



*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 Special Meeting of the Doña Ana Mutual Domestic Water Consumers Association Membership on April 21, 2016, convening at 7:00 p.m. at the Radium Springs Community Center located at 12060 L B Lindbeck Rd, Las Cruces, NM 88007:

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

#### 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:

Jim Melton, President

- Approval of the Minutes of January 27, 2016 Annual Membership Meeting

#### New Business:

- Approval of Second Amended Resolution 2016-03 Open Meetings Act Jim Melton, President
- Approval of USDA RD Form 1942-8 Resolution of Members or Stockholders Jim Melton, President  
(Radium Springs Water System Improvement Project)

**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 Edward Salomon at (575) 526-3491 Ext. 1009 on the Friday prior to the meeting or as soon as possible. Please contact Edward Salomon at (575) 526-3491 Ext. 1009 if summary or other type of accessible format is needed.*

*Doña Ana MDWCA is an Equal Opportunity Agency*



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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 March 30, 2016 convened 6:30PM at the Doña Ana Elementary School located at 5551 Camino De Flores, Las Cruces, NM 88007:

*The meeting was originally scheduled for January 27, 2016 but quorum was not present therefore, the meeting was recessed. The meeting was reconvened on March 30, 2016 at 7:00 pm.*

### **Call Meeting to Order**

Mr. James F. Melton called the meeting to order at 7:02 P.M. after verifying that a quorum was present.

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

Mr. Melton asked Mrs. Horton to confirm that we have proof of notice and proof of quorum. Mrs. Horton confirmed the proof of notice and stated that there were 45 Association Members present.

### **Approval of Agenda**

Mr. Ball moved to approve the January 27, 2016 Regular Annual Membership Meeting Agenda as presented; the motion was seconded by Mr. Butler. Mr. Melton called for discussion of the motion. Mr. Melton called for a voice vote; and the motion was approved unanimously by the Association.

## **Introductions, Acknowledgements & Procedures**

Mr. Melton introduced the Board of Directors, and Guest Presenters.

Mr. Melton went over the procedures for the Meeting so that everything runs smoothly and the meeting is recorded as accurately as possible. Mr. Melton stated that if anyone would like to speak they should come up to the podium, speak in to the microphone, state their full name and state their issue.

## **Minutes**

Mr. Ball moved to approve the minutes of the March 31, 2015 Annual Membership Meeting; the motion was seconded by Mr. Hayhoe. Mr. Melton called for discussion of the motion. Mr. Ball noted a typo on page one. Mr. Melton directed the Association Members to take their pink ballot they were issued and mark them; once complete give the ballots to Edward. The motion carried by ballot vote 43-2-1.

Mr. Hayhoe updated the membership that all 213 fire hydrants in the Picahco Hills Area have been tested and four were found to be bad, but they have been replaced.

Mr. Ball questioned why the membership votes by ballot rather than by voice vote.

Mr. Melton stated in the past there had been concerns with non-members voting. However, he stated if no one has any objection the membership could vote on the next motion by a show of green ballots. There were no objections voiced.

## **New Business**

Mr. Ball moved to approve the Open Meetings Act Resolution #2016-01 as presented; the Motion was seconded by Ms. Richardson. Mr. Melton called for discussion of the motion.

Mr. Melton directed the Association Members to raise their green ballots for those in favor of the motion. Then asked for those opposed, there were no members opposed. The motion carried unanimously.

### **Reports**

Mr. Melton discussed the national level conference that several staff members attended and a conference that two board members attended. He also briefly discusses the success the Association has had in obtaining funding for system improvements.

He recognized the following staff for years of service with the Association:

Pete Ortiz – Level 2 Water/Level 1 Wastewater Operator - 15 Years

Orlando Parra – Operations Manager – 15 Years

Cyndi Shelsea – Lead Custom Service Representative – 15 Years

Joe Martinez – Operations Support Specialist – 1 Year

**Litigation-** Mr. Peters went over the three (3) cases that had been litigated in the past couple of years. The Association is waiting on a decision in two of the cases.

**Engineering-** Mrs. Reid discussed all of the projects that were in the works for improvement to the Doña Ana MDWCA infrastructure.

**Executive Director-** Mrs. Horton gave a financial update and discussed the FY 15 audit. She also discussed the current state and federal funding that is being used for the projects discussed by Ms. Reid. Mrs. Horton also discussed the upcoming Earth Day Ceremony that will be held at Radium Springs Community Center.

**Public Input**

Mr. Hayhoe asked for a status update for the current rate review being conducted by Carl Brown. He also asked if the plan is to have the new rates in place by July 1<sup>st</sup>? Mr. Melton stated that the board will be holding three public meetings to discuss the rate review with the membership. He confirmed that plan is to have it in place by the start of the fiscal year, July 1<sup>st</sup>.

Mr. Hayhoe also inquired if the new rates are not in place for the start of the fiscal year will the Association still change the round off and extend the billing period. Mr. Melton stated yes we would.

Ms. Tatum complimented the staff on how they handled her account regarding a leak that she had.

Mr. Hayhoe asked about the status of the updates to the Articles of Incorporation and By-Laws. Mr. Melton stated that they are diligently working on completing the updates.

**Adjournment**

Mr. Ball moved to adjourn at 8:08 P.M.; the motion was seconded by Ms. Richardson. Mr. Melton called for discussion of the motion. Mr. Melton called for a voice vote on the motion; the motion was carried by majority vote to adjourn.

\_\_\_\_\_  
Mr. Kurt Anderson  
Secretary/ Treasurer

\_\_\_\_\_  
Date





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**SECOND AMENDED RESOLUTION 2016 - 03**  
**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 February 9, 2016, 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; and

WHEREAS, the Board of Directors adopted its 2016 Open Meetings Act Amended Resolution 2016-01 at its December 21, 2015, meeting, which Resolution references regular Board meetings on the second Tuesday of each month;

WHEREAS, the Board of Directors at its January 26, 2016, meeting decided to hold regular Board meetings on the first and third Thursdays of each month, beginning in March 2016;

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 Thursdays. 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 Friday 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.

12. This Second Amended Resolution 2016-03 is effective February 29, 2016.

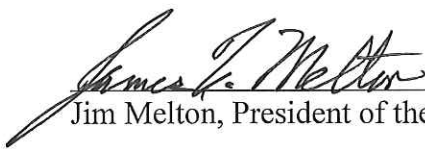
PASSED by the Doña Ana Mutual Domestic Water Consumers Association's Board of Directors, this 9<sup>th</sup> day of February, 2016.

ATTEST:



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Kurt Anderson, Secretary/Treasurer



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Jim Melton, President of the Board of Directors



**RESOLUTION OF MEMBERS OR STOCKHOLDERS**

\_\_\_\_\_  
(Name of Association)

\_\_\_\_\_  
(Address, including Zip Code)

RESOLVED, that the Governing Board of this Association be and it hereby is authorized and empowered to take all action necessary or appropriate —

1. To obtain for and on behalf of the Association through the United States Department of Agriculture (USDA) or any other Governmental agency:
  - (a) A loan in a sum not to exceed \$ \_\_\_\_\_;
  - (b) A grant in a sum not to exceed \$ \_\_\_\_\_;
 to be advanced by the lender or grantor in one or more advances at such time or times as may be agreed upon.
2. In case of a loan or grant or both —
  - (a) For the execution of such application or applications (including exhibits, amendments and/or supplements thereto) as may be required;
  - (b) For the execution and delivery to the lender or grantor of all such written instruments as may be required in regard to or as evidence of such loan or grant; and
  - (c) In its judgment to carry out the terms of this resolution.
3. And in case of a loan —
  - (a) To obligate this Association for the repayment of the loan at such rates of interest and on such other terms and conditions as the Governing Board shall deem proper;
  - (b) To pledge, hypothecate, mortgage, convey, or assign property of this Association of any kind and in any amount now owned or hereafter acquired, as security for any or all obligations (past, present and/or future) of this Association to such lender; and
  - (c) From time to time to pay, extend, or renew any such obligations.

**CERTIFICATION**

I, the undersigned, as \_\_\_\_\_ of the above named Association, hereby  
 \_\_\_\_\_  
 (Secretary) (Acting Secretary)

certify that said Association on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, had \_\_\_\_\_  
 \_\_\_\_\_  
 (Number)

\_\_\_\_\_ ; that \_\_\_\_\_ of these  
 \_\_\_\_\_  
 (members) (stockholders) or (shares of voting stock outstanding)

constituted a quorum; that \_\_\_\_\_ said members or stockholders or shares of voting stock were present at a meeting of the members or stockholders duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; that the foregoing resolution was adopted at such meeting by the affirmative vote of \_\_\_\_\_ said members or stockholders or shares of voting stock; and that said resolution has not been rescinded or amended in any way.

Dated this day \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Secretary of \_\_\_\_\_

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