

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JULY 13, 2009

The Council of the City of Ruidoso Downs met in regular session on July 13, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jim Burrow 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
Cleatus Richards, Public Works Director
A.C. Ortiz, DPS Director
H. John Underwood, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong entertained a motion to approve the agenda.

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 Hood moved to approve the Consent Agenda. Seconded by Councilor Olivo.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 22, 2009.

Motion was made by Councilor Hood and seconded by Councilor Olivo to approve the Minutes of the Regular Meeting of June 22, 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 Hood and seconded by Councilor Olivo to approve Accounts Payables.

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. The item for discussion was the Community Development Block Grant (CDBG) Public Hearings Scheduled.

Carol Virden, City Clerk/Treasurer said it had been a long time since the City of Ruidoso Downs applied for Community Development Block Grant funds and the last time it was applied for was in 2005 and that project was completed in December 2008. The following dates have been scheduled:

July 27, 2009 4:30 p.m.
August 10, 2009 4:30 p.m.
August 24, 2009 4:30 p.m.

Carol Virden, City Clerk/Treasurer said the meeting would be held at City Hall and they are very important so we can get input and comments from the citizens of what they would like to see the city council apply for in the development and block grant process. She said not to hesitate to call if anyone would like more information.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Agreement for Public Safety Answering Point Dispatch between the Village of Ruidoso and the City of Ruidoso Downs.

Chief Ortiz, DPS Director said this agreement is a primary PSAP Agreement by which the Village of Ruidoso now serves our community by dispatching all 911 calls to our area. This agreement pretty much covers all of the information relayed down through the 911 System to the City of Ruidoso Downs dispatch section. The dispatch center is set up within the Village of Ruidoso to

service our community with dispatching services. The Village of Ruidoso will dispatch for the City of Ruidoso Downs for the fiscal year for \$24,000.00.

H. John Underwood, City Attorney said that Zach Cook, Attorney reviewed it with Mr. Bryant and it is approved by legal.

Mayor Armstrong entertained a motion to approve Agreement for Public Safety Answering Point Dispatch between the village of Ruidoso and the City of Ruidoso Downs.

Councilor Hood asked if this was renewable every year and if they would renegotiate the price every year?

Carol Virden, City Clerk/Treasurer said yes.

Councilor Hood moved to approve Agreement for Public Safety Answering Point Dispatch between the village of Ruidoso and the City of Ruidoso Downs. Seconded by Councilor Williams.

Councilor Williams asked Chief Ortiz if there has been a fact sheet sent to us showing the volume of calls sent to us on behalf of the City for the past year? Chief Ortiz said a fact sheet was presented earlier this year and was held between himself and Chief Born of Ruidoso and also present was Carol Virden. There were some discrepancies that were corrected on it but yes; the information was shared with the City.

Councilor Williams said the cost analysis was made to determine the amount of money that we would pay, the \$24,000? Chief Ortiz said that was an agreeable amount between the City of Ruidoso Downs and Ruidoso. Councilor Williams said the reason he was asking is because they have a second person as a dispatcher because of the Enhanced 911. He said his concern of the \$24,000 was exactly the cost we need to pay to accommodate the work of the dispatcher over in the Village. Chief Ortiz said the cost originally had included the cost of one full-time dispatcher. This amount is slightly different than first projected to us that was presented at the meeting here with Chief Born. He said he understands the cost is negotiable and originally that cost had exceeded \$24,000 and was originally \$32,000. Councilor Williams asked if it would be between now and next March to establish another valuation of that cost? Chief Ortiz said that was correct and they would base the figures on the volume of calls received. Councilor Williams said that was what he was trying to do was to make sure the volume of calls correlates with the cost we're paying.

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 Contract for Services Between the County of Lincoln and City of Ruidoso Downs-Lincoln County Transit FY 2009-2010.

Mayor Armstrong entertained a motion to approve Contract for Services between the County of Lincoln and City of Ruidoso Downs-Lincoln County Transit FY 2009-2010.

Councilor Williams moved to approve Contract for Services between the County of Lincoln and City of Ruidoso Downs-Lincoln County Transit FY 2009-2010. Seconded by Councilor Olivo.

Mickie Compton said this was the general agreement for operations between the two entities.

Carol Virden, City Clerk/Treasurer said the contract with the County of Lincoln says that if the City of Ruidoso Downs and the Village of Ruidoso provide up to a total of \$44,975 for the payment they would be invoiced for that amount. Because the City of Ruidoso Downs has only budgeted \$25,000 that would be the least that they would pay. Councilor Holman asked if that was the least or the most? Carol Virden, City Clerk/Treasurer said the most they would pay. Councilor Holman asked if this was the contract for the next year? Carol Virden, City Clerk/Treasurer said this is for the next fiscal year for the transit that runs from September to October. Mickie Compton said for the year 2009-2010 it would begin October 1. She said she still needs to check with the County if they want to go with the \$25,000 or if they were going to go with the \$28,000. She asked Carol Virden, City Clerk/Treasurer if they have been contacted? Carol Virden, City Clerk/Treasurer said County Manager Tom Stewart said if we put in \$44,975 they would certainly match that but because we allowed \$25,000 the city councilors in the interim budget approved \$25,000 for transit so that's the most they would pay and that's for the fiscal year July 1 to June. Carol Virden, City Clerk/Treasurer said she spoke with Mr. Stewart on June 25th. Mickie said their concern was whether it would violate the agreement if they paid a larger amount.

Mayor Armstrong said he understood that all three would put in the same amount so he felt very comfortable that if they were sent the bill they would pay it. Mickie asked if it would be for \$25,000?

Carol Virden, City Clerk/Treasurer said under the Contract for Services between the County of Lincoln and the City of Ruidoso Downs for the Lincoln County Transit Company under Section II for consideration:

In consideration for the services to be provided hereunder; County agrees to provide up to a total of \$44,975 paid in a single lump sum payment conditioned upon a like match from The Village of Ruidoso and the City of Ruidoso Downs and efforts at outreach to Capitan and Carrizozo as the system matures. If any one of the two municipalities match is less than \$44,975 the County of Lincoln will match the payment of the lowest municipality upon furnishing proof of match. Proof of matches is required prior to the release of County funds.

Councilor Holman said so the contract say the amount could be adjusted but at this point our council has already voted unless we change our position has already voted for the \$25,000. He asked if any of the three entities could elect to pay more if they so chose? Mickie Compton said that was the question that the Village and County were wondering about, would it violate this agreement if they chose to pay the minimum amount, which is \$28,000. She said she believed all three entities had already decided but she had nothing in writing to not carry the 5317 Program, which is the extra \$16,000 per entity, which would make the total match of \$44,975. If they back that amount out the minimum match for all three entities as far as the NMDOT budget award goes

would be \$28,000. However, the Downs went to \$25,000. They were concerned if they all went with the \$25,000 what would happen? She said she would have to cut services.

Councilor Holman said he remembers there had been some criticism of our City and the council's decision of staying with the \$25,000. He said that was the original contract. He said the Village has more revenue. With the other two entities showing some concern with the City as the fiscal agent was not willing to do more than the \$25,000 he wondered how our council would feel if we presented them and see how they would feel to be fiscal agent then they could put in more money if they wanted to and we could put in \$25,000. He said it doesn't matter where the office is located because this is countywide.

Mickie Compton said the atmosphere of that meeting wasn't that at all. Their concern was that they didn't want to cut services because they understand now what a viable service this is to all three communities. They were trying to ask questions to see if there was a way to put in the minimum and if the Downs could only put in \$25,000 then so be it but they were trying to find out if this would violate the agreement. She said the misunderstanding may have come when they first started this and it was on a partial year that \$25,000 should be sufficient. She said they would have to ask Mr. Underwood if this would violate the agreement.

Mayor Armstrong said at this time we have a \$27,000 balance. He asked what happens to that \$27,000?

Mickie Compton said she has three months to operate on \$27,000 with new vehicles and fuel. Come September 30th that won't be \$27,000 and she still needs to utilize that for operations. Mayor Armstrong said that \$27,000 with the added amount should be enough to operate. Mickie said there are some large ticket items that have not been run through yet and those will take care of a large portion of that \$27,000. When they have to start the New Year on October 1st they are going to need the entire match for the budget that they awarded that begins October 1st. She said she still has to manage the budget very strictly in order to work with the minimum of \$28,000 from all three entities because of the fuel and new vans they are going to have and the service to Carrizozo. She said the \$27,000 that is left will be picked out and deleted until September 1st and there won't be a large amount left.

Mayor Armstrong said they were told as a council that it would be \$25,000 a year and that it didn't matter when it started. He said of the \$27,000 that is left this is just a contract with the County and they have already made the statement that whatever we bill them he didn't think they have finalized all of the budget and he didn't really understand where they were with all of it but his understanding was that we would put in \$25,000 a year and not split the year up and start halfway or two-thirds into the year.

Mickie Compton said the federal fiscal year begins October 1st and this is a federal budget because New Mexico is a one in eight state that does not provide the match money for public transportation. She said they have to have the match money for the approaching fiscal year secured prior to the beginning date of the fiscal year, which is October 1st. They have granted our budget and given us our budget amount and if you take the match money that is needed to follow

the budget that we were granted and divide it by three it comes to \$28,307 per entity in order for her to utilize the money they have. She said she feels sure that she explained the \$25,000 match was only going to be a partial year in the beginning when they first presented this. She said you can't expect growth without cost and that is was very admirable that the Downs took the risk to get transit going. She said as far as she was concerned the Downs made it happen.

H. John Underwood said he spoke with Javier Lopez who is the attorney for the Department of Transportation of the State of New Mexico because he was unfamiliar with the contract. He said Mr. Lopez was extremely complimentary of Mickie and her program. Based upon what he had in front of him he said it was difficult to say whether one entity puts in more money than another whether it breaches the contract. He said from what he sees in front of him they are all free to put in as much as they want to as long as there is the budget that is needed. He said the contract with the County of Lincoln specifies that it is a state fiscal year contract, which would be July to June. The contract with the federal government and Department of Transportation naming Ruidoso Downs as the fiscal agent has a section isn't related to the federal system. It says, "this agreement shall be effective May 4, 2009 or upon execution of this Memorandum of Agreement, whichever is later and shall be in effect until January 2010." He said he failed to ask Javier that because he didn't know this would be an issue this evening. "Or until the total amount of federal funding is expended, whichever occurs first." "Federal funds not expended by January 2010 shall revert to the department." He said he would think that the \$27,000 that is left over in this budget to run through the end of this federal fiscal year would represent equal amounts of each of the parties. Mickie said that was correct. He said it probably doesn't matter what each community puts in so long as she receives enough funds to operate the system. It might even be that Ruidoso Downs acting as the fiscal agent might be entitled to consideration from the other communities for using its resources to act as fiscal agent that makes up the difference but that hasn't been discussed by any of the attorneys. He said he would be happy to follow up on that with the appropriate telephone calls and conferences to see if there is going to be a problem in assuring that this program goes on if the City's determination was to allow the \$25,000 if that was their understanding. Mickie said it was her understanding that if one entity wants to pay the entire amount or donate the amount the NMDOT just needs to know the match is in existence to operate the budget beginning October 1st and as long as it's not federal funds. H. John Underwood said it appears that the County is saying they are not going to give any more money than what the municipalities are going to give the least. So if they go down from the \$44,000 down to \$25,000 then that would leave it up to the Village and how much they are going to give. He asked Mickie what would happen if they all gave \$25,000? She said she would have to cut services. He asked how she would determine which services to cut? She said usually they start with service hours and right now they have people begging for longer service hours because the entry-level employment arena is early in the morning and in the evening. Right now they are running until 7:00 p.m. with the last pick up at 6:30 p.m. She said they have no other means than to hire a cab to come home. They can't deny a ride to any particular group as far as classification of ambulatory or elderly or whatever, that would be against the Memorandum of Agreement with the State. She said right now they are operating with minimal service hours.

H. John Underwood said he didn't think it would violate the terms of the agreement so long as the Department of Transportation and federal government gives the funding the ball would be back in our court.

Councilor Williams said he believed the Village of Ruidoso had approved their \$28,000 but what he didn't like was the constant berating from them about how we run our program and with comments from individual councilors it puts us in the position of constantly defending ourselves. He said we still have the final budget consideration and not saying we may not be able to find the \$3,000 isn't possible. If we find the \$3,000 then the County will agree to it and you will have your \$44,000. The fact that we are trying to be adamant about approaching this the way we have in supporting you and all the council members have agreed that we support you. Being a fiscal agent showed a lot of responsibility on our part and the comments from the Village gets a little annoying. He said we have this agreement and may still have the opportunity when the final budget comes to find \$3,000. I'm not saying we will he said but we could.

Carol Virden, City Clerk/Treasurer said if the council decided to approve the contract that is before them and we decide to issue an invoice, and said she was just going to pick a date of July 30th, if during the final budget process the council decides to make an addition to the \$25,000 to make it \$28,000. She said they would invoice that to the County and they would pay the \$28,000 because we would have to provide proof to them so you would have that money by August 1st.

Mayor Armstrong said most of their thinking was that it was \$25,000 a year no matter what the time frame was. He told Mickie Compton they have always been behind her and will stay there. He said he wanted to look at it for one year and they haven't reached that yet.

Councilor Holman said he had also visited with Terri and she said they had a surplus of \$27,000 so that prorated out to zero would be for what? He said his question was we were three months or more making a contract for next year why we aren't waiting until a month before? Why are we doing this contract that far in advance?

Mickie Compton said because of the two fiscal years the municipalities have to work off of the State fiscal year where they have to provide in their budget the match money that is going to be expended for the next fiscal year.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-09 The Per Diem and Mileage Act as Amended.

Carol Virden, City Clerk/Treasurer said there was a House Bill 336 amending Section 10 A-4D as the New Mexico State Statutes 1978 of the Per Diem and Mileage Act to increase the current established mileage reimbursement rate of \$.32 per mile to \$.50.5 per mile. The Internal Revenue service set January 1st of the previous year, which was January 1st of 2008 to be increased to \$.50.5 per mile. Also in the emergency amendment the rate to the rules states that the local government

shall immediately reimburse the local public body vehicles and discharge of official duties at a rate of \$.50.5 per mile unless the rate has been reduced the governing body of the local public body. On January 1st of 2010 the statutory mileage reimbursement rate will increase to \$.55 per mile, which is the IRS mileage rate effective January 1st of 2009. She said this resolution carries both the emergency amendment and the increase that will become effective January 1, 2010.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-09 The Per Diem and Mileage Act as Amended.

Councilor Williams moved to approve Resolution No. 2009-09 the Per Diem and Mileage Act as Amended. Seconded by Councilor Olivo.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-10 Vacating of Certain Property.

Steve Dunigan, Planning & Zoning Director said Paul van Gulick initiated a memo and produced an exhibit as well. He said there was an alley that was approved in August of 1993 that it be closed. At the time the intent was to vacate and they thought as a clean up to procedures they would bring it to council to recommend this vacation of this alley as seen in Exhibit "A".

Mayor Armstrong entertained a motion to approve Resolution No. 2009-10 Vacating of Certain Property.

Councilor Olivo moved to approve Resolution No. 2009-10 Vacating of Certain Property. 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 Resolution No. 2009-11 Adopting Procedures for Requesting Inspection of Public Records.

Carol Virden, City Clerk/Treasurer said there are those who request to file an application for public records and this is specific to copies of the agenda packet. She said on February 12, 2001 there was a motion that was made and was carried unanimously to provide copies of the agenda packet on reoccurring information such as monthly reports, accounts payables, etc. and they were free if requested two working days prior to the meeting. Additionally agenda information such as which is not of a reoccurring nature and is usually found under the agenda heading of "General Business" would be made available to the public in the village hall and any requested copies would be \$.25 per copy. She said they do have a list of fees for the departments regular copies, 8 1/2 @ \$.25, microfiche @ \$ 1.00 per page, each page faxed @ \$.25, audiotape @ \$ 5.00 per copy, computer diskette @ \$ 1.00 for cost of diskette and copying cost of \$.25 per file. Because the City of

Ruidoso Downs does not have an actual procedure for Requesting Inspection of Public Records she said she had drafted a Resolution for the council to review on the right of a person to inspect public records, the procedure for requesting such, and the procedure for copying public records, as well as setting a reasonable fee, and the responsibility of the public body as required by law. She said everything she had drafted in the Resolution is pursuant to the Inspection of Public Records of Chapter 14, Article 2. She said she had attached Exhibit "A" which outlines the right to inspect any public records of the City of Ruidoso Downs except for items that are not available such as records concerning physical or mental examinations, letters of references concerning employment, licensing, or permits, letters that are a matter of opinion in a personnel file, and procedures for requesting records. Under the Inspection for Public Records there are procedures for requesting such. She said in Exhibit "A" it outlines the fees for the reproduction of public records. Routine copies of documents up to 11 x 17 may be charged in advance, if mailing is expected actual cost of postage will also be charged. She said she had inserted \$ 1.00 but then again that would be a decision of the council and if they wanted to reduce that they could. Xerox copies of engineering maps would be \$ 1.00 per square foot, inkjet plotter engineering design documents would be \$ 3.00 per square foot, all police/accident reports for the victim/complainant @ \$ 2.00 for the first page and \$ 1.00 for each page thereafter, all other reports @ \$ 1.00 per page, photograph duplications @ \$ 3.00 for 1 to 5 duplicates and \$.35 for each thereafter, video tape VHS format @ \$10.00 per each transfer, audio tape cassette format @ \$ 7.50 each copy, digital flash electronic record which is CD or DVD is \$ 5.00 each or \$ 2.50 each additional document file transfer, criminal arrest history no record found @ \$ 1.00 per page thereafter not to exceed \$ 5.00, records found @ \$ 5.00 for the first page and \$ 1.00 per page not to exceed \$10.00, fingerprinting that is job related or non-US INS which is immigration naturalization service is \$ 5.00 per card or \$10.00 per set, maps which are City Infrastructure or property maps @ \$ 3.00 per square foot for first map and thereafter @ \$ 5.00 per square foot not to exceed 36 square feet which is limited to 2 copies.

Carol Virden, City Clerk/Treasurer said also under Exhibit "B" if council approves this Resolution would supersede the action taken on February 12, 2001 by Village trustees as stated. She said the councilors can make additions or deletions to this Resolution.

Councilor Holman said under "Routine Copies" he would like that to say \$.25 per page as opposed to \$ 1.00 per page and said he thought that is what it said from the council in 2001. He said he understood this to be that the citizens would get an abbreviated packet so this would only pertain to additional information that they are requesting and this is where the additional \$.25 per copy would come in and not the abbreviated packet that is available to them and only if they wanted to pursue certain specified copies. He asked if this was so?

Mayor Armstrong said yes and said there is a full copy of the council packet and this could be determined for what you need and would like to take home with them but would be charged for it. He said the reason for this is that there are a lot of people that order this and they don't pick them up and it is wasteful because it costs us a lot of money to do this. The other issue is that by lowering the price per copy per page might act as something that people might look a little harder at. He said if it cost him a dollar he would have a problem with that and it may cause people not to look at that. He said a dollar was high.

Carol Virden, City Clerk/Treasurer said she could accommodate the requestor and would use the council packet as an example. She said if someone had an email address they could file an application to Inspect Public Records to provide them with a council packet before the council meeting. She said she has those scanned in her system and could accommodate them by emailing in .pdf format and they could print whatever sections they like. She said we don't have a choice but to follow Resolution 2009-11 if council approves adopting these procedures at \$. 25 or \$ 1.00 or whatever they vote on. She said as Mayor Armstrong mentioned she does provide a Front Desk copy of the full packet and if they would like to take parts of that packet and make copies at the rate the council chooses.

Councilor Williams said he would feel more comfortable with \$.50. A matter of a quarter over the 2001 cost of reproducing has gone up and that \$.50 was reasonable and should be considered.

Councilor Holman asked if these fees would apply to the media also? Carol Virden said if the media has an email and filed an application to Inspect Public Records for those such council packets she could email those as well or pay for copies of all or sections of the packets.

Mayor Armstrong said he spoke to Terri Mosley and she was going to run down the cost of the employee cost of making the copies and cost of copies but she was unable to be at the meeting this evening.

Councilor Williams said if they wanted to wait on getting those costs they should postpone this decision until the next meeting.

Carol Virden, City Clerk/Treasurer said the cost of a sheet of paper is approximately \$.03 per page and that is because we buy it in bulk and on the copier if we go over our limit it is approximately \$.1222. She said it is not just getting up and making copies and it's not just talking about council packets but any type of document that is requested. Some of them require research and we have three days to provide that information. If we can't provide it within three days we have to write them and tell them we need additional time and have up to 15 more days. She said we are taking the staff member from what they are doing to do additional research plus what we pay them on an hourly basis and those factors have to be calculated into that. This is for any type of document and there are some documents we can get instantly but there are some times we have to do research and we have to go down to the records center and look through boxes.

Mayor Armstrong said sometimes you would have to make a difference by giving the people the information that you can and we provide a service to our residents and he didn't feel we would have that many. He said if people are interested they would pay the \$.25. He said raising the price on something that they have a lot of activity toward would be wrong.

Councilor Holman said they want to encourage participation in government and not discourage it. He said there is so much apathy in the first place and they want to encourage interest in local government and it affects a person's life more than anything at any other level. He said for \$.25 this is not the place where we should try to save.

Councilor Williams said he would remove his request for an additional \$.25.

Mayor Armstrong entertained a motion with the change of \$.25 for routine copies.

Councilor Holman moved to approve Resolution No. 2009-11 Adopting Procedures for Requesting Inspection of Public Records with the change of \$.25 for routine copies. Seconded by Councilor Olivo.

Councilor Williams asked if they wanted to consider changing any other fees?

Mayor Armstrong said the other directors have looked at this issue and they felt this was a good figure.

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 Reduction of Admission Fees for Ruidoso Downs Residents to the Hubbard Museum of the American West.

Jay Smith, Museum Director said they propose to create an admission fee for all Ruidoso Downs residents over the age of 6 of a \$ 1.00 admission fee for all residents of Ruidoso Downs. He said that is largely because they don't charge under the age of 6 if accompanied by an adult. He said they based this on the idea that \$80,000 is provided from the General Fund to the museum for support and that money comes from the City of Ruidoso Downs. He said they feel this encourages more residents to attend museum events and enjoy one of the cultural assets of the City. This was reviewed both by the former attorney and the present attorney to ensure there was no violation of the anti-donation clause or any other New Mexico statute.

H. John Underwood said to be sure to establish a procedure for proof of residence.

Mayor Armstrong entertained a motion to approve reduction of admission fees for Ruidoso Downs' residents to the Hubbard Museum of the American West.

Councilor Hood moved to approve reduction of admission fess for Ruidoso Downs' residents to the Hubbard Museum of the American West. Seconded by Councilor Olivo.

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

Mayor Armstrong stated next item on the agenda was Consider Approving MOU Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department of Public Safety for DWI Enforcement Activities and Reimbursement Costs.

Chief Ortiz, DPS Director said Mr. Bill Hanson was here tonight to represent the overall program.

Mayor Armstrong asked H. John Underwood if he had a chance to review this?

H. John Underwood, City Attorney said he and Zack Cook, Attorney had reviewed it. He said there are some changes in verbiage from the potential name of the police department.

Bill Hanson said they have increased the amount this year to include that which Ruidoso Downs contributed in the local DWI grant that was approved a couple of months ago.

Mayor Armstrong entertained a motion to approve MOU between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department of Public Safety for DWI Enforcement activities and reimbursement costs. Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Memorandum of Agreement Between New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs FY 2010-Lincoln County Transit Program.

Mickie Compton introduced Jannie Bryant as her administrative assistant. She said she was a retiree and has worked with the State for many years and was with the department of Vocational Rehab. She said she wanted to put Councilor Holman at ease because at one time he had said what happened if she got hit by a car. Mickie said Jannie has a lot of experience with DFA and budgeting and the State's process.

Mickie Compton said the MOA applies to the ARRA, the stimulus act that they receive funding for. She said they have received \$133,923 at 100% funding to purchase capital equipment. This would involve three shuttle buses that are similar to the one that was purchased with this years grant. She said she intends for one to have 4-wheel drive and would include \$ 3,600 to the sub-grantee. She noted that in the Agenda Briefing they would see capital to vendor of \$130,000. She said that implies the vehicles would be purchased straight from a GSA vendor who was already under contract with the NMDOT. Then the \$3,600 would be capital to sub-grantee, which would be the Downs via reimbursement to purchase radios for these vehicles. With the AARA there are MOA's involved with this type of funding.

Mayor Armstrong entertained a motion to approve Memorandum of Agreement between New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs FY 2010-Lincoln County Transit Program.

Councilor Hood moved to approve Memorandum of Agreement between New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs FY 2010-Lincoln County Transit Program. 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 Recommendation from Lincoln County Transit to Cancel Service to Glencoe, NM Until Further Notice.

Mickie Compton said currently they have one individual that utilizes the service at this point and it takes a van out of service for at least 25 minutes to go out there and 25 minutes to return. She said they technically lose service of one driver and one vehicle for approximately 45 minutes. Normal protocol when you extend service to an outlying area, you need a minimum of three individuals that will utilize this service. She said they had extended this service since December 8th and it's not a daily service and is now about once a week. She said it used to be a lot more frequent but the individual does not come in as often but he will make sure to schedule the pick up in the morning and they will make sure they have the staff to cover that 45 minutes and then at the last minute the rider would cancel. She said they have enough call-ins to fill that space. The real issue is the 5317 Program that they utilize will not be available for them to write these calls off to in the 2009-2010 year because that individual was in the 5317 Program.

Councilor Williams asked Mickie Compton what attempts she has made to increase the ridership out there? Mickie said she has gone to Workforce and posted flyers in Glencoe. She said if they went all the way to Hondo they would fill the bus up.

Mayor Armstrong entertained a motion to approve recommendation from Lincoln County Transit to cancel service to Glencoe, NM until further notice.

Councilor Williams moved to approve recommendation from Lincoln County Transit to cancel service to Glencoe, NM until further notice. Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Revised Lincoln County Transit Drug and Alcohol Policy.

Mickie Compton said this Drug and Alcohol Policy is required for the MOA with the stimulus funding. They had approved the same policy at the beginning of the fiscal year last year and there is a revision to this. The revision is in Attachment "A" with the system contacts and the MRO and they SAP (Substance Abuse Professional). She said those have changed and therefore we need to have a revised current version of our Drug and Alcohol Policy available for NMDOT. This policy is for federal NMDOT mandate and it compliments the Downs Alcohol and Drug Policy. Any employee with the Downs at Lincoln County Transit needs to be in compliance with both policies. Mickie said the main difference is that if there were an accident it is with the chain of custody, what form the drug testing goes on and who does the testing and the type of testing done.

Carol Virden, City Clerk/Treasurer asked Mickie Compton under the Observed Standpost if there was a reason why the three entities were listed? She said it was in Section 5. Mickie Compton said that was in case for the future because this policy would be in effect for years to come. This would cover if the fiscal agent does change and would cover any of the three entities responsible as fiscal agent and basically saying it is prohibited by any of the three entities. Carol asked if it could be revised say if the County were to be the fiscal agent next year? Mickie said it could be but if you word it this way it covers all three entities at the same time. She said most transit systems have gone to the zero-tolerance policy and the Downs currently observes a return-to-work policy and if the County or the Village observed a zero-tolerance then it would have to be revised.

Mayor Armstrong entertained a motion to approve the revised Lincoln County Transit Drug and Alcohol Policy.

Councilor Williams moved to approve the revised Lincoln County Transit Drug and Alcohol Policy. Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Full-Time Driver for Lincoln County Transit.

Mickie Compton said they don't have a full-time driver, they have two part-time drivers. She said it came to her attention from NMDOT and their budget this year that we were budgeted for a full-time dispatcher or basically a full-time position that was put under dispatcher but could be used for a full-time driver. This funding could be used with benefits and it is for a full-time employee on the operations budget. The way the budget is set up it splits where you have an administrative budget and an operations budget. She said if we don't expend these monies we won't get them again. Mickie said she has brought this up to council before and the biggest question was what do we do with a full-time employee if the funding goes away? She said the answer to that is a term employee. A term employee is an employee hired as a full-time employee. They would get those benefits, which we get reimbursed for, benefits for PERA, Worker's Comp, and FICA etc. If the funding runs out under term employee the position goes away. The State government and Federal government use it quite frequently. Mickie said she has the part-time drivers that would remain without benefits. The demand has increased and they are getting new vans so they will be needing drivers.

Mayor Armstrong asked Mickie Compton what the cost to the City would be for this full-time driver? Mickie said \$.16 on the dollar. Mayor Armstrong asked what if it was a term employee? Mickie said it is the same. Mickie said a full-time employee at \$ 9.00 per hour would be a total cost of \$18,720 and they have been approved in the budget for \$19,000. Carol Virden, City Clerk/Treasurer asked if that was 50/50? Mickie said that was 50/50 cost split three ways. Carol said the use of term employee is under the federal law. Mickie said it is also state law. Carol said under the City of Ruidoso Downs our personnel policy doesn't carry the term "term employee" so

she asked where we sit in there? Mickie said you would run an ad with the position of term employee instead of part-time on-call.

H. John Underwood, City Attorney said that person is an employee of the Department of Transportation and asked Mickie Compton if they were subject to their rules and regulations or the City's rules and regulations or what controls? Mickie Compton said they would be an employee of Ruidoso Downs just like their part-time on-call employees were. They would receive full-time hours and she said they have also budgeted \$13,000 for benefits. H. John Underwood said the issue is that they don't currently have a definition for Ruidoso Downs of a term employee. Mickie said that should be something very simple to implement. She said it is just another form of employment or type of position and it provides a safety for grants. Mayor Armstrong asked if the other side of that would be if there wasn't a full-time driver if the money could be spread to increase the dollar amount for the part-time on-call employees? Mickie said they could do that but the problem they would run into would be that they could maybe keep them longer but they still wouldn't have the benefits. She said they need a full-time driver for stability, training, and scheduling. She said they are operating 13 hours a day and the scheduling can be a nightmare. Carol Virden, City Clerk/Treasurer asked if they had a lot of overtime? Mickie said they had a lot of overtime right now. Carol asked if they have the overtime funding added into this? Mickie said she had budgeted for 4 part-time drivers, 1 full-time driver, and 1 clerk. She said she has that currently in her budget as well as for next year and even funded under another line item called "Other" for overtime and called that line item "Overtime." She said they have excess funding for benefits assuming when she does her budget and makes her presentation to the State that any employee they have that is full-time will use the full benefit package. The full benefit package the Downs provides an excellent package but it cost nearly \$13,000 per employee. If she hired a full-time employee and they don't utilize it that is only \$500 a month times 12 months and they have an excess of \$10,000 in that line item that they can use for overtime if need be.

Councilor Holman asked if the \$.16 on the dollar would be divided by three? Mickie Compton said it is \$.50 on the dollar that the State pays on the operating side and the administrative side is 80/20. On the operating side the three entities split the \$.50 so that's where the \$.16 on the dollar comes from. Councilor Holman said so; a term employee would be written into the term employee's contract that there was the stipulation that if the transit was done the term employee also would be. He said he wanted to ask our attorney if this could be challenged and would they even have a chance? Mickie said this could apply to any employee under the Downs. Jannie Bryant said she worked for many years in public health and all of the rules as stated applied. Councilor Olivo asked if there was money in her budget for 5 part-time drivers and 1 full-time driver? Mickie said yes and in addition to that a transit manager and a clerk/dispatcher. Councilor Olivo asked if she was thinking about raising the wages for the part-time drivers? Mickie said that would be great but that would call for more match money.

Mayor Armstrong entertained a motion to approve full-time driver for Lincoln County Transit.

Councilor Williams moved to approve with the stipulation of what the City Clerk said. Carol Virden, City Clerk/Treasurer said for the position of the full-time driver the language would be

incorporated in our Personnel Policy that would come before the council on July 27th to add a new category specifically called "Term Employee." Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Mayor's Appointment to Beautification Committee-Brenda Frost.

Councilor Williams moved to approve Mayor's appointment to the Beautification Committee of Brenda Frost. 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 Selection of a Voting Delegate and Alternate-NMML 2009 Annual Conference-Albuquerque, NM.

Carol Virden, City Clerk/Treasurer said the reason for the selection of the voting delegate and alternate at the New Mexico Municipal League in Albuquerque is that they have a business meeting that adopts resolutions, procedures, and laws that will be forwarded to the 2010 Budget as bills. These delegates will have to be in attendance at this business meeting and it is standard that the mayor and mayor pro-tem be the delegates unless other selections are made.

Mayor Armstrong asked Councilor Holman, Mayor pro-tem if he was planning on attending the conference? Councilor Holman said yes.

Councilor Williams nominated Mayor Armstrong as Voting Delegate and Councilor Holman as Alternate Voting Delegate. Seconded by Councilor Hood.

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

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.

Wayne Williams said he wanted to show them something. He said for him to purchase that many sheets of paper from the City at \$.25 a sheet and him being on a fixed income he was looking at \$ 50.00, \$ 75.00, and maybe \$100.00 a month. He said \$.25 sounds good if you are only wanting one page or two but when he is buying 50 or 100 pages they were keeping him from the information they had listed on the agenda for knowing what they are talking about. He said what they did today was wrong and what they did was slapped the citizens of this city in the face and told them they aren't worthy of knowing what's going on. He said they were considering giving another

\$3,000 a year after the lady told them it would be \$25,000 every year. Now they are considering a full-time employee when she sat right in this chair and swore to them it would be no problem getting all the part-time employees she wanted and it would be at no cost. He said what she didn't tell them was you still have to pay Social Security, Unemployment, Disability, being hurt on the job and that's not going to come out of the \$ 9.00 an hour. He said they were willing to give money away right and left to people that don't even care about your future. They go to Ruidoso and the newspaper prints stuff saying that we're cheap and what do we do? Nothing, we give away more money. He said he is here at every single meeting and he contacts councilors to find out what is going on and then he is told to find out anything he wants at \$.25 per page at \$100 to \$150. He told Mayor Armstrong where he was going with it and said he was taking it all the way.

ADJOURNMENT

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

Councilor Hood moved to adjourn at 7:35 p.m. Seconded by Councilor Williams.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer