

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

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

There being no flags present, the salute to the flags was dispensed with. There were no objections.

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

**Treasurer's Report.** The General Manager read the bank statement balances as of November 30, 2012.

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

**General Manager's Report.** Ronnie Wyatt gave his report (copy attached to these minutes). The discussion of Frisbee Golf was postponed since Jeremy Cruey was not in attendance to present his proposal. Chairman Rubinowitz questioned the status of Accounting and Consulting Group property exchange. The General Manager stated that he was waiting for an appraisal.

Audience member, B.F. Adams, stated that the General Manager was doing an excellent job and that he was offered full salary, but would not accept because the employees were still at reduced hours.

**Committee Reports.**

Budget committee. Dick Dysart heard from John Gallegos at DFA. Mr. Gallegos has received our paperwork, but has not had time to review it yet.

Water Rules Committee. Director Mainello stated that he is reviewing the old water rules. The original rules are from 1994 and are 39 pages long. In 2002 a new committee reduced and condensed the rules to 4 pages. Director Bovey stated that the PRC only recognizes the 2008 rules and any rules must be changed by advice notice. Much discussion. Directors Mainello and Bovey will work together to figure out what must be done to change/update the rules. **Action item Directors Mainello and Bovey.**

**Unfinished business.** Frisbee Golf. Discussed under General Manager's report. Postponed.

**New Business.**

Grant Resolution. The General Manager stated that some errors were discovered in the resolution. No action taken. This item is postponed.

Set aside funds to reserve account. Director Bovey made a motion to table this item until the next meeting when the Treasurer, Director Arden Schug, will be in attendance. Director Mainello seconded. There was some discussion. Director Bovey stated that the budget committee should come up with how much should be in each account. Director Bovey made a motion to amend the motion to include the budget committee. Director Mainello seconded. Chairman Rubinowitz, Directors Bovey, Mainello, and Ross voted aye to the amended motion. Chairman Rubinowitz, Directors Bovey, Mainello, and Ross voted aye on the original motion.

Standby Resolution. Director Bovey motioned to adopt the resolution as written and Director Ross seconded. There was some discussion. Chairman Rubinowitz polled the audience as to whether the resolution should read that the funds could be used for any purpose or that the funds could only be used for the District's water enterprise. Four audience members for the first wording and four audience members voted for the second wording. There was more discussion. Directors Mainello, Bovey, and Ross voted aye to adopt the resolution as written. Chairman Rubinowitz abstained. The motion carried.

Annual meeting resolution. The secretary read the resolution. Chairman Rubinowitz explained the resolution. Director Ross made a motion to adopt the resolution and Director Bovey seconded. Chairman Rubinowitz, Directors Mainello, Bovey, and Ross voted aye and the motion carried.

Approval of Audits (FY10 and FY11). Director Bovey made a motion to approve audits for FY09, FY10, and FY11 and Director Ross seconded. There were some comment, such as, that it has been a long time since TWSD's audits were up to date. Chairman Rubinowitz, Directors Mainello, Bovey, and Ross voted aye and the audits were approved by the board.

Direct General Manager to contact State government representatives. Chairman Rubinowitz explained that the board wanted the general manager to contact representative so that TWSD could gain their assistance in changing laws and perhaps have them visit Timbeiron for them to understand the unique agency that is TWSD. Director Mainello made a motion to direct the general manager to contact State government representatives and Director Ross seconded. Directors Mainello, Bovey, and Ross voted aye. **Action item for General Manager.**

Repayment of loan to water fund. There was some discussion between the secretary and Marilyn Hatfield as to the best way to show this transaction in Quickbooks. Director Bovey motioned to repay the loan from the general fund to the water fund and Director Ross seconded. Chairman Rubinowitz, Directors Mainello, Bovey, and Ross voted aye. **Action item for secretary.**

DIT Lease. Chairman Rubinowitz stated that the current lease with DTI for the lounge section of the pro shop would expire on February 28, 2013. Director Bovey moved to have the general manager get out a Request for Proposals (RFP) ASAP and Director Mainello seconded. There was much discussion concerning the utilities. The general manager will check on separate utilities and check costs of new water heater. Director Bovey volunteered to assist the general manager in reviewing the previous RFP and lease to help prepare the new RFP and lease documents. **Action item for Director Bovey and General Manager.**

The General Manager stated that he forgot something in his report and wanted to inform the board that he had hired a temporary employee to assist with the repairs at the pro shop.

Appraisal of capital assets. This was previously covered in the General Manager's report.

Adjust water accounts and start paying TWSD water bills. Chairman Rubinowitz, Directors Mainello and Bovey explained to the audience that, years ago, TWSD stopped paying its own water bills. During that time, an error occurred in one or more of the billings and that the current bills were in error and needed to be corrected, as approved in previous board meetings, but was never accomplished. **Action item for General Manager.**

F&S reminder billing. Chairman Rubinowitz suggested that TWSD send out reminders to those F&S customers who had not yet paid their F&S fee that was due in September. There was some discussion. The billing clerk has to get out the regular water billings. Then she has to work on getting out the over 5,000 annual standby billings. After that is accomplished, she will start to work on getting F&S reminder cards printed and mailed out. **Action item for General Manager.**

Approval of December 11, 2012 work session minutes. Chairman Rubinowitz stated that it had come to his attention after reading the Open Meetings Act that it was required that the board approve previous minutes at the next board meeting with a quorum present. Director Bovey motioned to approve the December 11, 2012 work session minutes without reading and Director Ross seconded. Chairman Rubinowitz, Directors Mainello, Bovey, and Ross voted aye.

Discuss PER. Previously discussed during the general manager's report, but he explained again that we needed a PER (Preliminary Engineering Report). This design will be a design for the entire system. He stated that it would cost approximately \$50,000.00 and take three to four months to complete. He also explained his meeting with Engineers, Inc., needing the PER to accomplish any water projects, and the colonias grant for a new water tank. There was much discussion.

#### **Directors Remarks.**

Director Bovey thanked the staff and Marilyn Hatfield for all the work they accomplished to get the audits approved.

Director Ross thanked the attendees who were here and wished everyone a Merry Christmas. He also stated that he would be turning in his resignation letter and wanted to thank everyone for their help and support.

Director Mainello wanted to thank everyone for showing up, especially in this weather. He stated that word has to get out about what TWSD is trying to accomplish and that we need to set rumors straight. Burt and Charlie did a fantastic job, especially Burt with traveling so far and all the other work. Merry Christmas.

Chairman Rubinowitz stated that he is also tendering his resignation effective December 28, 2012. He stated that he enjoyed the last four years and he described some of TWSD's accomplishments. He also

thanked the staff and Marilyn Hatfield. He requested we all pray for the victims and their families who were affected by the tragedy in Connecticut.

The audience gave a big round of applause for Burt and Charlie.

Audience member, Fran Trendler, requested that the board minutes be published in the local newspaper. There was some discussion.

Audience member, Eva Dysart, stated that this was a good board, general manager, and staff. Burt is leaving big shoes to fill. Merry Christmas.

Chairman Rubinowitz entertained a motion to adjourn. Director Mainello moved to adjourn the meeting and Director Ross seconded. Chairman Rubinowitz, Directors Mainello, Bovey, and Ross voted aye and the meeting was adjourned.

**Minutes Approved January 7, 2013:**

Secretary Linda Martin

Vice-Chairman Joe Mainello

Handwritten signatures of Linda Martin and Joe Mainello. The signature of Linda Martin is written over the line for Secretary Linda Martin, and the signature of Joe Mainello is written over the line for Vice-Chairman Joe Mainello.

TWSD MANAGERS REPORT DECEMBER 15, 2012

- 1) Staff is completing adjusting TWSD water accounts and will start billing TWSD
- 2) DTI lease is coming up for renewal in January. Will begin reviewing lease agreement
- 3) Staff has completed updating past due accounts-all paperwork has been forwarded to ARS for collection
- 4) Anyone interested in a possible board seat needs to turn in a resume to TWSD and talk to me for further information that you might need
- 5) Hopefully the leak at Hoover and Merlin has been fixed. The water operators have worked on this leak for four days. Every leak they fixed-another one pops up. The guys have done a good job to get the problem fixed. THANKS
- 6) Been in discussing with Marilyn regarding appraisal of capital assets. Appraisal of capital assets is not necessary for the audit. We turned over the Fixed Assets to the accounting firm last week. That would be the only Capital Assets regarding the audit. There is no need for an appraisal on those because the accounting community only goes by cost. Market value is rarely taken into consideration
- 7) Have priced steel tanks from J & J steel out of Odessa. Tanks are 500 bbl-21,000 gallons. Fabrication could begin in two weeks and would take 2 to 3 days for completion. The tanks are 10'6" x 32'0". Just something to consider
- 8) Wording for grant paperwork for Planning & Design on new # 2 water tank has to be changed before it is ready to be voted on.
- 9) Meeting with Engineers Inc went well Thursday. FIRST PRIORITY IS A PER/MASTER PLAN. This will be a design for the total system
- 10) Frisbee Golf report will be given if person shows up to give it

PROJECTS THAT I COULD USE ALITTLE HELP ON: REVIEW AND MAKE SUGGESTIONS REGARDING NEW LEASE AGREEMENT WITH DTI; TRY TO FIND A POND LINER FOR POND BY THE LODGE; RESEARCH AND GO THROUGH PAPERWORK AND PROVIDE INPUT FOR LEASE AGREEMENT FOR GOLF COURSE

## **RESOLUTION 2012/13-009**

### **ANNUAL NOTICE OF PUBLIC MEETINGS**

WHEREAS, the Board of Directors of the Timberon Water and Sanitation District met in regular public meeting at the Timberon Community Center on December 15, 2012 at 10:00 AM; and

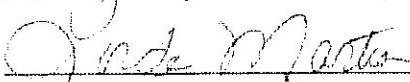
WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of Directors of the Timberon Water and Sanitation District to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE BE IT RESOLVED By the Timberon Water and Sanitation District Board of Directors that:


1. All regular meetings of the Board of Directors shall be held at 10:00 AM in the Timberon Community Center on the third Saturday of each month. Work Sessions will normally be held on the Tuesday prior to a regular monthly Board Meeting at 6:00PM.
2. This NOTICE OF PUBLIC MEETINGS shall be posted at the Community Center located at 1 Bobwhite Circle Timberon, New Mexico and in the Timberon , New Mexico Post Office.
3. No later than twenty-four hours prior to regular meetings an agenda containing a list of specific items of business to be discussed or transacted at regular meetings shall be posted in the same locations as this NOTICE OF PUBLIC MEETINGS. Copies of the agenda may be obtained from the Offices of the Timberon Water and Sanitation District.
4. Notice of other regular meetings shall be posted not fewer than (3) three days prior to the meeting. If not included with the notice, the notice shall indicate how a copy of the agenda may be obtained.
5. Special meetings may be called by the chair or a majority of the members and a notice of the time and place of the meeting shall be posted in the same locations as regular meetings no later than (2) two days prior to the meeting. If not included with the notice, the notice shall indicate how a copy of the agenda may be obtained. No later than twenty-four hours prior to special meetings an agenda containing a list of specific items of business to be discussed or transacted at the special meeting shall be posted or made available at the offices of the Timberon Water and Sanitation District.

6. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Timberon Water and Sanitation District will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon twenty-four (24) hours' notice unless threat of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
7. The Timberon Water and Sanitation District may close a meeting or hold a meeting closed to the public only if the subject matter of such discussion or action is excepted from the open meeting requirements under Section 10-15-1(H) of the Open Meetings Act.
8. Following completion of any closed meeting the minutes of the open meeting that was closed or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

Approved and adopted by the Timberon Water and Sanitation District Board of Directors this 15th day of December, 2012.

Attest:   
Linda Martin, Secretary of the Board

Date: 12/15/2012

  
Burt H. Rubinowitz Chairman of the Board

Date: 12/15/2012

**TIMBERON WATER AND SANITATION DISTRICT BOARD OF  
DIRECTORS 2013 ANNUAL NOTICE OF MEETINGS**

**TWSD REGULAR MEETINGS  
10:00AM**

|   |    |
|---|----|
| JANUARY                                   | 19 |
| FEBRUARY                                  | 16 |
| MARCH                                     | 16 |
| APRIL                                     | 20 |
| MAY                                       | 18 |
| JUNE                                      | 15 |
| JULY                                      | 20 |
| AUGUST                                    | 17 |
| <del>SEPTEMBER</del> 21 <del>CANCEL</del> |    |
| SEPTEMBER                                 | 28 |
| OCTOBER                                   | 19 |
| NOVEMBER                                  | 16 |
| DECEMBER                                  | 21 |
|   | 28 |

**WORK SESSIONS  
6:00PM**

|           |    |
|-----------|----|
| JANUARY   | 15 |
| FEBRUARY  | 12 |
| MARCH     | 12 |
| APRIL     | 16 |
| MAY       | 14 |
| JUNE      | 11 |
| JULY      | 16 |
| AUGUST    | 13 |
| SEPTEMBER | 17 |
| OCTOBER   | 15 |
| NOVEMBER  | 12 |
| DECEMBER  | 17 |

**THESE MEETINGS ARE HELD  
AT THE TWSD COMMUNITY  
CENTER (LODGE) AT 1  
BOBWHITE CIRCLE**