**\*\*\*\*FINAL\*\*\*\***

**BRAZOS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION, INC.**

**September 23, 2023 Regular Meeting Minutes**

**MEETING WAS CALLED TO ORDER** at8:00 a.m. through Google Meets.

**Directors Present:**

Amanda Urioste, President

Jimmy Banister, Vice President

Deej Banister, Secretary

Scott Eliason, Treasurer (arrived after Agenda vote)

Chris Dennison

**Directors Absent:**

None

**Public Present:**

William and Madison Diaz

Linda Mallender and Tavey Garcia

Ronald and Cindy Ridge

Karen and Mike Adam

Martha Banister

Jody Gabbert

**APPROVAL OF AGENDA:**

Amanda Urioste, President, called for a motion to approve the agenda. Jimmy Banister made a motion to accept the agenda. Chris Dennison seconded. Jimmy Banister voted yes, Deej Banister voted yes, and Chris Dennison voted yes. Amanda Urioste agreed. The motion passed.

**APPROVAL OF THE MINUTES:**

Amanda Urioste, President, called for a motion to accept the Amended Minutes of July 16, 2023. Jimmy Banister made the motion to approve. Chris Denison seconded; the motion unanimously carried.

Amanda Urioste, President, called for a motion to accept the Regular Minutes of August 27, 2023. Jim Banister made the motion to approve. Chris Dennison seconded; the motion unanimously carried.

**NEW BUSINESS:**

**1) Director Updates:**

**a)** **President’s Update:**

Going forward, weare adding Directors’ updates to the Meeting Agendas. We will always have input from the Secretary and Treasurer. We are not saying that each Board member will always have an update; however, in the event that they do, time will be allotted for presentation.

We have been working with RCAC, which is the Rural Community Assistance Corporation. They were in the Brazos a couple of weeks ago. They are going to assist us in putting together a work plan to get some of projects that we have been trying to accomplish completed—big and small. They will assist us with getting allof these objectives mapped out, as well as aide us in securing funding sources. Also, to aide us in becoming involved with some of the other rural communities in our area to see if we can either pool resources or just know that those resources are out there.

I thought it was a really great meeting with them. They have a wealth of knowledge and resources available that I personally did not know were out there. We are going to be leveraging that to the extent that some of it will be able to be done in a year, some of it is more of a 5-year to 10-year plan. They have been incredibly helpful.

**b) Secretary’s Update:**

Deej Banister indicated that revisions/corrections to the Membership List are being completed. Invoices are being sent out to those members who have not submitted their yearly fees.

**c) Treasurer’s Update:**

Scott Eliason indicated that the checking account balance after paying the RIP00031 loan payment is approximately $100,000.00.

Scott reminded everyone that the BMDWCA is, in fact, a government and as a government, we follow the government rules. One of the rules that we must follow is a clause in the New Mexico Constitution, which says, “No government can benefit an individual with certain exceptions.” Those exceptions really do not affect the BMDWCA; however, I just want to remind everyone--if something happened in the past where members were benefited--that is sort of irrelevant for us. We have to be mindful of this law.

**d) Directors’ Updates,** Chris Dennison

Fortunately, it is mostly good news. We struggled with some huge water problems and it has been a challenge to say the least. We discovered there was a flush valve for one of the fire hydrants that had been left open near Beaver and Turkey Track area. Levi Sandoval had identified a problem in that same area earlier and the valve had previously been closed. How it got turned back on, we still do not know. It is hard for me to believe that there was something nefarious going on that somebody’s just going around opening up meters to sabotage us. Once found, it was turned off. Levi Sandoval, Daniel Gonzales, Jimmy Banister, and myself went around and checked all of the flush valves, they were all on and we turned them off. We let Marco Lucero, VFD Chief, know of the situation and he is good with that. Once the initial leak was discovered and turned off, we were immediately gaining water.

Chris Dennison indicated that the water pressure has remained good and, as of this morning, we have about 10 feet in the middle tank and the upper tank is completely full.

It is Chris’s understanding that Levi Sandoval has been made aware of the need to move forward with the altitude valve. The altitude valve and a valve near #3 Well House were identified as two of the most pressing issues. The altitude valve will be replaced first. Those are really the only two big projects that we are trying to complete before winter.

I just want to give a shout out to Levi Sandoval, Jimmy Banister, and David Romero from Rural Water. These guys were just crazy instrumental in finding and repairing the leak—just an amazing job. Thank you for that. If you guys see Levi, say “Thanks” to him.

Another thing we are trying to do is to have water production out of that upper well. We had good water for a short period of time and then all of a sudden it was just filling the tank with mud. It’s been a problem. One of the things that Levi Sandoval has done to aid in the clearing of water sediment in #4 Well is to move a large water filter from #3 Well to #4 Well. #3 Well is seasoned enough and the filter is no longer required at that location. After the filter was installed, they tested the production of #4 Well and it is producing about two gallons a minute. It is in the test phase, but it is producing clear water. I do not know if production will increase over time. I will keep everyone informed.

Chris mentioned the need of a contractor for snow plowing. Do we have a person in line for that job? Snow removal is what I am concerned about. We need to make sure that we have someone in place. We need access at least to the middle tank and to all Well houses. I will be happy to show the contractor what we need performed for the snow plowing services. Levi Sandoval and Daniel Gonzales cannot do their job if they do not have access. They cannot run the chance of getting stuck.

Amanda Urioste, President, indicated we do not have a contract in place at this time. We need to establish a contract. She will reach out to Jose Jaramillo and a couple of others in the area that do snow plowing and get pricing. We need to discuss this as a Board. She will put it all together and we can go over it at the next Board meeting. We need to review pricing and how we schedule services and make contact with the contractor.

Amanda Urioste, President, added a big “thank you” to Levi Sandoval, Daniel Gonzales and Jimmy Banister. Again, just so everyone knows, Jimmy was out there, not only volunteering his time, but his equipment and doing all of that without costing the Board a dime. We appreciate identifying and repairing that leak. It was a huge effort.

**2) System Improvements**

(a) Isolation Valve

(b) Altitude Valve

See Chris Dennison Director’s Update.

**3) Approval of Budget**

Amanda Urioste, President, asked Scott Eliason, Treasurer, to explain the revised budget for 2023-24 year. Scott indicated that he felt with the revenue increase for this year, this would be the best path to follow.

We ended the prior year, March 31, 2023, with $57,000 in cash. We need to reduce the cash balance below the prior year end cash balance for additional infrastructure improvements. A budget showing virtually no net income will allow cash balances to be maintained at $57,000. If we used another $15,000 in cash for infrastructure the cash at March 31, 2024 would be approximately $40,000—which would equate to approximately 6 months of operating expenses. We do not want to go below cash reserves covering 6 months of operating expenses. For example, if we are spending $80,000 a year and we used another $15,000 in cash for infrastructure above the $15,000, the cash at March 31, 2024 would be approximately $40,000 which would equate to approximately 6 months of operating expenses.

We need to increase Legal and Acccounting from $1,500 to $5,000. We have had additional fees for legal input on our Rules/Regulations and Bylaws revisions.

Currently, in reviewing the revised working budget, we are at $7,500 in Maintenance and Repair. We have already spent more than that on Well repair. We need to increase this to $15,000.

Infrastructure Improvement (Reserve Account) needs to be increased. It is at $5,000.00. We need to increase that amount by $7,905.43 to zero out balance--the balance left on the revised budget after making the above adjustments.

A budget showing virtually no net income will allow cash balances to be maintained at $57,000.

A balanced budget would get us where we need to be. Obviously, each month we need to have a budget to actual from the bookkeeper to see how we are tracking the budget and if we need to adjust a category or two to ensure that we do not exceed the budget.

Amanda Urioste, President, called for a motion to approve the projected budget to the State. Chris Dennison made the motion to approve the projected budget. Jimmy Banister seconded the motion; the motion unanimously carried.

**4) Approval of Ryan Costanza Resignation**

Amanda Urioste, President, called for a motion to accept the resignation of Ryan Constanza. (Resignation letter from Ryan had previously been sent to Board members to review.) Jimmy Banister made the motion to approve the resignation of Ryan Costanza. Deej Banister seconded the motion; the motion unanimously carried. Everyone was disappointed to see Ryan leave.

**5) Approval of Water Distributor Contract (still pending)**

**6) Public Comment Written by Karen Adam regarding Diaz Transfer**

Karen Adam read a letter she submitted to the Board regarding her actions and concerns on the Diaz transfer. Amanda Urioste, President, asked the Board if anyone had questions or comments before we move to Item 7, which is the Diaz transfer? No comments were made. No action from the Board was required.

**7) Diaz Transfer**

Amanda Urioste, President, asked that we table No. 7. There has been ongoing communication with the State of New Mexico. They have requested some additional information from the Board which we are putting together and need to get to them. They have also requested some information from the Secretary of State’s office. Until we get that guidance and that clarification from the New Mexico Environment Department, I would prefer to table this decision. Does anybody have any questions?

Chris Dennison wanted clarification from William Diaz directly on his transfer request for a non-user reinstatement. He asked Diaz that if we go back in time and it was all done within the time frame and the Rules/Regulations and the non-user was reinstated to Mr. Martinez and transferred to you as a non-user membership, at that point, what would your expectation be? Would you think that because you have a non-user that has been paid on for a number of years that there would be no reason for you to pay a tap fee at that point? Diaz replied yes. He had the impression that he would not have to pay $6,000 new membership fee plus any additional connection fees when the time came to connect.

Diaz replied that the fees for reinstatement of the non-user that was cancelled and the additional $6,000 to tap into the system would be a figure close to $10,000 to $15,000. I could get a new well for that.

Chris Dennison replied: I guess that is where my disconnect is.

Diaz replied: Right off the bat, Chris, because the membership was canceled, I would have to pay $6000 new membership fees. Plus, any additional connection fees come the time when we are ready to connect. And from what I have been gathering through previous meetings, I am being told that it could be $5,000, it could be more than that. So, I mean….

Amanda Urioste replied: The $6000 fee and the $50 transfer fee are the costs. That includes the connection, all the labor, all the materials—that’s everything all in. I apologize if that was not clear up front.

Diaz replied that it does not cost $6,000 to hook up to the water. We already had a non-user. Why was it cancelled?

Amanda replied: The non-user was administratively terminated based on the time frame. You absolutely can get a user membership.

Chris Dennison replied: You feel you have been wronged by this cancellation? Why would you not just forget whatever happened, spend $50 to apply for a new user membership. Do you feel like when you need water, we are not going to have a membership for you?

Diaz replied: Yes.

Chris Dennison replied. So why go through all the rigmarole of trying to get a non-user membership reinstated. When all you have to do, when the time comes, is spend the $6000 and tap into the water and get your user membership certificate.

Diaz replied: Because nobody’s telling me this. This is the first time that I’m hearing about it. It’s principle. I’ve already submitted all the needed documents. You have the transfer for the non-user membership, you have the $50 fee, you have all the paperwork. You literally have the ability to make a motion for the transfer and be done with this but no, here we are dragging.

Chris Dennison replied: It is not the same thing. If you look to reinstate the non-user—if that is even a possibility. I am not sure that can be done. You have all these additional arrear fees and penalties to pay--all the things that were not paid in a timely manner according to the Rules. My thought would be just taking out the principal part of it and stop being pissed off at Amanda, do the new user membership. It is going to cost you less money to do it and it is going to get you to the exact same spot.

Diaz replied: But Chris, that means I have to go back and resubmit paperwork. Why are you guys refusing to make a motion to transfer the non-user membership. If it does not matter at this point, what is the holdup?

Deej Banister replied: When your application was received and presented to the Board, you were given two options: Cost estimations for reinstatement of a non-user, if possible, and the option to apply for a new membership. At the end of the meeting, your wife clearly stated that you decided to apply for the non-user.

Diaz replied: Exactly.

Deej Banister replied: You are asking for a reinstatement of a non-user that is going to cost you a lot more because it requires penalty costs incurred over a long period of time and the fee for connection will still be $6000 plus a $50 transfer fee.

Diaz replied: That is not our fault.

Amanda replied: There are late fees and annual fees that have not been paid on the non-user. As Chris and Deej said—just apply for a new membership and as a new member all it is going to cost you is the $50 application fee and the $6000 water hook up fee. You can petition the Board to have your own contractor, pay whatever you work out with him along with Levi’s fees. What Deej, Chris and I are trying to explain to you is the path of least resistance and the cheapest option for you is to apply as a new member and make the decision on whether you want to use your own contractor or whether or you want to use the Board. That is completely up to you.

Chris Dennison replied: Is he obligated to hook up immediately? He’s got the new membership and he can hook up whenever the time comes?

Amanda replied: If he chooses to go through us and the Board purchases all the materials and all the labor that would be when he would be issued a membership certificate. If he chooses to use his own contractor, we would issue the certificate at the time he provides, all of information to the Board regarding the contractor’s statement of work, license, bond, insurance, and the work has been completed.

Chris Dennison replied: Got it. The application and the tap feed need to be done basically at the same time. That is the way it has been done and that is kind of the protocol. My next question is that if he lets the non-user go—is there any reason that as a Board we would not be able to issue user membership. Is he risking anything by not having a non-user?

Amanda Urioste replied: Absolutely not. We are under no strain as far as memberships go. We are not at a max capacity by any means. If 15 people applied right now, I would approve every single one of them. If 50 people applied right now, I would approve every single one of them.

Deej Banister replied: When this housing tract came into development. We had one tank. It held 12,000 gallons of water. This is why people were placing a non-user on a lot because they wanted to make sure that when they decided to build, they would be the first ones taken into consideration. We no longer have that problem; we have three tanks—the VFD uses one. The upper tank is completely full and the middle tank is almost there. That is my understanding. Is that correct Chris?

Chris Dennison replied: It is at 10 feet, 10 feet out of 15 feet. Yes, that equates to substantial amount of water.

Deej Banister replied: The non-user was to make sure that those who signed up for it would have first choice at membership before someone else. Because of our present water situation, that issue does not apply anymore.

Diaz replied: I appreciate the background. Chris, I appreciate your question too. And I guess it leads me to another question. So, as for the fees--I do not see that it costs me more either way. It’s a $50 application fee. The non-user though has a membership certificate. Question for the Board--Does the non-user membership certificate formally allow Madison and me the ability to participate in the community and vote during annual meetings and actually be part of the of the Association versus going to the new application route?

Amanda replied: You would be issued a certificate no matter which way you go. Option 1 would give you a non-user (standby) which would be available to make into a user membership once you are connected to the system and all fees are paid. Option 2, would give you a User membership once connection is made and all fees are paid. The difference is that No. 1 carries past due fees and penalties for non-payment of assessment, thus costing you more. To be a voting member of the Association you have to have water connected to your lot and have a User Membership.

Diaz replied: Do you think that is fair to us?

Amanda replied: It really depends on what you want. It depends on if your end goal is to get water and be connected. We are trying to give you a path of least resistance. We are trying to give you the cheapest path to get water and be connected. If that is not your goal, and your goal is to have just a voting right……

Deej Banister replied: With a non-user standby you are not using water. You are not paying the yearly fee. There is no infrastructure with a non-user. You cannot vote.

Diaz replied: Why did the lot have a non-user membership?

Deej Banister replied: As previously stated, the non-user was a method of keeping track of those who wanted the option to receive water over anyone else should there be a shortage of water because of land development. The non-user was a term used for a standby. It was not a certificate of membership. Again, with a non-user you do not have water—you are not paying yearly water fees. You are paying a standby fee.

Diaz replied: So why did Martenez have a membership certificate? If he did not have infrastructure, what was the certificate 1044? What was that? I don’t know. It was clearly stated in previous meetings--a membership certificate was canceled by the Secretary. So, what does that represent?

Deej Banister replied: It is what it is, a non-user is a standby.

Diaz replied: What do I need to do to go the new membership route. What needs to happen?

Amanda replied: You are wanting a user membership and to get the ball rolling on infrastructure?

Diaz replied: I am not ready to do that though. That’s my whole point. Whenever we are ready to do that.

Amanda replied: When would you want to?

Diaz replied: I don’t know. I have to get my finances in line. All we are trying to do is get a membership.

Amanda replied: So, you are requesting a new user membership? It includes the $6,000 fee, which is for the infrastructure and the connection. That would give you the full user membership structure, everything all included. If you want to apply for a new user and choose to use your own contractor, we would need to approve your contractor. He would need to submit all of his information to the Board—the statement of work, license, bond, insurance. The certificate would be issued when the work is completed. At the point of membership, you would be entered into the Membership list. That is how we do our billing. Does that make sense?

Jim Banister stated: It is difficult to hear people because they are talking over each other. I have a comment to make.

There are other rulings in play here: We must follow the Articles of Incorporation. We are incorporated with the State**.** We are responsible for water, tanks, infrastructure and wells. There is nothing in the Articles of Incorporation regarding non-user.

New non-users have not been issued since 1986. We cannot issue a new non-user when the property is sold. It goes away. Our Bylaws have no reference to non-users. This non-user to user was added to the Rules and Regulations when a previous Board wanted to sell the non-user as a user and move it to another lot. When a lot is sold with a non-user, it cannot be reissued. Again, they were cancelled in 1986. It is not a user membership and we do not issue a new non-user. This is stated in the Bylaws.

The $6000 is a fee to become a member on a lot that has no infrastructure and/or water connection. The infrastructure must be installed before you can have water. If you purchase a lot with a dwelling and infrastructure there is no $6000 cost only a $50 transfer fee. We have an infrastructure that costs money and we have to charge for the materials and installation.

Diaz replied: I am ready to move forward. This has gone on far too long. I mean, you guys have all my documentation. If you guys want to switch it and just take the paperwork and documentation and fix it. You guys have me on the record as saying that it is okay. It is a new membership application. I just want to literally be done with all this and once we are ready to connect, we will pay the fees and be done with it. I did wish though that I had received more clarification about the new membership fees plus the connection fees. That was something that I did not grasp until today’s call to be quite honest with you, but there has been such a grudge. There was not a lot of help and assistance going on. I think we would be a much stronger community if we could work together for the betterment of the area, the water situation, if we were not working against each other.

Chris Dennison replied: I totally agree with that.

Diaz replied: It goes without saying that I am not asking for the Board to be perfect, just to do the right thing. Understand that I appreciate you guys are volunteers taking your time with your families to work on this stuff. Amanda I am ready to move forward here and doing whatever we have to do.

Amanda replied: Okay--I cannot change the agenda at this time. It is listed as the Diaz Transfer. To do so would violate the Open Meetings Act. Again, I will table that item. If you want to switch the box on the application to a new user, that’s fine. That is not a problem. Deej, you have the application in your possession. You have the $50 transfer fee—correct?

Deej Banister replied: Yes, I do.

Amanda replied. We are going to go ahead and check the box that it is a new user application. That a fair statement Mr. Diaz?

Diaz replied: That is a fair statement. Can I ask a question after you Guys do that?

Amanda Replied: Go ahead.

Diaz replied: What happens to poor Mr. Phil Martinez’s membership. Technically, I mean.

Amanda replied: He has a full user membership. He does not have a non-user. I know it is hard to explain and I do not want to keep going over it. It is not as valuable or as important as it has been made out to be. Basically, like Jim said, it goes away with the sale of the land.

Chris Dennison replied: If you turned back time to the very beginning and everything had gone exactly according to plan, he would have been in the same place today as he would have been back then. You are in the same place today as you would have been back then.

Amanda replied: There is no gains or losses as far as that goes. I assure you that Mr. Martinez is not out anything.

Diaz replied: He is out all the money that he paid towards that membership.

Amanda replied: He would have never recouped any of that, and Scott can attest to this according to the Sanitary Projects Act and according to the New Mexico Constitution, those fees cannot be deemed as prepayment for future infrastructure or future work. Scott, do you want to chime in on this.?

Scott Eliason replied. Sure, I will go to the Sanitary Projects Act. This type of fee is just simply a standby charge for the privilege of connecting into the Association’s water service at some date in the future. That is all it is. And that is all it has ever been. There is no need to be paying standby charges. Amanda mentioned because we have plenty of water, maybe at the time when back in the 80s or 70s or whenever it was that these things were entered into, it probably made sense, but since the new tanks and the additional water supply, it has not made any sense.

Diaz Replied: Yes, I think at least from my point of view. The only thing that the 15 or 16 non-users that are still in the books on the membership list are paying annual fees for them to become members of the Association. They do have voting rights. They should not even be paying annual fees. I mean, those 14 or 15 or 16 members that carry non-users. They shouldn’t even be paying those annual fees. They would be like me.

Deej Banister replied: No

Amanda replied: Most of the non-user people, and I will defer to Deej here in a second, have a user membership. So, it would be like owning two pieces of property. They have a user membership on one property and they are carrying a non-user on the other property. I completely agree with you. I personally would never pay for that, but the voting right is only one vote per household. Almost all of the non-users have a user membership.

Diaz replied: It’s pointless, yes.

Amanda replied: I have not turned them down because as you know, the membership could use the money. So again, I personally would not pay for that. I agree with you. It is not advantageous for them to do that, but almost all of them have a user membership so they get to vote. If they have a user membership and two non-users, they only get one vote. Just to clarify that--Deej, did you have something you wanted to add?

Deej Banister replied: That is exactly what I was trying to say.

Aamanda replied: All right. Anything else?

Chris Dennison replied: Sorry for the can of worms, but I think we are better for it. I think everybody has a better understanding.

Amanda replied. I agree.

Diaz replied: Right.

Amanda replied: So, we are okay tabling the transfer. I just want to make sure.

Diaz replied: Alright. Thank you. I guess once you guys make the change, we are back on for the next meeting.

Amanda replied: Sure. Let us know when you are ready to make the $6000 payment. You can contact the Board by email.

Diaz replied: Okay.

Amanda replied: How do you want it to appear on the agenda? I just want to make sure that I get it right. However, you guys decide to do this, just let me know. That way, I will capture it correctly.

Diaz replied: Will do, I think we are kind of strapped for time, but considering the present time of the year, it will probably be next year during the spring or something when weather is a little bit better.

Amanda replied: No problem. Thank you.

Diaz replied: Thank you I appreciate all you guys. I am ready to move forward.

Amanda replied: All right. Amanda asked for a motion to table Item #7, which is the Diaz transfer on the agenda. Jimmy Banister made the motion. Chris Dennison seconded the motion; the motion unanimously passed

**8) Casados Appeal (still pending)**

**9) Hebertson Appeal**

David Hebertson has appealed his late fee charges. He provided notification to the Board that he attempted to reach out to the Board prior to the bill being due. He requested an invoice as well as some additional information. He was not able to calculate the gross receipts tax on the new amount. Unfortunately, we did not get that request. He would like these late fees waived because, again, he did reach out to the Board and had asked us to provide him that invoice and tax information. Any comments are questions about the appeal to wave these late fees?

Chris Dennison wanted to add that at the time he sent the email, it was during the time we were setting up alternate email addresses. I did not know I even had that email address. Hebertson sent me a screen shot of the email to me. It was in advance of him being late.

Do I have a motion to either wave or not wave his late fees. Chris Dennison made a motion to waive the fees. Scott Eliason seconded. Chris Dennison approved. Scott Eliason approved. Jim Banister abstained. Deej Banister abstained. Amanda Urioste approved. The motion passed.

Amanda indicated that she felt he did make an effort and we have responded. I do not believe this would have been late if he had received a response. That is unfortunate. I will send him a letter letting him know that we waived his fees and remind him to be sure and check the Website for appropriate contact information.

**10) Approval of Rule Changes**

a) Section Introduction

b) Section II Communications (1 & 2)

c) Section III Definitions (1, 2, 3, 5b, 5c, 5d & 5e, 6, 6a &6b, 7, 7a, 7b, 7e, 7f, 7g, 7h, 7i and 7j)

d) Section IV Membership Application (1, 2, 3, 4, 5, &6)

e) Section V Water Service (2 & 3)

(f) Section VI Billings (2, 8, 9, 9a, 9b, 9c & 9d, 10, 10a, 10b, 10c, 10d, 10e

Amanda Urioste, President, asked for a motion to table the Approval of Rule and Regulation changes. Scott made a good point; we do not have the red line changes. We need time to review. Jimmy Banister made the motion to table Item #10 Approval of Rule Changes. Chris Dennison second the motion; the motion unanimously carried.

**PUBLIC COMMENT:**

Amanda Urioste President called for Public Comment:

Mallender/Garcia: I just have a couple of follow-ups from the last meeting. Thank you for moving this to a Saturday. I appreciate that. I am just curious if the Well is under any warranty action against the installer or the company who put that in? Is there any kind of consequence for that? Are they culpable for the repairs and constant maintenance on that? Can that be taken out of the annual budget?

Amanda replied: As Chris said earlier, it did produce very well up front. Then we were getting some silt and some other stuff. The well is now producing two gallons a minute of clear water.

Chris Dennison replied: It is in kind of a test phase right now. To be honest with you, it could decrease, it could increase. However, right now it is producing water.

Mallender/Garcia replied: I understand that. My question is, we paid the maintenance fees on that and you guys did a jimmy, if you will, to produce water. I am still curious as to what the warranty was on that and if we are holding that contractor responsible for those fees or are we taking it out of our annual budget to repair a faulty well?

Amanda replied: It is not a faulty well. We actually had a hydrologist, Clay Kilmer, tell the contractor where to dig and where to install, as well as the pump placement. So, there is no negligence on the contractor’s part so that’s not something that we have the ability to enforce. There is no negligence on their part.

Chris Dennison replied: I would add that there is some documentation as far as workmanship and equipment and that type of thing that we could go after. There was no faulty workmanship or equipment. Being in real-estate, I deal with wells on a very regular basis. Any driller is going to tell you that it is not a guarantee. I mean it is a gamble and I have actually seen situation where people that have a well drilled and they either get water or no water or they get non-potable water. I mean a bunch of different things can happen and the guy that drilled the hole still gets paid. Because that is his job to do that and no body can guarantee you that you are going to have water. You can do all the testing you can.

Millender/Garcia replied: Understood and thank you. Just a final comment. If you are going to be on camera during summation and going to have facial expressions that are inconsistent with respect, turn it off. I would appreciate that in the future.

Amanda replied. We are at 9:31. If there is any other public comment, please send an email to us and we will make sure that is part of the next meeting. I do not have a date for that just yet. If there is nothing else, I will adjourn this meeting at 9:31 a.m. Thank you guys. Have a good Saturday.

**NEXT MEETING DATE AND LOCATION:** TBA

**ADJOURNMENT:** Amanda Urioste called adjournment at 9:31 a.m.

Deej Banister

Secretary

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