



***Doña Ana Mutual Domestic Water Consumers Association Mailing  
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## **Agenda**

The following are the items for consideration at the Special Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors on July 8, 2019, convening at 10:30 a.m. at the Doña Ana Mutual Domestic Water Consumers Association Board Room 5535 Ledesma Dr., Las Cruces, NM 88007:

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

### **Approval of Agenda**

#### **Minutes:**

1. Minutes of 6-20-2019 Regular Meeting

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

*Public Input will be limited to 3 minutes per person*

#### **New Business**

None

#### **Consent Agenda**

None

#### **Closed Session:**

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. Discussion of Potential Water Rights Purchase

#### **Unfinished Business**

2. Approval of water rights purchase agreement for 230.51 acre feet of ground water rights

#### **Board Open Discussion**

#### **Adjournment**

*A copy of this agenda may be requested by phone by calling (575) 526-3491 or in person at 5535 Ledesma Drive, Las Cruces, NM 88007. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, if summary or other type of accessible format is needed, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Margo Lopez at (575) 526-3491 on the Friday prior to the meeting or as soon as possible.*



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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, June 20, 2019 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 – Paul Maxwell, Present

A Quorum was declared

### **Others in Attendance:**

Executive Director – Jennifer Horton

Legal Counsel – Josh Smith

Members of the Public – Robert and Patricia Kirkpatrick

### **Approval of Agenda**

Dr. Anderson moved to approve the agenda for the June 20, 2019 Regular Board Meeting as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Executive Director Jennifer Horton requested Item Three be removed; Mr. Chris Erickson cancelled his request for this meeting. Dr. Anderson amended his motion to accept the cancellation. Mr. Stull seconded the motion. The Chair called for a vote on the amended motion. The motion carried by roll call vote 4-0.

## **Minutes**

Dr. Anderson moved to approve the Regular Board Meeting Minutes of June 6, 2019 as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. Mr. Melton requested we add “normally” to the occurrence of a rate study every five years. The Chair called for a vote on the amended 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. Mr. Stull seconded the motion. The Chair called for discussion of the motion. We have seventeen (17) names on the list; eleven (11) are new members. Dr. Anderson noted the fees for the new homes that Desert View is building have not been tallied correctly. He amended his motion to reflect the charges that will need to be added; the motion was seconded by Mr. Stull. The Chair called for a vote on the amended motion; the motion carried by roll call vote 4-0.

## **Customer Issues and Public Input**

Mr. Robert Kirkpatrick thanked the Board for their time to discuss the difficulties they are experiencing with building their retirement home. The Kirkpatrick's approached the Board to request a variance for connecting to the existing sewer lines. Due to the way the sewer line currently runs and the high elevation of their pad site, the connection to the collection system would require multiple severe turns of forty-five and ninety-degree angles, several substantial elevation changes, and passage through an arroyo at an extensive cost. Twelve years ago, his neighbor granted an easement, however now that they are ready to build the neighbor has recanted the easement. Mr. Kirkpatrick has obtained an estimate for a two-inch sewer line from Johnny's Septic Company and WW Sales in Albuquerque; who had their engineer draft an estimate for a one point five-inch sewer line. This house is designed

to be equipped for grey water. Mr. Kirkpatrick has serious concerns that they will not be producing enough water to support a sewer line. The cost is substantial for a sewer line, but the true concerns are if this will even work given the grey water conservation plans.

Dr. Maxwell asked for staff input. Ms. Horton advised the exemption was initially denied due to the position the Board has previously set where if there is sewer available, we do expect a connection. This is not a decision staff can make. There are opinions on both sides if this situation would function properly or not regarding a sewer line and grey water. Dr. Maxwell has concerns regarding the grey water, especially how much water is actually needed to ensure the workability of the sewer lines. Ms. Horton explained the answer would vary and is based on many factors; including but not limited to, the design of the grey water system and how many people are in the household at any given time. Grinder pumps do work; we have a number of customers who utilize them. Every case is different, and an engineer would need to design this to ensure the best solution. There is never a guarantee on not having a sewer back up. Ms. Horton clarified that we do not normally install a ninety-degree angle; we install two forty-fives to try to avoid a harsh turn. Mr. Melton understands the concerns as the ratio of water to solids is important and the slope of the lines is extremely important. Dr. Maxwell asked about the area that has septic tanks in Picacho Hills. Ms. Horton explained that is Butterfield, where there are no sewer lines so septic tanks are necessary. Mr. Melton asked if an exemption has ever been granted before. Ms. Horton explained since we have taken over Picacho Hills in 2013 we have not granted exemptions. Mr. Melton has concerns about establishing a precedent and that this may create a wave of similar situations. He recommended the Board further look into the technicalities of this. Mr. Stull requested a letter from an engineer that states the concerns of the topography and technicalities of this situation. Dr. Maxwell agreed that the Board needs to be careful about not setting a precedent, while also looking at each case as a case

by case situation. Mr. Kirkpatrick will contact the company with the engineer to obtain the letter. The Board agreed to table this until further data is received.

### **Board President Report**

Mr. Melton reported El Camino Real has been paved.

### **Staff Reports**

Ms. Horton reported we had the two large paving patches with small sections in between on El Camino Real. Renegade was able to complete this in four days; as opposed to the twenty-eight days the original contractor quoted. With the paving complete, Southeast Collection Phase II is down to the paperwork side of finalization. Southeast Collection Phase III is on the agenda today. The WWTP is well underway with ongoing dirt work. The main construction will begin in the next sixty days. We will be paying very close attention to process control and sampling while we utilize a bypass to accommodate the construction. Radium Springs is ongoing; ninety percent of the pipe has been laid with the remaining ten percent to be completed at the end of the project. The current challenges involve the contractor and their driller. The contractor had to find a new well driller and the one they are considering is not recommended due to previous issues. The contractor has not made a final choice. Once wells nine and ten are re-drilled, then the final piping will be finished. For the next several weeks we do not have any scheduled water outages. Well's eleven and fifteen are still being reviewed in Massachusetts and the deadline has been pushed out to July 16th.

The well data sheet has been provided. Operations are completing their medical tests to be outfitted for the SCBA safety masks for gas chlorination. Day to day maintenance continues and the year-end inventory process is fast approaching. We have filled the Customer Service vacancy and will be fully staffed as of June 24th. Five staff members are

testing for their next level certifications this week in Ruidoso. Ernest Armendariz and Abenicio Fernandez passed their exams during the last testing round. The City of Las Cruces is interested in duplicating our training program. Mr. Melton inquired if the staff has been reminded of the hazards of the heat and weather this time of year. Ms. Horton explained the two field managers are good about having the safety conversations and we provide water jugs and ice. Dr. Anderson asked if Operations is going to change to summer hours of seven to four. Ms. Horton stated that staff has not requested a move to summer hours.

USDA is very close to finalizing and approving our funding application for Southeast Collection. The Board will need to advise USDA who the engineer will be for this project as this is not a decision staff can make. This is a sixteen-million-dollar project; fourteen million for construction and two million for engineering. Souder, Miller, and Associates has been our engineer for a long time and designed and facilitated many projects for the Association. Bohannan Huston is our newly added engineering firm and this would be their first major contract with Dona Ana Water. This phase has not been designed which makes the project a good fit for either firm. The Board agreed to provide Bohannan Huston the opportunity to complete Southeast Collection for their first major project with the Association.

### **New Business**

None

### **Unfinished Business**

Dr. Maxwell moved to approve the IVR Payment system; Dr. Anderson seconded the motion. The Chair called for discussion. This is the automated phone payment system that allows customers to check their balance and pay their bill around the clock. The IVR system

will allow our administrative staff to provide better customer service by spending additional time answering questions or concerns. The module itself does not have a cost, however the standard rate of one-dollar-and-twenty-five cents per call still applies. Ms. Horton recommends absorbing this fee for the time being. The one exception to this system will be Disconnect Day due to the additional fees applied to late accounts. The liability is now removed from in-house personnel handling customer's personal account information. The IVR system adds security and safety all around, for staff and customers. Dr. Maxwell agrees this is a better system and requests we advertise this in the newsletter and online. In the event of a system outage we will retain the availability to manually process payments. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Anderson moved to approve the Award for Phase III Southeast Collection; Dr. Maxwell seconded the motion. The Chair called for discussion. Ms. Horton explained we had three bidders for this project. The apparent low bidder is Morrow Construction, which is who Souder, Miller, and Associates (SMA) is recommending. Due to the amount of Morrow's bid, SMA has recommended to award the additional streets of CA Ridge and a portion of El Camino Real up to B & J Lane. The price breakdown is included in the contract for each contractors' bids. There is a clause in this contract that the contractor had to have at least three-thousand-linear-feet of vacuum sewer experience. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Dr. Maxwell moved to approve Resolution 2019-12 Disposal of Scrap Material. The motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. Ms. Horton explained we are overrun with scrap material that has no value or function. We have never disposed of anything in the almost nine years Ms. Horton has been at the Association. The materials range from broken meters and appurtenances to broken fire hydrants. The State of New Mexico has very specific requirements for disposing of any

product, whether it has value or not. The Association's governing Board has to approve the disposal. We are then required to provide a thirty-day notice to the Department of Finance and the Office of the State Engineer prior to the disposal of anything. The items that have value are not included in this as that is a different process all together. Photos of all of the materials being disposed of have been provided. After the thirty-day mark we take the junk to a local recycle. Dr. Maxwell asked if there are any toxic materials in this disposal. Ms. Horton reassured there are no hazardous materials in this scrap. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

Mr. Melton called for a brief recess at 10:30 a.m. The meeting was called back into Session at 10:34 a.m.

### **Closed Session**

Dr. Maxwell moved to enter closed session at 10:35 a.m.; the motion was seconded by Dr. Anderson. 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 Rights Acquisition
  - a. Discussion of Potential Water Rights Purchase

Take action, if any, on Closed Session Items

At 10:49 a.m. Dr. Anderson moved to exit Closed Session and enter back into Open Session; Dr. Maxwell 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.

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 following portion of the Board Meeting was conducted in Closed Session:

1. Real Property and Water Rights Acquisition
  - a. Discussion of Potential Water Rights Purchase

Mr. Melton advised as a result of the discussion held in Closed Session, we do not need to take action.

### **Open Discussion**

Mr. Melton reminded the Board that we are closed during the first Regular Board Meeting for the month of July due to the Holiday. The Board agreed to cancel the meeting in lieu of rescheduling.

### **Adjournment**

Dr. Maxwell moved to adjourn at 10:53 a.m., with a second from Dr. Anderson. The Chair called for a vote on the motion. The motion carried by roll call vote 4-0.

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Kurt Anderson

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Date

Secretary/ Treasurer