



Picacho Hills
Property Owners Association
PO Box 51
Fairacres, NM 88033

NEWSLETTER

Volume 25 No. 3

JANUARY, 2010

www.picachohills.org

David Zeemont

President, Picacho Hills Property Owners Association

January 9

In my last message I stated my opinion that Picacho Hills is the best and most desirable place to live in Las Cruces, and by extension, all of Southern New Mexico. (You can throw in West Texas as well). This is still my belief despite the latest shenanigans of our water and sewer utility, and their attempts to undermine the harmony of our community.

At the time of our last newsletter in September, I really did think that the cases before the New Mexico Public Regulation Commission would have been concluded by the end of 2009, the Commissioners would have rendered their decision, and we could all move on. More the fool I. In the interim, the PHUC has "hired" a new president, and they are as determined as ever to delay the proceedings, and misstate our position as well as some of the underlying facts of the case.

*I am referring, of course, to PHUC's letter to customers of October 26, 2009, and to its open meeting with management of November 17, 2009. As this is the only public forum we have to correct some of these inaccuracies, I think I am obligated to present the truth to our residents and you will find my responses to statements made at the meeting on **pages 4 and 5**.*

It is apparent that one of PHUC's principal aims is to avoid having its owner testify in person before the Hearing Examiner in Santa Fe, even though he is under subpoena. The hearings have been postponed on three different occasions since their original date of November 3, 2009. They are not scheduled to begin again until February 15, 2010. To that end, the utility has made good on one of its promises at the November meeting. It has filed two separate lawsuits in District Court, one against the New Mexico Public Regulation Commission, and one against the PHPOA, claiming against us, among other things, "Malicious Abuse of Process, and for Injunction". The first suit, against the NMPRC, was dismissed by the District Court on November 30, 2009, which corresponded to the date that the Hearings were going to begin for the second time. The complaint against us has not been heard yet, and is still pending.

Continued on Page 4 . . .

Attention PHPOA MEMBERS

The **Annual Membership Meeting** is **Tuesday, March 9** at the **Picacho Hills Country Club**, beginning at **6:00**. Look for details on **Page 3** and on the enclosed **flyer**.

Not a member yet? Consider joining and help the PHPOA fund activities which benefit our neighborhood. Details can be found at **www.picachohills.org**.



Community Improvements

John Kutney, Community Improvements Chairperson

The PHPOA Board has approved a beatification project for the area leading into Picacho Hills. In addition, we hope to enhance the entrance at Route #70 once the traffic light has been installed.

This letter from Cliff Terry, a Professional Engineer and resident who has been working with County officials for years, speaks of more improvements coming down the pike.

Great progress has been made with roads, curbing, erosion control, drainage and more from Dona Ana County Public Works division. Remember a couple years ago when Jorge Granados, Director, Public Works and Mary Jane Garcia, State Senator district 36 led a meeting at the clubhouse discussing the needs of Picacho Hills? The efforts we all did following the 2006 floods to gain county and state recognition that brought them here are coming to fruition.

Mr. Granados called Franklin and I to a meeting with his engineers the morning of January 15 to discuss the completion of roadwork on Via Campestre and the additional work yet to be done in the next few weeks. Look forward to more curbing and road revisions at the Via Campestre intersection up beyond the 8th green and 9th tee. Curbing and road repair will also be installed at the clubhouse entry for nearly a hundred feet. All of this is in addition to the beautiful work already completed.

Those of us in Barcelona Ridge Estates have long awaited some relief from the erosion and watershed down Barcelona and rounding the corner of Anthem with mudflow onto Saragosa and all the way down Barcelona to the swale just past Tuscan. Mr. Granados instructed his engineers to design repairs to many areas coming down the hills from Constellation at Anthony and the water tanks at Barcelona. A public meeting informing the local residents in Barcelona Ridge Estates is scheduled for Wednesday, January 20. The scope of all this activity will be done in the coming weeks and upon completion you will be able to offer your appreciation at a ribbon-cutting ceremony honoring the great efforts put forth by Commissioner Oscar Butler, State Representative Andy Nunez, and State Senator Mary Jane Garcia in making good on their promises to us through all the lobbying efforts accomplished in Santa Fe to provide the funding to Mr. Granados and the County.

Cliff Terry, P.E.



Your PHPOA Board is Working for You

Larry Goforth, Treasurer

Despite some unfortunate delays in launching a **Neighborhood Watch** program, we remain committed to identifying and organizing residents concerned about incidents of robbery and vandalism in our community. We again encourage you to contact any Board member (see page 9) with ideas or to offer assistance.

Remember that it's easy to check your **PHPOA membership status** on-line at www.picachohills.org. Click on the Members link, then on 2010 to verify that your membership has been renewed for this year.

Board President Dave Zeemont has asked me to seek out **nominees** for **Director positions** that will be vacated by incumbents who have served their two-year terms. If you are interested in serving our community by setting policy and organizing social events, please give me a call at **527-1707**. Nominees will be introduced to the membership at the Annual Meeting on March 9th, who will then vote in the new board.



Mark Your Calendar . . .

(for a full listing of events visit www.picachohills.org)

Newcomers Social: the Picacho Hills Homeowners Association welcomes new residents on **Saturday February 6th**, at the **Picacho Hills Country Club** from **3 to 5pm**. If you have moved into Pichacho Hills from February 2009 to the present, you are cordially invited to join our Hospitality Representatives, Board Members and Club staff for appetizers, complete with a carving station and complimentary wine. Get acquainted with other newcomers and residents and learn more about your neighborhood, community and the Country Club.

- Kaye Frye, Hospitality Committee (524-7112)

For the Love of Art features works by Picacho Hills residents on display at the **Picacho Hills Country Club** on **Sunday, February 7th**, from **noon** until **4**. Please see the enclosed flyer for more details.

Tuesday, **March 9th**, is **PHPOA's Annual Members' Meeting** at the **Picacho Hills Country Club**. The carving station, along with a grand buffet of robust **Hors d' Oeuvres** and **cash bar**, opens at **6:00**. The meeting will be called to order at **7:00**.

Members will receive in the mail a **ballot** and **reservation form** by mid-February. If you are planning to dine with us, reservations and a prepayment are required. Chef Darryl's buffet features ten tantalizing Hors d' Oeuvres for only **\$17**.

If you are unable to dine with us, we encourage you to attend the **business meeting**, which begins at **7:00** and includes election of new board members and a review of your board's activities, including representation of residents' interests before the New Mexico Public Regulation Commission.

- Kaye Frye, Hospitality Committee (524-7112)

Our annual **Spring Cleanup** will be on **Saturday morning, April 17th**. Please save the date - details will follow in the next news letter. As in the past, this event is in conjunction with the Keep America Beautiful's Great American Cleanup. GAC is the nation's largest community improvement program, involving an estimated 2.8 million volunteers from March 1 thru May 31.

Come meet your neighbors on April 17th even if you can't stay for the clean-up. The coffee and donuts at the McKay residence on Via Norte justify setting the alarm early on Saturday morning.

Several residents have taken it upon themselves to regularly tidy up their immediate neighborhood. If you are so inclined, please let the **Adopt-A-Road Committee** know about your intentions: call RoseMarie Levasseur at 526-9253.

- John Kutney, Community Improvement Committee (525-8470)



From the President

(Continued from Page 1)

David Zeemont

President, Picacho Hills Property Owners Association

Page 2

Unfortunately, there are many more items that need responses, much more than space in this newsletter allows. I know that many of you are tired of hearing about this, so I am going to post a number of documents relating to this matter on our web-site, www.picachohills.org, and urge you to go through them at your convenience. Your Board is grateful to those of you who have shown support to the Association in this matter, including those who have made voluntary donations to help pay our legal expenses. I am also grateful to Mr. Dave Mueller and the members of his ad hoc committee, who took it upon themselves to try to understand the issues before us, and investigate the possibility of a compromise settlement.

Thank you for your support — see you at the Annual Meeting.

Dave

Keleher & McLeod Withdrawal: It is alleged that the law firm of Keleher & McLeod entrapped PHUC as a client and then dropped them in favor of beginning its representation of PHPOA in 2007. In point of fact, Keleher & McLeod first began its representation of PHPOA on July 11, 2000. Attorney Richard Cole first entered an appearance for PHUC on April 10, 2003. At the time, he was associated with a different firm. Subsequently, at the time he made the rate filing for PHUC in 2007, he had joined the firm of Keleher & McLeod. When both parties (PHPOA and PHUC) were apprised of the situation, it was the decision of the management of PHUC not to continue with Keleher & McLeod, not the other way around.

This apparent conflict has led PHUC's current attorney (their fourth since the initial 2007 rate request) to file a motion to disqualify the firm of Keleher & McLeod from the current NMPRC proceedings. Rather than further delay and complicate the matter, Keleher & McLeod have decided to voluntarily withdraw from the case. Since PHPOA is only an intervenor in the case, and not an actual party, the rules of the NMPRC permit Paul Gradwohl and I to represent the interest of PHPOA personally, and we have decided to do just that. It certainly will be less expensive.

Break-In: PHUC claims that its "records were broken into and cancelled checks written to a PRC employee were submitted into the proceedings without any foundation. Those checks became the basis of accusations of bribery, which were referred to the Attorney General for investigation." The lack of foundation here is on the part of PHUC. The checks in question, which were written to a now former employee of the NMPRC and his wife, were not from the records of PHUC, but rather from accounts of Blanco Development Corp., and signed by Stephen Blanco, who is also the sole owner of Picacho Hills Utility Co. While there is a complaint on file with the Attorney General in this matter, I have yet to see any legal documentation regarding the alleged break in.



From the President

(Continued from Page 4)

David Zeemont

President, Picacho Hills Property Owners Association

Page 3

Payments to (former) NMPRC Official: PHUC goes on to further state “Even though that investigation was dismissed just one week after it was submitted, the PHPOA, the NMPRC staff and the Commission itself continues to consider the payments a crime.” I am attaching an e-mail received from Mr. Jose Arguello, of the New Mexico Attorney General’s Office, Investigations Division, indicating that the matter has not been dismissed, but is still under review.

Delayed Rate Increase: The letter further states that “They (PHPOA) have stalled the rate increase of two years ago. The new discharge line from the treatment plant to the Rio Grande has been approved, permitted and must be built.” If you received your PHPOA newsletter in January, 2009, you know that the NMPRC granted PHUC its rate increase in October, 2008. This increase was given in two phases. The first phase currently is in effect. Phase II rates cannot go into effect until the utility completes its two outstanding capital projects, i.e. construction of the discharge line and connecting its new well to the water system. In addition, the NMPRC granted the utility permission to borrow the funds to complete these projects - loans which PHUC has already obtained. The amount of the Phase II rates roughly corresponds to the percentage increase that PHUC’s president stated that the utility needed, and was planning to apply for, at the November meeting.

ATTACHMENT: E-Mail from Mr. Jose Arguello:

Date: Mon, 16 Nov 2009 15:43:51 -0700
Subject: Status of Complaint Against Martin De La Garza and Stephen Blanco
From: jarguello@nmag.gov
To: mudjob@live.com; SFarris@nmag.gov

Mr. Zeemont,

This is in response to your request regarding the status of a complaint filed by you, and another party, against Martin De La Garza and Stephen Blanco. The complaint was received by the New Mexico Attorney General's Office, Investigations Division, and assigned to me for review and follow-up, if needed. The complaint is still under review. As of today's date, the complaint has not been dismissed.

Thank you,

Jose Arguello
Water, Environment and Utilities Division
New Mexico Attorney General's Office

Picacho Hills Property Owners Association

TREASURER'S REPORT AND BUDGET PROJECTION

Budget Items	2009	2009	2010
	01/01 Budget	12/31 Actuals	01/01 Budget
A Bank Balance at Year Start	\$10,587	\$10,587	\$4,604
Revenues:			
Membership Dues	\$16,500	\$18,675	\$17,875
Annual Dinner	\$1,600	\$1,260	\$1,500
Golf Scramble Fundraiser	\$3,000	\$0	\$3,000
Art in the Garden donations	-	\$1,770	\$200
Other (legal expense donations)	\$2,000	\$7,772	\$2,000
B Total Revenue	\$23,100	\$29,477	\$24,575
C Total Cash Balance (A + B)	\$33,687	\$40,064	\$29,179
Expenses:			
Committees			
Community Improvement	\$4,000	\$1,072	\$2,000
Directories	\$1,000	\$623	\$800
Hospitality	\$400	\$643	\$650
Membership	\$200	\$303	\$300
Newsletters	\$1,300	\$884	\$1,000
Utilities	\$16,250	\$26,852	\$14,000
Functions			
Art in the Garden	\$200	\$1,861	\$200
Annual Meeting	\$2,100	\$1,668	\$2,100
Donations	\$1,200	\$200	\$800
Electricity	\$550	\$489	\$550
Golf Scramble Fundraiser	\$3,963	\$0	\$3,963
Website Operations	\$400	\$467	\$500
Miscellaneous	\$250	\$398	\$400
D Total Expenses	\$31,813	\$35,460	\$27,263
Total Reserve Balance (C - D)	\$1,874	\$4,604	\$1,916

Respectfully submitted by Larry Goforth, Treasurer

Please see the accompanying notes on the following page for supporting information.



The Way We Were . . . PHPOA's First Meeting

Anna Leuenberger, Secretary

The PHPOA was incorporated on December 10, 1984. The founders listed as the original incorporators were, Arthur Howells, 6742 Via Comprestre, William Flanagan, 6628 Vista Hermosa, Claude Welles, 171 Villa Chiquita and Jeanne Hanssen, 23 Casitas.

The first Board of Directors consisted of all of the above residents and John Black, 1415 Via Norte, Fred Cherye, 6620 Vista Hermosa, Ray Hungate, 13 Las Casitas, Drew Waldron, 191 Villa Chiquita and Rose Wechter, 5550 Vista Del Valle.

The only Pioneer still listed in our membership is Jeanne Hanssen who now resides in Butterfield Ridge. We all owe her a big vote of thanks for her hard work and foresight. She was secretary for the first three years. She stated that the community was very small and everyone knew each other at first. The vision of the PHPOA was to look after one another's interests in this growing area.

Initial concerns included the lack of enforcement of height restrictions and covenants by area developers. Some homeowners were parking RV vehicles, commercial trucks and other non-passenger vehicles on or adjacent to their lots. In addition, drainage, ponding areas, misuse of the golf cart paths, temporary utility hook-ups and lack of architectural committee review were problems. The more things change, the more they stay the same!



Adopt A Road in Picacho Hills

RoseMarie Levasseur, Membership Director

Adopt A Road Gang: are you out there? A few years ago PHPOA started a project to keep our neighborhoods clean. If you are still cleaning up your areas regularly, PLEASE let me know. I would like to make sure each neighborhood is covered and acknowledge all who help keep our beautiful Picacho Hills clean. Contact me at rosemarielevasseur@yahoo.com or 526.9253.

PHPOA 2008/2009 Budget Accounting Notes

1. While the bank balance at the start of 2010 is lower than that of the previous year, the projected revenues and expenses lead to a projected total reserve balance slightly higher than that of the past two years. These numbers are based on a total PHPOA membership of 350, about the same as in 2009.
2. The 2009 Golf Scramble fundraising event was canceled this past summer due to difficulties in organizing sponsorship and conflicting schedules with other golfing events. Hopefully it will come off this year.
3. In 2009 the Art in the Garden event was successfully organized and conducted independently of PHPOA, though we provided bookkeeping services and less than \$100 in seed money. The original event in the previous year had been organized and conducted as a beneficial PHPOA fundraiser. It is uncertain what form this event will take in 2010, but many in our community want it to happen.
4. The Utilities Committee budget overrun was covered by other budget under runs and mostly by donations to our legal expense fund. The balance of the PHUC rate case cost is currently being negotiated. Meanwhile, some additional legal expense will be incurred in defending the PHPOA board against a questionable law suit filed recently by PHUC in the 3rd District Court.



Directory Updates

Bruce Coryell, Director, Newsletter/Website

WELCOME NEW RESIDENTS!

Barnhill Adams	Floyd Chyanne	(828) 337- 5466	6505 Vista de Oro	floydbarnhill@hotmail.com
Matcin Trent	Jim Barb	(571) 435- 7119	8044 Island Court	jmatchin@hotmail.com

CHANGES

Brown	Rodney & Susann	Change Email: r_sbrown@zianet.com
Christenson	John & Carol	Add Email: jchristenson@comcast.net
Floyd	Mike & Judy	Change Address: 1208 Titania Court Change Email: michaelloydbuilder@gmail.com
Hutchinson	Tom & Jerean	Change Phone: (575) 524-3524
Kremer	Ross & Charlotte	Remove Mail Box Number 172, Fairacres, NM
Nelson	Don & Patricia	Change Phone Number: (330) 350-0083 and other mailing address: 1257 Wilbur Rd. Medina, OH 44256
Shropshire	Marion & Sharyn	Change Email: shrops_39@msn.com
Sparks	Wanda	Change Email: wandasparks08@comcast.net

Please advise me of any corrections and these will be incorporated into annual PHPOA Directory update in April. Contact me at 541-0876 or brucory@aim.com.

Kudos for Your Picacho Hills Neighbors



Jim and **Theresa Willis** and some thoughtful neighbors spruced up the golf course entrance on Camino Blanco Road. That same lucky avenue gets regular preening from some good sams who prefer to remain anonymous.

Wave to **Rosa Pinera** if you see her picking up trash along Picacho Hills Avenue. Better yet, stop the car and help her!

YOUR BOARD OF DIRECTORS 2009/2010

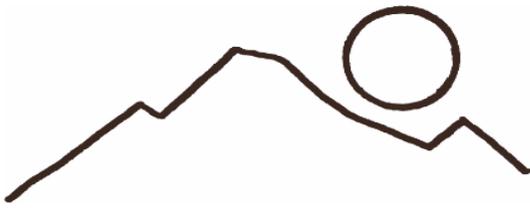
			Until	Directors			Until
President	Dave Zeemont	523-0913	2010		Bruce Coryell	541-0876	2010
Vice Pres.	John Schwebke	527-0238	2010		Kaye Frye	524-7112	2011
Secretary	Anna Leuenberger	525-1052	2010		John Kutney	525-8470	2010
Treasurer	Larry Goforth	527-1707	2011		RoseMarie Levasseur	526-9253	2011
					Franklin McKay	527-4750	2010

COMMITTEE CHAIRPERSONS

Budget & Planning	Larry Goforth	Hospitality	Kaye Frye
Community Improvement	John Kutney	Membership	RoseMarie Levasseur
Covenants/Safety/Security	Franklin McKay	Newsletter/Web Site	Bruce Coryell
Directory	Bruce Coryell	Nominating	(open)
Fund Raising	John Schwebke	Utilities	Dave Zeemont

HOSPITALITY REPRESENTATIVES

<u>Street or Area</u>	<u>Representative(s)</u>	<u>Street or Area</u>	<u>Representative(s)</u>
Alhambra Court	Ellen Martin	Pueblo Gardens	(vacant)
Barcelona Ridge Area	Sharron Stepro, Sylvia Bizzell	Pueblo Vista	Marlys Kleppe
	Cindy Oheim, Eva Jane Cheyre, Revae Swenson	Ranchos de Picacho	Nancy Fuller
Bright View Road	Julie Mueller	Spanish Ridge	Terry Bates, John Illis
Butterfield Ridge	Suki Duran	Tuscany Dr.	Clare Kapner
Calle Vista Bella & Barcelona Ridge Rd to 6995.	Elaine Childs	Via Campestre	Julia PorterRebecca McNair
Camino Blanco 6704 - 6756	Jan Hall	Via Emma	Joan Sheehan
6740 - 6848	Doris Walker	Via Norte 1130 - 1413	Mary Mulvihill,
6894 - 7146	(vacant)	1415 - 1600	Carla Clark
Camino Nuevo Mejico	Renee Smith, Ruth Omick	1601 - end	Mary Ellen McKay
City Lights	Sandra Weber	Via Rubi, Via Turquesa	Jean Windels
Cordova Circle.	Pat Anderson	Via Diamante	Marilyn Hansen,
Coronado Ridge	Jan Severson, Kathy Mayer, Carrie Gaddy, Hilde Lee, Judi Miller, Joyce Gautherat	Villa Chiquita	Phyllis Taylor
	Patricia Felhauer, Ronnie Wright, Laura Smart	Vista del Reino	Barbara Moon
Desert Blossom & Deer Ridge Court	Carole Coryell, Julie Mueller	Vista de Oro	Marilyn Hansen
Fairway 18	Marti Capling	Vista del Cerro 1305 - 1412	Becky Fuller
Renoir, Morisat, Matisse	Joyce Langenbahn	1432 - 1590	Lynn Black
Baudin, Sisley, Bazille	RoseMarie Levasseur	1595 - 1676	Marion Mills
Fairway Village 1300 - 1399	Janet McIntyre	Vista del Monte	Sylvia White
1400 - 1499	Robin Cohen	Vista del Valle	Mary Ann Waddell
1500 - end	Kaye Frye, Sandy Miles	Vista Hermosa	Frances Stevens
Las Casitas	Lu Bucci		Sue Brown
Murano Estates			Elaine Jeveli,
			Victoria Tann,
			Alice Cerola



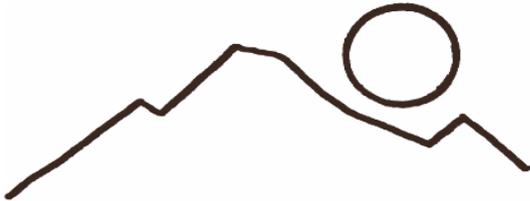
*Picacho Hills Country Club and
Picacho Hills Property Owners Association
invites New Residents for the year 2009 to a*

Newcomers Social

*Get acquainted with other residents and learn more
about your neighborhood, community and Country Club*

Saturday, February 6th • 3 – 5 • Appetizers and Wine
*at the **Picacho Hills Country Club***

*** Good Neighbors Create Good Neighborhoods ***



PHPOA 26th Annual Membership Meeting

Tuesday, March 9th at the Picacho Hills Country Club
6:00: Hors d' Oeuvres Buffet & Cash Bar • 7:00: Meeting

*The agenda includes election of new members to the Board of Directors
and a review of Board activities.*

*PHPOA members of record will receive a ballot and reservation form in the mail by
mid-February. Reservations and a prepayment are required for those coming for the
buffet, which costs \$17 per person. Members unable to make it for the buffet are
encouraged to attend the meeting.*

*Not a member yet? Consider joining and helping the PHPOA to fund its many
activities which benefit our neighborhood. Details are at www.picachohills.org or
contact *RoseMarie Levasseur* at rosemarielevasseur@yahoo.com.*

Join Us!

You are invited to:

**"For the
LOVE OF ART"**

at Picacho Hills

February 7, 2010 12:00-4:00 p.m.

Presented by Artists of Picacho Hills

with the support

of Picacho Hills Country Club and

Picacho Mountain Development

Art works on display available for purchase.