



*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, October 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 – 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 – Jim Hayhoe, Paul Maxwell, Alberto Rodriguez

### **Approval of Agenda**

Mr. Stull moved to approve the agenda for the October 4, 2018 Regular Board Meeting as presented; the motion was seconded by Dr. Anderson. 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 5-0.

## **Minutes**

Mr. Hortert moved to approve the Regular Board Meeting Minutes of September 6, 2018 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mr. Melton requested a few updates on page two and page three. The Chair called for a vote on the motion with the amended items; the motion carried by roll call vote 5-0.

## **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. Ms. Horton advised we have twenty-four (24) names on the list; sixteen (16) are new members and we have ten (10) new connections. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

## **Customer Issues and Public Input**

Mr. Rodriguez presented to the Board concerns he has regarding our policies; specifically the policies concerning landlords and the base charge. Mr. Rodriguez feels that if a property is vacant there should not be a base charge. The Board explained this charge is a fixed cost and how it is applied. Mr. Rodriguez was encouraged to speak directly with his district representative in order to further resolve his concerns as we are not able to change the base rate policy. Mr. Rodriguez is also upset we provide two opportunities for individuals who have checks returned with fees. He feels we should only provide one opportunity.

## **Board President Report**

Mr. Melton advised he and Ms. Horton have discussed the possibility of an apprenticeship program through the Rural Water Association to continue our in-house

training that we have already been hosting. We are experiencing a shortage of certified operators on a national level and the goal is to try to address this through the training program. Mr. Melton also looked into leak detection under slabs as leaks past the meter are not something we can become involved in. He is reviewing the possibility of providing a list of local vendors who provide this service.

The Via Norte project is almost complete, pending the installation of PRV's and paving. Ms. Horton informed the Board that our change orders are currently in Massachusetts. The Environment Department is no longer completing internal reviews of modifications to a water system. They are now outsourcing this to an engineering firm in Massachusetts. The Drinking Water Bureau has struggled to hire licensed P.E.'s on their staff and have contracted with a new engineering firm across the country. This firm is not familiar with New Mexico and the comments we are receiving back are abnormal for our state. Our engineering firm responds back, however each review time is forty-five (45) days. The change order is ready to go; we are only pending the response from Drinking Water Bureau. The Environment Department has not released who the engineering firm is that they are contracted with.

Both the Radium Springs rehabilitation and the Picacho Hills wastewater treatment plant (WWTP) are slated to begin construction in October. We are hoping to host a public meeting to reintroduce the Radium Springs Project. The materials have already started to arrive. Southeast Collection Phase II is finalizing the award and we expect to hold a preconstruction meeting within the next ten days.

There is no new well data to report. Well eleven and fifteen have passed all tests. Well sixteen repairs are complete, however well two is now under repair. Our litigation matters are still pending. Ms. Horton and Mr. Smith will be in Santa Fe on October 31<sup>st</sup> for a PRC meeting.



## **Staff Reports**

Ms. Horton summarized the reports from customer service and the financial statements. We have had some pretty serious events occur recently, the most serious being one of our operators was shot at while completing his work in Radium Springs. The suspect is a resident of District One and is claiming he was missing his targets, however roughly fifteen shots were fired at our staff member, booster station, and chemical building. The Park Ranger advised the same suspect shot at them two years ago, however the sheriffs claim without definitive proof there is nothing they will do. We have been advised we will most likely continue to experience issues with this gentleman and will need to file a restraining order. When staff is in the field with the backhoe the suspect becomes irate with their presence. We have warned our contractors of this individual and to take precaution. Threats are common in our line of work; this is the first time an action of this nature has occurred.

We have received a letter from Dona Ana County Utilities advising they are no longer going to accept our sludge from the wastewater treatment plant as of January 2019. We have been provided less than four months to try to find another place to have our sludge hauled. The only other location we are aware of is past Tularosa, NM. This is an unreasonable request due to the lack of timeframe to find a new location. We were not involved in any of the discussions that led to this decision or given any kind of advance notice that this was a possibility. The County is claiming our BOD, TSS, and MLSS is too high and hurting their plant, but we have never been provided testing requirements or standards that we need to meet. We are not aware of them ever testing our solids either. Ms. Horton has reached out to the City of Las Cruces to see if there is any way they can temporarily take our solids.

## **New Business**

None

### Unfinished Business

Dr. Anderson moved to approve the Conservation Plan as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Ms. Horton explained this is the conservation plan that SMA was tasked with two years ago. Our forty year plan took precedence due to the Combine and Comingle Application. Ms. Horton inquired into the status a few weeks ago and SMA advised the data is from 2016 as it was started prior to the forty year plan. When Ms. Horton directed our engineers to have the plans match and updated this is what was received. The Board and Ms. Horton are not pleased with the document presented. The lack of professional technical writing is concerning. We are preparing to request proposals from engineering firms as our contract is coming to a close with the current firm. SMA is set to present a proposal. Ms. Horton will speak with our engineering firm to address our expectations of a document of this nature and report back. The Chair called for a vote on the motion; the motion failed by roll call vote 4 – 1 as follows:

Jamie Stull – No

Kurt Anderson – No

Tod Roberts – Abstain

Dan Hortert – No

Jim Melton – No

A Recess was called from 10:27 a.m. to 10:30 a.m.

Dr. Anderson moved to approve Resolution 2018-18 Water Trust Board Funding Application as presented; the motion was seconded by Mr. Hortert. The Chair called for discussion of the motion. We have not submitted this type of funding application in quite some time and they do have opportunities that we would like to pursue. Ms. Horton explained the application needs to be corrected as we will only be applying for 400,000 dollars for planning and design of our top three ICIP items. Those items are to rehab our

North and South tanks in Dona Ana, take out the small diameter main in the Winds and replace with large diameter pipe, and finish off the eighteen inch line down Dona Ana Rd near Engler and Taylor Rd. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

Mr. Stull moved to accept the resignation of District Five Representative Tod Roberts as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. The Board is reluctant to see our district five representative retire as he has been a true asset. Mr. Roberts advised he will be able to complete his term through the second October Regular Board Meeting. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

### **Closed Session**

Dr. Anderson moved to enter closed session at 10:43 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 5-0.

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
  - a. FMLA – Jennifer Horton

Take action, if any, on Closed Session Items

At 10:49 a.m. Dr. Anderson moved to exit Closed Session and enter back into Open Session; Mr. Roberts 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 5-0.



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
  - a. FMLA – Jennifer Horton

Mr. Melton advised as a result of the discussion held in Closed Session we do need to take action. Mr. Stull moved to approve FMLA for Executive Director Jennifer Horton. The motion was seconded by Dr. Anderson. 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 5-0.

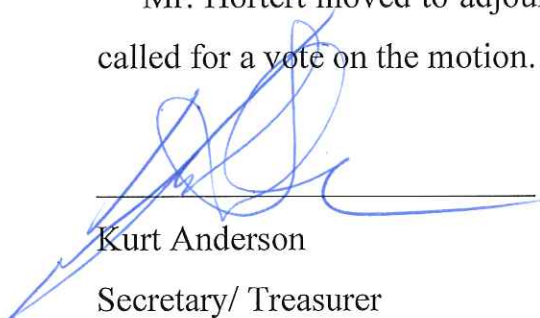
### **Open Discussion**

Mr. Melton handed out copies of an email from Mr. Doak in which he expresses displeasure with our policies. Mr. Melton is working on his response as this was only received late on October 3<sup>rd</sup>. Mr. Melton will explain our policies and why we need the documents for our auditor and state requirements. Mr. Doak did pay for a line extension to serve his home and barn. He later approached the Association as a neighbor wanted to connect to the line, however a line extension contract agreement was never drafted. Mr. Doak wanted to be paid and now initiate a contract after the fact. Mr. Doak was advised that a city in New Mexico just got in trouble for backdating a contract, and was declined payment. Since this has been completed Mr. Doak has tried to refuse to pay for service fees, and has been verbally abusive to our staff in office, in the field, and with Ms. Horton. The Doak's have made it very clear their displeasure with the Association. Mr. Melton will respond accordingly.

Ms. Horton announced that after Mr. Roevens did not receive clearance from the Association for his septic tank he spent weeks at the County to further request a variance for his septic tank; all of which has been denied. He also moved on to the Environment Department and did not receive clearance. Then he called Santa Fe where after their review was complete his variance request was again denied. He has not been satisfied with the denials from the various entities he has approached. Ms. Horton has now received a call from Representative Rudy Martinez and she did explain the entirety of the situation. Mr. Martinez is going to contact Mr. Roevens to advise he cannot become involved.

**Adjournment**

Mr. Hortert moved to adjourn at 11:07 a.m., with a second from Mr. Stull. The Chair called for a vote on the motion. The motion carried by roll call vote 5-0.



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Kurt Anderson  
Secretary/ Treasurer

11/01/2018  
Date