

****FINAL****

BRAZOS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION, INC.

July 16, 2023 Regular Meeting Minutes

MEETING WAS CALLED TO ORDER at 8:30 a.m. through Google Meets.

Directors Present:

Amanda Urioste, President
Jimmy Banister, Vice President
Deej Banister, Secretary
Scott Eliason, Treasurer
Ryan Costanza
Chris Dennison

Directors Absent:

Public Present:

Martha Banister
William and Madison Diaz
Karen Adam

APPROVAL OF AGENDA:

Amanda Urioste called for a motion to approve the agenda. Ryan Costanza made a motion to accept the agenda. Jimmy Banister seconded; the motion unanimously carried.

APPROVAL OF THE MINUTES:

The draft of Board Meeting Minutes for May 21, 2023 was presented to the Board for approval. Amanda Urioste called for a motion to accept the minutes as presented. Ryan Costanza made a motion to accept the minutes. Chris Dennison seconded the motion; the motion unanimously carried.

NEW BUSINESS:

1) Nonuser Letter and Discussion regarding the William and Madison Diaz request for membership:

With permission from Diaz, Amanda Urioste, President, read his request for nonuser reinstatement. At the conclusion of the reading of the Diaz letter of request, she presented the Options 1 and 2 that were submitted to him by the Board prior to this meeting.

Option I:

Diaz can appeal the termination of the non-user under Section X, #5, of the Rules and Regulations. If the Board were to reinstate the terminated non-user certificate, he would be responsible for the 2021-2022 fees that were refunded, the transfer fee, late fees and the 2023-2024 annual fees. At that point, when he is ready to connect to the water system, he would have to apply for a change in status and pay the new user fee of \$6,000.00.

If the Board denies the appeal, he would not have the non-user certificate reinstated and would have to wait a year to apply for a user membership according to Section X, #6, of the Rules and Regulations.

Option 2:

He can apply as a new user, pay the \$6,000 fee and have his water connected.

Diaz indicated that he is having a double-wide trailer delivered in the next 2 months and will need water.

Diaz discussed his findings in support of his request for reinstatement of a non-user membership. The Board explained that the non-user is a place marker that was initiated when the housing development was started as a method of guaranteeing that the individual purchasing land would have the opportunity to build on the site at a later date. The non-user certificate to the property did not exist at the time he purchased it. The issuance of non-user certificates ended in 1986.

After the presentations from both sides and the cost evaluations, Diaz indicated that he already has water to his new property. The Board questioned this information. Chris Dennison asked if Diaz had a meter can on the property. Diaz indicated no meter can but infrastructure is installed. This infrastructure is located at the corner end of his property--adjacent to Rainbow Lane. Amanda Urioste asked that he present his survey for review. DeeJ Banister presented the infrastructure map information and it appears to be a saddle tap or blowout valve that joins the main infrastructure line off of Deer Lane and goes south on Rainbow. The Ladensohn property on the South Rim, across 512, seems to be connected off this infrastructure.

Diaz expressed concern regarding clarity of the Rules and Regulations, as well as the Bylaws. He wanted to know which rulings are most stringent—the State, our R/Rs or our Bylaws. Amanda Urioste, President, indicated that State and Federal are broad laws, everything in Bylaws is specific to our Board. In the regulatory process you have State and Federal laws--those are broad, everything in the Rules and Regulations is broad and written for our specific needs. Amanda indicated that we have been working on revisions of our Rules and Regulations and hope to have them completed very soon.

At the conclusion of the discussions for membership, Diaz indicated that he declines to file for user membership and wants to pursue the reinstatement of the non-user membership. Diaz indicated he wants the non-user certificate to be reinstated to the seller and once that is accomplished, go forward with issuing a certificate to him as a new buyer with non-user status. Again, the Board indicated that this does not exist due to previous cancellation and the lapse of designated time defined in our laws for transfer. The Board stated this cannot be done. The previous owner had the non-user membership cancelled due to non-payment. Also, Diaz is under the impression that the non-user goes with the sale of the land.

Membership Transfer

Ronald and Cindy Ridge

Transferred from parents Mike and Karen Adam
Lot 8, SR512

Amanda Urioste, President, called for a motion to accept the Ronald and Cindy Ridge application for membership. Jimmy Banister made a motion to accept. Chris Dennison seconded; the motion unanimously carried.

Water Operator Contract Extension

Amanda Urioste indicated that the Operator's Contract was up for renewal. It expires at the end of July. There was discussion regarding increase in salary. Amanda would like to propose that we do a base increase of 3% each July for 3 to 5 years. Amanda asked for a motion to extend Levi Sandoval's contract 3 to 5 years with a 3% increase in salary. Chris Dennison made a motion to approve Levi 's contract with extension of time and salary increase. Jimmy Banister seconded; the motion unanimously carried.

Rule and Regulations Change Sections:

The following category changes for the Rules and Regulations were discussed:

III. DEFINITIONS:

5. CATEGORIES AND MEMBERSHIP

7. OTHER DEFINITIONS

IV. MEMBERSHIP APPLICATIONS

VI. BILLINGS

VII. RATE SCHEDULE

PUBLIC COMMENT:

Karen Adam questioned that one person from the Board could cancel the non-user membership on the lot purchased by Diaz. She felt it should have been a Board decision. Amanda Urioste indicated that the secretary has that authority. Amanda will obtain the ruling on this action and send it to her.

Jimmy Banister asked Karen Adam about the QuickBooks that the Board purchased. She indicated she downloaded it to her laptop and it was only good for one year.

Madison Diaz indicated at the end of the meeting that they have decided to appeal for reinstatement of non-user membership.

NEXT MEETING DATE AND LOCATION:

Meeting will be determined.

ADJOURNMENT:

Amanda Urioste called adjournment at 10:46 a.m.

Deej Banister
Secretary