

Doña Ana Mutual Domestic Water Consumers Association
Mailing Address: P.O. Box 866 • Doña Ana, NM • 88032
Physical Address: 5535 Ledesma Dr. • Las Cruces, NM 88007
(575) 526-3491 Office • (575) 526-9306 Fax

The following are the minutes of the Regular Board Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, May 26, 2015, convened at 9:00 A.M. at 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, Absent, Sick
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 4-0.

Minutes

Mr. Anderson moved to approve the Regular Board Meeting Minutes of May 12, 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 4-0.

New Members & New Meters

Mr. Anderson moved to approve the New Members and New Meters list 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 4-0.

Customer Issues & Public Input

Mr. Hayhoe mentioned that there was an article in the Las Cruces Sun News. Mr. Hayhoe also inquired about the tour of the Picacho Hills arroyo that the Members of the Board took.

Board President Report

Mr. Melton reports:

Mr. Fernandez received an E-mail from Mr. Davis on April 6, 2015 concerning potential issues with storm water damage to Doña Ana MDWCA Wastewater System in the arroyo in Picacho Hills. On May 15, 2015 the Board of Directors, Executive Director, Projects Manager, Legal Counsel and a Sauder Miller Association Representative took a tour of the arroyo to assess the damage. Some of the items that were noted were man-made drainage structures (black drain pipes, potentially from ponds to capture runoff from structures located on property or from swimming pools) from higher elevation portions of several properties. Obviously these structures were installed since majority of erosion

which established very nearly the current elevation of the channel of the arroyo. The majority of erosion occurred as a result of the massive storm in 2006, with much smaller issues otherwise. Only one property owner appears to have taken any sort of effective, positive action to minimize natural erosion, thereby protecting their own property. Erosion in the watercourse channel has exposed the concrete man-hole structures and washed out significant portions of the grout in the connections, thereby posing a potential for storm water to pollute the DAMDWCA wastewater collection system. This issue needs to be addressed by the Board of Directors and corrected. Portions of the wastewater main appear to be minimally covered by earth as a result of excessive erosion and a solution needs to be implemented to protect the cover over the mains from further degradation. Unfortunately the Association does not have the funding available to resolve any issues except those which occur on an emergency basis. Funding for remedial efforts will have to be identified from other sources such as individual property owners, property owners association, County Flood Control, and Infrastructure Improvement Grants/Loans. Support is needed from all governmental levels to resolve these issues satisfactorily. Research indicates that a twenty foot utility easement does exist, however many of the potential solutions could encompass more than that amount of property. The Association is only responsible for taking such action as is necessary to protect Doña Ana MDWCA infrastructure. Mr. Hayhoe sent an E-mail on May 19, 2015 to Mr. Melton and Executive Director about Arroyo Storm Drainage and Sewer in Picacho Hills, requesting information concerning status and requested that the Board of Directors participate in a meeting of the concerned parties to move forward as rapidly as possible. The Board of Directors agreed and a Workshop will be scheduled after the first of the Fiscal Year (July 1, 2015) to begin collecting concepts and determining what might be a workable solution to the issue.

Staff Reports

Executive Director

Mrs. Horton Reports:

Doña Ana MDWCA day to day operations are all running smoothly. Mrs. Horton mentioned that the Office will be closed June 1 & 2, 2015 for staff training on the new billing system. Mrs. Horton also talked about setting up a meeting with the Board of Directors for the Fiscal Year 2015 budget adjustment sometime in the month of June 2015. The Board of Directors did not decide on a specific date during the meeting because they all needed to check their schedules. Mrs. Horton announced that Doña Ana MDWCA audit for Fiscal Year 2014 was finally released to public record. She mentioned that the audit finally being made public will help with all of the funding that Doña Ana MDWCA has been waiting on. Mrs. Horton told the Board of directors that she would go into more detail of the audit findings in the Unfinished Business portion of the Board of Directors meeting.

Unfinished Business

Mr. Anderson moved to approve the Assignment of Utility Easements and Rights-of-Way and Assumption of Obligations 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 4-0.

Mr. Anderson moved to approve the Assignment of Construction, Operating and Maintenance Permits and Assumption of Obligations 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 4-0.

Mr. Anderson moved to approve the Assignment of Wastewater Services Accounts and Other Agreements and Assumption of Obligations 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 4-0.

Mr. Anderson moved to approve Resolution 2015-11 FY 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 4-0.

Mr. Anderson moved to approve the Award of Truck Bids 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 4-0.

Mr. Anderson moved to approve the 2014 Audit 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 4-0.

Closed Session

Mr. Anderson moved to go into closed session at 10:15A.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 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 close session:

1. Real Property and Water Right Acquisition
2. Litigation and Threatened Litigation

3. Limited Personnel Matters

Mrs. Balizan moved to go back to open session at 10:38A.M.; the motion was seconded by Mr. Anderson. The Chair called for discussion of the motion. The Chair called for a vote of the motion; the motion was carried by roll call vote 4-0.

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

Legal Update

Mr. Peters Reports:

Westmoreland case- We are still awaiting a decision from Judge Arrieta from the November trial.

Moongate case- We have received Moongate's Reply on its motion for summary judgment and Response to Dona Ana's cross-motion for summary judgment. Our Reply on our cross-motion is due June 2. Counsel feels good about Dona Ana's motion. The two motions for summary judgment will be ready for the Court's ruling after June 2, 2015. If the Court wants to hear oral argument, it may set a hearing for that before making a ruling.

Zepeda case- The Court entered a Permanent Injunction against the Zepedas and they have until June 22, 2015 to file an appeal. If not, the case is over with the Permanent Injunction in place.

Board Open Discussion

Mr. Melton asked Mrs. Horton where Doña Ana MDWCA was as far as large Accounts Receivable accounts. Mrs. Horton informed the Board of Directors that the staff is still in

the process of getting caught up on all the accounts. Mr. Melton also inquired about the implementation of the new billing software and when Doña Ana MDWCA would go live. Mrs. Horton said that Doña Ana MDWCA will go live with the new billing software August 1, 2015 and the first bills will go out in the month of August 2015. Mr. Melton mentioned complaints from Association Members concerning Doña Ana MDWCA staff not answering the phones during business hours. Mrs. Horton assured the Board of Directors that she would address the issue with all Doña Ana MDWCA staff.

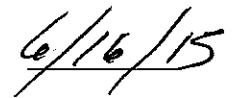
Adjournment

Mrs. Balizan moved to adjourn the May 26, 2015 Regular Board Meeting at 11:59A.M.; 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 4-0.



Secretary/Treasurer

Mrs. Agnes Balizan



Date