



*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 17, 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, Present

Secretary/Treasurer – Kurt Anderson, Present

Board Member – Paul Maxwell, Present

A Quorum was declared

### **Others in Attendance:**

Legal Counsel – Josh Smith

Executive Director – Jennifer Horton

### **Approval of Agenda**

Dr. Maxwell moved to approve the agenda for the October 17, 2019 Regular Board Meeting as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. There was no further discussion.

The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

### **Approval of New Members & Meters**

Dr. Anderson moved to approve the New Members & Meters as presented; the motion was seconded by Dr. Maxwell. The Chair called for discussion of the motion. Discussion was made by Ms. Horton. Ms. Horton stated there were 15 names on the list, 14 of them are new members, 1 is an existing member and 2 are new meters. The Chair called for discussion of the motion. There was no further discussion.

The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

### **Minutes**

Dr. Anderson moved to approve the Regular Board Meeting Minutes of October 3, 2019 as presented; the motion was seconded by Dr. Maxwell. The Chair called for discussion of the motion. Discussion was made by Dr. Anderson to address a few typographical errors throughout the minutes. Dr. Anderson referred to page 5; with a minor change to “She expressed she is please with that average” to “She expressed she is pleased with that average.” He further addressed page 6; to add the letter “s” to “Hills” in “Picacho Hills.” Dr. Anderson continued with page 9; to correct “recited” to “resited.” A reference was made by Dr. Maxwell to page 2. He suggested adding the quotations to keep it consistent with the previous reference to “Dr. Maxwell asked to create a plan for implementing a water conservation policy and that the board revisit the issue this December. He also expressed he would like to work with Jennifer on a redesign of the website.” There was no further discussion and with the agreement to the editorial changes, Dr. Anderson moved to approve the notes as amended with a second by Dr. Maxwell.

The Chair called for a vote on the minutes; the motion carried by roll call vote 4-0.

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

Mr. Hayhoe addressed the Board of Directors with regards to a document discussed at the previous board meeting. He stated he accepted full responsibility for presenting the idea to the PHPO; Picacho Hills Property Owners. Mr. Hayhoe stated this originally went back to July when the Board of Directors voted to change the ranking order for the ICIP. He further stated he indicated the Board of Directors revisit the project. The board stated they would look into it this fall, as time was available. Mr. Hayhoe stated then he would press on, since then he has made various presentations with Barcelona, Coronado Ridge and Tuscany Estates, along with 30 plus HOA's. Mr. Hayhoe stated his talking points were drafting an arroyo solution to allow both parties; Dona Ana Water and himself to secure further funding. He continued to say he has done nothing behind the backs of the Association. Mr. Hayhoe stated he is trying to prevent a recurrence of the sort of thing that took place in 2007. Sewer lines and water lines exposed creating a health hazard was discussed in the presentations. Mr. Hayhoe advised that his presentation was supported by the fully detailed Bohannon Huston's drainage plan from 2008. He continued to state it was supported by Dona Ana County with the use of the photos in the documentation. Mr. Hayhoe stated he was not responsible for the actions of what others took after his presentation. He continued to let the Board of Directors know he is trying to obtain written documentation support, he has asked HOA's for support over time and PHPOA for funding toward this project. He mentioned he has gotten funding from 2 HOA's. Mr. Hayhoe stated he will fully continue to work on getting outside funding to accelerate this project. Mr. Hayhoe asked if there were any questions. Ms. Horton commented; clarifying to the Board of Directors, Mr. Hayhoe did not submit the formal complaint to NMED or Santa Fe. She further explained Mr. Hayhoe had his name on a document submitted to NMED, which lead everyone to believe it was his complaint. Ms. Horton stated she wanted the board to understand Mr. Hayhoe did not go to the environment department to complain about Dona Ana MDWCA. President Melton stated he was uncomfortable with the situation, particularly with the

efforts from Dona Ana MDWCA's ability to assist and improve the sustainability of Picacho Hills. President Melton apologized to Mr. Hayhoe for jumping to the conclusion that Mr. Hayhoe filed the complaint. Mr. Hayhoe responded, no apologies necessary. President Melton stated he did not agree with someone going to an agency that has oversight of the Association and imply that there was no reason to change the ranking order. President Melton stated there are two wastewater projects ahead on the ranking list. One of which is a line of several miles of piping, where breaks occur monthly. He stated that takes priority over trying to fix something that might occur. President Melton continued by reminding Mr. Hayhoe when someone takes information to the bodies that support Dona Ana MDWCA so well, in trying to obtain funding to better the infrastructure of the rural area, whether the residence of Picacho Hills acknowledge it or not, they live in a rural residential development, not a metropolitan area. President Melton continued that the residence of Picacho Hills can not expect the same service they would get in a metropolitan area. President Melton further stated the Association does not have the funding resources and revenue resources of that nature. President Melton referred to the publication Mr. Hayhoe made awhile back referring to Picacho Hills as "High-end." President Melton advised Mr. Hayhoe, the funding will most-likely come from the capital outlay process. He further expressed the board tries to support and continuously tries to obtain funding through capital outlay. He stated the Association tries to treat everyone the same. Mr. Hayhoe told President Melton he has advised others the board has done very good things for Picacho Hills. He further stated he is defending a project that is in his back yard and will continue to do so, but he will do it up front. Ms. Horton stated her main issue is that it went to the environment department as a complaint, where NMED have been a primary funding source for everything at Picacho Hills. She further stated when complaints go to the construction program bureau, who is an oversight agency for plans and construction projects and then receives a call from the person who administers the discharge permits, it does not go over well. Ms. Horton continued to express that this creates issues when funding is needed. Dr.

Maxwell stated he believed there had been miscommunication and misinformation with regards to who said what. He also reminded the board, there has not been a formal complaint. Dr. Maxwell stated he would like to pursue funding and put together an appropriate plan to deal with the arroyo. He further stated he would like to coordinate, collaborate and take this to the legislature to move this matter forward. President Melton in closing stated the Association has tried to support and find funding through local legislatures, capital outlay and USDA. He continued to explain, when obtaining funding, the rankings will change if there is a better opportunity to fund other projects more effectively, to better fit the Association as a whole. President Melton stated the Association does support the project. Dr. Anderson stated he agrees this project is a concern but not a priority at this time. Legal counsel, Mr. Smith stated this has been handled poorly. Mr. Smith stated he has a unique position in this matter since he has represented the PHPOA. Mr. Smith advised there was an unfounded complaint filed with NMED, whether a formal complaint or not, no one has come to address the board prior to the complaint. Mr. Smith stated it went to the environment department, which now NMED is looking for results. Mr. Hayhoe thanked the Board of Directors for their time.

### **Board President Report**

Mr. Melton stated everything is going great and deferred to the Executive Director for Staff Reports

### **Staff Reports**

Ms. Horton discussed the reports.

Ms. Horton stated referred to the Customer Service Department Report. She reported there were 7,588 penalties for the month of September to be processed on October 25<sup>th</sup>. She stated there were 98 accounts up for disconnection and 74 of them were disconnected.

Ms. Horton reviewed the Monthly Penalties Report. She pointed out a decrease in September in comparison to the month of August. Ms. Horton also showed there was an increase in disconnections from August to September on the Monthly Disconnections Report.

Ms. Horton discussed the 2019 Billing Summary. This bill reflects the number of bills sent out and referred to the number of active accounts vs number of members. Ms. Horton stated the number of accounts and the number of members were up in September compared to the month of August. Ms. Horton asked if there were any questions. President Melton pointed out a spike on the charts for active accounts in February. Ms. Horton stated there was a typographical error with the number of active accounts for the month of February. She stated there was an additional "2" at the end of it. President Melton pointed out the number of members for April and May were the same; 5,055. Ms. Horton explained there have been some challenges with the membership report we run. She stated it has been corrected but do not have a way to go back in time to change the reporting.

Ms. Horton reviewed the Pumping Data Report for September. She pointed out Dona Ana pumped 40,014,100 gallons for the month of September, which was down approximately 16 million gallons from August. Ms. Horton further stated going into the fall months, less water usages is typical. Ms. Horton continued with the Ft. Selden pumping data. She states 3,274,354 gallons were pumped and is also down compared to the 5 million in August. She reported the Picacho Hills pumping data reflects 12,396,100 gallons were pumped and is also down compared to the 15 million gallons.

Ms. Horton discussed the Gallons Pumped vs Gallons Sold Report for the month of September. She mentioned an 8% to 9% loss in the system compared to the 10% ratio. Ms.

Horton advised the board this is an average that is consistently ran. Dona Ana, Radium and Fairview was reported at an 8% and 11% in Picacho Hills / West Mesa area.

Ms. Horton shared with the board the Organizational Chart requested during the last board meeting by Dr. Maxwell. Ms. Horton explained how the staff is organized and showed the chain of command. Dr. Maxwell thanked Ms. Horton and asked the name(s) of the person representing each position be added to the chart. Ms. Horton stated she would make the requested changes to the chart and have a revised copy available at the next board meeting.

Ms. Horton advised the Board of Directors things have been going very well and projects are going smoothly. She stated November 12<sup>th</sup> is the construction start date for the Southeast Collection Phase III.

Ms. Horton stated the Wastewater Treatment Plant is still going smoothly. Concrete has been poured, approximately 141 yards for clarifier walls and the chlorine contact chamber. Ms. Horton stated these are huge walls that were poured and will work on getting some photos of the new concrete basins to share at the next board meeting. Ms. Horton further stated they will soon be backfilling and within the next 30 - 45 days they will be doing some by-pass pumping and start moving into the equipment phase.

Ms. Horton mentioned to the Board of Directors the power in Radium has been dropped. She stated they are waiting on current electric, the electrician from file construction to bring the power from El Paso Electric power pole to the building. Ms. Horton also stated they are working with the electric company on upsizing transformers.

Ms. Horton confirmed Well 10 is done. Well 9 was started and the rig broke. They are waiting on parts for the rig to come in to continue to drilling Well 9.

Ms. Horton stated power is an issue on Well 11. She stated an upsize to the transformer is needed. Ms. Horton mentioned SCADA has advised the transformer is not large enough and that is why there are continual issues to the motor. President Melton asked if each well is on its own transformer. Ms. Horton stated no. Ms. Horton stated she was advised that El Paso Electric will need to know the horsepower of the motors and calculations, then they will handle everything from their end.

Ms. Horton mentioned the projects are moving along and going well, as are subdivisions. Ms. Horton reported Elksview is almost finished.

Ms. Horton advised the board Rancho de Gallos has had a walk through on the force main. They are working on the vacuum station building. There was an issue with the height of the crane, it was taller than the building. Ms. Horton stated they raised the walls of the building and was advised it is resolved and will be moving forward. Ms. Horton stated in the next 60 days they will be done and be ready for a substantial walk through. Air Vac will be required to certify the system as a whole; including every valve pit, the vacuum station system, the force main and where it ties into our manholes. Air Vac will need to certify all equipment before it can be accepted by Dona Ana MDWCA. Ms. Horton mentioned the vacuum tests that have been completed have not been done correctly. Although it is said they passed the tests, it was advised there were several challenges with the tests performed.

Ms. Horton told the board the construction plans for Casa de Oro were rejected for the second time. She expressed there are still some challenges with the way it is built and how they want to tie in. Ms. Horton stated it did not meet the expectations of Air Vac. She further stated Matt Thompson, with Bohannon Huston are reviewing the plans and



providing recommendations. Ms. Horton stated Bohannan Huston have been a big help with subdivisions.

Ms. Horton discussed the Legends West Phase II-C. It has been through its first round and addressed comments by Bohannan Houston. Final review and approvals by next week should be expected on the construction plans, which will allow them to move forward on the water portion for phase II-C. Once complete they will move on to Phase III. Ms. Horton mentioned all phases should be built out in the next 18 months and is excited to see that happen.

Ms. Horton told the board the test results were not in for the operators who went to test for Wastewater III this month.

The board was informed the position for Support Specialist has been filled, by Cynthia Ormseth. Ms. Horton stated there were two internal applicants who applied for the position. Cynthia came from the Customer Service Department. Ms. Horton stated filling the vacancy of Support Specialist has now created another vacancy for the Customer Service Department. She further stated the vacancy has been posted to the website and will also be posted to the newspaper shortly. She advised the board to share with anyone they may know with customer service skills. Ms. Horton asked if there were any questions.

Dr. Maxwell asked about the Wastewater Treatment Plant. Ms. Horton stated it was progressing well. Dr. Maxwell inquired about the dates of completion. Ms. Horton stated it is still planned for January. Dr. Maxwell asked Ms. Horton how things were going with the country club. Ms. Horton stated they are satisfied. They are getting the reporting and everything is going along well.

President Melton asked about the status of Well 15. Ms. Horton stated there were SCADA issues with both Well 15 and Well 7.

Dr. Maxwell asked when the NM Rural Water Conference was going to be held this year. Ms. Horton stated it was scheduled for November 19<sup>th</sup> through the 21<sup>st</sup>, at Hotel Encanto. She asked if anyone on the board was interested in attending. Dr. Maxwell and Dr. Anderson expressed their interest in attending all three days. Ms. Horton stated the agenda has not been posted, however, when the schedule is posted she will sign them up. President Melton and Mr. Stull asked to be copied when Ms. Horton sends out the agenda to Dr. Maxwell and Dr. Anderson. Ms. Horton stated she would not be attending the conference.

Ms. Horton reminded the Board of Directors November 21<sup>st</sup> is a board meeting day and the auditor will be at Dona Ana MDWCA. She further stated she would need at least 3 board members in attendance. Ms. Horton mentioned the state requires an exit conference to be held during a board meeting. Mr. Stull advised he would attend the board meeting. Dr. Maxwell also stated he would be present for the meeting.

Ms. Horton advised the board all seats are up for re-election January 2020, excluding President Melton's.

Dr. Anderson ask for an updated version of all wells, statistics and information to them. He also recalled there was a list of all projects in the works and their updates/information; such as funding and dates provided a while back. Dr. Anderson expressed his interest in obtaining an updated list. Ms. Horton stated she would provide one at the next board meeting.

Dr. Maxwell inquired about the realignment of the district maps. Ms. Horton stated it was on the agenda for discussion. Dr. Maxwell apologized and it was pointed out to be item number 9 on the agenda.

### **New Business**

None

### **Unfinished Business**

Dr. Maxwell moved to approve Resolution 2019 – 18 CIF 4910 Loan Documents; Dr. Anderson seconded the motion. The Chair called for discussion. Discussion was made by Ms. Horton. Ms. Horton stated the loan document is for the Southeast Collection Phase IV. She stated the amount is \$935,868 with a 10% match and a 10% loan; \$93,587 is the loan component. She further stated these would be executed in Santa Fe on December 27, 2019, if passed today. Ms. Horton advised it is a 90/10 split grant loan with a 10% match. She continued to say this project is already in the works and will be added on the Phase III project. The state is aware and will cover all the alternatives. Souder Miller & Associates are working on some easements and ROW permits. Once they are finalized this will be change ordered in and finish up everything in Phase III. This will create a clean break to transition from Souder Miller & Associates to Bohannon Houston. Ms. Horton advises this goes hand in hand with item number 6 on the agenda; USDA Loan Resolution. There are two different loan agreements for Southeast Collection, where item number 6 finishes out the project. Ms. Horton continued to state this will remove item number 1 from the agenda next year due to it being fully funded. The Chair called for discussion. No discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

President Melton called the next item on the agenda. Dr. Anderson moved to approve Resolution 2019 – 19 CIF 4911 Loan Documents; Dr. Maxwell seconded the motion. The

Chair called for discussion. Discussion was made by Ms. Horton. Ms. Horton stated this is also a Colonias Infrastructure Fund of \$225,000 for planning and design of the Dona Ana Wastewater Village System. This covers the PER along with the preliminary final design; the force main, the lift station and any manholes. She continued to state this is a 90/10 split; 90% grant / 10% loan with a 10% matching component. Ms. Horton advised since they have funded the planning phase they will most-likely fund the construction phase. The Chair called for discussion. No discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Anderson moved to approve Resolution 2019 – 20 USDA Loan Resolution; Dr. Maxwell seconded the motion. The Chair called for discussion. Ms. Horton began stating this is the RIP Loan Resolution for Southeast Collection. She advised it is a 15.4 million-dollar project, with a loan of 4.2 million and a grant of 11.2 million. Ms. Horton stated this is the start of a very lengthy process from getting all the necessary paperwork done to closing. She stated it is the first step in the process and an exciting one at that. She further stated this project goes to D.C. and it will take some time to get back. Ms. Horton mentioned the only thing that may be lacking would be plans and specs but would not create any delays. However, Ms. Horton advised the plans and specs would be the last thing to be provided. The Chair called for discussion. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Anderson moved to approve Resolution 2019 – 21 RIP 00028 Signature Authority; Dr. Maxwell seconded the motion. The Chair called for discussion. Discussion was made by Ms. Horton. Ms. Horton states this is the Signature Authority for item number 8; Loan Document for \$750,000 is to complete the sewer plant with the screw press and any unknowns. Ms. Horton advises this is a 100% with no grant component. Ms. Horton further states once this is approved, the approval loan 2019 – 22 is the next one. Ms. Horton states

the funding will be available in approximately two weeks. The Chair called for discussion. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Anderson moved to approve Resolution 2019 – 22 RIP 00028 Loan Resolution; Dr. Maxwell seconded the motion. The Chair called for discussion. Ms. Horton reminded the board this was the loan she previously referred to, for \$750,000 through New Mexico Environment Department of Rural Infrastructure Program. She continued to explain half a million dollars will go to the screw press due to the county kicking septic providers out of their treatment plant and now limiting who can transport our solids. If there is no holding capacity locally, it will need to be transported to Tularosa / La Luz area, which is very expensive. Ms. Horton has stated it was decided a while back we would handle our own solids which requires a belt press or a screw press. She continued to explain the belt press is very smelly. Ms. Horton elected to go with the screw press, which is much cleaner, it runs less often, and the solids can be disposed most-likely to a landfill. It will have gone through all the processes to be compliant with going to the landfill. The remaining \$250,000 will be available to cover any of the unknowns. Dr. Maxwell addresses the various dollar amounts in the document. Ms. Horton states everything listed are subordinate debts and loans for all projects. Ms. Horton continues to say, they are the loans as a whole for the Association. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Maxwell moved to approve Revised District Maps; Dr. Anderson seconded the motion. The Chair called for discussion. Ms. Horton reviews the breakdown of the districts after the realignment. She states the only change will be between district 2 and district 3. Ms. Horton advised a shift of 49 customers from district 3 to district 2. She referred to the new district maps to reflect that shift, along with the addition of West Mesa to district 5. Once

the revised maps are approved, they will become effective. Ms. Horton mentioned she will then begin working on an election calendar that will start in December, which she stated they will close books in December as well to start the election process. Mr. Stull referred to a section on the map near Picacho Avenue and the river, he stated it was L shaped. Ms. Horton stated there are two parcels right off Picacho Avenue that are in the city limits. She further stated the main portion of that is River Walk Estates. Ms. Horton said the entire residential of River Walk Estates is in our service area. However, there are two commercial lots that technically sit in the city limits. Ms. Horton stated when that subdivision comes forward there would be a conversation on how that will work with the City of Las Cruces. Ms. Horton stated Fairview is listed as Westview Avenue on the map. She clarified that it is Westview Street, in the Fairview area, which has always been part of district 4; there is not change there. Ms. Horton reminded the board there are no changes to districts 1 and 4. She further stated the only change is the addition of West Mesa and moving the 49 customers into district 2 and out of district 3. Ms. Horton stated they would wait to see how subdivisions progress to equalize the districts. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Maxwell moved to approve Contract #2018 – 02 – Task Order #1- Bohannon Houston; Mr. Stull seconded the motion. The Chair called for discussion. Ms. Horton stated this contract goes hand in hand with the Loan Resolution 2019 - 19 CIF 4911 for the Dona Ana Village lift station and force main. This contract was approved once before. Mr. Deal, with NMED decided he wants a contract for planning and once planning is done then a separate contract for design. Therefore, this new contract for planning, which is the PER, in the amount of \$39,400 not including gross receipts tax. Ms. Horton reported they are asking for 154 calendar days to complete the planning document. Ms. Horton referred the board to the last page on what the planning document will entail. Ms. Horton mentioned there is a force main that needs to be replaced, the lift station, the 18-inch interceptor and some

manholes may be dealt with as part of this project as well. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

### **Open Discussion**

Mr. Stull had no discussion.

Dr. Anderson had a comment; try to work harder to get agendas and minutes posted to the website as soon as possible. Ms. Horton stated the agenda was up on the website Friday night / Saturday morning. She further stated the minutes needed to be signed and once signed they would be posted to the website. Ms. Horton advised Dr. Anderson she sent him an email letting him know the minutes were available for his signature.

Dr. Maxwell had no discussion.

Ms. Horton reminded the board of the last meetings discussion, with regards to the city line; no one knows who owns it. There was more research done, apparently everyone believes it was part of the county system, that was put in as part of the village project. The city found a change order in, one unrelated to this project. Ms. Horton stated her as built does not show it. Ms. Horton stated there is no title policy or easement to this line and it is sitting on city property. She stated she needs proper conveyance documents and until then it is not ours. Ms. Horton did tell the board for the time being the county owns it and is responsible for locates and maintaining it. She further stated it would be the county's responsibility to fix the line if it gets hit. Ms. Horton states the 18-inch interceptor has problems. Since it is on city property the city claims they will grant an easement. Dr. Maxwell asked why we would accept this line. Ms. Horton advised Dr. Maxwell our system flows through there. She further states the county could come back and tell us we cannot

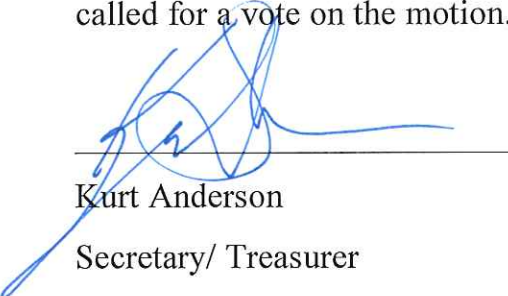
send out sewer through there and we would have to pay to have a new one put in. Ms. Horton stated she would need to look at the cost difference of having to put in a line or to take over the existing line and maintaining it. Ms. Horton mentioned the city and the county would need to fix everything, provide all documents and send it over to be reviewed before it would be accepted.

Ms. Horton advised the board the County Fire Department has requested a 6-inch main for the Dona Ana Fire Station and would like to waive the impact fees of \$150,000 since it is for the Fire Department and it was not budgeted for. She further stated, although she understands it may not be used all the time, it does however mean she would need to meet the demand for pressure and flow at any given time; which in turn puts a demand on our system. She explained that is what the impact fee covers. Ms. Horton recommended a 2-inch main which would provide enough capacity and mentioned the rates have been published to our website. Ms. Horton asked the board on their thoughts. It was asked what the largest main used. Ms. Horton mentioned it was a 4-inch to the schools for their meters, outside of that there is not anything above a 4-inch. Ms. Horton stated she did let them know other fire suppressions systems in the area use a 2-inch, which has a much smaller impact fee. They were fine with that, until they met with their architect, who advised they needed a 6-inch. Dr. Maxwell stated our recommendation is a 2-inch and if they choose to go with a 6-inch they should pay for the impact fees; that was the agreement by all members of the board.



**Adjournment**

Dr. Anderson motioned to adjourn at 10:36 a.m., with a second from Mr. Stull. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.



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Kurt Anderson  
Secretary/ Treasurer

11/21/19  
Date