



*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, July 5, 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, Excused Absence

Secretary/Treasurer – Dr. Kurt Anderson, Excused Absence

Board Member – Dan Hortert, Present

Board Member – Tod Roberts, Present

A Quorum was declared

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Members – Willie Garcia, Nicole Jimenez, Paul Gamboa

### **Approval of Agenda**

Mr. Roberts moved to approve the agenda for the July 5, 2018 Regular Board Meeting as presented; the motion was seconded by Mr. Hortert. The Chair called for discussion of the motion. None was brought forward. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

## **Minutes**

Mr. Roberts moved to approve the Regular Board Meeting Minutes of June 21, 2018 as presented; the motion was seconded by Mr. Hortert. The Chair called for discussion of the motion. None was brought forward. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

## **New Members & New Meters**

Mr. Hortert moved to approve the New Members and New Meters list as presented; the motion was seconded by Mr. Roberts. The Chair called for discussion of the motion. Ms. Horton advised we have sixteen (16) names on the list; eleven (11) are new members and we have four (4) new meters. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

## **Customer Issues and Public Input**

Ms. Jimenez explained in March her household experienced an extremely high water bill and she is disputing the charges. She feels the meter is faulty as her stepfather, Mr. Gamboa, went out to the property to check for leaks and did not find anything. The Association completed a data log which confirmed a leak. Mr Melton explained meters do not fix themselves and Ms. Jimenez bill began to reduce in April, before the old meter was pulled for testing in May. The meter test completion actually proved the meter was registering slow; meaning more water was being delivered than was being charged. The Association did not reinstall this meter. Ms. Jimenez insists the old meter was faulty. Mr. Melton advised without definitive proof of a malfunction the Board must follow the State of New Mexico constitutional laws; we cannot forgive water that registers through a meter unless a true malfunction is proven. The Board will look into the dispute further and will address their decision before the first Regular Board Meeting scheduled in August.

## **Board President Report**

Mr. Melton did not have anything to report.

## **Staff Reports**

Ms. Horton advised we have been extremely busy preparing for the items that are on today's agenda. The Via Norte Project in Picacho Hills has gone very well and we are expecting a change order soon to continue with the some of the items we have paid to design. Four of the five items in the design are ready to be addressed, which consist of the tie to West Mesa, additional pressure reducing valves, a well house for well 16, and the booster station at well 15. We are waiting for the final dollar amount to ensure we are in budget. The potential tie from Picacho Mountain to Coronado Ridge to eliminate their pressure issues is currently not a viable project. The Association attempted to obtain an easement along the edge of a property where the tie would begin, however the owner has declined to grant the easement. We did offer to have the easement appraised for payment. There is a secondary lot that we may be able to attempt an easement, but the lot is under contract which means meeting with both the current owner and the potential buyer. The funding for the project is on a time limit.

## **New Business**

None

## **Unfinished Business**

Mr. Hortert moved to approve the award of construction for the Radium Springs Rehab Project; the motion was seconded by Mr. Roberts. The Chair called for discussion of the motion. Ms. Horton explained Souder, Miller, and Associates (SMA) recommendation is to award to File Construction, who is the apparent low bidder. At this time we have the funding to award the base bid with some of the alternatives. The intent



was never to award all of the alternatives, but to look at where our areas of opportunity lie. The base bid consists of the major scope of work to include the water lines, fire hydrants, fill lines, valves, and all appurtenances. The alternatives are dependent upon where bidding comes in, and it is more efficient to award alternatives that fit within funding parameters. There may be a potential to apply for additional funding from USDA for \$680,000. If we are granted the additional funding, plus what we have already received, we will be able to award alternatives one, four, and five. This means we can proceed with the booster station and the two new wells. We are required to keep ten percent contingency during construction that we must sit on in case any issues arise. Ms. Horton agrees with SMA's recommendations. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Mr. Hortert moved to approve Resolution 2018 – 12 Application for Financial Assistance for the Picacho Hills Wastewater Treatment Plant (WWTP); the motion was seconded by Mr. Roberts. The Chair called for discussion of the motion. Ms. Horton reminded the Board that when we opened bidding for the WWTP we realized we are short on funding. We reached out to the Environment Department for assistance and they are willing to provide a loan to make this a viable project. This WWTP is out of compliance and in order to bring it out of the administrative order we must proceed with the funding we have in place and this loan component. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Mr. Roberts moved to approve Resolution 2018 – 13 Wastewater Treatment Plant Upgrades; the motion was seconded by Mr. Hortert. The Chair called for discussion of the motion. This resolution will authorize Ms. Horton to sign for the application, loan documents, and all disbursement requests. This is how all of our funding agencies

function; however, RIP does require a resolution in place to proceed. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Mr. Hortert moved to approve the Construction Award for the Picacho Hills Wastewater Treatment Plant Upgrades; the motion was seconded by Mr. Roberts. The Chair called for discussion of the motion. Souder, Miller, and Associates (SMA) has recommended we award only the base bid to the apparent low bidder Morrow Enterprises. At this time, we will not award any of the alternatives until we can move further into construction as there are too many unknown factors to award further than the base bid. If funding is available, we do have the authority to receive recommendations to award alternatives at a later date and come back to the Board. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Mr. Hortert moved to approve Resolution 2018 – 14 4th Quarter Report; the motion was seconded by Mr. Roberts. The Chair called for discussion of the motion. Ms. Horton explained the Department of Finance adopted a new policy a few years ago that requires the Board of Directors to certify the fourth quarter budget report. Ms. Horton has provided the breakdown for the year and summarized the report. We are pleased with where we sit for the end of the fiscal year. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

A recess was called from 10:35 a.m. to 10:42 a.m.

Mr. Hortert moved to approve Resolution 2018 – 15 FY 2019 Final Budget; the motion was seconded by Mr. Roberts. The Chair called for discussion of the motion. Ms. Horton summarized our general ledger account structure with each line item (See Attachment). Our revenue is what drives our expenditures with projected items. The

upcoming year does have a lot of challenges due to unknown elements from the potential of subdivision growth coming online, which can change the revenue budget.

Legal Counsel Mr. Smith experienced an emergency during the discussion of Resolution 2018-15. Mr. Melton called a recess from the discussion so that the Board could move into Closed Session to allow Mr. Smith to address his emergency.

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### **Closed Session**

Mr. Roberts moved to enter closed session at 11:04 a.m.; the motion was seconded by Mr. Hortert. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

As authorized by the Open Meetings Act, New Mexico Statutes Annotated, Section 10-15-1, Subsections H (2), H (7) and H (8), the following portion of the Board Meeting will be conducted in Closed Session:

1. Personnel Matters – Jennifer Horton

Take action, if any, on Closed Session Items

At 11:08 a.m. Mr. Roberts moved to exit Closed Session and enter into Open Session; Mr. Hortert seconded the motion. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 3-0.

Mr. Melton stated as authorized by the Open Meetings Act, New Mexico Statutes Annotated, Section 10-15-1, Subsections H (2), H (7) and H (8), the following portion of the Board Meeting was conducted in closed session:

1. Personnel Matters – Jennifer Horton



Mr. Melton advised as a result of the discussion held in Closed Session we do need to take action. Mr. Roberts moved to approve the incremental wage increase in accordance with the established staff policy for Ms. Horton due to successfully passing her Level III Wastewater Certification. The motion was seconded by Mr. Hortert. 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.

Mr. Smith was excused from the meeting at 11:10 a.m.

Executive Director Jennifer Horton and the Board of Directors resumed their discussion of Resolution 2018 – 15 FY 2019 Final Budget which consisted of Ms. Horton guiding the Board through each line item. One of the larger changes to the budget is the addition of potentially four new hires for Operations. As the Association grows we need to ensure we properly handle our customer needs, day to day operations, and the preventative maintenance required; these new hires will assist with the growth.

A recess was called from 12:33 p.m. to 12:39 p.m.

Ms. Horton presented the wish list items for the upcoming year under capital expenses. The staff have requested an update to our kitchen and our oldest fleet vehicle needs to be replaced as it needs a new transmission and motor. Ms. Horton also requested an authorization limit increase from five thousand dollars to twenty thousand as we cannot complete a single paving patch for under five thousand. The Board agreed to a spending limit increase of twenty-five thousand, and Ms. Horton will bring a new resolution to the next Regular Board Meeting. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

**Open Discussion**

Mr. Roberts advised he has received comments from community members in District 5 complimenting the progress of the Via Norte project.

**Adjournment**

Mr. Hortert moved to adjourn at 1:18 p.m., with a second from Mr. Roberts. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.



Kurt Anderson  
Secretary/ Treasurer

8/02/18  
Date