



*Doña Ana Mutual Domestic Water Consumers Association  
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The following minutes are from the Regular Board Meeting of Doña Ana Mutual Domestic Water Consumers Association Board of Directors, April 06, 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:

Secretary/ Treasurer – Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

A Quorum was declared

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Members – Lane Hauser, Lorraine Lowther, Donald Young,

Raul Esparza, Nancy Simmons

### **Approval of Agenda**

Dr. Anderson moved to approve the agenda for the April 06, 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 motion; the motion carried by roll call vote 3-0. (Mr. Stull arrived after approval of the Agenda)

Vice President – Jamie Stull, arrived at 9:02 A.M.

### **Minutes**

Dr. Anderson moved to approve the Regular Board Meeting Minutes of March 16, 2017; Mr. Ponteri seconded the motion. The Chair called for discussion of the motion. No discussion was brought forward. 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 March 2017; Mr. Stull seconded the motion. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised there are sixteen (16) names on the list consisting of fifteen (15) new members, and one (1) existing member. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

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

Mr. Raul Esparza addressed the Board to discuss the penalty policy and the option of providing additional notification to prevent disconnects. Mr. Esparza advised he hopes to address the possibility of additional notice. The Board explained the billing cycle, advised the invoice itself is notice, we do provide a grace period, and we also send out a call notification. We will continue to review our policies for best practice.

Mr. Donald Young, on behalf of his mother June Young, approached the Board to follow up on his billing situation. Mr. Melton acknowledged he is drafting a letter; however this past week's conference delayed the finalization of this. Unfortunately once

the water registers through the meter we cannot define where the water goes. We are unable to make any billing adjustments due to the Anti-donation Clause.

Mr. Lane Hauser approached the Board in order to touch base on the storm water prevention best practices and the review of his report. Ms. Horton advised she is working with our engineers; however we have experienced several difficulties. The individual who created the SWIP has passed away and at this time the County has declined to become involved. This now means the final decision will come from a final review from the Board, the engineers, and our legal department. We have a lot of homework to go through and request time to complete a thorough review. Mr. Hauser updated his contact information for when we can meet with him.

Mrs. Lorraine Lowther followed up with the Board with regard to their meter concerns. Ms. Horton advised we did complete the data logging which confirms there is an intermittent leak on their property. Mrs. Lowther will review the charts and contact Ms. Horton with any questions.

### **Board President Report**

Mr. Melton passed the floor to Dr. Anderson to provide his report on this year's NMRWA conference held in Albuquerque. Dr. Anderson reported the presentations are always informative with one of the more common themes being the fact that many of the water districts experience concerns with high water usage from customers. Companies across the state are also concerned with the water rights and the pending judgements.

Mr. Melton reinforced the presentations were very professional and well prepared with an opportunity to see evolving thoughts and new technologies.

## **Staff Reports**

Ms. Horton approached the Board about the upcoming National Water Conference in Reno, NV held September 17 through September 21. As this is an event that reserves well ahead of time and does have cancellation fees we will need a firm count on who can attend. Mr. Melton will attend this conference with Executive Director Jennifer Horton.

## **New Business**

No New Business

## **Unfinished Business**

Dr. Anderson moved to approve Item Four (4), approval to award contract 6325406 to Renegade Construction, LLC for the paving on Dona Ana Rd; Mr. Ponteri seconded the motion. The Chair called for discussion of the motion. Ms. Horton advised this contract has been awarded to Renegade Construction as this funding must be spent by May 14, 2017 or it will be lost; we cannot reallocate the funds to another project. In order to complete the project before the funding deadline we had to finalize the award. We did try to call a Special Meeting, however we were unable to meet quorum. The total cost for this project is \$129,378. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

## **Closed Session**

At 9:41 a.m., Dr. Anderson moved to enter into Closed Session; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. No discussion was brought forward. 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, Subsections H (2), H (7) and H (8), the following portion of the Board Meeting will be conducted in closed session:

1. Litigation and threatened litigation
  - a. Discussion of EBID DROP Program
2. Real property and water right acquisition
  - a. Purchase of Private Water System

Take action, if any on closed session items

At 9:58 a.m. Mr. Melton called a recess and went back into Closed Session at 10:16 a.m.

At 10:34 a.m. Dr. Anderson moved to exit Closed Session and enter back into Open Session; Mr. Stull 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 4-0.

Mr. Melton stated as authorized by the Open Meetings Act, New Mexico Statutes Annotated, Section 10-15-1, Subsection H (7) the portion of the Board Meeting conducted in Closed Session concerning the status of the following requires no action in Open Session and were the only topics discussed in Closed Session.

1. Litigation and threatened litigation
  - a. Proposed Resolution of Radium Springs Permit Appeal
2. Real property and water right acquisition
  - b. Proposed Resolution of Radium Springs Permit Appeal

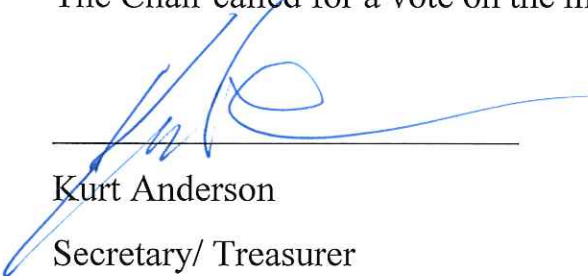
There is no formal action required by the Board in Open Session

## Open Session

Mr. Ponteri addressed the board with regard to District 5 customer, Nancy Simmons, and her concerns with the water sampling of lead and copper in Picacho Hills. She has been a sample site since 2015 and is one of the homes that exceeded the Lead and Copper requirements. It was discovered that her home is no longer a compliance point as they have a water softener. Mr. Ponteri acknowledged the customer has always had a water softener, however he is requesting we do a new sample for a matter of record in case a future home buyer is interested in the member's home. Ms. Horton acknowledged our staff made a mistake, and the operator has been coached on proper sampling techniques; which we have conveyed to the Environment Department. Ms. Horton explained that NMED representatives have advised a special sample can be taken as long as the water softener can be bypassed with a flushing of the system prior to any sample being taken. Mr. Ponteri would like to clear this up and is formally requesting the special sample. Ms. Horton advised NMED was very specific that this would not be a compliance record of the Association as they are not part of the compliance sampling; nor can they be. This would only go on record for the Association to try to correct the sampling errors. We are putting into practice new requirements for the new samples for signing off that the home does not have a filtration system, reverse osmosis, or water softener because if any of these items are in the home we cannot sample that home. We have never completed individual sampling for personal benefit and if the Board chooses to move forward with this we would request restrictions to avoid all members asking for noncompliant sampling that we do not have the ability to complete. Each Board Member agreed to complete a special sample with restrictions, only for the homes that tested for lead and copper; and only if the filtration system, reverse osmosis, or water softener can be bypassed and flushed.

**Adjournment**

Mr. Ponteri moved to adjourn at 10:44 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.

  
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Kurt Anderson  
Secretary/ Treasurer

  
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Date