



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 minutes are from the Regular Board Meeting of Doña Ana Mutual Domestic Water Consumers Association Board of Directors, February 2, 2017; 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:

Vice President – Jamie Stull, Excused Absence

Secretary/ Treasurer – Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

Board Member – Justin Sparks, Telephone Conference

Others in Attendance:

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Members – Tonya Lowery

Approval of Agenda

Dr. Anderson moved to approve the agenda for the February 02, 2017 Regular Board Meeting as presented; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. The Chair called for a vote on the agenda; the motion carried by roll call vote 4-0.

Minutes

Dr. Anderson moved to approve the Regular Board Meeting Minutes of January 19, 2017; Mr. Ponteri seconded the motion. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

New Members & New Meters

Dr. Anderson moved to approve the New Members and New Meters list as presented for January 2017; Mr. Ponteri seconded the motion. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised there are twenty (20) names on the list; eleven (11) are new meters and twelve (12) are existing members. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Customer Issues and Public Input

Item 2: Mrs. Tonya Lowery presented an invoice showing an inspection by a plumber advising of no leaks found. Ms. Horton advised we now have the ability to data log and we have been able to pinpoint a slow leak that was corrected prior to the visitation from the plumber. Mrs. Lowery understood we are not able to make an adjustment, but wanted the Board to be aware of the fact that a leak was not identified.

Board President Report

President Melton reported he has written a letter responding to the customer's issue presented at the Special Board meeting on January 9, 2017. He has reviewed the customer's account, as well as the back of our billing statement. Mr. Melton does believe some of the language can be cleared up in an attempt to create further transparency with regard to invoicing customers; however each customer is responsible for reading the entirety of the billing statement. Mr. Melton believes we can further provide clarity if the

times for cutoff payments match. Ms. Horton advised we would need to rewrite the policy in order to correct the times. We will have this drafted.

Mr. Melton is pleased with meeting quorum with the first attempt at this year's Annual Meeting. At our last Regular meeting we tabled the penalty policy in order to allow rewording of the language. We will bring this to the next Regular meeting.

Staff Reports

2. Executive Director

Ms. Horton advised projects are progressing. She will continue to be in the field reviewing the work. We did receive approval from NMED for Fairview Phase II and should move to bid openings in mid to late March.

Mr. Ponteri inquired into the billing issue we all recently received. Ms. Horton advised we have experienced a software glitch, however we have corrected the issue and redistributed the bill. The software company advised they are running updates with new formulas and are working out the bugs.

New Business

No New Business

Unfinished Business

Election of Board Officers:

Dr. Anderson nominated Mr. Melton to retain the position of President; Mr. Ponteri seconded. No other nominations were presented. The Chair called for a vote. The vote carried 4-0

Mr. Sparks nominated Mr. Stull to retain the position of Vice President; Dr. Anderson seconded. No other nominations were presented. The Chair called for a vote. The vote carried 4-0

Mr. Ponteri nominated Dr. Anderson to retain the position of Secretary/Treasurer; Mr. Sparks seconded. No other nominations were presented. The Chair called for a vote. The vote carried 4-0

The Oath of Office will occur at our next Regular Board Meeting scheduled for February 16, 2017.

Dr. Anderson moved to approve Item Five (5), approval of Repairs to Well #5; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. Ms. Horton advised we did follow procurement for this repair. The recommendation is to reward the repairs to D and J Pump. We solicited bids from three companies, however only two responded. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Open Session

Executive Director Jennifer Horton advised Colonias Day is February 21, 2017 at the Capital. Are any Board Members attending? Mr. Melton, Dr. Anderson, and Mr. Ponteri will all attend. Ms. Horton will approach Mr. Stull to confirm if he would like to attend as well. Mr. Sparks will have to look at his schedule and follow up. Ms. Horton also advised there is a current freeze on state funding for Colonias Infrastructure (CIF), Water Trust Board (WTB), and TIF funding. This does not eliminate EPA federal funding.

The New Mexico Rural Water Conference is scheduled for the first week of April. We will need to know what Board Members will be attending. Mr. Melton and Dr. Anderson will attend. We will approach Mr. Stull to confirm if he is available.

Mr. Melton advised now that we have the capability to data log the concern is that we do not have the manpower to data log every single home without expenditures. We will need to address writing a policy as to how we will handle data logging, meter

disputes, and the costs associated with this. Ms. Horton advised with the data logging ability we may not need to complete meter testing the same way we have in the past as this data will tell us if there is a continuous leak, intermittent leak, and/or backflow issues; hour by hour.

Mr. Ponteri advised he has now been on the Board for one year and has yet to see an evaluation completed for the Executive Director or a merit increase. Ms. Horton advised evaluations are at the discretion of the Board; however staff evaluations are normally completed around June and July with a potential merit discussion to follow. Last year a freeze on salaries was enforced as we adopted a rate increase and we could not justify a merit increase while implementing this new policy. Mr. Ponteri asked if there will continue to be a freeze for 2017? Ms. Horton advised we will not have an answer until the budget review is completed.

Adjournment

Mr. Ponteri moved to adjourn at 10:20 a.m.; Dr. Anderson seconded the motion. The Chair called for a vote on the motion: the motion carried by roll call vote 4-0.



Kurt Anderson

Secretary/ Treasurer

3/16/17

Date

Lowery document
provided to Board.

Average water usage for 11 month period has been 5,192 gallons

Meter usage for the period of 9/16 - 11/14/2016 was 60,713 or 30,356 / month

I contacted DAMDWCA office as soon as I received the bill for Oct. They sent out the service personnel and found that the meter was registering 5 gallons per minute. They stated the "leak" was not on their side and we should hire a plumber.

The plumber came on Nov. 3 and he and my husband inspected the meter. He did a full inspection of the meter and the house to find no leak. (see attached report from Sun City). NO leak was found on our side of the meter.

At the time the plumber and my husband started monitoring the meter the reading was 215752.32 with no change in four (4) hours. My husband continued to monitor the meter thru Dec. 1, 2016 and the reading rose to 21836.65. This is a usage of 2608.33 gallons which is normal for this time of year.

I then requested our account be credited for the charges that were over and above our normal usage and was told the office staff did not have that authority. Only the board could make that directive. When I asked to appear before the board in January I was told the only way to address the board was to have the meter removed and checked by NMSU. So, we did that request and were told the results would not be available until after the January meeting. We have been notified the meter was not defective.

I cannot (nor can my husband) explain the meter readings in question nor can we offer any explanation as to where (if anywhere) the water went. There were no wet spots anywhere on our property nor in our home.

We are asking for our account to be corrected and the past due amount of \$248.85 removed. We would also request no charge for the meter test and reimbursement of the plumber's charge of \$97.48.

Thank you for your time and consideration.

Sun City

PLUMBING & HEATING

"It's A Good Thing You Know Sun City!"

560 NORTH 17TH ST.
 LAS CRUCES, NM 88005
 (575) 526-9758
 (575) 525-8032 FAX
 NM LIC. #26504
 TACLA #37350C
 www.YouKnowSunCity.com



SERVICE ORDER INVOICE

No 32170

575-993-2221

575-636-3882

testimonials

BILL TO Tommy Lowery
1104 Lopez Rd
Las Cruces NM 88007

NAME	HRS	LABOR	RATE	AMOUNT
STREET	DATE			
CITY	PROMISED			
PHONE (HOME)	PHONE (WORK)	SCHED. TIME	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
TECHNICIAN	TOTAL LABOR			
WORK TO BE PERFORMED	QTY	MATERIALS & SERVICES	UNIT PRICE	AMOUNT
Water leak		Meter Reading on arrival		
DESCRIPTION OF WORK		215752.32 NO change in 4 hours		
RECOMMENDATIONS		Check # 3146		
TOTAL MATERIALS				

TERMS
 1 1/2% Service Charge on Accounts Past 30 Days
 All Service Work C.O.D.

I have authority to order the work outlined above which has been satisfactorily completed. I agree that Seller retains title to equipment/materials furnished until final payment is made. If payment is not made as agreed, Seller can remove said equipment/materials at Seller's expense and/or impose a 2% liquidation fee on the entire amount contained in the Seller/Buyer transaction. Any damage resulting from said removal shall not be the responsibility of Seller.

Tommy Lowery 11/3/16
 CUSTOMER SIGNATURE DATE

LIMITED WARRANTY: All materials, parts and equipment are warranted by the manufacturers' or suppliers' written warranty only. All labor performed by the above named company is warranted for 30 days or as otherwise indicated in writing. The above named company makes no other warranties, express or implied, and its agents or technicians are not authorized to make any such warranties on behalf of above named company.

REGULAR WARRANTY
 SERVICE CONTRACT

Thank You

TOTAL SUMMARY	
TOTAL MATERIALS	
TOTAL LABOR	
TRAVEL CHARGE	
SUB TOTAL	90 00
TAX	\$ 748
TOTAL	97 48



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

Board President Report
Attachment

February 02, 2017

Dear Mr and Mrs Kapner:

Reference is made to your email of January 5, 2017; SUBJECT: DOÑA ANA MDWCA BILLING PRACTICES.

Examination of your account history reveals that the account was brought to a zero balance on Sept. 23, with a payment of \$78.92. Subsequent to that date, the statement tendered on Oct. 1, reflected usage in the amount of \$66.61 for the period from Aug. 7 until Sep. 6, due no later than 3:00 P.M. MST on Oct 25. Since that indebtedness was not discharged within the grace period stated, a PENALTY fee of 10% (\$6.67) was assessed at that time resulting in an account balance of \$73.28 effective Oct 26. Subsequently, a statement was issued on Nov. 1, clearly reflecting a "PAST DUE AMOUNT" of \$73.28 and a "CURRENT BILL" in the amount of \$54.17 for services between Sep. 6 and Oct. 6, resulting in a total account balance of \$127.45 of which the "PAST DUE AMOUNT" was due "BEFORE 5:00 p.m. on the 20th* of the month to avoid non-payment fees and/or interruption of services," as stated in POLICY 1010.1, printed on the back of the billing statement. Failure to receive the "PAST DUE AMOUNT" in accordance with the cited Policy resulted in the assessment of a \$36.75 non-payment fee on Oct. 21, yielding a balance due no later than 3:00 P.M. on Oct. 25 of \$164.20. A payment of \$127.45 was received on Oct. 25 leaving a balance due on the account of \$36.75 which resulted in a 10% PENALTY assessment in the amount of \$3.68 with a resultant "PAST DUE AMOUNT" of \$40.43, as reflected on the account statement issued on Dec. 1.

Your suggestion that all due dates be printed on the front of the account statement is appreciated, unfortunately, the format of the statement is a function of our software and there may be limitations which preclude such action. The possibility of modifying the statement to reflect "CURRENT BILL DUE DATE" vice "DUE DATE" will also be investigated. Our staff is more than happy to accept payment of account balances prior to the "due date," and the suggestion was made at the Annual Meeting of the Membership last week that payment of all charges reflected on the monthly account statement prior to the 20th of the month will prevent any sort of penalties and/or fees for late payment or non payment being assessed.

Sincerely;

Original signed by:

JAMES F. MELTON
President, Board of Directors
Doña Ana Mutual Domestic Water Consumers Association
575-526-3491
jim@dawater.org

From: CLARE KAPNER <NYLALC@msn.com>
Sent: Thursday, January 05, 2017 6:29 PM
To: Jim Melton; Kurt Anderson; Jamie Stull; Ray Ponteri
Subject: DONA ANA MDWCA BILLING PRACTICES

Dear Board Members:

Please consider the following and perhaps the suggestion of all due dates be printed on the front of the invoice, instead of some on the front and some on the back.

My invoice October invoice due on Nov 28th showed a balance due from the previous month's invoice. Surprised to see that the invoice had not been paid from my bank I discovered that a typo had the invoice to be paid in November instead of the October due date. The invoice clearly showed that the balance due for the 2 months plus a penalty was due on Monday, Nov 28th. Payment in full was received by Dona Ana MDWCA on Friday, Nov. 25th. On Nov 28th my water was turned off! Three days after receiving payment.

I called the office on the 28th and only then did they check that they had indeed received payment on the 25th. Now you would think that would have resolved any delinquent payments. Not so. The November invoice showed a past due balance of \$40.43.

I wondered where this past due amount came from since I paid the full amount due on the previous month's invoice before the due date. Well this past due balance, a \$36.75 "adjustment" and a \$3.68 "penalty" was incurred on November 21st, and because I didn't pay it by November 20th there's 10% interest on the past due balance. And why didn't I know I had incurred this penalty last month? Because I didn't call the office to find out.

Now did you know that any past due balance is not due on the date printed on the front of the invoice, but instead on the due date printed on the back of the invoice? That was quite a surprise to me and quite contradictory. On the front of the invoice it clearly states that a penalty would be incurred on Nov 29th. On the back of the invoice it states that a penalty is incurred on Nov 21st! So if there are two different due dates, why not break out the two amounts due and their respective due dates. I asked this question and I was told that there was not enough room on the front of the invoice to print this information. Really?

And even if I did notice that I had to pay a \$35 penalty on the past due amount