

Los Padillas Community Acequia

LOS PADILLAS COMMUNITY ACEQUIA

BYLAWS

(Modified as per Article VII of the current By-Laws)

Article I. Purpose and Membership

Sec. 1. Name of this Acequia shall be Los Padillas Community Acequia **Association and the boundaries are on the North Raymac Rd., on the East the Rio Grande River, on the West one mile west of Coors Blvd, and on the South the Isleta Reservation.**

Sec. 2. The objects and purposes of this Acequia is through the coordination with the MRGCD provide surface water to fulfill the needs of members, to promote conservation and beneficial use of water rights and to govern the Acequia in order to protect this benefit to the members.

Sec. 3. The management and operation of this Acequia shall be in compliance with the laws of the State of New Mexico, Policies and Procedures of the Middle Rio Grande Conservancy District (MRGCD), as per State Statute 73-14-1 Declaration and 73-14-2 Application.

Sec. 4. Los Padillas Community Acequia is a community ditch which supplies water from the Rio Grande through the MRGCD's distribution systems for irrigation.

Sec. 5. Membership/Parciantes.

The members of the Los Padillas Community Acequia are those persons who own irrigated land that is currently served from the canals described in Sec. 4 above. Where title is held by more than one individual, or where multiple tracts are owned by the same set of individuals, no more than 1 membership will be allowed in connection with the properties. Land ownership and irrigation status must be verified through official records of Bernalillo County and the MRGCD. Only those members who are not delinquent in the payment of their MRGCD assessments and acequia association dues shall have good standing in the Acequia.

Article II. Officers

Sec. 1. Types of Officers

The officers of the Acequia shall consist of three Commissioners and one Mayordomo, each of whom shall be a member of the Acequia, as defined in Article 1. The Commissioners shall consist of a Chair, Secretary, and a Treasurer.

Sec. 2. Duties of Officers

Chairman:

- A. To preside at all meetings of the Board of Directors and the general membership meetings and to be an ex-officio member of all committees. In the absence of the Chairman, the Treasurer shall preside. In the absence of both, the Secretary shall preside.
- B. To sign, with the Treasurer or **Secretary**, all contracts, checks and obligations.
- C. To appoint an audit committee to review the financial records of the Association and to report the findings to the membership either via mail or at the next Association meeting.
- D. To represent the Association with all organizations and be the official Association spokesperson before the public.

Secretary:

- A. To be the custodian of the records of the Association
- B. To give such notices to the membership as required by the By-Laws.
- C. To prepare agendas for and to record the minutes of the meetings of the Board of Directors and of the general membership.
- D. To handle correspondence as required and to keep a file thereof.
- E To cosign checks when necessary.**

Treasurer:

- A. To be the custodian of all monies of the Association and to maintain records and financial accounts showing all income and disbursements
- B. To hold all monies in an FDIC insured bank and to disburse funds as directed by the Board. All checks must be countersigned by the Chairman and Treasurer **or the Secretary**
- C. To prepare and file tax and financial reports as required by State and Federal laws.

Mayordomo:

- A. The Mayordomo shall work under the direct supervision of the Commissioners. His or her responsibilities shall be to coordinate with MRGCD on the Acequia annual spring cleaning, day-to-day maintenance, and emergency repairs.

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In the event of a vacancy in the office of Mayordomo, the Commissioners shall appoint a Mayordomo to hold office for the remainder of the term or until his successor is elected at a meeting of the membership.

Sec. 2. Vacancy of Commissioners

In the event of a vacancy in the office of Commissioner, the remaining Commissioners shall appoint a Commissioner to hold office for the remainder of the term or until his successor is elected at a meeting of the membership. If there are two vacancies for Commissioner, the remaining Commissioner shall convene a special meeting of the membership to fill the vacancies for the remainder of the term of office.

Sec. 3. Meeting of Commissioners

Special meetings of the Commission may be called by the Chairman. Two Commissioners shall constitute a quorum for such meetings. Notice shall be posted in a public place within the Los Padillas Community three (3) days prior to a meeting.

Sec. 4. Compensation of Officers

Officers and Mayordomo will not be compensated.

Sec. 5. Bonding of Treasurer

The Commissioners shall determine an appropriate bond for the Treasurer. The Treasurer shall be bonded for that amount, to the extent that this individual may handle acequia funds.

Sec. 6. Removal of Officer(s)

If any Officer or Mayordomo, after having undertaken to serve as such, willfully neglects or refuses to perform any of the duties of their office, that Officer or Mayordomo shall be subject to removal from office by vote of the Membership. If an Officer or Mayordomo conducts themselves with impropriety or injustice in their office, or takes any bribe in money, property or otherwise as an inducement to act improperly, that Officer or Mayordomo shall be subject to removal by vote of the Membership. Acts of willful neglect on the part of an elected Officer or Mayordomo will include failure to attend scheduled meetings more than once during the term of election. During any scheduled meeting where an elected officer or Mayordomo has failed to attend, the voting privilege of the absent Officer or Mayordomo will revert to a majority vote by the Membership in attendance, if a quorum is present. Business

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of the Membership will not be suspended due to failure to attend by any elected Officer or Mayordomo.

Sec. 9. Dissolution

If at any time the Association discontinues its activities, dissolves or otherwise ceases to exist or function, then any funds remaining in its treasury after all debts have been paid, shall be distributed to “The National Military Family Association”.

Article 3. Meetings of Membership

Sec. 1. Membership Meetings

The Membership Meetings shall be held at the beginning of the irrigation season and at the end of the irrigation season.

Sec. 2. Notice of Membership Meetings

Notice shall be posted in a public place within the Los Padillas Community ten days in advance of the meeting. Notice of the meeting shall include the date, time, location, and the agenda or information about where to obtain a copy of the agenda. The acequia may provide other types of notice as appropriate.

Sec. 3. Purpose of Membership Meetings

At each meeting, the Secretary shall present the minutes from the previous meeting. The Mayordomo shall report on the management and operations of the acequia and the Treasurer shall provide a financial report. The Membership shall approve all minutes and Treasurer’s report.

Sec. 4. Location of Membership Meetings

All meetings shall be held at a public place in the Los Padillas Community.

Sec. 5. Quorum

A quorum for conducting any business shall be 12 members eligible to vote. For purposes of calculating a quorum, each household or “co-tenancy” (land co-owned by more than one person) constitutes one membership, regardless of the number of separate properties owned. A quorum, once established for that particular meeting,

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shall remain in effect to transact all business set on the agenda even though members shall voluntarily leave the meeting.

Sec. 7. Special Membership Meetings

Special meetings of the Acequia may be called by the Commissioners or upon written petition to the Commission Chairman signed by fifty % or more of the members. Notice for special meetings shall be the same as for regular meetings.

Article 4. Voting and Elections

Sec. 1. Election of Officers

The Commissioners and Mayordomo shall be elected at a General Membership Meeting by a vote of the membership. The commissioners shall appoint an election officer from the membership. The elections shall be conducted by an election officer. **The election shall be held before the beginning of the irrigation season, at the spring membership meeting.**

Election Officer:

The election officer shall appoint an election committee from the membership consisting of not less than three (3) and not more than five (5) members. This committee must be approved by the majority (51% of members attending). This committee will be responsible for the tallying votes, certifying eligibility of voters, and advising the commissioners on certification of the election.

Sec. 2. Voting Rights of Members

Only those members who are not delinquent in the payment of their MRGCD assessments, membership dues and are members in good standing shall be allowed to vote in any election or other vote of the acequia. For voting purposes, each household or “co-tenancy” (land co-owned by more than one person) constitutes one membership, regardless of the number of separate properties or tracts owned. All votes in an election are to be cast by written ballot; each member shall have one vote.

Eligible members who are unable to attend a meeting may vote by proxy. Any eligible member or the legal representative of an eligible member may carry no more than two proxies to any meeting.

Sec. 3. Expenditures

All expenditures of the Association must be pre-approved by the Membership **with exception of those expenditures required to announce and conduct a meeting as**

required in these by-laws. Expenditures for any meeting are limited to less than \$100.00 without pre-approval of the membership. All expenditures paid must be accompanied by proper receipt(s).

Sec. 4. Nomination of Officers

Nomination of officers may be made by any Member. The nomination and voting for each office (Mayordomo, Chairman, Secretary, and Treasurer) shall be conducted separately. The person receiving the highest number of votes cast for that office shall be declared the officer elected. The first election of the Officers shall be at a general Membership meeting with each office to be on staggered terms of one-two & three years. Secretary -3yrs, Treasurer-2yrs, President 1-yr, thereafter the terms shall be for two years. The election of the Majordomo shall be for a two year term. The election shall be conducted by an election officer so as to allow the existing Officers to run for another term.

Sec. 4. Terms of Office

The elected officers shall assume their office not later than the first Monday following the month they are elected. The term of office for the Mayordomo and Commissioners is two years.

Article 5 Management and Operations

Sec. 1. Acequia Cleaning

Members on laterals and/or ditches shall be responsible for cleaning their own laterals.

Sec. 2. Membership Dues

All members will be assessed a membership fee annually at or prior to the spring meeting in the amount of \$10.00.

Article 6. Rights and Obligations of Members

Sec. 1. Maintenance of Headgates

All members shall maintain their individual head gates in good condition and keep their ditch sections free of trash and other obstructions. Repairs and construction of head gates and other works should be completed before the start of the irrigation season.

Sec. 2. Compliance with Bylaws

All members shall abide by Acequia Bylaws, Rule and Regulations and shall comply with decisions adopted by the Commission for the common good.

Sec. 4. Public Inspection of Acequia Records

All records of proceedings by Commissioners and financial records of the Acequia shall always remain public property and shall be subject to inspection by any concerned person.

Sec. 5. Copy of Bylaws

Each Member shall be provided with a copy of the current by-laws of the Acequia and amendments thereafter adopted.

Sec. 6. Name and Address in Acequia Records

Each Member shall keep current on the records to the Commission of the Acequia the name(s) of the owner(s) of the property, the owner's mailing address and the telephone number, and the exact amount of irrigated acreage or water rights claimed by the Member.

Article 7. Easements

Sec. 1. Definition of Easement

Each member recognizes that the Acequia, including all of its laterals and drainages, possess a historical permanent easement for purposes of maintenance, operations, and improvements. No member may build within the easement or otherwise obstruct or limit access to this easement. The easement is described as follows:

The easement is as wide is as necessary for maintenance, use and improvements.

Sec. 2. Use of Easement

Each member agrees that it must be possible to walk the full length of the ditch along its banks. Therefore, if a fence or other obstruction crosses the ditch or the easement, there must be a gate or crossover.

Article 8. Water Banking

Water banking will come under the MRGCD's revised rule #23 water bank rules per NM statues, section 73-14-51.

Article 9. Amendments to Bylaws

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Sec. 1. These bylaws may be enacted, amended, or modified by majority vote, of the members at any duly called meeting after members receive written notice of the proposed amendment(s) at least 10 days in advance of said meeting.

Sec. 2. Where not otherwise covered by these bylaws, the requirements of state law shall be applicable. These bylaws are supplemental to any applicable provisions of state law.

Sec. 3. If any part or application of these bylaws is held invalid, the remainder or its application to other situations or persons shall not be affected.

Sec. 4. Robert's Rules of Order current edition shall govern the procedure of this acequia where not otherwise provided in these bylaws.

Sec. 5. These bylaws were duly adopted by the Members of the Los Padillas Community Acequia on this 13th day of March, 2018 .

(All entries which are in BOLD letters and UNDERSCORED are the latest amendments.)