

Mayer Domestic Water Improvement District

Minutes of Regular Meeting

May 26, 2022

1. CALL TO ORDER 6:00 p.m.

2. **ROLL CALL OF MEMBERS** Chairman Joe Mish – Present, Member Kathy King – Present, Member Kevin Jones – Present, Clerk Ed Cocchiola – Present, Member Jacque Burruss – Present – via phone.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC HEARING ON 2022-2023 BUDGET

General Counsel for the District, Tosca Henry informed the Chairman we needed to vote to open the public hearing.

Member Jones motions to open the public hearing, Clerk Cocchiola 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED

Joanne Coe asked what the process for the budget was. Mardi Befort, District Manager, stated that at the meeting last month the budget was presented to the Board for review, ask questions and to make any changes, the budget was posted at the Mayer Post Office, District Office, Mayer Library and published in the newspaper twice. Mrs. Coe asked if this was then the 2022-2023 budget. Ms. Befort stated yes.

Chairman Mish asked for a vote on the Consent Agenda, Ms. Henry stated we needed a vote to close the public hearing.

Clerk Cocchiola motions to close the public hearing, Member Jones 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED

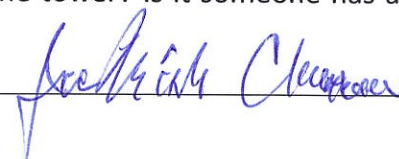
5. COMMENTS FROM THE PUBLIC

Chairman Mish asked for a vote on the consent agenda, Ms. Befort asked Ms. Henry if we were supposed to be on #5 of the agenda, comments from the Public Ms. Henry stated yes and informed Chairman Mish we were on #5 of the agenda.

Chairman Mish asked if there were any comments from the public.

Joanne Coe wanted to know what the issues are regarding the tower and what the consequences will be if the lease is not renewed what will it do to the District, Mayer Water users, the budget. If there are health concerns and they are legitimate it should be made public to everybody, people should be made aware. If it is not about health concerns, how are we going to operate? How are we going to live without over \$130,000 a year, how is that going to effect people, is the District going to raise rates, when would that happen, how much is it going to be. She would like to see the data that it is unsafe, if we lose that revenue someone is going to put that (a tower) up around here somewhere. Someone is going to make money on it and the Water District is going to lose a lot. The public needs to be more informed and involved in this. How is the loss of the tower going to effect cell phones, is it going to impact the fire department and sheriff office communications? She is concerned and feels the Board has an obligation to put the Water District first. Finding new water sources is never on the agenda but the Tower lease agreement is on the agenda all the time. Maybe priorities need to be looked at a little more. She asks that the Board look out for the Mayer Water users above all else. Please give that some consideration.

Gary Fry asked what the reason is for bringing up the tower? Is it someone has a problem related to the



tower, someone doesn't like the tower. He doesn't understand why the tower was brought up.

Chairman Mish stated we are not allowed to have a discussion.

Mr. Fry stated he is an electrical engineer and knows what the tower does and is really curious if someone has a medical problem. What was the test who conducted the test how did they arrive at that. That Tower brings in \$130,000 a year and there are plenty of them around here and in Prescott Valley that are just as close to homes as this tower.

Bruce Bennet wants to know what it is supposed to cause. Is it doing bad things? Is that 5G stuff dangerous? I have never really heard the facts of it.

Chairman Mish said he can't answer that and will have to take it into consideration and let you know at a later time.

Clerk Cocchiola asked if he could address the lady. Chairman Mish said no.

Paul Coe asked if the Board has gotten anyone to tell them the 5G is bad. Said the District should do a study before they state the tower is unsafe because we don't know. A scientific study should be done. What happens when the power is out and landlines go out, without the cell tower, cell phones won't work and people in the community won't know what is going on or have a way to communicate.

General Counsel for the District, Tosca Henry stated this topic is on the agenda and the Board Members can respond. The call to the public only prohibits response from an item not on the agenda.

Sharon Regen said that she never had any problems with her cell phone until the tower was put up. She would like to see the tower gone. Looking at the budget she doesn't see the need to the revenue and does not feel it will impact the District. She doesn't understand the budget, her budget at home doesn't always match or balance and this budget does. These are all perfect.

Ms. Befort stated a comment came in on email and asked Chairman Mish if she could read it.

"My name is Lana Coder I worked for the district for 3 years. I remember when Frank. Volunteered after everyone quit. He worked really hard to preserve and maintain our system as well as upgrade. Your destroying the work he did by fighting, insulting each other and walking out. My suggestion would be to take a step back and remember what your duties are as board members and if you can't put aside your petty differences you will destroy this district. All you should be concerned with is providing clean water at a reasonable price. As far as Attorney Taska she has been an asset to this district and I think trying to fire her and grandstanding is not in the best interest of the community or the district. Sincerely Lana coder"

Member Jones asked if he could make a comment about the cell tower. Ms. Henry stated that if the Chairman will allow it.

Member Jones stated. The issue is not so much that we want to tear the cell tower down. We want to know the technology of the 5G, there are comments with it interfering with radio transmissions, GPS units, emergency helicopters. The thing is if this Board votes to have the 5G put on the tower and in the future

there are medical issues, we are liable, this whole Water District it liable. It's a microwave system. I am not against the technology; I want to make sure the company that puts that up does not put the liability on the District. Because if there is a massive lawsuit in the future, we need to make sure that we are not held in liability. It is not that we are against the tower or want to take away technology, we just want to make sure that if there is a problem in the future, we are protected.

Clerk Cocchiola a man came in here and said that his cell phone doesn't work, frankly I don't care if his cell phone doesn't work. This is what I care about. If this is going to be a health problem, if this is going to be a danger. Aren't we going to take a look at it at least? I'm being fair here. I really don't care about the guy's phone. I care about these kids, I care about you, because that's what its about, its about you and I'm so glad you came here tonight. Thank you. Ma'am I can't recognize you by law, forgive me madam, I can't answer your questions, by law. So I said my peace. Okay, so there it is folks.

Chairman Mish stated he has been studying 5G and there was a television program, its very interesting, this guy was testing it with his regular telephone and punched in Gone With the Wind. Waited a little while and punched in on 5G. The regular telephone only had just a little blurb on the bar. 5G was already completed. He went inside the coffee shop and did it again. The regular telephone was registering it, 5G does not register inside of a building. I wonder why. They didn't give me that answer so I don't have an answer for you. Chairman Mish stated he went up to the tower and his ears started ringing so he left. And you people are living right below that.

Ms. Regen said that she agrees with what he is saying and you are yelling like we don't agree with you.

Chairman Mish said he understand you guys are here because you are wanting to know. I am just trying to expound on the information.

Ms. Regen asked if there is 5G now.

Chairman Mish stated when this first started. There was no 5G all of a sudden I get the information somebody put 5G up. I wanted to know who authorized it. I can't find that out yet. But somebodies gonna tell me before I am done, who authorized it, how did it come about. Without the approval of this Board.

Member King asked if she could have the floor. She shared with the public some information that was included in her board packet. RF safety of Tower-Mounted Cellular Antennas by, Richard R. Strickland, RF Safety Solutions LLC. She read a portion of the report.

RF Energy and the Human Body.

"In contrast, radio frequency energy and the energy from most of the light frequencies are forms of non-ionizing radiation. This form of energy can heat tissue when it is concentrated enough and is the principle behind the common microwave oven. But exposure to very tiny amounts of RF energy has much less impact on you than if the temperature in the room you are in were to change by a small fraction of a degree. Problems occur with exposure to RF energy only when it is so concentrated that your body has a problem dealing with the excess heat. The effects are very similar to overexertion."

RF Effects from Cellular Phones versus Tower Antennas

Here are two statements that apply to every tower site with cellular antennas: 1. If you hold a cellular phone

near your head, as opposed to texting, using a headset, or a hands-free device, you will absorb an absolute minimum of 100 times more RF energy than the maximum you could absorb from any tower-mounted cellular antennas, assuming you are on the ground. 2. If cellular reception is poor in your area, the installation of a cellular tower or cellular antennas on a water tank or in a church steeple will dramatically reduce the RF exposure of anyone that uses a cellular phone in a handheld mode."

Member King asked our attorney it was discussed earlier about the liability potential. Is there a huge liability potential?

Ms. Henry stated "We have an indemnification clause in the contract. That would pass on any liability exposure to users of the tower. That's contractually in the documents.

Ms. Regen asked if that was a yes.

Ms. Henry asked Chairman Mish if he would like her to respond. He stated he would.

Ms. Henry stated the tenants on the tower are contractually obligated to defend and indemnify the District for harm. Property or personal harm to users.

Clerk Cocchiola asked if he could have the floor. Chairman Mish stated he could.

Clerk Cocchiola "counselor, tell me, this liability issue, are we immune, as a Water District?"

Ms. Henry stated there is limited immunity in addition to the expressed indemnification of the contract.

Clerk Cocchiola asked her to say that again.

Ms. Henry there is limited immunity in addition to the expressed indemnification of the contract.

Clerk Cocchiola asked if she said limited, limited. That's what I heard, limited.

Ms. Henry But we don't get there because we first start with contract defense and indemnification, that's your best defense there.

Clerk Cocchiola, I don't know it seems like so many times. With the drugs, people coming back and suing the drug company, I have to see that. I have to really see that. To read that to really feel good about that.

Ms. Henry stated she has a copy right here for him to read. Ms. Befort asked if she would like her to make a copy, Clerk Cocchiola directed her to make 6 more copies so the public can also read it.

Mr. Bennet asked if all of this is run through the corporation commission the water company here. They regulate it. Chairman Mish stated they do not, We (the Board) regulate it, we are not part of the corporation commission. He(Mr. Bennet) was wondering if they possibly gave someone the authority to put things on the tower.

Ms. Henry asked Chairman Mish if she could address this. The tower technology is heavily regulated by the FCC, so its federal law and it is the tenants position that the tower is fully compliant with all current FCC regulations and in fact American Tower has invited the District to do its own independent investigation and try and show that it is not compliant. So it is the tenants position that they are fully compliant.

Mr. Bennet asked if the FCC approves what goes on the Tower.

Ms. Henry said no, we approve what goes on our Tower. But the technology has to be compliant with the FCC regulations.

Ms. Bennet stated if the FCC says it is all good then they would be the ones responsible then.

Clerk Cocchiola asked Ms. Henry if we approve what goes on the tower.

Ms. Henry stated you do, that information is in your packet because you asked for a response to the 5G question, again it is the tenants (American Tower) position, that the tenants and their use of the tower were approved by the Board in the past and that the use of the tower complies with the prior approvals.

Clerk Cocchiola states he doesn't remember that.

Ms. Coe states that he wasn't here then.

Member King asks for the floor. When we are talking about the money, our legal counsel just mentioned that we had the right to accept or decline contracts on the tower and certain members of the Board have already refused rental to the tune of almost \$30,000 a year that had to be passed onto the users with our last rate hike. Our rates ended up being higher than we had originally planned with the denial of the tenant. If we have to pass on the \$130,000 onto the users. We don't get taxes like the fire department. So that could be \$20 per user a month more on your bill that was already raised.

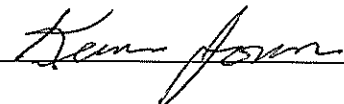
Ms. Regen stated if the microwave and radiation cause cancer, don't you think \$20 more a month is pretty reasonable.?

Member King states that after reading the documentation in the Board packet that is not a provable issue at this point. When the tower was put up my husband was on the Board and the only Board member who voted not to put the tower up. So I am sensitive to this. This District has some major financial challenges we need to be sourcing

Ms. Regen says \$20 is nothing trading health issues like a brain cancer.

Member King asked for proof of that.

Ms. Regen asked for proof that it doesn't happen.

Approved 6/23/2022 Board Member Signature and Title 

Chairmen Mish First the reason that the money was turned down, I was in Phoenix sitting in a restaurant there were 3 people sitting at a table near me who were talking about Mayer and the Tower and they said and I quote. "What are you going to do about the Board in Mayer?" The other gentleman says "Nothing to it, they are just Johnny come latelies we'll get it done." Come to find out, that's where they wanted 5G. Now in November of last year (2021) you can look it up in the Courier it was stated how much money each one of these outfits was gonna get, they left Mayer out. Anywhere from \$5 million down to \$100,000. Dewey, would get \$60,000. They were going to give us peanuts. This Board is not going to stand still for that. \$24,380 some dollars. I have a fiduciary responsibility to you guys so does this Board to go to work and represent you guys in the most proper legal manner we can. I will tell you right now I am going to do to it. I am not bashful, I don't have to lie to nobody I don't have to bull crap anybody, its facts. And that's why this has been turned down we can not get them off of dead center. So consequently, please November of 21 look it up. Its public knowledge. I still have the newspaper at the house and I forgot to bring it with me. Because I would have read it all to you. Jerome, Chino Valley all got money and that's what we need here. We need the money to go to work and do things that need to be done.

Ms. Coe asked if it is we are not getting enough money and that's what's upset you and it needs to go, what is the issue.

Chairman Mish stated the issue is 5G, there is some outfit that has a lock on 5G and it will unlock everything and they want over a trillion dollars for that lock, they have 15 or 20 patents on it. Go out and research it.

Mr. Coe stated that you as the Board should do the research and present it to us not tell us to do the research.

Clerk Cocchiola stated he took an oath to the constitution of the United States of America. I will not let you down, I will not sell you out, We are going to find out what its about. If there is a danger here we are going to know it. I give you my word. I want to know and nobody changes my mind. If I find out the truth and that's what we are gonna see, the truth.

Ms. Coe that what we are asking for before, decisions were being made.

Clerk Cocchiola, ma'am I understand that. But we have to have the truth., The truth will set us free and that's what we need to know. Now I don't know how we are going to do this. But we are gonna do it.

Chairman Mish, asked the public, How far is Las Vegas? They did nuclear testing there and there is something called down winders there are people in this town who got cancer from that. I'm looking at this tower and how come my ears were ringing when I was up there when I get off the hill out of the way there is nothing there.

Mr. Bennet asked how long has the tower been there? Chairman Mish stated 40 years.

Mr. Coe says its bad when you can't find your notes on what's happened within the District.

Member King wants to make it very clear that she cares about the wellbeing of every water user. She's been

here for over 40 years. That why I volunteer and do my very best for the Water District. Also, the financial status of the District so we can have certified people so the water that gets delivered is safe for people to drink. We have been working on this for at least 2 years and the question did come up about how much money we are going to get and the rumors that so and so is getting this much, it was explained to us on more than one occasion that it depends on the tower and how many users are on the tower. They take in so much money and everyone gets a percentage of it. So what we get is not going to be the same as other towers. We negotiated the highest amount we have ever gotten and it offers a wonderful financial security for the District.

Clerk Cocchiola they want to stick the thing up there and they don't want to pay for it. End of ball game.

Ms. Befort stated a young family came into the office today asking about the tower. They were not able to be here tonight. They wanted to know if there were any cases of people claiming health issues because of the tower.

Ms. Regen stated that she has been here for 16 years and had a pituitary tumor how does she know that the tower didn't cause it.

Clerk Cocchiola asks if we can take a recess. Member King states she would like to continue.

Chairman Mish says we will take a 10 minutes recess.

6. CONSENT AGENDA

- 6.1. Approval of March 2022 financials
- 6.2. Approval of March 24, 2022 Working Session Minutes
- 6.3. Approval of April 28, 2022 Special Session Meeting Minutes
- 6.4. Approval of April 28, 2022 Regular Meeting Minutes

Clerk Cocchiola motioned to approve the consent agenda, Member Jones 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED

7. ADMINISTRATION/STAFF REPORTS

7.1. Manager Report -By Mardi Befort

- We had 3 blue stakes as of today and no major water leaks this month.
- Oakhills update:
 - There are no updates for Oakhills
- Racetrack well:
 - We received the VFD and pumps from Preferred pump today.
 - The water tanks are to be delivered June 10th we are hoping to start working in the ADOT ROW next month.
- Monday May 9th the hydrostatic pressure tank in Poland Junction started leaking from an old repair patch, we were able to temporally repair this. I have this on the agenda to discuss the options. I have asked Drill Tech, Fann Environmental, KP Ventures and MMI Tanks for bids on just replacing the tank as

well as upgrading the system for a Variable Frequency Drive (VFD) system which will give our customers in that area more consistent pressure.

- Wednesday May 11, we discovered the pump went out at the Terrell 1 well. Drill Tech put in a new pump on Monday, May 23. While installing the new pump I had them put in an airline for us to sound the well instead of the sounding tube. This is so much easier and faster than using the sounder. They are going to try and get the pump covered under warranty it was installed in 2018. If it is covered we will only pay for the labor.
- Tom Thurman and I both attended the County Supervisors meeting on Wednesday May 18th, the Board voted on the approved list of applicants who applied for the American Rescue Plan Act (ARPA) funds. There were 66 applications submitted and they approved 33. MDWID will receive a partial grant of \$1 million. We can still do a lot with these funds for improvements to the distribution system. When we submitted the grant application stated we were going to use the funds to replace old undersized waterlines, blending or treatment of wells, and a new tank, however I confirmed that because of the emergency situation in Poland Junction we can use the funds for an upgrade or replacement of the pressure tank. Once I receive the PER back from Granit Basin I will look at what waterlines and blending or treatment can be done along with upgrade in Poland Junction the with the \$1 million. A copy of all grant winners is in your packet.
- The County is paving the roads in Poland Junction. When the blue stake was called in, I was told it was for ditch work. This puts a huge damper on us replacing the water lines up there. As we will now have to bore which will add at least \$40,000 to the project as the County does not want us to dig up the asphalt for at least 2 years. Tom spoke with the head of Development services and confirmed we can dig it up if we have an emergency water leak. He tried to get them to postpone the project for a few weeks so we could put sleeves in but 1, the funds for this project were allocated for this fiscal year and needs to be spent by June 30 and 2. They have hired contractors to do the work and won't be able to get the same pricing if they wait. The county will now include the District in there project planning meetings each month so we will be aware of any upcoming county improvement projects that could affect our projects.
- I spoke with Lonnie from the Chimney Ranch trailer park, I am now waiting for a Board member to call me back to discuss further.
- May 2nd, Paul with the 3rd party contractor through ADEQ who is putting together our asset management plan. Came and did a physical inventory of all of our assets. Just a reminder, this is free Asset Management assistance provided through ADEQ it involves an assessment of the utility's asset management practices and policies as well as performing a physical asset inventory of all the utility's water related assets e.g. wells, tanks, booster stations, treatment systems, office equipment, fleet vehicles, construction equipment, and buildings directly related to the operations of the water system. They assign an expected lifespan to each existing asset based on the asset's condition and age. They then use that info to create a repair-replacement strategy (a capital plan of sorts) for the utility. I received their findings on Wednesday and have included them in our packets to review.
- I have been working with our consultant Mike Rice for the past fw months concerning some issues renewing our State Land Right of Way (ROW) for our waterlines from the Grapevine and Terrell wells that feeds all of Mayer and Poland Junction. This is something that needs to be done but will cost the District more than anticipated because of errors in past applications. This is on the agenda for discussion.

- I have not heard yet if we received the grant for the Meter replacement project, when we get this grant we can move forward with the project.
- At the Rural Water convention, I learned a lot and made some great connections and found some new resources for information and help.
- There is a copy of the 2021 CCR (Consumer Confidence Report) and newsletter in your packet.
- Angie Hufford resigned on May 10th her last day was May 20th, she said she has "really enjoyed working with you and getting to know you. The pay/hours are not worth the stress of having to deal with a few of the board members who seem to not have the best interest of the water district at heart and behave like immature children at these board meetings. Never in my life have I felt threatened by simply trying to earn a living and support my family until now." A copy of her resignation letter is in our packet. She did tell me that she would be willing to help me in the office training the new person on her days off at her new job.
- I hired a new office clerk, her name is Carla she starts June 6th.
- Tom Thurman's resignation letter as Project Manager is in your packets. Tom only resigned as project manager. He is still willing to be a consultant for the District, at reduced rate of \$25/hour from \$50 which is what the board approved at the May 27, 2021 Board meeting. He is a valuable asset to the District he was instrumental in helping us get the \$1 million ARPA grant as well as getting the Racetrack project. He plans on continuing to help us when the water tanks arrive next month and installing the waterlines in the ADOT ROW and Grapevine Rd.

7.2. Office Report - by Mardi Befort

- Water Water Turn Off's/Past Due Account
 - May there were 3 shut offs. One is still off
 - We sent out 64 past due bills this month.
- Website usage
 - In the past 30 days our website has had 606 views (refers to the number of times the website has been visited) and 273 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.
- Water usage this month
 - Chris, Angie and I finished meter reads in 2 days. Chris read until 2pm on the first day and until about 10am the end day. We had several high reads which we reread and verified.
 - This month we pumped 2,993,400 million gallons, 697,800 gallons more than last month.
 - We sold 2,713,800 gallons of water this month which is 647,600 gallons more than last month.
 - This month we had a water loss of 9.3% compared to 9.9% last month.
- This month's direct deposit check for the Bank of the West account was \$6,472.48.
- In the past 30 days we had 7 new account set up's/deposits.
- The importance of proper training for the office clerk position is key to keeping everything in our customer database up to date and accurate. There are hundreds of little things to this position that can only be trained while they are actually happening. But the most important thing is to be consistent and accurate with record keeping. Before Angie resigned, she was going through customer files and organizing them, in the process of doing so she discovered numerous accounts that were not properly

finalized, therefore deposits were never applied to accounts and refunds to customers were not properly tracked. Being able to account for every financial transaction is so very important.

- We are filing 2 loans on accounts that have a past due balance of over \$500.
 - report.

Member Jones Motions to accept the Administration/Staff reports as stated, Member King 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED

8. ACTION AND DISCUSSION ITEMS

8.1. OLD BUSINESS

8.1.1. Discussion and possible action regarding the renewal of the cell tower lease. (Tosca/Mardi)

Chairman Mish table this item.

8.1.2. Discussion and possible action on FY 2022-2023 Budget

Clerk Cocchiola motions to approve the FY 2022-2023 Budget, Member Jones 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED

8.1.3. Discussion and possible action on purchase of updated No Trespassing signs for all District sites

Clerk Cocchiola motions to accept the Coffee Gram bid they are local people and we support local people, Member Jones 2nds, Member King asked what the advantages of a reflective sign are. They can be seen better at night. Clerk Cocchiola asked why the Coffee Gram quote did include reflective. Ms. Befort stated she did not know, it was included in the quote request yet they did not include it in their quote. Clerk Cocchiola stated he wanted to change his motion. Chairman Mish told him he could not as it was already seconded. Ms. Henry advised they would need to let it die or have a vote. Chairman Mish suggested they got to a vote and vote to not approve the motion. **Vote – Chairman Mish – Nay, Clerk Cocchiola – Aye, Member King – Nay, Member Jones – Aye, Member Burruss – Nay – FAILED**

Clerk Cocchiola why can't we just do it this way, so simple lets table this until the next meeting in the mean time fact find call Coffee Gram say hey what with no reflective, we want reflective what are you gonna give us for a price, end of ball game.

Member King motions to accept A&B signs companies quote of \$2414 with reflective, Member Burruss 2nds the motion. Clerk Cocchiola states he just made a motion, Member King says no that wasn't a motion. Clerk Cocchiola asks if he should do it again. Mr. Henry states we already have a motion and a 2nd **Vote – Chairman Mish – Nay, Clerk Cocchiola – Nay, Member King – Aye, Member Jones – Nay, Member Burruss – Aye – FAILED**

Member Burruss asked about the agenda item 8.1.1 being tabled, Ms. Henry stated because it was tabled without any discussion. If it (an agenda item) is tabled right when it is called and there is no objection, therefore procedurally it can be tabled. It is different if it is announced and discussed and there is a tabling that is not approved by a majority of the Board.

Ms. Befort wanted to make sure the Board understood that she did ask Coffee Gram for a quote to include reflective and they did not.

Clerk Cocchiola stated he wanted to get the very best product for the very best price we can. If they didn't tell Ms. Befort that in the quote they sent, then maybe Ms. Befort should make a point of that so we can get down to business.

Ms. Befort stated that she did ask for reflective to be included in the quote and they did not

include it in the quote.

Ms. King stated this is the second time this has been on the agenda because Clerk Cocchiola specifically requested that Ms. Befort get an updated quote from Coffee Gram. Clerk Cocchiola stated exactly.

Clerk Cocchiola do it one more time I'll make that motion go for it one more time if it works fine if it don't okay, I like to see it local and I like to get the very best product we can for the very best price whoever gives us the very best price that's where I am coming from. I can't be more fair than that to everybody concerned. Motions on the floor Mr. Chairman.

Chairman Mish asked if there was a 2nd on the motion.

Member Jones asks for clarification on the motion.

Clerk Cocchiola states, lets me fair I don't know maybe it was a misunderstanding who knows. But we are looking to save a buck, even if it is only 10 bucks. Then again it is a local outfit. Do what you want. That's my motion, I say that we check it again. Lets go one more time and resolve it at the next meeting. End of ball game we finish it next meeting. One way or the other. But I want the best price, I want the best product and I want it the way we want it and the only way we are going to accomplish that is to do it again. Ms. Befort states she asked for it and they didn't respond. She can't help that they didn't follow the direction she gave them. She felt it didn't seem fair to the other vendors who did follow the direction and did give a bid for what we wanted.

Chairman Mish asked again if we have 2nd, Member Jones asks, so the motion is to contact and wait for a bid coming in from Coffee Gram on reflective. Ms. Befort states that is her understanding of Member Cocchiola's motion. But also stated she will also have to get new bids from all of the other vendors because they pushing 90 days from the original bid we got by the next meeting.

Member Jones 2nds the motion,

Member King asks to repeat the motion please.

Chairman Mish states the motion is for Ms. Befort to submit a request for reflective sign from the Coffee Gram and she made a statement she will have to list all of them in order to be fair. Clerk Cocchiola stated excellent. Ms. Henry stated she was still unclear as to what the motion was. Ms. Befort stated from her understanding the motion from Clerk Cocchiola was to go back to Coffee Gram and have them include reflective in their quote, Ms. Befort stated she made a statement that we should go back to all of them to get updated quotes. But the motion was to contact Coffee Gram. **Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King –Nay, Member Jones – Aye, Member Burruss – Nay – PASSED**

8.1.4. Discussion and possible action on purchase of new District sign for the District office.

Ms. Befort provide a sample of the material from A&B signs which was requested by Clerk Cocchiola at the last meeting. **Ms. Before made the recommendation to accept the quote from A&B signs, Chairman Mish makes the motion to accept A&B Sign Companies quote, Member Jones 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Nay – PASSED**

8.1.5. Discussion and possible action on updated Earned Vacation time policy in employee Manual

Ms. Befort read the policy.

"Earned Vacation for Part-Time Employees

Beginning July 1, 2022 - New part-time employees after successfully completing their probation period will earn 1 hour of vacation for every 20 hours worked, up to 24 hours per year. At the end of December employees are allowed to carry over to the following calendar year up to 40 hours of vacation time. If an employee resigns, they may not use any accrued vacation time during the period of notice to their final stated last date of employment without the approval of the Manager. In the event of resignation or termination all accrued vacation will be applied to the employee's final paycheck. (Revised 4-28-2022) (See Minutes)"

Member King motions to update the Earned Vacation time policy in the employee manual, Member Jones 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

8.2. NEW BUSINESS

8.2.1. Discussion and possible action on booster station in Poland Junction

Ms. Befort explained on that on May 9th a leak was discovered at the pressure tank in Poland Junction, they were able to repair it temporally, but she was not sure how long the repair will last. Because of the significant rust inside the tank everyone she has spoken to has said repairing the tank is not a viable option. She is asking the Board to approve in the event of a catastrophic failure she be allowed to put in a Variable Frequency Drive (VFD) system in place of the pressure tank as it will be an improvement to the area, giving customers better and more consistent pressure. If the repair holds until the Grant money from the County is available she will wait until then to make the upgrade.

Clerk Cocchiola motions to authorize Ms. Befort to install a VFD system in the event the tank goes out in Poland Junction, Member Jones 2nds. Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

8.2.2. Discussion and possible action on State Land Right of Way renewals

Ms. Befort explained The Right-of-way(ROW) permit with State Land is for our water lines located on State Land that bring water from the Terrell and Grapevines wells to Mayer and Poland Junction. Without these water lines we can not get any water to any of our customers.

Here is the timeline:

Initial application 1993 (Application filed and all fees paid)

2nd application 2003 (Application filed and all fees paid)

3rd application 2013 (Application fee paid, application never filed and rent never paid.)

What we need to do moving forward:

Pay rent on the water lines shown in "Figure 1 state land water line pdf." from 2013-2023.

Pay rent for the water line on the old railroad portion that was never included in any of the applications from 1993-2023. This was an error on our part in our initial and subsequent applications. I believe this happened because according to the Yavapai County Parcel information that portion of our water lines shows to be on BLM land and not State Land. When in fact it is on State Land.

Mike Rice in his research is estimating \$7200 total in fees for past rent. Could be more, could be less but that is about what he is thinking the fees will be.

If State Land pursues trespassing charges, we could pay up to \$18,000 which is 3 times the minimum rentals due. Mike does not think they will pursue trespassing charges, unless we try and fight them on this. If we refuse to pay the fees and/or try to fight them on this matter they could not renew our ROW and require us to remove our water lines. Without a ROW the District is legally in trespass under state statute and we would have no legal basis for a challenge as prescriptive rights do not apply to state or federal land.

Today I received an email that the Archaeological Compliance Specialist is recommending a survey of the area. I do not know how this will impact our application. I am waiting to hear back from Mike Rice. A copy of the email and letter are in your packets.

I am asking the Board to give me permission to continue to work with Mike Rice on this matter and get our applications submitted and all necessary fees paid.

Member King motions to pay the \$7,200 for the fees and past rent. If it is more than Ms. Befort can come back to the Board for approval. Member Jones 2nds. Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

8.2.3. Discussion and possible action on District Consultants

Chairman Mish states this in reference to Tom Thurman's resignation, Chairman Mish motions to accept his resignation in its entirety and its over with and he will not be eligible for employment with Mayer Water for a period of 1 year, Clerk Cocchiola 2nds.

Member King wants to know the underlying reason for a time period, that we have a very caring community minded individual who helped us with a grant of a million dollars. Which she is very grateful for and also some other things with legal issues we have and she doesn't understand why there is some kind of stipulation time periods for when he can work, what's up with that?

Clerk Cocchiola states that in his experience there is always some kind of latch of a time period.

Member King asks Chairman Mish why are you making this motion with someone who has stepped up and helped after Frank left and helped us to get that grant money.

Chairman Mish asks if we have the grant money yet. When it started out it was \$40 million, then it was \$10 million, then it came down to \$8 million, we got \$1 million. He (Chairman Mish) doesn't care for a person that can't tell him the truth and he (Tom Thurman) doesn't tell it, therefore I want nothing to do with him.

Clerk Cocchiola states the grant is allegedly from the County, the County has strings, its on everything they do, I pray you get \$1 million, but I don't want the strings. If we start a job out there and they say they don't like it, we end up finishing it and paying for it out of our pocket. In his humble opinion the County to him is nothing more than a cheap bordello.

Ms. Befort stated the County received \$40 million from the ARPA funds, and released \$10 million to water and sewer infrastructure improvements. There is no way Tom could have gotten us the full \$10 million to be used in 1 Districts, it had to be spread out throughout the entire county.

Clerk Cocchiola stated the Federal Government is handing out money and we would only have to pay back 30% we could get \$40-\$60 million and we wouldn't have to put up with restrictions.

Ms. Befort stated these are Federal Funds and we don't have to pay any of it back.

Ms. Befort stated this is going to tie her hands on some of the upcoming projects. Tom showed up and helped out with the Poland Junction leak and didn't charge us anything.

Ms. Henry stated legally the motion was 1 year restriction on employment. He's (Tom Thurman) already resigned as an employee, there has been no motion to terminate his services as a consultant and I don't believe that is the Chairmans intent.

Chairman Mish stated that is exactly what we are talking about. Ms. Henry stated not with the language of the motion. The motion was employment.

Chairman Mish stated he (Chairman Mish) told everyone he had an opportunity for this Water Company to get enough money to put in a water treatment plant, but they went to work and tried to get him (Chairman Mish) sent to jail and he (Chairman Mish) takes exception to that. Toms going around saying he's got this and he's got that and that he is the boss here and he (Chairman Mish) has a belly full of it. We will accept his termination. Then we will have another vote to terminate his consulting. Chairman Mish asked Ms. Henry if that was right, Ms. Henry state that the employment was not on the agenda. Technically we are now off the agenda.

Chairman Mish state he is not (off the agenda) it says Discussion and possible action on District Consultants,

Ms. Henry states the motion and discussion has been on employment so far.

Chairman Mish states as far as he is concerned, he (Tom Thurman) is not going to work here anymore if the Board so approves.

Ms. Henry asks Ms. Befort if the resignation was for both (consultant and employment) or just employment.

Ms. Befort states just employment, she further states we risk angering the county and they could pull the \$1 million grant we just got.

Clerk Cocchiola states, it seems to him we would rather have \$1 million instead of \$40 or \$60 Mil. Do you know how much we could do with that money?

Member King tells Clerk Cocchiola, have you heard that the bird in the hand is better than 2 in the bush.

Ms. Henry tells Chairman Mish these are Federal Funds that were granted to the County to administer.

Clerk Cocchiola says to Ms. Henry these are Federal Funds you say. No these are handed to the County then the County hands them out with a spoon. I don't waste my time with the County I go right to the Fed.

Member Burruss asks Clerk Cocchiola why is he is running for a County position (Justice of the Peace) but you don't want anything to do with the County.

Clerk Cocchiola stated he loves the County he lives here.

Chairman Mish states he made a motion.

Member Jones asks, for his resignation, not his termination?

Ms. Henry stated this isn't on the agenda.

Chairman Mish states as a consultant.

Ms. Henry states he didn't resign as a consultant, this discussion is not agendized.

Chairman Mish states we have the right to employ whoever this Board wants employed and the consultant is on the table, and he changed his consultant fee from \$50 to \$25. He asked Ms. Befort if he was correct.

Ms. Befort stated he told her verbally he would lower his fee.

Ms. Henry stated the problem is the employment and resignation is not on the agenda. The agenda item and what they can discuss is; Discussion and possible action on District Consultants. There is no discussion about employment there is not anything related with the resignation or anything along those lines.

Chairman Mish stated he was told if he kept it on there he would resign. He was threatened verbally right here in this office. Ms. Befort stated that she did say he would probably resign.

Member King stated they are making this so political

Clerk Cocchiola state political, you haven't seen nothing yet.

Member King told to Clerk Cocchiola we have had nothing but problems on this Board since you've been on here.

Chairman Mish tells Member King she had better practice her fiduciary responsibilities like she is supposed to.

Ms. Henry tells Chairman Mish he needs to keep order.

Member Burrus states she (Member Burrus) is going to excuse herself from this meeting because it is not being held the way it should be held, and she (Member Burrus) will not be held responsible for the outcome. Member Burruss exits the meeting at 8:05 p.m.

Ms. Henry states if there is an open meeting violation, she is not part of it.

Clerk Cocchiola states he believes there is a motion on the floor.

Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – abstained on the validity of the legality of the motion, Member Jones – Aye, – PASSED

Member King states if there is an open meeting violation you boys can deal with it, Chairman Mish states there is no open meeting law violation here. Member King states, you don't vote on something that is not on the agenda which you just did, and you were advised by counsel, and you did it anyway.

Chairman Mish motions to terminate the consulting of Tom Thurman period, Clerk Cocchiola done deal, finished. Chairman Mish states he has a motion and a 2nd. Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Nay, Member Jones – Abstained – PASSED

9. ADJOURNMENT

Clerk Cocchiola motions to adjourn at 8:06p.m., Member King 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member Jones – Aye, - PASSED

