

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
FEBRUARY 23, 2015  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on February 23, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Janis Rowe to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

|                           |                  |
|---------------------------|------------------|
| Councilor Miller - Absent | Councilor Perry  |
| Councilor Morales         | Councilor Ritter |

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

Also present:

Alexandra Bobbit, City Attorney  
Mary Castaneda, Finance Director  
Christopher Rupp, Police Chief  
Janis Rowe, Associate Director HMAW

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion for Approval of Agenda.

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

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

Mayor Williams said before we go any further I would like to introduce Ronald Ritter who has been appointed to fill our vacant seat on City Council. I think he will do a great job for the City and we look forward to him working with the other three Councilors.

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 Perry.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 9, 2015

Councilor Morales moved to approve Minutes of the Regular Meeting of February 9, 2015.  
Seconded by Councilor Perry.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Morales moved to approve Accounts Payables. Seconded by Councilor Perry.

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

APPROVAL OF MONTHLY REPORTS

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

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

APPROVAL OF COMMITTEE REPORTS

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

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

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was - Municipal Judge Harrold Mansell - Requesting to Hire Full-Time Bailiff and Also Cross Train as Court Clerk - Starting Hourly Wage \$17.00 and Remainder of the Bailiff's Wages Be Moved Over to Court Administrator as a Salary Increase of \$3.00 Per Hour.

Judge Mansell said I am the Judge for the City of Ruidoso Downs and going further with a lot of research on the job of the Bailiff and the raise for Virginia. The one thing we did do

and I think I told you all last year that out of five of us, three of us worked real hard to get the Judicial training in Ruidoso this year and guess what? Somebody dropped the ball and we're going to Farmington instead of Ruidoso. It was everybody. He said 100% wanted to come here. That's in March. Okay, the situation before was the job description of Bailiff. The Court Administrator called several municipal courts and got their Bailiff descriptions and we have come up with a very fair description. The big thing was getting the prisoner from jail cell to the court in handcuffs. I have talked to the Chief of Police and Randy in Santa Fe and he told me that was perfectly alright if the Chief would let us use one of his officers and if he doesn't have one available at my normal hours for court then I will come back down here and hear that individual at any time. If we have to transfer an individual over to Carrizozo we have a ticket to go to work there. Are there any questions on that?

Mayor Williams said I'm going to let the City Attorney Alex Bobbit take over from here.

Alexandra Bobbit, City Attorney said I do believe you need to clarify what has happened previously versus what we are looking at today. Councilors and Mayor it was previously discussed by legal that you cannot change the job description until we went to budget. However, Mr. Van Fleck has over ruled our statement and has stated that you can change the job description prior to budget hearings. With that, it is my understanding that the job description that you have been given is has been put together and reviewed by legal and I do need to draw your attention to the second page. There seems to be a sentence that was not finished and it at the very end where it states "must have and maintain a valid New Mexico Driver's License with a satisfactory driving record or the . . .". That needs to say "duration of employment." I believe the Judge would back me up on that. The job description that the Council is currently looking at that the Judge and legal have worked on is the job description at this point should Council and the Mayor choose to, approve as the Bailiff position. Now, the job description does not list that you need to be certified in detaining prisoners or be certified at all with any police training. Legal, to make sure that the courts are covered liability-wise has made sure with the Chief of Police that transporting prisoners and being in attendance during those hearings and transferring prisoners back. I'm sorry we're going to have to clarify transporting. Transporting isn't necessarily bringing prisoners from Carrizozo. It's from the holding cells in the back here and walking them to the court and then walking them back to the holding cell. In order to make sure the courts were covered on that the Chief of Police has graciously offered his department to assist with that for no extra charge or pay there. So, the section of Unfinished Business that we will be looking at will be three separate topics. First we have the requesting to hire a full-time Bailiff and also cross-train as court clerk. That is the job description change since the courts are asking for that to be changed and cross-training for Court Clerk. That is where you will be deciding on the job description. The second motion will be on the hourly starting wage. We have \$17.00 listed on the agenda however it was my understanding there was a memo issued on Friday asking for that change to actually be \$16.00 an hour so the Council can decide if they want it to go to \$16.00 or \$17.00 an hour and the Judge can follow up on that as well. The third motion would be the salary increase

for the Court Administrator going from a change in \$3.00 or \$4.00 an hour and again at the Council discretion. Those are the three motions should Council want to put forward.

Mayor Williams said the first item for discussion is the job description. Have you looked at the job description that was presented to you? Council do you have any questions on this that legal can answer?

Alexandra Bobbit, City Attorney said Judge, the job description that was delivered to me today.

Virginia Armstrong, Court Administrator for the City of Ruidoso Downs Municipal Court said I went ahead as per, and we did speak with Randy Van Fleck and he sent us a copy of a job description and I also asked John Underwood and also took applications from three other courts that have Bailiff's and we revised all those from job descriptions to fit our court is what I've done.

Alexandra Bobbit, City Attorney said I actually had a conversation, that was the one that was never presented to me. Two, I had a conversation with Randy Van Fleck and John Underwood and it was made very clear to me that the only job description was the one that was sent to me which is what has been provided to Council and what was provided to you today.

Virginia Armstrong said when I spoke to Randy Van Fleck he didn't seem to have a problem with a job description. He is the one that sent us a job description from the Alamogordo court. What I did was revised it because on the job description that you sent today there was stuff about. . .

Alexandra Bobbit, City Attorney said about the same job description that Randy Van Fleck sent to the court and that's all.

Virginia Armstrong said he told us we could revise it when I spoke to him on the phone to fit our court. She said his biggest worry and his biggest complaint was that he wanted someone who was certified to be able to handle prisoners. Judge Mansell did speak with Officer Rupp and the Chief agreed and said that he wouldn't have a problem at all with bringing prisoners in.

Alexandra Bobbit, City Attorney said I have already relayed to the Mayor and Council that it was handled with Chief Rupp and that he would be doing that at no cost from his department. The job description, if there was a job description that was going to be presented to Council, that's something that needed to be provided before 4:30 today. I didn't hear from the court. That was the only job description you were given by Randy Van Fleck so I am not really understanding where the new job description is coming from.

Virginia Armstrong said we did make copies for everyone with our new job description and I did ask Donna Miller and asked her to look at it. She said it looked a lot like Randy's but there was stuff about being certified and stuff we don't have, security we don't have in this court. Do you have the job description that Randy gave us today?

Alexandra Bobbit, City Attorney said yes.

Virginia Armstrong said there is a section talking about devices and we don't have any type of devices for security or anything in our court.

Alexandra Bobbit, City Attorney said this topic has been on our agenda for quite some time and if a job description was going to be provided to Council, the Mayor, and legal, that's something that needed to be done before 4:30 today.

Virginia Armstrong said we were not informed of that. I did speak with Donna Miller and she looked at it and she's not here today and I told her to let me know. She said it looks pretty close to Randy's because I had to revise it to fit our court.

Alexandra Bobbit, City Attorney said Ms. Armstrong when a job description was taken to the courts today about 2:00 why wasn't there a follow up with the new job description after that point?

Virginia Armstrong said all I was presented with was a job description from you. That's all. There is the job description that Alex asked me to bring to you. I had already discussed this with Donna Miller a couple of days ago and there didn't seem to be a problem with it so I didn't go any further either.

Mayor Williams said Council you have the job description here and it obviously identifies with Ruidoso Downs that outlines areas under your jurisdiction as a municipal court. I don't see anything that would have to be changed as presented. Council doesn't have any other job description other than this one here and the one that was presented the last time you were here. We saw this last meeting. The one we talked about when we had a discussion about who would handle prisoners and the qualifications for them. This was the last job description we have. That's the only one Council can consider other than this one here tonight because we don't have any other documentation and it would be unfair for Council to receive this documentation without having the opportunity to review it. So what we have presented to Council tonight is what they are going to base any decisions they may make.

Virginia Armstrong said if I may I would like to get the other job description so I can look at it if you would allow me.

Mayor Williams said what it is right now is that Council has been given three options. The first one is to consider the job description that is presented to them tonight. I would ask

Council at this time to present a motion to accept or not accept, a motion to approve the present job description presented to you tonight.

Council Perry asked if this is only on the job description that you are asking for a motion?

Mayor Williams said yes.

Carol Virden, City Clerk/Treasurer said Mayor, when you ask for the motion on the job description that came directly from Randy Van Fleck, Legal Counsel for the New Mexico Municipal League, to make it clearer.

Mayor Williams said the motion for Council to consider is the job description provided to Council from the Legal Counsel of the New Mexico Municipal League Randy Van Fleck and who our attorney John Underwood and Alex Bobbit has for Council tonight to consider. I will give you a few moments to look it over any further until we continue with that motion and a second.

Councilor Morales moved to approve the job description for the Court Bailiff that was presented to the Council by Randy Van Fleck, Counsel for the New Mexico Municipal League. Seconded by Councilor Perry.

Councilor Ritter asked how many hours per week is this job going to be?

Judge Mansell said forty hours.

Councilor Ritter asked and you have Court two days a week? How many hours per day?

Judge Mansell said one hour unless there are trials at night or in the morning. For the Judge it's Tuesday from 10:00 to 11:00 and Thursday from 10:00 to 11:00. In the summer time sometimes it runs late. Sometimes we have trials in the afternoon and sometimes we have trials at night. Sometimes we have trials set that don't show up. But, forty hours is the basic hours. It's the same as the Court Administrator.

Councilor Ritter said it seems very expensive in my mind. I don't know if that's the best use of taxpayer's dollars for a full-time Bailiff in addition to something that the Police Department could handle with Police Officers.

Mayor Williams asked Judge Mansell to explain to Councilor Ritter what the duties are that you expect the Bailiff to accomplish during the work week of forty hours other than Bailiff in court proceedings.

Judge Mansell said he will bring in, swear in who we're going to prosecute, and then he watches over the court. There's a thing called the rulings and he has to separate all the witnesses and move them down the hall so they can't hear what somebody has testified to

and after they have testified then I will ask the prosecution and defense if they can stay or they can go. If they go he has to escort them out.

Virginia Armstrong asked Judge Mansell if she could speak and he said yes.

Virginia Armstrong said the Bailiff we had and the Bailiff we want will also set trials and he will be in contact with the attorneys and the defendants. He will be writing the letters. I type up the summons and he would be sending the letters. He will make sure that everyone is in sync for the trial dates. We want the Bailiff to cross-train so that the Bailiff can help with processing warrants and having contact with the County Detention Center.

Mayor Williams said the concerns are when during the week the Bailiff would be utilized for the purposes specifically outlined. What we're looking for is the work week and what do you expect the individual in that position during that week. What will they be doing?

Virginia Armstrong said they will be setting trials. If someone pleads not guilty they have to set a trial. If someone calls in and wants an attorney we'll call in and we will set the motion. Usually if there is an attorney involved we will contact our City Attorney who is involved in those cases. Then we have to make sure all dates are in sync. The Bailiff would also help with processing warrants and if there is someone in Lincoln County Detention Center they would be helping with talking to Lincoln County with making phone arraignments and maybe setting up transport. We don't like to do that and prefer to set up phone arraignments so we don't have to bring our prisoners over here. I also want to cross-train the Bailiff to be able to enter the same type of paperwork that I and my part-time clerk do. I did talk with Artesia Municipal Court and their Bailiff is also cross-trained in all areas of the court.

Mayor Williams said it states in this job description to keep accurate detailed records on documents of date, time, and place, delivers and acquires daily paperwork to various agencies including Ruidoso Downs Police Department. Monitors and prepares for court arraignments, exercising the better judgment assigned to court to handle difficult situations. He also is needed for legal and proper procedure for serving legal documents, effective recordkeeping methods, communicate effectively in English and Spanish, establish and maintain an effective working relationship with the public, locate specific addresses, etc. So, what he will be doing is going to be done anyway so cross-training is not really a term to be used. This job is going to be specifically when he is here which is what you're doing anyway. That's the difference between what's here and what he had before.

Councilor Perry asked Virginia what the part-time help does?

Virginia Armstrong said she fills in when I'm not there and then when we have court, and this has been since July, she helps me run court when I'm acting Bailiff.

Councilor Perry said so she is basically cross-trained to do your job.

Virginia Armstrong said no. She enters citations, takes payments, answers calls, looks up cases when people call. She validates the warrants and basically does what I ask her to do. She's only there part-time.

Councilor Morales said so, with your part-time help she can't come in and do your work if you're gone. She can do some of it but she can't do all of it. My question is why? If we have a part-time person that comes in and fills your shoes basically when you are gone why is she not trained to fill your shoes?

Virginia Armstrong said basically it's hard for one person to run that court especially when we have our hearings and our trials. I have been doing it and it's been very difficult for me. If you've ever been in my court and if you would ask some of our defendant's I'm playing both parts so we really need another person in court.

Councilor Morales said that's not what I asked. I can appreciate that if you're in court you have to have you and someone else to run the court. My question is if we have this part-time person that is supposed to fill your shoes if you're gone tomorrow. Can she come in and do everything that you would do? My question is why?

Virginia Armstrong said because we don't bring her in full-time to be able to give her the training that she would have to have as a full-time person. She comes in Thursday's and Friday for half a day. It would take a lot more training and full-time hours to train her. While I'm training her I would have to be training and not doing what I need to do to make my court work.

Councilor Morales said that doesn't make sense to me. That's all I have Mayor.

Judge Mansell said what doesn't make sense? She's part-time. You're handling money. You're handling warrants. There are people walking in on the thing during the day time and they're asking questions that only the administrator can answer. We are so blessed to even have her because you don't realize how many people that turn it down because say they work half a day Friday. Virginia has to have half a day Friday off and all she does that day is make the deposit and take the deposit in and handles the stuff over the phone. She can handle just about anything that comes in that day. As far as being totally trained she is not totally trained and that's what we are trying to do. She does not want to work that many hours and she didn't in the beginning.

Councilor Morales said I can appreciate that but by the same token if you have somebody part-time my thought is to train them so if Virginia is going to take a week vacation this person maybe won't work next month because she's going to work a full week for Virginia and she should be able to come in and do whatever it is that Virginia does. This is why I don't understand why we have a part-time person who that can only do very little. This doesn't make sense to me.

Judge Mansell said it's basically the amount of hours she wants to work. She has a couple of other jobs that she had before we brought her in. We were told back in the days of Sue Garrett that the City didn't have the money because of the lawsuit to hire another full-time clerk.

Virginia Armstrong said what is your idea of not needing that part-time court person? We have always had a part-time person.

Councilor Morales said I didn't say you didn't need a part-time person Virginia. I just said I don't understand why we don't have her trained to fill in when you're gone for whatever reason, if you're sick, if you're on vacation or whatever. You keep saying there is only so much she can do then that just doesn't make sense to me. That's the only thing.

Councilor Perry said whenever you take a vacation what happens then? Does the court just close down because she can't handle the job?

Virginia Armstrong said when I went on vacation before Dana Terlecky who was our Bailiff was here at that time. Dana and Doris handled the court. If there were any questions when I went to trainings or vacation there were two people and Doris would come in for that whole week to handle the daily work. The Bailiff would be there when we had court so there would be two people there.

Judge Mansell said Dana could do just about everything. That's when we had nine hundred water meters down here the same amount that we had when I was controller for Alto Village for Lakeside Corporation. All the monies she would pick up by mail she would write them all up and make the bank deposit and when Virginia or whoever was the clerk would enter them and work for weeks on that.

Mayor Williams asked if there were any other questions?

There were no other questions.

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

Mayor Williams entertained a motion of - Municipal Judge Harrold Mansell - Requesting to Hire Full-Time Bailiff and Also Cross Train as Court Clerk - Starting Hourly Wage \$17.00 and Remainder of the Bailiff's Wages Be Moved Over to Court Administrator as a Salary Increase of \$3.00 Per Hour.

Alexandra Bobbit, City Attorney said now what we are going to be looking at is the starting wage for the Bailiff with the job description that was just approved. In you agenda it states \$17.00 an hour however, there was a memo issued on Friday at 10:00 a.m. which actually

was to Mary Castaneda and it's asking that the Bailiff salary be bumped down to \$16.00 an hour instead of \$17.00 an hour. Although that hasn't been altered on the agenda if Council would want to consider either one of those salaries they may.

Councilor Morales said we started at \$17.00. I just wanted an explanation.

Mayor Williams said we started at \$20.00 and then went down to \$17.00 and now we're at \$16.00. He asked Judge Mansell to explain.

Judge Mansell said they are not going to be handling prisoners. We will have someone from the Police Department to bring them in so she cut it a dollar an hour after the Chief said he would bring in the prisoners or I would come back up here when he had personnel available.

Mayor Williams asked if there has been an agreement drawn up between the Police Department and your Court?

Alexandra Bobbit, City Attorney said there has not as of this date because it's a very recent development that happened just this past week so no we do not have an agreement. It is something that we can have drawn up by the end of this week whereby we would state with Council's direction. Actually we could have it drawn up and have it approved by Council at the next Council meeting if the Mayor and Council are open to that. I could draft an agreement that the Chief of Police will be doing the transporting of prisoners and present during the time those courts are in session at no cost so that there is an understanding.

Mayor Williams said Judge, as approved by Council, the job description talks about organizational relationships and it says "directs prisoners and court customers." Chief, by that interpretation how does that affect what you do in transporting prisoners? Are you bringing prisoners over and the Bailiff would be responsible for them during court and you stand by or do you go back to your office or how does that work?

Chief Rupp said they would have to stand by.

Mayor Williams said Alex, when you draw that up be very specific in the responsibilities. It's about safety and responsibility. Council, you have a request on the agenda of \$17.00 and the court has requested \$16.00 for this position.

Councilor Ritter asked what is the salary for a non-certified Police Officer?

Chief Rupp currently we don't have a non-certified officer.

Councilor Ritter said in your understanding of the job market for a non-certified Police Officers in New Mexico what do you think would be a starting wage?

Chief Rupp said it could go anywhere from \$14.00 on up.

Councilor Ritter said so the \$16.00 is well within that range.

Councilor Perry we talked about the \$20.00 and the insurance involved. Would this be covered under the \$16.00?

Mary Castaneda, Finance Director said yes. The money was in there and was there from Mr. Terlecky's position for the rest of the fiscal year.

Councilor Perry said the \$16.00 to start would be safe.

Councilor Morales moved to hire a Bailiff at the starting hourly wage of \$16.00 per hour. Seconded by Councilor Ritter.

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

Mayor Williams asked Alexandra Bobbit, City Attorney to explain the next item.

Alexandra Bobbit, City Attorney said the next item we are looking at is the court has asked that the Court Administrator have a salary increase. Again, the agenda says \$3.00 an hour. I do believe the memorandum issued on Friday wasn't specified. It just states the remainder of the salary of the old Bailiff's salary line item be moved over to the Court Administrator as a salary increase. So there isn't an actual number stated on that. Maybe Mary would have a better idea.

Mary Castaneda, Finance Director said it would be approximately \$4.00.

Mayor Williams said it's up to the Council to say what direction they want. He asked Mary what the salary would be for the Court Administrator?

Mary Castaneda, Finance Director said I don't have that right off. Do you have that Virginia?

Virginia Armstrong said \$16.80.

Mary Castaneda, Finance Director said I can go get that. It's \$16.80 something.

Councilor Morales asked per hour?

Mary Castaneda, Finance Director said yes, per hour.

Councilor Morales said I'm not in favor of using the \$3.00 or \$4.00 difference between the salary for the Bailiff as a salary increase for the Court Administrator. That being said I don't know if the other Councilor's have any thoughts. I am not I favor of it.

Councilor Ritter said it seems to me that the part-time Clerk and full-time Bailiff and the fact that now we have to have a Police Officer in the court that we're spending an awful lot of taxpayer dollars in the court already. In fact, in my opinion probably an excessive amount of dollars in the court. I don't think that I can say in my right mind say that we need to spend more dollars when I think that we're already spending too many.

Councilor Perry said I totally agree with Councilor Morales and Councilor Ritter.

Mayor Williams said it is stated on the agenda that the remainder of the Bailiff's wages be moved over to Court Administrator as a salary increase of \$3.00 per hour. I'd like a motion and a second.

Judge Mansell said if this were in court there is a separation of power which was passed out to you. Every one of you with the exception of Councilor Ritter has read in the Mauer vs. Russ case it said "a judge for the City of Ruidoso Downs has a right to pay a salary commisive with the responsibility" and this is coming from Mann vs. Maricopa County which is Phoenix, and it was found in their favor that they got to set their own salaries. We've have the money in the budget left over and if we don't use it I'm afraid you are going to move it somewhere else. This can't be. The thing is a doctor here in town told me face to face I cannot understand how they can have the liability of one person being in the court down there when there is a lot of people that we arrest down here that are really cranked up because of a ticket or because of an illegal substance. She has a three second delay when she punches that button and somebody would come in. I wouldn't have the job without two people being in there.

Mayor Williams said I appreciate that Judge and there has been some discussion in the past by Council over salary structures for court clerks and administrators. It's been talked about in the recent past. Money from the budget will not be taken from you. That's your budget. All that Council is deciding today is whether or not to accept or not accept this request for the \$3.00 at this time. The new Budget Committee meetings coming up with the Department Heads you can surely go in and request any increase you would like. At this time this is the only thing we can move on and whether it can be paid or not is not the concern of the Council right now. Council has a decision to make whether or not this particular motion is brought forth and with a second. Thank you Judge for that input.

Mayor Williams entertained a motion and a second for the remainder of the Bailiff's wages to be moved over to the Court Administrator as a salary increase for \$3.00 per hour.

Councilor Ritter asked how to make this motion. To make this motion am I just making the motion that we do it and then we vote on if we are actually going to do it?

Mayor Williams said all motions have to be a positive motion.

Councilor Ritter moved to approve the wage increase for the Municipal Court Administrator in the amount of \$3.00 an hour. Seconded by Councilor Perry.

Roll call votes: Councilor Perry, Nay; Councilor Morales, Nay; Councilor Ritter, Nay.  
Motion carried.

#### NEW BUSINESS

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

Mayor Williams said the only comment that I really have is that we have an employee who is on the verge of retiring this week. She's been with the City for ten years. Personally, I've been associated with you for the past seven years at the museum and the position that you were in previously. I wanted to pass on to you Janis that especially since I've been Mayor what you have accomplished at the museum and the quality type people you have working there and the image the museum projects. You have been one of those that has been there the whole time it's been in the City. I thank you sincerely because it's difficult to lose an employee who has dedicated her career and spent so much time doing what is important for our City. You have shown resilience at times when the dark cloud gathered. I hate to see you go but it's time. Good luck to you.

There was a round of applause.

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

Councilor Morales said bon voyage. Enjoy.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Resolution No. 2015-02 City of Ruidoso Downs Personnel Policy Manual Revision Chapter 2, Rules 200, 200.1, 201-A through H.

Mayor Williams said there have been some revisions made and Council needs to approve that.

Mayor Williams entertained a motion to approve - Resolution No. 2015-02 City of Ruidoso Downs Personnel Policy Manual Revision Chapter 2, Rules 200, 200.1, 201 - A through H.

Councilor Morales moved to approve - Resolution No. 2015-02 City of Ruidoso Downs Personnel Policy Manual Revision Chapter 2, Rules 200, 200.1, 201-A through H. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Pay Raise for the Police Department Staff - \$1.50 Per Hour.

Chief Rupp said the City of Ruidoso Downs Police Department had recently been asked if at all possible the Village would look at its current budget for pay raises for the Police Department staff. The Police Department conducted their workshop with Finance Director Mary Castaneda to review the budget and capabilities. During her study Mary was able to locate funds by line item that had not been used during the fiscal year so far for 2014. Mary was able to provide a spreadsheet of the current funds by item as well as the cost associated with the pay raise. Each one of the Council members should have the spreadsheet as well as the current salaries of staff within the Police Department. The amount of the raise requested is \$1.50 per hour per employee. The Police Department has asked that the raise be the same for all of the Police Department staff due to the fact that we feel all of the staff are valuable and should be treated fairly and equally across the board. If the raise is approved it will continue the process of bridging the gap in the salaries in the City of Ruidoso Downs with other law enforcement agencies. The Police Department is requesting the City of Ruidoso Downs Council approve this pay raise.

Mayor Williams said I will open it up to Council for discussion.

Councilor Perry said this money coming out of your budget was for a Corporal. You had a job for a Corporal. My problem is with this is you're taking this money from the Corporal budget and distributing it among the Officers. What's going to happen if you decide you need a Corporal? Then Mary is going to be looking for money to pay somebody. Another thing I wanted to ask you Chief was when you took over as Chief you had the option that if you didn't want to be Chief to be the Corporal. So if you get to where you want to be Corporal then we have to hire a Chief.

Chief Rupp said there is a lot of "what ifs" here. Not only in the Corporal position do we have some left over funds but we also have some from Officer Winrow who unfortunately is going to be out a lot longer now. The raises again right now wouldn't cost us any more than what is in the budget. When we come to the fiscal year with our budgeting that will again be an issue over that. We are going to continue to seek funding for that Corporal position and possibly me maybe giving up that position up next year in order to fill that position and not have to worry about that and get more staff in here. This is something asked to see if it was at all possible and maybe Mary could into it more with the numbers.

Mayor Williams said they told you the Corporal position was going to stay. Just in case. Is the position budgeted for the year when he reapplies the new budget for the fiscal year 2015-2016 that it will be a part of that budget of funding for the position. Just like he did

this year when he came in and asked for funding for all of these positions and gave the numbers and will do the same thing for next year. In the Finance Director's finding she was able to find funding to allow Police Officers and the staff to benefit from that.

Councilor Perry said I think we have a great Police Department. How are we going to compare with Ruidoso and other towns with wages if we do this \$1.50?

Chief Rupp said right now the \$1.50 is for the employees we have right now and we're eventually going to go back and look at our pay scale as a whole. I've been here roughly six years and our pay scale hasn't changed. Right now this is temporary but we are still several dollars behind.

Councilor Morales asked how long has Officer Winrow been off?

Chief Rupp said he is approaching ten months.

Councilor Morales said basically we have that salary in addition to the Corporal salary because he's on Worker's Comp.

Mary Castaneda, Finance Director said that is correct. There is a big cushion in there.

Councilor Ritter asked how many current openings or vacancies do you have right now?

Chief Rupp said right now just the Corporal.

Councilor Ritter said I'm hearing three different things. A. that we're not keeping up with the pay for Police Officers B. we do have an opening that on management's side should be taking some of the stress off of you C. as far as the courts are concerned you are taking on more responsibility. You have a lot on your plate.

Chief Rupp said there are other tasks that we have too like the Drug Task Force and it puts a demand on my officers but if we don't participate we will be doing a disservice to people.

Councilor Ritter asked if that was the task force with the Sheriff's Office?

Chief Rupp said yes.

Mayor Williams entertained a motion to approve - Agenda Briefing Memorandum - Pay Raise for the Police Department Staff - \$1.50 Per Hour.

Councilor Perry moved to approve - Agenda Briefing Memorandum - Pay Raise for the Police Department Staff - \$1.50 Per Hour. Seconded by Councilor Ritter.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Personnel Recommendation – Department – Hubbard Museum of the American West – Associate Director.

Janis Rowe said I am currently the Associate Director at the Hubbard Museum of the American West. As of Saturday, no longer. I am here to recommend personnel to take my place. We interviewed some great candidates. I made a decision and I believe Dakota Crouch meets all the requirements in the job description that we posted. I've only known Dakota for just over a year and I've been extremely impressed. I know he's young, He's eager and has a desire to learn. He blows me away with his creativity. He has already designed an exhibit on his own. He has shown great promise. He has been cross-trained in everything the museum has to offer. When I am absent he takes on the graphic designs. He's completed five years of college at ENMU and only lacks six hours for two Bachelor Degrees. One is Digital Cinema Arts and one in Religion. He also completed two years of college at Waylon Baptist University in Religion. He's a member of the New Mexico Association of Museums. He received a scholarship from them for continuing education and a scholarship from the Hubbard Foundation.

Mayor Williams entertained a motion to approve – Personnel Recommendation – Billy Crouch - Department – Hubbard Museum of the American West – Associate Director.

Councilor Morales moved to approve – Personnel Recommendation – Billy Crouch – Department – Hubbard Museum of the American West – Associate Director. Seconded by Councilor Perry.

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

There was a round of applause.

Mayor Williams asked Billy Crouch to say something to the Council.

Billy Crouch said first of all I have quite a bit of history working with non-profits and not-for-profit organizations. I have quite a few years in the technical field in terms of digital media production so I do have graphical design in my experience. I have a year of experience at the museum currently and as Ms. Rowe already described produced an exhibit that is currently on-going at the museum. I have been learning by leaps and bounds in proper collection care. In terms of the future I'm hoping in short order to increase the museum's presence in the community and help people in the surrounding area what we have to offer them. We have volunteers and research materials for community and students.

## OTHER BUSINESS

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

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 these figures are final for January. Lincoln County Transit had a beginning cash balance of \$17,689.17. Revenues were \$29,130.00.

Expenditures were \$7,328.27. Ending cash balance was \$39,490.70. The museum fund had a beginning cash balance of \$39,656.82. Revenues were \$3,812.43. Expenditures were \$30,231.71. Ending cash balance was \$13,237.54.

## PUBLIC INPUT

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

Wayne Williams said first of all I would like to welcome our new Councilor, Mr. Ritter. It was nice for a change to hear somebody say the words that they are worried about the citizen's money. Thank you for that. I don't know if any of you have read, except for Dale, the rules that govern the court. I'm telling you this – there was a con job going on today that you wouldn't believe. In all the things that I studied for when I ran for judge he's pretty limited on what he can do. It sounded to me like he was trying to con the City into thinking he has these big court trials where they had the attorneys for the defenses and that is bull crap. First of all he can't try felonies. Second if you go in for a traffic ticket, correct me if I'm wrong, when you say not guilty he has to turn it over to magistrate court. He can't even try it. He's either basically an "I'm guilty or I leave it up to you judge" to find him guilty or not guilty. All of this deal about all these criminals coming in packing irons is bull crap. But, I did appreciate the way you handled the situation Council. You guys might want to grab ahold of that and read it – the rules that govern the court.

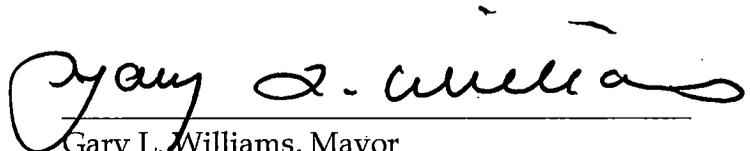
Pam Williams said I've missed a couple of meetings but Wayne has been here. As a citizen of Ruidoso Downs I've been so disgusted with our Governing Body. When the people in power meet in secret it is doubly difficult for the people to hold them accountable. The State Open Meetings law explicitly requires that meetings of the City Council give notice of their meetings. When two or more City Councilor's meet and discuss City business is what is called a rolling quorum. This is a term meaning the Governing Body is making decisions through individual communications out of the public eye. In the minutes a few weeks back of last month it said that I was told that there was a rolling quorum within the Governing Body and that's not true. I witnessed it. It was all about this empty seat of the City Council. A request was put in the paper over a month ago. None of you cared for the people that wrote a Letter of Interest for this position. The Governing Body solicited individuals to throw their hat in for the City Council vacancy. The Mayor had just told the leaders not to solicit people to the City positions that are open and that it didn't look good. I don't know whether Mr. Ritter wrote a letter in at the same time from the paper but I feel like usually it's just Wayne and I that are here as citizens and you're not bringing in other

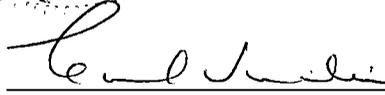
people to witness all of this. Nobody comes to these City Council meetings. None of you have been here until you got paid to do so. I think dysfunctional would be a good word to describe our Governing Body.

ADJOURNMENT

There being no further business to attend to Councilor Perry moved to adjourn at 5:50 p.m.  
Seconded by Councilor Ritter.



  
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Gary L. Williams, Mayor

  
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Carol Virden, City Clerk/Treasurer