



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 5, 2016, 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- Mr. Melton called the meeting to order at 9:00 A.M. and called roll:

Vice President- Jamie Stull, Present

Secretary/ Treasurer- Kurt Anderson, Present

Board Member- Raymond Ponteri, Present

Others in Attendance:

Executive Director- Jennifer Horton, Present

Legal Counsel- Lee E. Peters, Present

Community members - Nancy Simmons, Jim Hayhoe, and Sharon Dovin, Present

Approval of Agenda

Mr. Melton moved to amend the agenda for the May 5, 2016 Regular Board Meeting to reflect the Legal Update Portions Seven (7), Eight (8), and Nine (9) be relocated to Open Session, before Closed Session, immediately following Item Six (6); the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mr. Ponteri requested that if we move Legal, would it be possible to also move Item Four (4) on the agenda for Mrs. Dovin. The Chair advised each item would have to have its' own motion.

The Chair called for a vote on the motion of modifying the Legal Portion to Open Session, before Closed Session; the motion carried by roll call vote:

Jaime Stull – Yes

Kurt Anderson – Yes

Jim Melton – Yes

Ray Ponteri - No

Mr. Ponteri moved to amend the agenda for May 5, 2016 Regular Board Meeting to reflect Item Four under Unfinished Business be moved ahead of Customer Issues. There was no second, therefore the motion failed.

Mr. Melton moved to approve the amended agenda for the May 5, 2016 Regular Board Meeting; the motion carried by roll call:

Jaime Stull – Yes

Kurt Anderson – Yes

Jim Melton – Yes

Ray Ponteri - No

Minutes

Mr. Anderson moved to approve the Board Meeting Minutes of April 7, 2016 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

Mr. Anderson moved to approve the New Members and New Meters list as presented for March 2016; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion: Mrs. Horton stated that there were seventeen names on the list comprising of

ten (10) new meters, four (4) new members, and four (4) existing members. Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Customer Issues and Public Input

Nancy Simmons presented a question on behalf of Jim Hayhoe in regards to the progress in the review of the by-laws. Mr. Melton advised there is not a completion date scheduled. The by-law review is an ongoing process and updates will be published.

Nancy Simmons also advised there is a sinking issue after the repair of the water main on Vista Hermosa. Jennifer Horton advised there may be a compaction issue and Operations will be sent out.

Board President Report

Mr. Melton reported that he and Mr. Ponteri attended the April 16th Board Basic Duties and Responsibilities Training. This training is six (6) credited hours toward Board Training Requirements. The training was presented by the Rural Community Assistance Corporation funded by New Mexico Environment Department. The instructors were Neal Wortham with RCAC, Karen Pappy with RCAC, and Carl Pihack with NMED. The training covered the duties and responsibilities of Board Members, as well as material covering the Clean Water and Sanitary Acts.

April 18th through 21st DAMDWCA attended New Mexico Rural Water Association Conference. Mr. Melton was accompanied by three (3) members of staff; Executive Director Jennifer Horton, Project Manager Abenicio Fernandez, and Operations Manager Orlando Parra. Mr. Fernandez and Mr. Parra tested for their certifications as Operators. We were primarily introduced to the implementation of revised procedures for communication with State and Federal entities utilizing more technology and less paper. It is anticipated these revisions will generate faster turnaround times for projects, grants,

and loans. The team was also exposed to the introduction of emerging technologies for applications for vendors in Water and Waste Water industries.

Mr. Melton stated that there was a successful quorum met for the special membership meeting on April 21, 2016 at the Radium Springs Community Center in conjunction with the approval for the acceptance of a loan/grant of approximately four million dollars for the upgrade of the Radium Springs Water System. The resolution for the Annual Open Meetings Act was also addressed. Both passed resoundingly. Mr. Melton acknowledged a lot of the turnout was due to volunteers calling and door knocking to encourage attendance. Mr. Melton encouraged the attendance of members of the community to attend the Regular Board Meetings to further educate themselves on the actual on-goings of DAMDWCA. Members have reported favorably in having more meetings within the Districts instead of all the meetings at DAMDWCA.

April 22nd celebrated Earth Day and the selection of the Radium Springs Project. Representatives from the Department of Agriculture, U.S. Legislature, and local Legislature were in attendance. Additional PR and exposure is encouraged for future events.

Staff Reports

Customer Service Department

See Attachment B

Operations Department

See Attachment C

Project Department

See Attachment D

Executive Director

See Attachment E

Mrs. Horton reported DAMDWCA has received several concerns in regards to the return envelopes included in this month's billing. We have transferred to a new printing company and these glitches can happen. The envelope issues, as well as the graph and service dates, have all been addressed with this new company. Mrs. Horton advised Mr. Carl Brown from the rate study will be meeting with the public toward the end of May 2016. There will be three meetings located in the areas of the Dona Ana Village, Picacho Hills, and Radium Springs. The Board will also have a workshop to attend in regards to the rate study.

New Business

The Discussion of Potential Leak Adjustment Policy was addressed by Mr. Peters. No changes have been found. DAMDWCA is consistent with following this policy. If a leak is investigated and determined to not be caused by the Association, then it is in fact chargeable to the member. Mr. Anderson requested clarification in regards to disaster events or hardships and the allowance of charges to be paid over time. Mr. Peters advised charging interest from the start of a payment plan is feasible, however compromises can be accommodated. Mrs. Horton addressed the types of payment plans currently in practice for twelve (12) month bill pay with a chart as well as a new meter install. Adjustment policies are in place, however a government entity cannot operate like a private business. These policies prevent government handouts to private sectors in the Constitution.

Unfinished Business

Mr. Anderson moved to approve Item Four (4) Approval of Meter Issue for the Dovin family. Prior to the motion being addressed Mrs. Horton defined Item Four with current findings. Mrs. Horton presented findings from an independent third party used by DAMDWCA in regards to the testing of the meters. The Dovin's presented reports of no leaks found from several entities. Mr. Anderson moved to approve the staff decision of findings in the Dovin case; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mrs. Dovin protested the high usage rates. Mr. Ponteri requested clarification of the manufacturer findings. Mrs. Horton presented all results. Mr. Ponteri, Mrs. Dovin, and Nancy Simmons requested a review of the sewer rates for the Dovin family due to the "unexplained high usage". Mr. Melton proposed the usage of the prior year's sewer rates as a possible compromise to a rate review, while having the actual billing stand. Mr. Peters confirmed legally this would be feasible. Mr. Anderson moved to withdraw the motion to approve DAMDWCA staff decision of findings in the Dovin case; the motion was seconded by Mr. Stull. Mr. Ponteri moved to utilize the sewer rates for the months of December 2014 through February 2015 as the replacement for the high sewer rates from December 2015 through February 2016 for the Dovin family; as well as uphold the remainder of the billed charges. This motion is to include assurances from the Dovin family that there is no knowledge or findings of any leaks or pool emptying. The motion was seconded by Mr. Anderson. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Mr. Melton called for a ten (10) minute recess at 10:47 am with Unfinished Business to continue after.

Mr. Anderson moved to approve Item Five (5) Approval of Loan Resolution Security Agreement for the Radium Springs Water System Improvement Project 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.

Mr. Anderson moved to approve Item Six (6) Approval to Repair Well #8 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mrs. Horton provided additional findings in regards to the repair of Well #8. At this time we will need to replace all of the shafts in addition to the previously presented repairs. This now means all components of Well #8 will be replaced and brought current. The costs for this replacement will be between twelve (12) to thirteen (13) thousand dollars from the General Operating Account. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Legal Update

Westmoreland Case/Moongate Case- We have been fully briefed and everything has been submitted to the court for both case; they are now in front of Judge Arrieta for decision. There is no time limit for this review.

General Legal Update-

Mr. Peters reported a third (3rd) addendum to the settlement from the lawsuit with the City from the early 2000's was approved by Federal Judge Brack. This has been included in the overall settlement agreement. This is a major step in cooperating with the City regarding waste water treatment. We are now free to enter into agreements with developers to collect their waste water and send it to the City. Mr. Ponteri asked if this agreement includes rates for the City as far as clarification of charges. The City receives Gross Receipts Tax revenue to help balance their budget, DAMDWCA does not. The

higher rates from DAMDWCA account for the lack of gross receipt tax as well as the lack of a volume discount. There will be two rate structures, one “in village”, and one “out of village”.

Legal Advice- A judge in Alamogordo ruled on a public records act involving the previous Mayor of Alamogordo’s private Facebook page. The judgement ruled the Mayor’s private Facebook page be made public due to conducting public business from her private account. This is a warning to act accordingly with private accounts and only conduct personal business under personal accounts as phones, media devices, etc. will be subject to The Inspection of Public Records Act.

Water Rights Updates-

The application for Fairview Water Rights Emergency Authorization has been received. The notice will be published in The Bulletin.

The permit for the Fort Selden Well is pending. Emergency Approval for water extraction has also been received. No protests at this time.

The appeal for Picacho Hills Water Right permit has a pre-hearing scheduling conference is set for July 12th, 2016. The State findings are to be released. Mr. Anderson requested an in depth look at the various systems within Picacho Hills. Accurate production meters are in the process of being installed in all Districts. USDA is looking very seriously at losses within systems.

Closed Session


No Closed Session

Open Discussion

Mr. Melton reminded the Board of the upcoming rate study workshops will be conducted for clarification of the new rate study. Mr. Melton has been actively speaking with six community members in the Radium Springs area for District One. Community members are encouraged to try to inspire more participation and education of actual events within DAMDWCA. The review for the ICIP must be completed by June 15th, 2016.

Adjournment

Mr. Anderson moved to adjourn at 11:03 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.



Kurt Anderson
Secretary/ Treasurer

2/7/16
Date