

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JUNE 8, 2009

The Council of the City of Ruidoso Downs met in regular session on June 8, 2009. Mayor Armstrong called the meeting to order at 5:31 p.m. and asked Councilor Holman 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
Cleatus Richards, Public Works Director
Terri Mosley, Finance 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 would like to pull off Item 11 E from the agenda at the request of the department director.

Mayor Armstrong entertained a motion to approve the agenda with Item 11 E pulled.

Councilor Olivo moved to approve the agenda. Seconded by Councilor Williams.

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.

Councilor Williams moved to approve consent agenda with pulling off Item #6 the approval of the Regular Meeting Minutes of May 26, 2008 for clarification. Seconded by Councilor Hood.

Councilor Williams said the first part will be under Unfinished Business and he would like to bring to a point of notice and understanding and just state something that is identified as ideas for governing better. The phrase is "don't spring surprises on your fellow governing body members." He said the reason he brought that up under this particular item is that they are bound by a Code of Ethics and were also governed by procedures of how they do business as a governing body. He said he felt like this discussion of what occurred at the workshop in the minutes of the May 26th meeting stepped a little outside of that line. The fact that they discuss items and conduct business within the understanding of what the meeting concept is and the rules that govern it and their obligations under those rules and especially the Code of Ethics when it comes to how we conduct it. When we make opinions about discussions we have within that forum it is legitimate opinions that are expressed between councilors and/or governing body members. When those opinions step outside and directly impact the other side of the room, and that's the public, and becomes a concern that we are overstepping our responsibilities as governing body members and how we present ourselves in a meeting forum. The wording and everything, and a lot of people may not have those minutes of that meeting, the language that was used he said he didn't think was professional and they should not have gone that far and they have an understanding that this becomes public record after they vote on it today. He said he didn't want people to look at the perception of what they are doing is being legitimized by the governing body and how they present themselves in the meeting forum.

Councilor Williams said the second item, and that's the one they have really been having some difficulty with, and that is on page 7 dealing with the Fire Department issue. He said he feels like the discussion and for a motion that was made was not within the specifications of the requirements of the Open Meetings Act. He said he also wants to let the public know that the staff is taking steps to find a solution to that and will present it to the governing body in the future. The fact that it was brought out and the reasoning for it was under the pretense that it was for the budget and when it was all finally taken care of it had nothing to do with the budget.

Councilor Williams said he doesn't mind comments being made when people are pro or con, a proponent on issues that they discuss but when they discuss it in a public forum they have to ensure themselves that the information is accurate and is presented so. Any misrepresentations because of the information could cause people's opinions to differentiate in factions that are separating the whole idea of what the discussion was in the first place. That became because of the Senior Center. He said he thought comments were inaccurate and because of those comments the public had the misconception of things that were happening at the Senior Center that weren't happening and the information should have been passed on with the understanding that they got that from a source that is reputable and gives them that information and they should present it in that fashion. He said he thought it was out of line on some of those comments and felt like if they were going to represent the public they need to be accurate in what they state and have a basis for it and facts to back it up.

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

APPROVAL OF MINUTES OF BUDGET WORKSHOP MEETING OF MAY 18, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Budget Workshop Meeting of May 18, 2009 of the City of Ruidoso Downs.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 26, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of May 26, 2009 of the City of Ruidoso Downs.

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

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Accounts Payables.

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

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Public Hearing.

ORDINANCE NO. 2009-06

An Ordinance Amending chapter 6 Article 6 Section 2 Titled "Nuisances Declared and Section 8 Titled "Penalty" of the City of Ruidoso downs Code of Ordinances.

Steve Dunigan, Planning & Zoning Director said periodically the Planning & Zoning Department reviews the ordinances as written. One of the most important things they can do is to try to be as clear and concise and consistent and fair as possible. The Nuisance Ordinance is something that is used everyday and it needs to be clear in content. He said sometimes we assume everybody understands what a Nuisance Ordinance or violation is and what it's about. Maybe that's because we work with it so often that we understand what we are trying to find and we want to be very fair to the public. The way that we can do that is to be sure that we write clearly what the description, definition, and intent is on an ordinance violation. He said if they are going to have somebody clean something up they don't want to use their judgment or opinion, they really want it to be based on a measurable fact. He said what they have done here is added more language to their definitions of a nuisance and while it seems that it may seem silly the words graffiti, fences, pipeline construction, and storage, are the sections that he has added. The reason that came about is because they have run across situations where they think it may looks

unsightly and it may be presenting an ordinance violation, but they want to be stronger than that. They want to be able to say it fits this category and be able to talk to them, the property owner or the individual with something to back them up and along with that they added the language that says why that is a violation.

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

There were no persons present to speak in opposition of the action.

Mayor Armstrong asked if there were any persons present to speak in support of the action?

There were no persons present to speak in support of the action.

Mayor Armstrong stated he hereby closed the Public Hearing for Ordinance No. 2009-06.

Mayor Armstrong entertained a motion to adopt Ordinance No. 2009-06.

Councilor Olivo moved to adopt Ordinance No. 2009-06. Seconded by Councilor Holman.

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

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business.

There was no Unfinished Business.

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

Mayor Armstrong stated next item on the agenda was Other Business and no action would be taken.

Mayor Armstrong stated he would like to discuss Item A-Review of Resolution 2008-22 City of Ruidoso Downs Code of Ethics.

Carol Virden, City Clerk/Treasurer said she placed a copy of Resolution 2008-22 City of Ruidoso Downs Governing Body Code of Ethics which was approved, passed, and adopted on October 27, 2008. She said sometimes we all need to be reminded of what or why we are here and what our

purpose is, not only for the governing body but staff as well as for the public at large. This is just a reminder of what the City Council did adopt and did say they would follow.

Mayor Armstrong said another item he had was the Summer Backpack Program. It is an undertaking of the Lincoln County Health Council Mobile Food Pantry Project in an attempt to reduce child hunger, educating students in proper nutrition and promote a healthier lifestyle. He said this is a program that is actually happening in two places. One is at Sierra Vista Primary School, they are going to be feeding kids 18 years and younger. On the following Friday's, June 12th and June 26th they want to cover the kids having meals during the weekends and also on July 10th and July 24th. The time will be 11:00 am to 12:00 pm. People can pick up these meals at Sierra Vista Primary School in the cafeteria and also in our All American Park at the same time from 11:00 am to 12:00 pm. He said it was a very good program to help the kids get a healthy meal during the summertime when they aren't in school. They do this in schools everyday but are just stepping up to have a healthier meal during summertime.

Mayor Armstrong said another thing was the Senior Citizens, they had a conversation with Tom Stewart today and he is not closing the Senior Citizens building and also said to tell anyone that wanted to ask that he said so.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-07 Newly Established Street Name.

Steve Dunigan, Planning & Zoning Director said Article 11 Lot & Structure Numbering states pretty clearly that when they have a new street created and they need a name they go through a process by resolution by council to approve the name. One of the things they do is to check with the County and 911 services to make sure this is a name not so common it would be misleading or hard to find. He said in this case we are being asked to consider the name "Avalon Boulevard" and is located at 26181 U.S. Highway 70 at the Wal-Mart intersection. It has been cleared by the County and 911 both so they are recommending that a resolution be passed approving this name for a new street to be developed.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-07 Newly Established Street Name.

Councilor Hood moved to approve Resolution No. 2009-07 Newly Established Street Name. 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 Awarding RFP #09-01 Legal Professional Services.

Carol Virden, City Clerk/Treasurer told the mayor and council that they have before them the rating summary for Project Name 09-01 Legal Services. They did receive three responses to the RFP #09-01 and the ranking and rating was based on the general qualifications, ability to perform contracted services without conflict of interest, ability to meet specified office hours, specific knowledge of local government, municipal law, and New Mexico Water Rights laws, as well as cost proposal. Martin, Dugan, & Martin with a total of 268, H. John Underwood Ltd. with 359, and David M. Stevens Attorney at Law with 305. The selection committee met on June 4 2009 to determine the three proposals to be responsive and rated all three. The tabulations have been verified to be true and correct. Therefore it is the recommendation of the selection committee to award the proposal and enter into a contract with the highest rated firm H. John Underwood Ltd.

Mayor Armstrong entertained a motion to approve awarding RFP #09-01 Legal Professional Services.

Councilor Olivo moved to approve awarding RFP #09-01 Legal Professional Services to H. John Underwood Ltd. Seconded by Councilor Holman.

Councilor Hood asked who was on the selection committee?

Mayor Armstrong said it was on the next page over.

Councilor Hood said in the past they had a councilman on the selection committee. He said in the future he would like to see them have a councilman on the selection committee for checks and balances for the council and the City.

Mayor Armstrong said he felt like it was the directors were the ones that deal with our legal services and this is why it was his decision to go with the directors and he felt they have done a very good job on their recommendation and covered it.

Councilor Hood said he didn't say that, he just thinks they need a councilman on there for checks and balances. It doesn't make any difference who it is he said he just thinks they need to have one of the councilmen involved in it.

Councilor Williams said he thinks the reason that question was asked is the fact that any decision the council makes is that especially on legal issues, water rights or personnel or even the Wastewater Plant, the council makes those decisions based on the advice of the attorney. Because of the fact that they are directly involved and directly a part of it, a councilor or two, and in this case it could have been two of them in the meeting they had about the renewal, one opposed and one for, would have equalized that concept to have a councilman involved. He said they make the decisions based on the advice they get from staff and from legal services and if they are not involved with it, in fact he said he got two pieces of paper, one stating on one side the description, total cost and on the other side the numbers. He said as a councilor that's well under the requirement for review when they are talking about services and they should have had more documentation including the process they went through and the information that was passed on including resumes, how the point system came about. He said personally he didn't care how it

was individually voted on but they should have had more information to base their decision on tonight instead of just the numbers. The problem that bothered him was that they were talking about something very serious if they act on it tonight. There is a possibility of conflict of interest but the fact is that as of today, and he confirmed it with the Village, is that the individual that is being recommended to them is actually the Village representative attorney to the JUB as well as our attorney is our representative to the JUB. He has not resigned and as far as he was concerned he was still that Village representative. The next thing that was really concerning him was the fact that tomorrow's Village of Ruidoso's meeting which is on June 9th, they have an item on their Consent Agenda which says that John Underwood is up for his renewal for lobbying services for the Village at the State of New Mexico Legislature. He said if they were to act on this tonight and vote for John Underwood as our attorney and the Village turns around tomorrow night and happens to retain his services as a lobbying specialist that kind of throws everything out of whack and the conflict of interest is heightened even more because we approved him as our city attorney while he still represents the Village. He said he didn't think they could go as far as awarding this tonight until they find out where the Village was going to go with their vote. He read from the Village agenda under Consent Agenda: #7-Approval of agreement with H. John Underwood to provide lobbying services at the State of New Mexico Legislature. As of right now he would tell this governing body to consider the fact that they could be in a trick if they went through with this tonight. It's all about conflict of interest and they need to very well discuss this further. The fact that if he is approved tomorrow night it throws the RFP out of whack, that means we would have to submit a new RFP because we could not use him as our city attorney. He said unless there is some other legal documentation that says he's wrong he has the Conflict of Interest general rule right here.

Carol Virden, City Clerk/Treasurer said she did know that item was on the Ruidoso's agenda. She said she was sure that Mr. Underwood or whomever would have been on there, whatever legal counsel would have been on there, would have answered the RFP response and they were ranked the highest and they were recommended by the selection committee may be waiting for the outcome of this meeting in order to submit a letter of resignation and all conflict of interests with any other municipalities. She said that was just a guess, it could be anyone.

Councilor Williams said he still thought our present attorney was still with us through the end of the fiscal year so we were paying him up until that time so we would be paying him up to that time. If we had to wait until the next meeting to go through this process again, if in fact he did not get approved, then he said he thought it was worth the wait of two weeks to ensure that we are not in any way liable for any legal issues in trying to go through this process.

Mayor Armstrong said he believed we were still working on the contract and haven't yet. He said they haven't done anything. These things will come out at that time if Mr. Underwood is chosen, these things will fall into place. Not to create this problem.

Carol Virden, City Clerk/Treasurer said she thought they could mandate the attorney to recuse himself from all conflict of interest with the Village of Ruidoso before the contract is officially signed and with a letter in black and white stating that he will recuse himself as the advisory

attorney and advising the Village of Ruidoso on the JUB, the lobbyist, and whatever else is there, you could do that.

Councilor Williams asked if that was so then why wasn't it done previously?

Carol Virden, City Clerk/Treasurer said they didn't know where the council was going.

Councilor Williams said they shouldn't go anywhere, they should be on the right side of doing this legitimately they ought to amend the motion to postpone until the June 22nd meeting so everything will fall in place. He said he didn't want to take a chance as a governing body member to say well, this might happen, he might do this, if we do this. He said that is not how they were supposed to operate.

Mayor Armstrong said he believed with a contract that would be worked out.

Councilor Williams told Mayor Armstrong that it's not what you believe, it's what is right for the citizens of this community coming from the governing body.

Mayor Armstrong said they would be working on the contract.

Carol Virden, City Clerk/Treasurer asked Terri Mosley, Finance Director to correct her if she was wrong, on the RFP, if the council approves the staff recommendation to Mr. Underwood, if we call him and tell him this is what our council members are concerned about and he says no, we come back and tell the mayor and councilors, number one or number two attorney under the ranking and rating said no. She said they would go with the second highest ranking which would be David M. Stevens. Terri Mosley said that was correct.

Councilor Williams said he would still recommend they go out for an additional RFP because with only two selections he didn't think that was right that they just go with the two even though they are saying the next ranking. He said this deserves to be seen if there are any other attorneys who want it even though they didn't originally.

Carol Virden, City Clerk/Treasurer said they didn't, you have three responses to the RFP.

Councilor Williams said they need to not pursue this tonight, let us wait, if it doesn't happen tomorrow night then great, you can even call a special meeting if you want to go through the process. The fact is that I don't want to do this tonight he said until everything is right.

Mayor Armstrong said he believed these things would be worked out in the contract because if we don't, if no one seems to comply with this well then we will go back out for an RFP.

Councilor Williams asked Mayor Armstrong why he was bound and determined to get this over with so quickly? He asked why he wasn't looking at it realistically? Councilor Williams said he was presenting to him the possibility of what might happen and for us to safeguard ourselves because you know what we have gone through and this goes back to the minutes we just approved

dealing with the Fire Department and we handled that and the fallout of that. He said he didn't want to go through that again if we can avoid it. He asked if they could not just hold off and let it happen, let him resign from the attorney for the JUB and the next day you can have a special meeting and we can go through the process?

Mayor Armstrong said he believed the option is there for the attorney to find work where they can find it. He said he thought this would give him the option of accepting what we have with our requirements and we wouldn't have any problem at all right there and waiting wouldn't change that fact at all.

Councilor Williams asked what waiting was going to hurt? He said we have an attorney on staff until the end of the month so what is waiting going to hurt? We still have legal advice.

Mayor Armstrong said the option for him to accept this job versus the other one.

Councilor Williams told the mayor he was not making sense. He said they have legal services until the end of the fiscal year. Can we not just delay this or postpone it and get it straight and then go through the process and then it's a done deal? No questions asked.

Councilor Hood said he felt the same way Councilor Williams did.

Councilor Williams said they have to have an open mind about this.

Mayor Armstrong said he did have an open mind about it and thought they did have other councilors here and if they wanted to change their vote he did feel this was the right procedure.

Councilor Williams asked how they could change a vote when they haven't had a vote? He asked Mayor Armstrong if he was telling him something he didn't know? He said he hoped not

Mayor Armstrong said they had a motion and a second for the approval and said he figured they would at least follow suit on that and that was why he was asking if there were any changes on that?

Councilor Hood said he would like to them hold off on it until everything is clear so you don't have to make a contract after the fact.

Mayor Armstrong said they were going to have a contract after the approval and were going to have a contract anyway.

Councilor Hood said he understood that but there was a conflict of interest. He said he has been a lobbyist for Ruidoso for a long time and then he's going to be our attorney and a lobbyist too?

Mayor Armstrong said this was going to be changed.

Councilor Hood said he wasn't convinced of that.

Councilor Williams said the Governing Body Code of Ethics says, "The City of Ruidoso Downs City Council represents the interest of all people served by this municipality." He said we need to do that.

Mayor Armstrong said he felt that this is doing just exactly that. He said he felt the best interest is being sought for our legal services. He said to Councilor Williams that his problem seems to be something else.

Councilor Williams asked why he thinks he has a problem? He asked was he not addressing the issue with facts and figures? He said he has something in front of him that says something.

Mayor Armstrong said they will also have something before they any further with this that they will have a contract. If he doesn't fit this, if he doesn't follow what our requirements then he is not getting it.

Councilor Williams told the mayor he was just taking it for granted that he was going to say no.

Mayor Armstrong said he is not taking anything for granted. He said he knows he turned in an application that he would do whatever he was supposed to for legal services.

Carol Virden, City Clerk/Treasurer said she wanted to read a statement of Conflict of Interest and that it was from H. John Underwood. She read the following:

- A. This law firm maintains a general practice of law in the Lincoln County area and as such has represented businesses and individuals in the area. From time to time there may some individual or business whom we represent that may have some legal interest in the City of Ruidoso Downs, either in Municipal Court or other City of Ruidoso Downs issues. We are unaware of any such current issues but would not represent any client in any matter before the City and would recuse ourselves if necessary should a current client have an issue before the City. We would obviously not take on any of these clients on issues concerning legal issues with the City. This firm has represented the Village of Ruidoso and its interests in the Joint Use Board. If we were the successful offerer we would immediately resign from that position. Further, this firm currently represents the Town of Capitan. We are not aware of any ongoing issues between these two municipalities. The only other possible issue would be this firm's governmental relationship practices. We do not consider this to be a conflict. H. John Underwood has lobbied on behalf of the Village of Ruidoso in the past. The current contract has terminated and H. John Underwood reserves the right to enter into lobbying contracts with various local government clients throughout the state to lobby on their behalf so long as the lobbying was not in the opposition to the interest of Ruidoso Downs. Offer warrants that he has nor shall not acquire interest direct or indirect which would conflict in any matter or degree with the performance and service required under this agreement.

Councilor Williams said it was amazing how she just pulled that out of her hat. Carol Virden, City Clerk/Treasurer said she forgot about it. Councilor Williams they have been discussing this and all of a sudden a letter pops up. Carol said she apologized for that. Councilor Williams said this is what he was trying to get passed here. The council has a right to all information and considering the fact they got the minimal on the RFP, that should have been a packet this big of how it went about, they have that right. He said they had that right to have that letter in here tonight too. Maybe he wouldn't have gone through what he went through, supposedly, but he would have still have brought it up possibly.

Mayor Armstrong said he apologized for that, he didn't know that letter was there.

Councilor Williams said he didn't want to think there was some sneaky stuff going on.

Carol Virden, City Clerk/Treasurer said there wasn't.

Councilor Williams said he would appreciate a little respect when it comes to information about decisions they are making that is going to affect the community. He said they may not agree with him but he said he was looking out for that purpose.

Mayor Armstrong said he agreed with him completely.

Councilor Holman said he had been listening to the comments being made and trying to decipher exactly where they were going on this. He said there were a couple of thoughts he had, and not being an attorney he would not presume to indicate that this is totally accurate. He said it was just his opinion and what he thought was accurate. He said he would like to remind the council that the Joint Use Board is a separate entity, it is not a part of Ruidoso and it is not directed by Ruidoso Downs. He said he didn't think he had to elaborate, he was just saying that John Underwood was involved with the Joint Use Board which is actually a totally separate entity that is not controlled by Ruidoso or Ruidoso Downs.

Carol Virden, City Clerk/Treasurer said she did want to say that H. John Underwood was the attorney to advised the Village of Ruidoso on JUB matters. Mayor Armstrong said the same as Mr. Martin is for us. Councilor Holman said then that needs to be clarified. Carol and Mayor Armstrong said he did clarify that in the letter. Councilor Holman said then as far as an attorney, when he accepts the job he is bound to represent that client to the best of his ability and bound by the State Bar Association so anyone accepting the job as our attorney would be ethically and probably legally bound to represent that entity to the best of his ability.

Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to call roll.

Councilor Williams asked Carol Virden, City Clerk/Treasurer for a copy of that letter before she continued.

Councilor Williams said he wanted to touch on one more thing that was separate from this discussion. He said they received an updated copy of it this evening. When they first approached

this in the April meeting, April 13th, it was all about cost and it was echoed by citizens in the community about legal services and its cost and trying to cut costs and trying to ensure that money is well spent for what they try to do in the city. He said at the time, once it was all said and done they did not allow our present attorney to negotiate any cost reduction before they went to RFP. He said the figures he got today, \$144,000 he guessed was the final figure. Terri Mosley, Finance Director said that was for the proposal. Councilor Williams said they had budgeted and sent in \$150,000 in the Preliminary Budget for legal services. He said to go back to when they were talking about cost, he said it was a little bit of a cost reduction and thought the citizens were expecting a little bit more. Contract and Professional Services as of 2008/2009 budgeted were \$149,538 and was what they were paying for professional services through the end of this year. He said then they budgeted \$150,000 for this year and the next person in line for this position is \$144,000 so there was a savings of \$5,538 spread over a 12-month period of maybe \$4,300 or so which he didn't see as a substantial savings although \$4,000 is \$4,000 but overall it would help them in the long run. He said that's not much of a difference when they were talking about saving money and legal services. The crux of the conversation at the April meeting was cost. Councilor Williams said that was just another aspect of what they were doing and they just don't have that big drop off that they all were hoping for and looking forward to.

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

Carol Virden, City Clerk/Treasurer informed the mayor there was a tie.

Mayor Armstrong said he would vote yes to break the tie.

Mayor Armstrong stated next item on the agenda was Consider Approving Part-Time Drivers-Lincoln County Transit.

Mayor Armstrong entertained a motion to approve part-time drivers for Lincoln County Transit.

Councilor Williams moved to approve part-time drivers for Lincoln County Transit. Seconded by Councilor Hood.

Councilor Williams said they have had discussions before on transit drivers. He said they also have on-call so they wouldn't have to worry about these being employees, is that correct?

Carol Virden, City Clerk/Treasurer said that was correct.

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 Recommendations-DPS-Certified Police Officers.

Chief Ortiz said it gave him great pleasure to introduce two Certified Police Officers who were applicants that applied for the position of Police Officer for the DPS here. He asked Christopher Rupp and Martin Valenzuela to come forward. He said Mr. Rupp came to us from the Village of Tularosa and had been with their department for approximately five years and has opted to come to our department and with him many valuable talents. Chief Ortiz said Mr. Valenzuela came to us from Silver City and also had approximately five years of experience and opted to come to our city and relocate his family here. He said he brings with him many talents as well.

Mayor Armstrong entertained a motion to approve Personnel Recommendations-DPS-Certified Police Officers.

Councilor Hood moved to approve Personnel Recommendations-DPS-Certified Police Officers. Seconded by Councilor Olivo.

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

There was a round of applause.

PUBLIC INPUT (All concerns to be addressed only to the Governing Body as a whole with a 3-minute time limit)

Mayor Armstrong stated next item on the agenda was Public Input.

Shirley Collinsworth said she misunderstood the meeting that was going to be on Tuesday, she understood was going to be on the following Thursday so she was not here. She said she was appalled when she got the paper on Friday because when they left here she had stood there and asked if they were okay with their \$5,000 for the Activity Committee and she was assured they were. Then when they got the paper on Friday it was that all of this was to be cancelled out. She said she has been living in Ruidoso Downs for over nine years and has been the Activities Director for Ruidoso Downs, it is not a paid position, she does it on her time with her gas and her energy. She said she buys the gifts and this means a lot to these people who would not get out of there homes. She said she has been responsible for bringing lots of people into the center to enter into these activities that they do. Shirley said she also goes to the other Senior Center and was President of the Golden Age Club for four year until she retired because she felt she had too much because she worked four days a week. She said it doesn't matter, they are entwined as two cities and they use both of them. There were people here who live in Ruidoso who use the Downs and people who live in the Downs that use the other. She said they all pay for their meals when they go there. Without our Senior Center there are a lot of these people would really be hurting. She said they deliver their Meals on Wheels and she did that for five years and she knows what that is like. She said she saw some of the die and it's hard to do that. She said they did a lot to get this Meals on Wheels going and the town donates everything with match funds. Shirley said what she gets is \$250 per month to buy a gifts. They have "42" tournaments, they have shuffleboard tournaments, and they have "game days." They have people in their 80's that come and join in this and get a thrill out of it. She said \$250 a month is a very small sum for these people to come out

and enjoy themselves. She said she felt it was vitally important to recognize the senior citizens. She said this started when Joe Hayhurst was mayor. Shirley said she came to Mr. Miller when he was mayor and he readily for \$5,000 a year and he renewed it. Now Mr. Armstrong is mayor and she said she was hoping they could do the same for this. She said her church donates monthly sums and J Bar J donates to Meals on Wheels every month.

Sue McCaslin said she has gotten calls that the council was trying to close the Senior Center. She said saying that she was the one that put out a letter put on every table with the council's phone number. She said it was not done that way. She said she just made a note with their numbers and did not make a letter. She said she tried calling them too but couldn't get through. She said she is being blamed for it but that giving the council members numbers and having people call them was against any law about being a citizen. She said if she can't do that then someone needs to tell her she can't do that. She said someone else got blamed for it and her name is Sue and she is the one that put the name down.

Anna Posey said she has lived here since 1947. She said she could verify exactly what Sue said because she was there and she saw what she did, it was just a little note, no letter. There were no derogatory remarks, it was just verification of what was going to happen. She said the Senior Citizens Center was a godsend.

Wayne Williams said he is also a senior citizen. In response to some talk from our city and a letter written to the Ruidoso News in the Opinion Section he said he wished to voice his opinion. He said he doubted they would print it but would see. He said what most of the seniors in the City of Ruidoso Downs and the Village of Ruidoso don't really seem to know is the Downs is supposed to be funded by Lincoln County, not the citizens of Ruidoso Downs. They also seem to think that paying \$2 for their meal pays for their meal. He said \$2 does not pay for the dessert. He said we, the citizens supply the building, the water, the waste disposal, and a lot of the small repairs. He said and at not expense to the County or the Village. The reason the City of Ruidoso Downs is in good shape is that people, like two of our council members, and others (he said he wanted to emphasize "and others") who take their job and their duty to the citizens seriously. That's the reason we're in good shape. We are a small city with not much income from business. We are at this time, for a better word, a bedroom city with our income coming from some businesses but from the most part property taxes. He asked if anyone ever stopped to think that if it was not for people like a couple of council members, and others, we would not be in "good shape." As a citizen of Ruidoso Downs and a taxpayer he would say this to those who live in Ruidoso who like to write letters to the Ruidoso News that they might think of writing one to the Village council and ask them if their Senior Citizens is such an integral part of the fabric of our community and write them a letter instead of harassing the citizens of Ruidoso Downs who pay the bills. He said he has a p.s. to this which has nothing to do with the Senior Center. He said he still requests a full package and said he would keep that request up until he got it and that every member who shows that interest should have that respect.

Warren Beaver said he had to call 911 Friday morning because he thought he was having a heart attack. The service was excellent. It included Kenny Ellard from the Fire Department, Bill Dunlap,

and Joseph Bailey. He said if these two departments were split they couldn't pick him up and put him in an ambulance. He said he didn't believe they need to split it in his opinion.

Pam Williams said she was a concerned citizen of Ruidoso Downs. She said our city is divided and it's sad. Some of our city councilors think that some of them are called "your people" and "my people." She said she didn't think they ought to choose sides. When they disagree they are labeled "trouble" because they don't agree with everything. She said they are one people in this community, some a little more self-serving than others. She said she was one of all of your people. Pam said they were elected by the citizens of this city and we expect all of them to represent them, all of them, all four of the city councilors and the rest of the governing body to represent each and every one of them in this city. She said no more choosing sides, whether we agree or disagree they should be civilized and respectful. Most meetings, but especially the last meeting, we seem to have two meetings going on at the same time, that was disrespectful. She said it broke her heart. How could we expect others to work with us when we can't even work together? As one of our councilman said, if we are not willing to work together then how can we solve problems that exist between us? Alienation divides and cooperation strengthens. If this is allowed to continue there may be irreparable damage to a long-standing relationship within our city. She said we need to practice what we preach and enough is enough.

Jim Burrow said he would first like to say that splitting the Police Department and Fire Department is a bad idea especially in this community, it's not that large. He said Mr. Ortiz was very qualified to handle both jobs and he has proven it and he has said he has the time to do it. Therefore splitting it up isn't to give him more time from one job to the other. He can do it without splitting it up and said he didn't think the citizens want to see it go back to the way it was here a few years ago when they had all kinds of trouble. He said he didn't have to say anything about Mr. Martin or Mr. Underwood. Our councilman Gary Williams had said it all and that it didn't need to be repeated. He said he thought the directors were making a bad mistake with Mr. Underwood.

Paul van Gulick said he had nothing more to add other than no one has ever congratulated Tom Martin on the great job that he has done. He's been sitting here very patient with us and has done a great job. He said when you look at the total picture of how much is spent on legal services versus how much is spent on an attorney he thought they have probably spent less on legal costs since Tom Martin has been here and he wanted to say to Tom that he was sorry to see him go. Things will work out for the best he said for everybody involved but in case anybody forgot to say thanks to Tom he thought he would do that.

Joyce Gustafson said she visited with the newspaper just a little bit this morning and took a copy of this letter. She said she would give them a copy just in case the editor chose not to print the letter. She said since it has Tom Stewart's name mentioned in the letter she did go to Carrizozo and handed Tom Stewart the letter face to face and visited with him. She said he assured her that he was not at this point wanting to close the Senior Center as she shared with him that no one in Ruidoso Downs wanted to close it. She said there were some facts floating around and as Councilor Williams said we need to get our facts straight concerning who pays what and anything that goes on in city hall. It needs to be factual and not rumors and there's been a lot of rumors

floating around. She told Mr. Stewart to read her letter and if there were any untruths in it to let her know and she would be glad to rewrite the letter and take it back to the newspaper in case they chose to print it. He assured her that Councilor Holman had made the right decision in not continuing funding the money that the Downs had funded all these years. He said he could not blame him one bit, he did the best thing for his community by watching out for the taxpayers dollars. She said she appreciated everyone's hard work and it was a difficult job to have and she thought she was sure Mr. Martin had done a very good job for our city in the past. It's not just what she has seen and whereas now Mr. Underwood or whoever may get it would possibly have their own office here in city hall.

ADJOURNMENT

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

Councilor Holman moved to adjourn at 6:44 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer