

MINUTES OF THE RESCHEDULED CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
OCTOBER 29, 2007

The Council of the City of Ruidoso Downs met in rescheduled regular session on October 29, 2007. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Burrow to lead the Pledge of Allegiance. Mayor Miller asked City Manager, John P. Waters to take roll call. The following were present:

Councilor Miller
Councilor Holman

Councilor Hood
Councilor Garrett

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

Also present:

Carol Virden, City Clerk/Treasurer
W. T. Martin, City Attorney
Alfred Ortiz, DPS Chief
Steve Dunigan, Planning/Personnel Director
Jay Smith, Museum Director
Mark Lewis, Acting Public Works Director

APPROVAL OF AGENDA

Mayor Miller stated next item on the agenda is approval of agenda. Mayor Miller entertained a motion to approve the Agenda.

Councilor Garrett moved to approve the Agenda. Seconded by Councilor Holman. Roll Call Votes: Councilor Miller, Aye; Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller stated next item on the agenda is approval of the consent agenda. Mayor Miller entertained a motion to approve the Consent Agenda.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 24, 2007
APPROVAL OF MINUTES OF RESCHEDULED REGULAR MEETING OF OCTOBER 1, 2007

Councilor Hood moved to approve minutes of regular meeting of September 24, 2007 and rescheduled meeting of October 1, 2007. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLE

Councilor Hood moved to approve accounts payables. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Councilor Hood moved to approve monthly reports. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS Mayor Miller stated the next item on the agenda is iteming 8 Unfinished Business. None

OTHER BUSINESS Mayor Miller stated next item on the agenda is Other Business. Proclaiming Month of November 2007 as "Ruidoso Downs Recycles Month"

Mayor Miller asked Councilor Garrett to read Proclamation.

**Proclamation
Of the
City of Ruidoso Downs**

WHEREAS the generation of solid waste and waste disposal is a continuing problem for rural New Mexico, adversely affecting land and water resources, and

WHEREAS each year, more than 208 million tons of municipal solid waste goes into the nation's landfills, more than 5.8 pounds of waste per person per day. While Lincoln County residents have an overall recycling rate of just over 17 percent, much more can be done to reduce and recycle solid waste, and

WHEREAS businesses, organizations and individuals in Ruidoso Downs have committed to working together to address solid waste disposal and recycling issues, and

WHEREAS municipal governments across the United States have an important role to play in promoting waste reduction, reuse and recycling, and
WHEREAS November is National Recycling Month and November 15th is America Recycles Day, and

WHEREAS Saturday, November 3, 2007 has been declared "Lincoln County Recycles Day" highlighted by the third "Electronic Waste Recycling Event" in Ruidoso Downs and all other Lincoln County communities,

NOW, THEREFORE, I Bob A. Miller, Mayor of the City of Ruidoso Downs, in the County of Lincoln, do hereby proclaim the month of November 2007 as "Ruidoso Downs Recycles Month" and urges all our citizens to support and participate in Lincoln County Recycles Day and other activities.

Proclaimed this 29th day of October 2007 in Ruidoso Downs, New Mexico.

Bob Miller, Mayor

Councilor Garrett asked that everyone please take their electronic recycling, it's very expensive to recycle electronics. And if we all can make use of that, it would be great. If there is something that Lincoln County Solid Waste needs to be aware of, to please let her know.

Mayor Miller stated next on the Agenda is New Business Item 11 A. Consider Approving Resolution No. 2007-11 1st Quarter Budget Adjustments FY 2007-2008.

City Manger, John P. Waters stated to Council that this is the quarterly budget adjustment that we do every quarter; this is the 1st quarter budget adjustment to revenues and expenditures.

Mayor Miller entertained a motion to approve Resolution No. 2007-11 1st Quarter Budget Adjustments FY 2007-2008.

Councilor Garrett moved to approve Resolution No. 2007-11 1st Quarter Budget Adjustments FY 2007-2008. 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 on the Agenda is Item 11B. Consider Awarding Bid No. 08-003 Water Tender.

Chief Ortiz stated that this water tender was a vehicle that was awarded by the Government in the amount of \$100,000.00 and the DPS made up the difference. It is a state of the art vehicle apparatus that the entire City will be proud of and hope that we get the approval to purchase this apparatus. This is a much-needed vehicle with the growing trend of our community.

City Manager, John P. Waters stated that this is a \$100,000.00 grant given to the City we have to come up with \$47,000.00 which is about 68% of this fire engine has been paid for by the Governor, he is actually the one who provided the funds for us. And of course the City had to come up with the remainder of that, which is a pretty good return to have someone pay 68% for a fire engine.

Mayor Miller entertained a motion to award Bid No. 08-003 Water Tender.

Councilor Miller moved to award Bid No. 08-003 Water Tender to Artesia Fire Equipment. Seconded by Councilor Garrett. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the Agenda is Item 11C. is Consider Adopting Community Development Block Grant Program Citizens Participation Plan.

Clerk Virden informed Council that what the Citizen Participation Plan does is an update from the last one we did in 2001. The update is needed if the Council decides to apply for further and future Community Development Block Grant. Clerk Virden also informed Council that down the road the Fair Housing Ordinance would need to be updated.

Mayor Miller entertained a motion to adopt Community Development Block Grant Program Citizens Participation Plan.

Councilor Garrett moved to approve and adopt Community Development Block Grant Program Citizens Participation Plan. 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 on the Agenda is Item 11D. Consider Police Housing Options and Incentives.

City Manger, John P. Waters informed Council, as we are aware we're still having difficulty, as are most towns in New Mexico and even across the Western United States in recruiting Officers for the City of Ruidoso Downs. The way it looks in the different associations out there, there is simply not enough certified officer available on the job

market to accommodate the needs of the counties and municipalities. In New Mexico it has become very competitive. You've got the oil producing areas in the State that are pushing in what they are currently offering in the range of \$19.00 to \$24.00 an hour for starting employees, now that would be the City of Lovington, the City of Hobbs and the City of Farmington. Those seem to be the three driving the process and everybody around has to follow. Of course places like the City of Hobbs has an \$18 million revenue surplus that's just lying around, not many of us have something like that floating around. It does make it difficult.

City Manager, John P. Waters stated that it basically has the staff to think outside of the box. Two or three years ago, we had a situation where employees were citing salary and supervision problems as the reason they were leaving the City of Ruidoso Downs. Those have been corrected; the City gave a significant salary increase last year to Police Department, which is realized this year. In addition, we have a new Police Chief on board and doesn't seem to be experiencing supervisions issues like before. So, what we've been looking as Officers leave us and we've had a couple that have gone through the certification process and moved on to neighboring towns. We sat down and spoke with these folks during the process of our exit interview and will let Mr. Dunigan enlighten everyone as to what we're finding and it's not necessarily related to salary anymore.

Planning/Personnel Director, Steve Dunigan informed Council that they have been looking at this issue for several years now; it's a very fluid situation throughout New Mexico's small communities as well as the richer communities. Everybody is trying to find the best quality people they can. Salary was certainly the driving force originally. And even after the passing of the salary increase that took a long time to review, we've already found that there are municipalities that have gone beyond that. In other words, it's a constant battle to stay up with what's being offered out there and again you have to have a Police Department. The pool of qualified applicants for many reasons seem to be going, with maybe more steps, more positions certainly higher pay, better cost of living which is one of the burdens that we have in our small town. So, with that said, we've looked at many different ways that other towns are recruiting. Some of them are offering sign on bonus, not a great deal; certainly some of the towns are much larger than we are. On the other hand thinks that Officers are looking for affordable housing, quality of life, and a place to live. Certainly an opportunity for some advancement, which means we cannot offer as much as larger departments, but think we can accept a couple of them through, perhaps relocating to our town and what do you do when you get here as far as housing.

Mr. Dunigan stated that the housing allowance that we are looking at tonight is one way our town can take advantage of as recruiting tool. We can bring people in at a lower cost to them.

Mr. Dunigan stated should the Council have any questions, thinks this is one step towards the better solution, our pay plan, housing allowance certainly, the benefits that we offer and perhaps the relocation plan. Incentives would be a good starting place to start doing some more advertising. Does not think this is something that is going away.

Chief Ortiz stated as Mr. Waters indicated earlier we've tried everything from looking outside the box to certainly the exit interviews and trying to find out what is driving our officers away. Chief Ortiz did say that it has gotten very competitive with our sister city with Ruidoso certainly taking a couple of our folks from us. Again, it boils down to the benefit package to the pay raise or the pay schedule and other cities our size are becoming very competitive. So there is a shortage of certified law enforcement officers. Thinks there is a trend in the entire State of New Mexico. We need to be a lot more creative as to what we can do to attract good qualified candidates.

Chief Ortiz stated to Council that the department has put together a number of programs; we are working right now to put together a recruiting package, a brochure that the department has come up with and would like to credit Barbara Green for putting it together. Chief Ortiz passed brochure around the table so that Councilors and Mayor could look at it.

Chief Ortiz also stated that the department is also working with the New Mexico Work Force Connection here at ENMU. This particular program allows on the job training for cadets, officers and other occupations and program pays 50% of their salary for up to six months. So, we are also entertaining that package to try and recruit individuals to come on board, so that the City can get some reimbursement for their training as well.

City Attorney, W. T. Martin stated to Council that this is a very good idea. He personally knows all the issue of police departments because he represents the Hobbs Police, Carlsbad Police and others and knows what the salary levels are and knows what the City is facing in the way of competition. Without a doubt, the City is going to have to think outside the box and come up with ideas that will attract people to keep them here. Mr. Martin applauds the City for looking at other ideas.

City Manager, John P. Waters stated that what we're putting before Council and will say a couple of things; first of all, a couple of reasons younger officers that we have lost to our sister city; we actually had a pay comparison comparing the two. Are they leaving here for the pay cut are they getting a smaller check when they go next door, how does that compare and asked Mr. Dunigan to explain.

Mr. Dunigan stated that at the time they did the initial salary survey to base the increase on. We came up with a plan that actually had a better take home potential than theirs and thinks our starting salary was brought to a level that is as competitive if not a little bit better overall.

City Manager, John P. Waters stated to Mayor and Council that the city will never catch up to the larger neighbors, competitively until this municipality gets to the level of revenues that our neighbor has. City Manager went on to say that the city does have property to place manufactured homes. Mr. Weldon Copeland has offered a mobile home space at a low monthly rent to the City for housing for Police Officers.

City Manager, John P. Waters stated that he would lay this before the Council to consider and certainly if they do not want to make a decision at this time, but we are trying different things and welcomes any suggestions.

Councilor Garrett stated that when she looks at the price wants to be sure if they do the housing what they would provide is adequate and comfortable. Looking at the price, can we really find it for that and you don't want something that they are not going to be comfortable in, which is her first consideration. Her other consideration is sometime consider going to 80/20 insurance. What happens in this town is we pay 90%, they don't ever realize with that 10% of their insurance is really worth. Give them the money that would normally go with that 10% of the insurance and only paying 80%, she does not think that anyone realizes what that does for them.

City Manager stated to answer that question, understands and believes Ruidoso does reimburse the extra 10% as Councilor Garrett is talking about. They're actually paying 90/10 right now in their Police Department.

Councilor Miller stated that she remembers about a month ago in the paper, that Ruidoso had a big article in the front page about new incentives for their police officers. And thinks shortly after that, that is when we starting losing some our officers. Does not know how long ago you got your information Steve, but her information was that they are leaving because they get better pay. John said it wasn't, that is her information. Councilor Miller stated that the ones that have left did not leave because they didn't have a place to live.

Councilor Miller stated that she thinks instead of spending \$15,000.00 to \$100,000.00 on mobile homes, give them that moving expense, give that \$1200.00 like they do nurses to relocate or whatever. Councilor Miller stated that she would rather spend on each officer that we hire \$1500.00 than \$60,000.00 on mobile homes that are going to depreciate. Hate to see the City going into rental business.

Councilor Hood stated that when he talked to Mr. White from Eunice, they have the same problem other communities have. They don't have housing and looked outside the box. One of their councilors came up with the housing incentives and purchased a couple of doublewide mobile homes. We need to do something, and does not think that giving \$1500.00 moving expense is proper. Councilor Hood does not know what this Council wants to do, but thinks we need to think about it.

Chief Ortiz introduced Mr. Thomas Gavin to Council. Chief Ortiz stated that Mr. Gavin was hired as a cadet for the Police Department and is not here for the money as much as the challenge.

Councilor Holman stated that he was in Albuquerque last week and had a chance to visit with a gentleman from the State of New Mexico Indian Department. Talked at length about several things. One of the things he had mentioned was the wastewater treatment plant and the subject of the FEMA housing came up. The gentlemen told him that it was his understanding there had been some problems with the FEMA housing, on the Mescalero reservation pertaining to formaldehyde and what is used in construction. If we go that route we need to check for those kinds of things. Not endorsing this, but just thinking about it, if we went the route of owning housing ourselves, one advantage that can be said is and Councilor Miller pointed out the disadvantage and well taken, and I think she is saying that we need to think it out. But, if we owned the housing and lots opposed to just giving the officers a raise monthly that is a return that would be an investment and come back eventually as an asset opposed to a raise going out.

Mayor Miller entertained a motion to approve Police Housing Options and Incentives.

Councilor Garrett moved to approve to pursue this program and instruct the Manager to produce a budget adjustment recommendation to allow for the purchase of the FEMA and or other trailers and other housing for single family officer housing (using a formal bid) and checking on the placement of such homes before summer of 2008. Seconded by Councilor Hood. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Nay; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Mayor Miller stated next item on the Agenda is Item 12. Public Input with a three-minute time limit.

Jim Burrow stated that what Chief Ortiz and Steve have done and the Council looking into the housing for policeman is a very good thing. Does not like seeing the City going into real estate, but the way things are going here in Ruidoso Downs, we need to do something for housing new employees.

Mr. Burrow also stated we need to start thinking about the cost of what the sewer is going to be monthly.

City Manager stated that the Council still has to approve whatever we bid out; there is still a purchase procedure, which still has to come before the Council.

Bonnie Richardson stated since Mr. Burrow spoke out in favor of this mode of assisting our police officers. Mrs. Richardson pointed out a couple of things; first of all when you commit yourself to buying you are committed. If the Council and the people involved would look into possibly a necessity for the policemen and does not know how the State would allow the city to do this. Just to pick a number out of the air; \$300.00 a month, if the council approves a \$300.00 subsidy this is \$3600.00 a year over a five-year period that's \$18,000.00, that does not even come close to buying property and maintaining it. Being a landlord you may after two years have to go in and fix that place up.

City Manager informed Council of the graph reports that can produce utility customers of their usage daily and or hourly. City Manager informed Council that Governor Richardson gave the City this money through the water innovation fund. Grant was for \$200,000.00 and the City matched that with \$13,000.00.

Chief Ortiz presented a short PowerPoint slide on the Department of Public Safety with incentives to attract police officers.

EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda is Item 13. Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7: Limited Personnel Matters pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2.

Mayor Miller entertained a motion to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7 and Limited Personnel Matters pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2.

Councilor Hood moved to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7: Limited Personnel Matters pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2. Seconded by Councilor Miller. Roll call votes: Councilor Miller, Aye; Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:48 p.m. and invited City Attorney, W. T. Martin, Jr.; City Manager, John P. Waters; City Clerk, Carol Virden and Museum Director, Jay Smith and called for a five-minute recess clear the chambers.

Mayor Miller called the regular session back to order at 8:52 p.m. and entertained a motion to go back into open session.

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

Councilor Garrett attested to the fact that the only items discussed in Executive Session were that of Threatening and/or Pending Litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7 and Limited Personnel Matters pursuant to Open Meetings Act Section 10-15-1 Subparagraph (H) 2 and no action was taken.

ADJOURNMENT

There being no further business to attend to, Mayor Miller entertained a motion to adjourn.

Councilor Hood moved to adjourn 8:52p.m. Seconded by Councilor Garrett.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer