

**MINUTES OF THE SEPTEMBER 15, 2012 MEETING
OF THE TWSD BOARD OF DIRECTORS**

Attending in person were Chairman Burt Rubinowitz, Directors Joe Mainello and Arden Schug. Director Charlie Ross attended telephonically. There being a quorum present, the meeting was called to order by Chairman Rubinowitz at 10:10 am.

Pledge of Allegiance and Salute to New Mexico Flag.

Approval of Agenda: Director Mainello moved to approve the agenda and Director Schug seconded. There being no discussion, Chairman Rubinowitz called for a vote. Directors Mainello, Schug, and Ross voted aye. The motion carried.

Treasurer's Report. Director Schug read the bank statement totals as of August 31, 2012. He also went over the Profit and Loss versus Actual statement.

General Manager's Report. Ronald Wyatt gave his report (copy attached to these minutes). He stated that we still need Golf Course volunteers; still waiting for union contract completion; status of the tank grant; and that he will start working on a road grading schedule. He thanked the volunteers for their help with mailing Facilities and Services (F&S) Charge bills. He also stated that the staff had gathered water rules paperwork. He stated that a grant for pond liners is possible.

Audience member, B.F. Adams, advised the audience that if they had a specific spot on a road that needed attention, to let the General Manager know and that he would fill out a work order and have it taken care of.

Chairman Rubinowitz stated that the audience would be allowed to participate in the discussions.

Committee Reports.

Budget Committee – Director Schug stated that the budget would have to be adjusted because of the new F&S charge.

Golf Course Committee – Director Ross had no remarks.

Bylaws Committee – No report.

Swimming Pool Committee – No report.

Water Rules Committee – No report.

Unfinished Business.

Adoption of the minutes of August 14, 2012 work session, August 18, 2012 regular meeting, and August 21, 2012 special session minutes. Director Mainello moved to adopt the minutes without

reading and Director Schug seconded. Chairman Rubinowitz called for a vote. Directors Mainello, Schug, and Ross voted aye and the minutes were adopted.

New Business.

Discuss Facilities and Services Charge as a separate enterprise fund. Director Schug presented Resolution #2012-04 (copy enclosed with these minutes) that states the Facility and Service Fund shall be an enterprise fund in the district's financial bookkeeping. Director Mainello moved to approve the resolution and Director Ross seconded. Chairman Rubinowitz, Directors Mainello, Schug, and Ross voted aye and the motion passed.

Authorize Chairman Rubinowitz to represent TWSD with the PRC. Chairman Rubinowitz requested that he be authorized to continue to represent TWSD with the PRC and to withdraw Advice Notice 10 as a last resort. Director Schug stated that the increases were the same percentage for water and standby. Director Ross moved to authorize Chairman Rubinowitz to continue to represent TWSD with the PRC and Director Mainello seconded. Director Schug asked if the attorney had been involved and Chairman Rubinowitz replied that he had not at this time, but would if TWSD requested his participation. Director Mainello asked what the problem was and Chairman Rubinowitz replied that the PRC was asking for more information, i.e., number of protests, standby multiple accounts. Director Schug asked if it was rate payers or just billed. Chairman Rubinowitz replied that they wanted rate payers. Director Mainello asked how many protests were received. Chairman Rubinowitz replied that there were 444 rate payers, so they needed 25 or 10%, whichever is greater, and that they received 70 protests, of which TWSD challenged 51; so 19 valid protests. Audience member, B.F. Adams, wanted to address the public concerning the rate increase, which he contends is at rate adjustment. Chairman Rubinowitz explained that it is an increase to the previous permanent rates. There was discussion concerning the emergency versus the last permanent rates and that the new rates would be an increase over the previous permanent rates, but that water rates would be less than the current. Director Schug stated that a presentation was given to the community and that the majority was in favor of the rates. He also stated that if TWSD would have increased the rates by 3% per year, as they could have done, we would be in about the same place as with the new proposed rates. He stated that we need the money for the water system. Chairman Rubinowitz called for a vote and Directors Mainello, Schug, and Ross voted aye. The motion passed.

ICIP discussion. Chairman Rubinowitz explained ICIP stands for Infrastructure Capital Improvement Program and that it's due October 1st. He stated that he and Director Schug have reviewed the previous year, but would like input from the community. He stated that he will use the survey that was done by TDC for input. Director Mainello asked if there would be a meeting on this subject and Chairman Rubinowitz replied that it was not necessary, but again, he would like suggestions from the community. Director Schug explained that these are done years in advance and this one was for 2014 and beyond. He also gave a detailed explanation of water system repairs that are needed including SCADA. Director Ross asked what were the top five priorities. Chairman Rubinowitz and Director Schug didn't know exactly in order but stated that the top priorities were water improvement, SCADA and OSHA compliance. Director Schug stated that the document is public and can be accessed online at the

Department of Finance and Administration. The last one submitted was FY 13-17. The DFA gathers all the ICIPs and publishes them as a book. **Action item for Chairman Rubinowitz and Director Schug.**

Directors Remarks.

Director Ross thanked the attendees and hoped everyone has a good weekend..

Director Schug wanted to ditto GM's remarks about thanking the volunteers for getting the F&S charge mailings out. Also wanted to thank everyone for coming.

Director Mainello wanted to remind the audience that the board is serving at the pleasure of the court and that there's a hearing on September 24th. He encouraged everyone to attend. He explained that we were under a receiver and the judge let the board do the job, so the board has to prove itself. Chairman Rubinowitz stated that there has been a motion to intervene by attorney Beauvais. Director Mainello also wanted to thank the volunteers for help with the mailing. He also was to say that Ronnie Wyatt and staff are doing a heck of a job. He thanked the audience for coming and showing interest.

Chairman Rubinowitz wanted to thank the staff for getting things done even with reduced hours. He stated that the office was receiving lots of F&S charge phone calls. He stated that we are working the manager hard.

Director Ross stated that the website has been updated. There is a link to the PRC and the public can watch and listen to the hearing on Tuesday. He also stated that he will add a court hearing link.

Chairman Rubinowitz stated that he had been working on the computers in the office. There is now a reduced bandwidth for the public's use, so the network will be slower for them, but faster for the staff.

Public invited to be heard.

Audience member, B.F. Adams wanted to remind the community that there was a hearing last year concerning the F&S charge and that no one should have a problem with it. He stated that fifty percent of the community attended the hearing and all were in favor of the charge. He wanted to thank Chairman Rubinowitz for attending board meetings, especially considering the travel time. He wanted the board and community to think about who would be a good candidate to replace Chairman Rubinowitz when he leaves in December. He stated that "Puttin' on the Lips" CDs are available all around town (store, deli, post office, etc). He asked for the community's prayers for the community and for the people against the community. He also asked for prayers for Joan and Arden Schug.

Marilyn Hatfield wanted to thank the board for all their hard work.

Director Schug moved to adjourn meeting and Director Ross seconded. Chairman Rubinowitz, Directors Schug, Ross, and Mainello voted aye and the meeting was adjourned.

Minutes Approved October 20, 2012:

Secretary Linda Martin_____

Chairman Burt Rubinowitz_____