

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
JULY 13, 2015  
4:30 P.M.

Mayor Williams said ladies and gentleman before we begin tonight I would like to ask you to join the Governing Body in a moment of silence for Benny Sanchez. Benny Sanchez was the Public Works Street Department employee that passed away unexpectedly Saturday. It's been a very, very tough day for the City. Benny is one of the two employees that has been here since the 1990's so he is a long-time employee that has dedicated his life to the citizens of the community. I ask you to join us in a moment of silence.

There was a moment of silence.

Mayor Williams said there will be a rosary tomorrow night and his service will be Thursday at 10:00 at the First Baptist Church and the intern will be in San Patricio and then come back to the church for a reception.

The Council of the City of Ruidoso Downs met in regular session on July 13, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Mary Castaneda, Finance Director 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 (absent)  
Councilor Ritter

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

Also present:

Alexandra Bobbit, City Attorney  
Mary Castaneda, Finance Director  
Dale Graham, Project Manager  
Christopher Rupp, Police Chief  
Donna Miller, Payroll/Personnel

APPROVAL OF AGENDA

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

Mayor Williams said I would like to ask Council to consider Item E to be removed from tonight's discussion. There are some inquiries that the staff would like to continue making and that should be considered as we move forth with this agreement if it does come down to it. I would like to bring it back at the next meeting if possible on the 27<sup>th</sup>. Mayor Williams entertained a motion for Approval of Agenda with the removal of Item E until the next meeting on the 27<sup>th</sup>.

Councilor Morales moved to approve the agenda with the removal of Item E. Seconded by Councilor Ritter.

Roll call votes: Councilor Miller, Aye; Councilor Morales, Aye; Councilor Ritter, 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 Miller moved to approve the Consent Agenda. Seconded by Councilor Ritter.

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

#### APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 22, 2015

Councilor Miller moved to approve Minutes of Regular Meeting of June 22, 2015. Seconded by Councilor Ritter.

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

#### APPROVAL OF ACCOUNTS PAYABLES

Councilor Miller moved to approve Accounts Payables. Seconded by Councilor Ritter.

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

#### PUBLIC HEARING

2017-2021 Infrastructure Capital Improvement Plan (ICIP)

Mayor Williams said we have our second hearing on the 2017-2021 Infrastructure Capital Improvement Plan (ICIP). That is a plan for projects that citizens would like to see and for staff recommendations that are needed for projects that will enhance the quality of life for

our citizens. I would like for Dale Graham, Project Manager to come forth and explain what he has in mind.

Dale Graham, Project Manager said you all have a copy of the ICIP and we would like to make a small change before we submit the final ICIP to the State. Take line item #8 and move everything below that down one line which is the Hubbard Museum of the American West ADA ramps. We would like to insert there the Hubbard Museum of the American West roof replacement at a cost of \$270,000.00. That would change our final plan to 2021 from 16 projects to 17 projects at a total cost of \$30,491,146.00.

Mayor Williams opened the Public Hearing for comments.

There were no comments.

Mayor Williams closed the Public Hearing.

#### UNFINISHED BUSINESS

There was no Unfinished Business.

#### NEW BUSINESS

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

Mayor Williams said I want to bring up some updates. The water project which we hope to see begin soon. The money has been approved and we’re waiting for Santa Fe to send us the okay. That money will be for Agua Fria. The sewer project is continuing slowly because of the rain and it’s difficult to get into that street when it’s raining. The lunch program for the kids in the park is going real well and we’re getting a great response from the kids. The Boys & Girls Club is doing a great job for us on that. The Farmer’s Market begins this weekend. Beth Miller has set it up. We don’t know for sure how many participants there will be but we’ll wait and see. It starts Saturday, July 18<sup>th</sup> at All American Park from 9:00 to 1:00. The website if you haven’t noticed there are some changes that have come up and we encourage any citizens that has any ideas for information on the website. We will take care of that and we look forward to the website becoming something special. It’s been a long time coming. The program that is going on the 18<sup>th</sup> at the Hubbard Museum is the second Saturday program on the first Saturday of the month. This presentation is a gentleman with mining equipment and technique along with stories of colorful characters of the gold rush era. It’s at 10:00 a.m.

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

Councilor Morales said I briefly discussed with Mayor Williams this morning about the closing of City Hall in honor of Benny’s service so that all City employees can attend. My understanding is the service is at 10:00 and there is internment and a reception. I would like for Councilor’s to consider closing City Hall from about 9:30 to about 1:30 in the

afternoon. She said I do believe we get a lot of grief for closing but this is one of those situations we've never been in. I don't know if we've ever had an employee who has passed away while he was working for us. Benny was a remarkable employee and I think we should all honor him.

Councilor Miller said I would like to see everyone be able to attend.

Councilor Morales said I'm thinking 9:30 would give everyone time to get down there for the service at 10:00 and then if they want to go to the internment and the reception maybe reopen at 1:30.

Mayor Williams said I appreciate that and I'm sure the employees do too. It's a difficult time for us and we want to pay our respects to an individual who really dedicated his life of service to this community.

Councilor Morales said Carol what do we do on this?

Carol said because this item isn't on the agenda that would be a decision of Mayor Williams although he did get the input from the City Councilors at this meeting. We will post it in the morning as to what his decision is.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Chartreuse Moose at River Rendezvous - Dolly Folmer - Request Use of All American Park - Arts, Crafts, Music (by Local Musicians) and Food Event - August 21<sup>st</sup> through August 23<sup>rd</sup>, 2015, 9 a.m. to 6:30 p.m.

Dolly Folmer said we've been doing Festival Ruidoso for about eight years now. We are having problems with Ruidoso and the Village doesn't like us doing it. We've been doing it at Schoolhouse Park. They gave us four days' notice and moved us to Wingfield Park. Well, we go as many signs as we could get in that length of time so people would know where we were and we put it on three radio stations to follow the signs. Some of the signs went missing and we went and picked them up. So, they put it right next to downtown where the merchants don't like us because they think we're taking their business. We've explained over and over that it brings so many people to town and they stay in the motels and hotels and campgrounds. They eat at the restaurants and spend their money and shop downtown. I've had people come as far as Kansas, Nebraska, Michigan to set up and sell their wares. It's just a fun time for people to do something than just gamble. If we have our little event for three days then people have time to visit us too and our vendors a lot of them are retired people, single parents, trying to supplement their income. A lot of the stuff is hand-crafted. We are looking for a venue and what better place than Ruidoso Downs? I think we just don't want to go back to the Village. They give us too much trouble so we thought this would be a great place. Our vendors like to be seen from the road. We were at Wingfield and no one knew we were over there even though we did a lot of advertising in a short length of time. None of my vendors want to go back. If we have to go back to

Wingfield which is the only place they're offering us then they don't want to do it anymore and we hate to let that happen because a lot of them have already made reservations to come. A lot of them make reservations a month or two months in advance at the hotels. We start Memorial Day weekend and we do it once a month. The very last one is October when they do the craft show for the gymnastics and that will be our last one. Now they have to move so I don't know where they're going to go and we kind of worked together on that and it brought in a lot of money. We are asking your permission to let us use your facility.

Mayor Williams said Council, I'm going to ask for a motion and a second and then we can have further discussion.

Councilor Morales moved to approve Chartreuse Moose at River Rendezvous request for All American Park for the arts and crafts fest on August 21<sup>st</sup> through August 23<sup>rd</sup>.  
Seconded by Councilor Miller.

Councilor Miller said years ago we had this going on in the park. I forgot what it was called but it was Labor Day weekend also but the Auxiliary Club brought it in every year. I don't remember for sure how it was run but Carol, can you tell me? Did they have to get permits?

Carol said Ms. Folmer here has made an application for a Business Registration. We did speak about her vendors because they have to be registered with a CRS number so we can get our GRT's. She did state that you have that already because they're responsible for reporting that to the Tax & Rev. I don't know. She didn't ask for a waiver for those vendors so it's going to be their responsibility at this point that each of them come in and get a Business Registration and pay the \$35.00 to make sure that we get our GRT's.

Dolly said so each vendor that sets up their little tent has to pay \$35.00 every month?

Carol said once a year.

Dolly said because every one of them has a CRS number or I don't let them set up. All of those I gave to the Village. They had a lot of rules and we followed every one of their rules.

Councilor Miller asked if this involves the big tents that need electricity?

Dolly said not necessarily. I don't know if you have electricity over there because we've never done this before. There used to be an arts & crafts show inside the Senior Center before because I've been there. If we did it outside is there electricity there in case someone needed it?

Councilor Miller said they did it outside also but they rented huge tents.

Dolly said these are 10 x 10 tents.

Mayor Williams asked Dale if there was a possibility for electricity?

Dale said there is limited possibility in some places.

Dolly said like for food vendors and such. I don't know what your fees are and you don't do it regularly so do you have an amount?

Carol said our City Ordinance does not have a structure to charge a fee for electricity at this time.

Dolly said we don't have to have it if you don't have it. It would be maybe two vendors. One guy does shaved ice and another one does kettle corn and another roasted nuts.

Councilor Ritter asked if we charge a fee for use of the park? Is there a per vendor fee or a fee to Ms. Folmer.

Mayor Williams said it would be the \$35.00 for the Business Registration.

Mayor Williams said I would like to thank you for allowing us the opportunity to have this here. The City of Ruidoso Downs is a great place and we're overshadowed sometimes by our neighbor. It's important for our citizens to know that we can have something special for them as well as for our visitors.

Councilor Miller said you're talking about coming back maybe two or three more times?

Dolly said we start in May. We don't know about June because it's not a holiday but we will do July and then August we want to do it because it's when they qualify for the big race and then we have September.

Councilor Miller said if she wants to come back in September will she have to come back to us for September?

Mayor Williams said yes with the dates.

Dolly said I have the dates.

Carol said the only reason Ms. Folmer will be coming back and requesting this is that we need to schedule and we do have the Farmer's Market and we don't want to infringe on them. And are the baseball tournaments over by then? That's what we'll have to look at.

Dolly said my schedule is September 5, 6 & 7 if it doesn't interfere with the Farmer's Market and it would be nice to do it with the Farmer's Market.

Mayor Williams said theirs is every Saturday and they use the front part of the park by the trees.

Dolly said it would be nice to do it with them if they didn't object.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approving Resolution No. 2015-07 Supporting the Filing of an Application to New Mexico Department of Transportation Transit and Rail Division for Funding Assistance for FY 2017.

Mayor Williams said this is to ask the Federal Government again for their assistance with the New Mexico Department of Transportation being the one that authorizes and allows the funds to be transferred down to us. This is something we ask for every year and we've been very fortunate to access the funding that allows the transit system to grow and continue. I'd like to thank the City Clerk Carol Virden for all the information and filing the application. It shows them what we're doing and how we're doing it.

Mayor Williams entertained a motion to approve – Resolution No. 2015-07 Supporting the filing of an Application to New Mexico Department of Transportation Transit and Rail Division for Funding Assistance for FY 2017.

Councilor Miller moved to approve – Resolution No. 2015-07 Supporting the filing of an Application to New Mexico Department of Transportation Transit and Rail Division for Funding Assistance for FY 2017. Seconded by Councilor Ritter.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Changes to the City of Ruidoso Downs Personnel Policy Manual.

Donna Miller, Payroll/Personnel Clerk said these are suggested changes for the Personnel Policy Manual. The strikeout brackets are removals and are in red and are followed by the changes.

Mayor Williams said these are traumatic changes and language that needed to be updated that reflect some of the rules that need to be either strengthened or removed or additions. Some of those will be coming later on as we move forward. Discussions are being held with department heads but for tonight this is basically just clean up from some language that needed to be taken care of so we can move forward with the policy.

Mayor Williams entertained a motion to approve - Agenda Briefing Memorandum - Changes to the City of Ruidoso Downs Personnel Policy Manual.

Councilor Miller moved to approve - Agenda Briefing Memorandum - Changes to the City of Ruidoso downs Personnel Policy Manual. Seconded by Councilor Ritter.

Councilor Miller said my thought on this was first when Carol was let go of the duties of the Mayor's Delegated Official if I remember right and I thought was right so I did it is that you told us the Mayor and the Councilors would be over the Personnel Policy. Now it's like you just put in another delegated official to be over it.

Mayor Williams said if you read through specifics of the rules the reason to have the Payroll/Personnel office in there and also to have the Mayor and also to have City Council is to allow the ability to enforce this and make it more convenient and allow employees to understand the application of the Personnel Policy. I read through this manual and I see a lot of things that I see one person doing like title changes for employees and what their pay is and I think all of that comes under the Council.

Mayor Williams said any time there are any changes it doesn't mean the authority has changed. It means the process you go through to allow this process to continue going from that aspect of it to Council and it's not interrupting. Council has the last say on anything that has to do with personnel or title changes or any kind of pay changes. It's not giving anybody authority or telling someone they're in charge it's just a way of processing this through.

Councilor Miller said look on page eight. It says right there that if a term employee takes a permanent position a new twelve months probationary period will commence unless the requirement is waived by the Personnel/Payroll office. As far as I remember in our Payroll/Personnel Policy if you take a new position you are definitely on probation again. At the bottom too it says that the Personnel/Payroll office shall establish a position title and pay for that position. So she can change the title and the pay? That's not right. We had problems in the past when we had a City Manager that cost us a fortune because one person made these kinds of decisions. I hate to see this happen again. You told us in February that the Council and the Mayor would make these decisions.

Mayor Williams asked for legal to go over this.

Alexandra Bobbit, City Attorney said what I'm thinking would be the best case scenario right now as Councilor Miller presented on these changes, we are looking at a lot of areas. If Councilor Miller presented where she felt that the Council needed to be added and that could be discussion. I don't know if all of the Council wants to go through the changes and read through again and then at the next meeting have discussion or not. There are some areas that I don't believe based on how the Personnel Policy was written previously would

be an area where the Council would need to be participating in. There are areas where perhaps the Council would be joining and some where they won't.

Councilor Miller said yes, she can recommend but the bottom line should be the Governing Body.

Mayor Williams said I disagree. The Governing Body should not be involved with the day to day operations unless it involves the responsibility of how business is run through the budget process or how the City is functioning. But, to go in and interfere with specifics is a little bit overkill. I'm not just saying that because I was a part of this but I'm just saying that a lot of this information that is provided to the Council is not to give anyone a certain power base to anyone who would use that to cause us problems. It is a more flexible way of how the Policy can be provided in a more convenient method than how it is and for the employee to understand it.

Councilor Miller said going by what you said when we took the delegate official away from the personnel policy. In February you did eliminate the Mayor's Delegated Official and now you're putting it back in only under a different name and you said it would be you and the Governing Body overseeing the Personnel Policy. All these changes need to be done by resolution. We can't just do it right now.

Mayor Williams said is that correct Carol?

Carol said any changes to the Personnel Policy needs to be approved by Council through a resolution. On June 2<sup>nd</sup>, because Donna asked, I did give her a sample resolution and a sample Agenda Briefing so she could get started.

Councilor Morales said I do have one question and it's for Donna. Aren't these changes a little bit overwhelming? There is an awful lot of changes that are now going to rest on you. I understand that we are not involved in the day to day operations but I'm also concerned about overwhelming you.

Alexandra Bobbit, City Attorney said we're at a standstill on this and what you might want to do and what I recommend is for Council to thoroughly go through these changes over the next two weeks and we can be prepared to address this more in depth.

Mayor Williams said understand that the language stays the same so when it says the Mayor's Delegate Official as the person or persons that's involved with how that decision is made. We don't have a Mayor's Delegated Official anymore.

Councilor Miller said no. You put her in there instead.

Mayor Williams said it doesn't exist. So who makes the decisions on specifics here if it comes to Donna and a question pertaining to salary or another matter and it states Mayor's Delegated Official and you don't approve who says yes or no.

Councilor Morales said but you no longer have a Mayor's Delegate Official so my assumption is that it would be personnel. Does it go back to you Mayor?

Mayor Williams said not unless it directly affects a particular position I need to take but when it comes to day to day specifics on this I'm not involved. It's not my job. It's the staff's job.

Councilor Morales said let me suggest this because it's going to require a lot of discussion. Maybe we need to schedule a workshop and have Donna there. I can't imagine it would be a very lengthy workshop but it would benefit all of us. If we go to the next Council meeting we're going to have Councilor Miller with well, I don't like that and I'm going I do so we're going to be in the same situation we are now.

Alexandra Bobbit, City Attorney said there are going to be more changes coming and we're trying to deal with it in chunks. You may want to consider workshops over the next couple of months.

Councilor Miller said I like that because this is a very important policy and it's important that all of us know what's happening.

Councilor Ritter said I agree that we need a workshop.

Mayor Williams said what I need from Council members is to identify what their concerns are and work on those in the workshops.

Councilor Morales said my concern is that we are placing a lot of responsibility on our Personnel/Payroll Clerk.

Mayor Williams said it is my obligation to ensure that whatever is being applied is being provided properly without interference. That's why we pay the high salaries that we do for these employees to do the job they were asked to do. We only have one Payroll/Personnel Clerk but the Personnel Policy itself has to come under the direction of someone who will be responsible to apply it fairly with the oversight of the Mayor and Governing Body but not being interfered with by either one.

Councilor Miller said most of it is okay but some isn't.

Mayor Williams asked Carol if when this was applied in your ability as enforcer of this at the time, Council or Mayor should not be involved with that.

Carol said the Mayor and Governing Body have a duty when it comes down to the Adverse Action on the recommendation from the Department Head or the Mayor once that process is completed. At times, the Mayor's Delegated Official can uphold the Department Head's decision or uphold the employee's decision and bring it back to Council so they can look at everything and make that decision themselves.

Councilor Morales said this is essential and I don't think it would take more than two workshops.

Councilor Ritter said as a Council we need to take into consideration the privacy of an individual. Some of the decision may not be able to be done.

Mayor Williams said I will tell you right now Council that if we have this workshop we will start on page one and go through each red mark in there and you will discuss it. There were three areas we were going to change.

Alexandra Bobbit, City Attorney said if you will put forth when those workshops are going to be I would ask that you allow me and Donna Miller to have quality time together. If you have a date we would be able to plan to get one half done and the rest on the second workshop. We were planning to have the vehicle, safety longevity, and overtime at the next Council meeting but we could include those as well in these workshops.

Mayor Williams said there was no motion or second on this so what we will do is. . .

Councilor Miller said I did make a motion and there was a second.

Mayor Williams said you will have to restate your motion to discuss in a workshop setting.

Carol said Councilor Miller would have to amend her main motion and get a second on that to postpone until further notice. Then what we can do at the July 27<sup>th</sup> meeting is put an item on the agenda to schedule those workshops to discuss your Personnel Policy.

Councilor Miller amended her motion to postpone changes on the Personnel Policy Manual until further notice. Seconded by Councilor Ritter.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action - Recommendation to Hire Darrell Chavez as Police Lieutenant – Ruidoso Downs Police Department.

Chief Rupp said I recommend this evening that Council consider the hiring of Darrell Chavez as a Lieutenant for the Ruidoso Downs Police Department. We did some interviews for this position and the Mayor was a part of this. He did test exceptionally well. We feel he is the best candidate for this position. I've known him for about ten years through law enforcement; he's bilingual and also speaks other Indian languages.

Councilor Morales moved to approve – Recommendation to Hire Darrell Chavez as Police Lieutenant – Ruidoso Downs Police Department. Seconded by Councilor Miller.

Darrell Chavez introduced himself and told a little about himself.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Surplus of Unused city Vehicles and Equipment via Auction by GovDeals – Public Works Department.

Bonnie Ambrose, Office Manager – Public Works said we have about fourteen vehicles on our property and I would like to present them for auction on GovDeals.com. They have a state contract for surplus vehicles for government municipalities. Currently they are the cheapest auction for us. You can sell as is and whoever buys them it is turned around in fifteen days. They are on auction for fourteen days and the highest bidder wins at that time. The winner has ten days to come to our property to pick them up. GovDeals charges a 10% fee when sold and that fee can be passed on to the buyer.

Councilor Miller moved to approve Agenda Briefing Memorandum – Surplus of Unused city Vehicles and Equipment via Auction by GovDeals – Public Works Department: second by Councilor Ritter.

Roll call votes: Councilor Miller, Aye; Councilor Morales, Aye; Councilor Ritter, 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 informed Council that these figures are tentative. Lincoln County Transit had a beginning cash balance of \$ 36,578.24; revenues of \$6,698.28 out of that was \$5,140.28 for grant reimbursement and expenditures of \$8,091.95 leaving a tentative ending cash balance of \$35,084.57.

The Hubbard Museum of the American West has a beginning balance of \$8,798.20; revenues of \$10,966.60; transfers going in of \$27,500.00; expenditures of \$31,034.77 leaving

tentative ending cash balance of \$16,230.03. Those transfers were budgeted transfers and none were from the general fund.

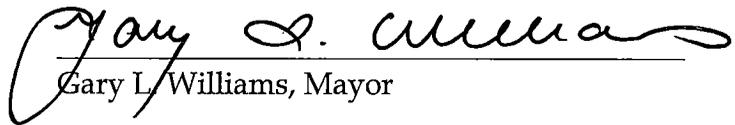
PUBLIC INPUT

Mayor Williams stated the next item on the agenda was - There was no Public Input.

ADJOURNMENT

There being no further business to attend to Councilor Ritter moved to adjourn at 5:44 p.m.:  
Seconded by Councilor Morales.



  
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Gary L. Williams, Mayor

  
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Carol Virden, City Clerk/Treasurer