



*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, June 4, 2020 convened at 9:02 a.m. telephonically.

### **Call to Order & Roll Call**

President Melton called the meeting to order at 9:02 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. Anderson moved to approve the agenda as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Ms. Horton advised she had a prior appointment at 9:30 am and would depart from the call. Ms. Horton stated Ms. Lopez would continue with any topics of discussion. President Melton suggested to move the Staff Reports given by the Executive Director to follow the Minutes on the agenda. The board agreed to do so. The Agenda was approved with the amendment to have the Executive Director's Staff Report moved following the approval of the May

21, 2020 Minutes. 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 May 21, 2020 as presented; the motion was seconded by Dr. Maxwell. The Chair called for discussion of the motion. Discussion was made by Dr. Anderson. Dr. Anderson stated page 5; paragraph 4, should have the word “million” added to read “\$4.45 million in expenditures.” President Melton also addressed page 5; second paragraph. He suggested to remove the “\$” in “with a total of \$5,799 active accounts” as it should read “with a total of 5,799 active accounts.” There was no further discussion. 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**

None

### **Staff Reports**

Ms. Horton stated financials will be available at the next meeting.

Ms. Horton provided project updates. She stated Southeast Collections is progressing and starting on El Camino Real today. She continued to state we are change ordering in a few more streets for the easements obtained to continue with the alternatives. Ms. Horton reported the large project should start construction June 2021 to get through final design and all the regulatory approvals.

Ms. Horton shared the Wastewater Treatment Plant is progressing and is actively in the by-pass pumping phase. She stated there are no known issues at this time and the project is on schedule for a substantial completion in August and a final completion in September.

Ms. Horton reported the Radium Springs Project is waiting on El Paso Electric to change a transformer. She advised she has asked for it to be expedited as it is holding up the project.

Ms. Horton stated the staff is healthy. She stated she was not aware of any positive results and no one is on quarantine. Ms. Horton advised the drive-thru is open and Operations is actively installing meters. She reported things are progressing, however, they are progressing slowly as we are still operating with half of the staff on split shifts.

Dr. Anderson inquired about the well status. Ms. Horton stated she is expecting them to drill next week as materials have arrived for Well 7. She reported Wells 2, 6 & 8 are fantastic and Well 5 is currently pumping large amounts sand therefore, it is being monitored. Ms. Horton advised Well 5 is not as critical as it is a smaller well, however, she further stated heavy pumping should be expected. President Melton asked when Well 7 should be completed. Ms. Horton stated she would expect 75 days from start to finish. President Melton asked if we could request to expedite test results. Ms. Horton stated she would request it and let them know the situation we are in.

President Melton asked how the Association is progressing with regards to delinquent payments. Ms. Horton stated we are down approximately \$50,000 from the year

before. She reported she is not too worried as we are better off than other water systems from the collections standpoint.

President Melton asked Ms. Horton if the board should consider developing something for the members who are less fortunate due to the economic situation with unemployment and falling behind in billing during our current crisis. Ms. Horton stated there is currently a provision within the policy handbook for payment arrangements. She recommended once the Association is back in full operation and running back to normal with disconnections, the Association should look into developing a payment schedule to have some consistency with the policy handbook related specifically to this circumstance, so all members are treated the same.

President Melton asked Ms. Horton if there has been any thought on when the staff would return to normal hours of operation and a full-time work status. Ms. Horton stated she and Ms. Lopez have had discussion. She stated the primary concern is everything is starting to reopen. As the state reopens people are becoming more active. Ms. Horton referred to El Paso, a city who has previously reopened and has reported a large spike in numbers. She stated she would expect to see some of those effects in Dona Ana County. Ms. Horton did state she would like to see it the numbers come down after this next phase before planning on a date to resume full-time operations. Ms. Horton shared the larger concern for her is having the field staff all quarantined as that would pose serious challenges.

Dr. Maxwell stated it is a bit premature to make changes in how Ms. Horton is allocating staff. He asked Ms. Horton if she has been in touch with the State Health and Environmental Department regarding their recommendations. Ms. Horton stated she has not reached out to them. She further stated she has followed the Governor's

recommendations and best practices. She stated she has had discussion with other water districts and reported the smaller systems are functioning much like the Association as their staff has not returned to full capacity. She stated our resources are not the same as those of larger municipalities. Ms. Horton reported Anthony Water and Sanitation District along with Dona Ana County have not reopened at this time and do not have a date set for their reopening. Ms. Horton stated the Environment Department has not provided much in terms of guidance and they suggest doing what is best for our division. The consensus of the board is to not rush into reopening and to continue with the practices put in place. President Melton stated he fully supports protecting the staff.

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

Ms. Horton advised the New Members & New Meters report was not available and would be shared at the next board meeting.

#### **Unfinished Business**

Dr. Anderson motioned to approve the Approval of Resolution 2020-09 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Discussion was made by Ms. Horton. Ms. Horton stated this is the Annual Rate Increase that is looked at every year and needs to be reviewed and considered prior to the final budget, which is due in July, as it has an impact on our projected revenues. Ms. Horton stated this follows the Rate Study conducted by Carl Brown over the last 4 years. She stated it is for a 3.5% water rate increase and a 3% wastewater rate increase. Ms. Horton referred to a chart showing the reflections of the increase for comparison. There was no further discussion. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0. President Melton stated there was a typographical error to be correct on item #3. There is an unnecessary space between

the “e” and “x” in the word “existing.” Ms. Horton acknowledged the error and agreed to have it fixed.

Mr. Stull motioned to approve the Approval of Customer Policies 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 reported there are minimal changes to the handbook. She stated one of the changes is found on page 15 and that would include Payment Options. These options are to include the On-line, Over the Phone (IVR System), Pay Via Text (IVR System) and Drop Box Payments. The second change to the policies is the Rate Increase previously approved in the Resolution 2020-09 which is reflective on the documents provided. Ms. Horton stated the last change to the handbook would be the Water Rights Fee of \$2,000.00 found on page 33 to reflect the Resolution passed in October of last year. Dr. Anderson addressed a typographical error to the “Effective Dates” found on several of the pages. He suggested to have them corrected as it currently reads “32Effective Date.” Ms. Horton agreed to have them corrected. 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 motioned to approve the Approval of Employee Handbook 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 a few changes to the Employee Handbook. Most of the changes were set to bring us into compliance with our modified schedule and our testing contract for our operators. She further stated the major change added to the handbook is the new policy and procedure on social media. Ms. Horton began to state this section to the handbook is to provide clarification to the staff that social media should not be used on our jobsites, in our facilities and about Dona Ana MDWCA as it is a reflection of the Association and we

would not like to give the wrong impression. Ms. Horton advised she had reached her destination and would have to depart from the call. She advised Ms. Lopez would continue with discussion. Ms. Lopez referred to page 28 to continue discussion on social media. She further stated the policy is set to discourage employees from using their phones while on the clock, heavy equipment provided by the association and to avoid any type of issues that may be created within the workplace. This policy is to provide awareness of certain risks and responsibilities that it carries. As Ms. Lopez referred to page 19 to continue discussion on work schedules. Dr. Maxwell stated he had not had time to review the materials as he did not receive them until that morning and the topics were not highlighted. Dr. Maxwell asked if the policies have been reviewed by Legal Counsel, Mr. Smith. Ms. Lopez stated Ms. Horton sent them to Mr. Smith for review. Mr. Smith stated he did review them and made a few grammatical corrections as there were no issues to the changes. President Melton made a recommendation to page 30. He asked to add “the Executive Director or their designee” to the last sentence of the social media policy to read, “All media inquiries should be directed to “the Executive Director or their designee.”

Ms. Lopez stated referred to page 19, Attendance and Punctuality for review on the work schedules that Ms. Horton was briefly able to discuss. Ms. Lopez stated one of the minor changes to that policy was to omit any of the operational hours as we now have two different departments with two different schedules.

Ms. Lopez continued discussion on page 18, with the Operator Certification Program. She pointed out the last two paragraphs were additions to the existing policy. She stated the Association will not permit multiple tests to be taken on the same exam date and it also addresses an operator who fails to complete or withdraws from the program. The policy clarifies the expectations and consequences. President Melton stated in



comment to Dr. Maxwell the packet was posted to the Association website under agendas yesterday afternoon about 3:30 / 4:00 pm. There was no further discussion. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

### **Board President Report**

President Melton stated within the Association things have been going reasonably well.

President Melton shared District 1 survived a main break last week that resulted in a few hours of interrupted service. He stated with the system as it currently stands, any significant main breaks will require the system to be frequently shut down. He stated the issues should be mitigated once the rehab is completed.

President Melton addressed an issue that was brought to his attention. He stated the minutes of the Board of Director's meetings, whether it is a regular or special meeting are subject to the provisions of the Open Meetings Act in the State of New Mexico. He further stated every official act of the board must be documented and made available for the examination of public records. President Melton continued to state they are an official record of the proceedings. He further stated at the last board meeting he asked if there was anyone on the call to please identify themselves as it is put into record to keep with the accuracy of the minutes. President Melton stated he was made privy a member who reported another member was at a board meeting in which the board approved the install of new meters. The individual who stated they were at the meeting was not identified on record. Therefore, to accurately reflect on our records who is in attendance during the meetings they are asked to identify themselves.



President Melton addressed an email Dr. Maxwell sent him regarding a member wishing to address the board. President Melton stated the membership is welcome to address the board and are provided that opportunity. He stated the Customer Issues and Public Input will allow them 3 minutes to address the board. President Melton continued to state if the member has a lengthy presentation, the member is asked to request more time through a form found on the website under Board of Directors. This form does require one week notice prior to the board meeting to allow staff time to research any necessary materials that may be pertinent to those issues.

Dr. Maxwell stated as he previously stated in the last meeting, he strongly recommends moving to a more modern version of what is currently being done and suggested video conferencing. He continued to state the technology will provide information and allow for monitoring.

Dr. Maxwell addressed President Melton's Customer Issues and Public Input comments. He shared a member called him as he was frustrated in attempting to get his meter installed as the installations had been placed on hold due to the COVID-19 crisis. Dr. Maxwell stated he himself called the office at 4:15 pm. Ms. Lopez advised the office closes at 4 pm. He continued to state he proceeded calling Ms. Horton. Dr. Maxwell shared the member wanted to address the board today and there was confusion from staff on how the member could have been able to do so. He continued to state there is also confusion with the form on our website and the agenda on to how to proceed to address the board. The form states there is a requirement of 7-days prior notice to address the board, yet the agenda states there is time allowed for public input. He further commented the agenda did not state a form is required to make public input. Dr. Maxwell stated his email to President Melton was sent as an inquiry and reported the matter was resolved expeditiously. President Melton stated we do not provide

expedited services as we are to treat all members equally. He continued to state the expedited services were obtained through a mix up in the Administrative Office and he should have had to wait his turn in that queue.

**New Business**

None

**Open Discussion**

None

**Adjournment**

Dr. Maxwell motioned to adjourn at 10:06 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.



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Kurt Anderson

Secretary/ Treasurer

6/2/20  
Date