

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
AUGUST 11, 2008

The Council of the City of Ruidoso Downs met in regular session on August 11, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Dean Holman, Councilor 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  
Terri Mosley, Finance Director  
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated under Unfinished Business item C. MOA be moved to Item A. and Item A. to Item C. with that he entertained a motion to approve the agenda.

Councilor Olivo moved to approve agenda with changes. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, 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.

Councilor Williams said on the approval of minutes for the Rescheduled Meeting of July 30, 2008 there were some questions asked during that meeting that addressed what they were going to discuss tonight concerning the Transit. He said he wanted to make sure that the council understood some of the answers that were given by Mr. White.

Councilor Williams said he had questions about Accounts Payables. On the first page, General Fund 4308, 4310 and 4320, there was travel mileage and meals reimbursed for Judy Miller to Santa Fe. Carol Virden, City Clerk/Treasurer said this was a mandated meeting of the Beautification Committee and also included Sebrina Lundquist. She said Judy and Sebrina shared a room and they drove together to Santa Fe.

Councilor Williams said under the museum there was an inquiry on page 4 under 44010 for storage. Jay Smith, Museum Director said that was ongoing from January 2008 to move from the former Foundation office that are intended to go into our new storage building at that point in time that it gets built. Councilor Williams asked when that might be? Jay Smith said it could be as early as this fall depending on the architect and the bid process.

Councilor Williams said on the bottom of page 2 there is a pre-employment physical and asked who that individual was? Chief Ortiz said it was for a new recruit that is in the academy at this time but he has been with us since January.

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

APPROVAL OF MINUTES OF EMERGENCY MEETING OF JULY 28, 2008 AND APPROVAL OF MINUTES OF RESCHEDULED REGULAR MEETING OF JULY 30, 2008.

Motion was made by Councilor Hood and seconded by Councilor Holman to approve the Minutes of the Emergency Meeting of July 28, 2008 and Minutes of the Rescheduled Regular Meeting of July 30, 2008. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Councilor Olivo, 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, Councilor Olivo, Aye. Motion carried.

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Public Hearing to receive public input on needs and suggestions for 2010 - 2014 Infrastructure Capital Improvement Plan projects. He said Hubert Quintana, Executive Director of the Southeastern New Mexico Economic Development District will give us a summary of the importance of the I.C.I.P.

Hubert Quintana thanked the Mayor and city council for their continued support of the Economic Develop District. He said the I.C.I.P. was a required planning document that every local government must complete annually. He said it is a 5-year planning document that looks at all of your capital needs and capital infrastructure improvements. It looks at computers, vehicles, and police cars. He said it looks primarily at things that cost more than \$5,000.00. The City of Ruidoso Downs is going to have to look at how they are going

to buy it and when they are going to buy it. The I.C.I.P. is required by DFA and in the future if the City of Ruidoso Downs applies for grant money and does not have the I.C.I.P. in place and approved with DFA it could cost 20 points on the application. If we do not have projects listed on the application and we ask legislature for assistance with capital outlay the chances are we won't get funded. He said there are two reasons for that and the primary reason is that the State of New Mexico wants local governments to really take some time to give it some thought of planning out its capital needs over the next 5 years so that with the annual report you'll always be 5 years out. It makes you look at where you're going to have to go to get that funding and how to replace items in a systematic way. Hubert suggested having the department heads involved because they are out there everyday seeing what's going on. He said in the past there wasn't an I.C.I.P. in place and the State realized it was very important to have a plan so they would know what the local communities were going to spend the money on and to spend the money timely so the State isn't paying interest on the money sitting there and not spent. He said it is up to the city council to go through the Public Hearing process and to determine what the top five priorities are going to be.

Councilor Williams asked Hubert Quintana if he has worked with cities before on the capital outlay projects? Hubert said yes and that part of the fee that is paid to the Southeastern Economic Development District is for them to keep an eye on the projects during the legislative sessions and work with the legislators. He said there are hearings just for our district and specifically for Lincoln County in early January before legislative sessions start and it is critically important that the city attend that hearing and to make presentations. The legislators will be making recommendations from that to the capital outlay committee and then will go on to the governor. Hubert said Jay Smith, Museum Director has again offered the museum as a place to hold the hearings and said he would take him up on that offer and notify everyone of that. He said the plan is due by September 30, 2008. Hubert also encouraged that the City of Ruidoso Downs work in conjunction with the Village of Ruidoso in making application for the Joint Use Board for the sewer plant.

### PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Public Hearing to receive public input on needs and suggestions for 2010-2014 Infrastructure Capital Improvement Plan projects.

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

Bonnie Richardson said she was on the Planning & Zoning Committee as well as the Parks & Recreation Committee. She said one thing that was discussed during the Pre-Town Hall meeting a

couple of weeks ago was the importance of the Comprehensive Master Plan. She asked if there were any other opportunities for input before the I.C.I.P. was turned in for the city to receive any other public input? Carol Virden, City Clerk/Treasurer said the department directors will be taking the Comprehensive Master Plan into consideration when they are addressing the needs of their department for the I.C.I.P. She said this is the first hearing before another Public Hearing before presenting the I.C.I.P. to the city council with the suggestions from the department directors. Bonnie Richardson said there were a couple of buildings the City of Ruidoso Downs should think about. One is that City Hall is bursting at the seams and a new City Hall should be put into the 5-year plan. She said her second thought was to plan for a public center or for lack of a better term a recreation center. She said Ruidoso Downs has nothing for public meetings or other recreational activities.

Wayne Williams said he was all for the activity center and a place for kids but an immediate concern is the drainage problems. He said we need to rethink what our zoning people have done in the past. He said one lady was allowed to close in a drainage area for a driveway and there are other areas like that. He said this should be put at the top of the list.

Todd Fuqua said there is a road called G & C and this faces his in-laws property. He said that road is not paved and there are canyons where the water runs off into this area and his in-laws property. He said he didn't know if that was part of any plans but he wanted them to know it was a pretty acute problem right now and asked that it be taken into consideration.

With no other comments Mayor Armstrong closed the Public Hearing.

#### UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving memorandum of Agreement Between the New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs.

Councilor Williams moved to approve Memorandum of Agreement between the New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs. Seconded by Councilor Hood.

Councilor Williams asked if there was a correlation between the transit agreement and this agreement? Mickie Compton said the Memorandum Agreement that we have before us today is an agreement between the Department of Transportation and the City of Ruidoso Downs. That is a separate agreement in and of itself. She said in order to operate this agreement with the other entities and government parties, the joint powers agreement would have to be enforced. A copy of that agreement, once signed, will be sent to the NMDOT for approval. She said it's not mandatory for the joint powers agreement if the Downs was the only fiscal agent but since other fiscal entities are going to be involved the joint powers agreement is the best way to deal with that. She said the M.O.A. is the actual enforcing agreement. Councilor Williams asked if this agreement would be the one for the federal fund for the program we're going to set up? Mickie Compton said that was

correct. The proper progression would be to get this agreement signed as the fiscal agent and then this agreement will be sent to the NMDOT. They send the federal funds down through the state and then are given to the sub-grantees. Councilor Williams asked about the service areas and Mickie Compton said when we make application for the funds under the 5311 program you have to list the areas even though you think you may not have those points but you have to request it anyway. She said she has been in close contact with our program manager at the DOT and they are well aware of that this will be a progression. She said there should be a way to make one if not two round trips to Capitán for people going to work or medical appointments. Councilor Williams said the city is going to take on a lot of responsibilities when it comes to this agreement. He said on page three it states that the sub-grantee shall notify the department of a name of a program director. So, he said we're looking at a program director personnel and we're also looking at a transit manager for the transit agreement that the board of directors will appoint. Mickie Compton said the program director could act as the transit manager. Gary Williams asked if this would just be one person? Mickie Compton said yes. Councilor Williams said he was looking at the local match ration for 2009 and the match amount for us would be \$87,000.00. Mickie Compton said the total administration cost and that the total grant allotment is \$108,255.00 of which 80% we are liable for the \$21,000.00. She said that doesn't mean we have to spend the entire \$108,255.00 so if we only spent part of that we would only have to pay back that ration amount. She said on the operating total it is \$113,978.50 and that is a 50/50 split. She said on the capital they would see it says total allotment of \$49,000.00 and the local \$9,000.00 and then below it there is capital to vendor. Mickie said we would be buying the vehicles from the government vendor that is appointed this year. We would only need to provide the 20% at the time of delivery. Councilor Williams on page 7 some of the things we'll be responsible for are insurance, training of the drivers' vehicles, and drug and alcohol testing. He asked if we adopt this would be able to use our own policy on the drug and alcohol testing? Mickie asked if we were zero tolerance or are we return to work here? Carol Virden, City Clerk/Treasurer said we were not a zero tolerance. Mickie said she had two policies here and could utilize the return to work policy in addition to the city's policy. The employee would have to adhere to both policies. She said they have a line item and it is actually helpful because the city would be reimbursed 80%. W.T. Martin Jr., City attorney said we wouldn't wind up with inconsistent drug and alcohol policies. Mickie asked if a driver got in an accident during the evening who would we use for the drug and alcohol testing? Chief Ortiz said we use the Lincoln County Medical Center. Mickie said they would have an individual that would come down and go to the hospital and would only use the federal chain custody if there was an accident if there was a vehicle to be towed or if there is an injury where medical attention is needed or a fatality, otherwise they can use the city chain of custody. Councilor Hood asked if there was an accident where the individual wasn't hurt would they go and take the test a county or state level? Mickie said they can do what the city does. Councilor Hood asked after we sign this agreement how long would it be before we saw any action? How long would it take the state and federal money to come in?

Mickie said this was a reimbursement grant and we can begin getting reimbursements for anything paid October 1<sup>st</sup>. She said she prefers not to invoice anything to the state until that invoice has been paid so that she can have a document and a copy of a check that the invoice has been paid.

Councilor Holman asked if each of the joint powers was going to sign the agreement? He said it seems like the city is coming closer and closer to covering the entire responsibility of employees and this type of thing. Mickie Compton said the joint powers agreement is for the match from the individual entities. As far as this agreement goes and as far as the employees go there are several different ways to handle that. You can have them as direct employees of the Downs or you can have them as contract employees or you can have a mix. She said her intention was to utilize the drivers on-call policy and if for some reason the transit system had to shut down we just wouldn't call them and there's no recourse for that employee to file for unemployment because they are on-call. If using contract employees the only two that would have to be full-time would be the clerk and the manager. Councilor Hood asked if those two become city employees what happens if the transit deal were to close what would happen to those two employees? Mickie Compton said there were several options. You could layoff those employees and the first year our help would be needed but after that there would be funding that could be available from different sources. Councilor Hood said if we had to take over a whole new responsibility of every employee we would be in trouble. Mickie Compton said the on-call method is the way to go with the drivers and for the clerk at least for the first year do them as an actual employee and then she said she would come on as a manager under a contract so that would narrow it down to one. Councilor Hood said he understood that she had planned to only be on board for a year and then where would the expertise be? She said she would still be available but she would like to see a successor and someone she could train. Councilor Hood asked where they were thinking of having the offices? She said that was something to be worked out with the Mayor. She said as far as the training it could be done in-house. She is a certified drug and alcohol manager and could do that training and ENMU has classes CPR. She said defensive driving and use of wheelchairs, a lot of that could be done by video. She said the Downs play a roll in placing the vehicles under the fleet policy with the other vehicles and would keep the premium down and the Downs would essentially be the owner of the vehicles. The DOT would be the lien holder for the first four years and then the Downs would become the owner.

W.T. Martin Jr., City Attorney asked if we put it under the fleet policy would there be any regulations that would force us to carry a specific policy? Mickie Compton said it would just be carried under the fleet policy. She said that is also an in-kind charge and therefore could be deducted from the invoice and 80% of it could be recovered.

Carol Virden, City Clerk/Treasurer asked if the van is purchased what the design would be on carrying how many persons? Mickie Compton said it would be a 15-passenger

including the driver and you aren't required to have a CDL license unless it is over 15 passengers.

W.T. Martin Jr., City Attorney said under the section involving audit he read that we had to conduct a separate audit for this particular operation and asked if we would have to do this? Mickie Compton said it is an overall part of the city audit. W.T. Martin Jr. said he also noticed that the NMDOT has veto power over our selection of auditors. Mickie Compton said she has never seen them exercise that option and the auditor would have to have proven discrepancies. She said they ask for a copy of our audit but won't ask for that until after the second year.

W.T. Martin Jr. said under the termination section he read that we are basically at the mercy of the federal government and that they have the right to terminate. If they come forward and say that we are in breach they can terminate and we have no recourse. How do we remedy and where do we go to remedy if we think they are wrong? Mickie Compton said we would go to the NMDOT and they would contact the federal government if there was a breach.

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

Mayor Armstrong stated next item on the agenda was Discussion of Lincoln county Transit Joint Resolution and Joint Powers Agreement.

Maury St. John said it they would look at the last page that would determine if they had the corrected copy. Carol Virden, City Clerk/Treasurer said the only Joint Resolution they have is the "Draft". Maury St. John said that was the one. She said it creates a three-member board. Councilor Hood asked if in the future we would have the support? Maury St. John said the county wanted to make sure they had our support before they would put their name on it. W.T. Martin Jr. said we just approved a contract that places a huge amount of responsibility on the City of Ruidoso Downs and it would also create some liability for Ruidoso Downs if we managed to breach this thing. He said he read on page 5 of the joint powers agreement under finances and as he reads this section we are turning over the fiscal control to the joint powers agreement. He said he finds this troubling and inconsistent. Mickie Compton said the joint powers agreement is the portion of funding, the match money that each government will be putting up for this project which should total \$75,000.00. The joint powers agreement should be worded where the three entities are saying, "this is our contribution of match money for this project." She said when a bill is to be paid it will be all in thirds the first year. W.T. Martin Jr. said on page 5, paragraph 4C it says the operational manager shall be responsible for any deficits incurred. He said his questions was if the Downs was going to be fiscal agent how do you reconcile that with the joint powers agreement as to who has control? Mickie Compton said if the Downs has an employee they will be the fiscal agent and will have the control. W.T. Martin Jr. said then the language in paragraph 4C would not be correct. Mickie Compton said a lot of this was done during her absence but it is imperative that the MOA get signed. She said the grant for the next fiscal year is due on August

27<sup>th</sup> so there are some deadlines to meet. Councilor Williams said with that in mind the other two entities should sign this document first so that we know they are going to go forward with this. Mickie Compton said that surely between the three attorneys they should be able to come up with a good document. W.T. Martin Jr. asked if you have ever seen three attorneys agree on anything? Mickie Compton said among the three entities there should be a good JPA that could be made. Mickie Compton said that the person that she trains would not only be well versed in compliance but also an equal liaison between the state and federal government.

Mayor Armstrong stated next item on the agenda was Consider Approving or Postponing Resolution No. 2008-15 Lincoln County Transit Joint Resolution and Joint Power Agreement.

Councilor Hood moved to postpone until the wording could be worked out with W.T. Martin Jr., City Attorney and the other entities. 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 Settlement Agreement Between the City of Ruidoso Downs and Sebrina Lundquist.

Mayor Armstrong entertained a motion to approve Settlement Agreement between the City of Ruidoso Downs and Sebrina Lundquist.

Councilor Williams moved to approve Settle Agreement between the City of Ruidoso Downs and Sebrina Lundquist. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

OTHER BUSINESS (Items are for discussion only-no action will be taken)

Mayor Armstrong said we were awarded \$150,000.00 for minor home repair and asked Hubert Quintana to speak about this.

Hubert Quintana said this is a CDBG program that is being handled through the New Mexico Mortgage Finance Authority. The loans run \$1,000.00 to \$10,000.00 per home and must be owner occupied and the homeowner must fall within the income guidelines of the CDBG. The homeowner applies through the city and it is a six-year loan. All of the payments are deferred for six years and if after six years the owner still owns the house the owner is forgiven and then no payment is ever made by the owner. The owner can get a list of contractors that the city is comfortable with and would be allowed to do work on the homes. Carol Virden, City Clerk/Treasurer said Mayor Armstrong just signed the agreement today and they would be mailing that tomorrow and then we would get our copy and start gathering the information from the list of residents that have come in. She said it would be on a first-come first-serve basis.

Mayor Armstrong said Tom Knowlton would give an update on the Riverside Well.

Tom Knowlton said he was invited tonight to give an update and statuses report on the Riverside Well project. He said he was with ASCG and has been doing engineering work with the city for nine years. The project is for Riverside Well equipping and water lines project is providing a new well and new water supply for the city. The new well will have a submersible well pump that will have a chlorination unit, metering, a small well house, and will be installing a 10 inch water line up Joe Welch Drive to connect to the city's existing distribution system. They will also be installing new 12-inch line on Highway 70 on the north side near Wal-Mart. The construction contract value is listed as \$867,000.00 plus tax. The contract was signed August 6, 2008 and they immediately gave notice to the contractor to proceed. The contractor is given 60 days to complete the water line along Highway 70. The overall project completion date is April 3, 2009.

#### NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2008-17 SPA 08-3115-STB Regional Wastewater Treatment Plant.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-17 SPA 08-3115-STB Regional Wastewater Treatment Plant.

Councilor Olivo moved to approve Resolution No. 2008-17 SPA 08-3115-STB Regional Wastewater Treatment Plant. Seconded by Councilor Holman.

W.T. Martin Jr., City Attorney said this is part of the ongoing dealing with the settlement agreements with reference to the Wastewater Plant and this is part of the design and building process that we've already obligated ourselves to in Phase I. He said this is a very time sensitive item to continue to meet the deadline that is imposed on us. He said it is important to get our approval on this and said he wasn't sure if the Village has approved it yet. Carol Virden, City Clerk/Treasurer said this SAP is to add to the funds that have already been incurred by the City and Village of Ruidoso and this is for construction of the Wastewater Treatment Plant.

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 Design Contract Agreement between the City of Ruidoso Downs and Enviroquip.

Mayor Armstrong entertained a motion to approve Design Contract Agreement between the City of Ruidoso Downs and Enviroquip.

Councilor Williams moved to approve Design Contract Agreement between the City of Ruidoso Downs and Enviroquip. Seconded by Councilor Hood.

W.T. Martin Jr., City Attorney said this needs to proceed as soon as possible if we're going to meet Phase I. Councilor Holman asked if this was the one that was going to be at the end of the project? W.T. Martin Jr. said no.

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 Wastewater Treatment Plant Operating Invoice for June 2008.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for June 2008.

Councilor Olivo moved to approve Wastewater Treatment Plant Operating Invoice for June 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 Discussion and Consider Revision of Title-Clerk/Reception to Water Accountant.

Councilor Williams moved to approve revision of title Clerk/Reception to Water Accountant. Seconded by Councilor Hood.

Councilor Williams said he wanted to change the title to Utility Accountant of Emma Herrera. He said she has a lot of responsibility and then he read duties from her job description. He said some of the qualifications are bookkeeping and accounting. With that kind of responsibility he would like her title to reflect that. He said Emma always has a smile, she has the experience, and you can't upset her. He said it doesn't add any money to her salary but he wanted that responsibility to reflect on her position description.

Mayor Armstrong asked Carol Virden, City Clerk/Treasurer if that requires ordinance changes? She said in the Water Department Ordinance it does call for a Utility Clerk and they would have to make that change. That would entail a Public Hearing and re-writing the language Councilor Williams request on the ordinance. Councilor Williams asked if that could be done?

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

Carol Virden, City Clerk/Treasurer told Mayor Armstrong there was a tie. Mayor Armstrong voted nay to break the tie.

#### PUBLIC INPUT

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

Peggy Burton said she honors what was just voted on from that side of the table and the reason that it was done. She said she knows Emma only from contact with her as a city employee and she said they have done her a dishonor and that is pathetic. She said the other subject she wanted to bring up was that last year the former mayor sent out a newsletter and stated in that newsletter was that money to repave Nevada was in place and scheduled to take place. She said she would like to know where that money went? Councilor Hood said he would too because it isn't under the line item where it used to be. Carol Virden, City Clerk/Treasurer said in the 2007/2008 said there was no fund specifically for Nevada. Councilor Hood said he disagreed with that and that there was an earmark at the bottom of the page. He said there was \$76,000.00 to start off with and we paved Central, Parnell, and Parker Rd. He said at the end of that there was still \$34,000.00 to \$35,000.00 at the end of that fiscal year and at the bottom of that page there was an earmark that the money was to be used in that line item for those projects and Nevada was one of those projects. Carol Virden, City Clerk/Treasurer said it might have been placed in the newsletter but in the fiscal budget and in the finance report there was nothing specifically for Nevada and said she would turn this over to the Finance Director. Terri Mosley, Finance Director said there has never been a specific line item for that but she would research that but did not know it was in a newsletter. Peggy Burton said yes it was and asked when she could expect an answer on that. Terri Mosley said she would be out of the office until Monday and then would look into that. Peggy Burton said as she looks at this council she said she disagrees with this council. Councilor Holman said he has a lot of affection for Emma but this is not the title but there are certain ways to approach things like this. He said it should start with the staff, notify the clerk and supervisor and then if need be to the council. He said he didn't think these things start with the council.

Wayne Williams said he had questions that the council should ask themselves and as keeper of the funds. He said on the transit, if this is going to benefit all of Lincoln County then who is it going to benefit in Ruidoso Downs and who is going to use this service? He asked if it really benefits Ruidoso Downs or are we going to manage something that is going to benefit Ruidoso, Capitan and all these other places and we're going to get very little out of it.

Bonnie Richardson said through all of the discussions that she's heard she did not hear how much it was going to cost. She said Amtrak ended up charging sixty cents per mile.

Mickie Compton said public transportation is for anyone, not just for seniors and that it will benefit the employers to get employees to work. It will help the environment, the parking, the congestions, and benefits gross receipts for the Downs. The cost is twenty cents off every dollar for the administrative portion and fifty cents off every dollar for the operation and twenty cents off every dollar for the vehicles.

Joyce Gustafson said she agrees with Peggy Burton and is disappointed with the councilors. She said she agrees with Wayne Williams and doesn't think we should stick our neck out on the block for everyone in Lincoln County and that we really should consider this seriously. She said she found out that the mayor had received a letter before the last council meeting. She said she understood that Councilor Williams and Councilor Hood sent a letter to Mayor Armstrong to ask him to apologize to the people on the other side of Parker Bridge and that she doesn't think he owes anyone an apology. She said he's worked hard when the flood was going on. Councilor Hood thanked her for her comment. She told Councilor Hood that Warren and Betty deeded this bridge over to the city and if they still owned that bridge who do you think would be responsible for that bridge? The taxpayers would be responsible. Councilor Hood said we're responsible for getting those people to safety and he said he got twenty phone calls Sunday morning asking how they were going to get across the river? Joyce asked if they called the city Monday morning? She said the letter attacked our mayor, our Public Works Director and that any men or women that works for the city owed anyone an apology. She said they need to rethink their thoughts and asked how many other people they called? Councilor Hood said he didn't call anyone. He said they called or came by the Senior Center and had people from Spaghetti Flats and from behind Big O Tire.

Mickie Compton said each of the entities has put in their \$25,000.00 and that in response to the emergency situation that the public transit would help in this type of situation also.

Councilor Williams said he would like to congratulate Councilor Hood and Jim Burrow and anyone else who supported the Senior Center breakfast last weekend. He said it was a great success and there was a good turnout and good food. Mayor Armstrong said he believed Councilor Williams had a lot to do with that. Councilor Hood said he did and that they raised \$5,000.00.

#### 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 Hubbard Museum of the American West.

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 Hubbard Museum of the American West.

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 Hubbard Museum of the American West.  
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 closed the regular meeting at 7:43 p.m. and invited W.T. Martin, Jr., City Attorney, and Carol Virden, City Clerk, Jay Smith, Museum Director, and Cleatus Richards, Public Works Director 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 Williams. 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 8:44 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 Wastewater Treatment Plant and Hubbard Museum of the American West.

Councilor Williams attested to the fact that the only items discussed in executive sessions were that of discussion of threatened and/or pending litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Museum of the American West and no action was taken.

#### ADJOURNMENT

Mayor Armstrong entertained a motion to adjourn.

Councilor Hood moved to adjourn at 8:44 p.m. Seconded by Councilor Williams. All were in favor and motion passed.

---

Tom E. Armstrong, Mayor

ATTEST:

---

Carol Virden, City Clerk/Treasurer