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DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION

SPECIAL MEMBERSHIP MEETING

DONA ANA ELEMENTARY SCHOOL CAFETERIA

400 DONA ANA SCHOOL ROAD

LAS CRUCES, NEW MEXICO

JANUARY 30TH, 2013

From 7:42 p.m. to 9:05 p.m.

COPY

1 MR. ANDERSON: As most of you know, this
2 thing is scheduled to begin at 7 o'clock. If it didn't
3 begin -- if it didn't begin on time, it wouldn't be the
4 first time in recorded history that that has happened.
5 We cannot formally call the meeting to order in the
6 action, other than to adjourn, until we have a quorum.
7 And right now I think we have 20 or 21 people. We need
8 another nine or ten people to constitute a quorum. It
9 is my intention that if by another 20 minutes or so we
10 don't have a quorum, they will simply pull us off and
11 we'll make our apologies and ask you-all go home, but
12 7:30 is the drop deadline.

13 (Off the record.)

14 MR. ANDERSON: Good evening, ladies and
15 gentlemen and members, I'm told we can start. I'm
16 calling the meeting to order. This is the annual
17 meeting of -- annual membership meeting of the Dona Ana
18 Mutual Water Consumers Association.

19 UNIDENTIFIED SPEAKER: We cannot hear you.

20 MR. ANDERSON: I'm calling the meeting to
21 order, Dona Ana Mutual annual membership meeting. A
22 couple of procedural items. The first thing I have to
23 do is tell you that the issue a proof of notice and that
24 basically consists of a posting in the -- a posting in
25 the Las Cruces Sun News and also the meeting

1 announcement was posted in several other places, like
2 the post office and, of course, in the headquarters
3 building. The -- and that -- proof of notice is
4 available here for anyone who wants to look at it. Of
5 course all members should have received in the mail a
6 separate notice of the meeting of minutes and you should
7 have received separate the minutes of the preceding
8 meeting as you signed in. The second item -- procedural
9 item is proof of quorum and a quorum consists of 30
10 people.

11 How many people are signed in at the
12 moment?

13 UNIDENTIFIED SPEAKER: 31.

14 MR. ANDERSON: 31.

15 UNIDENTIFIED SPEAKER: All right.

16 MR. ANDERSON: A new record. Let me begin.
17 I'd like to keep this as short as possible. We don't
18 have elections this year.

19 Let me begin by performing some initial
20 introductions. Sitting before here you is the board of
21 directors of Dona Ana Mutual. Beginning, the gentleman
22 on the far end is Mr. Charles Huestis. Sitting next to
23 his left is Emma Garcia, our vice president. Agnes
24 Balizan, member, and David Jacquez, our secretary
25 treasurer.

1 UNIDENTIFIED SPEAKER: Jacquez

2 UNIDENTIFIED SPEAKER: Jacquez.

3 MR. ANDERSON: At this end is Mr. Lee
4 Peters, our attorney. And at the far end is Jennifer
5 Horton, who is our executive director. And I might say
6 we have undergone a slight reorganization since last
7 year. Ms. Horton has taken the position of our
8 executive director.

9 We have three managers. We have a projects
10 manager, Mr. -- excuse me --

11 Where was I?

12 UNIDENTIFIED SPEAKER: Projects manager.

13 MR. ANDERSON: Projects manager, Mariano
14 Martinez, back there. Our new operations manager is --
15 let's see here. Let me get all the names here. I'll
16 try to get everyone here. Our new operations manager
17 is -- why does my mind just go blank?

18 UNIDENTIFIED SPEAKER: Orlando.

19 MR. ANDERSON: Orlando. Orlando. And our
20 new office manager is Ms. Rosana Balderrama. Where are
21 you? Where is Rosana? Okay. There she is.

22 I'll let Ms. Horton perform the
23 introductions of the rest of our staff.

24 MS. HORTON: Good evening. As Kurt said, I
25 am the executive director and we have a wonderful staff

1 that I would like to introduce tonight. I'll start over
2 here at our table, we've got Judith Dalany, who works in
3 our admin office in customer service. Cindy Shellsy in
4 the admin office, also customer service. Blanca Madrid,
5 who is new. Most of you have not met her unless you've
6 been by the office. She's now the admin assistant.
7 We've got Sara O'Laren in the back. She is new, she's
8 been with us all a week now. Let's see. Melody up
9 front, Melody Prather, she's been with us quite a while
10 in customer service so you're familiar with her. Jeremy
11 McBernie, he's our accounting and grant person in the
12 back.

13 In operations we've got Raul Guzman, who is
14 a meter reader; we've got Alfonso Chaves, who is also a
15 meter reader; Chris Morales, who is a meter reader; Eloy
16 Castillo, who is a water operator; George Castillo, who
17 is a water operator. We've got Pete Ortiz, who is a
18 water operator; and Manny Hernandez is our other water
19 operator. And that is our staff and your staff that
20 work so hard each and every day to keep the water system
21 up and running and your bills going and taking payments
22 and helping you on the phone if you happen to call in.

23 Thank you.

24 MR. ANDERSON: Thank you, Jennifer. I'm
25 just checking to make sure I remember my own name here.

1 The next -- oh, I need to mention something
2 about procedures. We have a number of items on the
3 business agenda. Only members are allowed to make
4 motions or to discuss the items that are in the agenda
5 for business. After we've completed the business
6 agenda, we'll have a period of time for public input and
7 during the period of public input, all discussions under
8 this item have to be something that was not listed on
9 the agenda so we can bring up something new if you so
10 desire, but we are restricted to items that are on the
11 agenda for the business part of the meeting.

12 The first item we have to take care of now
13 is approval of the minutes of the annual membership
14 meeting of January 25th, 2012, that was last year's
15 meeting. You should have a copy of the minutes picked
16 up with your packet and I'm sure you've all read them
17 cover to cover in great detail and so I will entertain a
18 motion from the floor to approve the minutes of the
19 annual membership meeting of last year.

20 MR. BROWN: Christopher Brown moves to
21 approve.

22 MR. ANDERSON: Name, please.

23 MR. BROWN: Christopher Brown.

24 MR. ANDERSON: And it was seconded by?

25 Seconded by?

1 MR. RAIDER: I second it, Bob Raider.

2 MR. ANDERSON: Bob Raider.

3 I should mention, yes, please give your
4 name when you speak.

5 We have a motion to second. Are there --
6 is there any discussion or corrections people want to
7 make to the minutes of last year's meeting?

8 There being none, I will ask for a voice
9 vote.

10 Those in favor of approving the minutes,
11 please say "Aye."

12 UNIDENTIFIED SPEAKERS: Aye.

13 MR. ANDERSON: Opposed? Was there an
14 opposed?

15 Okay. Minutes are approved.

16 New business item. The first one is an
17 approval of the open meetings resolution act -- meetings
18 act -- resolution STR number 201301. It's the first
19 resolution of the year. And this is a pro forma thing.
20 We are required to do this. It basically states a
21 number of things about the kind of meetings we conduct,
22 what we vote on, what constitutes a quorum and the fact
23 that the meetings, including the meetings of the board,
24 are public meetings and that members who attend can
25 participate.

1 May I have a motion to approve the open
2 meetings act resolution of 201301, please.

3 MR. RAIDER: Motion to approve.

4 MS. GARCIA: I second that.

5 MR. ANDERSON: And we have a second.

6 Discussion?

7 There be none.

8 UNIDENTIFIED SPEAKER: Can we get the names
9 again for the court reporter?

10 MR. ANDERSON: Okay.

11 MR. RAIDER: Bob Raider.

12 MR. ANDERSON: Bob Raider.

13 MS. GARCIA: Mary Jane Garcia

14 MR. ANDERSON: Mary Jane Garcia.

15 MS. GARCIA: Mary Jane Garcia

16 MR. ANDERSON: Okay. We have -- excuse me.

17 We have two more items of new business on the agenda.

18 One of them is approval of changes to article 5 of our

19 articles of incorporation and the second --

20 UNIDENTIFIED SPEAKER: Kurt, you need to
21 vote.

22 UNIDENTIFIED SPEAKER: You need to vote.

23 MR. ANDERSON: Oh, okay, I'm sorry. Glad
24 we caught that before.

25 We need a vote to approve the open meetings

1 act resolution.

2 Those in favor, please say "Aye."

3 UNIDENTIFIED SPEAKERS: Aye.

4 MR. ANDERSON: Opposed?

5 Keep an eye on me.

6 We have two items of business -- new
7 business. One is approval of article -- changes to
8 articles 5 of the articles of incorporation. And the
9 second is approval of changes to article 6 of the
10 bylaws. They're listed as two separate approvals
11 because one is to the articles of incorporation and one
12 is to the bylaws. They go together, it's an
13 all-or-nothing kind of proposition. So I would like to
14 suggest, unless there's opposition, that we move --
15 move -- hopefully we get someone to move for approval of
16 both of those things and then we will -- you should have
17 ballot in which the two items are -- are listed and you
18 can check yes or no. And with the motion for approval,
19 we'll have a discussion and then we'll vote --
20 essentially have you vote on both of these items
21 together.

22 Is there any objections on the procedure?

23 There being none, I will do that.

24 Can I have a motion to approve?

25 MS. JACKSON: I motion we approve the

1 article 5 --

2 MR. ANDERSON: I also have a motion to
3 approve changes to article 6 in bylaws.

4 MS. JACKSON: (Inaudible).

5 MR. ANDERSON: Okay.

6 MS. JACKSON: Kathy Jackson.

7 UNIDENTIFIED SPEAKER: I think we have to
8 vote on them.

9 MR. ANDERSON: Yeah, you have to vote on
10 them separately, but we can -- I think we can -- we can
11 discuss the vote together because they go together. The
12 only reason they're two separate items is one is to
13 articles of incorporation, the other is to bylaws.
14 We'll discuss them separately, if you wish.

15 Okay. You made the motion, would you care
16 to --

17 UNIDENTIFIED SPEAKER: You have a second?

18 MR. ANDERSON: Did we have a second? Did
19 we get a second?

20 MS. ANDERSON: Marsha Anderson, I second
21 it.

22 MR. ANDERSON: Okay. We have a second.

23 Okay. Discussion.

24 MR. BROWN: Mr. Chair, I'm Christopher
25 Brown. Normally I'm highly supportive of a

1 representative form of government. Are we going to have
2 difficulty getting board members? At times we've had
3 difficulty in that area, I'm just wondering what the
4 board and the memberships' feeling is about that. And
5 please don't be coming aknocking at my door. Okay? I'm
6 just asking the question.

7 MR. ANDERSON: I've done that before.

8 UNIDENTIFIED SPEAKER: Will there be
9 problems getting people to vote, represent a district,
10 because he doesn't want to do it. Don't knock on his
11 door.

12 MR. ANDERSON: I don't think we will have
13 trouble getting board members. Let me answer. I think
14 I can answer the question.

15 UNIDENTIFIED SPEAKER: Can we have a little
16 bit more a full explanation of what this entails at this
17 point?

18 MR. ANDERSON: Yes. Okay. She -- she
19 requested a --

20 MS. ANDERSON: Can we have a fuller
21 explanation -- can we have a fuller explanation of what
22 these changes entail at this point so people know what
23 we're talking about? Marsha Anderson.

24 MR. ANDERSON: What -- what these motions
25 will do is they direct the board to essentially form

1 districts. We are in the process of acquiring one water
2 company, Fort Selden Water Company, and in the process
3 of acquiring a second, the Picacho Hills Utility
4 Company, or at least the assets thereof, that would
5 entail a rather sizable increase in our membership and
6 will also sort of spread our district out a little bit
7 farther. We'll have some people in Picacho Hills, for
8 instance, they're way over on that other side of the
9 river, other side of town. And we'll have people up
10 further north. The intent here is to assure fairness of
11 representation so that all member, all areas, all parts,
12 all districts will have fair representation.

13 Redistricting would be -- involve carving
14 some squares in the map, carving some boxes in the map
15 with approximately equal populations in each. These
16 populations of the members in each. And, you know, one
17 district person would be over on the west side of the
18 river, another district would be somewhat north of here
19 and the existing membership would be carved up into --
20 well, the -- you know, three other districts. The grand
21 total will be -- there'd be five districts. Each
22 district would elect its own board member so there would
23 be a member from each area. The intent of this, in
24 fairness, is kind of to fend off the possibility that
25 one small area will get its act together and -- and

1 basically dominate the operation of the -- of the
2 corporation.

3 Mr. Raider?

4 MR. RAIDER: Bob Raider. Going with
5 Dr. Brown's thought. What would happen if a district
6 were set up and, one, we're not able to get a member
7 from that district to -- interested in running for -- to
8 represent that district? Has that been thought about?
9 I didn't read anything about that in the --

10 MR. ANDERSON: It's a potential problem. I
11 don't think it's terribly likely to happen but all
12 things are possible.

13 There's also the possibility that the --
14 that a nominee for one district would be elected by a
15 vote one to zero, that's also possible. If -- if the --
16 if the members in a given district choose not to vote
17 for a representative, I don't know what we'll do.

18 MR. RAIDER: I think that there ought to be
19 some contingency put into the -- put into -- put in here
20 that would -- put in here that would deal with this
21 whatever remote possibility. Otherwise, we -- I can
22 foresee that we would be tied up sometime in the future
23 trying to figure out what to do.

24 MR. ANDERSON: You're possibly quite right.
25 But, you know, what could -- what -- there is a -- there

1 is a provision in the existing bylaws for essentially
2 appointing a board member if an absent -- absentee is --
3 if an absence occurs -- a vacancy occurs in the
4 position. I'm not sure how we'll handle this particular
5 case because we'll have to go looking for a board member
6 from the appropriate district.

7 MR. RAIDER: Well, the way I see this, the
8 way it's written, it sounds like there has to be one
9 board member from each district --

10 MR. ANDERSON: Yes, that's the intent.

11 MR. RAIDER: -- set up and I don't see any
12 contingency should that not happen.

13 MR. ANDERSON: Okay. There's nothing in
14 the amendments that cover that -- that covers that
15 contingency.

16 MS. GARCIA: Thank you. Mary Jane Garcia.
17 Have any other mutual domestics done this, establishing
18 of districts, that you know about and how successful
19 have they been or do we have any information like that
20 available? The membership that --

21 MR. ANDERSON: There -- there is analogy to
22 the south of us with the Lower Rio Grande that's --
23 basically it's a combination of mutual domestics that
24 sort of merged. Initially each -- as I understand, each
25 had a director before they merged and then that they

1 later made provisions for essentially redistricting to
2 make the population representatives -- population
3 representation approximately equal in each district.

4 MS. GARCIA: And so you're asking the
5 membership to vote on this tonight?

6 MR. ANDERSON: Yes.

7 MS. GARCIA: Don't you feel that there
8 should be more time allowed to vote on something this
9 important?

10 MR. ANDERSON: The -- the reason that if we
11 do not vote on this one way or the other tonight, we
12 will then be confronted with a potential problem next
13 year at the -- at the time of the elections next year.
14 We will have -- you know, we will have essentially all
15 members here present from all the new districts, all the
16 new areas and the potential remains for -- for one group
17 or another to basically dominate the meeting.

18 See how much trouble we had this evening
19 getting a quorum of 30. I think someone said that a
20 small -- a small group -- a small organized group can
21 change the directions of things and only small organized
22 groups have ever done so.

23 MS. GARCIA: Uh-huh. And so you're
24 establishing five districts?

25 MR. ANDERSON: Yeah.

1 MS. GARCIA: We have the Dona Ana Mutual
2 and the others would be which?

3 MR. ANDERSON: They would also be part of
4 Dona Ana Mutual.

5 MS. GARCIA: And you're -- you're looking
6 at the Picacho --

7 MR. ANDERSON: Yes, yes.

8 MS. GARCIA: Which is the other one?

9 MR. ANDERSON: Pardon?

10 MS. GARCIA: And which are the others?

11 MR. ANDERSON: Picacho Hills and Fort
12 Selden.

13 MS. GARCIA: And Fort Selden.

14 MR. ANDERSON: They're the immediate ones.
15 There are some other possibilities.

16 MS. GARCIA: So that would be three --
17 three districts?

18 MR. ANDERSON: No, there'd five districts.
19 What would happen is the -- the existing group would be
20 cut from three district to make it a total of five --
21 five representatives.

22 MS. GARCIA: Thank you.

23 MS. JACKSON: Hi, I'm Kathy Jackson. I
24 work for the Lower Rio Grande, the water district we're
25 talking about down south, and we started out as five

1 separate mutual domestics and we merged together and
2 each mutual domestic provided one board member to become
3 board members of the Lower Rio Grande Authority. So
4 they all got on by appointment. We are about to have
5 our first election and this is a good and wonderful
6 thing because we're going to get fresh new board members
7 in to run. I tried to get on this board last year and
8 right now the way to get on this board is you have to be
9 popular in your community and have friends to come and
10 vote for you.

11 MR. ANDERSON: That's true.

12 MS. JACKSON: So, you know, the board
13 members we have up here now are the board members we're
14 going to continue to have until somebody wins the next
15 popularity contest. But if we change to voting
16 districts, anybody can apply to run and then you go out
17 and you earn your votes. Whereas, right now, you have
18 to get someone to nominate you and a passel of friends
19 to vote for you and you're going to keep voting in the
20 same people over and over when you have some highly
21 qualified people that might like to be on the board but
22 are kind of shut out because they don't have enough
23 friends in the neighborhood to vote them in.

24 UNIDENTIFIED SPEAKER: Well said.

25 MR. ANDERSON: I think that's quite true.

1 I would point out that there are two
2 members of this board that are up for reelection next
3 year and I'm quite certain that one or both of us won't
4 be -- won't be in this position we're in now.

5 MS. JACKSON: And our elections --

6 MR. ANDERSON: (Indiscernible).

7 Yes.

8 MS. JACKSON: Our election's being handled
9 by the county --

10 MR. ANDERSON: Yes.

11 MS. JACKSON: -- so it's something
12 completely fair --

13 MR. ANDERSON: And I might say that the
14 intent is the districting election, carving up of the
15 districts, you know, would be done not by the present
16 board, we're not into jury -- it will not be done by the
17 present board but will be done by some sort of
18 semi-independent probably -- possibly with the
19 assistance of the New Mexico Rural Water Association or
20 the county.

21 MS. JACKSON: We paid an engineering firm
22 to map out our districts.

23 MR. HUESTIS: I have a question for Ms.
24 Jackson.

25 MS. JACKSON: Yes, sir.

1 MR. ANDERSON: Charles.

2 MR. HUESTIS: In the --

3 UNIDENTIFIED SPEAKER: Charles.

4 MR. ANDERSON: Microphone.

5 MR. HUESTIS: I'm sorry.

6 UNIDENTIFIED SPEAKER: He needs a
7 microphone.

8 MR. HUESTIS: You can all hear me, can't
9 you?

10 UNIDENTIFIED SPEAKER: No.

11 MR. HUESTIS: No. All right.

12 Ms. Jackson, the positions that are --
13 you're -- going for an election, are they paid
14 positions?

15 MS. JACKSON: No, they're not.

16 MR. HUESTIS: They're volunteer --

17 MS. JACKSON: They're volunteers --

18 MR. HUESTIS: Thank you.

19 MS. JACKSON: We may offer a stipend --

20 MR. HUESTIS: Thank you.

21 MS. JACKSON: -- but they're volunteers.

22 MR. ANDERSON: I might say that the board
23 before you is split on this particular issue. A
24 majority of the board supports it, a minority does not
25 so --

1 MR. RAIDER: Mr. Chairman, I think --

2 MR. ANDERSON: Bob Raider again.

3 MR. RAIDER: What about the idea of putting
4 this off? I realize that there are board members that
5 are up for reelection next year, but what would be the
6 possibility of putting this off with the idea of getting
7 more people involved in it?

8 MR. ANDERSON: It certainly could be put
9 off. Something always can be put off. We're just
10 trying to fend off a problem that may just arise next
11 year. As I said, we have two board members, myself
12 included, up for reelection next year. And I suspect
13 that passage of this amendment -- these amendments
14 will -- would adversely affect my chances of reelection
15 if I chose to run.

16 MR. RAIDER: Thank you.

17 MR. ANDERSON: So this is being done to
18 protect the present members of the board.

19 MR. HUESTIS: I would be the other one.
20 (Indiscernible) so I -- so I have no dog in that fight
21 from a personal point of view. I'm just standing here
22 as a member. I was a member of the board, I speak to
23 the board, I've been voting for myself. I feel that
24 districting is destructive of the concept of an
25 association. We are a mutual domestic association of

1 people who have joined together for a single purpose,
2 that is to provide water service to our members on a
3 weekly basis. It's the sole purpose, it's the only
4 thing we do. We're not an authority of some kind, we
5 don't do potholes, we don't do parks and recreation, we
6 don't do police. We don't do anything except provide
7 water service for our members on a weekly basis. That's
8 our charter, that's our job and that's what we do.

9 When we take an action, we take an action
10 right, wrong or indifferent with the view to the benefit
11 of the whole. That includes water rates that are
12 approved by Fort Selden Water Company. The board said
13 yes, it's been in the works for six years that I know of
14 that we've made that decision on the basis that it is in
15 the best interest of the organization as a whole. If we
16 go to districting, the obligation of any individual
17 elected from any district is to represent the interests
18 of that district and that district primarily. That's
19 not solely but primarily. The interest of the
20 association, the membership as a whole, and you-all pay
21 \$75 to become members, is a secondary objective of a
22 person representing from -- from a district.

23 The issue that some small group is referred
24 to as a popularity contest, all elections are popularity
25 contests. The one we just had in November was a

1 popularity contest. So let's not get off on that
2 tangent.

3 Districting would be a series of popularity
4 contests of -- of conflicting interests which would
5 bring conflict to your board instead of the previous
6 collegial atmosphere that you operate. We operate
7 mostly by consensus, not always, but mostly by consensus
8 on the basis that what we do is in the best interest of
9 the association. The issue that small group might come
10 in and take over control of the board, perhaps, I've
11 seen it happen twice in the 20 years that I've been
12 coming to these meetings so it can happen. But in
13 every -- in both of those cases of which I am aware of,
14 the coup, if you will, was based upon the concept of the
15 best interest of the association as a whole not to
16 foster the interest of a particular district or
17 combination of districts. So I recommend to you that
18 you vote "no" on these propositions.

19 Thank you very much.

20 MR. ANDERSON: Thank you, Charles. Again,
21 the majority of the board that supported these --
22 support these amendments are doing it largely on the
23 basis of kindness and fairness that all members in all
24 districts, all regions is going to be equally
25 represented. It's representative democracy in a sense,

1 representatives of the various districts being the
2 various board members. It works in some contexts; it
3 sometimes doesn't work in others.

4 Yes.

5 MR. PALMER: My name is Harry Palmer. I've
6 been a member of the this association for a little over
7 32 years. I've seen numerous groups that have come in
8 and I can recall one about 15 years back where one group
9 came in, they elected their candidate and the people
10 departed at that point and they've never been to a
11 meeting again.

12 MR. ANDERSON: That's true.

13 MR. PALMER: The problem is is when they do
14 that is it all goes to one particular direction and the
15 tenor and the way the -- the board and the -- the
16 association operated just changed, not for the better.
17 One time it was relatively inexpensive to have water
18 from Dona Ana Mutual. I know a number of people, I'm
19 one of them, right now I've considered whether I'm even
20 going to stay with the mutual. I've got my own well and
21 I can go back to using that. And I've talked to a lot
22 of people lately that they're all considering the same
23 thing, whether or not it's still worthwhile keeping Dona
24 Ana Mutual. It's getting too darn expensive and it's --
25 some of the way things are going are not quite the way

1 we'd like to see them.

2 As far as this motion, I think that having
3 different districts represented, I think it's valuable
4 because that way it ensures that no one particular area
5 is in charge of everybody else so there is a little more
6 democracy in action. And especially with bringing in
7 Fort Selden and Picacho and the other areas that are in
8 between which is always a potential. So I think it's a
9 good -- it's a wise way of going. So I say, yeah,
10 having a district is a good way for us to go because
11 then we'll have membership and representation from the
12 various areas.

13 MR. JACQUEZ: Thank you. My name is David
14 Jacquez, I represent all you guys. Obviously we have
15 different views, we all do. You know, even on the
16 board, we still have some things that we discussed and
17 some say yes, some say no. I see them a little bit
18 different. I see it like you see it. You know, we met
19 with two groups, the Fort Selden group and the Picacho
20 Hills group, picking 800 people up there. We talked
21 about popularity contests, you get people here and they
22 will vote. We struggled with 30, 31 today, okay, which
23 is a record. My concern, as your representative, is to
24 make sure that area -- every area is represented. Okay?
25 Whether you're going to get somebody here to vote or

1 run, we still need some roughage things that we need to
2 come up with if -- I don't know if the solution would be
3 an interim until we have an election, some procedure to
4 get it done right, I don't know, but maybe that's what
5 we need to do. It's a process that's going to take some
6 time to do. We can't sit as a board and divide up the
7 pie in the district ourselves. And we were up in Santa
8 Fe and it was suggested to us that we get the county to
9 help us politically to do it, you know, so we get it
10 geographically and get it right, or hire somebody else,
11 if we're not happy, to help us divide it up. And
12 obviously as your representatives and as you, you need
13 to know that information when the pie is cut up and we
14 do have representation. Are there special interest
15 groups up there? Could be. You pick up Picacho Hills,
16 800 members, you count. How many people get here to
17 vote is how many members you'll have on the board.

18 Now, that's not saying that they will
19 control it or Fort Selden or Dona Ana, but I think we
20 need to start preparing for it now and it's going to be
21 a process that's going to take some time. That decision
22 today to agree to do still is a long process for us to
23 go through the whole process of see what the pie is
24 going to look like, who's going to do it, so it's going
25 to take some time to do this. And we want a fair -- we

1 want fair representation on the board. That's the way I
2 see it. Okay? That's my idea.

3 MR. CLEAR: Hi, I'm Leo Clear (phonetic).
4 I don't really have a problem with the dividing up into
5 five districts, but I do have concern that was brought
6 up. If this is representative, these 31 people that are
7 here, of the total membership, what is the total
8 membership in Dona Ana Mutual?

9 MR. ANDERSON: 2,900.

10 UNIDENTIFIED SPEAKER: A little over 2,900
11 membership.

12 MR. CLEAR: Is it feasible maybe to go for
13 a 60-day moratorium, let the board figure this out, put
14 a flier in, if you would, with the monthly billing and
15 have a yes-or-no vote. Obviously everybody's got to pay
16 their bill, but I think that's more representative of
17 hopefully how everyone would view it versus the minority
18 that took the time to come here tonight.

19 MR. ANDERSON: I don't believe we can
20 approve changes or amendments to either of the articles
21 of incorporation or to the bylaws other than at a -- a
22 meeting of this sort, a general membership meeting. I
23 do not believe there is a provision for polling the
24 membership by mail or any of this sort -- I think if --
25 if we don't -- if we don't pass it tonight, it's not --

1 it's not going to get passed until maybe the next annual
2 meeting in, I'm assuming, late January of 2013.

3 MS. JACKSON: I just wanted to add that
4 Lower Rio Grande, we passed our legislation in 2009 and
5 we are just now having our first election in 2013. So
6 it's taken four years to go from this point to the
7 actual election. So the sooner you get on with it, the
8 better you'll be.

9 MR. ANDERSON: Thank you.

10 MR. BROWN: Christopher Brown. Does anyone
11 have a copy of the bylaws? I'd like staff to look and
12 see if there's any provision for special meetings.
13 We've all sat on nonprofit boards, we may not have a
14 provision for e-mail polling or mail polling or phone
15 polling. I'd be keen to see if there's any provision
16 possible for a special meeting.

17 MR. ANDERSON: My -- my recollection is
18 that there is a provision for calling a special meeting.
19 I'm not sure what's required in order to do so. I
20 believe the board can do that. But, you know, the point
21 is calling a special meeting will just put things off
22 all over again and I don't -- I don't know if there is a
23 provision for allowing for mail ballots.

24 MR. RAIDER: Do we know that for sure?

25 MR. ANDERSON: I don't know that for sure.

1 We can go to -- to the bylaws.

2 We're looking. Further discussion while
3 we're looking?

4 Okay. As of an amendment to the bylaws
5 adopted January 30th, 2008, each member shall be
6 entitled to one vote only. A voting by proxy or by mail
7 will not be permitted.

8 So that answers part of the question. So
9 if we are going to, you know, say call a special
10 meeting, could we get a quorum? You know, that would
11 simply postpone things for another at least 30 days.

12 MR. BLANCHARD: My name is Rod Blanchard.
13 I -- my comment is that I think these amendments are too
14 simplistic. It doesn't cover all the scenarios about if
15 someone doesn't run, somebody doesn't -- some district
16 isn't represented. I think those things need to be in
17 this amendment as well. I think it's just too
18 simplistic and those scenarios need to be covered.

19 MR. ANDERSON: Well, I don't -- okay. I
20 don't think we can do that. I think, you know, what the
21 amendments do is basically direct the board to undertake
22 this districting. There's going to be a lot of
23 mechanics involved. You know exactly how votes are
24 counted, how the districts are going to be cut up and --
25 and that's -- I don't think there's anything to be put

1 into the present amendment because we simply don't know
2 how that's going to be done in detail. All -- all we
3 would know is that -- that if these amendments pass, the
4 board will be directed to -- by the membership, the
5 board will be directed to undertake and accomplish the
6 districting of, you know, what constitutes the water
7 service area of Dona Ana Mutual into five districts.

8 MR. HUESTIS: Mr. Chairman, I would -- I
9 would reiterate what you just -- is this working?

10 Yeah.

11 I would reiterate what you just said. The
12 board is being -- the membership is being asked to
13 mandate to -- mandate to the board that it shall, prior
14 to next annual -- next annual meeting, create districts
15 and the election be performed in 2014 by district. So
16 this is a mandatory bylaw change that you are being
17 asked to approve. This shall happen.

18 MR. ANDERSON: That is correct.

19 UNIDENTIFIED SPEAKER: We have to.

20 UNIDENTIFIED SPEAKER: I just wondered if
21 we could hear from some of the other board members,
22 their feelings on that previous (indiscernible). Right
23 now I don't feel comfortable voting on amending such as
24 this one.

25 MS. LUJAN: And that goes for me too. I'm

1 not -- I'm Eva Lujan.

2 And I think it's premature for us to be
3 asked to vote tonight as members.

4 MR. RAIDER: Bob Raider again. I concur.
5 I think that this is a little bit simplistic. I think
6 more thought and more time needs to go into this unless
7 there's some -- some compelling reason why it has to be
8 done, and I have not heard that compelling reason. I
9 also agree that the districting is probably a good idea,
10 but I think it's being undertaken too quickly.

11 MR. ANDERSON: If -- the -- the reason --
12 if I may answer part of that. The reason is that we are
13 in the process of acquiring a considerable increase in
14 our membership and the intent is to ensure that all the
15 membership is fairly represented. It may be premature;
16 it may not. You can decide with your vote.

17 MR. PALMER: Harry Palmer. I think the --
18 the information was mailed out to every member of the
19 association is my understanding.

20 MR. ANDERSON: Yes, yes.

21 MR. PALMER: I received mine a week or so
22 ago. I was able to read through it and I was able to
23 make -- come to a decision at that point. And sometimes
24 we all have to make decisions even though we don't have
25 all of the answer that we'd like to have. I think that

1 in this case the bylaws will take care of a lot of the
2 administrative elements of how it's actually
3 implemented. Changes to the bylaws will have to be
4 developed and policy will have to be developed, but the
5 board can't proceed unless they know one way or the
6 other whether -- you know, if we say "aye" then they can
7 proceed. And if we say "nay" then they can put it off
8 for a year or forget about the whole thing. But we're
9 the members that are here, even though the other
10 2,000-something people didn't -- or members didn't make
11 it. So we have to decide for them on their behalf and
12 trying to do something like this overnight is not easy.
13 But on the other hand, you have to start somewhere.

14 So I think that voting for this is a good
15 idea because it will, at the very at least, give the
16 board a direction to go. And one suggestion I have for
17 the board is regardless of which way it goes, in six
18 months let us know what's going on. And I called the
19 quorum unless someone -- if someone else has another
20 question.

21 MR. ANDERSON: I believe one member of the
22 board wanted to speak.

23 MS. GARCIA: I'm Emma Garcia. I'm speaking
24 as a member, not as a board member, but my way of
25 thinking is that this is not necessary. If anybody

1 wants to run, it doesn't matter whether you live in Dona
2 Ana Picacho Hills or Fort Selden, at large, anybody can
3 be a member of the board, if they get elected so this
4 districting does not matter. It should be just at-large
5 elections.

6 MR. ANDERSON: Further discussion?

7 MR. ROBLES: Is -- is --

8 MR. ANDERSON: Name?

9 MR. ROBLES: Oh, Jim Robles. You're asking
10 for approval today to -- to go ahead and start this, but
11 it's going to take a year or so before you could
12 actually accomplish the -- the whole thing. Right?

13 MR. ANDERSON: We are not asking for
14 approval. We are asking for -- the motion directs the
15 board, as Charles pointed out --

16 MR. ROBLES: Right, right.

17 MR. ANDERSON: -- the motion directs the
18 board to proceed with districting.

19 MR. ROBLES: Uh-huh.

20 MR. ANDERSON: Whether we can do it in a
21 year, before the next election, or not, I think we can,
22 some think we can't. We can certainly try. The
23 situation is a little bit different than the Lower Rio
24 Grande where a whole bunch of separate organizations are
25 coming together. And, as I recollect, that actually

1 required state legislation to be accomplished. I don't
2 believe that's so in our case.

3 MR. ROBLES: You said Picacho Hills.
4 You're in the process of purchasing Picacho Hills.
5 Right?

6 MR. ANDERSON: Yes.

7 MR. ROBLES: And is that --

8 MR. ANDERSON: And Fort Selden.

9 MR. ROBLES: And Fort Selden, right.

10 MR. ANDERSON: Yeah.

11 MR. ROBLES: Are you about to conclude
12 that? Is that going to be concluded this year or -- or --

13 MR. ANDERSON: Yeah, it should.

14 MR. ROBLES: I know you're hoping -- I know
15 you're hoping that --

16 MR. ANDERSON: Both -- both should conclude
17 this year.

18 MR. ROBLES: Right.

19 MR. ANDERSON: Waiting on some final
20 approvals from the USDA --

21 MR. ROBLES: Right.

22 MR. ANDERSON: -- for -- for the Fort
23 Selden thing. The -- as you know, the Picacho Hills
24 Utility Company was a receivership and so that has to go
25 through the courts and it also has to -- since it's a

1 change from a private company to a mutual domestic, it
2 requires the approval of the PRC. We believe this will
3 be largely accomplished in the matter of the next few
4 months.

5 MR. ROBLES: Yeah. What -- what I was
6 thinking --

7 MR. ANDERSON: One never knows.

8 MR. ROBLES: What I was thinking are we
9 approving something that may not happen anyway for --
10 for a year, you know --

11 MR. ANDERSON: It's quite possible.

12 MR. ROBLES: -- either one of those.

13 MR. ANDERSON: It's quite possible.

14 MR. ROBLES: And are -- you've got to --

15 MR. ANDERSON: I cannot guarantee that --

16 MR. ROBLES: That that's going to happen.

17 MR. ANDERSON: -- Picacho Hills or that --

18 that Fort Selden will, in fact, be part of Dona Ana
19 Mutual within the next year. I think it's highly
20 unlikely that they won't be.

21 MR. ROBLES: Well, I like the idea of the
22 redistricting. I think it's a great thing. The only
23 thing is the way we're sitting right now, you know, we
24 don't have Picacho Hills and we don't have --

25 MR. ANDERSON: That is correct.

1 MR. ROBLES: And -- and are we directing
2 the board to do something that they can't do because we
3 don't own those?

4 MR. ANDERSON: It may be the case that we
5 don't.

6 MR. HUESTIS: Mr. Chairman, just to respond
7 to Jim briefly. The recommended amendment on the
8 articles of incorporation says: The director shall
9 implement the directed position starting with the
10 election of 2014.

11 So the vote tonight is mandating to the
12 board that the next election of 2014 will be held on a
13 direct -- on a districted basis. The question of
14 Fort Selden and Picacho Hills of course it drives the
15 issue, there's no question about that, is not germane.
16 Let's say something happens, you know, the court fall --
17 fall apart and we can't get the PRC, USDA says, "No,
18 we're not going to approve your loan to buy Fort Selden
19 that we -- was approved by the membership in July of
20 2010, three years ago -- two-and-a-half years ago."
21 Those are ifs. But this -- this directs the board to
22 carve up the association's voting process into
23 districts --

24 MR. ANDERSON: Yes.

25

1 MR. HUESTIS: -- regardless of the various
2 ifs that may occur.

3 Like I agree with Chairman Anderson that in
4 all probability certainly at minimum the Fort Selden
5 thing will be done by then and very probably the
6 Picacho Hills also.

7 MR. ANDERSON: That's true, it does mandate
8 it. And if neither of those two things were to come to
9 pass, Fort Selden and Picacho Hills, we would, in fact,
10 be mandated to carve up our existing turf, you all, into
11 five districts. As things change, we can redo the
12 districts.

13 MS. LUJAN: And still -- my name is Eva
14 Lujan --

15 MR. ANDERSON: Yes.

16 MS. LUJAN: -- and I am a member and I
17 still at this point think it's premature. I cannot vote
18 for the other members that are not here tonight. I
19 think it would be a -- how can I say? A failure for
20 them not to be represented by somebody.

21 MR. ANDERSON: Well, they -- they were
22 given the opportunity to be represented and they're not
23 here. I mean this is nothing new.

24 MS. LUJAN: I was standing here since
25 7:00 --

1 MR. ANDERSON: Yes.

2 MS. LUJAN: -- and people had to be called
3 in to come in.

4 MR. ANDERSON: Yes. And the same thing
5 happened last year and the year before and the year
6 before that.

7 MS. LUJAN: So we have a problem with the
8 members.

9 MR. ANDERSON: Yes, we do.

10 MS. LUJAN: And at one of the prior
11 meetings, when it dealt with the wastewater situation,
12 the county was present and they did state that Dona Ana
13 Mutual was to provide information for members, keep them
14 informed of what is going on --

15 MR. ANDERSON: Yes.

16 MS. LUJAN: -- and having this mailed out,
17 which I didn't get one, a week before a meeting and to
18 do a very important vote, for me it's not -- it's not
19 possible.

20 MR. PALMER: Call to question.

21 MR. ANDERSON: Again.

22 MR. PALMER: Call to question.

23 MR. ANDERSON: Okay.

24 MR. PALMER: Harry Palmer.

25 MR. ANDERSON: There be no objection, we

1 will call for the vote. The motion -- both motions have
2 been moved and seconded. We're going to --

3 UNIDENTIFIED SPEAKER: Can we split up the
4 room? Half of you go get your ballots and go to a
5 voting booth and then the other half go get your ballots
6 so there's not a rush and the staff is not bombarded.

7 If we can start with this side of the room,
8 start with Mr. Raider over. If you'll go show an ID,
9 you'll -- they'll give you a ballot and you can go to
10 the table here with Blanca or you can go to the table
11 over here in the far corner with Sarah.

12 MS. GARCIA: Was the motion made to --

13 MR. ANDERSON: The motion's been made.

14 We're off the record. We have nothing to
15 do until the result of the votes come in.

16 (Break taken.)

17 MR. ANDERSON: Okay. I gather that all of
18 the ballots have been cast and I would like, while all
19 the ballots are being counted -- while the ballots are
20 being counted by staff, I suggest we proceed with the
21 rest of the agenda.

22 Come on, Charles, get back up here.

23 Will you oversee the count? Will you do
24 that? The volunteers keep us honest. Thank you.

25 Okay. While the votes are being counted,

1 we'll proceed with the rest of the agenda beginning with
2 reports from the board of directors. Let me begin by
3 saying that it's been -- it's basically a pretty good
4 year for Dona Ana Water. We've been involved in some
5 acquisitions that seem to be proceeding. I'm not sure
6 how many new connections we had this year, but the --
7 but Dona Ana Water is growing in terms of its membership
8 and it may continue to grow.

9 I might say that if -- if the anticipated
10 acquisitions do occur, we'll be increasing our -- our
11 number of connections, presently 3,800/3,900, by an
12 appreciable amount, 1,200/1,500, something in that
13 ballpark. The -- there are a number of long-term
14 projects that you may or may not know about at various
15 stages of progress or being put on hold. I just want to
16 mention -- I can't resist mentioning that we were up in
17 Santa Fe for Colonias Day last week and had occasion to
18 meet with a number of our representatives up there,
19 making them aware of our presence, some of them are new.
20 And we also met with representatives of the governor.
21 And in the course of one of these meetings, an
22 individual from -- representing the New Mexico
23 environmental department mentioned in passing that they
24 regard Dona Ana Mutual as -- as a prime example of how
25 properly it was to be a mutual domestic in the state of

1 New Mexico which was very very, very reassuring.

2 Financially, I think we are in pretty good
3 shape. Our -- Mr. Jacquez, our secretary treasurer,
4 will give a treasurer's report. Do you have pictures
5 or --

6 MR. JACQUEZ: Oh, yeah.

7 MR. ANDERSON: Oh, you do. Okay.

8 MR. JACQUEZ: Yeah.

9 I was told I did so that's why I have them.
10 And let me tell you that I'm not the expert at this. I
11 think one of the things that we're moving forward with
12 in our restructuring and what's going on in our growth
13 in the association -- and let me tell you you have some
14 tremendous board members dedicated to making things
15 better. Okay? And we listen. But I do want to
16 personally publically commend the staff for what they're
17 doing, our restructuring. Jennifer is the executive
18 director in the direction we're headed with that. You
19 need to come to meetings, you know, we don't get too
20 much participation at our regular board meetings.
21 Please come and see what's going on. I think you'll be
22 pleasantly surprised. If you want to see some changes,
23 come to the office, come to operations, our vehicles.
24 We're really, really moving forward so protecting your
25 interest, as well as ours, because we are members also.

1 Okay?

2 Are we on the secretary treasurer's report.

3 Okay. If you look at the audit reports,
4 qualified and unqualified are kind of deceeding [sic] a
5 little bit. Unqualified means better approval. Okay?
6 Fiscal year 2009/2010 qualified approval. Okay? But we
7 got better. Fiscal year 2010/2011, unqualified, which
8 mean we have ten findings that we needed to fix on our
9 budget. And this year, fiscal year 2011/2012,
10 unqualified again, but we only had three findings
11 against us. That's just the very positive things that
12 were going in the right directions. Our audits, our
13 books, our expenditures, our procedures are in order.
14 Okay?

15 If we go to funding, applied for -- oops,
16 I'm sorry. Project funding. Okay. It's kind of scary
17 sometimes to sit at a board meeting and you're dealing
18 with money and talking about so much moneys and loans,
19 but let me tell you that it's under control. It's what
20 we're doing for the community, our purpose as the
21 association, as your representatives, is to provide good
22 water to everybody. Okay? And that is our intent.

23 I think one of the biggest complaints is --
24 well, one of the -- the neatest things like we were up
25 in Santa Fe and every time we go up to these meetings or

1 we're around other districts like at maybe a district
2 meeting or something, it's always so cool to hear that
3 we are the example. Okay? They look up to us. We are
4 the progressive, we are the big. They like what we're
5 doing and we are the example to a lot of districts on
6 what we do and they're seeking our advice. So you can
7 see that we -- we as a staff, as a board, as members,
8 are a very, very progressive group. Our rates are high,
9 yeah, okay, but they haven't gone up for quite a while.

10 UNIDENTIFIED SPEAKER: In years.

11 MR. HUESTIS: 1970- -- '07 was the last --

12 MR. JACQUEZ: '07. Okay. But it's the
13 quality that you get. I love to hear when we go, "What
14 are you going to -- what do I get for my membership?"
15 You get a lot. Okay? You do get a lot. Okay? Our
16 fundings that are available to us are the water trust
17 board. And let me tell you that our engineering group
18 will speak a little bit more to our funding. Okay? The
19 water trust board, the colonias, and the amounts are
20 there for you. You can see the EPA, these are all for
21 funding projects in progress, which is the
22 Armstrong/Engler 18-inch line and the surface water
23 transmission line, another 18-inch line. Okay?
24 Improving service. Funds applied for. We have applied
25 for some pretty good loans here, USDA loans --

1 Do you want me to finish my report or do
2 you want -- okay.

3 He's going to make me mad, I think. No,
4 I'm just kidding. I respect what -- everything
5 everybody said, I think it's so good and we all have our
6 different views and stuff, but we'll follow your
7 instruction. Okay? On our voting.

8 The USDA loan Fort Selden. Okay? That's
9 committed already, we're jut waiting for the
10 finalization of it. The water trust board, four
11 million, okay, just rounding it off. The colonias
12 board, we're going to apply for this 1,500,000. The New
13 Mexico RIP loan, Picacho Hills, we have that; we're just
14 waiting. The CoBank, the 2.5, that's also applied to
15 Picacho, we're waiting on that one, on a decision for
16 that. The DWRSRLF, if I get it right, the --

17 Jennifer, help me.

18 MS. HORTON: Drinking Water State Revolving
19 Loan Fund.

20 MR. JACQUEZ: That's why we hired her.

21 -- 1,527,000 rounded off. Okay?

22 So you can see that we are spending some
23 money. One of our biggest concern is to make sure that
24 our debt ratio is okay. And it is. Okay. Income is
25 coming in, we do have it.

1 MR. PALMER: Question. Harry Palmer.

2 MR. JACQUEZ: Mr. Palmer.

3 MR. PALMER: Fort Selden, their water
4 system, what's the approximate cost on that?

5 MR. JACQUEZ: Jennifer?

6 MR. ANDERSON: Fort Selden.

7 MS. HORTON: The purchase price for
8 purchase and then construction of new meters is \$2
9 million.

10 MR. PALMER: Picacho?

11 MS. HORTON: Purchase price is 2.25 million
12 rehab and upgrades is 2.25 million.

13 MR. PALMER: And the price for Picacho?

14 MS. HORTON: 2.25.

15 MR. JACQUEZ: Oh, that's it.

16 MS. HORTON: Yes, purchase price is 2.25
17 and then there's an additional 2.25 to rehab and fix
18 existing problems.

19 MR. PALMER: Thank you.

20 MR. JACQUEZ: I think we need to say that
21 Picacho Hills will pay for itself.

22 MS. HORTON: As will Fort Selden.

23 MR. JACQUEZ: As will Fort Selden. Okay?
24 So it's not like -- it's bringing money in enough to pay
25 and to put some in the coffers also.

1 Okay.

2 Yes, sir.

3 MR. RAIDER: Bob Raider. Can you identify
4 what time frame that will pay for -- both of them will
5 pay for themselves?

6 MR. JACQUEZ: When they will happen?

7 MR. RAIDER: Yes. Are we talking five
8 years, ten years, one year?

9 MR. JACQUEZ: The funding for -- to --

10 MR. RAIDER: To pay for -- to -- your --
11 your -- your expectations on getting the money paid
12 back.

13 MR. JACQUEZ: At Fort Selden, the money --

14 Go ahead, Jen.

15 MS. HORTON: When he -- when he says the
16 system will pay for itself, what we mean is it will
17 generate enough money under -- enough revenue underneath
18 our revenue stream, our rate tier, to pay their monthly
19 expenses and still have money left over to go into
20 reserves, that includes debt service and that includes
21 operating expense. So probably in about 15 years in to
22 Picacho Hills, they will have put enough money in
23 reserves where we can pay off the remainder of the loan.
24 And at Fort Selden we're going to be much farther out
25 because it's a 40-year loan so we probably would be

1 looking at a 30-year time frame.

2 MR. RAIDER: Thank you.

3 MR. JACQUEZ: Okay. That's it?

4 Our current fiscal year budget 2012/2013,
5 our revenue is -- just rounded off, guys, 2.8. Our
6 expenses are 2.6. Right now we are on target. If
7 projections are right, we should have 200 leftovers in
8 the coffers. Okay? So the status is good.

9 On the fiscal year, if you look at 2012 --
10 I don't know. Was that correction made up on top?

11 Okay. 2012 on mine it was different.
12 2013/2014, we do have a plan to develop the -- the
13 budget. Your know, we just don't throw things out
14 there, we meet and we discuss. We do have some special
15 meetings coming, our schedule is the preliminary budget
16 by February. Okay? Review and prepare. The budget
17 preparation by March/April, present to the board. The
18 board will already have a say in it or be looking at it.
19 It's a progressive thing and we're looking at it a
20 little bit closer all the time and then at the final DFA
21 review and approval for May, it will be in place in
22 July.

23 And I understand, right, Jennifer, that we
24 have the first quarter to make any adjustments we need
25 to make?

1 MS. HORTON: Yeah.

2 MR. JACQUEZ: Okay? On that. But we
3 shouldn't have any problems at all setting up our -- our
4 budget for that.

5 Okay. It's a lot to take in, but like I
6 tell you, we have some good people working for us, some
7 good staff, please come by and visit. That's missing
8 over there at that building. Okay? So please come by.

9 Thank you very much.

10 MR. ANDERSON: Any questions?

11 MR. JACQUEZ: Any questions? I do what I'm
12 told.

13 No? Man, you guys are good.

14 MR. ANDERSON: Thank you. The -- the next
15 item on the agenda is our litigation report, but I will
16 interrupt her and take out of order to give you the
17 results of the vote.

18 With regard to article 5 that was the
19 amendment of the articles of incorporation, the approval
20 was 13 for, 17 against, so that fails. Article 6 of the
21 bylaws, the amendment to that, approved was the same,
22 13, oppositions only 15, but that didn't pass either.
23 So neither of the -- neither of the amendments passed.

24 MR. RAIDER: Is there any kind of mechanism
25 to -- for the membership to direct you to continue this

1 process for next year.

2 MR. ANDERSON: The membership can ask us
3 to.

4 MR. RAIDER: Okay.

5 MR. ANDERSON: But that's -- that's not
6 item on the agenda we can put through an open
7 discussion.

8 MR. RAIDER: All right. Well, I'd like to
9 suggest that this situation be continued with some of
10 the concerns that were voiced here tonight addressed and
11 that we look at it again next year.

12 MR. ANDERSON: All right.

13 MR. HUESTIS: Mr. Chairman, can I -- can I
14 speak as the board -- can I speak as a member without --
15 without going down on the floor?

16 MR. ANDERSON: Yes, you may. You may, sir.

17 MR. HUESTIS: I really believe that what
18 Bob said is true and from the response here tonight, the
19 membership realizes that change is coming, change is
20 occurring. One of the things that was not said because
21 it's a complication is that we are getting vibrations
22 from various regulatory agencies that we're just getting
23 too big to be treated as a mutual domestic and --

24 MR. ANDERSON: Keep away from the speaker.

25 MR. HUESTIS: And that we -- we will have

1 to evolve into some other form of political entity or
2 subdivision -- political subdivision in some way. So I
3 really agree with Bob's suggestion that the board look
4 at the reorganization in a rather comprehensive way even
5 beyond what's been discussed here tonight.

6 Thank you.

7 MR. ANDERSON: I assume further discussion
8 is appropriate if anyone else has any more comments at
9 this point.

10 UNIDENTIFIED SPEAKER: No.

11 MR. ANDERSON: We will make note of that.
12 So, you know, without direction, some of us would
13 certainly be reluctant to employ anyone to do our
14 redistricting for us. I would make an editorial comment
15 here. The vote was fairly close, 13/17, 13/15, which is
16 another good reason for members of Dona Ana Mutual to
17 attend these particular meetings. So thank you for
18 coming and thank you for your votes.

19 The next item on the agenda is litigation
20 and pending litigation. I hope this will be a brief
21 one.

22 Mr. Lee Peters.

23 MR. PETERS: Thank you, Mr. President.
24 I've been your counsel for about seven years. Most of
25 that we've been pretty much litigation free. We are a

1 party to the ongoing water rights adjudication because
2 we've had a lot of water rights and that -- you get that
3 case and you never get out so -- as Eric knows. But
4 we'll be in that for a while until our water rights are
5 fully adjudicated, but that's not active at this point.
6 Other than that we are not parties to any other active
7 litigation for five years straight now so I think that's
8 a good thing.

9 And unless there's any questions, I have
10 nothing else to report.

11 MR. ANDERSON: The next item on our agenda
12 is a report from our new executive director, Jennifer
13 Horton.

14 MS. HORTON: Thank you. I will keep my
15 mine brief. It's 8:45, I'm sure you-all want to go
16 home. I want to discuss a few of the changes that
17 maybe you've noticed are on the association this year.
18 One of those came as a result of what we heard at last
19 year's annual meeting as far as our disconnection policy
20 and the time frame in which we disconnected. We would
21 bill on the 1st, get disconnect towards the end of the
22 month and it all happened in the same 30 days. If you
23 notice, come July 1 -- 12, we changed that policy. We
24 bill on the 1st, we bill again on the following 1st and
25 then it is disconnected on the 20th. So it gives you

1 almost a full 60 days. And we want to thank the
2 membership for their input and their thoughts on our
3 previous procedure and help us draft a better one. That
4 seems to have worked. We were averaging 75- -- maybe
5 80-some months of disconnects and we are down to around
6 20, 25 disconnects so we have seen a huge improvement,
7 it seems to have helped, the membership seems to like
8 it. That is probably one of the largest changes you
9 will have seen as far as the system goes on the
10 administrative side.

11 We continue on the operations side to
12 upgrade wells, repair wells, upgrade wells, putting new
13 infrastructure, which our engineers will touch on
14 briefly.

15 One of the other things that -- and it's
16 been in the works and there has been a lot of discussion
17 in the last few years is payment taking. We had a
18 system that you could go online, pay, but it didn't
19 really update your account, you couldn't get account
20 information. Now that's available. Now you can go
21 online, enter using a password, it pulls up your
22 history, you can see bills, you can pay directly online
23 and immediately see it applied to your account. At any
24 given time, you can see what your balance is. That
25 again has been something that we have seen as a positive

1 move that our association seemed to like. We've taken
2 the credit cards over the phone now, that is also a
3 newer item that people seem to like. I'm getting a
4 thumbs-up so I guess we've got one vote yes out there
5 for that. And you will continue to see us advance on
6 technology and do things to make things more convenient
7 for our membership and create efficiencies in the office
8 and in operations.

9 One of the things to look forward to, we
10 hope, in this upcoming year is our meter reading system.
11 Right now our staff goes out with handhelds. You may
12 see them drive around in little orange Kubotas
13 collecting data from your meter or you may see them pick
14 up a lid. And that is because half of our system is on
15 an auto -- manual radio read meter, the other half is on
16 a manual read meter where they physically have to lift
17 it, look at your dials, enter the numbers and then go on
18 to the next house.

19 We do have in one of the loans that David
20 talked about the revolving fund that we receive from the
21 state, the ability to go in and put an automatic meter
22 reading system in which will allow the meter readings to
23 come into the office whether it be every hour, every
24 day, which will allow for two things. It will allow to
25 free up our meter readers to do other things,

1 maintenance and upkeep in the system and it will also
2 allow us to have better leak detection for the
3 membership, which is something we think is very
4 important for all of you, that we get flags if all of a
5 sudden somebody's usage spikes one day and is out of the
6 ordinary. And if you were to have a leak and you were
7 gone, we could give you a time frame, more or less, of
8 when that leak happened in your home and pinpoint better
9 what's going on with your water usage. And we think
10 these changes coming over the next year will help and
11 will make this association better.

12 That is all I really have to say tonight.
13 If there are any questions for me, I'd be happy to
14 address them.

15 MR. PALMER: Harry Palmer.

16 MS. HORTON: Yes, sir.

17 MR. PALMER: How often do you plan on
18 replacing meters at the residents' homes.

19 MS. HORTON: Right now meters are good for
20 at least ten years. If they readings continue
21 consistently, we leave them beyond the ten years. If
22 they start having some problems after ten years, we do
23 pull them out and replace them.

24 MR. PALMER: How can you tell?

25 MS. HORTON: How can you tell?

1 MR. PALMER: When it's not working
2 correctly?

3 MS. HORTON: Readings start usually going
4 up or severely drop off. A lot of times what we see
5 with meters that have gone bad is you'll have
6 consistency and all of a sudden you'll see a jump or
7 spike and members come in, "I didn't have a leak. What
8 is going on?" We go out, we pull the meter, we test it
9 and it either reads too high or too slow.

10 MR. PALMER: The one at my place has been
11 there since '76.

12 MS. HORTON: Some of them out there are
13 still working and work just fine. Cars have a life of,
14 you know, a certain amount of time, but that doesn't
15 mean at the end of that life, you just junk them, they
16 still have life, they're still going and they still work
17 just fine. Meters are the same way. Yes, they have a
18 standard life, but they do go beyond that. If you've
19 got concerns, please call us, we'll be happy to go out
20 and test it.

21 MS. LUJAN: Is that -- you will test it?
22 Who pays the fee for it being tested?

23 MS. HORTON: If it comes back bad, we
24 absorb that fee. If it comes back good, it goes back on
25 the member.

1 MS. LUJAN: And how much is that?

2 MS. HORTON: It's a \$34 service call. If
3 you are still not happy, if you say, "No, I still think
4 my meter is bad, I'm not convinced that your test is
5 correct," you do have the option of paying for the meter
6 that was -- the new meter that was installed -- the
7 replacement meter while yours was out test -- being
8 tested.

9 MS. LUJAN: And the fee?

10 MS. HORTON: Help me with this, Melody?

11 MS. PRATHER: I think it's 421.

12 MS. HORTON: \$421. And that's if you only
13 wish to keep it if your meter comes back good.

14 MS. LUJAN: And also I wanted to commend
15 the board for working with its members on the disconnect
16 notices. That had been a big issue. I would sit there
17 at the office and count people that -- who were going to
18 be disconnected and it was so sad. If I had the money,
19 I would have paid for them, but I -- finally something
20 got done.

21 MS. HORTON: Yes, that has been a positive
22 change.

23 MS. LUJAN: Thank you.

24 MS. HORTON: Anything else? Any other
25 questions or comments from the floor?

1 No? Okay. Well, thank you for being here
2 tonight and thank you for listening to me.

3 MR. ANDERSON: Thank you, Jennifer.

4 And the next item on the agenda is our
5 engineering report which will tell you all the wonderful
6 projects that we are undertaking or may be undertaking.

7 Lilla Reid.

8 MS. REID: Hi, I'm Lilla Reid. Everybody
9 can hear me loud enough?

10 Okay. Thank you for letting me come up and
11 visit with you about a few of our projects. I will also
12 keep mine very brief. Hopefully everybody can get out
13 of here maybe before 9:00. We'll see.

14 So I also want to thank the entire
15 membership for their patience during construction
16 projects. Sometimes that's really hard when you're
17 trying to get somewhere and you have a lane closure so
18 we're going to have some more of those this coming year.
19 That is actually a very good thing for the water system,
20 but sometimes -- sometimes it's hard for membership so I
21 appreciate your patience in advance as well.

22 So design projects completed in 2012 -- I
23 don't know, I'm guessing Melody's probably got
24 everything taken care of while I speak.

25 So the surface water transmission line, an

1 Armstrong/Engler water project, the surface water
2 treatment plant, a water supply well, the Dona Ana Road
3 force main, there's a force main in this station project
4 and there's a southeast collection system. The majority
5 of this was all done with some water trust board funding
6 which you had received previously and then the next one
7 is some construction projects that were completed in
8 2012. If I remember correctly on that map that you show
9 up there, the Elks phase 1 through 3 is in purple and
10 the Moreno Road is in blue, it's a light blue. The
11 Elks/Engler casing project may be a little bit harder to
12 see. It's a little bit south on Elks Road and it's
13 orange. It's a very small piece, it's only 300 linear
14 feet. And then the West Hatfield which is green and the
15 El Camino Real which is red.

16 So on the Elks phase 1, it was about a mile
17 and a half of 18-inch water line and it was an
18 interesting project because the school of course is
19 there too so there was a lot of working with the school
20 and the construction company. There was some power
21 lines that had to be held during construction so -- but
22 it was a very successful project in the end.

23 So the Moreno Road project is the next one.
24 It was about a half a mile of eight-inch water line.
25 This was actually very good to get -- to get water to

1 the individuals in that area so they actually had very
2 tight easements during construction, but we are very
3 pleased to actually get that one completed as well.

4 Elks/Engler casing, which is the small part
5 I was talking about, this actually had to be completed
6 because of the Engler underpass project that was going
7 in. We wanted to make sure we didn't tear that up
8 afterwards so we got in there and we put casing and
9 water line in there before they got in to do
10 construction. So now when you guys finish up other
11 projects, you can just tie into that line instead of
12 actually messing up a new underpass there.

13 And then the West Hatfield project was a
14 mile of 18-inch water line and these are all approximate
15 distances, of course. So this one is actually very
16 interesting because we were coming off of the escarpment
17 there so we had some very deep trenches. There was also
18 other utilities within the easement that we had so that
19 part was actually very interesting for me watching
20 construction happen but luckily everything went very
21 well. It was about a \$100,000 project -- construction
22 project.

23 El Camino Real, which was last one on that
24 list, it actually went very smoothly. It was about
25 1,800 linear feet of 18-inch water line.

1 So do you guys have any questions on the
2 2012 projects?

3 All right. So 2013, what we have planned
4 for you. So there's a couple of projects in design.
5 There should be a map up there. It's a Dona Ana road --
6 Dona Ana School Road. This is -- actually is part of
7 the back road of the water system, it'll actually assist
8 in a consistent flow throughout your system so we're
9 very excited to get this one on the books for design.

10 And then the next one is the Elks phase 4.
11 So we've done phase 1 through 3 and this would be the
12 fourth phase and the final phase of the Elks project.

13 And then construction projects. We're
14 anticipating starting within the next 60 days hopefully,
15 they've already been bid. Your contractor for -- for
16 both of the projects is actually Burn Construction, they
17 were the low bidder. And the first one is the
18 Armstrong/Engler water line and it is about 1.3 miles of
19 18-inch water line and the final one that we'll be
20 starting construction is the surface water transmission
21 line. And we're actually pretty excited about this one
22 too because we didn't anticipate getting as much
23 constructed -- as much being able to -- awarded and we
24 wound up with about six-and-a-half miles of 18-inch
25 water line and one-and-a-half miles of 12-inch water

1 line for this project so we're actually very excited
2 about that too.

3 And so any questions on any of our
4 projects?

5 Great. Thank you very much.

6 Oh, sorry, sir.

7 MR. PALMER: Harry Palmer. One of your
8 charts -- one of the bullets that you had there was a
9 water treatment plant?

10 MS. REID: Uh-huh, that's correct.

11 MR. PALMER: Where is that at?

12 MS. REID: It's actually up in the -- in
13 the same area as the at Fort Selden well field.

14 MR. PALMER: Okay.

15 MS. REID: Okay.

16 MR. PALMER: So that's not the one that.
17 was --

18 MR. ANDERSON: No.

19 MR. PALMER: -- in the other area?

20 MS. REID: No, the Hope -- the Hope Road
21 project was actually a water reclamation, slash, waste
22 water treatment plant basically.

23 MR. PALMER: Is that one dead or --

24 MS. REID: That is actually probably a
25 question for the board but, to this point, there's not

1 actually funding for construction or to continue the
2 design. I can tell you that much. I don't know if the
3 board wants to elaborate.

4 MR. PALMER: Okay. Thank you.

5 MS. REID: Okay. Well, thank you very
6 much.

7 MR. ANDERSON: Actually, both the -- both
8 the water -- the water treatment plant and the Hope Road
9 site are probably on more or less indefinite hold and
10 pending, you know, funding. And there are also lots of
11 political considerations so don't hold your breath on
12 that project.

13 If there's no further discussion, the next
14 item on the agenda is public input open to anyone who is
15 present who wants to say something. The only rule is
16 that we're through discussing the amendments or things
17 of that sort.

18 So does anyone -- does anyone wish to speak
19 on any subject?

20 MR. HUESTIS: Mr. Chairman, could I say one
21 -- one thing to --

22 MR. ANDERSON: Yes.

23 MR. HUESTIS: The -- the planning -- county
24 planning and zoning commission is making -- trying to
25 make some changes in their rules that would bring mutual

1 domestics and EBID under the county planning and zoning
2 commission regulations. We are not the only one. I'm
3 sure Ms. Jackson can second what I'm saying. We're
4 quite upset about that because --

5 MS. JACKSON: (Inaudible).

6 MR. HUESTIS: -- it would affect our -- I'm
7 sorry -- affect our costs and procedures and so forth.
8 That -- that county planning and zoning hearing is, I
9 believe, on the 14th at 9 o'clock at the (indiscernible)
10 so any of you who don't have anything else to do at
11 9 o'clock might want to come down and want to sit
12 because it's a matter of terrible importance to mutual
13 domestics and the authority down south and EBID among
14 others.

15 MR. ANDERSON: Thank you, Charles. Again,
16 you know, counting planning and zoning meetings, county
17 meetings and meetings like this are highly dependent
18 upon the members or voters participating. We -- we do
19 live in a participatory form of government and, quite
20 frankly, I'm quite happy to see as many people as
21 possible come to these particular meetings. I would
22 point out that the board meets regularly the second and
23 fourth Tuesdays of the month, unless they reschedule for
24 some conflict or other, and that a regular part of the
25 board's posted agenda is an 11 o'clock public comment

1 meeting where any member is -- can come give us your
2 name, sign up and we'll give you some time to address
3 the board, within reason.

4 And might I say that public or member
5 attendance at these things is exceedingly sparse so if
6 you have problems, if you have complaints, if you have
7 suggestions, if you want to run for the board, you know,
8 that's a good time to come and see how these things
9 really work. So you are cordially invited.

10 Yes, sir.

11 MR. PALMER: As a suggestion, quarterly you
12 might have evening meetings instead of day meetings
13 because a lot of people still work.

14 MR. ANDERSON: Yes. And let me assure you
15 that most of the board does too, but it's -- it's --
16 it's -- board members, like county commissioners and
17 members of other public organizations, especially unpaid
18 types, have other commitments as well and I suspect -- I
19 suspect it'd be harder to find board members if we had
20 our evening meetings. That's an opinion.

21 MR. PALMER: That's why I said quarterly,
22 you know, one meeting a quarter.

23 MR. ANDERSON: Oh, one meeting a quarter.
24 I didn't catch that. Sorry.

25 MR. PALMER: I understand the challenges.

1 MR. ANDERSON: Yes. Suggestion taken.

2 MS. LUJAN: And I have one too. Eva Lujan.

3 And I have approached the board before and I find that
4 sometimes it's very difficult to make a suggestion and
5 for it to be taken without being so negative. The board
6 is very negative. And look how long it took for the --
7 for the meters being closed because people couldn't pay.
8 I mean I had been pursuing that for about a year and a
9 half, I still have my notes, people's names and it took
10 over a year and a half, I guess, or two years before
11 y'all relented to give them more time to pay. You know?

12 And the board has to be more considerate on issues.

13 Thank you. Thank you for all the work you've done
14 though.

15 MR. ANDERSON: Okay. Thank you. These
16 things do in fact take time and I would point out that
17 the longer we allow people to defer paying their water
18 bills, the more it winds up costing the membership.
19 Carrying a -- carrying a unsecured loan, if you will, is
20 expensive to the rest of the membership and we have
21 tried very hard to make sure that people who don't get
22 their mail or are really short this month have a bit
23 more leeway. Right now there's a -- there's a rather
24 considerable time between when your bill comes through
25 and when somebody appears to pull out your water meter.

1 We try. I might say that we are also constrained by
2 legal things. We can't treat some members appreciably
3 better than others by the law. And a donation clause is
4 characteristic of New Mexico law.

5 Any further public input?

6 There being deathly silence, I will
7 entertain the motion to adjourn.

8 MR. ROBLES: Adjourn.

9 MS. ANDERSON: Adjourn.

10 We have motion to adjourn. We are
11 adjourned. Jim Robles; seconded by Marsha Anderson.

12 (Proceedings adjourned at 9:05 p.m.)
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