

Pinos Altos Mutual Domestic Water Consumers Association
Regular Meeting
Wednesday October 16, 2024

Meeting called to order and quorum proven at 7:00 pm by Mark Johnson.

Board members in attendance were: Mark Johnson, President; Gabriel Preusch Sanchez, Vice-President; Tom Gedgaudas, Treasurer; Ann Estensen, Secretary; and Kris Wamsley, Member at Large/Parliamentarian.

April Matthews, Bookkeeper and Linda Davila, Meter Reader were in attendance.

Approval of Agenda: Mark asked if anybody objected to anything on the agenda. Tom stated, "Point of Order," he would like to take votes on these. "The Seconding Motion seems to be opening stuff up for discussion, and moving a question on something seems totally separate." Until Tom is clear on that, he would prefer that votes be taken and reflected in the minutes. Mark acquiesced. Agenda was approved 5-0.

Approval of the Minutes: Tom again stated a Point of Order, that he had some questions or suggestions. Tom stated per OMA, votes are supposed to be recorded in the Minutes. Tom stated that he was not sure that just "Hearing no Objection" we will do whatever is considered a vote. Tom requested the addition of "ie, unanimous approval" to the Minutes, in three locations, to clarify "Hearing no Objection" as a unanimous vote. Mark clarifying that Hearing no Objection is a legitimate way to handle unanimous situations and he would send Robert's Rules of Order for verification. Tom reported he had Robert's Rules of Order. Mark reiterated that Hearing no Objection implies that there is no objection and either it is unanimous or someone abstains, in which case "I abstain," or "I wish to have discussion," should be stated. Tom stated that he understood, but because this process during a meeting has only been used once before, in the last meeting, it is a bit confusing. Ann agreed and stated the new language to improve meeting management is still a work in progress. Tom requested a vote to approve the Minutes as amended. Mark stated, this time we will have a vote, and next time either he or Tom will have a Motion to resolve the issue of needing to vote due to Tom's concern about compliance with OMA. Minutes were approved as amended 5-0.

Public Input: April stated she would like to give public input. April stated, "As a member of the Association, I would like to remind the Board that in this room during the meeting it is the responsibility of each member of the Board to do what is best for the Association. And to not allow personal friendships or relationships or grievances against anyone to cloud your decisions that each Board member makes." Mark thanked April.

Reports: Located in Appendix

Mark asked if there were questions with bookkeeper or officer reports completed 10 days prior to this meeting? Mark reported he had questions on the Financial Statements. When asked, April stated that it was accurate to say that the average water bill was between \$50.00 and \$55.00 monthly. Mark questioned Gross Wages total of \$1946.00 monthly, how that was divided between April and Linda. April reported her wage was about \$1590.00 monthly. Mark asked if the Association paid anything under the higher water rates. April reported that water Rate (1) was the only water rate used by the Association in the Book System and the Lost Product Report is about our water rates. Mark's additional questions were answered and clarified, by April and Tom.

Tom reported he had questions about Mark's report, but since they were on the Agenda also, Tom clarified with Mark that it was appropriate to deal with them in the Agenda. Tom also asked about Ann's report and the two 2019-01 and 2019-02 Resolutions: IPRA and Public Input, which had been revised and signed 2023, but not yet been posted to the website. The revised Resolutions were to be posted at the website, to replace the current invalid resolutions. The Resolution 2019-03 Identity Protection was to be removed as it was declared to be invalid by the Court.

Unfinished Business

Presiding officer controls order of speakers: parliamentary interjects/thumps as appropriate. (5 minutes)

Parliamentarian, Kris introduced the "toy microphone" and stated that she did not want to be a "nag" in her efforts to manage people speaking over each other or interrupting. This is disruptive to Kris and to the meeting. She recommended trying this toy microphone as a "talking stick" and a visual reminder to the members that they need to be silent and to pay attention to whoever is talking and holding the toy microphone.

Timing of individual speakers in order to better manage the meeting was also well supported by Ann, Gabe, Tom, and Kris. A timer that exhibits the passage of time will be brought to the next meeting. Gabe did use his phone as a timer, for all to see the passage of time while Officers spoke during this meeting. Mark reported that he put time estimates on the agenda, because of Tom's request. It was decided to continue to use time estimates and timer to manage speakers.

Shall we continue Meeting Reports? (3 minutes)

Mark asking the Officers and Bookkeeper if they wanted to continue the plan of writing reports and sending them out to Board and Bookkeeper 10 days prior to the meeting, as discussed in previous Board Meeting. Gabe reported he had not received the emails with any reports. Mark asked if Gabe was listed with the Board emails as vp@pamdwca.org and April confirmed she had set this up. Gabe in favor of the plan of reports sent ahead of meeting so officers are informed and ready to discuss as needed. Mark stated he will check with Gabe next time to make sure he received reports. Tom asked solution for those who do not have printers. Mark responded he and April can print reports for others.

Shall we provide Minutes corrections on the report? (5 minutes)

Mark stated, as previously discussed, corrections to the Minutes be an addition to the Reports. In this way all of the information is provided in one place. After some discussion, Ann reported that the new plan of completing the Draft Minutes to be sent within 10 days, to the Board and Bookkeeper to be posted to the website would work well. Including Minutes corrections on the Reports (due 10 days ahead of the following meeting) would give plenty of time to revise the Draft Minutes, resend them to the Board and bookkeeper for final approval at the following Board meeting. Final Minutes could then be posted on the website.

Retraction/removal of 2019 resolutions (3 minutes) + publish January 2024 IPRA and Public Input resolutions (5 minutes)

This matter was addressed above in the **Reports** of these Minutes, but addressed again by Mark who wanted to retract the resolutions. Tom stated, Point of Order, that he would like some discussion. Tom's concern was that the changed resolutions had not been posted on the website, as explained above in **Reports**. Mark stated the need to post the revised Resolution 2023-02 Record Inspections and 2023-03 Public Input Meetings tomorrow. Tom requested a vote which was 4 in favor and one abstention, Gabe, due to the need for more information.

State total amount paid to Attorney Perkins by PAMDWCA and Insurer (1 minute)

Tom reported that Perkins was paid \$16,905.52 which included \$5000 from insurance company and \$3243.38 paid for appeal brief.

Nexbillpay and payment processing (20 minutes)

Mark stated he understood there was a contract to be signed, but what April forwarded was an Order Summary from Nexbillpay, not a contract. Mark recalled that every Board member had stated they would not use that because of the convenience fee. Gabe corrected, that he did not say that he would not use it. Mark stated that a more efficient method of payment would be better in order to save expense. Tom questioned and said that last meeting the Board voted to approve Nexbillpay, and would Mark like to reopen that matter? Mark agreed. He then asked about how many Association members paid by check, April reported about 10 members paid with money order, the rest mostly paid by check. Mark stated there are many providers (including Nexbillpay) who provide ACH payments online. Mark wanted to set up with a provider, Helcim.com, who does this very cheaply. He would like to set this up on the website so that officers could try it out by the next meeting. Mark proposed the board would pay the \$.51 per payment. April then reported the many advantages of Nexbillpay: it can be set to be re-occurring; members can look at their bill anytime they want; the transaction is instantaneous; notices to be sent for emergencies like water shut-off; bill can be paid by text on phone. Cost per person is \$3.65 per person per year, on the Association side. April reported cumbersome task to transfer data/manually posting with the Helcim systems, but not Nexbillpay which is instant, once set-up. Tom and Gabe concurring with April.

Mark expressed concerns that Nexbillpay is not clearly understood by the Board and that Association data is being provided to Nexbillpay.

Discussion continued between Mark, April, Gabe, and Tom. Kris suggested to curtail the current discussion and that the Board choose to just look at the system Mark suggested. Gabe wanted to review what was already agreed upon with Nexbillpay system. He continued that at the last meeting, the Board voted to implement it and it was going to be signed and started. Mark

agreed with what Gabe stated, but that the contract was in fact an order sheet, not a contract. April was named on the order sheet and the Board had agreed a contract should not be signed by April. After deciding the contract was not a contract, Mark looked it over further and identified some issues with it. Mark then made a motion to postpone execution of the Nexbillpay Order for at least a month and in the meanwhile look at the Helcim facility. Gabe then stated that no one seconded the motion. Gabe then proposed that the Board do what we said we were going to do in the last meeting and continue to use the software that we already looked at, that we abide by how we voted and continue. Tom then asked if this was a counter motion. Discussion continued to resolve the conflict. Kris stated that she agreed with Gabe's point that if we already decided to do it, it would need to be rescinded. She then questioned if deciding not to do it, it opened the door for changing other decisions, from what had been decided previously. Tom stated that we always can do that, as long as it is presented ahead of time and is on a public agenda. He continued, we can revisit anything as long as it is on the public agenda. Mark adding that we should inform the membership and prior to the agreement, let the membership know about the information that would be shared with Nexbillpay.

Gabe reiterating the need to rescind the previous plan. Mark stating, since there was no deadline for signing, he motioned to rescind the signing of the order for further consideration, in a month. Tom stated Point of Order, that rescission was not an agenda item. Therefore it would be making a decision as a Board, that was not discussed in a public meeting.

Mark responded that some other Board member should sign the Nexbillpay order, because he thinks it is wrong.

Board agreed to table the issue. Tom stated Point of Order, he wanted a vote. Vote was 5-0 in favor. Tom suggested that on the next meeting agenda that it be stated as rescinding or implementing Nexbillpay.

New Business

Suggestion: do not copy board@pamdwca.org and all@pamdwca.org unnecessarily.

Adopt a "need to know" approach. Mark would like to cut down on emails. Tom defended the need to always include the bookkeeper on all matters as she has so much to do with the day to day activities of the Association. Mark stated that as the bookkeeper's supervisor, Tom may forward anything to her that he thinks she should see. Mark plans to communicate with April by text because it is quick and not everyone needs to be included in those matters. Kris agreeing that she gets too many emails, that are not necessary. This discussion went on for sometime and Mark stated that everyone is free to forward emails onto others if they see a need.

Directors' Manual on the website (5 minutes)

Kris and Ann reported inconsistencies between information in Officers' notebooks. Some of the Resolutions are not up to date. April reporting most of what is in the manuals is on the website.

Tom has updated his own manual over time. Others in the past may not have updated. Tom would like to see the Balance Sheet and Income Statements on the website with their own tab.

April described the way a manual could be put on the website so that information could be easily accessed and updated to maintain a master copy. Mark stating that it is agreed that a

single director manual that is uniform and when updates occur, it will occur to the manual on the website regularly. April agreeing to set-up the directors' manual Master Copy on the Website and will use the Secretary's Manual for the starting baseline. April to put it together and send it to the Board.

Plan to gather member/renter cellphone and email preferences to reduce mailing costs and facilitate communication (15 minutes)

Mark asked how many members email or cell phone information is not available. April reported over 50%. Mark asked when was the last time a concerted effort was made to get information? There was no clear answer. Mark requested another effort and getting info in some detail. Find out members preference for communication, name of cell phone carrier because emails can be sent to cell phone numbers. Mailing address is really the only way to get in touch with all members. Mark stated that in an effort to convert this system into a more efficient system, by stopping the use of paper checks, envelopes, stamps, etcetera the Board will need to tell the Association members online payment is free. There will be no convenience fee. Helcim will charge \$.50 for an ACH payment, which the Association will cover. Mark stated that it would work out for the Association. Tom disagreeing because of the cost of posting it all. Mark stated that if it is agreed to do this, he will construct a letter and send it to the Board for approval, to be approved or modified at the next meeting. Gabe asked for the contact information on the 50% of association members for which it is available. April reported that without calling everybody she would not know who has valid phone numbers or emails. Mark reported that we do not know the communication preferences of the ones for whom we have contact information.

Identify volunteer CWO (5 minutes)

Mark reported he was a volunteer CWO before the Board dispensed with his services. Now the Board is paying \$2000 a year for the CWO. It is a good way to save money. Mark suggested the Board could get someone to be a water sampler and Mark could supervise. Tom asked who does the reports. Mark thought, but was not sure, that the water sampler could do the reports. Tom had a concern with Mark because there were reportable violations several times. Kris asking about putting the information out online to look for a volunteer CWO and what that involves. April to write something up and send to Board for approval before posting on Facebook and Announcements page. Gabe suggested he would talk with his brother Greg about the CWO volunteer. Gabe also stated that with a CWO, Gabe could be supervised to dig up a meter. April added that the Association does pay for the training.

Vote: whether to modify 2012-04-24 efficiency resolution to cover employees as well as contractors (1 minute)

Gabe asked who are contractors and who are employees. April responded CWO Manny and J&S Plumbing are contractors. April and Linda are employees. After some discussion between Tom and Gabe, Mark clarified that what the this resolution would do is to include April and Linda in the resolution. In the past, the meter reader and the bookkeeper were contractors. In 2014 or 2015 the Board decided that that was highly illegal, according to Mark. So, Mark stated shall we modify that resolution, the one that provides discretionary limits for contractors and officers to now include contractors, officers and employees? Gabe stated I so motion. Tom made a Point of Order, the one question he had was that the resolution talked about detailed reports

from the vice-president and from the bookkeeper. Following a squabble between the Tom and Mark, who had to be interrupted by the parliamentarian, Gabe read the the Resolution and he stated that he understood. Mark asking if there was any further discussion and proceeding to ask for all in favor of the change to please say Aye. The Resolution change passed 5-0.

Vote whether to reassign webmaster duties to Mark (3 minutes)

Mark stated that he wanted to take over the webmaster duties from April. Tom wanted to have discussion. Tom's biggest concern was Board members come and go, the bookkeeper has a long history with the Association, he does not have any concerns about the website, though there are always improvements with anything. Tom stated concern about Mark taking over the website along with all of his other responsibilities. Also Tom thought Mark would move on and April would not because she is an employee and she will still be at the job. Mark asked if there was other discussion. Gabe asked what were Mark's qualifications to be webmaster. Mark stated that he wrote the website and he was the webmaster from 2008-2019. Mark reported that he thought we observed that there were a number of things that were not up to date on the website. Gabe stated concern about the unilateral control over the website and the ability to make changes. Mark stated that the webmaster has complete control over the website. Tom and Gabe expressed concern about the webmaster also being a member of the Board. Ann questioned that April had just agreed to update the notebooks on the website. Mark stated no she will update a file to be posted on the website. April stated that she believed that was not what we said at this meeting, but that it was on the website, not a file. She continued, that she is not a Board member, but she is a member of the Association and members of the Association can speak at meetings. Tom interjected, speak as the bookkeeper, as well as a valued resource. April added, and as the webmaster. Mark stated okay, speak. April retorted, "I am not a dog, please speak to me presentably. I am an employee and expect to be treated as such. At this time what I would like to say is if there are issues on the website, they were not brought to my attention. If they would have been, you can ask Tom, as soon as they are brought to my attention, I fix them. So if there are issues, I am unaware of them. I think it is unfair to just randomly say, huh, I'm not the webmaster." April stated that she did not really care who is the webmaster. "However, attacking me by saying it's all out of date and not telling me there are issues, giving me a chance to update them or fix them, I think is unfair." Mark stated I am not attacking you. I do want to be the webmaster. Gabe questioned if the webmaster is a Board member and can make unilateral changes, is that not a conflict of interest? Ann stated that she did not know the information for the directors' manuals was on the website and was not updated, she only knew her director's manual was not updated. Kris stated she thinks Gabe has a point and the conflict of interest is a concern.

Mark stated he thought there was a little bit of a misunderstanding here. He believed, if he understood April, that what was in the manual was somewhere on the website, if you look for it and can find it. There is no a directors' manual sitting on the website that you can go and examine. April concurred and stated she was just tasked to make one. Mark then stated that he would like to get as much of the management of the Association done by volunteers if possible. That is another reason why he wanted to be the webmaster. Tom then asked, so the main reason you wanted to be the webmaster was to save the Association money? Tom adding that then the compensation for the webmaster job could be eliminated. Tom asked if that was the main reason.

Mark reported he thought he would do a better job. Tom, Gabe and Mark again discussed the old resolutions that had not been removed, replaced with the new ones, and whose fault that was.

Mark asked if we were ready to vote. Tom made a motion that the webmaster remain the webmaster. Gabe seconded the motion. Tom then called the vote. Gabe and Tom in favor, Mark opposed. Kris and Ann abstained. Tom then apologized to Mark who should have made the motion and taken the vote. Mark stated this motion was not on the agenda. All Board members suggesting Mark re-word the motion. Mark reported he thought he had the votes, but he did not. He stated the status quo remains and he did not introduce the motion on the agenda.

Vote: whether to adopt resolution A(1 minute) “ To clarify handling of employee performance reviews and compensation adjustments, and non-employee contractors: Whereas, A principal duty of the Board is its management of the Association’s employees and contractors; and

Whereas, The Board agrees it should present only consensus position to its employees and contractors; and

Whereas, Unfettered discussion of contractor and employees performance and compensation is necessary to achieve consensus; therefore be it

Resolved: That the Board member deliberations regarding employee and contractor performance and compensation adjustments, shall take place only in closed meetings in compliance with the Open Meetings Act.”

Mark stated Resolution A is a rewording of a motion that had been in effect in 2014, but was ignored. Kris brought this to Mark’s attention to clarify. Mark stated he reworded it. Mark stating you have all had a chance to read it, is there any discussion. Tom requested discussion. He was confused and he brought the exception list that OMA has for personnel matters which Tom stated covered the performance reviews part, which he supported. It was the compensation part that he had an issue with and he referred to past Boards when they did everything in a closed meeting, but the final approval was in an open meeting. Tom reported that their understanding was that the dollar amount could not be discussed in a closed meeting, but had to be done in an open meeting. He reported that was changed last year when the Board was voting on wages. Mark stated that what you do is go into a closed meeting to have the performance review among the Board members and discussion of what the compensation adjustment will be. Then you come out into the open meeting and the decision for the pay adjustment is reported. Tom continued to question Mark, “Is that your legal opinion?” Mark responded, yes. Tom continuing to question and quote from his list, which he said did not support what Mark stated to be true from OMA. Gabe questioned the issues. Mark again explained that the new resolution was saying that the performance evaluation is discussed in private. The decision about the pay adjustment takes place in private. A consensus is reached in the private meeting and announced in the open meeting. Kris spoke in support of clarifying the resolution and referred to a previous experience when she was first on the Board. She had thought what she had understood the correct practice to be was performance and compensation should be discussed in closed meeting. Tom at the time disagreed and held the entire discussion in an open meeting with the subject present. Kris added that in her professional life performance and compensation were all done in a closed meeting, not with her as a participant of the discussion. April added that she was surprised that the situation

was handled as it was. She reported that the discussion of performance and compensation was done in private. Mark reported that there is a distinction between Board members and employees with their responsibilities and duties. In the old days, it was decided that employees needed supervisors. The supervisor of the bookkeeper is the Treasurer. At that time the Association had contractors so management was looser. Now we have employees and there are legal responsibilities. Employees have annual reviews. Usually the supervisor advocates for the employee with the Board. April interjected that Linda probably needs to know who her supervisor is. April continued that in the real world there typically is a chain of command, so in her case, the request should go to Tom and he should ask her to do whatever is required. Gabe asking for Tom to clarify his point. Tom stated that April and Linda are Public Body employees. Tom then went back to his list from OMA and reread it with additions and concluded that the list for closed meeting discussion did not include compensation. His experience in recent years, he said was that compensation was discussed at open meetings.

Mark then asked if there was any further discussion. He asked for a vote in favor by raising hands. 4-1 in favor, Tom opposed.

Vote: Whether to adopt resolution B (5 minutes) “ To improve management of Association activities:

Whereas, An understanding of the nature and costs of all Association activities is essential to sound management of the Association; therefore be it

Resolved, That each Board member and Association employee shall keep a log of activities to be included in the pre-meeting report. The reporting period shall be from the date of the last report to the date of the current report. The log shall include the date, beginning and ending times, and a brief description of each activity.

Mark stated briefly and asked if there was discussion. Gabe stated to clarify this, if he got a call from an Association member about water pressure, that he would record the date, time, and subject of the time spent. Gabe stated it seemed reasonable. Mark reminded that it would include information about expenditures as well. April asked how the Board would like her to document checking the phone, checking the email, stuff that is done throughout the day. It takes time to do these things. April asked about how much accurate detail was requested. Gabe stated that the employees should be left out of record keeping, just the Board should keep a log. Mark responded that he thought it was important that we know what April does. April asked what about what Linda does? April further stated that for some reason her name kept coming up. She stated feeling like she was in a hostile situation with Mark. Mark denied that and stated that he was interested in reducing rates or keeping them as low as possible. Mark reported that since he left the Board, his water bill has gone up by a factor of two. Mark stated that is because the Association is generating a lot of expenses. Many of them may be well justified, but it is our fiduciary duty to understand what they are and to treat them. Tom stated that he did not disagree that it makes sense to take our fiduciary responsibilities seriously, but with this resolution for most Board members it is easy. Linda's log will be relatively easy, because of working

one day a month. But if you are looking at cost savings, you have someone that is on a salary, that was increased because of additional responsibilities. "Guesstimated" work hours were 20 hours a week, when the raise was passed last year for April. Tom asked, so if April logs her time and it ends up being 25 hours a week, we will make an appropriate raise? Mark responded that we need to understand the activities of not only April, but all of us. When recruiting a new board member, if we kept track of how much time a secretary spent over the course of 6 months or a year, a prospective secretary would know what to expect. Mark reported that he read the November minutes about the April taking on many new responsibilities and it was decided by the Board to give her a 45% raise. Mark continued that there is no documentation with regard to these additional responsibilities that prompted this raise. He continued, maybe you have other detailed information about the additional work April was doing? Tom responded that prior minutes touched on some of that. Mark repeated, but it's not documented. Tom referred back to the 17 items listed on April's current report and asked if the log needed times for each of those activities and those that go off and on throughout the day. Mark stated that Tom is April's supervisor and he can determine what is a good report. Mark showed the app on his phone where he can time what he is doing and with whom. Tom is concerned only about the employees. Gabe reported he is willing as a Board member because he does not have much to report. Tom talked about his detailed spread sheet at a previous job, but he does not see what we will get out of doing it with the Board and employees. Gabe requesting Ann and Kris to discuss. Ann reported that the log for an employee is big. Ann reported that she spent too much time last month on water board. Gabe asked Kris her opinion. Kris asked April about how much she does and she had a long list of varied activities, some repetitious and some occasional. Kris asked, if we try this can we revisit it and make a different choice? Mark responded sure. Kris responded her log would probably be the easiest. Tom then said that if we are saying let's try it and see what we think. His question would be that passing a resolution to do it is then something that we would need to rescind. Can we just do it without passing resolution B here? Can we just do it for a month or two? We will need to rescind a vote that we just did. Mark suggested he amend this. For four months, through February... Tom interrupted and said you are making a new resolution that needs to be rescinded. Mark stated that he made a resolution because of Tom's request to vote on everything. Kris then asked can we just change that and not vote. She liked Tom's idea. Mark stated that B is on the table, we've had discussion. Kris again stated that we could just try it for a month and look at it again. Tom suggested it could also be tabled. Gabe stated that he will try it. Kris said she would also try it. Mark asked for all in favor (1), all opposed (2), abstentions (2). Ann reported confusion about how the vote went. Ann reported that she will do a log. April reported she also would do a log, starting with tonight's meeting. Mark asking about the meeting on November 20 at 6:00. Mark motioned to adjourn at 9:45. Kris and Gabe seconded.

**REPORTS FOR PAMDWCA BOARD MEETING
OCTOBER 16, 2024**

October 6, 2024 president's report for the October 16, 2024 board meeting

1. Office of State Auditor - Manuel Luna (Small Local Public Body Coordinator) wrote that PAMDWCA is all set. OSA plans to decide on AUP contract awards this week.

2. Discuss Tom's concern with Mark taking over as webmaster. Vote.

3. Last January IPRA and Public Input resolutions were on the agenda, but not mentioned in the minutes. I propose we adopt an IPRA Notice (v, appendix A), and vote to reject and retract all 2019 resolutions and the "Identity Theft Policy" which the district court found to be contrary to statute or inapplicable. We don't need a public input resolution.

4. Revise resolution 2012-04-14 regarding efficiency, etc:

- a. change "contractor" to "employee" in (B)
- b. remove "contracted" in (C)(3)

5. Revise resolution 2012-04-14 regarding compensation to apply to employees as well as contractors, as follows:

"To clarify handling of employee performance reviews and compensation adjustments, and non-employee contractors:

Whereas, A principal duty of the Board is its management of the Association's employees and contractors; and

Whereas, The Board agrees it should present only a consensus position to its employees and contractors; and

Whereas, Unfettered discussion of contractor and employee performance and compensation is necessary to achieve consensus; therefore be it

Resolved, That Board member deliberations regarding employee and contractor performance and compensation adjustments, shall take place only in closed meetings

in compliance with the Open Meetings Act.”

6. Reports: After reviewing the current OMA resolution, it seems workable that the reports be submitted at least ten days before the next meeting, so that the agenda can be constructed and posted seven days before the meeting. At the last meeting we discussed having any amendments/corrections to draft minutes included as part of the report. As an example of how this would be done, I’ve included my corrections in the following item #7. If we adopt this approach, Ann would revise her draft minutes only after she’d received the reports. Vote.

7. Corrections/amendments to draft minutes of September 11, 2024:

a. Susan Vandenberg (sp?) attended

8. I propose this resolution:

“To improve management of Association activities:

Whereas, An understanding of the nature and costs of all Association activities is essential to sound management of the Association; therefore be it

Resolved, That each Board member and Association employee shall keep a log of activities to be included in the pre-meeting report. The reporting period shall be from the date of the last report to the date of the current report. The log shall include the date, beginning and ending times, and a brief description of each activity.”

9. Can we find a volunteer to be our water operator in order to save \$2000/annum?

10. Payment processing.

a. Upon reviewing the Nexbillpay proposal (it is not a contract) I became concluded that we would give Nexbillpay full access to all data in our billing system, without explicit consent from Association members. Moreover, all Board members stated they would not use the system because of cost and opined that very few Association

members would use it.

b. Processing paper checks is inefficient and expensive. Use of them has declined precipitously. Here is an study from the Atlanta Fed:

<https://tinyurl.com/2otbvc9q>

c. Here are some of the issues PAMDWCA would face in attempting to eliminate paper checks:

- impracticality of getting listed in bank billpay systems
- who bears the cost of credit card payments
- who bears the cost of ACH credit payments
- reluctance/distrust of Association members. What is an ACH credit payment? Middleman processor debits payor's routing/account, then credits payee's routing/account

e. Important information to gather:

- do all Association members have a bank account?
- do any pay another way, eg, money order?
- how many Association members have email?
- how many Association members accept text messages?
- how many Association members would be willing to make ACH credit payment if PAMDWCA bore the cost?

f. How to make ACH credit payment attractive to members:

- save stamp and envelope
- "free", ie, PAMDWCA bears the cost
- transition to \$x charge for paper checks, or refusal of paper checks
- option to automate: e-bill, autopay on 25th
-

g. Helcim ACH credit payment for 0.5% +\$0.25, eg, \$0.75 for \$100 water bill; less than our cost to process paper check. (Cheapest I've found.) Cf, Nexbillpay \$2.00/ACH credit payment. Helcim does credit card payment for 3%, cf, Nexbillpay 2.75%.

h. First NM Bank accepts unlimited ACH credit payments at no charge (many business checking accounts do)? Are there per paper check fees?

Appendix A

NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

By law, under the Inspection of Public Records Act, every person has the right to inspect public records of the **Pinos Altos Mutual Domestic Water Consumers Association**.

Procedures for Requesting Inspection

Requests to inspect public records should be submitted to the records custodian, by email to secretary@pamdwca.org, by USPS to **PO Box 1798, Silver City, NM 88062**, or in person **at a board meeting**.

The procedures and penalties prescribed by the Act apply only to written requests. A written request

must contain the name, address and telephone number of the person making the request. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

The records custodian will arrange inspection as soon as practicable, but no later than 15 calendar

days after the written request. If inspection is not permitted within three business days, the person

making the request will receive a written response explaining when the records will be available for

inspection or when the public body will respond to the request. If any of the records sought are denied the requester will be provided a written explanation mailed within 15 calendar days after receipt of request.

Fees

Paper copies: \$0.25 per page, or the actual cost incurred at a commercial copy facility; plus \$25.00

for requests of over 100 pages.

Digital copies: \$0.05 per page, plus \$5.00, plus \$15.00 for requests of over 100 pages.

Transmission by email: free, provided the entire digital file is less than both 25MB and requester's

attachment size limit.

Transmission by USPS: \$10.00 plus actual postage.

The records custodian may require that applicable fees be paid in advance, before the copies are made. A receipt indicating that the fees have been paid will be provided to requester.

VP Report

One service line repaired at 53 main street. No other issues reported.

Treasurer's Report for Oct 16, 2024 Meeting

September's Income Statement was disheartening. Water revenues were the 2nd lowest total for the year to date at \$7,452. Meanwhile our Water Purchased expense was \$7,098. That's a gross margin of only 4.7%, or a mere 10% of the Jan-Aug gross margin average of 47.5%. This points to well above-average water losses due to system leaks. Repair bills from J&S Plumbing of \$3,405 for the month tend to confirm that although actual gallons lost for the month are not yet available.

Those two expenses combined with higher than normal postage expenses (due to the PO box renewal of \$200 and the replenishment of our stamps supply for \$730) left September with a net loss of (\$7,470). This is by far our worst month of the year. This leaves us with a YTD loss of (\$10,786). That loss is after an adjustment to August's statement due to a file import glitch that has been corrected. On the bright side, our budget projected a loss of (\$15,560) through September, so we are 31% better than that, or \$4,774.

On a separate matter, Mark & I both experienced issues with the State Auditor's website which has left me locked out of it. At this point we are merely waiting to determine if a state approved independent auditor submits a proposal to perform our 14 years of audit. Hopefull the website access issue gets resolved soon.

Lastly, by the time of the next Board meeting, I will have submitted 3 reports to NMED to pass on to the EPA: the lead service line inventory, an initial lead service line replacement plan, and a school & child care listing. While we are certain of no lead services on our side of meters, there are unknown (although unlikely) service lines on the members' side. This is due to the potential that original members may have tied their lines into pre-existing lead and/or galvanized lines from their water tanks or wells. While some early system documents reference not connecting to existing lines to prevent cross-contamination, there is no detail to support that did not occur. If original members did not respond to our initial request that the materials were non-lead, their lines could not be reported as such.

Secretaries Report: 10/06/2024

Completed draft minutes for 2024-09-11 Annual meeting. Emailed to Board and Bookkeeper 09/16/2024.

Completed draft minutes for 2024-09-11 Regular meeting. Emailed to Board and

Bookkeeper 09/18/2024, for corrections, which were completed. Re-emailed corrected draft minutes to Board and to Bookkeeper to be posted by September 21, 2024.

Read and responded to "State Auditor Stuff," from Mark.

Met with Kris to discuss potential Agenda items, which she has listed in her report, as our final recommendations.

Read and saved for personal reference: Resolutions 2007-10-18 and all 2012-04-24s; both regarding strategies for Board management.

Read and saved for personal reference: Resolutions 2019-01 records inspections, 2019-02 public input at meetings, and 2019-03 identity protection.

Please add to Agenda: Clarification of modifications of resolution 2019-01 and 2019-02.

Final Approval of Resolution 2023-02 IPRA Gary presented the final copy of the Inspection of Public Records Act, which was approved with changes at the last meeting, and it was signed.

Final Approval of Resolution 2023-03 Public Input Gary presented the final copy of the Public Input at Regular Meetings Policy, which was approved with changes at the last meeting, and signed.

Member at Large/Parliamentarian Report

My report. I read the propositions mentioned by Mark at last meeting. Ann and I spent time discussing agenda issues. The following are Ann and my agenda items for the October meeting:

1. Discuss approve using talking stick/ mic (a visual reminder)to stop interruptions at meetings
2. Discussion regarding update of directors notebooks. Option of keeping notebook information (all policies, procedures, etc) updated on the website, therefore eliminating cost of updating physical books.
3. Discuss that all salary negotiations and financial compensation to employees be discussed in closed meeting prior to approval at open meeting
4. As written in Article 5: Board of Directors, section 1#4 in the bylaws, "keeping members informed of the business of the association". Announcements and information to members be consistently prepared by the board, presented to the bookkeeper to be copied and mailed in an envelope with the bill.

BOOKKEEPING REPORT

BY

APRIL MATTHEWS

September 2024

I sent out 24 late notice(s) and 7 shut off notice(s). Total amount owed for these individuals is \$2,144.68.

Worked with Gabriel to do the NM811 and turned in responses.

Compiled and sent both the SUTA Tax and the 3rd Quarter 941

Reconciled bank statements for both checking and savings and prepared financials.

Found an error on a previous import.

Checked all software for updates and expiration dates. Did machine backups and ran antivirus and antimalware software. (weekly)

Worked with new customer regarding information on a new water meter.

Worked with treasurer to get financials approved.

Sent out water shut off notice will send again tomorrow and posted on Facebook and will update it again tomorrow and added a marquee to the website.

Reported leaks to Gabriel.

Spoke and texted customers on phone regarding various subjects including how much they owe, did I get their payment, they are sending a payment but it will miss the 19th date of cutoff.

Called customers or texted that they had water usage above normal.

Sent payments to vendors

Checked who had paid and who had not from previous shut off list and had Gabriel lock out one account.

Started new method of tracking repairs using the forms Gabriel created. Using both an excel spreadsheet so data can be sorted easily and reports can be given and scanned into system.

Scanned all filed documents as they became available.

Updated vendor 1099 information that will be needed at the end of the year.

Mailed new water meter list to Linda

Made deposits at the bank and checked the post office box.

Calculated Gross Receipt taxes and withholding and filed with state and paid. Went back in to confirm payment and get a copy of the receipt.

Calculated lost product and created report.

Sent more lead reports to Tom.