

**DOÑA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION  
Annual Membership Meeting on 03/30/2016**

DOÑA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION  
ANNUAL MEMBERSHIP MEETING

March 30, 2016  
7:02 p.m. to 8:10 p.m.  
Doña Ana Elementary School  
5551 Camino de Flores  
Las Cruces, New Mexico

REPORTED BY: CYNTHIA GONZÁLEZ, RPR  
NM CCR 59, TX CSR 8467  
Huseby, Inc.  
1230 West Morehead Street  
Charlotte, NC 28208

1 P R E S E N T E R S

2 James Melton, Board President

3 Jamie Stull, Vice President

4 Jennifer Horton, Executive Director

5 Kurt Anderson, Member

6 Ray Ponteri, Member

7 Lilla Reid of Souder, Miller & Associates

8 Lee Peters, Esq.

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1 P R O C E E D I N G S

2 MR. MELTON: Ladies and gentlemen, we've  
3 got a few people that are still signing in and  
4 whatnot, if you'll be patient with us. I do have  
5 good news. We have a quorum. So as a result, we  
6 can get the meeting taken care of this evening and  
7 move out from there. But if you would be just a  
8 little bit patient, we'll get the last individuals  
9 seated.

10 Let's see. I seem to have one board  
11 member who is en route and will be ready to join us  
12 shortly here. Thank you. If anyone would care to,  
13 we have refreshments. There's coffee and, I  
14 believe, water. Soft drinks or water.

15 MS. HORTON: Water and fruit punch.

16 MR. MELTON: Water and fruit punch back  
17 there. I invite everybody to help themselves.  
18 Hopefully it won't be too long a meeting, and it  
19 won't be too terribly dry.

20 It looks like we've got everybody seated  
21 now. I'd like to call this annual meeting of the  
22 membership of the Doña Ana Mutual Domestic Water  
23 Consumers Association to order at 7:04 p.m. on the  
24 30th of March of 2016. First, I would like to  
25 preface my remarks with asking that anyone who has a

1 cell phone, iPad, pager, or anything of that nature,  
2 to either please place them in silent or turn them  
3 off for the duration of the meeting.

4 Madam Executive Secretary, do we have  
5 Proof of Notice?

6 MS. HORTON: Yes, we do.

7 MR. MELTON: And do we have proof of a  
8 quorum?

9 MS. HORTON: Yes, we do.

10 MR. MELTON: How many do we have present?

11 MS. HORTON: 45.

12 MR. MELTON: We have 45 members present.

13 The quorum required is 44. That being said, we will  
14 move to the approval of the agenda, and I will  
15 accept -- I will entertain a motion for the approval  
16 of the agenda.

17 MR. BALL: So moved.

18 MR. MELTON: State your name, please.

19 MR. BALL: Rex Ball, like baseball.

20 MR. MELTON: Thank you, sir.

21 And do I have a second?

22 MR. BUTLER: Second.

23 MR. MELTON: Second by Mr. Butler.

24 All in favor?

25 (All say aye.)

1 MR. MELTON: Opposed?

2 (No response.)

3 MR. MELTON: Motion carries. Agenda is  
4 approved as written.

5 First of all, I'd like to introduce the  
6 individuals up here at the podium with myself. We  
7 have on the far -- on my far right we have Lilla  
8 Reid who is with Souder, Miller & Associates and  
9 will be presenting the engineering portion of our  
10 program this evening. We have our executive  
11 director, Jennifer Horton; our legal counsel, Lee  
12 Peters; our secretary/treasurer, Dr. Kurt Anderson;  
13 and our newest member of the board, Ray Ponteri. I  
14 will introduce myself. I think everyone knows me.  
15 I'm Jim Melton.

16 And with that we will move on. I will  
17 introduce -- I'd like to ask, first of all, that if  
18 anyone wishes to address the meeting that they come  
19 to the podium in the center, speak into the  
20 microphone so that everyone can hear you, state your  
21 name, and then state your issue. That way -- we  
22 have a reporter who is recording this, and it will  
23 be transcribed. Transcriptions can be made  
24 available as public record.

25 I will now entertain a motion for approval

1 of the minutes of the March 31, 2015, annual  
2 membership meeting.

3 MR. BALL: So moved. Rex Ball.

4 MR. MELTON: Do I hear a second?

5 MR. HAYHOE: Second.

6 MR. MELTON: Mr. Jim Hayhoe, second by  
7 Mr. Hayhoe. I have a motion by Mr. Ball and a  
8 second by Mr. Hayhoe.

9 MR. BALL: One little exception. On  
10 page 1 it should be "plaque" stead of "plague."

11 MR. MELTON: Typo on page 1.

12 MR. BALL: It's near the bottom.

13 MR. MELTON: Okay. Plaque, P-l-a-q-u-e.  
14 Okay. Thank you very much.

15 At this time we would like to ask you to  
16 take your pink ballots that you were issued and mark  
17 them.

18 And who is collecting them? Eddie?

19 MS. HORTON: Edward.

20 MR. MELTON: Edward.

21 Could I have a volunteer from the audience  
22 to assist with the ballot count?

23 Mr. Butler, thank you, sir.

24 Eddie, we have one over here.

25 Anyone else? We've got a couple back

1 there.

2 MS. HORTON: Any other ballots?

3 MR. MELTON: Do we have anyone who has not  
4 turned in their ballot, their pink ballot, to vote  
5 for the approval or disapproval of the minutes of  
6 the previous meeting?

7 (No response.)

8 MR. MELTON: Okay. Let's count them.

9 MR. HAYHOE: Mr. Melton, if I may?

10 MR. MELTON: Go ahead. State your name,  
11 please.

12 MR. HAYHOE: My name is Jim Hayhoe. Just  
13 while they're counting the ballots, I wanted to make  
14 a comment on the minutes.

15 As represented in here from the minutes of  
16 last year, there was a discussion on fire hydrants  
17 that we had. I just wanted to pass on to the  
18 organization that, since that annual meeting last  
19 year, all of the 213 fire hydrants in Picacho Hills  
20 have been tested. Four of them were found to be  
21 bad, but they have been replaced.

22 And we've also had several discussions  
23 with the board as far as what national fire  
24 protection agency codes and policies applied to the  
25 Doña Ana Water, and I appreciate both of those.

1 MR. MELTON: Thank you very much, sir. We  
2 do appreciate kind words.

3 Okay. We'll take just a few more minutes  
4 to get the ballots counted.

5 Yes, sir?

6 MR. BALL: Is there any reason why we  
7 couldn't do it by voice vote? We'd be on our way.

8 MR. MELTON: One of the reasons is that,  
9 in previous meetings, there were allegations that  
10 nonmembers have been voting on issues. So this way  
11 we are assured -- by issuing ballots, we're assured  
12 that no one but members vote.

13 MR. BALL: We wouldn't want any of those  
14 people sneaking in here.

15 MR. MELTON: I will -- in future meetings  
16 I will offer the option to the membership to either  
17 stand on a vote with a show of hands or by voice  
18 vote as opposed to ballots. But we will come  
19 prepared with ballots if needed. An oversight on  
20 our part. Sorry, sir.

21 The ballot total on the approval of the  
22 minutes of the March 31st, 2015, meeting stands at  
23 43 yes, 2 no, and 1 abstention. So the yeses rule.  
24 The minutes are approved with the change to  
25 "plaques" instead of "plagues."





1 Is there any discussion?

2 (No response.)

3 MR. MELTON: There being none, we will  
4 move to vote. I would ask that those who are in  
5 favor of approval of that resolution raise their  
6 green ballot.

7 Anyone want to give me a quick count here  
8 before my arm gets tired?

9 MR. BALL: Just ask for the nays. There's  
10 not going to be many.

11 MR. MELTON: All of those opposed?

12 (No response.)

13 MR. MELTON: I see none opposed. Motion  
14 carries unanimously. The Open Meetings Act  
15 Resolution is approved.

16 We'll now move on to the Board of  
17 Directors Report. As president I would like to  
18 report that the last year has been a very prosperous  
19 one for us. We feel like we have made some major  
20 strides in getting such things implemented in  
21 both -- new software in both the accounting and the  
22 billing area.

23 We've had a few growing pains with it.  
24 Hopefully we've got most of them ironed out now.  
25 And hopefully we are able to provide a lot better

1 and more accurate service to our membership.

2           Additionally, through the year we've been  
3 able to get a number of the members of our staff to  
4 a national-level conference in the wastewater arena.  
5 As you know, we have a small involvement with  
6 wastewater in the District 5 area. We are in the  
7 process of obtaining ownership of the wastewater  
8 collection system in the Doña Ana area, and we will  
9 be expanding that on to cover more of the  
10 southeastern portion of our service area in the  
11 future.

12           So we are trying to get a little bit ahead  
13 of the game, as it were, and have some people aboard  
14 that are aware of some of the more modern and  
15 forward-looking issues there.

16           Additionally, we sent a couple of members  
17 of our board of directors to the WaterPro  
18 Conference, which is the conference of the National  
19 Rural Water Association, and we had -- I happen to  
20 have been one of them. We learned quite a bit about  
21 some of the new procedures that are being  
22 implemented at particularly -- well, at the national  
23 level with regard to applications for loans and  
24 grants and with regulations that are ever changing  
25 through the Environmental Protection Agency and

1 things of this nature.

2 Our system dates back into the 1970s, and  
3 some of it is beginning to reach basically its  
4 useful lifetime, and we're having to try to replace  
5 it, to upgrade it. We have been successful and  
6 continue to be successful in obtaining support at  
7 the national and at the state level in obtaining  
8 funding either in the line of grants or in the line  
9 of very low interest rate loans guaranteed by one or  
10 another government agencies.

11 I would like to particularly compliment  
12 our executive director. This lady can find dollars  
13 where I didn't know there were any. She does an  
14 outstanding job for us. And we have quite a bit --  
15 our engineering staff will tell you this evening  
16 about what we have been doing, what we are doing,  
17 and hopefully about some of the things that we have  
18 kind of coming up along the way.

19 Above and beyond that, we'd like to  
20 recognize some of our employees. We have some  
21 awards, and the first one is to Mr. Pete Ortiz who  
22 is one of our operations staff.

23 Pete, if you would come forward, please.

24 He's a Level 2 wastewater operator and a  
25 Level 1 -- or I'm sorry -- a Level 2 water operator

1 and a Level 1 wastewater operator. He has 15 years  
2 of service with the Association now.

3 Thank you very much.

4 The next one is our operations manager,  
5 Mr. Orlando Parra.

6 Orlando?

7 Orlando is the guy that takes care of all  
8 these gentlemen you see out driving up and down the  
9 roads in these Doña Ana water vehicles. They're out  
10 there trying to plug up the leaks in our system and  
11 things of that nature. And Orlando has 15 years of  
12 service with us.

13 The third one is our customer service  
14 department lead, Cyndi Shelsea.

15 Cyndi, would you please come forward?

16 Cyndi is our go-to lady when someone calls  
17 in and there's problems with their bill. And she's  
18 been doing this for 15 years as well.

19 Next we have Joe Martinez who is an  
20 operations support specialist in our operations  
21 department. Joe has been with us for his first  
22 year. Hopefully we'll have an opportunity to have  
23 him up here for a few more.

24 I'd like to ask you to give all of those  
25 individuals a hand.

1           And with that, we will now move to our  
2 legal counsel, Mr. Peters, for a report on our  
3 ongoing litigation.

4           MR. PETERS: That's good. We'll start  
5 with the cheery stuff, the legal stuff. We have had  
6 some litigation in the past few years. I've tried  
7 to keep us litigation free, but some stuff has come  
8 up.

9           We just finished in December a trial  
10 against Moongate Water Company where they sued us  
11 over some water rights. We are briefing that now,  
12 and we'll be submitting that to the water judge.  
13 And hopefully we'll know the decision sometime soon.  
14 And that dealt with some water rights that we own  
15 that Moongate also claims ownership of.

16           We had a trial last May in District  
17 Court -- that Moongate trial was three days, by the  
18 way. This one was just a day -- against a family  
19 named Zepeda in the Fairview area. After we  
20 acquired the Fairview system, we were denied access  
21 to one of the wells, the better of the two wells.  
22 There was an easement there. We had to go to court  
23 to prove our right to use that easement. So that is  
24 resolved. Unfortunately we had to go to litigation  
25 to get that done.

1           Back in November of 2014, we tried over  
2 four days a case against the Westmoreland family  
3 also regarding some water rights where we claimed  
4 that they breached their contract with us on selling  
5 us those water rights. That trial is finished but  
6 not yet decided by the water judge. We're awaiting  
7 a decision on that.

8           I continue to work on legal issues on the  
9 expansion of the service area over the past several  
10 years. It's barely been two years since the  
11 Association expanded. We've included Radium  
12 Springs, Picacho Hills, and Fairview areas. So  
13 there's all kinds of legal issues that arise with  
14 that. With extending service you need easements.  
15 You need agreements, contracts, loans, and grants.  
16 So legal has to work on those as well.

17           And there's all kinds of leftovers from  
18 the prior owners of those systems who were private  
19 water companies, and we have to deal with those  
20 issues as we convert everything over to Doña Ana  
21 Mutual which is a political subdivision. It's a  
22 governmental unit. It's a small governmental unit,  
23 but it is governmental. It's not private.

24           We continue to work on a settlement on  
25 issues with our neighboring water providers, the

1 City of Las Cruces to the south and Moongate Water  
2 Company to the east. We are trying to resolve some  
3 disputes with the City and have a permanent peace  
4 treaty with the City.

5 We were in litigation with them over a  
6 dozen years ago which was resolved with a settlement  
7 agreement. But we're trying to refine that and  
8 resolve our issues with the City which also include  
9 wastewater issues now that we're expanding our  
10 wastewater areas substantially.

11 So there's always issues, also water  
12 rights with the Association. We do have an adequate  
13 amount of water rights with the ability to expand on  
14 those and vest additional water rights, but we are  
15 always acquiring more water rights. It's  
16 particularly appropriate in a time of drought where  
17 everybody is fighting over the little water that we  
18 have, although we never have a lot of water.

19 But at least the river is flowing again.  
20 We can see that. That will help to restore our  
21 aquifer so that we can use groundwater which is what  
22 the Association relies on. So we always have water  
23 right issues. We're always acquiring and  
24 consolidating water rights, protecting them,  
25 adapting to the changing environment which is -- you



1 know, we use primarily groundwater, but we were  
2 going to adapt to also use surface water, and that  
3 situation is changing. So there's always legal  
4 issues there.

5 But that's pretty much a picture of it,  
6 unless anybody has any questions.

7 MS. LUJAN: I do.

8 MR. PETERS: Yes, ma'am.

9 MS. LUJAN: Do you already own the  
10 wastewater lines, or is the County still in  
11 possession of them?

12 MR. PETERS: The ones here in the Village  
13 the County still owns. We are close to getting  
14 those transferred. Been working on that for quite  
15 some time, but we're being held up by a federal  
16 agency. It's just the bureaucracy takes a while.

17 Pretty much everything has been worked out  
18 with the County. All the other agencies then have  
19 to approve it. We have one other agency to go.

20 A MEMBER: We couldn't quite hear that  
21 question.

22 Could you repeat the question?

23 MS. LUJAN: Okay. My question was that  
24 Doña Ana County has possession of the wastewater  
25 lines. At this time Doña Ana Mutual does not;

1 correct?

2 MR. PETERS: That's correct.

3 MS. LUJAN: Okay. And then my other  
4 question is this: More than 15 years ago, maybe,  
5 possibly, there had to be 500 hook-ups within the  
6 Village of Doña Ana.

7 How many people are hooked up in reality  
8 to the wastewater lines? You all did a smoke out.

9 MR. PETERS: Jennifer Horton says there's  
10 307 connections to the Village wastewater system out  
11 of the 550 that are authorized.

12 MS. LUJAN: Right. And then on your  
13 minutes of February, it states that if anybody is to  
14 connect to the wastewater lines, you all will be  
15 collecting that amount of money.

16 How can that be if the wastewater lines  
17 are still not in your possession with Doña Ana  
18 Mutual?

19 MR. PETERS: It's just something that's  
20 taken a long time to --

21 MS. LUJAN: Well, then to me that's  
22 premature policy making because that is the policy  
23 in the minutes from the Doña Ana Wastewater.

24 MR. PETERS: Well, we do have an operating  
25 wastewater system in Picacho Hills. So the

1 wastewater policy applies to Picacho Hills at this  
2 point in time.

3 MS. LUJAN: Okay. Then that should have  
4 been clarified. But it sounds like it's also for  
5 Doña Ana Mutual.

6 MR. PETERS: When the policies are  
7 adopted, they don't specify a particular area. They  
8 apply throughout the entire Association.

9 And I've been asked to ask your name for  
10 the record.

11 MS. LUJAN: My name is Eva Lujan.

12 MR. PETERS: Okay. Thank you, Ms. Lujan.

13 MR. MELTON: I must tender my apologies.

14 I overlooked one of our distinguished guests this  
15 evening. We have Commissioner Benavidez with us.

16 I'd like to thank you for attending.

17 MS. BENAVIDEZ: Thank you.

18 MR. MELTON: Okay. Next we will move on  
19 to our engineering report to be given by Lilla Reid,  
20 senior engineer with Souder, Miller & Associates.

21 MS. REID: Thank you. It's always nice to  
22 be here.

23 There's actually been just a lot going on  
24 in 2015 and 2016, proposals coming up. And so we'll  
25 talk through some of those. The great thing about

1 the list that's up here right now is that all of the  
2 planning projects for 2016, they'll be done within  
3 the first half of 2016. So the last one, the  
4 wastewater treatment plant, PER, it's already been  
5 approved by the funding agencies, and so we're good  
6 to move on with that project.

7 And then if we go to the next slide, we'll  
8 actually talk about some of the design projects. In  
9 2015 what was completed, there was a building in  
10 Picacho. And I'll have a couple of photos of that  
11 so that everybody will be able to see maybe a couple  
12 of them and then some of the design projects in  
13 2016.

14 And one of the really great items that got  
15 funded this year had to do with colonias  
16 infrastructure funding for wastewater. I think we  
17 had talked last time that it's been really hard to  
18 get wastewater funding. And Mr. Butler was a really  
19 great supporter on the colonias board, and we  
20 definitely want to thank him for that because there  
21 was over \$600,000 with a match which made it a  
22 \$745,000 project for that vacuum station. So we  
23 really appreciate that.

24 Not only did we design the project in 2015  
25 for the building in Picacho, it was also

1 constructed. And, wow, what a great time to be in  
2 construction. Just ask those guys the last couple  
3 of days with all that wind. But Doña Ana Mutual  
4 actually has four projects in construction right  
5 now.

6           They have a Fairview project which  
7 basically connects -- I guess in this case it would  
8 be District 4 across the river, and then the  
9 headworks improvement project in Picacho. The  
10 railroad crossings is in multiple locations, and  
11 it's going to really help provide additional flow  
12 throughout the system and make sure you have flow  
13 coming from more than one direction. So that's  
14 really going to improve your fire protection  
15 throughout the system. And then there's the SCADA  
16 project, and it is also in multiple locations and  
17 multiple districts.

18           So we have a few photos. This is the  
19 building in Picacho Hills. And it was about a  
20 thousand-square-foot receiving area, lab for  
21 wastewater, a bathroom, and then about a  
22 2,000-square-foot shop for everything from piping  
23 supplies to anything that meter readers would need,  
24 their backhoes, that type of thing. I think that's  
25 really actually helped within the District 5 area to

1 have all that equipment housed nearby and including  
2 the wastewater treatment plant. There's just a  
3 little bit of work that has to happen out there. So  
4 it's good that the guys have a place.

5 And then the Fairview project, this is  
6 what we call Fairview Phase II. And this is a  
7 really exciting project because it would basically  
8 connect District 5 and District 4. And this would  
9 be really nice basically just to make sure you  
10 always had a backup for either water system. One of  
11 the very --

12 Yes, sir.

13 MR. PALMER: Where is Fairview?

14 MS. REID: Fairview is actually on the  
15 west side of the Rio Grande, and it is actually  
16 south of Valley. And it is a community with about  
17 53 connections back there. So if you know where  
18 Guacamole's is, if you actually turned and went  
19 south there by Guacamole's, there's actually a  
20 little community back there that has about 53  
21 connections now, I believe. I think there was 42 --  
22 52 not long ago. But that's actually the location  
23 of it.

24 And this right here, there's actually one  
25 in construction right now that improved all of the

1 water lines in there.

2 Sorry, but we need to get his question on  
3 the record.

4 MR. PALMER: My name is Harry Palmer. My  
5 question was where is Fairview?

6 MS. REID: Thank you very much.

7 So there is a little bit of a hiccup with  
8 this project because Highway 70, Valley, there's  
9 just -- everybody wants to put utilities there, and  
10 there is a plethora of utilities in that corridor.  
11 And every utility company who could have a utility  
12 there probably has at least two lines or cables. So  
13 this is actually a really crowded area.

14 So Doña Ana Mutual and Souder Miller are  
15 working on making sure we can construct a water line  
16 within this area. It's approximately 1.2 miles to  
17 connect the two, the two systems.

18 And then the next one is Radium Springs.  
19 So this one right here, the first phase -- and  
20 that's what this design project was, was the first  
21 phase. And it basically was a little over 3 miles  
22 to improve water systems on the west side of the  
23 tracks. And this was the first design.

24 The great thing about this is there's  
25 actually a Phase II that got funded by USDA. And I

1 believe you guys got an additional \$4 million to do  
2 that. So the entire project is about 8 miles of  
3 water lines that are going to get replaced within  
4 the Radium Springs area.

5           And then the next one is Picacho Hills.  
6 And this project is out to bid right now. The  
7 design has been completed, and it's out to bid.  
8 This one includes two water storage tanks, and  
9 they're about 900,000 gallons each. And there is  
10 over 2 miles of water line in different locations --  
11 some on Anthem Road, some on Barcelona, some on  
12 Picacho Mountain -- and you're going to have 8-,  
13 10-, and 12-inch water lines going in and the  
14 additional storage.

15           So it's going to include the fill line  
16 because the tanks are in a new location. So it  
17 includes both the fill and transmission and  
18 distribution lines.

19           And then we have the Forcemain project,  
20 and this is .4 miles of 12-inch forcemain that's  
21 going to connect the vacuum station to an existing  
22 wastewater line up against the escarpment. So the  
23 one that's currently -- one of the ones that's still  
24 currently in construction is the Fairview water, and  
25 this will kind of show you the route that we're



1 going.

2 And so that is actually the location of  
3 Fairview. That might actually help you. That's the  
4 Rio Grande going over 70. And that community down  
5 south where all the blue lines are, that's actually  
6 where Fairview is located. And this is a really  
7 good project, over 3 miles.

8 We went over the river just barely before  
9 the water started. Literally Friday they were  
10 working. And Monday when you went out there, the  
11 water was actually running through the river. So we  
12 were really excited to actually get across the river  
13 before the water started coming.

14 And then District 5 headworks is also in  
15 construction. They took just a long lead item to  
16 get headworks to come in. So we'll actually see the  
17 benefits of that probably in about two months. It  
18 should be completely constructed.

19 And so in 2014 we had completed about  
20 eight planning reports, and in 2015 there were a  
21 number of designs. So 2016 is going to be a lot of  
22 construction. And so I'm really looking forward to  
23 a number of those projects being completed and then  
24 a number of projects that have actually come in for  
25 design as well: the wastewater treatment plant

1 improvements up in Picacho, the southeast collection  
2 area. We're actually hoping that one is going to  
3 actually get some funding this year as well. And  
4 then Radium Springs Phase II that I talked to you  
5 about actually did receive \$4.1 million, and that  
6 actually does the additional 5 miles of water line  
7 up there.

8           There's another 5 miles of transmission  
9 line that would -- that will work out really well  
10 too if that project comes in 2016. And that's kind  
11 of the water and wastewater projects that we're  
12 anticipating and we've actually completed in 2015  
13 and what's coming in 2016.

14           Are there any questions?

15           Yes, sir.

16           MR. WRIGHT: My name is Dave Wright.

17           What's going to happen to the existing  
18 tank in Picacho Hills?

19           MS. REID: Right now on the bid form, I  
20 believe it is an added alternative to remove it, and  
21 it's funding dependent. But at this point there is  
22 a design in place to remove the tank.

23           MR. WRIGHT: Also what's the time it's  
24 going to take to finish the two new tanks, the  
25 900,000-gallon tanks?

1 MS. REID: Well, according to the  
2 questions we keep receiving from all the tank  
3 companies, they're saying 240 days. We're trying to  
4 get it down to less than that. But they're stating  
5 with the two tanks, it is going to take a lot more  
6 time to actually get the construction completed.

7 At this point we had six months. And so  
8 we are still discussing that with them during the  
9 bidding process to see if we can get it done quicker  
10 than that.

11 MR. WRIGHT: So maybe by the end of the  
12 year?

13 MS. REID: Sure.

14 MR. WILSON: The name is Mike Wilson. The  
15 question is I was told that Via Norte, the main line  
16 through that whole section, was going to be  
17 replaced.

18 What's the status?

19 MS. REID: That one right there is  
20 actually on your ICIP. There currently is not any  
21 funding to complete that project.

22 And, Jennifer, please let me know if that  
23 is correct. But I believe that is actually on Doña  
24 Ana Mutual's list to actually start replacing that  
25 entire line as funding becomes available.

1 MR. SCARINGE: My name is Dominic  
2 Scaringe.

3 Your slides that you have here, are they  
4 on the Association web site? If not, could they  
5 possibly be added to the web site?

6 MS. REID: That is fine with me, and it  
7 would be up to Doña Ana Mutual.

8 MR. SCARINGE: I had a very difficult time  
9 trying to read your regional descriptions on those  
10 slides. I've got glasses, but I still couldn't see  
11 them. I'd appreciate that.

12 MS. REID: Absolutely.

13 MR. GRADWOHL: Paul Gradwohl. I have a  
14 question.

15 What is headworks?

16 MS. REID: At the beginning of a  
17 wastewater plant, the idea is to remove as much as  
18 possible that can't be treated, so everything that  
19 is not biological. So in this case any rags, that  
20 type of thing, you want to remove them so they don't  
21 mess up your pumps later in the treatment.

22 So the idea here is basically a screen,  
23 and you have both -- a mechanical screen is what  
24 took the longest time to actually show up. And  
25 that's basically to remove all of the items that

1 cannot be treated. And we put in both a mechanical  
2 screen as well as a wash press so that it actually  
3 compacts it as much as possible and then dumps it  
4 into a wastewater treatment bin to be removed so  
5 there's as little touching of that waste by any  
6 operators.

7 MR. WRIGHT: Dave Wright again.

8 Is there going to be any beautification of  
9 the building there in Picacho, the new building?  
10 It's kind of stark out there and stuck in the middle  
11 of the dirt.

12 MS. REID: Not that I'm aware of. There's  
13 not any additional plans to do that at this point.

14 MR. PALMER: Harry Palmer.

15 As a suggestion, you might talk to a  
16 couple of the art societies and see if somebody is  
17 willing to use that as a mural. They may be willing  
18 to pay for the paintwork. The Association may need  
19 to pay for the paint. But if you look around town,  
20 a lot of tanks have murals done. The artists did  
21 the work, and it was low cost. All that had to be  
22 provided was the paint.

23 MS. REID: Great suggestion. Thank you.

24 Well, I'm excited about 2016. Thanks,  
25 everybody.

1 MR. MELTON: We'll now move to the  
2 executive director's report by Jennifer Horton.

3 MS. HORTON: Good evening. I will begin  
4 with our annual financial report which is our  
5 current budget. On the screen to my left, you will  
6 see what our current total budget is for the fiscal  
7 year '16 which runs July 1 through June 30, 2016.  
8 You will see a column for the current, what has been  
9 budgeted, and then what is the fiscal activity  
10 through December 31, 2015, so the first six months  
11 of the year.

12 The big bulk of your revenue that you see,  
13 the 6.5 million, is grant revenue. That is state  
14 and federal grants and loans that we have plans --  
15 that if projects get off the ground in a timely  
16 manner that we expect to see spent. We didn't see a  
17 lot get spent the first six months of the year  
18 because we were not under construction.

19 Now that construction has started and  
20 picked up, that line item is growing, and we will  
21 continue to see a lot of revenue for that line item  
22 along with the grant expense down below. We are  
23 tracking on budget right now for the year through  
24 the end of February on revenues minus the grant  
25 revenue.

1                   Down below you will see expenses. Your  
2 big line item on expenses is grant expense at  
3 6.94 million. The second largest expense there is  
4 personnel expense: salaries, benefits for staff,  
5 taxes, things like that. Then you have utilities  
6 and supplies and other expenses.

7                   Utilities run us a lot with pumping costs.  
8 Since everything that we supply is groundwater, we  
9 have to pump all of our water. So the big bulk of  
10 our utility expense is electric. The other line  
11 item that you see at the bottom, capital purchases  
12 of 548,000, that includes two new backhoes that were  
13 purchased this year and the shop building in Picacho  
14 Hills along with some other upgrades to equipment  
15 predominantly in the operations department. And  
16 that is your budget for the 2015-2016 fiscal year.

17                   The other thing that you were handed  
18 tonight is a three-page, front-to-back paper that  
19 looks like this. This was our audit at the time.  
20 We had originally scheduled this in January. Our  
21 audit had not been released. But at this point our  
22 audit has been released, and it's a public document.

23                   So what I have handed out to you tonight  
24 is your balance sheet, your income statement, and  
25 the one finding that the Association took on the

1 2015 audit.

2           So you will go through, and you will see  
3 that we are in a very good position with assets in  
4 relation to our liabilities that we have. We have a  
5 total net position or equity of \$19 million in the  
6 Association. Our liabilities are 12 million. So  
7 our equity by far outweighs any liabilities that the  
8 Association has.

9           The second page is your income statement  
10 for 2015. You will see that there was an excess  
11 revenue of \$388,000 which does go back into the  
12 system in the form of capital improvements.

13           The third page is the single finding that  
14 we took which was a finding for a data collection  
15 form. Our 2014 audit was late. So in 2015 we had  
16 to take a finding for a late audit filing report  
17 with the federal government. And that was the sole  
18 finding. Everything else in 2015 was clear.

19           So I will move on in my presentation. The  
20 other thing on that last slide is that is the web  
21 site for the state auditor. If you would like to  
22 see our audit in full, it is on that web site. You  
23 can search our name, and you can pull up our last  
24 five or six years of audits. It's about a 62- or  
25 65-page document.



1                   Okay. I will move on to our current  
2 funding.

3                   MR. WRIGHT: Ma'am, question. I notice in  
4 the statement that there's no opinion by the  
5 auditor, by the CPA.

6                   Is there some reason we don't have audited  
7 statements?

8                   MS. HORTON: We do have audited  
9 statements. I just pulled three pages out of the  
10 entire audit. The opinion is in the full audit  
11 report which is online, and it is 62 pages. And so  
12 I did not print 50 or 60 copies.

13                  MR. WRIGHT: It says it was prepared by  
14 the CPA. However, the responsibility -- the figures  
15 are the responsibility of the management. So  
16 there's no opinion.

17                  MS. HORTON: There is an opinion in our  
18 audit. We had a clear audit. We did not have any  
19 findings other than this one. Like I said, I just  
20 did not pull the entire 62 pages and print it out  
21 for everyone.

22                  MR. WRIGHT: Thank you.

23                  MS. HORTON: Okay. So we'll move on to  
24 our current funding. You will see our state funding  
25 on the left which is Water Trust Board 271. We have

1 \$2.9 million remaining to spend. The two projects  
2 that we currently have active under this funding is  
3 our railroad crossing where Lilla discussed earlier.  
4 We're looping the system and connecting some dead  
5 ends, and we're finishing up a project on Myles  
6 Road. We've had some issues with the contractor,  
7 and we're holding back a little bit of money to  
8 finish that project.

9 We also have a request in to do an  
10 extension of the reservoir transmission line which  
11 would continue up Valley from Myles Road up to  
12 Taylor, go all the way from Taylor on Valley all the  
13 way to Elks, and then up Doña Ana Road from Taylor  
14 to Doña Ana School Road. And that would all be 12-  
15 and 18-inch water lines. And that would connect in  
16 our transmission line that allows for flow  
17 throughout our system which increases pressure and  
18 flow for fire protection. Should that get approved,  
19 then that would be finalized, and construction will  
20 be completed by March 2017.

21 The second item you see on the list is  
22 CIF 3184. That is colonias infrastructure funding.  
23 They provided the funding to design the first phase  
24 of the Radium Springs project.

25 The second CIF 3177 is the design of the

1 Fairview project. That is the design of Phase I and  
2 Phase II of the Fairview water line.

3 The third one is NMED RIP Picacho Hills  
4 Water and Wastewater. This funding is paying for  
5 the upgrades to the wastewater plant in Picacho  
6 Hills. Lilla discussed the headworks project that  
7 is currently going on.

8 In addition to that, we have to bring that  
9 wastewater plant into compliance. It is currently  
10 not in compliance with the State, and we've got to  
11 meet Class 1A because that wastewater effluent is  
12 discharged to the golf course in Picacho Hills and  
13 helps supplement their watering needs.

14 MR. SCARINGE: Will that continue to go to  
15 the golf course, the effluent from that plant?

16 MS. HORTON: Yes, it will. We have a  
17 long-term, 10-year contract with another 10-year  
18 extension.

19 MR. SCARINGE: Dominic Scaringe. Thank  
20 you.

21 MS. HORTON: You're welcome.

22 Okay. On the other side of that slide,  
23 you see our federal funding. We have an EPA grant  
24 that is paying for the headworks project, 55 percent  
25 of that project. The other 45 percent is coming

1 from the NMED RIP money.

2 The second item on that is the Drinking  
3 Water 2868. That paid for the installation of all  
4 of the new meters systemwide. So at this point, all  
5 of our meters are less than five years old. So we  
6 believe that they are more accurate. They are all  
7 radio read meters which has cut down our meter  
8 reading time from 10 to 12 days down to about 2 1/2  
9 days.

10 The third item is Drinking Water 3227.  
11 That is paying for the Fairview water line project  
12 and a portion of the tanks and lines in Picacho  
13 Hills.

14 And the fourth item on that list, Drinking  
15 Water 3382, is the remaining funding for the tanks  
16 and lines in Picacho Hills.

17 One of the other neat things with the  
18 Picacho Hills project is there's a third well that  
19 was drilled in the late 2000s that is a very  
20 high-capacity well of roughly 1,300 gallons a  
21 minute, and it was never put online. The previous  
22 owner drilled it and then rejected the permit from  
23 the Office of the State Engineer and just left it.  
24 So with this project, we're going to come in and add  
25 a third well to that system. So that creates

1 additional redundancy in that system.

2           On the next slide is our pending funding.  
3 One of those items since I've put the slide  
4 presentation together has closed. The top item,  
5 CIF 3349, that is colonias infrastructure funding  
6 for the southeast collection system. So that  
7 project is going to pay for a vacuum system for the  
8 San Ysidro area predominately. It is El Camino Real  
9 just north of the St. John's Mobile Home Park. From  
10 there we will run it to a City line and send the  
11 sewer to the City to be treated.

12           And the second line item is also something  
13 that we now know is going to be funded, and that is  
14 our USDA funding for the Radium Springs project. We  
15 were able to take funds from the State through the  
16 colonias infrastructure board to do the planning for  
17 that system and leverage it into \$4 million from the  
18 federal government. That is going to be an  
19 80 percent grant, 20 percent loan.

20           Very rarely do we find a funding agency  
21 that will lend \$4 million and 80 percent of that be  
22 grant. We see a much higher loan component,  
23 typically. So this was very, very exciting for us  
24 to get.

25           One of the neat things about this project

1 as well is the Radium Springs project has been  
2 selected to represent the State of New Mexico in  
3 Washington, D.C. So our Radium Springs project will  
4 be featured as the project that they say look at  
5 what this small system has done. They've taken this  
6 dilapidated system, and they're upgrading it.  
7 They're now providing larger diameter lines. They  
8 are providing valves and fire flow for a community  
9 that has not had that.

10 So we will have hopefully some state  
11 delegates there. Some congressional delegates from  
12 D.C. also we're hoping will come in for it. There  
13 will be a press day. News outlets will be there.  
14 So we hope that the rest of our membership will come  
15 and join and support this project.

16 It will be April 22nd at the Radium  
17 Springs Community Center. But it's something we're  
18 very, very excited about, to have our project be the  
19 one project that represents the State of New Mexico.  
20 It's April 22nd at 11:00 a.m. You guys will be  
21 getting a newsletter in your April 1st bill, and it  
22 will have some details in it also.

23 Other than that, I don't have anything  
24 else for presentation tonight. If there are any  
25 questions, I'd be happy to address them.

1 MR. SCARINGE: Dominic Scaringe again.

2 When is your next annual water quality  
3 annual report going to be submitted for District 5?

4 MS. HORTON: The CCR will be out this  
5 summer, June I believe.

6 MR. SCARINGE: All right. Thank you.

7 MS. HORTON: You're welcome. And those  
8 are on our web site also.

9 MR. SCARINGE: This year's results?

10 MS. HORTON: Yes, sir.

11 MR. SCARINGE: Okay. Thank you.

12 MS. HORTON: Any other questions?

13 MR. PALMER: Harry Palmer.

14 Just in light of the issues that have been  
15 ongoing regarding Flint, Michigan, are any of those  
16 issues relevant to the Doña Ana system?

17 MS. HORTON: No, they are not. And that's  
18 a very good question. We monitor our water system  
19 monthly. Various parts of the system require  
20 different number of samples that are taken depending  
21 on the size of the system and number of people  
22 served. And we have not had any issues with water  
23 quality anywhere in the system in the district.

24 MR. PALMER: So we are in full compliance  
25 with the EPA?

1 MS. HORTON: We are in full compliance.

2 MR. PALMER: Okay. Are we doing better  
3 than the EPA rules?

4 MS. HORTON: Yes. We are above where  
5 we're required to be.

6 MR. PALMER: Good.

7 MS. HORTON: Thank you.

8 MR. MELTON: That concludes the reports.  
9 We will now open for public input. I would like to  
10 ask that anyone who has public input limit their  
11 time to three minutes. Our executive director has  
12 some signs over here if you'll notice. If you  
13 would, please come forward to the podium, state your  
14 name and your issue if you have one.

15 Do we have anyone that would like to  
16 speak? Mr. Hayhoe.

17 MR. HAYHOE: Thank you, Mr. President.

18 My name is Jim Hayhoe, and I'm pleased to  
19 be able to have the opportunity to speak in front of  
20 the board at the annual meeting again in 2016. I  
21 have two basic questions or areas that I'd like to  
22 talk about. The first one is the rate review  
23 pending.

24 We've been hearing about a potential rate  
25 review since about September of last year. I



1 happened to stumble across on the Internet a few  
2 days ago a proposal that was made to you by a Carl  
3 Brown on getting better rates. And I'm under the  
4 impression that that's the person that is doing the  
5 rate review for you.

6 Now that we're down to 90 days between now  
7 and the start of the next fiscal year, can you give  
8 us an update of what the status of the rate review  
9 is, and can you share some of the information that's  
10 in that proposal from Carl Brown? Can you share  
11 some of that information with the public here on  
12 your web site?

13 MR. MELTON: At this point in time, the  
14 rate review has not been revealed to the board of  
15 directors. So the board of directors will review  
16 it. And after that point in time, the plan is to  
17 have three public meetings, one in the Picacho Hills  
18 District 5 area, one in this area, and one up at  
19 Radium Springs for public input. And then the board  
20 will make a decision on the final rates and will be  
21 published.

22 MR. HAYHOE: Is it still your plan to have  
23 that in place before the start of the next fiscal  
24 year on the 1st of July?

25 MR. MELTON: We hope. You know, as you

1 well know, the wheels move very slowly. But yes, we  
2 are working toward that. We had hoped to have it in  
3 place by now.

4 MR. HAYHOE: The reason I ask that  
5 question very specifically is that, as you know,  
6 we've had many ongoing discussions over the last  
7 year or so on several issues that we've raised as  
8 far as some of the billing issues. And I think we  
9 have agreement on three separate items that are  
10 going to be implemented at the same time the new  
11 rates have kicked in or at the next fiscal year.

12 I was wondering if you're going to still  
13 stand with that. Even if you don't have the new  
14 rates, are we going to kick in those changes, i.e.,  
15 round off, extending the billing period, et cetera?

16 MR. MELTON: We'll stand with them.

17 MR. HAYHOE: Thank you, sir.

18 Can I sit down and go back up again for my  
19 other question?

20 MR. MELTON: Anything further? Anyone  
21 else?

22 Yes, ma'am, Sandy.

23 MS. TATUM: My name is Sandy Tatum. I'm  
24 from Radium Springs. This may seem like it's a  
25 lighter note, given the reports. But I would like

1 to say that I had a water leak, my responsibility,  
2 while I was gone to a funeral. It was tremendous.  
3 I am really sorry for all the water that went down  
4 the gopher holes.

5 But I came forward to say that the way it  
6 was checked out with me, the way things were  
7 arranged so that I could afford to pay over some  
8 time for all that water to the gophers, I  
9 appreciated the way the office and staff handled  
10 that with me.

11 And as a person engaged in the change from  
12 a small private water company where one would hold  
13 us when we had a problem, I am really happy for the  
14 way the staff treated me and how facilitating our  
15 Association is when there is a problem like this. I  
16 appreciate that. Thank you all very much.

17 MR. MELTON: Thank you very much, Sandy.  
18 We appreciate that.

19 Any further public input?

20 MR. HAYHOE: My name is Jaime Jorge  
21 Hayhoe. The other question is I'd like to talk  
22 about bylaw revisions for a second. Going back to  
23 2014, literally to 2013 when you took over Picacho  
24 Hills, there was active discussions and dialogue  
25 between the members and the board in regards to

1 bylaw revisions. I believe a committee was put in  
2 place in mid-2014, damn near two years ago. It's my  
3 impression that the committee provided very little  
4 input to the board.

5 I really would like to know when we're  
6 actually going to get down to the point of having a  
7 discussion and some dialogue on the bylaw revisions,  
8 which I think both the board and many members agree  
9 need to be changed.

10 MR. MELTON: That question remains to be  
11 resolved due to the fact that right now I think  
12 Mr. Peters and I have had some discussions with  
13 regard to the Articles of Incorporation. He has had  
14 his boat pretty well loaded with some of this  
15 litigation situation, in fact is still doing the  
16 work on some final briefs for one of our previous  
17 court cases.

18 We are trying to get answers for some of  
19 the -- and resolutions for some of the issues that  
20 have been resolved that will be satisfactory to  
21 everyone. We recognize that they won't be. We're  
22 working on them diligently, and we will get them  
23 done as quickly as possible.

24 What will be done in that case is that,  
25 once again, we will hold public meetings for public

1 input after a draft set is put together. But we're  
2 not going to have a number of meetings from the  
3 standpoint of, well, I want to see this, and I want  
4 to see that, and I don't want to see the other.  
5 We're going to come up with a set that is proposed.

6 Then if there's something real major, it  
7 will be reviewed for legal aspects. Those will be  
8 presented. We'll accept public input on it. The  
9 board will go back, come up with a set of bylaws  
10 provided, and at that time they will come up with a  
11 resolution for a new set of bylaws to be accepted by  
12 the Association and a new set of Articles of  
13 Incorporation.

14 At that point in time, it will be -- we'll  
15 accept all of them as a resolution from the board of  
16 directors who have the responsibility for writing  
17 the things, or they will be rejected, and we'll live  
18 with what we've got.

19 MR. HAYHOE: Mr. Melton, I understand what  
20 you're saying, and I have no problem with one set of  
21 bylaw revisions to be done all at one time. But  
22 what I am concerned about from a membership  
23 standpoint is that this has been hanging over our  
24 heads for the last two years now. There's many  
25 known topics that I think we're actually in

1 agreement on on what the solution should be and what  
2 the changes should be.

3 I do not understand why we can't have some  
4 kind of incremental dialogue, have some membership  
5 input that we haven't been able to have for two  
6 years and why we have to wait until there's one  
7 document put out and then a very limited time to  
8 discuss when we've actually had plenty of time to be  
9 able to discuss a number of these issues in detail.  
10 And that's what I would like to see, and I think a  
11 lot of the membership, is see some kind of feedback  
12 from the board before we actually have to deal with  
13 maybe a thousand revisions.

14 MR. MELTON: Thank you, sir.

15 Anything further?

16 MR. BALL: I move we adjourn sine die.

17 MS. RICHARDSON: I second it.

18 MR. MELTON: Name, sir?

19 MR. BALL: Rex Ball.

20 MR. MELTON: Rex Ball. And the second  
21 was --

22 MS. RICHARDSON: Susan Richardson.

23 MR. MELTON: I have a motion to adjourn by  
24 Mr. Ball, a second by Susan Richardson.

25 All in favor?

1 (All say aye.)

2 MR. MELTON: All opposed?

3 (No response.)

4 MR. MELTON: Motion carries. Meeting is  
5 adjourned at 8:08. Thank you, sir. We thank  
6 everyone. I'd like to remind everyone that we need  
7 your support on the 22nd of April at Radium Springs.  
8 We'd like to have everyone come out and support us.  
9 Free cookies and drinks.

10 (The proceedings concluded at 8:10 p.m.)

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1 DOÑA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION  
2 ANNUAL MEMBERSHIP MEETING

3

4

5

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6

I, Cynthia Gonzalez, RPR, NM CCR 59, TX CSR

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nor related to nor contracted with (unless excepted

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by the rules) any of the parties or attorneys in

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DOÑA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION

Annual Membership Meeting on 03/30/2016

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**DOÑA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION**

**Annual Membership Meeting on 03/30/2016**

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