

## MINUTES

Tularosa Community Ditch Corporation

PO Box 925, Tularosa, NM 88352

March 28, 2016 7 PM Tularosa Municipal Building, 609 St. Frances Dr.

- A. Call to Order 7:00 PM
- B. Pledge
- C. Public Comments

Joan Price suggested that the commissioners include the pledge to the New Mexico Flag as well as the American flag. She will bring a copy of the pledge for the next meeting. She also commented on the fact that Governor Martinez vetoed all the acequia bills for the state and asked if that included our request for the Phase 2 of the Pipeline Replacement. Chairman Bookout said that our request was vetoed and that we are seeking the money from a grant/loan from the Interstate Stream Commission in hopes that it could complete or advance this phase. Ms. Price also wanted to know where the Phase 2 Pipeline Replacement will be and Commissioner Lerner took her through the description of the project. She also asked about the Guardians of the Land and whether it would be to the advantage of the Ditch to include them in our work. Commissioner Hobson asked her to bring more information concerning their work and present it to a meeting.

Cynthia Redlinger stood to present her documentation concerning the property east of her house by the trees growing in the laterals. The property is owned by a woman who lives in California who is not in residence which leaves the property accumulating volunteer trees and trash. She explained that she could not get her water and showed pictures of the large Siberian Elms growing in the middle of the lateral at 506 Higuera St. Mrs. Roberts told her that the property is owned by Rosemary Scott. Mrs. Redlinger said that getting rid of the trees needs to be the responsibility of everyone as she does not want to pay for their removal. She informed the meeting that her intention was to call her attorney to oblige the Village, the Ditch and Rosemary Scott to remove the trees. Commissioner Lerner let her know that maintaining the laterals are the obligation of the property owner as stated in the bylaws and that the cost is shouldered by the owner and not the ditch. We can notify the sheriff's department of the situation as the blockage impedes water flow and therefore is in violation of the state statutes. Mrs. Redlinger wants the information of the owner in order to have her attorney proceed with a letter to inform her of her obligations. Mrs. Roberts did not have the address with her at the moment but Joan Price offered to get that information for Mrs. Redlinger at the county assessor's office in the morning. She will be sending out certified letters to the owner when she obtains the address. At this point Mrs. Redlinger exited the meeting.

- D. Approval of Minutes from September Quarterly Commissioners Meeting 2015.

Commissioner Hobson made the motion to accept the minutes as presented

Commissioner Lerner seconded the motion

Motion approved

- E. Financial Report

Commissioner Hobson asked Mrs. Roberts if we are looking at a deficit for the current year. Mrs.

Roberts told him that the payments monthly to the lawyer are very steep and will go on for the rest of the year. Our best hope is to have a good result from our investments to off shoot the legal expenses and to incur less legal expenses. One of the bills listed was the first payment to the independent auditor James Hartogensis. That is money we will be refunded. Chairman Bookout asked how much we will get back. Commissioner Lerner told him that the final bill will be for just under \$5,000 and it will probably take another month to receive it from the Office of the State Auditor. The process is as follows: once they release the final two years (2014 and 2015) and we are billed by Hartogensis for the final 10%, all those invoices and cancelled checks are submitted to the Office of the State Auditor and we should have the reimbursement two weeks later.

Commissioner Hobson made the motion to accept the financial statement

Commissioner Lerner seconded the motion

Motion approved

F. Old Business

1. Audit update was covered during the explanation of the financial statement Letter E in the agenda. Chairman Hobson asked that the minutes reflect his praise for the job Mrs. Roberts and Commissioner Lerner have accomplished with this audit and the grant to pay for it. Mrs. Roberts stated that it has been a long investment of time as the two of them have been pursuing this audit since June of 2015.

2. Phase 2 Pipeline Replacement and Capital Outlay-Commissioner Hobson explained it previously but Joan Price asked if we could just leave the pipeline open, removing the pipe and letting the ditch flow openly. Maurice Hobson told her that the pipe is many feet underground and the liability is great. Chairman Bookout affirmed the trouble it would present and the liability we would incur if let open. Commissioner Hobson also explained that the new pipe which will be installed is a greater diameter and of a material that inhibits root invasion and caliche build up.

3. New people to learn commissioners' jobs. No one was there who was interested and Joan Price said she would not want to take it on.

4. Lateral Ditch *Parciantes* Form-Joan Price asked why there could be no monetary value listed on the form for work that is done as fatigue work. Commissioner Lerner told her that the work is required by the bylaws and no money is going to change hands and cannot be considered as in-kind work because we are not a 501(C)(3). She also explained that to keep a record of those hours shows the Office of the State Engineer (OSE) that we are in fact, a fully described acequia, something the OSE would like to take apart.

Commissioner Hobson made the motion to accept it as presented.

Commissioner Lerner seconded the motion

Motion adopted

G. New Business

1. Pumping from the Mother Ditch-Mayordomo Baca wants to add an amendment to the bylaws concerning prohibiting any pumping from the Mother Ditch. His reasoning is that it diminishes the whole notion of us being an acequia and is hard to control the quantity and time people want to pump. There will be a couple of people who will be grandfathered in but as for anyone

new, that cannot be accepted. We need to pass it in the next quarterly commissioners' meeting and present it at the annual shareholders' meeting in December.

Commissioner Hobson made a motion to create an amendment to prohibit pumping from the Mother Ditch.

Commissioner Lerner seconded the motion

Motion passed

2. New Hours for the Ditch Office-Mrs. Roberts told the board that she has taken a new job at Gerald Champion in the accounting office. Her hours to be available to the ditch will change from Tuesday and Thursday afternoon to two Saturdays for half days to be announced. As to the place of the office, the owner of the building does not have a problem with the ditch occupying one of the cubicles. Commissioner Lerner stated that it would be a good business practice to share half of the rent charged to Mrs. Roberts who does tax preparation for the Mrs. Lackey, owner of the building. The details for this arrangement is still in the planning stages during this transition moment for Mrs. Roberts, but the board agreed that it was feasible to make a rent agreement with Mrs. Roberts for use of that space.

3. Unoccupied properties in the 49 Blocks-Mayordomo Baca suggested that any extra work executed on those properties be tacked on to the bill of the property owner. Mrs. Roberts said they should talk about the financial impact so she can include it and send it out with the bills. Also, it was a problem getting the real estate agents, brokers and the county to contact the Ditch in order for water billing to change hands. Commissioner Lerner will be working on a disclosure statement for the realtors to understand the ditch procedures and what that impact is on a new owner who receives irrigation on or through the property being sold.

4. Memorandum of Understanding (MOU) with New Mexico Acequia Association- Commissioner Lerner informed the board that New Mexico Acequia Association (NMAA) representative Toribio Garcia will be putting together a MOU for Capital Outlay request forms so the NMAA can represent us locally in Santa Fe. The request forms for Capital Outlay have to be in by the first week of June.

H. Other Business-None presented

I. Adjourn

Commissioner Lerner made the motion to adjourn

Commissioner Hobson seconded the motion

Motion carried

Adjourned 8:23 PM