



*Doña Ana Mutual Domestic Water Consumers Association  
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The following are the minutes of the Regular Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, January 18, 2024 convened at 9:03 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 9:03 a.m. and called roll:

Secretary/Treasurer – Kurt Anderson, Present

Board Member – Brian Clouse, Present Present (Via Zoom)

Board Member – Clayton Berryman, (Excused Absence)

Board Member – Brian Cox, (Excused Absence)

A Quorum was declared.

### **Others in Attendance:**

Legal Counsel- Josh Smith

Executive Director- Jennifer Horton

Office Manager- Margo Lopez

Executive Assistant- Shelby Morales

Member- Juan Colquitt

### **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. Ms. Horton stated items 7-11 contracts were submitted as an overall contract for the following: Engineering General Services, Engineering for Wastewater Services (State and Federally Funded), Engineering for Water Services (State and Federally Funded) with Bohannon Huston that she will need to have combined. 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 November 16, 2023 as presented; Mr. Clouse seconded. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

### **Customer Issues and Public Input**

Mr. Juan Colquitt, member shared he was here to follow up on a meter concern he addressed on Desert Edge nearly 2 years ago. He stated he had not paid his water bill as he was waiting on a resolution. He noticed his bill is becoming substantial and wanted to see if a resolution has been determined. President Melton stated a letter from the Board of Directors will be mailed out by the next board meeting in hopes to resolve Mr. Colquitt's concern regarding his meter.

### **Board President Report**

President Melton stated there have been the occasional power glitches, however, he was not aware of any significant issues.

## **Staff Reports**

Ms. Horton stated financials have been provided for the month of December for their review. She further stated the financials are not complete as she is missing grant revenue entries for approximately \$1.2 million. She did clarify the expense side of the report was completed. Ms. Horton pointed out a large check on the Check Listing report to Morrow Enterprises Inc. for \$643,000. She reported this check to be the first pay application for materials for the Southeast Collection Final Phase project. Ms. Horton reviewed the Budget Report as of the end of December with \$3.6 million in operating revenue, \$3.1 million in operating expenditures, for a net difference of \$512,000. Ms. Horton further stated there will be a net surplus of \$1.1million once she books the grant revenue from USDA. She continued to state she is incredibly pleased where the Association sits with the operating revenue and expenditure at this point in time. Ms. Horton shared the Balance Sheet is a current cash position as of December 31<sup>st</sup> and reported the \$1.6 in cash they see is actually \$2.8 million in cash as she still needs to book the \$1.2 million grant revenue previously discussed. Ms. Horton wrapped up the financials with the Income Statement as it ties back to the Budget Report. Dr. Anderson commented, when there is a lot of cash on hand the Association should be vigorously looking for more water rights. Ms. Horton agreed. She further stated there are capital projects to consider, which will need cash for matching funds. She shared there were booster stations that needed to be replaced and further discussion ensued.

Ms. Horton provided a written report for the Project Updates. She reported on the Water and Wastewater Standards. She stated the standards are complete and she and Bohannan Huston are working on finalizing the development policies. She further stated it will take a little longer with other large projects taking the forefront.

Ms. Horton shared Dona Ana Village Lift Station and Force Main Project is still in construction. She stated the project was scheduled to hit substantial completion on September 21<sup>st</sup> and is approximately 120 days past contract time and into liquidated damages. Ms. Horton shared they are working on a letter to finalize where they are at, what the Association is willing to pay, and the number of days they will grant them (based on valid delays). She further shared that she believes they still have 30 to 45 days to completion. Ms. Horton stated she hopes to have a letter out by tomorrow to put them on final notice. Dr. Anderson asked what the penalty was. Ms. Horton stated the project is sitting at \$300,000 of potential liquidated damages, which is up to \$2,500 per day.

Ms. Horton shared the Southeast Collection Final Phase project is in construction as they are working in various locations. She shared that they are currently in the gravity section of the project on Hatfield and Kennedy. Ms. Horton further stated they are also in the area of El Camino working with pits and yard connections and also on Dona Ana Rd working on services and mains on private roads. Ms. Horton reported that they will be working in multiple areas throughout the project.

Ms. Horton reported on the Dona Ana Tank Rehab Project. She shared it will be complete by the end of January. She stated a walkthrough is scheduled next week to develop a punch list and then begin to chlorinate and fill the tank to have that project complete.

Ms. Horton stated the Picacho Sewer Main Project is approximately 90% complete. She further stated the only thing holding it up is one remaining easement she is trying to acquire from the Blanco sisters.

Ms. Horton reported the PER for the East Central Collection is in the works. She shared that they are currently working through the financials and what the anticipated wastewater revenue will look like for that project.

Ms. Horton reported the first shipment of the new AMI meters will arrive late next week and stated the infrastructure will be going in this week. Dr. Anderson inquired about where the meters would start. Ms. Horton stated they will begin with the ones that are manually read and will then work in sections of the system in geographical locations; however, those sections have not yet been selected at this time.

Ms. Horton reported on funding applications. She stated the USDA; Southeast Collection has officially closed, and it can now be drawn from.

Ms. Horton reported on Colonias Infrastructure. She stated the \$910,000 from USDA has closed as of the end of December for the Dona Ana Village Lift Station and Force Main project. Ms. Horton shared she will bid the remaining portion of the project in the next few weeks.

Ms. Horton stated she received the \$1.9 million to start the design phase of the West Mesa Water System. She further stated she is currently waiting on USDA's concurrence letter to close it. Ms. Horton stated it is the same for the \$6 million additional Southeast Collection money for alternate 2, she is waiting on USDA to consent to the additional funds.

Ms. Horton shared the \$3 million for the cost overrun for the Southeast Collection Project has been closed and is ready to be drawn against as well.

Ms. Horton stated the Association was approved for \$1.49 million for the Lead and Copper Service Line Assessment. Ms. Horton stated she would be turning that down as she did not like the terms (60% Loan/40% Grant) with it being an EPA mandated event, she felt the grant should have been higher. She further stated she will find another way to have this financially in-house.

Ms. Hortons stated if the contracts for Engineering General Services, Water (State and Federal), and Wastewater (State and Federal) are approved today she can provide Bohannan Huston the 2 approved planning grant contracts to start the Water and Wastewater Master Plans.

Ms. Horton reported on subdivisions. She stated she is waiting on a new plat to be provided by Vista Rancho as it is currently on hold.

Ms. Horton shared that she is currently waiting for the resubmission of the Desert Oaks Subdivision, for 191 lots in Picacho Hills, with no update to provide.

Ms. Horton stated Buena Suerte Subdivision on Valley is 200 residential lots, with no update to provide.

Ms. Horton reported the Reyes West Wind Subdivision is 9 lots off West Wind Road. She stated the plan set was received and under review with Bohannan Huston.

Ms. Horton mentioned she has received the Thorpe submission for one commercial lot across the interstate and stated it is in review. She further stated this is for a sewer connection only and with no water connection it would pose an issue. Further discussion ensued.

Ms. Horton reported on Other Matters. She stated there were no new operator certifications obtained in the month of December, however, there are 2 who will be testing in February. President Melton inquired about our current standings with the certifications we hold. Ms. Horton shared we are in good standing with a variety of levels that have been obtained. Ms. Horton stated in the next few months there will be 2 others who will become eligible to test for a Water and / or Wastewater Level 4.

Ms. Horton provided a Water Rights update.

Ms. Horton stated the applications for the Southeast Collection project are currently being accepted and have received 482 completed applications.

Ms. Horton provided a written Customer Service Report, Operations Report, and a Well Data Table for review.

### **Consent Agenda**

Dr. Anderson moved the Approval of Items 2-7 consolidated; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Discussion was initiated by Ms. Horton. Ms. Horton stated Items 2 - 6 are all RFP's that went out to bid for Engineering Services, which are done every 4 years with one year terms and 3 renewals. They are for General Services, Water; State and Federally funded projects, and Wastewater; State and Federally funded projects. Ms. Horton shared this is a rebid and reported she was the Procurement Manager and Mrs. Morales and Ms. Lopez evaluated the five different sets of proposals. Ms. Horton pointed out the rebid evaluation score sheets resulting in Bohannon Huston being the highest ranked in all five categories. She proceeded to share the recommendation of approval by Consent Agenda, RFP's 2023-01, 2023-02, 2023-03, 2023-04, and 2023-05 to Bohannon

Huston. As a result of those recommendations Ms. Horton also recommended the Bohannon Huston consolidated contract that relates to all five of the RFPs. There was no further discussion, and the motion passed by roll call vote 3-0

### **Unfinished Business**

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

Dr. Anderson moved the Approval of Resolution 2024 – 01 Open Meetings 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 is our standard annual Open Meetings Act Resolution which includes the single meeting each month to be held on the 3rd Thursday. There was no further discussion, and the motion passed unanimously by roll call vote 3-0.

Dr. Anderson moved the Approval of Annual Membership Meeting Agenda; the motion was seconded by Mr. Clouse. The Chair called for discussion of the motion. Dr. Anderson questioned the date of the meeting minutes listed on the agenda for the Annual Membership Meeting, Ms. Horton clarified it was correct and further discussion ensued. There was no further discussion, and the motion passed by roll call vote 3-0.

### **Board Open Discussion**

Ms. Horton discussed elections. Ms. Horton shared she did not have 3 board members to run for the January election. She stated the elections would coincide better if it ran



with our fiscal year. Having new board members take office in July, the start of our new fiscal year would make more sense and further discussion ensued.

Dr. Anderson inquired about the condition of the wells. Ms. Horton reported Well 11 was currently down as the wiring is being replaced due to a short. She further stated Ms. Horton shared Well 15 continues to have electrical surges that are creating some issues. She reported an electrical unit had just been replaced due to the unit being fried and further discussion ensued.

**Adjournment**

Dr. Anderson motioned to adjourn at 9:58 a.m., with a second from Mr. Clouse. The motion passed unanimously 3-0.

  
Kurt Anderson

Secretary/ Treasurer

2/27/24  
Date