



*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, January 02, 2020 convened at 9:18 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 9:18 a.m. and called roll:

Vice President – Jamie Stull, Present

Secretary/Treasurer – Kurt Anderson, Present

Board Member – Paul Maxwell, Present Via Phone

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. There was no 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 December 19, 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 suggested editorial changes. Dr. Maxwell referred to page 4, line 7 and asked to remove the colon punctuation mark after Barcelona Ridge Project. Dr. Maxwell suggested page 4, (5 additional lines down) to remove “addressed the” in the sentence as follows, “He further stated that flood resulted in drainage pipes exposed, damage and addressed the exposed manholes along the arroyo.” Dr. Maxwell suggested removing the semi-colon punctuation mark on page 5, line 9 after Winter Haven Court and place a period after mobile home park. On page 6 under Staff Reports, second paragraph, 4<sup>th</sup> line Dr. Maxwell suggested to remove “dates were provided” and replace it with “but no information or details were provided” in the sentence, “Dr. Maxwell stated he would like copies of the cards as he did not receive them and his feedback from his constituent stated the card mentioned the upcoming election and dates were provided.” Dr. Maxwell further suggested on page 11, 4<sup>th</sup> line from the bottom the word “antics” should be corrected to “semantics.” The sentence referenced is, “Mr. Smith commented he believed there is a disagreement over antics...” There was no further discussion and with the agreement to editorial changes, Dr. Anderson 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 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 Mr. Stull. 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 28 names on the list. She stated 14 were new members. Mrs. Horton also advised the board all 14 of them involved 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. Ron Mahaffey, golf course superintendent of the Picacho Hills country club expressed he was eager to introduce himself and work on building a relationship with the Association. He stated he will actively participate in future meetings, as he hopes to be a good neighbor. Mr. Mahaffey stated there are 4 sewer lines running through their property with no easements, He further stated there are well lines on wells that are currently not used but connect to the potable water system. He continued to state those also run through the golf course with no easements. He would like for the Association and himself to work together getting any issues resolved while providing access to the infrastructure. Dr. Anderson asked what issues or concerns Mr. Mahaffey may have. Mr. Mahaffey stated there were a couple of well issues in the area. He stated there was a well they would like to have relocated. He stated the Association has a non-functioning well and that location would make for an ideal site to put in a new one. He commented on his not having easements to the sewer lines. He hopes to work with the Association and Ms. Horton in getting these issues resolved.

### **Board President Report**

President Melton stated on the 20<sup>th</sup> of December he met with Dr. Maxwell, Mr. Hayhoe and Representative Rudy Martinez to discuss the potential of obtaining funding for the Barcelona Ridge Arroyo project. He stated Mr. Martinez offered suggestions and since then Ms. Horton has inquired about those sources which turned out to not be viable sources for this project. It was suggested to access funds through the safety of public health with regards to a raw sewage spill. Dr. Maxwell stated the best option for the arroyo project would be through capital outlay funds. President Melton stated the project is not eligible

for Colonias Funding and Community Block Grant (CBG) or NMFA planning grants do not apply. It was agreed capital outlay is the best option. Ms. Horton stated the board would need to provide direction as to how they wish to move forward with the capital outlay application. The board came to the agreement Ms. Horton should prepare for capital outlay funding in the amount of \$60,000 for the PER for the Barcelona Ridge Arroyo Project.

President Melton asked Dr. Maxwell if Mr. Small's concerns regarding wastewater rates were addressed. Dr. Maxwell stated it was not, however, he would attempt to contact Mr. Small and direct him to the website to refer to the rates. Ms. Horton advised the board the Association does not serve Winter Haven. She stated the Association provides a backup water service, however the sewer service is provided by the City of Las Cruces. Dr. Maxwell stated he would advise Mr. Small.

### **Staff Reports**

Ms. Horton discussed the reports.

Ms. Horton presented the Financial Reports for the last 2 months. She referred to the October's check report showing the standard refund checks to customers, utilities and the larger checks on the report she indicated were construction contracts for large capital projects.

Ms. Horton discussed the Balance Sheet. Ms. Horton explained this is a snap shot of the cash position as of 10/31/2019.

Ms. Horton continued with the Budget Report as of 10/31/2019. She stated revenue was \$2.1 million, expenditures of \$1.3 million for a difference of \$847,000.

Ms. Horton referred to the Income Statement which ties back to the budget report. It reflects income of \$2.1 million and \$1.3 million in expenditures for a difference of \$847,000.

Ms. Horton then referred to the November check register, page 2 of 6. She stated it was all standard with exception of check # 24797. She reminded the board that was for the purchase of the Water Rights Bueno Vista Dairy for \$922,000.

Ms. Horton discussed the Balance Sheet as of 11/30/2019. She stated there would be a decrease in the cash balance due to the written check for water rights purchased. She stated there was revenue of \$2.5 million and expenditures of nearly \$2.5 million. She continued to state with the check written for water rights brings the Association to a difference of \$77,000, which was a budgeted item.

Ms. Horton continued with the Income Statement Report as of 11/30/2019 which reflects \$2.5 million in revenue and \$2.479 million in expenditures for a difference of \$77,000. She reminded the board in the winter months there is less revenue as members are not using as much water. Ms. Horton asked if there were any questions on the financials. There were no questions.

Ms. Horton discussed the Pump Data Report. She stated there were 28 million gallons pumped in Dona Ana for the month of November. She reported Ft. Selden pumped 2.89 million and Picacho Hills pumped 9.5 million.

Ms. Horton then reviewed the Gallons Pumped vs Gallons Sold Report. She stated there was 46.9 million and 40.7 million was billed out for a difference of 6.2 million. Ms. Horton stated some of that is timing when meters at the wells were read, flushing and breaks. She stated it is less than 10% loss for the year.

Ms. Horton reported Ms. Lopez has hired a Support Specialist. She stated the individual hired was the assistant manager in a retail store. She advised the vacancy for the customer service position has been advertised and hope to be fully staffed in the next few weeks.

Ms. Horton reported the new schedules in admin have been working well and operations has been relatively quiet.

Ms. Horton discussed the 3 projects under construction. She mentioned Radium Springs is about 95% complete. She stated it is still waiting on El Paso Electric for power to the wells. Ms. Horton advised Southeast Collection is moving along and stated the Wastewater Treatment Plant is progressing as well. She advised the board they are on schedule however, the design engineer for this project is no longer with SMA.

Ms. Horton stated Thurston will be finalizing construction plans early to late summer.

President Melton inquired about the development of Casa de Oro and Rancho de Gallo. Ms. Horton stated there is substantial completion and substantial walk through scheduled for January 9<sup>th</sup>. Bohannan Houston will attend on behalf of the Association. Ms. Horton advised after Rancho de Gallo has their substantial completion, we will begin to focus on the tie-ins for Casa De Oro. Ms. Horton advised Rancho de Gallo is almost finished.

Ms. Horton stated Legends West Phase 2-C was approved and may have started water lines. Ms. Horton asked if there were any questions. There were no questions.

### **New Business**

None

### **Unfinished Business**

Dr. Anderson motioned to approve the Resolution 2020 – 01, Open Meetings Act as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Discussion was made by Ms. Horton stated there should be a modification to Section 1. It currently reads “All meetings shall be held at 5535 Ledesma Drive, Dona Ana, New Mexico at 9 a.m. or as indicated in the meeting minutes.” Ms. Horton stated she would like to add “Board members may attend by phone to establish quorum when it is otherwise difficult or impossible to attend.” Ms. Horton advised this would allow a board member to attend by phone if necessary, to establish quorum. She further stated this would resolve any issues going forward and makes it clear that this is acceptable for the Association. There was no further discussion. Dr. Anderson moved to approve the notes as amended with a second by Mr. Stull. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Mr. Stull motioned to approve the Annual Meeting Agenda, as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. There was no discussion. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

### **Open Discussion**

President Melton addressed the previous board meeting with regards to the unresolved term to be used for the water conservation presentation during the Annual Meeting. He stated he felt this was a proposal to encourage the membership to conserve water not to enforce conservation through a policy. President Melton stated he would like the board to propose an agreed upon term to have it presented at the Annual Meeting. President Melton stated the opinion of the board, expressed by Mr. Stull, Dr. Anderson and President Melton agreed


on water conservation initiative term. Dr. Maxwell stated if the board feels the term initiative for the presentation of the water conservation will suffice, he will accept the will of the board.

Dr. Maxwell stated the Annual Meeting has a President's Report presented and he would like to see an outline of the meeting. President Melton stated he would attempt to prepare an outline of what the President's Reports will cover. Dr. Maxwell asked Dr. Anderson to do the same for the Financial Report. Dr. Anderson stated he relied on Ms. Horton.

Dr. Maxwell discussed Annual Meeting announcement on the website. He stated it was listed as topic 3. He suggested moving it to the top. He further stated he was unable to find any information on the website related to the election of board members. He suggested to include how, where, and when to vote. Ms. Horton stated she would include it.

**Adjournment**

Dr. Anderson motioned to adjourn at 10:45 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

1/16/2020  
Date