



*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 5, 2019 convened at 9:07 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 9:07 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 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.

## **Minutes**

Dr. Maxwell moved to approve the Regular Board Meeting Minutes of November 21, 2019 as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. Discussion was made by Dr. Maxwell, with a suggestion to spell out the abbreviations for (VOC's); Volatile Organic Compounds, (SOC's); Synthetic Organic Contaminants and (SCADA); Supervisory Control And Data Acquisition for clarification. He further suggested putting parentheses around the abbreviations. The suggested changes are found on page 4; paragraphs 3 and 4. Dr. Maxwell further stated the word "Well" on page 4; paragraphs 3 and 4 should be lower case, unless referred to with a well number. There was no further discussion and with the agreement to the minor editorial changes, Dr. Maxwell moved to approve the notes as amended with a second by Dr. Anderson. The Chair called for a vote on the minutes; the motion carried by roll call vote 4-0.

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

Dr. Anderson moved to approve the New Members and New 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 referred to the New Members and New Meters list. She pointed out there were 15 names on the list. She stated 14 were new members, and 1 of them is an existing member. Mrs. Horton also advised the board 3 of them are new meters. There was no further discussion. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

## **Customer Issues and Public Input**

Mr. Juan Colquitt addressed the Board of Directors with his concerns regarding several years of payments for meters he did not have or request. Mr. Colquitt stated he had several meters in the Ft. Seldon area. He continued to state he had 2 meters (12877 & 12875 Desert Edge) near the water tank. Mr. Colquitt mentioned he had a 1 ½ inch meter that was used



for his duplexes. He claimed when the Association took over the system, he was required to put in a  $\frac{3}{4}$  inch meter. He did not understand why considering he was able to use his  $1\frac{1}{2}$  inch meter for the years prior. He stated he put in a  $\frac{3}{4}$  inch meter prior to the Association taking over, to avoid having to pay fees. Mr. Colquitt mentioned he put in the meter and hooked it up but did not recall ever turning it on. He stated he was billed for 2 meters. He further stated he was charged for a 2-inch meter, when he only had a  $1\frac{1}{2}$  inch meter. Mr. Colquitt mentioned he came into the office to ask why he was charged for a 2-inch meter when he only had a  $1\frac{1}{2}$  inch meter. He stated the office mentioned there was an error in billing and it was corrected. Mr. Colquitt was charged correctly for his  $1\frac{1}{2}$  inch meter. He stated later the meters were replaced and claimed the Association removed the  $1\frac{1}{2}$  inch meter and put in a 2-inch meter. Mr. Colquitt stated he did not request a 2-inch meter however, he is charged for it. He continued to say he paid the extra \$50 since it was such a hassle to come back to the office. Mr. Colquitt stated he finally made it back to the office to ask why he is charge for something he did not request and was advised he would need to pay \$1,500.00 - \$2,500.00 to convert back to his original  $1\frac{1}{2}$  inch meter. He stated he did not understand why he would need to pay for a meter in the size he already had to begin with. Mr. Colquitt elected not to make the change and figured the larger meter could help with the water pressure, therefore, he continued to pay the charges. However, Mr. Colquitt stated there was no change in the pressure. Mr. Colquitt expressed he is paying for a 2-inch meter he never requested and a  $\frac{3}{4}$  inch meter he never wanted, yet he continued to pay it for over a year. He further stated he is now charged for two 2-inch meters instead of the  $\frac{3}{4}$  inch meter and one 2-inch meter. Mr. Colquitt advised the board he returned to the office. The office sent out staff approximately 2 to 3 weeks ago to verify the size of Mr. Colquitt's meters. Mr. Colquitt stated they found the larger meter but the other was gone. Mr. Colquitt stated he has been paying for a meter he does not have and one he never requested over several years. President Melton suggested a  $\frac{5}{8}$  x  $\frac{3}{4}$  for each of the 4 apartments. He further stated to Mr. Colquitt, when the Association purchased Ft. Seldon the policy at the

time was that individual dwellings / family units (duplexes) had to have individual meters. Mr. Colquitt already had his meters set, those meters were grandfathered in by the Association. President Melton suggested to Mr. Colquitt to install four 5/8 x 3/4 meters, one for each individual dwelling, bring Mr. Colquitt's property in-line with the policy of the Association and cutting the expense from \$193.66 + tax to \$75.84 + tax. Mr. Colquitt stated he would like to have his 1 1/2 inch meter he previously had. President Melton stated that would be a violation of the policy. Ms. Horton stated compound meters are used to register high and low flows. She further stated the 1 1/2 inch meter would not do that, therefore, the 2-inch meters had to go in. Dr. Maxwell asked what fees would need to be paid to install four 5/8 x 3/4 meters for Mr. Colquitt. Ms. Horton stated there would be none, they would exchange them out. President Melton asked if Mr. Colquitt's one meter fed all 4 apartments. Mr. Colquitt stated yes. Ms. Horton stated that is a violation of the USDA Agreement and it is in the Water Users Agreement; one meter per house. President Melton stated before a decision can be made in this matter, more information is needed pending further investigation. Ms. Horton stated Mr. Colquitt would be placed in a protest status for two meters while under investigation. He will need to continue to pay for the other two meters.

Mr. Joseph Dario Gomez requested public input on November 22, 2019 to address the Board of Directors regarding concerns over late fees and reconnection fees, for property he felt was placed on auto-draft. He has another property he had placed on auto-draft and believed both were set to be drafted. He did not attend for his requested time.

### **Board President Report**

President Melton advised the board the audit is complete with minor remarks. He stated there would be no discussion on the results of the audit until approved by the auditors.



President Melton stated Well 16 is inoperative. Ms. Horton stated this well has been pulled by three different drillers since 2013. She stated the flows are normal when it is working then the pump and motor burn out.

President Melton discussed the progress of the Wastewater Treatment Plant in District 5. He states it is moving slowly as weather this time of year slows things down. However, it is still expected to meet the scheduled completion mid-2020.

President Melton advised the Wastewater Treatment Plant in District 5 is progressing, however, a bit more slowly due to weather and normal holiday interruptions. He further stated it is holding to the scheduled completion for mid-2020. President Melton stated he realized everyone is extremely curious about the Wastewater Treatment Plant upgrade but also recognizing that there is nothing happening which requires policy action, as well as acknowledging the potential of interference to work and liabilities of visitors on construction sites. President Melton has taken the liberty of asking the Executive Director to put together a comprehensive tour of the plant once it is completed and operational for those board members interested in providing an assessment of the upgrade and its benefit to their constituents.

President Melton discussed the Radium Springs Rehab. He stated it is nearing completion. He mentioned Wells 9 & 10 are not yet complete. He further stated they are waiting on the arrival of equipment. Once the equipment arrives the testing and permitting cycles will take place. Ms. Horton stated the permitting is complete for Well 9. She further mentioned Well 10's results would be sent to the environment department and both are currently waiting on the arrival of pumps and motors.

President Melton stated Southeast Collection; Phase 3 has started construction this week.

President Melton stated he had nothing new to report on well data since the last report was given.

President Melton inquired about the status of the subdivisions. Ms. Horton stated Elks View Estates will be filing the final plat. The Association is currently waiting on the GIS, as-builts and final documents from them. She further mentioned they are about ready to sell lots.

Ms. Horton stated Legends West 2-C submitted the first round and second round of submittals. Ms. Horton stated she received the approvals by Bohannon Houston for the second submittals and will begin water pipe installation in the next couple of weeks.

Ms. Horton mentioned Rancho de Gallo is getting close and pending the success of the air vac tests, it should be done in the next 60 days.

Ms. Horton discussed Casa de Oro. She stated the location where it is tied in, does not work and the pipes and infrastructure are all in. She mentioned they were approved to tie in at a different location, however, the contractor failed to submit submittals and permits and elected to install the pipe where they wanted. Ms. Horton further stated there is still no approval from the Association to tie into the system at this time. Ms. Horton further explained there is a force main in a public right of way (ROW). She continued to state a force main is running along an EBID canal. EBID believes the Association will be the owner of that permit and that utility. Ms. Horton continued to state it is believed a ductile iron pipe was put in for sewer main. She stated this now creates an issue where the meter line is to go. She stated this is a problem and clarified to the board, the Association is not the responsible party. Ms. Horton stated the line from lift station goes into the subdivision of Rancho de Gallo and crosses several Rancho de Gallo streets into a buffer tank. Ms.



Horton stated the Association's portion of responsibility is a 5-foot section from that buffer tank. Ms. Horton ensured the Board of Directors clarification was put in writing, the Association is not the legal owner and will not accept responsibility when that line breaks. She further stated once the Association approves it EBID and Dona Ana County will also be notified.

President Melton stated it was brought to his attention on multiple occasions the phone directory has the Association's phone number listed incorrectly. Dr. Anderson suggested to have a section placed in the newsletter to inform members of this issue.

President Melton discussed the upcoming 2020 Election for January. He stated the upcoming election of the board representatives for districts 2, 3 and 4 are for a 4-year term and district 5 is for a 2-year term. President Melton encouraged the board representatives to get their membership out to vote. He further stated if there was anyone who they felt may be interested in becoming a board member, to have them apply within the office and petition their area. Ms. Horton stated December 11, 2019 she would have petitions available for pick-up in the office. She stated 5 signatures are required to be considered a valid candidate. President Melton advised the board the membership book closes Friday, December 13, 2019. He further stated if one is not a member by December 13, 2019 they would not be eligible to vote in this election. Dr. Maxwell asked Ms. Horton to review the options for members to vote. Ms. Horton stated the members can come to the office to request an absentee ballot, members can do early voting in the office, and she further stated election day will also be held in the office. Dr. Maxwell asked Ms. Horton what has been done to promote the candidacy for the vacant district. Ms. Horton stated a postcard was mailed out to all districts advising of the upcoming election. She further stated the newsletter was also going to feature the upcoming election, which can be found on our website. Dr. Maxwell stated he did not see anything to the website addressing the elections.

Ms. Horton stated she is currently working on a posting for the website. Dr. Maxwell requested to have a second mailing sent out to district 3 to promote the candidacy for the vacant district and the board agreed.

### **Staff Reports**

Ms. Horton discussed the 2020 Election Calendar. She reminded the board the election books close December 13, 2019. She mentioned beginning December 16, 2019 petitions for candidates will be accepted. December 23, 2019 is the filing date for candidates and the membership roster is due December 27, 2019. Ms. Horton stated early voting and absentee ballots begin December 30, 2019 and must be received by January 27<sup>th</sup> by close of business. The election is January 27, 2020 and the canvas of ballots will take place January 28, 2020. The certification of the results will be January 29, 2020. Ms. Horton stated January 29, 2020 there will be a Special Board Meeting held for the results of the election and it will also be announced at the Annual Meeting. Dr. Anderson requested a membership roster for his district. Dr. Maxwell and Mr. Stull also asked Ms. Horton for a copy of their district. Ms. Horton asked if there were any other question on the election. There were no questions.

Ms. Horton advised the board there was a change in schedules beginning Monday, December 9, 2019. She further stated this change came as a recommendation by the auditor; to adopt either a 38-hour work week or modify our work schedule to ensure there would be no placement of any liabilities upon the Association. Ms. Horton stated the new business hours for customer service and admin are Monday – Thursday 7:30 am – 5:30 pm and Friday 8 am – 5 pm with a closure for the lunch hour from 11am – 12 pm. Ms. Horton stated as she realizes having to close the building for a one hour lunch may create an inconvenience for our members, the new schedule is modified to extend our business hours



Monday - Thursday 30 minutes before and 30 minutes after most traditional business hours. Ms. Horton also stated offsetting the lunch hour was considered to provide the least inconvenience to our members. Dr. Maxwell also suggested to have it posted to our website and newsletter. Ms. Horton stated it would be posted to the website and it was posted to the newsletter. She also advised it would be reflective on the next billing.

Ms. Horton stated the Association closed on the Bueno Vista Dairy Water Rights the week before Thanksgiving.

### **New Business**

None

### **Consent Agenda**

None

### **Unfinished Business**

None

### **Board Open Discussion**

Dr. Maxwell discussed the Santa Fe Legislative Day. Dr. Maxwell suggested there be consideration to what message the board wants to have presented to those who represent the combined districts of the Association and set up meetings for the day they plan to be there.

Dr. Maxwell mentioned capital outlay for the arroyo project which currently is unfunded. He stated he would like to submit a petition to the representatives for that particular project and would assist in putting together details for that request. Ms. Horton stated the

Association has always supported and pushed for more funding and securing funding for Colonias Infrastructure. President Melton suggested to Dr. Maxwell to put together some talking points and they would discuss it at the next board meeting.


Dr. Maxwell stated the annual meeting is January 29, 2019 and would like to get more participation from members. He suggests giving the members the opportunity to have more interaction through a presentation of a water conservation during the Annual Meeting. He suggests the promotion of water conservation as a way to offer an opportunity for conversation from members. President Melton stated the agenda has a section for customer issues / public input for anyone wishing to address concern or engage in conversation. Dr. Maxwell confirmed the board was in agreement to place the presentation of water conservation into the Annual Meeting, as a way to lead into public input for an open discussion. President Melton stated with the ideas of water conservation coming from Dr. Maxwell, he should lead the presentation of the water conservation during the Annual Meeting. Dr. Maxwell agreed.

Dr. Maxwell also mentioned he would like to talk with Ms. Horton regarding the design of water conservation for our website. Ms. Horton asked Dr. Maxwell to submit a mock up page of what he would like for it to look like, then she would recreate it for our website. She did stated Dr. Maxwell sent her links to other websites. Dr. Maxwell stated those links were to be used as models for the web design. Ms. Horton did explain a creation of this page would require time. She further stated she would be more than happy to recreate the page if he had a mock up page for her to follow, giving a better understanding of what he has in mind. Dr. Anderson asked if there was a count on the number of hits our website gets. Ms. Horton stated she would look into that information for him.

### **Adjournment**



Dr. Anderson motioned to adjourn at 10:51 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

1/2/20  
Date