



*Doña Ana Mutual Domestic Water Consumers Association*  
*Mailing Address: P.O. Box 866 • Doña Ana, NM • 88032*  
*Physical Address: 5535 Ledesma Dr • Las Cruces, NM 88007*  
*(575) 526-3491 Office • (575) 526-9306 Fax*

### Agenda

The following are the items for consideration at the Regular Annual Meeting of the Doña Ana Mutual Domestic Water Consumers Association Membership on January 27, 2016, convening at 7:00 p.m. at the Doña Ana Elementary School located at 5551 Camino De Flores Las Cruces, NM 88007:

**Guests:** Lee Peters, Peters Law Firm, LLC  
Lilla Reid and Karl Tonander, Souder, Miller and Associates

**Call meeting to order** Jim Melton, President

**Proof of Notice of Meeting & Proof of Quorum** Jim Melton, President

**Approval of Agenda** Jim Melton, President

**Introductions, Acknowledgements & Procedures** Jim Melton, President

**Minutes:** Jim Melton, President

- Approval of the Minutes of March 31, 2015 Annual Membership Meeting

**New Business:** Jim Melton, President

- Approval of Open Meetings Act Resolution #2016 – 01

### **Reports:**

- Board of Directors Jim Melton, President
- Litigation Lee Peters, Peters Law Firm, LLC
- Engineering Souder, Miller, & Associates
- Executive Director Jennifer J. Horton, Executive Director

**Public Input:** All Discussions under this item must be limited to items **NOT** listed on the agenda.

*Public Input will be limited to 3minutes per person*

### **Adjournment**

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Edward Salomon at (575) 526-3491 Ext. 1009 on the Friday prior to the meeting or as soon as possible. Please contact Edward Salomon at (575) 526-3491 Ext. 1009 if summary or other type of accessible format is needed.*

*Doña Ana MDWCA is an Equal Opportunity Employer*



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The following are the items for consideration at the at the Regular Annual Meeting of the Doña Ana Mutual Domestic Water Consumers Association (MDWCA) Membership on March 31, 2015, convening at 7:00 P.M. at the Doña Ana Elementary School located at 5551 Camino De Flores Las Cruces, NM 88007:

*The meeting was originally scheduled for January 28, 2015 but quorum was not present therefore, the meeting was recessed. The meeting was reconvened on March 31, 2015 at 7:00 pm.*

### **Call to Order**

Mr. James F. Melton called the meeting to order at 7:15 P.M. after verifying that a quorum was present. There were 45 Association Members present.

### **Approval of Agenda**

Mrs. Mary Hoffman moved to approve the January 28, 2015 Regular Annual Membership Meeting Agenda as presented; the motion was seconded by Mrs. Susan Richardson. Mr. Melton called for discussion of the Motion. Mr. Melton called for a voice vote; and the motion was approved unanimously by the Association.

### **Introduction, Acknowledgements, Procedures & Minutes**

Mr. Melton introduced the Board of Directors, and Guest Presenters.

Mrs. Jennifer Horton introduced the Doña Ana MDWCA staff and awarded a plague and card of appreciation for years of service to Mrs. Emma Garcia who is a Board Member who resigned.

Mr. Melton went over the procedures for the Meeting so that everything runs smoothly and the meeting is recorded as accurately as possible. Mr. Melton asked that if anyone would like to speak they should come up to the podium and state their full name and if they are an Association Member.

Mr. Melton asked for a volunteer to witness the counting of voting ballots. Mr. Oscar Vasquez Butler volunteered.

Mrs. Sandy Tatum moved to approve the minutes of the April 29, 2014 Annual Membership Meeting; the motion was seconded by Mr. Raymond Garcia. Mrs. Horton called for discussion of the motion. Mrs. Horton directed the Association Members to take their Identification card to get a voting ballot; the motion carried by ballot vote 42-1-1.

### **New Business**

Mr. Butler moved to approve the Open Meetings Act Resolution #2015-01 as presented; the Motion was seconded by Mr. Garcia. Mr. Melton called for discussion of the Motion. Mr. John Zimmerman asked if there were any changes made from the previous Open Meetings Act. Mr. Melton stated that there were no changes to the Open Meetings Act. Mr. Melton directed the Association Members to take their Identification card to get a voting ballot; the motion carried by ballot vote 41-3-1.

### **Reports**

**Board of Directors**-Mr. Melton thanked volunteers that came to the Doña Ana MDWCA board room to phone bank to get Association Members to attend this meeting. He mentioned that since 2013 the association has doubled in size and is aware of problems and informed the Association is working diligently to improve these issues. Mr. Melton stated

that a complaint had been filed to the Attorney General in reference to an alleged Open meeting Acts violation on October 7, 2013 meeting. The Attorney General returned that complaint without action and declared that there was no violation. He also informed the Association that numerous complaints have been submitted to the New Mexico Environmental Department (NMED). Doña Ana MDWCA cooperated with information need by NMED and the complaints are still open.

**Executive Director-** Mrs. Horton discussed upcoming changes to billing software and accounting software. She also discussed billing changes for wastewater customers and she explained how the new rate will be calculated. Mrs. Horton mentioned that office staff and operation staff is going through training to improve customer service and improve safety around the work place. Mrs. Horton also talked about upgrades made to our building for better customer service as well as a new shop in Picacho Hills. Operation staff is also in the middle of fire hydrant and valve maintenance as well as locating all valves. Mrs. Horton also discussed funding for upcoming projects throughout the water system in order to make improvements.

**Engineering-** Mrs. Reid discussed all of the projects that were in the works for improvement to Doña Ana MDWCA infrastructure.

**Litigation-** Mr. Peters went over the three (3) current cases that are pending trial.

### **Public Input**

Mr. Jack Hokkanen inquired about the status or update on customer service training being provided by Sue Padilla. Mrs. Horton Explained that Mrs. Padilla had taken a job with Burn Construction and it was a direct conflict of interest because Burn Construction bids on many of the Doña Ana MDWCA projects and currently works for us.

Mrs. Sandy Tatum thanked the Board of Directors and Staff at Doña Ana MDWCA for great customer service and professionalism throughout the takeover of Fort Selden. Mr. Hayhoe discussed with the Board of Directors and Association Members in attendance about fire hydrants and fire suppression systems in Picacho Hills. He mentioned that operation staff was doing a good job locating and exercising fire hydrants in the area. He also mentioned that Doña Ana MDWCA does not have an official formal policy that covers how to handle fire hydrant maintenance. Mr. Hayhoe acknowledged that Mr. Melton was in the process of reviewing policies of other organizations and was hoping to receive more information when it became available.

Mr. Oscar Vasquez Butler stated that the County passed their 3/8 of 1 Percent, and the Chairman of the County said that he was going to put some money into infrastructure. He suggested that Doña Ana MDWCA ask for help for the fire hydrant project Mr. Hayhoe was referring to.

### **Adjournment**

Mr. Zimmerman moved to adjourn at 9:00 P.M.; the motion was seconded by Mr. Hokkanen. Mr. Melton called for discussion of the motion. Mr. Melton called for a voice vote on the motion; the motion was carried by majority vote to adjourn.

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James F. Melton, Board President

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Date



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**AMENDED RESOLUTION 2016 - 01**  
**OPEN MEETINGS ACT COMPLIANCE**

**The Doña Ana Mutual Domestic Water Consumers Association of**  
**Doña Ana County of the State of New Mexico**

WHEREAS, the Doña Ana Mutual Domestic Water Consumers Association's Board of Directors met in regular session at 5535 Ledesma Drive, Doña Ana, New Mexico on December 21, 2015 at 9:00 a.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-5-1 to 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any Board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Association to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that:

1. All meetings shall be held at 5535 Ledesma Drive, Doña Ana, New Mexico at 9 a.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings of the Board of Directors shall be held once each month on the second Tuesday. The notice of the meeting and the agenda will be available from Doña Ana MDWCA staff at the address above and posted on the Association website at least seventy-two (72) hours prior to the meeting.
3. For any other meeting of the Board of Directors or any rescheduled regular meeting, with the exception of a Special or an Emergency meeting, notice shall be posted at least ten (10) days in advance of the meeting date. The notice of the meeting and the agenda shall be available to the public at least seventy-two (72) hours before the meeting and will be posted on the Association's website.
4. Special Meetings may be called by the Chairman or a majority of the Board of Directors upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The notice of the meeting and the agenda shall be available to the public at least seventy-two (72) hours before any special meeting and will be posted on the Association's website.

5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect persons or property from likely injury or damage or to protect the Association from substantial financial loss that is likely to occur.

6. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and information on how members of the public may obtain a copy of the agenda is posted on the Association's website and in the following locations:

Doña Ana MDWCA Office Bulletin Board.

7. For the purposes of special meetings and emergency meetings described in paragraphs 4 and 5 of this resolution, notice requirements are met if notice of the date, time, place and information on how members of the public may obtain a copy of the agenda is posted on the Association's website and in the following locations:

Doña Ana MDWCA Office Bulletin Board.

8. For the purpose of the Annual Membership Meeting, notice requirements are met if notice of the date, time, place and the agenda is provided to the local newspapers of general circulation, and by direct mail to the membership.

9. For all meetings, written notice will be provided to those newspapers of general circulation and broadcast stations licensed by the Federal Communications Commission that have made a written request for notice of public meetings.

10. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, if summary or other type of accessible format is needed, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Jennifer Horton at (575) 526-3491 on the Friday prior to the meeting or as soon as possible.

11. The Board of Directors may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

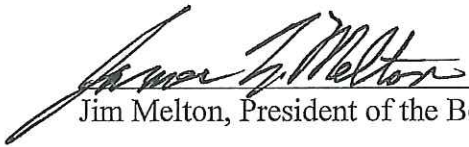
(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board of Directors taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is to be conducted when the Board of Directors is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the

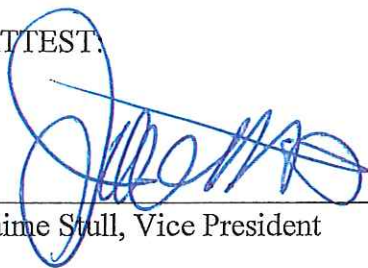
subjects to be discussed with reasonable specificity, is given to the members and to the general public.

- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for the closure.
- (d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board of Directors in an open public meeting.

PASSED by the Doña Ana Mutual Domestic Water Consumers Association's Board of Directors, this 21<sup>st</sup> day of December, 2015.

  
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Jim Melton, President of the Board of Directors

ATTEST.

  
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Jaime Stull, Vice President