



*Doña Ana Mutual Domestic Water Consumers Association*  
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The following are the minutes of the Regular Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, May 16, 2019 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, Excused Absence

Secretary/Treasurer – Kurt Anderson, Present

Board Member – Paul Maxwell, Present

A Quorum was declared

### **Others in Attendance:**

Legal Counsel – Josh Smith

Members of the Public – Wes Koerpeg, Martin Pillar, David Ballard, Samantha Barncastle-Salopek, Mike Hart, Mike Guzman, Tony Lara

### **Approval of Agenda**

Dr. Maxwell moved to approve the agenda for the May 16, 2019 Regular Board Meeting as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. Executive Director Jennifer Horton requested we move Item Six in Unfinished Business to directly after Customer Input. This would allow us to address the public that is here for this item early as the Staff Reports will take some time today. Dr. Maxwell amended his motion to accept the change. Dr. Anderson seconded the motion.

The Chair called for a vote on the amended motion. The motion carried by roll call vote 3-0.

### **Minutes**

Dr. Anderson moved to approve the Regular Board Meeting Minutes of May 2, 2019 as presented; the motion was seconded by Dr. Maxwell. The Chair called for discussion of the motion. Dr. Maxwell requested minor editorial changes to page two and page four regarding typographical errors. Dr. Anderson amended is motion to accept the changes; Dr. Maxwell seconded the motion. The Chair called for a vote on the amended minutes; the motion carried by roll call vote 3-0.

### **New Members & New Meters**

Dr. Anderson moved to approve the New Members and New Meters list as presented. Dr. Maxwell seconded the motion. The Chair called for discussion of the motion. We have fifty-six (56) names on the list; eleven (11) are existing members with new meters, and twenty-six (26) are new members. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

### **Customer Issues and Public Input**

Mr. Ricky Christian approached the Board to inquire why the price is one-thousand-five-hundred dollars to reinstall a meter on a property? Ms. Horton advised our connection charges include the labor, materials, and all items necessary to complete the installation; staff time, permits, density's, and equipment are all factored in. Mr. Christian disagrees with the price as there is already an existing line. Ms. Horton clarified that an entirely new service is installed to ensure efficiency. Mr. Christian advised the previous owner had the meter pulled about two years ago because he did not want to pay the base fee for an empty

lot. He does not agree with the new installation fees. Dr. Maxwell advised the fees are a part of the cost of running the Association.

Mr. Mike Hart presented to the Board concerns regarding the road conditions of El Camino Real and is questioning when the pavement will be completed. Ms. Horton advised all of the contractors in the area have provided us a June timeframe as everyone is in the middle of a project. Once the dates can be resolved we do have a contract available. We have asked ten contractors and only received three bids back. Ms. Horton advised we have placed additional traffic controls to try to help, however we cannot force traffic to slow down and abide by the safety measures in place. Mr. Lara asked about filing a claim under the Association insurance. Legal counsel advised the public would have to utilize their own insurance company and allow insurance to follow their process.

Mr. Mike Guzman addressed the Board to also voice his concerns regarding the road conditions of El Camino Real. He has submitted photos showing irresponsible drivers and the road conditions. Ms. Horton advised we are following all traffic control laws. Mr. Melton suggested the public contact local law enforcement. Mr. Guzman lives near the area. The dust in the area gives the appearance of fog and drivers are flying through the area. Even when the area is watered it is dry by the afternoon. Ms. Horton will continue to send staff out to water and we can add additional slow speed signs to try to assist. Mr. Guzman advised he will also attempt to contact the local law enforcement.

### **Unfinished Business Item Six**

Dr. Anderson moved to approve the Amended Resolution 2019-04 Water Rights. Dr. Maxwell seconded the motion. The Chair called for discussion from the public first and then the Board will respond. Mrs. Samantha Barncastle-Salopek addressed the Board and acknowledged their appreciation to work through the development of this policy. The

implementation date has changed with additional details under the requirements. Developers will have to have a County approved preliminary plat submitted in order to operate under the old policy with the water rights fee. Mrs. Salopek-Barncastle referred to what the City of Santa Fe has and proposed a fee structure that further breaks down how each lot is assessed water rights. Ms. Horton asked if Santa Fe has the ability to restrict water. Mrs. Salopek-Barncastle advised they do have the mandate restrictions available for water. Ms. Horton advised we do not have the ability to restrict water.

Wes Koerpeg from KT Engineering approached the Board and also thanked the Board for allowing the input for this policy. Vista Rancho has one plat approved and is in the review of finalizing an additional two. The process of approval does take longer than the thirty days this draft allows and is requesting further review of the start date. Dr. Maxwell asked when their Master Plan was created. Mr. Koerpeg advised it was completed two-and-a-half years ago, with two additional phases that need to be submitted. Mr. Smith advised we are not attempting to hurt anyone's development; the goal is to give a reasonable deadline with this revision. Ms. Horton questioned how long, start to finish, it takes for approval through the County. Mr. Koerpeg believes it took over a year for their Master Plan but does not see the additional phases taking that long.

Mrs. Salopek-Barncastle clarified the average time frame is ninety-days. Mr. Marty Pillar clarified their subdivision is within City limits and is requesting the wording be updated on the Resolution. He does have a preliminary plat and is ready to submit for their next phase. Mrs. Salopek-Barncastle inquired if the half-acre foot is negotiable and referred to the rate structure that Santa Fe has developed. What happens if a household does not use this amount of water? Ms. Horton advised this is our average usage. We do not have the ability to restrict water the way a municipality does. The way we are able to address conservation is through our rate structure. There are abilities that the City of Santa Fe has

that we do not have. Mrs. Salopek-Barncastle questioned the potential for windfall for the homes that do not use this much water and suggested writing an internal policy for restricting water. Mr. Melton advised the Board can review this. Mrs. Salopek-Barncastle inquired about the blank on paragraph seven. Mr. Smith clarified this was intentionally left blank as surface water has no value. This document is a draft to work through the details. Mrs. Salopek-Barncastle advised EBID does not allow the conversion of surface water rights to ground water. Mr. Smith stated the one-half-acre-foot has been the policy in place, why is this an issue now? Mrs. Salopek-Barncastle clarified this is due to the price hike. Mr. Smith advised that we have to charge the membership the fair market value, the same as a developer. Mr. Melton reminded this is a draft document and our water rights policy has the potential for review based off of the fair market value of water. Mr. Smith can add wording that addresses the fair market attempts, and the value of water rights after a professional appraisal on each review.

Dr. Anderson reminded our policies have the potential for review and amendments. Dr. Maxwell advised he does believe we need to review our water rights fee to ensure we are abiding by the fair market value pricing. We do not want exorbitant fees as we review the wording in this draft. Due diligence is important in the search for water rights as we cannot provide water if we do not have it. We do not have a bank of water but can simplify the wording and suggested removing the EBID paragraph. Ms. Horton agreed with removing the EBID wording and with the review of the fair market wording. Dr. Maxwell inquired about the implementation date. Ms. Horton agreed with ninety days. Mr. Smith suggested October first to allow for possible delays at the City or County. Mr. Melton reassured we are not trying to hurt any development; however, we do have a responsibility to the membership of this Association.

Dr. Maxwell made a motion to table the Amended Resolution 2019-04 Water Rights; the motion was seconded by Dr. Anderson. The Chair called for further discussion. The motion carried by roll call vote 3-0.

A recess was called at 10:19 a.m. The meeting was called back into session at 10:28 a.m.

### **Board President Report**

Mr. Melton reported he has completed letters addressing the public input at the previous meeting for Mr. Melendrez and Mr. Harris wanting a larger meter than necessary. The flow dictates the size of the meter.

### **Staff Reports**

Ms. Horton summarized the reports from Customer Service, Operations, Financials, and Projects. We do have a vacancy in Customer Service. Well two is back online, and well eight is pulled for maintenance. We are still waiting on the approval for well fifteen as it is in review in Massachusetts. We are close to completion for well eleven. The pump had a manufacturer default that has been repaired. We look forward to preventative maintenance in lieu of pulling wells for repairs. A booster pump is being repaired in Picacho Hills and the new tank is online. Smith Co has not called for final for Southeast Collection Phase II with six items outstanding. We have struggled to find an available contractor for the paving on El Camino Real. This is not a large job and is not a priority for contractors who already have multiple jobs under contract. We have matching funds that need to be met that are recommended for the paving expense. Via Norte has one item pending; the paint on the tank. The wastewater treatment plant is moving slowly with the bulk of large materials still pending. Phase III of Southeast Collection will go to bid in June. Phase IV has been funded by Colonias Infrastructure for eight-hundred-thousand dollars. We are already being affected by the tariff changes as one contractor has pulled out of the pre-bid for Phase III

of Southeast Collection. Colonias Infrastructure has also funded two-hundred-twenty-five-thousand dollars for the Village of Dona Ana's design and rehab of the lift station and force main. We have submitted our application to USDA for funding the entire Southeast Collection system. At this time, it has been indicated that we may be awarded sixteen million dollars for this project. The funding would include connection fees and decommissioning of septic tanks. The award would be a fifty-five/forty-five grant/loan split. We do have connection requirements that we have to meet in order to make this a viable project and will be hosting public meetings to encourage the connections. USDA funding does take time; this will most likely be a three-year process from start to construction finish.

### **New Business**

None

### **Unfinished Business**

Dr. Maxwell moved to approve Task Order #1 for Contract 2019-01. Dr. Anderson seconded the motion. The Chair called for discussion. Ms. Horton advised our new engineering firm refers to their contracts as task orders. This contract will allow for construction observation on the Rancho de Gallo subdivision. The contract is split between this fiscal year and the next. This will allow more efficiency on the overall project. The Chair called for a vote on the motion. The motion carried roll call vote 3-0.

### **Open Discussion**

Dr. Anderson would like to see the wording updated on the water rights resolution and further review of the fair market value for our water rights policy. Mr. Melton addressed the connection fee is not the simplicity of hooking up a meter. As such, is there a way for more transparency in our wording? Mr. Melton advised we do need to address the

landscape meter in West Mesa. The meter is still in place, turned off. Ms. Horton advised we are preparing their final letter to come to a resolution of who will take over the meter. Mr. Melton will share the email he received from a member in that area.

**Adjournment**

Dr. Anderson moved to adjourn at 11:30 a.m., with a second from Dr. Anderson. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.



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Kurt Anderson

Secretary/ Treasurer

6/10/19  
Date