



*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, February 24, 2015, convened at 9:00 p.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 A.M. 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  
Project Manager, Abenicio Fernandez  
Legal Counsel, Mary Humphrey  
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 February 10, 2015 Regular Board meeting as presented; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. The Chair called for a vote to approve the minutes as presented; 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. Mr. Jim Hayhoe inquired if the Bylaws had been reviewed by federal agencies. Mr. Melton informed that he would have them reviewed at a later time. Currently, Mr. Melton is trying to resolve legislative issues. He will provide a report once it is available.
2. Mr. Kurt Anderson recommended for a member of the association to attend the Lower Rio Grande Water Users Group meeting which will be held on the second week of March. The meeting will discuss real concerns of water providers in this region and new water requirements. Ms. Horton explained that the Board Meeting has been held on

the same day and she will assign for a manager to attend, such as Abenicio Fernandez. Mr. Melton would also have a Board Member attend.

### **Board President Report**

1. Mr. Melton reported that he has attended, along with other Board Members, Executive Director, and the Project Manager, various committees and commissions at the Legislative Session. House Bill 221 received a non-recommendation and was presented to a second committee. The Board and Staff Members will continue monitoring legislative meetings.
2. Mr. Melton has been in contact with Mr. Riley. Mr. Riley's meter has been tested for deficiencies. The results indicate that the meter is within tolerance. Mr. Riley is questioning if there was confusion with the data or if another meter was tested by mistake. Mr. Melton suggested for the meter to be retested, at the expense of Mr. Riley of \$10.20, and have them indicate the serial number for verification.

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

1. Ms. Barbara Manning expressed she had concerns regarding membership attendance during the annual meeting and not having the quorum required. Ms. Manning is requesting to obtain a public record with member's telephone numbers and their districts. On March 30, 2015, Ms. Manning will have volunteers call the members and remind them of the meeting. A script will be provided to the volunteers. The information that would be provided in the public record request would be confined to the Dona Ana MDWCA's Board Room and the information will be returned once the calls are made. Mr. Melton recommended that the script be presented at the next Board meeting, March 10, 2015, for approval. Ms. Horton recommends that the release of public record be submitted in advance, so appropriate time can be given to produce the information. Ms. Horton informed that there are two telephones available, in the Board Room, which can be used to make calls. Mr. Melton offered his cell phone and Ms. Manning stated she would provide two cell phones.

### **Executive Director Report:**

Ms. Jennifer Horton presented the Executive Director Report.

1. Ms. Horton states that three developers are building subdivisions in areas where Dona Ana MDWCA provides water and/or wastewater. This will require for more infrastructures to be constructed. Ms. Horton will be reviewing and updating the existing policies and procedures to meet the current standards.
2. Ms. Horton informed that Board Members, Project Manager, and she attended Colonias Day at the House of Representatives. There are about seven Colonias in our service area. The governor was presented with information for the need of funding to build infrastructures to provide adequate water systems to these neighborhoods.
3. While in Santa Fe, Ms. Horton met with the Environmental Department Cabinet Secretary. He recognized Dona Ana MDWCA as being a good example of Mutual Domesticity in New Mexico. Funding is being made available to Mutual Domesticity, and Ms. Horton will keep in attendance of

these meetings.

**New Business:**

1. Mr. Tom Andrews presented on the Paseo Del Oro Apartment complex to be built at the corner of Elks Drive and Engler Road and will be owned by the Housing and Economic Rural Opportunity, Inc. The complex is being funded by USDA and Raymond James Financial.
  - A. Mr. Andrews is requesting for one master meter to serve the entire development. He states that master meters are standard specs in apartment communities and they are allowed by the City of Las Cruces. The owner pays one bill and would eliminate maintenance of multiple meters. The federal operating subsidy includes payment of utility expenses. (If special accounts, with advanced credit lines, need to be put in place to guarantee payment, Mr. Andrews would make that available.)
  - B. Mr. Andrews is requesting to install a 6 inch loop line to the existing 4 inch stub-outs in the adjacent streets. He explained that peak domestic water demand is 300 gpm. The peak flows will not exceed 150 gpm passing through the 4 inch stub out. He stated that the tapping into the 4 inch stub outs to install the 6 inch loop line will save cost; no additional pavement cuts and trenching will be required. The City of Las Cruces Fire Department Engineer has agreed to accept certified copies of the summary output sheets of the water model analysis if it was updated in the last two years.

Mr. Stull questioned if it is legal to shut off services, if payment is overdue, on a multifamily complex. Ms. Horton states that it would not be illegal to do so. Ms. Horton informed that 24 bills can be sent to one person, so payment can be paid at once. The new billing system, which will be implemented in July 2015, would have that capability. Ms. Horton informed that a fire hydrant would have to be placed on the street where the complex will be built. Mr. Andrews states that fire sprinklers will be placed in each apartment meeting fire compliance. Ms. Horton advised that full architectural plans need to be presented. Mr. Andrews will provide three full sets. Mr. Melton suggested that the Board postpone any action until plans have been reviewed and comments are indicated. The estimated date for comments will be for the Regular Board Meeting on March 24, 2015, if plans are submitted in the first week of March 2015.

**Consent Agenda:**

Mr. Melton explained that the Resolutions presented for approval, 6-11 on the agenda, all correspond together. He would like a motion to be made to approval them together, instead of individually to save time.

Ms. Balizan moved to approve the Resolution 2015-04 PG-3033, Planning Grant Agreement for PG-3033, Certificate of Grantee for PG-3033, Resolution 2015-05 PG-3034, Planning Grant Agreement for PG-3034, and Certificate of Grantee for PG-3034 as presented; the motion was 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 4-0.

### **Unfinished Business:**

1. Approval to purchase GPS monitoring system: Ms. Balizan moved to approve GPS monitoring systems for vehicles; the motion was seconded by Ms. Trujillo. The Chair called for discussion of the motion. Ms. Horton stated that it will be a three year agreement for monitoring, maintenance, tech services, and the units have a lifetime warranty. Fleetmatics will provide cleaner data. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
2. Approval of Board Officer Resolution: Mr. Melton informed that the Board of Directors is an important component of the functionality of business, project plans, and operations for Dona Ana MDWCA. Mr. Melton states that on February 3, 2015, at the Special Board Meeting, two members were absent when assignments of office were held. Three members were present meeting quorum. Questions were asked if the motions of assignments were done appropriately since two members were missing. Mr. Melton asked Ms. Humphrey if she can provide legal advice as to what options the Board has in having a re-election of officers. Ms. Humphrey advised that the board can declare the motions invalid and elect new officers, having all consideration to all board members. Any other option to resolve this matter can be decided by the Board. Since it is an action item on the Agenda today, the can have the re-election during this meeting.

Ms. Balizan moved to declare the results of the election of officer on February 3, 2015 invalid; the motion was 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 4-0.

- A. Board President: Ms. Balizan made a motion to nominate Mr. Jim Melton for President; the motion was seconded by Ms. Trujillo. Mr. Melton accepted the nomination. The Chair called for discussion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
- B. Vice President: Ms. Balizan made a motion to nominate Mr. Stull for Vice President; the Chair called for any other nominations; no other nominations were noted; the motion was seconded by Mr. Melton. Mr. Stull accepted the nomination. The Chair called for discussion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.
- C. Secretary/Treasurer: Mr. Stull made a motion to nominate Ms. Balizan for Secretary/Treasurer; the Chair called for any other nominations; no other nominations were noted; the motion was seconded by Mr. Melton. Ms. Balizan accepted the nomination. The Chair called for discussion. The Chair called for a vote on the motion; the motion was approved by roll call 3-1.

Mr. Melton-yes

Mr. Stull-yes

Ms. Balizan-yes

Ms. Trujillo-no  
Ms. Garcia-absent

**Closed Session:**

Mr. Melton asked if there were any items for discussion in closed session. Ms. Horton stated there were no items for closed session. Ms. Humphrey states there was not a legal update.

**Board Open Discussion:**

Ms. Horton states that Rancho de Gallo is in the process of being developed. The developer is Randy McMillan. Once the initial infrastructure is complete, it will be reviewed for compliance with meeting 5ppms. With this new development, Ms. Horton believes more homes will be built knowing it has full capabilities for utilities. Ms. Horton will be contacting the City of Las Cruces.

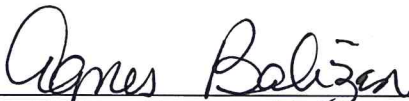
The vacuum system at Rancho de Gallo has been exposed since 2008. Dona Ana MDWCA will not accept it until it is tested and assured it works.

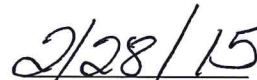
Mr. McMillan has asked for a transfer agreement and line extension agreement.

**Adjournment**

Motion to adjourn was made by Ms. Balizan; seconded by Mr. Stull. The meeting adjourned at 10:18 a.m.

Respectfully submitted:

  
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Agnes Balizan, Secretary/Treasurer

  
\_\_\_\_\_  
Date