MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
AUGUST 25, 2014
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on August 25, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked Chief Rupp to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller
Councilor Morales
Councilor Perry
Councilor Hood (via teleconference)

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

Also present:

H. John Underwood, City Attorney
Mary Castaneda, Finance Director
Cleatus Richards, Public Works Director
Chris Rupp, Police Chief

APPROVAL OF AGENDA

Mayor Williams stated the next item on the agenda was Approval of Agenda. He said I would like to remove Item D under New Business and postpone it to the September 8th meeting. We need some further dialogue and discussion on that agreement.

Mayor Williams entertained a motion to approve the agenda with the removal of Item D under New Business and postpone it to the September 8th meeting.

Councilor Morales moved to approve the agenda with the removal of Item D under New Business and postpone it to the September 8th meeting. Seconded by Councilor Perry.

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

APPROVAL OF CONSENT AGENDA
Mayor Williams stated the next item on the agenda was Approval of the Consent Agenda.

Mayor Williams entertained a motion for Approval of the Consent Agenda.

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 11, 2014
Councilor Morales moved to approve Minutes of the Regular Meeting of August 11, 2014. Seconded by Councilor Hood.

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

APPROVAL OF ACCOUNTS PAYABLES
Councilor Morales moved to approve Accounts Payables. Seconded by Councilor Hood.

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

APPROVAL OF MONTHLY REPORTS
Councilor Morales moved to approve Monthly Reports. Seconded by Councilor Hood.

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

COMMITTEE REPORTS
Councilor Morales moved to approve Committee Reports. Seconded by Councilor Hood.

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

PUBLIC HEARING

A. 2016-2020 Infrastructure Capital Improvement Plan (ICIP)

Mayor Williams asked Cleatus Richards, Public Works Director to do an overview and then he would open it up to the public.

Cleatus Richards, Public Works Director said what the State is primarily interested in are the top five priorities and not the whole ICIP. They do want us to submit a summary of the 2nd, 3rd, 4th, and 5th year but they only want detail on the first five priorities. Those are the Agua Fria sewer for $2,080,000.00. The Agua Fria Wastewater line replacement for $1,121,000.00. Drainage for Joe Welch and vicinity $282,000.00. City streets on Wright and S. Parnell $320,000.00. Hubbard Museum ADA ramps for $150,000.00. Your agenda packet includes the summary of projects and shows priorities that have been set up for the various years all the way through 2020. These are not set in concrete beyond the first year. These are always subject to change depending on funding availability and changing priorities. We're pretty much committed to the 2015 priority and 2016 priorities that have been set up.

Mayor Williams opened the Public Hearing for comments.

There were no comments.

Mayor Williams closed the Public Hearing for comments.

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – First Amendment to Joint Powers Agreement for the Financing and Establishment of the Otero County/Lincoln (now GREENTREE) Regional Landfill.

Joe Lewandowski said I am the Operational Consultant for Greentree Solid Waste Authority and also the Consultant for the Otero/Greentree Regional Landfill.

Debra Ingle said I am the Operational Supervisor for the Greentree Solid Waste Authority.

Joe Lewandowski said I'd like to answer any question tonight you may have about the JPA Amendment and what's happened with this and other things that have gone on with Greentree and the County. Some of this information has gotten distorted or intermingled with other issues. A little history on it is back in 1992 and 1993 I was the Manager of the Lincoln County Solid Waste Authority. We got together with Otero and formed the ownership of this Regional Landfill south of Alamogordo. The JPA shows there are only two owners of that landfill and that is Greentree Solid Waste Authority and Otero County Solid Waste Authority. Some people think there are ten or twelve owners but there's not. There's only two. You in Ruidoso Downs are an owner of Greentree which makes you an owner of the landfill but not directly. It's an indirect ownership. So, there's two votes on that. Back when we built the landfill we got this Joint Powers Agreement put together for Otero and Lincoln counties. In that agreement it talks about 50/50 ownership. Back when you had a manager up here you were barely putting in 25% of the volume. Keep in mind that there are other JPA's that have happened in the past two years and that's where the confusion comes in. Where we made a mistake back then is you go back through the pages and it talks about refund of residues or money after everything has been taken care of what do you do with the extra money? That's what happened a year and a half ago. We

were up to $3,000,000.00 in the bank, all new equipment, and all of the reserves were funded and we had zero cash. So, we made the determination that the landfill could afford to give back $400,000.00 back to the land owners. There is another discussion about where does it go when it gets to Greentree. This amendment is strictly for amending that JPA to allow for proportional refund. Where we made our mistake was it just references it would be refunded based upon ownership. If we call that rule then 50% of the money should come back to the Lincoln group and 50% to the Otero group even though the Otero group was 65% of the revenue. So, we all agreed that we need to fix that. All this amendment is about is changing the refund of excess revenue to the two owners based up proportionately how much you actually took into the landfill and not the 50/50 split.

Councilor Morales said I have a question on paragraph 3, the term of this agreement is perpetual. It also says any withdrawal or termination of the agreement by a member shall not affect the obligations financial or otherwise previously incurred by such parties pursuant to this agreement. I'm concerned about it being a perpetual agreement. I we like in there forever? And then, if something happens and we decide to withdraw or terminate this agreement are we still going to be responsible with the obligations financial or otherwise?

Joe Lewandowski said I'm not an attorney and John could answer that better. It's perpetual because you're an owner. If you don't want to be an owner anymore you can withdraw going through a process. The good part about this landfill is there would be no damage because if you withdrew there is no debt. Right now we still have 2.4 million dollars in the bank and all the equipment is owned. The landfill is worth 6 million.

H. John Underwood, City Attorney said the original agreement says the term of this agreement is perpetual and any withdrawal or termination of the agreement by members shall not affect the obligations financial or otherwise previously incurred by such parties pursuant to this agreement. It does say what you think it says. When the Village of Ruidoso went through their environmental gross receipts tax it still pledged to the operation of the landfill. In that regard it is perpetual and is an obligation that continues.

Debra Ingle said when Ruidoso settled there were two different issues. One was they settled the landfill and that's why they still serve on our board because that side didn't agree.

H. John Underwood, City Attorney said it is perpetual and it is binding for as long as there is Otero County Landfill. There was a situation years ago when there was a landfill in Capitan and they were shut down by the Environment Department and they had requirements whereby Capitan had to pay to remediate that landfill. I would suppose our obligation under our environmental gross receipts tax would go to all the liabilities created by the Otero County Landfill. Our environmental gross receipts tax is pledged to the Otero County Landfill whether we are in it or not.

Councilor Miller said we were in this agreement before and are these the only changes now?

Joe Lewandowski said yes.

H. John Underwood, City Attorney said where it says it's talking about the term of this is perpetual there is really not a change. It's already in there. Then where it has the governmental entity acting to their respectful Otero or Greentree Solid Waste Authority board has agreed that a 50/50 joint ownership of the landfill including obligation for cost and liability with the ownership and operation of the landfill. It says all these things that we are a part of the original agreement. In paragraph 11E which this amends preceding that paragraph which is 11D which is referred to in this amendment and says while it is not anticipated that any profits will unearth the names in this agreement any revenues remaining after payment of all necessary and legitimate costs of operation may be placed into a special account at the discretion of the Otero County and Lincoln County Solid Waste Authority to be used for operating carry over, future development in going through the budget process. So, are you telling us that there has been 3 million dollars that have been placed into a special account at the discretion of Otero and Lincoln?

Joe Lewandowski said we have four different funds. One is the financial insurance which is required by the rules and regs and there is like a sixteen page formula to put to it to keep this landfill safe. The second fund is the equipment replacement fund so we're not going out there leasing or borrowing money to buy equipment. We put $150,000.000 a year in that fund and is from a 20-year plan I drew up for them. The third is the self-construction. Every cell costs about $700,000.00 to construct. We put in about $130,000.00 a year for that. The fourth fund is $200,000.00 for emergency response that we can use for anything. It's emergency money we can move out if we have to. In the operating account there is $50,000.00 in contingency money on top of the operating money. There's $200,000.00 in that account and has been there for nineteen years and hasn't been touched.

H. John Underwood, City Attorney asked if that 3 million dollars of which you referred still in a special account?

Debra Ingle said the 3 million is the reserve funds required. It was the $400,000.00 that we didn't get put into a special account.

H. John Underwood, City Attorney asked if the $400,000.00 was what is being referred to in paragraph E?

Joe Lewandowski said correct.

H. John Underwood, City Attorney said so, we as a member of the Joint Powers Agreement, we rely upon you all to run the landfill efficiently and effectively. In the old agreement it refers to the rebate to be proportionate. In the new one it recites 50/50 ownership but what you're telling me is it is now 65/35 ownership.

Joe Lewandowski said we've looked at this as to what would be fair and proportionately would be fair.

Debra Ingle said the ownership will remain the same it's only the proportionate that will change.

Joe Lewandowski said it will be done by how much you pay into it. Each year it will be calculated again. I'm the one who instigated giving some of the money back when I saw there was 3 million sitting there.

Councilor Morales said I'm curious now. We have this agreement and I noticed this was all dated 2013. Have all of the entities signed this agreement except for us?

Debra Ingle said all of the members have approved the agreement as written.

Councilor Morales asked what time of the year do you rebate?

Debra Ingle said the board meets once a year at the last of March. They review the budget at that time.

H. John Underwood, City Attorney said so if we don't agree to this then Alamogordo will take the money back.

Mayor Williams entertained a motion to approve - First Amendment to Joint Powers Agreement for the Financing and Establishment of the Otero County/Lincoln (now GREENTREE) Regional Landfill.

Councilor Miller moved to approve - First Amendment to Joint Powers Agreement for the Financing and Establishment of the Otero County/Lincoln (now GREENTREE) Regional Landfill. Seconded by Councilor Hood.

Councilor Miller said it seems like we don't have any choice if we want to get rid of our garbage. My question is why would the money just be in an account for Alamogordo?

Debra Ingle said the City of Alamogordo is the agent in charge of the landfill so therefore the budgets and everything are established by them.

Carol Virden, City Clerk/Treasurer said the process he is talking about is just like Lincoln County Transit. The City of Ruidoso Downs is the fiscal agent where both the Village of Ruidoso and the City of Ruidoso Downs contribute into that fund.

H. John Underwood, City Attorney asked Councilor Miller if her motion was to approve?

Councilor Miller said yes.

Mayor Williams asked Councilor Miller to state her motion again.

Councilor Miller moved to approve and adopt the First Amendment to Joint Powers Agreement for the Financing and Establishment of the Otero County/Lincoln County (now GREENTREE) Regional Landfill. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was – Informational Only – Joint Resolution of the Greentree and Otero County Solid Waste Authorities – Resolution No. 2013-05 Increasing the Tipping Fees at Regional Landfill.

Joe Lewandowski said I'm confused about this one. Is the item whether or not that Otero and Lincoln having the authority to raise the landfill fees? It didn't require a resolution from each council to raise the landfill fees. The owners have the right to adjust those during the budget.

H. John Underwood, City Attorney said I think this is more a point of information and not an action item. It's already a resolution that's been passed by Greentree.

Carol Virden, City Clerk/Treasurer said this is correct but this is the information that was brought and requested by Debra Ingle to be brought before the Council back in June and then it was tabled until July and then it was tabled again until August 11th. On August 11th it was requested again to be put on the August 25th agenda.

H. John Underwood, City attorney said so, it's already been done.

Wayne Williams said he had a comment.

Mayor Williams said as a matter or courtesy he would allow him to comment. He asked Council if they would let him comment. Council allowed.

Wayne Williams said I went into an agreement with some family members in Upper Canyon where we owned some cabins together and after a few years it became instead of 50/50 to 60/40. This seems like a perfect opportunity and not saying this is going to happen but to doctor the books. When you give permission to a usage amount to me a deal is a deal. You guys were all elected, previous Council members, to get the best possible deal for the citizens and at that time it was 50/50. If you're going to be stuck with 50% of the liability and that sort of thing, generally getting off the horse in the middle of the river is not a good thing. Now they're saying you don't have a choice on the rates. We've got all this money stuck in the bank and getting back a few hundred thousand dollars. What happened about getting your permission? No, they're going to raise the cost. I don't have a problem with the service from Greentree. They do a pretty good job. But, a deal is a deal. When the contract runs out in what, 2016, you should renegotiate another contract. I don't think Mr. Underwood would represent a private client would agree because it's fair, you know, to change a contract in the middle of the stream. I just don't think it's fair or right. Now they're saying this item on here is just for information but they're raising the rates whether you like it or not. Council, I just can't agree with your vote on that.

Joe Lewandowski said that brings up a good point. We say they raised the rates. This whole group that sits there has a representative from Ruidoso Downs. What they brought up Council Miller was the 50/50 liability. True the proportional refund may be based upon proportional now but the 50/50 ownership also means you own 50% of the assets and value of that landfill. On the municipal market it's worth 6 million dollars. In the private sector that would go for 9 million dollars if you were going to sell it tomorrow. Not only do you have the liability but you have the assets. As far as the rate increase I'd like to explain that. Some people are wondering how you give a refund and then turn around and raise the rates.

Mayor Williams said let's get into that subject next because that's what is next on the agenda.

H. John Underwood, City Attorney said just to address the Joint Resolution in the past is much the same as the last situation. We have a representative on the Greentree Solid Waste Board as does everybody else. We, through the Joint Powers Agreement have power to determine that Greentree had the power to raise the tipping fees at the landfill which means we have entered into an agreement with Otero Solid Waste Authority. You say that if it sold tomorrow you guys would get the 3 million not these guys. Then we wonder if you would do that 65/35 or 50/50. That money is only the amount you decide to trickle down to us.

Debra Ingle said the wording in number 1 strictly stated for rebate of funds.

Joe Lewandowski said

Debra Ingle said the wording in number 1 strictly stated for rebate of funds.

Joe Lewandowski said it is us guys and you guys but us guys are part of you guys. The name was changed from Lincoln County Solid Waste Authority to Greentree so there wouldn't be the confusion that it was owned by the County. Also, with the word Authority it sounds like we have authority but we have no more power or authority through the JPA than what you give us. It is through that vote. When it's a landfill issue it's a 1/6 vote but with a collection issue it's only 5 votes and that's because of Ruidoso withdrawing.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – To Schedule Public Hearing – Refuse Rate Increase – GREENTREE Solid Waste Authority.

Joe Lewandowski said to clarify it's not to refuse because that means you've already voted to not give it, it's refuse.

Joe Lewandowski said this is another one that was miscommunicated. The Authority has been around for 23 years now and this could have been communicated better before now. I was asked as the consultant for Greentree Solid Waste Authority to work as a liaison and

listen to what Debra was saying and what you all were saying and what are your questions and concerns. I met with Carol and Mary and Mr. Underwood. Some things just needed clarification. How much tonnage is coming out of Ruidoso Downs? How much is allocated? How is that paid for? What's this rate increase for? Why are we paying as Ruidoso Downs sitting right next to the Greentree transfer station? What I've done here is to hit on each page but not get too complicated. When I say residential it's what is being picked up and emptying the polycarts. There is a separate issue concerning the roll-offs and the commercial tonnage. It's always been that Greentree works directly with the commercial customers. Right now we're talking strictly residential solid waste. The first step was finding out how much tonnage was coming out of Ruidoso Downs. Basically there are 714 pickups in town. The tonnage for Ruidoso Downs was 660 tons. Page 2 is about why Ruidoso Downs pays just as much as Ruidoso and Capitan. I did a spreadsheet and chart showing the difference in service. You'll notice each of you have polycart, commercial, and a convenience station. The difference here is what is Greentree doing for Ruidoso Downs versus Carrizozo, Capitan, and Corona? Greentree is handling all residential pickups, yard waste pick up, landfill fees, operates the convenience station, and provides all of the containers. Carrizozo had polycarts provided but when they need one repaired or replaced Carrizozo takes care of it. Yard waste in Capitan and Corona is not provided. Greentree pays all landfill fees except Corona pays their own. There is no charge for running the convenience station because it's part of the Greentree transfer station. You have a full-fledged recycling center here and the other places have a minimal drop off or roll-off. That's the difference between the three.

Councilor Miller asked how do you know that when it's all put together?

Joe Lewandowski said the truck comes around on Monday and Tuesday.

Debra Ingle said we weigh the trucks coming in and going out.

Councilor Miller said we do the billing for free.

Joe Lewandowski said that all comes with the administration fee. Now, rate calculations. The last time there was a rate increase was in either 2008 or 2009. If you had been doing a CPI increase the rates would have ended up going from $18.50 to $20.46. You didn't do that but it would have been about a 10% increase. The requested amount from Greentree is $1.25 for each account per month. There was an increase of 2% last year.

Councilor Morales said I have a question but I don't know if this is the appropriate time to ask it. If we're getting a refund why do we need an increase? It doesn't make sense to me that you're going to give us "x" amount of dollars back and we're going to go to our citizens and say we're going to increase your rate. So, explain that to me.

Joe Lewandowski said let me take it step by step. Otero/Lincoln started in 1993. The rate was $13.90. It stayed that rate for twenty years and we still were able to raise the reserves

to 3 million dollars. The reason we did that is I'd like to think we ran a good landfill which we did. The number one thing that kept us from having to adjust rates in that time period is this gold mine we had down there called asbestos. We have a separate area for asbestos. We took in $324,000.00 in asbestos and what it cost to bury it was only $48,000.00. We kept money in the landfill that kept us from having to raise rates all these years. The asbestos trend died a couple years ago. Fort Bliss had to go in and clean out their buildings so we had a little spike then but it's over with now. We ran scenarios four different ways. We came down to the do nothing scenario or the 2% increase. This year they left it alone. The 3 million that was sitting over here in this account has nothing to do with the operations. The question was do we leave the money in the account to dwindle away as reserves or do we give the $400,000.00 back and let you all do what you need to in order to keep the rates down locally.

Carol Virden, City Clerk/Treasurer said the last time we met I provided you with our ordinance on the rates. The reason I bring that up is because you have the rate of $18.50 and it's $18.85.

Debra Ingle said it was the $18.50 and the .35.

Joe Lewandowski said what's going on with the County is not affecting your rate. The third item is where in the loan agreement coverage requirement by the New Mexico Finance Department. Each resident, county, municipality, is assessed the $2.64 to cover the requirement and is already in the $18.50. Now the debt. There's been a lot of discussion about whether the Greentree debt is your debt or their debt. That debt is Greentree's. That debt payment for the cost of operations has to be passed on through the fees to do something. If Greentree were to fold up tomorrow the only thing that Ruidoso Downs would be obligated to is the environmental gross receipts tax. I want to make that clear. The legal answer is the environmental gross receipts tax.

Councilor Miller said so our total increase would be $22.10 plus $1.25?

Joe Lewandowski said it would be $1.25 total.

Councilor Hood asked what the increase would be?

Joe Lewandowski said currently you are at $20.85 and it would go to $22.10. Most places stick with the CPI so they don't get behind. There have been no employee raises since 2012. The problem with the JPA is that Ruidoso is a 1/12 owner. Ruidoso pulled out and any one of you can pull out. When it says they are a 1/12 owner we don't really know where the 12 came from when there's only six owners in Greentree of the landfill. We need to resolve at the next board meeting whether there is 1/6, 1/12, or proportionate.

Mayor Williams entertained a motion to approve – To Schedule Public Hearing – Refuse Rate Increase – GREENTREE Solid Waste Authority.

Carol Virden, City Clerk/Treasurer said it's going to take me a while to put together or amend the current ordinance to reflect what they are asking. I will start the process but it's going to take me some time so it's not going to be September. Then I'm going to have to have John review it and what was said here that it is exactly what the ordinance is saying. I will let you know by email when I'm going to schedule it.

Councilor Morales moved to – Schedule Public Hearing – Refuse Rate Increase – GREENTREE Solid Waste Authority. Seconded by Councilor Perry.

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

NEW BUSINESS

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

Mayor Williams had no 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 – Discussion and Possible Action – Resolution No. 2014-17 Infrastructure Capital Improvement Plan (ICIP) 2016-2020.

Cleatus Richards, Public Works Director said the projects focus on the first year for the Agua Fria sewer, Agua Fria Wastewater line replacement, drainage for Joe Welch and vicinity, City streets on Wright and S. Parnell, and the Hubbard Museum ADA ramps. Beyond the first year they are all very flexible. We're pretty much locked in with the Agua Fria sewer. We had what I thought was a very firm commitment that they would fund it every year. They did not do it. This is a great disappointment. We had an engineer for four years. When they take out a whole year of the process that means you have to go out for an RFP for the water and sewer and an engineer. Why would you change a year in the middle of a project? You should be able to rely on those commitments.

Mayor Williams asked for an update on what is happening.

Cleatus Richards, Public Works Director said on the Agua Fria sewer we do have funding for the first round which we are out for bid now and we're opening bids on September 3rd so we will get some construction going on sewer this year. Rick Martinez

is supposed to be helping us find some other funding to fill in where the Colonias messed up but I doubt he'll be successful. We have funding for the water project from CDBG for $475,000 with a $25,000 local match. We also have $150,000 in appropriation. We're still waiting for the grant agreements so we can move forward and get an engineering proposal. They would have to be cleared by the Construction Program Bureau before we can act on it.

Mayor Williams entertained a motion to approve - Resolution No. 2014-17 Infrastructure Capital Improvement Plan (ICIP) 2016-2020.

Councilor Miller moved to approve – Resolution No. 2014-17 Infrastructure Capital Improvement Plan (ICIP) 2016-2020. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was – City of Ruidoso Downs – Public Records Destruction – Administration-Finance, Payroll, Planning & Zoning-Animal Control and Code Enforcement.

Carol Virden, City Clerk/Treasurer said we have provided to you a list of all City of Ruidoso Downs records eligible for destruction after July 1, 2014. These records have reached their retention schedule in accordance with General Government Administration: General Records Retention and Disposition Schedule, Chapter 15 and the office of the City Clerk as well as Planning & Zoning is requesting approval to destroy these records. There is a total of 90 boxes between my off and Planning & Zoning.

Councilor Hood moved to approve – City of Ruidoso Downs – Public Records Destruction – Administration-Finance, Payroll, Planning & Zoning-Animal Control and Code Enforcement. Seconded by Councilor Miller.

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

The next item on the agenda was from the Consent Agenda – Discussion and Possible Action – Wastewater Treatment Plant Operating Invoice for June 2014.

Councilor Morales moved to approve – Wastewater Treatment Plant Operating Invoice for June 2014. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Judge Mansell - Budget Adjustment $1.00 Hour Raise - Court Administrator - Language Access Specialist Certificate.

Mayor Williams there is no one here to present so Council it's up to you to decide what to do with this item.

Councilor Morales said we have our Budget Committee and we did our budget and we could not give a cost of living salary raise. I do not know but have any other employees gotten certifications?

Carol Virden, City Clerk/Treasurer said currently the Water Department has had some of their crew get the Water Certification training but I'm not sure if they have finished the whole process. Previously when they did that was the number that was taken into consideration.

Councilor Morales said we didn't have enough to give a cost of living increase and here we are a month into the new fiscal year. My suggestion would be that this be postponed until the mid-year budget adjustments in December.

Councilor Hood said that's a good idea.

Councilor Miller said I do too. There is a lot of our employees are bilingual. A lot of our employees use their language skills to talk to the public and I believe also if we did that for one person we would have to look at everyone that uses their language skills to communicate with our public.

Councilor Perry said I totally agree and it would be the best for us to wait for the mid-year budget adjustments and then decide if we can or not.

Councilor Morales said I think we need to be fair in any increases we give and I don't feel like we're being fair in giving one employee an increase for this, that, and the other and then not being able to give employees a cost of living wage increase. The bottom line is that it's not in the budget and we don't have the money.

Councilor Perry said she took this course before the budget was even presented to us right?

Carol Virden, City Clerk/Treasurer said that's our understanding.

Councilor Perry said they should have asked for this raise before the budget instead of waiting until after.

Carol Virden, City Clerk/Treasurer said during the first budget committee meeting with the Court in attendance was Judge Mansell, Virginia Armstrong, and Dana Terlecky. They

went through line item one by one. Then at that time Judge Mansell presented that it was mandatory that the City of Ruidoso Downs give Virginia or the Court Administrator a dollar increase for a certificate for translation. So, what I did because nothing was presented to the Budget Committee I did call the League and I did speak with Roger Makin and he directed me to the rule of the Court where it does mention a dollar but it also mentions that it's already a part of their job. That part I can't tell you if it is or isn't her responsibilities and duties. There really isn't an updated job description for that and there wasn't any at that time. There is now. It was brought up but because the Budget Committee didn't have that information they chose to set it aside and at that time she had yet to receive that certification. It was in the mail.

Mary Castaneda, Finance Director said in that same situation where he did ask he also instead of asking for just a dollar he presented a request for $5,000 more a year. It was voted at that time.

Councilor Morales said I would assume that in all the years the Court Administrator has been in her position with the City of Ruidoso Downs, this decision for her to be certified I don't believe was a requirement of her job. Do you know of any judicial something that says they need to be certified? She's done it all these years but this she did on her own.

Carol Virden, City Clerk/Treasurer said I would have to provide the Governing Body with a copy of that rule and you have to read it very carefully because there are options in there.

Councilor Morales said so, we're not mandated to give her a dollar increase because of her certification right?

Carol Virden, City Clerk/Treasurer said you'll have to read the rule.

Councilor Miller said it would depend on our budget for sure.

Councilor Morales moved to postpone this until the mid-year budget adjustments. Seconded by Councilor Miller.

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

OTHER BUSINESS

Mayor Williams stated the next item on the agenda was – Updated financial Status Reports – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said I have figures for the end of July and also estimated figures for August for the Transit and Museum. Lincoln County Transit at the end of July had a beginning cash balance of $18,744.30 in revenues and $4,371.00 in expenditures of $4,813.46 leaving them with and ending cash balance of $15,301.84. The museum had a

beginning cash balance $53,232.01 with revenues coming in at $23,547.19 and expenditures of $29,348.06 leaving and ending cash balance of $47,431.14. For the month of August through the 24th. Lincoln County Transit had a beginning cash balance of $18,744.30 with revenues $1,371.00 and expenditures of $4,812.86 leaving them an ending cash balance of $15,302.44 The museum had a beginning cash balance of $53,232.01 with revenues coming in at $3,547.19 and expenditures of $20,947.87 leaving an ending cash balance of $47,831.33. She said we did receive the first half from the Hubbard Museum Foundation of $50,000 in August and it was deposited.

PUBLIC INPUT
(Items are for discussion only – no action will be taken)

Wayne Williams said I've listened to the tone of your voices and the questions you've asked and it was obvious that you were really struggling hard with the decision you made. Whether I agree with you or not is immaterial to the fact that you put forth some really strong effort for your decisions. Mr. Underwood your input was quite insightful with some of the problems that arise out of this solid waste. When I brought up that subject I don't think you would allow a private individual to get back their money and then tell them boy, you made a good deal. Mr. Mayor I want to thank you personally to let me speak out of turn. I know that's not proper but I appreciate you doing that. Council, I appreciate that you gave this some real thought and concern and I think this Council is doing a really good job.

Mary Castaneda said on my reports I do want to correct my figures. On Transit at the beginning of August is $15,301.84, revenues of $890, expenditures of $4,090.89 giving them an ending cash balance of $12,195.00. The Museum had a beginning cash balance of $47,431.14, revenues in from the Gift Shop and Admissions were $13,866.73 which is a total of revenues of $63,866.73. Expenditures were $14,130.72 giving them an ending cash balance of $97,167.15.

ADJOURNMENT
There being no further business to Mayor Williams entertained a motion to adjourn.

Councilor Morales moved to adjourn. Seconded by Councilor Perry. The meeting adjourned at 7:15 p.m.

Gary L. Williams, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer