



*Doña Ana Mutual Domestic Water Consumers Association*  
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The following minutes are from the Special Board Meeting of Doña Ana Mutual Domestic Water Consumers Association Board of Directors, August 28, 2017; convened at 8:30 A.M. in the Doña Ana Mutual Domestic Water Consumers Association Board Room located at 5535 Ledesma Mr., Las Cruces, NM 88007:

### **Call to Order & Roll Call**

President Melton called the meeting to order at 8:35 A.M. and called roll:

Vice President – Jamie Stull, Present

Board Member – Raymond Ponteri, Present

Secretary/ Treasurer – Kurt Anderson, Present at 8:50 a.m.

A Quorum was declared.

### **Others in Attendance:**

Executive Director – Jennifer Horton

### **Approval of Agenda**

Mr. Ponteri moved to approve the agenda for the August 28, 2017 Special Board Meeting as presented; the motion was seconded by Mr. Stull. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

### **Customer Issues and Public Input**

No Public Input was brought forward

## Closed Session

Mr. Ponteri moved to enter closed session at 08:37 a.m.; the motion was seconded by Mr. Stull. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

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 closed session:

1. Litigation and Threatened Litigation
  - a. D-307-CV-2013-01480, Moongate Water Company, Inc. v. Dona Ana Mutual Domestic Water Consumers Association
  - b. D-307-CV-2013-01595, Dona Ana Mutual Domestic Water Consumers Association v. Forrest & Joyce Westmoreland

Take action, if any, on Closed Session Items

At 9:24 a.m. Mr. Ponteri moved to exit Closed Session and enter back into Open Session; Mr. Stull seconded the motion. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call 4-0.

Mr. Melton stated 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 closed session:

1. Litigation and Threatened Litigation
  - a. D-307-CV-2013-01480, Moongate Water Company, Inc. v. Dona Ana Mutual Domestic Water Consumers Association

b. D-307-CV-2013-01595, Dona Ana Mutual Domestic Water Consumers Association v. Forrest & Joyce Westmoreland

Mr. Melton advised a result of the discussion held in closed session we do need to take action. Dr. Anderson moved to authorize our Legal Counsel Joshua Smith to file a notice of appeal in the case of Moongate Water Company, Inc. v. Dona Ana Mutual Domestic Water Consumers Association. The motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. The Chair called for a vote on the motion which carried 4-0.

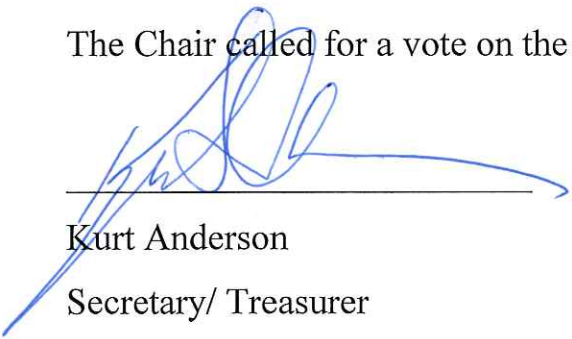
**Open Session**

Mr. Ponteri inquired as to who will file the appeal. Mr. Peters will complete an analysis; however our current counsel Mr. Smith will file the appeal.

Dr. Anderson requested an update on our compilation of water rights, the status of the City of Las Cruces return flow credits, and other litigation with regard to the City of Las Cruces.

**Adjournment**

Dr. Anderson moved to adjourn at 9:32 a.m.; Mr. Ponteri seconded the motion. The Chair called for a vote on the motion: the motion carried by roll call vote 4-0.



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Kurt Anderson  
Secretary/ Treasurer

9/7/17  
Date