



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, April 17, 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 A.M. and called roll:

Vice President, Jamie Stull, Excused for business meeting
Secretary/Treasurer, Agnes Balizan, Present
Board Member, Kurt Anderson, Present
Board Member, Kay Trujillo, Present

Others in Attendance:

Executive Director, Jennifer Horton
Project Manager, Abenicio Fernandez
Administrative Assistant, Edward B. Salomón

Approval of Agenda

Mr. Anderson moved to approve the agenda as presented; the Motion was seconded by Mrs. Balizan. 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

Mr. Anderson moved to approve the Regular Board Meeting Minutes for March 24, 2015; the motion was seconded by Mrs. Balizan. 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 approve the Special Board Meeting Minutes for March 27, 2015; the motion was seconded by Mr. Anderson. 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.

Mr. Anderson moved to approve the Special Board Meeting Minutes for April 7, 2015; the motion was seconded by Mrs. Balizan. 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

Mr. Anderson moved to approve the list of new members and new meters as presented; the motion was seconded by Mrs. Balizan. 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 & Public Input

Mrs. Kate Iturralde wished to no longer go in front of the board and she paid the bill that she owed in full.

Mrs. Dolores Zapien addressed the Board of Directors about her water bill being too high. She Claimed that she had a small leak in her system but that there is no way she could have used 150,000 gallons of water in one month, which caused her bill to total to almost \$800 dollars. Ms. Shelsea explained to the Board that Doña Ana MDWCA already had Mrs. Zapien's meter tested for any inaccuracies but the meter tested to be functioning properly. The Board suggested that the meter be retested again by a third party as well as by Doña Ana MDWCA to check if it is functioning properly. If the meter tested as functioning properly Mrs. Horton explained that we could make payment arrangements with her to help her pay down her bill.

Board Presidents Report

Mr. Melton Reports:

Mr. Melton informed the Board that he had planned to have a very extensive report about the NMRWA Conference that he was supposed to attend but due to unforeseen circumstances he was unable to attend.

Administration Department Report

Mrs. Calhoun Reports:

Expenditures- Expenditure Report from March 5, 2015 to April 5, 2015. All expenditures are normal overhead payments with the exception for the following.

1. Tyler Technologies \$33,487.61; partial payment for our annual subscription.
2. Bravo Cadillac \$18,066.21; wish list item for Operations, 2014 Chevy Silverado.
3. Ditch Witch of El Paso \$9,251.00; wish list item for Operations, Air Compressor.
4. Johnston's True Value Hardware \$1,742.89; wish list item for Operations, Pavement Cutter with Blades.

Accounts Receivable- Doña Ana County billing was \$960.00 for 320 Waste Water users; they are current on all payments.

Accounting- General reconciliations of the Accounts Receivables and GL accounts have begun being prepared for end of year.

Human Resources- New and Professional Employee Packets have been created for incoming staff.

Current Open Positions- Currently Operations has one vacancy for Water/Waste Water Operator. A current listing of the open positions can be obtained on the DAMDWCA website. In addition to the listing are the job descriptions and job requirements for all vacant positions.

Staff Training- Due to the Annual Meeting, out of town trainings and other obstacles the Managers were the only ones to receive in house training for the month of April. Managers learned about "Managing Ethics" in the work place. The most important part of the video was being a positive role model to the staff and peers. This is of the highest value to Doña Ana MDWCA. This important value is something we look for when selecting an Employee of the Month. Strong ethics build a solid foundation to build a positive and professional relationship with our members and the public.

Continuation of Staff Appreciation- the Staff Appreciation breakfast continues Cyndi brought yummy breakfast burritos for the last breakfast. Mr. Melton contributed to the cost and all the staff appreciated the yummy treat.

Customer Service Report

Ms. Shelsea Reports:

Billing-Billing statements were submitted on March 31, 2015 due to problems with the wastewater calculations on CUSI. The average on the wastewater was not showing the correct average causing difference in the fees. We were able to contact CUSI and they were able to correct the issue.

Penalties- Penalties for March totaled \$10,551.61. Penalties are scheduled for April 17, 2015 due to billing statements going out late.

Disconnections- Total disconnections for March were 56.

Doña Ana- 39

Ft. Selden- 11

Picacho Hills- 6

Fairview- 0

Total reconnections for March 2015 were 46. Disconnection day is scheduled for April 21, 2015.

Aged Receivables- we have collected the balance of 25 aged receivable accounts for a total of \$ 19,583.75.

Incomplete Files- we currently have 18 incomplete files in Picacho Hills and we currently have 23 incomplete files in Fairview.

Operations Manager Report

Mr. Parra Reports:

Doña Ana MDWCA system:

22,423,240 gallons of water pumped for the month of March and reported to the New Mexico Office of the State Engineers. Water Conservation Fee in the amount of \$672.70 was submitted for the month of March. Routine disinfection and bacteriological monitoring of the system were conducted throughout the month. Nine (9) samples were taken throughout the month at random alternate sites as per "Approved Sampling Plan" through New Mexico Environment Department-Drinking Water Bureau. Doña Ana water meters were read on March 17, 2015 – Re-reads also completed. There were 3 new water services installed within the Dona Ana MDWCA System. There are 4,082 water service connections within this system. Vehicle and Equipment maintenance were conducted throughout the month. Maintenance is on-going on all wells, booster stations, and well houses. Operations repaired 7 service leaks in the Doña Ana service area. Static and Drawdowns were taken at all wells. Changed gear head oil and greased bearings at Wells #6, #7, and #8. Flushed Well #6 and put on-line. Wells #2, #5, and #6 are on-line. Wells# 7 and #8 are off-line for maintenance. Repaired 4 inch water main broken on Tularosa Dr. by landscaper.

Interior of water storage tank #2 was videoed and inspected by Marine Diving Solutions. a new GMC Sierra was purchased for operations. GPS units were installed on all operation's vehicles. Physically located 8 inch sewer force-main for Doña Ana school tie-in. collected quarterly TTHM and HAAS samples and sent in to lab. Collected second set of UCMR samples and sent to lab per EPA. We installed emergency water service at 900 Engler Road where the domestic well had failed. Operations performed a series of fire hydrant flow test at Paseo Del Oro Subdivision. (1,495 GPM)

Doña Ana MDWCA at Ft. Selden System:

3,412,623 gallons of water pumped for the month of March and submitted to the New Mexico Office of the State Engineers. Water Conservation Fee in the amount of \$102.38 was submitted for the month of March. Routine disinfection and bacteriological monitoring of the system were conducted throughout the month. One (1) sample was taken for the month at random alternate sites as per "Approved Sampling Plan" through New Mexico Environment Department-Drinking Water Bureau. All water meters were read on March 16, 2015. All re-reads completed. No new water services were installed within the Ft. Selden Water System. There are 401 water service connections within this system. Inspections were conducted at well and Tank sites. (Weed control) Static and drawdown levels recorded at both wells. Wells #9 and #10 are cycling and on line. Installed new exhaust fan at Ft. Selden Chlorine room. Operations completed installing all six (6) 2 inch meters at Ft. Selden for the meter project. (Project completed) Interior of both Indian and Soldier water storage tanks were inspected and videoed by Marine Diving Solutions.

Doña Ana MDWCA at Picacho Hills System:

8,739,758 gallons of water pumped for the month of March and submitted to the New Mexico Office of the State Engineers. Water Conservation Fee in the amount of \$183.96 was submitted for the month of March. Routine disinfection and bacteriological monitoring of the system were conducted throughout the month. Two (2) samples were taken throughout the month at random alternate sites as per "Approved Sampling Plan" through New Mexico Environment Department-Drinking Water Bureau. All water meters were read the March 16, 2015. All re-reads completed. There was 1 new service installed in Picacho Hills. There are 910 water service connections within this system. Operations repaired 3 service leaks. Inspections were conducted at well and tank sites. (Weed Control) Fire hydrant maintenance is on-going. 172 completed to date. Fire hydrant on Vista Del Oro has

been replaced. (Out of service per hydrant maintenance program). Mailed a letter of corrective action to NMED for 2 deficiencies found during Sanitary Survey. A violation letter for failing to provide a CCR report was cleared by EPA and NMED. (2009) Electrician had to replace starter at Well #7 after well quit working. A new force-main flow meter was installed at the Fairacres Elementary School's sewage system. A new chlorine injector and all chlorine injection PVC piping was replaced at Well #7.

Doña Ana MDWCA at Fairview System:

430,580 gallons were pumped for the month of March. Water Conservation Fee in the amount of \$8.66 was submitted for the month of March. Routine disinfection and bacteriological monitoring of the system were conducted throughout the month. One (1) sample was taken for the month at alternate sites as per "Approved Sampling Plan" through New Mexico Environment Department-Drinking Water Bureau.

All water meters were read on 3/16/15. There was no new water service installed within the Fairview System. There are 53 water service connections within this system for the month of February. Inspections were conducted at wells and pressure tank site. Wells currently set to operate on auto-cycle. New 55 gallon drum of sodium hypochlorite delivered for chlorination. Operations located all septic tanks for up-coming project. No problems to report.

Project Managers Report

Mr. Fernandez Reports:

Radium Springs- meter project is completed.

Picacho Hills-

1. Tanks at Picacho Hills- SMA is continuing to work on the response letters and making the recommended changes for NMED, GWQB and NMED CPB.

2. District 5 Headwork's- Steve Deal with NMED CBP and EPA are currently reviewing the Bid award Packet.

3. District 5 Building- Construction staking was completed April 3, 2015. Construction commenced April 6, 2015. The Contractor is working on site preparation for the building.

Miscellaneous Projects- Fairview Water- Preliminary design phase has been completed. Plans and specifications have been submitted to the following agencies: City of Las Cruces, Doña Ana County, EBID, IBWC, NMDOT, NMED CPB and NMED DWB. Project has received approval from NMED DWB and is currently

working on addressing comments from Doña Ana County and NMED CPB. SMA has met with plan reviewers from EBID and NMDOT to discuss comments and have made modifications to address their comments. SMA has received a verbal agreement from IBWC but has not received a written approval.

PERs and EIDs- District 5 Wastewater PER- PER was submitted to NMED GWQB and NMED CPB on October 28, 2014. Comments were received from NMED CPB and SMA is currently waiting on formal comments from NMED GWQB. Doña Ana MDWCA and SMA has reached out to NMED GWQB on a number of occasions but still has not received written comments from NMED GWQB.

SCADA Implementation Project- The buildings for the wells in District 5 were moved to the SCADA design project and new well house buildings were added to the scope for Wells #9 and #10 in Radium Springs. The design was submitted for agency review and we are awaiting comments. NMED inquired today about the design, so the agency review should be complete soon.

GIS Mapping- Mr. Fernandez will start the GIS mapping for the system on Thursday and Friday.

SW Transmission Ph II, Elks IV

SMA and Doña Ana MDWCA met with Gallardo Construction, DAC, NMDOT and CLC representatives at Myles Road, Lujan Hill Road and Elks Drive to discuss scopes for pavement repair/improvements. The meeting with DAC ended with DAC requesting a proposal stamped by an engineer, describing a plan for repair. The report was to be submitted April 1, 2015 to be reviewed and approved by DAC. SMA has not received notification from DAC that a proposal has been submitted by Gallardo. At the meeting with NMDOT, it was decided that the waterline will remain in place, but the gate valve that was installed in the road needs to be removed. The line will be joined back together with sleeves. The pavement patch is to be removed and replaced to meet specifications and the three density tests per lift are to be provided to NMDOT. At the meeting with CLC, the representative explained that a portion of the patch has to be removed and replaced. He was not concerned about subgrade, and only required density test on the base course. He also mentioned that there is a section of the curb that needs to be replaced. Gallardo construction has agreed to make the repairs requested by the CLC.

Doña Ana Road/ Doña Ana School Road- Construction has been completed. SMA has completed the record drawings and has delivered two copies to Doña Ana MDWCA.

Executive Director Report

Mrs. Horton Reports:

Mrs. Horton, Mr. Fernandez and Mr. Anderson attended the NMRWA conference. Mrs. Horton also mentioned that she attended the training for water operations and attended the NMRWA annual membership meeting on behalf of the association. Mrs. Horton was able to talk with some of the funding agencies that were at the meeting. Mrs. Horton spoke about the water tank project at Picacho Hills. She mentioned that the deed for the land was only one-half acre which is not sufficient for the two tanks proposed as well as the required setbacks from property lines. She mentioned that she was going to have a meeting with Mr. Bob Pofahl who is the gentleman that is donating the half acre of land to Doña Ana MDWCA about trying to get more land in order to meet Height restrictions due to the proximity of the airport. Mrs. Horton mentioned that she will be out of the office on April 23rd and April 24th of 2015 for personal time as well as a meeting in Albuquerque for ICIP training. Mrs. Horton said that Mr. Fernandez will be in charge while she is out of the office. Mrs. Horton reported that EBOX is up and running and she mentioned a glitch in the system but everything was corrected and now Doña Ana MDWCA is processing checks in a 48 hour window rather than a 14 day waiting period. Mrs. Horton talked about the reallocation of three million dollars to fund the water tanks and lines in Picacho Hills. Mrs. Horton and Mr. Fernandez met with the Water Trust Board and they were not happy that Doña Ana MDWCA had not met the 20% match requirement for the grant agreement. Unfortunately the Water Trust Board did not approve the change of scope for the projects due to that it would be unfair to other applicants who went through the same application process and did not receive funding. Mrs. Horton found a couple of new options for funding. One of them is through the NMED Rip Program where they loan two million dollars for 20 years at 2.375%. The other funding option was through The Drinking Water State Revolving Fund which would be 75% loan and 25% grant which would not go through until late November or December thereby would delaying the projects in Picacho Hill further. Mrs. Horton recommended that the Board go with the NMED RIP Loan. Mrs. Horton also mentioned that Doña Ana MDWCA lost funding from the Colonias Infrastructure due to submitting our audit late. The Executive order issued by the Governor in 2013 mandates that in order to receive state funding that all audits must be in on time and have a clean audit. Mrs. Horton recommended to the Board that

Doña Ana MDWCA go to the Water Trust Board to receive funding for the projects in Radium Springs.

Recess

Mrs. Balizan moved to go into recess at 10:40 A.M.; the motion was 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 reconvene at 10:59 A.M.; the motion was 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.

New Business

The board decided to go with the RIP Loan through NMED. Mrs. Horton said that she would work hard to have the application ready for approval by the Regular Board Meeting on April 28, 2015 but if not she would have it ready for approval by the Regular Board Meeting on May 12, 2015.

Mr. Melton spoke about whether or not Doña Ana Mutual has any mandate to publish or adopt all or any part of an International or National Code dealing with Maintenance and testing of fire suppression systems and/ or devices. He explained to Mr. Hayhoe that Doña Ana MDWCA had no enforcement authority to adopt a policy or code. Additionally, the Board is of the opinion that specific procedures to be followed in day to day operations are the responsibility of the Staff of the Association, not the Board of Directors. Authority for establishment of requirements with regard to Fire Suppression matters is vested in the Doña Ana County Fire Marshall and DAMDWCA has fully cooperated with and continues to support his efforts. Mr. Melton and Mrs. Horton will meet with the DACFM in the very near future to determine any possible shortfalls in DAMDWCA's support of fire suppression efforts.

Unfinished Business

The Board discussed the reallocation of funds for the purchase of trucks that are more fuel efficient.

Mr. Anderson moved to approve the reallocation of funds from the back-hoe

fund to the truck fund; the motion was seconded by Mrs. Balizan. 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 spoke to Ms. Mary Humphrey about the work she performed for Doña Ana while Mr. Peters was out of the office. Mr. Peters and Mrs. Humphrey agreed that there was nothing that she should continue with, including the Gallardo Construction negotiations. However, Mr. Peters and Mrs. Humphrey think it is still a good idea to keep her on board to provide back up when Mr. Peters is out of the office. For example, Mr. Peters plan on being in the country of Colombia for several weeks around September of this year for the birth of his second grandson.

Mr. Peters and Mrs. Horton will have some documents for approval by the Board and signatures regarding the transfer from the County. These are the documents that Mr. Peters and Mrs. Horton are reviewing at the present time.

Mr. Peters sent Mrs. Horton a memorandum regarding the Moongate vs. City settlement. Mr. Peters recommended Mrs. Horton share that memo with the Board members or discuss it with them and the potential long range impact that the settlement may have on Doña Ana MDWCA. Mr. Peters is particularly concerned about the Moongate claim of return flow credits from the City's wastewater treatment plant and how that bears on our separate agreement with the City regarding wastewater coming through the Doña Ana collection system.

Mr. Peters advised the Board that we filed the appeal on the Balderrama decision on the 14th. Mr. Peters and Mrs. Horton were very disappointed by the administrative judge's lack of attention to our presentation of the case. This final appeal is with the Secretary of Workforce Solutions and she may handle it directly or assign it to an appeal board that she has. Nevertheless, she is supposed to act fairly promptly and there is no provision for any response by Rosanna.

The Zepeda trial is on Friday, May 1, and Mr. Peters will be calling Mrs. Horton and Mr. Parra as witnesses. Please let Mr. Anderson know that I may need him

to appear on rebuttal to deal with claims by Allison Zepeda about conversations that the two of them supposedly had, that she perceived to be very threatening to her and her rights. Mr. Peters is very well prepared for trial but he will spend a few days before trial after he return from Seattle doing the final preparations. Mr. Peters is hopeful that the Judge will limit the issues to the validity of the easement and its scope and not get into damages or water rights and other issues. Mr. Peters also reminded the Board that they have an agreement with the State over the water rights that Doña Ana owns over at Fairview and we should have a Sub file Order entered by the Judge soon, hopefully prior to this trial.

As for the Moongate case, Mr. Peters filed a lengthy response to the Motion for Summary Judgment filed by Moongate last Friday. Mr. Peters also included our own Motion for Summary Judgment on different grounds, raising the statute of limitations, laches and other defenses.

The Westmoreland case is still not decided by Judge Arrieta after five months and the completion of all briefing. Mr. Peters has suspected that Judge Arrieta wants to render decisions in both the Moongate and Westmoreland cases at the same time because he believes the appeal court should have both cases before it simultaneously. The Moongate lawyers have asked for an extension until May 15 to file their reply to our response and their response to our motion and I have granted that since they were not opposed to my extension of time due to my leave from work. This would place our reply on our summary judgment motion, the final pleading pertaining to both motions for summary judgment, around June 3. This means that Judge Arrieta will not have everything before him to render a decision on summary judgment in the Moongate case until early June of this year. Perhaps we will get a decision in Westmoreland before that, but Mr. Peters is not very hopeful.

Board Open Discussion

Mrs. Trujillo asked about an Association Member that had issues that were mentioned by Mr. Hayhoe. Mr. Hayhoe mentioned the Members name was Linda Kruger and that she would be filing the necessary forms to be on the agenda for the next board meeting.

Mr. Anderson asked of it were possible to receive a list of all the current and

future projects that Doña Ana MDWCA currently has; Mrs. Horton replied that Doña Ana MDWCA does have a ICIP list that is due June 15, 2015 and after that date she would be able to give him a copy of that list.

Adjournment

Mrs. Balizan moved to adjourn the Regular Board Meeting at 11:46 A.M.; the motion was 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

4/30/15
Date