

**MINUTES OF THE APRIL 21, 2012 MEETING**  
**OF THE TWSD BOARD OF DIRECTORS**

Attending in person were Directors Burt Rubinowitz, Arden Schug, Edward "Mike" Bovey, Joe Mainello, and Charlie Ross. 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** (Suspended since no flags were present).

**Approval of Agenda:** Joe Mainello moved to approve the agenda for the meeting. Charlie Ross seconded the motion. There being no discussion, the Chairman called for a vote on the agenda. Directors Schug, Bovey, Mainello, and Ross voted aye. There were no negative votes and the agenda was approved.

**Adoption of the minutes of March 17, 2012 meeting.** No reading. Approved and adopted.

**Adoption of the minutes of April 12, 2012 meeting.** No reading. Approved and adopted.

**Treasurer's Report:** Arden Schug read the bank balances as of April 17, 2012. He showed graphs that could be produced in QuickBooks. He stated that we need to get the audits done. He thanked Marilyn Hatfield for training employees in QuickBooks. He stated that we are still waiting for approximately \$60,000. in FEMA reimbursements.

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

We had to replace Tank 5 pump.

We are still trying to set up meeting for union negotiations.

We need volunteers for Golf Course.

He appreciated help with getting the PRC mailings out.

A grant has been submitted to Tank 2 replacement.

Another grant for the filtration plant and Carissa Springs is in the works.

Rick Merrick will give a short briefing on the status of the Blues and Barbeque Festival.

Rick Merrick gave a briefing on the status of the Blues Festival to be held on the 4<sup>th</sup> of July weekend. Flyer announcing festival and giving more details attached to these minutes.

Bobbie Brown stated that there will be a 2<sup>nd</sup> annual fly-in May 18-20, 2012.

## **Committee Reports.**

**Budget Committee.** Arden Schug reported that he has a balanced budget put together. DFA wants what's in Quickbooks and he and Marilyn Hatfield will work on it. The budget committee did a fantastic job and he wants to thank them.

**Golf Course Committee.** Charlie Ross reported that they need volunteers. Ron Wyatt stated that we're trying to get Cloudcroft's help. The fertilizer is here, but we need the labor to apply it.

**Bylaws Committee.** No report.

**PRC Committee.** Mike Bovey stated that he believed there had been a few requests for protest forms. Ron Wyatt confirmed. He sent an e-mail to PRC concerning the miscalculation of years since a rate increase has been done as stated on the rate increase notice. PRC advised that a correction mailing is not necessary. The rates will be in effect thirty days after they receive notice. There was much discussion about the 10% late fee and what the current rates are. Mike Bovey also asked the PRC if we could get a 30 day extension for the emergency water rates for the District. The PRC responded that we would need to submit a formal request to the Commissioners. Mike Bovey stated he would research this issue and prepare the request for an extension to file for permanent rates to the PRC Commissioners for the Board Chairman to sign. Arden Schug stated that there is old paperwork approving the 10% late fee, but it was never implemented. Mike Bovey stated that everything must be in the advice notice and he will check with the PRC about the 10% late charge. Arden Schug and the General Manager will work on liens and foreclosures. Burt Rubinowitz will check with Sanders, Bruin, et al to see if the foreclosure paperwork is still there.

Mrs. Bovey asked "How can people not pay their bills?"

**The Board of Directors declined to go into Executive Session as there was nothing to discuss.**

## **Unfinished Business.**

**Status and update on the Blues and BBQ Festival (30 June – 1 July).** Festival was previously discussed under General Manager's Report.

**Status of the resolution of debt with the Accounting and Consulting Group.** There was much discussion about audit. A letter was sent to Accounting and Consulting Group for them to release information to Kriegel, Shaw, Gray. Burt Rubinowitz will get something formal to Zach Cook (attorney) for agreement with Accounting and Consulting Group. We need an update from Kriegel, Shaw, Gray.

**Status of agreement with the law firm Sanders, Bruin, et al.** Burt Rubinowitz stated that in exchange for agreement from us not to pursue litigation, Sanders, Bruin, et al, forgave the approximately \$88,000.00 debt. He will check on status.

**Infrastructure maintenance charge.** Burt Rubinowitz stated that the attorney is looking into the infrastructure maintenance charge. Arden Schug stated that the road charge would be under the enterprise fund and Burt Rubinowitz agreed. Burt Rubinowitz will look into this and check with the DFA.

**Make TWSD attorney Zach Cook the attorney of record for the appeal of case #CV329-005.** A discussion ensued concerning making Zach Cook attorney of record. Mr. Deschamps did an appeal and we are waiting for response and copies from him. Mike Bovey made a motion to table until paperwork received. Seconded by Joe Mainello. Arden Schug doesn't agree. More discussion. Move to table motion. Mike Bovey and Joe Mainello voted aye; Arden Schug and Charlie Ross voted nay. Burt Rubinowitz voted aye. Motion passes to table this item.

#### **New Business.**

**Direct General Manager to acquire and install recording devices for select office telephones.** Arden Schug made a motion to direct General Manager to install telephone recording devices. Mike Bovey seconded. All voted aye; motion passes.

**Provide direction to the General Manager concerning inquiries received at the TWSD offices concerning issues related to the TWSD Board of Directors.** A discussion concerning inquiries to General Manager related to the board. Mike Bovey made a motion to direct the General Manager to refer issues to the board in writing. Seconded by Charlie Ross. The chairman called a five minute recess so that Mike Bovey could write out verbiage. The official motion states "Move to direct the General Manager to require any individual inquiring about board issues to submit their concerns in writing to the board of directors." All directors voted aye and motion passes.

**Approval to transfer \$25,000 from the General Fund (101) to the Golf Fund (513).** Discussion took place regarding the transfer of \$25,000.00 to the Golf Course (513) from the General Fund (101). Arden Schug stated that board approval is required. Arden Schug will call DFA to get clarification on transferring from General Fund to Enterprise Fund. Arden Schug moved to transfer \$25,000.00 to Golf Course from General Fund. Joe Mainello seconded. All voted ayes; motion passes.

#### **Director's Remarks.**

Mike Bovey thanked everyone for attending.

Charlie Ross thanked everyone for attending.

Joe Mainello seconded thanks to vast crowd.

Arden Schug thanked Ronnie Wyatt for his work on grant. Thanked everyone for caring.

Burt Rubinowitz stated that the ICIP was due soon. Burt Rubinowitz stated that the 2013 budget should be worked on. Burt Rubinowitz read anonymous letter complaining about the district.

**Public Invited to Be Heard.** No comments.

Mike Bovey moved to adjourn the meeting. Joe Mainello seconded. All voted aye.

**Meeting was adjourned.**

**Minutes Approved May 19, 2012:**

**Acting Secretary Linda Martin**\_\_\_\_\_

**Chairman Burt Rubinowitz**\_\_\_\_\_