FORMAL ADMINISTRATIVE REFORM CLAIM & PUBLIC COMMENT

SUBMITTED BY:

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TO: Michael Eshleman

- The New Mexico Department of Justice IPRA Task Force
- The Office of the New Mexico Attorney General

Subject: Urgent Request for Legislative IPRA Reform to Stop Vexatious Sabotage of the Timberon Water & Sanitation District

Dear Attorney General, Task Force Members, and Honorable Legislators,

I am writing to urgently request targeted legislative reforms to the New Mexico Inspection of Public Records Act (IPRA). While IPRA remains a vital pillar of democratic transparency, the absence of statutory safeguards against bad-faith, high-volume harassment is being actively weaponized to sabotage public infrastructure. In our unincorporated community of Timberon, New Mexico, this unchecked loophole is on the verge of collapsing the Timberon Water & Sanitation District, threatening the safe drinking water of nearly 1,000 residents and roughly 1,300 water meters.

Our water district is currently being paralyzed by a continuous barrage of frivolous IPRA requests filed by a small minority of four or five individuals. These individuals are former board members and managers who were democratically voted out after mismanaging our community's resources and leaving behind over half a million dollars in unpaid debt. Out of power, they have turned to IPRA as a tool of administrative retaliation and community manipulation.

Chief among the individuals orchestrating this campaign is Michael Gonzalez, a former board member and former chairman of the water board. During his tenure in leadership, Mr. Gonzalez fired the sitting general manager and directly assumed the role of general manager himself—consolidating administrative control before failing in the role and being removed from power by the community.

Mr. Gonzalez resides within the physical boundaries of the Timberon area but lives completely off the grid in a location with no water or electricity available. He has chosen this off-grid lifestyle by personal preference and is explicitly proud of the fact that he does not rely on local utility infrastructure. Yet, despite having no personal reliance on our community water system, he continues to flood our district office with public records requests.

Furthermore, Mr. Gonzalez is vehemently opposed to the district's operational funding and has joined a lawsuit challenging the legality of our Facilities and Services fees. These fees—a modest $30 a year per lot—were specifically designed to preserve critical community assets, including our roads, trash service, fishing lakes, golf course, and swimming pool. Mr. Gonzalez regularly enjoys the use of these community amenities but refuses to pay the fees to maintain them.

While he served as general manager, he actively weaponized his position to avoid enforcing or collecting these fees, attempting to eliminate them entirely in a direct conflict of interest with the financial health of our district.

His ongoing IPRA campaign, paired with toxic social media attacks against our board, management, and field workers, has completely destroyed workplace morale and administrative continuity. This systematic attack is breaking our volunteer board members and field crew. As exhausted staff quit under the pressure of this harassment, there is zero historical knowledge passed down to incoming personnel. Our office staff is trapped in a loop of basic onboarding, unable to complete training for core administrative duties because their time is entirely consumed by Mr. Gonzalez's records requests.

This disruption is paralyzing our office and directly jeopardizing our grants, as well as our ability to meet strict operational guidelines with the New Mexico Finance Authority (NMFA) and the USDA. Our General Manager no longer has an information officer to handle these inquiries, and no other staff members possess the specialized skill set to navigate them. As a direct result, she is forced to personally answer these requests instead of performing her executive duties. This has paralyzed her ability to complete requirements for existing USDA loans, halted applications for new federal infrastructure grants, and caused her to miss critical budget deadlines imposed by the NMFA.

The consequences of this weaponized harassment have created a devastating, compounding financial crisis for the people of Timberon:

• Stagnant Resale and Land Markets: The real estate market here has ground to a halt; nothing is selling. Timberon has a heavily elderly retirement population. Due to high altitude and shifting health concerns, many senior residents desperately need to sell their properties and liquidate their equity to fund medical care or relocate to lower elevations. This artificial, administrative contention has left them completely trapped.

• Destruction of Tourism: This campaign of harassment relies heavily on highly negative social media misinformation. These posts have tricked outsiders into believing Timberon has no water at all. In truth, we have a very good, secure source of water—it is simply our aging distribution system that needs the focus of our engineering resources.

• Harm to a Peaceful Community: The vast majority of our community loves it here. People invested in Timberon because of its peaceful tranquility and beautiful surroundings. Now, they are surrounded by artificial conflict and severe financial consequences because we are literally on the brink of collapse due to the efforts of a few misguided people.

The overwhelming majority of Timberon wants to see this community flourish. We fully support our water department and the incredible progress they have made with very limited resources, all while enduring a relentless barrage of personal attacks.

The New Mexico Inspection of Public Records Act was fundamentally designed to protect the citizens of New Mexico. It was built to offer consumer protections, safeguard against government overreach, and eliminate a lack of transparency. It was absolutely never designed or meant to paralyze small municipalities and unincorporated utilities, to limit the livelihoods of live citizens, to lower our property values, or to ultimately lower the tax amounts that the county and the state collect from our community. The effects of this abuse are multifold and far-reaching, and it needs to be addressed immediately.

To restore balance and protect vulnerable, small utility districts across New Mexico from this systemic abuse, I urge the Legislature and the Attorney General's Task Force to champion and codify the following targeted IPRA reforms:

1. Strict Limits on Request Frequency and Volume: Establish statutory caps on the number of requests an individual or coordinated group can file with a single public entity within a given month. Small, rural districts with single-digit administrative staffs cannot survive the same request volume as well-funded state agencies.

2. Immunity and Protection from Fines for Inherited Missing Records: Public entities must be explicitly protected from statutory fines when requested historical documents are

missing or were destroyed by previous administrations. Ironically, the individuals currently inundating our office with requests ordered the mass shredding of historical records during their tenure. Our current staff is being forced to waste hundreds of hours searching for non-existent documents simply to avoid steep compliance fines.

3. Statutory Relief from Vexatious and Frivolous Requests: Create a clear legal mechanism allowing public bodies to seek administrative or judicial relief from 'frivolous' or 'harassing' requests. If a requester's clear intent is to disrupt everyday administrative operations rather than obtain genuine public information—or if they hold no material interest as a consumer of the utility—an agency should have the right to deny or delay the request.

IPRA was enacted to foster an informed electorate, not to allow disgruntled actors to legally bankrupt a community's water supply and sabotage its access to state and federal funding. Without these commonsense guardrails, our General Manager and remaining staff will resign, forcing the utility to shutter and leaving an entire New Mexico community entirely without water.

Thank you for your immediate attention to these urgent, necessary reforms to protect small public entities from administrative warfare.

Sincerely,

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