

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MAY 28, 2013
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on May 28, 2013. Mayor Williams called the meeting to order at 5:30 p.m. and asked Chief Babcock 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 teleconference)
Councilor Perry

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

Also present:

H. John Underwood, City Attorney
Terri Mosley, Finance Director
Doug Babcock, Police Chief

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 for approval of 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 for Approval of the Consent Agenda.

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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 for approval of 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 for Approval of the Consent Agenda.

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

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

APPROVAL OF MINUTES OF BUDGET WORKSESSION OF MAY 8, 2013

Councilor Miller moved to approve Minutes of Budget Work session of May 8, 2013. Seconded by Councilor Perry.

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

APPROVAL OF MINUTES OF BUDGET WORKSESSION OF MAY 9, 2013

Councilor Miller moved to approve Minutes of Budget Work session of May 9, 2013. Seconded by Councilor Perry.

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 13, 2013

Councilor Miller moved to approve the Minutes of the Regular Meeting of May 13, 2013. Seconded by Councilor Perry.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

APPROVAL OF MONTHLY REPORTS

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

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

COMMITTEE REPORTS

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

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.

There were no Mayor’s Comments.

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 – Consider Awarding RFP #13-01 Professional Legal Service Contract.

Terri Mosley, Finance Director said we went out for Professional Legal Services. The contract that we had with John Underwood was for four one-year terms and that has expired. We published it twice in the local newspapers on April 19th and April 24th. We received one response and it was John Underwood. I would recommend that you award this contract to John Underwood.

Mayor Williams entertained a motion to award RFP #13-01 Professional Legal Service Contract.

Councilor Miller moved to award RFP #13-01 Professional Legal Service Contract to H. John Underwood Law Firm. 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 City of Ruidoso Downs FY 2013-2014 Preliminary Budget.

Terri Mosley, Finance Director said the only difference in this budget now is what was recommended during the workshop that we had. On the Recap Sheet the Lincoln County Transit has \$9 left at the end of the fiscal year. After the workshop we had to go in there and make all of those decreases. On the Museum fund we now have that where it’s a balanced budget at zero. I did have to transfer \$11,616 from Lodgers’ Tax and then the \$75,000 that is still budgeted for the Hubbard Foundation. We still haven’t received a letter but we’ll wait until after the Hubbard Foundation Fundraiser which is in July.

Mayor Williams entertained a motion to approve City of Ruidoso Downs FY 2013-2014 Preliminary Budget.

Councilor Miller moved to approve City of Ruidoso Downs FY 2013-2014 Preliminary Budget. 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 Resolution No. 2013-08 Open Meetings Act.

Carol Virden, City Clerk/Treasurer said the only change in the Open Meetings Acts is to comply with House Bill 21 posting the agenda 72 hours prior to any regular meeting excluding any emergency meetings. That will become effective June 14, 2013.

Mayor Williams entertained a motion to approve Resolution No. 2013-08 Open Meetings Act.

Councilor Miller moved to approve Resolution No. 2013-08 Open Meetings Act. 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 Action Record - Promotion - Communication Detention Supervisor.

Chief Babcock said I would like to open with Cyndi Mattson who has worked for the City of Ruidoso Downs for thirty years and will be retiring this week. There will be a reception for her this coming Friday at noon and everyone is invited to attend. As part of her retirement we are recommending to promote Dixie Hipp who is one of our Communication Officers to the position of Communications Supervisor. Last month Cyndi has been training her and made great leaps of progress. I think she is the right person for that job.

Mayor Williams entertained a motion to approve Personnel Action Record - Promotion - Communication Detention Supervisor.

Councilor Miller moved to approve Personnel Action Record-Promotion - Communication Detention Supervisor. 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 Memorandum of Agreement Comprehensive Community DWI Prevention Program Between the City of Ruidoso Downs, the County of Lincoln and the Village of Ruidoso.

Bill Hanson said this is the same one that we do every year. This money is gathered by courts and it's given to Traffic Safety. It is a form of a fine for every DWI conviction in Lincoln County and is \$75 each. The only way to get this money is in the form of a grant and you have to have a grant council and have to be set up with a fiscal agent or you can give it to the State Police to do DWI overtime enforcement. Since we aren't set up to administer the grant I apply

for it every year and we give it to the State Police for enforcement and that way I don't have to give them any of my money and I can give more money to the different Police Departments for DWI enforcement.

Councilor Miller said when we were here the other day we had one lady speak up about we have a transit in this town and she spoke about maybe the DWI Prevention Program might help the transit. We carry a lot of people around for their medications and of course we are a tourist town and take people to casinos and places. I don't know if that would come in on this.

Bill Hanson said there are some DWI Programs that fund a ride service for intoxicated people but it has to be set up and it gets pretty complicated and costs more than we get. Albuquerque, Las Cruces, Farmington, and I think Roswell might have one but to set that up you have to hire people and you have to be out until 2:00 in the morning to pick up people from bars and stuff. You have to have one or two vehicles and one might suffice for this area. That's the only way to do it and still adhere to the grant. I have checked into that and the reason is that transit cannot go to a certain bar and pick up people and take them to their home. They have a certain route they run. It doesn't fit the ride criteria for DWI. Our grant this year is around \$165,000 and there is certain criteria so we can't do it.

Mayor Williams entertained a motion to approve Memorandum of Agreement 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 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 Appointment of Committee - Review of Independent Contractors Resumes - Hubbard Museum of the American West.

Carol Virden, City Clerk/Treasurer said staff was directed to advertise the Independent Contractors interest to maintain and operate the Hubbard Museum of the American West and we received seven individuals' resumes. We are suggesting that Council appoint a committee to review these resumes or a task force to review these and bring it back to Council with a recommendation if we have one that has the qualifications and experience to maintain and operate a museum and have that back to the Council on June 10th.

Councilor Miller asked if Mayor Williams was asking for a motion?

Carol Virden, City Clerk/Treasurer said we are asking for Council to appoint a committee to review the resumes we have received from individuals who would like to be independent contractors to maintain and operate the Hubbard Museum of the American West.

H. John Underwood, City Attorney said the purpose of the committee is to then come back and make a recommendation based upon its review if they find someone who meets those qualifications. The Council's approval can then go forward.

Mayor Williams said there is no specific number to be on the committee but you would want to gather all of the expertise needed so you might want to consider staff members so that you can come up with names.

Councilor Miller said my first pick would be John Underwood because he can negotiate for us. Of course Carol Virden and our Financial Director Terri Mosley and Randy Reynolds in Personnel.

Councilor Holman said I would like to include Councilor Judy Miller because she has spent a lot of time on the museum and she knows pretty well what needs to be done. I recommend Councilor Miller.

Mayor Williams repeated the recommended names.

Mayor Williams entertained a motion to Appoint Committee - Review of Independent Contractors Resumes - Hubbard Museum of the American West.

Councilor Perry moved to approve John Underwood, Legal Counsel, Carol Virden, City Clerk, Terri Mosley, Finance Director, Councilor Miller, and Randy Reynolds, Personnel. Seconded by Councilor Hood.

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

APPROVAL OF WASTEWATER TREATMENT PLANT OPERATING INVOICE FOR APRIL 2013

Councilor Miller moved to approve Wastewater Treatment Plant Operating Invoice for April 2013. Seconded by Councilor Perry.

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

OTHER BUSINESS

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

Carol Virden, City Clerk/Treasurer said this afternoon I received ten pages, approximately 218 citizens, whether they are from Ruidoso, Mescalero, Alamogordo, Alto, Arizona, Albuquerque, a petition for the City Council and for the record:

We the citizens of Ruidoso, New Mexico petition the City Council to continue to fund the amount, which is needed for the Lincoln County Transit. Approximately over 3,500 people use this service on a monthly basis. We the citizens of Lincoln County rely on

transportation services provided from Lincoln County Transit and ask that you continue to fund the amount needed to accommodate Lincoln County Transit and its passengers would be helpful and much appreciated.

Terri Mosley, Finance Director said I wanted to discuss the financial reports that I was requested to bring to each Council meeting for Transit and the Museum. I wanted to point out that this is current through May. Transit is \$23,015.82 in the negative and the Museum is \$14,369.33 in the negative. The Transit we received the reimbursements through March and so April is still outstanding. The Museum has a budgeted temporary transfer of \$10,000 coming out of \$75,000 and last month we transferred \$25,000 over to the Museum and this month we will have to make another transfer.

Councilor Miller asked if there is still \$64,000 in there for the Director?

Terri Mosley, Finance Director said this is actual.

Carol Virden, City Clerk/Treasurer said yes we left the salary of the Director in there because when we as a committee meet to review the proposals that we received and Mr. Underwood and the committee can negotiate with the highest ranked individual to sign an independent contractors agreement to relieve the City of Ruidoso Downs from any type of benefit. If they agree to that then we come back to the Council and give you our recommendation. Prior to the Final Budget those adjustments will be made.

Councilor Hood asked when we get reimbursed for April will that cover Transit.

Terri Mosley, Finance Director said it will cover some but with the estimates we will still be \$40,000 in the negative.

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as Whole with a 3-Minute time limit)

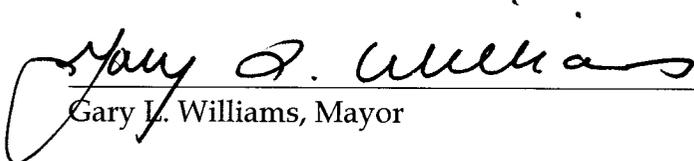
Pam Williams said I wanted to say on May 8th Budget Work Session it said it was asked for Public Input and that never happened. It was myself as the public on one day and another person on the other day but there was never any Public Input. I wondered if the public ever gets any input on this or not? Then, as far as Transit goes I don't understand that you all allow the transit that they were told to only have three days or four days and it was supposed to be on Thursday, Friday, Saturday, and Sunday. That's not right it was Friday, Saturday, Sunday, and Monday and to be closed for three days. It didn't happen and nobody says anything. When we were told that we couldn't use any more of the Lodgers Tax Funds and that you have to have a certain amount and that's fine at all times. I'm sure the General Fund is the same way. We're headed down a hole just like the river. We don't have any water running and I feel like we're fixing to be without running water and my understanding when things get all messed up with City Council and finances then the State takes over and that's scary. You all were elected to do your job. As far as Transit goes they still aren't planning a specific route. They are still going door to door and as the man sat here and said that's illegal. What

we do is illegal and nobody cares. I just don't understand but when the State takes over then we'll see what happens.

ADJOURNMENT

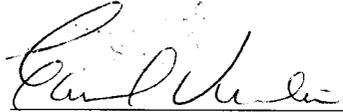
There being no further business to attend to Mayor Williams adjourned meeting at 5:59 m.





Gary L. Williams, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer