

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING  
DECEMBER 07, 2009

The Council of the City of Ruidoso Downs met in Special Session on December 7, 2009. Mayor Armstrong called the meeting to order at 2:10 p.m. and asked Chief A.C. Ortiz to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood	Councilor Williams
Councilor Holman	Councilor Olivo

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

Also present:

Carol Virden, City Clerk/Treasurer  
Jay Smith, Museum Director  
Steve Dunigan, Planning & Zoning Director  
Cleatus Richards, Public Works Director  
Terri Mosley, Finance Director  
A.C. Ortiz, Chief of Police  
Justin Shaw, Fire Chief  
Randy Reynolds, Payroll/Personnel  
Zach Cook, City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda.

Mayor Armstrong entertained a motion to approve the agenda.

Councilor Hood moved to approve the agenda. Seconded by Councilor Olivo.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Review of Amendments to City of Ruidoso Downs Personnel Policy Manual and asked for input for Chapter 1.

Councilor Williams said under Rule 100, in the last sentence he would like it to be capitalized where it says "Governing Body."

Mayor Armstrong asked for input for Chapter 2.

Councilor Williams said under Rule 200 he would like to look at the sentence "The Mayor's delegated official etc." to take out the words 'and and the'. In Rule 200.1 he said it shouldn't be "Personnel Manager" it should be "Payroll/Personnel."

Carol Virden, City Clerk/Treasurer said under Rule 200 the Designated Appointed positions include: Police Chief, City Attorney, and City Clerk. Those are automatic under state statutes. The mayor after every election has the authority to hire his appointees to fill these positions. The way it is currently structured all of the Directors are appointed to the positions they currently hold.

Councilor Holman asked if that was pending council approval?

Carol Virden, City Clerk/Treasurer said they have to be confirmed by the Governing Body during the organizational meeting.

Councilor Williams and Councilor Holman had comments about the Mayor's delegated official. Carol Virden, City Clerk/Treasurer suggested they put Item "B" aside and go through the Personnel Policy Amendments that the directors all gave consent to and then come back to "City Manager/City Administrator" and/or "Mayor's delegated official."

Councilor Williams said under Rule 204 Item B it should read "Members of City boards and committees appointed by the Mayor and approved by the Governing Body."

Carol Virden, City Clerk/Treasurer said under Rule 300 Executive: Designated Appointed positions which include:

- A) Police Chief
- B) City Manager/City Administrator or Mayor's delegated official
- C) City Attorney
- D) City Clerk/Treasurer

Councilor Williams said under Rule 300 Administrative: Department Heads they were making the Department Heads not appointed and asked if that was correct?

Carol Virden, City Clerk/Treasurer said that was correct and all of the Directors agreed on that. Department Head positions would include:

- A) Director of Finance/Procurement
- B) Director of Public Works
- C) Director of Planning and Zoning
- D) Director of Museum
- E) Fire Chief

Classified:

All full-time positions other than Executive.

Councilor Williams said 20 hours of work per week would make a part-time employee eligible for benefits and because the Governing Body is responsible for the budget and positions that are approved he said he would like that identified as approved by the Governing Body.

Councilor Williams said under Rule 400 Item 417 he wanted to know why it was changed from six to twelve and if so it should be followed by a period.

Carol Virden, City Clerk/Treasurer said she gave an opinion that six months of a probationary employee does not give the Director or the Executive or Administrative Department the opportunity to see the probationary person differences or changes in six months where you could see it in twelve months.

Councilor Williams in Item 422 he would like it to read "at the discretion of the Mayor's delegated official upon the recommendation of the Department Head." Jay Smith, Museum Director suggested it could also read "at the discretion of the Mayor's delegated official and the recommendation of the Department Head." It was agreed that it would remain "at the discretion of the Mayor's delegated official upon the recommendation of the Department Head."

Carol Virden, City Clerk/Treasurer said Rule 500 Code of Ethics-Public Employment as a Public Trust was well written and didn't require change.

Councilor Williams said they were talking about employee conduct and rights and so would like to eliminate the "City government" as part of that process. It was agreed to strike out "government"

Councilor Williams said in Item 502 he would like it to read "must obtain permission from his/her supervisor prior to leaving." It was agreed they would change it to read as such and to be consistent throughout the manual.

Councilor Williams said in Item 503 he would like it to read "The approval by a Department Head" instead of "supervisor."

Carol Virden, City Clerk/Treasurer said they added a new Item 508.2 and it read, "Employees shall not place or receive calls on cellular or mobile telephones while operating city vehicles or equipment. City vehicles or equipment shall be brought to a full stop and out of traffic before use of cellular or mobile telephones."

Jay Smith, Museum Director said under Item 508 he would like it to read "Every City employee shall provide the Department Head and Mayor's delegated official or his/her designee with a phone number where he/she can be contacted outside work."

Councilor Williams said there is no reference or outlined within about the Dee Johnson Smoking Act about smoking in vehicles. He asked if that could be added? Randy Reynolds said the Act outlines designated places for smoking. Councilor Williams said he would like staff to consider that for sometime in the future to not smoke in City vehicles.

Councilor Williams said there is a dress code for employees who work in the Police Department, Fire Department and Public Works and they are issued uniforms. There is no dress code for the rest of the employees he asked?

Carol Virden, City Clerk/Treasurer said they have rules in 525 and the dress and appearance is to be clean and neat and conservative in keeping up with the professional image.

Councilor Williams said he saw that 527 had been scratched out which was "Non-Uniformed Personnel."

Mayor Armstrong said they were now on Chapter 6.

Councilor Williams said he was curious about the strike out in Rule 602.

Carol Virden, City Clerk/Treasurer said 602 was approved by the Governing Body to eliminate the 85.5 hours in each pay period for police and 106 in each pay period for fire fighters. Any overtime would come in after the 80 hours within the pay period. That was approved by council in September 8, 2009.

Councilor Williams said the reason he was bringing it up was because he didn't want anything in the language eliminating the Governing Body or City Council.

Mayor Armstrong said they would take a 10-minute break.

Mayor Armstrong called the meeting back to order.

Councilor Williams asked if 609.2 was something new that was being added?

Carol Virden, City Clerk/Treasurer said yes.

Councilor Williams said it referred to On Call Compensation.

Carol Virden, City Clerk/Treasurer said they do have that situation with the Public Works Department.

Councilor Williams asked if that was just with the Public Works Department?

Carol Virden, City Clerk/Treasurer that was correct.

Councilor Williams asked if that was approved by resolution or by council?

Carol Virden, City Clerk/Treasurer said it was a standard operation under the previous administration. It was not a written policy but the Department Head and the Director felt it was necessary to place on-call compensation so that the employee that is on-call can be very clear on how the pay structure is going to affect them.

Councilor Williams asked if the Governing Body was made aware of this?

Carol Virden, City Clerk/Treasurer said this was done by Mr. Waters.

Councilor Williams said he didn't have a problem with it but he wanted to be sure the council was made aware of it especially when it has to do with finances.

Police Chief Ortiz asked that the word "ambulance" be stricken from 608.

Chapter 7 regarding "Promotions, Transfers and Demotions" was a new chapter added to the Personnel Policy Manual.

Under Chapter 12-"Employee Benefits" Rule 1212.1 was stricken.

Rule 1219 "Family and Medical Leave Act (FLMA) Policy and Procedures" in Definitions, Item H was added and reads as follows:

“Next of kin of a covered service member” means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, with priority given to blood relatives who have been granted legal custody by court decree or statutory provisions. In the event that there are multiple family members with the same level of relationship to the covered service member and no court decree, statutory provision or service member’s designation of blood relative as military caregiver exist “next of kin of a covered service member,” is all such family members shall be considered the covered service members next of kin and may take FMLA leave to provide care to the covered service member.

The FMLA section was updated to meet the new 2009 rules.

Rule 1222 was stricken from the Personnel Policy Manual.

Rule 1234 was stricken from the Personnel Policy Manual.

Rule 1252.2 and 1252.3 was stricken from the Personnel Policy Manual.

Rule 1253 was stricken from the Personnel Policy Manual.

In Chapter 14 “Use of Drugs and Alcohol”-Rule 1409.2 was stricken from the Personnel Policy Manual.

Rule 1418 “Mandatory Alcohol Testing” was stricken from the Personnel Policy Manual and replaced with new language.

Rule 1419 and Rule 1420 was stricken from the Personnel Policy Manual and replaced with new language.

At the end of the Personnel Policy Manual “Notice” was added and reads as follows:

The City of Ruidoso Downs is subject to all applicable federal and state laws affecting employment, wages and working conditions. If a provision of this Manual conflicts with applicable laws or regulations, the applicable law and regulations shall govern.

Also added at the end is a signature line for the employee to print their name.

## ADJOURNMENT

There being no further business to attend to Mayor Armstrong entertained a motion to adjourn.

Councilor Hood moved to adjourn at 8:00 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.

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Tom E. Armstrong, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer