

NAVAJO DAM DOMESTIC WATER CONSUMERS & MUTUAL SEWAGE WORKS
COOPERATIVE INC.

closed meeting – 11/11/2025

Meeting brought to order by Vice President: Shelley Karcher at 3:35. Proof of quorum: Ralph Bertrand (via phone) John-Olav Johnsen, Madeline Henry, Staff: Jay Fierman.

Shelley: Okay, Jay. Madi gave us 3 invoices from August, September and October.

Jay: Yes

Shelley: Last time we spoke I specifically said that you are to make an invoice for each month. You can't let them stack up. One per month.

Jay: Those are expense reports, not invoices. I put them in Madis box, and they sat there for a very very long time.

Shelley: Madi, can you weight in on that.

Madi: He is correct, it has been a bit since I checked my box.

Shelley: Ok. So, regarding your August Invoice, what are you basing these numbers on?

Jay: Theres \$600 missing from my check. I have a right to be notified before things change on my pay, not after that fact. I want to know where these arbitrary numbers come from. You can't just change things at your whim. Everything was fine until August. I called Madi and asked what happened to my check and she said she didn't know and she said to call Craig or Shelley. So, I called you and you said I don't know. No one knows anything.

Shelley: Jay, I said I don't know but I'd look into it.

Jay: No, you told me I don't know

Shelley: Let me finish. I said I don't know but I would look into it.

Jay: No, you said I don't know.

Shelley: I said, I don't know Jay, but Ill find out.

Jay: Ok..... (the rest if the statement was unintelligible)

Shelley: Jay, we didn't have a meeting last month and you weren't at the September meeting. Here we are now in November. None of us can make unilateral decisions.

Jay: I'm missing more than half my check from August and from September. I have a right to know before it happens. Where are these arbitrary numbers coming from?

Shelley: Okay, we're trying to figure that out. That's why we're here right now. We're starting in August. Jay, it doesn't have to be a fight.

Jay: Ok

Shelley: When did Garnet quit, again? Beginning of August, correct?

Jay: He only worked one day in August.

Shelley: Okay

Jay: Yes once, yeah one time since

Shelley: Ok.

Jay: Well, why would there be \$600 missing from my check? I got no explanation, Nothing. Then I get September and half my check, gone.

Shelley: September- because you are a contractor, your contract says nothing about paid vacation. And

Jay: Have you seen my contract that I supposedly signed.

Shelley: Yes, I have seen it, Jay.

Jay: Okay and?

Shelley: And it doesn't say anything about paid vacation

Jay: Exactly it doesn't say anything.

Shelley: Jay... (Jay interrupted)

Jay: I always got paid for vacation before. Just like the stipend and now nothing. Everything was fine until August.

Shelley: What stipend?

Jay: The mileage. I'm missing \$50 a month from my check. It was always there before. It was there this month for the first time in a while.

Shelley: Okay but it's not in this contract.

John-Olav: This original contract that you're speaking of this was with a previous board?

Jay: Yes. No one else is left from that board but one and he doesn't remember.

Shelley: Where is the original contract?

Jay: I probably can find it somewhere.

I worked the entire month of August, and I assumed that because I worked the whole month. Covering until you guys found a replacement and cleaning up after all Garnets screw ups and mess.

Shelley: Madi, can you pull up Jays pay for us?

Shelley: While Madi is doing that I will apologize that we don't have this ready to go. We had it ready for the October meeting, but that meeting ended up not happening. We were prepared for this in October, and our October meeting was cancelled.

(MADI BROUGHT UP JAYS PAY FOR THE YEAR (2025) ON QUICKBOOKS)

Shelley: According to QuickBooks it looks for August, you received \$1490.16. I don't understand what you mean that you were shorted.

Jay: Because \$720 was for my expense report for cleaning up after Garnets mess because he never did anything. I never knew what I was walking into every shift.

Shelley: What are you basing the rate for your expense rate off of?

Jay: Madi told me it was \$15.00. So that is what I put.

Shelley: If you're referring to the bylaws, then that is wrong. Because

Jay: OK.

Shelley: Jay let me finish. That misinformation has made its way around a lot. The \$15.00 mentioned in the bylaws is for the current secretary training the incoming secretary. Other than that, there is no mention of a rate anywhere for. So, I don't want to hear that anymore.

Jay: Okay and I asked Madi for a copy of the Bylaws and she never gave it to me.

Shelley: I gave you a copy Jay and Madi sends everyone a copy at the beginning of every year,

Jay: Okay, but I asked her for a copy because I don't know where mine is and she didn't give me them.

Shelley: But I did Jay. You have them and I'm telling you that the \$15.00 does not apply to you.

Jay: Okay that's what Madi told me though.

Madi: Yes, Jay, I told you that. I said that without doing my due diligence. I said that without really looking into it. Just based on thumbing through the bylaws and seeing \$15.00 and

assuming that was the rate for overall. That is my fault, as I now know, because Shelley looked into it. That's not the case.

Jay: Okay, that's ok. I'm just saying Madi was probably told that and you told me and that's what I went off.

Shelley: Okay but you're not an employee, you're a contractor.

Jay: Yes, and my "salary" if you want to call it that is 1370.16 a month plus the stipend of \$50.12. Garnet said we got paid the same.

Shelley: You spoke to Garnet since?

Jay: Yeah, uh yeah one time since August.

Shelley: Ok. You do get paid the same but why are you showing each other your checks?

Jay: I think to compare is what was said. But it is unintelligible

Jay: I can give you several examples of all the work I do. For instance, I came on shift one time and Garnet had closed two valves and they burned up and I had to fix it because the plant keeps up and it wasn't producing water and by the time you get someone out here it'll be 3 hours at least and you'll be out of water. So, I fixed that, so no one is without water. You're welcome.

Madi: But did you call Teresa about this?

Jay: It needed to be handled or there'd be no water.

Madi: Okay, you've mentioned this before, and I've asked Tersa and she said that's not true.

Jay: She's not here but we'll ask her. The way it was explained to me by Tom.

Shelley: Jay, I've told you before that bringing up Tom Ross is not winning any points with me. He is no longer part of this. I don't want to hear about before. I can only do something about what is in front of me right now.

Jay: OK (***the rest was Unintelligible***)

Shelley: August, you said you were shorted \$600 and according to your expense report for August, you're saying it's \$1000. So, which is it?

JAY: You tell me.

Shelley: Okay well what it shows here is.....

JAY: I don't know. All I know is what is and is not in my account.

Shelley: Okay well it's right here on the computer if you want to look at this with us.

JAY: All I know is what's going into my account.

Shelley: Madi Can you make this bigger for me please.

Madi: Yes, I can try.

Shelley: Okay, while I'm thinking about it. Mileage is .70 cents per mile: Not the .88 cents you have written on here, it's on the IRS webpage. They update it.....

Jay: I've never had to pay attention to that. It's not my job.

Shelley: Yes, it is. Please let me finish, Jay. It is your job because you are a contractor not an employee, you need to keep track of the mileage at the current IRS rate.

JAY: I've never had to do that before so

Shelley: Jay, let me finish talking. As a contractor you need to be checking that every month. Because the IRS changes the mileage rate periodically. I'm a contractor and I charge for mileage, and I check that website every month before I bill.

JAY: Okay, are you done now? Are you done yet? I've never had to do this before. Why now? This is what I don't get. In August everything changed. Without any notice at all without any conversation. Legally I was not notified about anything. You can't do that, that's illegal.

Shelley: Jay, okay. And

Jay: I worked the whole month of August and for 8 weeks before I never knew what I was walking into. I spent all of August covering and cleaning up after Garnet and half my check gone. Then September and I was here for September and again half my check gone.

Shelley: We have Garnett over here saying you owe him days and you over there saying he owes you days and neither one of you has any proof on paper for us.

Jay: I did. I gave it to Craig, and he said that he didn't want it, that was between me and Garnet. Yet you choose to take half my check.

Shelley: Okay well the other side is you are a contractor, Jay. You don't get paid vacation. I'm a contractor and I do....

Jay: I always did before. You don't even know how long I was gone for you can't even tell me. You have 5-10 days to pay me what I'm owed, see you in court. That's it.

Shelley: I know how long you were gone for Jay.

Jay: You have 5-10 days to pay me what I'm owed, see you in court. That's it.

Then tell me, how long?

Shelley: I don't have that information in front of me. But I do have it Jay. It.....

(To garbled and to unclear to make out what Shelley was trying to say to finish her statement, and Jay spoke over Shelley. I could not make out what either party said clearly.)

Jay: This is illegal. You can't take half my check, over half without notice. Making decisions that affect me without notice. You clearly are having meetings and deciding stuff without letting anyone know.

Jay: You have 5-10 days to pay me. Or see you in court.

John-Olav: Alright.

Shelley: Okay.

***** **JAY LEFT THE BUILDING** *****

Ralph- It just seems like there's so much confusion and back and forth. Nothing is clear.

John-Olav, Shelley and Madi: Agreed.

There was a brief break/ intermission where Jay left and was outside. Then Teresa came in with Neal Richardson as well as with Jay (Justin) Fierman a few moments later.

Teresa Stevens (Plant Operator) and Neal Richardson (Plant Technician)

Teresa Stevens acted as a mediator for the situation.

Jay: (Addressing Madi) Now Teresa's here and you repeat what she supposedly said to you. She can tell you.

Teresa: Okay, Jay, I'm just here as a mediator right now. The problem isn't what you're doing,

Jay: The problem is they don't know what I do.

Teresa: Let me finish, Jay. The problem is that there's nothing on paper. We've talked about this many times. It needs to be written out. I'm a contractor. So, my contracts are written out very black and white. It has to be. So, like for instance if..

Jay: It's been fine until August. This is the problem with a new board coming on. Nobody knows what is going on. Everything gets so messed up and I'm missing money from my check. I got bills to pay.

Teresa: Okay. This sounds like an accounting error. Mistakes happen Jay. I just did it to one of my guys. It wasn't intentional. I clicked the wrong button.

Jay: Okay, but tell that to my bank. I have bills and September that seems like it was on purpose.

Madi: The way it works is I turn everything into our accountant. I have to have everything lined up and if I don't have proof or things don't line up. It can't get paid. So, for September I have to let our accountant know that you were on vacation and I gave him those dates. So, in his mind you pay for what's been worked.

Jay: Okay but where are these arbitrary numbers coming from. Because it's not adding up. I work (*hard to understand. I believe what was said is 86 hours a month.*) Verus what I got doesn't make sense.

Teresa: They are not arbitrary numbers, Jay. It really sounds like a mistake or lack of paperwork. Things happen! Not on purpose, No one is trying to screw you. This can be a simple fix. They just have to do some homework and find out what happened.

Jay: Okay but

Teresa: Jay, Listen to me. It doesn't matter, you can't hold this board to something that happened before them and that's not written down in black and white.

Jay: Part of It was a verbal and in the state of New Mexico that stands.

Teresa: No, it doesn't. Jay. It has to be written down. Especially when you're dealing with a state entity. They have to answer to the state for everything and that's not going to fly. Everything has to be documented.

Madi: Especially for our yearly audit. Everything has to match exactly. Otherwise, we get nailed.

Shelley: Yes, it has to be in black and white, on paper. We, as the board, are responsible for this association's finances and one of the main things the state is looking at is if we are accounting for the money properly and being responsible for that money.

Jay: But to a point you guys are able to say how and what's done with the money.

Shelley: Very limited, yes. There has to be a paper trail for everything.

Jay: Then why is there a President and Vice President?

Shelley/Teresa: Government and titles.

John-Olav: I think this conversation has been much more productive and I see no need to continue further. We have expectations and you have expectations. But we need them clearly stated on both sides.

Teresa: Yes. I think this conversation has been very productive. This is no way over yet. But it's a huge step in the right direction. Take your current contract and write down your amendments and bring it to the board. Let them see something. They'll vote on it and go from there.

Shelley: Yes. It has been a lot more productive.

Jay: I was paralegal for 2 years and I know how things work. You can't just take my pay without notice

Shelley: Okay, great. I'm paralegal, I argue for a living. I go by what's in black and white. I have to. Like we said before Jay, September you weren't there and October we legally could not have a meeting because we did not have a quorum. No one on this board can make unilateral decisions.

Jay: Yes, I know

Madi: Why are you so rude and disrespectful?

Jay: HMMM why am I rude and disrespectful?

Teresa: Jay, there is a certain way that things must be done. Especially with associations. If not, the state steps in and that gets bad. Then no one gets paid.

Madi: At the September meeting your friend Nathan Wind "audited" the meeting for you and Craig said were not going to discuss Jay because Jay is not here.

Jay: Okay

Neal: So how much money are we talking about here?

Shelley: We don't know. That's what we're trying to figure out.

Teresa: Jay, it's not intentional. But Please Jay, just write it down and give it to them and have a conversation about it.

Jay: Well, I don't know. September, I think it was.

Teresa: September was what? There wasn't even a meeting in September, was there?

Madi: There was. Jay was on vacation for that one and then in October, we didn't have a quorum so there was no meeting.

Teresa: Oh okay, sorry! I can't keep it all straight.

Jay: I think September was intentional. Well never mind. I think, but I have no proof.

Teresa: Exactly. I don't want to hear about the past. It's done. Just start from here and write it down. Give them something to go off and talk about it.

Jay: Okay

Teresa: Okay, Are we good? Everybody good? Jay, you have homework and The board is going to do theirs.

Jay: Yeah, it's more than I've gotten before.

Shelley: Yeah, I think we're good. I will go through everything, and we'll get it sorted out.

Jay: Okay, are we done, I'm losing money by being here.

Shelley: Me too! This was a lot more productive than yelling and being pissed off. It doesn't have to be a fight. It just doesn't. Don't let it build and build and then come in ready to explode. That gets nothing done. I will say, I like your typing much more than I like your handwriting.

Jay: Yeah, my handwriting sucks.

Shelley: Okay, are we done? Can we move onto the regular meeting?

John-Olav: Yes, let's move on.

Madeline Henry made a motion to adjourn the closed meeting, and the motion was seconded by John-Olav Johnsen.

Meeting was adjourned.