



*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, May 4, 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:

Vice President – Jamie Stull, Present

Secretary/ Treasurer – Dr. Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

A Quorum was declared

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Josh Smith

Community – Nancy Simmons, Louis Edwards

### **Approval of Agenda**

Dr. Anderson moved to approve the agenda for the May 4, 2017 Regular Board Meeting 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 vote 4-0.

## **Minutes**

Dr. Anderson moved to approve the Board Meeting Minutes of April 20, 2017 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 vote 4-0.

## **New Members & New Meters**

Dr. Anderson moved to approve the New Members and New Meters list as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Ms. Horton stated we have six (6) new members and no new meters. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

## **Customer Issues and Public Input**

None

## **Board President Report**

See Attachment A

## **Staff Reports**

Executive Director Jennifer Horton advised we are experiencing pressure concerns with the finalization of our project off of Taylor Rd. We are checking valves to correct this. Ms. Horton announced the Association has been awarded \$750,000 from Colonias Infrastructure in funding for our Southeast Collection Project.

## **Unfinished Business**

Dr. Anderson moved to approve the Line Extension Agreement with Cruces Equity Partners, LLLP as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Ms. Horton advised this is the line extension agreement for wastewater with the new owner of the Rancho De Gallo subdivision. The infrastructure will be required to have final approval from the Association in order to make it a viable system. The line extension does include a reimbursement clause with regard to 39 of the 140 lots. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Dr. Anderson moved to approve the purchase of the ArcGIS License; Mr. Stull seconded the motion. The Chair called for discussion of the motion. Ms. Horton advised this is an item from our budget wish list. We are continuously mapping our system and this allows us to merge our files online. In order to complete the merge we must obtain this license. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

## **Closed Session**

Dr. Anderson moved to enter closed session at 9:50 a.m.; the motion was seconded by Mr. Stull. 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 closed session:

1. Litigation and Threatened Litigation
  - a. Discussion of Radium Springs OSE Permit

At 10:05 a.m. Dr. Anderson moved to exit Closed Session and enter back into Open Session; Mr. Ponteri 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, Subsections H (2), H (7) and H (8), the following portion of the Board Meeting will be 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. Discussion of Radium Springs OSE Permit

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

### **General Legal Update**

Mr. Ponteri had originally requested the General Legal Update for the public, however there was no one present to report to. Dr. Anderson questioned if we should be concerned about the DROP program? Mr. Smith advised not at this time as the DROP program is still in the works. There is no mechanism to complete the proposal for this type of program; it is only a theory. Mr. Smith asked when we would do the general update for the public. We will tentatively schedule this for the first meeting in June.

### **Open Discussion**

No Discussion was brought forward.

**Adjournment**

Dr. Anderson moved to adjourn at 10:17 a.m.; the motion was seconded by Mr. Stull. The Chair called for a vote on the motion: and the motion carried by roll call vote 4-0.



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Kurt Anderson  
Secretary/ Treasurer

6/1/17  
Date

# PRESIDENT'S REPORT

4 May 2017

1. Members are "perplexed," at a time when relationships seem to be improving
2. Statement
  - A. Wish to clarify position
  - B. No obligation to justify
  - C. Remarks entered into public domain
3. Directors are stewards of public assets.
  - A. 4600+ Members, not one small portion of Membership
  - B. Long-term effect upon maintainability and sustainability of systems
  - C. Minimize life-cycle cost
4. Landscaping on DAMDWCA property in vicinity of Well 15
  - A. Originally proposed informally and denied by Board of Directors
  - B. Footprint was adjusted to minimize area to provide security and prevent illegal trespass upon Association property.
  - C. PHPOA Landscape Committee proposed use:
    - I. Justification: Potentially enhance resale value of property purportedly by up to 20%
    - II. To date, benefit to DAMDWCA has not been identified
    - III. Original proposal utilized oleanders, a plant highly toxic to both humans and animals
    - IV. Agreed to revise proposal to utilize only plants NATIVE to local area and contract modified to reflect same
    - V. Plant proposed for substitution of oleanders is "Juniper Moonglow," a cultivar of the Rocky Mountain Juniper. Specifically, the botanical nomenclature is: a cultivar plant of the family: "Cupressaceae," the Italian cypress family; genus: "Juniperus," from the Latin "iuniperus," classic name for the genus; species: "Scopulorum," meaning grows on cliffs: cultivar: "Moonglow."
    - VI. Information provided to the Association did not identify the significance of the terminology "CULTIVAR" in that it indicates an example of a plant family which is a "cultivated variety," identifying one which has been selected and cultivated by humans, therefore, no "cultivar" can meet the spirit of being a "native" plant.
    - VII. The area stretching from Las Cruces west to Lordsburg and beyond is best described as the southern desert of New Mexico, a portion of the larger Chihuahuan Desert encompassing portions of Arizona, Texas, New Mexico and a large section of the northern portion of the nation of Mexico.
    - VIII. Research reveals that the genus: *Juniperus* has several species including *Deppeana*, *Flaccida*, *Pinchotii*, and *Pilosella* (possibly others) are native to the Chihuahuan Desert (not specifically to the

Southern Rio Grande Valley though), but no mention has associated the species *Scopulorum* with the area.

- IX. USDA Forest Service Document "SOUTHWESTERN TREES, A Guide to the Native Species of New Mexico and Arizona," Agriculture handbook Number 9 states with regard to Rocky Mountain Juniper: "Distribution: Scattered in mountains and canyons of pinyon-juniper woodland and lower part of ponderosa pine forest, 5,000 to 9,000 feet in elevation. . . ."
  - X. Apparently the information upon which the recommendation was made was flawed in that it was incomplete in its content, therefore a reconsideration and revision of the PHPOA Master Landscape Plan would seem to be in order in the spirit of the agreement entered into by both parties.
5. My "NO" vote was based upon conviction that the flora proposed is not native to the area and actually detracts from the natural beauty of the Chihuahuan Desert landscape by the introduction of plants which are totally out of character with the surrounding area, as well as violating the specific provisions of the agreement entered into.
  6. DAMDWCA is composed of over 4600 Members and I shall continue to vote my conscience to provide courses of action which I deem most appropriate for the majority of the Association so long as I am a Member of the Board of Directors

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# SOUTHWESTERN TREES

A Guide to the Native Species of  
New Mexico and Arizona



Agriculture Handbook No. 9

UNITED STATES DEPARTMENT OF AGRICULTURE  
Forest Service



relics of former widespread occurrence. The best groves should be preserved in their natural condition before the larger trees are cut. Some fine specimens of Arizona cypress are already under protection in the Chiricahua National Monument, in southeastern Arizona.

#### ALLIGATOR JUNIPER (*Juniperus deppeana* Steud.)

Also called western juniper (lumber). Botanical synonyms: *J. pachyphloea* Torr.; *J. deppeana* var. *pachyphloea* (Torr.) Martinez.

Description: Medium-sized, scale-leaved evergreen tree usually 20 to 40 feet tall with a large, short trunk 2 to 3 feet in diameter, reaching a maximum height of 65 feet and a trunk diameter of 7 feet. Crown rounded and spreading or in age irregular and partly dead. Leafy twigs  $\frac{1}{8}$  to  $\frac{1}{2}$  inch in diameter. Older twigs reddish brown and nearly smooth, peeling off. Leaves scalelike,  $\frac{1}{8}$  inch long, blue green, glandular, mostly with a whitish resin drop or gland, or on leading twigs needlelike, up to  $\frac{1}{4}$  inch long, pale or whitish. "Berry"  $\frac{1}{2}$  inch in diameter, bluish or brownish, covered with a bloom, hard and mealy, 3- or 4-seeded, maturing the second year. Bark thick and rough, deeply furrowed into checkered or square plates, gray or blackish, suggesting the back of an alligator. Wood soft, lightweight, light red with narrow whitish sapwood.

Distribution: Common but usually scattered on hillsides and mountains in oak woodland, pinyon-juniper woodland, and lower part of ponderosa pine forest, 4,500 to 8,000 feet elevation. New Mexico: mountains in southern and western parts, from Guadalupe Mountains and Capitan Mountains west to Black Range and north to Mount Taylor and Zuni Mountains. Arizona: mountains of southeastern and central parts, west to Flagstaff and to Baboquivari Mountains. Also in southwestern Texas and northern and central Mexico.

Alligator juniper, the largest juniper in New Mexico and Arizona, is usually scattered rather than in pure stands. The trees attain a great age and develop very large trunks. With some weathered dead limbs attached and with dead strips vertically ascending the trunk and branches, older trees have a grotesque appearance. Sprouts often are formed at the base of stumps. The wood is used for fuel and fence posts. Juniper seeds are widely spread by birds and wild mammals which eat the "berries."

#### ROCKY MOUNTAIN JUNIPER (*Juniperus scopulorum* Sarg.)

Also called western juniper (lumber), Rocky Mountain redcedar.

Description: Small to medium-sized, scale-leaved evergreen tree 20 to 50 feet tall, with straight trunk up to  $1\frac{1}{2}$  feet in diameter, with narrow and pointed open, conical crown, and with slender branches often drooping at the ends. Leafy twigs slender, about  $\frac{1}{2}$  inch in diameter. Leaves scalelike,  $\frac{1}{8}$  inch long, usually gray green, or on leading shoots needlelike, up to  $\frac{1}{4}$  inch long. "Berry"  $\frac{1}{4}$  inch in diameter, bright blue, covered with a bloom, juicy, usually 2-seeded, maturing the second year. Bark thin, fibrous and

shreddy, dark reddish brown or gray. Wood soft, lightweight, deep red with thick whitish sapwood.

Distribution: Scattered in mountains and canyons of pinyon-juniper woodland and lower part of ponderosa pine forest, 5,000 to 9,000 feet elevation. New Mexico: mountains of northern and central parts south to White Mountains and Mogollon Mountains. Arizona: mountains and plateaus of eastern and northern parts, from White Mountains and Lukachukai Mountains west through Mogollon Plateau to Coconino Plateau, Grand Canyon, and Kaibab Plateau. Widely distributed in Rocky Mountain region from New Mexico north to western North Dakota, west to Montana, Alberta, and British Columbia, and south to Washington, Nevada, and Arizona.

Rocky Mountain juniper, a slender tree with grayish green foliage, is graceful and highly ornamental. The form with drooping twigs is called "weeping juniper." The trees grow faster than other southwestern junipers and are planted in shelter belts and as ornamentals. The wood is used for fence posts, fuel, and lumber and is suitable for cedar chests.

#### ONE-SEED JUNIPER (*Juniperus monosperma* (Engelm.) Sarg.)

Botanical synonym: *J. gymnocarpa* (Lemm.) Cory.

Description: Much-branched, spreading, often scraggy, scale-leaved evergreen shrub or small tree 10 to 25 feet tall, with several curved branches from the ground, usually without a single upright trunk but sometimes with a trunk to 1½ feet in diameter. Leafy twigs stout, about ¼ inch or less in diameter. Leaves scale-like, ⅜ inch or more in length, yellow green. Pollen and seeds borne on different trees (dioecious). "Berry" ¼ inch in diameter, dark blue, covered with a bloom, juicy, 1-seeded, maturing in one year. Bark fibrous and shreddy, gray. Wood soft, lightweight, light reddish brown with whitish sapwood.

Distribution: Common and widespread on plains, plateaus, and foothills in pinyon-juniper woodland, growing with pinyon and Utah juniper, or sometimes in upper part of desert and desert grassland, 3,000 to 7,000 feet elevation, widely distributed. New Mexico: almost throughout. Arizona: widespread but absent from northeastern, southwestern, and extreme western parts. Western Texas and extreme western Oklahoma, west to Colorado and Nevada, and south to Arizona and northern Mexico.

One-seed juniper is the commonest juniper in New Mexico but not as abundant in Arizona as Utah juniper. The wood is much used for fence posts and fuel.

These two similar species occasionally grow together but can usually be distinguished by the following differences: Utah juniper is larger, with a definite trunk, while one-seed juniper is smaller and usually shrubby, with several branches from the ground. The former has larger, mealy, 1- or 2-seeded "berries" borne on the same trees as the pollen (monoecious), while one-seed juniper has smaller, juicy, 1-seeded "berries" on the female trees and pollen on male trees (dioecious).