

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
NOVEMBER 13, 2006

The Council of the City of Ruidoso Downs met in regular session on November 13, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Paul van Gulick to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Hood
Councilor Holman

Councilor Miller
Councilor Garrett

City Manager, John Waters informed Mayor Miller there was a quorum.

Also present:

John P. Waters, City Manager
Carol Virden, City Clerk/Treasurer
Dan Bryant, City Attorney
Tom Stewart, Public Works Director
Jay Smith, Museum Director
Steve Dunigan, Planning & Personnel Services Director
Alfred Ortiz, DPS Chief

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda. Councilor Miller moved to approve the Agenda. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the Consent Agenda. Councilor Miller moved to approve the Consent Agenda. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF OCTOBER 23, 2006 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Hood to approve the Minutes of the October 23, 2006. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

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

UNFINISHED BUSINESS None

OTHER BUSINESS None

NEW BUSINESS

Mayor Miller stated next under New Business, consider approving First Renewal Agreement between Village of Ruidoso and the City of Ruidoso Downs Acting in their capacity as the Joint Use Board and Montgomery and Andrews, P.A. for legal Services regarding the WWTP.

City Manager, John P. Waters stated to the Mayor and members of the Council if you remember and also at this mornings' meeting, Ned Kendrick is the Attorney working with the JUAB on both the Forest Guardians lawsuit as well as the NMPDS issue on the EPA giving an administrative order. Mr. Kendrick works for the Law firm of Montgomery and Andrews P. A. This is simply the first annual renewal agreement between the two entities on the JUAB and Montgomery and Andrews who are working together with both Mr. Bryant and believes with Mr. Underwood of Ruidoso to come to some type of a settlement with the Forest Guardians and the EPA.

Mayor Miller entertained a motion to approve First Renewal Agreement between Village of Ruidoso and the City of Ruidoso Downs Acting in their capacity as the Joint Use Board and Montgomery and Andrews, P.A. for legal Services regarding the WWTP.

Councilor Garrett moved to approve First Renewal Agreement between Village of Ruidoso and the City of Ruidoso Downs acting in their capacity as the Joint Use Board and Montgomery and Andrews, P.A. for legal Services regarding the WWTP. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, consider approving Second Addendum to agreement for Professional Services between the Village of Ruidoso and the City of Ruidoso Downs and Livingston & Associates, P.C.

City Manager, John P. Waters stated to Council that if they remember this item has already been done once by adding \$6500.00 back to the contract. Remember in history this went back and we approved it to the original amount and went back to Ruidoso, they cut \$10,000.00 out of it. The \$10,000.00 was to be used as contingency if they lost some stations, big flood comes through and wipes out 18 other stations, they want \$6500.00 back to repair and it actually cost \$10,000.00 to repair it, so we are back to the same place we were when we started. Essentially, this is adding back the remaining \$2,500.00 to finish fixing the last 4 stations. Basically, they are asking to finish up the project to allow them to fix all the damages to the sampling stations along the river.

Mayor Miller entertained a motion to approve Second Addendum to agreement for Professional Services between the Village of Ruidoso and the City of Ruidoso Downs and Livingston & Associates, P.C.

Councilor Miller moved to approve Second Addendum to agreement for Professional Services between the Village of Ruidoso and the City of Ruidoso Downs and Livingston & Associates, P.C. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, consider approving Resolution No. 2006-14 Modifying An Employee of the Quarter Program.

City Manager, John P. Waters stated, that at the prior meeting of City Council, he was asked to take this item back with some ideas to change some of the language to modify its program, perhaps a little bit more meaningful for employees. Both himself and Mr. Bryant were given directions on how to do this. This new resolution meets the items changed as per Council. Mr. Water read Resolution No. 2006-14.

STATE OF NEW MEXICO

CITY OF RUIDOSO DOWNS

RESOLUTION No. 2006-14

**A RESOLUTION OF THE CITY OF RUIDOSO DOWNS
ESTABLISHING AN EMPLOYEE OF THE QUARTER PROGRAM
FOR THE PURPOSE OF RECOGNIZING THE OUTSTANDING
PERFORMANCE OF THE EMPLOYEES OF THE CITY OF
RUIDOSO DOWNS**

WHEREAS, The City Council has determined that it is in the best interest of the City of Ruidoso Downs to recognize outstanding performance by our employees on a regular basis; and

WHEREAS, The City Council has determined that it is in the best interest of the City of Ruidoso Downs and that it will serve to protect the health, safety and welfare of the citizens of the City of Ruidoso Downs and will enhance, preserve and protect the morale of our employees if the City has a program for recognizing

outstanding performance that is above and beyond the call of duty.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Ruidoso Downs,

1. This resolution hereby replaces resolution #2005-19 entitled, "A resolution of the City of Ruidoso Downs establishing an employee of the month program for the purpose of recognizing the outstanding performance of the employees of the City of Ruidoso Downs"
2. The City Personnel Director is hereby authorized to implement an employee of the quarter program to provide recognition to employees who provide outstanding service to the City that is above and beyond the call of duty.
3. The program will recognize an employee from the City pursuant to a nomination of that employee that may be submitted by any employee or elected official of the City. The City Personnel Director's office will provide nomination forms to persons who make a request for the form. The person making the nomination must give a brief description of the events or actions the nominated employee initiated to earn this special recognition. This description should explain what this nominated employee has done that goes above and beyond what is expected of him or her and how it helps make the City of Ruidoso Downs a better community.
4. The nominations may be submitted to the department director or City Personnel Director, who shall collect all nominations during that fiscal

quarter and forward them to the City Manager's office. At the first scheduled meeting of the department directors following last day of each fiscal quarter, the City Manager shall provide copies of all nomination form received during the prior quarter to the directors. The department directors shall review the nominations and select the most outstanding employee based on the facts contained in the nomination. The selection shall be made by majority vote of the department directors, with the City Manager voting only in case of a tie.

5. Effective November 15, 2006, an employee of the quarter award shall be initiated and all nominations presented shall be considered from this time until December 31, 2006. The subsequent quarters will be as follows: January 1- March 31, April 1- June 30, July 1- September 30, and October 1 - December 31 and so on.
6. The award will be announced in a subsequent City Council Meeting following each quarter.

RESOLVED by the City Council of the City of Ruidoso Downs on this the ____ Day of November 2006.

CITY COUNCIL OF THE CITY OF RUIDOSO DOWNS

Bob A. Miller, Mayor

Sue Garrett, Mayor Pro Tem

ATTEST:

Carol Virden, City Clerk

Judy Miller, City Councilor

Tommy Hood, City Councilor

Dean Holman, City Councilor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Daniel A. Bryant, City Attorney

Mayor Miller entertained a motion to approve Resolution No. 2006-14 Modifying Employee of the Quarter Program.

Councilor Garrett moved to approve Resolution No. 2006-14 Modifying An Employee of the Quarter Program. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, consider approving Resolution No. 2006-15 Endorsing and Supporting Governor Richardson's Investment Partnership 2 (GRIP 2).

City Manager, John P. Waters stated to Council that last Governor Richardson and Secretary for the Department of Transportation, Rhonda Faught, put a program to the State Legislators to help pay for off road systems for municipalities and counties throughout New Mexico. There were 4 chosen from Lincoln County of which one of those was a project we submitted. This is a \$300,000.00 grant that we are asking for through the project, it is going to pay for the pre-fabricated bridge for that particular part of our community. In addition, there are some rules for Otero and Lincoln County and several municipalities. This is done to try and improve the streets across New Mexico that are not on State Highway Systems.

Mayor Miller entertained a motion to approve Resolution No. 2006-15 Endorsing and Supporting Governor Richardson's Investment Partnership 2 (GRIP 2).

Councilor Miller moved to approve Resolution No. 2006-15 Endorsing and Supporting Governor Richardson's Investment Partnership 2 (GRIP 2). Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, consider approving Resolution No. 2006-16 Amending City of Ruidoso Downs Resolution No. 2006-13 to Provide that Paper Ballots Cast at the Special General Obligation Bond Election be tallied by Hand instead of Tabulated on a Model 100 Precinct Ballot.

City Clerk, Carol Virden, stated to Council that she did not think that paper ballots would be so challenging and unfortunately last week received a call from Tim Sanchez from Automated Election Services, and informed me that he felt uncomfortable programming the Model 100 Tabulating Public Counter for this election.

City Clerk informed that previous Election Resolution No. 2006-13 called for the paper ballots to be tabulated with the Model 100 Public Counter. The resolution Council has before them is correcting that the paper ballots will be hand tallied on December the 12th. City Clerk did ask Mr. Brown to write a letter on her request, and each member of the Council have a copy of letter before them. This is a cover your asset on this issue. The precinct board members will be hand-tallying votes.

Mayor Miller entertained a motion to approve Resolution No. 2006-16 Amending City of Ruidoso Downs Resolution No. 2006-13 To Provide that Paper Ballots Cast at the Special General Obligation Bond Election be tallied by Hand instead of Tabulated on a Model 100 Precinct Ballot.

Councilor Garrett moved to approve Resolution No. 2006-16 Amending City of Ruidoso Downs Resolution No. 2006-13 To Provide that Paper Ballots Cast at the Special General Obligation Bond Election be tallied by Hand instead of Tabulated on a Model 100 Precinct Ballot. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, consider approving placement of new street signs.

Tom Stewart, Public Works Director informed Council that a survey of street intersections was done and came up with four that need to be replaced for the safety of the general public. Street Intersections are Highway 70 off Aqua Fria; Highway 70 and Parkway; Highway 70 and Mystery Drive and Intersection on 103 East Circle Drive. This will add a little bit of cost to the City and feels the street department can handle it. This would be between \$10.00 and \$18.00 per month per light and would be about \$500.00 for the remaining year. This would make our intersections a lot safer traffic on Highway 70 and on East Circle Drive

Mayor Miller entertained a motion to approve placement of new street signs.

Councilor Hood moved to approve placement of new street signs. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, discussion consider personnel request for Planning and Personnel Services Department.

City Manager, John P. Waters stated, as those of you who might know and those who don't know, we have several, several large construction projects that have not pull permits from the City yet and are getting ready to get started here in the City of Ruidoso Downs. In addition, we have several other areas to where we have some residential growth, particularly Aqua Fria neighborhood, both in the Escondido Hills areas as well as the phase 3 of Aqua Fria; we are seeing some additional growth. We have the Mira-Loma Subdivision that will be starting sometime in the near future. All of these are getting ready to hit us next year, and it is already a busy year with code enforcement.

City Manager said what we're looking at is an additional position; a certified New Mexico certified Building Inspector and Code Enforcement Officer position and it would be a dual position. Mr. Waters at this time turned over to Mr. Dunigan, Planning/Personnel Services Director to explain further.

Mr. Dunigan stated, that he is in total agreement and in fact, he thinks this is one thing that would benefit the City is this position is taking back some of the control we've lost. In the absence of a city inspector for all the permitting processes are being managed by the State. Mr. Dunigan stated, that the City loses in several ways; one is the day-to-day control of the progression of certain projects; time, and ability to help the citizens when asked about permitting processes. In addition to that there is an expense with the position, the permit fee that we would collect can offset the cost. Mr. Dunigan stated, that he has done some research and projected that revenues should be anywhere from \$30 to \$50 thousand in permit fees, which does include some of these large projects, but, feels with the amount of development and growth, as well as the enormous amount of code enforcement we deal with and the position would serve two functions for the city, allow him to take back that control as well as to train within the city, other building inspectors and help with the code enforcement issues.

Councilor Miller asked how long has the State been doing the city's' inspection? Mr. Dunigan informed Councilor Miller since June 30, 2006.

City Manager stated to Council, that they currently take the building permit fees directly to Santa Fe; they actually pay for those fees. Fortunately for the city, we have La Quinta fees, which were paid to the City. We do have those other large

projects that haven't been started yet, the Assisted Living Center, the work across from Wal-Mart, the commercial development, none of those permits have been pulled yet, so those are substantial amount of fees. Right now, we don't pay them to do that, but we lose the revenue that we take from the building permit themselves and lose all control. It has been very difficult communication wise between the State.

Councilor Miller asked if the City has liability when the State brings in their building inspector. City Manager stated, the way he understands it, the authority to inspect comes from the State, and you're certified through the State process, they only allow certain people to become certified. Once they achieve the level of certification, both through a test and through some time in grade with actual experience, then they certify you and grant your certification, basically, an extension of their certification from the State and are covered under the State program.

Councilor Miller stated that she was asking about the liability for the city, if the state inspector makes a mistake or something happens, is that the city's' liability or the states.

City Attorney, Dan Bryant stated, that under the present circumstances where the state is performing all the inspections, all the liability is attendant to them. Part of the purpose of the certification process is to make sure that if we bring in house, the person who is doing that, is appropriately trained, knows what to look for, how often to check, how to stage the inspections, so that he can accurately look at the progress of the building project and make sure everything is being built according to code. So once we do bring it back in house, then of course the liability will shift back to the city. Mr. Bryant did state, that the City does carry errors and omission insurance coverage that should address that liability if something were to come up.

Councilor Miller stated that looking at the qualifications, they don't have to be contractors, and they just go get their certification.

City Manager Waters stated that the way the state views this is the state has a basic requirement that you have to have three years as a journeyman or as they have informed the city you can train under a certified state inspector for that time as well. There is a time requirement, you have to train for a certain period of time hands on working and that is one of the reasons we're requiring an actual state certified person to be hired because that person can step in from day one and start training other individuals in that department.

Mayor Miller entertained a motion to approve personnel request for Planning and Personnel Services Department.

Councilor Holman moved to approve one additional personnel for the purpose as a building inspector and code enforcement officer. Seconded by Councilor Hood.

Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried

Mayor Miller stated next item under New Business, consider awarding Bid No. 07-001 Purchase Equipment from Enviroquip- Meeting Advertised Specifications WWTP.

City Manager, John P. Waters stated, that if Council remembers the City of Ruidoso Downs was given the fiscal authority to take care of sludge, the press sludge dewatering and thickening equipment for the Wastewater Treatment Plant to be purchased. City Manager informed Council that our procurement process is a little bit different from the Village of Ruidoso. We were able to expedite this purchase in a much quicker manner than their policy allowed them to do that.

City Manager, John P. Waters informed Council that this is tied to the Governor 's Tax Relief Fund and the \$1 million that was turned in to \$800 thousand. City Manager volunteered on behalf of the City to take this responsibility. Seven weeks later, we have it ready to go. We are recommending that Enviroquip if the Council chose, we did get two other bid responses, they responded with inferior product that didn't meet the project specifications, course it was also at a lower amount. Unfortunately, they had to meet the requirements that were based on specifications that both the engineers and the plant operators need to have to operate this. City Manager John P. Waters is asking for the Council to approve this purchase and it will be of actual city shared money, money that was given to the city by Governor Richardson, \$281,650.00 plus Gross Receipts Tax.

Mayor Miller entertained a motion to award Bid No. 07-001 Purchase Equipment from Enviroquip Meeting Advertised Specifications WWTP.

Councilor Garrett moved to approve to award Bid No. 07-001 Purchase Equipment from Enviroquip meeting advertised specifications for the Wastewater Treatment Plant. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried

Mayor Miller stated next item under New Business, Planning and Zoning Board to consider approving P&Z recommendation Case # 2006-08 Deny requested variance for placement of modular home on Lot 53, Block 1 of Ruidoso Downs Heights Subdivision, 100 East Circle Drive.

Paul van Gulick, Chairperson for Planning and Zoning Board informed that this case Council referred back to Planning and Zoning for additional information. The Uhls did bring additional information and three letters from neighbors, who have no objections to the placement of the home.

There was a fair amount of discussion from the Planning and Zoning Board and at the end of that took a vote, four of the Planning and Zoning members did not feel that there was sufficient hardship to recommend granting variance. Mr. van Gulick informed that in order to bring a positive recommendation to Council, it actually requires a 2/3rd vote of the Planning and Zoning.

Mr. van Gulick informed Council that they looked at the information and the recommendation is to deny variance.

City Attorney, Dan Bryant asked Mr. van Gulick to provide the Council with some discussion about what were the facts concerning the quote unquote hardship that were discussed when this was returned to Planning and Zoning Commission and why a majority of the commission felt like whatever the circumstances were didn't fit the hardship definition.

Mr. van Gulick stated, what finally came down and is speaking for the four members who voted to recommend against this. This is a case where it is a business venture, they are business people, and they made an investment in property and want to place it and not check with the required permits or other items affecting the placement of the home before purchasing it and they did not feel that constituted a hardship. Mr. van Gulick informed Council that the Planning and Zoning Ordinance is actually specific on that, monetary hardship does not qualify, we look at land use hardships, and it was not of the opinion of the majority commission that there was a land use hardship.

Councilor Miller stated, she thought the Council sent it back to P&Z so Mr. Uhl had a chance to check with his neighbor. Councilor Garrett informed Councilor Miller that she had made the motion to send it back and wanted more information, wanted to know, because they were making a hardship and did want that information brought back.

Councilor Hood moved to approve Planning and Zoning Recommendation to Deny Variance for placement of modular home on Lot 53, Block 1 of Ruidoso Downs Heights Subdivision, 100 East Circle Drive. Seconded by Councilor Holman.

Councilor Holman complimented Mr. van Gulick on the job that he has done chairing the Planning and Zoning. A lot of free time is given, both Mr. van Gulick and members of the Planning and Zoning. It is diligent in what they do and he for one and can speak for the council, they really do appreciate the members of Planning and Zoning and doing the very best they can on this particular instance, with difficult sending it back.

Roll call votes: Councilor Hood, Aye; Councilor Miller, Nay; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried

Mayor Miller stated next item under New Business, consider approving Planning and Zoning Recommendation- New Zoning District Map.

Mr. van Gulick stated, that Planning and Zoning may have jumped the gun on this and presented it incorrectly. Planning and Zoning has prepared a new zoning district map, we annexed two lands, including what used to be the ETZ and newly annexed land that have no zoning consideration. It is time to include all of those lands and also clean up some areas that have been problematic because of density and usage, mobile homes versus residential home use, commercial areas, areas that need to be commercial that aren't.

There have been several Public Hearings held on the new zoning district map.

Mr. Bryant stated, that the Planners have been working very hard at analyzing the zoning program that was put in place in June of 2004 and it's not a new zoning map, but it is tinkering with an amending certain areas and designations of the old zoning map and addressing the zoning in the newly annexed areas that wasn't otherwise covered by the ETZ of zoning process. If you recall, the ETZ zoning process dealt with significant portions, but not all of the newly annexed areas that came into the City. This map now has the initial proposal for the studies and have been driving around, we've been talking and looking.

Mr. Bryant stated, that what we are really doing is amending the zoning ordinance and amending our comprehensive plan to reflect the amended proposals and zoning designations for areas that were previously unzoned. Mr. Bryant stated, that now we have to go through a notification process, public hearing process, the normal steps if you will that are necessary to take that and turn it into a comprehensive plan and an amended zoning map. It will include written notification for those areas whose zones are being changed and those areas that are getting zoned for the first time.

Councilor Garrett asked if it would be possible to get a copy of the newly zoned map to look at. City Manager, John P. Waters stated that we would try and find a copy machine that can reduce the large map.

Mr. Bryant informed that D. T. Collins might be able to reduce the large map.

Mr. van Gulick suggested that he would like to see the map worked on by a whoever would be doing the comprehensive master map, could integrate into that document and also planners produced different maps and surveyors do, if we had a planner whose doing comprehensive master plans, adjustment to the maps and copies needed.

PUBLIC INPUT

Jane Haizlip, member of the Planning and Zoning wanted everyone to know that at the first meeting, 2 members absent, and the vote was 5 to 1 to deny. You chose to send it back to P&Z. Then it was discovered that he had gone with the covenant, and it was explained to him that the covenant was not above the ordinance. At the second meeting there were seven members and that vote was 4 to 3. Bonnie Richardson, member of the P&Z board asked Mr. Uhl why since the ordinance has been in existence since 2001, why he hadn't come before P&Z.

Dan Bryant informed the audience and Council that on Thursday, November 16, 2006 at 6:30 Ruidoso Senior Citizens the New Mexico Department of Transportation will be holding an initial public meeting to look at what do we do with NM 532. NM 532 is the road from the Highway to the Ski Area.

John P. Waters would like to congratulate the Ruidoso Warriors on their win over Thoreau.

Tom Armstrong on behalf of the American Legion and does not know if all were aware that Saturday was Veteran's Day. Mr. Armstrong informed that the Ruidoso Downs Fire Department kicked in and did a good job. Councilor Holman at the last minute gave a speech and wanted to thank the City of Ruidoso Downs for allowing them to be here.

Councilor Garrett also thanked the Fire Department for checking gas smell during Election night.

Tom Armstrong, informed Council that since going to paper ballots, the lighting at the Senior Citizens made it difficult to see, and is glad that City Elections are held at City Hall. The lighting in the Council Chambers is better than those at the Senior Citizens.

Jim Burrows informed Council that he is proud to serve as a member of the Planning and Zoning Board.

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7 JUAB Administrative Proceedings and Forest Guardians.

Motion was made by Councilor Hood to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act,

Section 10-15-1 Subparagraph (H) 7 JUAB Administrative Proceedings and Forest Guardians. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:35 p.m. and invited City Attorney, Dan Bryant, City Manager, John Waters and City Clerk, Carol Virden to attend the Executive Session and called for a five-minute recess to clear the Council chambers.

Councilor Garrett made a motion to go back into open session. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular meeting back to order at 7:42 pm and asked that a member of the Council attest to the fact that the only item discussed in executive session was that of Threatening and or Pending Litigation.

Councilor Garrett certified that nothing was discussed except Threatening and or Pending Litigation and no decisions were made.

Councilor Garrett moved that Mayor Miller appoint two Councilors members to serve on a sub-committee for discussion of Joint Powers Agreement between Ruidoso Downs and Ruidoso and the members will be Tommy Hood and Sue Garrett. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 7:43 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer