

**MINUTES - SPECIAL MEETING**  
**Board of Directors of Timberon Water and Sanitation District**  
**Monday January 5, 2026, at 4:00 pm**  
**Timberon Community Center, "Lodge"**  
**1 Bobwhite Circle, Timberon, NM 88350**

**1. CALL TO ORDER**

The meeting was called to order at 4:00 PM by Chairman David Cruey.

**Pledge of Allegiance**

**Salute to the New Mexico Flag** *"I salute the flag of the state of New Mexico, the Zia symbol of perfect friendship among united cultures."*

**2. ROLL CALL / ESTABLISHMENT OF QUORUM**

Board members present: Chairman David Cruey, Vice Chair Edward Hardesty, Treasurer Jesse "JJ" Duckett, Director Derenda Robb.

Director Allen Burmeister was present by phone.

A quorum was achieved.

Staff present: General Manager Wendy Case, Board Secretary Nanette Thorell.

**3. STATEMENT OF PURPOSE: Discussion regarding the Open Meetings Act determination issued by the New Mexico Department of Justice related to the District's September 10, 2024 Regular Meeting, and the corrective actions to cure any defects.**

Vice Chair Hardesty read a prepared statement: "We are holding this Special Meeting to address and correct issues raised by the New Mexico Department of Justice under the Open Meetings Act regarding our September 10, 2024 meeting. The determination found concerns including the lack of a proper quorum and agenda notice issues. So, we are retaking votes tonight with a quorum present. Tonight, in open session, we will summarize those findings, restate the motions that were made at that meeting as reflected in the minutes, and then take new, final votes to cure any defects – including re-approving the September 10, 2024 agenda and the August 27, 2024 meeting minutes."

**4. APPROVAL OF SPECIAL MEETING AGENDA**

Vice Chair Hardesty moved to approve the agenda of the Special Meeting. Treasurer Duckett seconded the motion. A vote was called. All voted in favor, none opposed. The motion to approve the agenda passed unanimously.

**5. OMA Corrective Action: September 10, 2024 Regular Meeting (Discussion)**

**A. Summary of NMDNJ-identified OMA concerns for the record.**

Vice Chair Hardesty read the following summary: "For the record, the District received a written determination from the New Mexico Department of Justice regarding an Open Meetings Act complaint related to our September 10, 2024 Regular Meeting. In summary, the New Mexico Department of Justice found that the September 10, 2024 meeting did not meet Open Meetings Act requirements because the Board conducted business before establishing a proper quorum. New Mexico Department of Justice also raised concerns about agenda notice and specificity, including that an item was added or discussed that was not properly noticed on the posted agenda. As a result, the New Mexico Department of Justice directed the District to take corrective action in an open meeting as reflected in the minutes, and then take new, final votes tonight to cure any defects

including approval of the September 10, 2024 agenda and approval of the August 27, 2024 minutes. These corrective votes are the next items on our agenda.”

**B. Restatement of motions made on September 10, 2024 (as reflected in the minutes), for corrective re-votes.**

**6. Corrective Re-Votes / Final Action Items (Action)**

**6.1 Approve the September 10, 2024 Regular Meeting agenda (including the noted addition under Old Business)**

Vice Chair Hardesty made a motion to approve the September 10 2024 Regular meeting agenda including the noted addition under Old Business. Director Burmeister Seconded the motion. Vice Chair Hardesty summarized the addition to the agenda under Old Business as follows: “I appeared with our TWSD General Council Matt Wade for a hearing involving a couple motions that Dewayne Beagles had made in District 12 Court. There was nothing to vote on, I was just giving a breakdown of how it went at the hearing and what was settled, basically Beagles made a couple of motions and his motions were denied. That was all.”

A vote was called to approve the agenda with the noted addition under Old Business. Directors Hardesty, Burmeister and Duckett voted yes, Director Robb abstained. The motion passed by majority.

**6.2 Approve the Regular Meeting minutes of August 27, 2024**

Vice Chair Hardesty moved to approve the Regular Meeting minutes of August 27, 2024. Treasurer Duckett seconded the motion. A vote was called. Directors Hardesty, Burmeister and Duckett voted yes, Director Robb abstained. The motion passed by majority.

**6.3 Appoint replacements for Board resignations**

Vice Chair Hardesty summarized: “On the August 27 Regular Meeting I had submitted my resignation as Treasurer of the board.” “This document I prepared said ‘This is to serve notice to TWSD Board of Directors that I resign the position of Treasurer effective immediately, I do however retain my position as a director of the board until such time as I may notify the board differently.”

**6.4 Elect officers (Chairman, Vice Chairman, Treasurer)**

Vice Chair Hardesty, having made the original motion Aug 27, re-made his motion to nominate David Cruely for Chairman of the Board. Director Burmeister seconded the motion. A vote was called. Directors Hardesty, Burmeister and Duckett voted yes, Director Robb abstained. The motion passed by majority.

Chairman Cruely, having made the original motion, re-made his motion to nominate Edward Hardesty for Vice Chair. Director Burmeister seconded the motion. A vote was called. Directors Hardesty, Burmeister and Duckett voted yes, Director Robb abstained. The motion passed by majority.

Chairman Cruely, having made the original motion, re-made is motion to appoint Jesse Duckett as Treasurer of the board. Vice Chair Hardesty seconded the motion. A vote was called. Directors Hardesty, Burmeister and Duckett voted yes, Director Robb abstained. The motion passed by majority.

**7. OMA Compliance Measures Going Forward (Discussion / Possible Action)**

**Discussion and possible action regarding procedures to ensure future compliance, including quorum confirmation and agenda specificity.**

Vice Chair Hardesty reviewed the procedural mistake that resulted in this corrective action, noting that it was their (the NMDOJ's) opinion that TWSD should have first convened to appoint members without taking a roll call then once they were appointed, call the meeting to order. Which seemed to him to be a questionable action as well, acting outside the regular meeting. In any case, he stated that the actions taken here should resolve the issues and everything they did initially is still enforced and in effect.

**8. Discuss and vote on moving forward with the Mark Harding PRC complaint.**

Vice Chair Hardesty confirmed that all the board members received the relevant email from the attorney. He reviewed the two options – one was to continue to fight and drag on for who knows how long. The other was that the PRC found that after all of this is said and done, along with the \$15,000 in legal fees that the District has had to pay, Mark Harding was overcharged 47 cents. So, the Harding account should receive a credit on their bill for the overcharge. Additionally, the District should establish a billing protocol that anybody can understand. The PRC also made note in their findings that Mark Harding was responsible for the billing system to begin with. Finally, an audit must be done to assure we are not overcharging anybody else.

Vice Chair Hardesty made a motion that we credit Mark Harding with 47 cents on his next water bill, and that we pay the PRC the \$100 administrative fee, and that we do the audit to be sure nobody else was overcharged, and that we establish a clarification on the billing protocols including involving our attorney on the wording of the protocols. Treasurer Duckett seconded the motion. A vote was called. All voted in favor, none opposed. The motion passed unanimously.

**PUBLIC QUESTION AND ANSWER SESSION**

There were no questions from the public.

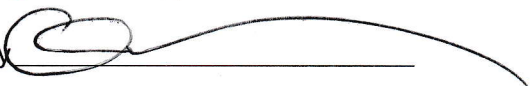
**DIRECTOR'S REMARKS**

There were no director's remarks

**MOTION TO ADJOURN**

Treasurer Duckett moved to adjourning the meeting. Director Robb seconded the motion. A vote was called. All voted in favor, none opposed and the meeting adjourned at 4:16 PM

Approved January 13-2026

Chairman David Cruey 

Secretary Nanette Thorell NThorell

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