

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JULY 27, 2009

The Council of the City of Ruidoso Downs met in regular session on July 27, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Peggy LuJane 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
Terri Mosley, Finance Director
Steve Dunigan, Planning & Zoning Director
Jay Smith, Museum Director
Cleatus Richards, Public Works Director
A.C. Ortiz, DPS Director
Zach Cook, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong said he had one item to pull from the agenda and that was #10-A, Public Hearing for Ordinance No. 2009-07 Animal Control.

Mayor Armstrong entertained a motion to approve the agenda with taking out the Public Hearing item for Ordinance No. 2009-07 Animal Control.

Councilor Olivo moved to approve the agenda with the removal of Public Hearing for Ordinance No. 2009-07 Animal Control. 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 JULY 13, 2009.

Motion was made by Councilor Hood and seconded by Councilor Olivo to approve the Minutes of the Regular Meeting of July 13, 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.

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Hood and seconded by Councilor Olivo to approve Monthly Reports.

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

COMMITTEE REPORTS

Mayor Armstrong said the first item was the Beautification Committee. He said we have some nice benches outside that were acquired through the Beautification Committee and was very proud of them. He said they were larger than the ones that we had.

Mayor Armstrong said the next item was the Economic Development Board. There was no one to speak for the Economic Development Board.

Mayor Armstrong said the next item was the Parks & Recreation Committee. He said they have been very active with the parks and are looking to add to this down along the river and there are some plans for a walkway that some of the residents are helping us achieve so we can get this done.

Mayor Armstrong said the next item was the Planning & Zoning Committee. Steve Dunigan, Planning & Zoning Director said the Planning & Zoning Commission continues to review the Zoning and Land Use Articles and are eagerly awaiting the grand opening of a restaurant at Avalon Falls. He said he couldn't tell them an exact date but would keep them informed on that.

Mayor Armstrong said the next item was the Lodgers' Tax Committee. There was no one to speak for the Lodgers' Tax Committee.

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was for Ordinance 2009-08. An Ordinance Increasing the Judicial Education Fee.

Carol Virden, City Clerk/Treasurer said the 2009 Legislature amended Section 35-14-10 to provide for an increase in Judicial Education Fee from \$2.00 to \$3.00 for cases file on or after July 1, 2009.

Mayor Armstrong said he hereby opened the Public Hearing for comments in the following order. Interested persons must 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 was anyone interested in speaking in opposition of the action?

There was no one to speak in opposition of the action.

Mayor Armstrong asked if there was anyone interested in speaking in support of the action?

There was no one to speak in support of the action.

Mayor Armstrong said he hereby closed the Public Hearing.

Mayor Armstrong entertained a motion to adopt Ordinance 2009-08 Increasing Judicial Fees.

Councilor Olivo moved to adopt Ordinance No. 2009-08 Increasing Judicial Fees. 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 Public Hearing for the City of Ruidoso Downs Final Budget Hearing for Fiscal Year 2009-2010.

Terri Mosley, Finance Director said they a Preliminary Budget which was approved by council and submitted to the Department of Finance (DFA) at the end of May 2009. It was approved by DFA with a few changes, which we'll discuss later when we get to item 13-D. We did meet our 1/12 reserve as mandated by DFA and this is our final operating budget. She said, as you are aware the budget is updated on a quarterly basis. She asked if there were any questions?

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

There was no one to speak in opposition of the action.

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

There was no one to speak in support of the action.

Mayor Armstrong said he hereby closed the Public Hearing.

UNFINISHED BUSINESS

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

Councilor Holman said there were three of us that attended a Fund Raiser at the museum. Mayor Armstrong said they were going to bring that up next. Councilor Holman said he knows but he would like to at this time before it even gets started to compliment Jay and the entire staff, they did a great job. He said these things even when you have experience with doing anything like this it's difficult. It takes a lot of planning and effort, it doesn't just happen that things go well and things seemed to go real well that night. He said he could tell that staff was stressed out, they'd been working hard and in his opinion they certainly did a good job with a difficult situation. That's a very diverse clientele if you will and they seemed to handle everything real well that night. He said he did want to bring that up and if he wants to brag on himself he could.

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 Employee of the 2nd Quarter April 2009 through June 2009-Lori Cook-Public Works Department.

Cleatus Richards, Public Works Director said Lori Cook was here and said it would be his pleasure to present her with the plaque if she would come forward. He said Lori is the one that keeps Public Works running and in order and all the paperwork done right. There was a round of applause.

Jay Smith, Museum Director said he wanted to thank Mr. Holman for attending the Fund Raiser and would pass that on to the staff. He said he will brag on the staff for just a second. He said they are a very talented group of people who really know the business and they come through when you need them. He said we appreciate them a lot. He said he would give them good news. We raised approximately \$100,000 from the museum on Saturday, July 18th. It takes a lot of effort to pull that off and he said we need to also thank Mr. and Mrs. Hubbard for their assistance as well as Robert Donaldson, President of the Hubbard Museum of the American West Foundation and thanks to council for their help and support. We appreciate your being there as well as getting behind us for these events. He said he wanted to mention one other thing. On Saturday this week we held our Cowboy Jubilee and we had over 500 people at the museum on Saturday, which was fantastic given how many other things were happening in the town from the Art Festival to the Zia races and that kind of thing. Overall, Friday, Saturday, and Sunday we had more than 800 people visit the Hubbard Museum of the American West so we had a good weekend, a good couple of weeks. Jay said I would really appreciate if we got the meeting over as quickly as possible tonight because I really need to get some sleep.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Amendment to the City of Ruidoso Downs Personnel Policy Chapter 12 Rule 1200 Section 1251.

Carol Virden, City Clerk/Treasurer said she would take part of it and then Terri is going to take as portion of it as well. Carol Virden, City Clerk/Treasurer said as you were aware during the Preliminary Budget process we had always had a benefit for the employees called the Attendance/Safety Cash Bonus. DFA made us aware there was a letter issued July 2, 2008 from the Attorney General giving an opinion that it was unconstitutional for any municipality to provide such a benefit. With that, DFA made the changes and made the City of Ruidoso Downs aware that we needed to remove the benefit from the interim budget document. Since then our attorney Zach Cook, Terri Mosley, Finance Director and myself have made contact with Elizabeth A. Glenn, Assistant Attorney General who issued the letter. Ms. Glenn stated that the City of Ruidoso Downs is okay because the employee bonus is included in the employee compensation package before the employee services are performed. With that, John Gallegos who is the Assistant Director for the Department of Finance Administration had contacted Mr. Cook, myself, and Terri. We spoke on Wednesday or Thursday of last week that we were able to put that benefit back in. What the staff is recommending, and we spoke with all the directors on this to "accept staff recommendation to the revisions of Chapter 12 Employees Benefit Rule 1251 from Attendance and Safety Bonus to a Safety/Longevity Incentive Pay with the dollar amount to remain the same as it has been since its creation in 2002."

Mayor Armstrong entertained a motion to approve Amendment to the City of Ruidoso Downs Personnel Policy Chapter 12 Rule 1200 Section 1251.

Councilor Williams moved to approve Amendment to the City of Ruidoso Downs personnel Policy Chapter 12 Rule 1200 Section 1251. Seconded by Councilor Holman.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-13-Final Budget Adjustments in Fiscal Year 2008-2009 Budget.

Terri Mosley, Finance Director said this is the final budget adjustments for the previous fiscal year, which is basically just a clean up for our operations. Most of our departments did operate below the original budget and this is just making the budget match the actual revenues received and expenditures made for the fiscal year ending June 30th.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-13-Final Budget Adjustments in Fiscal Year 2008-2009 Budget.

Councilor Olivo moved to approve Resolution No. 2009-13-Final Budget Adjustments in Fiscal Year 2008-2009 Budget. Seconded by Councilor Holman.

Councilor Williams said he would like to encourage the council to consider reinstating funding in line item 10-61-47047 Senior Center Activities. He said he would encourage council to adding \$3,000 to that line item for the activities fund from the City for the activities at the Senior Center.

City Clerk informed Councilor Williams his request would come under Item D of New Business. Councilor Williams acknowledged the error.

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. 2009-14 Approving and Accepting Cooperative Agreement Control No. HW2M200195 with the New Mexico Department of Transportation (NMDOT) for Project No. SP-2-10 (925).

Mayor Armstrong entertained a motion.

Councilor Olivo moved to approve Resolution No. 2009-14 Approving and Accepting Cooperative Agreement Control No. HW2M200195 with the New Mexico Department of Transportation (NMDOT) for Project No. SP-2-10 (925). Seconded by Councilor Williams.

Councilor Olivo said on discussion were they going to put on Nevada Street some drainage right there on the culvert on that curve where it gets flooded all the time on this project? Cleatus Richards said that is part of this project. This is the beginning funding for this project. The amount that's been awarded is not sufficient to do the whole project. We'll have to ask probably for a second round of funding before we can actually start the project. This is not quite half of what's needed to actually do the project.

Carol Virden, City Clerk/Treasurer said to Cleatus that this might be the time to bring up the additional funding from Governor Richardson on shovel-ready projects. Is this one of them that we should ask for additional funding or are we just going to ask for the pedestrian sidewalk in order to complete the whole project? Cleatus said I am first going to look at the funding necessary to complete the sidewalk and the curb and gutter on 70. There is a \$450,000 limit on the amount of stimulus money but we want to first take care of the Highway 70 project. Additional funds I would like to have in this second project and you can apply for more than one project. That we'll have to pull together very quickly and I believe the deadline for submission is August 7th so that's just under two weeks to pull all that together and get it filed.

Carol Virden, City Clerk/Treasurer said just for the council's information we did hold a CDBG Public Hearing this afternoon at 4:30 and it was suggested by the attendees that we may possibly request funding or the application to be for street with a combination of drainage and to add Nevada as one street, Central and River Lane for additional funding under that funding portion.

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 any Amendments to FY 2009-2010 Budget.

Terri Mosley, Finance Director said the requested final budget for the year 2009-2010 fiscal year for your approval there's a few changes from the preliminary which you approved in council meeting in May. Some of those items are what Carol discussed where we originally had to remove the attendance bonus, it made some changes, and we've been allowed to put it back in the budget. We've added a \$20,000 transfer from the General Fund to the Street Improvement Fund to be a match on our 2009-2010 Co-Op Grant. The final distribution amount for the Law Enforcement Protection Fund is \$24,200 and the preliminary was just based off an estimated amount. We do have a few decreases that were made in some of the projects expenditures because of the fact that there were some expenditures in the last budget and they've been deducted from the new budget coming up. That's all I have as far as my budget.

Mayor Armstrong asked if we have any other discussion for Terri?

Mayor Armstrong entertained a motion to approve any amendments to FY 2009-2010 FY Budget.

Councilor Williams said he would encourage council to consider that premature proposal of adding \$3,000 back into the Activity Fund. I think it's a good faith contribution on our part to show the County and we can thank the County for allowing that program to continue here in the Downs and also show our citizens that we do care enough to support them the best way we can.

Councilor Hood said he needs to excuse himself because of the conflict.

Councilor Holman said I may not be totally opposed to that as I was before. If we do go there I would like some type of accounting if that's City money that's going to be involved and as clear as I can tell before there was no accounting, no explanation. I don't think that's a good way to do business. Apparently no one knew where some of the money went and I think if we are going to go there perhaps we need to have a designee that will apply for that through our personnel so we know exactly where those funds are going and for what. It is my understanding that right now they have more than ample funds. That's what I've heard and whether it's totally accurate I don't know. One of the big problems I had before was there was no accountability for the \$5,000 each year whatsoever. So, that would be my desire if we do that and I think we need to try and get some system and explanation before we do this before we just do that.

Mayor Armstrong asked what do we have, a motion for the approval here or to add this to it?

Carol Virden, City Clerk/Treasurer said we don't have a motion to add those amendments to the final budget.

Councilor Olivo said one more thing to add to Councilor Holman when that lady in charge was here in front of council, if I remember correctly she said she spends only \$225 a month and yet we are giving her \$5,000 a year so we need to discuss what happened to some of the money. We need to go ahead and give the seniors at least \$500 and was originally what the fund started with and then Mayor Miller gave them an additional \$4,500. I am willing to give them \$5,000.

Councilor Holman said that was part of his problem originally, what Councilor Olivo said, and we need some accountability and not just throw the money out there and nobody can explain what happened to it, where it went, who used it. But, again it is my understanding that the County, unless I have incorrect information and I very well may have, that the County has provided funds for that at this time. So, we need to look at more information before I'm willing to go with it.

Councilor Williams said mayor; if we're going to wait for information then we can't approve the budget tonight. I would rather apply this to the budget, get it done, get it sent out and start doing some business here in town.

Mayor Armstrong said I believe that we could do this to give the seniors the additional amount as long as we have the accountability there. Anybody against that?

Councilor Holman said what I'm saying is I would like to see that, some control over that so that we know where City money is going and I don't know if that would be an overload or something that we shouldn't ask our staff and I wouldn't want Terri to have a problem. My feeling is that it is City money and they need to go through the proper channels, which is City personnel, where City money is being given out because I sure have a problem with what was happening before.

Councilor Williams said mayor I will make the motion if I can get this cleared up, is that what you want?

Mayor Armstrong said okay, state your motion. Have we already had a motion and a second?

Carol Virden, City Clerk/Treasurer said no.

Mayor Armstrong said would you make that motion Councilor Williams.

Councilor Williams moved to approve the additional funding of \$3,000 to line item 10-61-47047 Activities Fund for the Senior Center with the stipulation that the accounting of that money being spent is given through the financial process that we have in the City through the Finance Director, Terri Mosley, and the accountability of that funding will be given to the council members on a regular basis to relieve their anxiety over the spending of that money.

Councilor Holman asked what is the County contributing?

Carol Virden, City Clerk/Treasurer said mayor you need to call for a second.

Councilor Olivo said he would second the motion.

Mayor Armstrong said now we can have discussion.

Mayor Armstrong said Councilor Holman. . .

Councilor Holman said well, we've thrown two figures out there. One \$3,000 and one \$500.

Mayor Armstrong said we have a \$3,000 here.

Carol Virden, City Clerk/Treasurer said Councilor Holman, we can certainly ask the County Manager through his finance department to provide a monthly report or financial report of how and what they have spent if the \$3,000 for the Activities for the Senior Citizens, if that's what you would like.

Councilor Olivo said I still want to know how much the County contributes. As far as I know they don't contribute nothing.

Carol Virden, City Clerk/Treasurer said I can't answer that question.

Mayor Armstrong said right, I don't think we have that information here to answer that question properly.

Councilor Olivo said I know they are providing transportation now for doctor's appointments to Albuquerque, El Paso, or wherever. But, as far as activities I don't think for activities they provide anything. I think we should hold off until we get that information from the County.

Councilor Holman said also mayor it's been my understanding that the \$5,000 has never been entirely used in the past.

Mayor Armstrong said I think the only accounting that we've had was last year there was a figure given back to us that was left over and that was from the County. I think that we have a motion and a second now.

Councilor Williams said mayor I would like to amend that motion that I amended to include the amendment by our Finance Director, Terri Mosley to be added to that motion.

Mayor Armstrong asked if we need a second?

Carol Virden, City Clerk/Treasurer said yes for his amendment.

Mayor Armstrong said we need a second for his amendment.

Councilor Holman said I guess this would be for Terri if we do go there with an amount. We still have the option. Councilor Williams is under the impression that option would be closed if we don't vote on that tonight. Is that accurate or do we still have the option of providing that at a later time once we know a little bit more about the situation?

Terri Mosley, Finance Director said we have got to turn in the final budget by July 31st. We can make amendments throughout the year but right now we do need this approved tonight.

Councilor Holman said but it wouldn't have to be an amount of \$5,000. Couldn't we do that at a lesser amount and then as needed if we need to increase that at a later time?

Mayor Armstrong said the motion was for \$3,000 not \$5,000 and that's the lesser amount.

He said that's the lesser amount and then we can see how it goes, that's what I would like to see happen.

Carol Virden, City Clerk/Treasurer said Councilor Holman, the motion was:

To approve the FY 2009-2010 amendments which included the Chapter 1251 Under the Personnel Policy for the pay amount to be the same. The only change is that we are giving it a new category from Safety/Longevity Incentive Pay, the transfer of \$20,000 from General Fund to the Street Improvement for the 2009-2010 Co-Op Agreement, the Law Enforcement Protection Fund for a total of \$24,200, the decrease of expenditures for projects were deducted from the final budget, the \$3,000 to 10-61-47047 with the stipulation on the accountability report given to the Finance Director, Terri Mosley to give to the council on a regular basis to reduce the anxiety. That's what the motion was and it was seconded as well.

Mayor Armstrong asked if there was discussion?

Councilor Holman said so what you are saying now is we have tied all of this together, lumped it into one sum.

Carol Virden, City Clerk said that was to consider any amendments to the Fiscal Year 2009-2010 Budget.

Councilor Holman said so you don't have a problem with the procedure?

Terri Mosley, Finance Director said no I don't.

Carol Virden, City Clerk/Treasurer said we can certainly give the council on a regular basis from the County that outlines what the expense was for the activity line item for what they carry in their budget on a monthly basis.

Mayor Armstrong asked if there was any more discussion on this. If not he would call for roll.

Carol Virden, City Clerk/Treasurer said Councilor Hood has recused himself from this part of the process.

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

Mayor Armstrong stated next item on the agenda was Consider Approving and Adopting Resolution No. 2009-12 City of Ruidoso Downs Final Budget for fiscal year 2009-2010.

Carol Virden, City Clerk/Treasurer said the budget was developed and based on the need and through the cooperation with all your departments, which are your department directors. The budget committee, which are part of the elected officials and other department supervisors. The official meeting for the review of these documents were duly advertised in the Ruidoso News on July 10, 2009 in compliance with the state Open Meetings Act. It is staff's recommendation to approve the 2009-12 Resolution to approve the fiscal year 2009-2010 Final Budget with the additions of the amendments as stated earlier this evening.

Mayor Armstrong entertained a motion to approve and adopt Resolution No. 2009-12 City of Ruidoso Downs Final Budget for fiscal year 2009-2010.

Councilor Williams moved to approve and adopt Resolution No. 2009-12 City of Ruidoso Downs Final Budget for fiscal year 2009-2010 to include the amendments.

Councilor Hood said mayor; I need to excuse myself again.

Mayor Armstrong said okay.

Mayor Armstrong said I am looking for a second.

Seconded by Councilor Olivo.

Mayor Armstrong asked if there was any other discussion?

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-15 Southeastern New Mexico Economic Development District/COG and Agreement.

Carol Virden, City Clerk/Treasurer said what Resolution No. 2009-15 states is that the City of Ruidoso Downs is a municipality and is a member and desires to continue to serve as the Southeastern New Mexico Economic Development District, also know as Council of Governments. In accordance with Article 58 Section 4-58-1 to Section 4-58-6 of the New Mexico State Statutes 1978, an agreement set forth in the terms and condition of active membership for the Southeastern New Mexico Economic Development District or the Council of Governments is required, and to make it real short the Southeastern Economic Development does provide services to all municipalities and we do use those services and staff recommends that we need to continue the assistance of Southeastern Economic Development under the Resolution as well as the Agreement. The agreement states that as a member of the district that we make annual contributions of \$,1000 to the district as recognition of an active membership.

Councilor Hood moved to be an active member and approve Resolution No. 2009-15 Southeastern New Mexico Economic Development District/COG and Agreement. Seconded by Councilor Williams.

Mayor Armstrong asked if there was any discussion?

Mayor Armstrong said I have seen this at work. We've got a lot of support from other areas here. It goes down at winning votes and keeping the money here on this end of the state. I think this is a very good program here for us to be involved with.

Councilor Holman said mayor I think one of the things I think that makes this work is this is an organization that Hubert Quintana heads up and he does a real good job and it seems to be very effective.

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. 2009-16, Authorizing and Providing for the Incurrence of Indebtedness for the Purpose of Providing Portion of the Cost of Acquiring, Constructing, Enlarging, Improving, and/or Extending its Sewer System Including but not limited to Improvements of the Wastewater Treatment Plant Facility to Serve an Area Within its Jurisdiction.

Mayor Armstrong said he would entertain a motion for its approval.

Councilor Williams moved to approve Resolution No. 2009-16, Authorizing and Providing for the Incurrence of Indebtedness for the Purpose of Providing Portion of the Cost of Acquiring, Constructing, Enlarging, Improving, and/or Extending its Sewer System Including but not limited to Improvements of the Wastewater Treatment Plant Facility to Serve an Area Within its Jurisdiction. 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 Wastewater Treatment Plant Operating Invoice for June 2009.

Terri Mosley, Finance Director said this is the most current bill that we've received from the Village of Ruidoso. We received it on July 16th. I've made one adjustment to the billing from Zia Engineering, which is something the City is not responsible for. It is part of the Settlement Agreement Compliance and entities are individually responsible for their own. With this change made this bill is correct.

Mayor Armstrong said good thing Terri for keeping a close eye on it.

Mayor Armstrong said he would entertain a motion for the approval.

Councilor Hood moved to approve Wastewater Treatment Plant Operating Invoice for June 2009. 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 Personnel Recommendations-Lincoln County Transit-Part Time On Call Drivers.

Councilor Williams moved to approve Personnel Recommendations-Lincoln County Transit-Part Time On Call Drivers. Seconded by Councilor Hood.

Councilor Olivo said for two drivers. Mayor Armstrong said for two drivers.

Mayor Armstrong said we have someone here to speak for that. Are there any discussions on it? We have a motion and second.

Councilor Olivo said I would like to ask her a question now. Is that was going to be sufficient now or do you still need some more drivers?

Jannie Bryant of Lincoln County Transit said right now we will have enough with two part-time drivers, we should have enough right now, we just hired two but we have a full load right now. Councilor Olivo said but with the two drivers you shouldn't be short? Jannie said we shouldn't be, no.

Mayor Armstrong said we have a pretty good turnover for those part-time drivers. Jannie said yes we do. Mayor Armstrong said other discussion here? Being none I guess we need to call roll.

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 Term Position for Full Time Driver for Lincoln County Transit.

Councilor Williams moved to approve Term Position for Full time Driver for Lincoln County Transit. Seconded by Councilor Olivo.

Carol Virden, City Clerk/Treasurer said the Term Position changed from the New Mexico State Government Employee category. The Term Employee fills a position that is funded from a grant and is created solely for the duration of the grant. If the grant ends it is not renewed and the position expires. A Term Employee must receive 14 days notice prior to termination. The Term Employee is eligible for insurance benefits, accrued vacation and sick leave, participates in retirement program and serves one-year probationary period. If the Term Employee takes a

permanent position he/she does not have to start a new probationary period. She asked Jannie Bryant if they were at 50/50 or 80/20 funding? Jannie said those funds are 50/50.

Mayor Armstrong said I would like to add that we do not have a Term position in our Personnel thing here.

Carol said, and said Mr. Cook can jump in at anytime, if council approves this position as a Term position it is on record that if the funds cease the Term Employee ceases as well.

Zach Cook said I just need to make it clear that the Personnel ordinance does not say what a Term Employee is and I understand this request to be to hire somebody to be paid with those grant funds and when those grant funds, if they run out, then that position goes away. Jannie Bryant said that's correct.

Mayor Armstrong said would you state your name again?

My name is Jannie Bryant with Lincoln County Transit.

Councilor Holman said it seems like when we discussed this before Mr. Underwood, John Underwood was here, and I think I brought up the issue even though the bases seemed to be covered in the description in adding to the personnel might be a good idea for our attorney to draw up a one paragraph, one page, for the employee also to sign that they understand this and I think that maybe Mr. Underwood concurs that, and sounds a little like maybe overkill, but if it isn't going to hurt anything then why not do it? I still think that might be a good idea. I would like to see that inserted as a part of this.

Mayor Armstrong asked do we need to change it in any way?

Carol Virden, City Clerk said if Councilor Williams would amend his main motion to include that.

Councilor Williams said to reassure our council members that we are doing the right thing I do amend that accordingly to add that paragraph. 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 Personnel Recommendation-Change of Employment Status Position VSR-From Part Time to Full Time Museum Department Hubbard Museum of the American West.

Jay Smith, Museum Director said as I explained in the Agenda Briefing Memo we are down to two VSR's and giving consideration to the situation I consulted with our department heads at the museum and we were all in agreement that moving Mrs. Sanchez into a full-time position was in the best interest of the institution. She has done everything we have asked in terms of the VSR position as well as expanding her abilities to include helping out with tours and gift shop and

other things like that which is what we have been striving for in that position to ensure flexibility of the staff. Now, there is some cost to the City in making a full-time position from this. Terri and I have met and we believe that the maximum cost to us would be in the neighborhood of \$11,500 and it may be less than that depending on the number of dependents Mrs. Sanchez may elect under the City's insurance policy. We are prepared to wait to implement this change until we receive final budget approval from the State, which we assume will come sometime in the middle of August, or so. But, we really need to know if council approves this change tonight so that we can plan accordingly. Should the council decide not to approve the request we would then go into motion to hire another part-time VSR. Terri and I at the staff meeting did briefly discuss this matter and we can make a budget adjustment mid-year as needed if there is a need to do so at that point in time because there's always changes and fluctuations in personnel. My recommendation is that this is an employee that has more than earned the right to move from part-time to full-time status and I believe this is a good investment both for the museum and the City of Ruidoso Downs. He said with that I will stop and asked if there were any questions?

Mayor Armstrong asked if there were any questions for Jay on this?

Councilor Holman said from what I am seeing here is this employee is just replacing one that has resigned.

Jay Smith said this is not a new position. Basically, prior to June 13th we had three part-time VSR's. What I'm suggesting is that we move from three part-time to one full-time and one part-time VSR and that's where some of the additional expense comes from. Some of that is of course off set by not hiring an additional VSR. So, really, we are kind of creating a new position but really what we're doing is taking two and putting them into one. I guess the proper terminology would be reclassifying the position if I'm not mistaken.

Mayor Armstrong asked if there were any questions for Jay?

Councilor Williams moved to approve personnel recommendation to change employment status position VSR from part-time to full-time in the Museum department for the Hubbard Museum of the American West. Seconded by Councilor Hood.

Mayor Armstrong asked if there was any discussion?

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

Pam Williams said I have come before this governing body to say shame on you. You've allowed our City Clerk to abuse the citizens of Ruidoso Downs.

Mayor Armstrong told Pam to address the whole council please.

Pam Williams said well I am. That's why I'm telling you that you all have allowed this to happen. You all have allowed city abuse of its citizens. She read, "The clerk is the person who works in the office performing such tasks as keeping records, attends to correspondence, filing, typing, and such office tasks. A clerk has authority in general office work. A city manager is one who handles control and directs the city. A city manager is one who controls resources and expenditures and one who is in charge of the training and forming of the team." As city councilors you're our leaders. Leaders lead people. Managers manage tasks. A leader develops relationships with his/her constituents by building communication and developing energies of success and by measuring loyalty. There is a definite difference between being a leader and being a manager. Leaders direct and managers execute. Management is like an investment. It invests return from all our resources. Through our energy, talents, and time puts all other resources at your disposal. Management requires efficiency, possibility, depends on mental input for maximum return. Managed well you should regularly review your authority as you would your investments."

Mayor Armstrong said Pam you keep going back personally.

Pam Williams I'm not, I'm just saying I looked it up to see what everybody's duty is in the governing body and I'll make my point if you don't mind.

Mayor Armstrong said I don't mind.

Pam Williams said I'm not pointing fingers, I'm just telling you the way I see it and I looked it all up to see what everybody's duties are in our governing body and staff. Shall I go on or do you want to cut me off now?

Mayor Armstrong said well if you're going to continue going after personally you have ten seconds left.

Pam Williams said okay. A mayor is the chief executive official of the city. An official elected executive chief (timer went off)

Mayor Armstrong said Pam that's your time.

Pam Williams said she would leave them a copy and if anyone else wants a copy it's a quarter.

Mayor Armstrong asked Wayne Williams if he was speaking on the same subject?

Wayne Williams said when I get through you'll know won't you? Do you need a format before I speak? Mayor Armstrong said no sir. Wayne Williams said okay, then it's my three minutes right as long as I don't insult anybody personally? Mayor Armstrong said yes sir. Wayne Williams said alright then it's my turn and start my three minutes.

Wayne Williams said I still want to renew my request, you all know what it is, and I wish to renew my request. During the last election Mr. Mayor, I'm going to have to single you out on this, you campaigned on an honest and open government and what you've done is you've turned this city over to a city clerk to run things. And, you've done it and you know you've done it and you can shut us down but you can't shut us up.

Jim Burrow said he's been here longer than some of them sitting on the council here. First I'd like to say that I think all of the council people need to go to this Economic Boards. I think some of our citizens need to go. I have been to some of them and there are very few council members that I see. I think they need to do that; some of our city staff needs to be there. I think that some of our city councils need to go to the Senior Citizens, especially on Thursday and see what takes place over there exactly. I'm over there nearly every Thursday and I help over there. I see some of our city council shaking their heads but they don't know what's going on behind the picture and I do because I work over there voluntarily. I enjoy working over there and I think they need to be there, I really do.

EXECUTIVE SESSION

Discussion of all threatening and/or Pending Litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 Subparagraph (H) 8.

Mayor Armstrong entertained a motion to go into Executive Session for discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 Subparagraph (H) 8.

Councilor Williams moved to go into Executive Session for discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 Subparagraph (H) 8. Seconded by Councilor Hood.

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

Mayor Armstrong closed the regular meeting at 6:40 p.m. and invited Zach Cook, City Attorney, Carol Virden, City Clerk/Treasurer, and Cleatus Richards, Public Works Director and called for a five-minute recess.

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

Councilor Hood moved to go back into open session. Seconded by Councilor Williams.

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

Mayor Armstrong called the regular meeting back to order at 7:26 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Sessions were that of Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant: Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8.

Councilor Hood attested to the fact that the only items discussed in Executive Sessions were that of Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant: Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8 and no action was taken.

ADJOURNMENT

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

Councilor Olivo moved to adjourn at 7:27 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer