



*Doña Ana Mutual Domestic Water Consumers Association*  
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The following are the minutes of the Regular Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, May 18, 2023 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:

Secretary/Treasurer – Kurt Anderson, Present

Board Member – Brian Clouse, Present

Board Member – Clayton Berryman, Present

A Quorum was declared.

### **Others in Attendance:**

Legal Counsel- Josh Smith

Executive Director- Jennifer Horton

Office Manager- Margo Lopez

Executive Assistant- Shelby Morales

### **Approval of Agenda**

Dr. Anderson moved to approve the agenda as presented; the motion was seconded by Mr. Berryman. The chair called for discussion of the motion. President Melton requested to have item #2; Acknowledgement Awards removed from the agenda. Dr.

Anderson moved to approve the agenda as amended, Mr. Berryman seconded, there was no further discussion, and the motion passed unanimously by roll call vote 4-0.

### **Minutes**

Dr. Anderson moved to approve the Regular Board Meeting Minutes of April 20, 2023 as presented; Mr. Berryman seconded. There were minor editorial changes suggested.

Dr. Anderson moved to approve the minutes as amended, Mr. Berryman seconded, there was no further discussion, and the motion passed unanimously by roll call vote 4-0.

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

None

### **Board President Report**

President Melton reported on the occasional brown water in District 1.

### **Staff Reports**

Ms. Horton reported low water pressure throughout the system with the exception of Radium Springs and Picacho. Ms. Horton explained the tank, booster and well were all pulled offline along Elks in order to get valves changed on the new tank. With the booster station down, it creates low pressure throughout the system. She further stated a notice was in place and they will all be back online today.

Ms. Horton reviewed the sampling results from the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) that the Association was selected to do by EPA. EPA collects these results to establish a new Maximum Contaminate Level (MCL) standard for wells. She further stated this round of sampling was for Lithium and

Perfluorooctane sulfonic acid (PFOS). Ms. Horton shared it was her understanding that EPA would be setting limits on PFOS with 4 parts per trillion and reported she has not heard any limits for Lithium at this time. Ms. Horton stated overall the sampling results for the Association did pretty well. She did share Well 11 in Radium Springs is currently at 3.8 parts per trillion. She further stated the lab believes it may be contamination from collection and further stated there would be a second sampling for PFOS in August. Ms. Horton shared there is a class action suit on a national level with Rural Water, in the event a settlement is reached and PFOS is found in this round of UCMR5 samples, they will help to remediate that and the Association can get some funding to assist with it.

Ms. Horton stated financials have been provided for the month of April. She reviewed the Check Listing Report. She shared there was a check for \$24,000 to Maverick Drilling for the repair to the well across the street. Ms. Horton stated they may see something similar next month for Well 6 as she is currently waiting for a pump to arrive. She further stated the well would be down for approximately 2 days and put it back online. She continued to state there are no other major checks to report as everything else was standard. Ms. Horton reviewed the Budget Report as of the end of April with \$5.3 million in revenue, \$4.7 million in expenditures and carrying \$1.2 million in receivables from USDA. She reviewed the Balance Sheet Report and stated it is a current cash position. She reported the cash position is down about \$532,000 as she is waiting on receivables. Ms. Horton stated the Income Statement matches and ties back to the budget.

Ms. Horton reviewed the Project Updates. She stated Water and Wastewater Standards have been finalized with updated items and language to set the expectations for

construction and capital projects. She further stated she is just waiting for the final draft to bring to the board for approval.

Ms. Horton reported on the Dona Ana Village Lift Station and Force Main Project. She stated they are scheduled to start on the force main in 2 weeks as they are currently waiting on stainless steel pipe. Ms. Horton further reported she received a notice from Workforce Solutions in March that Spartan Construction failed a labor audit. She further stated she received another letter in April. Ms. Horton stated she has been in correspondence with Workforce Solutions and Spartan Construction, as it was to her understanding the payroll issues were resolved. Ms. Horton stated she met with the key personnel from Spartan Construction, Workforce Solutions, and the engineering firm, Bohanan Houston. She shared the state has fined Spartan Construction until they get this resolved as they continue to have payroll issues. This has become a concern for the Association as this is our project and our responsibility to have them comply with state statute and further discussion ensued.

Ms. Horton reported the Southeast Collection System bids were opened and as there were concerns from the bidders, that procurement was cancelled. Ms. Horton shared that she believes those issues have been resolved and is moving forward with the rebid. She stated the rebid will be advertised on June 4<sup>th</sup>, 2023 with a mandatory pre-bid meeting on June 21<sup>st</sup>. She further stated the bid opening will be held July 6<sup>th</sup> and hopes to have an award recommendation July 20<sup>th</sup>.

Ms. Horton stated the Parking Lot Improvement Project has been under construction for two and a half weeks and shared some of the issues and her concerns.

Ms. Horton reported on the Dona Ana Tank Rehab Project. She shared the project is near completion as the only item left to be changed out is an 18-inch valve. She expects Smithco Construction will be changing out the valve today. Ms. Horton further stated in the next few weeks it should be completely cured, ready for disinfection, and can be filled with water. At that time, a stop work will be issued and will not begin the large 2-million-gallon tank until Fall before pulling it offline as she does not anticipate any significant issues.

Ms. Horton reported she received and accepted the 90% complete design for the Picacho Hills Sewer Main Project. Ms. Horton stated she has selected the Barcelona Ridge Project based on current constraints and what is most reasonable as there is not enough construction money to complete both sites.

Ms. Horton reported on the USDA RD Southeast Collection funding application. She stated she is waiting for the award so she can complete the closing documents, start the construction process, and file for reimbursement.

Ms. Horton shared she should receive official word on May 24<sup>th</sup> for the 3 applications pending with Colonias Infrastructure. She reported there is a half a million-dollar application for the Dona Ana Village Lift Station and Force Main Project. She clarified that was for the other part of the project that was not awarded to Spartan Construction to have it completed. Ms. Horton stated the 2<sup>nd</sup> application was for the design funds for West Mesa at \$1.9 million and the 3<sup>rd</sup> application was for \$6 million to complete the Southeast Collection Project. Ms. Horton further stated she is waiting for the Office of General Counsel in DC to close on the \$910,000 and further discussion ensued.

Ms. Horton reported on subdivisions. She stated there has not been much movement since the last meeting. She stated she is waiting on a new plat to be provided by Vista Rancho for their 1,300 lots.

Ms. Horton shared she is currently waiting for the resubmission of the Desert Oaks Subdivision, which was for 187 residential lots in Picacho Hills, with one commercial lot for a club house.

Ms. Horton stated Buena Suerte Subdivision on Valley is 200 lots. She stated they are currently having some issues with EBID and working on their utilities.

Ms. Horton reported the Reyes West Wind Subdivision is 9 lots off West Wind Road. She stated they have been provided a Conditional Will Serve Letter for water only and she is currently waiting for construction plans to be reviewed.

Ms. Horton reported on Other Matters. She stated Anthony Legarda took his State Certification test and passed. He now holds a Water Level 4 license. She further stated there are several others scheduled to test in the upcoming months.

Ms. Horton provided a Water Rights update as of April 30, 2023. She further stated there are no changes from the last meeting.

Ms. Horton stated the applications for the Southeast Collection project are currently being accepted and have received 474 completed applications for connection.

Ms. Horton provided and reviewed the Project Budget Report to show what is currently available as of the end of April to spend on projects.

Ms. Horton provided a written Customer Service Report, Operations Report, and a Well Data Table for review.

Ms. Horton shared she put out to bid and received a proposal for an exploratory well at the South Tank site. She stated Josh was working on an exploratory well permit. Once received an exploratory well will be drilled to determine the satisfaction of the location and put out a bid to install a new well. Ms. Horton further stated there are two other sites of interest and if sampling returns a good quality, she would like to work on 2 additional wells over the next couple years.

Ms. Horton reported on the Well Data and stated everything is active except for Well 15 as it is still having electrical issues.

President Melton asked if the data from the driller has been provided for Well 7. Ms. Horton stated Well 7 is online she just needs to get the information to complete the data for it.

### **New Business**

Ms. Horton stated the Customer Handbook, Employee Handbook and ICIP 2025-2029 were brought before the Board of Directors for discussion and will bring them back in June for final approval. Ms. Horton led discussion on the revisions for the Customer and the Employee Handbooks and the Board of Directors shared their input. Ms. Horton reviewed the ICIP 2025- 2029 prioritization and further discussion ensued.

**Unfinished Business**

Dr. Anderson moved the Approval of New Members New Meters; the motion was seconded by Mr. Berryman. The Chair called for discussion of the motion. There was no further discussion, and the motion passed unanimously by roll call vote 4-0.

**Board Open Discussion**

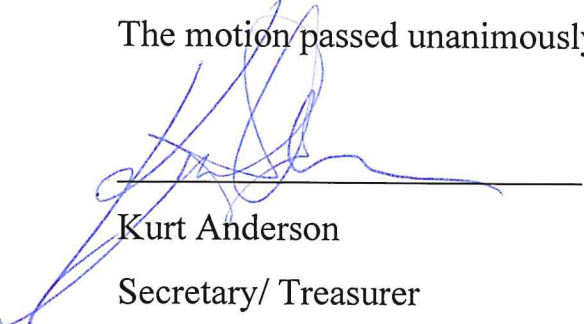
Dr. Anderson inquired about the City of Las Cruces and the Jornada acquisition. Ms. Horton stated Mr. Smith will be sending a letter as they are refusing to pay for the waterline they tapped, and have been non-responsive. She further reminded them of the homes they are serving on Isaacs Lane, within our service area. Ms. Horton stated she believed they would have to go to Federal Court to get this resolved and further discussion ensued.

Mr. Smith, Legal Counsel reported he has dismissed the Moongate appeal and stated he is waiting for a remanded judgment for Westmoreland.

President Melton inquired about the rate study. Ms. Horton stated she would know more in the next couple of weeks.

**Adjournment**

Mr. Berryman motioned to adjourn at 11:15 a.m., with a second from Dr. Anderson. The motion passed unanimously 4-0.

  
Kurt Anderson  
Secretary/ Treasurer

  
Date