

*****FINAL*****

BRAZOS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION, INC.
October 18, 2024, Regular Meeting Minutes

MEETING WAS CALLED TO ORDER at 5:03 p.m. through Google Meets.

DIRECTORS PRESENT:

Amanda Urioste, President
Jimmy Banister, Vice President
Deej Banister, Secretary
Scott Eliason, Treasurer
Chris Dennison, Director
(quorum met)

PUBLIC PRESENT:

Karen Lithgow, NMED
Charles and Jennifer Roberts
William Diaz
Irv Lindemuth
Teri Fahs
William David Hebertson

Public was asked to wait until the end of meeting to ask questions.

APPROVAL OF AGENDA:

Amanda Urioste, indicated a typographical error on the agenda. Under 3, Item f, the last name of Potter is incorrect. It should read Poper. Amanda called for a motion to approve the corrected agenda. Chris Dennison made a motion to approve. Jimmy Banister seconded; motion unanimously carried. The agenda is located on the web page should a hard copy be needed.

NEW BUSINESS:

Approval of Minutes:

Amanda Urioste called for a motion to approve the minutes of September 23, 2023. Chris Dennison made a motion to accept the minutes. Jimmy Banister seconded the motion; motion unanimously carried.

Amanda Urioste made the motion to approve the minutes of October 18, 2023. Jimmy Banister seconded the motion; motion unanimously carried.

Karen Lithgow, NMED, Drinking Water Bureau:

Amanda Urioste thanked Karen Lithgow for attending the BMDWCA meeting and stated that she was here to explain the New Mexico Environmental Bureau's findings and decisions

regarding a cancellation of a non-user membership. Amanda indicated that the Board had a couple of questions before taking a vote on the decision.

Amanda made the following comments and asked Karen for a confirmation of the Board's understandings. "The Board has received the NMEB response to a complaint filed with the Bureau by Guillermo and Madison Diaz regarding a reinstatement of a non-user membership that carried with a plot of land that was previously owned by Phil Martinez. Is this correct?"

Karen indicated it was. "It was based upon the way the BMDWCA Bylaws are written, as well as the initial documents and the Certificate of the Association. The non-user membership remains with the land. It goes with the land and stays with the land unless the Board says it can be transferred to another property. Mutual domestics are governments and you cannot indicate that people can no longer be a part of the government."

Amanda: "In reinstating the non-user membership, the fees are to be brought current and that includes any annual fees, late fees, and transfer fees prior to the time that the property was transferred?"

Karen: "The fee structure is however your fee structure is set up. They would be responsible for all those fees and payments. I think we had three or four fees identified. It is possible to bill the member for those fees and then issue the Certificate once the account is current. This is a Board decision. It is however the Board wants to do it."

Again, the findings are based upon the way the Bylaws are written, the initial documents, and the Certificate of the Association. When a membership is attached to the land, that membership stays with the land and goes with the land unless the Board says you can make a transfer to another property. It is one of those things. It is interesting, you are not a cooperative. Mutual domestics are governments and so you cannot tell people they cannot be part of the government."

Amanda: "Our second question is in reference to a non-user membership. I know you researched the non-user certificates at length and in detail and that the Certificate is not a connection to the water system. It is a non-user membership Certificate. If the non-users decide in the future that they want to connect to our water system, the fee for that connection, \$6000.00, is separate from the fees that will be paid to bring the non-user current."

Karen: "Yes. At least that is my understanding looking at the Rules and Regulations. The part of the Rules and Regulations that is compliant with the State Drinking Water Act. Some of it was not within the latter; but, as long as you have it in your policies, then that's what you should follow. That would include the meter can."

Amanda: “The water operator would choose the placement for the water meter installations. The owner is responsible for the line from the water meter installation to the home, over and above the \$6000.00.”

Amanda: “Chris Dennison, you have additional questions?” Chris asked for clarification regarding regular members who choose their own contractor.

Amanda: “Based on the current Rules and Regulations, if a member wants to bring in a contractor to do some of the work, they too would be incurring the same costs as well as the oversight costs of the Board’s water operator. Same requirements as the non-user.”

Karen: “It is in your new Rules and Regulations and it is based on a couple of things in the New Mexico Sanitary Projects Act. I did look at the Rules and Regulations of when the Board was a Cooperative Association and it was consistent with the non-user and it showed that the cost for extension falls on the member.”

Amanda: “I think this clarifies everything. I know that you and I have spoken about the findings and decisions, but I wanted to give all of the Board members the opportunity for clarification. We truly appreciate your help and I know you have put in a ton of work on this. I know it was reviewed not only by you but it even went through legal counsel at one point. It’s been well looked at and vetted and we do appreciate all the information and, especially, you showing up today to clarify this for all of us.”

Membership Transfer Applications:

While it is still fresh in our minds, the first item on the Membership Transfers is for Guillermo and Madison Diaz. (Based on the information that we just received from Karen Lithgow, NMED.)

a) Guillermo and Madison Diaz

Track 32, Block 9, Brazo Lodge Estates, Unit 1

Amanda Urioste made a motion to accept the Guillermo and Madison Diaz application for reinstatement of a non-user membership based on NMED finding presented at this meeting. Once the payments are brought current and they are in good standing, we will issue the non-user certificate. Scott Eliason made a motion to accept. Chris Dennison seconded; the motion unanimously carried.

b) Jorge and Lee Carmona

Track 38, Block 10, Brazos Lodge Estates, Unit 1

Amanda Urioste asked DeeJ Banister if she had the application. Can you confirm that we do have all of the necessary paperwork and the fees for that transfer application? DeeJ confirmed. Amanda called for a motion to accept the Jorge and Lee Carmona application for a user membership. Chris Dennison made a motion to accept membership application. Jimmy Banister seconded; the motion unanimously carried.

a) **Roy Padilla and Michele Lovato**

Track 9, Block 5, Brazos Lodge Estates, Unit 1

Amanda Urioste asked DeeJ Banister if she had the application. Can you confirm that we do have all of the necessary paperwork and the fees for that transfer application? DeeJ confirmed that she had all paperwork and this is a user transfer from parent to children. There is no fee required. Amanda called for a motion to accept the Roy Padilla and Michele Lovato application for membership. Chris Dennison made a motion to accept. Jimmy Banister seconded; the motion unanimously carried.

b) **Daniel and Abigail Vasek**

Lots 4, 5, 29, 30, and 31, Block 2, Brazos Lodge Estates, Unit 1.

Amanda Urioste asked DeeJ Banister if she had the application for membership. Could she confirm that we have all of the necessary paperwork and the fee for the transfer? DeeJ Banister responded yes. Amanda made a motion to accept the Daniel and Abigail Vasek application for membership. Chris Dennison seconded; the motion unanimously carried.

c) **Tyler McDuffy**

Track 7, Brazos Lodge Estates, Unit 1

Amanda Urioste called for a motion to accept the Tyler McDuffy application for membership. Amanda asked DeeJ Banister to confirm if she had the application for membership, all of the necessary paperwork and the fee for the transfer? DeeJ Banister responded yes. Amanda made a motion to accept. Chris Dennison seconded; the motion unanimously carried.

d) **Dennis and Tillie Poper**

Lot 16, Block 8, Unit 1, Brazos Lodge Estates

Lot 17, Block 8, Unit 1, Brazos Lodge Estates

Amanda Urioste called for a motion to accept the application for membership for Dennis and Tillie Poper. Amanda asked DeeJ Banister if she had the application for membership, all of the necessary paperwork and the fee for the transfer? DeeJ Banister responded yes. Amanda Urioste made a motion to accept. Chris Dennison seconded; the motion unanimously carried.

e) **Jeff Neel**

Tract 16, Unit 1, Brazos Lodge Estates

Amanda Urioste called for a motion to accept the application for membership for Jeff Neel. Amanda asked DeeJ Banister if she had the application for membership, all of the necessary paperwork and the fee for the transfer? DeeJ responded yes. I have all the paperwork. This this is a Trust Transfer. There will be no fee. Amanda Urioste made a motion to accept the application based on the names shown on the deed. Chris Dennison seconded; the motion unanimously carried.

New Membership Applications:

a) **Chace Haynes (new construction)**

Water placement is requested at top of Lot 42.

Urioste: This is a new membership request for Chace Haynes. I am going to start with Chris Dennison. I know Chris has been out to the property and spoken to Haynes along with Levi. We may want to table this until we hear directly from Haynes. I know Levi was waiting on a little more information. Chris, do you have any information on this?

Dennison: Levi and I met with Haynes. I think Levi met with him a second time as well. The property is above the Falls Creek area that we service. Levi had expressed some concern about this area having no water pressure. Basically, the location is above where we provide water. He was discussing with Haynes that he considers putting in a secondary pump to provide him with enough oomph to actually have some water at his house when he builds. It was decided that if Haynes wanted to put in the additional pump, it would be at his expense. I do not know what the second meeting entailed.

Urioste indicated that the last information that she had was that Haynes intended to have us do what we can do and he will take it from there. I would like to clarify that with Levi. I want to make sure everybody understands exactly what the risks are and that Haynes is on board with those risks. I would like clarification that he is accepting the risk.

Urioste indicated that if somebody would like to make a motion to table this action, we can certainly take that to a vote. DeeJ Banister made a motion to table the Haynes membership application until we have clarification of risks. Jimmy Banister seconded the motion; the motion unanimously carried. Amanda indicated that she or Chris will reach out to Haynes and let him know our concerns and what was discussed at this meeting.

Jimmy Banister asked if there is a trunk line to the Haynes property? Amanda replied, "Trunk line? It's going to be a substantial project for sure." Jimmy Banister agreed.

WATER SYSTEM UPDATE:

Amanda Urioste stated that for the last couple of years, especially through the winter and this summer's months, there have been some substantial accomplishments that I hope everybody pays attention to and runs and spreads the news. Chris has done a phenomenal job of making sure that this system is as stable as we can possibly make it and we are making some improvements that were much needed. I apologize—I have pictures of all of them and I wanted to put together a presentation so that you all could see the substantial amount of work. I ran out of time, but I will get them on the website so that you can visually see how much work Chris has put into the system and for quite some time.

Chris responded. I would love to have all the credit but it's Levi that does this stuff. I just look for puddles. I have seen and heard of Levi's credits and there have been some substantial things accomplished. I just went back and pulled Levi's reports that he sends into us. I went back to March because that was when we got back into the season where we could start locating things and addressing them.

In March we got the quotes for two inline valves, one of them is right by Well House 3 and the other one is at the intersection of Falls Creek and north to Aspen. Those valves were integral in being able to shut down portions of the system so that we could make further repairs. Falls Creek and Well House 3 jobs were completed in April.

We got a report from a family that came up and found that their stop and waste valve had not closed completely. They actually had a leak inside their cabin. We were able to meet with those folks and kind of give them some tips on how to operate the valve. Because, as you guys know, those valves have been kind of a ridiculous experiment. They are either all the way on or they are all the way off and if they are anywhere in-between, they leak. Stop valves are the way to go if you are going to replace this equipment. The tank storage at that time was at 16 feet. It stayed that way for most of the summer with the exception of a couple of times when we had to do repairs and we shut it down for a little bit.

We were shutting off and checking flush hydrants at that point too. We had problems in the past with some leaking. We wanted to make sure that those were in an off position. We were trying to be as proactive as we could. You guys know the system up here--it's sketchy sometimes. There was a leak across from Well House 3 by the old tank. The tank was still connected to our system but the valves were shut off so we were not feeding water to it. But the old valves just corroded and failed. Water did start going through and it started going up to that tank—there were a ton of leaks in the lines. They were so old. We isolated that area and we cut all of those ties to that tank, basically just abandoned the tank. It had been donated to the Fire Department by the BMDWCA several years ago. Mike Valdez said that the tank also had holes in the bottom and that it needs to be taken away. That was kind of a biggie. We were losing quite a bit of water out of that tank. We didn't even know about it because the lines were literally perforated, they were just pin holes. At first, we thought it was just runoff. This find and repair saved a bunch of water.

Levi has been working on seasoning the new well--trying to get a productivity level for clear water. I don't know a lot about wells, other than what I've learned by doing this process. I know that there is a sweet spot for most of them. They are not always going to produce ten gallons a minute or even two. We are trying to find what it is. We tried a couple of times last year to push water to the upper tank and we pumped mud. It would start off great and then push mud. We have just started pumping again, and we are pushing it into the creek just to get it to where we know it is going to be useful.

There was an Upper Falls Creek issue. A property owner reported a leak. It turned out that it was actually on our side. It was a connection at the meter and actually broken. That was a replacement

that was done on our dime. A lot of the repairs are on the consumer's side regarding faulty stop and waste valves, but this one was not.

In July, Levi, replaced a meter in House 3. This was a replacement for a meter that had been installed earlier and failed. There was no charge for the meter. There was no cost for meter installation, we just had to pay for a new part. We had another call for meter repair or we thought it was a meter. The owner had placed the stop and waste right next to the meter can. It turned out to be the lines to the stop and waste. We replaced the lines for him and it's good. It's a lot of education and learning. I want people who have questions to call us because I'm here. I'm more than happy to come over and show how things operate. To repair or replace equipment can save a ton of water.

In August, the meter at Well House 3 was still not working correctly. We had to get another one—two in a row. A member on Falls Creek reported a meter can was leaking. It was repaired. The Wright cabin by Well House 1 had a leak. This one was found while Levi's assistant was driving around and checking the neighborhood. There was a deer in the front yard drinking out of a puddle. That's how we found out the meter was leaking. The owners were not at home. We shut off the meter. We put notes on the door and when they returned, they notified us and we went over and helped them with the repairs.

Overall, it's been a successful summer. We have not had a lot of huge emergencies. This type of activity is normal for our area. The hope, obviously, is to get to a point where we do not have to chase leaks and we can actually start doing some infrastructure repair. We can identify old sections and replace.

As I said before, there will always be ongoing issues that we face such as incorrectly operated stop and waste valve leaks, leaking faucets, toilets, and such. Sometimes when people leave, they think they are going to get back here to shut the place down before the winter months. They don't make it back and things get left on and lines freeze and such. Again, I would implore the membership--if you are ever in that situation, call us, let us know. We will turn the meter off and on for you. When you are coming back in the spring you can let us know. When we turn it on and we will check for leaks.

One other thing, I almost forgot about this. We have scheduled David Romero of NM Rural Water to come in and replace the altitude valve on the Middle Tank. This controls water flow from the upper tank to the lower tank. When one gets full, it works the water to the other and vice versa. It keeps the tanks balanced. We have been looking for a new valve for some time. NM Rural Water was able to find the valve at a reasonable price. They are going to do the work because it is through NM Rural Water and all we have to pay for is the part. There is no labor charge involved. We are just waiting for it to come in. This repair will be a huge savings and we can get it done before winter.

I do not know all the ins and outs of how it works, but it works off of pressure. When a tank gets full it will automatically shut that valve down and divert the water to the other tank and when they

are both full, it just stops completely. We will not be pumping water and overflowing tanks. That's a biggie! If we can get that done before the snow falls, it would be great. Levi will not have to come up here in the middle of the snow or me or whatever and dig up valves manually.

Amanda indicated that the Board will try in the coming months and year to really get some more stabilization, but I am sure any of you who were up here this summer are well aware that we did not run out of water. We did not have to truck in water. We did not have to pay for water. There was a consistent supply of water, which is amazing. A big thank you! It sounds like small things but they have taken every member of the Board. I truly thank Chris, Scott, Jim, and DeeJ. You guys put in countless hours on a weekly basis to make sure that this was done. I truly appreciate it.

Amanda added an update to water system status. The Board has another big "Thank You" to Karen Lithgow. We have been struggling with the Secretary of State's office to get our status corrected. Karen was able to help us do that and what that resulted in was being able to go to the County with that corrected status and, hopefully, we will qualify to be tax exempt.

PUBLIC COMMENT:

Amanda indicated that we have about thirteen minutes left in our meeting. I think I have three or four people with public comments. If we could keep it to about two or three minutes each:

Diaz stated: Madison and I would expect to receive the fees that are needed to bring the account current. And, if I could ask too, we would like to request how it would be calculated. I want to make sure that we are only held accountable until the date that we initially tried to transfer the membership.

Amanda replied. I will get all of this information over to the bookkeeper. Obviously, it's a little late on a Friday, but I will get everything over to her on Monday. As soon as she can get that calculated, the invoice will be sent out. It will be mailed to you and I am assuming that the address that we have on the transfer application is still current.

Diaz: I believe it is.

Urioste: You can certainly send an email to the Board and include your address. We will make sure that it is correct.

Diaz: Thank you.

Roberts: I want to thank you first for the great water service this summer. It was exceedingly better than the last summer. My question does have to do with adding new members when we have not had enough water for the members we have. Why are we trying to add new members?

Urioste: We are not currently at a place or a capacity to be able to say that there is not enough water to add new members. The production of water versus the water that we

were losing are not equal. We were making less water the summer before last. We were able to correct some leaks toward the end of last year. And then further into this year, a couple of big items, the production is greater right now because that altitude valve is not functioning and the lower tank is completely full. It is overflowing back to the creek. We have enough water when the system is functioning as it is supposed to.

Roberts: Yes, I would point out that it is often not functioning as it is supposed to.

Urioste: What is not functioning?

Roberts: We are often getting warnings. No water for the next two weeks. How about last summer, "Don't come? There is no water." Wouldn't it be cautious or intelligent to slow down on adding members until we get our system in tip top shape?

Urioste: I will defer this question to Karen Lithgow because from what I understand from a previous comment is that we are now considered a government agency and so to deny a connection to our water system would be a very tough fight.

Karen Lithgow, NMED: It's going to be a Board decision. Most small systems--if there is a problem with enough water rights, with enough production--all of that, they deny a new member. But, if you feel that you are going to have sufficient production, plus if there are leaks and those get fixed, it's going to help out a lot. I think that was the main issue during one of the water outages last Summer.

The intent of the Sanitary Projects Act is to help people in the community to connect to clean water. It is not to deny anyone, but again, with the exception of a water rider production.

Roberts: Okay, my second question would be, I know that a couple of years ago, a brand new well was dug. At a great expense, over \$200,000.00. It did not go as deep as other wells and the well did not produce anything but mud. It was basically a waste of \$200,000.00. I am wondering if anything has been done to fix that mistake?

Urioste: Chris Dennison actually touched on that earlier--they did bring that well into production and we did get water out of that well. We did reach spots where it was pulling up silt and dirt. It had to be cleared out. There have been several measures put in place, including filters, but that well is capable of producing water. It was never going to be a high producing well—it was a backup. I was not on the Board whenever that was drilled, but I know that at the beginning it showed more promise. Obviously, the hydrologist and everybody involved thought that it was going to be better than what it turned out to be. I think when it was not doing anything, it was not necessarily because there was not water in the well, it was more because of turbidity.

Levi has been messing with the well, for lack of a better term, to try to get it to a point where it is going to produce at least some water. Whether that is three gallons a minute or five gallons a minute or what it is, and then pump the water directly into that upper tank. The hope is that it will be in service soon.

Roberts: Is there a reason why nobody went back to the driller?

Urioste: I do not know if anything was done to go back to the driller. We would have to look at the records of the previous Board. There was a year on the contract. I can get you an answer. If you can send me your email address or if you want to put it in the chat or if you want to grab my email off the website and send me a memo. I am happy to respond if I can look through those records first.

Roberts: Thank you. I would appreciate an answer. Seems like that was a huge amount of money to just say it did not work.

Urioste: We have not given up on it yet and I am not willing to say that it doesn't work. We have some adjustments and some tweaking to do but I certainly will not say that Levi or any of us have given up on that well producing.

Roberts: What are the plans to fix the very aging water system that we have?

Urioste: We have to put together a multi-year plan. We are talking, probably, 10 years at a time. We are working with RCAC and NM Rural Water to find out what types of plans are out there. The types of grants and money for what we are going to have to tackle. This is one section at a time. If it is a 40-year project, we definitely need to consult experts. Right now, the plan is to get people that know what is best and can help us put that plan together and point us in the direction of funding. I know the problem is not hundreds of thousands of dollars. It's a million plus over many, many years. So, we have a lot to do and it's going to take some time.

Roberts: Are there programs available to help with expenses.

Urioste: There are several programs available. They are with the State, NM Rural Water, and RCAC. It takes applications. We are not the only community digging into the pot of money that is out there. It's going to take a lot of work and a lot of effort, but it is not something that we have ignored.

Roberts: Great! Thank you.

Fahs: I have gone to the website and I did not find any financials.

Urioste: We have had a transition with bookkeepers and getting QuickBooks up and running online. We will get those out as soon as they are available.

Fahs: There is a tab on the website where Chris Dennison could put all of the information that Levi has given him. There's a section that indicates this was done on this day and this was the result. Then it could really help the membership have information.

Urioste: Chris does not have access to the website. I do my best to keep it updated. I'm not a web admin by any means. Again, we are all volunteers and we are trying. Our first priorities are keeping water in the lines. I understand the website updates are important. I would like to keep it more updated than I have time. If the community wants to spend funds on a web admin, which we did have at one point, I would be more than happy to hire one.

Fahs: Another question was on Board members. I just counted four when I was on the website recently. Chris you were not there.

Urioste: We have five Board members.

Dennison: There is hope that we will be getting more folks that want to be involved. I will not be leaving the Board until we have enough to maintain a quorum.

Fahs: There is a petition in the community of people who want to serve. Do you have an Annual Meeting scheduled?

Urioste: I do not.

Fahs: Will you have an Annual Meeting?

Urioste: We will have a meeting.

William David Hebertson: I offered my services to the Board a couple of years ago. I am still available to be on the Board.

Urioste: I am going to call the meeting at 6:01. Deej do you need anything? Yes, be sure and send me a recording of the meeting.

NEXT MEETING DATE AND LOCATION: TBA

ADJOURNMENT: Amanda Urioste called for adjournment at 6:01 p.m.