



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, April 28, 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 at 9:04 A.M.

Secretary/ Treasurer, Agnes Balizan, Present

Board Member, Kay Trujillo, Present

Board Member, Kurt Anderson, Present

Others in Attendance:

Executive Director, Jennifer Horton, Present

Projects Manager, Abenicio Fernandez, Present

Legal Counsel, Lee E. Peters, Present

Administrative Assistant, Edward B. Salomón, Present

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 minutes of the April 17, 2015 regular Board Meeting 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 5-0.

Approval of New Members & New Meters

Mrs. Balizan moved to approve the list of new members and new meters as presented; 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 5-0.

Customer Issues & Public Input

Mrs. Linda Kruger informed the board that she had water damage in her home due to a water surge going through the pipes in her home. This water surge caused some of the connection points in her system to separate due to the pressure. She called a plumber to find out what caused the pipes to break and he told her it was caused by the surge and the fact that she had an out dated style of fittings. Mrs. Kruger suggested that the Doña Ana MDWCA let other Members of the Association know about older water systems that could possibly break in case of a water surge. She suggested this so they can prevent possible loss or damage to valuable items due to water damage. The Board agreed to pass her concerns to the Membership via a letter inserted into the next billing cycle's mailing.

Board President Report

Mr. Melton reports:

Doña Ana MDWCA has been progressing with all issues and problems and is still able to pump and produce good clean water for all the Members of the Association.

Staff Report

Executive Director Report

Mrs. Horton Reports:

Mrs. Horton just returned from ICIP (Infrastructure Capital Improvement Plan) training in Albuquerque. Doña Ana MDWCA put out a newsletter to request Members of the Association submit ideas or suggestions for the ICIP Projects. Doña Ana MDWCA has a public meeting on May 4, 2015 at 2:00 P.M. to have Association Members submit their ideas and suggestions. Mrs. Horton and Mr. Fernandez will update the ICIP list and it will be included in the June 9, 2015 Regular Board Meeting agenda for approval of the Board of Directors.

Doña Ana MDWCA also had an exit interview with the auditor, and the audit report will be provided to the State Auditor by April 30, 2015 once the audit information is made public by that agency, it will be posted on the Doña Ana MDWCA website.

Consent Agenda

Mr. Anderson moved to approve the 14 items on the consent agenda as presented; the motion was seconded by Mrs. Balizan. The Chair called for discussion and Mrs. Horton explained the USDA application process and the projects Doña Ana MDWCA is looking to improve. The chair called for a vote on the motion; the motion carried by roll call vote 5-0.

Unfinished Business

Mr. Anderson moved to approve Resolution 2015-09 as presented; 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 5-0.

Mr. Anderson moved to approve Resolution 2015-10 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 5-0.

Mrs. Balizan moved to approve SMA Work plan #6323931 as presented; 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 5-0.

Mr. Anderson moved to table Assignment of Easements and Right-of-Ways and Assumption of Obligations as presented; 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 5-0.

Mr. Anderson moved to table Assignment of Construction, Operating and Maintenance Permits and Assumption of Obligations 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 5-0.

Mr. Anderson moved to table Assignments of Wastewater Services Accounts and Other Agreements and Assumption of Obligations 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 5-0.

Closed Session

Mr. Anderson moved to go into closed session at 9:46 A.M.; the motion was seconded by Mrs. Trujillo. The Chair called for discussion. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

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

Mr. Anderson moved to go into open session at 11:27 A.M.; the motion was seconded by Mrs. Trujillo. The Chair called for discussion. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

Legal Update

Westmoreland case- The Westmoreland case is still pending before Judge Arrieta and we hope to receive a decision soon.

Moongate case- Moongate filed a Motion for Summary Judgment to which we responded. We also filed a cross-motion for summary judgment on legal issues different than the basis for which Moongate claimed summary judgment. Further responses will not be completed until June and at that time Judge Arrieta will have the matter before him to decide whether summary judgment is appropriate for one side or the other. If the case is not resolved on summary judgment, we go to trial in December of this year.

Zepeda case- This case goes to trial before Judge Arrieta this Friday. The issue is a permanent injunction insuring that Doña Ana Mutual can exercise its easement rights regarding the water well on the Zepeda property.

General Legal Update- As to Rosanna Balderrama's application for unemployment benefits after being terminated, the Hearing Examiner for Workforce Solutions affirmed her entitlement to those. We recently appealed to the Secretary of Workforce Solutions and on Monday she affirmed the Hearing Examiner. The only option left is to appeal into District Court by May 27 so the Board will need to consider that and make that decision prior to that date. On Fairview water rights, Doña Mutual obtained a Subfile Order in the adjudication for 43.15 acre feet of water rights, exercisable from the well located on the Zepeda property. This is significant because this is the first Subfile Order in the water rights adjudication that Doña Ana Mutual has received. As to the dispute with Gallardo Construction, a meeting was recently held and a letter received and further action will be taken to require Gallardo Construction to correct its deficient work.

Open Board Discussion

Mr. Melton mentioned that the issue of revision of the Articles of Incorporation and Bylaws is still germane and the committee needs to be asked to complete their examination of the existing documents, assemble a report of their suggestions, and present that report to the Board of Directors for consideration and possible action.

Mr. Melton also suggested that the Board of Directors needs to establish an absolute date for all Membership folders to be complete with acceptably completed Request for Service and Water and Wastewater Users Agreement forms indicating their choice to be Members of the Association and receive service from DAMDWCA.

Mrs. Horton indicated that since the current rate structure has been in place since 2008 and is based upon the current billing policies, a new rate study most probably is appropriate. Numerous issues have been raised concerning billing policies and the Board of Directors feels obligated to address those issues, however the revision of billing

policies requires examination of the rate structure to assure operational fiscal requirements are met. The Board of Directors agrees that such a rate study is appropriate and such a study performed by an outside agency should be undertaken in the near future.

Mrs. Horton mentioned that Doña Ana MDWCA needs to start exercising the valves in the system regularly. Mrs. Horton found a valve exerciser that has a GPS unit on it but is more expensive than just a basic valve exerciser. Mrs. Horton believes that even though it is more expensive, it will be more efficient because less man power will be required. Mr. Melton suggested that the Board look into it further before they make a decision to buy a newer and more expensive valve exerciser.

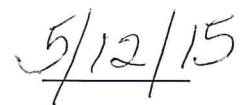
Adjournment

Mr. Anderson moved to adjourn at 12:26 P.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 5-0.



Secretary/Treasurer

Mrs. Agnes Balizan



Date