

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
ORGANIZATIONAL AND
REGULAR MEETING
MARCH 14, 2016
4:30 P.M.

The Council of the City of Ruidoso Downs met in an Organizational Meeting on March 14, 2016. Mayor Williams called the meeting to order at 4:30 p.m.

Mayor Williams said we will begin with our Organizational Meeting of the Governing Body for the City of Ruidoso Downs, New Mexico.

Mayor Williams stated the first item is:

- A. Pursuant to Chapter 30: Mayor Section 30.04 Mayor Pro-Tem. The Governing Body shall elect one of its members to act as Mayor Pro Tem in the absence of the Mayor.

Councilor Romero nominated Councilor Miller. Seconded by Councilor Morales.

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

Mayor Williams stated the next item is:

- B. Reading of Rules of Debates from the City of Ruidoso Downs Municipal Code of Ordinances Chapter 31: City Council Section 31.02 (E) Rules of debate 1-7.

Mayor Williams asked City Council to read the Rules of Debates. He said there were a couple of things I would like to point out:

- The Mayor may not make or second motions but may debate from the chair.
- Each Councilor desiring to speak shall address the presiding officer.
- Interruption – a Councilor having been recognized shall not be interrupted except to call him or her to order.
- Closing debate – Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

- Reconsideration – a motion to reconsider any action taken by the Governing Body shall be made on the day the action was taken.
- Statement in minutes – a member of the City Council may request the privilege of having his or her statement on any subject under consideration entered into the minutes.
- Issues that are not covered - Roberts Rules of Order shall be used by the City Council to determine any issues not covered this section.

Mayor Williams stated the next item is:

- C. Pursuant to Chapter 32: City Officials Section 32.002 Appointive officers of the City shall be a City Administrator, City Clerk/Treasurer, Chief of Police and City Attorney. Pursuant to Chapter 32: City Officials Section 32.002 Appointment; Terms. Appointed officers and special committee members serve at the pleasure of the Mayor and City Council, which shall be held every two years following the March general election, the Mayor shall immediately submit, for confirmation by the City Council, the names of persons who shall fill the various appointive offices of the City or shall serve as members of the various special boards, commissions, or committees of the City.

Mayor Williams said for the position of City Administrator the position is not filled at this time.

Mayor Williams said for the position of City Clerk/Treasurer I bring to Council for consideration for approval Carol Virden and entertained a motion.

Councilor Miller moved to approve appointment of Carol Virden as City Clerk/Treasurer. Seconded by Councilor Morales.

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

Harrold Mansell, Municipal Judge administered the Oath of Office.

Mayor Williams said for the position of Chief of Police I bring to Council for consideration for approval Christopher Rupp and entertained a motion.

Councilor Morales moved to approve appointment of Christopher Rupp as Chief of Police.

Councilor Romero said I request more time to look into the background of this position. I like to feel more informed about his past position with Ruidoso Downs.

Mayor Williams asked what are your concerns?

Councilor Romero said just some issues with the department and views that people have expressed to me.

Mayor Williams asked Chief Rupp to come forward.

Mayor Williams asked Councilor Romero to speak.

Councilor Romero said I went on the website to look at the Police Department website and I noticed that there is not a whole lot of information. How often do you work on the website?

Chief Rupp said that is not controlled by the Police Department. It's controlled by the City.

Councilor Romero asked who might that be?

Carol Virden, City Clerk/Treasurer said it is controlled by the City but we get any information and updates from each Department Head. The website is really old and not user-friendly. As was discussed on March 4, 2016 at 10:00 a.m. during a Director's Meeting the Mayor did ask each Department Director to come up with a 5-year plan. That website is one of my 5-year plans along with other issues that need to be addressed within the City Clerk's office. The website is not user-friendly. Without the updates of information from the Directors it is what it is.

Councilor Romero said the reason I'm asking is because that's the doorway for he who does not know, the citizen of Ruidoso Downs to find out about your department. I found it to be a friendly user and I'm not a computer person myself but there wasn't a whole lot of information. It mentioned you yourself but there were no other staff members mentioned. It talked about traffic violations and that was all. Do you plan to update that?

Chief Rupp said we currently have discussed that in our Staff Meetings and are in the process of the whole City updating the whole website for the City.

Councilor Romero asked what are your future plans for making our Police Department having a positive look and feel about it?

Chief Rupp said we have a lot of things that we've been working on. Our biggest thing right now is our infrastructure. Our infrastructure has been falling down and hasn't

been very well maintained in the past. If you would like some day to stop by I would be more than happy to show you. Since we've taken over we've been having to work on the day-to-day operations of just being able to survive day-to-day. A lot of the load we've been having in the past since I started this position was totally outdated so the communications system we have right now our officers cannot even communicate with our dispatch at this time. Our process is we've been working with the City and City Attorney and the State to try to get us some money. We've been working through the grants in order to create our infrastructure. In the future we continue to seek other grants and work on education through the public. We have been working on getting our officers to higher standards. We've established a Drug Task Force here in Lincoln County. We also work with the DEA and the ATF as well as with the District Attorney's office. We're trying to get up to be fully staffed. March 21st will be the first time we are fully staffed.

Councilor Romero asked what is fully staffed?

Chief Rupp said eight officers.

Councilor Romero asked including yourself?

Chief Rupp said yes. Once we have that we have some, one of our dispatchers that is still going to the academy. We just got two back from the certified by waiver from the academy and then we have some going up to Albuquerque so they are safe while on the streets.

Councilor Romero asked how many officers do we have residents of the City or of Lincoln County?

Chief Rupp said all of them except for three.

Councilor Romero said and they're all certified Police Officers?

Chief Rupp said yes, with the State.

Councilor Romero asked how do I find that information out and how do you present that information to the system?

Chief Rupp said right now anybody can gather that information from the public information act but all of our officers are State required with a registration certification number. We have to do a quarterly or rather every time I have a new employee I have to send that up to the State which says their employment. They do require that

documentation at the time of employment and we actually go through backgrounds. That information is also available through HR as well.

Councilor Romero asked what kind of youth programs do you have?

Chief Rupp said right now we don't have any youth programs. We do work with the Lincoln County DWI program. In the past couple of year some of the agencies have been divided to participate with the DWI date. It's two days and is hosted at the high school. For several years now we have been the only agency to go down there. We do have funding through the County for that. On March 20th this will come up again and we will be sending more officers to do that as well.

Councilor Romero asked what is your schedule?

Chief Rupp said I work Monday through Friday.

Councilor Romero asked and hours?

Chief Rupp said usually I try to come in early to try to get some stuff done but I'm flexible. I've been here since 5:30 this morning.

Councilor Walker said the only question I have is do you guys take your vehicles home every day if you live out of town?

Chief Rupp said I'm the only one that takes one out of town and the City does have a take home policy.

Councilor Romero said there are two of you from Tularosa. Is that correct?

Chief Rupp said no sir.

Councilor Romero said I thought your lieutenant was from Tularosa.

Chief Rupp said he's not from Tularosa.

Councilor Miller said I have questions too but it would have to be with Personnel and it can't be discussed in Open Session. May questions would have to be in a Closed Session. I don't know if that's going to be possible.

H. John Underwood, City Attorney said under the Open Meetings Act we would have to have an Executive Session closed and for the purposes of appointment of any officials that person remains as official until such time as there is someone else appointed to that

position. If the Council wanted to have an Executive session at the next regularly scheduled meeting to discuss this personnel issue regarding the Chief we can also put the appointment on at that time.

Carol Virden, City Clerk/Treasurer said if you look at the State Statute 3-11.7 I believe that if the Council had not appointed me as City Clerk/Treasurer then I would remain until the Mayor brought up a name that would be qualified for the office. I don't believe that it sites that for the Chief of Police.

H. John Underwood, City Attorney said I don't see that under 3-11.

Carol said try 312.

H. John Underwood, City Attorney said 3-11.5 states that the Organizational meeting of the Governing Body shall be scheduled Pursuant to 383.3. The Mayor shall submit for confirmation by the Governing Body the names of the persons who shall fill the appointive offices of the municipality and the names of the persons who shall be employed by the municipality. If the Governing Body fails to confirm any person as an appointed official or employee of the municipality the Mayor at the next regular meeting of the Governing Body shall submit the name of another person to fill the appointed office or the employee of the municipality. Any person holding an appointed office at the time of the Municipal Election shall continue in that office until its successor has been appointed and is qualified. He said because this has happened previously I've done some research on similar issues. The Mayor is not duty bound to name another person to that office if the Mayor doesn't want to. It's about executive powers versus legislative powers. If the Council wants to complete the appointive process tonight that is fine. You can still call for an Executive Session at the next time and if there are issues you want to take up about that appointed official and if there are issues to then disappoint those issues can be taken up at that time. Otherwise the Statute says that the Mayor is to appoint someone else but we've had a situation like that where the Mayor doesn't appoint someone else and keeps appointing the same person over and over until Council either accepts that person or the Mayor decides to appoint someone else. The appointive person will last so long as the appointment lasts by the Mayor but if the Council determines that they would like to take up the Chief's issue with Personnel then I would recommend that we either have a Special Meeting or take it up at the next meeting. We can take up the issue of appointment at that time or you can deal with it now. The issue is also that once the Chief would be appointed it would take a movement by this body to have that person disciplined and taken out of that office.

Carol said I don't believe you can appoint and disappoint if you have to move on with the structure of Item C. You either appoint or you not appoint. If you appoint and then you come back and just say there is a Special Meeting to discuss personnel issues the agenda is going to state appointment again? But how can you appoint a person twice?

H. John Underwood, City Attorney said probably the best recommendation would be if there's not a second to the motion to appoint and there is a request to have a personnel session on that particular appointee I would recommend that you have that at the next regular meeting or that you have to have 72 hours for a Special meeting. At that time we will also put the appointment of the Chief on that session.

Carol said for my own sake I need to understand what is it that we're possibly saying here. If there is a motion on the floor to reappoint Chief Rupp as Police Chief for the City of Ruidoso Downs. If there is not a second then it dies for lack of a second. Even with that the Mayor and/or three of the City Councilors call for a Special meeting solely for personnel matters and we will follow the personnel section on that then put the reappointment? That's the part I don't understand.

H. John Underwood, City Attorney said you would put the reappointment on at the end of that personnel because it's dying for a lack of second.

Carol said once it dies for a lack of second it's gone. The Mayor would then submit another name for the Chief of Police at the next meeting.

H. John Underwood, City Attorney said then we could run into the situation where the Mayor doesn't want to submit another name.

Carol said I've been through this process. I stayed here from March 2012 to September of 2012 where the Mayor submitted another name which was unacceptable to the Council. That was in July and then in September he brought my name back up. Is that the process we are going to do? I stayed because there was no one else qualified..

H. John Underwood, City Attorney said yes and because there was no one else qualified to take your place. The quandary that we have is that under the State Statute it says that if they are not accepted at this meeting that any person holding an appointive office at the time of the Municipal Election, which would be Chief Rupp, shall continue in that office until his successor has been appointed and is qualified. The previous section says that if the Governing Body fails to confirm any person as an appointive official the Mayor at the next regular meeting of the Governing Body shall submit the name of another person to fill the appointive office by the municipality. It's a rather interesting Statute because when I was researched this the last time by bringing in Attorney Van Fleck of the Municipal Attorney's office in Santa Fe, how do you force the Mayor to

bring forth another name when the Mayor doesn't have to bring forth another name? I suppose you would force a court order for the Mayor to do that. That seems like a lot of problems when he had a Police Chief appointed.

Carol said it's at the next regular meeting Mayor so it can't be a special meeting. You can call the Mayor and three of the City Councilors and call for a special meeting for Limited Personnel Matters. They take that information and they bring it back at the regular meeting.

H. John Underwood, City Attorney asked Carol if we can postpone action of the appointment of the Police Chief at this meeting to the next regular meeting?

Carol said the State Statute doesn't say you can and it doesn't say you can't. That's going to be a legal opinion. Under the State Election Handbook 2015 there is a time period to hold an Organizational Meeting and the 21st is the deadline. Although, in going back through my mind in 2012 of March, July, and September, because I did call the League on that, the law is not specific, that the law says there is no gray area there for me, but in talking with Randy Van Fleck during that time period, Mayor Williams at the time took several months to name his clerk. It was March, April, May, June, July, August, it was six months. If anything, and I'm not an attorney, and I will leave it up to you but my question is I don't know if you can postpone this issue because the motion has already been made.

H. John Underwood, City Attorney said there is an Attorney General's opinion of 1988 that says that the Subsections are to be read in conjunction with one another 3-11.5 and 3-11.6 and 3-11.6 deals with the Mayor's authority to appoint, supervise, and discharge appointives and gives the Mayor subject to the approval of the majority of all the members of the Governing Body and says the Mayor shall appoint all officers employees except those holding elective office. The Mayor may appoint temporary employees as required for proper administration for municipal affairs. Employees shall serve only until the next regular meeting of the Governing Body at which the former is present. Temporary employment shall cease and the employee shall not be reappointed unless the it is confirmed by the Governing Body. The temporary is entitled to usual and ordinary compensation for services rendered to the municipality. This Attorney General's opinion goes on to read that since these should be read together that therefor the Mayor the failure of the Mayor to submit a name to the Governing Body for appointment to the office is not precluding him or her from doing so as such for the meeting. So, what I would suggest is that the Mayor withdraw his submission and to appoint Chief Rupp as a temporary employee until the next regular meeting where you would have a personnel session regarding Chief Rupp and put on that session appointment of a Chief of Police.

Mayor Williams said with that in mind Mr. Underwood it would be a special meeting we would have to call.

H. John Underwood, City Attorney said no a regular meeting.

Mayor Williams said no because of the fact that we would have a regular meeting with Executive Session is after the request to appoint is brought forth then it becomes a mute point if Council does not approve that appointment so that discussion in Executive Session you can't come out and say appointment is made.

H. John Underwood, City Attorney said if you put it on the agenda you can.

Mayor Williams said that would be the first item of discussion about the appointment in Executive Session unless you want to move Executive Session to the top with HR.

H. John Underwood, City Attorney said you would go into Executive Session first and then come out. It seems to be statutorily the best way to handle the situation we're in. Obviously we didn't know that we were going to have this situation tonight. As I understand and what Councilor Miller is saying and issues she would like to discuss regarding the Police Chief in a personnel Executive Session and questions that she would like to ask the Police Chief which would bear on her determination as to which way she might like to go on the issue. I think what State Statute is allowing you to do is withdraw your submission of the name of Chief Rupp appointing him in a temporary position of Police Chief and have a regular meeting the next time.

Carol said so how do we handle where Councilor Morales made a motion to approve the appointment of Christopher Rupp as Police Chief?

H. John Underwood, City Attorney said we would withdraw that motion.

Carol said it died for lack of a second.

Councilor Morales said it would just die for a lack of a second.

H. John Underwood, City Attorney said so, if he withdraws his appointment is the only way I know to do it otherwise at the next regular session you put on appointment of Police Chief and the Mayor has to come forth with another name or no name whatsoever. As I'm reading the Statutes in the Attorney General's opinion, it looks like a 1988 opinion and we don't have anything since that time, is a way of attempting to put the ketchup back in the jar until you have further meetings and further hearings regarding the issues that may exist to an appointive office be it a clerk or chief or attorney and run through those issues to make sure everyone is on board and then do

the appointment at that time. In a perfect world I'm sure if we were aware of the situation beforehand the Mayor would not have made the selection and we would have put this off until the next meeting. I'm trying to avoid making a problem later because when I ran through this last time with Attorney Van Fleck that even though the language is mandatory where it says 'the Mayor shall give another name' and if you recall your situation the Mayor refused to give another name and researching the issue at that time I was told well then how are you going to make the Mayor give another name? Do you take him to District Court? The reality of the situation is I believe what I hear is that the Council would like to inquire of the Chief certain issues that exist in their mind regarding his service to the City and their desire to have him continue service here. Based upon that he would either be confirmed as the Police Chief or not be confirmed as the Police Chief. I don't think it is their desire to simply not have him eligible but their desire to be able to discuss the situation in Executive Session before they make that determination.

Carol said Mr. Underwood, because Councilor Morales made the motion and there is not a second, or it died for a lack of a second, but in 311.6 and what you read the Mayor can temporarily appoint Chief Rupp as Chief of Police until the next regular meeting and hopefully go through the personnel stuff.

H. John Underwood, City Attorney said you got it?

Mayor Williams said got it.

H. John Underwood, City Attorney said my recommendation Mr. Mayor is that you withdraw the appointment of Chief Rupp as Police Chief and that you make a motion that he be temporarily designated as Police Chief until the next regular meeting at which the appointment will be taken up.

Mayor Williams asked Carol if there needs to be a Council approval for him to continue being a Police Chief or does he just continue to be a Police Chief until the Mayor says so?

Carol said that question needs to be addressed to legal.

H. John Underwood, City Attorney said the employee shall serve only until the next regular meeting.

Mayor Williams said so, I don't need to have Council approval.

H. John Underwood, City Attorney said it takes care of a temporary situation.

Mayor Williams asked Councilor Morales is she would withdraw her motion.

Councilor Morales said I withdraw my motion.

Mayor Williams said the motion is withdrawn and Chief you stay in your job.

H. John Underwood, City Attorney said Mayor what I need you to do is appoint him as a temporary.

Mayor Williams said you are appointed as the temporary position of Police Chief until the next regularly scheduled meeting reference 311.6.

Carol said I don't believe the Mayor can request Councilor Morales to withdraw her motion because the motion died for lack of a second so it stands.

H. John Underwood, City Attorney said I think that's just fine and I think you're right.

Mayor Williams said for the position of City Attorney I submit H. John Underwood Ltd. to continue as City Attorney.

Councilor Miller moved to approve appointment of H. John Underwood Ltd. as City Attorney.

Councilor Morales said I will abstain from voting due to a conflict because I am an employee of H. John Underwood Ltd.

Motion seconded by Councilor Walker.

Roll call votes: Councilor Miller, Aye; Councilor Walker, Aye; Councilor Romero, Aye.
Motion carried.

Harrold Mansell, Municipal Judge administered the Oath of Office.

Judge Mansell said today I am 81 years old.

There was a round of applause.

Mayor Williams said next on the agenda for the Organizational Meeting is appointment of City of Ruidoso Downs Special Boards, Commissions or Committees. He said Council you have in front of you a list of names for these. Are there any questions about these? I have a new request for appointees for the P & Z Board of Ursula Eckersly and there is her letter stating her request to be on that board. I ask for you to consider

that before we move forward but I would like to ask the citizens of the community. We have three boards. The Economic Development Board and the Lodgers' Tax Board really need some volunteers. Especially the Economic Development Board with the questions with the ongoing Economic Summit that's happening on a monthly basis. This is something that has been pushed forward for our community to have them involved in it and move forward on economic development and what would be beneficial for our community. Contact the Mayor's office if you want to be any part of this because it's important. Also on the Museum Advisory Board I would like to ask for a Council member to be a member of that board. As we move down through these I would like to ask that you consider that as you go.

Mayor Williams said next is the Planning & Zoning Commission I would like a motion and a second to approve the new member on the board before we continue.

Councilor Miller moved to approve the new member to the board of Ursula Eckersly. Seconded by Councilor Morales.

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

Mayor Williams said next is Greentree Solid Waste Council Liaison. He said the Mayor is the primary and I would to have Council recommend a Council member for an Alternate.

Councilor Romero recommended Councilor Walker. Seconded by Councilor Morales.

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

Mayor Williams said next is the Regional Wastewater Treatment Plant Joint Use Board – Pursuant to Joint Powers agreement Resolution No. 2002-03 Mayor-Member; Mayor Pro Tem Alternate; Employee or Citizen of the City of Ruidoso Downs and Alternate. He said Councilor Miller is Mayor Pro Tem so she is the Alternate to the Mayor for this board. The Public Works Director who is Dale Graham is the primary and the Project Manager will be the Alternate. I would like a motion and a second to approve that.

Mayor Williams said this board deals with the issues with the Wastewater Treatment Plant in this City and how we are moving forward to eliminate any contamination of the ground water and the environment. This board sets itself up to ensure that as we move forward for funding in both communities is to take off everyone who is on septic and get them on sewer which will allow the environment not to be affected as much or the Rio Ruidoso that has been affected in the past in unity to try to find solutions for

that problem. We will be getting into a project within the next year of reconstructing the sewer or the system from the plant. It's an ongoing project that some of the funding is from FEMA and will allow us to take some old piping from the river and replace it with some new.

Councilor Romero asked who the Project Manager was?

Mayor Williams said that's on the agenda tonight.

Councilor Romero said so the name that will come up on the agenda later for Project Manager will be on that board.

Mayor Williams said yes.

Mayor Williams said I would like a motion and a second.

Councilor Miller moved to approve Resolution No. 2002-03 for the Mayor-Member, Mayor Pro Tem Alternate, Employee or Citizen of the City of Ruidoso Downs and Alternate. Seconded by Councilor by Councilor Romero.

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

Mayor Williams said next is the Budget and Finance Council – Subcommittee. That will be the hearing committee for requests by the departments as they bring forth their budget requests for consideration. My recommendation is to have one established and one new.

Councilor Morales made the recommendation to appoint Councilor Miller and Councilor Romero to the Budget and Finance Committee. Seconded by Councilor Walker.

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

Mayor Williams said next is the Beautification Committee. I would like a Council member for that committee.

Councilor Morales moved to reappoint Judy Miller to that committee. Seconded by Councilor Romero.

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

Mayor Williams asked Chief Rupp if on the DWI Council do we have anyone involved with it on a board type?

Chief Rupp said no.

Mayor Williams asked if there has been anyone in the past?

Mayor Williams said then I'm not going to ask for anyone to be appointed to that until we figure out if we need it.

Mayor Williams said next is the Museum Advisory Board.

Councilor Morales moved to recommend that we appoint Councilor Miller to the Museum Advisory Board. Seconded by Councilor Walker.

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

Mayor Williams said the next item on the agenda was – Consider Re-Adoption of Resolution No. 2015-24 Open Meetings Act setting forth notice provisions for notices of public meetings of the Governing Body of the City of Ruidoso Downs.

Carol said when that Monday is a City holiday the meeting is held on the next business day.

Councilor Morales moved to – Re-Adopt Resolution No. 2015-24 Open Meetings Act setting forth notice provisions for notices of public meetings of the Governing body of the City of Ruidoso Downs. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was – Affirmation of Resolution No. 2008-22, A Resolution of the City of Ruidoso Downs Governing Body Code of Ethics. Mayor Williams read the Code of Ethics.

Mayor Williams entertained a motion for – Affirmation of Resolution No. 2008-22, A Resolution of the City of Ruidoso Downs Governing Body Code of Ethics.

Councilor Morales moved for – Affirmation of Resolution No. 2008-22, A Resolution of the city of Ruidoso Downs Governing Body Code of Ethics. Seconded by Councilor Romero.

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

CALL TO ORDER: Mayor Williams called the regular scheduled meeting of March 14, 2016 to order.

PLEDGE OF ALLEGIANCE: Mayor Williams asked Mayor Armstrong to lead the Pledge of Allegiance.

ROLL CALL: Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Morales
Councilor Romero

Councilor Miller
Councilor Walker

Quorum was met.

Also present:

H. John Underwood, City Attorney
Mary Castaneda, Finance Director
Christopher Rupp, Police Chief
Dale Graham, Public Works Director
Steve Dunigan, Planning & Zoning Director
Dakota Crouch, Museum Director
Bonnie Ambrose, Lincoln County Transit Manager

APPROVAL OF AGENDA

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

Mayor Williams said I would ask Council to consider postponement of Item C due to the fact that we weren't able to get a representative to brief the Council on the Special Audit. I would like to postpone it to the meeting on March 28, 2016.

Mayor Williams entertained a motion to approve the agenda with that change.

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

APPROVAL OF CONSENT AGENDA

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

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 22, 2016.

Councilor Morales moved to approve minutes of Regular Meeting of February 22, 2016. Seconded by Councilor Walker.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was 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 would like to thank the citizens of this community for coming out and voting.

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

Councilor Miller said I also want to thank those who came out and voted.

Councilor Romero said I will do the best job I can for the citizens.

Councilor Walker said thank you to all the people that voted for me. I'm here to serve you.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Victor Falvey – Request Use of All American Park Baseball/Softball Field – May 27-30, 2016 – Annual King of the Mountain Tournament.

Victor Falvey said I represent USSSA Baseball. We run tournament throughout west Texas and New Mexico. This event has been here for approximately 11 years. We provide whatever is necessary for the fields. We anticipate to have 20 teams participate. We anticipate it will bring in dollars to hotels and it will be a financial benefit. We provide insurance at a minimal of two million dollars and name the City of Ruidoso Downs as additionally insured.

H. John Underwood, City Attorney asked if he had any problem with the standard agreement saying it would hold us harmless?

Victor said no. We can provide an additional policy to cover the facility itself.

H. John Underwood, City Attorney asked him to email that to Carol Virden and she would send it on to him.

Mayor Williams entertained a motion and a second.

Councilor Miller moved to approve. Seconded by Councilor Walker.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Promotion of Joe Jarvis to Project Manager Position.

Dale Graham, Public Works Director said I would like to request that you approve the promotion of Joe Jarvis to Project Manager. The position was vacated when I was promoted to Public Works Director. We did the in-house job postings and had two employees apply. I would like approval for him to move from Foreman to Project Manager.

Mayor Williams asked Dale to tell them what a Project Manager is.

Dale said is the Public Works Director right hand man. He oversees everything that Public Works does and looks out when we do have a project going on. Joe will also continue to do the day-to-day operations of the water and sewer department.

Mayor Williams asked Dale to give more history about Joe.

Dale said I think Joe is going on his tenth year. He started out in the Parks Dept. and went to the Street Dept. and then went to the Water Dept. where he worked himself up to Water Foreman. He is currently a Water/Wastewater Systems Operator Level II in the State and a Water Level IV which is the highest you can be. Joe is a really good PR person and he would do a good job.

Councilor Romero asked Dale if he had plans to move people up from within?

Dale said yes and besides myself we have three water operators that are four.

Councilor Romero said the reason I ask is I wonder if he will be over burden by the job and second that I would like to see our employees who have been here a long period of time to have an opportunity to move up also.

Mayor Williams entertained a motion and a second.

Councilor Miller moved to approve the promotion of Joe Jarvis to Project Manager. Seconded by Councilor Walker.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Purchase New Vehicle for Public Works Department.

Dale Graham, Public Works Director said I would like to ask for your approval to buy a new truck and it's on the Statewide Price Agreement. It's in our budget and \$4,000 under the budget for the vehicle.

Mayor Williams said this will replace a vehicle that is 16 years old and will take almost \$5,000 to repair.

Councilor Morales asked Dale if this is the only vehicle you've bought in this fiscal year?

Dale said no. We bought two others early on in the fiscal year but this one has been in the budget the whole time.

Councilor Romero asked if it's a half ton?

Dale said yes.

Councilor Romero asked if it was a four door?

Dale said yes.

Councilor Romero asked what it's specific purpose is?

Dale said it's going to be for my specific purpose. We do not have a good vehicle to go out of town with. We're driving 1999 police cars. It's going to belong to the Street Department.

Councilor Walker asked Dale when you buy a vehicle it goes out for bid right?

Dale said no. You can go out to bid but there is a Statewide Price Agreement and there are several entities that bid through the State DOT so you can go on their website and purchase a vehicle like this. I looked for what would fit our need and what was the best price.

Councilor Miller moved to approve the purchase of a new vehicle for the Public Works Department. Seconded by Councilor Walker.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agreement with Dolly Folmer – Request Use of All American Park – All American Festival.

Dolly Folmer said we have received your agreement and appreciate it wholeheartedly.

H. John Underwood, City Attorney said we had that meeting a couple of weeks ago where the Folmer's asked for the use of All American Park. I sent her a copy of the agreement. This has the dates and it will require that your vendors get a Business License also.

Mayor Williams entertained a motion and a second.

Councilor Morales moved to approve the agreement with Dolly Folmer for the use of All American Park for the All American Festival. Seconded by Councilor Romero.

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

The next item was from the Consent Agenda. Discussion and Possible Action – Wastewater Treatment Plant – Invoice – January 2016.

Councilor Morales moved to approve – Wastewater Treatment Plant – Invoice – January 2016. Seconded by Councilor Walker.

Roll Call Votes: Councilor Romero, Aye; Councilor Walker, Aye; Councilor Morales, Aye; Councilor Miller, Aye.

OTHER BUSINESS

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

Mary Castaneda, Finance Director said Lincoln County Transit had a beginning cash balance of a negative \$8,643.69. They had grant reimbursements come in of \$15,542.72 and Village of Ruidoso sent in \$28,000.00. Revenues of \$2,699.00. Expenditures of \$12,428.00 leaving them a tentative ending cash balance of \$25,170.03. The museum had an ending cash balance of a negative \$14,472.41. The Hubbard Museum of the American West Foundation made a 3rd quarter contribution of \$25,000.00. Revenues of \$4,313.49. Transfers from Lodger's Tax of \$9,166.00. Expenditures of \$23,287.53 leaving them a tentative ending cash balance of \$719.55.

Mayor Williams stated the next item on the agenda was – District 6 Meeting: Wednesday, March 16, 2016: Sgt. Willie Estrada Memorial Civic Center, Alamogordo, NM.

Mayor Williams said there will be Council members attending along with the City Clerk and myself. We will brief the citizens on that meeting at the next meeting on the 28th.

Mayor Williams stated the next item on the agenda was – 2016 Newly Elected Officials Institute: March 19th, Hotel Encanto de Las Cruces, Las Cruces, NM – April 2, 2016- Marriot Hotel on Louisiana, Albuquerque, NM.

Mayor Williams said Councilor Shane Walker and Councilor Jimmy Romero will be attending.

Mayor Williams said the next item on the agenda was – Application for USDA Rural Passenger Transportation Technical Assistance Program.

Bonnie Ambrose, Transit Manager said I applied for the USDA Rural Passenger Transportation Technical Assistance Program. It's my most favorite grant that has fallen on my desk so far. It doesn't require any matching funds however when you apply they don't want to know how much you want they want to know the kind of projects you're trying to do and accomplish. It's for rural of 2000 or less so that's us. They do an initial site visit. Originally it says competitive funding however the representative has stated that only once has he had to deny a program. He's said he's been able to give everyone a little bit. Some of the items on my list of what I'm asking for assistance on is new buses. Ours are well above useful life. We want to get our lot paved where we park the buses. That was DOT recommended and it would cut down on our maintenance costs. We also want to get a small office building inside the bus yard that would accommodate so that we are closer to our buses. They help get programs started. He did have the question of why we're not going back to the County for funding. He's interested in going on site and finding out about getting back the County. I do plan on applying for County funding as well and getting the system back up to what it was especially with our increased ridership and so we can have enough workforce to support it.

Mayor Williams stated the next item on the agenda was – Employee of the 4th Quarter.

Mayor Williams said that was Alejandra Giron and everyone knows her as Alex.

Councilor Miller said her name is Ally.

Mayor Williams said she works for Mary Castaneda, Finance Director as Finance Clerk. She smiles, know a lot, and has a good disposition.

PUBLIC INPUT

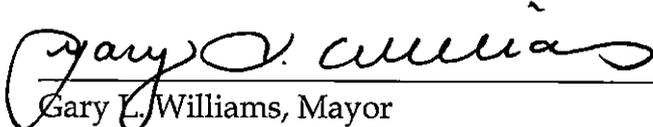
Mayor Williams stated the next item on the agenda was Public Input.

Sebrina Lundquist said I would like to welcome the new people and glad you old people are still here.

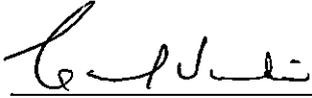
ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn. Seconded by Councilor Walker. All were in favor and the meeting adjourned at 6:04 p.m.





Gary L. Williams, Mayor



Carol Virden, City Clerk/Treasurer