



*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, November 1, 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

A Quorum was declared

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Members – Jim Hayhoe and Paul Maxwell

### **Approval of Agenda**

Dr. Anderson moved to approve the agenda for the November 1, 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 4-0.

## **Minutes**

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

Mr. Stull moved to approve the Special Board Meeting Minutes of October 4, 2018 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 3 – 1 as follows

Jamie Stull – Yes

Kurt Anderson – Yes

Dan Hortert – Abstain

Jim Melton – Yes

## **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 thirteen (13) names on the list; seven (7) are new members and we have three (3) new connections. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

## **Customer Issues and Public Input**

Mr. Hayhoe stated he has been impressed with the quality of work from the Via Norte project. He wanted to acknowledge how clean and professional the project was handled.

## **Board President Report**

Mr. Melton reported that he attended the IFC Conference where several of the proceedings were presentations from various funding agencies with current events and hopeful programs for simplifying the application process for funding actions. All of the agencies professed that there is funding available for shovel ready projects. Agencies on the national level are attempting to emphasize the wastewater side of operations, however when questioned further it was explained that the money is dependent on future legislation. It does appear there may be larger funding capabilities from both state and national levels, and both are attempting to update the way they complete awards. They are requesting submissions consisting of shovel ready projects for the entire project, instead of submissions that involve phases. An example of what they are hoping to get away from is what we are having to do with the phases of the South East Collection Project. Agencies are hoping to prioritize the projects in order to provide the entire funding for full completion. They are realizing that funding is better used to fully complete a project rather than in stages.

Mr. Melton would like to compliment the staff for the update on the website that allows for easier access to our policies. Mr. Rodriguez has not further contacted his representative regarding his concerns about our policies. We had a situation where an individual was charged a nonpayment fee and was upset with the charges. Mr. Melton reviewed this account history and realized the gentleman was assessed the fee due to not paying a past due balance from the prior month. This individual has a history of late payments.

The Via Norte project is almost complete, pending the change orders. Ms. Horton informed the Board that our change orders have come back from Massachusetts and are currently in Santa Fe. The Radium Springs Rehabilitation Project has begun with evidence of pipe already in the ground. The Picacho Hills wastewater treatment plant



(WWTP) is slated to begin construction in early November. Southeast Collection Phase II is pending the preconstruction meeting.

There is no new well data to report. Well eleven and fifteen have passed all tests and are waiting on authorization to tie into the system. Well two is still down. Our litigation matters are pending; however we do expect an update today in the Closed Session.

Dr. Anderson inquired as to the status of the results from the shooting incident and have we resolved the sludge issue? Ms. Horton explained there is nothing the Sheriff's office will do as they do not have definitive evidence. We do have a local source who is willing to accept the sludge until we can finish our screw press. We have announced in the November newsletter the opening for the Board Member position in District Five and will close at the end of the month. At our first meeting in December we will hope to interview the candidates.

**Staff Reports**

Ms. Horton summarized the reports the financial statements and the budget report for projects.

**New Business**

None

**Unfinished Business**

None

**Closed Session**

Dr. Anderson moved to enter closed session at 9:26 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 4-0.

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. Real Property and Water Right Acquisition
  - a. Discussion of Private Water System
2. Litigation and Threatened Litigation
  - a. D-307-CV-2013-01595, Dona Ana Mutual Domestic Water Consumers Association v. Forrest & Joyce Westmoreland

Take action, if any, on Closed Session Items

At 9:42 a.m. Dr. Anderson moved to exit Closed Session and enter back 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 4-0.

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. Real Property and Water Right Acquisition
  - a. Discussion of Private Water System
2. Litigation and Threatened Litigation
  - a. D-307-CV-2013-01595, Dona Ana Mutual Domestic Water Consumers Association v. Forrest & Joyce Westmoreland

Mr. Melton advised as a result of the discussion held in Closed Session, we do not need to take action.

## **Open Discussion**

Dr. Anderson inquired as to who will be taking our sludge once the County is no longer able to accept. Ms. Horton advised Southwest Environmental will accept our sludge. Mr. Melton stated there is discussion being held regarding the possibility of a common regionalization plan similar to the Sanitary Projects Act in the upcoming legislation. A few individuals continue to reach out to Mr. Melton regarding our policies and practices that he is currently reviewing. A new owner received a letter from the Association regarding his past due balances and has requested his fees be waived. Another member is claiming that after a meter and yolk were replaced a leak was caused on his property. After the heavy rain we experienced a water main break in Radium Springs and after the repair a different member is claiming his septic tank was filled from the break. Mr. Melton is reviewing all of these claims and will report back to the Board with his findings.

Dr. Anderson asked if there was any follow up on our membership or non-membership in the Lower Rio Grande water organization? Mr. Melton asked if we are aware of who established this group; the State or a group of individuals? It was a group of individuals in various organizations who set out to review a regional water plan in the early 2000's. Mr. Smith clarified that there are multiple groups who use the name 'Lower Rio Grande', however all of the groups are separate from each other. It is a very common name but has nothing to do with the former Association. If we wish to participate in the program, then we need to begin participating in water adjudication. Ms. Horton will reach out to other organizations to determine if this is something that is still going on or not.

## **Adjournment**

Mr. Hortert moved to adjourn at 10:04 a.m., with a second from Dr. Anderson. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.



Kurt Anderson  
Secretary/ Treasurer

11/15/18  
Date