

**MINUTES OF  
TWSD BOARD OF DIRECTORS  
SPECIAL SESSION  
OCTOBER 22ND, 2009 AT 2:00PM**

Present for the meeting were Chairman Arden Schug, Vice Chairman Burt Rubinowitz, Treasurer Joe Mainello, Director Virgil Beagles (telephonically) and General Manager Dr. Martin Moore. Absent was Director Pete Bowidowicz.

**Approval of Agenda**

Intro: Chairman Schug said item#1 would be postponed due to new information about the forms needed to apply for the loan.

Motion: Burt Rubinowitz. "Approve the agenda as amended by Chairman Schug."

Second: Joe Mainello. All voted aye except Virgil Beagles who voted nay.

Discussion: None.

**Agenda**

New Business:

**1. Adopt Resolution to Receive a \$300,0000 RIP loan (postponed)**

**2. Consider Resolution to Adopt Infrastructure Maintenance Charge**

Intro: The resolution was read by Secretary Ross and will be posted at the lodge and post office and is available on the web site [timberonwater.com](http://timberonwater.com) and at the lodge upon request.

Motion: Burt Rubinowitz. "Adopt the resolution to implement an infrastructure maintenance charge".

Second: Joe Mainello. All voted aye except Virgil Beagles who voted nay.

Discussion: Virgil Beagles said the 10 mil levy had always been in the statute and the court had not set the levy but made Timberon conform to existing law. Burt Rubinowitz said that part of the Community Services District Act relating to negotiable securities is a part of the Water and Sanitation District Act and the court ruled it would apply to Water and Sanitation Districts as well. Virgil Beagles disagreed saying the 10 mil levy had been part of the Water and Sanitation District Act all along and had just been enforced by the court when we brought it to their attention. Bill Curtis agreed with Virgil Beagles. Chairman Schug suggested that the language in the resolution could be changed to say that the mil rate is 10 mil and not mention it had been reduced from 26 mil. A discussion was had about the need for funds, how much is needed, alternative fund sources, the legality of the charge and setting up a priority list for road and other facilities maintenance covered by general funds.

**3. Adopt Election Proclamation Resolution**

Intro: The resolution was read by Secretary Ross and will be posted at the lodge and post office and is available on the web site [timberonwater.com](http://timberonwater.com) and at the lodge upon request.

Motion: Joe Mainello. "Approve resolution 09/10-006 Election Proclamation". (withdrawn)

Second: Burt Rubinowitz. (withdrawn)

Discussion: Burt Rubinowitz said he believed the language in paragraph 5.c. Should be changed to comply with NMSA 73-21-14 and read "twelve months immediately preceding a designated time or event".

Amend Motion: Joe Mainello. "Approve Resolution 09/10-006 Election Proclamation with the change to para. 5.c. "twelve months immediately preceding a designated time or event"".

Second: Virgil Beagles. All voted aye.

Motion: Burt Rubinowitz. "Approve resolution 09/10-006 Election Proclamation as amended".

Second: Virgil Beagles. All voted aye.

Discussion: None.

#### 4. Adopt Water Rate Adjustment Resolution

Intro: The resolution was read by Secretary Ross and will be posted at the lodge and post office and is available on the web site timberonwater.com and at the lodge upon request.

Motion: Joe Mainello. "Adopt the resolution as read". (withdrawn)

Second: Burt Rubinowitz. (withdrawn)

Discussion: Virgil Beagles said it should state along with the \$27.40 flat rate that the first 1000 gallons used is included. Chairman Schug agreed and said the resolution would be changed to reflect that. The procedure to be followed and the progressive rate proposed was explained by Chairman Schug. He also explained how the figures being proposed were determined. Burt Rubinowitz suggested the word "used" in "will be used for water system capital improvements" be changed to "designated".

Motion to Amend: Joe Mainello. "Change "used" in will be used for water system capital improvements" to "designated" and add "will include the first 1000 gallons".

Second: Arden Schug. All voted aye.

Discussion: None.

Motion: Joe Mainello. "Adopt the resolution as amended".

Second: Burt Rubinowitz. All voted aye except Virgil Beagles who voted nay.

Discussion: None.

3:36pm Motion: Joe Mainello. "Adjourn the meeting"

Second: Burt Rubinowitz. All voted aye.

Minutes submitted by Secretary Charlie Ross \_\_\_\_\_  
Date

Approved by Chairman Arden Schug \_\_\_\_\_  
Date

Posted: