Mayer Domestic Water Improvement District
Minutes of Regular Meeting
January 26, 2023

1. MEETING OPENING

1.1. CALL TO ORDER **6:00 p.m.**

1.2. ROLL CALL OF MEMBERS

Member Kathy King – Present, Member Jacque Burruss – Present, Member Kevin Jones – Present, Member Shasta Guthrie – Present, Member Keith Francen – Present.

1.3. DISCUSSION AND POSSIBLE ACTION ON ELECTION OF BOARD OFFICERS.

Member Jones nominated Member King for Chair, Member Burruss 2nds, Vote – Member Francen – Aye, Member King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

Chair King nominated Member Francen for Clerk, Member Burruss 2nds,

Member Guthrie asked what the duties of the Clerk are, District Counsel Tosca Henry stated the general duties of the clerk are: To perform the duties of the chair in their absence from a meeting, sign documents as secondary signer. Have historically been the main duties of the Clerk on this Board since she has been working with the District. Manager Befort stated that she would also like to see that the clerk help with keeping minute records. Ms. Henry stated that is a good point. In the event of an executive session where the Manager is not invited in the Clerk would keep record of the minutes. Member Francen asked if he could bring his computer to take notes. Ms. Befort stated that would be great.

Vote – Member Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

1.4. PLEDGE OF ALLEGIANCE

1.5. COMMENTS FROM THE PUBLIC

Joanne Coe welcomed the new Board member stating that she thinks this is a good move for the District. She also stated that the State Statute can provide guidance for member roles.

2. ORGANIZATIONAL MEETING

2.1. Discussion and possible action on legal posting site to be registered with Yavapai County.

Member Jones motioned for the legal posting place to be at the District office, Member Burruss 2nds.

Member Guthrie wanted to know why this was a decision that was to be made by the Board. Ms. Befort stated this is a requirement by the County and she can't just make the decision. Member Guthrie wanted to understand why it needed to be a Board decision. Counsel Tosca Henry stated that any legal action is taken it has to be in the form of a motion, a second and a vote. Here in order to comply the Board carried out that duty it is not delegated to staff. It should also be noted that we do post on our website but it not our legal posting place. Ms. Henry asked if it answered Member Guthrie's questions, Member Guthrie stated she thought so, enough for today.

Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

2.2. Discussion and possible action on removing Joe Mish as a signer for Bank of the West (BOTW) accounts and adding a 2nd signer for Bank of the West (BOTW). (Mardi)

Member Guthrie motioned to remove Joe Mish as a signer for the Bank of the West accounts, Member Burruss 2nds. Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

Member Burruss motioned to add Member Shasta Guthrie as a signer to the Bank of the West accounts, Clerk Francen 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

2.3. Discussion and possible action on removing Joe Mish and Ed Cocchiola as signers on the Warrant account and adding Shasta Guthrie and Francen Francen as signers on the Warrant account.

Member Burruss motioned to remove Joe Mish and Ed Cocchiola as signers on the Warrant account and add Shasta Guthrie and Keith Francen as signers on the Warrant account, Member Jones 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

2.4. Discussion and possible action on date for Open Meeting Law Training.

Member Burrus motioned to have the open meeting law training on February 8th at 11am at the District Office, Member Jones 2nds.

Member Guthrie stated that her understanding is that if we are simply here in a training session and not conducting board business it does not have to be made public. Ms. Befort stated that because there a quorum of the board we would still need to post it and public can still be present. Member Guthrie from what she has read that is not correct and would like to be educated on why as it says one thing one place and we are doing something different. Ms. Henry stated we are meeting and taking roll and it is essentially a work session. No legal action will be taken but we are still required to post an agenda for an actual meeting of the Board with the time and location of the meeting. Because it is a meeting, a gathering of the quorum of the Board where board business can be discussed even without a vote taken. We do actually trigger with the training the requirement to post a notice. What Ms. Henry believes Member Guthrie is referring to is if there is a public event where a quorum of the Board is present, we do as a best practice post a notice of a possible quorum when staff has notice of that. So long as there is no actual Board business discussed amongst a quorum we don't technically have to, but it is recommended as best practice.

Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

3. CONSENT AGENDA

3.1. Approval of November 2022 financials

3.2. Approval of November 23, 2022 Special Meeting Minutes

3.3. Approval of December 17, 2022 Regular Meeting Minutes

Member Burruss motioned to approve the November 2022 financials, November 23, 2022,

meeting minutes, December 17, 2022, meeting minutes, Member Jones 2nds, Vote – Clerk Francen – Abstained, Chair King – Aye, Member Guthrie – Abstained, Member Jones – Aye, Member Burruss – Aye. PASSED

4. ADMINISTRATION/STAFF REPORTS

4.1. & 4.2 Manager's Report/Office Report – By **Manager Mardi Befort**

- We had 2 blue stakes as of today.
- 2023 started out rough. We had 5 main line leaks/breaks within the 1st 6 days. On the 1st 4 leaks we worked 23 hours straight to get them repaired. I needed to call in help with all the leaks. We had some equipment issues, and we were exhausted; our vac trailer was not working and with Archie still out we didn't have an experienced backhoe operator. The total cost for the extra help was $5,045.00. I have also attached to my report the letter I released to community thanking those who came and helped there are also copies on the table.
- The guys(Field Operators) put up security lights around the office and yard.
- We had 1 deviation in meter size request which also included a request to move the meter closer to where the building will be, I approved the request for the deviation in meter size but not moving the meter.
- ARPA Grant update:
    - Tom (Thurman) and I met with David McAtee and Marty Brennan with the County to get Tom up to speed on the process for getting the funds for the projects we are doing.
    - After speaking with the Nam Ho the engineer with Arizona Department of Environmental Quality (ADEQ) regarding the requirements for line replacement and the cost of permits for the project. I decided to ask ADEQ for a grant to cover the engineering for the project, so we don't have to use ARPA funds. I verified with the County this was okay and was told as long as we do not have any engineering costs in our budget for the ARPA Grant this won't be an issue.
    - I confirmed with ADEQ today and they will pay for the engineering as well as permits. Jerry Postema who we worked with for the Roberts well project and his wife helped me 50/50 grant for the meter replacement grant.
- Oak Hills update:
    - I was hoping to be able to report that I had the ATC. But I received an email from ADEQ. I need to get 2 bac-t (bacteria) samples because the previous ones are over a year old. I will be pulling these samples on Monday or Tuesday of next week.
- Racetrack well:
    - No Update
- Sandfilter update:
    - I received an email this morning stating - $925 million was granted to NRCS (Natural Resources Conservation Service) for EWP (Emergency Watershed Protection) Program projects in the omnibus Bill signed by the President in December. ***"It usually takes 1 to 2 months after Congresses passes an appropriation bill for the funds to reach NRCS. After NRCS receives the funds, the national EWP waitlist is funded."*** NCRS is hoping to receive funding for the project and move into a cooperative agreement with Yavapai Count at that time.
- January 23, we again had an issue at the Lower Goodwin tank with the solenoid valve on the tank closing and not allowing the tank to fill, this happened again because the electrical breaker popped, and the valve is electrically controlled. The last time this happened was in October. This is only the 2nd time since 2017 that I know of that this has happened. I have called Ed Popplewell to see why this keeps happening and what we can do to fix it or if it would be best to look at putting a different type of valve at the tank.

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- In 2021 when the Board voted for a rate adjustment to be spread over 4 years and to begin January 2022. I included in your packet the rates as a reminder, as well as the breakdown of the difference for customers who use up to 10,000 gallons of water. Out of the 643 billed customers this month 96.2% used 10,000 gallons or less. If you look at the breakdown the most the 96.2% will pay is $6.00. There are copies on the table for public as well.
- I finally received the AZ State Land Right-of-Way documents for the lines coming from the Grapevine on 1/20/2023 almost a year after this process started, I signed them and returned them 1/23/2023. A copy of the invoice for past rental and the current rental are in your packet. The total cost is $4100.00. It does not look like they are charging us any interest for the missed rental payment in 2013.
- April 25, 2022, I submitted the application for the 50/50 grant to replace our current positive displacement meters with radio read e-meters, (an example of each meter is on the table) I received a letter via email on January 6th that we received the grant but there were some things I would need to complete before they will sign the contract with us. One of which is to attend a webinar to discuss the process, the webinar is scheduled for tomorrow January 27 at 1pm. MST. Copies of both letters are in your packet.
- Water Bills went out late this month. We dropped them off on Friday the 20th and did not find out there was a postage increase and not enough funds on our account to cover the difference until Monday the 23rd.
- Water Turn-off's/Past Due Account
    - This month we sent out 68 past due bills
    - There were 8 people on the shut off list. One is still off.
    - The 2 customers who applied for assistance with DES Department of Housing (DOH) to have had their balances paid off in full.
- Water usage this month and last month
    - With the weather and other unforeseen issues, it took 3 days to read meters this month.
    - We had 4 meters that were unable to be read because of mud and water in the meter box. We averaged the meter reading for those 4 meters this month. Once we are able to get access to the meter, we will adjust the meter reading accordingly.
    - December, we pumped 2.15 million gallons of water 80,000 gallons less than November.
    - January, we pumped 2.40 million gallons of water, 250,000 gallons more less than December
    - December, we sold 1.81 million gallons 180,000 gallons less than November.
    - January, we sold 1.96 million gallons, 150,000 gallons more than December.
    - December water loss 15.78% compared to 10.81% in November.
    - January water loss 18.44% compared to 15.78% in December.
    - I believe the 2 months of high-water loss is due to two of the water leaks we had at the beginning of January they have been leaking for a while before they surfaced, as October and Novembers water loss was 7.83% & 10.81% and we haven't had any other major leaks.
    - 24 customers in January used 10,000 or more gallons of water totaling 475,100 gallons which is 24% of the water sold.
- Website usage
    - In the past 30 days our website has had 374 views (refers to the number of times the website has been visited) and 219 unique visits (Actual number of people who have visited the website). Example: if a customer goes onto our website 10 times in 1 day it will show there are 10 views and 1 unique view.
- This month's direct deposit check for the Bank of the West account was 9,366.68 compared to $6,350.83 last month this is because 1 we had 3 pay periods since the last deposit versus the typical 2 and 2 because we had overtime with the 5 water leaks in 1 week.
- Correspondence in your packets.

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- We received an invoice from the County Elections office and due to the ballot error on their part, as compensation they are not charging for this election. Had there not been an error we would have owed $1,108.8.
- On November 9th, 2022, I received a letter from Mr. Ficara, I replied November 17th, 2022, and mailed it out certified. Copies of the letters and the postage receipt are in your packet. The letter was returned to us unclaimed, and I picked it up from the post office December 16th,2022. A copy of the returned envelope and tracking information is in your packet. Monday January 23rd, 2023, I received an email from Mr. Ficara stating due to my non response to his letter, he is requesting to speak to the MDWID Board at tonight's public meeting. (a copy of this letter is in your packet) I did not add him to the agenda as I had already finalized the agenda at the time of his request, and He also requested receipt of his emailed letter be responded to via a fax. We do not have a fax, so I responded to the email he sent the request from and included in that email a copy of the original letter I sent out on November 17th. I have included a copy of my emailed response in your packet.

Member Jones motioned to accept the Managers report as stated, Member Burruss 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

5. OLD BUSINESS POSSIBLE EXECUTIVE SESSION ITEMS

5.1. Discussion and possible action regarding the Lucas Well Litigation.

Pursuant to Arizona Revised Statutes 38-431.03(A)(3) or (A)(4), the Board may vote to convene in executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body or for discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation on the Lucas Well Litigation. No action will be taken in executive session.

Member Burruss motioned to enter executive session at 6:44p.m., Member Jones 2nds. Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

Member Burruss motioned to enter back into regular session at 7.39p.m., Member Guthrie 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

6. OLD BUSINESS ACTION AND DISCUSSION ITEMS

6.1. Discussion and possible action on upgrade of T-Mobile equipment on Tower. (Tosca/Mardi)

Chair King motioned to approve the upgrade of T-Mobile equipment on the Tower, Member Burruss 2nds, Chair amended her motion to approve the upgrade of T-Mobile equipment on the Tower and the Chair to sign the paperwork, Member Burruss 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

7. NEW BUSINESS ACTION AND DISCUSSION ITEMS

7.1. Discussion and possible action on perpetual plaque for Board members (Kevin)

Discussion – Member Jones stated that he thought it would be nice to recognize Board members for serving on the Board. Chair King and Member Guthrie had concerns about staff time to gather the information and the cost to the District, Clerk Francen offered to volunteer his time to do the research and pay for the plaque, Member Jones also offered to pay for the plaque.

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Member Burruss motioned to get a perpetual plaque for previous Board members who served at least 1 year, Member Jones 2nds, Member Burruss amended her motion to get a perpetual plaque for previous Board members who served at least 1 year, who were elected or appointed at no cost to the District, Member Guthrie 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED

7.2. Discussion and possible action on revising Mayer DWID's Rules and Regulations policy for the time and day for regular board meetings. (Shasta)

Member Guthrie motions to have board meetings on alternate days and times throughout the year, Member Burruss 2nds.

Discussion – Member Guthrie stated that as a former member of the public she feels having alternating times and days for the meeting might allow more people to attend meetings. Member Jones stated he has commitments and does volunteer work on Saturdays. But is flexible during the week. He was concerned for paying Manager Befort and counsel overtime if a meeting is on a Saturday. There was discussion about having meetings earlier in the day. Member Jones asked Ms. Befort about her preparation for the Board meetings the day of the Board meeting, as well as being in the office the day after the meeting doing follow up. Clerk Francen stated he would not be able to attend in person any meetings before 6 p.m. Chair King stated that over the years she noticed, having the meeting during the last week of the month was more helpful for the accuracy and timing of the reports, she also stated she is a creature of habit she prefers having meetings on consistent days and times

Vote – Clerk Francen – Nay, Chair King – Nay, Member Guthrie – Aye, Member Jones – Nay, Member Burruss – Aye. FAILED

7.3. Discussion and possible action on allowing the public to view and/or attend board meetings virtually (Shasta)

Discussion – Member Guthrie stated the thought is for the meetings to be available to the public in some form of streaming, ZOOM'ing, or even just recorded for people who can't attend. Improving the access to the public. Clerk King stated that we are already doing that. We video tape the meeting. Ms. Befort stated that it is part of the open meeting law. If we record the meeting it needs to be available to the public to either come in the office and view or they can purchase a copy. Member Jones wanted to clarify that what Member Guthrie was talking about was someone being able to view the meeting in real time. Member Jones felt that was okay but didn't want them to be able to interject or talk. Ms. Befort stated if the Board were to decide to make this move, she would recommend not using ZOOM as we have attorneys, board members and other presenters that attend meeting via ZOOM and the muting and unmuting process can be cumbersome and would recommend that we use a different platform for livestreaming the meetings. Ms. Befort also stated that she would need to purchase a 2nd laptop as the current laptop wouldn't be able to support both services. Chair King stated that when this was on the agenda 2 years ago there was discussion that once you start doing it, it becomes an obligation. That would be a big commitment. For this size District we don't have many people attend the meetings and have not had 1 request (to attend virtually). Member Francen stated that what we are doing right (recorded video) now serves the same purpose. Chair King stated that she doesn't want to spend the money and doesn't want to obligate Ms. Befort to another thing to do, also what if she's not at a meeting sometime and can't do it. It also opens us up to

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comments section there could potentially be 500 people on their wanted to comment.

7.4. Discussion and possible action of the potential merits of adding a call to the public at the end of regular monthly Board meetings. (Shasta)

Member Guthrie stated that this does not require any action just wanted everyone to be aware that we have the option to allow people to comment at the end of the meetings. This would allow people to comment after the meeting and after the votes and direction to staff. It gives us feedback on what we are doing. Chair King stated that communication with the public is an ongoing thing not just Board meetings, if someone stops me on the street or calls me up, I (Chair King) take the time and I answer their questions. I would like to know how someone feels before I vote. Member Francen asked if his phone number was available to the public. Ms. Befort stated whatever he put on his form is what is available to the public. Ms. Befort recommended that we wait and see if people come back to the meetings. Prior to Member Guthrie and Clerk Francen coming to the meetings we didn't have people coming to the meetings. One risk of this is a lot or repetitiveness they are saying the same thing at the end of the meeting that they said at the beginning of the meeting. Member Guthrie stated the Board has a lot of discretion on what they'll hear. The person could have to declare what is the topic and is new business kind of thing and if it isn't we don't have to let them go on. Ms. Befort stated that we would have to have that as a policy which we don't have right now. Something to look at is what the School District and County Supervisor meetings. You have to fill out a form stating what you want to talk about, and it is limited to what is on the agenda. Chair King stated that at the end of the meeting you are more likely to hear why did you vote that way. Member Guthrie asked what method does the community have to communicate with this Board as a group? Ms. Befort stated that a few months ago a customer got up and spoke about his meter and it was not on the agenda. There is nothing on our agenda that says it has to pertain to what is on the agenda. My(Ms. Befort) thought was if you (the Board)are going to add a second comment from the public at the end of the meeting, limit what they can talk about(to agenda items only). That way you aren't getting someone at the end of the meeting wanting to go off on some other topic. There was discussion about how comments from the public that are given directly a Board member can be communicated to the rest of the Board members. It was suggested that we discuss it further during out open meeting law training.

8. ADJOURNMENT

Chair King motioned to adjourn at 8:44 p. m., Member Jones 2nds, Vote – Clerk Francen - Aye, Chair King – Aye, Member Guthrie – Aye, Member Jones – Aye, Member Burruss – Aye. PASSED