



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 30, 2019, convening at 7:00 p.m. at Doña Ana Elementary School located at 5551 Camino Des Flores, Las Cruces NM 88007:

Scheduled Guests: Josh Smith, Watson and Smith, LLC

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| <u>Call to Meeting to Order</u> | Jim Melton, President |
| <u>Proof of Notice of Meeting & Proof of Quorum</u> | Jim Melton, President |
| <u>Approval of Agenda</u> | Jim Melton, President |
| <u>Introductions, Acknowledgements & Procedures</u> | Jim Melton, President |
| <u>Minutes:</u> | Dr. Kurt Anderson, Secretary/Treasurer |
| ▪ Approval of the Minutes of March 28, 2018 Annual Membership Meeting | |
| <u>New Business</u> | Jim Melton, President |
| ▪ Approval of Open Meetings Act Resolution #2019-01 | |
| <u>Reports:</u> | |
| ▪ Board of Directors | Jim Melton, President |
| ▪ Litigation Report | Josh Smith, Watson and Smith, LLC |
| ▪ Engineering | Jennifer Horton, Executive Director |
| ▪ Financial Report | Dr. Kurt Anderson, Secretary/Treasurer |
| ▪ Executive Director | Jennifer 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 3 minutes per person

Adjournment

A copy of this agenda may be requested by phone by calling (575) 526-3491 or in person at 5535 Ledesma Drive, Las Cruces, NM 88007. If you are an individual with a disability who needs 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 Stephanie Suggs at (575) 526-3491 on the Tuesday prior to the meeting or as soon as possible.

The full package for the Annual Membership Meeting can be downloaded from our website at www.dawater.org under the Board of Directors Tab, option ‘Membership Meetings’. The package will also be available in our primary office located at 5535 Ledesma Dr. Las Cruces, NM 88007.



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The following are the condensed minutes of the Annual Membership Meeting of the Doña Ana Mutual Domestic Water Consumers Association Board of Directors, March 28, 2018, convened at 7:00 P.M. at the Dona Ana Elementary School located at 5551 Camino De Flores Las Cruces, NM 88007.

Call to Order:

President James Melton called the meeting to order at 7:06 P.M. after verifying that a quorum was present.

Proof of Notice of Meeting & Proof of Quorum:

President Melton confirmed we have Proof of Notice and Proof of Quorum. There were 45 Association Members in attendance.

Approval of Agenda:

Mr. Floyd Geery moved to approve the 2018 Annual Membership Meeting Agenda as presented; the motion was seconded by Mr. David Herberger. No discussion was brought forward. The Chair called for a vote on the motion; the motion was approved unanimously by the Association.

Introductions, Acknowledgements, & Procedures:

Secretary/Treasurer – Dr. Kurt Anderson, District 2

Board Member – Tod Roberts, District 5

Vice President – Jamie Stull, District 4

Board Member – Dan Hortert, District 3

Guests in Attendance:

Executive Director – Jennifer Horton

Legal Counsel – Joshua Smith, Watson Smith, LLC

Engineering Firm – Lilla Reid; Souder, Miller, & Associates (SMA)

Colonias Infrastructure Board Member – Oscar Vasquez Butler

Past Association Presidents – Oscar Vasquez Butler, Charles Huestis, Dr. Kurt Anderson

Field Manager – Abenicio Fernandez

Lead Customer Service Representative – Cyndi Shelsea

Service Awards:

Eloy Castillo – 20 years

Manny Hernandez – 10 years

Chris Morales – 5 years

Arthur Barela – 1 year

Sean Lucero – 1 year

Stephanie Nelson – 1 year

Minutes:

Ms. Sandy Tatum moved to approve the Meeting Minutes of the January 25, 2017 Annual Membership Meeting as presented; the motion was seconded by Mr. Lee Peters. The Chair called for a minor correction under the introductions. Mr. Josh Smith is our new legal counsel and only Mr. Peters was retiring. No further discussion was brought forward. The Chair called for a vote to approve the minutes with the minor correction; the motion carried unanimously.

New Business:

President Melton called for a motion for the approval of the Open Meetings Act Resolution 2018-01. Mr. Butler moved to approve Resolution 2018-01, with a second from Mr. Huestis. The Chair called for discussion of the motion. None was brought forward. The Chair called for a vote on the motion; the motion was approved unanimously by the Association.

President Melton asked the assemblage if they prefer to address the additional new business by voice vote, by show of hands, or by ballot. Voice vote was approved unanimously by the Association.

President Melton called for a motion for the approval to adopt the Articles of Incorporation Resolution 2018-03. Mr. Butler moved to approve Resolution 2018-03. Ms. Michelle Miles seconded the motion. The Chair called for discussion of the motion. Mr. Harry Palmer expressed concerns regarding typographical and grammatical errors.

Mr. Palmer made a motion that non-substantive changes or corrections can be made by the Board to include typographical errors without further action from the membership. The motion was seconded by Ms. Tatum. The Chair called for discussion. Ms. Jean Davis voiced concerns regarding the legality of the motion. Mr. Smith confirmed that as long as the corrections are only spelling errors or punctuation, nothing substantive, then corrections can be made. The Chair called for a vote on the motion to authorize the Board to make non-substantive changes in the Articles of Incorporation without further action by the membership. The Chair asked for those who opposed; there was one. The motion carried 44-1.

The Chair called for a vote on the original motion to approve Resolution 2018-03, adoption of the Articles of Incorporation. The motion was approved unanimously by the Association.

President Melton called for a motion for the approval of Resolution 2018-04, bylaws of the Association. Ms. Tatum moved to approve the amended bylaws, Resolution 2018-04. The motion was seconded by Mr. Geery. The Chair called for discussion of the motion. None was brought forward. The Chair called for a vote on the motion; the motion was approved unanimously by the Association.

Reports:

Board of Directors:

President Melton opened his report with the announcement of the successful transfer of the wastewater system in the Village of Dona Ana from Dona Ana County to the Association. We are in the process of seeking funding sources to improve and expand the system. In District Five we have successfully completed the construction of two new tanks capable of storing 900,000 gallons of water, upgrades to the booster station, and we began the installation of new pressure reducing valves. The Fairview Colonia received a new main line connection which allows us to provide support from any direction. We continue to await on our permits from NMED for the connection of well 11 in Radium Springs and well 15 in Picacho Hills.

We are proud to announce that we are in the process of finalizing the items needed to be able to proceed with the rehabilitation of the Radium Springs water system. Our Executive Director was successful in converting awarded funds from Colonias Infrastructure into an award from the United States Department of Agriculture. The award is a loan, grant combination for 4.3 million dollars to replace the water system and provide much needed fire hydrants.

Financial Report:

Dr. Anderson summarized the income statement, budget report, and the audit results for the fiscal year ending June 30, 2017. By state law, each year the Association completes an audit by an outside firm. There were no findings in this year's audit.

The Association projects are completed through a variety of grants and loans. We were awarded about two point seven million dollars in funding from NMED for the improvement of our wastewater treatment plant. Colonias Infrastructure awarded a little over half a million dollars for water line improvements in the Fairview area, and an additional three quarters of a million dollars for the wastewater system in the San Ysidro area. The last of our funding is from the Drinking Water Bureau with a revolving loan fund of just under two million dollars for improvements in Picacho Hills.

Litigation Report:

Mr. Smith advised the legal report is short. The Association is currently involved in two lawsuits, both filed in 2013. He summarized the cases of Moongate Water Company versus Dona Ana Mutual Domestic and Dona Ana Mutual Domestic versus the Estate of Forrest Westmoreland and Joyce Westmoreland. Other than these two cases, everything is running smoothly at the Association.

Engineering Report:

Ms. Reid summarized the projects from 2017. In total SMA completed two planning reports, two designs, and five construction projects. The two planning projects implemented the 40 year water plan and the conservation plan. Planning reports assist with obtaining funding for the Association. The two projects in the design phase are the Via Norte Project and the Radium Springs Rehabilitation. The Via Norte Project will replace the oldest part of the water system in District Five and add pressure reducing valves to allow for better regulation. The Radium Springs Rehabilitation consists of

seven and a half miles of new water lines and at least fifty new fire hydrants. Additional projects designed were the Fairview Phase II line extension and the San Ysidro wastewater collection system. The five construction projects include the Blue Hawk line extension, two miles of new water lines in Picacho Hills, the waterline project from Valley to Taylor Road, and the vacuum station with two phases for the force main.

Executive Director:

Ms. Jennifer Horton presented service awards for employees earlier in the meeting. President Melton advised Ms. Horton informed him the items she had to report have already been addressed. Mr. Melton opened the floor for Public Input.

Public Input:

Mr. Narciso Valdez approached the Board to express displeasure with the charges for having a meter on a vacant property. He asked the Board if this is something to address at the Membership Meeting or at a Regular Board Meeting. Mr Melton explained this is an item for a Regular Board Meeting and provided April 5th as the next scheduled meeting.

Mr. Butler wished to compliment the Board and Executive Director for the projects the Association has undertaken. He educated the membership that the Association has been awarded over five million dollars from USDA, the Colonias Fund, and Water Trust Board. This is a very good thing that is saving the membership money. Mr. Butler suggested the possibility of a tie-in with the City of Las Cruces in the event of an emergency.

Mr. Geery asked the Board how far north the Association water lines will run. Mr. Melton advised we do not know at this time. Mr. Melton encouraged anyone who may

wish to connect to contact the office, but we are not going further north than Radium Springs at this time.

Adjournment:

Mr. Robert Owen moved to adjourn at 8:07 P.M.; the motion was seconded by Mr. Palmer. The Chair called for a vote on the motion; the motion carried unanimously.

Dr. Kurt Anderson
Secretary/Treasurer

Date

DRAFT



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AMENDED RESOLUTION 2019 - 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 3, 2019 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

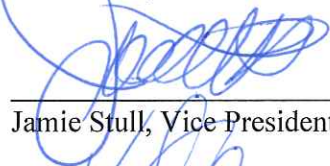
subjects to be discussed with reasonable specificity, is given to the members and to the general public.

- (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 3rd day of January, 2019.




Jim Melton, President of the Board of Directors



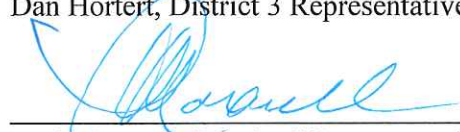
Jamie Stull, Vice President of the Board of Directors



Kurt Anderson, Sec/Treasurer of the Board of Directors



Dan Hortert, District 3 Representative



Paul Maxwell, District 5 Representative