



*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 are the minutes of the Regular Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, March 24, 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 88007:

### **Call to Order & Roll Call**

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

Vice President, Jamie Stull, Present  
Secretary/Treasurer, Agnes Balizan, Present  
Board Member, Kay Trujillo, Present

Others in Attendance:

Executive Director, Jennifer Horton, Present at 9:56 A.M.  
Project Manager, Abenicio Fernandez  
Legal Counsel, Lee E. Peters, Present at 9:56 A.M.  
Administrative Assistant, Edward B. Salomón

### **Approval of Agenda**

Mrs. 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 vote 4-0.

### **Minutes**

Mrs. Balizan moved to approve the minutes of March 10, 2015 Regular Board Meeting as presented; Seconded by Mrs. Trujillo. The Chair called for discussion of the motion. Some non-substantive changes were made. The Chair Called for a vote to approve the minutes as amended; the motion carried by roll call vote 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 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 vote 4-0.

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

Jim Hayhoe Mentioned his neighbor Linda Kruger had a complaint about water damage to her property but she has not filed any formal complaints with Doña Ana Mutual Domestic Water Consumer Association.

### **Board President Report**

**Mr. Jim Melton Reports:**

The regular 60 day session of the legislature ended at 12:00 P.M. on March 25, 2015. No legislative action was passed having a significant effect on the Association with the exception of a minor matter of capital outlay. We discussed Mr. Riley a couple of meetings ago and I have made numerous attempts to contact him by telephone and I keep getting a voice mailbox that is not set up. So I am going to ask our Executive Director to have one of our Customer Service Representatives send him a letter that explains the position of the Board of Directors. I would also to welcome Mr. Lee Peters back even though we had adequate and confident representation from Mrs. Humphry in his absence. I have also received a letter from Mr. Karl Pennock from the New Mexico Drinking Water Bureau requesting comments from the Board of Directors about the six complaints that Mr. Crowley filed in late September. Mrs. Horton and I had put together responses to the six complaints. I have put a letter together and I will have it reviewed by Mrs. Horton and Mr. Peters before I release it. At that time if any of the other Board Members would like to weigh in on it I will be more than happy to let them do so. The letter basically indicates to the New Mexico Drinking Water Bureau that Doña Ana Mutual Domestic Water Conservation Association is fully in agreement with the information that was put out by our staff; that it was not something that was done without knowledge or support from the Board. Mr. Pennock was not specific about what questions he wanted answered so I responded to the best of my ability.

**New Business**

**Mr. Abenicio Fernandez Reports:**

1. Policy 1021.015 Board of Directors Per Diem - No change/Reformatted
2. Policy 1022.015 Payment Arrangements- No change/Reformatted
3. Policy 1023.015 Fire Hydrant Meter Rental-Changed General Manager to Executive Director- Mr. Melton asked that the third paragraph be reviewed so that this policy corresponds with other like policies.
4. Policy 1024.015 Board Election Procedures- No change/Reformatted
5. Policy 1025.015 Removal and Reinstallation of Meters- No change/Reformatted
6. Policy 1026.015 Theft and Tampering -No change/Reformatted – Mr. Melton Requested that the Board of Directors Review this Policy.

Reallocation of Funds for Trucks- Mr. Fernandez discussed reallocating funds to get rid of current fleet trucks that have minor issues or that are not fuel efficient and get new more efficient trucks. Mr. Melton suggested that the Board discuss the reallocation of funds at the next Regular Board Meeting.

**Consent Agenda** – No business to discuss.

**Unfinished Business**

Mrs. Balizan Moved to approve Work Plan 6323868 for Planning Phase Contract Package for Wastewater Permit Application for District 5 in Picacho Hills with Souder, Miller and Associates; 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 vote 4-0.

Mrs. Balizan moved to go into recess at 9:40 A.M. Mrs. Trujillo 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.

Mrs. Balizan moved to call the Regular Board Meeting back to order at 9:56 A.M. Mrs. Trujillo 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.

### **Closed Session**

Mrs. Balizan moved to go into closed session at 9:58 A.M. Mrs. Trujillo 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.

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

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

Mrs. Balizan Moved to go into open session at 11:27 A.M. Mrs. Kay Trujillo 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.

### **Legal Update**

Mr. Peters reports:

Westmoreland Case Update- No decision has been received from Judge Arrieta at this time.

Moongate Case Update- Trial is set for December. Doña Ana must respond to Moongate's motion for summary judgement by April 10<sup>th</sup>.

Zepeda Case Update- Trial was set for May 1<sup>st</sup>. We have relieved by the court from formal mediation with Judge Smith and are preparing for trial in case the Zepeda's reject our final settlement offer.

General Legal Update- Legislation that made it through to the Governor's desk was discussed. Counsel will provide an analysis of final legislation that becomes law after the Governor acts. The NMED response was also discussed.

### **Staff Report**

Mrs. Horton Reports:

Mr. Hayhoe sent a Capital Outlay Request to Doña Ana MDWCA.

Phone Tree will be running 8 A.M. to 5 P.M. all week to alert Members of the Annual Meeting on March 31, 2015.

Mrs. Horton is getting ready to start RFP for auditing services. We received notice from the State Auditor that Doña Ana Mutual can begin the process. Mrs. Horton will also begin looking for a new auditing firm.

There will be a Special Board Meeting on March 27, 2015 at 2 P.M. in the Doña Ana MDWCA Board room. We will interview two candidates for the District two Board Member Position.

**Board Open Discussion**

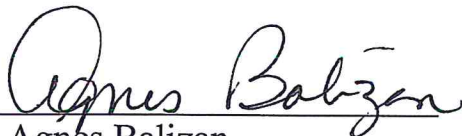
Mr. Melton reminded the other Board Members to have at least two questions ready for the two candidates that will be interviewed at the Special Meeting on March 27, 2015.

The Board Members discussed that they would be in the Board room on March 30, 2015 to physically call Association Members to alert them of the Annual Meeting on March 31, 2015. They also mentioned that any of the Association Members would be able to attend and volunteer their time. Notice of Quorum was also posted for this meeting.

The Board Members also decided to move the April 14, 2015 Regular Board Meeting to April 17, 2015 due to the fact that the Board will be out of town for the NMRWA Annual Conference.

**Adjournment**

Mrs. Balizan moved to adjourn the meeting at 12:05 P.M.; 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 vote 4-0.



Mrs. Agnes Balizan  
Secretary/ Treasurer

April 21, 15  
Date