

MINUTES OF THE MAY 15, 2021
REGULAR MEEING OF THE TWSD BOARD OF DIRECTORS

Attending the meeting were Vice Chairman Timothy Mahoney, Treasurer Kelly Clark, Secretary Linda Martin, and Director Lillian Devine. Chairman Richard McMullen attended via telephone.

Saluting of the flags was accomplished.

Approval of the Agenda. Director Martin moved to approve the agenda as written, and Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

General Manager's Report. The General Manager gave his report.

1. April's metered water sold was 861,123 gallons; water loss was 74%. The main well produced 2,064,900 gallons and the filtration plant produced 1,241,805 gallons. For the past three months the Filtration Plant has been supplying between 35% to 45% of our water. Carissa Springs has been averaging 150-200 gpm all year.
2. Our engineers, BHI are still making progress on projects under the 2 grants from the State. They will update us with reports regularly from now on.
3. We withdrew our application for the Colonias grant to complete the Upper Carissa Spring Diversion Project. Our audit could not be completed in time.
4. The property appraisal for the 20 lots to be put up for sale is now completed.
5. A company came to aerate the Golf Course on May 5th. This is necessary to rejuvenate our greens that have deteriorated over the last several years.
6. The swimming pool is still being readied for the coming season and lifeguards are being hired. The pool pump burned up and we are trying to replace it.
7. We are still in the process of cleaning the mess up behind the Maintenance Shop.
8. Our insurance went up by \$32,128 this year; almost all in the property evaluation portion.
9. One backhoe is still down for repairs, putting us behind in work. We are having issues with fuel and are almost out...trying to get a delivery for over three weeks now. Backed up right now are 31 requests for road work, 14 for meters, and 7 for line extensions.

Audience member Noreen Gonzalez asked if we advertised for a Level 4 operator. The GM replied, yes, but there were no takers. She asked if current operators have tested for a higher level. The GM replied that one took a test for Level 2 but failed and will have to retake the test.

Treasurer Report. Director Clark read the bank balances as of April 30, 2021. F&S, \$213,253.13; Short Lived, \$145,450.03; Standby, \$156,725.41; Operations, \$43,428.54; Restricted Reserve, \$69,142.71 (\$2,663.17 transferred from SB past due); Reserve, \$7,165.20; USDA Loan, \$853.13.

Committee Reports. None. The committees are on hold for now.

Old Business.

Discuss/Approve DTI Lease. The GM stated that he was still working on it. Director Martin moved to table this item and Director McMullen seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss/Approve Advice Notice (changes to Water Rules). The GM stated that he is still working on this. Director Martin moved to table this item and Director McMullen seconded. Vice Chairman Mahoney, Directors McMullen, Clark, and Devine voted aye, and the motion passed. The Secretary read the three situations as follows:

Situation A. Response to demand for reimbursement of fees and assessments from Smile4U Inc.

Situation B. Pending litigation matters in the case of Virgil Beagles et al TWSD No. D-1215-CV-2014-00099, Twelfth District Court, County of Otero; and Betty Beagles et al v Dewayne Beagles No. D-504-CV-2018-00759, Fifth Judicial District Court, County of Chaves, including assumption of T10 Block 111 Lot 041 from the receivership in exchange for partial satisfaction of amounts owed in back fees and assessments.

Situation C. Pending litigation matters in the case of Betty Beagles et al v. Dewayne Beagles No D-504-CV-2018-00759, Fifth District Court, County of Chaves, including whether to allow for short sales of lots or assumption by TWSD of the cost of any transfer of properties to new owners.

Director Martin moved to re-vote on the three items as previously voted which was no on Situation A, yes on Situation B, and no on Situation C. Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss/Approve update of Property Appraisals and how to proceed with sales. Director Martin move to have the GM handle this and Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss Stephens Western Properties Letter. Director McMullen stated that our policy is not to forgive past due fees therefore no discussion is needed.

New Business.

Approve Minutes of the May 4, 2021 Regular Meeting. Director Martin moved to approve the minutes as written and dispense with the reading. Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss/Approve modification to rental agreement form. The GM read changes which included renter providing port-o-potties. Director Martin moved to approve changes and Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin and Devine voted aye, and the motion passed.

Discuss/Approve retaining Carrillo Law Firm for Litigation, General and Real Estate Matters for May 1, 2021 through April 30, 2022 period. Director McMullen moved to retain Carrillo Law Firm and Director Martin seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss/Approve Mountainair Drive Line Extension. Director McMullen moved to approve the line extension and Director Martin seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss/Approve options in the case of Virgil Beagles et al v TWSD concerning F&S fees from the Twelfth Judicial District Court (Alamogordo). Director McMullen moved to have the attorney press the issue and Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the motion passed.

Discuss/Approve options in the case of Dewayne Beagles v. Mainello et al concerning a settlement agreement from the Fifth Judicial District Court (Roswell). Director McMullen moved to inform the attorney that there is no agreement (no settlement) in place and Director Martin seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, Devine voted aye, and the motion passed.

Set Agenda for June 1, 2021.

The secretary read the items.

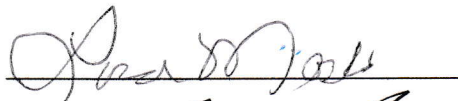
Directors Remarks.

There were no Director Remarks except for Director McMullen thanked everyone for keeping him in their thoughts after a close encounter with a tornado.

Director McMullen moved to adjourn the meeting and Director Devine seconded. Vice Chairman Mahoney, Directors McMullen, Clark, Martin, and Devine voted aye, and the meeting was adjourned.

Minutes approved June 1, 2021.

Secretary Linda Martin



Vice Chairman Timothy Mahoney

