department heads. Councilor Garrett said I have told this Board before we need to follow up on policies and we don't. Councilor Miller said this is not set in concrete. It needs to be gone through I think yearly by us, policies, resolutions; a lot of this can be amended to make it work better for everyone. Just because we adopted this at one time doesn't mean it is perfect.

Attorney Bryant said what if we did something like this. If we set a reasonable period of time, like two weeks, and we said anybody who wants to make comments or suggestions stick them in a suggestion box and we make a special suggestion box. If you want, I would say they can bring them to my office and drop them off. The comments are all to remain completely anonymous. Nobody sign your name; nobody identify yourself in any way. Just make the comment and turn it in. At the end of whatever period of time, a couple of weeks down the road we shut it off. We gather all of those up and photocopy them, pass them out to members of the Council, Mr. Waters, Mr. Dunigan and I and everybody takes a look and see what we have. If we think, based on that, that we need make changes to the personnel manual then we can make the decision to go forward from there. Here is what I am afraid of. If we try something different everybody is going to say I am afraid to come in and tell you what I think

because somebody is going to get even with me because they think that my comment is aimed at this person or that person. Let's just get it all on the table; let's put a specific end date on it. We are not going to roll around in this muck and mire forever. We gather the comments, we look at them and decide what is legitimate and appropriate. If we want to tinker with it we bring it back before the Council as an amendment to the policy. But everybody, all Council members, Mr. Waters, Mr. Dunigan and I get copies of the comments so that everybody knows what everybody is saying then we are not caught in this "he said, she said" environment because you can't govern from there.

Councilor Miller said that is what I am saying; these things escalate into two, three, four months and by that time everyone has a different story about what happened. If it was settled immediately or talked about it immediately between the parties and a possible mediator... Mayor Miller asked you want to do away with the personnel policy. Councilor Miller said that is not what I am saying. I am saying there are some areas that could use improvement and this is one of them.

Councilor Garrett said if we are going to do this then I want specifics because I think it is a good policy. If someone comes forward and says this isn't working, I want specifics. Why is it not working; what makes you think it is not working. I think we can look at this; you can tear any policy apart for a long time but I think it needs to be specific.

Attorney Bryant said one of the things I always say is that anybody on the planet can come in and say I don't like this and that is not very helpful. If there is something you don't like then the responsibility is on you to propose the alternative. If we get fifty comments "I hate the personnel policy", I am going to come in here and tell you don't change it because that is not a constructive dialogue. If somebody knows of somebody else's policy that has a program in it that is working then they can say, "I don't like Section G and you should use this language instead" and then we have something we can look at. If we think that is a worthwhile experiment, all right and if we don't, we don't but at least we get to examine it that way. Five days is too short, a month is too long; you need about a fifteen day deadline if you are serious about this and you want to make suggestions, let get it done, turn them in, make them anonymous so nobody can say they feel threatened. Put them in a box out front here or take them to my office or somewhere where we don't have to worry about any of those issues and let's see what people are saying. At least try to explore people's concerns.

Councilor Miller said this was just a discussion today because we just need input from people, not only employees, like I said. I think everyone has the right to be listened to. Councilor Garrett said that is why you have a personnel policy. Councilor Miller said the personnel policy we have changed several times on grievances; we used to have a grievance board. Councilor Garrett said yes you did and you had a lot of lawsuits. This policy, to me, has been working. We need to be very, very careful as a Board how we adjust it. Councilor Miller said I think there could be some changes for the better. Councilor Garrett said until I am kept in the loop and know. Evidently there is a lot of

discussion going on that I am not privy to. Councilor Miller said you are privy to everything. The last deal I got right here made me come in and do this. Councilor Garrett said Councilor Olivo has discussed frustration among other Board members to me and I don't know about that. Unless I know about it I can't act on it and I am getting very disgusted about being kept out of the loop. Councilor Miller said I talked to John about this before he ever made his determination on this last grievance.

Attorney Bryant asked what do we want to do. Do we want to take some comments? Councilor Miller said I think it is fair to take comments about changes and anything else in here that anybody would like to address. Attorney Bryant said could we set a deadline of July 1st. Where do you want the comments? Do you want them in a suggestion box out front here? Councilor Garrett said at your office. Councilor Miller said at your office.

Administrator Waters said staff can be directed to do this. This is something Mr. Bryant and I can make happen; it doesn't require an action.

Councilor Miller said I am not just talking about Chapter 10, if there is anything from Chapter 1 through 17 that anybody thinks might be improved.

Attorney Bryant said I will make sure every member on the Board, Mr. Waters and Mr. Dunigan and I all have copies. We will have a public records issue. I believe these suggestions will be public record. If members of the public ask for a complete set we will have to give them to them. Councilor Garrett said I would like to ask when we do this Mr. Dunigan be present at the meeting when we have this discussion and Mayor Miller answered yes, of course.

PUBLIC INPUT

None

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, Threatening and/or Pending Litigation reference EPA Administrative Order/Forest Guardians and Real Property and Water Rights pursuant to Open Meetings Act, Section 10-15-1 Subparagraph (H)8.

Motion was made by Councilor Garrett to go into Executive Session pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, Threatening and/or Pending Litigation reference EPA Administrative Order/Forest Guardians and Real Property and Water Rights pursuant to Section 10-15-1(H)8. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:39 p.m. I would like to invite City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and called for a five-minute recess to clear the Council chambers.

Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular meeting back in session at 7:43 p.m.

Councilor Morales attested that the only items discussed in Executive Session were pursuant to the Open Meetings Act, Section 10-15-1(H)7, Threatening and or Pending Litigation dealing with the Administrative Order Forest Guardians and Real Property and Water Right pursuant to Open Meetings Act, Section 10-15-1(H)8 and no action was taken.

Councilor Morales moved to approve settlement of the water rights protest on the H53 well. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Olivo and seconded by Councilor Miller to adjourn at 7:45 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer