

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
MAY 12, 2008

The Council of the City of Ruidoso Downs met in regular session on May 12, 2008. Mayor Armstrong called the meeting to order at 5:31 p.m. and asked Terry Proctor to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Williams
Councilor Olivo

Carol Virden, City Clerk/Treasurer informed Mayor Armstrong there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Zoning Director
Jay Smith, Museum Director
Alfred Ortiz, DPS Director
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor Armstrong said next item on the agenda was approval of the agenda and would move Unfinished Business Item 8 A & 8B to follow after all matters under New Business after Item 10.

Councilor Hood moved to approve agenda with the mayor's request to move Unfinished Business Item 8A & 8B to follow after all matters und New Business after Item 10. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Armstrong said next item on the agenda was approval of the Consent Agenda.

Mayor Armstrong pulled Item 10F, Re-Approval of Agreement Between City of Ruidoso Downs and Resource Enterprises, Inc. Certificate of Deposit in the amount of \$50,000.00, from the Consent Agenda and would like to table that item. Mayor Armstrong entertained a motion to approve the Consent Agenda with that change.

Councilor Williams moved to approve the Consent Agenda with the change of pulled Item 10F, Re-Approval of Agreement Between City of Ruidoso Downs and Resource Enterprises, Inc. Certificate of Deposit in the amount of \$50,000.00, and to table that item. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 28, 2008.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of April 28, 2008. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Accounts Payables. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

OTHER BUSINESS

Mayor Armstrong stated next item on the agenda was Other Business and asked Jay Smith, Museum Director to speak.

Jay Smith, Museum Director said he wanted to invite the mayor, council, staff, to attend the opening of "Boom, Busted, and Bought Out Again" mining exhibit on Friday, May 16, 2008 from 6:30 to 8:30 p.m. In the past he said they had only invited the city council and the manager but he said he wanted to open it up to all city staff because there were a lot of people that contributed to this project and made contributions to the museum on a regular basis. For the public in attendance he said he wanted to remind them that on Saturday, May 17th there was a full day of programming related to the mining exhibit. He said there is still free admission on Sunday's to all Ruidoso Downs residents.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Salary Increase City Clerk/Treasurer.

Mayor Armstrong entertained a motion to Approve Salary Increase City Clerk/Treasurer.

Councilor Holman moved to Approve Salary Increase City Clerk/Treasurer. Seconded by Councilor Olivo.

Councilor Williams said at this time the Budget Committee is working on salary increases for all city employees and at this moment the City Clerk/Treasurer is considered one of the city employees. He said he couldn't see having a salary increase for that position until they approve the budget and allow for the increase in salary if we are able to accommodate. He told Mayor Armstrong that he did not understand the reasoning for this and didn't understand what Mayor Armstrong was looking for and that the City Clerk/Treasurer was under the budget requirements for salary increases for employees. Mayor Armstrong said this was for added duties for the work that he is going to be requesting that she do. Councilor Williams asked Mayor Armstrong to define those extra duties. Mayor Armstrong said part of the administrator or manager type duties and stuff, all of our grants and all of the other issues that goes with that duty. Councilor Hood asked if this was the proposed pay raise? Mayor Armstrong said yes. Councilor Hood said he didn't think we were being very fair to all of the employees because Councilor Williams and others

were telling him they were only looking at a two percent increase for them and it doesn't look very good. Councilor Williams said to Mayor Armstrong that he didn't understand why he would want to put the added duties on because they are not identified specifically under that motion. He said we have nothing to base it on; there is nothing in the packet that describes what the additional duties would be to have a salary increase for those duties. He said he didn't know how it could be done when it's not identified on the agenda so that way he could see it and say okay I see that or okay, I don't know about that or okay, we'll see about that. Right now he said to Mayor Armstrong that he didn't agree with it and didn't know the direction he was going with it. Councilor Williams said right now the City Clerk/Treasurer is part of the budget requests for salary increases for the employees of the city and as it stands right now the salary increase would come from that proposal that the council will be working on in the workshop in the near future. He said he doesn't understand and doesn't see anything that tells him what it's all about.

Mayor Armstrong told Councilor Williams that they have had several discussions about this in the past month and said he would only ask that he vote yes or no for this. Councilor Williams agreed that they have had discussions but that but it was mostly about the restructuring, that it had been moved down on the agenda. He said it had nothing to do with this. He said he couldn't say yes or no right now and had to have the reasons for it and that he had to know what he had in mind. He said there might be some disagreements about how he is approaching this but he sees here the item says, "consider approving salary increase City Clerk/Treasurer." Mayor Armstrong said that was for the added duties. Councilor Williams said that was not part of the agenda. Mayor Armstrong said that it will be. Councilor Williams asked what his salary increase was in numbers? Mayor Armstrong said \$10,000.00. Councilor Williams said they've heard this over and over but that was the plan for the restructuring position for the City Clerk to City Clerk/Administrator with a \$10,000.00 raise so that is part of that package right there. He said this is totally separate and that as you have it here that the City Clerk is still a part of our government, a city employee and it comes under the jurisdiction of the budget request for salary raises. He said he was looking at it right here and it says nothing about additional duties. Mayor Armstrong said that will happen and this is the only way he can do this and that he will be requesting duties that he will assign for her to achieve afterwards. Councilor Hood said it would be better to know about them right now if we're going to have to make that decision. He said Carol is a Master Clerk and does an excellent job being a clerk but that we still need an administrator to do that work. He said we need her as Master Clerk and that she does excellent work and if we give her "slash/administrator" we're going to get fifty of this and fifty of that, even if she hired another person to help her. He said things are going to get swept under the carpet and fall through the cracks. Councilor Williams asked Councilor Holman to reconsider this position on this item on the agenda until we can have some discussion about it and have a clear view of what we're looking for here. He said that's the only thing that is fair and if we have to put it on the agenda for another meeting then do so and it gives us an opportunity to see where Mayor Armstrong is going with this. He said we still have this issue of restructuring and having a city manager position so we need a clarification to be able to do this.

Mayor Armstrong stated he had a motion on the floor and said he would call for a vote at this time. Roll Call Votes: Councilor Hood, Nay; Councilor Williams, Nay; Councilor Holman, Aye;

Councilor Olivo, Aye. Carol Virden, City Clerk/Treasurer told Mayor Armstrong there was a tie. Mayor Armstrong said he was going to break the tie. Motion carried.

Councilor Williams said he would still ask since this is what it is now that he give them a defined position that she will be assuming to warrant a \$10,000.00 pay raise for City Clerk/Treasurer. He said he knows this discussion is over with but that he is putting in his other two cents to justify to the populace out the \$10,000.00 City Clerk/Treasurer increase. He said to the mayor that he didn't have to do it now and that it was his call because it's already a done deal.

Mayor Armstrong stated next item on the agenda was Consideration of Promotion of Procurement/Asset Control Manager to Finance/Procurement/Asset Control Director with Salary Increase.

Mayor Armstrong entertained a motion to Approve Promotion of Procurement/Asset Control Manager to Finance/Procurement/Asset Control Director with Salary Increase.

Councilor Holman moved to Approve Promotion of Procurement/Asset Control Manager to Finance/Procurement/Asset Control Director with Salary Increase. Seconded by Councilor Olivo.

Councilor Hood asked if this was going to be the amount of money that was in the agenda the last time? Mayor Armstrong said yes. Councilor Hood said this is an awful lot of money for this position and said they weren't being fair to the other employees. He asked if this position is going to be an at-will position? Mayor Armstrong said it was going to be a director position. Councilor Hood said if it was not going to be an at-will position then it was not going to be fair to the other directors. Councilor Williams asked if that was how it was going to be? Mayor Armstrong said yes it will be at-will. Councilor Williams said he looked at the job description for this position, which in its form is a draft. He said earlier in the week we had a draft of the agenda that was going to be presented tonight and that draft obviously was changed to become an agenda item which means changes were made. He said with a draft here it tells him that possibly other changes could be made and the one that he was looking at that is discouraging is the fact that if a high school graduate with seven years experience, now if you're talking about a budget of around five or six million dollars which the City has, and said he's seen Ms. Mosley's resume and she has the qualifications to be in that position. He said if this was a draft he would encourage them to have the qualifications changed so that when Ms. Mosley is no longer within our sphere of financial control that the next individual that is hired for that position has an educational background that will give us an opportunity to feel comfortable in the fact that this position and the checks and balances and all the financial obligations within the city are controlled within one sphere of influence. He said he spoke to Bill Fulginiti with the Municipal League and also discussed this with officials at the DFA. He said they don't have a problem with this and they gave him their reasons why and he said that he understood it. He said the fact that this was a draft job description and it doesn't identify who you report to and it has a high school education for qualifications that he would like this to become a full-fledged job description that he could feel comfortable with and not need any kind of adjustments or additions or subtractions within that job description. He said again he opposes the fact that they're looking at a \$13,000.00 raise. He said it's unfortunate that as a budget committee member that he is going to look to cut back on some other areas to be able to finance this. He said you're saying we're saving money because we don't

have an administrator or a manager in position right now, although that position does exist and continues to exist. It's unfortunate that we've gone this way and that you've gone this way and he said if it works out he will pat him on the back, say good job, and we'll move on. If it doesn't then he will ask him about his logic during this process. Mayor Armstrong thanked Councilor Williams and said this was the end of the discussion and asked for roll call votes.

Roll call votes: Councilor Hood, Nay; Councilor Williams, Nay; Councilor Holman, Aye; Councilor Olivo, Aye. Carol Virden, City Clerk/Treasurer told Mayor Armstrong there was a tie. Mayor Armstrong said he would break the tie again-for. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Budget Adjustment-Municipal Courts-Part-Time Position-FY 2007-2008.

Mayor Armstrong entertained a motion to Approve Budget Adjustment-Municipal Courts-Part-Time Position-FY 2007-2008.

Councilor Hood moved to Approve Budget Adjustment-Municipal Courts-Part-Time Position-FY 2007-2008. Seconded by Councilor Williams. Councilor Williams said just to make it clear, this position was part of the agreement and something for them to follow through on. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Set Date(s) for 2008-2009 Budget Workshop(s).

Carol Virden, City Clerk/Treasurer said as Councilor Williams stated we have been working on the budget, which is part of the administrator's duties and said she and Terri Mosley had picked it up because they know the city has to move forward. She said the budget has to be in Santa Fe by June 1, 2008. She said they have met with the directors as well as the budget committee and that they have to set a date with the city councilors to hold a budget workshop to review the whole General Fund, Joint Water/Sewer Fund, Street Improvement Fund, Wastewater, and the whole budget. She said they will schedule the preliminary budget to be approved at the May 27, 2008 City Council meeting. She said they would need to meet prior to that and asked them to choose a date and they would accommodate them. Councilor Hood asked if they had another meeting next week? Councilor Olivo said they canceled that meeting that was scheduled for Wednesday. Carol Virden, City Clerk/Treasurer said that was the meeting for the Joint Use Board of Ruidoso and Ruidoso Downs and has been rescheduled for Monday, May 19, 2008 at 3:00 p.m. at the museum. Councilor Olivo asked if the Budget Committee had dates set up and asked Councilor Williams if they were finished with the discussion on the budget? Councilor Williams said he wasn't here to set a date and that was up to the City Clerk. He said they have done their preliminary on the budget but he didn't think they were done with it. He said he wasn't done with it but because people weren't here during the time they could have worked on this it put them back a few days and as far as he was concerned the budget was not ready to be put in the workshop. Councilor Olivo said we could not put a date then. Councilor Williams said that was his opinion but that Councilor Holman is also a part of that committee. Councilor Holman said he was ready to set a date and thought they were pretty close on that. Councilor Williams said they were close but they

were not done. He said there were questions that he still had on our Finance Manager and he would rather have those questions answered before they go out and start this process and have the council involved. Councilor Holman said if they could tie it down to about how long they think it's going to be then they could go ahead and set a date. Councilor Holman said it shouldn't take that long he would think. Councilor Williams said he's been reviewing this for the last month, this budget hearing and looking at the budget figures and said it is not a process that can be taken lightly. He said now because of the additional funding that has been put out there he needs to put it all together. He said he would rather do that diligently and be able to come back and say okay, our employees are going to get "x" amount of raise, be able to fund all these projects that that have come up that need to be taken care of. He said he wants to make sure everything is in place so that we can have that funding available and he would like to have one more day, another two or three hour session with the budget committee and the parties involved. Carol Virden, City Clerk/Treasurer said they certainly could do that, set a date with Councilor Holman, herself and Terri Mosley and go through a clean copy of the budget of all the director's requests and questions and the funding for the items that they were not made aware of. She said a date could be set for this week. Councilor Williams said with that in mind he would say next Monday or Tuesday depending on the councilor's availability. Carol Virden, City Clerk/Treasurer said it could not be Monday because they have a special meeting on the 19th. Councilor Williams said Tuesday or Wednesday then but he would still like one more day with Carol, Terri, and Councilor Holman to get everything down so that when he presents it to the councilors and the mayor and the public they will understand everything we've done. He said he didn't know if they would be satisfied with it all. Right now the budget has the potential of being pretty solid and he said he was encouraged with the fact that the employees will get a cost of living. Councilor Holman asked Councilor Hood if Wednesday would be good? Councilor Hood said Carol Virden, City Clerk/Treasurer said if it is Wednesday they have to be done by 4:00 p.m. Carol Virden said there was a Beautification Committee meeting at 4:00 on that day. Councilor Hood asked if they could meet somewhere else? Carol Virden, City Clerk/Treasurer said they could reschedule. Councilor Hood said Wednesday the 21st would be okay, it would get him through the biggest part of the day, the Meals on Wheels Program. He said he would like to start about 3:00 of the rest of the councilors would go with that. Councilor Holman said that would be okay with him. Councilor Olivo said yes.

Mayor Armstrong entertained a motion to set date(s) for 2008-2009 Budget Workshop(s) for Wednesday, May 21, 2008 at 3:00 p.m.

Councilor Hood moved to have budget workshop date for Wednesday, May 21, 2008 at 3:00 p.m. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Accepting Lodgers' Tax Committee Allocations Recommendation 2008-2009 Fiscal Year.

Councilor Olivo moved to table because he had a question on some of the money they give out and wanted to discuss it before they vote on it. Seconded by Councilor Hood. Carol Virden, City Clerk/Treasurer told Councilor Olivo that when you ask to table, until when? Councilor Olivo said until the next council meeting. Carol Virden, City Clerk/Treasurer said at the next council

meeting they will have approval of the preliminary budget. Carol Virden, City Clerk/Treasurer said Wayne Williams was here and was part of the Lodgers' Tax Committee and that if there were questions on the recommendations he would be able to answer questions.

Wayne Williams said the total amount requested by different organizations totaled \$64,500.00. The total amount at their disposal for recommendations is \$26,000.00. The main concern for the committee was one: did this organization bring tourists to our hotels, RV Parks, and businesses? Two: did this organization bring any name recognition to our city in their advertising? Three: did this organization have any room for growth that might bring in tourists in the future? He said the total amount recommended by the committee is \$24,500.00 leaving a balance of \$1,500.00. It was the recommendation of the committee that the remainder of this money be used by the city as it sees fit. It is also recommended that if the city does not use all of the money allocated to them that the Military Appreciation Weekend allocation be increased.

Councilor Olivo said his question was on the Ruidoso Downs Auxiliary. He said it is one of the oldest organizations in Ruidoso Downs and they do promotions for kids, the Easter Egg Hunt for the kids. He said they just gave the last of the money away last week for scholarships for kids. He said he could see here that they were not awarded any money for last year or this coming year. He said right now they are trying to come back and had lost a lot of members and lost the Arts & Crafts. He said Ms. Bonnie Richardson came up with this idea for the open-air market but they need some money for advertising. Wayne Williams said there were two reasons why there was no money given to the auxiliary. One was the only thing they had to offer to the committee was a kind of fair that they have during Memorial Day or Labor Day, he said he could not remember, but that this would be when the town would already be loaded with people and wouldn't bring any new people into the community for that event. Second was that they withdrew their application for funding and that was the reason there was a zero on it. He said the committee members had a really hard time and that he had consulted with Carol and the mayor and they know the auxiliary is an extremely beneficial organization to this town and it would be noted in the minutes that he felt that, but this is lodgers' tax money and would the lodgers benefit? He said after Harold Oakes heard their discussion about it withdrew their request. Wayne Williams said that honestly they had a lot of problems. For one the Summer Concert Series, Ziafest, MTD Radio, these were all businesses for profit and were not just out there to benefit Ruidoso Downs. In fact some of these businesses don't even pay gross receipts tax to help our city. The bottom line is that these events bring in a lot of people and although they are for profit businesses it does benefit our city. Councilor Olivo said he hopes the auxiliary will survive without this money because they help a lot of senior citizens too and now that they are in trouble no one will help them. Wayne Williams said if it was his money he would say yeah and said he knows they do a lot of good and he would maybe call on the citizens to reach down in their pockets a little bit rather than asking the hotels and motels who are constantly digging in their pockets for everything that comes along. Councilor Hood asked Councilor Olivo how much money he was thinking of giving them? Councilor Olivo asked Bonnie Richardson how many scholarships they gave out last week?

Bonnie Richardson said it would be four scholarships and that they would give the bulk of the money away, that's what it is for. She said the money they would get from the Lodgers' Tax would be strictly advertising Ruidoso Downs. She said it does not go into the auxiliary coffers for anything except advertising. She said if they want the name of Ruidoso Downs out there all over

the southwest and into Texas then they need some of that money. She said they can't advertise, and give away scholarships, and have a little bit of buffer money. She said they don't need money from Ruidoso Downs residents, she thought lodgers' tax money was supposed to be set aside for advertising. She said she understands their concern about bringing people into town but if you look at the motorcycle rally the motels are filled to capacity so she disagrees with them because it would go into advertising, into TV, into radio and newspapers, and it would say to come to Ruidoso Downs for this open-air market.

Carol Virden, City Clerk/Treasurer said believes what Wayne Williams said was there was still \$1,500.00 that the city council could do with what they see fit. Councilor Olivo said Bonnie Richardson knew more about it than he did. Bonnie Richardson said if they gave the auxiliary \$1,500.00 they would spend it all on advertising. Councilor Hood said he would like to see the council give that \$1,500.00 to the auxiliary. He said they have done a lot and helped the Senior Center and many needy people around here. Bonnie Richardson said that advertising would promote the auxiliary and the city.

Councilor Olivo rescinded his motion to table.

Councilor Olivo moved to approve Lodgers' Tax Committee allocations recommendation 2008-2009 Fiscal Year with giving \$1,500.00 balance to the Ruidoso Downs Auxiliary. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Waiver Ruidoso Downs Auxiliary-To allow overnight parking for participating vendors-Open Air Market-Labor Day Weekend (City of Ruidoso Downs Code of Ordinances Article 5 Park Department: 4-5-2 Use).

Mayor Armstrong entertained motions to Approve Waiver Ruidoso Downs Auxiliary-To allow overnight parking for participating vendors-Open Air Market-Labor Day Weekend (City of Ruidoso Downs Code of Ordinances Article 5 Park Department: 4-5-2 Use).

Councilor Hood asked if we did this waiver would they be allowed to have animals like dogs in the park during that weekend? Bonnie Richardson said traditionally the auxiliary has not allowed pets during the arts & crafts fair and that is not a good idea to have them for the open air market because people just do not clean up after their pets.

Chief Ortiz asked Bonnie Richardson if any concessions have been made for handicap parking? Bonnie Richardson said no. Chief Ortiz said he was reflecting back on other events they've had like Founders Day and that they would have to make that available to individuals for the open-air market event. He said he was also concerned about fire restrictions throughout Lincoln County and that there are some very severe fire restrictions in effect. He asked if there would be any open fires or grills such as barbecuing or cooking? Bonnie Richardson asked him to define open fires. Chief Ortiz said grills. She said they will put in their applications about the fire restrictions. She said they will have food vendors. Chief Ortiz asked about the security issue and how many people they were expecting? Bonnie Richardson said they were looking at 50-55 vendors. Chief Ortiz said

he would encourage additional security measures be taken. He said he did not have a police force big enough to handle that size of crowd but he wanted to make sure everything went smooth.

Councilor Williams amended his motion to table and then amended his motion to approve Waiver Ruidoso Downs Auxiliary-To allow overnight parking for participating vendors-Open Air Market-Labor Day Weekend (City of Ruidoso Downs Code of Ordinances Article 5 Park Department: 4-5-2 Use) contingent upon all of the ADA requirements to be met as well as all other concerns made by Chief Ortiz be addressed and met. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2008-08 SPA 06-1144 GF Ruidoso Downs Wastewater System Improvements.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-08 SPA 06-1144 GF Ruidoso Downs Wastewater System Improvements.

Councilor Holman moved to approve Resolution No. 2008-08 SPA 06-1144 GF Ruidoso Downs Wastewater System Improvements. Seconded by Councilor Olivo.

Carol Virden, City Clerk/Treasurer said this resolution states that in the absence of mayor that the mayor pro tem is authorized to sign agreements for 06-1144 GF Ruidoso Downs Wastewater System Improvements and also authorizing the City Clerk and Terri Mosley to sign reimbursement requests and other documents for final submittal to the New Mexico Environment Department. She said the reason for that is that they do have project descriptions and project budgets that were not submitted for this 2006 1144 grant received from the New Mexico Environment Department. She said the previous city manager was the only one authorized to sign for that and that we need to get it into their state office.

Councilor Williams asked if the typo change would have to be made for Mrs. Mosley of being Control Manager/Control Director? Carol Virden said she could do that with the council authorization tonight. Councilor Williams asked if the lawyer side had anything to add? W.T. Martin, Jr., City Attorney said he thinks this needs to be done with people authorized because those who could sign are no longer here and we definitely have some stuff to be signed off on and something needs to be done. Councilor Williams asked that the name of the title be changed of Terri Mosley. Carol Virden, City Clerk/Treasurer said she would do so.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Restructuring Position of City Clerk to City Clerk/Administrator with Salary Increase.

Mayor Armstrong stated next item on the agenda was Consider Restructuring Position of Procurement/Asset Control Manager to Finance/Procurement /Asset Control Director with Salary Increase.

Mayor Armstrong entertained a motion to remove Unfinished Business Item 8A & 8B from the agenda indefinitely; we have approved the other positions earlier.

Councilor Williams moved to remove Unfinished Business Item 8A & 8B from the agenda indefinitely because they approved the other positions earlier. Seconded by Councilor Hood.

Councilor Williams said hopefully now that this has gone away after four meetings, three meetings, that to reassure him of her position and what she will accomplish with the new responsibilities of City Clerk/Treasurer that they will be furnished with an information sheet outlining the additional duties. Mayor Armstrong said they would.

Roll call votes: Councilor Hood, Nay; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

PUBLIC INPUT

Mayor Armstrong asked if there was any public input with a three-minute time limit?

Wayne Williams said this was supposed to be a personal letter to the City of Ruidoso Downs administration two months ago. He apologized for all of the information not being completely up-to-date but for family and other reasons his letter was two months late. With research of the last minutes and what he has heard today he decided to make this letter public. He read the letter aloud as follows:

(Transcribed as received from copy of letter)

A personal letter to the members of our City Government.

Mr. Mayor, members of the Council, Employees of the City of Ruidoso Downs.

I have just returned from Washington D.C. And after seeing all the history of this country in person, I have come to the conclusion that for a country to work and work well, we must all get involved, not just part of the time but all of the time.

I understand that most Citizens only speak out when they have a bone to pick. (my self included) Well I wish to change that. I have read the minutes of the last two meetings from the first page to the last.

There was an item or two that I did not quite understand , but after having contact with the Mayor, I now do. I now understand that with the removal of one person and the changing of a couple of others duties and even with giving them a well deserved raise, not only are all of the bases covered, but this Mayor and council members have saved the tax payers some 78,000.00 per Year Now that is what I call Real progress!!

The Mayor also explained to me how the point system works when picking a contractor, not only is this a good thing. Just the fact that he took the time to explain it to me is also good.

After returning from D.C. I decide to drive around town just to see if I could get any ideas of how I might be of aid to the City. One thing caught my attention It seems that while I was gone The City picked up all the pine needles and brush along our streets and roads, Thank You.

I think that in the short time this new Mayor and council members have been in office including old members they have made amazing amounts of progress. It is my hope that personalities do not get in the way of you all continuing to do a good job. I am one Citizen who will be watching. I will be willing to give praise when it is deserved but the reverse when it is not.

Thank you for your time, but most of all your service.

At your service.

Wayne Williams

A note to Council members.

*Ladies and Gentlemen. Good government is not about who has the biggest mouth.
Good government is not about who gets his or her name in the paper the most.
Good government is about ideas that will help our City.
Good government is about working together to get the peoples work done.
Good government is also about disagreement when it is for the right reasons.
The most important part of good government is it's Citizens involved. I AM NOW INVOLVED!!!*

Thank you.

Councilor Hood thanked Mr. Williams for all of the work he's done on the Lodgers' Tax Committee. He said he knows that is a hard deal. Wayne Williams said anytime they need him to just let him know. He said he would be here every week or every month and if he had something to say he would be up here saying it.

Mayor Armstrong asked if there was anyone else to speak?

Bob Chisholm said he was here to talk about proposition F. He said if any of you people sitting at this table agree to this proposition you should automatically resign your position. He said if it was the proposition he read then it was the most ridiculous piece of agreement he's ever read in his life. He asked them to please not approve this proposition. He said if anyone has a copy of it he would like to see it right now. Mayor Armstrong asked him which agreement he was talking about? Councilor Hood asked Mr. Chisholm if he was talking about Escondido Hills? Mr. Chisholm said he couldn't hear him.

Councilor Olivo asked him if he was talking about Escondido Hills? Mr. Chisholm said proposition F. Mayor Armstrong said our attorney could talk about that but that it was tabled. Carol Virden, City Clerk/Treasurer told Mr. Chisholm that it was tabled until May 27th. Mr. Chisholm said May 27th, alright. Mr. Chisholm said he didn't hear that and that he couldn't hear a thing back here. Carol Virden, City Clerk/Treasurer asked him if the amplifier worked? He said no. She said she did get it from the New Mexico Commission for the Hard of Hearing. He thanked her.

EXECUTIVE SESSION

Mayor Armstrong stated next item on the agenda was Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7: Wastewater Treatment Plant and CV-2006-0337, Consider possible action regarding Settlement Agreement CV-2006-0337.

Mayor Armstrong 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: Wastewater Treatment Plant and CV-2006-0337, Consider possible action regarding Settlement Agreement CV-2006-0337.

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. Seconded by Councilor Williams. Roll call votes: Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 6:32 p.m. and invited W.T. Martin, Jr., City Attorney, and Carol Virden, City Clerk, into the Council Chambers after a five-minute recess.

Mayor Armstrong entertained a motion to go back into open session.

Councilor Hood moved to go back into regular session. Seconded by Councilor Olivo. Roll call votes: Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular session back to order at 7:01 p.m. and Councilor Williams 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 no actions were taken.

Mayor Armstrong entertained a motion to approve Settlement Agreement CV-2006-0337,

Councilor Williams moved to approve Settlement agreement CV-2006-0337. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

ADJOURNMENT

Mayor Armstrong entertained a motion to adjourn.

Mayor and councilors agreed to adjourn at 7:03 p.m.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer