

Mayer Domestic Water Improvement District

Minutes of Regular Meeting

July 28, 2022

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

2. **PLEDGE OF ALLEGIANCE**

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

4. **OPEN MEETING LAW TRAINING – POTENTIAL VIOLATIONS**

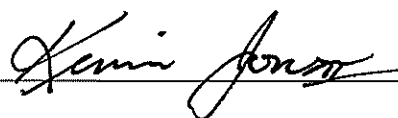
General Counsel for the District, Tosca Henry gave a brief training from a memo in each board members packet on the consequences of open meeting violations and reporting of open meeting violations.

5. **COMMENTS FROM THE PUBLIC**

Bruce Bennett stated it would be a mistake to sell or get rid of the tower, the District would lose control of what is on the tower. He also stated he thinks Joe is doing a good job when he came in and took over after the previous Board left, the power at the wells was getting ready to be turned off at the wells.

Rita MacDonald wanted to look Kevin and Joe in the face and wonder how they have the audacity to ask about lawyers fees. When you guys have caused all of this trouble and trouble 10 years ago. We've gone to lawyers and we paid Casey Boone fifty some thousand dollars. One of your buddies. We aren't paying Stephen any money. Because if we do you are looking at a class action lawsuit.

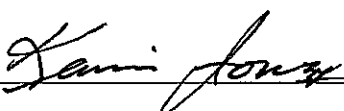
Pam Francen Reviewed meeting minutes and I feel anyone would embarrassed reading them. Thinks looking at the meeting minutes and there needs to be another discussion about open meeting laws is very telling. She asked the Board how many times they need to be schooled on how to follow open meeting laws. Board members seem ill prepared for meetings, issues regarding the tower. Either come to the meeting prepared. Do your research and get it figured out so you can make a decision. And not saying they have to look into it It's embarrassing to me and many of us. You seem intent on finding new legal counsel, it seems as if some of you don't like Miss Henry. She seem very competent, very knowledgeable, the attorney you are looking at we spoke with last week. The discussion that some of us had we were not impressed. It appears this is a personal thing the Board is doing. A personal agenda and not what is in the best interest of the members of the water district. You don't seem to listen when the public is speaking. You are rattling papers around looking all around. Even when Tosca was doing the training you were not even paying attention. What are you doing on the Board, why are you running again there are 2 of you running again and you waited until the last day to put your name in. There are 2 other people that want your spots. That would better suit us as members of the water district. There seems to be decisions that are made that have a conflict of interest. Some employees have left because of how they were treated by some of the Board members. This needs to run as a business, what is the revenue what are the expenses. If you are going to eliminate expenses like the tower what are you going to do to make up for that. You said you were not going to raise rates what are your other options. It appears that you are not representing your constituents. The behaviors in your personal life affect the Board and our confidence in your decisions. So when you are out having to deal with the sheriff of whatever stupid things you are doing. Its ridiculous. You voted to use the Coffee Gram for signage and you complained about miss Henry's fees. But you voted for them and their rates were higher. What sense does that make. I don't care that it's local. You guys make no sense to me.



Risha Vanderway. Came to say hello, she is the new superintendent of Mayer Unified School District. She is here and a part of the community. She understands we have some water issues and wants to stay and listen for a little while.

Joanne Coe – First she wanted to say thank you to the Board generally because she knows what it takes to be on a Board and she appreciates the work people put into it. But thinks the board has lost sight of it and are not here to just do whatever they want to do. They are there because there is very serious business that needs to be done. In terms of financial and policies. People should vote abstaining on votes because someone is uncomfortable or doesn't want to hurt someones feelings, or make someone mad, that is ridiculous. If you are not going to vote then get off the Board. She feels the Board is failing us, I do know we have an election coming up and I am not opposed to doing a recall. There would be no point in doing a recall because we have an election coming up on 2 members, but another member that is a different story. Ultimately that might be what is best for the District. We need people who are accountable. The well. I don't know what the latest issues is. But when the District was formed that well was in the assets in the paperwork. She knows there has been issues with easements and that people are trying to find different things Go back to the pioneers of the members that were here back then and they will all tell you the same things. Mr. O'Bresly never claimed that well back then, never did the maintenance on that well, he paid his water bill here just like everyone else. He was not responsible for that well. Then a certain group of people here in different positions then all of a sudden it became an issue. Talk about costing a lot of money. That has cost us a lot and now we stand to have it cost us our water. She doesn't know if we have to beg the Board or what we need to do to get you to do what you should do. But I can tell you that me and everyone I know are not going to let that well go without a dog gone good fight. Because we need that water, we have existed with it and depend on it. I have no personal ax to grind, it does not belong to Mr. O'Bresly and it should not be given to him or made available to him and if we don't have the money to do anything else then how do we have the money to pay him. You have repeatedly said the past 2 months that you don't need or want the money from the County because there are too many hoops to jump through. You got rid of Tom Thurman, you don't need him, he's trouble, you used to respect him but you don't any more. We need a project manager that actually knows how to do this. If there is somebody else that is as qualified that is up to you guys but you don't just get people out of the way because they aggravate you or make you made or something with out a plan. We had a budget passed two months ago, but then the next month you are already saying you are going to do away with this revenue, get rid of the tower. Where is the money. What are we going to do to survive. I think most people are scared to death. We just ask of you guys to please, please do your job and put your personal feelings aside. And as far as Mr., Stringer he seems like a pleasant enough man. But I have to say, Tosca has done what I see as a very admirable and competent job. We pay her far less money and if she wasn't have to negotiate and repeat so much stuff over and over how much would we save. She wouldn't even be here if the previous Board hadn't gotten into trouble and the attorney general's office said that you gotta have an attorney. So please, please serve the people. Or find another way to serve the community because this isn't helping us. We are desperate we're all worried. There are only a fraction of the people here that want to be here. It is a serious matter to us.

Shasta Guthrie said that she wants to echo what everyone else has said she doesn't feel it needs repeating. But would rather emphasize other things. She is puzzled by the Board intention to move forward with a recently passed budget. Without revising it to accommodate the things on tonight's agenda. If the well revenue goes away, if the Tower income goes away, where does that get adjusted in the budget, To Ms.

Approved 8/25/2022 Board Member Signature and Title 

Guthrie a revised budget needs to happen before those actions ever take place. Similarly is the well was to go away. Where does the water come from to replace it. Part of the job of this Board is to preserve and augment the water resources. Ms. Guthrie hasn't noticed any talk about where the water sources are going to come from to replace that. But interestingly it just occurred to me if the Board concludes that the District doesn't own the well, then it isn't the Districts to give away or sell. That should happen with some other action. On the attorney issue. I am concern that it doesn't demonstrate good faith to retained someone and either abolish the position without cause, or worse replace the person without cause Even though it is not connected on paper, I think it is common knowledge that the plan was to replace Ms. Henry with Mr. Stringer, which I am also puzzled by because he told me, he doesn't work for hire he is pro-bono only. But I am also gathering that your intention would be to hire him. I don't know how those two things balance out. It concerns me about credibility or the Board intention and Mr. Stringers intentions frankly. He obviously has ties to the Board. If his intention isn't to represent the District and the users. Then what is his angle. He's not local he's not a water user. So if his objective is, he stated last week he was not here on behalf of the District. That pretty much leave it open for some other motive. Ms. Guthrie things we should all be very concerned.

Chairman Mish asked if there were any further comments? With no further comments Chairman Mish stated we would move on to the consent agenda.

6. CONSENT AGENDA

6.1. Approval of May 2022 financials

6.2. Approval of June 23, 2022 Regular Meeting Minutes

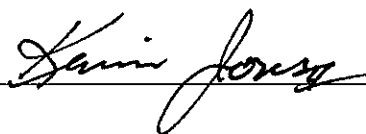
6.3. Approval of July 20, 2022 Special Session Meeting Minutes

Member King motioned to approve the consent agenda, Member Burruss 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

- July started out better than June. There were no line breaks as of July 28, 2022
- We had 4 blue stakes as of today.
- Oakhills update:
 - There are no updates for Oakhills
- Racetrack well:
 - The water tanks were delivered and put in place on June 30.
 - I am hoping to get the electrical and water lines installed from the road to the well house and tanks next month.
- I met with the Captain Tom Haney from the Mayer Fire Department. In the fall/winter time I will be coordinating with him for the flushing and maintenance of our fire hydrants. I will also schedule a training for both the Fire Department and Water District on maintenance of our hydrants.
- The boring company, Underground Communications, finished 3 of the 8 sleeves on Main Street, 2 at Main/Miami, 1 at Main/Poplar. They will be back in the middle of August to finish the final 5, Main/Pine, Main/Fir, 2 @ Main/Kofa and the final one at Main/Austin.
- The GMC is still having a few issues and still at Bill Roberts shop.
- June 6th the new sign out front was installed



- June 7th Stuart from Bradshaw Mountainview Water came and helped me install the well controls, he has the same ones at his facility and is familiar with installation, one of the devices that was sent was bad and needed to be sent back. We received the new on July 25th, Stuart will help install the final control hopefully next week.
- The no trespassing signs were delivered by Owen from the Coffee Gram on July 18th. The final proof was approved July 5th. So we had them in under 2 weeks when we expected them to take around 6-8 weeks. Chris has been working on getting them all installed he has about 8 or 9 left.
- I have had an ad in the Coffee Gram for over 4 weeks now for Backhoe/Field Operator, 1 posted at the Post Office, several Facebook Job sites and our website, I have received 3 inquiries and only 1 application. I am trying to set up an interview but have not been able to connect with him.

7.2. Office Report - by Mardi Befort

- Water Turn Off's/Past Due Account
 - July there were 6 shut offs. All are back on
 - We sent out 85 past due bills this month. As of today there are still 65.
 - Website usage
 - In the past 30 days our website has had 454 views (refers to the number of times the website has been visited) and 226 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
 - This month it took us 2 days to read meters.
 - This month we pumped 2,853,000 million gallons, 703,000 gallons less than last month.
 - We sold 2,662,100 gallons of water this month which is 480,200 gallons less than last month.
 - This month we had a water loss of 6.69% compared to 11.63% last month.
 - This month's direct deposit check for the Bank of the West account was \$5,546.83.
- Member Jones Motions to accept the managers report and office report as stated, Clerk Cocchiola 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED**

8. ACTION AND DISCUSSION ITEMS

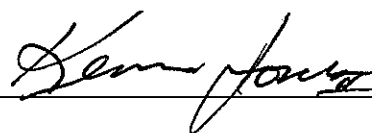
8.1. OLD BUSINESS

8.1.1. Discussion and possible action on the contract with Yavapai County for the \$1 million Grant from the American Rescue Plan Act (ARPA) (Mardi)

Member King motioned to accept the Yavapai County ARPA Grant agreement ARPA026, Member Burruss 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

8.1.2. Discussion and possible action on reviewing the services of the District's Current Legal General Counsel

Member King motioned to continue service of the Tosca Henry Law Firm, Member Burruss 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 setting up a Facebook page for the Mayer Water District (Mardi)

Ms. Befort stated she would like to because to communicate with the public more regarding, when bills are due, water turn offs for none-payment, board meetings, up coming projects coming up and other District matters. She is able to update Facebook in the field easier than the Website. She stated we can't control what people say and she doesn't want to get into Facebook conversations online and will mostly direct those who have questions or concerns to call the office. She also wants to make sure correct information is being provided to the community.

Clerk Cocchiola motioned set up a Facebook page for the Mayer Water District, Member King 2nds, Vote – Chairman Mish – Aye, Clerk Cocchiola – Aye, Member King – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

8.2.2. Discussion regarding outside counsel fees. (Joe)

Chairman Mish wanted to know what the fees are and if the District can afford them.

Ms. Befort stated that the past 3 fiscal year budgets 2020-2021, 2021-2022 & 2022-2023 has had \$100,000 for legal fees and the District has come in under budget.

2019-2020 \$4196.

2020-2021 \$16,510,

2021-2022 \$50,152

2022-2023 and so far this fiscal year \$1,997.

Member King suggested that during the budget building process is when everyone on the board has the opportunity to address these types of questions before we are voting on it. Because we will have to live with it once we vote on it and we should know before we vote.

8.3. OLD BUSINESS POSSIBLE EXECUTIVE SESSION ITEMS

8.3.1. Discussion and possible action regarding the July 22, 2022 settlement offer in 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.

Chairman Mish exited the meeting at 6:44p.m.

Member King motions to go into executive session at 6:44p.m., Member Jones 2nds, Clerk Cocchiola – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

Member King motions to enter into open session at 7.06 p.m., Member Jones 2nds, Clerk Cocchiola – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

Member King motions to reject the offer from July 22, 2022, Member Burruss 2nds, Clerk Cocchiola – Aye, Member Jones – Aye, Member Burruss – Aye – PASSED

9. ADJOURNMENT

Member King motions to adjourn at 7:08 p.m., Member Burruss 2nds, Vote – Clerk Cocchiola – Aye, Member Jones – Aye, Member Burruss – Aye - PASSED