

Tularosa Community Ditch Corporation Annual Shareholders Meeting

PO Box 925, Tularosa, NM 88352 Offices: 512 St. Frances St.

Tularosa Municipal Court Building 609 St. Frances St., Tularosa, NM 88352

December 5, 2016 7PM

Minutes

- A. Call to Order 7 PM
- B. Pledge
- C. Presentation of Ag Agent Sid Gordon: Mr. Gordon was introduced and began explaining that our county, as well as many others are suffering from some very invasive, destructive and noxious weeds. The ones he addressed were primarily the Russian Knapweed and African Rue. He handed out folders put together by NRCS which include color pictures of the variety of dangerous weeds, how to handle them and the manner in which they may be eliminated or suppressed. He emphasized the importance of enlisting a person with an applicator's license to apply the required sprays. For those who do not have an applicator's license, Mr. Gordon said that one may be obtained on line through a course and testing for \$50 or in person out of county for \$15. He also said that it would probably be less expensive to do it on line to avoid the travel expenses. It is important to read the pamphlets that are included with the sprays to become informed as to their effectiveness and dangers.
He explained that what is important to dispensing the weeds is to know when to apply the sprays, whether it is when the plants emerge, or a second or third application after the reemergence time. This would refer to the African Rue as it has a strong, woody taproot that is extremely resistant to eliminating. Mr. Gordon told the public that the worst is the African Rue, a moist, succulent appearance with little berries. Each time the county mows or disks along the highway, they extend the plant exponentially. It is very pervasive at Holloman Air Force Base. The seed pods are full of tiny black seeds that disperse extremely easily. To use an over-the-counter spray such as Round Up will only kill the weed for a couple of seasons to return later. The other problem with using the over the counter sprays is that they are non-selective and will kill the plants that are native. Another example of a plant that was brought in to this country to reinforce the river banks was the salt cedar which has proven itself a salt polluter which kills all other plants around it. Mr. Davis asked about the effect on livestock by Rue and Knapweed. Mr. Gordon told him that it is when livestock is faced with having no other food available to eat will take what is available and that is when there are problems. The Ag agent did say that livestock which had eaten the weeds when nothing else is available have presented with lethargy and foaming from the mouth. He explained that it is important to replant native species or grasses that livestock eat anywhere it is bare as those spots become the breeding ground for non native and invasive weeds.
Another invasive tree is the Siberian Elm. Most people call it a Chinese Elm but he explained that it is full of seeds and to kill it requires systematic sprayings. It is hardy and when simply cut, comes back stronger.

Russian Knapweed, Mr. Gordon explained that this is a plant that is carcinogenic to humans, livestock and all animals. He advised everyone to be extremely cautious to never touch it without gloves! Mr. Gordon remarked that bees love the flower of the African Rue but studies have not revealed any side effect to the bees or is there is an elevated noxious level in the honey itself. He will be checking in with the NMSU entomologist for studies on honey. Mr. Abercrombie pointed out the prolific Star Thistle in this county. Mr. Gordon agreed that it is in the mountains and spreads easily by cattle. Mr. Davis commented that he sees the African rue on the sides of his fields but that when the alfalfa comes up it chokes it out. Mr. Gordon reiterated that keeping ground covered and not bare was very important. (Quorum was reached and the continuation of the agenda proceeded) Mr. Gordon was thanked and he finished up his presentation. He let the public know that they could bring in plants for identification to the County Extension office but advised everyone to bring them inside plastic bags as fresh as possible.

D. Public Comments

Joan Price stood up and showed the newspaper, the Desert Exposure, in which she wrote a piece on the Science Club at the Tularosa High School and headed by their teacher and sponsor Kathy Eyster. Each year for the last seven years, they walk the banks of the Rio Tularosa cleaning up what others throw out trashing the environment. Ms. Price encouraged the shareholders and board to make it a point to thank the kids who do this service each year as that saves the health of our water and the Village water.

E. Approval of Minutes from Annual Meeting, 2015.

Commissioner Hobson made the motion to accept the minutes as presented.

Butch Davis seconded the motion

Motion carried

F. Approval of Minutes from September Quarterly Meeting, 2016

Joseph Penn made a motion to accept the minutes as presented

Jim Davis seconded the motion

Motion carried

G. Financial Report ending November 30, 2016

Resolution to approve the final report

Joel Marr made the motion to accept the financial report

Eddy Vigil seconded the motion

Motion carried. The resolution was signed by the commissioners and eight parciantes.

H. Presentation of the 2017 Budget

1. Commissioner Lerner made the point that our payments to the law firm monthly are entirely too high and asked that they be reduced by half. Steve Lightle asked whether we were being charged interest on the account. Danielle Roberts stated that we are not being charged any interest. It was decided that we have options. Commissioner Hobson told the group that the SE is trying to control the water in many different ways all over the state. The Ditch was required to present a case with the State Engineer that played out as if it was a court appearance with 7 lawyers and expert witnesses which cost us \$40,000 in legal fees. We see this as a direct attack on the acequia associations around the state so they are ruined and unable to defend their

water from the State Engineer relocating it. Chairman Bookout said that we are going back to District Court before Judge Counts for a second time in the middle of January even though Dávalos lost the decision in District Court and in the Court of Appeals. For that reason Commissioner Hobson questioned the State Engineer whether their office recognizes the judicial system and they said yes. They work in a quasi-judicial manner and it works against our Ditch and others. Chairman Bookout told them about the plight of the farmers and ranchers in the Mimbres area who were ordered to meter their water at their own expenses which amounted to several hundred dollars each and were given a week to do it. Commissioner Lerner said the New Mexico Acequia Association is helping the smaller ditches get adjudicated. Fortunately, our Ditch has been since 1909. Joan Price asked if there whether a writing campaign would help to get the State Engineer to understand what their office is doing to our ditch by forcing us spend money on legal fees that could damage us in the future. Mrs. Katherine Tyler spoke up and let the board know that she will continue the fight as her deceased husband Fred, is named in the Dávalos case. Joan Price asked why Fred Tyler was named alone in the suit. Chairman Bookout told her that the Village of Tularosa, Fred Tyler, and the Tularosa Community Ditch are all named in the case. Mrs. Tyler promised to give the details to Joan so she could write the legal department of the State Engineer.

Commissioner Lerner made the motion to approve a change to the payment schedule and a revision of the proposed 2017 budget.

Commissioner Hobson seconded the motion

Motion carried

Motion passed to adjust the payments and to revise the proposed budget

2. Resolution to approve the 2017 Budget with the changes submitted to Santa Fe as stated in H.1. Commissioners and eight parciantes signed resolution for budget proposal.

Commissioner Hobson explained about the problems with the State Engineer is that they are.

I. Open Meetings Act for 2017

Commissioner Lerner asked the public to join in and sign the all important resolution for 2017. Each year we renew our pledge to maintain the statutes of open information for our meetings and keeping the shareholders informed. We do this to uphold those values, comply with state and federal requirements and preserve a correct flow of information. We do this by posting all meeting dates and locations in areas that are easily visible by the citizens, such as the grocery store, the post office, the Village offices and our new and old offices.

Maurice Hobson made the motion to renew the resolution for the Open Meetings Act.

Dan Abercrombie seconded the motion

Motion carried

J. Mayordomo's Report

1. Squatters on the Ditch: Mr. Baca told the people that we are having problems with squatters on the north side of the diversion. The sheriff's office has been notified and they are ejecting them. This has happened before. It poses problems on many levels; invasion of private property, unsanitary conditions as there is no plumbing there and a nuisance to the land owners surrounding that property. It is posted but they cut the wires and tear down the No Trespassing signs.

2. Lateral Clean Out: Mr. Davis asked when the ditch cleaning was to begin. Robert let them know that it will start the week of the 12th of December. He advised everyone to clean their laterals out now so a complete flow would be better and not bogged down in some areas. Mr. Hobson asked if there were any places worse than others. He responded that most people take care of their laterals.

K. Old Business

1. The Commissioners' Jobs. Chairman Bookout asked that people step up to learn the ropes and help out. Commissioner Lerner asked that people come to the quarterly meetings to familiarize themselves with the overview of what needs to get done. So far, only Mr. Steve Lightle and Joseph Penn are regulars at every quarterly. She stated that the secretary's job would be easier if the person doing it had experience with government work, but even that was not a requirement. Commissioner Hobson asked the parcientes to understand the board is in need of new people to maintain a solid structure for the ditch. No one responded.

2. Review By-laws to stagger the terms for commissioners' jobs. Commissioner Lerner let the public know that during the year the by-laws will be reviewed for changes on the terms for commissioners.

3. Annual Increase to take effect 2017 billing, 3.5%- Jim Davis asked if the increase is a recent decision. Commissioner Lerner answered that the increase is an established factor to stay ahead of the increasing expenses and that every year there is an increase. Mr. Abercrombie said that we are not ahead of the expenses.

L. New Business

1. New office location – Commissioner Hobson found the new location for the Ditch to set up business at 512 St. Frances right across the street from the Municipal building. Commissioner Lerner explained that the office is where the old Tulie Oasis Café the Cordova family ran many years ago. She told them that the sign will go up in time to identify our office. We have an area in back to park which helps to avoid the traffic on St. Frances St. She also told them that there is a drop box which is locked and secure for people to drop off their payments. We still have the post office address for sending in the bills at PO Box 925, Tularosa. At this point, we do not have electricity to the office yet.

2. Introduction of the new accountant, Shelly Thomas – Mrs. Thomas stood up and was introduced to the parcientes. Danielle Roberts has taken a full time job in Alamogordo. A beautiful, blue glass globe and pedestal was given to Danielle Roberts in gratitude for her stellar work with the Ditch. Commissioner Lerner told her that her talents and patience and supreme work ethic will be sadly missed! She personally recommended Mrs. Thomas and we are glad the baton will be passed on to another good bookkeeper.

M. Adjourn

Commissioner Hobson made the motion to adjourn

Mr. Kenneth Owens seconded the motion

Motion carried at 8:48 PM