

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
SEPTEMBER 26, 2016
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 26, 2016. Mayor Williams called the meeting to order at 5:30 p.m. and asked Sebrina Lundquist to lead the Pledge of Allegiance.

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

Councilor Morales
Councilor Romero

Councilor Miller (via telephone)
Councilor Walker

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

Also present:

H. John Underwood, City Attorney
Dale Graham, Public Works Director
Christopher Rupp, Police Chief
Steve Dunigan, P & Z Director
Dakota Crouch, HMAW Director
Mary Castaneda, Finance Director

APPROVAL OF AGENDA

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

H. John Underwood, City Attorney said I would like the Councilors to refer to Item 12D that we have substituted a document that each one of you should have in front of you that Carol handed out that is a revised Joint Powers Agreement that is different than the one you have although it's not substantially different. There were some corrections made in a meeting that we all approved that the mayor made that were minor amendments to the agreement but were necessary to the agreement. I had failed to get

those to Carol earlier than today and they came in today. I would like those substituted and then get those back to the Village for their approval.
Mayor Williams entertained a motion.

Councilor Morales moved for - Approval of the Agenda with that substitution of the document on Item 12D. Seconded by Councilor Romero.

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

Mayor Williams entertained a motion.

Councilor Romero moved for - Approval of the Consent Agenda. Seconded by Councilor Morales.

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

APPROVAL OF MINUTES OF WORK SESSION OF SEPTEMBER 7, 2016.

Councilor Romero moved to approve minutes of Work Session of September 7, 2016. Seconded by Councilor Morales.

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

Councilor Romero moved to approve minutes of Regular Meeting of September 12, 2016. Seconded by Councilor Morales.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

APPROVAL OF MONTHLY REPORTS

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

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

COMMITTEE REPORTS

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

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

Mayor Williams stated the next item on the agenda was - First Reading - Ordinance No. 2016-02.

Mayor Williams read the proposed Ordinance.

An Ordinance Authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and Among the New Mexico Colonias Infrastructure Board ("CIB") and the New Mexico Finance Authority ("Finance Authority," and Collectively With the CIB, the "Lenders/Grantors") and the City of Ruidoso Downs (the "Borrower/Grantee") in the Total Amount of \$1,294,486, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of Making Certain Wastewater System Improvements, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for the Pledge and Payment of the Loan Amount of \$129,449 and Acceptance of a Grant Amount of \$1,165,037 Solely From New System Revenues; Certifying That the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement.

Carol Virden, City Clerk/Treasurer said delivery of the application and financial information to the New Mexico Finance Authority was done on December 14, 2015 to the City of Ruidoso Downs on May 26, 2016. The New Mexico Finance Authority meeting held a meeting to approve the loan request on August 19, 2016. The readiness items to proceed items were received by the New Mexico Finance Authority as well as Sutton, Thayer, and Browne who are attorneys for the Colonias Infrastructure Board.

On August 30, 2016 distributed the draft timetable and that was done by Sutton, Thayer and Browne. On September 13, 2016 distributed the draft ordinance, loan documents, and closing documents to all and placement on the 9-26-16 on the Council agenda for the first reading and 10-11-16 for final action and that was done by Sutton, Thayer, and Browne out of Albuquerque. When they say all that is the City of Ruidoso Downs, Southeastern New Mexico Economic Development, Mr. Underwood, New Mexico Finance Authority, as well as Sutton, Thayer, and Browne out of Albuquerque. On September 19, 2016 preliminary comments on the ordinance was sent to all and I did send a few comments of corrections to the ordinance and the agreement itself. They were talking about an ordinance but the agreement which is about this was the reflecting resolution. So we had to correct that. On September 19, 2016 Sutton, Thayer, and Browne sent the Notice of Intent to Adopt to the Ruidoso News. On September 23, 2016 the Notice of Intent to Adopt was published in the Ruidoso News. Tonight in front of City Council is the First Reading of the Ordinance as done by Mayor Williams. On October 3, 2016 the final comments are due on the loan documents and closing documents to all. They will get their comments with any changes or corrections that need to be made. On October 4, 2016 Sutton, Thayer, and Browne will send the final versions of all documents to the City of Ruidoso Downs for reading and for signatures. On October 4, 2016 Sutton, Thayer, and Browne will also send a copy of the final documents to the New Mexico Finance Authority for review and comments. On October 11, 2016 it is scheduled to come before the City Council to adopt the ordinance and sign off on those official documents. On October 12, 2016 Sutton, Thayer, and Browne will send a Notice of Adoption of the ordinance to the Ruidoso News. On October 19, 2016 the actual Notice of Adoption will be published. On October 31, 2016 Ruidoso Downs, and that will be the mayor, with my assertion of signing the documents that we will return to Sutton, Thayer, and Browne. On November 4, 2016 Sutton, Thayer, and Browne will do their due diligence. On November 7, 2016 again comments will be due to Sutton, Thayer, and Browne on all the documents to the New Mexico Finance Authority who is Angela Quitana. On November 10, 2016 Sutton, Thayer, and Browne will send the final signed documents to NMFA for signatures. On November 18, 2016 is when the documents will actually be closed. So, we still have a couple more months before we can start on the wastewater system improvements on the Agua Fria Subdivision Phase III.

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Agreement for Web Design Services.

Dakota Crouch, HMAW Director said I'm sure you are all aware that we are working very diligently to improve the presence of the museum and the quality of the museum. Part of improving that presence is in promotion and the way it is these days a website is of utmost importance. Tonight we have an agreement for the company that we're

looking at going with. Initially we will at least have the opportunity for people to see when we are open, what exhibits we have going, and what programs we have. We will give the opportunity to sign up for one email a month. In the future we will look at adding some features down the road. The company we would like to use is Bialon Graphic Design and Web Development. There is a section on the signature section on the last page and by the advice of the legal department we would like to amend that section that instead of reading for my signature to read as City of Ruidoso Downs on behalf of the Hubbard Museum of the American West and have a signature line for the mayor and Clerk Virden to attest.

Mayor Williams entertained a motion.

Councilor Morales moved to approve with the amendment of the signature lines from Dakota Crouch as the Director to the signature of the mayor with assertion by Carol Virden. Seconded by Council Miller.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Memorandum of Understanding Between the Village of Ruidoso, City of Ruidoso Downs, the 12th Judicial District Attorney, US Customs & Border Protection, US Border Patrol and the County of Lincoln.

Chief Rupp said this is basically our contract with the Drug Task Force which is very vital in our community. There are no changes from the past MOU except we have some new people that have come on since the last time such as the new District Attorney and Chief Hooker of Ruidoso.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. Seconded by Councilor Walker.

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

NEW BUSINESS

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

Mayor Williams said as you will see out there construction continues on the old Avalon site. We have a tentative time of Dickey's opening of December 1st. The developer owns Prestige Cabinets and Golden Yarn. Griffith is on its last legs and I think they got

all the curbing in today. From there it will be touch up and then the City takes over. Good job to the crew for four months and we did it ourselves and in house.

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

Mayor Williams asked Councilor Miller if she wanted to say something about Saturday?

Councilor Miller said it wasn't a real good turn-out but we appreciate anyone that did volunteer. Maybe we need more incentive for people to get out and volunteer more to clean up the City. I had a bad accident that day and broke some ribs and that's why I'm sitting here with pillows all around me.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Resolution No. 2016-16 A Resolution Requesting Voter Approval of State General Obligations Bonds in Support of Senior Citizen Centers, Libraries, and Higher Education.

Dr. Clayton Alred said I am the President of ENMU-Ruidoso. You have a resolution in your packet. The first thing I want to tell you is that I am an employee of a tax-supported income. It would be inappropriate for me to lobby for anyone to vote for or against anything along these lines. I will simply state the facts. You however, as elected officials quite regularly try to convince people one way or another on issues. This is a copy of the November ballot and of course we have the presidential election on the top of the page and on the back are three bond issues for Bond A, B, and C and then Bond B that is not going to impact Lincoln County. Within these three bond questions are funds that would directly impact the residents of Lincoln County. Bond A is a bond in excess of 50 million dollars and if passed is designed to fund Senior Citizen Centers. Bond B is in an amount just above 10 million dollars will be used to enhance the services and collection development efforts of libraries across the state. Bond C is specifically designed for renovations and additions to colleges and campuses and is in excess of 131 million dollars. All three of these are the standard mechanism adopted by the State of New Mexico to acquire the kind of improvements. If these bonds are passed they will not raise taxes. Voter registration continues until October 11th. Early voting begins on October 22nd. Election day is November 8th.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Walker.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Joint Powers Agreement Between the Village of Ruidoso and the City of Ruidoso Downs – Amending Those Previously Enacted Joint Powers Agreements, Addendums, Amendments, and Resolutions Previously Entered Into Between the Parties Concerning the Establishment and Operation of a Regional Wastewater Treatment Plant and Main Interceptor Line.

H. John Underwood, City Attorney said we have the substitute document which has been handed out to each of you. I apologize for not having it out to you sooner. Basically there is no substance changes within that document but just changes that needed to be made in order to conform more closely with the intent of the parties. It changed some of the Governing Body to City Council and things of that nature. There is nothing that the Village of Ruidoso will have objection to. What the new Joint Powers Agreement does is comply with what the Special Master had asked us to do for the most part other than form and entirely new quasi-governmental unit of an operation of a separate entity that would operate the Wastewater Treatment Plant. That entity being the Village of Ruidoso and the City of Ruidoso Downs opted not to do that because of the cost involved. What the two entities did was enter into an agreement on what the main interceptor line was which was that the interceptor line begins behind Walgreens and that is as far as our obligations goes. We also entered into and interconnect agreement for Cardinal Drive which was approved at your last meeting which were both essential to having this agreement approved here. This will allow for the Joint Use Board to operate the Wastewater Treatment Plant and for the improvements of going forward of which FEMA is involved in for the replacement of the main interceptor line and with partnership of 85/15 cost sharing to be continued until such time that the interceptor line is completed and all of the inflow infiltration issues are resolved so that we know exactly how much water and sewage is each parties. It can't be measured right now because we have too much infiltration. I would like to ask Council to approve this.

Mayor Williams entertained a motion.

Councilor Romero moved to approve. Seconded by Councilor Walker.

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

Mayor Williams stated the next item on the agenda was – Ron Andrews – Golden Aspen Motorcycle Rally.

Ron Andrews said it was announced back in May that my wife and I were thinking of the notion of taking back the motorcycle rallies. We just had the fall rally and we had good attendance. Apparently it didn't cause too much havoc. We had a good crowd and the rally was well-received. Jill and I and a number of friends were able to increase the number of trophies and prizes. We're going to plan on advertising and getting this back up to where it was in 2003-2004. We appreciate the help of your local police and street departments and Ruidoso as well. Thank you for the support. I do want to present you with a commemorative pin and it's something Jill and I started back in 1987.

Councilor Morales asked Ron Andrews if he could estimate the attendance?

Ron Andrews said it looks like in town it was about 16,000. Most of the motels parking lots were packed. We did have a Drill Team perform in Ruidoso at the Soccer fields to enjoy. If you read the newspaper we had four young people ride pocket bikes for 1500 miles from Ohio and they set the Guinness World record that ended in the Albertsons parking lot.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Reclassification - Water/Wastewater Foreman to Water/Wastewater Lead Operator.

Dale Graham, Public Works Director said what we are looking to do here is we have a vacant position in the Water Department that was Joey's position. We would like to reclassify the foreman's job by doing away with the foreman job and make that person the Lead Operator. That would allow us to promote from within and that would open up another position. Right now we have a temporary worker in the parks and he's a very good worker. His time is almost up for the temporary position and move him to the water position job and keep him. Then as we are working through all the pay rates we will get those adjusted.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Special Dispenser Permit Application - Lincoln County Cowboy Symposium - October 6th - 9th, 2016.

H. John Underwood, City Attorney said this is an item that comes before us annually. It's a matter of procedure for the Governing Body in the jurisdiction approve that special permit for the Cowboy Symposium. It's a matter that they had run out of time on this and Carol had called me to get permission for the mayor to go ahead and sign that document to meet the time deadline to send it into Santa Fe subject to it being approved at the Council meeting.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Walker.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Carl Applin – Request Use of All American Park – Flea Market.

Carl Applin said I would like the use of All American Park for a Flea Market along the side of where the field is. I've talked to Dale and Steve and Carol and that's all I need to know. I'm not going to charge them a fee so it's all going to be free. Whoever wants to come just come and be along with the Farmers Market.

H. John Underwood, City Attorney said there are some conditions that I talked to Mr. Applin about. There is a waiver for the Farmers Market that by statute they are waive from not collecting gross receipts tax. As I told Mr. Applin earlier today that I would check tomorrow to see if there is a like waiver for flea markets so they also would not have to collect gross receipts tax on their sales. Otherwise it will be necessary that their vendors collect gross receipts taxes. Mr. Applin has agreed to execute the Hold Harmless agreements to all of his vendors.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was – Update to the City Council – Public Information Outreach of the Progress of the Multi-Jurisdictional Workshops to Produce an All Hazard Mitigation Plan for our City.

Steve Dunigan, Planning & Zoning Director said I wanted to update you on where we are in our efforts to develop this plan and have it approved by FEMA. In 2012 Lincoln County made great effort financially and by manpower to put together their All Hazard Mitigation Plan and had it approved by FEMA. We were given an opportunity because they are at a stage now where every five years FEMA requires an update and so the time was such that we were able to along with the Village of Ruidoso, Carrizozo, Corona to do a multi-jurisdictional and go with their plan. That saves us a lot of time and effort since their plan has been approved and this is an update. All the departments in the City have been working through some workshops and providing information to this plan. What can we do to lessen the effects of flood and wildfire and the items I've provided on this list. Our goal is to get this approved by FEMA so that if we need assistance we can apply for grant money. Our portion has been estimated at around \$640.00 instead of the \$2,000.00 that we had looked to a few years ago. In thirty days we should have a draft and we'll that out for public information.

OTHER BUSINESS

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

Mary Castaneda, Finance Director said Lincoln County Transit had a beginning cash balance of \$3,750.55. Revenues of \$14,544.50. Expenditures of \$12,290.36. Leaving them an ending cash balance of \$6,004.69. The museum had a beginning cash balance of \$18,251.01. Revenues of \$14,447.81. Transfers in from Lodgers Tax of \$32,001.00. Expenditures of \$64,783.14. Leaving them an ending cash balance of a negative \$83.32.

Mayor Williams asked if that still didn't include the Hubbard?

Mary Castaneda, Finance Director said no. We are expecting that first quarter payment of \$25,000.00.

Councilor Morales said I was going say to throw \$100.00 in there to get it in the black.

PUBLIC INPUT

Mayor Williams said the next item on the agenda was Public Input. He said to state your name and to minimize your time and keep as close to three minutes as you can.

Wayne Williams said before I start I would like to say that our City has lost a life-long resident. One of our Councilman's brothers and he will sorely be missed. My condolences to him. And, it' nice to see our accountant back at the table. At the last Council meeting I had a few things to say. It seems like word got out that I had done it. My phone has been ringing like crazy and I asked them if they have call their City Councilor and suggested they call them first. What I heard was pretty much sour

grapes. Some of it was not too flattering. The most problem I had was the discourse with the front office and the working staff that actually get out and do the work. What I said in the last meeting was that even though I make almost every meeting I still don't know what's going on. There is so much that goes on behind closed doors in meetings that you can't talk about. I don't know how the citizens found out what they found out but they did unload on me pretty heavy. It's not my job. It seems like in the twelve years I've been here it seems like the only time you all have been here is when you're being paid to be here. The question that comes to my mind is are you being paid to be here or are you serving the citizens? If you are here just to collect the \$200.00 for a 15-20 minute meeting then you need to step down and go find yourself another job. If you are here to actually serve the City then \$200.00 is not enough if you really got out there to do your job. Come in here and be fully informed. Keep in mind that the rules you make are the rules we have to live by and you do too.

Sebrina Lundquist said I had an encounter with one of our newer officers Robert Brown over the weekend at the Keep America Beautiful cleanup along with some of our City workers. I would like to say I was proud of how they interacted with our people and wanted to say welcome.

Dean Holman said just by coincidence Dr. Alred from the college happens to be here. I would like to refer to Item #12C that has to do with higher education and to get you caught up on the former Animal Control Officer for the City of Ruidoso Downs has been doing for the last four years. That is Peggy Lu Jane. She attended here and had a very high grade point average. This college set her on a course to realize that hey, I can do this. Then she attended New Mexico State University and just graduated with her Bachelor of Arts Degree in Psychology with a Minor in Counseling. It's so important to have this college here.

Matthew Bridges said I am the owner of Sears. I do not know all of you but I do know some of you. The first thought is we've never seen you here before. Well, you don't have to go to a Council meeting to be involved. I've met with the mayor on several occasions, the Fire Department, the Police Chief and several others. You need to know what you're voting on. I had a Council person come into my place of work and he had some very, very strong opinions regarding Chief Rupp. What they were saying was concerning and there have been some rumors out there. I wanted to make an informative decision on my own. I listened to that Council person and went and talked to Chief Rupp. Immediately there was a disconnect and also how this Council has interacted with the community. I spoke at length with Chief Rupp to clarify quite bluntly and after listening to him, questioning him, looking at paperwork that was available to me as a citizen and I was very concerned about what the Council as a whole opinion about Chief Rupp was. I think it's poor, uneducated, unethical and unmoral. As a concerned citizen I don't just take rumors. I've asked certain Council members to

meet with me. This was the quote, "no I won't because he's a liar." You cannot just walk around calling someone a liar and I told them I couldn't trust them nor respect them. To me that's slander. Then I went to Facebook of all places and had a 13 page conversation blasting the mayor and the chief in an illegal manner. I think this particular Council person is unfit to be a Council member. I then talked to the mayor and Planning & Zoning to get the facts. I have a different interpretation. Making decisions about what is need for the PD's equipment without details but then passing judgement on a man's career when you are throwing stones at a glass house you should look in your own back yard. I'm pretty upset if you can't tell.

Pam Williams said I was told by a Councilor that the City staff has not been in such turmoil as they are now. I know this to be true but it was worse ten or twelve years ago and some of the same Councilors were there also. At that time Councilors depended on other Councilors to determine how a vote should go as they are being led now. We elected each City Councilor to represent the whole City and not just a few of their own clique. When I read the Facebook entry of the Councilor I was ashamed and embarrassed. It's time to grow up and get over your individual egos. I feel the City Council is responsible for the upheaval of our City staff not Chief Rupp. As you can see he is highly respected by his staff and the citizens. Do the department not have their own department heads to guide their own departments? Please search your own hearts when voting the position of the Chief. If he's doing something illegal and broken the law then charge him. But, if not then I feel he's earned this position.

Debra Villareal said I am one of the Communication/Detention Officers. Six months ago we came forward and said what we felt for the Chief. From day one I have stood by the Chief and still will no matter what happens. He is an outstanding leader and guides us. He's the one that helps me when we have prisoners and tells me how to protect myself in case something happens. I strongly disagreed with you Council members when you put him on six months probation. I'm asking you to reappoint him as Chief of Police.

Steve Dunigan, Planning & Zoning Director said I wanted to input that in my professional capacity that in working with the Police Department it's been nothing but cooperative, professional, and helpful when I've needed them. I have found Chief Rupp to be absolutely honest and straight forward and one heck of a team builder. I think it would be a step backward to lose a Chief of this stature. I've seen a lot of chiefs come and go and I think he should remain our Chief.

James Marion said I am the Dispatch Supervisor. Six months ago I attended a City Council meeting where Police Chief Rupp was not reappointed and was in fact placed on six months probation. Six months has passed. In that meeting I presented three pages to this Council and I used performance as a benchmark as to why I felt Chief

Rupp should be reappointed. Performance factors focusing on five specific points: 1. Performance in testing 2. Community policing 3. Recruitment 4. Training 5. Interfacing with other law enforcement agencies I spoke about these with the goal of showing from a performance standpoint that Chief Rupp should be reappointed and that's not what happened. Here we are six grueling months later with a Police Department who is supposed to be focused on protecting and serving and who has had their attention divided. The community they may have to lay their lives down for and being distracted of what's going on. Six months of discussion and rumors. Discussion of whether this chief should be allowed to take his police unit home for thirty minutes so that in the event of an emergency, which has happened like the State Police, and it has happened, so that he can be where he needs to be. Six months of a community, a City, and a Police Department living in limbo. Six months of private citizens speaking at public Council meetings on behalf of the Chief of Police who has been an employee of this City for over seven years. Prior to being Chief of Police he was a cop here. He was a Corporal here. He was injured in the line of duty on behalf of this City. He is an army veteran who served in Iraq in Desert Storm. He wants to continue serving the City of Ruidoso Downs. Too many people are waiting and it's not about his performance so make your vote.

Tom Reese said I'm a journalist. I normally don't do this but I'll tell you how I work with Chief Rupp when I have to get information and Chief Hooker of Ruidoso. In the months that I've known the chief he's always been transparent. If he can't tell me something it's because that information can't be released. The three things that we as journalists depend on from our officials is transparency, honesty, and that he cares about this community. I'm amazed at how he wants to protect this community and now I live here. To not have him would be a tragedy. My recommendation is to keep the chief.

Jessica Grant said I have been a citizen of Ruidoso Downs for over a decade. I firmly believe that Christopher Rupp is the best and only person for the Chief of Police for our community. He has done more than any prior Police Chief. I believe that if you decide to let him go it would be detrimental to the Police Department. He has flawlessly conducted the duties of Police Chief. If you don't believe me then check the records. I have read all of the articles in the paper and it the only reason you have to let him go is that it is all personal. He is a professional. City Councilors are supposed to be listening to us the voters. I ask you to keep Chief Christopher Rupp in his position and do what your voters want.

Darrell Chavez said I am the Patrol Lieutenant for the City of Ruidoso Downs Police Department and I want to thank you for allowing me to serve in this capacity. It's been an honor. In regard to comments about Chief Rupp I will discuss those in Closed Session later on tonight. I truly believe he is a Chief among Chiefs. There are a lot of

accomplishments every day and you will probably never see the paper or us on social media but that's how you can find out. He is open and honest and very approachable. I want to implore you to make an informed decision tonight. This discussion will be a life decision for some of us tonight.

Bryce Bailey said I'm a Police Officer with the City of Ruidoso Downs. I've worked here for almost two years and Chief Rupp recruited me to come to work here. I've never had a better Chief or upper supervision than Chief Rupp. Six months I came up here and said how I felt about my Chief then as well as others. It seems that during the six months that he's been on probation there are still personal vendettas. If you don't like that he takes his unit home then re-vote on it. In that six months I've had to call the chief at 2:00, 3:00, 4:00 in the morning because I was the only officer on duty and I needed help. Most of us officers were on duty by ourselves. Officers are getting hurt more and more on duty than ever before. We just lost an officer fifty miles down the road and most of us worked with that officer. In six months I haven't seen any Councilors come and talk to us officers about these rumors or to seek facts. All of us that work here support our chief and the community does also. Everyone says this is the best they've seen in this Police Department and if you guys want to take that away you're not going to find a better chief than Chief Rupp.

Judy Beavers said I have been here forty-seven years and I have watched a lot of you and a lot of things come and go. I have sat here tonight and heard nothing but compliments on Chief Rupp. I have dealt with him personally and have nothing but praise for him and his work. What I want to say to you now is bring your complaints and put them out here and let us all hear it. We're the ones paying your \$200.00 or whatever. I don't imagine you're getting much out of that. Bring the complaints out here. Apparently you're ashamed of them or you would have them out in public anyway.

Tony Bolden said six months ago you put the chief on probation. During that six months the chief could have resigned or walked away but he didn't. That tells me and the people that he wants to be here. Two weeks ago I asked the Council to spend one hour with him. Only one of those Councilors has spent any time with the mayor. Over the last six months Councilors have maybe spent, I'm going to be generous, which I know has been less, thirty minutes. What accusations or questions they put out six months ago have not been addressed by the Councilors. Not by the chief because he has his office open. I'm not going to bring up anything like Facebook which to me is kind of chicken. It's really disheartening how the Council is treating not just the chief but the citizens and the business owners. I've talked to two Councilors and basically their words are, "I cannot speak for the other Councilors." When I ask a question I don't expect the answer to be, "I can't speak for other Councilors." I'm asking them the questions. If you make a decision tonight and it's against Chief Rupp I feel it's a

travesty because they haven't given the gentleman the respect he deserves. Search your heart and listen to the citizens.

Timothy Winrow said I'm an officer with Ruidoso Downs. One thing I want to point out is the persons that have come in here in support of the chief and nothing but good things to say. I'm not going to tell you how to do your job. You were elected by the people. The people are saying we want this chief.

Teresa Herrera said I met the chief in good times and in bad times. He always had an open door and made himself available. He's a good guy and if you would go in and talk to him you could go in there right now. I think it would be a great loss if you let him go tonight. We do need him.

Hari Gray said I am a Police Officer with this force here at Ruidoso Downs. Since I've been here Chief Rupp is probably the best leader I've had in law enforcement. That's thirteen commanders and twenty-seven supply sergeants. The training and experience they have given me is more than anyone could have given me. I suggest you keep Chief Rupp. He's the best for the City and best for the department.

Carl Applin said I'd like to ask the Council a question and probably Judy is the only one that can answer it. How many police chiefs have you all had in the past thirty years?

H. John Underwood, City Attorney said we are actually not allowed to have interaction. It's just by the public.

Carl Applin said because I've been in and out of here for the last thirty year. I have one name and that's Robert Logan. He ran all of his patrolmen off. This gentleman, his people are praising him. I've met three or four of them. I've met Chief Rupp and I have nothing bad to say about them. He was nice and courteous. I don't see what the problem is. I think you all need to think hard and heavy on this one.

Charles Massey said it's hard to believe it's been six months since we were here before. I think one of the biggest things was everyone in the Police Department were trying to figure out what was happening. You hear a lot of rumors and I sat back and thought of all the chiefs I've worked under. In my first statement I have not appreciated a chief more than Chief Rupp. I understand and am fully aware of the job that he has and how difficult it is especially in a small community. The Police Department that I worked at we started out at twenty-four police officers and that was from the chief down. That was pretty small. When I left, fully staffed, we were over one hundred fifty. I've heard rumor that part of the problem is that he does not live within the city limits of Ruidoso Downs. My first question is was this brought to his attention when he was assigned the job as Chief of Police. Did anyone look at him and say we think you need to live here?

We'd like for you to consider living and moving to the Downs and being a part of this community. To my knowledge nobody did. We haven't had one police chief or deputy chief that have lived in the community they served and there is a reason. There's a reason for that. It's my understanding we have a police officer that had harassment and vandalism to his yard and that's the reason he moved to Capitán. It's a real problem that happens. I don't live in my jurisdiction. I was part of an arrest for an individual. I found a blunt in his car. He wasn't even my stop. He didn't know where I lived. I didn't want him to know where I lived. Unfortunately he found out. We got a failure to appear warrant. He came in and looked at me and said you got yours coming. I'm going to rape your wife. I'm going to rape your daughter and then burn the house down around you. That's how come we don't want people to know where we live. Because he doesn't live in the community he serves means he doesn't care? When we are police officers there is a saying we learn in the academy and it's called 'the sanctity of life.' I don't know of any other job where they drill that into you. When you put on that uniform you wear that badge and put that gun on your life is secondary to people you don't know but are the people you protect. That call came out on a shooting and Chief Rupp was the only one on duty. He went into the house by himself in an active shooter scenario and that's someone who doesn't care? I know what it's like to be shot, to be shot at, and to be stabbed. I respect this man. I can honestly say that if he's not our chief tomorrow I can speak to others that we want some answers why because we don't understand. I think these things need to be considered. Where's is coming from?

William Dunlap said I'm a resident of Ruidoso Downs and also a former employee of the City of Ruidoso Downs. I've seen many chiefs come and go. Chief Rupp and I are friends and have been for quite some time. I've sat in here and listened to these conversations and the people in this town are very upset on what the Council is considering doing. I have visited with Chief Rupp many times in the last six months and see the people who are upset tonight. I have not seen Chief Rupp upset about this whole thing. I believe the man does do a good job for the City and I hope all of you see that.

Celia Villareal said I want to say I'm sitting back there watching people say no no, and nodding their heads and that just upsets me. You have an officer up here saying he stopped to assist and I enter reports everyday into Sleuth which manages the records. Chief does. He drives up at all hours of the night and assists. I don't know what else to say. Again, I'm here six months later and it hurts. He's hard at work every day and I don't know why this is happening. I want answers.

Debra Ingle said I do not live in the City. I do manage the Solid Waste Authority and have for eighteen years. My family lives here, my grandkids, some of my employees. We've been through a lot of chiefs. I'm dependent on the Chief of Police and the City of Ruidoso Downs and his department. In the last year we have had to call upon your

chief and your Police Department and all of the cases were in court and in the past fifteen to eighteen year that never happened. I mean he's done domestic violence, stolen materials, to passing phony money. This chief did everything that he needed to do for us to go to court and win those cases. I'm here to let you know that your Police Department has done its job.

Dusty Beavers said I think if we lose Chief Rupp it's going to set the City of Ruidoso Downs back and I don't want to go back. I want to progress. I think all of these City Councilors do too. I think that's what's going to happen. We're going to lose one and then two and then three. Nobody is going to be able to walk into City Hall because there's not going to be a dispatch or not much of anything left. I ask you to consider the ramifications of the decision you're about to make. I think it will have a harder impact on the City than you know of.

Mayor Williams introduced Officer Robert Brown since he was mentioned.

CLOSED SESSION

Limited Personnel Matters pursuant to Section 10-15-1 H.7, 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.

Chief of Police.

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 H.7, 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. Chief of Police.

Councilor Morales moved to go into Closed Session for Limited Personnel Matters pursuant to Section 10-15-1 H.7, 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. Chief of Police. Seconded by Councilor Walker.

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

Mayor Williams invited H. John Underwood, City Attorney and Carol Virden, City Clerk/Treasurer and called for a ten minute recess and closed the Regular Session at 7:07 p.m.

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

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

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

Mayor Williams called the Regular Meeting back to order at 9:57 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 H.7, 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. Chief of Police.

Councilor Morales attested to the fact that the only items discussed in Closed Session were Limited Personnel Matters pursuant to Section 10-15-1 H.7, 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, Chief of Police, and no action was taken.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Appointment of Chief of Police.

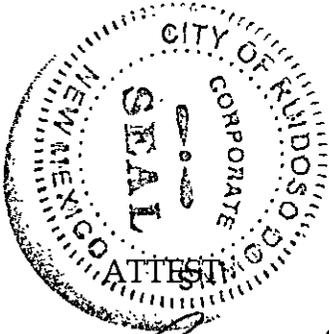
Mayor Williams entertained a motion.

Councilor Walker moved to terminate Chief Rupp. Seconded by Councilor Miller.

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

ADJOURNMENT

There being no further business to attend to Mayor Williams adjourned the meeting at 9:58 p.m.



Gary L. Williams

Gary L. Williams, Mayor

Carol Virden

Carol Virden, City Clerk/Treasurer