

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
DECEMBER 10, 2012  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on December 10, 2012. Mayor Williams called the meeting to order at 5:30 p.m. and Mayor Gary L. Williams 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:

H. John Underwood, City Attorney  
Doug Babcock, Police Chief  
Jim Kofakis, Museum Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion for Approval of the Agenda.

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

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 NOVEMBER 13, 2012

Councilor Hood moved to approve the Minutes of the Regular Meeting of November 13, 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 we just received something from the Hubbard Foundation for the Ruidoso Downs Police Department. They were awarded a grant for \$13,600 to purchase new traffic speed measurement equipment.

Chief Babcock said back in July we submitted a request to the Hubbard Foundation for the amount of \$20,000 because we wanted to purchase two laser radar units and fund a new drug canine since ours was retired this past year due to her age and some health considerations. We got a letter back and check from the Hubbard Foundation about a week ago for the amount of \$13,600 and they decided not to fund the canine. They did give us the funds for the radar measuring equipment. We are quite appreciative to the Hubbard Foundation for making this possible. This will enhance our radar capabilities out on the highway and streets. The laser units can reach out farther and are very pinpoint specific on which vehicle you are targeting and are quite accurate.

Councilor Hood asked Chief Babcock how long it would be before they have them?

Chief Babcock said they are currently on the State Purchase Agreement Contract so as soon as we can get the price together with the company we hope it will be within the next couple of weeks.

Jim Kofakis, Museum Director said the museum also received a grant for this grant cycle in the amount of \$10,000 for the monument.

Mayor Williams said that is some other good news because eventually we are intending to make that a City park. He said they would again like to thank the Hubbard Foundation for assisting us with some very important money needed for things we are not able to do on our own.

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

Councilor Hood said I would like to thank everybody for coming over to my retirement party and just to let everyone know that I'm not stepping off of the Council. I'm just stepping off of my job.

Councilor Holman said I would to address the Council on a concern I do have. I've always just said not to worry, these problems will go away but sometimes we know they don't. Let me give you an example of Councilors being held responsible. One of the first things I learned along with the MOLI courses that we had for beginning elected officials. Right away something that got my attention, and I was surprised that more of the Councilors that attended that meeting didn't ask questions, but a statement was made at one time talking about the responsibility of being a Councilor. They mentioned in the area of lawsuits that it can affect Councilors even to the point that if you are going to borrow money for a house that you really like one of the questions is are you currently involved in a lawsuit? If the City is in a lawsuit then guess what? To be honest you have to answer affirmative because according to them. The point was to Councilors to not take their job lightly. If you know there is a situation out there for potential lawsuits or a problem by doing nothing you are a problem also. Where I'm going with this is a situation we had pretty recently. I think it's better that we address it, painful as it can be, than somebody else address it. They don't always tell it how it is and sometimes it gets second-hand information. This has to do with a letter our Mayor received from the Village of Ruidoso. It was somewhat confrontational no matter if they feel it was deserved and that would be a judgment call for anyone who wanted to make that call. I'm going to address to be sure that we get covered so the City won't get sued and the Councilors along with the ride because we know that can happen. Their complaint was aimed at our Mayor and their accusation was that they stated they didn't want him in their city hall unless he went through the proper channels and specifically their city attorney. It had to do with an employee that they felt like there was improper communication and contact. We need to be sure that whatever we do we don't get in those positions. When you go to those schools the first thing you should do is go to the office, check in, and let them know why you are there. If any of our Council goes to another municipality and you don't have an appointment the first thing you do is check in with them. I hope we will get this situation resolved. They seemed to take offense because this was on City time, this employee's time. They said there had been frequent communication and contact. So, let's take care of that. We don't need

hostility adding to the problem so let's all be careful. This particular case I've done a lot of thinking and what really concerns me is a lawsuit might not be coming from the Village of Ruidoso but from an individual, an employee up there. You never know, you just never know. Let's be responsible with our actions.

Councilor Miller said I want to invite everybody to a Holiday Community Open House at the museum. It's going to be December 15<sup>th</sup> from 10:00 to 4:30. We're going to have Santa and Keep Ruidoso Downs Beautiful will have some activities along with some volunteers from the museum and refreshments. It's supposed to be a day of fun so make sure all of the kids from the community will be there. It's one of our six events that we do every year like the Easter Egg Hunt and Jim is helping a whole lot this year by letting us have it at the museum and we hope to have a nice event for everybody to enjoy.

Mayor Williams stated the next item on the agenda was - Consider Approving Resolution No. 2012-20 Open Meetings Act.

Mayor Williams entertained a motion to approve Resolution No. 2012-20 Open Meetings Act.

Councilor Hood moved to approve Resolution No. 2012-20 Open Meetings Act. 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 Resolution No. 2012-21 Official Holidays 2013.

Mayor Williams entertained a motion to approve Resolution No. 2012-21 Official Holidays 2013.

Councilor Miller moved to approve Resolution No. 2012-21 Official Holidays 2013. 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 Registration Fees for Two Members of the City of Ruidoso Downs Beautification Committee - Attend Keep America Beautiful 2012 National Conference - Washington, D.C. - Lodgers' Tax Fund.

Councilor Miller said I just attended the affiliate meeting in Albuquerque for New Mexico Clean & Beautiful which sponsors all of the KAB affiliates and also gives us our grants. Almost every affiliate that attended on the 5<sup>th</sup> and 6<sup>th</sup> are planning on going. It's going to be the 60<sup>th</sup> anniversary of Keep America Beautiful. They are planning on having all of the state's leaders walk in and all of the affiliates from that state walk in behind them. It will be like a

ceremony. I'm going to abstain from voting because I am the coordinator. We are part of tourism and that is where we get our grant.

Mayor Williams entertained a motion to approve registration fees for two members of the City of Ruidoso Downs Beautification Committee to attend Keep America Beautiful 2012 National Conference in Washington, D.C. - Lodgers' Tax Fund.

Councilor Perry moved to approve registration fees for two members of the City of Ruidoso Downs Beautification Committee to attend Keep America Beautiful 2012 National Conference in Washington, D.C. -Lodgers' Tax Fund. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was - Consider Approving Agenda Briefing Memorandum - Seven (7) Days Per Week of Operation of the Hubbard Museum of the American West and Hours Open to the Public 10:00 a.m. to 4:30 p.m.

Jim Kofakis, Museum Director said at the last Council meeting we all made some tough decisions and we appreciate what you did. One of the things we didn't resolve that night was days and hours of operation. My original recommendation said we should go five days but with the payroll cuts and layoffs that we made we have saved \$200,000 and we should be good if we meet all of our revenues. Subsequent to that meeting staff and I, and I need to tell you that all of that has made the museum staff very close. Closer than we've ever been and we are pretty much doing everything as a consensus. We sat down and they asked me if we were going seven or were we going five? In the minutes you'll see that we talked about both. What we've done since November 13<sup>th</sup> is what I am labeling a flex schedule. I didn't put it together. I had my staff members who wanted to take the lead on that. What I told her was not to use people use number of hours and let's see if we can make this work as we re-energize school programs. At the next Council meeting I will have a recommendation on rental rates. We've been able to take the 270 man-hours that are available to us and break it up to us. People are working weekends now that have never use to work weekends. We've all been cross-trained upstairs. There's been a few hiccups like people saying if I only have six hours am I supposed to come at 8:00 or at 10:00 on the part-timers. We have figured out how to do it and everyone is on board. As far as hours open to the public you will see in the Agenda Briefing Memo we've tracked it and very rarely do we get any customers before 10:00. We are requesting and recommending that we change our hours of public operation to 10:00 to 4:30 from 9:00 to 4:30 helps that flex schedule because with the part-timers I just have them come in later in the day and other people can open the museum. Being dark two days really wasn't going to save us much money so as a staff we are recommending seven days a week. The five full-time employees will work an eight-hour day. The two part-time we are recommending the 25 hours that was approved and we will use them to the best benefit to make sure we're covered.

Councilor Hood asked if they were going to go to 10:00 a.m. to 4:30?

Jim Kofakis, Museum Director said yes.

Councilor Hood asked what time employees were going to come in?

Jim Kofakis, Museum Director said the full-time employees will be in at 8:00.

Councilor Holman asked Councilor Miller if she had any questions because she had done a lot of work on this.

Councilor Miller said no.

Jim Kofakis, Museum Director said my original when I was saying five I was saying Tuesdays and Wednesdays. With a seven-day schedule had we gone to a five-day we would have missed a couple of opportunities already that are scheduled. One tomorrow Monique Jacobson, Secretary of Tourism for New Mexico and her entire staff will be in tomorrow afternoon.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Seven (7) Days Per Week of Operation of the Hubbard Museum of the American West and Hours Open to the Public 10:00 a.m. to 4:30 p.m.

Councilor Hood moved to approve Agenda Briefing Memorandum – Seven (7) Days Per Week of Operation of the Hubbard Museum of the American West and Hours Open to the Public 10:00 a.m. to 4:30 p.m. 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 – Review of Issues Regarding Raising Municipal Fines.

Chief Babcock said a few months ago we talked in a Council meeting about raising our Municipal fines to reflect the same level as the other jurisdictions within the local area. For the sake of consistency we should bring our fines up to at least the level of Ruidoso which would be the adjoining village. Our fines tend to be 15 to 20 percent less than theirs. I believe at the prior meeting we asked Mr. Underwood to look into that. I think he did come up with a fine schedule that was comparable. What we are asking is to have the Council make a directive to Mr. Underwood to proceed with that project.

Councilor Hood said I think that is a good idea as long as we are back-to-back partners.

H. John Underwood, City Attorney said if acceptable I would like to bring it back to you what I presented in July as what we are charging and what Ruidoso Downs is charging. I could just

make a proposal to you to mirror Ruidoso on that. Within that also on July 18<sup>th</sup> there was a recommendation to increase jurisdiction of Municipal Court to \$250 and less for the following crimes: shoplifting or falsely obtaining services or accommodations. He asked Carol Virden, City Clerk/Treasurer if they did that or did Council direct us to proceed with that?

Carol Virden, City Clerk/Treasurer said we received no direction however we did provide them, the Mayor and Councilors with the information and that's as far as it went.

H. John Underwood, City Attorney said I think at that time I actually recommended to track what the current law requires. I would request Councilors that before you proceed with the necessary matters at the same time to enact an ordinance to raise the jurisdictional limits of Municipal Court on those fines of \$250.

Councilor Hood asked if we have to make a motion on it?

Carol Virden, City Clerk/Treasurer said no, this is just for review.

H. John Underwood, City Attorney said I will bring it back to you and we will have a motion.

#### OTHER BUSINESS

**(Items are for discussion only - no action will be taken)**

There was no Public Input.

#### PUBLIC INPUT

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

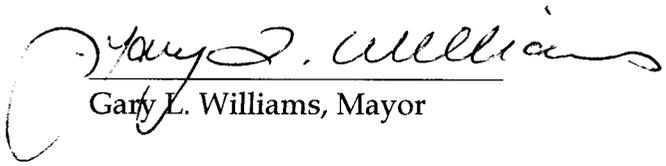
Mayor Williams stated the next item on the agenda was - Public Input.

There was no Public Input.

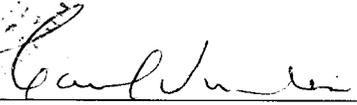
Mayor Williams said the Community Open House was free and you are invited to the Safety Award Banquet. This would be a good time to meet some of the employees and have a good time.

#### ADJOURNMENT

There being no further business to attend to, Mayor Williams adjourned the meeting at 6:00 p.m.

  
Gary L. Williams, Mayor



  
Carol Virden, City Clerk/Treasurer