



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, July 28, 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, Present

Board Member- Kay Trujillo, Present

Board Member- Kurt Anderson, Present

Others in Attendance:

Executive Director- Jennifer Horton, Present

Projects Manager- Abenicio Fernandez, Present

Legal Counsel- Lee E. Peters, Present

Administrative Assistant- Edward B. Salomón, Present

Approval of Agenda

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

Minutes

Mr. Anderson moved to approve the Regular Board Meeting Minutes of July 14, 2015 as presented; the motion was seconded by Mrs. Balizan. 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.

New Members & New Meters

Mrs. Balizan moved to approve the New Members and New Meters list as presented; the motion was seconded by Mr. Anderson. 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

Mr. Hayhoe asked about the status of the rate review that Doña Ana MDWCA is conducting. Mr. Melton mentioned that the rate review has just begun and hopes that the review will be completed by October 1, 2015.

Board President Report

Mr. Melton reports:

Mr. Melton reported in the July 14, 2015 Regular Board Meeting that Doña Ana MDWCA had an issue come before the personnel committee. The Committee thought that they had spoken to all employees involved but more input was brought to the committee. The Committee decided that the issue was outside of Association business so no action on the issue was necessary.

Mr. Melton is also in the process of writing a letter in response to the suggestions offered by New Mexico Environmental Department (NMED) in their finding of no merit of the six (6) complaints filed September 2014; Mr. Melton hopes to have a final letter by

August 11, 2015. Doña Ana MDWCA has initiated a rate review which does not automatically translate to a rate increase.

Doña Ana MDWCA had an issue with an individual who felt that the Association was unfair to him because his account had become delinquent to the point of having his service interrupted and his meter locked. However, policies are established which deal with account delinquencies and in fairness to the remainder of the Association Membership, his request was declined.

Mr. Melton reminded all of the Board Members that there was a copy of the Bohannan Houston report that was completed several years ago concerning storm water drainage in the Picacho Hills area. Mr. Melton plans on reviewing that report before the August 12, 2015 and he suggested that all of the Members of the Board also become familiar with its content.

Staff Reports

Executive Director

Mrs. Horton Reports:

Mrs. Horton discussed the Myles Rd. situation. Doña Ana MDWCA is still waiting on Doña Ana County (DAC) to decide how they will respond to the Gallardo Construction proposal to address the paving issues. Once Doña Ana County has responded, the Association will establish its official position with respect to finalization of the contract.

Mrs. Horton addressed that the Geographic Information System (GIS) Project had been pushed back due to other things coming up such as, subdivisions and specifications for developers. Mrs. Horton does not have a specific date for the project to be completed due to other pressing projects.

Doña Ana MDWCA has had two major water line breaks in the system over the past several weeks, one in Picacho Hills and the other on Doña Ana School Road. Mrs. Horton received a quote for the paving jobs for both breaks. The Association requested quotes from three (3) different companies but only one (1) company responded. The job will be awarded to Crosstown Construction for 19,500 dollars and Mrs. Horton will bring the quote to the Board of Directors for an official award at the next Board Meeting on August 11, 2015.

The Association also had three (3) water tanks inspected, two (2) in Radium Springs and one (1) in Doña Ana. The two (2) tanks in Radium Springs are in good condition however they need to be cleaned. The cleaning of the tanks will be awarded to CW Divers for 3,500 dollars. The third tank in Doña Ana will need to be drained, sand blasted and recoated on the inside. M&M Tank from Colorado has estimated a cost of slightly under \$50,000 and the issue will be placed on the agenda for discussion and review at the August 11, 2015 Regular Board Meeting.

Doña Ana MDWCA is still in the middle of closing on funding for the new tanks in Picacho Hills. Mr. Peters informed Mrs. Horton that the Burke Sisters have signed their deed and easement for their portion of the tanks. Mr. Peters is reviewing it and then it will be recorded at the County. Elephant Butte Irrigation District (EBID) has issued a permit for part of the crossings for that Fairview Project, part of which is the requirement to close on our funding.

Mrs. Horton discussed the rate review and stated Carl Brown will be the consultant reviewing the rates and impact fees. Mr. Brown is requesting more information but it will

most likely wait until the Association is done with conversion to the new billing system software.

Doña Ana MDWCA has finally converted to the new Tyler Technology system as of July 22, 2015. Mrs. Horton reported that E-Billing has gone out and the process went well. The portal site is not live yet due to challenges with our merchant credit card account. The Association is doing its best to work through all of the issues and is excited about the new change.

Unfinished Business

Mr. Anderson moved to approve Resolution 2015-14 Approving Participation in the program of the South Central Council of Government, Inc. for Fiscal Year 2015-2016 as presented; the motion was seconded by Mrs. Balizan. 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.

Mr. Anderson moved to approve Resolution 2015-15 Final Budget for Fiscal Year 2015-2016 as presented; the motion was seconded by Mrs. Balizan. 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.

Mr. Anderson moved to approve Phase II SCADA System Contract Package as presented; the motion was seconded by Mrs. Balizan. 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.

Closed Session

Mr. Anderson moved to go into Closed Session at 9:35 A.M.; the motion was seconded by Mrs. Balizan. 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.

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 10:51 A.M.; the motion was seconded by Mrs. Balizan. 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.

Mr. Melton reported that there were no items requiring action that were discussed while in closed session.

Legal Update

Westmoreland Case- Judge Arrieta mentioned at the hearing on July 22, 2015 that the Westmoreland case has still not been ruled on, but he did not say when he would.

Moongate Case- The cross motions for summary judgment was heard by Judge Arrieta on July 22 and he indicated that he would try to have a ruling out within two weeks.

Zapeda Case- the Zepeda case is closed.

General Legal Update- On general legal matters, the approval of the State Board of Finance to the wastewater system transfer from Dona Ana County has been moved to its September meeting. Legal is working with the Executive Director and the County's attorney to respond to the Board of Finance's questions about the transfer.

Definition of "Member" in Bylaws-The NMED recommended that the Association define its qualifications for membership in the Bylaws. Legal recommends this as well, advising that there are several parts of the Articles of Association and Bylaws that probably need to be amended to incorporate a definition of "member".


Water Right Inventory-An updated inventory of all the Association's ground water and surface water rights was distributed to the Board members and discussed.

Open Discussion

Mr. Melton did not have any items for open discussion. Mr. Anderson mentioned that there is visible rust on the side of the south water tank on I-25 north that could use some touch up paint. Mr. Anderson mentioned a conservation plan, and suggested that we provide flow restrictors for Association Members to help them conserve water.

Adjournment

Mr. Anderson moved to adjourn at 11:38 A.M.; the motion was seconded by Mrs. Trujillo. The Chair Called for discussion of the motion. The Chair called for a vote on the motion: and the motion carried by roll call vote 5-0.


Secretary/ Treasurer

Mrs. Agnes Balizan

8/12/15
Date