



*Doña Ana Mutual Domestic Water Consumers Association*  
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The following are the minutes of the regularly scheduled Annual Meeting of the Doña Ana Mutual Domestic Water Consumers Association Membership April 29, 2014 convened 6:30PM at the Doña Ana Elementary School located at 5551 Camino De Flores, Las Cruces, NM 88007:

### **Call Meeting to Order**

Mr. David Jacquez, President: called the meeting to order at 7:00 PM. Mr. Bob Crowley rose on a point of order and question of privilege affecting the membership. He begun to read a statement into the record of the meeting and made three points regarding claimed violations or deficiencies pertaining to the November 7, 2013, membership meeting. Mr. Peters then spoke as counsel for the Association and stated that Mr. Crowley's points were out of order, as they did not go toward the rules of this meeting. Mr. Jacquez advised him that he would be afforded the opportunity to make his points and discuss them later in the meeting.

### **Proof of Notice of Meeting & Proof of Quorum**

Mr. Jacquez asked Mrs. Jennifer Horton if the notice of the meeting was sent out. Mrs. Horton reported that notice of the meeting was sent to all members through Go Direct. Mr. Jacquez asked Mrs. Rosanna Balderrama what number we needed for a quorum. Mrs. Balderrama responded with the number 41 for a quorum. Mr. Jacquez asked if we had quorum. Mrs. Balderrama stated, "We do." The members requested to know the number of members present. Mrs. Balderrama reported there were 118 members present.

### **Introductions, Acknowledgements & Procedures**

Mr. Jacquez asked for introductions from the Board of Directors; Mr. Jim Melton, Ms. Kay Trujillo, Ms. Agnes Balizan, Ms. Emma Garcia. Mr. Jacquez introduced the Association's Attorney, Mr. Lee Peters and the Executive Director, Mrs. Jennifer Horton. Mr. Jacquez explained the procedures for the meeting.

### **Minutes**

Ms. Sharon Glazier made a procedural motion to accept both sets of minutes on the agenda; Minutes of the January 30, 2013, Annual Membership Meeting, and Minutes of the November 7, 2013, Special Membership Meeting. Seconded by Mr. Lionel Trujillo. The Chair called for a vote to approve the motion. The motion failed by count of 93-5.

Mr. Kurt Anderson made a motion to accept the Minutes of the January 30, 2013, Annual Membership Meeting. The motion is seconded by Mr. Jerry Stepro. The Chair called for a vote to approve the motion. The motion carried by count of 84-11.

Mr. Jim Hayhoe made a motion to defer the Minutes of November 7, 2013, Special Membership Meeting until after public input. The motion is seconded by Mr. Bob Crowley. The Chair called for a vote to approve the motion to defer. The motion carried by count of 74-38.

### **New Business**

Mr. Lynn Ellins made a motion to approve the Open Meetings Act Resolution #2014-03 with amendments to paragraphs 2, 3, 6 and 7 to read that the agenda will be available from the staff

and on the website at least 72 hours in advance of the meeting. This motion was seconded by Mr. Jim Hayhoe. The Chair called for discussion. The Chair called for a vote to approve the motion with the amendments. The motion carried by a unanimous vote.

Mr. Harry Palmer made a motion to approve the proposed amendment of Article V Section 1 with an amendment that included the Board give a 30 day notice before a proposed meeting takes place. This motion was seconded by Mr. Charles Heird. The Chair called for discussion. The Chair called for a vote to approve the motion with the amendment. Ms. Ginger Dickson made a motion to table action on the proposed bylaw. This motion was seconded by Mr. Jack Hokkanen. The Chair called for a vote. The motion to table the original motion carried by count of 69-32.

Mr. Anderson made a motion to approve the proposed amendment of Article V Section 4. This motion was seconded by Mr. Jack Hokkanen. The Chair called for discussion. Mr. Andrew Philo made a motion to table the original motion to approve Article V Section 4. This motion was seconded by Mr. Bob Zolto. The Chair called for a vote. The motion to table the original motion failed by vote of 25-72. Mr. Jacquez returned to the motion to approve the amendment of Article V Section 4 made by Mr. Anderson. The Chair called for discussion. Ms. Anna Leuenberger made a motion to end discussion and to vote on the motion. The Chair called for a vote. The vote to end discussion carried by unanimous vote. The Chair called for a vote on the motion to approve the amendment of Article V Section 4. The motion failed with a count of 89-4.

### **Public Input**

The first person to speak under public input was Mr. Bob Crowley who stated that he spoke for several members. Mr. Crowley stated that he believed this meeting could not proceed due to irregularities at the November 7, 2013 membership meeting. He believed there was not a quorum present during this meeting and has asked for proof. In addition he further believed that the explanation of proposed bylaws sent to the members prior to the meeting was entirely different than what was voted on at the meeting. He provided a written statement to the Board and staff and read the statement into the record.

Mr. Peters spoke as counsel for the Association responding to Mr. Crowley. He explained that there was no violation of the Open Meetings Act and proper procedures were followed. He referred to the letter sent to the Board by Mr. Crowley's attorney, which claimed Open Meetings Act violations and other allegations. Mr. Peters explained that he responded fully to Mr. Crowley's attorney's letter. He advised that rather than cover the details of these letters during the meeting that they would be posted on the Association's website.

Membership and audience discussion followed regarding the mailing of the agenda letters. Mrs. Horton responded to several inquiries regarding this topic.

There was further discussion from three other Association members: Mr. Michael Allen, Mr. Jack Hokkanen, and Mr. Jim Hayhoe. Discussion continued on the quality of Doña Ana Water customer service, membership issues and claims that all Picacho Hills residents are not being recognized as Association members.

Mr. Jacquez took the floor and addressed these issues. He also explained the state of the Picacho Hills well and tank. Additionally, he responded on the process to get New Business onto the agenda. He explained the Association chain of command. He invited anyone with problems to

come and see him directly if they feel their needs are not being addressed.

Additional comments were made by Association member Mr. Tom Stramiello and Mr. Bob Crowley. These comments pertained to communication to the Association members in Picacho Hills. Points were given to Doña Ana Water Technical and Operational support. Ms. Paula Hansen made suggestions about corrective actions. Ms. Susan Richardson suggested a way to address concerns instead of attacking Doña Ana Water.

Discussion continued from several other Association members. Mr. Jacquez brought the discussion back to the November 7<sup>th</sup> meeting minutes.

Mr. Peters explained that the membership voted earlier in the meeting to defer to public input before taking up the vote on approval of the November 7, 2013 meeting minutes.

Mr. Jacquez called for a vote on the November 7, 2013 meeting minutes. He further explained that a yes vote approves the meeting minutes. The audience talked over one another. The membership voted on approval of the minutes. The motion carried with a count of 32-27. Mr. Jacquez announced that the November 7, 2013 meeting minutes were approved.

**Adjournment**

Motion to adjourn the meeting was made by an unidentified audience member. Another unidentified audience member seconded the motion. Motion to adjourn carried. Mr. Jacquez adjourns Annual Meeting at 9:29 p.m.

Respectfully submitted:

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Agnes Balizan, Secretary/Treasurer

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Date