

BMDWCA BOARD MEETING SEPTEMBER 29, 2019 (FINAL)

MEETING HELD AT PRESIDENT HOFFMAN'S RESIDENCE IN ALBUQUERQUE, 1521 CERRO VISTA RD. SW

Members Present: John Hoffman, Curtis Goodfellow, Richard Dramer, Clay Kilmer, Arch Wells, Marco Lucero, and David Oelschlegel.

Members Absent: Jim Walker, and Jay Mason.

Guests: Jeff Albright, and Jeremiah Armijo

Minutes taken by David Oelschlegel

Mr. Hoffman called the meeting to order at 1:10pm

Motion was made by Mr. Lucero and 2nd by Mr. Dramer to approve the agenda as read. Motion Carried Unanimously.

Motion was made by Mr. Kilmer and 2nd by Mr. Wells, to approve the August 11, 2019 minutes as read. Motion Carried Unanimously.

Motion made by Mr. Kilmer and 2nd by Mr. Goodfellow to approve the Treasurers report for August 2019. Motion Carried unanimously.

A discussion was held to add a line to the Treasurers report showing expenses.

Floor was given to Jeremiah Armijo, CPA, to offer his services on the 2018, 2019, and 2020 audits. He represents Hinkle + Landers firm and is available to perform the audits since we need a new auditor. Extensions may possibly be for an additional 3 years for a total of 6 years. Board will solicit quotes from 2 other CPA firms prior to making a decision for a new auditor.

Transfers:

A Motion was made by Mr. Kilmer and 2nd by Mr. Goodfellow to approve the transfer of: LETA CASE TRUST to Deborah Sanchez, Lisa Marie Sanchez, Brenda Rae Sanchez, and Vincent Sanchez Lots number 1, 13, 14, Block 7, in Unit 1. Subdivision of Brazos Lodge Estates. Motion Carried Unanimously

A Motion was made by Mr. Dramer and 2nd by Mr. Goodfellow to approve the transfer of: Deborah Rae Sanchez and Vincent Carlos Sanchez to William David Hebertson of El Paso. Lots number 1, 13, 14, Block 7, in Unit 1. Subdivision of Brazos Lodge Estates. Motion Carried Unanimously.

A request came in to assign a billing change on Adan and Gwendolyn Casados, Lot 5, Block 1, Unit 1 to Matthew and Kathy Casados. There is some confusion on Lot 5 and 18 so Mr. Hoffman has sent a letter to gather more information. No further action taken today.

Mr. Kilmer gave a report on the exploratory well progress. We are waiting for the Wage Rate Determination document. The solicitation is ready to go out and the Ad is to be posted in the paper this coming Sunday. We hope to have responses to review the following Friday to establish a site-walk. Ad will run on 10/6/19, site walk set for 10/11 and Bid Opening set for 10/17.

Short discussion on past due accounts. Mr. Hoffman has sent letters out to past due members. No further action needed. Today.

Infrastructure- A leak was repaired near well site 3. The filter was cleaned and replaced. Levi Sandoval has received 22 new meters and is currently installing them. Upper Tank action to clean brush and repair level is still underway. Mr. Hoffman is running with that task.

Bruce and Peggy Allen have determined they want to cancel their membership and disconnect their water supply. We have a notarized letter indicating that.

Board members were asked to review the By-Laws and Rules & Regulations. They are to bring ideas to the next regular board meeting scheduled for 11/9/2019.

A Motion was made by Mr. Lucero and 2nd by Mr. Kilmer to solicitate 2 additional quotes from CPA vendors for the continuation of finding a new auditor in addition to Hinkle + Landers Firm. Motion Carries Unanimously

Discussion on establishing a Budget. A committee was set up to come back with recommendations. Committee made up of Arch Wells, Jay Mason, and Clay Kilmer.

Website- Update Board regarding additional elements to the website. There is a plan to promote commerce and avoid confusion by adding a Pay Pal function to allow member to pay electronically.

A Motion was made by Mr. Lucero and 2nd by Mr. Dramer for our Secretary to start working with our Webmaster to implement Pay Pal on our Website, as an optional payment method for members. Motion Carried Unanimously.

The board received 3 letters from Mr. Irv Lindemuth dating 8/24/19, 9/4/2019, and 9/9/2019. There were 28 questions raised and the board addressed them. Listed below are the summary of the questions and answers:

Letter dated 8/24/2019 questions and responses:

Q1. We immediate need an explanation—if the audits of 2014 and 2015 “passed with no issues”, then why are they still being worked in 2019?

Loftus Group sent the final audits to the OSA. Audits completed were for years 2014-2017.

Q2. Since annual audits are required, why is there no mention of audits for 2018 and 2019?

We need a new auditor to work years 2018-2019.

Q3. Why are the audits taking so long to complete?

They were in the hands of the auditor.

Q4. Why is the word “budget” missing?

A budget was done for the engineering work but not done previous years. Budget will be an added task going forward.

Q5. Where are the records of financial planning?

See response on Q4.

Q6. Why has the board never submitted budget information and why is the board violating this State Law?

Will check with DFA and OSA to discover requirements for BMDWCA.

Q7. Why is the board six years –repeat six years—delinquent in complying with the state Audit Act and how does this reconcile with your annual letter comments (a)-(d) and particularly (a) about?

2014-2017 were worked by Loftis Group and sent to OSA.

Q8. How does this reconcile with your annual letter comments (a)-(d) above?

See response in Q7

Q9. Is the Board Aware of the Regulatory Calendar?

Yes, we will go to the Website and distribute to board members.

Q10. Is Board member training in compliance with NMAC 20.12.1?

Yes, board is aware of 20.12.2.10, and several took the class. Under review.

Letter dated 9/4/2019 questions and responses:

Q1. Have you, as current President and a 2005-2006 Board member, made available to the other board members and current attorney the March 3, 2006 letter from Brett J. Olsen, P.C.?

No

Q2. What has Mr. Albright's firm charged for the preparation of the IPRA policy and related activities?

All the invoices were given to Mr. Lindemuth

Q3. Was the entire board given a copy of Mr. Albright's November 28, 2017 letter to you, Mr. President?

Yes

Q4. What is the reason for the "CALENDAR YEAR 2019" designation in the IPRA policy?

Not statutory, but board adopted. Will review annually

Q5. What advice, if any, has Mr. Albright given to the Board regarding the Open Meetings Act?

Provided a guideline for us to post. Will be reviewed annually. Will be an agenda item at the Annual Meeting for adoption and posting.

Q6. Why is the IPRA policy so wordy and the posting far beyond anything that is required by the IPRA (and hence more costly to the Association than needs be)

It was a first time posting. We choose to be more expansive than need be, to be sure we cover the bases.

Q7. Where is the contact information for the records custodian?

Records custodian will be identified.

Q8. Where does section VI.B.6 of the policy reconcile with IPRA Section 14-2-1-B.6?

Please clarify. Unclear

Q9. Has Mr. Albright reviewed the case cited in Mr. Olsen's March 3, 2006 letter (See question 1, about)

No.

Letter dated 9/9/2019 questions and responses:

Q1. Has Mr. Albright or any Board member actually researched the requirements for an internet domain name to also be registered as a trademark?

Yes

Q2. Since a Trademark provides protection from competitors, just who are the competitors that Mr. Albright thinks would want to use the proposed Trademark?

We have a Trademark and not a Copyright. We intend to promote commerce of goods and services across States.

Q3. Is Mr. Albright aware that bmdwca.com is not registered with ICANN by the Association?

Our Trademark is assigned a Serial Number with the US Patent and Trademark Office.

Q4. Does Mr. Albright know of the existence of bmcwca.org and the fact that bmdwca.org and not bmdwca.com is actually registered to the Association?

No, see response on Q3

Q5. Is the Board aware that two successive applications filed by Mr. Albright have already been rejected by the USPTO?

Yes.

Q6. Why does Mr. Albright believe that his current approach filed on April 3, 2019---6 months after the October 3, 2019 rejection---will lead to a successful registration?

Yes, BMDWCA has been assigned a Serial Number by the USPTO, and with use in commerce, will lead to a successful registration.

Q7. Why did the Board go to the extra expense (and confusion) by initiating bmdwca.com rather than keeping bmdwca.org?

To avoid potential confusion, when used in commerce.

Q8. Why have past meeting minutes disappeared from bmdwca.com?

They are available upon request.

Q9. Why doesn't the Board ever use their @bmdwca.com email addresses for communications?

When folks click the link, the email is sent to recipient's individual email address.

The board received an additional other letter from Mr. Lindemuth dated 9/27/2019 with 9 more questions. This letter will be addressed at the November 9th, 2019 board meeting. Questions will be answered and posted into the 9/9/2019 draft copy minutes.

A special meeting is scheduled for 10/19/2019 at 1521 Cerro Vista Rd. SW, Albuquerque, NM, at 11am. It will be a short meeting to evaluate the Bid Responses on the exploratory well.

The next regularly scheduled board meeting will be November the 9th, 2019 at 11am in the Brazos. Meeting will be held at the Hoffman Cabin.

A Motion was made by Mr. Wells and 2nd by Mr. Kilmer to adjourn the meeting. Motion Carried Unanimously.

Meeting was adjourned at 4:05pm.