

**CITY OF RUIDOSO DOWNS
GOVERNING BODY, REGULAR MEETING
123 DOWNS DRIVE, RUIDOSO DOWNS, NEW MEXICO 88346
FEBRUARY 12, 2024**

The City of Ruidoso Downs Council met in a regular session on Monday, February 12, 2024. Mayor Holman called the regular meeting to order at 2:00 p.m. and asked Councilor Proctor to lead in the Pledge of Allegiance.

ROLL CALL

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

Meeting Participants:

John Underwood, City Attorney
Alejandra L. Giron, City Clerk/Treasurer
Joe Commander, Police Chief
Robert Knight, Deputy Police Chief
Nicholas Malone, Patrol Officer
Jennet Recendez, Planning Services Director

Meeting Participants via Zoom:

Wendy Blackwell, Hazard Mitigation Rep.

APPROVAL OF AGENDA

Mayor Holman entertained a motion to approve the agenda.

Inaudible.

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

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
- *January 22, 2024, Regular Meeting Minutes

Inaudible.

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



Mayor Holman stated, "No Second that brings us to Public Input. Any citizen who would like to address the governing body."

Councilor Lacewell stated (Inaudible).

Mayor Holman stated (Inaudible).

Councilor Lacewell stated (Inaudible).

Councilor Proctor stated, "I'll second that."

Mayor Holman stated, (Inaudible).

The City Clerk stated, "Councilor Miller."

Councilor Miller stated, "Aye"

The City Clerk stated, "Councilor Proctor."

Councilor Proctor stated, "Aye"

The City Clerk stated, "Councilor Baber."

Councilor Baber stated, "Aye"

The City Clerk stated, "Councilor Lacewell."

Councilor Lacewell stated, "Aye"

The City Clerk stated, "Motion carried."

Inaudible.

PUBLIC INPUT

Pam Williams stated, "Good afternoon, my name is Pam Williams. I am wondering why our city administration refuses to listen to the citizens of Ruidoso downs. We ask that our City Council meetings return to 5:30 p.m. We ask that our votes return to being controlled by our city, not the county. It's not about what is convenient for all of you. This is about our citizens. I still feel it's important that our city government should be investigated, a deep forensic audit and even more so now. All Departments money disappeared under the last administration, you say. Without having a balance sheet, we're working blindfolded. I feel we have elected city councilors with



ethics. I'm not so confident in our mayor, clerk, and lawyer. Our mayor came into power and gave the control to an inexperienced Clerk, who depended upon the lawyer."

Mayor Holman stated, (Inaudible).

Pam Williams stated, "But this is the truth."

Mayor Holman stated, (Inaudible).

Pam Williams stated, "Yes, sir and I'm abiding."

Mayor Holman stated, "No you're not."

Pam Williams stated, "Yes, I am. We elected new city councilors and you refuse to allow them a voice. You are corrupt. You do not own the city and you do not have control. You cannot ignore the legislative branch. We expect this administration to follow all the laws of our city and follow the employee manual completely. You must not pick and choose which rules you follow. No one is above the law. There are state statutes that must be followed also. You must allow our city councilors to do their job. You must step up and be honest with our citizens or step down."

Mayor Holman stated "Mr. Williams."

Wayne Williams stated, "Yes, sir."

The City Attorney stated, "May I ask if, if the comments that you have that you're going to state orally or in writing if you mind give me those, those written comments for the purposes so that she can be sure and hold those for saving."

Wayne Williams stated, "No, mine is not in writing."

The City Attorney stated, "ok."

Wayne Williams stated, "My name is Wayne Williams, uh, good afternoon ladies and gentleman, uhm. It seems like how soon we forget some twenty years ago, we started to get involved in city council meetings and what runs with the city and it was ah over by Joyce's house sitting in her kitchen table along with Jody's parents and ah several other people that we tried to get the mayor elected to the city council. And, there was no hate at the at the people who were holding those offices at the time. There was no hate at all. I don't allow hate in my house. Ok, the last meeting, the mayor looked right at this side of the table room over here and called us a bunch of haters. You know, we're going to let that slide because I don't know whether its ignorance or you don't know the difference between that and, and frustrated voters. But a little



fair warning Mr. Mayor choose your words softly and use a little common sense and respect when you're addressing my wife because I ain't going to let it slide again. Is that understood?"

Inaudible.

Mayor Holman stated, "Those are some inaccurate statements. You know I can remember when you stood right there and said Dean Holman is the only councilor worth anything sitting up there. I thank you for that. (Inaudible) Ok, do we have anyone else. Hey Bonnie."

Bonnie Richardson stated, "Mayor and Trustees, my name is Bonnie Richardson. I am a long-time resident of Ruidoso Downs and I've ran across this, under General Provisions under chapter 32, City Officials. I don't know what you call it. It's a rule book, a blue book."

A lady stated, "ordinances."

Bonnie Richardson stated, "Ordinances. Ok, thank you. Ahh it it tells who the appointed officers of the city are and uh underneath that it has appointment terms. It says 'At an organizational meeting of the city council, which this year would've been January the eighth, which shall be held every two years following what used to be the March election. The mayor shall immediately submit for confirmation by the city council the names of persons who shall fill various appointive offices of the city or shall serve as members of the various special boards, commissions, or committees of the city.' To me, this does not mean that you have to give a seventy-two-hour notice for anything from your new council. This is a standing two-year provision of the city ordinances. Thank you."

Mayor Holman stated, "Thank you, Bonnie. Do we have anybody else that's going to, ok. Would you be sure and state your name please?"

Mistie Greathouse stated, "Hello everyone, I'm Mistie Greathouse. I am from the Hampton Inn here in town and I am also ah on the Lodgers' Tax Committee. I am coming to you guys because one of our long-term members did not get reappointed this year and we're very concerned about this. We have already had to postpone our first meeting this year because we did not have a quorum. Uhm, all of us have full-time jobs and kids that we have to attend to. So, our member that was not reappointed was like our go to person to be able to attend the meetings. She is very valuable to our committee. She does all of our extra research and stuff for us since we are busy with work and kids and everything. So uhm, now we're shorthanded, uhm it's very hard for us to have a complete forum. Uhm, we're now two people short on our committee. We've been trying to fill one spot on our committee for the last two years. Both of the people you have appointed to our committee we've never even seen. Never showed up to a meeting. Never contacted us, anything. So, taking her out was, I believe uncalled for and we would really like you guys to



revisit her appointment uhm because, you know we've really needed her and it's not like we've really had anybody else, you know."

Mayor Holman stated, "Thank you for that information. It may be something that I overlooked."

Mistie Greathouse stated, "Ok, thank you very much."

Mayor Holman stated, "Oh my goodness."

Gary Williams stated, "Yeah! I'm never here what's up with that."

Mayor Holman stated, "Mayor, mayor."

Gary Williams stated, "Gary Williams, good afternoon. Resident of the city and I wasn't available to congratulate the newly elected and re-elected Councilors. Welcome, glad to have you here. I believe this ah, with your presence here the city can move out of the shadow of darkness into the light. City Council, at the organization meeting in January, voted to re-ahh to have the appointed employee from the City Clerk's office not detain and the council needed to have a name of an individual presented to them so that they could follow through of their obligation to fill that position. That has not been done. We've gone to two meetings now and no name has been presented to Council for them to continue doing what they were voted to do. That is to put employees in positions and right now that's not happening. And I'm a little dismayed by that, the fact that there's no working relationship between the executive and the legislative bodies. Their responsibility and obligation of the executive board is to make me, as a citizen, believe and trust to do and that has not happened. And as long as you continue this effort, the city will not flourish and will not move forward. You have an obligation. The Council the executive Council to present a name to the legislative body, council has an obligation to approve for that position to be filled so the city government can function at the high level as we as citizens expect. And the services that are provided are of high quality. You were all voted in to do the job and right now it's not happening. And I'm sitting back there and I don't want to say anything but I got to say something because if it's not brought up then people will not know what is going on here. You have an obligation, again, under the rules of the city, to do your job from the executive to legislative, work together to get it done so the city can move forward. And then people can look at us and say that's a well-oiled machine that's happening here in the City of Ruidoso Downs. Gentleman, ladies, like that one individual mentioned and is (inaudible) was saying, get it done. Yes, get it done."

Mayor Holman stated, "Thank you, mayor. Anyone else want to address the governing body? Ok, Councilor Comments. Councilors?"

COUNCILORS COMMENTS



Councilor Lacewell stated, "Do you want to go first, Judy?"

Councilor Miller stated, "Yeah, I kind of, Mayor, if it's, ok? I kind of have to agree with Jerry some. Jerry, I'm sorry, Gary! It's close, that was close. Anyway, I have to agree with him that we need communication. We don't have communication here. I don't have communication. A little bit with the mayor because he did call me the other day, but I'm not welcome at city hall and I don't like that. I have to ask to come in. I have to make an appointment. I never know where I'm going to be from one point to the next because I'm a caregiver. But I would like to come in when I have time and that's not allowed. And also, we need to learn our ordinances. We all need to get together on it. We all need to learn our state statutes, not just somebody's opinion. We need to learn them and that's communication and that also will help our city flourish and it will also help our residents if we are all on the same page. And I don't like people that don't talk to me. I like them but I don't like their actions and people that don't talk to me or ignore me because I'm here for the good of the residents. They are the ones that hire and fire us. They're the ones that say who gets up here, is our residents. They're our boss. Nobody else is my boss, but these residents and I plan to be there for them for the good of this town and for the good of our residents and that's the oath I took. Now I don't understand why we can't communicate, we're humans. One phrase Jimmy always said dogs bark and bite and get mad, humans know better. You know, so I want communication. I want a workshop on our, on our, state statutes also on our Ordinances. So, we are all on the same page and that's all I'm asking. I don't like this feeling of people not communicating because that's our job. So, thank you everybody and I hope we can do that, hope we can start communicating."

Mayor Holman stated, "I'll ask you since you and I have been here the longest and you will remember just a yes and no answer, ok?"

Councilor Miller stated, "ok."

Mayor Holman stated, "You remember when ahh a former Mayor Williams refused to appoint ahh Carol Virden as uhm the City Clerk and she was in limbo for two years. Do you remember that?"

Councilor Miller stated, "I remember that but he brought a name forward and we didn't agree on it so she stayed as our clerk."

Mayor Holman stated, "Oh well sounds to me like there's always been some problems with the Council. Small town, that happens."

Councilor Miller stated, "Yeah, but there's no reason for it."

Mayor Holman stated, "No."



Councilor Miller stated, "We need to get on the same page. I would like to have a workshop or a special meeting just on our ordinances and hear everybody's opinion because we're the ones that make those ordinances at this time and not somebody's opinion on how it works, the actual state statute. And if we want to change something that can be done to a degree, I think but not that we can go totally against the state statute. So, we have to get together and we have to be able to talk to each other. We have to be able to listen to each other, but most of all we have to go by state statutes. So, thank you and I think you will."

Mayor Holman stated, "Yes, Councilor Proctor."

Councilor Proctor stated, "Hey if we've, ought to get this started first of all we have to be on the agenda before we can do our job here, period. Ok, I'm going to leave it there. I've got one vote. Ok, each councilor has got one vote, but we can't vote on something that you've asked us to do if we can't put it on the agenda. A workshop has even been looked at as favorable even on the people up there in Santa Fe. They think it's a good idea. Ah, I've discussed this ah with our mayor. He's, I'm not going to use the word considered it, you're looking into it to make possibly (inaudible). The meetings, we don't know the, the times that it, our agenda is gotten out to us. I do think that is on our agenda today to vote on it, if I'm not mistaken, but give us time to, for what it's worth this is our third meeting. I'm not going to say we can work all the kinks out but we can surely straighten some of it out. Be patient with us, while we're being patient with our government and it's, it's The way I look at it, fix the things you can fix, leave the things alone that you can't fix and may God give us the knowledge to know the difference between the two. All of this we're talking about today is fixable and we can fix it. Thank you."

Mayor Holman stated, "Just so everyone will know, and Councilor Miller. I'm down here more than any mayor by far has ever been. And do you remember when ah you thought maybe ah I was never here and I asked the Police Chief. Several people, several people that said mayor you're here every day, most of the day. Sometime you're not, not aware of it and I'm going to spend some less time because I'm down here way, way too much. Uhm, the reason you need to make an appointment, here's a good example, I was in Las Cruces today at the dermatologist and he drilled so far, I looked on this side to see if he came through. Its throbbing like heck, but I made a point to get back. But if you come down here and I have a doctor's appointment in Las Cruces, I'm like anybody I ahh there's times when I have obligations. I won't be here and ah then you're really going to be mad."

Councilor Miller stated, "I won't."

Mayor Holman stated, "You have, you have pretty good patience with me. Ok, so anymore, Councilor."



Councilor Lacewell stated, "Yes mayor, thank you. This is to the citizens of Ruidoso Downs. A month ago, on January 8, 2023 this City Council did not confirm four individuals who are being paid by you, the citizens of Ruidoso Downs. However, I believe you and we are paying over \$313,536.00 a year to just these four people. Two of these people are appointed officials. The other two are employees. The mayor failed to obey the laws of New Mexico when he failed to present four names to replace these four people on January 22, at the City Council meeting. He may not submit the same names as the people that were not confirmed. So eventually, all of these individuals will not be drawing a paycheck from the City of Ruidoso Downs. Last week a Supreme Court Justice declared that "shall" is mandatory. New Mexico statute 3-11-5 (a) says in part, if the governing body fails to affirm, to confirm any person as an appointed official or employee of the municipality, the mayor, at the next regular meeting of the governing body, shall submit the name of another person to fill the appointed office or to be employed by the municipality. Shall is mandatory. Also, a month ago, on January 8, 2023, this City Council was denied the responsibility we have been assigned by law. New Mexico state statute 3-12-3, under governing body powers and duties, states that the governing body shall determine the time and place of its meeting. Which shall be open to the public and determine the rules of its own meeting. The City of Ruidoso Downs ordinance 31.02 states City Council shall determine the time and place of holding its meeting and shall be open to the public and determine the rules of its own procedure. Mayor Holman is denying our responsibility, by law, to the power and duty of our position as the governing body of Ruidoso Downs. We were denied this duty a second time at the last City Council meeting on January twenty second and a third time today. All four of our councilors have submitted requests to be on the last two agendas but this mayor will not allow any of the councilors to put something on the agenda. He is exercising unreasonable and unauthorized legislative power over the City Council and he is preventing the City Council from addressing important issues because we cannot discuss or act, and we cannot act on anything that he refuses to put it on the agenda. Its unprecedented agenda control is a threat to our local democracy and to civil discussion. I believe we're going to have to seek outside legal advice to force this mayor to obey the law."

Mayor Holman stated, "Any other Councilors? There are two things in a conversation with Councilor Proctor. We will be I have directed the Finance Director to give monthly reports that's never been done before. We haven't done it before but she will be giving monthly reports just like the Directors do. The other thing I mentioned in the conversation and I think uh, Councilor Proctor will say 'yes, that did happen.'" I told him, I said I really don't care when we meet. I don't care, doesn't make me any difference. So, I did I did let him know and he can pass that on to you guys. I don't care. There's, there's good things about both. There's bad things, or it's a tradeoff either way you do on it. Whatever you want to do on that time meeting, that's fine with me. I just live two blocks from here. I can, I got a four-wheel drive. So, I can get there. Ok, no other, no other comments from Councilors?"



Councilor Proctor stated, "I don't. The only thing is that, its not so much us that what we want. We don't have a choice on what we want. Those people out there tell us what they want and we are trying to abide by that, mayor."

Mayor Holman stated, "Ok."

Councilor Proctor stated, "But, I will tell, I will tell that. The mayor stopped me the other day. I was in here turning in some paperwork into the Finance Clerk and he asked if I wanted my time and sat down with him and he discussed some of this stuff with me and I had left him a comment that half of us bare no rope at all. So, if we can meet half way and come to some kind of agreement, it will make Council accomplishment in getting a little of what you've asked for as citizens. If we get to half loaf, next time maybe we can get a little bit more of the loaf and keep going by that. If you'd still like to see the meetings at 5:30 in the evenings, I'm sure that we can."

Mayor Holman stated, "Absolutely."

Councilor Proctor stated, "Work on that. Inaudible."

Councilor Lacewell stated, "Not on this agenda."

(Inaudible)

Councilor Proctor stated, "Probably meeting agenda and packet procedures."

Mayor Holman stated, "Ok, having no more comments from Councilors, we'll move on."

MAYORS COMMENTS

Mayor Holman stated, "No comment from the mayor. I've already told you about the Finance Director we'll be ah doing the monthly reports."

UNFINISHED BUSINESS

A. Discussion and Possible Action on Adoption of Resolution 2024-03, a Resolution of the City of Ruidoso Downs adopting the 2023 Lincoln County Multi- Jurisdictional Hazard Mitigation Plan Update.

Mayor Holman stated, "Are you going to do that?"

The Planning Services Director stated, "Yes."

Mayor Holman stated, "Ok."



The Planning Services Director stated, "Mayor, members of Council."

Councilor Lacewell stated, "Excuse me, I'm sorry. Are we doing this without a motion?"

The City Attorney stated, "Let me discuss that for a second and see which way we, that you all would rather go because there's been some confusion."

Mayor Holman stated, "Yeah."

The City Attorney stated, "In the past, what I've always done was allowed the presenter to make the presentation, and then have the motion following that. Then about two months, three months ago we changed that and said 'well let's go ahead and have the motions first and then the discussion.' And so, I think it's caused some confusion because we had one way of doing it before and one way of doing it after. It doesn't. I've reviewed Roberts Rules of Orders. Its, its doesn't matter so far as the fact that, as long as it gets done. And if it's y'all's desire that you have the presenter make the presentation before making the motion, you have to understand that by making the motion by making a second, doesn't mean that you're in favor of that action. It just means that you're moving the action on to debate, where you can ask questions and so forth and so on. So, that's something that, whatever y'all are most comfortable with doing. It works either way. The main purpose of this is to try and so that everybody knows who's on first, so."

Councilor Lacewell stated, "At the, at the last."

Mayor Holman stated, "Alright, this'll be the same, same thing. I don't care about the meeting times. I don't care about this topic either. Whatever you want to do, it's no problem."

Councilor Lacewell stated, "Mayor, I have attended three parliamentary procedure meetings and both these gentlemen attended the same training in Santa Fe and the expert on that, ah Senator Daniel (inaudible) DeSoto says that the proper procedure is to make a motion and a second and then start the discussion."

The City Attorney stated, "And I'm, I'm saying the same thing. The issue is whether or not, Jenet's presentation, or Joey's presentation, or whoever's presentation is part of the discussion because the discussion is usually considered to be the discussion between the Councilors and the Councilors asking the presenters questions, but as long as everybody understands where we are. It's ah ok. All I'm saying is the presenters making a presentation for you all to make a motion on and if you want a motion made before the presenter presents ah that's fine too."

Councilor Lacewell stated, "Well I move that this particular item be deleted off the agenda because I spoke to the state representative and uhm, I know Jenet's going to agree with this."



This is not supposed to be something for the Councilors to look at and talk about. It was supposed to be an actual, uhm give me the word.”

Councilor Miller stated, “A public hearing.”

Councilor Lacewell stated, “A public hearing.”

The Planning Services Director stated, “It was back in, it was the (inaudible).”

Inaudible, multiple speakers at the same time.

Councilor Lacewell stated, “A different part of this thing. It was supposed to be a Public Hearing according to Wendy. Hey, Wendy Blackwell is up there right now.”

The Planning Services Director stated, “Yup, she is.”

The City Attorney stated, “Ok, Wendy could you explain the situation on the Public Hearing please?”

Wendy Blackwell stated, “Certainly. Can you hear me, ok?”

Mayor Holman stated, “Yes.”

Wendy Blackwell stated, “Yeah, oh excellent. Ok. So, my name is Wendy Blackwell. I work with SWCA environmental consulting and we’re the contractor that was hired by the Village of Ruidoso to update the County wide Hazard Mitigation Plan. So, City of Ruidoso Downs is one of the six communities, ah, five incorporated and then the county, to come forward to adopt the plan. And the federal regulations that do talk about this concept of the public involvement, it requires two times that the community can is supposed to be able to have an opportunity to comment. And I went back and looked at the regulations and specifically what it says is this is forty-four CFR Section 201.6 on local mitigation plans and what it says is. Under the planning process, an open public involvement process is essential to the development of an effective plan in order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process must include an opportunity for the public to comment on the plan during the drafting stage and prior to plan approval. So, the comment during the drafting stage was last summer, when we had a public meeting, but we also had an opportunity to have people look at the plan itself and provide comments. And then these adoption hearings would be the second opportunity for the public to comment. Uhm, but I think, I think I misspoke when I said the term ‘public hearing’ was required. What I just read to you is the federal requirement. And so, the other communities that adopted, at least I spoke with the Village of Ruidoso today, and they confirmed they had the adoption hearing they used the public comment period for the meeting,



the general meeting, as an opportunity for anyone to come forward with concerns. So, I think it's, it's up, Jennet does that, does that make sense is that what, you wanted me to explain?"

The Planning Services Director stated, "Yes."

The City Attorney stated, "And so, in that regard, and I also talked among the Village of Ruidoso today to see how they have done it. They did it exactly like this. And so, I thought it would be most appropriate to allow the public to comment once Jennet makes her presentation, ahh and allow public comment on that and then to. What I'm saying is then to have the motion so the Councilors could have the opportunity to have their discussion and to question Jennet. So, at any rate the public will have the opportunity today, to make the comments on the plan which I believe are all federal regs require."

Councilor Proctor stated, "Mayor?"

Mayor Holman stated, "Yes, sir."

Councilor Proctor stated, "So, Councilor what you, ah, what you're getting at is once the presentation is made by the P and Z Director, then the audience can question the P and Z Director on what they might not understand (inaudible). Now this thing is about this thick."

The City Attorney stated, "I know."

Councilor Miller stated, "It is."

Councilor Proctor stated, "I've got two of them now. Ok, and its about this thick. So, and I haven't completely read through it, but it was drafted by FEMA and put together and, and it's been adopted by, by the, I think its five of the other agencies."

The City Attorney stated, "I think we're the only one that hasn't adopted it."

Councilor Proctor stated, "That's correct and. So, I just wanted to clarify that the audience would be able to ask questions about what Jennet is fixing to speak about."

The City Attorney stated, "Yes sir, and I think by doing that we satisfy the federal requirements and that's what Wendy and I discussed earlier today. And I believe that takes care of the situation. My question is, my concern is, what affect does it have by Ruidoso Downs not adopting because it is a Hazard Mitigation that has to do with Public Safety. I wouldn't want to city to have an issue with not being protected by it."

Wendy Blackwell stated, "So Mayor and Councilors, can I respond to that question?"



Mayor Holman stated, "Yes."

Wendy Blackwell stated, "Ok, that would be great, thank you. So, this plan is a natural hazard, it's like a risk reduction. It would really happen now as actions would happen between now and let's say the next monsoon or the next, wildfire season. Although wildfire season seems to be around these days but uhm. It's not an emergency operations plan, which would really be response oriented and public safety oriented. And so, this, at least any immediate. We think of mitigation as being before or after, a natural hazard event. So, there's the consequences of not adopting the Hazard Mitigation Plan, is that the City of Ruidoso Downs would not be eligible for the FEMA Hazard Mitigation grants. However, the city would still be eligible if there was a federal disaster declaration and FEMA public assistance was available to Lincoln County communities. You would still be eligible to get that immediate, ah response funding to repair roadways bridges and other, ah infrastructure. If you don't adopt the plan, ah I think generally we think that the other five communities will more likely move forward and submit their adoption Resolutions to FEMA. So that FEMA can write an approval letter, ahh it's a five-year approval cycle. So that whatever date FEMA writes the approval letter that's when the five-year cycle will start and the month or two months or whenever it is the City of Ruidoso Downs is comfortable adopting, that adoption Resolution would be submitted to FEMA and FEMA can reissue the approval letter and they'll include City of Ruidoso Downs in the listing of the approved communities. Which would allow you to then apply directly to FEMA to implement some of the actions that are written in the plan, ah. I hope that made sense, uhm, but I do want to clarify that uhm that the plan was written by the planning team. Which was made up of representatives from each of the six communities with subject matter experts. FEMA and the state do a review of it and let us know what we're missing and then we go back and revise as needed. So, ah, I hope that helps to clarify."

Mayor Holman stated, "Councilor Proctor, do you have a question?"

Councilor Proctor stated, "Yes mam, this is Councilor Proctor, ah one question. I'd understand you to stipulate if this is not passed, it could possibly affect a grant under FEMA if there was a hazardous condition happening here in our community."

Wendy Blackwell stated, "So, if it, if it's response-oriented, this mitigation plan has no impact on your eligibility. So, if there is a presidential disaster declaration and Lincoln County is included in that disaster declaration, it doesn't matter if you have this mitigation plan or not. The city would still be eligible for public assistance or for individual assistance grants that FEMA offers. There's a separate set of grants that FEMA offers that they're called the Hazard Mitigation assistance grants. There are three or four of those. They are briefly described in this Hazard Mitigation plan and some of the grants, many of the actions in the plan, uhm, show those hazard mitigation grants could possibly fund some of the actions. It's only the hazard mitigation



grants that the city would not be eligible for and those are not related to response. They're related to risk reduction. Is that clarified or does it make sense?"

Councilor Proctor stated, "Yes, mam."

Wendy Blackwell stated, "Ok. Ok, good."

Mayor Holman stated, "Could you, yes councilor."

Councilor Miller stated, "I have a question. I forgot the name."

Councilor Baber stated, "Wendy."

Councilor Miller stated, "Wendy, Wendy, oh heck I wrote it down. Wendy, this is Judy Miller, City Councilor, and I have a few residents and I, myself, don't want to follow some of the guidelines like the other towns have. Like cutting the timber back from their house thirty feet. We don't have a lot of tall, tall trees in Ruidoso Downs like Ruidoso and some of the other's ah. What we worry about is we can't have any trees within thirty feet of our house we won't have any shade. I would not mandate that, especially to our residents because our yards are not that big a lot of us. And if we can't have any trees within thirty feet of our living space, that would hurt a lot of us. I mean we'd have to hire people to cut them and a lot of us can't afford that. So, I just didn't want to follow every recommendation they give us for fire safety. When, you know, we don't have all the tall timber and I was hoping that won't mandate us to have our residents to do that."

Wendy Blackwell stated, "So the actions that are recommended in the plan and Jennet the power point presentation has those action charts for you all to look at. I think Councilor what you're referring to is ah, there are some hazardous fuels reduction recommend actions listed there. They're very high level. They don't specify locations, where this activity would occur. And I think the intent, if there is support from the governing body, to move forward on one or another of these actions, there would have to be planning and ah funding and ah property owners or if it is city property or coordinating with adjacent property owners. A lot of those steps would have to happen first for anything to happen on a particular property. Like for example, you would have to pass an ordinance for anything to be mandatory. (inaudible) Some of this outreach, some of the outreach and education may just be to give people information, if they voluntarily want to follow through. So, so you're not committing to implement any of these actions. These are ah, a list of actions that could occur, should the city decide to move forward with them, at a future date. And we have, there is a specific like disclaimer in the, in the document that explains that. And I think we even have it uhm, let's see I think we have it on one of the slides in the presentation. Ah, implemented as adequate resources are available and that as community



leadership deems appropriate. There is no obligation to implement any of the actions. So that wording is specifically in the plan.”

Councilor Miller stated, “Thank you.”

Wendy Blackwell stated, “Ok, good. I’m glad that helped.”

Councilor Lacewell stated, “Mayor, I have a question.”

Mayor Holman stated, “Yes councilor.”

Councilor Lacewell stated, “It’s for Jennet. How long is this presentation?”

The Planning Services Director stated, “Uhm well its, its also in the packet. It’s just a few slides, but I think Wendy already took care of it for me and I think the, where you’re talking about the trees, there is a little caption description for the City of Ruidoso Downs I could read for you guy’s if you would like. Ok, so it’s the (inaudible) of the presentation. (inaudible) of the whole plan. Which is a little some slides of the plan.”

Councilor Miller stated, “Page six.”

Councilor Proctor stated, “Maybe we could listen to the presentation and then input from the public body. Then the Council could have comments on all of it together rather than.”

Mayor Holman stated, “I agree, I think that’d be a good procedure. It’d take care of it.”

The Planning Services Director stated, “Ok, so like Wendy said, it’s a natural Hazard Mitigation overview of it just like, uh, things we can do to prevent anything any natural hazards that would happen in our city. And like she said to uhm, move any dead trees. I did see that, and let me read it to you, exactly how it says. It says, create a thinned buzzer, buffer zone in the hazardous fuel’s reduction bordering the city limits. Examples include the Turkey Canyon area and the Wood Lane area. So, it’s not.”

Councilor Miller stated, “I read that one, it’s the city limits.”

The Planning Services Director stated, “Yeah, it’s not targeting people in their homes. It does, it does say you know if you have that tree cut them down and all that stuff, but I think also Wendy was trying to say that all those grants we can apply. If we do adopt this, we can use that money to take care of that ourself and not have uhm, the citizens pay out of there pocket. And correct me if I’m wrong, we, like what she was trying to say is, if we do have this. We can’t, we can’t



apply and it were to happen to our city. We can apply after but we can't apply for grants to mitigate. We can, you know we can stop from happening."

Councilor Miller stated, "In the event, yeah."

The Planning Services Director stated, "Yeah. So that's what she was trying to say more so. And also, we uhm, (inaudible)."

Mayor Holman stated, "Before, Jenet before you. I'm just remembering at one time. Some of the independent, uhm companies that insure, have some requirements. I don't know it may depend on which insurance company you have. At one time some of them had requirements for trees not to be, you know, right close to the house."

The Planning Services Director stated, "Yes, I do know that, uhm, my mom's house. They ask for a picture of every tree."

Mayor Holman stated, "Yeah."

The Planning Services Director stated, "And how far it is and then they tell her which trees she has to cut down all over for the insurance."

Mayor Holman stated, "Ok."

The Planning Services Director stated, "So basically, I think Wendy answered all of the questions and I wasn't part of the planning, Roy was. I just came at the end. When Wendy was just like hey if I send it can you put it on the agenda. So that's when I came in, but, yeah. I think I was at one of the meetings at that's it. I didn't have a lot of input because I wasn't apart of it at all."

Mayor Holman stated, "Ok, so, having said that uhm, what you're suggesting, sounded good at this time, we could have the public have questions it sounds, sounds like a good procedure to me, unless."

The City Attorney stated, "My words were, Mr. Mayor is that not only do we have Jenet, you obviously cam in at the end. Since Wendy is available, ah she can help with some of the answers to the questions."

Mayor Holman stated, "That's what I'm thinking. Wendy, did you hear that?"

Wendy Blackwell stated, "Yes, sir. Yes, I'm available."



Mayor Holman stated, "Wendy, ok good. Ok."

The City Attorney stated, "Jennet, go ahead and."

Mayor Holman stated, "Do we have any other residents of the City of Ruidoso Downs want to ask questions of this topic? Yes, sir, Mr. Williams."

Wayne Williams stated, "I have a little (inaudible) about the uh, post activity. I think it was after the fact. Ah, Jody's dad went out to the forest and dug up a whole bunch of trees and her house is surrounded by trees. It happened to, happened to happen after the fact. I I'd hate for somebody to come out and tell me that I'm not allowed to have something in my yard that's been there for ten years. You know? So, I have a little, little (inaudible). I don't give by way the authority of my property and if that's what it means. I haven't read it so I don't know. If that's what it means, I don't, I don't think it's such a good idea."

Councilor Baber stated, "Is it online for everybody can read?"

Councilor Lacewell stated, "Yes, if they can get into the agenda."

The City Attorney stated, "Wendy, did you hear Mr. Williams comment, comments?"

Wendy Blackwell stated, "Yes, I did and ah one thing to keep in mind is that with those FEMA hazard mitigation grants, uhm. And Jennet was referring to, to be able to apply for those. That's one of the reasons you would want to have the approved mitigation plan. That funding can only be used on private property if it's a voluntary participation. There, there would not be, you know, again as we were talking a few minutes ago, there would have to be many steps that would happen. As far as, after this plan was adopted, the Council would really have to decide they wanted to move forward on one or two or none of these actions. But if they chose to move forward with this hazardous fuel's reduction, on private property, they would really have to work only with those community members that are voluntarily participating."

Mayor Holman stated, "Yes, Mr. Williams."

Wayne Williams stated, "Ahh, after we had our big floods, ahh a few years back, water come up and you know it didn't even get in my, near our house but it come up on the roads."

Mayor Holman stated, "Yeah."

Wayne Williams stated, "And, ah, on the two properties on each side of our house and we tried. We tried going solar and we found out that, ah, FEMA had put us in the flood plain and, ah. The



people that we were going to sell them to, it cost five hundred dollars a month extra just for flood insurance and the bank wouldn't finance the house. (Inaudible) ourselves, but it, it, FEMA, I don't know. Less government is better government. (Inaudible)."

Councilor Proctor stated, "There is somebody back over there."

Mayor Holman stated, "Yes, sir."

Link Lacewell stated, "Ah, I agree and I'd like to try and coattail off (inaudible)."

The City Attorney stated, "Could I get you to state your name for the record, please?"

Link Lacewell stated, "My name is Link Lacewell (inaudible) Ruidoso Downs. Uhm, just because Washington ain't dangling more money in front of the city like ours doesn't mean that should be motivation for doing things that don't seem right or we don't understand. It appears to me, that not everybody up there understands what is being proposed exactly. And uhm, if, if, you're having discussions about (inaudible) or is it online or simply haven't read it. It just comes down to what it appears to be is, we're not sure what's in it, and it. I'm not (inaudible) to be discussed today in a public meeting to approve a six-hundred-page document. And I'm not sure the citizens of the county were either but it appears to me (inaudible). Excuse me, just a second, it appears to me what, what is being proposed is (inaudible) where the "power lies" proposals that I've been familiar with in other parts of Alto (inaudible). Requirements and reprimands. My lawn grass grows a six-inch double every year and keep it mowed that way. So that all yours are kept to eight-foot or six-foot to ground for the first branches and keep it there, to thin all your unwanted trees, which is kind of arbitrary, and then take down all of your dead and down stuff in addition to that. And I probably missed a couple of things, but if, if you're going to vote on that, you need to know what's in it. Maybe this lady on the screen, or this nice lady in front of me can explain that, but right now it's not being discussed. It's not being presented to the community."

Wayne Williams stated, "I mean Ronald Regan said it best, when he said the most scariest words in the world are what will the government do, we're here to help you."

Mayor Holman stated, "Yeah, I remember that. I remember that statement by him and Nancy Palocie also said 'let's pass this, we'll read it later.'"

Inaudible.

Mayor Holman stated, "Councilor Lacewell."

A gentleman stated, "There is some mention about (inaudible) are the city limits. That's all being on private property, correct? Or do we know? (inaudible) I don't want to be even get my foot in



the water about getting a green light or (inaudible) we're going to take all the fifty-foot bumpers in the half-mile (inaudible) you got with in the city limits. So, that's my input. (inaudible)."

Mayor Holman stated, "Uhm, Bonnie."

Bonnie Richardson stated, "Uhm, well I'm confused is this or is this not supposed to be a public hearing?"

Councilor Miller stated, "It's supposed to."

Bonnie Richardson stated, "Because to me, it should be a public hearing. Where we have an input and then a decision is made and nothing was advertised. Uhm, and when it is advertised, we have a nice expensive sign outside, and we have some water bills that are both, both of them are free. And then whatever else, the city decides can be, advertising for this."

Councilor Lacewell stated, "Mr. Bowen. I think, Mr. Bowen had a question."

Mayor Holman stated, "Councilor, yeah."

Murry Bowen, "I was just going to reiterate what Mr. Williams and Mr. Lacewell said. I want to stand shoulder to shoulder with them. I don't want you all voting on anything unless y'all know what y'all are doing. (inaudible)."

Mayor Holman stated, "Councilor."

Councilor Baber stated, "I just wanted to say I called a guy that had a lot to do, right with this. And he wants to see it and I'll be glad to take it over and have him look at it. I'm like you, I don't know, I'm going to go ask somebody."

A gentleman stated, "Well with the government its going to be a long time for they get to it."

Councilor Baber stated, "Well, yeah, with FEMA, you know it is."

A gentleman stated, Go over (inaudible).

Mayor Holman stated, "Yes, mam."

Wendy Back stated, "I'm Wendy Back, and I'm going to suggest we have a committee formed to look at this data and to report back to the City Council. That (inaudible) the citizens (inaudible) of that stuff, but surely, we could form a small committee to look into it a little further. Maybe some people on the City Council should be on that committee."



Mayor Holman stated, "Well I think we ought to have one Councilor that has checked into it a little bit. The Council might want to do that."

A lady stated, "There's no rush is there? No push like we have to do it by this deadline?"

Mayor Holman stated, "Wendy, is there a time limit on this?"

Wendy Blackwell stated, "Ah, thank you. I'm not sure if its Councilor or Mayor. So, I'm going to say both. Uhm, the, the only time parameter really is that you. The city wouldn't be eligible to apply for the mitigation grant monies, until they, till you have the approved plan. The other communities in this county will move forward with their adoptions, uhm. If there is a wildfire, this, coming up this season, any suppression costs or emergency protective measures that may be coming through a fire management assistance grant. Which is not your eligibility is not going to be hindered if you don't have this mitigation plan, or again. If there is some flood issues, ah, with monsoon season or even post fire flooding. Again, the response is not going to, your eligibility for response funding for FEMA won't be affected if you hold off on adopting the mitigation plan. Uhm, but I do want to say we had worked in the Public Comment period last summer. We had a community meeting at the, uhm Ruidoso Convention Center and then we posted the plan itself with a little introductory video. So, people, if they wanted to go to the, ah meeting in person at the convention center, they could view the video that gave them maybe a ten minute over view of the plan. And we had a survey asking specific questions or if they just wanted to give general feedback there was a place to do that. Uhm, and so that was really the, I guess you could say the focused effort on getting the community's input and then the adoption hearings. And again, here we are hearing concerns from the communities. So, you know, of course you could move forward and hold off. I'm happy to give a little overview if you do decide you want to have a committee look through the plan. I can certainly give you kind of a high-level overview, if that would be helpful."

Mayor Holman stated, "Committees are fine but as a general rule you want to get something really messed up, put it in a committee. And I'm thinking of when ah the license plates at one time were done by a committee there in Santa Fe. And that was the ugliest license plate. If you can imagine. It had the hot air balloon on it, about a dozen other things and uhm, because everyone on the committee, uhm wanted to contribute. And, that license plate was a disaster. What we could do is we could pull the Councilors right now to see whether you want to go with a committee or whether you all want to pursue it. Councilor Lacewell."

Councilor Lacewell stated, "I like the idea of a committee with Councilor Baber at the head."

Councilor Baber stated, "That's fine with me, I don't. However, I could help, I will."



Councilor Miller stated, "Mayor?"

Mayor Holman stated, "Yes, mam."

Councilor Miller stated, "I agree, because we're talking about personal property here and I think they need to have a say so in that."

Councilor Baber stated, "And there also, I think, I think we need to find a place bigger than this if we're going to put a public notice about if these people need to come to this public hearing so that they could hear the understanding is whoever can give the presentation. Which, I think you've already been nominated. (inaudible) I think we can get all this done by the next council meeting or would we have to go into March with it? To that meeting, I, I don't know. (inaudible)"

Mayor Holman stated, "Yes sir, Mayor."

Gary Williams stated, "I wanted to ask, the ah discussion about having the uhm, public forum for citizens that she was talking about last summer, about getting to all these other communities that they've been given a presentation. And obviously, I don't think our community was aware of it or knew anything about it or participated about it obviously not in it because they were not aware. That's fine about what happened then but we're looking at right now and ah I don't stand the fact that it's important for our governing body here to know, we're very conscious about our property and our property rights in this community more than I think in most other communities that are around us. And the committee is fine and I don't think we should worry about the time frame ahh what it takes to get this approved. What brought back forward to Council to approve. I think that if it goes in to March or it goes into April or whenever it is as long as it's our community, and as members and as citizens are educated enough to understand it. And Council is aware of their responsibilities. Let's just work it, let's just work it and see what happens. I think that ah that's the right direction and I appreciate the conversation that you're having between the executive and legislative. It shows that it can happen if you have that kind of conversation, thank you."

Mayor Holman stated, "So we're looking, I guess a committee. Ok, suggestion, what if each councilor selects, ah, two people from the community. Two, four, six, eight, that would be eight people."

Councilor Proctor stated, "Mayor I'd like to, I'd like to fill the hat up by the public that is here right now and ask to see if there is anyone out there that would like to be set on that committee."



Mayor Holman stated, "Well, I'm glad that you brought that up because, ah it's easy to say we'll just have a committee and anything we do, it's hard to get people to participate. They feel like they're too busy or ah so."

Gary Williams stated, "Alright, alright, I don't want to get involved with this administration, but I will volunteer to be a member of this committee."

Councilor Baber, "Ok, thank you I would have hollered at you anyway."

(inaudible)

Mayor Holman stated, "Ok do I see another hand?"

Nicholas Malone stated, "Yes, mayor I volunteer to be on the committee as well because we manage private property, uhm a large property on the end of town, ah. And I also had a question maybe for the, the, Wendy, uhm. I done some work in the past, before I was an officer, ah in the private sector, I did large landscaping with a construction company and we did some work for a city government. We were not allowed to touch, and it was on based off a grant. We were not allowed to touch private property. Uhm, unless if you were doing mowing along the highway and, and, uhm a (inaudible) we were not allowed to touch any private property or to trim any trees or cut any trees on the side of the highway once it got passed a certain point because that was private property, uhm. If this grant, ah, if we have to if we were creating a barrier, a fire barrier around the city limits uhm could you skip a private property that doesn't want to be involved in the program per the grant and then continue on the other side of that private property?"

Mayor Holman stated, "Wendy, did you hear that?"

Wendy Blackwell stated, "Yes, sir, uhm and the answer really is the FEMA Mitigation grants will only allow work on private property if the owner voluntarily participates. So, if, if the Council decides to move forward uhm with uhm even if it's your regular maintenance, uhm, ah. The grants, the FEMA grants are used for new work and not regular maintenance. So, if there is thinning that is going to be done and the program that you all come up with does involve private property, if you want to use the FEMA grant, you would have to have voluntary participation letters from every property, private property owner that you were going to do any work on their land. So that's one of the things we see in other, you know. There's been several communities in New Mexico that have taken advantage of this FEMA Mitigation money to do work. Not just on municipal or county property, also on private property. And they have had to each provide a letter from that property owner that says we are voluntarily participating."

Mayor Holman stated, "Councilor Lacewell."



Wendy Blackwell stated, "Does that answer the question?"

Nicholas Malone stated, "Yes."

Wendy Blackwell stated, "Ok."

Councilor Lacewell stated, "Wendy, this is Councilor Lacewell. On the southside of our city, the city limit butts up against the forest service. Could the forest service, have the buffer, rather than the private citizens on the other side of the city limit line."

Wendy Blackwell stated, "Yes, depending on the kind of the ecological factors because in some instances the slope, the aspect, you know the density, the type of vegetation. And this is what I was saying usually, you'll have to, you would really have the professional ah, the foresters, go out onto the property. And you know, work with the forest service and maybe come up with a program, where it would be. It has to really be a site-specific prescription. I can't say that fast, that's a tongue twister. So, it may work, that the forest service would be willing to and I think. You know, I'm trying to look at your list. The list of recommended actions and, in some cases, we did write like, 'in cooperation with US Forest Service.' That might be one of the things that you want to look at as a committee could look at the actions. And, you know, it would have to be. In order for FEMA to adopt. For FEMA to agree and meet the federal requirements, there does have to be one action that's related to structures and infrastructure protection for each hazard type. So, we would have to keep one action in there that is related to wildfire mitigation. In regards to protecting structures or infrastructure, but a cooperative effort between the city and the US Fire Service that, that would still, uhm. That would still work. However, if Ruidoso, City of Ruidoso Downs is taken completely out of the responsible entities and it only say's US Forest Service, that wouldn't really be counted as an action that it's not within the city's ability to make sure that it would get implemented. I'm not sure if I explained. I might've made that more complicated than it needed to be. Does that make sense?"

Councilor Lacewell stated, "It does. It makes sense."

Wendy Blackwell stated, "Thank you."

Mayor Holman stated, "So, Councilor Lacewell, you have a city and a county, and then you have Mescalero Apache reservation passed that, correct?"

Councilor Lacewell stated, "That's true."

Mayor Holman stated, "Something to think about."

Councilor Lacewell stated, "Yeah, a unique spot"



Mayor Holman stated, "Ok, so where are we on this. We have a committee with a chairperson."

Councilor Baber stated, "Yeah, and two people."

Mayor Holman stated, "And two people."

Councilor Baber stated, "Anybody else want on it?"

(inaudible)

Councilor Lacewell stated, "Wait a minute now, Proctor are you taking those two just because they're here?"

Councilor Proctor stated, "Pardon?"

Councilor Lacewell stated, "If each one of us Councilors have to come up with two, are you taking those two?"

Councilor Proctor stated, "I think they all belong to Councilors."

Councilor Lacewell stated, "Those are Baber's count, ok good."

Councilor Proctor stated, "Because they volunteered."

Councilor Baber stated, "So, Malone, Williams, and are you going to go?"

Councilor Lacewell stated, "Williams and Malone. Williams and Malone."

Mayor Holman stated, "Officer Malone."

Councilor Lacewell stated, "And Baber, I mean, I'm sorry. And Bowen, are you saying you'll be on the committee as well? Ok, awesome thank you, I'll take him."

Link Lacewell stated, "(inaudible) to an eight-person committee or a nine-person."

Mayor Holman stated, "Yeah, and that was just a suggestion. When I thought it was just going to be the Councilors involved."

Councilor Baber stated, "That's three, that's a good start."

Councilor Lacewell stated, "It is a good start."



Mayor Holman stated, "The next three will be a lot harder."

Councilor Baber stated, "Do we got to do this some way?"

Mayor Holman stated, "I think, however you want to do it. You're the chair."

Councilor Baber stated, "I know but do we got to make a motion?"

The City Clerk stated, "Yes, you do."

Mayor Holman stated, "We do."

Councilor Lacewell stated, "And it's not on the agenda, so we have to do it next month."

The City Attorney stated, "So, the question that I would have, I believe the question is. And Wendy, if you know. I don't know at the top of my head, whether or not that committee because it's going to be discussing public business, is bound by the Open Meetings Act and has to give public notice of its meetings. So, the public can attend those committee meetings. I would believe that would be the case. (inaudible) So, Councilor Baber if you could get with the City Clerk to make sure the proper notice goes out and I would just, suggesting that the meetings take place here. Unless you all can arrange for the Senior Citizen Center. Which is the other place that would be (inaudible)."

Councilor Miller stated, "Mayor?"

Mayor Holman stated, "Yes, Councilor."

Councilor Miller stated, "I like Bonnie's idea of having that meeting posted so all the residents can see it in Ruidoso Downs and know about it. Maybe on the water bills and here at City Hall for sure. So that's the only way they're going to (inaudible). If we don't post it. So, you're right John. Everybody needs to be involved in this."

Councilor Proctor stated, "So, what we're looking at is if we don't have anymore people show up out of the twenty-eight hundred that we have in our community. Then for the few that we have here that have shown up for just about every meeting. These citizens here, will decide for the community. Therefore, the other twenty-seven hundred and eighty, are going to have to abide with what this group right here say. And that, that's just it. If you want to get involved, you'd got to be able to come to the meetings. If you don't come to the meetings, you can't sit back and say, 'oh, heck no, that's not the way we wanted it.'"



The City Attorney stated, "And that committee can have a discussion, but it's recommendation has got to come back to the City Council, because the City Council is the only one who can take action."

Councilor Miller stated, "Mayor?"

Mayor Holman stated, "Yes, Councilor."

Councilor Miller stated, "Also, we can use the Senior Center, if you have a bunch of people like we've had many times. Have it at the Senior Center, so they can all come in. There's a lot of property owners in this little town (inaudible)."

Pam Williams stated, "(inaudible) at a time that all the people can show (inaudible)."

Councilor Miller stated, "Understand what's happening."

Councilor Proctor stated, "I would same maybe (inaudible)."

Councilor Baber stated, "Kind of like how we had the forum."

Councilor Proctor stated, "Something like that would probably have to happen on a Saturday afternoon. You know. Saturday afternoon for a couple of hours. I'm sure that we could get the Senior Citizen Center. I know a person that can let us in and out. So, and we've got a lot more room and that would be the final stage. I would recommend that would be the last meeting that we would have and who ever showed up, that would be it to give a recommendation to the committee. Then the committee could come back here and."

Mayor Holman stated, "And then you guys would vote on it, yeah."

The City Attorney stated, "And may I also make the suggestion that you therefore postpone action on this particular item and set it back for the second meeting in, what are we in?"

Councilor Miller stated, "March."

The City Attorney stated, "Second meeting in March. First meeting in March. Which would."

(inaudible)

Councilor Lacewell stated, "Well yeah, we have one in March and he's suggesting that second meeting."



The City Attorney stated, "You got the eleventh and you got the twenty-fifth. So, probably the twenty-fifth, gives you a month."

Councilor Miller stated, (inaudible) I would say so."

The City Attorney stated, "A month and a half. So, I ask that it will be postponed till and it be brought back to council and that."

Councilor Proctor stated, "The twenty-fifth."

The City Attorney stated, "The meeting of the committee be advertised and Public Input need, ok. And I also want to bare in mind that also, that I think, when it comes back that the Public should again have the opportunity to have input for the final adoption."

Councilor Miller stated, "I like that."

The City Attorney stated, "One of the things that I understood many to say, and I just want to say this while she's still on, is that I understood her say that any action that is taken under the terms of the Mitigation Plan, should it affect private property, that the Council would have to pass an Ordinance to effectuate that as well. So, we have double protection, is that correct Wendy?"

Wendy Blackwell stated, "Yes, it's correct, that none of these actions could move forward with out the council deeming them to move forward with whatever criteria and steps you'd like to see."

The City Attorney stated, "So that the mere passage of this also would require further action by the Council specifically to enable it."

Wendy Blackwell stated, "Correct."

Councilor Miller stated, "Wendy, also, along with that, whatever if we pass this, they still have to get the public property signed by the owner. If they do anything to their property?"

Councilor Baber stated, "Or make an ordinance."

Councilor Miller stated, "I think they still have to get the property owners permission."

Wendy Blackwell stated, "If you're going to pass an ordinance, then as, however you choose to write the ordinance if it's going to be for new development then that ordinance would be the requirement, but. Regardless if there is going to be an ordinance requiring it, the FEMA



Mitigation grant money can't be used unless there's a voluntary participation letter from each individual property owner."

Councilor Baber stated, "From the private sector."

Wendy Blackwell stated, "Yes."

Councilor Miller stated, "So that still protects them."

Wendy Blackwell stated, "Yes, that is correct even if you have an ordinance, yes."

Councilor Miller stated, "Ok, that's good."

Councilor Lacewell stated, "Mayor, would you like a motion?"

Mayor Holman stated, "I was hoping that one of you. I saw some writing any of you get to where you want to make a motion? You, ok."

Councilor Lacewell moved to approve postpone Discussion and Possible Action on Adoption of Resolution 2024-03, a Resolution of the City of Ruidoso Downs adopting the 2023 Lincoln County Multi- Jurisdictional Hazard Mitigation Plan Update to March 25, 2024. Councilor Proctor seconded.

Councilor Baber stated, "Question?"

Councilor Lacewell stated, "Is there a question?"

Gary Williams stated, "Mr. Mayor?"

Mayor Holman stated, "Yes, mayor

Gary Williams stated, "(inaudible) does the Council have to approve the creation of this committee? And if so, do you need to label a title of the committee and the number of participants that are asked to be on the committee? Is that something that needs to be considered? We can't just say, at the top of your heads say, 'have a committee' and then we move on."

Councilor Lacewell stated, "Mayor, I also know this isn't even on the agenda. So, I would assume we would have to do it at the next meeting."



Gary Williams stated, "Yeah, it's just something we need to bring up. We just at the top of our head, we just can't, hey we have got to have a committee. You're on it. You're on it. You're on it. There has to be a process that Council needs to make the decision."

Councilor Baber stated, "So we got to put that on the agenda for the next meeting?"

Councilor Lacewell stated, "For the next meeting."

Councilor Proctor stated, "So that cuts us back two weeks instead of a month and a half. We've got a month to decide on it."

Councilor Baber stated, "So we come back on February (inaudible)."

Councilor Lacewell stated, "There's no rush."

Councilor Miller stated, "There's no rush, I don't think."

(inaudible)

The City Attorney stated, "March twenty five."

Councilor Lacewell stated, "March twenty five, is a target. Come back and do this again, but."

The City Attorney stated, "It'll be on the agenda for the committee and hopefully by then you all will have a pretty good list of names to the mayor for his approval of the appointment to the committee (inaudible). And essentially, the name of the Resolution, HMP."

Councilor Baber stated, "Haz mat crew."

A lady stated, "Hazard Mitigation Plan Committee"

The City Attorney stated, "Perfect."

Mayor Holman stated, "Ok, thanks John."

Councilor Lacewell stated, "Did someone Second my motion?"

Councilor Proctor stated, "I did."

(inaudible)



Upon a roll call vote of all voting “aye” the motion passed.

Mayor Holman stated, “Wendy, thank you very much.”

Wendy Blackwell stated, “Thank you folks. I look forward to helping you to the next step of the process, however I can.”

Councilor Miller stated, “Thank you.”

Councilor Baber stated, “So we’re going to wait till the twenty-fifth, right,”

Councilor Lacewell stated, “No you are going to start. At the next City Council meeting, it’ll be on the agenda to appoint the committee and then you can get going.”

Councilor Baber stated, “Ok.”

Mayor Holman stated, “Ok. As chairperson, you’re ok with that then?”

Councilor Baber stated, “Yes, sir.”

NEW BUSINESS

Mayor Holman stated, “It’s been a long day for me. I was up at three o’clock today. I was up at Las Cruces, being hammered on in a bunch of places and I’m tired. So, I ask, Councilor Miller if she would help me out with New Business and the person who is going to give you the information is here. So, would you go with it, please?”

Councilor Miller stated, “Yes,”

A. Discussion and Possible Action on approval of Personnel Recommendation to promote Officer Nicholas Malone for the rank of Patrol Sergeant for the Police Department.

Councilor Miller stated, “Take it over D.C.”

The Deputy Chief stated, “Ok. Good afternoon, mayor and members of council. I come before you today to recommend that you approve the promotion of Officer Nicholas Malone to the position of Sergeant Nicholas Malone. Just some history, some background in promoting police officers in this area, they usually go by years of service and then just to promote them. I don’t believe in that philosophy. I actually test the officers to ensure they have the ability to lead and supervise. Therefore, during the since, the budget negotiations last year. We were approved for a Patrol Sergeant position. We’ve been working to test the eligible officers. There were two that actually put in for the position, Officer Malone, who sits behind me and Officer Karl Becker,



who is out on patrol right now. Both were, are well qualified. Karl Becker has eighteen to twenty years on. Officer Malone has a total of five years on, but again, I go back to testing. So, I actually, we actually gave them supervisor test. They had to pass that. Once, they pass that portion of the testing they go onto an oral interview section of the test, which we grade on a one-to-five-point schedule for each question that we ask them. And they had to come up with certain points. And then the last item that we did was we gave them a tactical scenario. A realistic tactical scenario for this area, where our supervisor would have to make extremely tough decisions, usually life or death decisions. We pretty much put the screws to them pretty hard to make sure that they could handle it. They actually. Both candidates did very well and they both passed. I wish I could promote two Sergeants but Officer Malone, who sits behind me actually edged out Officer Becker, he. They were pretty even through the written test and the interviews, but the tactical Officer Malone, shined a bit more than Officer Becker. So, Chief Commander and I and actually, Heath here, who sat on the interviews as a impartial grader. We actually discussed it. And we felt that Officer Malone deserved to be promoted to the position of Sergeant. That's what we ask that you guys vote on today."

Councilor Proctor moved to approve the promotion of Officer Nicholas Malone for the rank of Patrol Sergeant. Councilor Lacewell seconded and upon a roll call vote of all voting "aye" the motion passed.

Councilor Lacewell stated, "Congratulations."

Councilor Miller stated, "Congratulations."

The Deputy Chief stated, "Also as a request, I did speak to the mayor before the meeting today. After you all get through New Business and Adjourn the meeting, I'd like to do a little bit of promotion ceremony for Officer Malone. His family is here to do a promotion ceremony. I would like any of the Council members and the mayor that would wish to stand by out here for a congratulatory presentation. And then some photograph, and picture taking, if possible, so."

Councilor Proctor stated, "Absolutely."

The Deputy Chief stated, "I ask, I ask you that and if you wish to stay, please do."

Mayor Holman stated, "I remembered and then I forgot again as you were, just before you started talking. So, I apologize for not remembering, you had requested that. Ok, Councilors."

Councilor Miller stated, "Congratulations."

B. Discussion and Possible Action on Appointment of Maria Gutierrez for the Parks and Beautification Committee Vacancy.



Councilor Miller stated, "I don't know that Maria is here."

Councilor Lacewell stated, "Mayor."

Mayor Holman stated, "Councilor."

Councilor Lacewell stated, "I'd like to make a comment. Uhm, so this is for the Parks and Beautification Committee, and there is no such committee. On September eleventh, last year, the City Attorney presented an Agenda Memorandum to update the Beautification by-laws because they hadn't been updated since ten of 2015, but a Councilor, who is not here anymore, had the matter postponed. So then on September twenty-fifth, we met again and the City Attorney presented new by-laws with this new name and the mayor and those other two councilors voted against it. So, we don't have this committee and I'd like to move that we amend this motion to appoint these people to the existing committee since it's still here."

Mayor Holman stated, "I don't recall it."

Councilor Miller stated, "Yeah, it happened. The by-laws, changed the by-laws. And two of the other Councilors and you voted against it. I've got a solution to this."

Mayor Holman stated, "Ok, let's hear it."

Councilor Miller stated, "At the next Beautification, Keep Ruidoso Downs Beautiful meeting on the twenty first, I would like to have our committee vote on the change of name. Joey Jarvis wanted us to be together as the Parks and Beautification Committee so we can help him at the Parks along with our Beautification and that is the Parks really. And it is the events for our community. Which I really appreciate naming some people. I was short two people on that committee and appreciate it and all the help we can get on these events for the city. Thus, beautifying our city. I really appreciate the help. I need it, and so. Our next meeting on the twenty first of February, I put that first on the agenda, but we changed the name to Parks and Beautification, but as far as I am concerned, we will still be under Keep America Beautiful guidelines and New Mexico Clean and Beautiful, so."

Councilor Baber stated, "So the guy that's taking care of the Parks right now. Is he going to help you all out?"

Councilor Miller stated, "I am going to ask Joey if he will be on the advisory committee and he's over all of that."

Councilor Baber stated, "Because isn't there two people that's in charge of the Park?"



Councilor Miller stated, "Yes, they are but if Joey's on it, He tells them what to do. You know, so that will help us to have an advisory committee."

Councilor Proctor stated, "Twenty-sixth."

Councilor Miller stated, "Twenty-seventh."

Mayor Holman stated, "No, he's the Director."

Councilor Baber stated, "No, for the people that work at the Park."

Councilor Miller stated, "Well, no I'm talking about our committee. It's the third Wednesday of every month."

Mayor Holman stated, "Oh, Ronnie Randolph is next in line."

Councilor Miller stated, "We need the help so I want to (inaudible) appointed by our committee and we can change it on the name and that will change it on the by-laws."

Councilor Baber stated, "So that's going to be on the agenda for the."

Councilor Miller stated, "No, it might after we change it. After we change our by-laws in the committee, then it will go to the City Council, right."

The City Attorney stated, "So, let me ask you a question Judy. As I recall, we sent that, those by-laws, back to you and Bonnie. Bonnie said she hadn't seen those. And they were then, they were then brought back to Council for action and no action was taken."

Councilor Miller stated, "No."

Councilor Lacewell stated, "Well on September twenty-fifth it was brought back, we voted and those two councilors who are not here anymore and the mayor voted no."

Councilor Miller stated, "Yeah."

The City Attorney stated, "So it wasn't passed?"

Councilor Miller stated, "It was not passed."



The City Attorney stated, "So, may I suggest this. May I suggest, because technically Jody is correct, this committee doesn't exist. Although I think we know it's meant to be but if we could go ahead and amend the motion to be for only the Beautification Committee. And then, on the next agenda, bring the by-laws back for passing and then it would automatically amend back into the Beautification Committee would be amended in to the Parks and Beautification Committee."

Councilor Lacewell stated, "Perfect. So, I move that we amend this to say that we have Discussion and Possible Action on Appointment of Maria Gutierrez for the Beautification Committee."

Councilor Miller stated, "Ok, that's not called the Beautification. It's Keep Ruidoso Downs Beautiful."

Mayor Holman stated, "Right."

Councilor Miller stated, "Is what the name of the committee is right."

The City Attorney stated, "So, let's amend it to what the current committee's name is."

Councilor Miller stated, "Ok."

The City Attorney stated, "And then bring the by-laws back at the next meeting so that it will."

Councilor Lacewell stated, "Keep Ruidoso Downs Beautiful?"

Councilor Miller stated, "Keep, Ruidoso Downs, Beautiful."

Mayor Holman stated, "Yeah."

Councilor Miller stated, "KRDB."

Councilor Lacewell stated, "Ok, alright."

Councilor Miller stated, "It's going to be changed to Parks/Beautification Committee. I'm sorry but I'll take in front of our committee on the twenty-first at four o'clock (inaudible) Yes."

The City Attorney stated, "With that amendment."

Councilor Miller stated, "With that amendment."



Councilor Lacewell stated, "I'll try again. I move that we amend the title of this committee on this memorandum to say, 'Discussion and possible action on Appointment of Maria Gutierrez for Keep Ruidoso Downs Beautiful Committee. Councilor Baber seconded and upon a roll call vote of all voting "aye" the motion passed.

Mayor Holman stated, "Ok, you're doing good. Keep going."

Councilor Miller stated, "Well, thank you."

C. Discussion and Possible Action on Appointment of Lori Plant for the Parks and Beautification Committee Vacancy.

Councilor Miller stated, "This is almost identical to the last one. Discussion and Possible Action on Appointment of Lori Plant for the Parks and well for KAB Committee, and then you can."

Councilor Proctor stated, "I'll make that motion."

The City Clerk stated, "As amended?"

Councilor Proctor stated, "As amended." Councilor Baber seconded and upon a roll call vote of all voting "aye" the motion passed.

Councilor Miller stated, "Thank you all."

D. Discussion and Possible Action on Adoption of Resolution 2024-05, A Resolution Establishing the City of Ruidoso Downs Governing Body Meeting Agenda/Package Procedures.

Councilor Miller stated, "That's what we asked for at the last meeting. It's on the agenda. Who wants to start?"

Councilor Lacewell stated, "You want to make a motion?"

The City Attorney stated, "Ally, would you, because you're the one that's directly effected by this, would you explain what this does to the council."

The City Clerk stated, "The governing body had requested to place the agendas earlier. To put the agendas out earlier than Friday. So, this will put the agendas out on Wednesday instead of Friday."

Councilor Procter stated, "I am willing to accept that Resolution."



Councilor Lacewell stated, "No, I, you want to move that we're going to discuss and possibly take action."

Councilor Procter stated, "Ok, discuss and possibly take action on." Councilor Baber seconded.

Mayor Holman stated, "Ok, discussion."

Councilor Miller stated, "Any discussion?"

Mayor Holman stated, "Discussion, discussion."

Councilor Lacewell stated, "Yeah, I would like to discuss this. So, the way this is written, the only thing that's addressed in here is the fact that the Council members and the directors and everybody have to have the information to the Clerk no later than 10:00 a.m. on Monday, but it doesn't say anything about us getting it back on Wednesday."

The City Clerk stated, "That's the way it works. It only takes about a day and a half to put it out. So, instead of them having the information to us on a Wednesday, now they're going to have it to us on Monday. So, the Agenda Packets will be put out on Wednesday."

The City Attorney stated, "So, let me ask you this. Is there any problem adding language to the Resolution saying the packets will be delivered to Council no later than 5:00 p.m., Wednesday prior to the Monday meeting?"

The City Clerk stated, "No."

The City Attorney stated, "Is that, ok?"

The City Clerk stated, "Yeah."

Councilor Miller stated, "But it's not stated."

Councilor Proctor stated, "If we're doing them on Friday. Why not do them Wednesday? That's when they used to get them."

Councilor Lacewell stated, "Well, I just."

(inaudible)

Councilor Lacewell stated, "So any time before 5:00 p.m. on Wednesday."



Councilor Proctor stated, "Ok, ok. That's acceptable."

Councilor Miller stated, "John, should that be in writing here?"

The City Attorney stated, "Well when you make the motion you say subject to the amendment which stated by attorney, Underwood. Because my motion, I'm not trying to make a difference between five and noon, if you wanted it noon and Ally's is able to do that, that's fine with me, but all I'm saying is that the language that says the agenda packets shall be delivered to the Council members on or before 5 p.m., on Wednesday prior to the Monday regularly scheduled Monday meeting. Now of course, the weird thing about that is that if you have. For instance, we have President's Day coming up and the regularly scheduled Monday meeting will not be until Tuesday, right. But I think if we got one or two exceptions throughout the year. So, I don't think its worth haggling over that because you'll still be able to get the agendas out to them on or before 5:00 p.m. on Wednesday, right? Then I'd say prior, prior to the next regularly scheduled meeting."

Councilor Miller stated, "Ok."

The City Attorney stated, "So that would be."

Councilor Miller stated, "Did anybody write that down, Jody or somebody? (inaudible) we'd like to have."

Councilor Baber stated, "So we can make a motion to amend is what."

Councilor Lacewell stated, "I move to amend, this to say that."

Councilor Baber stated, "I move to amend a Resolution Establishing the City of Ruidoso Downs Governing Body Meeting Agenda/Package Procedures to include the language that Mr. Underwood just put in." Councilor Lacewell seconded.

Mayor Holman stated, "Well that's good. That's a good way to do it."

Councilor Miller stated, "We might need that verbatim also."

Upon a roll call vote of all voting "aye" the motion passed.

Mayor Holman stated, "Councilors, you got anything else?"

Councilor Baber stated, "Did we put Lori in?"



Councilor Lacewell stated, "Yes."

Councilor Miller stated, "Yes."

Mayor Holman stated, "Nothing, else? Then we are adjourned."

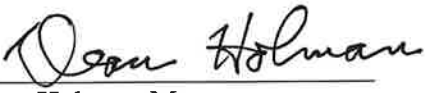
ADJOURNMENT

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:

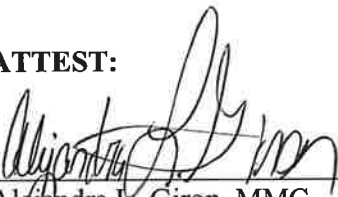
Passed and Approved on this 25th day of March 2024.

APPROVED:



Dean Holman, Mayor

ATTEST:



Alejandra L. Giron, MMC
City Clerk/Treasurer

