



*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*

Agenda

The following are the items for consideration at the Regular Annual Meeting of the Doña Ana Mutual Domestic Water Consumers Association Membership on January 25, 2017, convening at 7:00 p.m. at the Doña Ana Elementary School located at 5551 Camino De Flores Las Cruces, NM 88007:

Guests: Lilla Reid, Souder, Miller and Associates
Lee Peters, Peters Law Firm, LLC

Call meeting to order

Jim Melton, President

Proof of Notice of Meeting & Proof of Quorum

Jim Melton, President

Approval of Agenda

Jim Melton, President

Introductions, Acknowledgements & Procedures

Jim Melton, President

Minutes:

- Approval of the Minutes of April 21, 2016 Specials Membership Meeting Jim Melton, President

New Business:

- Approval of Open Meetings Act Resolution #2017 – 01 Jim Melton, President

Reports:

- Board of Directors Jim Melton, President
- Litigation Report Lee Peters, Peters Law Firm, LLC
- Engineering Souder, Miller, & Associates
- Executive Director Jennifer J. Horton, Executive Director

Public Input: All Discussions under this item must be limited to items NOT listed on the agenda.

Public Input will be limited to 3minutes per person

Adjournment

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Stephanie Nelson at (575) 526-3491 Ext. 1005 on the Friday prior to the meeting or as soon as possible. Please contact Stephanie Nelson at (575) 526-3491 Ext. 1005 if summary or other type of accessible format is needed.

Doña Ana MDWCA is an Equal Opportunity Employer



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The following are the condensed minutes of the Special Membership Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, April 21, 2016, convened at 7:00 P.M. at the Radium Springs Community Center located at 12060 L B Lindbeck Rd, Las Cruces, NM 88007:

Call to Order:

President- Mr. Melton called the meeting to order at 7:10 P.M. and introduced our Guests in Attendance.

Presenters:

Vice President - Jamie Stull
Secretary/Treasurer - Kurt Anderson
Executive Director - Jennifer Horton

Guests in Attendance:

Legal Counsel – Lee Peters; Peters Law Firm, LLC
Engineering Firm – Lilla Reid and Karl Tonander; Souder, Miller, and Associates
Videographer – Guy Tubbs
Colonias Infrastructure Board Member – Oscar Vasquez Butler

Proof of Notice of Meeting & Proof of Quorum:

President Melton asked if we have Proof of Notice and Proof of Quorum. Executive Director Jennifer Horton confirmed we have both Proof of Notice and Proof of Quorum, with forty-four (44) members present.

Approval of Agenda:

Ms. Dianne Garcia moved to approve the agenda as presented; the motion was seconded by Mr. Butler. The Chair called for a vote on the motion; the motion carried unanimously.

Introductions, Acknowledgements, & Procedures:

Mr. Melton advised it appears he was ahead of the agenda with his early introductions.

Minutes:

Ms. Sandy Tatum moved to approve the Meeting Minutes of the January 27, 2016 Annual Meeting as presented; the motion was seconded by Mr. Floyd Geery. The Chair called for discussion of the motion. No discussion was brought forward. The Chair called for a vote on the motion; the motion carried unanimously.

New Business:

Mr. Melton explained this Act requires the Association to pass a resolution each year defining what our minimum notice to our membership is for all meetings; membership, regular, special, and emergency. There has been an update with regard to the Approval of the Second Amended Resolution 2016-03 Open Meetings Act; the date of the regular board meetings changed from the second and fourth Tuesday of each month to the first and third Thursday in order to avoid conflict with meetings of the Dona Ana County Board of Commissioners. Ms. Melba Shumate moved to adopt Resolution 2016-03 Open Meetings Act; the motion was seconded by Mr. Mike Johnson. The Chair called for discussion of the motion. No discussion was brought forward. The Chair called for a vote on the motion; the motion carried unanimously.

Mr. Melton moved on to the Approval of USDA RD Form 1942-8 Resolution of Members or Stockholders (Radium Springs Water System Improvement Project). This is an improvement project in the form of a \$3.1 million grant. In order to accept the grant the Association will have to commit to an \$800,000 loan with a 40-year lifetime in order to improve the water system in the Radium Springs and Fort Selden area. This would involve replacing all two (2) and four (4) inch mains with at least six (6) inch main; improvement of fire protection with the installation of approximately fifty (50) fire hydrants; installation of an eight (8) inch fill line from our well field, and a new booster station to assist with pressure. A member in the audience moved to approve the USDA RD Form 1942-8 Resolution of Members or Stockholders (Radium Springs Water System Improvement Project); the motion was seconded. The Chair called for discussion of the motion. Mr. James Henry asked for clarification as to why the location of the improvements specifically in Radium Springs are not listed on the form; as well as what the impact would be for member rates. Executive Director Horton advised the application is part of a package that does list the details; not all forms list the specifics, however the agenda does. Mr. Melton advised the Board has received a new rate study that is currently in review. This particular project will not result in a rate increase; however the Association has not had a rate change since 2008 and there is discussion with updating the rates due to the lengthy time since the last adjustment. Ms. Eva Lujan contested that in 2010 a prior Board Member stated he did not foresee major expenses. Mr. Melton advised that this area is woefully underserved and not currently capable of proper fire suppression. Ms. Tatum inquired as to how these funds are distributed and would this reduce membership costs for some? Mr. Melton explained in a mutual domestic all members are charged the same for the same services. The Mr. Hayhoe and Mr. Butler voiced their support of the grant. The Chair called for a vote on the motion; the motion carried with 50 for the motion and 5 opposed.

Public Input:

Mr. Melton called for public input. None was brought forward. Mr. Melton wished to invite everyone out to the Radium Springs Community Center tomorrow for the acceptance of the grant. A representative from USDA in Washington, D.C. will be here to present the grant.

Adjournment

Mr. Butler moved to adjourn at 7:34 P.M.; the motion was seconded by Mr. Hayhoe. The Chair called for a vote on the motion: and the motion carried unanimously.

Dr. Kurt Anderson
Secretary/Treasurer

Date



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AMENDED RESOLUTION 2017 - 01
OPEN MEETINGS ACT COMPLIANCE

The Doña Ana Mutual Domestic Water Consumers Association of
Doña Ana County of the State of New Mexico

WHEREAS, the Doña Ana Mutual Domestic Water Consumers Association's Board of Directors met in regular session at 5535 Ledesma Drive, Doña Ana, New Mexico on January 5, 2017 at 9:00 a.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-5-1 to 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any Board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Association to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that:

1. All meetings shall be held at 5535 Ledesma Drive, Doña Ana, New Mexico at 9 a.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings of the Board of Directors shall be held twice each month on the first and third Thursday. The notice of the meeting and the agenda will be available from Doña Ana MDWCA staff at the address above and posted on the Association website at least seventy-two (72) hours prior to the meeting.
3. For any other meeting of the Board of Directors or any rescheduled regular meeting, with the exception of a Special or an Emergency meeting, notice shall be posted at least ten (10) days in advance of the meeting date. The notice of the meeting and the agenda shall be available to the public at least seventy-two (72) hours before the meeting and will be posted on the Association's website.
4. Special Meetings may be called by the Chairman or a majority of the Board of Directors upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The notice of the meeting and the agenda shall be available to the public at least seventy-two (72) hours before any special meeting and will be posted on the Association's website.

5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect persons or property from likely injury or damage or to protect the Association from substantial financial loss that is likely to occur.
6. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and information on how members of the public may obtain a copy of the agenda is posted on the Association's website and in the following locations:

Doña Ana MDWCA Office Bulletin Board.

7. For the purposes of special meetings and emergency meetings described in paragraphs 4 and 5 of this resolution, notice requirements are met if notice of the date, time, place and information on how members of the public may obtain a copy of the agenda is posted on the Association's website and in the following locations:

Doña Ana MDWCA Office Bulletin Board.

8. For the purpose of the Annual Membership Meeting, notice requirements are met if notice of the date, time, place and the agenda is provided to the local newspapers of general circulation, and by direct mail to the membership.

9. For all meetings, written notice will be provided to those newspapers of general circulation and broadcast stations licensed by the Federal Communications Commission that have made a written request for notice of public meetings.

10. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of 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 Jennifer Horton at (575) 526-3491 on the Monday prior to the meeting or as soon as possible.

11. The Board of Directors may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

- (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board of Directors taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
- (b) If a closed meeting is to be conducted when the Board of Directors is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the

subjects to be discussed with reasonable specificity, is given to the members and to the general public.

- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for the closure.
- (d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board of Directors in an open public meeting.

PASSED by the Doña Ana Mutual Domestic Water Consumers Association's Board of Directors, this 5th day of January, 2017.



Jim Melton, President of the Board of Directors

ATTEST:



Jaime Stull, Vice President