



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

The following are the minutes of the Regular Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, January 19, 2023 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:

Secretary/Treasurer – Kurt Anderson, Present

Board Member – Brian Clouse, Present (via Zoom)

Board Member – Clayton Berryman, (Excused Absence)

A Quorum was declared.

Others in Attendance:

Legal Counsel- Josh Smith

Executive Director- Jennifer Horton

Office Manager- Margo Lopez

Executive Assistant- Shelby Sandoval

Approval of Agenda

Dr. Anderson moved to approve the agenda as presented; the motion was seconded by Mr. Clouse. The chair called for discussion of the motion. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Minutes

Dr. Anderson moved to approve the Regular Board Meeting Minutes of December 15, 2022 as presented; Mr. Clouse seconded. There was no discussion, and the motion passed unanimously by roll call vote 3-0.

Customer Issues and Public Input

None

Board President Report

President Melton mentioned things are moving along smoothly. However, there have been a couple of power outages in the Radium Springs area.

Staff Reports

Ms. Horton stated financials have been provided for the month of November and December. She reviewed the Check Listing report for November and pointed out several voided check as they were resent to NM Taxation & Revenue for Unclaimed Property, a large check to Caliper Construction for the Parking Lot Improvement Project and another to Spartan Construction for the Dona Ana Village Lift Station and everything else was standard. Ms. Horton reviewed the Budget Report as of the end of November. She further stated it is leaving a negative for the month. She stated they will see a negative as receivables are out. Ms. Horton stated the Balance Sheet is a current cash position and reported the Income Statement matches and ties back to the budget.

Ms. Horton reviewed the Check Listing report for December. She pointed out a large check to DNR Tank for \$481,000, a debit payment to New Mexico Environment Department (NMED) and \$229,000 to Spartan Construction. Ms. Horton further

reported expenditures of nearly \$1.3 million for the month. Ms. Horton reviewed the Balance Sheet, as it is the current cash position. She reported the cash position is down as it ties back to the Budget Report. She further stated she is waiting for the receivables to come in. Ms. Horton reviewed the Budget Report and stated it reflects a negative \$1.25 million however, she is waiting on \$1.2 million receivables with USDA. Ms. Horton further stated \$1.1 million from NMFA/NMED should be received within the next 60 days, and the financials will look much better once the receivables come in.

Ms. Horton shared the Water and Wastewater Standards are currently on hold.

Ms. Horton reported Dona Ana Village Lift Station and Force Main construction has begun and progressing. They anticipate doing a major bore the week of January 30th across Dona Ana School Road to El Camino Real.

Ms. Horton shared Southeast Collection have executed all final easements to officially close. She further reported that project is short \$10 million. However, she is looking to go back to USDA to seek a more manageable funding and submit an \$8.5 million application to get a 60/40 (grant/loan) split instead of the \$8.5 million loan and \$1.5 million grant offered by the state.

Ms. Horton stated they have reached substantial completion on the Parking Lot Improvement Project across the street and will move to the parking lot next to the board room to bring it up to ADA compliance and repair one of the covered storage sites to meet the final completion.

Ms. Horton reported the small North Tank is online. She further stated the small South Tank will begin filling and chlorinate Monday, Bac-T's will be pulled on Wednesday,

and once that passes it should be online next Friday. Once it is online, it will begin draining a million gallons from the other tank. She further stated they would start the rehab the week of January 30th.

Ms. Horton shared the Picacho Hills Sewer Main Protection Project. She stated there was a replat of Consuela Court Subdivision which lines next to one of the arroyos needing to be dealt with. As part of their replat, there is a portion with some drainage issues. She shared they became upset with the Association as we would not pay for their drainage project. Ms. Horton continued to state what they have designed now makes it impossible for our current design to work with one of the arroyos and will now require a redesign on our part, as our easement is only in a certain section. She further stated they have everything up stream and downstream of our easement and have designed their portion all the way to the easement, then the design starts back up on the other side of the easement and continues. Further discussion ensued.

Ms. Horton reported on funding applications. Ms. Horton stated she is still waiting on USDA. She stated she is unclear as to what point this is at, if it is at the state level it could be 3 months out or more and mentioned they are also the hold up for the \$910,000 for Colonias. Ms. Horton further stated the Colonias deadline was not met and Colonias is aware of this.

Ms. Horton shared the Colonias Application is open and can begin to submit notices of intent for funding. She stated the notices of intent will be to finish out the tanks, Design for West Mesa, any additional money needed for the Dona Ana Village Lift Station, and the Southeast Collection project as there is a \$10 million cap this year per entity.

Ms. Horton reported on subdivisions. She had nothing new to share on Vista Rancho. Ms. Horton shared Desert Oaks Subdivision is 187 residential lots in Picacho Hills, with one commercial lot for a club house and is currently awaiting their 2nd set of reviews to come back.

Ms. Horton stated Valley and Miles Subdivision is back on the table with 200 lots.

Ms. Horton reported the Reyes West Wind Subdivision is 9 lots off West Wind Road. She stated documents have been filed with the county and were advised they needed to submit to us directly for utilities.

Ms. Horton mentioned the replat of Consuela Court is going from a 7 lot to an 11-lot subdivision which has trigger the water rights policy for this replat due to the additional lots. Ms. Horton shared they have told her they are unable to find water rights, therefore, they would simply write a check. Ms. Horton stated she would respond to them asking they provide their due diligence on their efforts to obtain water rights with contact information.

Ms. Horton reported on Other Matters. She celebrated Anthony Legarda passing his Wastewater Level III. She further stated he now holds a double 3 certification.

Ms. Horton provided a Water Rights update as of December 31, 2022 and further stated there were no changes from the last meeting.

Ms. Horton stated the applications for the Southeast Collection project are currently being accepted and have received 466 completed applications. Ms. Horton shared if the additional funding is not found those application will reduce drastically.

Ms. Horton provided a written Customer Service and Operations Report. Dr. Anderson inquired about the Pump vs Sold report and Ms. Horton stated there was an issue with the report, however, stated she would have one available at the next meeting.

Ms. Horton shared a 12 inch water main was hit and is currently waiting on the estimates from staff to send out a bill for water loss, time and materials.

Ms. Horton reported she had another encounter with New Mexico Environment Department (NMED) about Rancho del Gallo. The Casa de Oro project is failing and dumping raw sewer on the ground. Ms. Horton has advised them this is not our responsibility to fix and will not fix it. She further explained the system was not built to spec and was not accepted, therefore, would not be fixing this problem. She stated NMED would follow-up with Casa de Oro.

Ms. Horton shared Picacho Hills Golf Course has a new person who is easy to work with and willing to help in locating the connections. However, being new to the area he isn't too familiar as of yet, where things are located.

Unfinished Business

Dr. Anderson moved the Approval of December New Members & Meters as presented; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Dr. Anderson moved the Approval of Acceptance of Resignation for Vice President, Jamie Stull; the motion was seconded by Mr. Clouse. The Chair called for discussion

of the motion. President Melton stated Mr. Stull was moving out of the district and appreciated his service and knowledge he brought to the Association. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Dr. Anderson moved the Approval of Resolution 2023-01 Open Meeting Act; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Discussion was initiated by Ms. Horton. Ms. Horton stated this for 2 changes. 1: to have one meeting a month on the 3rd Thursday of each month and should a second meeting be needed, a Special Meeting can be called with a 3 day notice. 2: Annual Membership Meeting; make the language correlate to the Bylaws with regards to posting notices. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Dr. Anderson moved the Approval of Resolution 2023-02 Disposition of Property >\$5,000; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Discussion was initiated by Ms. Horton. Ms. Horton stated the attached are to be sent to auction which include 2 vehicles that have been replaced as they are up in mileage and have mechanical issues. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Dr. Anderson moved the Approval of BHI Contract- North and South Tank Rehab; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Discussion was initiated by Ms. Horton. Ms. Horton stated this is a time only extension as the contract has expired with the delays in getting the necessary materials. She mentioned there is no money, just an extension of time. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Board Open Discussion

Ms. Horton discussed the email sent to the Boad of Directors regarding the out of service hydrant in Picacho Hills. She clarified there are a number of hydrants out of service for several reasons. Ms. Horton explained hydrants are ordered in large quantities as they are more affordable and to save on shipping. She continued to state hydrants are also ordered based on bury depth as some are special orders. Ms. Horton continued to state the staff has been working on hydrants and tagging those that are broken or out of service in sections within the service area. She further stated then staff will order all the necessary parts to repair the hydrants and then go back and fix them all at once. Ms. Horton explained the email was part of an order that is waiting for materials to arrive and ensured the homes in the area were not without fire protection. Ms. Horton reported the hydrant has been repaired.

Ms. Horton stated an individual came in requesting a meter for Cannabis and was advised a meter would not be given for Cannabis and he became rude with staff. Ms. Horton shared she attempted to explain why a meter could not be issued for Cannabis and he threatened to sue and demanded a denial letter. Further discussion ensued.

Adjournment

Dr. Anderson motioned to adjourn at 10:01 a.m., with a second from Mr. Clouse. The motion passed unanimously 3-0.



Kurt Anderson
Secretary/ Treasurer

2/16/23
Date