

MINUTES OF THE JOINT SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF RUIDOSO DOWNS, VILLAGE OF
RUIDOSO AND REGIONAL WASTEWATER JOINT USE BOARD
WEDNESDAY, APRIL 11, 2007
2:00 P.M.

The Council of the City of Ruidoso Downs met in Joint Special Meeting on Wednesday, April 11, 2007 in conjunction with the Council of the Village of Ruidoso and Joint Use Board. Mayor Bob Miller called the Joint Special Meeting to order at 2:10 p.m. upon roll call the following were present.

Councilor Hood
Councilor Holman

Councilor Miller
Councilor Garrett

City Manager informed Mayor Miller there was a quorum.

Also present: John P. Waters, City Manager
Carol Virden, City Clerk
W. T. Martin Jr., City Attorney

Village of Ruidoso Councilors:

L. Ray Nunley, Mayor
Dan Higgins, Village Manager
Angel Shaw, Councilor
Michele Rebstock, Councilor
Grey Cory, Councilor
Don Williams, Councilor
Irma Nava, Village Clerk
John Underwood, Village Attorney and Ned Kendrick
Ken Mosley, Public Works Director
John Ramos, Regional Wastewater Treatment Plant Director

Joint Use Board:

L. Ray Nunley
Bob A. Miller
Dave Parks
Bertha Polaco, Deputy Clerk

Others present:

Del Archuleta, P.E. Molzen-Corbin & Associates

There were approximately 16 visitors present.

Mayor Nunley stated the purpose of the special meeting was as followed:

1. Discussion on Draft Amendment to Regional Wastewater Treatment Plant Joint Powers Agreement.
2. Discussion on Draft Design/Build Request for Proposal.
3. EXECUTIVE SESSION:

Discussion of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7.

Settlement Agreement with New Mexico Environment Department in WQCC 06-08(A) (In the Matter of the Petition for Review of State Certification NPDES Permit NM0029165).

Mayor Nunley introduced Discussion on Draft Amendment to Regional Wastewater Treatment Plant Joint Powers Agreement. H. John Underwood stated the draft amendment needed to be discussed and reviewed by the Village of Ruidoso, City of Ruidoso Downs, and the Regional Wastewater Treatment Plant (RWWTP) Joint Use Board independently and then a meeting scheduled for negotiations amongst the three groups. Mr. Underwood stated the Joint Powers Agreement and the organizational structure of the Joint Use Board needed to be reviewed and discussed. Councilor Garrett stated the City of Ruidoso Downs new attorney needed to be provided the opportunity to review the draft amendment. W. T. Martin Jr., P.A. recommended beginning from scratch.

Mayor Nunley introduced Discussion on Draft Design/Build Request for Proposal. Mr. Morris stated the Village had draft comments and other documentation to be included with the draft design/build RFP. H. John Underwood suggested procurement comments needed to be provided for the draft design/build RFP. Mr. Underwood stated the approximate date for the design/build RFP completion was July 1, 2007, Molzen-Corbin & Associates, Inc. would conduct a 90-day study, and then the design-bid-build could be reviewed. City Manager, John Waters stated he wanted to make sure the process was not slowed down in any manner, since he had been contacted by a Federal Agent and State Agent and informed the funds received needed to be spent. Mr. Waters stated he would not like to see any of the funding already received taken back. William Morris stated the Village of Ruidoso responded to a number of the extension deadlines notifying agencies of the status of the process to secure the funding. Mr. Underwood agreed the process needed to be continued and ongoing without delay.

Mayor Miller entertained a motion to go into executive session for the discussion of threatening and or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7. Settlement Agreement with New Mexico Environment Department in WQCC 06-08(A) (In the matter of the Petition for Review of State Certification NPDES Permit NM 0029165).

Councilor Garrett moved to go into executive session for discussion of threatening and or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7. Settlement Agreement with New Mexico Environment Department in WQCC 06-08(A) (In the Matter of the Petition for Review of State Certification NPDES Permit NM0029165). Seconded by Councilor Hood. Roll call votes: Councilor Hood, aye; Councilor Miller, aye; Councilor Holman, aye; Councilor Garrett, aye. Motion carried.

Mayor Miller closed the executive session at 2:22 p.m.

Present in closed session were members of the Governing Bodies of the Village of Ruidoso, the City of Ruidoso Downs, and the Joint Use Board. Others present included Dan O. Higgins, William Morris, Irma Nava, Bertha Polaco, H. John Underwood, Del Archuleta, John Ramos, and Carol Virden.

Mayor Miller called the special meeting back to order at 3:26 p.m.

Councilor Garrett moved 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.

Councilor Garrett moved to certify that matters discussed in the closed session were limited only to those specified in the motion for closure. Seconded by Councilor Holman. Roll Call Votes: Councilor Miller, aye; Councilor Hood, aye; Councilor Holman, aye and Councilor Garrett, aye. Motion carried.

Councilor Garrett moved to authorize legal staff to negotiate a specified date for a meeting of the City of Ruidoso Downs, Village of Ruidoso, and RWWTP Joint Use Board with the New Mexico Environment Department (NMED). Seconded by Councilor Hood. Roll call votes: Councilor Hood, aye; Councilor Miller, aye; Councilor Holman, aye; Councilor Garrett, aye. Motion carried.

There being no further business to come before the Governing Body, Mayor Miller adjourned the special meeting at 3:31 p.m.

Bob A. Miller, Mayor

ATTEST: _____
Carol Virden, City Clerk