

MINUTES OF THE SPECIAL MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
APRIL 5, 2005

The Council of the City of Ruidoso Downs met in Special session on April 5, 2005. Mayor Miller called the meeting to order at 12:15 p.m. and asked Jason Kinnick 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 were:

John P. Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Robert Denny, Department of Public Safety Lieutenant

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Agenda. 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 Police Department new hire, position patrol officer, David Hightower.

Lt. Denny said I would just like to thank the Council and Mayor for having this meeting. Obviously we are in great need of recommending David but not just because of that, he had been here eighteen years with this department and comes with all the qualities we need right now. He has always done a great job and, of course, I would like to recommend that he come on board as patrol officer.

Councilor Miller moved to hire David Hightower as Patrol Officer. Seconded by Councilor Morales.

Attorney Bryant said immediately following our meeting on Wednesday week before last, I began calling the Hatch Act Division of the Department of Justice in Washington, D.C. The lady I needed to talk to was Stephanie Polk. Ms. Polk called me back this morning and we had about a twenty-five minute conversation where I described the circumstances of David's resignation while he was running for sheriff. The time that has lapsed in between, the advertising we have done to fill this position, all in a conversation with her to make sure the Department of Justice would not feel like this municipality had engaged in a subterfuge to avoid the Hatch

Act by essentially putting David on leave without pay, letting him run for sheriff and then putting him back to work. When Ms. Polk understood all of the circumstances that we are dealing with, the fact that we had advertised for the position, that David was tested along with another applicant and bubbled to the top in that process, Ms. Polk was comfortable giving me a verbal opinion that the Department of Justice would not view this as violation of the Hatch Act. We don't have the Hatch Act problem. I thank you for giving me the opportunity to check those issues out. I have one operational concern in my capacity as City attorney that I need to share. I don't think we can do this as an absolute because of the size of our department. We have five dispatchers. I understand that within the next several days one of those is going to move over into a police officer position and then we are going to have to come back in and fill that dispatcher position but because of the family relationship between Mr. Hightower and his daughter who is one of our dispatchers, administration in the Police Department should make every effort to schedule them on shifts that do not coincide. From an operational perspective, you put both the officer and dispatcher in a very difficult position in terms of being able to be professional, dispassionate, detached in the conduct of their business when you have a daughter dispatching her father, husband, brother whenever you have one of those family relationships. One of the orders of priority that should go into SOP for scheduling should be that Ms. Hightower and David don't work the same shift if at all possible. I believe because of the size of our department there are going to be times when their shifts may overlap by an hour or two or when we just can't avoid having them both there for a shift. But, we do put the dispatcher, in particular, in a very difficult position. Dispatchers feel incredible responsibility for the health, safety and welfare of their officers and when you add a familiar relationship on top of that, it is incredibly debilitating. I would encourage that as an operational procedure. We do not have a Hatch Act issue and this Council can proceed in its best wishes.

Councilor Morales said I just have one question of David; when can you start? Mr. Hightower said rumor is tomorrow. I can start any time.

Councilor Garrett said my concern is the thing that Dan had about having them together at the same time. It is very difficult if you have an emergency with a family member. Working in an emergency room a nurse does not do well if their family comes in from an accident.

Lt. Denny said we have already addressed that and right now David will be working during the day and Dawn is working the graveyard shift. Right now they are not going to overlap. There will be scheduling for dispatchers and we will make every effort that they don't work the same shift.

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

Mayor Miller said welcome aboard, again.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 12:23 p.m. Motion passed unanimously.

---

Bob A. Miller, Mayor

ATTEST:

---

Carol Virden, City Clerk/Treasurer