



Doña Ana Mutual Domestic Water Consumers Association
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The following minutes are from the Regular Board Meeting of Doña Ana Mutual Domestic Water Consumers Association Board of Directors, August 4, 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

Secretary/ Treasurer- Kurt Anderson, Present

Board Member- Raymond Ponteri, Present

Board Member- Justin Sparks, Present

Others in Attendance:

Executive Director- Jennifer Horton

Attorney- Joshua Smith

Community Members- Jim Hayhoe, Larry Williams, Lynn Breckenridge, Mike Slover, Kathy Rodger, Jan Tanhamato, Bob Zolto, Mike Izon

Approval of Agenda

Dr. Anderson moved to approve the agenda for the August 4, 2016 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 5-0.

Minutes

Dr. Anderson moved to approve the Regular Board Meeting Minutes of July 21, 2016 as presented; Mr. Stull seconded the motion. The Chair called for discussion of the motion. No discussion was brought forward. The Chair called for a vote on the motion which carried by roll call vote 5-0.

New Members & New Meters

Mr. Stull moved to approve the New Members and New Meters list as presented for July 2016; Dr. Anderson seconded the motion. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised there are ten (10) names on the list consisting of eight (8) new members, two (2) existing members, and no new meters. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

Customer Issues and Public Input

Item Two: Jim Hayhoe Fence Presentation

See Attachment A

Board President Report

Mr. Melton reported there has been an influx of customer communication after business hours. Please note only emergencies will receive attention outside of normal operating hours.

Mr. President has received additional statements from Mr. Gradwohl with reference to his presentation disputing the adopted rate structure; all of which have been forwarded to our analyst, Carl Brown. Once Mr. Brown's comments are received the Board will review any possibilities, however at this time we will continue forward with our adopted rate structure.

Mr. Melton advised he had a very productive meeting with PHPOA President Mr. Beeson and walked away with a basis whereby hopefully we can work some coordination and compromise within the arena in which the Board is allowed to function. They did not get into specific items or instances; merely trying to get to know one another for establishing a continuing interchange of information between the residents of Picacho Hills and the Association. There is no time frame as to the possibility of moving forward on suggestions from Mr. Beeson. What has to be understood and accepted is that all Board Members are dictated by a code of conduct with statutes, polices, and requirements from funding agencies that must be considered before any final decisions can be prepared. Our fiduciary responsibility is to operate the Association as cost effectively as possible in order to provide good clean water, and safe wastewater services to the entirety of our members; while building our infrastructure to accommodate underserved areas. Picacho Hills is considered an underserved area due to the issue of only having one defective tank and will remain so until we get the new tank online. We accepted this when Picacho Hills was purchased and we are committing many dollars to try to do the job that Mutual Domestics are chartered to do: provide basic infrastructure to underserved areas.

Staff Reports

Executive Director

See Attachment A

New Business

No New Business

Unfinished Business

Dr. Anderson moved to approve Item Four (4), to award Contract 6325349, Via Norte District 5 Water Improvement Project with Souder, Miller, and Associates; the motion

was seconded by Mr. Stull. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised this is the contract for the design portion that includes surveying, preliminary, and final design of this waterline project to replace the lines that run end to end on Via Norte. As numerous breaks have occurred we have confirmed we must replace the piping with C900 pipe. We have the possibility of having construction money available once the blueprint is complete, however this must be designed and approved by State agencies first. The contract is \$67,000 for field surveying, mapping, preliminary and final design before gross receipts tax; which will roughly run at an additional \$5,600. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

Dr. Anderson moved to approve Item Five (5) Approval of Contract 6325370, Waste Water Treatment Plant (WWTP) Fence Project with Souder, Miller, and Associates; Mr. Stull seconded the motion. The Chair called for discussion of the motion. Mrs. Horton explained this is for the design of the fence to address the recent unauthorized entries and vandalism at our Wastewater Treatment Plant (WWTP), as well as numerous complaints of children playing in the pipes. We have filed police reports for these occurrences; however we cannot risk the continued breaking and entering as there has been an incident where a vandal shut off our \$500,000 headworks, which could have resulted in a sewer spill. We are not fencing the perimeter. We have brought the fence in quite a bit so that it is not as visible from the road, but does fence the majority of the property to allow for storage, demonstrations for staff, and other various needs of the Association. As this does involve State money we are required to have a P.E. design and oversee construction. At this time projected costs are over \$60,000 for about 3,500 linear feet; which will require bidding for procurement. Mr. Ponteri advised he has been researching this area and would like to propose bringing the fencing boundary further in to create less of a footprint as well as reduce the costs involved in order to demonstrate compromise with

the residents of Picacho Hills. There is also the matter of the extra pipe that has been in Picacho Hills for a number of years. Mrs. Horton explained we are waiting on final word from NMED on our wastewater discharge permit before we can use the old pipe as payment for the new ponds that will be needed. Mr. Ponteri moved to amend contract 6325370 to reduce the amount of fencing and presented a map of the area showing where the fence could be potentially realigned. Dr. Anderson seconded the amended motion. Mrs. Horton advised one of the big challenges with the location of Mr. Ponteri's proposal for fencing is rough terrain with many dips and curves. This type of grading in the terrain would result in additional costs, not necessarily reducing the expense. Mr. Ponteri advised the terrain varies with regard to our fencing of Well 15. Mr. Melton advised we are responsible for any damages incurred, by virtue of accidents or not. It is well documented that residents of Picacho Hills have utilized our properties as short cuts to the golf course and storage for their vehicles. At this time Mr. Melton is in support of fencing the majority of our properties on all sites in order to define our responsibility of maintenance and upkeep. Mr. Hayhoe rebutted that the residents of Picacho Hills have coexisted with utility companies without fencing for over forty years. Mr. Ponteri advised this area does not lead to the golf course, therefore the golf carts are a non-issue here. Mr. Ponteri would like to see the Board budget to create a compromise with the residents of Picacho Hills, whether it is with regard to reducing the fencing or landscaping. Mrs. Horton advised she has been working with Mr. Hayhoe on plans for potential landscaping. Mr. Sparks asked attorney Josh Smith what kind of responsibility the Association would hold if a child or someone were to be injured on our property. Mr. Smith advised each scenario is case by case, but ultimately the Association is potentially liable for any event that occurs on our property. The fencing is to prevent these occurrences. Mr. Stull advised he would like to reduce the fencing, however with his experience as a realtor and safety officer there is too much liability involved to not fence our properties. Mr. Melton advised we are actually reducing costs for the upcoming

construction of the new tanks and piping for Picacho Hills by allowing our contractor to store his equipment at our facilities. Storing on our property saves money on temporary fencing and will go away with the completion of the improvement for Picacho Hills. The Chair called for a vote on the amended motion; the motion was defeated by roll call:

Mr. Stull - Abstain

Mr. Anderson – No

Mr. Ponteri – Yes

Mr. Sparks – No

Mr. Melton - No

The Chair called for any discussion on the original motion. There was no further discussion. The Chair called for a vote on the motion; the motion was defeated by roll call vote:

Mr. Stull - No

Mr. Anderson – No

Mr. Ponteri – No

Mr. Sparks – Yes

Mr. Melton - Yes

Dr. Anderson moved to approve Item Six (6) Approval of Contract 6325360, Blue Hawk Waterline Extension Project with Souder, Miller, and Associates; Mr. Stull seconded the motion. The Chair called for discussion of the motion. Mrs. Horton explained this is an extension to a house and a barn that the customer will be paying for, however the State requires this to be engineered and stamped by a P.E. The Association in this case will be responsible for the design portion of close to 6,000 feet of two (2) inch water line. This could potentially lead to additional consumers. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0

Open Session

No items brought to Open Session.

Adjournment

Dr. Anderson moved to adjourn at 10:20 a.m.; Mr. Stull seconded the motion. The Chair called for a vote on the motion: the motion carried by roll call vote 5-0.



Kurt Anderson

Secretary/ Treasurer

8/18/16
Date