



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, October 27, 2015, 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- Agnes Balizan, Absent

Board Member- Kay Trujillo, Present

Board Member- Kurt Anderson, Present

Others in Attendance:

Executive Director- Jennifer Horton, Present

Projects Manager- Abenicio Fernandez, Present

Administrative Assistant- Edward B. Salomon, Present

Approval of Agenda

Mr. Anderson moved to approve the agenda as presented; the motion was seconded by Mrs. Trujillo. 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

Mr. Anderson moved to approve the Regular Board Meeting Minutes of October 13, 2015 as presented; the motion was seconded by Mrs. Trujillo. 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; the motion was seconded by Mrs. Trujillo. 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.

Customer Issues & Public Input

Mr. Jim Hayhoe discussed that on June 18, 2015 he received a letter from Doña Ana Mutual Domestic Water Consumers Association (MDWCA) in reference to a letter from the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB) indicating that the complaint process was closed and there would be no further action taken by NMED DWB. Mr. Hayhoe and others had an additional meeting with NMED DWB. Mr. Hayhoe brought up one of the recommendations given by NMED DWB which suggested that Doña Ana MDWCA should clarify the definition of person in regards to membership.

Mr. Philo asked what the process was for an Association Member to place an item on the agenda for the Doña Ana MDWCA Annual Membership Meeting. Mr. Melton explained that a member would need to bring the issue to his District Representative so that they could bring the issue to the Board of Directors for discussion. Mr. Melton also stated that there is a form to address the Board of Directors that could be filled out to have an item be placed on an agenda of a regular Board of Directors Meeting in order to present an

issue. The Board of Directors would then vote on whether the issue should be placed on the Annual Meeting agenda for consideration by the entire membership.

Mr. Ponteri asked if there would be any Bylaw changes on the Annual Membership Meeting Agenda. Mr. Melton stated that he does not anticipate there will be any Bylaw changes on the upcoming Annual Membership Meeting agenda.

Mr. Hayhoe spoke on behalf of Mrs. Trujillo, an Association member who had an issue with high water usage. Mr. Hayhoe reported that the Mrs. Trujillo was happy with the third meter that was installed and that operations staff had been checking the meter on a daily basis. Mrs. Trujillo wanted to know what was going to happen with the high bill. Mr. Melton stated that we are trying to get a second opinion on the original meter..

Board President Report

Mr. Melton reports:

Mr. Melton reported that there was an issue with a well in the Picacho Hills area and there was a water shortage for a few hours. He was happy to report that operations staff worked quickly to resolve the issue and he was sorry for the inconvenience. Mr. Melton stated that the current water tank in Picacho Hills is under sized and there is no back up water source in an emergency situation and Doña Ana MDWCA is working to correct the issue.

Mr. Melton informed the other Board Members that he had received a resignation letter from Agnes Balizan. He stated that there will be an agenda item at the next Board meeting to accept Mrs. Balizan's resignation and to publish an ad for a replacement to be appointed.

Executive Director

Mrs. Horton Reports:

Mrs. Horton reported that the Supervisory Control and Data Acquisition (SCADA) computer in Radium Springs was down because technicians had to replace the hard drives on the computer system. Doña Ana MDWCA has been operating that water system manually since October 23, 2015 and the new computer should be up and running by October 27, 2015. Mrs. Horton stated that the Doña Ana system and the Fairview system are running well.

Mrs. Horton informed the Board of Directors that billing is starting to progress although we are still experiencing minor glitches in the new billing system. We had to postpone disconnection in the month of October 2015 by a few days due to a software issue. Mrs. Horton expects that billing for November 2015 will go out on time. Mrs. Horton is still waiting for final corrections to be made to paper bills before the new format can be approved and sent out to the Association.

Mrs. Horton discussed the loan documents for Drinking Water 3227 which is the Fairview project and includes \$750,000 dollars for the new water tanks in Picacho Hills. This funding is scheduled to close November 20, 2015. The Drinking Water 3382 loan for \$3,000,000 dollars which will be used for the water tanks in Picacho Hills is scheduled to close December 20, 2015. Mrs. Horton stated that Doña Ana MDWCA has two (2) funding applications out with USDA and although we have not had any official approval we are hearing positive feedback on the applications.

Unfinished Business

Mr. Anderson moved to approve contract 6324416 Wastewater Vacuum Station Building Project with Souder, Miller & Associates as presented; the motion was seconded by Mrs.

Trujillo. 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 contract 6323693 District 5 Water System Improvement Project with Souder, Miller & Associates as presented; the motion was seconded by Mrs. Trujillo. 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 the purchase of two (2) new Backhoes; the motion was seconded by Mrs. Trujillo. 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 Bid the Replacement Well for Well #11; the motion was seconded by Mrs. Trujillo. 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.

Closed Session

Mr. Anderson moved to go into closed session at 10:21 A.M.; the motion was seconded by Mrs. Trujillo. 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 close session:

1. Real Property and Water Right Acquisition
2. Litigation and Threatened Litigation

3. Limited Personnel Matters

Mr. Anderson moved to go into Open Session at 11:17 A.M.; the motion was seconded by Mrs. Trujillo. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Mr. Melton reported that only the items on the agenda were discussed in closed session and that there were no items requiring action as a result of the closed session.

Legal Update

Westmorland Case- There is still no decision.

Moongate Case- Discovery for the case is completed. The deposition of Paul Saavedra was taken on October 23, 2015. Trial for this case is still anticipated to be December 7-18, 2015. There will be a pre-trial conference where the counsel will discuss how the trial will go with the Judge on November 9, 2015 at 1:30 P.M. The Judge will take up our motion to strike the expert witness named by Moongate. We have a docket call on November 25, 2015 at 9:00 A.M. to find out what days within the two week trial docket that we will actually try this case.

General Legal Update- None

Open Discussion

Mr. Melton asked Mrs. Horton to put the issue of changing the bylaw to indicate who is eligible to be an Association Member under new business so that the Board of Directors can take an action vote on the issue.

Mrs. Horton met with the county and the election calendar that was given out at the last Board Meeting has been finalized and will stay as is. Mrs. Horton will start accepting petitions in the middle of November 2015. Mrs. Horton stated that the district list would not be ready until mid- November 2015.

Adjournment

Mr. Anderson moved to adjourn at 11:38 A.M.; the motion was seconded by Mrs. Trujillo. The Chair called for a vote on the motion: and the motion carried by roll call vote 4-0.



James F. Melton, Board President

10/27/2015
Date