

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
APRIL 11, 2016
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 11, 2016. Mayor Williams called the meeting to order at 4:30 p.m. and asked Steve Dunigan to lead the Pledge of Allegiance. Mayor Williams asked Kathy Tetreault, Secretary Finance/ Administration to take roll call. The following were present:

Councilor Miller
Councilor Walker

Councilor Morales
Councilor Romero

Kathy Tetreault, Secretary Finance/ Administration informed Mayor Williams there was a quorum.

Also present:

H. John Underwood, City Attorney
Alexandra Bobbit, City Attorney
Mary Castaneda, Finance Director
Christopher Rupp, Police Chief
Dale Graham, Public Works Director
Dakota Crouch, Museum Director
Steve Dunigan, Planning & Zoning Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion.

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

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

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 28, 2016.

Councilor Morales moved to approve minutes of Regular Meeting of March 28, 2016. Seconded by Councilor Miller.

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

APPROVAL OF ACCOUNTS PAYABLES

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

Roll call votes: Councilor Miller, Aye; Councilor Morales, Aye; Councilor Walker, Aye, Councilor Romero; 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 had no comments.

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

Councilor Miller said the Beautification Committee will have the Great American Cleanup on April 23, 2016. It will start over in All American Park at 8:00 for registration and go until noon. She said they will have lunch for the volunteers and also this year people can set up their own tables and there will be a flea market at no charge to set up.

Mayor Williams said the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Amending Resolution No. 2015-24 Open Meetings Act (II) Open Meetings to take formal action A. Regularly Scheduled Open Meeting time.

Councilor Romero moved to approve discussion and possible action. Seconded by Councilor Miller.

Councilor Romero said I've been asked by a lot of citizens to bring this subject up and try to put the meeting later so the public could attend the meetings. I was shooting for 6:00 but 5:30 would work.

Councilor Miller said we did have the meetings at 5:30 for many years and that did allow people to get here but the only problem with that is our staff stays later. Some of the staff has to drive an hour or more so we moved it up to 4:30 for the last three years. I thought about it and if the people get off at 5:00 they could get here by 5:30 but 6:00 is too late. Then I got to thinking in the winter that's pretty late and it gets dark. Maybe we could arrange it when the time changes have it at 5:30 in the summer and then back to 4:30 in the winter. I encourage people to get the agendas and talk to the Council if there is something they want to know.

Councilor Romero said I like that idea and we'll see what kind of turn out we get.

Councilor Morales said I agree with Councilor Romero and Councilor Miller for 4:30 in the winter and this is in consideration of the employees too that have to drive.

Mayor Williams said this resolution was approved by Council in December 2015 for the year 2016. That was four months ago and four Councilors thought this was a good time to have the meetings. To all of a sudden revisit this four months later following an election is peculiar. This resolution was brought forth by me last October to Council to consider changing the time to 4:30 because of the winter months and some of the staff living up to an hour away. Public Input was available for all those meetings for the public to voice their concerns or their wishes for Council to change the time. Not one time was that brought forth by a citizen. One citizen out of 318 homes that I visited during election time brought it up and 13 wanted the drop box opened up again. I don't believe there are a bunch of the citizens jumping out of the wood work wanting this changed. This is a business meeting.

Councilor Romero said I agree with the convenience for the Council and the staff but I also think for the people that have to work so 5:30 or 6:00 should work. We should afford this for them.

Mayor Williams said trying to make all these changes so soon after elections seem uncanny and unprofessional. Where were the people on this during Public Input? This is my opinion and as the Mayor want you to know I'm in opposition to it but it's the choice of the Council.

Councilor Miller said we've had it at 4:30 for the last 3 years and it's worked but so has the 5:30. I'd like people to come to the meetings and that's important. I don't think it would hurt anything to have it at 5:30 in the summer months and 4:30 in the winter months.

Councilor Morales said for the last two Council meetings there have been a lot of people here. I also agree with Councilor Miller but I have to say that there have been a lot of issues come up before this Council and nobody has shown up. We've had a lot of people that don't show up except staff. This past couple of weeks there has never been as many people come. I'm in agreement with Councilor Miller. Let's try it and if it doesn't work out we can always go back.

Mayor Williams entertained a motion and told Councilor to be very specific about what you want to add language to because it will have to be brought forth twice a year as a resolution. Actually three times because it changes it starting the next meeting. Then you'll want to do it when the time changes and go back to 4:30 and then again in December for the approval of 2017. You have to think about how the Clerk is going to process these resolutions.

Kathy Tetreault, Secretary Finance/ Administration said as far as the resolution Carol would have to prepare that and you would have to approve on the next agenda. You wouldn't be able to change it by the next meeting for the new meeting time. You had mentioned the next meeting so I just wanted to note that.

Mayor Williams said not only can it be confusing here but also to the public to have continual changes to the meetings.

Councilor Romero said I'm going to recommend 5:30.

Councilor Morales said 5:30 is good for me but not in the winter time. I don't see that changing it to the two times is a big deal.

Mayor Williams asked what was the original motion?

Kathy Tetreault, Secretary Finance/ Administrations said the original motion was to discuss. As of now there has been no motion for action.

Mayor Williams entertained a motion.

Councilor Romero moved to approve changing meeting time to 5:30 p.m. during daylight savings time and to 4:30 p.m. during standard time. Seconded by Councilor Miller.

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

Mayor Williams said the next item on the agenda was – Discussion and Possible Action – Appointment to Hubbard Museum Advisory Board – Ernestene Green, PhD.

Dakota Crouch, Museum Director said the Advisory Board affords me counsel prior to bringing anything before City Council for a decision. That board has been missing a member of the public for some time. I was approached by Dr. Ernestene Green. She is a retired archeologist for the US Forest Service. She was a Professor of Archeology for quite some time and was a board member of the Milam Historical Society. Recently she and another member of the public approached me about starting a non-profit organization to aid the museum. I asked if either of them would be interested in sitting on the Advisory Board and Dr. Green said yes.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. Seconded by Councilor Miller.

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

Mayor Williams said the next item on the agenda was – Discussion and Possible Action – Scheduling Date(s) & time for Budget Workshop(s) for 2016-2017 Fiscal Year.

Mary Castaneda, Finance Director said we need to set up a workshop in May for the preliminary budget hearings. We have a Council meeting on May 9th and May 23rd and so I was looking at the week of the 15th. The preliminary budget has to be approved by Council by the 23rd and has to be delivered to Santa Fe by the 31st. I need time to key things in and have it reviewed by the 23rd so it can be approved during that meeting. She said we set two meetings in case we don't get it all done in the first workshop.

Mayor Williams entertained a motion.

Councilor Miller moved to schedule Budget Workshops for May 16, 2016 and May 27, 2016 at 5:30 p.m. Seconded by Councilor Walker.

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

Mayor Williams said the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Pay Prior Years FY 2012-2013 Outstanding Invoice No. 50279802-02 from L. N. Curtis & Sons – Dated 07/08/2013 in the amount of \$950.00.

Mary Castaneda, Finance Director said this invoice was brought to our attention I think it was last week. L.N. Curtis was updating their software and this invoice was found to be outstanding and she called our Accounts Payable clerk. We pulled invoices and receipts and had verification from Kenny Ellard to verify quantity of items we received. We do owe for the amount due so I am asking for it to be paid in this year's budget. It part of one of a total so some was paid and some wasn't. I think what happened is they billed us for too many but it was corrected and we do owe this amount.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. She asked Mary if this was coming out of the Fire Protection Fund?

Mary said yes.

Seconded by Councilor Romero.

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

Mayor Williams said the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Funding for a New Ruidoso Downs Police Department Dispatch – Options for Replacement of Existing Dispatch Center.

Chief Rupp stepped up along with Alexandra Bobbit, City Attorney to speak. He said over the last year we have been trying to find means to get the dispatch system updated to where it would work more efficiently and be more effective for the citizens of Ruidoso Downs. Through capital outlay and grants we have been unsuccessful at this date and time. We've had meetings with Hubert Quintana and he stated the route we should be looking at is possibly getting a loan. That loan would be through the New Mexico Finance Association. Myself and Attorney Bobbit were present and he originally looked at the project as a whole and the first bid was \$488,000 which we felt

we did not need here. We went back to Southwest Wireless who is also here today to answer questions about any technology we are thinking about purchasing. In speaking with Mr. Quintana and Donna at the New Mexico Finance we requested \$165,000 and that would get us started with Phase I to rebuild our whole Dispatch Center. As we went over the numbers they broke it down into a 5-year payment plan. The first year would be \$11,000 and the following years \$35,000. That was the first proposal. If we can get below the \$150,000 mark the New Mexico Finance interest would go from .52% to a .1%. We have been paying Ruidoso \$24,000 a year for them to forward 911 calls to us. With these discussions we have been able to earmark the \$24,000 this year and not have to make that payment to Ruidoso so long as we use that money toward updating our dispatch. We then went back to Donna for a new loan amount minus the \$24,000 so it would be approximately \$142,000 with payments of \$24,000 for the first year and roughly \$30,000 for the following years. We also talked about where we could possibly get more money. We looked at and spoke with Finance and Kenny Ellard in the Fire Department over the Firefighter Protection Fund. We have learned that there is approximately \$65,000 in that fund this year that is still available for spending this fiscal year. We don't want to take all of their funds because obviously they have need for some of that but if we were to borrow say \$40,000 out of that it would be that much less to pay the higher interest on. That would bring us down to about \$12,000 and a little over \$23,000 a year. Depending on how Council wants to go on this and using those funds it would be a benefit to both departments and it's a service to the community. We are trying to get into the joint dispatch situation. After speaking to the Mayor and Mr. Underwood today the money was going to be used for a new fire truck. So, we have an understanding about that but there would be no need for a fire truck if we can't dispatch. Some of us were on scene for this last grass fire and there was no communication and it was just falling apart. After that we talked about not having to go to capital outlay next year for the \$165,000 and we could then request the money from the Fire Protection Fund to borrow today and he could pursue a new vehicle through a capital outlay project. That would be a decision the Council would have to make. These are some of the ideas we have brought forth.

Mayor Williams asked one of the gentlemen from Southwest Wireless to speak about the situation. One of them said their system is now over twenty years old and some of the parts are nonexistent. We recently redid the Sheriff's office of Lincoln County and they were having the same issues with old equipment. Replacing it could double the capacity. Right now it's an analog and everyone is going to a digital system and it's like night and day for communication.

Mayor Williams said up here in the mountains you have to use repeaters. How would repeaters affect communications if you had an issue with the equipment that you have? I'm just trying to make a point of why this has been brought forth. Southwest Wireless

said the officers or fire department or other emergency response would benefit. It needs to be replaced and someday you are going to have a loss of communications.

Councilor Romero asked what are our other options?

Southwest Wireless said if it goes down it's going to be havoc. All of their equipment is not even working because we can't get the parts. It's too old.

Alexandra Bobbit, City Attorney said in addition to just the need for basic replacement of the entire dispatch in our talk with moving toward consolidated dispatch we have to have something that is compatible with Ruidoso. Lincoln County is not obligated to go to a consolidate dispatch, only Ruidoso and Ruidoso Downs are. Right now Ruidoso Downs has been paying \$24,000 to Ruidoso for the use of their equipment. In any other negotiations we have with Ruidoso for consolidated dispatch we get equipment that is not compatible with Ruidoso, the money you are trying to save with the not more updated equipment for Ruidoso Downs, is money you are going to pay far more of later to Ruidoso for what they have.

Councilor Walker said so this is just fixing our equipment in Ruidoso Downs and not the towers right?

Chief Rupp said the \$165,000 is for the dispatch here. We've used our Law Enforcement Protection Fund this year that was actually supposed to be used to purchase a new vehicle to get us a new repeater for the system. Also the radios that we have we have gone through and found out have of them are broken and can't be repaired. The radios in our cop cars we got used from the Forest Service and there are wires hanging out and some are in disrepair. We secured a new site for the repeater at the Camelot emergency towers. We've use the money from the Law Enforcement Protection Fund for that so next year we can use it for the equipment.

Councilor Walker asked if the Sheriff's Department got a grant for theirs?

Chief Rupp said he didn't know. We have applied for grants along with Ruidoso but then again we got nothing. The problem is that if we go to capital outlay again we're looking at possibly eighteen months before we would get that money.

H. John Underwood, City Attorney said it would be September of next year.

Councilor Walker asked if the Sheriff's Department parts would work in our equipment to keep it going?

Southwest Wireless said I don't think so because their system is adverse to what you have. Their parts aren't any better than what you have inside dispatch right now. It's to the point where some of the radios aren't even working and can't pick up the Sheriff's Department's signal. It's not going to happen. With the severity of the issue something needs to happen. We have the repeaters, the mobiles, and the handheld radios.

Councilor Romero said you say you have the radios and additional equipment so now I'm hearing there is going to be additional cost?

Southwest Wireless said it goes with this system we're trying to put in. We have ten handhelds and ten mobiles that will go with this system.

Alexandra Bobbit, City Attorney said the total that you're looking at to do a complete re-haul is about \$488,000 and what we are doing right now is because if we don't show Ruidoso something you will have to pay the \$24,000 now and again the \$24,000 for next year. We need to show Ruidoso we spent that \$24,000 doing something on the project for consolidated dispatch or we will have to pay again. Because \$488,000 is a hefty amount we broke it down and to get you started it will be \$165,000 for bare bones and provide safety for your citizens.

Councilor Walker said I'm a contractor also and have to go out for three bids. The Sheriff Department is public record and they spent \$184,000 on their radio system. The cover all of Lincoln County. Ruidoso Downs won't be doing that so their system shouldn't cost as much as the Sheriff's Department because they cover a wider range.

Alexandra Bobbit, City Attorney said that's not right. What you're looking at there is the actual equipment and not the range that it covers. That \$188,000 spent over in Lincoln County wasn't to cover a wider range it was for communication equipment. Your equipment is so outdated that to even communicate you have to get to a point and right now you're at a negative. It's not even ground zero.

Chief Rupp said Southwest Wireless did the work for the county and they are under State Contract and that's why we only have the one bid version here.

Councilor Walker said they got three repeaters with it and it covers a bigger area. I think we need to have three bids no matter what.

Mary Castaneda, Finance Director said we can put it out there for an RFP but the State Procurement law allows us to use the State Contracts and that's why they are out there. The state does all that work and gets all those bids. We could spend the time and the money to do an RFP but when that comes in that may not be the lowest.

H. John Underwood, City Attorney said under State Contract they have already bid the thing throughout the United States. What the state has done was issued an RFP for all of that equipment and stuff.

Mary Castaneda, Finance Director said the state allows us to use that contract.

H. John Underwood, City Attorney said it allows us to use that state bid from an RFP. If the Council felt it was to our benefit to do an RFP we can do that and then take the lowest.

Councilor Walker said I think we need more info on what we're looking at.

Alexandra Bobbit, City Attorney said that would be great if this happened several months ago but with the delay of getting this on the agenda we need to have a decision by budget otherwise we need to pay the \$24,000 to Ruidoso and if you think you can get the RFP and three bids in by budget. Then you will have to allot for in your budget next year.

Councilor Walker said this is getting thrown at us really fast and you want us to vote on a huge money amount and it's the taxpayer's money. Even me as a contractor people don't come up to me and say they're going to pay my price. We need to look into a little more explanation of what we're buying.

Councilor Morales said this is a huge amount but my concern is that radio equipment that is crucial to the health and welfare of our citizens and if we don't have it then \$165,000 could be a small amount for the guy that passed away because we didn't have it.

Chief Rupp said we will continue to seek funding through grants toward the greater goal. If we do something now it will ensure safety to the public. If we use the \$24,000 now that was earmarked for dispatch and some from the Fire Protection Fund, which is not taxpayer's money, as well toward bringing down the \$165,000 and a lower interest rate.

Alexandra Bobbit, City Attorney said perhaps what I might recommend is to postpone this until the next agenda and put on as Old Business and that way it will give you time to go to the Police Department and look at their dispatch equipment. You can meet with Chief Rupp and discuss what he needs.

Councilor Romero said I would like to sit with these gentlemen from Southwest Wireless and see what these numbers are like for configuration of max console and installation of equipment. That's a big number. Is that labor?

Southwest Wireless said yes.

H. John Underwood, City Attorney said one thing we want to emphasize is the potential liability to the City if we don't do this. I also recommend postponing this until the next meeting.

Mary Castaneda, Finance Director said I would like to get a copy of the State Contract to them and it tells you in detail where these figures came from.

Councilor Miller said this is the first phase of the \$488,000 right? How long will the first phase work without doing the second phase and how long will it take to do it?

Chief Rupp said our system will be identical to what the County has so that way we will be able to talk and then tune in other agencies in the area. The other two phases could be a year or two from now depending on the consolidation.

Councilor Miller said I'm worried about using money from the Fire Protection Fund before the season has even begun.

Alexandra Bobbit, City Attorney said the Fire Protection is coming up in two months and if you don't use that money it doesn't carry over.

Mayor Williams said you can make a request with the Fire Marshal. It's been done before.

Mary Castaneda, Finance Director said I wanted to let you know that we have an infrastructure Fund 139 and it is currently sitting at \$339,000 and it is specifically dedicated. There are gross receipts that go in there. That fund is earmarked for infrastructure. There is money in there that can be utilized for this. That is something you would have to decide during the budget process. I am bringing it up now because we are looking at the budget. There is infrastructure going on in sewer and water but that would be your decision to use some of that money. You have the \$24,000 and another \$24,000 for \$48,000 and then you could use another \$2,000 from that fund. You can look at the fund to lower the amount of the loan for the lower interest rate.

Mayor Williams said what you need to do staff is get the Councilors the available information that they are requesting and meet with them if they want to meet so when

we come back in two weeks they will be thoroughly educated about what needs to be done so we can move forward. We have timeframe issues.

Mayor Williams entertained a motion.

Councilor Morales moved to postpone any action until the next Council meeting on April 25, 2016 and for staff to provide the Councilors with any and all information that they need and may request. Seconded by Councilor Walker.

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

Mayor Williams said the next item on the agenda was – Discussion and Possible Action – Beth Miller Request Use of All American Park – Farmers Market – Saturday 7 a.m. to 3 p.m. – May 28, 2016 through December 10, 2016. He asked Councilor Miller to speak on this.

Councilor Miller said I didn't know I was going to talk on this.

Kathy Tetreault, Secretary, Finance/ Administration told Mayor Williams that there was someone in the audience that was here to speak.

Larry Olson and Anita Weichert were present. Larry said I'm here in place of Beth Miller who is out of town. He said she didn't give me anything but I think we are trying to extend our dates past Memorial Day weekend.

Councilor Miller read a partial portion of the letter from Beth Miller saying that they would like to operate the market from May 28th to December 10th. From 7:00 a.m. to 3:00 p.m. on Saturdays.

Larry said we actually were running it starting in July and we were missing some of the tourists like during Memorial Day. I realize that some of the produce isn't ready until July but there are some crafters who make their own stuff and we would like to start earlier. Where we have it here in the park is very close to the highway.

Anita Weichert said I am also a farmer and I get my apples from the orchard in Glencoe. I also have my pumpkins so I think if we could go longer it would help the farmers and let the artists start earlier. A lot of the bakers had to get food permits too.

Larry said Beth also mentioned a Friday evening. That would be a benefit for us.

H. John Underwood, City Attorney said I did talk with Beth Miller the other day and she explained to me that you all don't have to get business licenses because you are producing and selling local produce and the Farmer's Market is not an organization so we have in the past had all these vendors sign a Hold Harmless agreement so we would just ask that you get a current agreement from Carol Virden and get those signed by the vendors and return to City Hall before things get into operation.

Mayor Williams entertained a motion.

Councilor Miller moved to approve and on Friday's on some holiday weekends.
Seconded by Councilor Walker.

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

OTHER BUSINESS

Updated Financial Status Report – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said the museum had a beginning cash balance of a negative \$255.15. Revenues of \$12,939.66. Transfers of \$21,666.00. Expenditures of \$31,950.39 leaving them a tentative ending cash balance of \$2,400.12. Lincoln County transit had a beginning cash balance of \$25,152.68. Revenues of \$10,471.24. Expenditures of \$12,827.16 leaving them a tentative ending cash balance of \$22,796.76.

PUBLIC INPUT

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

Sebrina Lundquist said I'm pretty ignorant on a lot of this but it seems to me we are trying to spend a lot of money on the dispatch system that how many citizens do we have? 2800? To my knowledge, and I could be wrong, all our officers do is issue traffic tickets. Why do we need such an elaborate system for that? And, my second question is where is all that money going to come from? I was just curious. I just wanted to have my say.

Vickie Conley said I own Pinon Pottery down the road and I'm also a member of the Studio Arts Quilt Associates of New Mexico and we are fixin' to have a great show at the Hubbard Museum of the American West on April 30th. She passed out postcards about the event and said we were here two years ago. I'm here to invite you all to our opening reception which is Saturday afternoon, April 30th from 2:00 to 4:00 p.m. at the museum with a lot of our artists in attendance. We're looking forward to a fabulous show at the museum and it's a jewel here in Ruidoso Downs and our group is so happy

you have allowed us to come back and show again. We have wonderful artists here in New Mexico and I really want to encourage the Mayor and Councilors to attend our opening and meet our artists. We hope it will be another great show and money maker for the museum.

CLOSED SESSION

Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation in which the City of Ruidoso Downs is or may become a participant, pursuant to Section 10-15-1 H7 NMSA 1978.

- Working on implementation of the Special Master's Report in the Village of Ruidoso vs. City of Ruidoso Downs; Cause No. CV-10-353, also known as the Merritt Case.

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

Mayor Williams entertained a motion for the discussion subject to the attorney-client privilege pertaining to threatened or pending litigation in which the City of Ruidoso Downs is or may become a participant pursuant to §10-15-1 H7, NMSA.

Any action will be brought back into Open Session.

Councilor Morales moved to go into Closed Session at 6:14 p.m. Seconded by Councilor Miller.

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

Mayor Williams invited John Underwood and Dale Graham, Public Works Director and called for a five minute break.

Mayor Williams entertained a motion to go back into Open Session

Councilor Miller moved to go back into Open Session. Seconded by Councilor Walker.

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

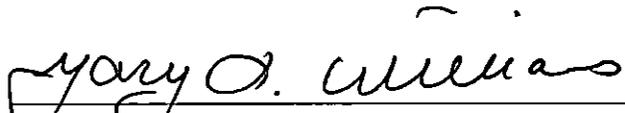
Mayor Williams called the regular meeting back to order at 6:56 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session was that of the attorney-client privilege pertaining to threatened or pending

litigation in which the City of Ruidoso Downs is or may become a participant pursuant to §10-15-1 H7 NMSA and that no action was taken.

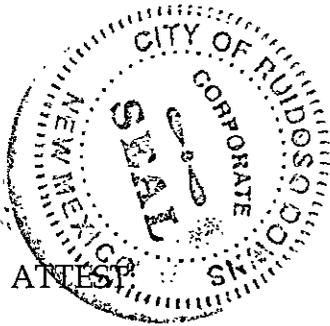
Councilor Romero attested to the fact and that no action was taken.

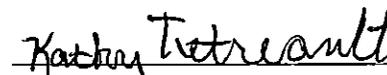
ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn. Seconded by Councilor Romero. All were in favor and the meeting adjourned at 6:57 p.m.



Gary L. Williams, Mayor





Kathy Tetreault, Secretary Finance/ Administration