

Pinos Altos Mutual Domestic Water Consumer Association
Regular Meeting
Wednesday May 15, 2024

Meeting called to order at 7:05 pm by Tom Gedgudas.

Board members in attendance were: Tom Gedgudas, President; Gabriel Preusch Sanchez, Vice President; Kris Wamsley, Member at Large.

April Matthews, Bookkeeper was in attendance. Ann Estensen and Mark Johnson were also in attendance.

Public Input sign-up was closed.

A quorum was proven.

Agenda was approved.

Minutes from March 13th regular meeting were approved as amended 4-0.

New Business

Approval of New Memberships

2 new memberships: transfer to old meters – one was a name change on account 62 and the other was a property that was sold account 94. Approved 4-0.

Filling the Board Vacancies of Secretary and Treasurer

Ann Estensen volunteered to assume the secretarial position and was elected 3-0.

Mark Johnson volunteered to assume the treasurer position. Mark reported he would recuse himself of anything having to do with the law suit. Tom reported he had concern about Mark as treasurer because some people had reported difficulty working with him and because one of the employees reported she would resign her position if Mark was to assume the position of treasurer. Tom explained that the By Laws specified 5 Board members and that the Articles specified 3 officers: president; vice president; and secretary. There was no mention of a treasurer position in either document. Tom stated that for these reasons he would rather continue with an open position on the Board instead of losing a valuable employee. He believed that replacing the treasurer could wait until a replacement was approved. In the meantime Tom as a retired accountant, could fill in. Kris then offered the suggestion of trying to move forward and clear the deck, in an effort to resolve this issue, so we could have a full board, all try to work together, and put aside our differences. Tom insisted that this was not possible. Ann then spoke and questioned, whether this decision was up to Tom, as president or up to the entire Board. Everyone clarified it was the Board's decision. Ann then stated that she felt the same way Kris did. Gabriel then expressed his concern was having litigation still ongoing and unresolved with the association. Mark reported he filed the Appeal and that there would be no further submission/input from the Board, because the time had passed for the Board to file an answer or response to the Appeal. The Appeal would be decided when it was decided, Mark

stated. Tom said we could work around the lawsuit and appeal, repeating his concerns as previously stated, and added in 6 months to a year maybe the arrangement Kris suggested would be possible. Mark responded, that it was April that had stated that she would resign. Mark then said he would gladly take over the bookkeeping chores until we hired someone else. April said you can't do that and be on the Board, given the Board is a public body. Mark said he would have someone work for him. Mark questioned what issues April had with him being on the Board. April responded, "Basically you threatened me at one time." Mark responded "Oh Nonsense!" April then stated, "if Mark didn't do what he was doing now, she could work with him." Kris then talked about not invalidating other people's feelings and appreciated April's willingness to try to work with Mark. Gabriel made a motion to have a vote to appoint Mark to the open position on the board. Ann seconded the motion. A split vote was obtained: Ann and Kris voted in favor and Tom and Gabriel voted against. Discussion ensued as to how or if Robert's Rules of Order applied. Because there was not a majority vote for Mark, he was not appointed to the open position. Tom welcomed Mark to come back, participate, and sometime in the future perhaps, assume a position on the board. Gabriel suggested the need to inform the members of the association about the new officer and the need to fill a vacancy. April reported that she could put the information on the back of the billing for all members, on facebook, and on the announcements at the website. April asked, to state her message, to be sure of board approval. She stated "The association has an open position, any interested individuals please contact the bookkeeper or a board member." The message was approved by all Board members.

Selection of Potential Dates for Michael Montoya (not Karen Lithgow), NMED, to Present Financing Options for Water Line Replacement

Kris talked To Karen Lithgow, who suggested selecting some dates and times for a 2-3 hour meeting. Gabriel stated the meeting could be at the fire house any week day except Monday. Mark Johnson asked if Tom knew Priscilla Lucero, as she had worked with other water boards in Grant County and she lived in town. It was decided to keep Priscilla Lucero in mind, but not introduce her at this time. The meeting dates chosen as possibilities were: 6/11, 6/13, 6/18, and 6/20. Meeting would begin at 1:00 on the chosen day. Kris would contact Karen, as previously directed by her, and present the board's selected time options. Then Karen would contact Mike Montoya or instruct Kris to do so. Tom stated that he had known Mike Montoya in the past and would be happy to communicate with him. Kris would email all board members with confirmation.

Discussion and Approval of Additional Membership Fee

Tom stated this discussion was to alleviate some of the problems that occurred with transfers. For example, the outgoing member did not pay their bill in full and the transfer could not be completed until there was no outstanding balance. The person wanting the transfer did not want to pay for someone else's water.

April confirmed the issue and that the situations varied. Current transfer fee was \$25.00, but sometimes that did not cover the expense of time and trouble. The transfer was extensive work, similar to a new meter installation. April needed the forms from both parties, funds, copies, titles or deeds, or whatever document indicated ownership. Gabriel brought up the new trailer across from trailer park as an example: where the meter was in place; with existing account; and everything was paid. That took about 2 hours for April to complete and be paid about \$75. This was suggested as a base rate since it was an easy transfer. April reported doing about 10 transfers a year. Tom added, there were a variety of scenarios and there should be a variety of charges. April reported the PAMDWCA paid a monthly fee to Silver City for every meter

installed in the system. If the meter was not in use, after so many months, April would send someone to take the meter out to avoid fee to the city. Mark brought up possibility of realtor involvement in making transfer easier, but Tom stated there had been no success with trying to do that. Tom suggested the possibility of the new owner paying outstanding balance before the meter could be unlocked. Gabriel presented a motion that a standard transfer fee be raised from \$25 to \$75. Ann seconded motion. 4-0 vote approval. The **operations policy** would be changed as of June 1.

The Board continued to address transfers with outstanding balances as most concerning. Possible options for handling were: 1) tell new member to pay the outstanding balance within 30 days or the water would be turned off, the meter locked, and the meter unlock fee would have to be paid. 2) transfer could apply for a new membership at the current (\$4000 for the meter) original right to connect fee + installation costs (install costs on water board side and install costs on the side of the owner). Meter reconnection fee was \$500.

Tom looked for motion to temporarily table this discussion, returning to it later in the meeting after the agenda item "Discussion & Approval of New Policy to Lock Meters Shutting Off Water in Lieu of Pulling Meter with \$500 Reconnection Fee." Gabriel motioned, Ann seconded. Tabled 4-0.

Discussion and Approval of New Policy to Lock Meters Shutting Off Water in Lieu Of Pulling Meter with \$500 Reconnection Fee

Tom stated this was brought up last meeting as something to consider because it did not always make sense to pull a meter. Just lock it to prohibit water usage. The charges were far less. Perhaps a new policy and fee would work well.

Gabriel asked when was a meter pulled, currently. April stated, after 90 days. The meter was pulled to avoid fees to Silver (\$7.49 monthly).

Suggestion - pulling after another 90 days. Mark suggested accumulating Silver fees on top of reconnection fee. April agreed that was a good idea. Considering fee at \$100.

Gabriel motioned: to change policy to have meter locked after 90 days of non-payment on the account, with a \$100 unlock fee, and the meter pulled after 6 months of non-payment on the account.

April asked if the fees and outstanding balance must be paid in full. Affirmative response from group.

Motion passed 4-0.

Tom asked to reopen issue of member transfer fee, which was temporarily postponed, because there had not been an unlock fee. Gabriel suggested \$175 fee for difficult transfers. Transfers with outstanding balance required \$175 transfer fee plus option (1) new member paid outstanding balance within 30 days or the water was turned off, meter was locked and member would be liable for the unlock fee once everything was paid or option (2) they would apply for a new membership with the current original right to connect fee and any installation costs. Gabriel motioned to amend the operations policy as stated.

Tom offered opportunity for additional discussion: April clarified with synopsis: (1) a new member would put a \$25 application fee and a \$50 deposit; (2) a transfer member \$25 for membership, \$50 for deposit and \$75 transfer on top of those; (3) difficult person (with outstanding balance) \$25, \$50, \$175.

Ann seconded motion. 4-0 in favor of amending operations policy.

Unfinished Business from Prior Meeting

Discussion to Establish Policy Regarding Membership Transfers with Outstanding

Balances

Completed above.

Discussion/Approval of Detailed Checklist for Repair Work

Gabriel provided copies and presented his checklist for work order. First question - would we need someone to come and fix anything? Important information on work order: today's date, when problem happened, when Association submitted it to someone, and date it was actually completed. Address, GPS coordinates, description of work, attach photo before and after work was performed. (April explained ability to put work order information and photos into the system.) Include name of the residents, address, and meter number and were residents talked with before work was done. (Kris emphasized importance of talking to and documenting verbal exchange with resident. No trespassing signs needed to be heeded due to legal liability.) Gabriel continued with form: who did work and who was present during the work; cost of work and check number. Gabriel explained yes/no metric to provide information about particular job: new installation, repairs, service line, main line, junction, coupler, before and after photos, was service interrupted and were members notified. Additional lines in metric for other data to capture: repeat issue, how many times, was it an emergency, meter issue. Gabriel reported Association spent lots of money on service and April reported machinery cost was most of expense and had doubled or tripled in recent years. Tom and others suggested typos with misspellings that needed corrections.

Tom looking for a motion to approve the work order form Gabriel presented as amended. Kris motioned. Ann Seconded. Passed 4-0.

Tom, Gabriel, and April discussed confusion over meter size, $\frac{3}{4}$ inch or 1 inch. Previously meters were $\frac{3}{4}$ inch, but when ordered 1 inch meters were sent, and when returned were replaced with 1 inch meters. Gabriel reported solution was to use 1" couplers which J&S Plumbing has had. Gabriel reported Board not providing anything but the meter, and April reported in the past board used to provide connectors and manhole covers, etc. April reported board covered everything but the actual backhoe and actual "hands on." Currently, meter and parts to install are provided. Gabriel reported need to do actual inventory for coming year.

Update and Action on Account 107

Ester Morris account, last meeting plan was to defer late charges since then. Tom reported spending a couple of hours on the phone with Ester. The issues discussed: letter explaining everything sent by Tom 6/2/23 she never received. Ester reported to Tom that she bought the property from Linda's brother Michael and Ester was told everything was in order, with water to the property with a doublewide, which had a meter by the house, she had water, and she paid bill. All was in order. That all changed in 2001 when the meter was disconnected, moved and reinstalled by highway 15, about 485 feet up the road from where the meter had been. Since that time she has had no water because there was no service line between the doublewide and the new location of the meter. She was unclear, but at that point she said she had hired an attorney to help resolve the problem. There was no resolution and she paid attorney for nothing. She continued to pay monthly admin fees, but had had no water since 2001. Tom reported she would send a couple of hundred dollars annually to cover service fee and when the fee went up to \$25 is when she fell behind. April reported, in her experience with the board, they had never put a meter next to the house. Tom reported that she could not use her house it had no water so could not stay there, but stayed in her place in Silver City.

Ann asked, so what are you trying to decide? Tom answered that Ester's balance was \$241 and change last year, when this became an issue. April reported that now it was more than that.

Gabriel stated, so the money she paid was covering the cost to Silver City for the meter. April

can go to the GPS system and see if that meter was there, ie by her doublewide. Ester reported in conversation with Tom that it would cost her thousands of dollars to put in a service line from the meter to her house. She reported she had been paying for 20+ years and had had no water. Tom reported that he walked the property and saw some PVC pipe remnants, but no sign of distinct water line. April, Tom, and Gabriel discussed previous board members who might have some useful information with regard to this situation. April suggested Linda or Mike Davila might know something about what happened with Ester's meter and water line. Gabriel summarized Ester's current situation was that she had an account balance and a physical meter that connected to nothing. Tom suggested to reverse any late fees, her bill was service fees + late fees. There has been no water, because there has been no line to provide water and her whole point was why should she pay this. Ester suggested a vacation fee. Tom suggested the account just be deactivated. April indicated deactivation of the account was a lot of work. Everyone suggesting various options to manage the situation and continuing to try to figure out what had happened. Gabriel suggested hypothetical situation and he asked when did she last pay her bill? Tom reported April of 2023. Gabriel continued, the meter should have been locked 3 months after last payment and 3 months after that the meter should have been pulled. Once the meter was pulled the account would be suspended and Ester would be charged nothing, there would be no more bills, but there would be an outstanding balance. Hypothetical example confirmed by April. Gabriel suggested backing up the balance to what was due 6 months after Ester stopped paying. April at first reported that that was not possible, but then was able to figure out a way to document the changes with a reverse entry. April repeated idea to charge Ester for the 6 months and do the reverse entry. Gabriel stated, then the account would be suspended, Ester would pay no more money, the meter would be pulled. Then after Ester passed away another person would buy the property, pay the fees and reinstall everything. Tom summarized plan of resolution: pull the meter, suspend the account, no more charges, final bill for 6 months of service. Plan to remove the charges after 9/30/2024. April to summarize charges for 6 months after the letter from Ester. Discussion continued with many different ideas. Gabriel chose to make a motion: (\$241 was when dispute began, and Ester would be responsible for that amount), April would wave all fees beyond that, suspend the account and remove the meter. Kris seconded the motion. Motion passed 4-0.

Establish Policy Requiring Member Shut-off Valves at Time of Meter Installation

Tom reported this was tabled from 2 meetings ago. He provided a copy of current policy and read it to the Board. Tom explained items that did not make sense. He then proposed: (1) All new member service connections require a shut-off valve to be installed and paid for by the new Association Member. The new Member agrees to have this shut-off valve installed at the same time as the meter installation, by the same authorized installer of the Association. (2) For membership transfers, the new Member agrees to have a shut-off valve installed within 60 calendar days of the transfer. Proof must be provided to the bookkeeper within 60 days of the transfer or the meter will be locked and water service will be shut off requiring the current meter unlock fee payment for water to be re-established. Gabriel motioned to accept the policy as proposed. 4-0 vote in favor of change.

Update on County Commissioners' Draft Ordinance No. 0-24-01 Providing for the Administration of County Fire Departments

April 23, 2024 Resolved any concern about meetings or other uses of fire houses, except for the sole purpose of the fire department. Since PAMDWCA was not involved in fund raising

activities the Ordinance did not seem to apply.

County Commissioner Brown addressed that and stated the same. They decided to change the wording to the Ordinance for clarity. They never saw it as a problem for meetings that were not fund raising.

The new ordinance passed 4-0 by the Commissioners.

President's Report

Monthly Water Sample Quality for Free Chlorine: Feb .44 Mar .44 Apr .40

(0.2 to .5 mg/L is desired; maximum contaminant level (MCL) is 4.0 mg/L)

Notified Silver City's Finance Director of Number of Active Connections (135)

Bookkeeper's Report

Late Notices and disconnects – lots in March, better in April

April had thought Board was going to discuss Account #12. Linda was going to speak to gentlemen. April suggested placing a lock on it. Gabriel asked if it was 90 days late. That was confirmed, by April, so policy allows for the meter to be locked.

Financials for March and April – were sent. Tom had 2 questions. March did not seem to have water loss report. Master activity report questions that they cleared-up.

Consumer Confidence Report – completed and approved by the State
990EZ to IRS – accepted by IRS

Treasurer Report

Tom reported speaking to Alma who has retired and to Becky who said the Annual Report to the Secretary of State was done. April reported she had done the report.

Secretary's Report

Notification of Number of New Connections to Silver City Utilities Director – April to send letter to Ann and will provide number. Tom and Ann to work on this.

Member Accountability Report to NMED – Tom and Ann will complete together.

Vice President/Operations Report

Any Leaks or Issues – no new ones in the last couple of months. The leak outside the firehouse is still unresolved. Possible leaks on Bear Creek road by fire hydrant, one in the old court house, possible leak on the hillside between BCC and court house.

Update on KingLocks Installation on All Fire Hydrants – Gabriel met with fire fighters who were not happy about locks on fire hydrants. Gabriel explained loss of water to the system is a problem that is being evaluated.

Confirmation of next board meeting to be held July 17, 2024, 6:00 PM at the PA Fire Station

Adjournment 9:40