

June 18, 2012

**MINUTES OF THE JUNE 16, 2012 MEETING
OF THE TWSD BOARD OF DIRECTORS**

Attending in person were Chairman Burt Rubinowitz, Directors Arden Schug, and Edward "Mike" Bovey. Directors Charlie Ross and Joe Mainello were absent. There being a quorum present, the meeting was called to order by Chairman Rubinowitz at 10:00 am.

Pledge of Allegiance and Salute to New Mexico Flag.

Approval of Agenda: Director Bovey moved to put committee reports under old business and add PRC committee. Director Bovey moved to approve agenda as amended and Director Schug seconded. After discussion concerning approval of previous minutes and committees, Chairman Rubinowitz called for a vote. Directors Rubinowitz, Schug, and Bovey voted aye.

Director Charlie Ross arrived.

Adoption of the minutes of May 19, 2012 meeting. Since this item was not on the agenda, it was moved to the next meeting. ***Agenda item for next meeting.**

Adoption of the minutes of June 12, 2012 work session. Since the item was not on the agenda, it was moved to the next meeting. ***Agenda item for next meeting.**

General Manager's Report (copy included with these minutes):

General Manager Ron Wyatt forgot to include status of the blues festival. The blues festival is still going to occur and he is working with Rick Merrick on the details.

Chairman Rubinowitz stated that the audience would be allowed to discuss topics.

B.F. Adams had questions about Item 13 in the General Manager's report. The question concerned an RFP for tank. General Manager Ron Wyatt discussed this item in more detail.

Committee Reports.

Budget Committee. Director Schug stated that draft budget topic is under new business. For the record, he wanted to state that this is the best budget he's ever seen. The budget is based on 24 hours per week per employee and that the budget will be updated quarterly.

PRC Committee. Director Bovey stated that the advice notice was filed June 4, 2012 and that the new rates will become effective July 4, 2012. The emergency rates expired on June 13th. The extension of time has not been acted on yet, but the PRC is meeting on Tuesday, June 19th and it will be discussed/approved retroactive to June 13th. It has a new case number of #12-00193-UT. We will

continue to use the emergency rates for the beginning of July billing. Director Bovey stated that no other water district is under the PRC and that the PRC doesn't really know what to do with us. Director Schug stated that anyone can listen to the PRC meetings on line. There was much discussion about how we came to be under the PRC including that it was Judge Reynolds who wanted us under the PRC and Dennis Karnes , previous receiver, who is the one who put us under the PRC. Chairman Rubinowitz stated that once you're in the PRC, you can't get out. On a positive note, under PRC, there must be a 10% **protect** to have a hearing, whereas, before, it was just one protest.

Director Schug stated that he would like to see the water rules committee to start meeting again. There has been discussion of and voting on policy changes, but they have never been enacted into the rules. Director Bovey stated that we can't change the rules without PRC approval. Chairman Rubinowitz stated that if the changes don't affect the rates, approval wouldn't be needed. Director Bovey stated that we would probably just have to inform them. Chairman Rubinowitz stated that there are not any current water rules. Director Schug directed the General Manager to look into this. ***Action Item for General Manager. *Agenda item for next meeting.**

New Business.

Past Action Items to be placed on calendar. This was passed in last meeting. The General Manager will keep track of action items.

Draft to DFA for Budget. Director Schug gave a briefing about status. He started with last year's actuals for a starting point for the new budget. He discussed the outstanding debts that are still in negotiation. He stated that we are adding Accounting Class #299 for grants in Quickbooks and that there will be new numbers for the Pool and Lakes. Director Schug has a resolution he wants passed concerning draft budget to DFA. Director Schug made a motion to pass resolution, Director Ross seconded. There was discussion concerning forwarding the draft budget to DFA and the current Mill levy. Director Schug read the resolution. Chairman Rubinowitz called for a vote. Directors Schug, Ross, and Bovey voted aye and it passed unanimously. ***Action item for Director Schug.**

Mill Levy. Director Schug states that we need to send our request for 10 Mill levy to county for approval. Director Bovey made a motion to request 10 Mill levy, Director Schug seconded. That was discussion concerning the fact that we can only request 10 Mill levy. Chairman Rubinowitz called for a vote. Directors Bovey, Schug, and Ross voted aye and it passed unanimously. ***Action item for General Manager.**

Update on Audits. Director Schug stated that he and Marilyn Hatfield traveled to Las Cruces to meet with Debbie Gray of Kriegel/Gray/Shaw auditing firm who are currently working on out FY09 audit. They finally got the grants sorted out. An exit interview is scheduled to June 28, 2012. The meeting will be at the Timberon Lodge/District offices at 1:30 p.m. Director Schug stated that they also met with the FY12 auditor, the contract was signed, and we are awaiting approval from the state auditor. Contracts for FY10 and FY11 need to go to Kriegel/Gray/Shaw for signature and then forwarded to the state auditor for approval. Director Schug made a motion to contract Kriegel/Gray/Shaw for FY10 and FY11 audits.

Director Bovey seconded. Chairman called for a vote. Directors Schug, Bovey, and Ross voted aye and it passed unanimously. ***Action item for General Manager.**

Resolution for money transfers. Director Schug read resolution #7 which allocates 30% (from where?) to be transferred to water fund and 20% from general fund to golf course funds. Director Schug moved to approve resolution and Director Bovey seconded. Chairman Rubinowitz called for a vote. Directors Schug, Bovey, and Ross voted aye and it passed unanimously.

Main Street Cleanup. The General Manager stated that some people will be filing complaints with the sheriff concerning some properties that have junk cars, etcetera on the lots. Director Schug stated that if something doesn't happen, the board needs to take action. Director Bovey moved that if no complaint is made within two weeks, the General Manager will submit a complaint to sheriff. Director Schug seconded. Director Bovey moved to amend the motion to change complaint to "within one mile of the lodge" (district office) instead of "within main street". Director Schug seconded. There was much discussion about who has the authority to complain and who has the authority to enforce regulations. Directors Bovey, Schug, and Ross voted aye. Chairman Rubinowitz abstained. The motion passed. ***Action item for General Manager.**

State Engineer (New Collection Points). General Manager's Action Item #5 as of June 15, 2012. (see attached). General Manager stated that this is an ongoing item. ***Action items for General Manager.**

Cattle Problem on Golf Course. Director Schug stated that Timberon is in a free range area, but that twenty-five people can sign a petition to go to the county. Someone needs to do something. Director Schug motioned to start a petition to have livestock removed for Subdivision of Timberon. Director Bovey seconded. There was much discussion about compensation for damage to the Golf Course. Director Bovey stated that maybe we should just list Golf Course and not the entire subdivision. Chairman Rubinowitz will consult with the attorney. General Manager will talk to sheriff and county about this problem and also the problem within one mile of the lodge (district offices). Director Bovey offered to draft a petition. Director Bovey motioned to postpone this item; Director Ross seconded. Chairman Rubinowitz called for a vote. Chairman Rubinowitz, Directors Bovey, and Ross voted aye. Director Schug voted against. The motion passed. ***Action item for Chairman Rubinowitz, Director Bovey, and General Manager.**

Golf Cart Contract (Rental Fees). General Manager's Action Item #2 as of June 15, 2012 (attached). The General Manager stated that he has not yet been able to make contact with lease person, but has left several messages. Director Schug explained contract. Ongoing ***Action item for General Manager.**

Past Due Debts. This was part of the budget.

Director Schug took position of temporary Chairman while Director Rubinowitz discussed the next item.

Resolution for Infrastructure Maintenance Rate. Director Rubinowitz moved to adopt a resolution on the Infrastructure Maintenance Rate. Director Bovey seconded. Director Rubinowitz read the motion. This charge would go to all property owners in Timberon. Much discussion followed. Director Bovey

clarified that this money would go into general funds. Director Rubinowitz stated that the name of the charge should be different and needed to amend the resolution. Director Bovey moved for a recess while Director Rubinowitz changed wording; Director Rubinowitz seconded. Directors Rubinowitz, Bovey, Schug, and Ross voted aye. Motion to recess passed unanimously.

Meeting reconvened.

Director Rubinowitz amended the resolution to state that the amount of the rate would be set each year at the regular July monthly meeting. The bills would be mailed in August and due in September. The Initial charge shall be \$30.00 per year. Director Rubinowitz moved to approve resolution; Director Bovey seconded. Directors Rubinowitz, Bovey, Schug, and Ross all voted aye and the amendment was passed unanimously. Directors Rubinowitz, Bovey, Schug, and Ross all voted aye to pass the original resolution as amended.

Director Schug returned Chairman position to Director Rubinowitz.

Back to Item 10: **Past Due Debts.** Director Bovey moved to put out an RFT for a collection agency to collect past due debts. Director Schug seconded. The General Manager will solicit and RFP or bid for a collection agency to collect past due stand-by and water fees. Chairman Rubinowitz, Directors Schug, Bovey, and Ross all voted aye and the motion passed unanimously. ***Action item for General Manager.**

Line Extension Paybacks. Director Schug stated that the paybacks have not been done in recent years. Billing clerk needs to update records. Chairman Rubinowitz directs the General Manager to look into this. ***Action Item for General Manager.**

Chair temporarily turned over the Director Schug.

Renewal of Website. Director Rubinowitz stated that he has been paying for the website and domain name for the last two years and was unwilling to continue. He would like the district to take over the responsibility of renewal. Director Rubinowitz moved that the district take over ownership of the website. Director Bovey seconded. There was much discussion. At the next meeting, there will be discussion of who will maintain the website. Chairman Schug called for a vote and Chairman Schug, Directors Rubinowitz, Bovey, and Ross voted aye. Director Rubinowitz will forward the bill to the district which is scheduled to renew shortly. ***Action Item Director Rubinowitz.**

Authorize Chairman to negotiate with former Attorneys (Hinkle Firm). Director Rubinowitz moved that the Chairman be authorized to negotiate a settlement for fees due with the Hinkle Law Firm. Director Bovey seconded. Chairman Schug, Directors Rubinowitz, Bovey, and Ross voted aye and the motioned passed unanimously.

Chairman position returned to Chairman Rubinowitz.

Directors Remarks.

Director Ross – none.

Director Schug. Thanks to Marilyn Hatfield with help on the books.

Director Bovey. Thanks to Ron Wyatt. Thanks to all for coming.

Public invited to be heard. No comments.

Executive Session. Director Bovey moved to go into executive session. Director Ross seconded. Chairman Rubinowitz called for a rolling vote. Chairman Rubinowitz: aye; Director Ross: aye; Director Schug: aye; Director Bovey: aye.

Director Bovey moved to exit the executive session. Director Ross seconded. Chairman Rubinowitz called for a rolling vote to exit the executive session. Chairman Rubinowitz: aye; Director Ross: aye; Director Schug: aye; Director Bovey: aye.

Chairman Rubinowitz stated that no action was taken in executive session.

Chairman Rubinowitz entered motion to take General Manager out of probationary status. Director Bovey moved to take General Manager out of probationary status and into permanent status. Director Ross seconded. Chairman Rubinowitz voted aye, Directors Schug, Bovey, and Ross voted aye and it passed unanimously.

Director Schug moved to make Linda Martin the Secretary of the Board. Director Bovey seconded. Chairman Rubinowitz voted aye, Directors Schug, Bovey, and Ross voted aye and it passed unanimously.

Director Bovey moved to adjourn and Director Ross seconded. Chairman Rubinowitz voted aye, Directors Schug, Bovey, and Ross voted aye and it passed unanimously.

The meeting was adjourned.

Minutes Approved July 21, 2012:

Acting Secretary Linda Martin_____

Chairman Burt Rubinowitz_____