



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, November 2, 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, Present

Board Member – Raymond Ponteri, Present

A Quorum was declared

Others in Attendance:

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith

Community Member – Jim Hayhoe and Ruben Retana

Approval of Agenda

Mr. Stull moved to approve the agenda for the November 2, 2017 Regular Board Meeting as presented; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. The Chair called for a vote on the motion, which carried by roll call vote 4-0.

Minutes

Dr. Anderson moved to approve the Regular Board Meeting Minutes of October 19, 2017 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 minutes; the motion carried by roll call vote 4-0.

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 seventeen (17) names on the list; ten (10) are new members, and nine (9) are new meters. The Chair called for a vote on the motion; the motion carried by roll call vote 4-0.

Customer Issues and Public Input

Mr. Ruben Retana approached the Board of Directors to explain an error that had occurred regarding his sewer account. When he purchased his home one year ago he was advised he had a sewer connection; it has now been determined he is on a septic tank. Per Mr. Retana, when he explained the error to Dona Ana County they advised the system had been transferred to Dona Ana Water and they could not assist him. Executive Director Jennifer Horton advised she has reviewed this case and Mr. Retana has had his account credited of \$96.10 for the sewer charges since the Association obtained the system in July 2017. However, we cannot reimburse the expense he was charged prior to the Association's ownership as those funds were transferred to the Dona Ana County each month; we were a third-party billing entity for Dona Ana County so that residents only received one utility bill. Mr. Melton offered to address a letter to the County Manager. Ms. Horton has reached out to the County Utility Manager to see how we can

assist Mr. Retana and left a message with no return call. Mr. Melton requested a formal letter be drafted and report back.

Mr. Retana now feels he should be connected to the sewer at no charge due to the billing error. Ms. Horton explained to the Board that Mr. Retana is wanting to connect without a connection fee. Ms. Horton did visit with Mr. Retana and reimbursed the charges, however we cannot waive a connection fee when he has never been connected. In 2010 Dona Ana County (DAC) conducted a smoke test in order to determine who was connected to the sewer. The data that DAC collected showed this home connected in error; we only billed based off of information the DAC provided. We have now completed a dye test and confirmed this home is not connected. Mr. Retana will have to pay the connection fee if he wishes to be connected to the sewer system.

Mr. Jim Hayhoe requested clarification in the Policy Handbook on page 16 under the Back Flow Prevention Control, Fire Protection System. Ms. Horton explained there is a Back Flow Prevention Manual referenced on page 17. Mr. Hayhoe advised this area may need a little more transparency.

Board President Report

Mr. Melton attended the Infrastructure Finance Committee in Santa Fe this past week. After meeting with everyone from vendors to financiers it is evident that there is a tremendous requirement for financing and an even larger deficiency of funds.

Staff Reports

Executive Director Jennifer Horton summarized the Customer Service, Project Manager, Operations Reports, and Financial Reports.

Well data has been presented, which provides various information from location to pump and static levels of each well. Please note the “unknown” items; this is because we

do not have data on these wells yet. As we pull each well we will run the proper inspections and fill in the blanks.

Our new Administrative Specialist has started, and our Operations Department has begun OSHA 30 training. Ms. Horton has been working on USDA items and revamping our website. We do have the ability to record our Board Meetings and publish them on YouTube for the public to view. Does the Board have any interest in this yet? The Board requested time to process and further discuss this proposal in Open Session.

Unfinished Business

Dr. Anderson moved to Approve Resolution 2017-11 Customer Polices, with a second from Mr. Stull. The Chair called for discussion of the motion. Ms. Horton provided a new copy of pages 3 and 4 as our legal counsel had final input to our leak adjustment policy. Mr. Melton provided a list of grammatical corrections as well as requesting further transparency on when a user limits access to the meter. If we must move a meter, have we accounted for all finite costs in this policy? The Board advised we must account for time and materials. Mr. Melton requested further transparency under the late payment penalty fee. Dr. Anderson moved to amend his motion to approve the Customer Policies as corrected, with a second by Mr. Stull. The Chair called for a vote on the amended motion. The motion carried by roll call vote 4-0.

Mr. Ponteri moved to Approve Resolution 2017-12 Election Proclamation. Dr. Anderson seconded the motion. The Chair called for discussion of the motion. Ms. Horton explained Dona Ana County is going to run the election for us. This does lay out the dates for early voting, absentee voting, and the Districts who are up for selection. We may have a candidate for District Three present their letter of interest prior to the election, where they would then apply to be elected in January. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

The Chair called for a brief recess beginning at 10:21 a.m.

The Regular Board Meeting resumed back in session at 10:28 a.m.

Dr. Anderson moved to approve the 40 Year Plan as presented. Mr. Stull seconded the motion. The Chair called for discussion of the motion. Dr. Anderson provided a list of grammatical corrections and updates to: the Table of Contents under Executive Summary, the number of connections referred to in the Executive Summary, adding American Water Works Association (AWWA) under the abbreviations, and requested Table 8, Appendix C be reviewed as the month of February shows quite a jump in consumption. Ms. Horton will review this. Dr. Anderson referred to the chart on page 18 that shows the difference between vested and adjudicated water rights and requested a review. Mr. Melton advised the water rights are a total of all the Districts. We only have a certain amount of adjudicated water rights with everything else under application processes; we have submitted a Combine and Comingle application to attempt to further resolve our water rights. Mr. Melton provided a list of grammatical corrections to include spelling corrections, and a direction correction for the tanks in Radium Springs on page 4. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Closed Session

Dr. Anderson moved to enter closed session at 10:46 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 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 closed session:

1. Real Property and Water Right Acquisition
 - a. Negotiations with a Private Water System

Take action, if any, on Closed Session Items

At 11:07 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 4-0.

At 11:08 a.m. 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 preceding portion of the Board Meeting was conducted in closed session:

1. Real Property and Water Right Acquisition
 - a. Negotiations with a Private Water System

Mr. Melton advised a result of the discussion held in closed session we do not need to act at this time.

Open Discussion

Mr. Melton requested the opinion of the Board with regard to Ms. Horton's YouTube proposal from her report. The Board unanimously agreed that at this time this is not an item they would like to pursue; however, we can revisit in the future if necessary.

Adjournment

Mr. Stull moved to adjourn at 11:14 a.m. with a second from Mr. Ponteri. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.



Kurt Anderson
Secretary/ Treasurer

12/02/17
Date