

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
MAY 27, 2008

The Council of the City of Ruidoso Downs met in regular session on May 27, 2008. Mayor Armstrong called the meeting to order at 5:32 p.m. and asked Steve Dunigan 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-absent

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 stated next item on the agenda was approval of the agenda. He said he was going to pull Item 12G and table it to a future time. Councilor Hood asked if Item 12G was the 911? Mayor Armstrong said yes.

Councilor Williams asked if he could modify something on Item 12K? He said he just wanted to have discussion and eliminate the "possible" and the rest of it after that. Carol Virden, City Clerk/Treasurer said they would just have to leave it like it is.

Mayor Armstrong entertained a motion to approve agenda with changes.

Councilor Hood moved to approve agenda with the mayor's request to pull Item 12G and table it to a future time. Seconded by Councilor Williams. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Motion carried.

APPROVAL OF CONSENT AGENDA

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

Mayor Armstrong entertained a motion to approve the Consent Agenda.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 12, 2008 and MINUTES OF SPECIAL JOINT MEETING OF MAY 19, 2008.

Motion was made by Councilor Hood and seconded by Councilor Holman to approve the Minutes of the Regular Meeting of May 12, 2008 and Minutes of Special Joint Meeting of May 19, 2008. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

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

APPROVAL OF MONTHLY REPORTS

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

PUBLIC HEARINGS

Mayor Armstrong stated next item on the agenda was Public Hearing on Ordinance No. 2008-02.

AN ORDINANCE RESCINDING A PORTION OF CHAPTER 6 TITLED "MORALS/CONDUCT, ARTICLE 6 GENERAL NUISANCE, SECTION 2 NUISANCES DECLARED (F) VEGETATION MANAGEMENT OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES.

Mayor Armstrong said he hereby opened the Public Hearing for comments and would accept in the following order: interested persons must approach the podium one at a time, state their name, and present their case. He said a limit of three minutes will be allowed per person. He asked if there were any persons here to speak in opposition of the action?

Bonnie Richardson asked for more clarification.

Steve Dunigan, Planning & Zoning Director said the section they are rescinding will read, and this is what was added to the existing ordinance, simply says "or along any street or avenue adjoining the property between the property line and the curb line or street thereof; or on or along the alley adjoining the property between the property line and the center of such alley." He said in plain English they were asking for help taking care of all weeds and so on from the property line all the way out to the street, the right-of-ways,

next to alleys. He said in rescinding this they hope to continue work on all of those issues throughout town and he thought the city was willing to take some of that responsibility back and get help wherever they can. They were simply removing that particular statement.

Mayor Armstrong asked Bonnie Richardson if that answered her question? She said yes.

Mayor Armstrong asked if there was anyone here to speak in opposition of the action? There was no one to speak in opposition of the action.

Mayor Armstrong asked if there was anyone here to speak in support of the action? There was no one to speak in support of the action.

Mayor Armstrong stated he hereby closed the Public Hearing with no comments being made.

Mayor Armstrong entertained a motion to adopt Ordinance No. 2008-02.

ORDINANCE NO. 2008-02 AN ORDINANCE RESCINDING A PORTION OF CHAPER 6 TITLED "MORALS/CONDUCT, ARTICLE 6 GENERAL NUISANCE, SECTION 2 NUISANCES DECLARED (F) VEGETATION MANAGEMENT OF THE CITY OF RUIDOSO DOWNS CODE OR ORDINANCES.

Councilor Holman moved to adopt Ordinance No. 2008-02. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Public Hearing on Ordinance No. 2008-03.

THE 2004 COMPILATION OF THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE, COMPRISING OF SECTION 12-1-1 THROUGH 12-13-6 INCLUSIVE, AND ALL CHANGES THROUGH APRIL 2008, ARE HEREWITH ADOPTED BY REFERENCE, PURSUANT TO SECTION 3-17-6 NMSA 1978.

Mayor Armstrong said he hereby opened the Public Hearing for comments and would accept in the following order: interested persons must approach the podium one at a time, state their name, and present their case. He said a limit of three minutes will be allowed per person. He asked if there were any persons here to speak in opposition of the action?

Bonnie Richardson asked for more clarification.

Carol Virden, City Clerk/Treasurer said the Uniform Traffic that has come before the council consists of the 2004 Compilation that replaces the 1997 Compilation and amendments through April 2008. Bonnie Richardson asked what that means? Carol Virden, City Clerk/Treasurer said that means that all the changes made to the Uniform

Traffic Ordinance by legislature are coming before the council as cleanup for the years 2004, 2005, 2006, 2007, all of July and through April of 2008. Bonnie Richardson asked if this then brings us into compliance with the state? Carol Virden, City Clerk/Treasurer said yes.

Mayor Armstrong asked if there was anyone here to speak in support of the action?

Bonnie Richardson asked if we had a choice if it brings us into compliance with the state? She asked if there would be a choice?

Mayor Armstrong said at a Public Hearing he would at least want to hear their opinion and be legal but he said no he did not think there was a choice.

Mayor Armstrong said he hereby closed the Public Hearing if there were no further comments.

Mayor Armstrong entertained a motion to adopt Ordinance No. 2008-03.

Councilor Hood moved to adopt Ordinance No. 2008-03. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Re-Approval of Agreement Between City of Ruidoso Downs and Resource Enterprises, Inc. Certificate of Deposit in the amount of \$50,000.00.

W.T. Martin, Jr., City Attorney said did not believe there should be any action taken whatsoever on Item 10 and was not sure why they have it in the format of re-approval. He said over a year ago this city council voted to approve a \$50,000 bond. They also voted to approve the form of the agreement relating to that bond. The \$50,000 Certificate of Deposit bond has been posted which is in compliance with what was passed over a year ago. The form of the document that was signed which is the agreement relating to the \$50,000 in a performance bond is exactly the form that this city council approved over a year ago. What has occurred here is nothing other than what has been previously approved by city council action. He said he did not believe there was any necessity for any re-approval.

Carol Virden, City Clerk/Treasurer said this was an item that was tabled from the May 12, 2008 agenda under New Business.

Mayor Armstrong entertained a motion to remove Re-Approval of Agreement Between City of Ruidoso Downs and Resource Enterprises, Inc. Certificate of Deposit in the amount of \$50,000.00.

OTHER BUSINESS

Mayor Armstrong stated next item on the agenda was Other Business and that items were for discussion only and no action will be taken.

Councilor Hood said he was out and about over the weekend and a little controversy came up about our attorney. He said there are some people saying that the name Tracy Waters is being associated with John Waters the ex-manager and it's not true. The Tracy Waters that works in Mr. Martin's office doesn't spell her name the same and is not the same. He said he wanted to get that out in the public because it is not fair to be dodging those questions and have to answer those questions.

W.T. Martin, Jr., City Attorney said the Tracy Waters that works in his office is a women in her 20's and is the granddaughter of a gentleman that was a football coach in Carlsbad in the 70's. Her father runs a welding and fabrication shop and supplies materials to potash mines and oil fields. He said she has absolutely no relation to John Waters or Tracy Waters; it's just a coincidence of names. Whoever thinks he has John Waters wife working for him wants them to know it is not true and never was true.

Councilor Hood asked Chief Ortiz if they have lifted the ban on gas grills? Chief Ortiz said gas grills are permitted but charcoal based grills are not.

Councilor Williams asked if there was an update on when the traffic signal was going to be installed? Carol Virden, City Clerk/Treasurer said installation will begin June 2, 2008.

Carol Virden, City Clerk/Treasurer said getting back to Unfinished Business Item 10A she would need a motion to remove the item for an indefinite period.

Councilor Hood moved to remove Re-Approval of Agreement Between City of Ruidoso Downs and Resource Enterprises, Inc. Certificate of Deposit in the amount of \$50,000.00. Seconded by Councilor Williams. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye. Motion carried.

Councilor Olivo arrived at approximately 5:30 p.m.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving City of Ruidoso Downs Preliminary Budget FY 2008-2009.

Terri Mosley, Finance/Procurement/Asset Control Director said the 2008-2009 Preliminary Budget was developed on the basis of its needs and through cooperation with all the departments and elected officials. During the budget workshop of the governing body held on Wednesday, May 21, 2008 council recommended an increase of 5% for city employees excluding five positions. This includes all changes recommended by the budget workshop for the governing body as well as by

the department heads. The preliminary budget is as follows, and she said because during the budget workshop they went line by line, this was going to be only recaps.

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| <u>General Fund:</u> Estimated Beginning Cash | \$1,644,526 |
| Revenues: | \$3,384,031 |
| Budget Transfers out: | \$ 99,231 |
| Expenditures: | \$3,485,891 |
| Once the Reserves are met: | \$ 209,491 |
| Adjusted Ending Cash Balance: | \$1,152,944 |

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| <u>Local Government Corrections:</u> Estimated Beginning Cash | \$ 44,543 |
| Revenues: | \$ 13,000 |
| Expenditures: | \$ 13,000 |
| Estimated Ending Cash Balance: | \$ 44,543 |

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| <u>Judicial Education:</u> Estimated Beginning Cash | \$ -0- |
| Revenues: | \$ 1,500 |
| Expenditures: | \$ 1,500 |
| Estimated Ending Cash Balance: | \$ -0- |

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| <u>Court Automation:</u> Estimated Beginning Cash | \$ -0- |
| Revenues: | \$ 3,500 |
| Expenditures: | \$ 3,500 |
| Estimated Ending Cash Balance: | \$ -0- |

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| <u>Lincoln County Transit:</u> Estimated Beginning Cash | \$ -0- |
| Estimated Revenues: | \$ 85,000 |
| Estimated Expenditures: | \$ 41,200 |

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| Estimated Ending Cash Balance: | \$ 43,800 |
| <u>EMS</u> : Estimated Beginning Cash | \$ 137,000 |
| Revenues: | \$ 11,288 |
| Expenditures: | \$ 11,288 |
| Estimated Ending Cash Balance: | \$ 137,000 |
| <u>Street Improvements</u> : Estimated Beginning Cash | \$ 238,673 |
| Revenues: | \$ 322,952 |
| Transfers In: | \$ 144,692 |
| Expenditures: | \$ 520,256 |
| Estimated Ending Cash Balance: | \$ 186,071 |
| <u>Gas Tax Road Fund</u> : Estimated Beginning Cash | \$ -0- |
| Revenues: | \$ 14,412 |
| Budget Transfers Out: | \$ 14,412 |
| Estimated Ending Cash Balance: | \$ -0- |
| <u>Fire Protection Fund</u> : Estimated Beginning Cash | \$ 11.00 |
| Revenues: | \$ 67,938 |
| Expenditures: | \$ 67,938 |
| Estimated Ending Cash Balance: | \$ 11.00 |
| <u>Law Enforcement Protection</u> : Estimated Beginning Cash | \$ 14,137 |
| Revenues: | \$ 24,800 |
| Expenditures: | \$ 24,800 |
| Estimated Ending Cash Balance: | \$ 14,137 |

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| <u>Lodgers' Tax Promotional:</u> Estimated Beginning Cash | \$ 68,044 |
| Revenues: | \$ 76,548 |
| Transfers Out: | \$ 26,000 |
| Expenditures: | \$ 26,000 |
| Estimated Ending Cash Balance: | \$ 92,592.00 |

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| <u>Lodgers' Tax Non-Promotional:</u> Estimated Beginning Cash | \$ 78,685 |
| Revenues: | \$ 110,604 |
| Transfers Out: | \$ 82,149 |
| Expenditures: | \$ 67,426 |
| Estimated Ending Cash Balance: | \$ 39,714 |

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| <u>Museum Fund:</u> Estimated Beginning Cash | \$1,270,558 |
| Revenues: | \$ 908,000 |
| Transfers In: | \$ 189,424 |
| Expenditures: | \$ 943,321 |
| Estimated Ending Cash Balance: | \$1,424,661 |

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| <u>Revenue Fund:</u> Estimated Beginning Cash | \$ 3,433 |
| Revenues: | \$ 1,400 |
| Expenditures: | \$ 1,400 |
| Estimated Ending Cash Balance: | \$ 3,433 |

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| <u>Infrastructure:</u> Estimated Beginning Cash | \$ 19,357 |
| Revenues: | \$ 270,648 |
| Transfers Out: | \$ 270,648 |
| Estimated Ending Cash Balance: | 19,357 |
| <u>Debt Fund:</u> Estimated Beginning Cash | \$ 86,491 |
| Revenues: | \$ 37,733 |
| Expenditures: | \$ 95,196 |
| Estimated Ending Cash Balance: | \$1,329,028 |
| <u>Colonias Projects:</u> Estimated Beginning Cash | \$ 50,000 |
| Revenues: | \$ 500,000 |
| Expenditures: | \$ 550,000 |
| Estimated Ending Cash Balance: | \$ -0- |
| <u>Solid Waste:</u> Estimated Beginning Cash | \$ 3,815 |
| Revenues: | \$ 217,836 |
| Transfers In: | \$ 23,000 |
| Expenditures: | \$ 221,576 |
| Estimated Ending Cash Balance: | \$ 23,075 |
| <u>Joint Water & Sewer Fund:</u> Estimated Beginning Cash | \$ 366,951 |
| Revenues: | \$ 753,623 |
| Expenditures: | \$ 793,805 |
| Estimated Ending Cash Balance: | \$ 326,769 |
| <u>Water & Sewer Improvements:</u> Estimated Beginning Cash | \$ 55,782 |
| Revenues: | \$1,860,825 |

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| Transfers In: | \$ 135,324 |
| Expenditures: | \$ 760,000 |
| Estimated Ending Cash Balance: | \$1,291,931 |
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| <u>Sewer Sys. Cap Equip. & Infra.:</u> Estimated Beg. Cash | \$ 5,325 |
| Revenues: | \$ 7,500 |
| Expenditures | \$ -0- |
| Estimated Ending Cash Balance: | \$ 12,825 |
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| <u>Water Security Fund:</u> Estimated Beginning Cash | \$ 66,460 |
| Revenues: | \$ 2,500 |
| Expenditures: | \$ 1,900 |
| Estimated Ending Cash Balance: | \$ 67,060 |

Mayor Armstrong entertained a motion to approve City of Ruidoso Downs preliminary budget FY 2008-2009.

Councilor Olivo moved to approve City of Ruidoso Downs preliminary budget FY 2008-2009. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olive, Aye. Motion carried.

Councilor Williams asked if there were any questions because there were a lot of numbers there.

Councilor Olivo asked on Lincoln County Transit did he hear them say \$85,000 revenues? Terri Mosley, Finance/Procurement/Asset Control Director said yes and that she got that after she did the budget agenda. She said she did have it revised if he wanted.

Bonnie Richardson asked how they based the revenues? Was it a percentage of this year, was it the same as this year or half of this fiscal year? Terri Mosley, Finance/Procurement/Asset Control Director said it was based off the estimated last three months of this fiscal year. She said they were pretty conservative with the revenues this year.

Mayor Armstrong stated next item on the agenda was Consider Appointment of Public Works Director by Recommendation of the Mayor.

Mayor Armstrong said his recommendation is Cleatus Richards. He said this person has been in Public Works division in many fields. He said he feels our city needs someone of his expertise, knowledge, and experience. He said all of our little problems that we have down the road from us, he will be the one that keeps us on track.

Mayor Armstrong entertained a motion to approve appointment of Public Works Director, Cleatus Richards.

Councilor Hood moved to table this item because he has some questions. Seconded by Councilor Williams.

Councilor Hood asked Mayor Armstrong how many applications they got back on this? Mayor Armstrong said one. Councilor Williams asked if we advertised? Mayor Armstrong said we advertised locally and he wanted someone local here and felt very comfortable with who he saw come in with his application. He said we have locally problems here and in the past we've used from our forces from Public Works. This person has been in the Public Works form for many years in our neighboring town.

Councilor Williams said the job is critical to the Public Works Director which is a very important job considering what they are required to do. He said he thought the requirement for having more than one applicant would be considered important for us when we think about the kind of talent level there are in the state. He said we should have gone to the state to advertise to bring in more than one individual to apply for this. He said the fact that he is local and he does deal with the local issues is fine but again as a city we should have an opportunity to have more than one applicant apply for this because it is a very critical job with the kind of experience that is needed from the issues that we talked about and are facing not only now but in the future. Councilor Williams said the fact that the job description that Mayor Armstrong has that came out of his office and the critical part of it being the qualifications, and he read from the job description:

The qualifications are a Bachelor's Degree or accredited college, university, or public administration, civil engineering and related field plus six years of increasingly responsible Public Works administration or civil engineering experience. Three years of required experience must have been in management, two years of Planning & Zoning experience.

Councilor Williams said obviously those are very critical otherwise you wouldn't have placed them in here as the Public Works Director job description. He said he thought they should have more applicants to choose from and said to Mayor Armstrong he realizes he may have seen that this individual may or may not be able to do this job. Councilor Williams said with the kind of talent there is in the state of New Mexico in this particular field he felt obligated to the citizens of this community to get the best qualified person and that would require more than one name being submitted. He recommended that until they get more names brought in to ask questions about it. He said when you ask about background, recommendations, he said he didn't see any of that in the request so Councilor Hood's recommendation to be tabled should be considered and for us to

go ahead and continue looking for a Public Works Director in a position that we feel like for the City of Ruidoso Downs deserve to have, and the number of applicants should be scrutinized.

Mayor Armstrong said he felt in the applicant we have here that they have met all of the qualifications that he needed for the Public Works Director. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer what they had? Carol Virden, City Clerk/Treasurer said they have a motion to table and a second. Mayor Armstrong said he guessed we need a vote.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Nay; Councilor Olive, Nay. Carol Virden, City Clerk/Treasurer informed Mayor Armstrong there was a tie vote. Mayor Armstrong said he would break the tie and vote no.

Councilor Williams said he would not ask his esteemed colleagues what are there reasons for "no?" Councilor Olivo said experience. He said the man has a lot of experience and we put it out for bid and asked what else are we looking for? He said we can't wait any longer. Councilor Williams said we've waited three months. Councilor Olivo asked if he's heard about our street conditions? He said we have nobody to follow up and this man is qualified for everything you want to know about Public Works. Councilor Hood said one thing we need is someone out there working and this man wasn't going to get out there and work, he's going to be behind the desk and said "I do know that." Councilor Williams said that he implore that his esteemed colleagues consider the fact that they need more than one applicant for this job. He asked if we did not have more than one applicant for other jobs in the city in the past? He said he was sure we did. He asked why not continue that trend now? He said the City of Ruidoso Downs is a growing community with a lot of problems we're looking at and facing down the road legal-wise and financial-wise. He said he believed this critical position, critical position, that we need to watch our steps and be concerned with the fact that the public deserves the best that we can offer for them as the city government. He said the recommendation the mayor has is fine but he was against having just one application and thought we should go out and have an opportunity to interview possibilities and see what their qualifications are, there may be even a higher level than what we have here. He said we need to find that out, we need to at least try. He said it's important that the citizens realize that we are trying to do what is best for them as well as for ourselves as the governing body in trying to make the city run at a high level as the citizens and myself expect. As a councilman I demand it because that is what I'm here for.

Councilor Hood said he would like to see us go back for advertisement and have a committee of at least one of the councilors on it so we can look at what comes in. He said we've done that in the past and he would like to have a selection committee.

Mayor Armstrong told Councilor Williams and Councilor Hood this is a director which he is to bring the recommendation to them for approval and this is what he is asking tonight and said he needs an approval and a second.

Councilor Williams told Mayor Armstrong that he was not being open-minded about this. Mayor Armstrong yes he was. Councilor Williams said not if he was going with one recommendation. He said Mayor Armstrong might be thinking he was just talking but that he was trying to make

sense of all this and that he was pointing at stuff that was legitimate here. He said he is asking questions and was sure that the public is asking questions in their own minds and he was trying to relate that here. He said the job description and what we have here does not jive and that we need to go and find more opportunities to fill this position and have an opportunity for this city to have the best person in place. He said he wants to mentions this and doesn't like to go here with this but he didn't want the city to go back to where we were and try to struggle to get ourselves back to where we are now. In reference to this he said we will have to step back and we won't be able to move forward. He said he implored the mayor to reconsider an opportunity for the city, and for the councilmen and the citizens out here, to reconsider and give us the opportunity to work with another set of people. He said he would rather have someone that has no idea what goes on down here in Ruidoso Downs, who comes in with fresh ideas and fresh thoughts, ingenuity, and has a sight that he's looking at and can follow through on. If we have someone that is local he said he didn't think he would have that dimension. He said it was important. He said he wasn't talking just to talk, and said he realizes the mayor might think so but it's not. He said he was throwing out good reasoning for it and hoped his colleagues would understand where he was coming from and look at it realistically and not be close-minded about it.

PUBLIC INPUT

Jean Lacewell asked Mayor Armstrong if there could be Public Input on this before the vote? Mayor Armstrong said he would allow that with a three-minute time limit.

Jean Lacewell said she was wondering what the background of this man was and where he previously worked and why he was no longer there?

Mayor Armstrong said he didn't have the information in front of him but that he has about 21 years experience. He, in this area with Ruidoso, was the assistant manager for Ruidoso, he was in Planning, and he was in the planning of our sewer plants that we have here now that we are looking to solve some problems to upgrade. He said he believed the 21 years was with Ruidoso. Mayor Armstrong said he has known the man almost all of these years. He said he had worked with him when he worked with Ruidoso.

Jean Lacewell asked if Mayor Armstrong knew why he was no longer there? Mayor Armstrong said he has retired and he went into other reaches of business. He has decided he doesn't want to be retired yet and that he wants to come back to work and do the work.

Edna Rodriguez said she agrees with Gary Williams. She said any position that is open for application you have to have more than one applicant. He might be the best qualified but you have to have to look at more applications. Other people that have more experience in certain fields than he does, we don't know. We want to see more applicants and said she thinks the public agrees with that. Many people from the audience said yes. Edna Rodriguez said she knows Mayor Armstrong said he knew him for 20 something years but being in the position he is in you would think he would be open for more applicants.

Mayor Armstrong said he was open for more applicants when he turned in the job description to be fulfilled. He said he wanted someone locally so if he went outside of locally he was in hopes

they would get someone who knows our problems here. He said he didn't want to have to spend the next three months and lead this person to where he needs to start thinking or working and stuff like this. Going out is not going to change his experience in this field. Edna Rodriguez said not it's not but he is not working for the city any longer. She said we want someone who is fresh, who has a wider background. She said he's already retired and probably isn't going to come out as strong as somebody else. Mayor Armstrong said he would not think that of him at all. He said he would think it would be just the opposite. Edna Rodriguez said in any job position as important as this one is, as a resident she said she was sure the majority of people that are here would agree that more applicants are needed. Mayor Armstrong said he would have loved to have had more applicants. Edna Rodriguez said we need to get applicants throughout the state and there are a lot of experienced people out there. We want strong, accountable people here and we want people who know what they're doing with good background. Just to look at the applicants you need to do that. In any position, even as a mayor, you need more than one person running for mayor and councilmen, you need more than one councilperson so we can look at the people. In any high position you need to have more than one. Mayor Armstrong said he understands that but also part of the knowledge he wants is knowledge of the local problems that we have here. There is lots of people out there that probably know of the problems that we have but they might have dealt with it but not locally. Mayor Armstrong said he fits the job description that he wanted for this and our time is up. Edna Rodriguez said our time cannot be up when we're looking for somebody that we really need to be here. She said she implores him too like Gary Williams and the majority of the people here that we need more than one applicant. Councilor Hood said he implores him too.

Mayor Armstrong said he has given three minutes and he was sorry.

Councilor Hood said it looks like the job description was made for him.

Leonard Sanchez said he agrees with having the people from the local here to know what the problems are and everything. He said we've already gone through four or five Public Works Directors from out of town-out of state and they are no longer here and didn't last that long. He said maybe someone local that knows our problems will be better because we've already tried someone from out of town and there were no improvements.

Wayne Williams said he totally disagrees with Gary Williams. Not this council but the past council went outside to get a spokesman for sewer lines. He said he thought it was something like \$300,000 that they paid the man. What he did is went to our Public Works people and they took him by the hand and walked him around and showed him what had to be done, where everything was at, he sat down and wrote a report and we paid for it. This man apparently knows where all the manhole covers are, he knows where all the problems are at, where the bumps are at. To go outside we'll spend the next six months training this guy just to find out where things are at. So he said when somebody said the majority of the people agree with Gary Williams, could be, but this is one that flat don't.

Robert Chisholm told the mayor he disagrees with him entirely. If you get someone from outside you get new ideas and you get a qualified engineer, a qualified person and one who will have new ideas and you should have more than one. It's ridiculous, it's crazy.

Sharon Paul said she would like to know in the job description what doesn't jive with the credentials he has because we no longer have a city manager. We need somebody who really has a water background and can deal with the wastewater treatment plant and would really like to know those issues are clearly covered. She said he doesn't need to know where every manhole cover is to be a Public Works Director. She said she is a professional forester and travels a lot in her job, she's been the new person, and said it was a plus when you go outside your local area and get somebody in who looks at it from a new angle. She said she was concerned about what doesn't jive with his qualifications. What are the critical issues and so she wanted to know what Councilor Williams objections were in saying it doesn't match the job description?

Councilor Williams said he has a Bachelor's Degree in Fine Arts Design from Southern Illinois University for City Planning and Structural Design Curriculum. The qualifications specified here are a Bachelor's Degree from an accredited college, public administration, civil engineering, or a related field plus six years of increasingly responsible Public Works administration and engineering experience. Civil engineering gives you a welcome knowledge when it comes to water issues or water/sewer issues. He said he's been a construction superintendent, on site construction supervision of two projects in Ruidoso, responsible for infrastructure improvements including streets, utilities, retention ponds, parking areas at the River Crossing project in Ruidoso. He said the whole thing about what he was trying to converse with everybody here was that yes he's local, yes he's been here for years, yes he may know some of the issues we have here as well as Ruidoso. The fact that if you have just one individual applying for a job it's just like going out for a bid on a project for the city and we're just asking for one bid for that project no matter if another bid is a lower bid. It just gives you more opportunity to fulfill that without having to add cost to your project. The same thing is here and we're just seeing one bid and we're satisfied with it and you don't need ten bids or people but three or four, it doesn't matter what the number is. But the fact that the possibility of what we need to have here at the city with the issues we have right now it's important to us, not only in our streets or the wastewater, or drainage but we need to have people who may have a different type of view and understanding of what we have even though he is not local.

Sharon Paul said we lost the water certification when John Waters left. She asked if someone would have to have that certification? Mayor Armstrong said not exactly, he has the experience and all that. He said he was not sure what she was saying John had. She said you had to be a certain level to be around a water system and to take care of the sewer system. Mayor Armstrong said not to be a director but to do the water and sewer yes you do need that. He told her the three-minute time limit was up.

Jim Burrow asked the mayor if he was retired? Mayor Armstrong said he was retired from Ruidoso but then he's been into other areas of expertise. He said he just retired from Ruidoso; he hasn't retired from doing his work or what he's wanted to do. Jim Burrow said he thought he was in real estate. Mayor Armstrong said he didn't know that and had no knowledge of that. Jim Burrow asked if he was certified to do the water? Mayor Armstrong said as a director he meets all of our qualifications that he has put out for this and that he has done this for many, many years. Mayor Armstrong said what we've had is other directors from other towns from around the area that they were here a very short time. He said we've even tried to pull from inside our Public Works, which did not work. They do not have the expertise that Cleatus Richards possesses. Jim Burrow asked if he was going to be a working man or is he going to be behind a desk? Mayor Armstrong said he is on the planning part of it; he is not a person that is the ditch. As working yes, planning and scheduling all of the other job description is working. Mayor Armstrong said he asked the guys who they think it ought to be? They said it ought to be the guy on the other end of the show and told them they were probably going to be upset because he was going to be the guy on the planning of it. Mayor Armstrong said that has been the disconnect that we've had with our Public Works as the experience he has watched for many years. He said this is his recommendation to fill that position. Jim Burrow asked if he lives in Ruidoso or if he lives here? Mayor Armstrong said he has a home in Ruidoso and in Tularosa. Jim Burrow said he agrees with Mr. Williams and Mr. Hood that we'd like to have more input from other sources instead of just one.

Paul van Gulick said Cleatus Richards has lived here for a long time and he said personally from his point of view and whether or not he is qualified or not is not the issue. He said Councilor Williams has made a good point in that if we put the application and see what comes in it doesn't preclude choosing him. He said it would bring in potentially other candidates to look at and that he was cognizant that we've had people come in from unlikely spots that maybe did real well or not so he could totally understand that. He said he would think that one would want to look at more. If he was the only one that applied the we would go nationwide or statewide and if he's the only one we got then so be it. It would certainly make sense to look at more than one person. In the past there was a period of time in Ruidoso when they had the most highly politicized staff to his knowledge and said he thought that was broken up now. He said wouldn't want to see anything like that happen here. To get people locally there's good point and bad points, locally they do know the issues there would be with the sewer. On the other hand looking at the participation with the Joint Use Board he didn't think everyone in Ruidoso has always had the most positive things to say and now that we're divided on the other side of the table are they going to be mercenary enough to represent our interests fully? He said he's knows Cleatus personally and has worked with him and his issues aren't so much with the man himself he just thought it was reasonable thing to look at trying to get a few applicants and make us feel more comfortable.

Mayor Armstrong asked where we were? He said we had a motion and a second. Carol Virden, City Clerk/Treasurer said there was a motion and a second to table and roll call. There was a 2/2 and the mayor broke the tie with a nay.

Councilor Holman said he agrees with both sides to some extent and both views have merits. He said his first question would be okay, this was opened up for advertising and we didn't get the applicants that probably all of us didn't get what we wanted. However the deadline came and went and he said we might ask our attorney his opinion. If we open it up again and we don't get but one applicant or say we get two or three, then we say that's not enough and we open it up again, wait another six or eight months, and then we don't get but one or two, he asked where we are as to extend it and is that the thing to do once you open it up, you have a deadline, you close it, he said he didn't know? He said he highly respects Paul van Gulick's opinion of each one of the people he has ever listened to. He said he has done some research on the applicant and not just by asking people that walk up and down the street their opinion because those are just opinions. He said he's checked with some people in the Village of Ruidoso because he was reluctant a little with the applicant but he got nothing but good reports from people who are qualified to have opinions and not necessarily people who come up to the podium who always have an opinion. He said it's difficult; do we just keep opening it up? We have had people from the outside. He said he was on the committee that hired one from the outside and that he had high hopes. He said he thought he would be awesome, he didn't stay. As a matter of fact he thought he just came in to the city manager, handed him his keys and was gone. We didn't even get a notice on that thing. He said we have tried people from the outside and the last two did not work out at all, it was a disaster and the one before them was even more of a problem. One of his concerns was that we need to get on with city government. We don't want to do it to the extent that we make mistakes because this is an important position but we don't want to just keep on keeping this situation from getting moving. We need to get on with city government. He said he's even asked people from Ruidoso who look and shake their head and ask when we're going to start moving down there? They are even concerned and he said we all should be. There again we don't want to overestimate mistakes. We've tried outside and he's heard people say hey let's go outside but the last two were disasters, a total disaster, one more than you'll ever know. He said these were tough decisions and he said he Councilor Williams often talks about representing the public. He said he didn't want people to think he wasn't representing the public. He highly respects Paul van Gulick's opinion because he knows he's not the kind of person who expects you to listen to the first five people that come to our post office or someone at the Circle K who you ask what he thinks. Those are just opinions by people who may not have the knowledge, you need to go to the people who have the knowledge about the individual. He said he has done that and got real good reports. He said he wasn't sure he would get that. We don't have just one or two councilors who do research. He said he's done that and it's a tough decision and he wished we had more applicants. He asked if we get more do we say six is not enough, two is not enough, and then do we

extend it again or not? He said he didn't know if that was legal or not, he didn't think so and asked do we have problems to have applicants and have a deadline and then say oh we changed our mind? W.T. Martin, Jr. said if you've decided you didn't get enough applicants if that's the decision and you want to reopen and readvertise you certainly are at liberty to reopen and readvertise. Set whatever deadline is deemed appropriate. He said he knows of no rule that says you can't do that if that's the choice of this council. Alternatively this council could say we've advertised and if this is what you've got then this is where we are. It's a decision this council has to make. There's no rule that says you can't reopen and readvertise. Set a deadline. It's like bids. You get bids and none of these bids quite match what you need, we've all seen that where bids are all rejected and you reopen and go through another bidding process.

Councilor Olivo asked Councilor Williams how long he would want to advertise? Councilor Williams said that was not up to him. He said it was up to the city and what their policies are. Councilor Olivo said we've advertised already and asked if he wanted a whole year, two years, three years? Councilor Hood said he would like to see us go out for applicants for a 30-45 day period. If we don't get anything in then we don't get anything in. He said he would like to see us go to the Municipal League and post the job there and post it in every town like over in Roswell. He said there was a fine gentleman that just retired over there and he knows a lot.

Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to review. She said there was a motion from Councilor Hood to table Item 12B, seconded by Councilor Williams. Roll call was Councilor Hood and Councilor Williams; aye and Councilor Holman and Councilor Olivo; nay. Mayor Armstrong broke the tie with nay to table.

Mayor Armstrong entertained a motion and a second for approval of Cleatus Richards for Public Works director.

Councilor Holman if we do readvertise if we could set a time limit? He said he personally would not want this to drag out. He would want some form of timetable of when we're going to make this selection. Councilor Olivo said they were talking about 45 days. Councilor Hood said they could do 30 days and come back to their council meeting at that time and if we have a selection committee and let them come back and make a report. Councilor Olivo asked what if no one put in for it? Councilor Hood said then we leave it the way you all already voted for it and leave it the way it was. Councilor Holman told Councilor Hood that sounds reasonable to him, he didn't want to wait that much longer but that would sound reasonable if they were looking at 30 days. Councilor Hood said that would be fine and he didn't have a problem with that. Mayor Armstrong said he needed a vote for whatever they were saying.

Councilor Hood moved to go out for advertising again and put a timetable of 30 days on it. 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 Approving Personnel Recommendation-Payroll/Personnel Position-Randy Buchans-Reynolds.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Payroll/Personnel Position-Randy Buchans-Reynolds.

Councilor Olivo moved to approve Personnel Recommendation-Payroll/Personnel Position-Randy Buchans-Reynolds. Seconded by Councilor Holman.

Councilor Williams asked if this was local individual? Carol Virden, City Clerk/Treasurer said she is a local and they had approximately nine applications. She said two out of nine had some qualifications and background in payroll/personnel and this lady has nine years experience in payroll and human resource/personnel.

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 Audit Services Fiscal Year 2007-2008.

Carol Virden, City Clerk/Treasurer said they received two proposals from two approved auditors from the State Auditors list and staff is recommending to award Dan Austin CPA the contract for the 2007-2008 Fiscal Audit with the proposed \$16,000 with GRT. She said this comes under a small purchase under the Purchasing.

Councilor Hood asked if this person was replacing the other CPA we had? Carol Virden, City Clerk/Treasurer said our RFP with the previous auditor has expired and he can't bid on another audit for another three years with the City of Ruidoso Downs.

Mayor Armstrong entertained a motion to approve Audit Services Fiscal Year 2007-2008.

Councilor Hood moved to approve Dan Austin CPA to perform audit services for FY 2007-2008. Seconded by Councilor Williams. 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 Amendment #1 Escondido Hill Development Contract.

W.T. Martin Jr., City Attorney said there was a contract in existence between the City of Ruidoso Downs and Escondido Hills regarding that project. That contract obligated the City of Ruidoso Downs to provide certain materials and services in relation to some infrastructure. What has occurred is in fact because of what he understands to be some delays. He said they ended up with Lincoln County doing most of this work. The end result is there is no longer a need for the City of Ruidoso Downs to provide materials and spend Ruidoso Downs's money under this contract. He said we believe it is appropriate to amend this contract to delete all of those sections that would require Ruidoso Downs to expend money, provide material or labor because that is no longer necessary. The purpose of this proposal is to attain city council approval of an addendum to the contract to remove those obligations.

Steve Dunigan, Planning & Zoning Director said we have come together on an amendment that states the agreement items from the original be removed. He said the items have been reviewed. Councilor Olivo said he should probably explain the items being removed especially for the people in Escondido Hills. Steve Dunigan said from the original agreement this is the sewer extension that was from the development down to the Highway 70, under Highway 70, down Parker Road and ending up on Park Lane. One of the agreements, number 7, sub-divider shall patch road cut along Parker Drive, using materials provided by the City is no longer there. Number 9, the sub-divider agrees to install sewer line and appurtenances, from manhole at Park Lane and Parker Drive to US Highway 70, using materials provided by the City from Highway 70 to Subdivision. He said since that has been done they are removing that item. Number 16, The City agrees to provide 1460' of 8" sewer pipe (SDRT35) and this has been done. Number 17, the City will provide paving materials to patch sewer line cut at Parker Road from US 70 to drop manhole at Park Lane and Parker Driver intersection and that would not be necessary so it will be dropped. Finally, number 18, the City will provide six manholes, four shall have two rings, and two shall have one ring. Steve Dunigan said this would be a tremendous saving for the city and to recognize they are not required any longer.

Councilor Williams asked if we could get a dollar figure on our savings? Steve Dunigan, Planning & Zoning Director apologized for not having that and said he would hate to speculate but said it was certainly from \$6,000 to \$8,000 and would get that figure to them.

Mayor Armstrong entertained a motion to approve Amendment No. 1 Escondido Hill Development contract.

Councilor Hood moved to approve amendment No. 1 Escondido Hill Development contract. 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 Awarding Bid No. 08-007 Purchase and Installation of Awning at Hubbard Museum.

Jay Smith, Museum Director said this was follow-up on an item that was discussed two or three council meetings ago. He said they re-bid the project and the project had come in at a bid that was much more reasonable and due to the fact that we fixed the numbers that we had for the budget proposal. He said the agenda briefing memo suggests that they recommended to reject the bid and that indeed was inaccurate and a typo. He said their recommendation is to go forward with this project as budgeted and that would take care of what they need to do with the awning.

Councilor Williams moved to award Bid No. 08-007 Purchase and installation of Awning at Hubbard Museum. 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 Updates (Deletions and Additions) to Document Lincoln County Transit Company.

Councilor Williams said he brought this up to make sure that being this is probably a preliminary for it here. He said he noticed a couple of things including the bank we are dealing with now.

Mayor Armstrong asked for a motion and a second so they could discuss this.

Councilor Williams moved to Consider Updates (Deletions and Additions) to Document Lincoln County Transit Company. Seconded by Councilor Hood.

Mickie Compton said she was representing the Downs roll in Lincoln County Transit. John Hemphill introduced himself as a member of the planning committee. Mickie Compton said this was an update for their consideration and the last time she spoke with them was to give them the numbers of the grant award they presented them with on March 27, 2008. She said they then met with the Village of Ruidoso on April 29, 2008 requested their match of \$25,000. She said they agreed to that grant with consideration that the County also matches the same amount. They then went before the County on May 21, 2008 to request \$25,000 from them. She said therefore they have \$75,000 for the match money. In addition to that there is the capital expenditures that would be with the Downs themselves because the capital equipment would be mainly in the possession of the Downs.

John Hemphill said be concerned with some of the language in it and said it does need to be updated and they would work on that. Councilor Williams asked if he knew specifically what he was looking at? John Hemphill said page 6, 7, and 8? Councilor Williams said and page 3 was the original one where is says the bank is State National Bank and should be Compass Bank. Carol Virden, City Clerk/Treasurer asked them to

repeat the page numbers again. John Hemphill said he had page 6, 7, and 8 marked. He said the business-banking plan was covered on page 8. Councilor Williams said there was page 3. John Hemphill said there was some terminology on page 6 that they needed some direction on. Councilor Williams on page 6 number one there was something. Mayor Armstrong said the name John Waters. Carol Virden, City Clerk/Treasurer asked if it couldn't just be City of Ruidoso Downs or does it have to be a specific name? Mickie Compton said she has notified the New Mexico Department of Transportation that Mr. Armstrong is the new mayor and that the final decision-making would be with him or with Carol Virden to seek direction. Councilor Hood asked Mickie Compton when the start date would be? Mickie Compton said the grant start date is October 1, 2008 so we can start making expenditures at that time. Prior to that we can go ahead and consider becoming prepared for the office and very soon we should be receiving a purchase for the vehicle for two of the state vendors and will be elected to be. At that time they will request a purchase order in order to order the check. The final match thing will not be required until the delivery of the vehicles. She said it's usually in December but the D.O.T. is working a lot faster with the new regimen up there so we may have it by the end of October or in November. However, the Downs does actually have one vehicle so we could start at bare bones system with that one vehicle. Councilor Olivo asked if we had a little bus like Ruidoso instead of a van? Mickie Compton said we have the body on tract that he was referring to and they are exceptionally sensitive to rural roads, they really don't stay together as well, the brake replacement is very expensive.

Mayor Armstrong told Councilor Olivo that we were getting off the subject of what is on the agenda for deletions and additions.

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

Mayor Armstrong said next item on the agenda was Discussion Concerning Neglected City Streets.

Councilor Williams said he brought that up. He said he would like to that the mayor and the Public Works department for expeditiously providing the service for Wood Lane. He said Wood Lane was a concern of his and the citizens that called about the conditions of the street with the potholes. He said this was put on the agenda for that reason and wanted to thank them. He said if you go up Wood Lane now there are potholes that have been filled. Doing the job city-wise takes a little nudging but we're there.

Councilor Holman said he had visited with the former city manager more than twice about the concerns of the streets so we're aware that it's not good in many areas. He said he reminded our former city manager that he and Councilor Hood ran on the platform, it wasn't identical, but it was identical to address the situation in our campaign that they would try to get something done with our city streets. He said it's not like they haven't made the effort but he got no action that he was hoping from before. That issue has been addressed before and people that are unhappy about it,

it's not like he hasn't addressed this before. He said it just didn't get done and he went back and had another talk about it and it still didn't get done. We did get a lot of rain at one time but then it still didn't get done. He said he was sure Councilor Hood brought it up at some time because they were both concerned but it just didn't get done. He said you can say things trying to get elected but then you find out that by yourself sometimes you can't get anything done. You think more of your ego than ability sometimes and things you can't back up without cooperation of other councilors, city employees, and administration.

Councilor Olivo said our Public Works is under-budgeted to buy materials. The hot mix we used to get for the potholes, we used to get 88 tons and we just got 44 tons last year. He said if you don't have materials you can't work. He said our crew is a small crew and they do a difficult job. He said Leonard Sanchez and three guys do all the work on those streets do a wonderful job with what they have.

Councilor Holman said he drives through Ruidoso and they have a lot more population and carry a lot money and he hits potholes up there. Their streets are in bad shape and when he watches TV from Albuquerque there are a lot of complaints there too.

Mayor Armstrong said our potholes were very bad. He said they went to mostly every street and almost every street had to the same problem. They had to find the ones that were the worst and had to wait to get the material in that they were allowed to order and this is probably why some of the areas didn't get fixed as soon as some wanted. He said this one Gary brought up we already had it planned to get done but it took time for that to happen.

Mayor Armstrong stated next item on the agenda was Discussion and Clarification of Additional Duties for City Clerk/Treasurer.

Mayor Armstrong said at the last council meeting Councilor Williams said he wanted to see the additional duties of the City Clerk/Treasurer and believed Councilor Williams had received that. Councilor Williams said he had and wanted to make one small comment. He said the fact that he would like to see the current extensive responsibilities and that at one time she had mentioned not wanting to be in that particular position but with this kind of job-related heavy duty responsibilities in running the city he would rather her go and fill that managers position and then we go out and find a city clerk. He said he would like to see her utilize 100% of her time and effort to do this. This would be something we need and something that would help us accomplish what we want to do with someone in that position to help us do that. Mayor Armstrong said he was happy with where she was.

Mayor Armstrong stated next item on the agenda was Discussion and Possible Rescinding Approved Promotion of Finance Manager to Finance Director.

Councilor Williams said he brought that up and got the information from the Municipal League concerning this. He said he sent them copies of our policy manual and in reality we did have that position already in the executive branch as a Director of Finance and of course City Clerk/Treasurer. So all of the wrangling they've been doing the last few weeks in restructuring

that position to director wasn't really needed and it's in rule 300. He said he did research it and we do have that position in our policy manual.

Mayor Armstrong stated next item on the agenda was Consider Cancellation of June 9, 2008 City Council Meeting.

Mayor Armstrong said several employees and city councilors were going to be out as well as himself.

Mayor Armstrong entertained a motion to cancel June 9, 2008 City Council meeting.

Councilor Olivo moved to cancel June 9, 2008 City Council meeting. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

PUBLIC INPUT

Mayor Armstrong stated next item on the agenda was Public Input with a three-minute time limit.

Jean Lacewell said she has not participated or come to any council meetings in several years. She said she is a resident in Agua Fria. She asked what Item 10 was, Re-Approval of Agreement Between City of Ruidoso Downs and Resource Enterprises, Inc. Certificate in the amount of \$50,000.00? She asked if that was a bond they put up? Mayor Armstrong said yes. She said that utterly astounds her and that \$50,000.00 wouldn't begin to repair what they have done. She said the other question she had was approving amendment number 1 to the Escondido Hill development under 12. She asked, "Do you mean we were going to supply materials and services to an independent contractor?" Mayor Armstrong said yes, under the first agreement. She said she couldn't fathom that anyone would do this. Now that it's been turned over to Lincoln County she asked if the developer was going to reimburse Ruidoso Downs for these materials? W.T. Martin Jr. said it hasn't been turned over to Lincoln County but that Lincoln County came in and did this work because of delays that were encountered and needed to be completed. By them doing that there was no point in these provisions being in our contract. W.T. Martin Jr. said the purpose of the bond was there was an estimate made of what might be the cost to the city if there's a default in reference to certain infrastructure work. That estimate was made a year and a half ago. This bond relates to an infrastructure issue and not the entire project.

Carmen Chisholm said she was also looking at this agreement between the City of Ruidoso Downs and Resource Enterprises. She said it seems to her whatever Mr. Rowe and his associates want Mr. Rowe and his associates get without any consideration for the people of Agua Fria or even the taxpayers in Ruidoso Downs. She said this agreement we said was made a year and a half ago but the one she is looking at is dated April 7, 2008 and signed by Mr. Armstrong. If the \$50,000.00 they put up, which is a drop in the bucket, was

decided on a year and a half ago while everything has gone up, why was this signed a month and a half ago? Why not redo it? Who wrote this, it's a mess?

W.T. Martin Jr., City Attorney said the city council a year and a half ago had the issue in front of it about a bond that would be appropriate to set on this infrastructure. At that point in time the council was told that based on estimates and costs a \$50,000.00 bond would be adequate for the purpose they were talking about. That was what was presented to city council. City council voted, and he said he believed it was a 4/0 vote to approve setting the bond at \$50,000.00. The form of the document that Carmen Chisholm has is an agreement related to hybrid performance bond. He said that is not a full contract of performance by Mr. Rowe. The reason it is dated 2008 is because Mr. Rowe did not post the bond until 2008. He said he believed the form of the document was brought in June of 2007 and is in fact the document that was approved for that purpose. Carmen Chisholm asked if it was approved before 2008? W.T. Martin Jr. said yes. Carmen Chisholm asked suppose Mr. Rowe continues with the big mess over there and the city council says "oh by the way how much time does he have to do this?"

Mayor Armstrong said her time was up. Carmen Chisholm said Mr. Martin took up some of her time so Mayor Armstrong said she could continue. Carmen Chisholm asked if it was a CD? Mayor Armstrong said yes. She said in this agreement that if the city wants to get their money because Mr. Rowe didn't perform that Mr. Rowe would have to sign off on the CD to get the money out of the bank. She asked what good is that? She asked what if he only signed off on \$5,000.00? She said Mr. Rowe is a pretty slick guy. She asked if they knew what Escondido means? No one knew and she asked if Mr. Olivo did because it was a Spanish word. She said it means hidden and it also means sly, devious and said Escondido Hills is very well named. She said they feel like they have been bamboozled. She said they have questions that they can't get answered. She asked how long Mr. Rowe has to fool around in that dirt? She said he's been in there two years and digs everyday. How long does he have she asked? W.T. Martin Jr. said we were past our three minutes but that it was appropriate to respond and that maybe Steve Dunigan, Planning & Zoning Director could respond also. W.T. Martin Jr. said that has been an issue of point with the city. He said a letter has been prepared and has been given to Mr. Rowe and may already be in Mr. Rowe's hands with a demand that a timetable be set up for various stages of the project. The letter from the city's administration states clearly that we want steps and milestones to be made here and the process is underway.

Mayor Armstrong said the three-minute time limit was up and asked if there was anyone else in the audience that would like to speak? There was no one else to speak.

Chief Ortiz said last week he attended a meeting of the New Mexico Association of Chief of Police. Of the 1,521 bills that were submitted to the Senate for introduction, our association tracked 68 of those bills. One of the bills that did pass was that we would be

receiving new drivers licenses from the State of New Mexico, which will bring us into compliance with the national law. He said the next time you go to renew your drivers license next time you will receive a receipt with your picture on it and all the pertinent information and this will be your temporary license until you receive your actual drivers license 45 days later. He said they've given all the states 18 months to comply with it. He said there are about fourteen security codes built into it and they are pretty unique in that they are laser drawn. The licenses will no longer be processed in New Mexico; they will be processed in Washington. Big Brother is looking out for us he said and that this is part of the Homeland Security program as well as the Identity Theft laws that have come about over the years. The State of New Mexico will also require that if you have any children traveling on airlines for instance in the future they will be required to have one of two forms of identification and that will be your drivers license and for a child they will have to have an identification card and/or passport. He said the other bills they are tracking range from domestic violence to sexual offenders enhancement. He said they are really interested in some of these bills even though they are still in the Senate right now they look like they may be passing in terms of what we would like to see in our profession.

Bonnie Richardson said this particular drivers license might be called in other words a national ID card and said she had information in Great Britain they are considering a carbon footprint card which may be a step to what the Bible terms that you have to have this print in order to do business or in order to purchase anything. She said this is visible; it is coming, we've been warned for several years that it was coming. She said this is a national ID card and if it passes New Mexico, too bad, shame on us.

Elke Cooper said she was one hundred percent for identification that was authentic. She said she grew up in Germany and after the war they tried to find people. There was no way if documents were stolen or burned that you could find anybody. And she said you cross borders, you have to have identification. To put this on the biblical terms, I totally reject that. She said we have a crisis in this country with our borders. Not everybody comes through this country legally and gets checked out by the FBI and gets a background check and the clubs they belong to and the church they belong to because people just don't have the time anymore. She said she didn't get married to come over here so she knows from a personal standpoint what it's like to know who you are and where you come from and where you're going. She said she thanked the country for being there for people who can come here legally and not put our police and our soldiers in danger on the border because somebody doesn't back them up to do their job. She said "God Bless the United States and you don't have to bring the Bible into this and I am a Christian."

Councilor Olivo said he wanted to thank Leonard Sanchez for handling the baseball tournament this weekend. He asked Leonard how many people they had? Leonard Sanchez said they had twelve teams and had twenty-two games. Councilor Olivo said

Leonard was willing to give up his days off to handle the tournament and that he deserved a round of applause. There was a round of applause.

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 Pursuant to Section 10-15-1 Subparagraph (H) 8, Real Property and Water Rights; Injunction suit on Yon Rue and Corena Baca and CV-00401.

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 Pursuant to Section 10-15-1 Subparagraph (H) 8, Real Property and Water Rights; Injunction suit on Yon Rue and Corena Baca and CV-00401.

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: Wastewater Treatment Plant and Pursuant to Section 10-15-1 Subparagraph (H) 8, Real Property and Water Rights; Injunction suit on Yon Rue and Corena Baca and CV-00401. 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 7:30 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: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular session back to order at 8:17 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session were that of Threatening and/or Pending litigation pursuant to the Open Meetings Act Section 10-15-1 Subparagraph (H) 7 and Section 10-15-1 (H) 8 Real Property and Water Rights; Injunction suit on Yon Rue and Corena Baca and CV-00401.

Councilor Williams said he affirmed so.

Mayor Armstrong stated next item on the agenda was consider possible action regarding Wastewater Treatment Plant.

Councilor Hood moved to authorize the JUAB members along with the Village of Ruidoso to jointly hire a mutual expert on wastewater treatment plant and to deal with the EPA and NMED to oversee wastewater treatment projects under the settlement of agreement implication and advise both communities. Seconded by Councilor Williams. 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.

Councilor Hood moved to adjourn at 8:19 p.m. Seconded by Councilor Williams. All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer