

**CITY OF RUIDOSO DOWNS
GOVERNING BODY, REGULAR MEETING
123 DOWNS DRIVE, RUIDOSO DOWNS, NEW MEXICO 88346
JANUARY 22, 2024**

The City of Ruidoso Downs Council met in a regular session on Monday, January 22, 2024. Mayor Holman called the regular meeting to order at 2:00 p.m. and asked Councilor Miller to lead in the Pledge of Allegiance.

ROLL CALL

Present: Councilor Miller, Councilor Lacewell, Councilor Proctor, Councilor Baber

Meeting Participants:

John Underwood, City Attorney
Alejandra L. Giron, City Clerk/Treasurer
Jennet Recendez, Planning Services Director

Joe Commander, Police Chief
Joey Jarvis, Public Works Director
Heath Keck, Fire Chief

Meeting Participants via Phone:

Mary Castaneda, Finance Director

Meeting Participants via Zoom:

Lori Plant, Municipal Judge

APPROVAL OF AGENDA

Councilor Lacewell moved to approve the agenda with the postponement of Items D & E until next month. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

APPROVAL OF CONSENT AGENDA

(All matters listed under Item 5 will be enacted by one motion.)

A. *APPROVAL OF GOVERNING BODY MINUTES

- *December 11, 2023, Regular Meeting Minutes
- *January 8, 2024, Regular Meeting Minutes

B. *APPROVAL OF MONTHLY REPORTS

- *Public Works December Report
- *Fire Department December Report
- *Planning and Zoning December Report

C. *COMMITTEE REPORTS

- *Planning and Zoning Commission December Report
- *Greentree Solid Waste Authority Committee December Report



Councilor Miller moved to approve the Consent Agenda as presented. There being no Second to consider, the motion died.

PUBLIC INPUT

Wayne Williams made comments.

Brian Roberts made comments.

Bonnie Richardson made comments.

Pam Williams made comments.

Beth Miller made comments.

Lori Plant made comments.

COUNCILORS COMMENTS

Councilor Lacewell moved to have her statement be entered into the minutes. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

Councilor Lacewell read her statement (See Exhibit A).

Councilor Miller made comments.

MAYORS COMMENTS

Mayor Holman had no comments.

A. Monthly Reports and Presentations

The Planning Services Director presented on the operations of the Planning & Zoning Department for the month of December.

The Public Works Director presented on the operations of the Public Works Department for the month of December.

The Fire Chief presented on the operations of the Fire Department for the month of December.

NEW BUSINESS

A. Discussion and Possible Action on Appointment of Brian Roberts for the Economic Development Board Vacancy.



Councilor Proctor moved to approve the Appointment of Brian Roberts for the Economic Development Board. Councilor Miller seconded and upon a roll call vote of all voting “aye” the motion passed.

B. Discussion and Possible Action on Adoption of Resolution 2024-01, a Resolution Approving the Budget Adjustment Requests for the Second Quarter of the 2024 Fiscal Year.

Councilor Lacewell moved to approve Resolution 2024-01. Councilor Miller seconded.

Councilor Proctor moved to postpone the first two-line items (10-42-41040 and 10-42-42050) on page 1 of the budget adjustments (See Exhibit B) until discussion is held between the Municipal Judge and Finance Director. Councilor Miller seconded and upon a roll call vote of all voting “aye” the motion passed.

Mayor Holman called for a brief recess at 4:03 p.m. and reconvened the meeting back at 4:20 p.m.

Councilor Lacewell moved to temporary postpone item B under New Business after item L under New Business. Councilor Proctor seconded and upon a roll call vote of all voting “aye” the motion passed.

F. Discussion and Possible Action on Approval of White Sands Construction Proposal for HVAC Maintenance on existing units in the Museum through State of NM Price Agreement in the amount of \$82,948.75.

Councilor Lacewell moved to approve the White Sands Construction Proposal for HVAC Maintenance on existing units in the Museum through State of NM Price Agreement in the amount of \$82,948.75. Councilor Proctor seconded and upon a roll call vote of all voting “aye” the motion passed.

G. Discussion and Possible Action on Approval of White Sands Construction Proposal for Restroom Repairs in the Museum through State of NM Price Agreement in the amount of \$24,746.60.

Councilor Proctor moved to approve the White Sands Construction Proposal for Restroom Repairs in the Museum through State of NM Price Agreement in the amount of \$24,746.60. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

H. Discussion and Possible Action on Approval of White Sands Construction Proposal for Green Room Floor Repairs in the Museum through State of NM Price Agreement in the amount of \$75,741.95.



Councilor Baber moved to approve the White Sands Construction Proposal for Green Room Floor Repairs in the Museum through State of NM Price Agreement in the amount of \$75,741.95. Councilor Proctor seconded and upon a roll call vote of all voting “aye” the motion passed.

I. Discussion and Possible Action on Approval of White Sands Construction Proposal for HMAW Lobby Drywall Repairs through State of NM Price Agreement in the amount of \$46,186.31.

Councilor Baber moved to approve the White Sands Construction Proposal for HMAW Lobby Drywall Repairs through State of NM Price Agreement in the amount of \$46,186.31. Councilor Miller seconded and upon a roll call vote of all voting “aye” the motion passed.

J. Discussion and Possible Action on Approval of Unusable and Obsolete items to Auction on Gov. Deals Website.

Councilor Miller moved to approve the Unusable and Obsolete items to Auction on Gov. Deals Website. Councilor Proctor seconded and upon a roll call vote of all voting “aye” the motion passed.

K. Discussion and Possible Action on Approval of Change Order No. 1 between Bixby Electric and the City of Ruidoso Downs.

Councilor Proctor moved to approve Change Order No. 1 between Bixby Electric and the City of Ruidoso Downs. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

L. Discussion and Possible Action on Approval of the Agreement between WH Pacific and the City of Ruidoso Downs for the Asset Management Plan for the City's Wastewater System in the amount of \$49,776.00 including GRT.

Councilor Baber moved to approve the Agreement between WH Pacific and the City of Ruidoso Downs for the Asset Management Plan for the City's Wastewater System in the amount of \$49,776.00 including GRT. Councilor Miller seconded and upon a roll call vote of all voting “aye” the motion passed.

Councilor Baber moved to resume discussion and possible action of item B. Councilor Proctor seconded and upon a roll call vote of all voting “aye” the motion passed.

B. Discussion and Possible Action on Adoption of Resolution 2024-01, a Resolution Approving the Budget Adjustment Requests for the Second Quarter of the 2024 Fiscal Year.



Councilor Proctor moved to adopt Resolution 2024-01 with the exception of the Courts line items. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

C. Discussion and Possible Action on Adoption of Resolution 2024-02, a Resolution Authorizing Signatures for the City of Ruidoso Downs Accounts with all Financial Institutions Within the Surrounding Areas of the Municipality.

Councilor Lacewell moved to adopt Resolution 2024-02 with the removal of Temporary. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

ADJOURNMENT

There being no further business to come before the Governing Body, Mayor Holman adjourned the regular meeting at 5:00 p.m.

MINUTES ARE DRAFT UNTIL APPROVED ON:

Passed and Approved on this 25th day of March 2024.

APPROVED:



Dean Holman, Mayor

ATTEST:



Alejandra L. Giron, MMC
City Clerk/Treasurer

EXHIBIT A

City Clerk: Please see that my comments are verbatim and included "for the record" in the minutes for this meeting.

To the citizens of Ruidoso Downs:

At the "Meet the Candidates" public forum October 2023 the question was brought up about moving the meeting time of our city council meetings back to 5:30 PM, and every candidate at the forum agreed that if they were elected, they would change the time to 5:30 PM to allow our working citizens to attend the meetings.

SO here we are still meeting at 2:00 -

NM State Statute § 10-15-1 (2021) letter "D" requires that "The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body."

This City Council, this Governing Body (consisting of these 4 individual councilors) is the "affected body" and we are required to determine when we will have public meetings, yet this mayor is blocking us from fulfilling the requirements of that state statute.

Additionally, under NM Statute § 10-15-1 (2021), did not confirm 2 appointments of the municipality, so this mayor is in violation of the statute to: "...submit the name of another person to the office or to be employed by the city council. The mayor has failed to put that on the agenda for the next meeting.

As a result of the mayor's actions, we are unable to do what we were elected to do for the good of the city and the will of the citizens of the city of Ruidoso Downs, and the mayor is intentionally blocking us, and is negligent in fulfilling his oath of office by acting contrary to state statutes.

JANUARY 22 NO
ATTACHMENTS



Terry -
Please give this
to the city clerk
after "Councilor's
Comments"

RECEIVED

JAN 22 2024

CITY OF RUIDOSO DOWNS

EXHIBIT B

CITY OF RUIDOSO DOWNS

Budget Journals - w cross ref dfa
 BUDGET ENTRIES JOURNAL (BUDGET)
 Period: 8/31/2023 (08/23)

Page: 1
 Jan 17, 2024 01:48PM

Report Criteria:

Total By Reference Number and Date

Date	Payee or Description	Account Number	Cross Reference Account	Account Title	Debit Amount	Credit Amount
08/31/2023	BUD ADJ	10-42-41040	11000-1009-51040	Part-time Positions-	1,040.00	
09/13/2023	BUD ADJ	10-42-42050	11000-1009-52030	Insurance	2,266.00	
09/13/2023	BUD ADJ	31-30-37130	21100-0001-47110	Law Enforcement (D		2,400.00-
09/13/2023	BUD ADJ	31-40-48020	21100-3001-58020	Cap Out-Vehicles	2,400.00	

Documents: 4 Transactions: 4

Total BUDGET:

5,706.00 2,400.00-

*** Journal is out of balance: \$ 3,306.00 ***

Total 823:

5,706.00 2,400.00-

Date	Payee or Description	Account Number	Cross Reference Account	Account Title	Debit Amount	Credit Amount
09/14/2023	BUD ADJ	34-45-49040	21400-2002-56090	Entry Sign	4,600.00	
09/19/2023	BUD ADJ	29-40-46040		Uniforms	2,000.00	
09/19/2023	BUD ADJ	29-40-44010	20900-3002-54010	Building Maintenanc		2,000.00-

Documents: 3 Transactions: 3

Total BUDGET:

6,600.00 2,000.00-

*** Journal is out of balance: \$ 4,600.00 ***

Total 923:

6,600.00 2,000.00-

Date	Payee or Description	Account Number	Cross Reference Account	Account Title	Debit Amount	Credit Amount
10/31/2023	BUD ADJ	20-30-36057	21220-0001-47120	LER PD DFA		150,000.00-
10/31/2023	BUD ADJ	20-40-47011	21220-3001-51020	LER PD SALARIES	150,000.00	
Documents: 2 Transactions: 2						
Total BUDGET:					150,000.00	150,000.00-
Total 1023:					150,000.00	150,000.00-

Date	Payee or Description	Account Number	Cross Reference Account	Account Title	Debit Amount	Credit Amount
12/31/2023	BUD ADJ	29-30-37127	20900-0001-47499	SFMO-10252023		293,526.00-
12/31/2023	BUD ADJ	29-40-48052	20900-3002-58080	Cap Out-BRUSH T	293,526.00	
Documents: 2 Transactions: 2						
Total BUDGET:					293,526.00	293,526.00-
Total 1223:					293,526.00	293,526.00-
Grand Totals:					455,832.00	447,926.00-

Report Criteria:

Total By Reference Number and Date