

MINUTES OF TWSD BOARD OF DIRECTORS MARCH WORK SESSION ON MARCH 16, 2010 6:00PM

Present were Vice Chairman Burt Rubinowitz and General Manager Dr. Martin Moore. Vice Chairman Rubinowitz chaired the meeting at the request of Chairman Schug. Present telephonically were Chairman Arden Schug, Treasurer Joe Mainello and Virgil Beagles.

Approval of Agenda

Motion: Chairman Schug. "Approve the agenda".

Second: Joe Mainello.

Vote: Unanimously approved.

Discussion: None.

New Business:

1. Discuss Agenda Items for the March Regular Meeting

Arden Schug requested the following item be added to the agenda:

1. The tabled item from last meeting concerning hiring representation for the water rate hearing.

Virgil Beagles requested the following agenda items:

1. All the items from last month's meeting that were not discussed because the board voted not to discuss them.
2. Discuss perjury committed at Valentine hearing in Alamogordo. There was a discussion of what occurred and it was generally agreed that the item would be to discuss whether to refer what happened to either the district attorney or the attorney general.
3. Request by Bill Gideon for email correspondence between board members (FOI request).
4. Move first reading of bylaws changes scheduled for this meeting to the Saturday regular meeting.
5. Update on the audit.
6. Update on reimbursement of attorney fees from the insurance.
7. Update on swimming pool.

Dr. Moore suggested the following item:

1. General Fund default and deficiencies.

Vice Chairman Rubinowitz requested the following item:

1. Set a date for the Infrastructure Maintenance Charge hearing.

Discussion: Mr Beagles claimed he did not receive a copy of the proposed bylaws amendments until about 30 minutes prior to this meeting. Mr. Beagles made an accusation that there had been a roving quorum because he had not received the email when the others had. Vice Chairman Rubinowitz stated he had emailed the proposed changes the previous day and received affirmation from Chairman Schug, Treasurer Mainello and Secretary Ross they had received it the previous day. Treasurer Mainello made a point of order that the email had Mr. Beagles listed as a recipient and he must be having problems with his email delivery and takes the charge of a roving quorum very seriously. Chairman Schug voiced concern that he had not received a copy of the affidavit from the federal voting rights case and asked Dr. Moore if he could explain why. Dr. Moore said their lawyers had recently switched from PC's to Apple computers and were having problems with formatting emails and they were working on figuring it out. Additionally he said they were having problems with faxes in the office and they were working with the phone company. Mr. Beagles asked who had authorized the filing of motions recently by the district's attorneys. Vice Chairman Rubinowitz said the attorneys had been instructed to defend us in the manner they felt best and the motions must be attributed to those general instructions. Mr. Beagles asked Secretary Ross if he had heard back from the Secretary of States office. Secretary Ross replied he had not and at the direction of the board said he would contact them.

2. First Reading of the Proposed Bylaws Amendments

Intro: Vice Chairman Rubinowitz explained this would be a first reading and no vote would be required at this meeting.

Motion: Chairman Schug. Dispense with the first reading of the bylaws proposed amendments.

Second: Joe Mainello.

Discussion: Mr. Beagles said the bylaws must be read. Vice Chairman Rubinowitz said he would poll the audience and see if they wanted them read. Bill Gideon said he would like to have a conversation about

some of the proposed items. Mr. Beagles suggested the first reading be postponed until Saturday and he amended the motion to reflect that, and it was seconded by Chairman Schug. Chairman Schug and Mr. Beagles discussed the time line on including language from the federal voting rights case into the bylaws. Vice Chairman Rubinowitz said he had received a copy of the proposed affidavit and the attorneys had agreed in principle but were going to take it back to both parties for their comments. Chairman Schug and Virgil Beagles requested a copy from him.

Amend the Motion: Virgil Beagles. "Postpone the first reading until Saturday".

Second: Chairman Schug.

Vote on amendment to the motion: Chairman Schug and Virgil Beagles voted aye and Joe Mainello abstained.

Vote on original motion: Unanimously disapproved. The motion failed.

Unscheduled Citizens Communications: None.

Motion to Adjourn: Chairman Schug at 6:45pm.

Second: Joe Mainello.

Vote: Unanimously approved.

Submitted by Secretary Charlie Ross _____
Date

Approved by Chairman Arden Schug _____
Date