

TYRONE WATER & WASTEWATER ASSOCIATION
NOVEMBER 20, 2024
MONTHLY BOARD MEETING FINAL MINUTES
Website: tyronewater.org

1. Call to order and declare a quorum. TWWA President Alan Berg called the meeting to order and declared a quorum was present with Alan Berg, Doug Gorthy, and David Stapp present at the Tyrone Community Center, 50 Malachite Avenue. Angie Roach and Elizabeth Gonzales were absent.
2. Approval/disapproval of Agenda-Deletions Doug Gorthy moved to approve the agenda as presented; seconded by David Stapp. No discussion of the motion. Motion carried unanimously by a voice vote.
3. Approval/disapproval of minutes of the October 16, 2024, monthly meeting. Doug Gorthy moved to approve the draft minutes of the October 16, 2024 regular meeting; seconded by David Stapp. No discussion of the motion. Motion carried unanimously.
4. Approval/disapproval of minutes of the October 22, 2024 special meeting Doug Gorthy moved to approve the draft minutes of the October 22, 2024 special meeting; seconded by David Stapp. No discussion of the motion. Motion carried unanimously.
5. Old Business
 - a. Discussion of the status of the CIF-6443 and CIF-6444 awards from the Colonias Infrastructure Fund for water tower rehabilitation and construction of the new waterlines, hydrants, and valves in the townsite (financial approval of the CIFs by New Mexico Finance Authority is pending while our financial history and ability to pay additional loans are being evaluated). Berg stated that the TWWA received a notice from the USDA/RD office in Albuquerque that the TPOA failed to notify the USDA/RD when the TWWA was formed and may result in a six-month delay in our request to ask for approval from the USDA/RD to take on additional debt for the water tower and water system projects. We are trying to figure out where this issue is with the USDA/RD as we have already asked for a three-month extension which was granted by the Colonias Infrastructure Board. Elizabeth Ybarra with the Albuquerque office of the USDA/RD was going to forward the form for the TWWA to make a new application to the USDA/RD. We want to see if the State Board of Finance can grant us a loan which we would use to pay off the USDA/RD and get them out of our business. We are waiting for a response from the State of New Mexico finance authorities to see if they would consider granting us a loan. Our original loan was for \$661,000; payments began in March 2013 and will continue until February 2053 at a monthly rate of \$2,420. Doug Gorthy asked Alan Berg if he was talking with the State about a loan. Alan Berg responded in the affirmative that he was in contact with the New Mexico Finance Authority through SWNMCOG's office to see if the State would grant us a loan for the balance of the USDA/RD loan.
 - b. Lift station
 - i. Progress on shed foundation construction. David Stapp reported that there was more to do, and we are close to being done.

- ii. Foreign matter in lift station basket-discussion on awareness of community members not to put specific items down toilet. Alan Berg reported that David Stapp, Eddie Mendoza and he were out at the lift station a couple of days ago and the basket was receiving an unusual number of disposable wipes and root balls. This practice by the residents of the townsite must stop or significantly diminish, or we will have problems with the new pumps. No pumps are built to handle non-disposable wipes without problems. We could put a notice on the marquee telling residents not to flush wipes down the toilet. We are also getting a lot of root balls from plumbers roto rooting out laterals from the homes to the main lines. Berg noted that if we start incurring costs related to the pumps failing, there will be a need to raise the monthly assessments.
 - iii. Berg talked briefly about sending letters to local plumbing companies about roots being discharged into the wastewater system when they clean out a wastewater line. They have been asked to call Eddie Mendoza when they come out to Tyrone, so Eddie can intercept the root balls. Eddie also emphasized that the plumbers need to talk with TWWA personnel to intercept the root balls. They could plug up the sewer mains in the townsite and back up in the manholes
- c. Berg reported that video investigation of townsite wastewater lines by Southwest Envirotec, a company hired by our engineering firm BHI should start the week of December 1, 2024.
- d. Progress on collection of delinquent accounts. Berg reported that Bernadette Polanco with Morones & Associates, Angie Duncan, and he are continuing to send out notices to delinquent accounts with some success.
 - i. Berg reported that letters have been sent and responses vary from no response to calls apologizing that they did not know their ACH had expired or a member of the family passed and their bank account went inactive.
 - ii. Next step is turning the water off at the curb after sending a registered letter. Refer to Attachment A for the specific TWWA Rules and Regulations adopted on February 21, 2024. Berg mentioned that the most effective way to get delinquent owners to pay is to shut off the water. Doug Gorthy recapped a meeting that he and Alan Berg had with Representative Luis Terrazas just before the board meeting and part of our discussion was the collection of back assessments in Tyrone. One of his suggestions was to ask the Town of Silver City to put the TWWA assessment on the water bill and have the Town of Silver City charge a management fee to collect and disburse the TWWA funds collected as currently is being done with the \$10.00 per month water system maintenance line item. Berg will schedule a meeting with Alex Brown, Town Manager to discuss this issue. A question was asked about the Town shutting the water off and Eddie Mendoza said that if you miss two water bills, the Town will shut off the water. A \$200.00 fee has to be paid before the Town will turn the water back on. They usually do the shut off on Friday afternoon.
- e. Berg reported that Freeport McMoRan Foundation 2024 awarded \$100,000 for Phase 2 of the water tower rehabilitation project. This is a 100% grant. A total of

\$212,000 has been received from Freeport McMoRan Foundation. Berg and Eddie discussed the potential loss of all our water if the patch on the water tower fails. We can't plumb the input from the Town of Silver City directly into the townsite water mains without a pressure reduction valve as the input pressure is 180 pounds per square inch.

6. New Business

- a.** Approval/Disapproval of Budget Adjustment Request BAR 2025-01 Authorization of reallocation of projected expenses during the fiscal year 2025 to accommodate the unanticipated cost of \$32,301.32 for lift station costs due to project engineering discrepancies, field changes, and unanticipated costs for the new lift station project. Fiscal year 2025 original budget line items and changes are attached to the minutes. Doug Gorthy moved to approve the budget adjustment request 2025-01, Seconded by David Stapp. Discussion: Berg reported that this is required when we must move money from different accounts, but do not have to go over our total budgeted amounts. Motion passed on a unanimous roll call vote.
- b.** Approval/Disapproval of Resolution 2025-07 A RESOLUTION AUTHORIZING THE ASSIGNMENT OF AUTHORIZED OFFICERS AND AGENTS FOR PROJECT NUMBER SAP 24-12385-GF. This is a \$100,000 grant from the State of New Mexico to plan, design, construct, equip and furnish improvements to water and wastewater systems for the Tyrone Water & Wastewater Association. Doug Gorthy made a motion to approve the resolution, seconded by David Stapp, no discussion. Motion carried on a unanimous voice vote.
- c.** Approval/Disapproval of Resolution 2025-08 RESOLUTION OF TYRONE WATER & WASTEWATER ASSOCIATION RATIFYING A CERTAIN AGREEMENT BETWEEN TYRONE WATER & WASTEWATER ASSOCIATION AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED NOVEMBER 20, 2024. Doug Gorthy made a motion to approve the agreement, seconded by David Stapp. Discussion: Berg reported that the SWNMCOG assists the TWWA on getting grants and loans and is an important link to the Grant Count Prospectors an entity that consolidates our regional requests and wish lists. Doug Gorthy asked if the SWNMCOG has any role in managing this grant and Berg's response was no. The TWWA has to follow State procurement practices and procedures for bidding and we will manage the project along with BHI. Motion to approve the resolution was passed unanimously.
- d.** Approval/Disapproval of Resolution 2025-09 RESOLUTION AUTHORIZING THE TWWA OPERATOR TO CONTRACT WITH A LICENSED PLUMBING COMPANY TO UNPLUG WASTEWATER LINES AFTER EXHAUSTING ALL OTHER ALTERNATIVES OR METHODS. On occasion, the TWWA will be confronted with a situation where untreated sewage is discharged onto private property with the potential to continue to the public right-of-way. The New Mexico Environment Department and Grant County Emergency Manager will be contacted regarding the situation and if these agencies cannot resolve the issue, the TWWA will manage the spill/release and contract with a private plumbing company to resolve the issue. The property owner will be given 30 days to pay the TWWA and if the property owner does not pay, a lien will be filed on the property. Doug Gorthy made a motion to approve the resolution, seconded by David Stapp. Discussion:

Berg stated that we have at least one homeowner who is unable or unwilling to manage the uncontrolled release of sewage from the cleanouts. This results in raw sewage and toilet paper to flow onto his front yard. The Tyrone Community Association (TCA) and the TWWA have contacted Adult Protective Services, Grant County Emergency Coordinator, filed a complaint on the NMED website with no success. Doug asked if the homeowner with the current problem is current with their assessment and Berg answered in the affirmative. Doug asked Eddie Medoza, our certified operator, how the Town of Silver City dealt with this issue. Eddie responded that they would clear the line and work out a payment plan with the property owner. There was some discussion on the TWWA purchasing a rooting machine and the issue of the TWWA damaging the line was an issue. The resolution was passed on a unanimous voice vote.

7. Report and Approval of Officers and Committees

- a.** President's Report-Berg reported that he failed to put the approval of the September and October financial reports on the agenda and therefore, we could not consider approving or disapproving them. Berg presented a brief summary on revenue year-to-date and expenses year-to-date and noted that we are short our expected revenue as of the end of October, but we have not reached a crisis yet. We will continue to work on late assessments. Berg reported that there is a meeting with Morones & Associates and Carney Foy CPA regarding the Fiscal Year 2024 audit and updating the asset list is one of the main topics.
 - b.** Vice President's Report-No Vice President
 - c.** Secretary's Report
 - d.** Treasurer's Report-No Treasurer
 - e.** Doug Gorthy-member-Comments. Doug stated that he was glad that Eddie Mendoza came back as our almost full-time operator as there is plenty to do. Doug expressed his satisfaction that the lift station was running well and that he acknowledged that the water tower was of concern.
 - f.** David Stapp-member
 - g.** Elizabeth Gonzales-member
 - h.** Water Operator - Eddie Mendoza
- 8.** Input from property owners and residents
- 9.** Adjournment-A. Berg

ADMINISTRATIVE PROCEDURES EFFECTIVE FEBRUARY 21, 2024

FINANCIAL PROCEDURES

A. Assessments

Each residential and commercial property will be assessed \$65.00/month to maintain, operate, and finance the water and wastewater infrastructure. There is no monthly fee for undeveloped lots. The accumulated funds collected are most of the financial resources that the Association uses to maintain the water tower, waterlines, valves, fire hydrants. Sewer lines throughout the townsite are maintained by the Association. The service lines or laterals from the sewer main to the individual properties in the townsite are the sole responsibility of the property owner. Costs for sewer line rooting, repairs or replacement are the total responsibility of the property owner.

B. Delinquent Accounts

A property owner's account will be considered delinquent if the Association has not received the full \$65.00 payment 90 days after the first of the month three months prior. Partial payments will not be considered on time unless the Association has agreed to partial payments and there is an agreement signed by both the property owner and the President of the Association.

After day 91, the Association will send a certified letter to the property owner informing them of the delinquency. If no response is received by the Association within 14 calendar days, a lien will be filed against the property. A copy of the lien notice will be mailed to the property owner at the address on the Grant County Assessor/Treasurer webpages.

These changes in lien policies will have no effect on liens previously filed by the Association and currently in effect on the adoption of these Rules and Regulations.

There will be a \$100.00 charge added to the delinquent charges at the time the lien is filed and recorded. \$50.00 covers the Recorder's fees for filing and releasing the lien. The other \$50.00 charge is for Association administrative time.

If there has been no correspondence or communications with the Association Board of Directors to resolve the delinquency, the delinquent property owner will be contacted by Association through a certified letter 120 days after the first delinquent period and informed that the water to the property will be shut off in five (5) days from when the letter was postmarked.

The water service will not be restored until payments have been made or a payment plan has been agreed upon between the property owner and the President or Secretary of the Association.

Cutting off the lock on the curb stop (water valve) will be considered damage to public property and a complaint will be filed with the Grant County Sheriff's Department, Grant County District Attorney, or the Silver City Magistrate Court. All court costs, fines and fees will be borne by the property owner.

Delinquent property owners who have been identified and assessed for back fees and assessments and had their water service shut off will also be required to establish an Automated Clearing House (ACH) account or other automatic deduction and payment to the Association as part of the agreement to settle the delinquent case.

C. Water/Sewer Service to the Seriously Ill. The Authority will not terminate water/sewer service to any residence where a seriously ill person resides provided that:

- i. A letter from a practitioner of the healing arts stating that discontinuance of service will endanger that person's life or health is filed with the Association and such letter is updated and filed with the Association every ninety (90) days thereafter and;
- ii. The Member/Customer enters into a Negotiated Payment Agreement with a monthly payment schedule for the delinquent amount.

Final Minutes signed by:

Alan G. Berg President

A handwritten signature in blue ink, appearing to read "A. Berg", written in a cursive style.