

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MAY 10, 2010
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on May 10, 2010. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Steve Dunigan to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Olivo (via teleconference)	Councilor Williams
Councilor Holman	Councilor Hood

Carol Virden, City Clerk/Treasurer informed Mayor Armstrong there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Zoning Director
Cleatus Richards, Public Works Director
Terri Mosley, Finance Director
Jay Smith, Museum Director
A.C. Ortiz, Chief of Police
H. John Underwood, City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda. He said he had one item to take off under "Other Business" item 9B, which was 'Response to Citizens Committee of Ruidoso Downs Concerns dated April 12, 2010.' He said he would also like to correct under "New Business" item 10D, which was "Consider Approving Special Dispenser Permit Application-Annual Fundraiser-Hubbard Museum of the American West", and that it says July 25, 2010 and it should say July 24, 2010.

Mayor Armstrong entertained a motion to approve the agenda with those changes.

Councilor Williams moved to approve the agenda with those changes. Seconded by Councilor Hood.

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

APPROVAL OF CONSENT AGENDA

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

Mayor Armstrong entertained a motion to approve the Consent Agenda.

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 26, 2010.

Councilor Williams moved to approve the Minutes of Regular Meeting of April 26, 2010. Seconded by Councilor Hood.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Williams moved to approve Accounts Payables. Seconded by Councilor Hood.

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

UNFINISHED BUSINESS

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

There was no Unfinished Business.

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

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

Mayor Armstrong stated next item on the agenda was Employee of the Quarter-Public Works Department-Ronnie Randolph.

Cleatus Richards, Public Works Director said Ronnie is an employee of the Parks Department and has been with Public Works for quite a number of years, sixteen or more at least. He's a reliable employee.

Mayor Armstrong said he has known Ronnie for a long time and he is someone they can count on to get the job done.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business.

Mayor Armstrong said the next item was Sunny Aris-PAW-Requesting Funding.

Sunny Aris introduced Nancy Berg and said she was the secretary of PAW-Partnership for Animal Welfare. We have never asked you for help before but we've been helping here for years. We started PAW in 2007 for the overpopulation of pets. We thought we had pretty lofty goals and that was to fund twenty-five spay/neuter surgeries per vet in Lincoln County for people who could not afford it. Meanwhile their pets continued to breed and were brought to the shelter or put in dumpsters or drowned in creeks and hit by cars. They started with five surgeries per month per vet. Each of the vets also agreed to kick in a free surgery, which brought their total up to thirty per month. Last month they gave eighty-five certificates to Becky Washburn alone. A lot of people use Becky from Ruidoso Downs. Dr. Willard used forty-five to fifty last month. They started out with spay/neuter clinics twice a year. The first one was maybe two hundred and then six months later it was up to five hundred.

Nancy Berg said in November 2008 they did 80 surgeries during the spay/neuter clinic and then the following March 2009 they did two hundred fifty.

Sunny Aris said people were on the list for months and meanwhile had already bred or gone into heat. Their first intention was to help those who were in financial need and then last November they opened it up to everybody charging a \$25 co-pay. They were afraid if they were even going to be able to afford this. Since then their demand has tripled since November. Since April 1, 2007 they have spent \$81,831.28 and it goes straight to spay and neuter. One pair of breeding cats with just two litters per year with an average of six per litter with half surviving can result in one million cats over ten years. You can imagine the numbers would decrease with all of these people getting their pets spayed or neutered.

Nancy Berg said last October she was approached by someone who was concerned that there was not some sort of vehicle in our county who had to give up their pets because they could no longer afford to feed them and could barely afford to feed themselves. We got together with Ray Alborn at the Food Bank and Wal-Mart and had a special donor and since November have been supplying the Food Bank with dog and cat, puppy and kitten food and the demand is really great. There is a person who will pick up the slack when Wal-Mart gives them torn bags of food. This person stands by to buy food when the Food Bank runs low.

Sunny Aris said they ran out of fifty bags of dog food in one week at the Food Bank so when people are getting food for their family they are also getting food for their pets. She said they are under the umbrella of the Community Foundation of Lincoln County who manages all of our money. They don't take any salaries. There are only three of them, Ellen Lucas, Nancy Berg, and herself. She said since November 2007 and the \$81,831.28 the county has only

helped them with \$10,000 a year and they really need help from the communities they serve to keep up with the demand.

Nancy Berg said they were hoping Ruidoso Downs could help with a \$3,000 contribution this year and would be grateful for anything they could get. She said it would appear that they have been doing some good since PAW has been active because the intake at the Humane Society is down.

Mayor Armstrong said they have a roadblock but he wanted to thank them and do realize what they do and appreciate it.

Terri Mosley, Finance Director said she passed out a letter that was received on April 16th from the Department of Finance & Administration and the subject was short-term and long-term budget shortfalls. She said there was a list of items that they need to look at and to consider when making the new budget. Item #7 said to discontinue the practice of providing funds to non-profit organizations. She said that is something they are asking us to look at.

Sunny Aris said they are a cost effective solution and when and if the City can make them a part of the budget it would be helpful.

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

Chief Ortiz said this Memorandum of Understanding is entering the third year of the state grant to the New Mexico local DWI Program that will reimburse the City of Ruidoso Downs for DWI Enforcement activities including overtime that is worked by the Ruidoso Downs Police Department. The fiscal agent is the Village of Ruidoso and Lincoln County. This memorandum outlines the period of time of which this term will begin on July 1, 2010 through May 31, 2011. This is for the detection and prevention of DWI related violations.

Mayor Armstrong entertained a motion to approve Memorandum of Understanding Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative authority for the Ruidoso Downs Police Department for DWI enforcement Activities and Reimbursement of Costs.

Councilor Williams moved to approve Memorandum of Understanding Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative authority for the Ruidoso Downs Police Department for DWI enforcement Activities and Reimbursement of Costs. Seconded by Councilor Olivo.

Councilor Williams asked Chief Ortiz why May 31st?

Chief Ortiz said that is the ending date for every year that this program has been established. It is their fiscal year. Since we started this program it started as a grant for \$2,000 and having increased in increments of \$1,000 and for the 2010-2011 year they have given us approximately \$4,000.

Councilor Williams asked also on the second page, paragraph eight, fourth sentence if it was supposed to be the 'RDPD'?

Chief Ortiz said yes and it would be corrected.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Memorandum of Agreement for Comprehensive Community DWI Prevention Program Between the City of Ruidoso Downs, the County of Lincoln and the Village of Ruidoso.

Mayor Armstrong moved to approve the Memorandum of Agreement for Comprehensive Community DWI Prevention Program Between the City of Ruidoso Downs, the County of Lincoln and the Village of Ruidoso.

Councilor Williams moved to approve the Memorandum of Agreement for Comprehensive Community DWI Prevention Program Between the City of Ruidoso Downs, the County of Lincoln and the Village of Ruidoso. Seconded by Hood.

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

Mayor Armstrong stated next item on the agenda was Scheduling Budget Work Session FY 2010-2011.

Councilor Hood said he would like to set the Budget Work Session FY 2010-2011 for Monday, May 17, 2010 at 3:00 p.m. All other councilors were in agreement for the time and date.

Mayor Armstrong stated next item on the agenda was Consider approving Special Dispenser Permit Application -Annual Fundraiser-Hubbard Museum of the American West for July 24, 2010.

Mayor Armstrong entertained a motion to approve Special Dispenser Permit Application-Annual Fundraiser-Hubbard Museum of the American West for July 24, 2010.

Councilor Hood moved to approve Special Dispenser Permit Application-Annual Fundraiser-Hubbard Museum of the American West for July 24, 2010. Seconded by Councilor Williams.

Jay Smith, Museum Director said this is their annual fundraiser that is held during the third or fourth weekend in July every year and has taken place for about the last twelve years.

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

Sharon Paul said she lives in Agua Fria and said she was here in support of Chief Ortiz. She said she knew there was a Closed Session for discussion of Chief Ortiz and she didn't know what it was specifically about. She read something in the paper about racial profiling and talked to Chief Ortiz. His professionalism is impeccable and he has integrity. She said she appreciates the way he has protected this community and it would be a grave error to do anything that would jeopardize that. She said if you are considering doing anything with Chief Ortiz is should be commending him. She said she did not believe for a minute that he ever racial profiled anybody.

Diane Flores said she lives in Agua Fria and since the appointment of Chief Ortiz has seen the presence of police down her street. Not because they need to have them there but because they are looking out for our citizens. She said as far as the racial profiling issue and as she drives up and down the community all the time hopes that isn't the issue. As a citizen of Ruidoso Downs and since they have had Chief Ortiz in this position she believed this was the first time they have ever had anyone a professional. She said as a council she really hoped they would reconsider whatever they were looking at. She said she was along with Mrs. Paul to recognize the quality of work this man has brought to the community and they feel safe as citizens that he is in charge of overlooking our community.

Elke Cooper said she was there to support Chief Ortiz also. Whenever somebody is stopped by a police officer she has noticed that so many cars these days have a film on the inside that you couldn't tell whether you were an Anglo, Hispanic or the man in the moon sitting in that vehicle. When an officer comes up to you who cares whether he is an Anglo, Hispanic, or whatever if you screwed up and they stop you the first thing they do regardless of who it is they ask you for your Driver's License and proof of insurance. Then you can go on after things are taken care of whether you have done something wrong or maybe it's just a warning and the officer explains and who is going to argue with them? But, how anyone as an American can say they are being racially profiled is totally out of line. She said she was a

German American but was an American first. She said since he has been chief and previous chiefs had all kinds of problems nobody ever stood up and spoke for. If there was a problem it showed up in the paper and could have been corrected. She said since he has been Chief there has been visible police in their area, on the streets, and not in the donut shop. She said thank you.

Deannie Beavers said she would first like to tell Mr. Williams how much she appreciates seeing him alongside the road picking up debris. She said she also wanted them to know that she supports Chief Ortiz and that they have been on opposite sides with a couple of issues she has had here. She said she supports him because he has such a good crew of men working below him. Her concern is if he goes then are they going to go as well and then what happens? She said she supports him in what he's doing because he runs a good tight ship; crime has gone down, it's a much better City and she doesn't have to say she's from Ruidoso Downs as a derogatory statement anymore. She said having leaders like them including Chief Ortiz makes her happier.

Betty Beaver said she wanted to express her support of the Chief. She said the others have said exactly what she would have said. She said she feels comfortable and safe and in the many years she has come here she wants him to know how much they respect him as a person and as a police officer. She said it would be a dreadful mistake not to have him here.

Judy Beavers said she believed the vandalism and the crime had dropped quite a bit since Chief Ortiz has been here. Any talk or any thought of dismissing him after the wonderful job he's done would sure be the wrong decision.

Joe Blaney said there are a lot of people in this room tonight stating their intentions for Chief Ortiz. He has been the best thing to happen here in a long time and they shouldn't even be talking about dismissing him.

Jim Kofakis from the Hubbard Museum of the American West said on April 5th they started a membership drive that was long overdue. He said they had a letter that went out to almost one thousand people that used to be members including businesses. The letters went out on April 1st and in just over a month their membership had increased to over 28%. They deposited \$8,650 in membership during that short period and \$5,700 of that in the first ten days of May. There is a lot of strong local support for the museum and there are sixty-three new members.

Jay Smith, Museum Director said he would like to speak on his support for Chief Ortiz. He said Chief Ortiz is a tremendous individual who has worked his way up from very difficult circumstances. He is of impeccable character. He said he has found Chief Ortiz to be one of the best people he knows. He said he is the type of person we should emulate. It would be a sad and terrible loss to the City of Ruidoso Downs to lose Chief Ortiz.

Dusty Beavers said that Chief Ortiz has done a pretty good job and that he was in support of him staying here. There is a lot to still be done but he was going in the right direction.

Terry Garrett said he also supports Chief Ortiz.

CLOSED SESSION

Mayor Armstrong stated next item on the agenda was Limited Personnel Matters § 10-15-1 H2 NMSA 1978 for discussion of Chief of Police. He said any actions taken as a result of this Closed Session will be brought back into Open Session.

Mayor Armstrong entertained a motion to go into Closed Session for Limited Personnel Matters § 10-15-1 H2 NMSA 1978 for discussion of Chief of Police.

Councilor Holman moved to go into Closed Session for Limited Personnel Matters § 10-15-1 H2 NMSA 1978 for discussion of Chief of Police. Seconded by Councilor Williams.
Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 6:12 p.m. and invited H. John Underwood, City Attorney, Carol Virden, City Clerk/Treasurer, Randy Reynolds, Payroll/Personnel, and Chief Ortiz 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 Holman.

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

Mayor Armstrong called the regular meeting back to order at 9:13 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of Limited Personnel Matters § 10-15-1 H2 NMSA 1978 for discussion of Chief of Police.

Councilor Hood attested to the fact that the only items discussed in Closed Session were that of Limited Personnel Matters § 10-15-1 H2 NMSA 1978 for discussion of Chief of Police.

Councilor Hood moved to place Chief Ortiz on 6-month trial basis probation for Mayor Armstrong, Carol Virden, and H. John Underwood to work out some stringent guidelines for his department. Seconded by Councilor Williams.

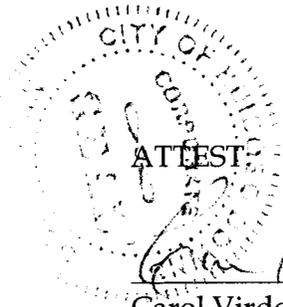
Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Aye. Motion carried.

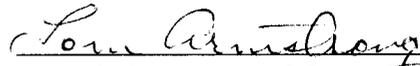
ADJOURNMENT

They're being no further business to attend to Mayor Armstrong entertained a motion to adjourn.

Councilor Williams moved to adjourn at 6:24 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.




Tom E. Armstrong, Mayor


Carol Virden, City Clerk/Treasurer