

SPECIAL MEETING MINUTES
Board of Directors of Timberon Water and Sanitation District
Thursday August 18, 2022 6 p.m.
Timberon Community Center, "Lodge"
1 Bobwhite Circle, Timberon, NM 88350

Invocation and 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."

Roll Call Chairman Michael Gonzalez, Vice Chairman Jules Neal, Treasurer Terri Borzoni, Director Mark Harding, Director Tod Barker and Secretary Sharon Vails all present.

Approval of Agenda Vice Chairman motioned to approve the agenda, Director Barker seconded the motion, the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted yes, Director Harding voted yes, the Chairman voted yes, the motion to approve the agenda passed.

Director Harding motions to swap the order of the agenda putting item 8 before item 7, unanimous consent to change it.

General Manager's Report

The district scheduled an outage on Rocky Trail for valve replacement, hopefully this will solve the leaks plaguing the area.

Tank #3 will be inspected Tuesday the 22nd. A bypass pump will be in place, the tank will be emptied, power washed, re-chlorinated, cleaned and inspected.

Travis Kelsey drove down to take the test for water operator and for the second time, the water bureau was a no show.

Director Harding did cost comparison on installation of water meters, it appears minimum cost to install our meters is \$1061 and if the ground is really rough or if pavement needs replacement could be as much as \$600 more, we are currently losing \$50 per install at current rate.

Kris Sherman repaired the Dozer and it is operational, he also did driver training on the dozer to show proper operation of the equipment.

Treasurer's Report

Standby account \$87,213.70 Short Lived Assets \$166,511.72 Reserve \$6224.80 Operational \$14,364.60 USDA \$881.81 Restricted Reserve \$77,962.56 F&S \$34,752.13

Committee Reports

Finance Committee

Next meeting will be in September.

Water Advisory Committee

Design review 95% completion, original route stays, waiting on approvals, looking for money to finance, up to \$600,000 in costs. Coronado to be put on hold. Putting in flow meters to track water flow information.

Road Advisory Committee

Director Harding says 2 people showed up, they discussed 2 work orders, cost of repairing roads, cost of new equipment. Brad discussed road grand and how to apply for them.

Recreation Advisory Committee

No meeting yet

Chairman Gonzalez thanked Marty and Brad for volunteering and helping in the office.

New Business

1. Approve minutes from July 28, 2022, Special Meeting.

Vice Chairman motioned to approve the minutes from July 28, 2022, Special Meeting, Director Barker seconded the motion, the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted yes, Director Harding voted yes, the Chairman voted yes, the motion to approve the agenda passed.

2. Approve minutes from August 01, 2022, Regular Meeting.

Vice Chairman motioned to approve the minutes from August 01, 2022, Regular Meeting, Director Barker seconded the motion, the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted yes, Director Harding voted yes, the Chairman voted yes, the motion to approve the agenda passed.

3. Community member to speak about fees paid by TWSD to the Rodey and Albright law firms pertaining to OMA, ADA and PERA issues/complaints filed with the NM State AG and other attorneys.

Barbara A. Shockley obtained information via IPRA's and found that between the dates of May 11, 2022 and July 31, 2022 that on average the same people were repeatedly filing IPR requests. Rotating among themselves requesting the same information. The amount of IPRA request are very time consuming. Then she found the amount of complaints filed by same people to the AG that must be answered and handled by legal counsel, which is very costly to the Timberon taxpayers. This waste of money, resources and time could have been spent of road repair, line repair, line replacement. Instead, the same few people are causing money to be spent on their frivolous complaints and

nonsense IPRA requests. This information was compiled by a Timberon taxpayer who wanted answers.

4. Acknowledge approval of the Budget for FY 2022/2023 by the Local Government Division of the State of New Mexico, Department of Finance & Administration.

Director Barker motioned to acknowledge approval of the Budget for FY 2022/2023, Vice Chairman seconds the motion, the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted yes, Director Harding voted yes, the Chairman voted yes, the motion to approve passed.

5. Discuss/Approve monthly expenditures for the district for the month of July, 2022.

Vice chairman motioned to approve monthly expenditures for the month of July, 2022, director Hardy seconded the motion. the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted no, Director Harding voted yes, the Chairman voted yes, the motion to approve passed.

6. First reading of the revision of changes to the Timberon Water and Sanitation District Bylaws.

First reading: A. keep audio and/or video tape recordings of all meetings which will be kept on file for period of at least three years. (Remove completely)

Article 8 Purchasing

Remove

Article 8 purchasing 8.01 all purchasing shall be placed by the TWSD purchasing office and in compliance with the NMSA 1978, Chapter 13 Public Purchases and Property, A. Article 1 Procurement. (See Addendum 14.07, Procurement Code) the General Manager will approve all purchases prior to an order being submitted for purchase.

Replace with:

8.01 all purchasing shall be done in compliance with the NMSA 1978, Chapter 13 Public Purchases and Property, Article 1 Procurement. The General Manager will be responsible for all purchases. Two signatures will be required on the purchase requisition order. The general manager and one board member will sign the purchase requisition order. The board will review/approve the monthly expenditures. (See Addendum 14.07, Procurement Code)

Article 11 Committees

The advisory committees shall be:

Added Road advisory and Recreation Advisory to committees.

7. Discuss/Approve proposal from Neighborhood Watch to make improvements to the playground area.

Vice Chairman motioned to approve the proposal from Neighborhood Watch to make improvements to the playground area, Director Harding seconded the motion, the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted yes, Director Harding voted yes, the Chairman voted yes, the motion was passed.

8. Discuss the Facilities and Services, "F&S" fee structure.

The original resolution creating the Facilities and Services Charge, (F&S) fee was created, approved and adopted the 16th day of June 2012. The resolution was read during open meeting tonight to give a basic understanding of how this fee was created. (See Addendum to read the Resolution 2011/2012-005) The fee structure was created by using the Water and Sanitation District Act 73 – 21 – 16 GENERAL POWERS ACT paragraph L.

The resolution stated the initial charge would be set at \$30 per year.

A letter went out to the property owners stating the specific facilities and services this fee would be spent on. (Copy of letter is an addendum) This fee was created to cover lost revenue after a court decision determined the 26 mil tax was illegal.

The board approved Resolution 2011/2012-005 Facilities & Services Charge stating that the amount to be billed **shall** be set by the Board each year during the July monthly board meeting. July of 2013 was the last year the board voted on setting the rate. The fee was not set or approved by past boards for over 6 yrs. On June 20, 2020, the board voted by resolution to stop reviewing and setting the rate yearly. The minutes state that they rescinded resolution 2011/2012-005 and approved new resolution 2019/2020-012, which eliminates the yearly review.

Then in a board meeting in Aug 2013 "Director Schug amended his motion to charge a \$30 a year F & S charge to include a \$10 late fee and a 10% interest charge one month after due date. Director Watkins seconded. Director Dysart stated that, if he understood correctly, if the customer pays after 60 days, they would incur a late fee, but no interest until the following bill is issued. Chairman Mainello, Directors Schug, Watkins and Dysart voted aye and the motion passed." Thus began late payments and interest on F & S payments.

If you read 2021 New Mexico statutes, Chapter 73 – Special Districts Article 21 – Water and Sanitation Districts Section 73 – 21 – 16 – General powers. Paragraph L. charges for both water and sewers, and to pledge that revenue for the payment of any indebtedness of the district. Until paid, all rates, tolls or charges constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of New Mexico for the foreclosure of real estate mortgages. The board shall shut off or discontinue service for delinquencies in the payment of the rate tolls were charges or in payment of taxes levied pursuant to the Water and Sanitation District Act...

Nowhere in this law does it show where the F & S fees should be used for all the items that appeared in the letter originally sent to Timberon residents in the beginning.

Further discussion will be held on this subject in the next meeting. Comments and input from community members are invited.

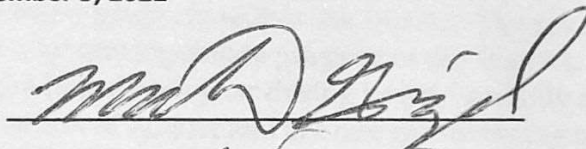
Director Harding motioned to adjourn the meeting, the Treasurer seconded the motion, the Chairman called for a vote. The Vice Chairman voted yes, the Treasurer voted yes, Director Barker voted yes, Director Harding voted yes, the Chairman voted yes, the motion to adjourn was passed. Meeting adjourned at 9:44 p.m.

Directors Remarks

The board of Directors again thanks everyone for their continued support and help. And for the much appreciated help of the volunteers both in the office and around the community. Thank you everyone.

Approval of meeting minutes September 5, 2022

Chairman Michael Gonzalez

Handwritten signature of Michael Gonzalez in cursive script, written over a horizontal line.

Secretary Sharon Vails

Handwritten signature of Sharon Vails in cursive script, written over a horizontal line.