



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, August 3, 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

Board Member – Dr. Kurt Anderson

Board Member – Raymond Ponteri, Excused Absence

A Quorum was declared

Others in Attendance:

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

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

Approval of Agenda

Dr. Anderson moved to approve the agenda for the August 3, 2017 Regular Board Meeting as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion to which none was brought forward. The Chair called for a vote on the motion which carried by roll call vote 3-0.

Minutes

Dr. Anderson moved to approve the Board Meeting Minutes of July 20, 2017 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mr. Melton clarified that we received a quote, not a bid, from the contractors with regard to the fencing in Picacho Hills and is requesting the language be corrected as with bids there are additional requirements; such as advertising and procurement. The Chair called for a vote on the amended minutes; the motion carried by roll call vote 3-0.

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. Executive Director Jennifer Horton advised we have fourteen (14) names on the list; nine (9) are new members, four (4) are new meters, and we have five (5) existing members. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Board President Report

Mr. Melton reported he attended a six hour session hosted by RCAC concerning the efficiency of pumps and motors. He advised the conference was extremely enlightening and recommends staff attend if this topic is ever presented again. We did have an outage; however there have been no reported lasting effects.

Staff Reports

Executive Director Jennifer Horton advised Operations is in Picacho Hills today to replace piping in an arroyo that continues to be washed out by the rain. We have also had two main breaks that the Board confirmed they were notified about. We did receive our City bill after the main break in the Fairview area we experienced mid-July, which reported a loss of 2.5 million gallons of water at a cost of about \$7,500. As soon as we

were notified of the leak we shut it down, however it appears the leak had happened overnight. We see our customers deal with leaks, and now we have too.

Ms. Horton reported our budget has been approved by DFA.

Mr. Crowley inquired about the exposed pipe reported in the Picacho Hills arroyo near hole 3; do we know who owns this? Ms. Horton advised it is co-owned between the bank and Picacho Hills Country Club. We are aware the arroyo is failing; however we do not own this.

New Business

Mr. Melton opened the floor for comments from the Board of Directors with regard to the 40-year plan presented. Each Board Member voiced concerns with several items throughout the 40 year plan, and have requested to table this item in order to compose notes for our Executive Director and engineering firm Souder, Miller, and Associates due August 10, 2017.

Unfinished Business

Dr. Anderson moved to approve the award to File Construction for Fairview Phase II Construction as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Ms. Horton explained this is the project that will connect Fairview Estates and Picacho Hills; a little over one mile of piping. The variance between bids was alarming. We have reached out to the low bidder to confirm they understand the scope of the job and that zero change orders are allowed for movement of pipes or unknowns. This is a very involved project as NMDOT does not allow pavement to be touched, which will result in construction entering residential yards. Mr. Hayhoe inquired about the landscaping that potentially will be touched in this project while voicing concerns about the established trees and the low budget quoted for replacement. Ms. Horton explained at this time we believe the trees will be missed; however if additional

costs arise the contractor is responsible. The landscaping is also protected with a one year warranty. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Dr. Anderson moved to approve Contract 6326344 for Southeast Collection System PER with Souder, Miller, and Associates (SMA) as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Ms. Horton advised this is to have SMA redo the PER for Southeast Collection. Our goal is to submit the rewrite to USDA for funding; however they have developed a new PER format with new requirements that must be met. The good news is that if the construction is funded by USDA, then the PER rewrite costs will also be covered. This is worth redoing for the funding opportunity. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Ms. Horton advised, before a motion is made for Item 6, that the Employee Handbook has been updated to reflect all Federal and State requirements, as well as being reorganized for a more cohesive flow. Dr. Anderson moved to table the Employee Handbook as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Dr. Anderson advised he has not had a chance to fully review this new handbook and is recommending we table this until the next Regular Board Meeting. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Closed Session

Dr. Anderson moved to enter closed session at 09:51 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 3-0.

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. Real Property and Water Right Acquisition
 - a. Purchase of a Private Water System
2. Limited Personnel Matters
 - a. Executive Director Evaluation and Salary

Take action, if any, on Closed Session Items

At 11:14 a.m. Dr. Anderson moved to exit Closed Session and enter back into Open Session; Mr. Stull 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 3-0.

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 were discussed in closed session concerning the status of the following does require action in Open Session and were the only topics discussed in Closed Session.

1. Real Property and Water Right Acquisition
 - a. Purchase of a Private Water System
2. Limited Personnel Matters
 - a. Executive Director Evaluation and Salary

Mr. Melton advised a result of the discussion held in closed session we do need to act on the purchase of a private water system. The motion will need to include the

amount of \$310,000 with the proviso that if the current owner abandons two unserviceable wells in accordance with NMOSE requirements, then we will authorize the purchase at price of \$331,000. Dr. Anderson so moved, with a second from Mr. Stull. The Chair called for further discussion of the motion to which none was brought forward. The Chair called for a vote on the motion. The Chair called for a vote on the motion; the motion carried by roll call 3-0.

Open Discussion

Dr. Anderson would like an update with regard to our water rights issues. Mr. Smith advised we will need another closed session at our next meeting. Dr. Anderson also inquired as to where we are at with Jornada and the City of Las Cruces. Ms. Horton counseled she has met with the City as they want the Association to pay for Mendenhall's. We will not be paying for Mendenhall's; the City closed on their agreement in June, however our agreement was signed in April. We have requested financials, pumping records, and customer invoicing so we can piece together a fair market valuation of the system.

Adjournment

Mr. Stull moved to adjourn at 11:34 a.m.; the motion was seconded by Dr. Anderson. The Chair called for a vote on the motion which carried by roll call vote 3-0.



Kurt Anderson

Secretary/ Treasurer

8/28/17
Date