



*Doña Ana Mutual Domestic Water Consumers Association  
Mailing Address: P.O. Box 866 • Doña Ana, NM • 88032  
Physical Address: 5535 Ledesma Dr. • Las Cruces, NM 88007  
(575) 526-3491 Office • (575) 526-9306 Fax*

### Agenda

The following are the items for consideration at the Regular Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors on December 7, 2017, convening at 9:00 a.m. at the Doña Ana Mutual Domestic Water Consumers Association Board Room 5535 Ledesma Dr., Las Cruces, NM 88007:

#### Call to Order & Roll Call

#### Approval of Agenda

#### Minutes:

1. Minutes of 11-02-2017 Regular Meeting

#### Approval of New Members & Meters

#### Customer Issues and Public Input

*Public Input will be limited to 3 minutes per person*

#### Board President Report

2. Mach 10 Presentation

#### Staff Reports

3. Executive Director

#### New Business

4. Discussion of Annual Membership Meeting
5. Discussion of Public Meeting

#### Consent Agenda

None

#### Unfinished Business

6. Approval of Contract with Souder, Miller, and Associates for Surveying of the SE Collection System
7. Approval of Award to A Mountain Construction for Paving and Repair Project

#### Board Open Discussion

#### Adjournment

*A copy of this agenda may be requested by phone by calling (575) 526-3491 or in person at 5535 Ledesma Drive, Las Cruces, NM 88007. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, if summary or other type of accessible format is needed, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Stephanie Nelson at (575) 526-3491 on the Tuesday prior to the meeting or as soon as possible.*



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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 2, 2017 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

Board Member – Dr. Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

A Quorum was declared

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Member – Jim Hayhoe and Ruben Retana

### **Approval of Agenda**

Mr. Stull moved to approve the agenda for the November 2, 2017 Regular Board Meeting as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. The Chair called for a vote on the motion, which carried by roll call vote 4-0.

## **Minutes**

Dr. Anderson moved to approve the Regular Board Meeting Minutes of October 19, 2017 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion to which none was brought forward. The Chair called for a vote on the minutes; the motion carried by roll call vote 4-0.

## **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. Executive Director Jennifer Horton advised we have seventeen (17) names on the list; ten (10) are new members, and nine (9) are new meters. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

## **Customer Issues and Public Input**

Mr. Ruben Retana approached the Board of Directors to explain an error that had occurred regarding his sewer account. When he purchased his home one year ago he was advised he had a sewer connection; it has now been determined he is on a septic tank. Per Mr. Retana, when he explained the error to Dona Ana County they advised the system had been transferred to Dona Ana Water and they could not assist him. Executive Director Jennifer Horton advised she has reviewed this case and Mr. Retana has had his account credited of \$96.10 for the sewer charges since the Association obtained the system in July 2017. However, we cannot reimburse the expense he was charged prior to the Association's ownership as those funds were transferred to the Dona Ana County each month; we were a third-party billing entity for Dona Ana County so that residents only received one utility bill. Mr. Melton offered to address a letter to the County Manager. Ms. Horton has reached out to the County Utility Manager to see how we can

assist Mr. Retana and left a message with no return call. Mr. Melton requested a formal letter be drafted and report back.

Mr. Retana now feels he should be connected to the sewer at no charge due to the billing error. Ms. Horton explained to the Board that Mr. Retana is wanting to connect without a connection fee. Ms. Horton did visit with Mr. Retana and reimbursed the charges, however we cannot waive a connection fee when he has never been connected. In 2010 Dona Ana County (DAC) conducted a smoke test in order to determine who was connected to the sewer. The data that DAC collected showed this home connected in error; we only billed based off of information the DAC provided. We have now completed a dye test and confirmed this home is not connected. Mr. Retana will have to pay the connection fee if he wishes to be connected to the sewer system.

Mr. Jim Hayhoe requested clarification in the Policy Handbook on page 16 under the Back Flow Prevention Control, Fire Protection System. Ms. Horton explained there is a Back Flow Prevention Manual referenced on page 17. Mr. Hayhoe advised this area may need a little more transparency.

### **Board President Report**

Mr. Melton attended the Infrastructure Finance Committee in Santa Fe this past week. After meeting with everyone from vendors to financiers it is evident that there is a tremendous requirement for financing and an even larger deficiency of funds.

### **Staff Reports**

Executive Director Jennifer Horton summarized the Customer Service, Project Manager, Operations Reports, and Financial Reports.

Well data has been presented, which provides various information from location to pump and static levels of each well. Please note the “unknown” items; this is because we

do not have data on these wells yet. As we pull each well we will run the proper inspections and fill in the blanks.

Our new Administrative Specialist has started, and our Operations Department has begun OSHA 30 training. Ms. Horton has been working on USDA items and revamping our website. We do have the ability to record our Board Meetings and publish them on YouTube for the public to view. Does the Board have any interest in this yet? The Board requested time to process and further discuss this proposal in Open Session.

### **Unfinished Business**

Dr. Anderson moved to Approve Resolution 2017-11 Customer Polices, with a second from Mr. Stull. The Chair called for discussion of the motion. Ms. Horton provided a new copy of pages 3 and 4 as our legal department had final input to our leak adjustment policy. Mr. Melton provided a list of grammatical corrections as well as requesting further transparency on when a user limits access to the meter. If we must move a meter, have we accounted for all finite costs in this policy? The Board advised we must account for time and materials. Mr. Melton requested further transparency under the late payment penalty fee. Dr. Anderson moved to amend his motion to approve the Customer Policies as corrected, with a second by Mr. Stull. The Chair called for a vote on the amended motion. The motion carried by roll call vote 4-0.

Mr. Ponteri moved to Approve Resolution 2017-12 Election Proclamation. Dr. Anderson seconded the motion. The Chair called for discussion of the motion. Ms. Horton explained Dona Ana County is going to run the election for us. This does lay out the dates for early voting, absentee voting, and the Districts who are up for selection. We may have a candidate for District Three present their letter of interest prior to the election, where they would then apply to be elected in January. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

The Chair called for a brief recess beginning at 10:21 a.m.

The Regular Board Meeting resumed back in session at 10:28 a.m.

Dr. Anderson moved to approve the 40 Year Plan as presented. Mr. Stull seconded the motion. The Chair called for discussion of the motion. Dr. Anderson provided a list of grammatical corrections and updates to: the Table of Contents under Executive Summary, the number of connections referred to in the Executive Summary, adding American Water Works Association (AWWA) under the abbreviations, and requested Table 8, Appendix C be reviewed as the month of February shows quite a jump in consumption. Ms. Horton will review this. Dr. Anderson referred to the chart on page 18 that shows the difference between vested and adjudicated water rights and requested a review. Mr. Melton advised the water rights are a total of all the Districts. We only have a certain amount of adjudicated water rights with everything else under application processes; we have submitted a Combine and Comingle application to attempt to further resolve our water rights. Mr. Melton provided a list of grammatical corrections to include spelling corrections, and a direction correction for the tanks in Radium Springs on page 4. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

### **Closed Session**

Dr. Anderson moved to enter closed session at 10:46 a.m.; the motion was seconded by Mr. Stull. 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. Negotiations with a Private Water System

Take action, if any, on Closed Session Items

At 11:07 a.m. Dr. Anderson moved to exit Closed Session and enter back into Open Session; Mr. Stull 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.

At 11:08 a.m. 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 were conducted in closed session:

1. Real Property and Water Right Acquisition
  - a. Negotiations with a Private Water System

Mr. Melton advised a result of the discussion held in closed session we do not need to act at this time.

### **Open Discussion**

Mr. Melton requested the opinion of the Board with regard to Ms. Horton's YouTube proposal from her report. The Board unanimously agreed that at this time this is not an item they would like to pursue; however, we can revisit in the future if necessary.

### **Adjournment**

Mr. Stull moved to adjourn at 11:14 a.m. with a second from Mr. Ponteri. 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

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Date



NEW METERS								
Name	Address	Tap In Fee	Water Rights	Membership	Tax	Sewer	Other Fees	Total Fees
Juha Kaponen	25 Las Casitas			\$ 75.00	\$ 3.75			\$ 78.75
Jacob Penn	4625 Tetakawi Ct			\$ 75.00	\$ 3.75			\$ 78.75
Ashley Degruyer	1602 Santa Thomas			\$ 75.00	\$ 3.75			\$ 78.75
Reeves Mc Guire Real Estate	11835 Warrior Lane	\$ 1,312.03	\$ 1,750.00	\$ 75.00	\$ 156.85			\$ 3,293.88
John Isaacks	5499 Las Palmas			\$ 75.00	\$ 3.75			\$ 78.75
Lydia Kelley	2311 Isaacks Ln	\$ 1,532.58	\$ 1,750.00	\$ 75.00	\$ 167.88			\$ 3,525.46
Lydia Kelley	2311-2 Isaacks Ln	\$ 1,532.58	\$ 1,750.00		\$ 164.13			\$ 3,446.71
Jessica D Lerma	2878 Meriwether			\$ 75.00	\$ 3.75			\$ 78.75
Martha Garcia	2912 Borroughs			\$ 75.00	\$ 3.75			\$ 78.75
Ivan Hernandez	5810 Ledesman			\$ 75.00	\$ 3.75			\$ 78.75
Robert Golburn	1232 Regency Ct			\$ 75.00	\$ 3.75			\$ 78.75
Edward Zarret	1413 Via Norte			\$ 75.00	\$ 3.75			\$ 78.75
Susana Ibarra	1630 Santa Thomas			\$ 75.00	\$ 3.75			\$ 78.75
Crispin Fuentes	1654 Arco De Goya			\$ 75.00	\$ 3.75			\$ 78.75
Gary Cockerell	1594 Arco De Goya			\$ 75.00	\$ 3.75			\$ 78.75
Joe Ortiz	2362 San Lorenzo Ct			\$ 75.00	\$ 3.75			\$ 78.75
Brett Miles	8022 Renoir Loop			\$ 75.00	\$ 3.75			\$ 78.75
Yvette Perez	4379 Paseo Del Oro			\$ 75.00	\$ 3.75			\$ 78.75
Eugene C. Hansen	7213 Madera Vieja	\$ 1,340.67	\$ 1,750.00	\$ 75.00	\$ 217.53	\$ 1,185.00		\$ 4,568.20
Desert View Homes	3035 San Lorenzo	\$ 1,340.67	\$ 1,750.00		\$ 154.53			\$ 3,245.20
Desert View Homes	3007 San Elizario	\$ 1,340.67	\$ 1,750.00		\$ 154.53			\$ 3,245.20
Desert View Homes	3059 San Lorenzo	\$ 1,340.67	\$ 1,750.00		\$ 154.53			\$ 3,245.20
<b>Total:</b>								<b>\$ 25,751.10</b>



1177 Scoggins Ave  
 Las Cruces, N.M., 88005  
 O: 575.525.1405 – F: 575.523.0867

June 26, 2017

**Project Name:** Pavement Patching and Repair

**Proposal No.** 17-065

**Project Location:** Village of Doña Ana, New Mexico 88007

**Submitted to:** Abenicio Fernandez

A Mountain Construction is please to submit this proposal for the above referenced project. With respect and confidentiality, we propose to furnish all labor, material, equipment and tools necessary to complete this project. Any alteration or deviation from drawings or specifications involving extra costs will be executed only upon a written order, and will become an extra cost over and above this proposal. All agreements contingent upon strikes, accidents or delays beyond our control.

All material is guaranteed to be as specified in the specifications. The work is to be performed in applicable accordance with the drawings and specifications as well as any subsequent Addenda () submitted and shall meet all governing standards. The scope of work shall be completed in a substantial workmanlike manner.

No.	Description	UOM	QTY	Unit	Total Price
<b>Pavement Patching and Repair</b>					
1	<b>Mobilization</b> , one time cost for equipment and personnel mobilization	LS	1	\$1,2000	\$1,200.00
2	<b>Base Course &amp; Sub-grade Prep</b> ; (9 locations) scarify and process native material up to 6" in depth. Placement of new base course at a nominal depth of 6" complete and compacted.	SY	111	Included	
3	<b>Asphalt Patching</b> , (8 locations) these areas will have a 3" minimum asphalt thickness, placed leveled and compacted.	SY	111	\$262.93	\$29,185.23
	<b>Concrete</b> , (901 Calle Calmado) saw cut remove and replacement of driveway, includes subgrade preparation, base course and compactions	CY	6	1619.00	\$1,619.00
	901 Calle Calmado 20'x21' Elks/Rusty Lane 6'x6' 4920 Chagar Ct.3'x16'				
	6741 Via Compeste 2-2'x2' Vista del Reino 2-2'x2' Vista del Reino/Arco 2-2'x2'				
	1650 Anthem 5'x6' 1650 Anthem 3-2'x2' 1485 Via Norte 7'x10 Camino Blanco 16'20				
Some measurements have been altered to better reflect real world conditions. Measurements are accurate as to completed tasks					
<u>Total base bid in the sum of Thirty two thousand four dollars and twenty three cents</u>					Total: <u>\$32,004.23</u>

**Exclusions:** NMGR, Surveying/Engineering, SWPPP, Erosion Control, Impact & Permit Fees, Utilities, Landscaping, Striping & Signage, Electrical, and all not mentioned in the above text table.

(Herein A.M.-A Mountain Construction)

**General Notes:** 1) All invoices shall be paid in full within 30 days of receipt of invoice, any outstanding balance shall incur a 3% penalty for every 30 days. 2) One mobilization for each line item is incorporated in the set price above. 3) \$1,500.00 shall be accessed accordingly for every mobilization resulting in the fault of other than A.M. (i.e. Owner scheduling, sub-contractor, etc.).

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**Prepared by:** Gilbert Espinoza/Project Manager

**Approved by:** Bobby Spedalieri/Owner

All proposals will be honored for a period of 30 days, any extensions approved are subject to a price increase

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**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. A Mountain Construction is here by authorized to do the work as specified and payments will be made as noted.

Accepted by: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

[gilampc@gmail.com](mailto:gilampc@gmail.com)

Lic # 85717 - DOL # 01969320110727 - FEIN # 80-0121479



**Renegade Construction LLC**

**Abenicio Fernandez**

**Re: Dona Ana County Road Repairs**

**Date: November 14, 2017**

### **Proposal**

This proposal is based on our interpretation of the sketches given by our client for the proposed repairs, as well as a site visit.

**We hereby propose to furnish the material and labor necessary for the completion of:**

**Picacho Hills:**

**6471 Via Compeste**

- (2) Patch 2' x2' pot hole, 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.

**Vista Del Reino**

- (2) Patch 2'x2' pothole, 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.

**Vista Del Reino/ Arco De Gava**

- (2) Patch 2'x2' pothole, 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.

**1650 Anthem**

- (1) Patch 5'x6' pot hole, 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.
- (3) Patches 2'x2', 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.

**1485 Via Norte**

- Patch 7'x10', 12" Subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.

**Camino Blanco**

- Patch 16'x22', 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing asphalt.

**901 Calle Calmado**

- Concrete patch 19'6" x 21'4" , 12" subgrade prep, also 6" base course, remove and expose of existing concrete up to nearest concrete joint.

**NM Lic. # 092228**

**200 Crawford Blvd. Las Cruces, NM 88007, Office: 575.523.2600 Fax: 575.523.5595**

**Rusty Lane**

- Asphalt Patch 6'x6', 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges, saw cut and remove existing sunk in patch.

**4920 Chagar Ct.**

- Asphalt Patch 3'x16', 12" subgrade prep, 8" base course, 3" asphalt, tack coat edges. Remove and disposal of existing saw cut material.

**5753 Leasburg**

- Asphalt Patch 3'x3', 12" subgrade prep, 8" base course, 3" asphalt patch, tack coat edges. Saw cut and remove existing asphalt.

***Due to volatile material prices for material, our proposal is based on material pricing on the date of this proposal. Any material price increases after the proposal date will be considered as a changed condition and will result in an increase to our proposal.***

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawing and specifications submitted for the above work and completed in a substantial workmanlike manner for the sum of: **Twenty Thousand Five Hundred & 00/100 Dollars (\$ 20,500.00)**

**Our estimate does not include**

- Wire utilities or trenching for wire utilities (Electrical, Telecommunications, etc.)
- Utilities of any nature
- Dewatering
- Rock excavation
- Demolition of any nature
- Concrete work of any nature
- Retaining walls, rock walls or excavation/backfill of such wall
- Landscaping or irrigation

**Payment per periodic progress payments with balance due in full upon completion.**

**ABOVE PRICE DOES NOT INCLUDE: Tax, Permits, Bond, Testing, Impact fees, Fees or development charges.**

**New Mexico Gross Receipts Tax must be charged unless TYPE6 NTTC is provided.**



## Abenicio Fernandez

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**From:** Warren Morrow <warren@morrownm.com>  
**Sent:** Tuesday, November 07, 2017 2:38 PM  
**To:** Abenicio Fernandez  
**Cc:** Jennifer Horton  
**Subject:** RE: Quotes for Road Patches in Picacho Hills and Dona Ana

Hello Abenicio,

Thanks for the invitation, but we are going to have to pass on this. We have paving crews tied up and scattered out in different places right now.

Thanks again

Warren

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**From:** Abenicio Fernandez [mailto:abenicio@dawater.org]  
**Sent:** Tuesday, November 7, 2017 2:24 PM  
**To:** Warren Morrow <warren@morrownm.com>  
**Cc:** Jennifer Horton <jennifer@dawater.org>  
**Subject:** Quotes for Road Patches in Picacho Hills and Dona Ana

Good Afternoon Warren,

We have a few more asphalt patches located in Picacho Hills and Dona Ana attached are pictures and dimensions of the asphalt patches. I have one concrete patch that is located on 901 Calle Calmado and that picture is attached also. If you are interested in the job please provide a quote by **Tuesday, November 14, 2017 before 5:00 pm**. There are 7 asphalt patches in Picacho Hills and 3 asphalt patches and 1 concrete driveway patch in Dona Ana. If you need I could meet you and show you the patches at any time. Below is what we are requiring for the patches:

- Traffic Control - approved by Dona Ana County, complete in place
- Demolition – Contractor responsible to remove existing asphalt and haul off to an approved designated location.
- 12" Subgrade Preparation that meets Dona Ana County Standards
- 8" Base Course processed and compacted that meets Dona Ana County Standards
- Type B, 3" Asphalt Paving, Tack Coat on Perimeter of curb & gutter and new exposed base-course. Shall meet Dona Ana County Standards
- Density Tests, asphalt sample and asphalt analysis required on all sites that meet Dona Ana County Standards. (To be turned into Dona Ana MDWCA and also submitted to Dona Ana County)

Once the quotes are received I will evaluate the quotes and contact the contractor that provides the best quote.

## Abenicio Fernandez

Project Manager  
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