

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JUNE 11, 2012
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on June 11, 2012. Mayor Williams called the meeting to order at 5:30 p.m. and asked Bonnie Richardson to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Holman
Councilor Miller

Councilor Hood (via telephone)
Councilor Perry

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

Also present:

Carol Virden, City Clerk/Treasurer
H. John Underwood, City Attorney

APPROVAL OF AGENDA

Mayor Williams stated next item on the agenda was Approval of Agenda.

Mayor Williams entertained a motion to approve the Agenda.

Councilor Miller moved to approve the agenda. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

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

Mayor Williams entertained a motion to approve the Consent Agenda.

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

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 29, 2012.

Councilor Hood moved to approve the Minutes of the Regular Meeting of May 29, 2012. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLE

Councilor Hood moved to approve Accounts Payable. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

PUBLIC HEARINGS

A. ORDINANCE NO. 2012-03

AN ORDINANCE AMENDING THE CITY OF RUIDOSO DOWNS, NEW MEXICO CODE OF ORDINANCES "TITLE V: PUBLIC WORKS CHAPTER 50 SUBSECTION 50.51": TITLED "VOLUNTARY WATER CONSERVATION MEASURES" (A) (B1c) (B3): AMENDING SECTION 50.52 TITLED "WATER CONSERVATION PLAN"; AND ENACTING NEW 50.52 TITLE "DROUGHT CONTINGENCY PLAN"; AMENDING 50.52 (A) (A,1c) (B) (B1,2,3,4,5,6,7) (C) (C2,3,4,5,6) ENACTING STAGE 4 WATER RATIONING (D 1,2,3,4,5,6,7) ENACTING STAGE 5 WATER RATIONING; AMENDING 50.53 TITLED "ENFORCEMENT" (b); AMENDING 50.54 TITLED "ISSUANCE OF CITATION".

B. ORDINANCE NO. 2012-04

ADOPTING A MUNICIPAL QUALITY OF LIFE GROSS RECEIPTS TAX

Section 1.	Imposition of Tax
Section 2.	General Provisions
Section 3.	Specific Exemptions
Section 4.	Dedication
Section 5.	Effective Date
Section 6.	Delayed Repeal (Mandatory)

Mayor Williams stated that he invited anyone to speak for or against, to state their name, and there would be a 3-minute time limit.

Joetyne Wright said she has been a resident here all of her life. Normally I would be opposed to a tax but not this one. This tax is for the benefit of one of the good things we have in the Downs area. It's an enhancement and asked who has visited the museum and if they know who even owns the museum? If you are a resident of the Downs you own the museum. It is important for you to know if it's going to be upheld with this tax. It's very small. If you buy

\$10 worth of something 3 cents goes for this tax. Tell your neighbors and insist that they vote for this tax.

Mayor Williams said there were some fact sheets on the table if anyone would like to take one.

Elke Cooper said nothing against culture but I do have a problem. We are worrying about financing the museum and I can see where we support the youth groups but we are short firemen, we are short policemen and nobody talks about that. I would rather like to see my taxes go to those people who really put their life on the line for us. I'm not going to vote against this but I have a question for the council. In the paper it said you all were thinking about, and to me it sounded like a threat, that if you don't cut your trees within 15 feet of the house. . .

Mayor Williams said that was another discussion that could be brought up in Public Input but for now this was a Public Hearing for this specific ordinance.

There were no other comments from the public.

Mayor Williams closed the Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Mayor Williams stated the next item on the agenda was - Mayor's Comments.

Mayor Williams said a large portion of the Smokey Bear Ranger District was closed to the public to protect the health and safety of both the public and firefighters. This closure will remain in effect until July 31st or may be rescinded earlier when the area is considered safe for public use. Areas closed include all of the National Forest lands between Highway 380 and the northern boundary of the Reservation. Forest visitors are encouraged to use the Sacramento or Guadalupe Ranger Districts. The current Little Bear update as of 4:30 p.m. today is that a total of 35,000 acres has been burned with zero containment. The Forest Service says there is still a lot of unburned fuel material in the interior of the fire area and is still a dangerous situation. There are 600 personnel dedicated to fight the fire. Fire suppression includes three air tankers and also including helicopters and support groups. Road closures include 532 the ski run road, Highway 48 is open from Ruidoso to Airport Road, Highway 57 has a roadblock at MM36 coming toward Capitan, Ruidoso from Carrizozo, and 220 is open to the airport. He asked that we keep all of the residents, neighbors, and even some of our employees whose homes are in jeopardy.

Mayor Williams asked Cleatus Richards, Public Works Director to speak.

Cleatus Richards, Public Works Director said they had two applications approved. We filed for CDBG funding in the amount of \$310,000 and that was to complete the River Lane and

Nevada Lane projects and was funded in full. Last Friday I went to the Colonias meeting in Las Cruces and we had filed for Phase I on the sewer system for Agua Fria. They gave us funding to prepare plans and phasing for that project in the amount of \$159,400 and they did ensure that money given for projects in this round would be given favorable consideration next year for construction money. That is very good news for the Agua Fria Subdivision and now we can start the planning for that area. Our match for the CDBG funds of \$310,000 is 5% so our local contribution is \$15,698 and the Colonias project for the \$159,400 is a 10% match and our local contribution is \$15,940. We will sign up for next year for additional Agua Fria money and what we are going to try to do is the CDBG project so it will be in line for this fall for funding and we may be looking for either water or sewer for the Agua Fria Subdivision as first priority. Every year we have Public Hearings for CDBG project and the public is always invited to give their thoughts and preferences on projects.

Councilor Holman asked what the competition was this year?

Carol Virden, City Clerk/Treasurer said there were 35 communities.

Mayor Williams said 21 out of 35 were funded this year.

Cleatus Richards, Public Works Director said that has been declining over the years. We got funded during the first round for the water on Highway 70 and I think it was 15 million and probably ground surface around 11-12 million and this year around 8 million. The funding source is dropping and the competition is getting a lot stronger.

Councilor Holman said it is a credit to you that we are able to say that tonight.

Cleatus Richards, Public Works Director said the COG group, Dora Bautista, has always worked with us closely and have been a tremendous help in putting the application together for both the CDBG and Colonias projects.

Mayor Williams said Dora Bautista and Hubert Quintana have been of great assistance to us and to the clerk and director.

Mayor Williams stated the next item on the agenda was - Councilor's Comments.

There were no Councilor's Comments.

Mayor Williams stated the next item on the agenda was - Mary Ann Burr, RPO Planner - Overview Presentation of SERPO and its Purpose.

Mary Ann Burr said she provided them with packets for tonight's meeting but it would be much to lengthy to go over each item so she will touch on a few topics. She asked councilors to look at the map of the eight boundaries that they cover. These are also the boundaries used by the Department of Transportation District II Office. The RPO is made up of the Policy and Technical Committee and it shows the membership and names. She said there is a regional

plan and it is updated annually. At this time they don't show any projects for Ruidoso Downs. She said she will be working with the ICIP projects so if there were any transportation projects they could be put into the ICIP. She said they work with all different programs and are not limited to roads. She said she also included an application history so that they could reference those if there was a like project. Beyond the Roadway Program there is also an Enhancement Program. She said they have worked with Lincoln County Transit with the Public Transportation Program. Ms. Burr continued with explanations of various programs that can be utilized. She said their next meeting is September 5th.

Councilor Miller asked if it would be alright for us to reapply for the sidewalk before November?

Ms. Burr said yes she has seen applications be submitted two or three times. You are only allowed to submit one enhancement but it can be the same project. She said in the handout you will see that the three that were awarded were for downtown Mainstreet projects but by all means submit your applications.

Mayor Williams stated the next item on the agenda was - Consider Adopting Ordinance No. 2012-03 Voluntary Water Conservation Measures.

Cleatus Richards, Public Works Director said under the Voluntary Water Conservation Plan they have included targets for both the voluntary and mandatory stages. Under the Voluntary Stage they are hoping for a 2% reduction and it will involve public notification. There are days of watering that we will be recommending. Under Title 50.52 Water Conservation they have renamed the stage to Drought Contingency Plan. One of the reasons for this is that when they apply for assistance for water and sewer plans they want to know if there is a Drought Contingency Plan. Under Stage I of Water Rationing we are tentatively the flow manager at Griffith Springs and when we drop below 290 gallons per minute we go into Stage I Water Restrictions. Under the new water rationing I would be given the authority to call for Stage I Restrictions when it reaches that level. Odd number watering would be Wednesday, Friday, and Sunday. Even number watering would be Tuesday, Thursday, and Saturday. These stages are now mandatory and we will reduce water consumption by about 20% during this phase. We are changing the hours of watering. Previously we had no watering between the hours of 10:00 a.m. and 4:00 p.m. and we want that prohibited between 10:00 a.m. and 6:00 p.m. and that will follow throughout all of the phases. In Stage II of Water Rationing when Griffith Springs drops below 275 then we go into that stage. We have a meter and recorder at Griffith Springs so we can monitor that daily. Our goal is a 30% reduction. When this happens we are using the Denton and Riverside wells more frequently. We have some latitude there but a lot of our water rights on those two wells are restricted by the flow of the Rio Ruidoso so if it drops below 6 csf's it reduces the amount of water rights we can use. Odd numbers are now Wednesday and Friday and even numbers are Tuesday and Saturday. Stage III Water Rationing means Griffith Springs has dropped below 260 per minute. Right now we are in Phase I but with our meter reading we know that we should be in Phase II. If we get into Stage III I would notify the mayor of the conditions and he would be making the call to go into that stage. If we go into that stage watering would be odd numbers on Friday and even

numbers on Tuesday. We are hoping to drop our daily demand by about 40% in that stage. In Stage IV we would have a drop down to 250 gallons per minute. Watering of gardens, trees, and other plants would be done by hand held containers only and no sprinklers or water systems would be allowed. The final Stage V Water Rationing would be a catastrophic condition and could occur at anytime and this is when we have a major failure of pump systems or major water line breaks that are emptying our tanks so if we have to declare an emergency there will be no outdoor watering at all. Not irrigation of landscaping, washing a vehicle and even at car washes. Everything would be prohibited. Normally it can be cured within a short period. Hopefully we won't get into that phase but in the previous ordinance we did not have a provision where we could call this sort of emergency. It is needed and can happen. In Stage I & II I will be giving you a monthly report and if we get into the more advanced stages then I will be giving you a report at each council meeting.

Councilor Holman said it appears it appears that the council was omitted on the way it was done previously.

Cleatus Richards, Public Works Director said that was done purposely because now in this ordinance there will be triggers with set criteria for going into each stage. There shouldn't be a matter of discussion. It should be a matter of 'these conditions exist and action needs to be taken.'

Councilor Holman said these steps are outlined in the ordinance.

Cleatus Richards, Public Works Director said the steps and criteria a clearly lined out in the ordinance. In the first couple of stages it will be the Public Works Director's call and in the later stages they will work with the mayor to make those calls and getting those notices out and except in Stage V the Public Works Director needs to be able to shut the systems down and go into that phase immediately.

Councilor Holman said he noticed in Stage III it did state 'Governing Body' and in here it's changed to 'City Council' and then it says 'shall take steps to lift the Stage III' so the Council is not involved in implementing or initiating the action but then the Council will be involved in lifting the restrictions. He said that seems a little contradictory.

Cleatus Richards, Public Works Director said in Stage III the mayor is making the call so the mayor needs to work with Council.

Councilor Holman asked if there was a problem with having the Council involved? You said it was just your call in the first two steps so why not involve the Council?

Cleatus Richards, Public Works Director said if you're going to make it a popularity or political question then you are totally frustrating the Water Conservation and Drought Contingency Plan. I've worked with Councilors before where I had all of the conditions and triggers met, went to Council and they decided not to do it and that put the community in jeopardy. I don't think the Council should be making the decision other than saying these are

the conditions we want in order to go into these stages. Staff should be able to go there when those conditions are met. If I see a condition and then have to go to Council that's about a two-week delay and our systems could be in a world of hurt if I have to wait two weeks for a decision.

Councilor Holman said sometimes it seems we go there too soon and are so tied to what Ruidoso is doing.

Cleatus Richards, Public Works Director said I don't care what Ruidoso is doing.

Councilor Miller asked if these changes are implemented from the State Engineers office?

Cleatus Richards, Public Works Director said no and a lot of our water rights are regulated by the State. Some of the water rights in Denton are regulated and some are not and are restricted by the flow.

Councilor Miller asked if that was for the Riverside Well as well?

Cleatus Richards, Public Works Director said Denton and Riverside are supplemental. Whatever is in Denton I can use in Riverside and vice versa.

Councilor Miller said in emergencies we can use them right?

Cleatus Richards, Public Works Director said no, they are restricted.

Councilor Miller asked if we are using Riverside at all?

Cleatus Richards, Public Works Director said yes we are. That's why I mentioned supplemental because the water rights that were in Denton before I can now use in Riverside and that's 50 acre-feet. Before, Riverside Well only had 4 acre-feet. Another thing we've done is reconnected Riverside Well so that we can pump from there from there and get the regular tank to get that water.

Council Miller said I remember the tests that were done on Riverside Well and we were pumping 1,200 gallons per minute. It's a good well.

Councilor Holman he was under the impression that the Riverside Well had almost unlimited capacity if you excluded the water rights.

Councilor Hood said maybe it might be in our best interest to start looking for more water rights so we can pump that big water well.

Cleatus Richards, Public Works Director said they are looking for more water rights but they aren't cheap and they aren't quick. The last one that came through took six years.

H. John Underwood, City Attorney said there is no other place that requires Council action to lift a phase of water. Only Stage III requires Council action. Look at paragraph six and do we need Council action in there?

Cleatus Richards, Public Works Director asked if we can make amendments at this point?

Carol Virden, City Clerk/Treasurer said yes you can.

Cleatus Richards, Public Works Director said I would like it to read there "it shall be the policy of the City of Ruidoso Downs to keep Stage III in effect no longer than absolutely necessary and shall take steps to lift Stage III restrictions as soon as the lifting etc." Strike the Mayor and City Councilors.

H. John Underwood, City Attorney said my problem with that is that if you strike the Mayor, because the Mayor is the one who gave you the right to go into Stage III, who are you giving the right to in order to go out of Stage III if you take the Mayor out of that?

Cleatus Richards, Public Works Director said good point. We'll leave the Mayor in that.

H. John Underwood, City Attorney said my suggestion is that you leave it like it is and say "the Mayor shall take" with "shall take" being the mandatory words and not a discretionary act so once that threshold in Stage III not drop below 360 gpm the Mayor can take the unilateral action of lifting that restriction.

Cleatus Richards, Public Works Director said that would be more consistent and to strike "the City Council."

H. John Underwood, City Attorney said he agrees with that amendment.

Carol Virden, City Clerk/Treasurer said time is of the essence when it comes down to Stage II, III, IV, and especially Stage V.

Mayor Williams said once this gets enacted, five days after, it will be posted on the website so you can look over it and understand it.

Mayor Williams entertained a motion to adopt Ordinance No. 2012-03 Voluntary Water Conservation Measures with the change in Stage III, No. 6, and omitting "the City Council."

Councilor Holman moved to adopt Ordinance No. 2012-03 Voluntary Water Conservation Measures with the change in Stage III, No. 6, and omitting "the City Council." Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Consider Adopting Ordinance No. 2012-04 Adopting a Municipal Quality of Life Gross Receipts Tax.

Mayor Williams asked Jim Kofakis, Museum Director to speak.

Jim Kofakis, Museum Director asked if there were any questions for him concerning this tax?

Councilor Miller asked if the Advisory Board for this tax would be comprised of residents?

Jim Kofakis, Museum Director said his statute is with the City Clerk and the Attorney says they have to use Lodgers' Tax or any other board and they have to be residents of the Downs.

H. John Underwood, City Attorney said by Statute 17-9D-14 that "the Governing Body of the municipality that imposes the Quality of Life Gross Receipts Tax shall within 60 days of the election approving the imposition of the tax appoint a Municipal Culture Advisory Board consisting of between 9 and 15 members. Persons appointed to the board shall be residents of the municipality who are knowledgeable about the activities eligible for Quality of Life funding. Members of the board shall be appointed for fixed terms and shall not be removed during their term except for malfeasance. The term for initial board members shall be staggered so that 1/3 of the members are appointed to one-year terms, 1/3 for three-year terms, and 1/3 appointed for three-year terms. Subsequent appointments shall be for a three-year term. If a vacancy occurs on the board the Governing Body shall appoint a replacement member for the remainder of the unexpired term. A board member shall not serve more than two consecutive terms." He said that gives you an idea of the board and how that money is going to be spent.

Mayor Williams entertained a motion to adopt Ordinance No. 2012-04 Adopting a Municipal Quality of Life Gross Receipts Tax.

Councilor Miller moved to adopt Ordinance No. 2012-04 Adopting a Municipal Quality of Life Gross Receipts Tax. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Consider Approving Resolution No. 2012-08 Calling for a Special Municipal Election (English and Spanish).

Mayor Williams read the following:

Be it resolved by the Governing Body of the City of Ruidoso Downs that a Special Municipal Election will be held on Tuesday, September 4, 2012, for the purpose of considering adoption of Municipal Quality of Life Gross Receipts Tax Ordinance. Polls will open at 7:00 a.m. and close at 7:00 p.m. The following questions will be submitted to qualified registered electors of the City of Ruidoso Downs:

- Shall the City of Ruidoso Downs adopt a Municipal Quality of Life Gross Receipts Tax Ordinance imposing an excise tax equal to $\frac{1}{4}$ of 1% of the gross receipts reported or required to be reported by all persons engaging in business with the City of Ruidoso Downs with revenues from the tax dedicated to cultural programs and activities provided by a local government and to cultural programs, events and activities provided by a contract or operating agreement by non-profit, publicly owned, cultural organizations and institutions?

Mayor Williams entertained a motion to approve Resolution No. 2012-08 Calling for a Special Municipal Election (English and Spanish).

Councilor Miller moved to approve Resolution No. 2012-08 Calling for a Special Municipal Election (English and Spanish). Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Consider Approving Memorandum of Agreement – A comprehensive Community DWI Prevention Program between the City of Ruidoso Downs, the County of Lincoln, and the Village of Ruidoso.

Bill Hansen said he is with the Lincoln County DWI Program and this is the same thing that we did for many years now. This is a fee that is added on to a DWI conviction. It amounts to \$75 per conviction and is collected by the courts and sent directly to Traffic Safety and is distributed back to each county in the form of a Community DWI grant. Each Police Department that arrests DWI's gets part of the money if they are set up to receive it. I found out about three years ago that nobody in Lincoln County was set up to receive this grant. In order to receive it you have to have a DWI Council, a DWI Coordinator for the grant, you have to have a way to spend money. Because there was no one in Lincoln County to get this grant and because I am a local coordinator I found that I can get this money using my DWI Council and I can have the money sent directly to the State Police for overtime in Lincoln County without anyone ever seeing the money. Each court or each Police Department, whatever they contribute, is included in that. Right now this year's grant, the State Police, mainly because they had the grant last year, contributed about 92% of the money. The rest of it was contributed by Ruidoso, Ruidoso Downs, and the rest of Lincoln County.

Councilor Holman asked if there was any determination as to how that money will be used by local Police Departments?

Bill Hansen said there are stipulations. This money will only be used by State Police. Another reason that I do this for the State Police is that I don't have to give them any of my money then and all of my enforcement money can be split up between Ruidoso, Ruidoso Downs, Capitan, Carrizozo, and the Sheriff's office. Traffic Safety has guidelines as to how the overtime can be used. In this particular grant it has to be used for Saturation Patrols or checkpoints. It can be

used for Underage Drinking enforcement in certain cases. Last year's grant was used in two different occasions for Underage Drinking enforcement. The rest of it was used in Saturation Patrols because it has become so difficult to hold checkpoints that no one wants to do it.

Councilor Hood asked if this is the same one we've had for the last three years?

Bill Hansen said yes.

Chief Babcock said what Bill says about the checkpoints is correct. It requires a certain amount of manpower and certain criteria and our department does not have the manpower to do a checkpoint. What we use the money for from Bill is for Saturation. We have a special project at least once a year with the Maze of Light and we always send an officer down there to facilitate his program with that.

Councilor Holman said this would be an enhancement for our officers then as far as overtime and the money they would make beyond their usual salary.

Bill Hansen said actually that would be the next one. This goes straight to the State Police. The next one will be given to the Ruidoso Downs Police Department

Mayor Williams entertained a motion to approve Memorandum of Agreement - A comprehensive Community DWI Prevention Program between the City of Ruidoso Downs, the County of Lincoln, and the Village of Ruidoso.

Councilor Hood moved to approve Memorandum of Agreement - A comprehensive Community DWI Prevention Program between the City of Ruidoso Downs, the County of Lincoln, and the Village of Ruidoso. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated 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.

Bill Hansen said this is out of the local DWI grant which I coordinate. What I'm proposing to do this year is give Ruidoso Downs \$3,000 to use strictly for Ruidoso Downs either in Saturation Patrol or Underage Drinking enforcement.

Councilor Miller said this is for enforcement. Is there anything for prevention?

Bill Hansen said about 70% of our grant goes to prevention. We have a full-time Prevention Specialist that works in the schools all over the county.

Mayor Williams 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 Hood 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 Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Consider approving Agenda Briefing Memorandum – Hubbard Museum of the American West – Special Dispenser Permit Application – Museum Fundraiser – July 21, 2012.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Hubbard Museum of the American West – Special Dispenser Permit Application – Museum Fundraiser – July 21, 2012.

Jim Kofakis, Museum Director said this is the museum's biggest fundraiser all year. As you can see in the Agenda Briefing Memorandum we have pretty well been told we'll receive a \$100,000 grant this year so I respectfully request your approval.

Councilor Hood moved to approve Agenda Briefing Memorandum – Hubbard Museum of the American West – Special Dispenser Permit Application – Museum Fundraiser – July 21, 2012. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Councilor Hood moved to approve Consent Agenda Item - Wastewater treatment Plant Operating Invoice for May 2012. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Consider Approving Personnel Recommendation – Department – Public Works – Position – Water/Wastewater Operator.

Cleatus Richards, Public Works Director said we have finally gotten a good applicant with the Level II Water Certification. We've been advertising a long time for this one. We've gone through about four rounds of advertising before we could get a qualified person. This gentleman has a Level II Water Certification and I strongly recommend that you allow me to hire him.

Councilor Hood asked if this was a vacant position that we have had for a while right?

Cleatus Richards, Public Works Director said well over a year sir.

Mayor Williams said his name is Thomas Owen.

Mayor Williams entertained a motion to approve Personnel Recommendation - Department - Public Works - Position - Water/Wastewater Operator.

Councilor Hood moved to approve Personnel Recommendation - Department - Public Works - Position - Water/Wastewater Operator. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion of Possible Amendments to Order of Business for Future Agendas.

Mayor Williams said this is presented with a little input from staff and would appreciate any feedback on any portion of this.

Councilor Holman asked if there are changes?

Mayor Williams said at the top part of the agenda would have the emblem with the time and place and the names of the Governing Body members on the top part. The difference you will see on the agenda is:

1. Call to Order
2. Moment of Silence
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Consent Agenda
6. Mayoral Announcements
7. Public Hearings
8. Public Forum
9. Old Business
10. Director's Report
11. New Business
12. Councilor's Comments

13. Executive Session

14. Adjournment

Councilor Miller said so Public Forum is moved to the middle.

Councilor Holman asked if the Public Forum would be moved to just before New Business?

Mayor Williams said yes.

Councilor Hood asked if there would still be a three-minute time limit?

Mayor Williams said yes and all comments will be made to the mayor.

Carol Virden, City Clerk/Treasurer said should the Council decide to make amendments to the Order of Business that is stated in the City of Ruidoso Downs Code of Ordinances it will take a notification to the public and then a Public Hearing 14 days prior to the revisions to that Chapter and Subsection of the Code of Ordinances. This item is for discussion tonight.

H. John Underwood, City Attorney said on the current agenda there is a provision for Roll Call and I don't see a provision for that on the new agenda. I think that is really important and is required.

Mayor Williams said I'm surprised that this oversight got by everybody.

H. John Underwood, City Attorney said I would suggest that we add Roll Call.

Councilor Miller said I would love to hear Public comments before taking any action. This is their town and a lot of things involve their property. It's important that we hear from them before voting on anything. I think this might work. For me it will.

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

There was no Other Business.

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as a Whole with a 3-minute Time Limit)

Jim Burrow said we are all sitting here involved in what I have to say. We've been having fire this past week and some of my friends have been involved. What's going to happen if we have a fire up on this hill? What going to happen to the City if the people up on Colorado, Nevada, on down to Turkey Canyon, on down to where the ex-mayor lives, and where the mayor lives? If we have a fire up there it's going to be bad because whether it comes from the west or the east. My question is why can't we get the Forest Service, the public utility company, the electric company, all get together and make a fire line. We're halfway there right now where the utility electric lines go. Somebody needs to get on the ball and get that

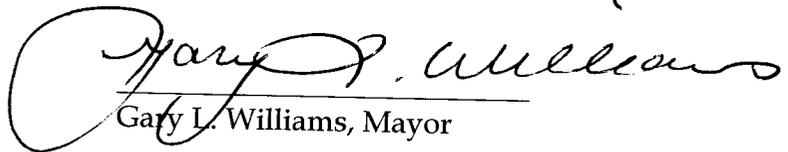
done. Don't wait until we get the fire, that's too late. You all saw what's happened when it crossed over last year and you've see what happened last week. Ruidoso Downs city limits have been lucky and may not be so lucky next time. I suggest we get a good strong committee. Some City Council, some City employees, employees from our utility companies, and get together with those who have authority on that mountain and get something done. If we don't it's going to be a disaster. Mr. Holman knows that, his house is on Colorado too.

Elke Cooper said I want to comment on something I read in the paper about you all considering huge fines if people didn't clear their trees within 15 feet of the house. I know a lot of people in our area and I live in Agua Fria have cleared everything that we could and keep our trees clean but you can't make it a desert. The point is the language. I don't like to be threatened with fines from \$400 to \$2,000 when the areas within the City are not taken care of even around here around this building sometimes. I know there's not enough water to water everything down. When I hear they are going on water conservation in Albuquerque I don't water my grass. A lot of people like that aren't being threatened so it's the language. We're not little kids in the sandbox anymore. I've lived on this mountain almost forever and it's kind of weird to hear that when I'm 70. Even people older than me are saying where is this coming from? Are we being punished for other people not taking care of their property? You get that feeling that Code Enforcement according to the code I read is totally backed by the Police Department. Maybe I misinterpret these things. We're such a small community we can talk to each other without threatening. I had a problem with Code Enforcement two years ago and was threatened with a letter without him even talking to me. That anything above eight inches on my property has to be cut down or he's going to take me to court and the whole Police Department was behind him. When I asked him to bring me the code it was issued the night before. Nobody had heard about it. I personally don't like to be pushed against the wall. I'm a taxpayer and a citizen and when I see this language over and over I don't appreciate it.

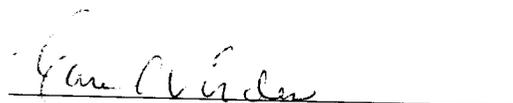
ADJOURNMENT

There being no further business to attend to, Mayor Williams adjourned the meeting at 7:16 p.m.





Gary L. Williams, Mayor



Carol Virden, City Clerk/Treasurer