

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
JUNE 25, 2012  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on June 25, 2012. Mayor Williams called the meeting to order at 5:30 p.m. and asked Jim Burrow 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  
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 JUNE 11, 2012.

Councilor Hood moved to approve the Minutes of the Regular Meeting of June 11, 2012. 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 SPECIAL MEETING OF JUNE 15, 2012.

Councilor Hood moved to approve the Minutes of the Special Meeting of June 15, 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.

APPROVAL OF MONTHLY REPORTS

Councilor Hood moved to approve Monthly Reports. Seconded by Councilor Miller.

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

APPROVAL OF COMMITTEE REPORTS

Councilor Hood moved to approve Committee Reports. Seconded by Councilor Miller.

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

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 he wanted to pass on that the City of Ruidoso Downs is in Level II Fire Restrictions and the fire danger is now very high. Also, we are now in Water Rationing Stage 2. This means basically you can water your yard twice a week and all other watering and pools, we would suggest you don’t do that. Right now our spring is running low and that’s why we went into Stage 2. On the fire front at the Little Bear fire, this morning they were 90% contained at 44,000 acres. Some areas are still closed. I have a Press Release from the Hubbard

Museum. Dr. Earl Pittman will be presenting at the museum this coming Saturday at 2 p.m. It's a program dealing with soldiers and outlaws, the U.S. Army, and the wars of Lincoln County. Today in history all veterans who started in the Korean War.

Mayor Williams said 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 - Consider Approving Mayor's Recommendation - Representatives to the Southeast Regional Planning Organizations (SERPO).

Mayor Williams entertained a motion to approve Mayor's Recommendation - Representatives to the Southeast Regional Planning Organizations (SERPO).

Councilor Hood moved to approve Mayor's Recommendation - Representatives to the Southeast Regional Planning Organizations (SERPO). Seconded by Councilor Holman.

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 - Forgiveness of Penalty.

Mayor Williams said this is a utility customer at 213 Highlands has an outstanding balance of \$3,031.89. The customer responsible for the account has recently passed away and a family member has recently come forward and is working with the Water Department. The bill for services is \$1,350.53 with \$1,681.36 for penalties. Staff is requesting approval to forgive the penalty amount so the customer can pay for services outstanding.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum - Forgiveness of Penalty.

Councilor Miller moved to approve Agenda Briefing Memorandum - Forgiveness of Penalty. Seconded by Councilor Holman.

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 - Ruidoso Downs Police - Position - Police Officer.

Chief Babcock said we are requesting you approve Tom Gavin as a Police Officer. He comes highly recommended from Carlsbad. He worked for the Ruidoso Downs Police years ago before he went to work for Ruidoso.

Councilor Miller asked how long he worked for us?

Councilor Hood asked Chief Babcock if this was a budgeted item?

Chief Babcock said yes.

Councilor Hood asked if this was a full-time position?

Chief Babcock said yes.

Chief Babcock said it was less than a year. He's been doing very good in Carlsbad and is the oldest member of their force. He generates the most citations and most reports of all the young guys on the staff and is a hard worker. Chief Babcock said we are recommending Tom Gavin for Patrol Officer.

Mayor Williams entertained a motion to approve Personnel Recommendation – Department – Ruidoso Downs Police – Position – Police Officer.

Councilor Hood moved to approve Personnel Recommendation – Department – Ruidoso Downs Police – Position – Police Officer. Seconded by Councilor Holman.

Councilor Holman said in the past he has heard councilors and citizens that they have quite a bit of displeasure when they have officers apply and get the job. They take a position just to get a job in Ruidoso it appears like. We send them to the academy, spend a lot of money, they stay for a short period and then take the first opening in Ruidoso. This individual stayed for a little while here and then went to Ruidoso. He said there is concern in the community that officers are getting a job here just so they can get up to Ruidoso. They think they can get a little more money but I'm not too sure after they do after we get through with our benefits. I do get a little resentful with officers coming down here and then move on.

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

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

Mayor Williams broke the tie vote with Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action on Agenda Briefing Memorandum – Officer Assigned Vehicle Take Home Policy Change.

Chief Babcock said currently our policy for Police Officers is that they have to be within a 15-minute range. We are proposing to extend that range to 25 miles. There are two officers living in the Capitan area. We feel that it would better suit us in emergency situations if they had a vehicle they could come directly to work in. There was a fire just last week and there was a

roadblock between here and Capitan made it impossible for vehicles other than patrol units to pass through. The first day they had to use their personal vehicles and come through Fort Stanton to the airport and to town. It could be a potential problem with the flooding coming up. We are proposing this to increase response time and when I call them in on an emergency they are ready to go.

Mayor Williams entertained a motion.

Carol Virden, City Clerk/Treasurer said this item was for discussion.

Councilor Hood asked Chief Babcock if he had enough money in his budget for these guys coming from Capitan?

Chief Babcock said it would increase and he would have to look at the Agenda Briefing that I submitted. As I remember it would increase the Operational cost for a year by \$6,000 for the gasoline.

Councilor Miller asked if that was per officer?

Chief Babcock said no, that is the total for two officers.

Councilor Miller said my problem is the ones we just hired from Tularosa. They're going to say you let them go 25 miles to Capitan why not 35 miles to Tularosa? What you do for one the others are going to want it done for them.

Chief Babcock said obviously you need to draw the limit somewhere. I think Ruidoso's limit is 25 miles.

Councilor Miller said our limit has always been 15 minutes and that's why we always encouraged our officers to live in Ruidoso or Ruidoso Downs. Anywhere else is a danger because if they have to hurry it's a danger. Sometimes you can't even drive across town in 15 minutes if there is a lot of traffic.

Councilor Holman said as I recall in the past in a previous Council, Councilor Sue Garrett had great concerns and tried to get an ordinance passed for the police officers to live in Ruidoso Downs. At one point myself and another councilor but I remember saying one of the big problems, and at that time the economy was better, there weren't that many rental places in Ruidoso Downs and if we are going to require them to live in Ruidoso Downs we are going to lose some quality people. She conceded to allow it to be to Ruidoso. He said he thinks the council passed an ordinance on that. If we did that then that negates what we are doing now. We're going to have to correct that before we do anything else because we would be violating our own ordinance.

Councilor Miller said she didn't remember but that was one of the questions they asked about an officer before they would approve it. I think if we are going to start giving them more gas money it's going to defeat our purpose.

Councilor Perry said Animal Control is also under the Police Department and he lives in Loma Grande and that would be a question if he would be available also.

Chief Babcock said that would only be under emergency status.

Councilor Perry said that would still be under the Police Department.

Councilor Miller asked what they are doing now?

Chief Babcock said they are commuting in their vehicles.

Councilor Holman said if we are going to cut anyone some slack it should be our police officers. They risk their lives between us and the bad guys. He said he has a question for John. If we were to go there it would in fact almost be like giving a raise for a couple officers and if we don't do this for our other officers and Public Works how are we legally treating a couple of employees different from the rest?

H. John Underwood, City Attorney said if you're going to do this you need to establish a policy that applies to everyone. This is something you would want to do across the board. My recommendation is to change the policy to affect all employees.

Councilor Miller said we just approved buying vehicles that already have 100,000 miles on them and our town is very small and we could use those for quite some time. If we have to go 50 miles a day it's going to add up to the already high mile vehicles.

Councilor Holman said as far as an emergency response maybe we could pave the way to where they could show identification to get through.

Carol Virden, City Clerk/Treasurer said in reference to the ordinance referred to by Councilor Holman. She said the Personnel Policy was adopted by ordinance but it is also a tool they use to make resolution to changes that the council feels is appropriate. The ordinance does say that firefighter vehicle usage take-home units shall have a response time of no more than 10 minutes and there was a reason for that. City vehicles usage, the purpose of the policy that employees must either live within the corporate limits of the City of Ruidoso Downs, Ruidoso, or within a 15 minute response to the corporate limit to utilize the use a take-home vehicle with the exception of the firefighters.

Councilor Holman said another suggestion to the hiring committee when we hire new officers they should be told this so they don't go and purchase a place in Capitan and later say now you tell me.

Carol Virden, City Clerk/Treasurer said if any employee is hired there is an orientation of the Personnel Policy and except for the newly hired Mr. Gavin tonight all personnel are aware that of the policy on take home vehicles.

Mayor Williams said this could also be a budget request during the budget process.

Mayor Williams stated the next item on the agenda was – Discussion of Penalty Assessment Increase Chapter 70: Penalty Assessment Program) State Statute Chapter 66, Article 8 (66-8-116) A. 70.02 (A) Raising Penalty Assessment Misdemeanor (Penalty Assessment) Sections 12-5-8 thru 12-10-5 (12-6-7.7 and 12-6-13-15) excluded 50% Increase Requested.

H. John Underwood, City Attorney said the Penalty Assessment Code as it applies to municipalities say municipalities cannot be less but must be substantially similar. There are municipalities that have raised the penalties over and above the amounts of State Statutes. For instance the first citation for allowing an unlicensed minor to drive is a penalty assessment of \$10. Failure to obey a signal, any stop light is \$10. In checking with the Municipal League and what they are telling municipal judges and municipal attorneys is that yes you can do this. I also talked to Dan Bryant who is the attorney for the Village and it wasn't done as a line item but a 30% across the board increase.

Councilor Hood said I would like to see us increase it by at least 50% and it would bring in more revenue for the City.

Councilor Holman said a 50% increase is a big jump but we might so low it might be a warning. As a tourist city we have a lot of Texans coming through here and I can just hear their statements that we are way out of line trying to make some money. We may end up losing a lot with bad publicity. Any increase should be conservative.

Councilor Hood asked how we compare to Ruidoso?

H. John Underwood, City Attorney said I have gone through by line item but we are where the State Statute is. I recommend that if the council wants to change this that Carol and I go through the fines one by one and check with other municipalities to see where we stand and then come back to council.

Councilor Miller said I just went to the Resolutions Policy Committee meeting this weekend and one of the things they talked about was issuing worthless checks and \$25 now is a 4<sup>th</sup> degree felony and they want to change that to be at least \$100 because they are just over run in court with these little \$25 checks.

Mayor Williams stated that the next item on the agenda was – Discussion of Possible Increase of Petty Misdemeanor (Larceny) Penalty, Valued General Offenses: 132.20 (Petty Larceny, Conversion, Embezzlement, Fraud,) 132.20 (Shoplifting), 132.24 (Falsely Obtaining Services of Accommodations) \$100 to \$250.

H. John Underwood, City Attorney said the municipal code deals with \$100 Larceny conversion, embezzlement, and fraud whereas the State Statute has increased the amount up to \$250 for a petty misdemeanor. Our court jurisdiction deals with a money amount rather than a petty misdemeanor so we would have to go back and make all of our amounts match to keep it in our court.

Councilor Perry said being an Alternate Judge with Judge Mansell for many years a lot of people came in with tickets and couldn't pay Judge Mansell would put them on work duty or community service so we are not just trying to make money.

Mayor Williams stated the next item on the agenda was - Consider Mayor's Recommendation of Appointment to City of Ruidoso Downs Beautification Committee.

Councilor Miller said we have had a hard making a quorum for our meetings. We have a lady Dagmar Ames that has volunteered so much time for our parks and you can see the difference. We planted a whole bunch of shrubs and trees and a lot of our Beautification money has gone to the parks and she's there taking care of it for us. She was concerned that we weren't having our meetings and not having a quorum. She's asked to be on the committee.

Mayor Williams entertained a motion to approve Mayor's Recommendation of Appointment to City of Ruidoso Downs Beautification Committee-Dagmar Ames.

Councilor Hood moved to approve Mayor's Recommendation of Appointment to City of Ruidoso Downs Beautification Committee-Dagmar Ames. Seconded by Councilor Holman.

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

Mayor Williams stated the next item on the agenda was - Consider Approving Rescheduled Dates for Relay for Life, July 13-14, 2012.

Mayor Williams said it was scheduled for this month but because of the fire and smoke issues they asked to postpone it until July.

Mayor Williams entertained a motion to approve Rescheduled Dates for Relay for Life, July 13-14, 2012.

Councilor Miller moved to approve Rescheduled Dates for Relay for Life, July 13-14, 2012. Seconded by Councilor Hood.

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

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

Mayor Williams said the next item on the agenda was - 55<sup>th</sup> Annual Conference-Las Cruces, NM-August 29-31, 2012 - Contact staff for arrangements.

Councilor Holman said Council Meetings are primarily for doing City business. Sometimes we need to lighten up a little bit. When Councilor Perry was sworn in as an Alternate Judge I wasn't a councilor yet and when he was leaving I kidded him and said if I get a ticket cut your old coach some slack. He said I won't do that but you're going up to that gym and run those lines.

PUBLIC INPUT

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

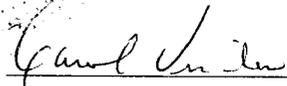
Wayne Williams said North Lane and it's a gravel road, not much traffic. The problem is the dust and even though there are budget constraints I wondered if you would consider during the year sometime to oil the road. The next thing is I know you guys have a dilemma with the police taking home their vehicles. I know with the budget restraints you might take this idea into consideration. I know there is an abundance of police cars around here. We bought a bunch from the State Highway Patrol. One of them could be fixed up as an emergency response vehicle and maybe one officer a week that lives out of town could take that vehicle home so it would be an on-call emergency vehicle.

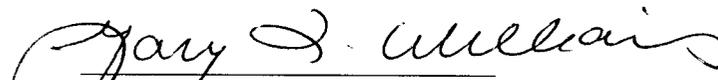
ADJOURNMENT

There being no further business to attend to, Mayor Williams adjourned the meeting at 6:27 p.m.



ATTEST:

  
\_\_\_\_\_  
Carol Virden, City Clerk/Treasurer

  
\_\_\_\_\_  
Gary L. Williams, Mayor