

Tularosa Community Ditch Corporation
PO Box 925, Tularosa, NM 88352
Office: 512 St. Frances Street Hours 3:30-5:30 Thursdays
Annual Meeting of the Shareholders
Municipal Building 609 St. Frances Street, Tularosa, NM 88352
December 4, 2017 7 PM

- A. Call to Order at 7:10 PM
- B. Pledge
- C. Public Comments

Michael Gruger, from the 49 Blocks addressed Robert Baca about the laterals and the trash that comes into his yard on watering days from other houses. He stated that this is a responsibility of everyone and wants notes to be sent out to other residents to clean out their laterals. The problems also can be from houses in which the owners are in residence or uninhabited. He asked if the mayordomo has the authority to send out notes to his neighbors. Mr. Baca told him that he has the right to cut water from people who do not take care of it.

Commissioner Hobson said that it is important that we have an acequia cleaning day and that it be with community participation so it get done on the same day

Chairman Bookout said it should be done in the early spring when all the leaves have fallen and before our March watering begins. That is the way it is done on the acequias in the northern part of the state. It is important that when a person's yard need crossing there be no problems of access. He also said it should be done on the same day community wide.

Joan Price suggested that we use the First National Bank marquis to do the announcement. Maybe even use the high school kids for that day.

Commissioner Hobson said there are elderly people who cannot do the work so they need to think about hiring a worker or asking their relatives to help.

Kathy Tyler said it could be announced through the Village water bill. That will have to be checked with the Village administration to see if they are in agreement to help with the addition to their mailings.

Commissioner Lerner said that a postcard to the people on the ditch would also be a good reminder.

- D. Approval of Minutes from Annual Meeting of Shareholder, 2016
 - Quorum was reached with 83.5 shares represented
 - Steve Lightle made the motion to accept the minutes as presented
 - Joan Price seconded the motion
 - Motion carried
- E. Approval of Minutes from the Special Meeting of the Commissioners
 - Maurice Hobson made the motion to accept the minutes as presented

Katherine Tyler seconded the motion

Motion passed

F. Approval of Final Financial Report 2017 and Questions

Dan Abercrombie asked what other income is described in the report. Accountant Shelly Thomas explained that it was from the Edward Jones account. Joan Price suggested that the title of the report be all in one and called Final Report. Eight shareholders stepped up to accept the Final Financial Report for all upcoming presentations of the financial reports.

Barry Brown made motion to accept the final report

Joseph Penn seconded the motion

Motion carried

G. Approval of Interim Budget for 2018 and Questions

Commissioner Hobson explained that we still have monthly payments to include for quite a while for our legal fees. Dan Abercrombie said he thought we were going to hire another lawyer for our help that was not going to cost as much. Commissioner Hobson explained that Mr. Olsen took \$15,000 off our outstanding bill and was allowing the Ditch to reduce our monthly payments to \$500 a month. He felt that to change in the middle would mean starting over with someone else and would incur much more money just to be on board with all the information. Commissioner Lerner made note that the number on our budget sheet for our legal payments should say \$6,000, in other words, \$500 a month for the upcoming year and not \$8,750 and to change that in the report. Chairman Bookout noted that we are dealing with two cases simultaneously and every time the State Engineer orders a new review of the cases, it cost all of us money. We were supposed to go to the court trial in Otero County but the SE delayed it from this last October to an undetermined time.

Joseph Penn asked why it did not show a larger income from the 49 Block users when in fact, the increase has been approved. Mrs. Thomas explained that one number is the actual billed amount and the other is actual received amount. The outstanding amount for the 49 Blocks is several thousand dollars. The amount in the report is the real money received.

Mr. Brown inquired about the ISC item of the budget. Commissioner Lerner explained that during the financing of Phase I of the Pipeline Replacement, we were awarded \$100,000 from the legislature but needed another 150,000 for the project so we asked for and received a 90/10 grant/loan from the Interstate Stream Commission (ISC) to complete the full amount of the project. We have 10 years to pay back the 10%, or \$15,000 we owe the ISC and we are currently in year three of that loan. It is an incredible deal for the communities who can get them because the interest is about 4% and it is for 10 years. Hard to pass up that amount of help. Joan Price asked what the need for it was about. Commissioner Hobson told her that

prior to getting the entire pipeline replaced, we were paying as much as \$13,000 to clean it out each time and it was so full of roots and built up caliche that the flow was radically inhibited. Also, the dimensions of the newer pipes are larger and allows for better flow.

Eight shareholders signed the Interim Budget.

Commissioner Lerner let the shareholders know that once the resolution is signed by eight members it is considered accepted with the change to the reporting of legal fees to be paid during 2018 to \$6,000.00.

Dan Abercrombie made a motion to accept the report with the one change

Butch Davis seconded the motion

Motion carried

H. Open Meeting Act 2018 Resolution

Commissioner Lerner explained that each year we renew our intent to uphold the statutes of the Open Meeting Act. The intent is to have quarterly meetings which are open to the public and held at the Ditch office. Commissioner Hobson also reminded the public that this Act is a national requirement.

Joan Price made the motion to accept the resolution

Jim Davis seconded the motion

Motion passed and the Board and Mayordomo signed the resolution for the state

I. Mayordomo Report

Mr. Baca notified everyone that watering will begin March 26, 2018 for the 49 Blocks. The beginning of spring there will be a general cleaning of the laterals but he encouraged everyone to begin as soon as the leaves are down. The Mother Ditches are currently being dug out. He thanked those who have already cleaned their laterals. He also reported that the reservoir is full and is would be wonderful if it were that way in the summer.

Joan Price mentioned that there is graffiti. Mr. Baca said that is for the police, not the ditch. He has more concern for squatters and people who go out shooting. We also need more protection for our intake and the head gates because people go out there in vehicles and destroy our gates, party and trash it. Chairman Bookout said it is a problem because we cannot be out there all the time and cameras would be stolen immediately. There is also a problem with campers on the left side of the creek.

There is a grave problem with sanitation. The sheriff's department is on our side to help out and the Tularosa police have gone out also but, they come back. Neil Lyn Dunning asked if the property belongs to the Ditch? Chairman Bookout told him it is ours. Mayordomo Baca told him that we and the Village have put up fences and gates and they are stolen in a very short time or broken down. Mr. Bookout also said that they dump limbs and tree trunks in the water and block it up. The police come by but the trespassers are back by the night. Trustee Telles said they stole all

the fencing the Village put in more than once. Mr. Baca is putting up a gate on the south side to block cars.

J. Old Business

1. Annual Increase of 3.5% - Joseph Penn asked if the increase had already been implemented. Commissioner Hobson told him that the bill for 2018 included the increase of 3.5% as we bill in advance.
2. People interested in training for commissioners' jobs – Rory Walker is interested in getting to know the work.
3. By-Law review for the March Quarterly – Commissioner Lerner has sent a copy of the current by-laws to the New Mexico Acequia Association (NMAA) to get help with updating our by-laws.

K. New Business

1. Annual Meeting of the NMAA – Commissioner Hobson reported that all the acequias in the state are having problems with the State Engineer. He has gone after the individual acequias and the office is run by a group of lawyers. It is the hope of the acequias that the upcoming year with a new governor, it will usher in a State Engineer who has roots in agriculture. NMAA will be working on that project. There is a push to take over the old Atrisco land grant and add 90,000 people to the south end of Albuquerque called the Santolino development and there is no water for that to happen. They want to pump water from Reserve and send it from there. Kathy Tyler said they are trying to meter all the water in the state and then take it for other communities. Tularosa will not accept the metering on the creek or in the ditches.

2. Voting for the positions on the board for the upcoming two years.

Dan Abercrombie made the motion to open the nominations and that all board members be reelected to serve in the positions they currently hold if they were willing to stay in the job. Joan Price asked to close the nominations. Dan Abercrombie called for an acclamation by all present and it passed.

Joan Price asked if the Village of Tularosa was represented. Kathy Tyler said that Trustee Telles was here and wanted to know if he could be the liaison for the Village. He said he would have to get back to us on that item.

L. Adjourn

Dan Abercrombie made the motion to adjourn

Joseph Penn seconded the motion

Motion carried

Meeting adjourned at 8:40 PM.