

**REGULAR MEETING MINUTES**  
**Board of Directors of Timberon Water and Sanitation District**  
**Tuesday, December 26, 2023, at 4:00 P.M.**  
**Timberon Community Center, "Lodge"**  
**1 Bobwhite Circle, Timberon, NM 88350**

The meeting was called to order at 4:00 PM.

**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 David Cruvey, Vice-Chair Mark Harding, Treasurer Terri Borzoni, Director Paul Hagemann were all present.

**APPROVAL OF AGENDA**

Director Hagemann made a motion to accept the agenda as written. Vice Chair Harding seconded the motion. A vote was taken. All voted in favor, none opposed. The motion to accept the agenda carried.

**MANAGER'S REPORT**

Acting General Manager Mark Harding gave his report.

1. Three line breaks were repaired in the past 2 weeks.
2. No meter box leaks were reported or repaired.
3. Two new meter installs were completed.
4. One new meter install pending.
5. Homewood Dr. and part of Dixwood Dr. were graded on Dec 18<sup>th</sup>. Road work has been started on Edgewood Dr. from Sacramento Dr. to Riverside Dr. The crew spent most of 2 days hauling and dumping material along Edgewood to fill ruts and to cover exposed water lines. Grading will be done this week. Grading on Pioneer Dr. between Tonto Dr. and Homewood Dr. will be done tomorrow.
6. Work on Timber Dr. line replacement will resume tomorrow.
7. I found someone who recently moved to Timberon who can actually repair diesel equipment. The Case backhoe is now running after being down for the past couple months. The JD backhoe is running again although it does have a hydraulic leak that needs to be located and repaired. We now have three dump trucks that run, one of which was left for dead 5 years ago.
8. Auditor from Beasley Mitchell & Co. was here the 20<sup>th</sup> and 21<sup>st</sup> going over records. Audit is scheduled to be complete January 15<sup>th</sup> or sooner.
9. Indira Aguirre from the RCAC was here on the 22<sup>nd</sup> going over current "plans". She will be helping to update the following plans: Asset Management, Risk Assessment, Emergency Response, Sanitary Survey, Capital Improvement, and Financial plan. All of this is to ensure that the District is in regulatory compliance and to improve our ability to receive outside funding.

10. The issue of the customer tampering with the District's water meter has been resolved. The customer was charged \$500.00 for tampering with the meter. The customer and 2 unlicensed helpers were visited by Otero County Sheriff Deputy. The customer was informed that any other tampering would result in a permanent disconnect. The customer's meter was re-installed after the \$500.00 charge was paid.

11. Thirty-four Notice Of Intent To Foreclose demand letters were sent last week.

### **TREASURER'S REPORT**

Treasurer Borzoni gave her report on the bank balances:

Standby \$32,758.92. Large Loan Reserve \$166,845.27. Loan Reserve \$7,924.80.

Operations \$127,721.96. USDA \$857.92. Savings \$85,977.92. F&S \$93,726.79.

We collected \$4,420 on our trash fees, the actual bill from Waste Management is \$11,000.00 a month. Treasure Borzoni announced that when the new Board is sworn in, she will be resigning her position as Treasurer so a new Treasurer will need to be appointed.

Treasurer Borzoni commented that when the new board takes over at the next session, she will be resigning as the Treasurer, and a new Board Treasurer will need to be appointed.

### **OLD BUSINESS:**

**1. Discuss / Approve Regular Meeting Minutes of December 12, 2023.**

### **NEW BUSINESS**

Director Hagemann made a motion to approve the minutes to the meeting of December 12 2023. Vice Chair Harding seconded the motion. A vote was taken. All voted in favor, none opposed. The motion to approve the minutes carried.

**1. Discuss / Approve / Disapprove Board Director Candidate to replace former Director Jess Radle who resigned November 26, 2023. The appointment is for a 4-year term.**

A motion was made by Director Hagemann to appoint Edward Hardesty to the Board of Directors. Vice Chair Harding seconded the motion. A vote was taken. All voted in favor, none opposed. The motion to appoint Edward Hardesty carried and Director Hardesty took his seat on the Board of Directors of the Timberon Water & Sanitation District.

**2. Swear in the newly appointed Board Director.**

Edward Hardesty took the oath of office and was sworn in as the newly appointed Board Director of the Timberon Water & Sanitation District.

**3. Set the Board Meeting Schedule for the 2024 year.**

The board meeting schedule was discussed and agreed upon to continue the same schedule as the year of 2023. Vice Chair Harding made a motion to have the board meetings set for the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month. Director Hagemann seconded. A vote was taken. All voted in favor, none opposed. The motion to keep the meetings at 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays at

**4. Approve Resolution 2023/2024-009 BOARD OF DIRECTORS OF THE TIMBERON WATER AND SANITATION DISTRICT, TIMBERON, NEW MEXICO, OPEN MEETINGS ACT RESOLUTION.**

The Resolution reads as follows:

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**RESOLUTION NO. 2023/2024-009  
BOARD OF DIRECTORS OF THE  
TIMBERON WATER AND SANITATION DISTRICT  
TIMBERON, NEW MEXICO  
OPEN MEETINGS ACT RESOLUTION**

**WHEREAS**, the Board of Directors of the Timberon Water and Sanitation District met in a “Regular Public” monthly meeting at the Timberon Community Center on December 26<sup>th</sup> at 4:00 pm; and

**WHEREAS**, the Board of Directors of the Timberon Water and Sanitation District State of New Mexico has determined that the formation of policies and the conduct of business by vote shall be conducted in monthly meetings which are open to the public, as set forth in Section 10-15-1 NMSA (As Amended); and,

**WHEREAS**, reasonable notice of the time and place of any meeting of the Board of Directors of Timberon Water and Sanitation District is necessary to carry out the business of the District; and,

**WHEREAS**, the Open Meetings Act states, “all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy rules, regulations or ordinances discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. (NMSA 1978, 10-15-1); and

**WHEREAS**, any meeting subject to the Open Meetings Act held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or delegated authority of the body, shall be held only after reasonable notice to the public; and

**WHEREAS**, the District is a quasi-municipal local governmental body subject to the provisions of the Open Meetings Act; and

**WHEREAS**, pursuant to the Open Meetings Act, the Board shall determine annually what notice for a public meeting of the Board is reasonable, (NMSA 1978 Section 10-15-1).

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

1. All Board meetings shall be held in accordance with the annual schedule of meetings adopted by the Board. Provided that, dates and locations of Board meetings may be changed by the Board from time to time and notice of such changes shall be provided as appropriate.
2. All regular meetings of the Board of Directors shall be held at 4:00 pm at the Timberon Community Center, "Lodge", 1 Bobwhite Circle, Timberon, New Mexico, 88350 on the second and fourth Tuesday of each month.
3. This NOTICE OF PUBLIC MEETINGS shall be posted at the Timberon Community Center, "Lodge" located at 1 Bobwhite Circle, Timberon, New Mexico, 88350; posted at the Timberon, the Public Bulletin Board located at 1559 Sacramento Dr., Timberon, NM; and the Timberon Water and Sanitation District website at timberonwater.com.
4. A member of the Governing Body of the Timberon Water and Sanitation District, or any of its boards, commissions, committees, agencies, authorities, or policymaking bodies of the District may participate in a meeting of that public body by means of a conference telephone or similar communications equipment *when a quorum of the board isn't present*. The board members must be able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.
5. Regular meetings of the Board shall be held twice monthly. A proposed agenda containing a list of specific items of business to be discussed or transacted at the regular meetings shall be available and posted at least seventy-two (72) hours prior to the regular meeting at the Timberon Community Center at 1 Bobwhite Circle, "Lodge" Timberon, New Mexico 88350; posted at Timberon, Public Bulletin Board located at 1559 Sacramento Drive, Timberon, New Mexico 88350, and on the District's website at: <https://timberonwater.com>. Copies of the agenda may be obtained at the Offices of the Timberon Water and Sanitation District Office located at 1 Bobwhite Circle, Timberon, New Mexico, 88350.
6. Special meetings of the Board shall be called by the Chairman or by a majority of the members of the Board upon no less than three (3) days' notice. The notice shall

include an agenda for the meeting. The agenda shall be available to the public at least seventy-two (72) hours before the special meeting.

7. Informational and educational meetings may be called by the Chairman or by a majority of the members of the Board upon no less than one (1) day notice. No decisions on matters of public policy or relating to public business will be made at such informational and educational meetings.
8. Emergency meetings shall be called only when necessary to address unforeseen circumstances that, if not addressed immediately by the District, would likely result in injury or damage to persons or property or substantial loss to the District. The District will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or by a majority of the Board members, upon twenty-four (24) hours' notice, unless threat of personal or property damage requires 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. Except for emergency matters, action shall be taken only on items appearing on the final agenda. An "emergency" refers to "unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial loss to the public body. "NMSA 1978 Section 10-15-1(F). Within ten (10) days of taking action on an emergency matter, the District shall report to the Attorney General's Office the action taken and the circumstances creating the emergency, except in the event of a declared state or federal emergency.
9. Board meetings may be closed to the public only if the subject matter of the discussion or action is exempted from the open meetings requirement under Section 10-15-1(H) of the Open Meetings Act.
  - a) If any meeting is closed during an open meeting, such closures shall be approved by a majority vote of a quorum of the Board taken during an open meeting. The authority for closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those items specified in the motion may be discussed in the closed meeting.
  - b) If the decision to hold a closed meeting is made when the Board is not in open meeting, the closed meeting shall not be held until public notice appropriate under the circumstances and stating the specific provisions of law authorizing the closed meeting and the subjects to be discussed is given to the members of the Board and to the general public by posting a notice at the Timberon Lodge, Post Office and TWSD website.
  - c) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken because of discussions in a closed meeting shall be made by vote of the Board in an open public meeting.

10. Following completion of any closed Board meeting the minutes of the open meeting that was closed , or the minutes of the next open meeting if the closed meeting was separately held, shall state that the matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Board as a part of the minutes.
11. The Board shall keep written minutes of all meetings. Minutes shall as a minimum the date, time, and place of the meeting, the names of Board members in attendance and those absent. The substance of the agenda items considered and a record of any decisions and votes taken that show how each Board member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended, or disapproved at the next meeting when a quorum is present. Minutes shall not become official until approved by the Board.
12. Provision shall be made for persons with handicaps to be able to attend and fully participate in regular meetings, special meetings of the Board, except only during closed meetings as described in Section 6 of this Resolution.

**PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE TIMBERON WATER AND SANITATION DISTRICT ON THE 26<sup>TH</sup> day of December 2023.**

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Director Hardesty made a motion to approve Resolution 2023/2024-009. Vice Chair Harding seconded the motion. A vote was taken. All voted in favor, none opposed. The motion to approve Resolution 2023/2024-009 carried.

**5. Discuss / Approve / Disapprove Proposal from ASTERRA USA for Satellite Underground Leak Detection and Mapping Services.**

Director Harding gave a short presentation describing the procedure and benefits of the ASTERRA Satellite Leak Detection and Mapping Services. There was some discussion on the cost of about \$120,000.00 for the full service, and an option for a lesser service at about half that cost. Director Hagemann suggested an alternative solution using dogs for leak detection which is much less costly. The matter was discussed pointing out the benefits of both solutions and how it might affect our applications for grants. A motion was made by Director Hagemann to table the discussion pending more research on both solutions. Director Hardesty seconded the motion. A vote was taken. All voted in favor, none opposed. The motion to table the discussion carried.

**6. Closed Session. Discussion of Limited Personnel Issue.**

The directors went into Closed Session at 4:45 pm

The directors came out of Closed Session at 5:00 time. No decisions were made during the Closed Session.

**Public Question and Answer Session: Have a question and want an answer? Ask the Board.**

There were no questions.

**DIRECTORS REMARKS**

Vice Chair Harding made a motion to adjourn the meeting. Director Hagemann seconded the motion. A vote was taken. All voted in favor, none opposed. The motion to adjourn the meeting carried and the meeting adjourned at 5:05 PM

Approved 1-9-24

Chairman David Cruey

Secretary Nanette Thorell

