

**CITY OF RUIDOSO DOWNS
GOVERNING BODY, REGULAR MEETING
123 DOWNS DRIVE, RUIDOSO DOWNS, NEW MEXICO 88346
JANUARY 8, 2024**

The City of Ruidoso Downs Council met in a regular session on Monday, January 8, 2024. Mayor Holman called the regular meeting to order at 2:00 p.m. and lead in the Pledge of Allegiance.

ROLL CALL

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

Meeting Participants:

John Underwood, City Attorney

Joe Commander, Police Chief

Alejandra L. Giron, City Clerk/Treasurer

Joey Jarvis, Public Works Director

APPROVAL OF AGENDA

Councilor Lacewell moved to amend the Agenda (See Exhibit A). Councilor Proctor seconded the motion.

The City Attorney stated a Point of Order due to the Open Meetings Act requirement to post the agenda seventy-two hours in advance to the meeting and therefore a substantial change of the agenda at the time of the meeting is out of order.

Councilor Lacewell read the City of Ruidoso Downs Municipal Code of Ordinances Section 31.02 (D) Agenda (See Exhibit C).

The City Clerk stated that Ordinance had been amended and stated to the City Attorney she had placed a copy of the amended Ordinance Section 31.02 (D) Agenda in front of him.

The City Attorney proceeded to read the amended Ordinance Section 31.02 (D) (See Exhibit B).

The motion died.

APPROVAL OF CONSENT AGENDA

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

A. *December 11, 2023, Regular Meeting Minutes

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



PUBLIC INPUT

Pam Williams made comments.

Wayne Williams made comments.

COUNCILORS COMMENTS

Councilor Miller made comments.

MAYORS COMMENTS

Mayor Holman had no comments.

ORGANIZATIONAL MEETING

A. Reading of Rules of Debate from the City of Ruidoso Downs Municipal Code of Ordinances Section 31.02 (E) Rules of debate 1 through 7.

The City Attorney read the City of Ruidoso Downs Municipal Code of Ordinances Section 31.02 (E) Rules of debate 1 through 7 (See Exhibit C).

B. Election of one member to serve as Mayor Pro-Tem.

Councilor Proctor nominated Councilor Miller to serve as Mayor Pro-Tem. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

C. Confirmation of Appointed Officials.

Councilor Lacewell moved to confirm Chief of Police, not confirm and dismiss John Underwood and end his contract, and not confirm Alejandra Giron.

The City Attorney stated the motion is out of order due to the negative motion and read the state statute (See Exhibit D). He explained to Council they must comply with the Procurement code, his contract, Rules of Order, the Agenda, and the Open Meetings Act in order to take action and not create a new agenda. The agenda item is to confirm or not to confirm.

Mayor Holman entertained a motion to confirm Joe Commander as the Chief of Police.

Councilor Miller moved to confirm Joe Commander as the Chief of Police. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

Councilor Lacewell moved to confirm John Underwood. Councilor Proctor seconded and upon a roll call vote of all voting “nay” the motion failed.



Councilor Miller moved to confirm Alejandra Giron. Councilor Baber seconded and upon a roll call vote of all voting “nay” the motion failed.

D. Confirmation of Appointed Special Boards, Commissions or Committees.

Councilor Lacewell moved to confirm Misty Greathouse, Shamie Mills, and Crystal Sifuentes for the Lodgers’ Tax Committee. Councilor Proctor seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Councilor Miller moved to confirm Luther Light, Celeste Beechie-Barnes, John Banks, Lamond Hurst, and Brian Roberts for the Planning & Zoning Commission. Councilor Baber seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Councilor Baber moved to confirm Walter Baber and Dean Holman as Alternate for the Greentree Solid Waste Authority. Councilor Proctor seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Councilor Miller moved to confirm Dean Holman and Joey Jarvis for the Regional Wastewater Treatment Plant Joint Use Board. Councilor Proctor seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Councilor Lacewell moved to confirm Dean Holman, Celeste Beechie-Barnes, Proctor, and Kay Stirman for the Economic Development Board listed. Councilor Baber seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Mayor Holman stated he will be accepting letters of interest for membership of the Parks and Beautification Committee.

Councilor Miller moved to confirm Joe Commander and Robert Knight for the Consolidated Dispatch. Councilor Baber seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Councilor Miller moved to confirm Joe Commander and Robert Knight for the DWI Council-Ruidoso Downs, City Council Liaison. Councilor Baber seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

Councilor Proctor moved to confirm Joey Jarvis for the Ruidoso River Restoration Committee. Councilor Miller seconded the motion and upon a roll call vote of all voting “aye” the motion passed.



E. Confirmation of the Names of Persons who shall be Employed by the Municipality.

Councilor Lacewell moved to confirm of the Names of Persons who shall be Employed by the Municipality and read the list of employees (See Exhibit E) with the exception of City Court staff, City Appointed Officials, Nancy Gutierrez, and Heath Keck. Councilor Proctor seconded the motion and upon a roll call vote of all voting “aye” the motion passed.

NEW BUSINESS

A. Discussion and Possible Action on Approval of Agreement between the NM DFA and City of Ruidoso Downs for the All American Park Paving and Drainage Project in the amount of \$920,000.00.

The Public Works Director presented on the Agreement.

Councilor Proctor moved to approve the Agreement between the NM DFA and City of Ruidoso Downs for the All American Park Paving and Drainage Project in the amount of \$920,000.00. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

B. Discussion and Possible Action on Approval of Memorandum of Understanding between the City of Ruidoso Downs and SNMEDD for Fiscal Agent Services on Capital Appropriation #23-ZH5053-44 in the amount of \$5,000.00.

The Public Works Director presented on the Memorandum of Understanding.

Councilor Lacewell moved to approve the Memorandum of Understanding. Councilor Baber seconded and upon a roll call vote of all voting “aye” the motion passed.

C. Discussion and Possible Action on Approval of Task Order No. 2023-03 between Dennis Engineering Co. and the City of Ruidoso Downs in the amount of \$75,000.00 exclusive of NM GRT.

The Public Works Director presented on Task Order No. 2023-03.

Councilor Proctor moved to approve Task Order No. 2023-03. 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 3:01 p.m.



MINUTES ARE DRAFT UNTIL APPROVED ON:

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

APPROVED:

Dean Holman

Dean Holman, Mayor

ATTEST:

Alejandra L. Giron

Alejandra L. Giron, MMC
City Clerk/Treasurer



EXHIBIT A

9. ORGANIZATIONAL MEETING

A. Reading of Rules of Debate from the City of Ruidoso Downs Municipal Code of Ordinances Section 31.02 (E) Rules of debate 1 through 7.

B. Election of one member to serve as Mayor Pro-Tem.

C. Affirmation of Resolution No. 2017-05-Resolution of the City of Ruidoso Downs Governing Body Code of Ethics

D. Discuss and Possibly Take Action on Adoption of Resolution 2024-01, a Resolution Establishing the City of Ruidoso Downs Governing Body Meetings, Committee, and Board Meetings and Public Notice Requirements.

E. Confirmation of Appointed Officials.

F. Confirmation of Appointed Special Boards, Commissions or Committees.

G. Confirmation of the Names of Persons who shall be Employed by the Municipality.

10. NEW BUSINESS

A. Discussion and Possible Action on Approval of Agreement between the NM DFA and City of Ruidoso Downs for the All American Park Paving and Drainage Project in the amount of \$920,000.00.

B. Discussion and Possible Action on Approval of Memorandum of Understanding between the City of Ruidoso Downs and SNMEDD for Fiscal Agent Services on Capital Appropriation #23-ZH5053-44 in the amount of \$5,000.00.

C. Discussion and Possible Action on Approval of Task Order No. 2023-03 between Dennis Engineering Co. and the City of Ruidoso Downs in the amount of \$75,000.00 exclusive of NM GRT.

D. Discuss and Possibly Take Action to Amend Retention Schedule to save all Recordings of City Council Meetings including YouTube Videos for 2 years.

E. Discuss and Possibly Take Action on personnel matters

EXHIBIT B

CITY OF RUIDOSO DOWNS ORDINANCE 2023-01

AN ORDINANCE AMENDING THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCE TITLE III ADMINISTRATION, CHAPTER 31: CITY COUNCIL

NOW THEREFORE BE IT ORDAINED BY THE CITY OF RUIDOSO DOWNS
GOVERNING BODY THAT CHAPTER 31 BE AMENDED AS FOLLOWS WITH
DELETED MATERIAL AS STRICKEN AND ADDED MATERIAL IN RED BOLD:

CHAPTER 31: CITY COUNCIL

§ 31.02 MEETINGS; PROCEDURES.

(D) *Agenda.* **The City Clerk/Treasurer, through the Mayor, shall prepare the agenda for all Council meetings. Requests for placement of items on the agenda shall be approved by the Mayor.** All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Governing Body shall be delivered to the City Clerk/Treasurer at least five working days prior to each meeting, whereupon the City Clerk/Treasurer shall immediately arrange a list of these matters according to the order of business. Each Councilor, the Mayor, and the City Attorney will be furnished a copy of the minutes of the last meeting prior to the Council meeting, as far in advance of the meeting as time for preparation will permit. ~~Additional items may be added to the agenda by unanimous consent of the members of the Governing Body.~~

(G) *Decorum.*

(3) *Public.* While the Governing Body is in session, the members shall observe order and decorum and neither delay nor interrupt the proceedings of the Council, nor disturb any member while speaking, nor refuse to obey the orders of the Council or its presiding officer. **Each person who addresses the Governing Body shall not make disruptive comments which include, but are not limited to, personal attacks, threatening remarks, repetitive remarks, slanderous**

remarks, derogatory remarks, profane remarks, derogatory remarks concerning personnel, or other comments or acts that disrupt the proceedings.

(H) *Order of business.* The order of business of the Governing Body shall be taken up for consideration and disposition in the following order:

~~(2) MOMENT OF SILENCE AND
PLEDGE OF ALLEGIANCE~~

(5) APPROVAL OF CONSENT
AGENDA **(To be used only for routine, ministerial items when the agenda is lengthy.) The consent agenda is approved by a single motion. Any member of the Governing Body may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote;**

~~(A) Approve Council
Meeting Minutes (date)~~

~~(B) Approve Accounts~~
Payables

~~(C) Approve Department~~
Reports

~~(D) Approve Committee~~
Reports,

(7) COUNCILORS **COMMENTS**
ANNOUNCEMENTS

(8) ~~MAYORAL~~ **MAYORS**
COMMENTS

Ordinance 2023-01 shall become effective five days after publication as provided by law.

PASSED, APPROVED, and ADOPTED this 13th day of February 2023 in regular session by the City of Ruidoso Downs Governing Body, at Ruidoso Downs, Lincoln County, New Mexico.

Dean Holman

Dean Holman, Mayor

(SEAL)

ATTEST:

Alejandra L. Giron
Alejandra L. Giron, MMC
City Clerk/Treasurer

EXHIBIT C

Ruidoso Downs - Administration

6

Municipality to fill the vacancy until the next regular Municipal election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.

(§ 3-12-3 NMSA 1978) (1988 Code, § 1-3-1) (Ord. 2001-03, passed 10-23-2001; Ord. 2002-11, passed 9-10-2002; Ord. 2022-02, passed 2-28-2022)

§ 31.02 MEETINGS; PROCEDURES.

(A) *Regular meetings.* The Governing Body shall by resolution determine at least annually in a public meeting what notice for a public meeting is reasonable.

(B) *Special meetings.* The Mayor, or a majority of the members of the City Council, may call special meetings by notice to each member of the City Council, personally served, or left at his or her usual place of business.

(C) *Quorum.* No action shall be taken unless a quorum is present. A majority of the members of the Governing Body shall constitute a quorum for the purpose of transacting business at any regular or special meeting where each question must be decided by a majority vote of the members present. For purposes of determining whether a quorum is present, the Mayor shall be included.

(D) *Agenda.* All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Governing Body shall be delivered to the City Clerk/Treasurer at least five working days prior to each meeting, whereupon the City Clerk/Treasurer shall immediately arrange a list of these matters according to the order of business. Each Councilor, the Mayor, and the City Attorney will be furnished a copy of the minutes of the last meeting prior to the Council meeting, as far in advance of the meeting as time for preparation will permit. Additional items may be added to the agenda by unanimous consent of the members of the Governing Body.

(E) *Rules of debate.*

(1) *Mayor.* The Mayor may not make or second motions, but may debate from the chair, and shall have all the privileges of the members of the Governing Body, except that he or she shall only vote when there is a tie.

(2) *Councilors.* Each Councilor desiring to speak shall address the presiding officer, and after being recognized, confine himself or herself to debate, avoiding personalities and indecorous language.

(3) *Interruption.* A Councilor, having been recognized, shall not be interrupted except to call him or her to order. If called to order, he or she shall cease speaking until the point of order is decided, after which he or she may proceed.

(4) *Closing debate.* The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing debate.

(5) *Reconsideration.* A motion to reconsider any action taken by the Governing Body shall be made on the day the action was taken. Such a motion shall have precedence over all other motions except a motion to adjourn and shall be debatable if the motion it refers to was debatable. The motion to reconsider may be made only by a member who voted with the prevailing side.

(6) *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 in the minutes, subject to the consent of the Governing Body; provided that any member shall have the right to cause his or her reasons for dissent or protest against the action of the Council entered in the minutes without consent.

(7) *Issues not covered.* *Robert's Rules of Order, Newly Revised* shall be used by the City Council in determining any issue not covered by this section.

EXHIBIT D

11/28/23, 10:59 AM

Chapter 3 - Municipalities - NMOneSource.com

3-11-5. Mayor; appointment of officers after election.

A. At the organizational meeting of the governing body, the mayor shall submit, for confirmation by the governing body, the names of persons who shall fill the appointive offices of the municipality and the names of persons who shall be employed by the municipality. If the governing body fails to confirm any person as an appointive 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 to be employed by the municipality.

B. Any person holding an appointed office at the time of the municipal election shall continue in that office until the person's successor has been appointed and is qualified.

EXHIBIT E

City of Ruidoso Downs

Employee List

Name	Employee Number	Department	Position
Ballard, Mark	568	Parks	Laborer
Becker, Karl	560	Police	Police Officer
Castaneda, Mary	554	Finance	Clerical
Chavez, Ruben I	385	Streets	Maintenance
Chavez, Selena	548	Administration	Clerical
Commander, Joe	574	Police	Police Officer
Dickson, Joshua	551	Water Util	Maintenance
Gilmore, Blythe	573	Court	Clerical
Giton, Alejandra	530	Administration	City Clerk
Gonzales, Maria	588	Garage	Clerical
Gray, Jay	475	Water Util	Maintenance
Gutierrez, Maria	585	Court	Clerical
Gutierrez, Nancy	577	Licensing, Planning	Clerical
Hanshaw, Nickolas	576	Police	Police Officer
Herrera, Sharon	586	Joint Water/Sewer	Clerical
Jarvis, Joe	410	Water Util	Utility Operator
Keck, Heath	587	Fire	Firefighter
Knight, Robert	517	Police	Police Officer
Lewis, Mark	283	Water Util	Electrician
Maldonado, Calli	575	Court	Balliff
Malone, Nicholas	548	Police	Police Officer
Marion, James	144	Animal Control	Animal Control Off
Michael, Rebecca	564	Police	Clerical
Miller, Donna	380	Administration	Clerk
Moreno, Diane	584	Joint Water/Sewer	Clerical
Polaco, Eli	461	Parks	Maintenance
Randolph, Ronnie	13	Parks	Laborer
Recendez, Jernet	587	Licensing, Planning	Clerical
Snowden, Michael	453	Water Util	Maintenance
Thomson, Michael	578	Garage	Mechanic
Valdez, Patricia	376	Administration	Custodian
VILLARREAL, CELIA	441	Police	Clerical
Wall, Michael	580	Streets	Maintenance
Yeager, Michael	545	Streets	Maintenance