

**CITY OF RUIDOSO DOWNS
GOVERNING BODY REGULAR MINUTES
MONDAY, June 27, 2022 - 2:00 PM
THE HUBBARD ROOM
123 DOWNS DRIVE
RUIDOSO DOWNS, NEW MEXICO 88346**

The City Council of the City of Ruidoso Downs met in regular session on Monday, June 27, 2022. Mayor Holman called the regular meeting to order at 2:00 p.m. and asked Councilor Lundquist to lead in the Pledge of Allegiance.

ROLL CALL

Present: Councilor Walker, Councilor Lundquist

Present by Phone: Councilor Lacewell, Councilor Miller

Municipal Employees Present:

Alejandra L. Giron, City Clerk/Treasurer
Selena Chavez, Assistant City Clerk
John Underwood, City Attorney
Carroll Scott, Police Chief
Officer Becker
Mary Castaneda, Finance Director
Kristin Avila, Finance Clerk I
Jolene Whitaker, Utility Clerk
Joey Jarvis, Public Works Director
Andrea Herrera, Planning & Zoning Director
Juaquina Bravo, Administrative Assistant
Bruce Baker, Assistant Fire Chief
Corrina Vinson, Court Administrator
Daniel Fierro, Court Assistant

Guests Present: 7

Guest Speakers Present:

Ray Dean, Chairman of GSWA

APPROVAL OF AGENDA

Mayor Holman stated next item on the agenda was Approval of Agenda. Councilor Walker moved to approve Agenda. Councilor Lundquist seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.



APPROVAL OF CONSENT AGENDA

Mayor Holman stated next item on the agenda was Approval of Consent Agenda. Councilor Lundquist moved to approve the Consent Agenda. Councilor Walker seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

PUBLIC INPUT

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

Pam Williams made comments.

Danny Hoffer made comments.

COUNCILORS COMMENTS

Mayor Holman stated next item on the agenda was Councilors Comments. No Councilor Comments.

MAYORS COMMENTS

Mayor Holman stated next item on the agenda was Mayors Comments.

Public Works

Joey stated they have been extremely busy and his report was for April. He stated that the Riverside Water line extension and Spring Tank Replacement project is finally now complete. Maintenance Tech made 3 work orders, Garage repaired 3 work orders and helped the Streets Dept. paving on Service Lane, Parks Dept. planted 38 trees and obtained the piping for the new water lines, swept streets, Streets Dept. paved Service Lane and assisted the Village of Ruidoso with clean up after wind event, and the Water/Wastewater Dept. had to fill the tanks three times, and have had to clean it to protect it, completed 52 work orders and 21 locates.

Police

Chief stated they had a YTD total of 13 arrests made 120 citations and about an equal of written warnings, the department is fully staffed, and are in constant contact with other entities regarding the up-and-coming flooding areas that traditionally are not affected but are planning and prepping for that. The department is revisiting the active shooting training in response to the recent school shootings.

Planning & Zoning

Andrea stated the department had 2 conditional use permit requests, 11 building permits, 2 Sign permits, 2 mobile home placement requests, 3 new pet licenses, the Ordinance for Chapter 151 Grading & Demolition was approved, and are continuing to work on Chapter 155 and the Cannabis Ordinance.



Fire

Bruce stated that in May the department had 11 fire inspections for business license applications, 15 Special Use Permits have been issued with the current fire restrictions, 53 Responses, 1 of which are fires from the Bears Are Us Fire and have maintained the debris which makes 208 calls for the year. The department has also had maintenance on two of the brush trucks.

Councilor Walker asked what level 1 fire restrictions are for the City.

Bruce responded and read off the current fire restrictions for Level 1 which are pretty much normal operations, recreational fire pits, outdoor cooking, small combustion motors are allowed.

Finance

No Report.

Municipal Court

Corrina stated for May the Court has had 117 docketed cases 74 were heard, 10 hearings, 12 trials in the Month of May, and 21 bench warrants which were reissues.

NEW BUSINESS

A. Mayor Holman stated next item on the agenda was Discussion and Possible Action on the Joint Powers Agreement with Greentree Solid Waste.

John stated the written letter he had written to the Chairman Ray Dean, GSWA and have given to all of the Councilors and is still part of the attorney-client privilege and is not public information as it involves possible litigation between the parties but the purpose of today's meeting is to try to avoid that. As he said in the letter and in that meeting is that what we have here is a failure of communication and am hoping our communication can get better because the Councilors have all contacted me increasingly within the last six months regarding complaints about pick up and so forth. He wants the Councilors to understand that the relationship between the City and GSWA is we are them and they are us. We joined a JPA in 1991 that included the County of Lincoln, the City of Ruidoso, Capitan, Corona, and the City of Ruidoso Downs and Carrizozo which Chairman Dean is also the Mayor of Carrizozo. So, in going back through the documents and in the meeting with Chairman Dean which our Mayor was also present at, we were able to discuss a lot of the issues and probably the biggest issue that I'd like for you to address today, Mr. Dean, if you can is what I've asked you in the letter that I wrote you is some of the complaints that were having, one of which I think Mr. Hoffer brought up is the issue as to billing which I will cover. We are currently under a Resolution where by the City does the billing for Greentree Solid waste formally known as Lincoln County Solid Waste and is paid \$0.35 per customer, per month to do that billing. So its obviously our position that the individual customers are the customers of GSWA and those are to be served and those are the people who are complaining to us. We are not over there in the headquarters of GSWA so we can't necessarily



address the complaints without contacting you to find out what is happening. I understand also that there hasn't been, Joey told me this, since November there hasn't been any brush pick up and so far, I suppose it is because it's the fact that your grapple truck is down and we now understand is being repaired. We have talked about you contacting our mechanics and that's my understanding from talking to Joey that you have contracted a separate mechanic to do that. Obviously, the brush issues in the City creates a fire issue for the City of Ruidoso Downs and is obviously a public health and safety situation as are the issues as to timely trash pick up and the issues as to having polycarts repaired, not being picked up and so forth. That is a large plate that I have given you, but if you can address some of those a long with the issues on the written documentation so you can explain to the citizens what's happening and where we're going.

Ray stated he is representing GSWA as chairman and is here today at the request of Mayor Holman and City Attorney Underwood and had a meeting with John, Mayor Holman, and Councilor Walker on June 7, 2022 and one of the key points that was agreed that GSWA can do a better job. He stated there is a lot of misinformation. One promise is that I am here to change that and that the two of us are in one and the Joint Powers Agreements was meant to work for multiple governmental entities to be provided with their own services. Six members make up GSWA. Those six members still participate on some level. Ruidoso is large enough that they had moved on to do their own. The County also moved on to do their own services and had to purchase their own equipment. He stated that in his opinion he would prefer the polycarts versus the large dumpsters throughout the city. He thinks that John and him need to sit down as his interpretation of the documents is different from John's interpretation. There was a question about the billing and will speak to that and read "The parties of this agreement here to forth enter into a Joint Resolution creating the local government entity, Greentree is a local government entity known as Lincoln County Solid Waste". He stated John and him disagree on the definition of the word "customer". In his interpretation, the word "customer" is the entities for example Corona, Capitan, etc. He stated John believes the word "customer" is referring to the people who receive the service for example residents. As far as the billing goes, there was a requirement on page 13 that GSWA should have the quarterly report per month. He stated John pointed out that we have a communication problem and he agrees. It was determined that the most efficient way to bill the residents of the entities is for the entities to have the billing be done themselves. Where we have run into a major road block for years with Ruidoso Downs is the interpretation of the documents and who's the customer. GSWA has expenses and divides those expenses based on the population size of the community. The fees for services times the amount of citizens is what's being charged. He stated that the City is unique in this regard, interprets the "customers" is not the entity but the person who has the polycart and if they don't pay the bill, you do not send us the money. That is a major sticking area, can we do a better job on our maintenance on our vehicles but it costs more

Mayor Holman stated the issue with the billing is that the citizens blame the City and so we catch a lot of grief and frustration because we get the blame. If GSWA does not give good service in an area we get the blame. Then if somebody had not paid their bill, the City gets stuck with that



bill and GSWA charges interest on that missing payment. Then GSWA holds the City responsible for the bill. He gave an example that Ray referred to the meeting that took place was a pleasant one. He wanted everyone to know that Ray is very pleasant.

Councilor Lundquist asked by miscommunication, are you saying the residents do not have a say in the services for the solid waste and can you clarify.

Ray responded that the biggest potential problem uniquely with Ruidoso Downs is that the issues with the solid waste is for the representative to report and communicate any concerns. He stated the board can vote to change that.

Councilor Walker stated it's to the point right now that we are trying to get right and fixed and the difference is that Ruidoso Downs does not do repairs on their own polycarts as where the other entities do their own repairs.

Ray stated the grapple truck is still down and that is the reason is why we have not picked up the brush.

Councilor Walker stated we are not receiving the service that the citizens that we are paying for and is another issue that we are trying to get it fixed.

Mayor Holman stated the attitude is just not good about the administration at GSWA and asked if the people at GSWA could be more polite.

Ray stated that we will work through this as his goal. He remembers there was a vote to cut services to the City of Ruidoso Downs. He stated there are provisions that allow if the bill is not being paid and to charge interest on the funding that is not being collected.

Councilor Walker stated that item is going to be on the next Agenda.

Jolene stated that she takes the calls from the Ruidoso Downs residents and cannot make contact with anyone at Greentree and she receives complaints from residents they try to call over there and get hung up on.

Chief Scott stated that a citizen is losing her home insurance at 101 Juniper due to the large brush piles around that area.

Mary asked about the tires, appliances, and electronics and construction waste asked if that is part of the agreement and are we liable to pay as we are currently being charged for.

Ray asked if the reason is due to the Downs not having a transfer station.



Mary stated that we are in close in proximity and our citizens just dump their excess in non-household waste that has surmounted into about \$9,000.00 a month.

Ray stated that our next step would be to get together and meet.

John stated he disagreed about who is the “customer.” He has shown Mr. Dean the documents that he believes establishes who the customer is the citizens of Ruidoso Downs and doesn’t agree with whether or not you vote on at a meeting or not that you have a right to discontinue service that puts the City of Ruidoso Downs in a vulnerable position, fire wise and to end up causing a person to lose their insurance because the brush hasn’t been picked up. I don’t believe you have a right to diminish service because the billing issues between the City of Ruidoso Downs and Greentree. Since that point in time this agreement has not been changed at all other than through various Resolutions. As you also know the Resolution, I referred to says that the CORD has the right to withdraw because it’s by separate Resolution that says we will do your billing and you will pay us \$0.35 a customer to do that. The problem is that Mary, and she didn’t get into it today is the problems that it engenders is it puts the citizens in a difficult position. When Crystal doesn’t show up to these meetings and you don’t know about the daily treatment that people get when they call Greentree and the issues are not going to be taken care of without the Supervisory personnel of Greentree being directly involved because that is where we are getting hung up on and all the complaints we’ve gotten because of unpicked up trash and so forth, this isn’t the first time Greentree has heard about it and may be the first time you’ve heard about it, but the phone calls to the Administration at Greentree has gone untreated. As I said in my letter, we have been treated as your servants as opposed to your partners. I don’t see any other choice that the City has other than if you don’t provide us the service, we will have to find the service somewhere else and we will withdraw those payments from what we pay to you. I see no obligation for the City to take money out of the General Fund to make payments to Greentree on a monthly basis, when we have customers who aren’t paying us because of Greentree. I realize Greentree is us and if we’re a partner then my desire is that we be treated like a partner. I think you have the best intentions. The City is in a dire situation we got people whose insurance has been canceled because trash isn’t being picked up. We are going to have to hire someone to go pick up that trash. What I am asking and pleading is that during the next two weeks that substant process of conversations with the Administration of Greentree be involved in so that you’re not just the messenger. We need the people who are getting the messages to respond to us. You did get our message and responded to us and I greatly appreciate that. What the Council could take action on is the ninety-day notice that we intend to terminate billing services because if we can’t collect that and you’re still charging us a late fee then we’ll let you collect it yourself. I understand that there is principal in there that we are not to have redundant services but at the moment we are not getting redundant service and not even getting service and we’re doing your billing then our customers are complaining to us because you’re not doing what it is we contract with ourselves to do. So, if we can’t deliver to Greentree and Greentree can’t deliver even though we are 25% of that vote on most matters and on some situations on the waste dump we’re 1/6. We’ve got to do something Chairman Dean.



Ray stated the biggest contention is the payment of the fair share of the organization that is determined by the number of the customers that GSWA is providing the services. If the City decides to go other services.

Councilor Walker moved to instruct the City Attorney to write a ninety-day notice termination of billing services letter to Greentree Solid Waste Authority. Councilor Lundquist seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

B. Mayor Holman stated next item on the agenda was Discussion and Possible Action on Prior Fiscal Year 2019 Expenditure for New Mexico Finance Authority in the amount of \$6,473.00.

Kristin and Mary gave explanation on the item. Kristin stated that she needs approval to pay for an expenditure out of our current year budget. We received a loan invoice and it was paid. They received an email that was caught and we do need approval to be paid.

Councilor Miller asked why they haven't caught this issue until now.

Mary stated that due to the software change update.

Councilor Lundquist stated that this should not be paid.

Mary stated that it has already been paid in full.

Councilor Lacewell stated that they will not absorb our debt and that we are responsible for it.

Councilor Miller moved to approve Fiscal Year 2019 Expenditure for New Mexico Finance Authority in the amount of \$6,473.00. Councilor Lacewell seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

ADJOURNMENT

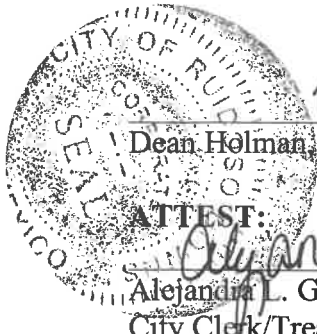
There being no further business to come before the Governing Body, Mayor Holman adjourned the regular meeting at 3:43 p.m.

MINUTES ARE DRAFT UNTIL APPROVED ON:

Passed and Approved on this 11th day of July 2022.

APPROVED:





Dean Holman

Dean Holman, Mayor

ATTEST:

Alejandra L. Giron

Alejandra L. Giron, MMC
City Clerk/Treasurer

