



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

Agenda

The following are the items for consideration at the Regular Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors on February 1, 2018, convening at 9:00 a.m. at the Doña Ana Mutual Domestic Water Consumers Association Board Room 5535 Ledesma Dr., Las Cruces, NM 88007:

Call to Order & Roll Call

Approval of Agenda

Minutes:

1. Minutes of 1-4-2018 Regular Meeting
2. Minutes of 1-9-2018 Special Meeting

Approval of New Members & Meters

Customer Issues and Public Input

3. Steve Newby – Concerns regarding policies

Public Input will be limited to 3 minutes per person

Board President Report

Staff Reports

4. Executive Director

New Business

None

Consent Agenda

None

Unfinished Business

5. Oath of Office
6. Election of Board Officers
7. Oath of Board Officers

Board Open Discussion

Adjournment

A copy of this agenda may be requested by phone by calling (575) 526-3491 or in person at 5535 Ledesma Drive, Las Cruces, NM 88007. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, if summary or other type of accessible format is needed, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Stephanie Nelson at (575) 526-3491 on the Tuesday prior to the meeting or as soon as possible.



Doña Ana Mutual Domestic Water Consumers Association
Mailing Address: P.O. Box 866 • Doña Ana, NM • 88042
Physical Address: 5545 Ledesma Dr. • Las Cruces, NM 88007
(575) 526-4491 Office • (575) 526-9406 Fax

The following are the minutes of the Regular Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, January 4, 2018 convened at 9:00 A.M. in the Doña Ana Mutual Domestic Water Consumers Association Board Room located at 5535 Ledesma Dr., Las Cruces, NM 88007:

Call to Order & Roll Call

President Melton called the meeting to order at 9:00 a.m. and called roll:

Vice President – Jamie Stull, Present

Secretary/Treasurer – Dr. Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

A Quorum was declared

Others in Attendance:

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Members – Jim Hayhoe, John Neary, Greg Switzer

Approval of Agenda

Dr. Anderson moved to approve the agenda for the January 4, 2018 Regular Board Meeting as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Executive Director Jennifer Horton requested we remove Item 5 as we are not ready to proceed with the approval of the Via Norte Contract. Dr. Anderson amended his motion to reflect this removal, to which Mr. Stull seconded. The Chair called for a vote on the amended motion. The motion carried by roll call vote 4-0.

Minutes

Dr. Anderson moved to approve the Regular Board Meeting Minutes of December 21, 2017 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mr. Melton requested two grammatical corrections. Dr. Anderson amended his motion to include the corrections, which Mr. Stull seconded. The Chair called for a vote on the amended minutes; the motion carried by roll call vote 4-0.

New Members & New Meters

Dr. Anderson moved to approve the New Members and New Meters list as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised we have twenty-four (24) names on the list; twenty-one (21) are new members, and six (6) are new meters. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Customer Issues and Public Input

Mr. Greg Switzer approached the Board with questions regarding our new Leak Policy with ServLine. He called over the Holiday and spoke with an individual who was unable to answer his questions. Ms. Horton advised ServLine has contacted the Association with regard to their employee who was not able to fulfill Mr. Switzer's needs. The employee in question was a temp and ServLine leadership have requested an opportunity to contact Mr. Switzer directly to ensure all his questions and concerns are addressed. Mr. Switzer was very understanding.

Mr. John Neary addressed the Board with concerns regarding our disconnection policy for past due balances. He was out of state and the only attempt to contact him was through his home line, not his mobile, which he has previously requested be corrected. Mr. Neary is requesting to speak at the Annual Meeting to present alternatives to our policy. Mr. Melton advised we do allow three minutes per member to bring public issues

to the Board. Ms. Horton obtained the updated contact from Mr. Neary to ensure his account is up to date and offered our texting feature be added to his account to avoid future contact frustrations.

Board President Report

Mr. Melton reported we had a busy Holiday season with another busy month coming up. We are working to prepare for the Annual Meeting at the end of January and are ready for the work session we have scheduled today to address the finalization of our Articles of Incorporation and Bylaws.

Staff Reports

Ms. Horton summarized her financial reports. The projects scheduled for our Wastewater Treatment Plant and Radium Springs improvements continue to experience delays. The Environment Department is currently reviewing the submittal from our apparent low bidder for the Via Norte Project.

New Business

None

Unfinished Business

Dr. Anderson moved to Approve the Resolution 2018-01 Open Meetings Act. Mr. Stull seconded the motion. The Chair called for discussion of the motion. Ms. Horton advised this is our standard Open Meetings Act that is updated every year; no changes have been made. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Dr. Anderson moved to Approve the Resolution 2018-02 for the Colonias Application Resolution. Mr. Stull seconded the motion. The Chair called for discussion of the motion. Ms. Horton explained this is the standard application that we submit to NMFA with this year's goal seeking \$1.5 million in funding, however we may not be allocated this entire amount. We tend to do well with this funding agency and typically these projects are with regard to health and safety. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Open Discussion

Mr. Hayhoe inquired as to where we are with the Election? Ms. Horton advised we are currently in election, however District Three is still vacant. We also sent an election update in our recent newsletter.

Adjournment

Mr. Ponteri moved to adjourn at 9:47 a.m. with a second from Dr. Anderson. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Kurt Anderson
Secretary/ Treasurer

Date



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The following are the minutes of the Special Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, January 9, 2018 convened at 9:00 A.M. in the Doña Ana Mutual Domestic Water Consumers Association Board Room located at 5535 Ledesma Dr., Las Cruces, NM 88007:

Call to Order & Roll Call

President Melton called the meeting to order at 9:00 a.m. and called roll:

Vice President – Jamie Stull, Present

Secretary/Treasurer – Dr. Kurt Anderson, Present

Board Member – Raymond Ponteri, Excused Absence

A Quorum was declared

Others in Attendance:

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Members – Tod Roberts

Approval of Agenda

Dr. Anderson moved to approve the agenda for the January 9, 2018 Special Board Meeting as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Customer Issues and Public Input

Mr. Jim Hayhoe drafted an email advising he did not need to complete a presentation after the agenda had been published.

New Business

None

Unfinished Business

Dr. Anderson moved to Approve Resolution 2018-03 Amended Articles of Incorporation. Mr. Stull seconded the motion. The Chair called for discussion of the motion. Mr. Roberts had questions regarding water restrictions. Mr. Melton explained we encourage conservation, however at this time we have zero authority to enforce watering schedules or any type of specific restriction. Mr. Melton submitted a series of corrections to Mr. Smith, including several grammatical updates; all combined corrections are outlined in red. The Resolution itself needs to be updated as this is a Special Meeting held on a Tuesday, not a Regular Meeting on a Thursday. Dr. Anderson amended his motion to accept the corrections to the Amended Articles of Incorporation to which Mr. Stull seconded. The Chair called for a vote on the amended motion; the motion carried by roll call vote 3-0.

Dr. Anderson moved to Approve Resolution 2018-04 Amended Bylaws. The motion was seconded by Mr. Stull. The Chair called for discussion of the motion. All combined corrections are outlined in red. Mr. Melton provided several grammatical updates. The Resolution will also need to be updated as this is a Special Meeting held on a Tuesday, not a Regular Meeting on a Thursday. Dr. Anderson amended his motion to accept the corrections to the Amended Bylaws to which Mr. Stull seconded. The Chair called for a vote on the amended motion; the motion carried by roll call vote 3-0.

Dr. Anderson moved to Approve the Annual Membership Agenda. Mr. Stull seconded the motion. The Chair called for discussion of the motion. Dr. Anderson noted he does not require his formal title on the agenda. The Board agreed to March 28, 2018 as the reschedule date if we are unable to meet Quorum on January 31, 2018 for the Annual Membership Meeting. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Open Discussion

Ms. Horton reminded the Board we will need to schedule a Special Board Meeting to certify the Election results.

Adjournment

Dr. Anderson moved to adjourn at 9:53 a.m., with a second from Mr. Stull. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Kurt Anderson
Secretary/ Treasurer

Date

New Members and Meters

Name	Address	Tap In Fee	Water Rights	Membership	Tax	Sewer	Other Fees	Total Fees
Cynthia M. Flynn	2898 San Miguel			\$ 75.00	\$ 3.75			\$ 78.75
Rocio Stambaugh	4245 Fireweed Dr			\$ 75.00	\$ 3.75			\$ 78.75
Christopher Mangusing	2861 Borroughs St			\$ 75.00	\$ 3.75			\$ 78.75
The Robert L. Owen	8149 Willow Bloom Circle	\$ 1,255.00	\$ 1,750.00	EM	\$ 407.50	\$ 1,560.00	\$ 3,585.00	\$ 8,557.50
Walter Gomez	1220 Academy CT			\$ 75.00	\$ 3.75			\$ 78.75
Jarred Heath Amerson	638 Fort Furlong			\$ 75.00	\$ 3.75			\$ 78.75
Fred Scholem	8105 Constitution			\$ 75.00	\$ 3.75			\$ 78.75
Scott Mclaughlin	1338 Stonecrop			\$ 75.00	\$ 3.75			\$ 78.75
Robert Sylvis	141 Key Deer Ct			\$ 75.00	\$ 3.75			\$ 78.75
Veronica Rodriguez	2871 La Union Ct			\$ 75.00	\$ 3.75			\$ 78.75
Joshua A. Chavez	950 Calle Sereno			\$ 75.00	\$ 3.76			\$ 78.76
Desert View Homes	3051 San Lorenzo	\$ 1,255.00	\$ 1,750.00	EM	\$ 233.60		\$ 1,642.00	\$ 4,880.60
Desert View Homes	3074 San Elizario	\$ 1,255.00	\$ 1,750.00	EM	\$ 233.60		\$ 1,642.00	\$ 4,880.60
Desert View Homes	3054 San Elizario	\$ 1,255.00	\$ 1,750.00	EM	\$ 233.60		\$ 1,642.00	\$ 4,880.60
Michael Madrid	5490 Verbenia			EM				\$ -
								\$ 23,986.81



Request to Address the Board of Directors

Date: 01/23/2018

Account Number: 08-06114-01

Phone Number: 575-649-0742

Name: Steve Newby

Service Address: 6760 Cordova Circle

I, Steve Newby, request to be heard at the next regular monthly Board of Directors Meeting*. I would like to address the Board of Directors on the following concerns:

See attached documents.

I understand that this office will contact me, by phone or email no later than the Tuesday before the meeting scheduled on 02-15-2018, with an approximate time to appear before the Board of Directors.

*Please indicate all that apply below to address your concerns:

Time Requested 20 minutes

Handouts

***The request form must be received by the Executive Director no later than the close of business one week prior to the board meeting. If you plan to use a handout you must provide the handouts along with the request form. No additional handouts shall be given during the presentation.**

Steve Newby Digitally signed by Steve Newby
Date: 2018.01.24 17:20:16
-07'00'
Customer Signature

Dona Ana MDWCA

Cynthia M. Shelton
Dona Ana MDWCA Representative

JAN 24 2018

Received by:

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

ATTACHMENT #1

I am disputing the \$315 charge for replacing the stop valve at the meter at my residence.

I had a 3,000 (+/-) gallon overnight water leak on my side of the meter in the front yard due to a frozen PVC line, and when it was discovered the next morning, I tried to turn off the water at the meter, and the angle stop stem broke. I then called DAW, explained the situation, and your crews came out and shut off the water, and replaced the broken stop angle valve.

I was later advised by your staff that I would be assessed a penalty of \$300 for illegally operating the water valve. I was quite surprised at the amount of the penalty, as I was totally unaware of this policy. I am sure the majority of your customers are also unaware that they are not allowed to touch the shut off valve to work on their plumbing.

I have turned off the angle stop valve whenever work on a plumbing issue at my house occurred between the meter and my own shut off valve that is installed in my garage. I would imagine the majority of your customers, as well as licensed plumbers, also do the same. I have personally done that dozens of times over the years at numerous properties, never knowing that action would incur a \$300 penalty for merely operating the valve.

I find that in the Water and Wastewater Customer Agreement that I signed in 2014, that there is the following clause:

The Association shall purchase and install a cutoff valve and may also include a water meter in each service, The Association shall have exclusive right to use such a cutoff valve and water meter. The member may install at the member's expense a cutoff valve from the meter to property for their use.

However, it is not a reasonable expectation that more than a few customers would have read this agreement back in 2014, when they were so overjoyed that the reign of the Blancos was finally over (Thank you, thank you, thank you), or in a major leak situation would not simply turn off the valve. In addition, there is no clause in the Water and Wastewater Customer Agreement that specifically shows that a \$300 penalty will be assessed if the Customer operates the stop valve in any circumstance.

Being in the design and construction business for over 43 years, I am probably more informed than the majority of your customers, as my companies have designed and built dozens of subdivisions in Picacho Hills, including Alto 1, 2 & 3, Coronado Ridge 1, 2 & 3, Butterfield Ridge 1, 2

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

& 3, and many other more recent projects since DAW Water took over, and I can emphatically state that the regulation from your Rules and Regulations that discusses the \$300 penalty (current version shown below – adopted December 01, 2017) was unknown to me, our sub-contractors, our plumbers, or our customers that this rule forbade anyone from simply turning off the stop valve:

METER TAMPERING, DAMAGE AND/OR THEFT OF METERING OR MONITORING EQUIPMENT

Dofia Ana MDWCA shall have the right to disconnect or refuse to connect or reconnect any utility service where there is evidence that Dofia Ana MDWCA metering or monitoring devices have been tampered with, damaged or stolen. Dofia Ana MDWCA shall immediately disconnect the water meter and assess the user \$300.00 per meter for tampering, damaging and/or theft of equipment. The tampering, damage and or theft assessment shall be paid in full and any delinquent balance paid before service is reactivated or reconnected.

Meter tampering, damage and/or theft of metering or monitoring equipment is defined as, but not limited to:

- meter lock broken
- curb stop damaged or broken
- register damaged or disconnected
- meter lock removed
- meter broken
- meter stolen
- unauthorized connection inserted or connected to the system
- damage and/or theft of automated meter reading (AMR) device, or cutting or disconnecting AMR cable from meter

My companies have also designed and built many residences in Picacho Hills from 1,800 sf to over 9,000 sf, and during construction, the angle stop valve is operated many times by the plumbing subs, and later by the home owners. To be sure I was not exaggerating my own ignorance, I contacted three Plumbing companies I have used in Picacho Hills work, and none of their Owners was aware of the policy that the angle stop valve could not be touched without being charged a \$300 penalty. To the contrary, your Staff has clearly stated that only DAW may operate the stop valve, even if the water needs to be turned off for a simple faucet leak.

In addition, when the above regulation is examined, it is clearly written to protect DAW from tampering with meters that are locked, or for other attempts to fraudulently obtain water. Please notice there is nothing specific regarding simply turning the stop valve on or off. While I do understand the concern any utility has, be it for water, electrical, or gas service, that the Customer not steal the metered product, I contend that charging the Customer a \$300 penalty for simply tuning the water off is an unfair policy.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

I also contacted the City of Las Cruces Utility Department, and found the DAW policy and the CLC policy are virtually identical, word for word, with one exception: the City only charges \$200 for *illegal* tampering with the meter or stop valve. I was assured that the customer could operate the stop valve, as long as the meter was *not locked*.

If this policy that the Customer, under no circumstances, can operate the stop valve, and the policy is to be fairly enforced, DAW could easily attach a tag to the stop valve advising the customer or contractor of the \$300 penalty, include a notice with each bill to the customer of the same warning, or simply buy a double lock stop valve and lock the meter in the "on" position. However, according to Ferguson Supply, no such "double lock" valve is made, as there is no reason to be able to lock the valve in the "on" position, they surmised.

My appeal to the Board is first to ensure that the Board is aware of the Staff's interpretation and enforcement of the "do not touch" rule, and the consequent imposition of a \$300 fine for a Contractor or Customer operating the on/off stop valve, regardless of purpose, or whether the stop valve is broken by the Customer. In my opinion, it should be prudent to allow your customers, contractors, or plumbers to operate this valve for a valid purpose, such as a 3,000 gallon overnight water leak, without suffering a \$300 fee for the privilege.

If the Board agrees with the Staff interpretation, then I pray that a dedicated effort would be made to advise your customers and the contracting community, and/or just simply affix a metal tag to the stop valve noting a \$300 penalty will be enforced if the valve is operated under any conditions. Expecting your users to go online, read and interpret your policy as written (no copy is currently on your web-site), is a bridge too far. However, your Staff has clearly indicated to me that that is exactly what is expected by DAW in this situation.

My second appeal to the Board is to charge a reasonable fee to replace the stop valve when the customer breaks it, as I readily admitted when I called DAW, rather than an automatic \$300 penalty when no fraud was involved. The valve costs \$30 +/- in quantity, and labor should be added. In addition, if the DAW crew damages the customer's property when installing the valve, and leaves a mess on the property, then I feel an adjustment should also be allowed the customer. In my case, your crew cut an irrigation line in 3 places that was just adjacent to the meter. Your crew might have known they had cut the line, as they excavated a large hole at the meter box.

In addition, my front steps and landings were left with dirt spread on them, and a large pile of dirt was spread across my crusher fines at the front walk. See photos – Attachments #2 through - #6 at end of this attachment #1.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

My third appeal to the Board is to have a reasonable billing adjustment for water lost from a leak on the customer side. The new policy with insurance is good and reasonable, but does not apply to my leak. If there is a previous policy, it has been removed from your website, and your Staff has been silent on a credit available based on any previous regulation. Even the City of Las Cruces allows for a 50% credit for water lost based on the 3 year average of the month of the leak in the same month.

Lastly, I would be happy, and would even prefer, if this issue could be handled without my appearance before the Board, but your Staff insisted that these issues would have to go before the Board, as they could make no exceptions to their interpretations of the rules. I sit on a number of boards, and I know how these minor issues can distract from the important duties of the Board, so please consider directing Staff to see if we could come to an amicable agreement without Board intervention.

Thank you for raising the bar into the stratosphere from the previous operator, and please consider my opinions in the spirit they are made, which is to better the communication between Dona Ana Water, your customers, and the contracting community.

Sincerely,

A handwritten signature in black ink that reads "Steve Newby". The signature is written in a cursive, flowing style.

Steve Newby, A.I.A.

Steve Newby Architects and Associates, P.C.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

ATTACHMENT #2

STOP VALVE REPLACED AT BOTTOM OF METER BOX

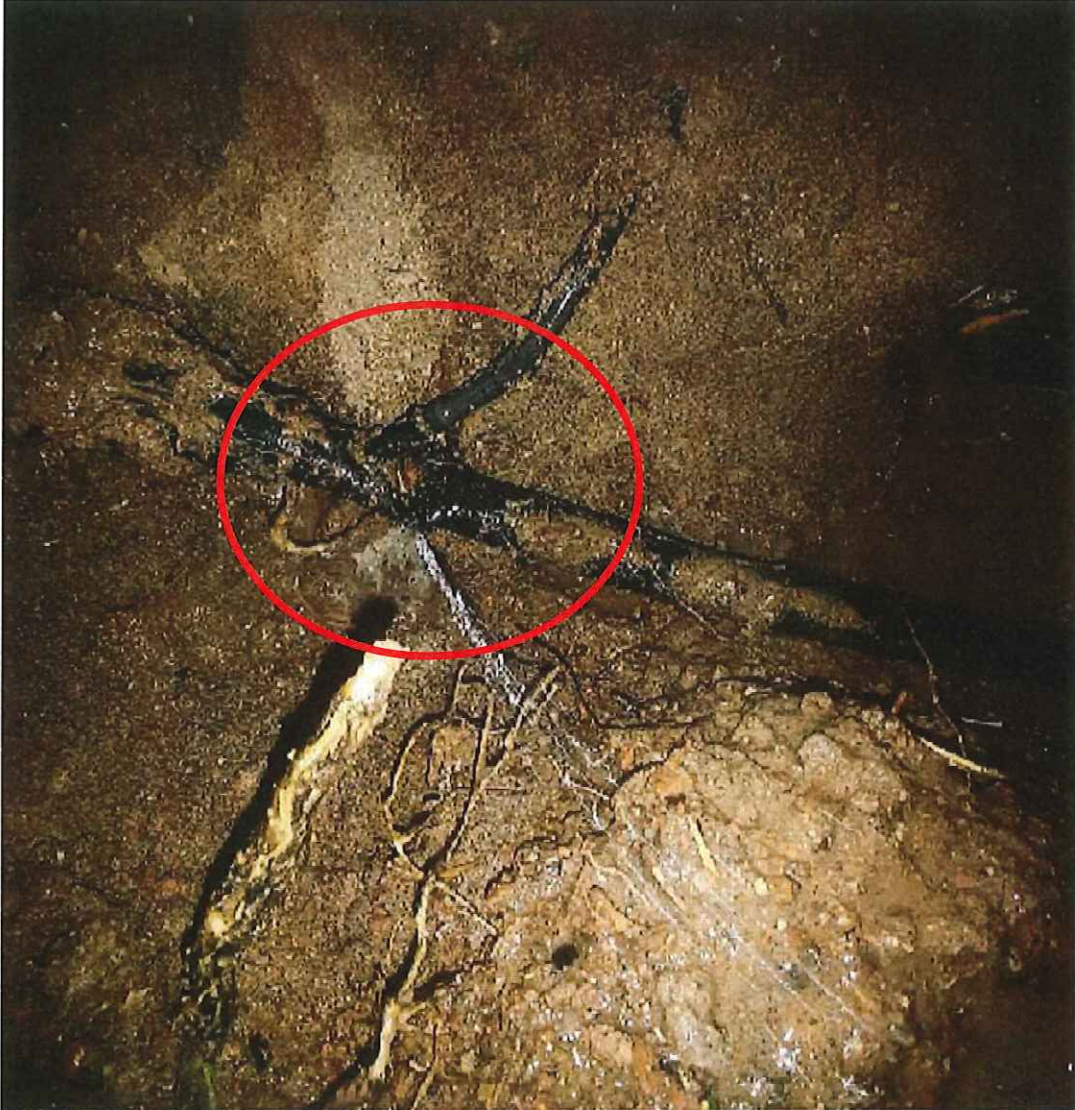


IRRIGATION LINE CUT IN 3 PLACES FROM DONA ANA WATER WORK FOR STOP VALVE REPLACEMENT AT METER BOX.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

ATTACHMENT #3



ONE OF THREE SHOVEL CUTS IN IRRIGATION LINE FROM DONA ANA WATER WORK FOR STOP VALVE REPLACEMENT AT METER BOX.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

ATTACHMENT #4

METER BOX VALVE REPAIR LOCATION



LACK OF CLEANUP FROM DONA ANA WATER WORK FOR STOP VALVE REPLACEMENT AT METER BOX.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

ATTACHMENT #5

METER BOX VALVE REPAIR LOCATION



6" HIGH PILE OF DIRT LEFT IN FRONT YARD ON TOP OF LANDSCAPE CRUSHER FINES FROM DONA ANA WATER WORK FOR STOP VALVE REPLACEMENT AT METER BOX.

REQUEST TO ADDRESS THE BOARD OF DIRECTORS

ACCOUNT # 08-06114-01

ATTACHMENT #6

METER BOX VALVE REPAIR LOCATION



CLOSE-UP OF 6" HIGH PILE OF DIRT LEFT IN FRONT YARD ON TOP OF LANDSCAPE CRUSHER FINES FROM DONA ANA WATER WORK FOR STOP VALVE REPLACEMENT AT METER BOX.



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OATH OF OFFICE

STATE OF NEW MEXICO)
 SS.
 COUNTY OF DOÑA ANA)

I, James Melton, having been elected to the Board of Directors of the Doña Ana Mutual Domestic Water Consumers Association do solemnly swear that I will support the Constitution of the United States and the constitution and laws of the State of New Mexico, and will faithfully and impartially discharge the duties of this office to the best of my ability.

Sworn and subscribed to before me this _____ day of _____.

 Notary Public

My Commission Expires: _____



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OATH OF OFFICE

STATE OF NEW MEXICO)
 SS.
 COUNTY OF DOÑA ANA)

I, Gregory Tod Roberts, having been elected to the Board of Directors of the Doña Ana Mutual Domestic Water Consumers Association do solemnly swear that I will support the Constitution of the United States and the constitution and laws of the State of New Mexico, and will faithfully and impartially discharge the duties of this office to the best of my ability.

Sworn and subscribed to before me this _____ day of _____.

 Notary Public

My Commission Expires: _____