



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, December 19, 2019 convened at 9:01 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 9:01 a.m. and called roll:

Vice President – Jamie Stull, Present

Secretary/Treasurer – Kurt Anderson, Excused Absence

Board Member – Paul Maxwell, Present

A Quorum was declared

Others in Attendance:

Legal Counsel- Josh Smith

Office Manager- Margo Lopez

Approval of Agenda

Dr. Maxwell moved to approve the agenda as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. There was discussion made by Dr. Maxwell. Dr. Maxwell stated he put together some draft talking points for the Santa Fe Legislative Day regarding the Barcelona Arroyo Project and invited Mr. Hayhoe to join the board meeting. Dr. Maxwell suggested to move the talking points to Unfinished Business. President Melton suggested to discuss the talking points under the Customer

Issues and Public Input and extend Mr. Hayhoe's time as a courtesy if needed. Dr. Maxwell advised President Melton he, himself would be discussing the talking points and Mr. Hayhoe would add his insights, as Mr. Hayhoe had an opportunity to attend Santa Fe last week. The agreement was to move the talking points to Customer Issues and Public Input. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Minutes

Dr. Maxwell moved to approve the Regular Board Meeting Minutes of December 5, 2019 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Discussion was made by Dr. Maxwell with regards to seeing accuracy in the meeting minutes. Dr. Maxwell referred to page 5; paragraph 3. Dr. Maxwell stated he would like to see the comments made from President Melton's report with regards to the comprehensive tour of the Wastewater Treatment Plant in the meeting minutes. He asked President Melton to reference his notes with the decision of not having any site visits out of concerns for the interruption of work, safety, and liabilities and there would be no visits until the construction was completed. Dr. Maxwell stated he would like to have that inserted into the meeting minutes. President Melton stated he had his notes from the last meeting and asked if Dr. Maxwell would like to have them read into the current meeting minutes. Dr. Maxwell stated he would just like for them to be inserted. Dr. Maxwell referred to page 9 in Board Open Discussion, second paragraph; "President Melton suggested to Dr. Maxwell to put some of his thoughts together and they would discuss it at the next board meeting." Dr. Maxwell stated he would prefer "talking points" instead of "thoughts." President Melton stated he had no objection the modification. There was no further discussion and with the agreement to editorial changes, Dr. Maxwell moved to approve the notes as amended with a second by Mr. Stull. The Chair called for a vote on the minutes; the motion carried by roll call vote 3-0.

Approval of New Members & New Meters

Dr. Maxwell moved to approve the New Members and New Meters as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Discussion was made by Ms. Lopez. Ms. Lopez referred to the New Members and New Meters list. She pointed out there were 13 names on the list. She stated 13 were new members and 1 of them was a new meter. There was no further discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Customer Issues and Public Input

Dr. Maxwell stated as noted in the minutes he was asked to prepare talking points and began with a draft he handout of the Barcelona Ridge Arroyo Sewer Line Project. He further explained with the last visit to Santa Fe for Legislature Day, he would like to be well prepared and make better use of time and efforts. Dr. Maxwell stated he prepared a draft for Colonias Infrastructure Funding however, he did not have the projects supported in the past, related to the Colonias Funding. He further stated he managed to get historical data for the Colonias Infrastructure Fund. President Melton stated the Association has a very strong supporter, Senator, Mary Kay Papen and Mr. Hayhoe agreed. Dr. Maxwell stated Mr. Hayhoe was in Santa Fe and arranged for a meeting in town with Representative Nathan Small in which Dr. Maxwell joined them to discuss some of his talking points. He mentioned Mr. Small is a strong supporter in relation to Colonias. Dr. Maxwell continued to state time is short and would like for the board to look over the talking points and make modifications. Dr. Maxwell stated it did require some additional information. He reminded the board the Legislature Day is the 13th of January and mentioned Mr. Small would like to circle back on the issues discussed. President Melton asked if a time frame was given. Dr. Maxwell stated January 11, 2020. Dr. Maxwell reminded the board he did not have the information on specific projects, therefore, he used the historical data. The data reports 50%; \$98 million allocated in Colonias Infrastructure Funding (CIF) and generated \$63

million in Federal funds equaling approximately a 65% increase in funding. President Melton asked Dr. Maxwell if the information reported was from the Association. He stated he did not know the statistics of the Association. President Melton stated the project that came to mind was the Radium Springs Rehab. The Association started with a \$125,000 of Colonias Infrastructure Funds and ended with over \$4 million. President Melton stated he and Ms. Horton would be working on gathering the information of the financial funding for projects. Dr. Maxwell turned the attention to the Barcelona Ridge Arroyo Project Draft and stated Mr. Hayhoe was there to assist, as it was a joint effort when preparing the draft. Dr. Maxwell continued with stating the flood in 2007 created significant erosion and impact to the imbedded sewer system. Dr. Maxwell shared the impact the flood had on his personal home and the homes of others. He further stated that flood resulted in drainage pipes exposed, damaged and exposed manholes along the arroyo. He stated the exposed sewer lines continue to create serious health risk to a large area of Picacho Hills and potentially the Rio Grande River. President Melton asked if the image listed as Figure 1: 2007 was in the Barcelona Ridge Arroyo. Dr. Maxwell stated it was. Dr. Maxwell stated the pictures are dated and there were lines that were broken in the 2007 flood. He stated the sewage went down the arroyo and created problems. His talking points reflect this project has been placed on the ICIP and has been there since 2016. Dr. Maxwell stated the estimate at the time was approximately \$800,000 for repairs. Dr. Maxwell stated Mr. Hayhoe had an alternative solution. Dr. Maxwell stated the immediate need of \$50,000 to create a design plan to impact his district. Dr. Maxwell stated Colonias Funds cannot be used for this project. President Melton stated the only avenue for funding this project would be through capital outlay funding. Mr. Hayhoe mentioned John Arthur Smith stated the budget was going to be tight. Mr. Hayhoe stated he talked with Rudy Martinez, who was our representative in 2007 and shared the draft and talking points with him. He further stated he had the Bohannon Houston study completed in 2009 with regards to the drainage issues along with the County Commissioners Task Force in 2008 with more photos and

supported documentation. Mr. Hayhoe stated Mr. Martinez thought New Mexico Finance Authority (NMFA) now has a program of \$50,000 grants for planning purposes for new projects. Mr. Martinez advised Mr. Hayhoe he would provide more information for him to share with the board. Mr. Hayhoe stated Mr. Martinez mentioned this was a new alternative source. Mr. Hayhoe stated Mr. Martinez was supportive and that was encouraging. Dr. Maxwell stated he and Mr. Hayhoe have a meeting on Friday with Mr. Martinez and hopes to visit with Jeff Steinborn. Dr. Maxwell invited President Melton and Mr. Stull to join them. Dr. Maxwell stated Representative Nathan Small requested data for Winter Haven Court mobile home park. He had concerns regarding the fees for wastewater and why it was so high. Dr. Maxwell stated to Mr. Small the fees are the same across the district. President Melton stated wastewater fees are higher due to the cost of treating wastewater, as it is very expensive. He further stated the water system supports the wastewater system. President Melton stated we do not process our own effluent. It was much less expensive with our long-term contract with the city to deliver our effluent with a specific set of standards and minor treatments. Then they will process it and we get return flow credits for the water we provide to them. As result of that, the wastewater fees are derived by the fees charged by the city. President Melton stated the rate data may be reviewed in the Customer Policy Handbook, on the website. Dr. Maxwell stated he would refer Mr. Small to the website. Dr. Maxwell also stated Mr. Small suggested the Water Conservation group be informed as it is related to flooding and issues of erosion of arroyos in hopes of seeking their support. Mr. Hayhoe added Mr. Small made it a high priority; the Water Conservation. Mr. Smith asked who owned the arroyo. It was stated the property owner's own the arroyo. However, President Melton stated the Association has a utility easement at the bottom of it. Mr. Smith stated with the funding available through the Stormwater Conservation District, the landowner needs to apply for funding through the program that may apply. Mr. Smith suggested taking this to the Stormwater Coalition or Dam Water Coalition, who meet once a month. Dr. Maxwell asked Mr. Smith to provide contact information to him.

Mr. Smith also mentioned the state setting aside funding for flood control structure maintenance/rehab; planning grants of \$50,000 from Anthony and La Union, to name a couple. President Melton stated he would attempt to provide input with regards to Colonias projects in a response from the board. President Melton stated the information may not be gathered before the January 2, 2019, the first board meeting of the year. President Melton asked if there was any further discussion. There was no further discussion.

Board President Report

President Melton stated contracts are progressing and no reports of issues with regards to operations. He stated naturally contracted work has slowed down a few days in the past couple of weeks due to weather.

Staff Reports

Ms. Lopez stated there were no reports to discuss however, there would be comments to the Unfinished Business Reports.

Dr. Maxwell stated the election was previously discussed and Ms. Horton stated she was going to take extra steps that he requested. There were to be post cards sent out to constituents. Ms. Lopez stated the cards were sent out. Dr. Maxwell stated he would like copies of the cards as he did not receive them and the feedback from his constituent stated the card had no information or details provided on the upcoming election. the upcoming election had no information or details provided. Dr. Maxwell stated he was unsure if that was the first card that was mailed out or the additional mailing he requested. Dr. Maxwell expressed there is a short time to fill the vacancy with the filing date of December 23, 2019. Leaving only 4 days he expressed there is minimal effort in trying to fill the board.

President Melton asked how many handshakes Dr. Maxwell has done. Dr. Maxwell stated many in his district but is not familiar with people in the other district. President Melton stated during his time on the board finding a candidate is difficult. Dr. Maxwell proposed to extend out the filing date to the early part of January. President Melton stated he too is concerned and understand Dr. Maxwell's concern with regards to the extended vacancies on the board. Mr. Smith stated he agreed with President Melton with the difficulty of finding a candidate for a board member. Mr. Smith stated people do not want to participate on volunteer boards and most boards typically have vacancies in mutual domestics. Dr. Maxwell further stated he feels the board should take the necessary steps to ensure they have done their part to fill such vacancies. Dr. Maxwell further addressed the website with regards to the upcoming election, the Annual Meeting and the monthly newsletters. He expressed Ms. Horton has taken on too much and is the only one who can add to the website which makes it difficult to act promptly on issues that are timely. Dr. Maxwell suggest identifying individuals who reside in District 3 to approach them. President Melton stated if mistakes have been made, we will learn from them and correct it next time. He suggests if a candidate is not available perhaps advertise for a volunteer, send out post cards to everyone in District 3, asking them to volunteer. President Melton stated this is not the first time the board has had to ask for volunteers for a vacancy and there was no response. He further stated Ms. Horton has been in the district and has a couple of potentials. Dr. Maxwell stated perhaps a personal touch is needed and suggest the board meet with individuals, have a conversation and share their experience of being on the board. Mr. Stull inquired about obtaining a roster with names of the members who reside in District 3 to see if there is anyone he may know. Dr. Maxwell stated he would do the same. President Melton asked Ms. Lopez to get 4 copies of District 3's roster. Dr. Maxwell further suggested to update the website's front page with the dates of the election. President Melton stated he was uncertain what accommodations would need to be made to the website and Dr. Maxwell suggested to replace old news. He further stated he could write it now as it

requires attention. Dr. Maxwell continued to state he understood how difficult it is for Ms. Horton in her situation, however it was discussed 2 weeks ago. Mr. Stull stated he will be selling his home in District 4 and may be looking into another area.

Consent Agenda

None

New Business

None

Unfinished Business

Mr. Stull motioned to approve the Contract Amendment for Radium Springs as presented; the motion was seconded by Dr. Maxwell. The Chair called for discussion of the motion. Discussion was made by Ms. Lopez. Ms. Lopez stated we are waiting on power from El Paso Electric. Dr. Maxwell stated it was 120 days extension and President Melton stated there was \$16,000 in construction administration and \$20,046 resident project representative (T&M). President Melton asked if there was any further discussion. There was no discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Dr. Maxwell motioned to approve the Contract Amendment for District 5 Wastewater Treatment Plant (WWTP) as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Discussion was made by Ms. Lopez. Ms. Lopez stated comments made to this project were ongoing issues for various things. Dr. Maxwell stated the amendment amount is for \$67,334 less of tax. Dr. Maxwell stated he would agree to the amendment however, he would like to know what the issues are. Ms. Lopez asked Dr. Maxwell if he would like for Ms. Horton to be contacted to provide information on any

questions he may have. He stated she could just provide him information. He did not want to approve any change orders without understanding what is going on. Ms. Lopez suggested to call Ms. Horton to provide Dr. Maxwell with the information needed to move forward with the amendment of the contract. Ms. Lopez called Ms. Horton and asked her to be more specific with regards to the ongoing issues. Ms. Lopez stated there was concrete found and with the unknowns of the concrete it had to be removed therefore, resulting in the revision of the plans. The revised plans then created issues on how things would operate and delaying the progress. Furthermore, creating issues to the bypass pumping, which effect the performance of the tank. To ensure they could meet the permit conditions they had to revise the bypass pumping. It was advised none of these issues were anticipated in the original contract. It was stated there is some anticipation included for some unknowns however, until the project gets underway there is no way of knowing what one will find and trying to retrofit a pre-existing plant is difficult. Ms. Lopez asked if there were any other questions before releasing Ms. Horton. There were no further questions. President Melton stated this project, has had several surprises due to the lack of documentation to this system. He further explained there were no plans or maps to this system and that would explain the several modifications. President Melton asked if there was any further discussion. There was no discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Dr. Maxwell motioned to approve the Task Order #7- Design Contract for Tank Rehab as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Discussion was made by Ms. Lopez. Ms. Lopez stated the contract is to rehab the 4 tanks inside and out to seek funding. It was further stated there has been no rehab on the tanks in over 15 years. President Melton asked if there was any further discussion. There was no discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Open Discussion

Dr. Maxwell mentioned the project site visits. He stated he would like to resume that conversation when a full board is present.

Dr. Maxwell stated he did provide Ms. Horton screen shots of model websites per her request and advised he would provide her verbiage, which he stated is on his to do list.

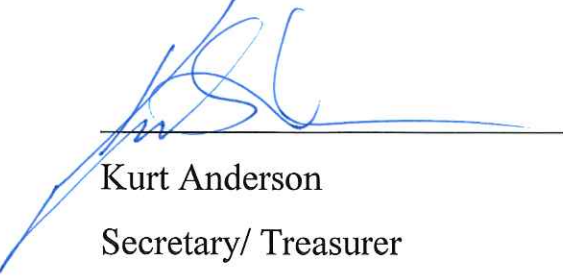
Dr. Maxwell stated he was merely reporting the progress of modifying the website.

Dr. Maxwell stated he was asked at the last meeting to prepare discussion for his presentation on water conservation for the Annual Meeting. He further stated he would be using the talking points he shared during a regular board meeting. He stated his intention with his presentation at the Annual Meeting is to emphasize water conservation through conversation and publication to the website. President Melton stated we can encourage our members to conserve water and to be good supporters. He continued to state we should not quote this as policy concerning water conservation, as there is no enforcement to enforce policy. President Melton commented from a personal perspective, not as a representative of the board, he would like to see this as an encouragement and provide suggestions on how to conserve water. President Melton stated he would hesitate to use the term policy. He continued to state, the board establishes policies which can be enforced, such as; how to handle late payment fees and sizes of meters but can not enforce how much water one uses. Dr. Maxwell disagreed. He stated a policy states what your objectives are. A policy states where one would like to see their organization go. He continued to state a policy is supporting goals to the best interest of the organization. Dr. Maxwell stated the fact that this could not be enforced except through pricing, does not mean it should not be created as a policy. He would like to address the members at the meeting informing, educating and providing the direction with the tools to help move toward the goal of conserving water.

Dr. Maxwell stated he and Ms. Horton have discussed incentive packages (kits) as positive steps toward water conservation. President Melton stated he would agree with Dr. Maxwell if the term “goals” are used and not the term “policy.” President Melton mentioned the term policy is something one must live by and objects to having the water conservation identified to the public as a policy. Dr. Maxwell stated President Melton may object to how he will be addressing it at the meeting, however it makes no sense. Mr. Stull agreed, it should not be a policy. Mr. Stull agreed with making this a goal. Dr. Maxwell stated he did not agree with President Melton’s concept of policy and stated he would provide more information on that, as he has worked over 40 years in public policies. President Melton admitted to not having that many years of experience, however, has engaged with many people in his lifetime. He explained when the term policy is used it has a very strong emphasis. President Melton stated if going forward with the water conservation outlined as goals, he has no issues and would be in full agreement. However, he did state he did have issues with the term policy when describing this effort. Mr. Stull stated working toward grants to help members decrease their water bill is one thing. President Melton stated Dr. Anderson was not present and would like for the full board to weigh in on this matter. Dr. Maxwell agreed and stated he too would like for Dr. Anderson to weigh in and perhaps persuade President Melton in that direction. Dr. Maxwell stated at the end of the day they should all be in support of conserving water or should not be on the board. President Melton stated he also agreed. Mr. Smith commented he believed there is a disagreement over semantics; what one calls rules and regulations, and the other calls policy. President Melton stated the board will need to come to an agreement. President Melton asked if there was any further discussion. There was no discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.

Adjournment

Dr. Maxwell motioned to adjourn at 10:26 a.m., with a second from Mr. Stull. The Chair called for a vote on the motion. The motion carried by roll call vote 3-0.



Kurt Anderson
Secretary/ Treasurer

1/2/20
Date