

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 12 SANITARY PROJECTS
PART 2 BOARD OF DIRECTOR TRAINING REQUIREMENTS

20.12.2.1 ISSUING AGENCY: New Mexico Environment Department.
[20.12.2.1 NMAC - N, 4/15/2008]

20.12.2.2 SCOPE: This part governs the training required of members of the board of directors of mutual domestic associations pursuant to the Sanitary Projects Act, Sections 3-29-1 through 3-29-20 NMSA 1978.
[20.12.2.2 NMAC - N, 4/15/2008]

20.12.2.3 STATUTORY AUTHORITY: 20.12.2 NMAC is adopted pursuant to the Sanitary Projects Act, Sections 3-29-6 and 3-29-9 NMSA 1978.
[20.12.2.3 NMAC - N, 4/15/2008]

20.12.2.4 DURATION: Permanent.
[20.12.2.4 NMAC - N, 4/15/2008]

20.12.2.5 EFFECTIVE DATE: April 15, 2008, unless a later date is cited at the end of a section.
[20.12.2.5 NMAC - N, 4/15/2008]

20.12.2.6 OBJECTIVE: The purposes of this part are:
A. to standardize the requirement for training and provide minimum criteria for training of members of the board of directors of mutual domestic associations pursuant to the act;
B. to encourage board members to seek additional training to better understand their roles and responsibilities pursuant to the act; and
C. to encourage technical assistance providers to develop training courses and provide guidelines for the content of those courses.
[20.12.2.6 NMAC - N, 4/15/2008]

20.12.2.7 DEFINITIONS:
A. “**Act**” means the Sanitary Projects Act, Sections 3-29-1 through 3-29-20 NMSA 1978.
B. “**Board of directors**” or “**board members**” means the directors elected by the mutual domestic association in accordance with its certificate of association and bylaws and responsible for the administration, operation, and maintenance of the association.
C. “**Department**” means the New Mexico environment department.
D. “**Mutual domestic association**” means an association organized under the provisions of the act.
E. “**Secretary**” means the secretary of the New Mexico environment department, the secretary’s designee, or any person who properly assumes the role of the secretary in the event of the secretary’s recusal or disqualification.
F. “**Technical service provider**” means any individual, business, learning institution, or entity to include the department that provides assistance in the form of department approved training to any mutual domestic association.
[20.12.2.7 NMAC - N, 4/15/2008]

20.12.2.8 POWERS AND DUTIES OF DEPARTMENT AND SECRETARY:
A. The department shall exercise all powers and duties prescribed under this part.
B. The secretary shall have the authority to take all measures necessary to review and approve specific training course content developed by the department or a technical service provider and act on behalf of the department.
[20.12.2.8 NMAC - N, 4/15/2008]

20.12.2.9 INITIAL AND CONTINUING TRAINING TOPICS:
A. The following topics are the minimum required subject areas for initial training of mutual domestic board of director members:

- (1) responsibilities of governing bodies (certificate of association, bylaws, election procedures and Governmental Conduct Act);
- (2) Sanitary Projects Act;
- (3) Safe Drinking Water Act and drinking water regulations;
- (4) Utility Operator Certification regulations;
- (5) Open Meetings Act;
- (6) Inspection of Public Records Act;
- (7) Audit Act and Requirements for Contracting and Conducting Audits of Agencies;
- (8) State Procurement Code;
- (9) office of the state engineer reports and requirements; and
- (10) basic accounting, budgeting, and rate setting.

B. The department shall maintain a list of approved courses for continuing training.
[20.12.2.9 NMAC - N, 4/15/2008]

20.12.2.10 APPLICATION OF TRAINING REQUIREMENTS:

- A.** Board members shall complete a minimum of twelve hours of initial training:
- (1) within two years of election or appointment to a board of directors and shall complete a minimum of six hours of training within the first year; and
 - (2) within two years of re-election, or appointment to a board of directors after interruption in service on a board greater than four years and shall complete a minimum of six hours completed the first year.

B. To maintain certification after completion of the initial training, board members must complete a total number of credits equivalent to two hours of continuing training during each year of their elected or appointed term. Any board member may carry up to six hours of excess credits earned over to the next compliance year(s) within the board member's term of office. Excess credits may not be carried over to a board member's subsequent term of office.

[20.12.2.10 NMAC - N, 4/15/2008]

20.12.2.11 TRACKING AND RECORDATION OF INITIAL AND CONTINUING TRAINING:

A. Mutual domestic associations shall track and record the required and continuing training received by members of their board of directors, including the following information:

- (1) course title and content shall be recorded for each board member;
- (2) total course hours shall be recorded for each board member; and
- (3) date, location and provider of the training shall be recorded for each board member.

B. Mutual domestic associations shall submit to the department a certificate of compliance with the requirement for board training as part of the member accountability report required by the act demonstrating compliance of each board member with the requirements for the initial and continuing training.

C. At the conclusion of any training, a certificate of completion shall be issued to the board member by the technical service provider or entity providing the training that documents the date and location of training, course title and description, total hours of training for each topic, name of the trainer or trainers.

D. Technical service providers will submit to the department a summary of each training event including the date(s) and location(s) of training, course title and description, total hours of training for each topic, name of the trainer or trainers, and a list of attendees that successfully completed the training and the water system they represent. The information reported to the department shall be in an electronic format as directed by the department.

[20.12.2.11 NMAC - N, 4/15/2008]

20.12.2.12 APPROVAL OF COURSE CONTENT:

A. The department shall approve in writing all training courses and associated credit hours intended to comply with this part.

B. Technical service providers shall submit proposed training to the secretary for approval at least 30 days in advance of any proposed class. Proposals will include a description of course content and time allotted to each topic, and total course credit hours.

C. Each initial course shall consist of all or some of the topics listed in Subsection A of 20.12.2.9 NMAC above.

D. Each continuing training course shall be approved by the department.

[20.12.2.12 NMAC - N, 4/15/2008]

20.12.2.13 EFFECTIVE COMPLIANCE DATE:

- A.** This part shall become effective 12 months after promulgated.
- B.** Training approved by the department and attended by mutual domestic board members in the 12 months prior to the promulgation of this part shall be credited to board members toward compliance with the requirements of this part.

[20.12.2.13 NMAC - N, 4/15/2008]

HISTORY OF 20.12.2 NMAC: [RESERVED]