



*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*

The following are the minutes of the Regular Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, August 15, 2024 convened at 3:00 p.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

Vice President Morrow called the meeting to order at 3:00 p.m. and called roll:

President Melton advised he would be 30 minutes late

Vice President – Kenny Morrow, Present

Secretary/Treasurer – Brian Cox, Present

Board Member – Brian Clouse, Present

A Quorum was declared.

Others in Attendance:

Legal Counsel- Josh Smith,

Executive Director- Jennifer Horton

Office Manager- Margo Lopez

Executive Assistant- Shelby Morales

Member- Ralph Owens

Approval of Agenda

Mr. Cox moved to approve the agenda as presented; the motion was seconded by Mr. Clouse. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Minutes

Mr. Cox moved to approve the Regular Board Meeting Minutes of July 18, 2024 as presented; Mr. Clouse seconded. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Customer Issues and Public Input

None

Board President Report

None

Staff Reports

Ms. Horton stated financials have been provided for the month of July. Ms. Horton began to review the Check Listing and pointed out the dollar amounts were cut off and would have them reprinted and reviewed once those were reprinted, while she proceeded with the Budget Report. She stated the budget is as of the end of July as it is the first month of the fiscal year. She pointed out that they would see 30 days of income and expenses. She stated the revenue for the month of July was \$800,000 which she stated was high for the month of July. However, she reported a piece of property was sold and that added an additional \$230,000 to the revenue, that is not typical for this time of year. She further reported expenditures of \$563,00 for a net difference of \$241,000. Ms. Horton shared there is currently a receivable for a tank

project that is being carried out and reflective on the grant and loan fund. Ms. Horton shared the Balance Sheet is a current cash position for and reported the cash is very similar to last year in July. Ms. Horton wrapped up the financials with the Income Statements as it ties back to the Budget Reports.

Ms. Horton provided a written report for the Project Updates. She reported Water and Wastewater Standards are currently being worked on as Bohanan Huston are working on the development policies for the standards and expectations from both the Association and the developers.

Ms. Horton stated the Dona Ana Village Lift Station and Force Main Project has hit substantial completion as of the 24th of July. However, there are still punch list items needing to be addressed. She further reported the contractor is beyond 300 days past contract time and into in liquidated damages and further discussion ensued.

Ms. Horton reported on the Southeast Collection Project and stated it is progressing. She stated the addition of alternate 2 is planned to be awarded once the funding is closed. She reported there may be a delay of 30 days pending the funding agency.

Ms. Horton reported the Picacho Hills Sewer Main Protection Project design has reached 100% and received the final easement. She further stated that so long as the bid is under \$60,000 it will be awarded to the lowest bidder.

Ms. Horton reported the PER for the East Central Collection is in its final stages. She stated the Water and Wastewater Master Plan has started and is in its early stages as that is a long project to get a Master Plan on both the water and wastewater side.

Ms. Horton reported the West Mesa Design Project will be starting next month for the rehab and expansion of that system.

Ms. Horton discussed the 2 funding applications that were scheduled to close at the end of August. She shared that the \$1.9 million will close on the 23rd of this month and will report back on the scheduled closing date for the \$6 million funding application.

Ms. Horton reported on subdivisions. She stated Desert Oaks Subdivision with 192 residential lots has had comments returned to them with no response back.

Ms. Horton reported she is still waiting on the construction plans for 263 lots for the Bueno Suerte Subdivision.

Ms. Horton reported the 9 lots in Reyes Westwind Subdivision. She stated they have been approved and is currently waiting on the right-of-way maps, permits, and all submittals as she has received the final construction plans.

Ms. Horton reported on Other Matters. She stated there was one new operator certification obtained his Water Level 2 certification.

Ms. Horton provided a Water Rights update as of the end of July to reflect the water rights that were sold with the property that sold last month.

Ms. Horton stated the applications for the Southeast Collection project are currently being accepted and have received 428 eligible applications.

Ms. Horton received the Check Listing Report. She pointed out 2 large checks for \$180,000 to DNR Tank as it ties back to the budget as the receivable she referred to. She stated the project is complete as this is the final payment to the contractor. Ms. Horton shared another check for nearly a million dollars to Morrow Enterprises, Inc., and further stated everything else was standard for our normal course of business this time of the month.

Ms. Horton provided the following written reports; The Ground Water and Surface Water Table and The Customer Service Report for the Board of Directors to review.

New Business

None

Unfinished Business

Mr. Clouse moved the Approval of New Members New Meters; the motion was seconded by Mr. Cox. The Chair called for discussion of the motion. There was no further discussion, and the motion passed by roll call vote 3-0.

Mr. Owens was elected to District 5 and was sworn into the Oath of Office.

“I, Ralph Owens, having been appointed to District 5 of Dona Ana Mutual Domestic Water Consumers Association Board of Directors 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.”

Mr. Cox moved the Approval of Resolution 2024 – 11 FY24-25 South Central Council of Government District 7; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Ms. Horton stated this is the resolution that notifies our participation with the South Central Government. She further shared their position as they sit on the Colonias Infrastructure Board, where we have received and continue to receive funding from. South Central Council further supports their communities in Santa Fe with the Legislature. Ms. Horton stated she is currently the designee and Ms. Lopez is the alternate. Ms. Horton shared this would be the time to make changes or leave it as it is. She further stated there is a \$500 membership that is paid out annually. No changes were made. There was no further discussion, and the motion passed by roll call vote 3-Yes, 1-Abstain (Mr. Owens).

Mr. Cox moved the Approval of Resolution 2024 – 12 Water Trust Board Applications; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Ms. Horton stated that all New Mexico Finance Authority (NMFA) require that the Board of Directors approve the resolution authorizing the submission of the application. Ms. Horton shared the 2 applications she applied for are the 2 tanks for rehab in Radium Springs as they have most likely never been rehabbed. She stated it is believed there could be some lead abatement based on their age and did not expect any major issues. She stated the ladders and manways needed to be rehabbed to bring them into compliance with the new OSHA standards. Ms. Horton stated she anticipates the design and construction to be roughly \$250,000 for both tanks as they are small (110-gallon tanks). She shared that this could be a 60 % grant /40% loan split, however, the better the financials are the better the loan component is. Ms. Horton further stated it is in the top 6 of the ICIP and will have the second application following. There was no further discussion, and the motion passed by roll call vote 3-Yes – 1-Abstained. Mr. Owens Abstained.

Mr. Cox moved the Approval of Resolution 2024 – 13 Water Trust Board Applications; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Ms. Horton stated this is for new water wells in the Dona Ana System area and shared there are a couple of sites where she would like the wells to be installed. She further shared a pilot hole was done where the South Tanks are located and would like to move forward there. Ms. Horton stated she is hoping to install 2 water wells for a million dollars; however, the engineers suggest it will only be enough to install one if state money is involved as opposed to doing it in house and further discussion ensued. There was no further discussion, and the motion passed by roll call vote 3- Yes -1 Abstained. Mr. Owens Abstained.

Board Open Discussion

Mr. Smith announced that he has taken a management job with Elephant Butte Irrigation District (EBID) effective October 1, 2024 and will no longer be representing Dona Ana MDWCA.

Ms. Horton shared there was article written by Larry Barker stating the Environment Department sent out letters to 138 drinking water systems, putting them on notice, stating they are out of compliance and providing unsafe drinking water. She further shared that the Association received a letter threatening the Association with a \$1000 a day fine. Ms. Horton clarified we do not have an unsafe drinking water issue, as we have met all the quality tests, and that the Association should be fully aware of what the violation actually is. She further clarified at the time the violation came out, the only violation was a cover on a ladder on one of the tanks. Ms. Horton stated at this point in time the Association has cleared the deficiency, however, the state will not clear the map showing the systems in violation. Ms. Horton shared her request to have the map updated and to have them acknowledge her request for removal as the

violation has been corrected and has not heard back from them. She continued to state that she will follow up on the matter once again, however, Mr. Smith may need to submit a letter on behalf of the Association before his departure and further discussion ensued.

*President Melton arrived at 3:34 pm

Adjournment

Mr. Morrow motioned to adjourn at 3:35 p.m., with a second from Mr. Cox. The motion passed unanimously 5-0.



Brian Cox
Secretary/Treasurer

10-1-2024

Date