

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING  
FEBRUARY 17, 2015  
10:00 A.M.

The Council of the City of Ruidoso Downs met in Special Session on February 17, 2015. Mayor Williams called the meeting to order at 10:00 a.m. and asked Dale Graham 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

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

Also present:

Alexandra Bobbit, City Attorney  
Dale Graham, Project Manager

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

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Rescinding Mayor’s Delegated Official Position; Personnel Policy Manual Chapter 2, Rules 200, 200.1, 201A through H.

Mayor Williams said I'd like to give a little bit of history of how this occurred back in 2008 when the new administration came. The previous Mayor at that time basically fired the Manager three days after being sworn in. It left a void between the Governing Body, Mayor's office and administration of how the City operates and functions under that particular realm. Beginning in April and this ran for three meetings - the 14<sup>th</sup>, 28<sup>th</sup>, and May 12<sup>th</sup>. With discussion I brought forth to consider restructuring the City Clerk and restructuring the City's Finance Manager positions. During discussion a lot of questions were raised and a lot of concerns were brought forth and that's why the continuation of the 14<sup>th</sup> was actually tabled but should have been postponed and then the 28<sup>th</sup> meeting was also tabled and should have been postponed but obviously was brought forth to May 12<sup>th</sup> when the discussion came to head and the vote finally came through. It was a split Council with the Mayor's tie break vote. The position then was still uncertain because there was no duties presented to the Council at the time of exactly what the City Clerk's job would be with this restructuring. As it states throughout the minutes there the Mayor was basically stating it was City Clerk/Administrator position. Under the State statutes and City Ordinances it defines the duties and responsibilities of the City Clerk/Treasurer and City Administrator. The difference between the two obviously is quite a bit of level of expertise, knowledge, and background. At the time, looking at the City Clerk/Treasurer's position description, I have the one from 2008. Looking at the position description I was looking at the set to set serves as the grant administrator for Federal and State funds awarded to the City, coordinator, and grant proposals. That was the perception as the thought was brought up for Administrator. The Mayor was stating throughout this whole process that he was going to provide her duties and responsibilities but never outlined it specifically and didn't have anything documented in the Council packets that outlined what those duties were. I believe it was July 2008 when the duties were passed on to Council and that's when the Mayor's Delegated Official came into effect. The problem was from that time to this time has not been how the City has functioned and how the operation has either not been at the level of expectations by the citizens or how it's applied to how we run our business daily. It's the fact that when you look at the Clerk's responsibilities and the added duties that were presented to her put her in an Administrator position which is like a City Manager/Administrator position. At a level of expertise that provides the opportunity for the City to function and he does all of the outlining of duties and responsibilities for the City to continue to function at that level. I don't know if you've seen the job description of the City Administrator. I hope I provided it to you. Basically what it states is "the administrator of the Personnel Policy is by leadership, developing short and long-term range plans, coordinates with City departments to identify planned capital projects, undertake special projects recommended by Mayor and/or Council" and that's a short run down of those duties that she was responsible for. In a City Clerk's job description it does not go into that depth of how that would be managed under that office. In the Personnel Policy Manual it states that the Mayor's Delegate Official will administer the Personnel Policy in reference to the Personnel Policy itself. It doesn't outline any more duties and responsibilities other than that factor. When you look at the Personnel Policy and the requirements of the Personnel Policy and the chapters and sub-chapters and the rules that are identified most of the duties and responsibilities comes out of her Personnel office. Also

the Department Heads when you're dealing with Chapter 8 and Chapter 10. Chapter 8 being "Discipline" and Chapter 10 being "Adverse Actions." When you talk about how a "Disciplinary Action" should be provided when it's involving an employee of a department it should identify specifically that the employee files a grievance against a supervisor. The Department Head will be the one to hear that grievance. When a grievance is brought forth to a Department Head the Department Head's supervisor being the Mayor should hear that grievance. Under the policy as stated with the Mayor's Delegated Official you have an employee that is in a position in the capacity of City Clerk hearing adverse actions against an employee and/or grievances or disciplinary actions. The City Administrator is not an employee in this level of position that has a non-interest on how it is done, just how that process is accomplished. Not saying any prejudice or personal agenda would arise because of a hearing on an employee but you always have that possibility in some way or form. It hasn't occurred yet and we haven't had many instances where we've had issues raised under the Personnel Policy "discipline" and "adverse actions" but it is a possibility. Until the opportunity arises for the City to hire a City Manager or a City Administrator I would ask Council, and if you look at the City structure that I provided for you, outlining the positions that are under that. I believe I gave you a copy of Article 11 of the State statutes where it says the Mayor and Council, of the municipality, the Mayor under the 3-11-6 has the authority to appoint a supervisor and discharge employees. Under "C" the Mayor shall supervise the employees of a municipality, examine the grounds of a reasonable complaint made against any employee and cause of any violation or neglect of an employee duties to be corrected promptly or report to the proper authority for correction and punishment. With that said it would probably be the Department Head. When it comes to any kind of hearing or action taken the Mayor's position that he is in as well as the Department Heads and the concurrence and support of the Council would provide any type of disciplinary action that would be afforded an employee or hearing per se under our Personnel Policy. The Mayor's Delegated Official at the time might have been needed in that last administration and felt that it was a requirement because there was not an ability to function without that position. The reason a lot of this is being selfish. I respect and admire the City Clerk for the position and job that she does and the performance of the job. I feel more personally that I would like to see her continue in that capacity with her energy and her direction of the City Clerk position and the Personnel Policy Manual be administered and overseen by the Council and the Mayor in concurrence of the Department Heads because they are the ones that would be involved with it and also the Personnel Policy if you look at the duties and the rules, a lot of it reverts back to the Personnel office. With the supervisor being the Clerk she will definitely supervise that in respect on how it is done. Carol Virden is a Master Municipal Clerk. She is one of the 5% of the Municipal Clerk's in the State of New Mexico and we have one here in the City. It's quite a feat to have that expertise and doing what she does for us. I would like to see that kept being specific to her duties and responsibilities and not have what was decimated by the previous Mayor as an administrative authority over the City. I'm not saying that you can't do it but it shouldn't be on her plate to continue doing something that could possibly interfere with how she applies her job. Under the Clerk/Treasurer's job description it says "all duties and responsibilities as assigned at the discretion of the Mayor." That's a pretty broad statement

and I would not do anything without confirming with the Clerk and without asking Council for their support or recommendation. There has been a perception in the City that being the Mayor's Delegated Official that her authority is based on what comes out of the Mayor's office. Generally what comes out of my office is more so to ensure that the operations of the City functions at the level that is expected of the citizens and the Council. It has never been a fact that I have decimated any duties that states that she should be the authority. But, in the past it has filtered into that perspective. I encourage Council, and I know I have given you some new material this morning, if you have any questions or anything that you want to provide for me first, and then if you want to open it up I can open it up to the Clerk to answer any questions or issues that you may see that you want clarification for. Again, this is not a demotion. This is not taking away authority. It's just putting it back into perspective of how the City should function and until we get a City Manager/City Administrator this would probably be the best avenue to approach and work with. If you have any questions I would be willing to answer them.

Councilor Miller said what I am understanding is that it's not really necessary to have a Mayor's Delegated Official.

Mayor Williams said when you talk about a Personnel Policy and how it's applied and the information and job descriptions of the people who have the understanding of how to apply it is when it comes down to it, you have a Department Head who is responsible for the department and oversees the operation according to the Personnel Policy. You have a City Clerk who maintains and ensures that the Personnel Policy is up to date in reference to the duties and responsibilities of the Department Heads and how they apply it. The Personnel office also ensures also that whatever questions need to come forth and any understanding of what may have to be done for advice to continue or any kind of information to be passed on for them to allow themselves the opportunity to do the certain duties and responsibilities that they are afforded to do under their job description and will be provided for them. I think that the fact that it's a Delegated Official is a misnomer and I think that the Mayor has an opportunity of ensure that the Policy is followed with the Council as an oversight to ensure that the Policy is followed and with the Department Heads as a main ingredient of how the working the Policy is provided and applied to the employees. I think with the Clerk's expertise and the advice of the City Attorney would allow the application of the Personnel Policy in that respect to be consistent and would have the ability for all employees to feel they are being treated fairly.

Councilor Morales said I don't know what I feel about us ending this Mayor's Delegated Official position. I think it's interesting that this was done in 2008 and now we're at 2015 and I don't understand first of all why is that to begin with because we didn't have a City Administrator. I don't know if previous administration was not comfortable in dealing with a lot of things and possibly that is why he transferred it over to the City Clerk. I'm just trying to reason within myself why it's taken so long. I don't think you can answer that for the previous administration for years prior. I think by rescinding this it would probably help Carol with her duties because it would leave her with only City Clerk duties and not

so much administration. I don't know Carol, if you could just enlighten me a little bit or tell me why it happened seven years ago.

Carol Virden, City Clerk/Treasurer said in 2008 when Tom Armstrong was the elected as the Chief Elected Official for the City of Ruidoso Downs as Mayor, and prior to that the Personnel Policy was designed to be overseen by the City Manager. John Waters was hired as Village Administrator. A few years later they did a resolution to make him City Manager. So, the City Manager's name was on the Personnel Policy. At the time that Mayor Armstrong took over we had no City Administrator or City Manager so therefore he felt that it was necessary to put in a Mayor's Delegated Official to oversee the Personnel Policy. Does that answer your question? We left the City Administrator/City Manager in here should future City Councilor's decided to bring one for hire in the future. There was no one to oversee the Personnel Policy at that time and Mayor Armstrong felt it was necessary to name someone to oversee the Personnel Policy.

Councilor Perry asked if we do this will Carol be only City Clerk and once we do that we won't have a City Administrator or City Manager? Are we going to have to come back and hire somebody to do that job?

Mayor Williams said the discussion of hiring a City Manager/City Administrator is up to Council and it's a position that has to be funded. At the time when they decided not to do this they decided not to fund the position because of concerns about allowing that position stay in the policy for the future. If Council wants to decide that we need a City Manager/City Administrator that would be a budget process to make sure the position would be funded and the position description would be identified with the duties and responsibilities.

Councilor Miller said I just want to make sure nothing else changes except for the Delegated Official, salary or anything like that.

Mayor Williams said no. There was a question I got before the Council meeting in Chapter 2 where it states the position of City Manager/City Administrator or the Mayor's Delegated Official. At the time the discussion was if that position was solely for the Mayor's Delegated Official and the City Clerk's position was separate and could you have both as one position. The process played out and a vote was taken to restructure and allow that transition to occur. The Mayor stated at that time that it was one position. Again, I want Council to know that this does in no way distract from the performance of the City Clerk, how she does her job, how she provides information, how she does the intricate paperwork, requirements with meeting grants, resolutions, ordinances, and any kind of grievance that we have to abide by for State law and statutes. This is personal and I would like to see her concentrate and be at the level of expertise and talent and the ability to do her job that is unquestionable. This is about my relationship with the Clerk for the last three years and I've seen what she does and how she does it and it's a pleasure to see. There have been times when there have been disagreements and some difficulties but that always comes

when you have two people working together trying to accomplish the same goal to do what's best for the citizens. I just wanted Council to know that and it has nothing to do with anything else. It's the concentration and ability to do her job. She is amazing.

Councilor Miller said I always thought the Mayor's Delegate Official would just be there if the Mayor is not there. Is that right?

Carol Virden, City Clerk/Treasurer said the Mayor's Delegated Official is not there in the capacity in the absence of the Mayor to oversee the Personnel Policy.

Mayor Williams said the operations component of how the City functions falls under the duties because of the fact that the Mayor supervises all of the employees and falls under the Mayor's umbrella but with the concurrence of the City Council to be able to perform that duty. The Department Heads are the main avenue of compliance and how they do their job and then they filter down to supervisors and then employees. The system is not for a Mayor to interfere, and I don't interfere, I don't micro-manage. I allow the Department Heads to do their jobs. I allow the Clerk to do their job. I allow the Finance Director and the Planning Director to do their jobs, what the citizens pay them to do. That's the way I've operated and that's the way I will continue to operate. The only thing that would change is the Mayor's ability to understand what's going on because Department Heads would direct anything that's going on within the City directly. I think that's the best way to function in the absence of a City Manager/City Administrator. As you can see the City functions at the level that we are functioning and we are getting the job done. Thanks to Council for their decisions in the past and to staff for providing the information and for employees that are out there every day and each department that excels in what they do.

Councilor Miller said it seems that it wasn't that long ago that you were appointed Carol for this position.

Carol Virden, City Clerk/Treasurer said I don't know when.

Mayor Williams said at the time that she was Mayor's Delegated Official she was City Clerk too which was an appointed position job-wise with the last administration that was approved by Council. That carried over when I presented to Council for her to continue in her position as City Clerk/Treasurer so I guess I did approve that or the Council did.

Councilor Perry said since the three years that I've been here it seems like we've piled more and more on Carol. The Transit and museum and this job and that job.

Councilor Miller said she's taken the place of several positions that we've had.

Mayor Williams said let me make this clear so it doesn't go in that direction. She's administered a lot of what goes into Transit. In the museum there have been instances where there has been insight brought forth by the Clerk on how things may need to evolve

to make the museum more functional. I need to let you know that she had in no way the capacity to supervise those departments. I'm overseeing Transit and I allow the Clerk to do most of the leg work because I'm knowledgeable about how to go in front of people and ask for money. Most times I have done it successfully to help staff but the operation itself, I oversee it and Carol maintains it. The museum, obviously with the Associate Director retiring at the end of the month, we are looking for a person for that department that will keep it at a higher level. You are right about the duties. There are duties she has picked up as a City Clerk that have been brought forward to do with her expertise and knowledge.

Councilor Morales asked Carol if she had anything to add or say?

Carol Virden, City Clerk/Treasurer said yes. It's my understanding that the Mayor has made a recommendation that the Mayor and the Governing Body will be overseeing the Personnel Policy? The only reason I'm asking that is that it's going to take. Well, any changes to the Personnel Policy has to be done by resolution and bring back to the City Council for approval.

Mayor Williams said in the workings of the policy itself and how you are talking about any resolutions for any changes coming forth that Council will have to approve, it's still part of your job and responsibility. Just the fact that there is Chapter 8 or Chapter 10 which is "Adverse Action", that would not come from your office. I understand that you are a supervisor of the Personnel lady at this time and when things come out in those chapters that are covered under Personnel, you are the supervisor, you work with her to ensure compliance or any questions and are considered a part of that process. The only thing it would take away Carol is your ability to have hearings under the pre-determination.

Carol Virden, City Clerk/Treasurer said those grievance hearings, well, first of all I don't have the authority to hire or fire. Any recommendations under the grievance process and the adverse process are recommendations from the Department Head themselves. Therefore, once that's done we go through the process, and they do have to have due process on that, then that comes before the Council to either uphold the decision or reverse the recommendation. So, you want to exclude the Mayor's Delegated Official from that process. You can certainly do that because I believe in Chapter 2: Authority for Administration the Mayor's Delegated Official can delegate all of those duties and responsibilities to the Personnel Department starting from Chapter 1 all the way to Chapter 17.

Mayor Williams said Council, it has even been brought up from the employees of the City that there has been a misconception from the employees as to who runs the City. There have been a lot of questions about how that is done. Anytime you have employees with concerns and how they feel and how they do their jobs, I take very seriously. I feel comfortable in the fact that employees are priority number one. I don't want employees to feel like there is a person that has authority over them that would not feel justified by the position of that person. I want to make it clear that how we do our jobs is formulated by

the position of authority starting from the top of the Mayor's office, City Council for legislative, Department Heads, supervisors on down to the City Clerk, employees and staff. If Council wanted to consider allowing the position of the Delegated Official then I would advise that change if you wanted to go that direction that not to be a Mayor's Delegate Official but to be a Personnel Policy Delegated Official. I can live with that but the fact that it's the Mayor's Delegated Official has the misconception of authority of when the Mayor is not here. So, to make that clarification you have two choices then. I know it says "rescind" and the option is to identify the City Clerk as the Personnel Policy Delegated Official.

Alexandra Bobbit, City Attorney said I do believe that if you end up doing a Personnel Policy Administrator that it would be a completely new title and it would have to have duties assigned to it. As far as I know you can't just take the Mayor's Delegate Official, cross that out, put Personnel Policy Administrator on Chapter 2 and call it a day. It would be a whole new position and would have to be dealt with accordingly. My understanding is that the choice is either to rescind that position completely or if that was something the Mayor and Council wanted to consider that would be a whole new matter and placed into the Personnel Policy manual. I don't think that's a choice that can be made today.

Mayor Williams said the item on the agenda is - Rescinding Mayor's Delegated Official Position; Personnel Policy Manual Chapter 2, Rules 200.1, 201A through H.

Councilor Morales moved to approve Rescinding Mayor's Delegated Official Position; Personnel Policy Manual Chapter 2, Rules 200, 200.1, 201A through H and that the position not come up to Council for unless Council decides they need a Mayor's Delegate Official again. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Reinstatement of Finance Director to Department Head Status; Personnel Policy Manual Chapter 2, Rule 202; Chapter 3, Rule 300 (Non-Exempt Executive: Department Heads).

Mayor Williams said there was a change previously when the Finance Director's position came available due to retirement. At that time the Finance Director was under the supervision of the Mayor's office. Due to the change of the job position and job description did not change. The duties and responsibilities of that position did not change. The only thing that changed was the supervisor of that position of that employee. Back in 2008 was the restructuring of the Finance Manager position to the Procurement Code position. It was restructured to become the Finance Director position with the authority and status of a Department Head. At the time it was asked if this was going to be an at-will position. It was a Department Head position in Rule 202 and Department Head Rule 300. The Department Heads were Finance, Public Works, Planning & Zoning, Museum, and the Fire Chief and are all under the supervision of the Mayor's office. The appointed positions are

the Police Chief, City Attorney, and City Clerk. I did not interfere with the process at the time. The change would have to be approved by Council. Any Rule that is adjusted, modified, or changed and as Chapter 1 states "amendments to this manual will be made in accordance with the provisions contained in this Policy Manual and shall be adopted by the Governing Body." The Governing Body did approve that change. I believe that the Director as a Department Head should be changed as a Department Head under the supervision of the Mayor's Office and the employee's job description also states that the Finance Clerk and Utility Clerk are part of that Department under that supervision. I would like to see this in clarification so it can return back to a Department Head and the supervision under the Mayor's office.

Carol Virden, City Clerk/Treasurer said I believe the Finance Clerk and Utility Clerk already report to the Finance Director.

Mayor Williams said unless the duties have changed job description and position description that identified in 2006 that they would report to the City Clerk/Treasurer/Treasurer.

Carol Virden, City Clerk/Treasurer said yes they were. During Tom Armstrong's administration it was changed to transfer authority to Finance.

Mayor Williams said I have 2005 when it was the Finance Clerk and Utility Clerk.

Mayor Williams said I would like Council to consider establishing the authority on that department back to the Finance Director position as a Department Head status.

Councilor Miller said I thought she was a Director.

Mayor Williams said that was until the 2013 revision and was to report to the City Clerk.

Carol Virden, City Clerk/Treasurer said the only change to the job description was to reporting to. In 2005 all the Department Directors reported to John Waters the City Manager. Once the new administration came in which was Tom Armstrong he wanted them to report to the Mayor at that time. It went from the City Manager and then to the Mayor. The reason that Rule 300 as a non-exempt executive is because back at that time all of these positions from A to E were designated appointed positions which meant they were exempt executive positions. We brought this to Council and they approved the changes that they be non-exempt executive Department Heads. That meant that those positions don't come up to the Council every two years for appointment.

Councilor Miller said being a small City I think they should report to the Mayor but they should also work together on budget, policies, and procedures. I feel like this is not separate stuff. They have to work together and they have to know what the other one is doing.

Mayor Williams said that isn't going to change on how the City is functioning. Like any other you have to have a supervisor. If an employee isn't doing his job the Mayor has a right to look into the policy and so does the Department Head. The Department Head has a right to discipline or merit his employee. Same thing with a supervisor. The only thing it changes is the supervision of the Department Head. You have to have somebody above the Department Head. The City Clerk is not above the Department Head. A Department Head should report to the Mayor.

Councilor Miller said I will make that motion to reinstate the Finance Director.

Carol Virden, City Clerk/Treasurer said the reinstatement of Finance Director to Department Head status are equal. The only that you are asking for in your recommendation is that the Department Head Finance Director report to the Mayor and not the City Clerk. Is that my understanding? Therefore you would have to substitute some of this language to incorporate the wish of the Mayor and the wish of City Council. That would have to be changed in the job description. That would be done in the job description of the reporting from and to.

Mayor Williams said at the time she wasn't really a Department Head because she was reporting to the Clerk. This could have probably be restated better and the underlying aspect of it would be the reporting to.

Councilor Miller said you do share these reports with the Clerk though because she's over Financial aspect.

Mayor Williams said let me make it clear. The Mayor does not interfere with daily operations. Period.

Councilor Miller said but, with these reports from each Department Head doesn't the Clerk have to be involved for budget.

Carol Virden, City Clerk/Treasurer said not necessarily. In the past it's been a condition that the City Clerk be involved. In 2001 when Mr. Waters came in he came to the Council, and this was prior to the budget process beginning, the Mayor at the time was Mayor Miller, and appointed what is called a Budget Committee. The Budget Committee meets with Department Heads but also had the City Clerk and Finance Director there to make sure that the requests were written down and that there were no errors that would come up after the budget work sessions. So, this has been a continuing position and the Mayor still appoints his Budget Committee people and also involved is the Finance Director and Directors. I can certainly be there as a looker in case they have a question they may not have an answer to.

Mayor Williams said just like when we're hiring and during the interview process the Mayor and City Clerk are invited to be part of that process. The thing about that is she has to be involved because she knows everything. The City Clerk has to be involved. That's the important aspect of her job. She's always going to be involved with what's goes on when it's taking care of the business of the City. The Mayor just wants to be aware of what's going on.

Mayor Williams entertained a motion to approve - Reinstatement of Finance Director to Department Head Status; Personnel Policy Manual Chapter 2, Rule 202; Chapter 3, Rule 300 (Non-Exempt Executive: Department Heads) with the stipulation of reporting to.

Councilor Miller moved to approve - Reinstatement of Finance Director to Department Head Status; Personnel Policy Manual Chapter 2, Rule 202; Chapter 3, Rule 300 (Non-Exempt Executive: Department Heads).

Mayor Williams asked Councilor Miller to state specifically as to what changes.

Councilor Miller said the changes? That she's being reinstated as the Finance Director and reports to the Mayor.

Carol Virden, City Clerk/Treasurer said I believe what Mayor Williams is asking is to have the language to update the job description for Finance Director and the reporting from the City Clerk to the Mayor. Is that correct?

Mayor Williams said yes.

Councilor Miller moved to reinstate the Finance Director to Department Head Status; Personnel Policy Manual Chapter 2, Rule 202; Chapter 3, Rule 300 (Non-Exempt Executive: Department Heads) and update the job description to reporting to the Mayor and not the City Clerk. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Mayor's Appointment to Fill Vacancy Pursuant to Chapter 31: City Council Section 31.01 Establishment; Members; Duties (E) Vacancies.

Mayor Williams submitted his recommendation name of Ronald P. Ritter to fill the vacancy left by Councilor Hood.

Councilor Morales moved to approve Mayor Williams recommendation of Ronald P. Ritter to fill Councilor position left by Councilor Hood. Seconded by Councilor Perry.

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

Carol Virden, City Clerk/Treasurer administered the Oath of Office to Ronald P. Ritter as City Councilor.

#### CLOSED SESSION

Limited Personnel Matters Pursuant to Section 10-15-1, H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Any action taken as a result of the Closed Session will be brought back into Open Session.

Mayor Williams entertained a motion to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1, H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Morales moved to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1, H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employees. Seconded by Councilor Perry.

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

Mayor Williams closed the Special Meeting at 11:24 a.m. and invited Alexandra Bobbit; City Attorney, Carol Virden; City Clerk and called for a five minute recess.

Mayor Williams entertained a motion to go back into Open Session.

Councilor Morales moved to go back into Open Session at 11:33 a.m. Seconded by Councilor Perry.

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

Mayor Williams called the Special Meeting back to order at 1:31 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were Limited Personnel Matters Pursuant to Section 10-15-1, H2, NMSA 1978 for the

discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Morales attested to the fact that the only items discussed in Closed Session was Limited Personnel Matters Pursuant to Section 10-15-1, H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee and that no action was taken.

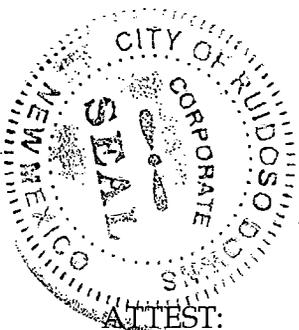
Councilor Morales said Council has decided to rescind the written reprimand that was issued to the employee and the written warning be granted with conditions and that there will be a mandatory re-evaluation of that employee in three months. Seconded by Councilor Miller.

Carol Virden, City Clerk/Treasurer said your motion was to rescind the written reprimand and the written warning be granted with certain conditions and that there will be a mandatory re-evaluation in three months.

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

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn at 1:34 p.m. Seconded by Councilor Perry.



ATTEST:

Carol Virden, City Clerk/Treasurer

  
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Gary L. Williams, Mayor