



*Doña Ana Mutual Domestic Water Consumers Association*  
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The following minutes are from the Special Board Meeting of Doña Ana Mutual Domestic Water Consumers Association Board of Directors, December 06, 2016; convened at 9:00 A.M. in the Doña Ana Mutual Domestic Water Consumers Association Board Room located at 5535 Ledesma Mr., Las Cruces, NM 88007:

### **Call to Order & Roll Call**

President Melton called the meeting to order at 8:59 A.M. and called roll:

Vice President – Jamie Stull, Present

Secretary/ Treasurer – Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

Board Member – Justin Sparks, Telephone Conference

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith, Telephone Conference

### **Approval of Agenda**

Mr. Anderson moved to approve the agenda for the December 06, 2016 Special 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.

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

No Public Input was brought forward

## **Unfinished Business**

Mr. Anderson moved to approve Item One (1) for contract 6323698 with Souder, Miller, and Associates (SMA) for the Myles Road Pavement Project; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Executive Director advised this contract package is for the bid and construction administration phase for approximately 2,970 square yards of asphalt pavement removal and replacement on Myles Road. This is an ongoing project from previous contractor Gallardo Construction; however their work was not accepted by Dona Ana County and the contractor would not return to fix the work. We do have to put this to bid per procurement requirements as this will be over \$60,000. The estimated cost for this contract phase, not including NMGRT, totals \$10,024.00. Mr. Anderson questioned how much extra this is going to cost us. Mrs. Horton explained having to do a new bid and redo the pavement does come with additional costs that we would not have had if Gallardo Construction had completed the work to Dona Ana County standards, however we do have remaining funds from the original project contract that will ideally cover all of this; it depends on the bids we receive. The contract with Gallardo has been terminated with any further action undecided at this time. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

Mr. Anderson moved to approve Item Two (2), approval of contract 63234416 to D.J.M. Construction, Inc for the Vacuum Station and Force Main Project; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised the apparent low bidder for this project was D.J.M. Construction, Inc with a base bid amount of \$547,375. We had to take a close look at our funding as there is not enough allocated to complete the project all at once, which resulted in breaking up the project into different portions. As such, we are recommending to award \$797,500.00 to include the general items, the vacuum station building, additive

alternative #1 (for the biofilter) and additive alternative #2 (equipment in the vacuum building); not including the force main at this time. We cannot accept sewer without the force main, but we are hoping that funding will become available in the foreseeable future. The Board granted Executive Director Jennifer Horton the authority to complete a change order addressing the force main should funding become available. The Chair called for a vote on the motion; the motion carried by roll call vote 5-0.

### **Closed Session**

At 9:18 a.m. Mr. Anderson moved to enter Closed Session; the motion was seconded by Mr. Stull. The Chair called for discussion for the motion. The Chair called for a vote on the motion which carried by roll call vote 5-0.

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. Acquisition of water rights and new system assets.

Take action, if any on closed session items

At 9:45 a.m. Mr. 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 5-0.

Mr. Melton stated as authorized by the Open Meetings Act, New Mexico Statutes Annotated, Section 10-15-1, Subsection H (7) the portion of the Board Meeting conducted in Closed Session concerning the status of the following requires action in Open Session and were the only topics discussed in Closed Session:

1. Real property and water right acquisition

a. Acquisition of water rights and new system assets.

Mr. Anderson moved to grant authorization to Executive Director Jennifer Horton to begin negotiations with another water system for the purchase of assets and water right in the amount of \$323,000 or appraised value, whichever is less. The motion was seconded by Mr. Ponteri. 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.

### **Open Session**

President Melton called the Open Session to order at 9:49 a.m.

Executive Director Jennifer Horton advised we have discovered a vendor who has been overcharging the Association. It is apparent the sales representative deviated from the state purchasing contract. A review of meter purchases alone has total in overcharges of \$27,000. Mrs. Horton has a meeting scheduled with the District Manager to discuss what the opportunities are and then we will have to submit the paperwork to State Purchasing.

### **Adjournment**

Mr. Ponteri moved to adjourn at 9:57 a.m.; Mr. Anderson seconded the motion. The Chair called for a vote on the motion: the motion carried by roll call vote 4-1-0 as we lost the call for Mr. Sparks.

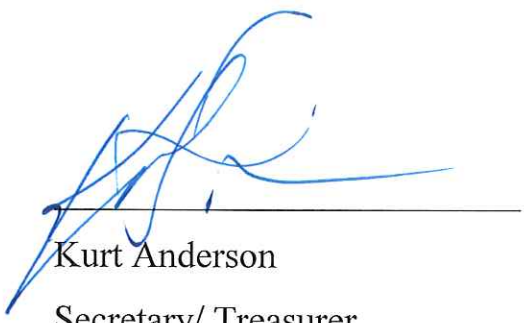
James Melton - Yes

Jamie Stull - Yes

Kurt Anderson - Yes

Ray Ponteri - Yes

Justin Sparks - Abstain



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Kurt Anderson  
Secretary/ Treasurer

12-15-2016  
Date