



*Doña Ana Mutual Domestic Water Consumers Association
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The following are the minutes of the Regularly Scheduled Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, January 27, 2015, convened at 9:00 a.m. at Doña Ana Mutual Domestic Water Consumers Association Board Room located at 5535 Ledesma Dr., Las Cruces, NM:

Call to Order & Roll Call

President, Mr. Melton, called the meeting to order at 9:00 AM and called the roll:

Vice President, Emma Garcia, Excused
Secretary/Treasurer, Agnes Balizan, Present
Board Member, Kay Trujillo, Present
Board Member, Jaime Stull, Present

Others in Attendance:

Executive Director, Jennifer Horton
Legal Counsel, Lee Peters
Administrative Assistant, Monica Serna

Approval of Agenda

Ms. Balizan moved to approve the agenda as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

Minutes

Ms. Balizan moved to approve the minutes of the January 13, 2015 regular board meeting as presented; seconded by Ms. Trujillo. The Chair called for discussion of the motion. Some non-substantive changes were made. Ms. Balizan moved to approve the minutes of the January 13, 2015 regular board meeting as amended; seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote to approve the minutes; the motion carried by roll call 4-0.

Approval of New Members & Meters

Mr. Melton presented the new member and meter list. Ms. Balizan moved to approve the New Members and Meters as presented; the motion was second by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

Customer Issues and Public Input

1. Ms. Nancy Simmons inquired about the status of removing the blue pipes at the Picacho Hills Wastewater site. Mr. Melton informed that the contract is pending for the removal of the pipes. No estimated time for completion is known at this time.

Board President Report

1. Mr. Melton stated that the Annual Meeting will be held on January 28, 2015 at Dona Ana Elementary Cafeteria. The sign in process will be streamlined to avoid delays. Membership will be verified by having members show identification cards. A vote for approval of the minutes and the Open Meetings Act Resolution #2015-01 will be done by ballots.
2. Mr. Melton reported that Mr. Bill Conner, Executive Director for New Mexico Rural Water Association, has not offered any near future dates to hold a meeting with the board and Picacho Hills members. Mr. Melton will schedule the meeting once Mr. Conner provides some available dates. It will most likely not occur until the session is over.
3. Mr. Melton reviewed the letters received from Mr. Zimmerman and the response he has provided. The letter is encouraging water conservation.
4. The meter project at Ft. Selden is almost complete.

Executive Director Report

Ms. Jennifer Horton presented the Executive Director Report.

1. Customer Issues: There are no customer issues to report. Ms. Horton believes the office remodel has helped in attending to the customers in a more efficient manner. Two computers will be added to the customer counter top area, with one receipt printer.
2. Annual Membership Meeting: The meeting will be held on January 28, 2015. She encourages attendance, since quorum needs be at forty one members present. Ms. Horton states that six, alphabetical, sign in stations will be available. Refreshments will be served. Service awards for employees will be presented. Ms. Horton will present the managers reports and introduce the staff members.
3. Miscellaneous Topics:
 - A. Ms. Horton stated that the meters for Ft. Selden should be completed by Friday, January 30, 2015. These meters will be able to be read electronically and more efficiently. These meters will also prevent less manual reading errors.
 - B. The software conversion for the billing system is scheduled to go live on July 1, 2015. Computer support staff will be on site in June for various training sessions with staff members.

New Business

No new business to report.

Unfinished Business

1. Approval of SF 424.2 USDA Application:

Ms. Balizan moved to approve the SF 424.2 USDA Application as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. Ms. Horton informed that the forms being motioned for approval, under Unfinished Business 1-14, are for the County Waste Water Transfer USDA fund request. Ms. Horton will review the binder with Lee Peters and Souder, Miller & Associates before submitting it. The forms need to be approved, but are unable to be changed as the wording is standard language by the USDA.

Unfinished Business continued

1. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
2. Approval of AD-1047 Debarment-Suspension Certificate
Ms. Balizan moved to approve the AD-1047 Debarment-Suspension Certificate as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
3. Approval of AD-1049 Drug Free Certification
Ms. Balizan moved to approve the AD-1049 Drug Free Certification as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 3-0.
4. Approval of RD-1910-11 Applicant Certification, Federal Collection Policies
Ms. Balizan moved to approve the RD-1910-11 Applicant Certification, Federal Collection Policies as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
5. Approval of RD1940 Q, Exhibit A-1 Certification for Contracts, Grants, and Loans
Ms. Balizan moved to approve the RD1940 Q, Exhibit A-1 Certification for Contracts, Grants, and Loans as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
6. Approval of SF-LLL Disclosure of Lobbying Activities
Ms. Balizan moved to approve the SF-LLL Disclosure of Lobbying Activates as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
7. Approval of RD-400-1-Equal Opportunity Agreement
Ms. Balizan moved to approve the RD-400-1-Equal Opportunity Agreement as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
8. Approval of RD-400-4-Assurance Agreement
Ms. Balizan moved to approve the RD-400-4-Assurance Agreement as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

Unfinished Business continued

9. Approval of RD-400-9-Statement Required by Privacy Act
Ms. Balizan moved to approve the RD-400-9-Statement Required by Privacy Act as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

10. Approval of Certificate of Compliance
Ms. Balizan moved to approve the Certificate of Compliance as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

11. Approval of Certificate Regarding Prohibited Tying Arrangements
Ms. Balizan moved to approve the Certificate Regarding Prohibited Tying Arrangements as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

12. Approval of Certification of Unavailability of Other Funds
Ms. Balizan moved to approve the Certification of Unavailability of Other Funds as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

13. Approval of Form AD 3030-Representation Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants
Ms. Balizan moved to approve the Form AD 3030-Representation Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

14. Approval of Form AD 3031-Assurance Regarding Felony Conviction or Tax Delinquent Status of Corporate Applicants
Ms. Balizan moved to approve the Form AD 3031-Assurance Regarding Felony Conviction or Tax Delinquent Status of Corporate Applicants as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

15. Approval of Contract with Fox Consulting
Ms. Balizan moved to approve the Contract with Fox Consulting as presented; the motion was seconded by Ms. Trujillo. The Chair called for a discussion of the motion. Ms. Horton stated this contract is similar to the one already in place. This is a separate contract from the one already in place with the other court case. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

Closed Session:

At 9:40 a.m., Mrs. Balizan moved to go into closed session; seconded by Mrs. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

As authorized by the Open Meetings Act, New Mexico Statutes Annotated, Section 10-15-1, Subsection H (2), H (7) and H (8), the following portion of the Board Meeting will be conducted in closed session:

1. Real Property and Water Rights Acquisition
2. Litigation and Threatened Litigation
3. Limited Personnel Matters

At 10:35 a.m. Ms. Trujillo excused herself from the meeting.

At 12:22 p.m. Mrs. Balizan moved to go out of closed session; seconded by Mr. Stull. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 3-0.

Mrs. Balizan moved to go into open session at 12:22 p.m.; seconded by Mr. Stull. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 3-0.

Mr. Melton stated nothing had been discussed in closed session other than Real Property & Water Rights Acquisitions, Litigation & Threatened Litigation, and Limited Personnel Matters.

No Actions were taken on items discussed in closed session.

Legal Update

Mr. Lee Peters presented the legal update.

1. Westmoreland Case: All documents have been submitted to the Judge and we hope for a ruling within the next couple months.
2. Moongate Case: The Court held a scheduling conference on January 20, 2015 and set the case for trial in nine months. The Scheduling Order may not be issued until late February, which will place the trial in late November or early December. On January 23, 2015, Moongate filed a motion for summary judgment; we will apply to have the response due in late March or early April 2015, after counsel returns. We have hired an expert witness, Ereik Fuchs, to assist in defeating the summary judgment request, just as was done for the Westmoreland case.
3. Zepeda Case: Trial will be held in late April 2015. We are expected to participate in formal mediation through former judge Leslie Smith, through a new mediation order issued by Judge Arrieta in early January 2015. We have filed a motion to be relieved from any further mediation.
4. Legislation. There is a favorable bill to include mutual domestics in wastewater funding. The amendment of the Sanitary Projects Act is expected to be filed soon.

Legal Update continued

5. General Legal Update: Counsel responded to a notice by the purported attorney for Picacho Hills Utility Company to sue the Association regarding the value of the water rights acquired with the purchase of the Company's assets; the notice has no merit. The State Engineer denied the Association's application for an extension of time to place the Fort Selden water rights to beneficial use; an appeal will be necessary. An attempt will be made to arrange a meeting to resolve the ongoing disputes with Gallardo Construction Company.

Board Open Discussion

1. Mr. Melton reported on an email, which was sent to Ms. Horton, regarding the low water pressure at Ft. Selden. The member states that he has low water pressure during the evenings. He is concerned that his livestock is not receiving appropriate water. Ms. Horton will reply to the member. If it is not resolved, Mr. Melton will intervene.

Board Open Discussion

2. Mr. Kurt Anderson inquired about the Energy and Water Loss Audits that were going to be conducted. Ms. Horton will perform the audits and will follow up on the results, at a later date.

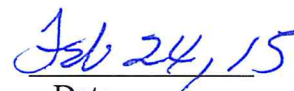
Adjournment

Motion to adjourn was made by Ms. Balizan; seconded by Mr. Stull. The meeting adjourned at 12:41 p.m.

Respectfully submitted:



Agnes Balizan, Secretary/Treasurer



Date