

**DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
Special Membership Meeting on 04/21/2016**

DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
SPECIAL MEMBERSHIP MEETING

April 21, 2016
7:09 p.m. to 7:34 p.m.
Radium Springs Community Center
12060 LB Lindbeck Road
Las Cruces, New Mexico

TRANSCRIBED BY: CYNTHIA GONZALEZ, RPR
NM CCR 59, TX CSR 8467
Huseby, Inc.
1230 West Morehead Street
Charlotte, NC 28208

1 P R E S E N T E R S

2 James Melton, Board President

3 Jamie Stull, Vice President

4 Jennifer Horton, Executive Director

5 Kurt Anderson, Member

6 Lee Peters, Esq.

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10 Also Present:

11 Guy Tubbs, Videographer

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1 P R O C E E D I N G S

2 MR. MELTON: I have just been informed
3 that we have a quorum. So that being the case, I
4 would like to call this special meeting of the
5 membership of the Dona Ana Mutual Domestic Water
6 Consumers Association to order at 7:10 on the --
7 what is it? -- the 21st of April of 2016.

8 I would like to, first of all, introduce
9 our guests, Mr. Lee Peters who is our legal counsel,
10 and also -- let's see -- Karl Tonander is right back
11 here. He's one of our engineers who works with us
12 on our engineering and whatnot.

13 We have a gentleman in the audience also,
14 Mr. Oscar Vasquez Butler, who is a member of the
15 Colonias Infrastructure Board and has been very,
16 very beneficial in helping us to obtain colonias
17 funding which is kind of a special set-aside fund
18 that is -- comes from the State.

19 That having been said, do we have Proof of
20 Notice?

21 MS. HORTON: Yes.

22 MR. MELTON: Jennifer, our executive
23 director, says we have Proof of Notice.

24 And do we have a quorum?

25 MS. HORTON: Yes.

1 MR. MELTON: How many do we have present?

2 MS. HORTON: 44.

3 MR. MELTON: We have 44 members present;
4 so therefore we can conduct business.

5 The first thing I'd like to do is
6 entertain a motion -- well, before we do that, I
7 would like to ask that, if at all possible, if you
8 wish to address the meeting, that you come to this
9 microphone up here and speak into it. We are video
10 recording this meeting. There will be a full
11 transcript of every word that's said produced just
12 as there is in every one of our membership meetings.

13 And when you come up to speak, would you
14 please state your name, and whether you are a member
15 or not, and then state your business.

16 That having been said, we will move to the
17 approval of the agenda. And I will accept a motion
18 for the approval of the agenda.

19 MS. GARCIA: I make a motion to approve
20 the agenda.

21 MR. MELTON: Your name?

22 MS. GARCIA: Dianne Garcia.

23 MR. MELTON: Dianne --

24 MS. GARCIA: Garcia.

25 MR. MELTON: -- Garcia. Dianne Garcia --

1 MR. BUTLER: Second.

2 MR. MELTON: -- moves we approve the
3 agenda, second by Mr. Oscar Vasquez Butler.

4 Now, I would like to be able to conduct
5 this meeting utilizing a show of hands. Is there --
6 could I have a show of hands as to who is in favor
7 of the passage of the agenda?

8 Those opposed?

9 Looks like it's pretty much unanimous. I
10 see no one opposed.

11 Okay. I actually got ahead of myself with
12 the introductions and acknowledgments. But okay, I
13 can't read.

14 The next item on the agenda is approval of
15 the minutes of the 27th of January, 2016, annual
16 membership meeting. I will now entertain a motion
17 to approve those minutes.

18 Sandy?

19 MS. TATUM: I'm Sandy Tatum. I move to
20 approve the minutes of the January 27th annual
21 meeting.

22 MR. MELTON: Do I hear a second?

23 MR. GEERY: I second it. Floyd Geery.

24 MR. MELTON: I have a motion by Sandy
25 Tatum, a second by Floyd Geery to approve the

1 minutes of the January 27, 2016, annual membership
2 meeting.

3 Is there any discussion?

4 There being none, we will move to vote by
5 a show of hands. Could I see all in favor?

6 All opposed?

7 I see one opposed. No, you weren't voting
8 opposed, sir. I see no opposed. Motion carries
9 unanimously.

10 We have two items of new business. The
11 first is the approval of the second amended
12 resolution for the 2016 -- Resolution 2016-03, the
13 Open Meetings Act. The -- this Act requires us to
14 pass a resolution each year which defines what we
15 define as our minimum notice to our membership for
16 not only membership meetings but for regular,
17 special, and emergency meetings of the board of
18 directors. And basically we pass it every year. It
19 hasn't changed significantly.

20 MS. HORTON: Just the dates of the meeting
21 change.

22 MR. MELTON: Right. It hasn't changed
23 significantly for several years. There is one
24 change in this particular resolution in that the
25 board discussed and decided that we need to change

1 the regular -- the days of the regular board
2 meetings from the second and fourth Tuesday of every
3 month to the first and third Thursday primarily to
4 avoid a conflict with meetings of the Dona Ana
5 County Board of Commissioners. And sometimes we
6 have business that particularly our legal counsel
7 and our executive director, at times members of the
8 board, need to conduct with the County.

9 Do I hear a motion to adopt that
10 resolution?

11 MS. SHUMATE: I make a motion.

12 MR. MELTON: Yes, ma'am, your name?

13 MS. SHUMATE: My name is Melba Shumate.

14 MR. MELTON: Melba Shumate?

15 MS. SHUMATE: Yes.

16 MR. MELTON: I have a motion by Melba
17 Shumate to adopt the Resolution 2016-03 Open
18 Meetings Act.

19 Do I hear a second?

20 MR. JOHNSON: I'm Mike Johnson. I second
21 it.

22 MR. MELTON: I have a second by Mike
23 Johnson to second -- or I have a second from Mike
24 Johnson.

25 Is there any discussion?

1 There being no discussion, we will move to
2 vote. In this case I am going to ask if anyone --
3 before we vote if anyone has an objection to a show
4 of hands as opposed to us utilizing one of the red
5 or yellow ballots. If you would -- if someone --
6 anyone wishes for us to vote by ballot, we will.
7 Otherwise, we will waive that requirement, and we'll
8 vote by show of hands.

9 There being no objection, we will vote by
10 show of hands. All in favor?

11 All opposed?

12 I see no opposition. Motion carries
13 unanimously.

14 The next item of business is the approval
15 of USDA RD Form -- that's Rural Development Form --
16 1942-8, Resolution of Members or Stockholders for
17 the Radium Springs Water System Improvement Project.

18 And I would like to say a few words as to
19 what this improvement project is in that this is a
20 grant. This is to accept a grant of -- in excess of
21 \$3.1 million and also to commit ourselves, the
22 Association, to approximately an 800 --

23 MS. HORTON: \$800,000.

24 MR. MELTON: -- \$800,000 loan with a
25 40-year lifetime on it to improve the water system

1 in the Radium Springs/Fort Selden area.

2 The things that are included in this are
3 the replacement of all 2- and 4-inch mains with at
4 least 6-inch mains; the improvement of fire
5 protection by the installation of approximately 50
6 fire hydrants; the installation of an 8-inch, I
7 believe, fill line from our well field, which is
8 down behind the old water company building, up to
9 our tanks which one is the Soldier tank and the
10 other is across the road, the Indian tank; and a new
11 booster station which hopefully will help our
12 pressure a little bit.

13 That having been said, I will now
14 entertain a motion for approval of the Resolution of
15 Members or Stockholders to approve USDA Rural
16 Development Form 1492-8.

17 MR. HENRY: I have a question before we do
18 that.

19 MR. MELTON: Yes, sir.

20 MR. HENRY: James Henry, member. I have
21 two questions about this.

22 MR. MELTON: Okay. Could we hold the
23 questions until after I get a motion and a second?
24 And then we'll have discussion on it. Fair enough?

25 MR. HENRY: Okay.

1 A MEMBER: I'll make a motion.

2 A MEMBER: And I second it.

3 MR. MELTON: I have a motion, and I have a
4 second.

5 Is there any discussion?

6 A MEMBER: So we're taking a vote?

7 MS. HORTON: No.

8 MR. MELTON: No. You don't have -- I
9 asked for a discussion. After we have discussion,
10 then we will vote. That's what I'm saying. We will
11 have discussion, and it will be before we vote.
12 Okay?

13 Sir, please. I'm sorry.

14 MR. HENRY: That's all right. I thought
15 that was fine. Anyway, we're about to start the
16 vote.

17 MR. MELTON: No.

18 MR. HENRY: James Henry. I have two
19 questions about this. The first is on this RD Form.
20 How come it does not specify anywhere the location
21 at Radium Springs of where the work is and what this
22 loan is for? And the second question is is this
23 going to cause an increase in our rates?

24 MS. HORTON: It's part of the application
25 package; so it gets turned in along with the

1 application as a whole. Not all the forms have it,
2 but the agenda does.

3 MR. MELTON: The location is included in
4 the application package that is forwarded to Rural
5 Development, and it comes -- the loan or the grant
6 comes back to us specifically for this numbered
7 project which is tied to that location.

8 Insofar as the question concerning an
9 increase in rates, we have concluded -- we have
10 reasonably concluded a rate study. The board
11 received copies of it in our last board meeting. We
12 have not had an opportunity to take any sort of
13 action on it. And so the rates, you know, will not
14 be affected by this proposal.

15 What happens with the rates -- or what
16 happens with the rates because of the fact that --
17 as a mutual domestic, we have to remain in the
18 black. We cannot operate the system in the red.
19 And so what happens to us is if we do not keep our
20 rates at a level -- and you figure Dona Ana Mutual
21 has not had a rate increase since 2008.

22 I have looked personally at the new rates,
23 and some -- depending upon your consumption, some
24 will go up, some will go down. I can't comment
25 further because I haven't completed my action, and

1 the board definitely has not completed theirs. But
2 there is no -- there is no connection, per se,
3 between this approval and a rate increase.

4 Does that answer your question, sir?

5 MR. HENRY: Yes.

6 MR. MELTON: Thank you.

7 Yes, ma'am?

8 MS. LUJAN: Eva Lujan, member, Dona Ana
9 Village. I have the minutes of June 30, 2010, where
10 Mr. Forbes stated "personally do not see any
11 problems or major expenses immediately or in the
12 future involved in maintaining the system," which is
13 the Fort Selden letter associated --

14 MR. MELTON: Who said this?

15 MS. LUJAN: Mr. Forbes. And I have it in
16 the minutes. I'm not fabricating it.

17 MS. HORTON: He was our previous
18 operations manager.

19 MR. MELTON: Okay.

20 A MEMBER: In what year?

21 MS. LUJAN: 2010.

22 MR. MELTON: Well, let me point out that
23 we're not just looking at -- first of all, we have a
24 woefully underserved area in that a lot of our mains
25 are 2-inch lines or 4-inch lines. We have problems

1 with pressure. And I can't speak to what his basis
2 was. But the system has been evaluated. We cannot
3 support fire suppression with what we have.

4 And I personally live here, and I
5 personally would like to have fire suppression. I
6 think that -- I think that just about everybody else
7 sitting in this room that lives up here would like
8 that too.

9 Does that answer your question?

10 Anyone else?

11 Yes, Sandy.

12 MS. TATUM: Sandy Tatum, member. I'm
13 hearing some questions from some other people too.
14 Few of us have been members of an Association where
15 we get to vote.

16 So the question is what the application
17 process with the board and company officers was like
18 in order to get a grant. Because some people think
19 that this large amount of money would be free
20 flowing and don't understand the specific
21 designation and plan development that you process.

22 And they also are wondering if new
23 subscribers will experience a reduction in cost of
24 coming online as opposed to before, if this will
25 address some of that cost.

1 MR. MELTON: Okay. In a mutual domestic,
2 all members are charged the same for the same
3 services. And there will continue to be a
4 new-connection fee that is associated with
5 connecting new to the system whether this system is
6 upgraded or not. There will be periodic -- there
7 has -- there's going to have to be periodic
8 adjustments in the rates.

9 The rates will most probably remain in a
10 tiered status because that is one of the few ways
11 that we, as a mutual domestic, can encourage
12 conservation of water. And we are short on water in
13 this entire Southwest United States. So as good
14 stewards of our environment, we do the only thing we
15 can to encourage conservation of water.

16 Does that answer your questions, Sandy?

17 MS. TATUM: Uh-huh.

18 MR. MELTON: Okay.

19 Mr. Hayhoe, did you have something?

20 MR. HAYHOE: Yes. I'm Jim Hayhoe, and I
21 just wanted to say that, while I'm not a resident of
22 Radium Springs or Fort Selden, I'm very much in
23 support of this project if it connects our project.

24 I would like to carry on the theme from
25 the last couple of annual meetings, and that is the

1 subject of fire suppression. Now that Radium
2 Springs/Fort Selden is going to be getting up to 50
3 fire hydrants, I'm very hopeful that this is going
4 to be enough impetus that also will include two
5 volunteer fire departments, that we're going to do
6 something about creating new policy for maintenance
7 and operation of those fire hydrants. Thank you.

8 MR. MELTON: Thank you. And if you will
9 bring that back to a regular board meeting, sir, we
10 will try to address it rather than with the entirety
11 of the membership because it can get to be a real
12 bucket of worms.

13 Anything further before we vote?

14 Yes, sir, Mr. Butler.

15 MR. BUTLER: I'm Oscar Vasquez Butler. I
16 also approve of this. I think that the community
17 has to realize how difficult it is to get grants.
18 And I know I've been working for this community as
19 well as others to get grants. And as tight as money
20 is in the state and the federal government, this is
21 an excellent grant program.

22 More importantly, that we're going to put
23 in fire hydrants. And I think what the community
24 has to realize is that right now they may be paying
25 a high fire insurance rate. With fire hydrants,

1 they will get a lower fire insurance policy. So
2 even if there was an offset of anything to a rate
3 increase, it would be that they would get a reduced
4 fire insurance rate on their insurance policy. I
5 totally approve of this. Thank you.

6 MR. MELTON: Thank you very much,
7 Mr. Butler.

8 Anyone else like to address this?

9 In that case, we will move to vote. I
10 will call for a show of hands in favor?

11 A show of hands opposed?

12 I see one, two, three in opposition.
13 Could we get a couple of our staff to come through?
14 I'm going to ask those folks who were in favor to
15 please raise their hand and remain so until our
16 staff can count them.

17 In an attempt to shorten this as much as
18 possible, I would like to personally thank one, two,
19 three, four, five, six people from up here in the
20 Radium Springs area for assisting us in notifying
21 our membership of this upcoming meeting. And those
22 people are Joanne Sevenberger [sic] --

23 Did I butcher that too badly?

24 MS. SEVENBERGEN: Not too bad. It's
25 Sevenbergen.

1 MR. MELTON: Thank you.

2 -- Mike Johnson, Ethel Dial, Sandy Tatum,
3 Carol Standridge, and BJ Manning. These people were
4 an unbelievable assistance.

5 Have we got it now?

6 MS. HORTON: Yes.

7 MR. MELTON: I'd like to give them a hand.

8 (Applause.)

9 Okay. We should have this concluded in
10 just a moment.

11 We'll need to know how many total voted?

12 MS. HORTON: No, how many opposed. We
13 need to know how many opposed.

14 MR. MELTON: Three.

15 MS. HORTON: Have them raise their hand
16 again.

17 MR. MELTON: Okay. Now opposed again one
18 last time. So we've got 1, 2, 3, 4, 5.

19 MS. HORTON: 5 opposed.

20 MR. MELTON: Okay.

21 MS. HORTON: So I've got 50 for and 5
22 opposed.

23 MR. MELTON: Okay. We have 54 total here?

24 MS. HORTON: No. We have 55 total. So
25 that's 50 people that voted in favor and 5 opposed.

1 MR. MELTON: Okay. We have 50 -- we have
2 55 total people. 50 voted for, 5 voted against.
3 Motion carries.

4 (Applause.)

5 And the final item on the agenda is public
6 input.

7 Do we have anyone here who would like to
8 address the membership, the board, or whatnot? I
9 will caution you that your time will be limited to
10 three minutes, and we will ask that we not go
11 through repetitive actions.

12 Sandy?

13 MS. TATUM: Excuse me. Will you be
14 announcing about tomorrow?

15 MR. MELTON: I was going to get there.

16 MS. TATUM: Oh, okay. I'm pushing you.
17 That's wonderful.

18 MR. MELTON: There being no one who wishes
19 to have any input, I would like to invite everyone
20 here to be in this building tomorrow morning at
21 9:00 a.m. We will be accepting the grant from USDA.
22 We have an individual from USDA Washington, D.C. who
23 will be here. We will be breaking ground for the
24 project.

25 And we in Radium Springs have been

1 selected to represent the USDA in their National
2 Earth Day celebration.

3 (Applause.)

4 So we would like to ask all of you to come
5 out and join us.

6 Being no further business, I will
7 entertain a motion to adjourn.

8 MR. BUTLER: I make a motion.

9 MR. MELTON: I have a motion from
10 Mr. Butler to adjourn.

11 Do I have a second?

12 MR. HAYHOE: I second it.

13 MR. MELTON: All in favor?

14 (All say aye.)

15 MR. MELTON: All opposed?

16 (No response.)

17 MR. MELTON: Motion carries unanimously.

18 All right.

19 (The proceedings concluded at 7:34 p.m.)
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1 DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION
2 SPECIAL MEMBERSHIP MEETING

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REPORTER'S CERTIFICATE

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I, CYNTHIA GONZALEZ, RPR, NM CCR 59, TX

8

CSR 8467, DO HEREBY CERTIFY that I did, in

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proceedings set forth herein, and the foregoing

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best of my ability. The tape was of fair quality.

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I FURTHER CERTIFY that I am neither employed by

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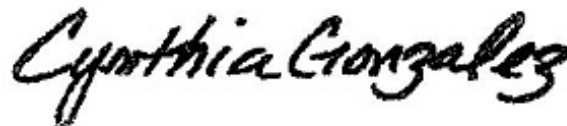
in the final disposition of this matter.

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CYNTHIA GONZALEZ, RPR

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Charlotte, NC 28208

DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION

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