



*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, June 16, 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 Melton called the meeting to order at 9:00 A.M. and called roll:

Vice President- Jamie Stull, Present

Board Member- Raymond Ponteri, Present

Secretary/ Treasurer- Kurt Anderson, Excused Absence

### **Others in Attendance:**

Executive Director- Jennifer Horton,

Attorney Lee Peters,

Community Members- Nancy Simmons, Bob Crowley, and Jim Hayhoe

### **Approval of Agenda**

Mr. Stull moved to approve the agenda for the June 16, 2016 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.

### **Minutes**

Mr. Stull moved to approve the Regular Board Meeting Minutes of June 2, 2016 as presented; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. Mrs. Horton advised there are a few grammatical errors that need to be corrected. Mr. Peters confirmed these and requested Item Seven, Infrastructure Capital Improvement Plan (ICIP) discussion be reworded as it was a bit confusing. Mrs. Horton

agreed this can be updated to provide more clarification. Mr. Ponteri advised he would like the record updated under the Open Discussion involving possible allegations from a community member to reflect the fact that these were only hypothetical statements not actual allegations. The Board confirmed all updates will be documented. Mr. Ponteri inquired if the Secretary/Treasurer evaluates the meeting minutes prior to them being submitted to the Board. Mrs. Horton advised at this time she currently reviews the minutes and Mr. Melton usually provides insight as well. Mr. Ponteri suggested it would be good practice for the Association to have the minutes reviewed by the Secretary/Treasurer. Mr. Stull moved to approve the Regular Board Meeting Minutes of June 2, 2016 with the modifications; the motion was seconded by Mr. Ponteri. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

#### **New Members & New Meters**

Mr. Stull moved to approve the New Members and New Meters list as presented for June 2016; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised there are seventeen (17) names on the list consisting of nine (9) new members, four (4) new meters, and one (1) new sewer connection. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

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

No Customer Issues or Public Input

#### **Board President Report**

Mr. Melton reported it has been a relatively quiet two weeks.

## **Staff Reports**

### **Executive Director**

See Attachment A

## **New Business**

No New Business

## **Unfinished Business**

Mr. Ponteri moved to approve Item Three (3) Approval of Contract 6323693 for District Five (5) Water Project, Construction Administration and Observation to be awarded to Souder, Miller and Associates (SMA); the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mrs. Horton advised this is the second portion of the construction observation for crews to be on site in District 5. This contract is to approve the additional days due to the complexity of the project and the additional time that was given to contractor for construction time. The estimated cost for this is \$120,000; accounting for two to three crews on site with observation taking place at multiple locations. This project is ready to proceed with all bonding in place. The Environment Department is currently reviewing the contract with General Hydronics. We are slated to begin as early as July 1<sup>st</sup> with as late as the end of July. Mr. Crowley asked if this is the project that will be digging into Anthem Road. Mrs. Horton confirmed this is that project and will be scheduling a meeting with the neighborhood association to tag the landscaping they wish to have preserved. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Mr. Ponteri moved to approve Item Four (4) the Approval of Contract 6324416 Wastewater Vacuum Station Building Project, Construction Phase, to Souder, Miller, and Associates; the motion was seconded by Mr. Stull. The Chair called for discussion of the



motion. Mrs. Horton explained this is a project involving two contracts; the vacuum station building contract and the proposal of the force main contract that will be presented in the next Regular Board Meeting. The vacuum station project is already funded at almost \$700,000 via Colonias Infrastructure through NMFA, and consists of fabricating the building to house the vacuum station equipment; which is a pressure system for the sewer. In order to make this an immediately viable project the Board will have to consider funding the second contract for constructing the force main from the vacuum station connecting to the City of Las Cruces. The completion of these two contracts would allow for better funding in the future and allow connection as soon as both projects are completed. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

### **Legal Update**

#### **Westmoreland Case and Moongate Case Status:**

Mr. Peters advised it has been a fairly quiet few weeks for his office as well. At this time there has not been any action on the Westmoreland Case or the Moongate Case; which are currently in the hands of Judge Arrieta.

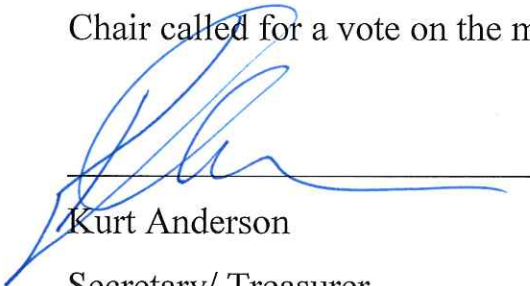
#### **General Legal Update:**

We do have pending water rights applications under appeal for various parts of our system. The water rights application under appeal associated with the Picacho Hills system pertain to the amount of vested water rights that were granted in the most recent permit. This appeal is scheduled for a prehearing conference with the Office of the State Engineer on July 12<sup>th</sup>. The prehearing is to set out a schedule for the hearing if we are not able to reach a settlement. The prehearing conference is expected to begin in early 2017 should a settlement not be reached. Mr. Peters has sent a discovery request to the Office of the State Engineer (OSE) asking how they made their calculations of the vested water

use in the Picacho Hills system. However, the attorneys for the OSE missed the deadline for the discovery request. Mr. Peters will be following up with the OSE attorneys to inquire why they were not in compliance with the deadline.

**Adjournment**

Mr. Stull moved to adjourn at 9:41 A.M.; the motion was seconded by Mr. Ponteri. The Chair called for a vote on the motion: the motion carried by roll call vote 3-0.



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Kurt Anderson  
Secretary/ Treasurer

2/2/16  
Date