



Lower Rio Grande Public Water Works Authority  
Sign In Sheet Page 1 of 1

Date: September 21, 2016 Time: 9:30 AM Places: East Mesa Office Event: LRG PWWA Regular Meeting

Signature	Print Name, Title, Company or Agency Represented	Contact Information	Email Address
<i>[Signature]</i>	LRG PWWA MIREM MENDIVILLA LRG PWWA	575-233-5742	112A.lopez@lrz-authority.org
<i>[Signature]</i>	HUD	970-302-7852	
<i>[Signature]</i>	LRG PWWA	575 635-1289	
<i>[Signature]</i>	LRG PWWA	575 233-3040	
<i>[Signature]</i>	LRG PWWA	382 5982	JANE
<i>[Signature]</i>	LRG PWWA	(575) 640-4300	
<i>[Signature]</i>	LRG PWWA	575-605-9007	johnsway@comcast.net
<i>[Signature]</i>	MARTIN G. COPEL Gen. Mgr. LRG PWWA	575 571 3628	martin.lopez@lrz-authority.org
<i>[Signature]</i>	Karen Nichols, Proj. Mgr. LRG PWWA	915 203 2057	Karen.nichols@lrz-authority.org
<i>[Signature]</i>	LRG PWWA	(575) 635-3921	mike.lopez@lrz-authority.org
<i>[Signature]</i>	Attorney	575 528-0500	josh@watsonsmithlaw.com

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

## Minutes—REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, September 21, 2016 at our East Mesa Office, 9774 Butterfield Park Blvd.

NOTE: Minutes are a DRAFT until approved & signed by the Board of Directors

- I. **Call to Order, Roll Call to Establish Quorum:** Chairman John Holguin, representing District #4, called the meeting to order at 9:30 a.m. and called the roll. Mr. Raymundo Sanchez representing District #1 was absent, Ms. Alma Boothe representing District #2 was absent, Virginia Gomez, newly appointed Director for District #3 was present, Mr. Roberto Nieto representing District #5 was absent, Mr. Mike McMullen representing District #6 was present, and Mr. Furman Smith representing District #7 was present. Staff members present were General Manager Martin Lopez, Operations Manager Mike Lopez, Finance Manager Kathi Jackson, Projects Manager Karen Nichols, and Projects Specialist Liza Lopez. Also present was Esperanza Holguin from HUD, and Josh Smith, LRGPWWA Attorney, who arrived 10:27 a.m.
- II. **Pledge of Allegiance:** Mr. John Holguin led the pledge.
- III. **Swearing-In of Virginia Gomez, newly appointed Director for District 3:** LRGPWWA General Manager Martin Lopez administered the Oath of Office to Virginia Gomez.
- IV. **Motion to approve the Agenda:** There were no changes to the Agenda. Mr. McMullen made the motion to approve the Agenda and Mr. Smith seconded the motion. The motion passed with none opposed.
- V. **Motion to approve the minutes:** Mr. McMullen made the motion to approve the Minutes of the August 17, 2016 LRGPWWA Regular Board Meeting. Mr. Holguin seconded the motion and it passed with none opposed.
- VI. **Guest Presentations:** None
- VII. **Public Input:** None
- VIII. **Managers' Reports:**
  - A. **General Manager:** Mr. Martin Lopez provided a written report and stood for questions. He told the Board about the NMFA Oversight Committee Meeting he and Project Manager Karen Nichols had attended yesterday in Las Cruces. Mr. Holguin asked Mr. Martin Lopez about the NADBank meeting that was held in Del Cerro on August 24, 2016. Mr. Martin Lopez told the Board that NADBank was promoting their funding programs and had invited the LRGPWWA to attend.
  - B. **Projects:** Ms. Karen Nichols provided a written report and stood for questions. She talked about the presentation she and Mr. Martin Lopez had given at the NMFA Oversight Committee Meeting. She also told the Board that she was applying for Water Trust Board Funds and that there was a tight deadline for the application of these funds. She discussed the Mesquite/Brazito Sewer Project public meeting that will be held on Tuesday, October 4, 2016 at the Mesquite Fire Station. Flyers for the meeting are being mailed out to customers in the project area. She told the Board that she had received the Grant Agreements for the Capital Outlay funds and expected the funds from those grants to be available quickly. Mr. Holguin asked Ms. Karen Nichols about the Valle del Rio Water Systems Project. Ms. Karen Nichols advised him that PER review comments were received from NMED-CPB on July 13, 2016 and Souder Miller and Associates, the engineering firm who is working on the plan set for the project, had submitted a response on September 9, 2016.

- C. **Operations:** Mr. Mike Lopez provided a written report and stood for questions. He told the Board that water pumping was down approximately 5 million gallons from last year. Mr. Holguin asked Mr. Mike Lopez if there were any problems with the recently acquired Valle del Rio System. Mr. Mike Lopez said that there were higher levels of iron and manganese in this system. LRGPWWA Operations staff had flushed the system and had switched to a liquid treatment for this problem. Mr. Mike Lopez told the Board that Bac-T and other samples that had been taken throughout the LRGPWWA system were all good.
- D. **Finance:** Ms. Kathi Jackson stood for questions. She advised the Board that because she has been working with the auditors she didn't have time to prepare a written report. She told the Board an audit was scheduled for the first week of November. Updates to the new billing software had just taken place, but the Mobile Work Orders program still needed to be acquired and installed.

IX. **Unfinished Business:** None

X. **New Business:**

- A. **Motion to approve Resolution FY-2017-07 authorizing submission of application for Water Trust Board Water Project Funds for South Valley Water Supply & Treatment Program:** Mr. Martin Lopez described the project, which includes a new well and water tank with arsenic treatment. Ms. Karen Nichols told the Board that roughly 3.7 million dollars would be applied for. Mr. McMullen made the motion to approve Resolution FY-2017-07 and Mr. Smith seconded the motion. The motion passed with none opposed.
- B. **Motion to approve Resolution FY-2017-08 authorizing submission of application for Water Trust Board Water Project Funds for Water Master Plan:** Mr. Martin Lopez advised the Board that the Master Plan would take a look at the existing LRGPWWA facilities and help identify what future improvements should be made to the system. Mr. Smith made the motion to approve Resolution FY-2017-08. Mr. McMullen seconded the motion and it passed with all in favor.
- C. **Motion to authorize issuing an RFP for architectural services for Central Operations Office Building Project:** Mr. Martin Lopez told the Board that due to the size of the LRGPWWA's service area, there was a need to have a central office for the South Valley systems. Ms. Karen Nichols told the Board that she has looked at funding sources for the building and that she and Mr. Martin Lopez have been talking with architects and engineers in order to initiate this project. Mr. McMullen made the motion to issue an RFP for architectural services and Mr. Smith seconded the motion. The motion passed with none opposed.
- D. **Motion to approve Amendment #5 to Souder, Miller & Associates engineering agreement for Brazito Water Project:** This amendment would provide hydraulic modeling services to the LRGPWWA for the Brazito water system, which would tell LRGPWWA staff what the system was doing now and what future upgrades may be needed. Mr. McMullen made the motion to approve the amendment and Mr. Smith seconded the motion. The motion carried with none opposed.
- E. **Discussion of Dona Ana County Uniform Development Code:** Mr. Holguin described the opposition to the Code, particularly from farmers. Ms. Espy Holguin suggested that LRGPWWA staff should examine the code to see if there was anything that could affect the LRGPWWA. Ms. Karen Nichols provided a map for the Board to view in conjunction with this discussion and Mr. Martin Lopez provided a handout from Mr. Bob Hearn regarding the UDC. Mr. Holguin made the recommendation that LRGPWWA staff attend the UDC Meetings and post a notice about these upcoming meetings to the LRGPWWA website.

- XI. Motion to convene in closed session pursuant to NMSA 1978 10-15-1 H.7-threatened or pending litigation, and NMSA 1978 10-15-1 H.8.-discussion of the purchase, acquisition or disposal of real property or water rights:**
- A.** Mr. Holguin made the motion to convene in closed session and Mr. McMullen seconded the motion. The motion passed with none opposed, and the Board convened in closed session at 10:34 a.m. Roll Call Vote: District #1 (Mr. Sanchez) was absent; #2 (Ms. Boothe) was absent; #3 Ms. Gomez voted yes; #4 (Mr. Holguin) voted yes; #5 (Mr. Nieto) was absent; #6 (Mr. McMullen) voted yes; and #7 (Mr. Smith) voted yes.
  - B. Motion to reconvene in open session:** Mr. Smith made the motion to reconvene in open session at 10:54 a.m. and Mr. McMullen seconded the motion. The motion passed with none opposed.
  - C. Statement by the Chair that the matters discussed in the closed meeting were limited only to those specified in the motion for closure:** Mr. Holguin made the statement that the matters discussed were limited only to those specified in the motion for closure.
  - D. Action, if any, related to the matters discussed in closed session:** Mr. McMullen made the motion to approve the acquisition of a portion of the property owned by Cecilia Gomez, Elisa Barreras and Rose Montoya located along NM Highway 478 because the location of the property is necessary to the completion of the Mesquite-Brazito Wastewater System Improvements Project. Mr. Smith seconded the motion and it passed with all in favor.
- XII. Other discussion and agenda items for next meeting: 9:30 a.m. Wednesday, October 19, 2016 at the East Mesa Office:**
- A. Have any Board Members participated in training? If so, please provide a copy of your certificate to staff.**
  - B. Approve 1<sup>st</sup> Quarter Budget with Resolution**
  - C. GM Evaluation and Contract Renewal**
  - D. Are any Board Members planning on attending the UDC meetings or the Mesquite/Brazito Sewer Project Meeting? If so, please let us know so that we can post a Notice of Potential Quorum.**
- XIII. Adjourn:** Mr. McMullen made the motion to adjourn. Mr. Smith seconded the motion and it carried unanimously. Mr. Holguin declared the meeting adjourned at 11:02 a.m.

**Minutes approved October 19, 2016**

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John Holguin, Chairman (District 4)

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Michael McMullen, Vice-Chairman (District 6)

ABSENT

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Alma Boothe, Secretary (District 2)

ABSENT

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Raymundo Sanchez, Director (District 1)

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Virginia Gomez, Director (District 3)

ABSENT

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Roberto Nieto, Director (District 5)

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Furman Smith, Director (District 7)



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# LOWER RIO GRANDE

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## Public Water Works Authority

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325 Holguin Road Box C Vado, New Mexico 88072 (575) 233-5742

### Oath of Office

I, **Virginia Gomez**, do solemnly swear that I will support the Constitution of the United States and the Constitution and the laws of the State of New Mexico and that I will faithfully and impartially discharge the duties of the office of Director of the Lower Rio Grande Public Water Works Authority, on which I am about to enter, to the best of my abilities, so help me God.

District 3 Term ends April 2017

\_\_\_\_\_  
Signature

Subscribed and Sworn to me on this  
21st day of September, 2016

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

My commission/term  
expires \_\_\_\_\_

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

## Meeting Notice & Agenda—REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, September 21, 2016 at our East Mesa Office, 9774 Butterfield Park Blvd, NM

Agendas are final 72 hours prior to the meeting and may be obtained at any LRGPWVA Office—call 575-233-5742 for information

- I. Call to Order, Roll Call to Establish Quorum: District #1 (Mr. Sanchez) \_\_\_\_, #2 (Ms. Boothe) \_\_\_\_, #3 (Vacant) #4 (Mr. Holguin) \_\_\_\_, #5 (Mr. Nieto) \_\_\_\_, #6 (Mr. McMullen) \_\_\_\_, #7 (Mr. Smith) \_\_\_\_
- II. Pledge of Allegiance
- III. Swearing-In of Virginia Gomez, newly appointed Director for District 3
- IV. Motion to approve the Agenda
- V. Motion to approve the minutes of the August 17, 2016 Regular Board Meeting
- VI. Guest Presentations- None
- VII. Public Input—15 minutes are allotted for this item, 3 minutes per person
- VIII. Managers' Reports
  - A. General Manager
  - B. Projects
  - C. Operations
  - D. Finance
- IX. Unfinished Business- NONE
- X. New Business
  - A. Motion to approve Resolution FY-2017-07 authorizing submission of application for Water Trust Board Water Project Funds for Berino Area water supply improvements
  - B. Motion to approve Resolution FY-2017-08 authorizing submission of application for Water Trust Board Water Project Funds for Water Master Plan
  - C. Motion to authorize issuing an RFP for architectural services for Central Operations Office Building Project
  - D. Motion to approve Amendment #5 to Souder, Miller & Associates engineering agreement for Brazito Water Project
  - E. Discussion of Dona Ana County Uniform Development Code
- XI. Motion to convene in closed session pursuant to NMSA 1978 10-15-1 H.7-threatened or pending litigation, and NMSA 1978 10-15-1 H.8 regarding the acquisition of real property or water rights.
  - A. Roll Call Vote: District #1 (Mr. Sanchez) \_\_\_\_, #2 (Ms. Boothe) \_\_\_\_, #3 (Ms. Gomez) \_\_\_\_, #4 (Mr. Holguin) \_\_\_\_, #5 (Mr. Nieto) \_\_\_\_, #6 (Mr. McMullen) \_\_\_\_, #7(Mr. Smith) \_\_\_\_
  - B. Motion to reconvene in open session.
  - C. Statement by the Chair that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.
  - D. Motion to approve the acquisition of a portion of the property owned by Cecilia Gomez, Elisa Barreras and Rose Montoya located along NM Highway 478 because the location of the property is necessary to the completion of the Mesquite-Brazito Wastewater System Improvements Project.
- XII. Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, October 19, 2016 at the East Mesa Office:
  - A. Have any Board Members participated in training? If so, please give us a copy of your certificate.
  - B. Approve 1<sup>st</sup> Quarter Budget with Resolution
  - C. GM Evaluation and Contract Renewal
  - D. Are any Board Members planning on attending the NMFA Oversight Committee Meeting? If so, please let us know so that we can post a Notice of Potential Quorum.
- XIII. Adjourn

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 aide or service to attend or participate in the hearing or meeting, please contact the LRGPWVA office at 575-233-5742, PO Box 2646, Anthony NM 88021 OR 215 Bryant St., Mesquite NM at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the LRGPWVA office if a summary or other type of accessible format is needed.

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete de lenguaje de signos o cualquier otra forma de ayudante auxiliar o servicio para asistir o participar en la audiencia o reunión, póngase en contacto con la oficina de LRGPWVA, 575-233-5742, PO Box 2646, Anthony, NM 88021 o 215 Bryant St., Mesquite, NM por lo menos una semana antes de la reunión o tan pronto como sea posible. documentos públicos, incluyendo el orden del día y actas, pueden proporcionarse en diferentes formatos accesibles. Póngase en contacto con la oficina LRGPWVA si es necesario un resumen u otro tipo de formato accesible.

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

## Minutes—REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, August 17, 2016 at our Vado Office, 325 Holguin Rd., Vado, NM

NOTE: Minutes are a DRAFT until approved & signed by the Board of Directors

- I. **Call to Order, Roll Call to Establish Quorum:** Chairman John Holguin, representing District #4, called the meeting to order at 9:40 a.m. and called the roll. Mr. Raymundo Sanchez representing District #1 was present telephonically, Ms. Alma Boothe representing District #2 was absent, District #3 is vacant, Mr. Roberto Nieto representing District #5 was present, Mr. Mike McMullen representing District #6 was present, and Mr. Furman Smith representing District #7 was absent. Staff members present were General Manager Martin Lopez, Operations Manager Mike Lopez, Finance Manager Kathi Jackson, Projects Manager Karen Nichols, and Projects Specialist Liza Lopez. Also present were Jennifer Hill, an engineer with Daniel B. Stephens and Associates, Josh Smith, LRGPWWA Attorney, Esperanza Holguin from HUD, NM State Representative Bill Gomez, and community member Hilario Gomez. David Torres from NMED and Kelly Baker from Daniel B. Stephens and Associates were present telephonically.
- II. **Pledge of Allegiance:** Mr. John Holguin led the pledge.
- III. **Appointment of Director to fill District 3 Vacancy**
  - A. **Letter(s) of Interest:** The Board read the Letter of Interest provided by Virginia Gomez and the motion to appoint Ms. Gomez to the board was made by Mr. Nieto. Mr. McMullen seconded the motion and it passed with none opposed.
  - B. **Swearing-In of new Director for District 3:** Because Ms. Gomez was not present at today's meeting, her swearing-in as the new Director for District #3 has been postponed until the Regular Board meeting in September.
- IV. **Motion to approve the Agenda:** Mr. Holguin re-ordered the agenda, placing items X.A, X.B, X.C, X.E, and X.F after Item V on the Agenda. Mr. Nieto made the motion to approve the modified agenda and Mr. McMullen seconded the motion. The motion passed with none opposed.
- V. **Motion to approve the minutes**
  - A. **Of the July 20, 2016 Regular Board Meeting:** Mr. McMullen made the motion to approve these minutes and Mr. Nieto seconded the motion. The motion carried with none opposed.
  - B. **Of the July 28, 2016 Special Board Meeting:** Mr. Nieto made the motion to approve the minutes of the Special Board Meeting and Mr. McMullen seconded the motion. The motion passed with none opposed.
- VI. **Guest Presentations:** (This Item followed Item X). Ms. Karen Nichols introduced Jennifer Hill, an engineer with Daniel B. Stephens and Associates, who presented the final draft of the LRGPWWA Source Water Protection Plan, which was funded through NMED. Also present telephonically during the presentation were David Torres from NMED, and Kelly Baker from Daniel B. Stephens and Associates, who was the primary author of the LRGPWWA Source Water Protection Plan.
- VII. **Public Input:** (This Item followed Item X). Mr. Hilario Gomez, who lives on Tres Caballos Road, expressed concern about the conditions of the road and the costs to repair Tres Caballos Road and others in the area. Mr. Martin Lopez and Mr. John Holguin told him they understood his concerns but reminded him that the road was a private road, not a County road, and that the road had been left in good condition after the water lines had been installed. Representative Bill Gomez discussed the pending changes to the LRGPWWA Statute, and Ms. Esperanza Holguin asked Mr. Mike Lopez, Operations Manager for the LRGPWWA, if he could provide her with a map showing which roads were

private in the LRGPWWA service area because she will be working on the transfer of some of these private roads to Dona Ana County in the future.

**VIII. Managers' Reports** These Items followed Item X).

- A. General Manager:** Mr. Martin Lopez provided a written report and stood for questions. He advised the Board that the North American Development Bank was having a public meeting on August 24, 2016 and had invited the Board and staff of the LRGPWWA to attend. He also advised the Board about a Department of Transportation public meeting regarding the NM Highway 404 capacity and safety study, and discussed comments that he had provided to proposed policy changes to the NM Colonias Infrastructure Fund.
- B. Projects:** Ms. Karen Nichols provided a written report and stood for questions. She told the Board that the contractor on the Brazito Water System Improvements Project had completed all of the punch list items, and that the attorney for the LRGPWWA had notified the contractor that one day of liquidated damages (\$1,000) would be assessed. She told the Board about the WRRRI Workshop she had attended on August 16, 2016, and the tour of the Brackish Water Research Facility in Alamogordo that was part of the workshop.
- C. Operations:** Mr. Mike Lopez provided a written report and stood for questions. Mr. Holguin asked Mr. Mike Lopez if the LRGPWWA had any problems with arsenic, and Mr. Mike Lopez advised him that there were no problems and all tests were well within the acceptable limits. He also told the Board that the LRGPWWA had pumped about 5 million more gallons of water this year than they had at this time last year.
- D. Finance:** Ms. Kathi Jackson stood for questions. She advised the Board that because she has been working with the auditors she didn't have time to prepare a written report but she would answer any questions they might have. There were no questions, so the Board moved on to the next Item on the agenda.

**IX. Unfinished Business: None** (This Item followed Item X).

**X. New Business** (These Items followed Item V on the Agenda)

- A. Motion to authorize End-of Year Function:** Mr. Martin Lopez told the Board that this was on today's agenda in order to have the time to make reservations or plan the function once the date was picked. Mr. Holguin asked if any LRGPWWA funds would be used for the function and Mr. Martin Lopez advised him that the Authority usually purchased the main meal. Mr. Nieto made the motion to authorize the end-of-year function and Mr. McMullen seconded the motion. The motion passed with none opposed.
- B. Motion to approve travel and attendance funds for upcoming conferences, Legislative Committee Hearings, and 2017 Legislature:** Mr. Nieto made the motion to approve travel and attendance funds and Mr. McMullen seconded the motion. The motion passed with none opposed.
- C. Motion to Approve Memorandum of Understanding with the South Central Council of Governments for SAP-16-A2251-STB:** Mr. Martin Lopez explained to the board that because there was a finding in last year's audit regarding fixed assets, it was necessary for the LRGPWWA to have a fiscal agent. Ms. Kathi Jackson advised the Board that this only affected Capital Outlay Funds. Mr. Martin Lopez also informed the Board that Items X.D, E and F of the Agenda were all related. Mr. McMullen made the motion to approve the Memorandum of Understanding and Mr. Nieto seconded the motion. The motion passed with none opposed.

- D. Motion to Approve Memorandum of Understanding with the South Central Council of Governments for SAP 16-A2252-STB:** Mr. McMullen made the motion to approve this Memorandum of Understanding and Mr. Nieto seconded the motion. The motion passed with none opposed.
- E. Motion to Approve Grant Agreement for SAP 16-A2251-STB:** Mr. McMullen made the motion to approve the Grant Agreement and Mr. Nieto seconded the motion. The motion passed with none opposed.
- F. Motion to Approve Grant Agreement for SAP 16-A2252-STB:** Mr. McMullen made the motion to approve the Grant Agreement and Mr. Nieto seconded the motion. The motion passed with none opposed.
- G. Motion to convene in closed session after Items VI, VII, and VIII pursuant to NMSA 1978 10-15-1 H.8., Discussion of the purchase, acquisition or disposal of real property or water rights:** Mr. Nieto made the motion to convene in closed session and Mr. McMullen seconded the motion. The motion passed with none opposed, and the Board convened in closed session at 10:42 a.m. Roll Call Vote: District #1 (Mr. Sanchez) voted yes; #2 (Ms. Boothe) was absent; #3 (vacant); #4 (Mr. Holguin) voted yes; #5 (Mr. Nieto) voted yes; #6 (Mr. McMullen) voted yes; and #7 (Mr. Smith) was absent.
- H. Motion to reconvene in open session:** Mr. Nieto made the motion to reconvene in open session at 11:07 a.m. and Mr. McMullen seconded the motion. The motion passed with none opposed.
- I. Statement by the Chair that the matters discussed in the closed meeting were limited only to those specified in the motion for closure:** Mr. Holguin made the statement that the matters discussed were limited only to those specified in the motion for closure.
- J. Action, if any, related to the matters discussed in closed session:** Mr. Nieto made the motion to allow LRGPWWA staff to research the purchase of water rights and to investigate potential funding sources for the purchase of these water rights. Mr. McMullen seconded the motion and it passed with none opposed.
- XI. Other discussion and agenda items for next meeting: 9:30 a.m. Wednesday, September 21, 2016 at the East Mesa Office:**
- A. Have any Board Members participated in training? If so, please provide a copy of your certificate to staff.**
  - B. Infrastructure Finance Conference registration: October 26-28, 2016 in Ruidoso, NM- Registration opens on July 31<sup>st</sup>**
  - C. NM WRRRI Conference registration: October 5-7 in Silver City, NM- Registration is open now**
  - D. September 21, 2016 Board Meeting may need to be moved due to NMFA Oversight Committee Meeting**
  - E. Swearing-In of Virginia Gomez, newly appointed Director for District 3**
  - F. LRGPWWA Financial Statements**
- XII. Adjourn:** Mr. McMullen made the motion to adjourn. Mr. Smith seconded the motion and it carried unanimously. Mr. Nieto declared the meeting adjourned at 11:09 a.m.

**Minutes approved September 21, 2016**

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John Holguin, Chairman (District 4)

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Michael McMullen, Vice-Chairman (District 6)

ABSENT

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Alma Boothe, Secretary (District 2)

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Raymundo Sanchez, Director (District 1)

VACANT

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Director (District 3)

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Roberto Nieto, Director (District 5)

ABSENT

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Furman Smith, Director (District 7)

**LRGPWWA**  
**Manager's Report**  
**September 21, 2016**

- ) I authorized the update of the LRGPWWA Water Conservation Plan. The cost is \$23,000 plus NMGT. The update will be performed by Daniel B. Stephens and Associates.
- ) FY2017 Budget was approved by DFA on August 16, 2016.
- ) LRG 5810 (Brazito) Extension of Time for Beneficial Use of Water approved by NMOSE.
- ) USDA Rural Development Loan #91-29 (formerly Brazito Loan #91-07) was paid in full; original amount \$80K with interest rate of 4.125%. The amount paid was \$68,510.00 (expecting a small refund).
- ) Attended a meeting in Del Cerro with NADBank staff coordinated by Senator Udall's office on August 24, 2016. They promoted their funding programs.
- ) Attended a meeting in Anthony for the discussion by NMDOT for the possible improvements to NM 404 from Chaparral to Anthony.

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY  
PROJECTS REPORT – 9/21/16**

**Authority Construction Projects:**

**LRG-11-02.2 – Mesquite-Brazito Sewer Project – Bohannon Huston, Inc. – LOC-Design Stage – NMFA PG/SAP funded Planning, \$30k 2014 SAP, \$540,608 2014 CITF (10% Loan), USDA-RD Loan \$357,000 @ 3.250%, Grant \$1,194,919, Colonias Grants of \$6,356,474 & \$119,407:** Public meeting is set for Tuesday, October 4<sup>th</sup> at the Mesquite Fire Station. Angie is working on mailing labels for the meeting notice. Acquisition of easements and land for lift stations and preliminary design are ongoing.

**LRG-11-03 – Interconnect & Looping Project – see 12-01 Authority PER**

**LRG-11-04 – Berino/ Mesquite-Del Cerro Water System Project WTB #223 – Vencor – Construction Stage - Smithco – RD - \$5,420,147/WTB - \$4,371,630:** Change Order #9 for construction of Southern Roads waterlines was approved by Robert Garcia on 8/3/2016. Construction began 8/8/16 and is substantially complete. Contractor is still on site finishing up some of the final detail work.

**LRG-11-05 – Berino Water Treatment Plant WTB #252– Bohannon Huston - Design stage - \$750,000 WTB – 10% Loan 10% Match:** Target date for final design is 10/24/16. Resolution authorizing Water Trust Board application for construction funds is on today's agenda. I'm working on the application, and deadline for submittal is 10/6/16. Project name for application and moving forward will be South Valley Water Supply & Treatment Project.

**LRG-17-01 – Water Master Plan:** Remaining from WTB-252 will cover a small portion of the cost. Resolution authorizing WTB funding application for this project is on today's agenda. Development of a Water Master Plan was strongly recommended in the PER Addendum for the Surface/Brackish/Ground Water Treatment Facility PER.

**LRG-12-01 – Authority Water System Improvements PER 2013 – Vencor – Planning Stage - CDBG Planning Grant \$50,000, NMFA Planning Grant \$37,500 & \$12,500 Local Match:** PER is complete, planning grants have both closed.

**Forty-Year Water Plan – CE&M – complete – needs update for new mergers:** pending NM-OSE comments/approval.

**LRG-15-01 – System-wide Information Technology Standardization - SCADA - \$130,000 NM SAP & \$90,000 NM SAP – Molzen Corbin:** MC has submitted a response to comments from NMED-CPB on the Project Manual. Grant Agreement was executed by LRGPWVA at the last Board meeting and has been submitted to NMED-CPB. Signed agreements have not yet been returned to us.

**LRG-15-01 – System-wide Information Technology Standardization – Equipment Purchase - \$37,500 NM SAP – In-House/Gamwell Tech:** Grant Agreement was executed by LRGPWVA at the last Board meeting and has been submitted to NMED-CPB. Signed agreements have not yet been returned to us. Had a phone conference last week with Adam Gamwell to discuss the project and the need to get the funds obligated and project completed as soon as possible.

**LRG-13-03 – Valle Del Rio Water System Project – RFP/Planning/Design Stage - \$1,197,708 DWSRLF funding - \$898,281 principal forgiveness – 299,427 loan repayment – Souder, Miller & Associates:** PER review comments were received from NMED-CPB on 7/13/16, and SMA submitted a response on 9/9/16. SMA is currently working on the plan set for the new tank, rehabilitation of wells, service lines and SCADA integration.

**LRG-13-01 – Brazito Water System Improvements – Souder, Miller & Associates. – Construction Phase - Western Building & Development - \$523,354 NM CITF Grant, \$58,150 Loan, \$58,150 Match Requirement, 2014 CITF \$157,986 (10% loan):** Amendment to engineering agreement with SMA is on today's agenda. They will incorporate project improvements into a water model for the Brazito system.

**LRG-14-01 – Waterline Extension Project (incl. Veterans Road) – Design/Build - \$882,430 CITF incl. 10% Loan – Parkhill, Smith & Cooper** - August 2016 Progress: Submitted DAC Utility Permits for Joy Drive replacements, permits finalized 9/15/16. Obtained 6 of 10 property owner signatures for Berino Extensions easements. EBID Land Use Permit for Joy Drive Replacements approved. (LRGPWWA has paid that permit). Received transmittal reception letter from NMDOT Utility Permit for Hwy 28 on 8/4/16. September 2016: Will package & Submit DAC Utility Permits for Berino Extensions upon completion of easement acquisitions and obtain property owner signatures for the four remaining Berino Extensions easements. NMDOT Utility Permit Approval for Hwy 28 is pending.

#### **Other projects:**

**Infrastructure Capital Improvements Plan 2018-2022:** ICIP is finalized.

**Documents Retention & Destruction** – Sorting of old association documents for storage or destruction is ongoing, and staff is implementing approved retention/destruction schedules for LRGPWWA documents. No shredding for this period. Documents from the Mesquite office have been received for shredding, and delivery of documents from the East Mesa Office for sorting and storage or shredding is still pending.

**Website and Email** – Notices and Board Minutes pages are current. Other updates are ongoing. Email address has been assigned to Director Virginia Gomez, and addresses are pending for two new Operations staff members.

**Training** – Liza and I attended a webinar on Onvia online RFP & Bid Documents directory and an EFC webinar on affordability of water rates. Liza attended a one-day Excel workshop at the Workforce Solutions Center, and I attended an EFC webinar on succession planning.

**Lower Rio Grande Water Users Organization** – I spoke with Blane Sanchez at WRRRI and learned that the Regional Water Plan has not yet been presented to the Interstate Stream Commission, and that presentation has now been delayed until February due to ISC staffing issues. The WTB is required to prioritize projects that are listed in the Regional Water Plan approved by the ISC.

**EBID Surface Water Plant:** - Our Source Water Protection Plan is complete. Nothing to report from EBID.

**2017 Legislature:** Martin & I are scheduled for a presentation on our proposed legislation to the NMFA Oversight Committee at 12:30 pm on Tuesday, September 20<sup>th</sup> at the NMSU Golf Course Clubhouse. The

Agenda and committee hand-out are included in today's Board packet. We expect to be on the agenda for the Water & Natural Resources Committee the following week in Socorro. I was contacted by CITF Board Member Mary Helen Garcia regarding unspent CITF funds, and it appears that the state may once again be looking to revert unspent project funds. Our CITF projects should not be in any danger because funds are committed and being expended.

**As-Needed Engineering Services:** Currently we have 3 active Task Orders: 1. Vencor Engineering for an evaluation of the feasibility of moving an existing booster or adding a booster in order to give us the ability to move water from La Mesa to the elevated tank. 2. DB Stephens to update our Water Conservation Plan. 3. Vencor Engineering to evaluate and recommend how to locate a leak in the interconnect line between Organ & Butterfield Park and options for repairing or replacing the line. This was originally assigned to IDEALS, Inc., but their proposal did not meet our needs.

**Data Gathering for Water Audit:** Water audits are now a requirement, and after working with BECC & DB Stephens on our first audit and working with our staff on the second, I'm working on a revision of our tracking spreadsheet for water usage and sales and other data necessary for a water audit. I will be meeting with other departments to finalize this revision and determine procedures in preparation for the 2016 audit.

## Lower Rio Grande PWWA

### Operators Report

September 21, 2016

#### System Problems and Repairs.

- Backflow inspections are current.(Mesquite District)
- Henry and his crew from Enviro-Tech have removed all sludge in the pond, entrance works tanks, and all splitter boxes, and has taken all to his approved land fill.
- Over time has been down, the weekends have been quite.
- The well Techs have installed the new pump control and check valve, and the electrician has completed the wiring however he still needs to install a relay to make it work.
- We are still learning the new Tyler billing system, so I can't tell the board how many Work orders we have been issued.
- Our operators are taking out all the gravel at the wetlands and we are using it at our offices, and tank sites.
- We had 3 new services for the month of august.
- The Operators committee has hired two new laborers however, both have expired drivers licenses and we have given them until Friday the 23<sup>rd</sup>.

**NMED:** All of our Monthly Bac-T-Samples were taken for the month of June and all samples were negative.

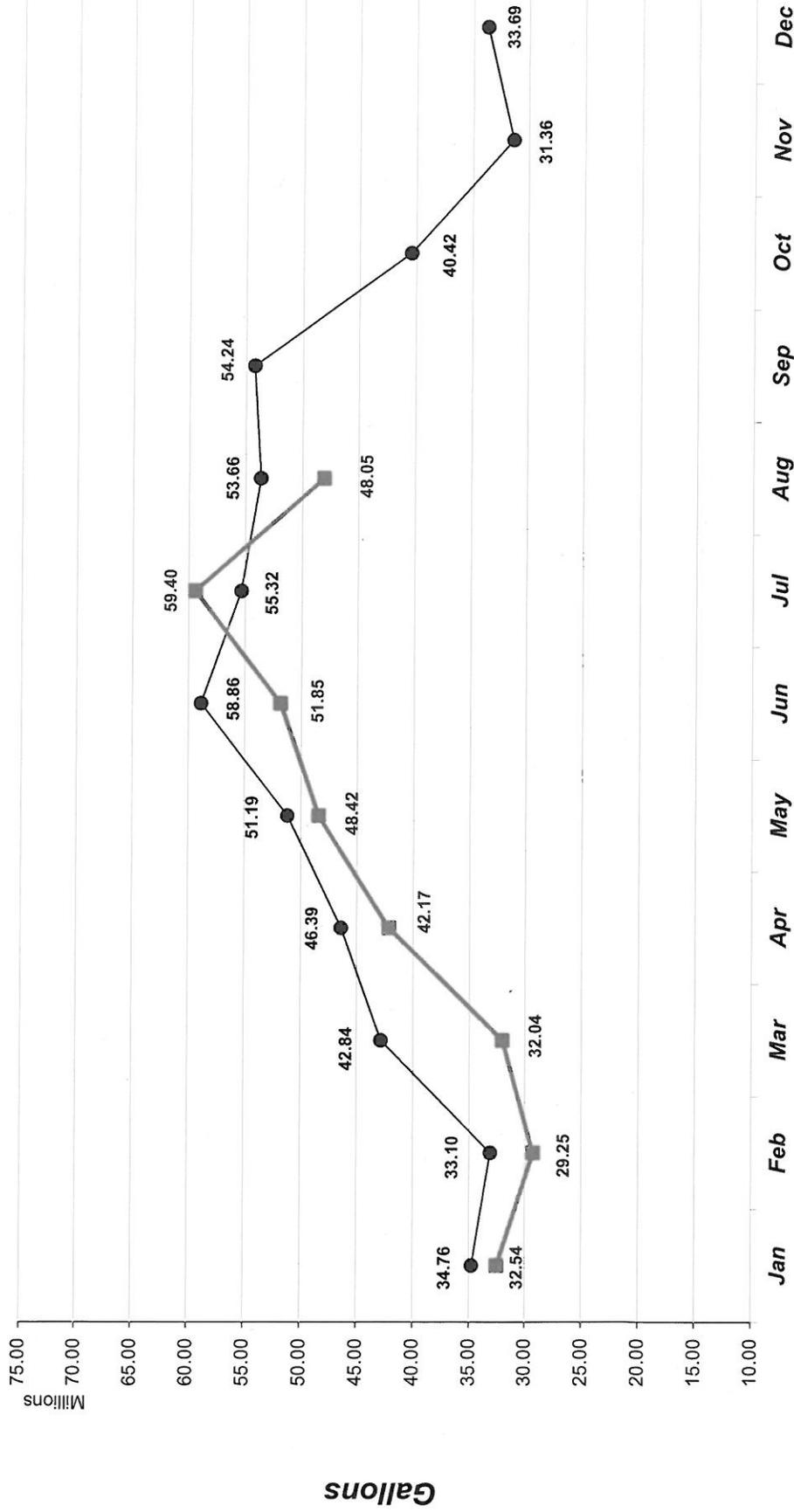
**Mesquite district Wetlands:** Demo continues.

**Mesquite Sewer Report.** Not due until January 2017.

**Chlorine:** No problems.

**Reports:** NMED, State Engineers, and the water conservation reports have been sent.

# Lower Rio Grande PWWA Water Production Report



● 2015 Production    ■ 2016 Production





# LOWER RIO GRANDE

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## Public Water Works Authority

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325 Holguin Road

Vado, New Mexico 88072

(575) 233-5742

[www.LRGauthority.org](http://www.LRGauthority.org)

### Resolution FY2017-07

#### **Authorizing Funding Application to New Mexico Water Trust Board for South Valley Water Supply & Treatment Project**

**WHEREAS**, the Lower Rio Grande Public Water Works Authority ("LRGPWWA") is a qualified entity under the Water Project Finance Act, Sections 72-4A-1 through 72-4A-10, NMSA 1978 ("Act"), and the Lower Rio Grande Public Water Works Authority ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the LRGPWWA; and

**WHEREAS**, a Preliminary Engineering Report (PER) and more than sixty percent (60%) of the project design of the Recommended Alternative identified in the PER have been completed with 2012 Water Trust Board funding (252-WTB) ; and

**WHEREAS**, the South Valley Water Supply & Treatment Project is urgently needed to replace wells in the Berino and Desert Sands area that have failed due to the lowered water table in order to maintain a sustainable supply of potable water for the LRGPWWA South Valley Service Area;

**NOW THEREFORE**, the Board of Directors of the Lower Rio Grande Public Water Works Authority resolves to authorize its officers and staff to submit a funding application to the New Mexico Water Trust Board for the Lower Rio Grande Public Water Works Authority South Valley Water Supply & Treatment Project.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> Day of September, 2016.

SEAL:

GOVERNING BODY:

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John Holguin, Board Chairman

Attest:

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Alma Boothe, Secretary



# LOWER RIO GRANDE

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## Public Water Works Authority

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325 Holguin Road

Vado, New Mexico 88072

(575) 233-5742

[www.LRGauthority.org](http://www.LRGauthority.org)

### Resolution FY2017-08

#### Authorizing Funding Application to New Mexico Water Trust Board for Water Master Plan Project

**WHEREAS**, the Lower Rio Grande Public Water Works Authority ("LRGPWWA") is a qualified entity under the Water Project Finance Act, Sections 72-4A-1 through 72-4A-10, NMSA 1978 ("Act"), and the Lower Rio Grande Public Water Works Authority ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the LRGPWWA; and

**WHEREAS**, a Preliminary Engineering Report (PER) and more than sixty percent (60%) of the project design of the Recommended Alternative identified in the PER have been completed with 2012 Water Trust Board funding (252-WTB) ; and

**WHEREAS**, a Water Master Plan was included in the Recommended Alternative identified in the PER, but only partial funding is available to complete it;

**NOW THEREFORE**, the Board of Directors of the Lower Rio Grande Public Water Works Authority resolves to authorize its officers and staff to submit a funding application to the New Mexico Water Trust Board for the Lower Rio Grande Public Water Works Authority Water Master Plan Project.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> Day of September, 2016.

SEAL:

GOVERNING BODY:

---

John Holguin, Board Chairman

Attest:

---

Alma Boothe, Secretary



September 9, 2016

# 6322783

Ms. Karen Nichols, Projects Manager  
Lower Rio Grande PWWA  
P.O. Box 2646  
Anthony NM 88021  
Phone: (575) 233.5742  
Email: karen.nichols@lrgauthority.org

**RE: CONTRACT PACKAGE FOR WATERCAD MODEL OF BRAZITO WATER SYSTEM**

Dear Ms. Nichols:

Enclosed please find a complete contract package to provide hydraulic modeling services to Lower Rio Grande PWWA for Brazito water system in Brazito, New Mexico. The costs and scope of work presented herein are based on SMA discussions with Lower Rio Grande PWWA.

Following the Lower Rio Grande PWWA's review and approval, and the Authority's execution of the agreement, one copy should be forwarded on to the New Mexico Finance Authority (NMFA) for their file. Please feel free to call if you should have any questions regarding the scope of work referred to herein.

Sincerely,

MILLER ENGINEERS, INC. D/B/A  
SOUDER, MILLER & ASSOCIATES

A handwritten signature in blue ink, appearing to read 'J. Alfredo Holguin'.

J. Alfredo Holguin  
Associate Engineer Intern II  
alfredo.holguin@soudermiller.com

A handwritten signature in blue ink, appearing to read 'Lilla J. Reid'.

Lilla J. Reid, P.E.  
Senior Design Manager  
lilla.reid@soudermiller.com

Cc: Mr. Martín Lopez, Lower Rio Grande PWWA (cover letter only)

Attachments: NMED Agreement Attachment, Scope of Services and Exhibit

## ATTACHMENTS

Please check the appropriate box and include applicable **attachments**

1. As set forth in the AGREEMENT FOR ENGINEERING SERVICES dated the 31<sup>st</sup> day of January, 2014 by and between the Lower Rio Grande Public Water Works Authority, the OWNER, and Souder, Miller & Associates, the ENGINEER, the OWNER and ENGINEER agree this \_\_\_\_\_ day of September, 2016 that the OWNER shall compensate the ENGINEER for services described in Section B and Section C and further described in

**ATTACHMENT I** – Planning Services scope of work, cost proposal and compensation for Engineering Services During the Planning Phase

**ATTACHMENT II** – Design Services scope of work, cost proposal and compensation for Engineering Services During the Design Phase

**ATTACHMENT III** - Construction Services scope of work, cost proposal and compensation for Engineering Services During the Construction Phase

**ATTACHMENT IV** - Operational Services scope of work, cost proposal and compensation for Engineering Services During the Operation Phase

2. Compensation for ENGINEERING SERVICES shall be by the

**LUMP SUM** method of payment. The total amount of compensation for ENGINEERING SERVICES, as described in the appropriate ATTACHMENTS shall not exceed \$25,000.00, excluding gross receipt tax and reimbursables.

**STANDARD HOURLY RATE WITH MAXIMUM** method of payment. The total amount of hourly charges, excluding gross receipt tax and reimbursables, for ENGINEERING SERVICES as described in the appropriate ATTACHMENTS shall not exceed \$\_\_\_\_\_ without prior written approval of the OWNER, with Funding Agency concurrence.

3. Compensation for ADDITIONAL ENGINEERING SERVICES (provided by the ENGINEER upon written authorization from the OWNER and concurrence of the Funding Agency), shall be by the

**LUMP SUM** method of payment. The total amount of compensation for ADDITIONAL ENGINEERING SERVICES, as described in the appropriate ATTACHMENT shall not exceed \$\_\_\_\_\_, excluding gross receipt tax and reimbursables.

**STANDARD HOURLY RATE WITH MAXIMUM** method of payment. The total amount of hourly charges, excluding gross receipt tax and reimbursables, for ADDITIONAL ENGINEERING SERVICES as described in the appropriate ATTACHMENT shall not exceed \$\_\_\_\_\_ without prior written approval of the OWNER and with Funding Agency concurrence.

4. The amount of compensation shall not change unless the scope of services to be provided by the ENGINEER changes and this Agreement is formally amended according to Section A-5.

Contract Time under Section B. and for the purpose of Section A.8 shall be 60 calendar days for P2T60 after notice to proceed calendar days (or as specified in the Attachments).

5. The OWNER and ENGINEER agree that as mutually agreeable, reasonable Liquidated Damages for delay (but not as a penalty), ENGINEER shall pay OWNER Fifty dollars (\$50.00) (minimum fifty dollars

[\$50.00] per day) for each calendar day that expires after the Contract Time specified in the Agreement (See attached project schedule - Gantt chart, bar chart, etc.) until the Work is complete and accepted by the OWNER. OWNER shall have no more than ten (10) calendar days to accept or reject the Work.

6. The ENGINEER agrees to obtain and maintain, at the ENGINEER's expense, such insurance as will protect the ENGINEER from claims under the Workman's Compensation Act and such comprehensive general liability and automobile insurance as will protect the OWNER and the ENGINEER from all claims for bodily injury, death, or property damage which may arise from the performance by the ENGINEER, or by the ENGINEER's employees, for the ENGINEER's functions and services required under this Agreement. Such insurance shall be in an amount not less than \$500,000 for injury to any one person and \$1,000,000 on account of any one accident and in the amount of not less than \$1,000,000 for property damage. The ENGINEER further agrees to procure and maintain professional liability (errors and omissions) insurance in an amount not less than \$1,000,000 per claim and in the aggregate. Prior to commencement of any work, the ENGINEER shall furnish to the OWNER a certificate that complies with this paragraph. The certificate shall provide that the policy shall not be canceled until at least ten (10) calendar days prior written notice shall have been given to the OWNER. ENGINEER shall provide annual updates of the certificate to demonstrate the policy remains in effect for the duration of this Agreement.

7. OWNER shall pay ENGINEER applicable gross receipt taxes and reimbursable expenses at the rates set forth in the appropriate ATTACHMENTS. The amounts payable to ENGINEER for reimbursable expenses will be the project related internal expenses, such as mileage, per diem and reproduction, actually incurred or allocated by ENGINEER, plus all invoiced external reimbursable expenses, including consultants, allocable to the project, the latter multiplied by a factor of 1.1 (1.1 MAXIMUM). Mileage will be reimbursed at the current federally approved IRS rate. Reimbursable expenses shall not exceed the estimate in the ATTACHMENT without prior written approval of the OWNER, with Funding Agency concurrence.

8. The method for interim or partial payments, such as milestone or time & materials, shall be: Invoices will be issued on a monthly basis reflecting the percentage complete to date and at the completion of a task.

The rest of the page is intentionally left blank

9. Signatures

IN WITNESS THEREOF, the parties hereto have executed, or caused to be executed, by their duly authorized officials, this Agreement in triplicate on the respective dates indicated below.

ATTEST: \_\_\_\_\_

Type Name Martín G. Lopez

Title General Manager

Date \_\_\_\_\_

OWNER: Lower Rio Grande PWWA

By \_\_\_\_\_

Type Name John Holguin

Title Board Chair

Date \_\_\_\_\_

ATTEST:  \_\_\_\_\_

Type Name Lilla J. Reid, P.E.

Title Senior Design Manager

Date 09Sep16

ENGINEER: Souder, Miller & Associates

By  \_\_\_\_\_

Type Name Karl E. Tonander, P.G., P.E.

Title Senior Vice-President

Address 401 N Seventeenth St., Suite 4

Las Cruces, NM 88005

Date 09Sep16

REVIEWED: FUNDING AGENCY

NAME: \_\_\_\_\_

By \_\_\_\_\_

Type Name \_\_\_\_\_

Date \_\_\_\_\_

# HYDRAULIC MODEL SCOPE OF SERVICES

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Lower Rio Grande Public Water Works Authority  
Hydraulic Model to determine Fire Flow Capability for Brazito Water System  
September 9, 2016

## PROJECT DESCRIPTION



Souder, Miller & Associates (SMA) proposes to provide hydraulic modeling services to analyze and report the capacity of the existing Lower Rio Grande Public Water Works Authority (PWWA) Brazito water system to provide fire protection and standard operation distribution parameters. SMA will develop a map of the system that identifies the available fire flow and residual system pressure at all major intersections within the Brazito water system (estimated at approximately 30 points). SMA will also prepare a brief Technical Memorandum to summarize the hydraulic model results.

## P2T60- HYDRAULIC MODELING SERVICES

1. **Review and digitize system drawings:** SMA will collect, review and digitize water system as-built and record drawing information that the Lower Rio Grande PWWA has available. SMA will hold one meeting with the Lower Rio Grande PWWA water system operators to supplement the available information to ensure that the hydraulic model is based on the most correct and complete information available from the Authority. The resulting map of the water system will be submitted to the Lower Rio Grande PWWA for review and approval prior to commencement of the hydraulic model preparation.
2. **Review meter records:** SMA will collect and review water meter reading records that the Lower Rio Grande PWWA has available.
3. **Create system demand profile:** SMA will develop a water system demand profile that is based on water meter records. Existing average daily demands will be based on an average usage computed from the meter record data available. Peak flows will be based on a peaking factor developed from the American Water Works Association (AWWA) residential diurnal usage curve. Future flow rates will be based on anticipated growth rate based on Doña Ana County.
4. **Review hydrant flow tests:** SMA will review existing hydrant flow test data that the Lower Rio Grande PWWA has available for incorporation into the hydraulic model.

5. **Create model in WaterCAD:** SMA will take the data from the Lower Rio Grande PWWA as well as other publicly available data such as United States Geological Survey (USGS) Quadrangle Maps, Google Earth, Bing, etc. to create the hydraulic model utilizing the WaterCAD software. The following alternatives will be analyzed:
  - a. Existing Average Demand
  - b. Existing Peak Demand
  - c. Available Fire Flow during Existing Average Demand.
  - d. Available Fire Flow during Existing Peak Demand.
  - e. Available Fire Flow during Future Average Demand.
  - f. Available Fire Flow during Future Peak Demand.
6. **Meet with system operators to verify model results:** SMA will hold one meeting with the Lower Rio Grande PWWA water system operators to review the initial model results. The intention of this meeting will be to verify with the operators that there are no results from the model that are significantly outside of what they would expect. If such results are discovered, SMA will attempt to adjust the model to make the results closely match what is measured by the operators. It is important to note that some older systems, such as the Brazito water system, could have elements installed (such as pressure reducing valves) within the system without operator knowledge that can make the results in the field vary from what is shown by the hydraulic model. In these instances, it is impossible to make the hydraulic model match the field conditions due to unknown elements; however, SMA will make a reasonable effort to ensure the model matches the field information.
7. **Validate and calibrate model:** SMA will validate the model results and calibrate the model by taking static pressure measurements at five locations. SMA will oversee field fire hydrant flow measurements to record actual flow and pressure data at up to 3 critical points in the system. SMA will require the assistance of the water system operator and meter to complete these tests, but the measurements will be collected by SMA.
8. **Revise model based on validation work:** SMA will revise the hydraulic model to incorporate the field data and will attempt to calibrate the model to match the field results and operator information.
9. **Generate technical memorandum:** SMA will prepare a Technical Memorandum that will summarize the results of the hydraulic model, including maps identifying the model results for the Alternatives listed above. SMA will submit two (2) hardcopies of the deliverables to the Lower Rio Grande PWWA for review and comment.
10. **Finalize technical memorandum:** SMA will revise the Technical Memorandum to attempt to address any comments received from the Lower Rio Grande PWWA. SMA will submit two (2) hardcopies of the final deliverables to the Lower Rio Grande PWWA for their use.

## **PROJECT FEE & SCHEDULE**

SMA proposes to complete the above Scope of Services for the Lower Rio Grande PWWA for a **Lump Sum Fee of \$25,000.00**, excluding New Mexico Gross Receipts Tax. SMA estimates that the project will take **60 days** to complete from the date of the Notice to Proceed. This completion period does not include delays associated with access to the site, access to personnel, or extended periods for deliverable review. SMA assumes that data to be incorporated into the hydraulic model will be made available at the same time the Notice to Proceed is issued.

## Summary of Cost Proposal

**Souder, Miller & Associates**

**Professional Services and Expenses Task/Hours/Fee Breakdown Related To**

---

**Project Description:** Brazito WaterCAD Model  
**Project Number:** 6322783  
**Owner:** LRGPWWA  
**Date of Submittal:** September 9, 2016  
**Tax Rate on Services:** 8.3125%

<b>TOTALS</b>
---------------

<b>PHASE/ CATEGORY OF WORK</b>	<b>Subtotal</b>	<b>NMGRT</b>	<b>Total</b>
Planning Phase - Basic Engineering Services	\$ 25,000.00	\$ 2,078.13	\$ 27,078.13
<b>TOTALS</b>	\$ 25,000.00	\$ 2,078.13	\$ 27,078.13

**EXHIBIT A.2 - COST PROPOSAL**

**Souder, Miller & Associates**

**Professional Services and Expenses Task/Hours/Fee Breakdown Related To**

**BASIC ENGINEERING SERVICES**

**Project Description:** Brazito WaterCAD Model  
**Project Number:** 6322783  
**Owner:** LRGPWVA  
**Date of Submittal:** September 9, 2016  
**Tax Rate on Services:** 8.3125%

Note: Figures in this table do not include tax.

Job Description	Principal	Senior Design Manager	Senior Eng./Sur. Mgr. II	Project Eng./Sci. Mgr II	Eng/CAD Surv/Field Tech III	Admin III	Mileage	Expenses	Total SMA	Total Task
<b>Billing Rate per Unit</b>	\$ 200	\$ 180	\$ 160	\$ 120	\$ 85	\$ 85	\$ 0.54	\$ 1.00		
<b>Unit</b>	Hrs	Hrs	Hrs	Hrs	Hrs	Hrs	Mi	Actual	\$	\$
<b>Task</b>										
<b>P2T60- Hydraulic Model</b>										
Collect, Review, Digitize System Drawings			2	8	2	3			\$ 1,705	
Review Meter Records			3	4					\$ 960	
Create System Demand Profile			2	5					\$ 920	
Review Hydrant Flow Tests			2	5					\$ 920	
Create Model in WaterCAD			10	40					\$ 6,400	
Client Meeting			3	3			40		\$ 862	
Validate and Calibrate Model			4	16	5		80	15	\$ 3,043	
Revise Model Based on Validation			2	8					\$ 1,280	
Model Review	2	8							\$ 1,840	
Generate Technical Memorandum		2	4	16	10			40	\$ 3,810	
In-House Quality Control	4		8						\$ 2,080	
Finalize Technical Memorandum			2	4				50	\$ 850	
Project Management and Invoicing			1			2			\$ 330	
<b>Subtotal Hours:</b>	6	10	43	109	17	5	120	105	\$ 25,000	<b>\$ 25,000</b>
<b>Subtotal Cost:</b>	\$ 1,200	\$ 1,800	\$ 6,880	\$ 13,080	\$ 1,445	\$ 425	\$ 65	\$ 105	\$ 25,000	

**Total Cost of Hydraulic Model Phase Services: \$ 25,000**

## ARTICLE 1 ADMINISTRATION

### 1.1 AUTHORITY

#### State Statute and Comprehensive Plan

This Chapter is authorized by NMSA 1978, §3-21-1 *et seq.*, §4-57-1 *et seq.*, §47-6-1 *et seq.*, §4-37-1, §3-18-7, §3-20-5, §3-20-6, §3-20-9, §74-6-1 *et seq.*, and Plan 2040, the Comprehensive Plan for Doña Ana County (“Comprehensive Plan”), adopted by Resolution No. 2015-54. All citations to legal authorities cited in this Chapter are intended “as amended”.

### 1.2 APPLICABILITY: PROHIBITED ACTS; INTERPRETATION AND CONFLICT

#### 1.2.1 Location and Limitations

- a. This Chapter shall apply to all property within the unincorporated areas of Doña Ana County and outside the limits of any jointly-administered extra-territorial zone by the County and another governmental entity pursuant to NMSA 1978, Chapter 3, Article 21, unless specifically made applicable under the terms of a joint powers agreement governing the joint administration of an extra-territorial zone entered into between the County and another governmental entity, and shall apply to all private or public activities or development for private or public purposes on such lands. Property owned or controlled by any governmental entity shall be exempt from this Chapter only when specific exemption is provided elsewhere by state or federal statute or law.
- b. Limited application of this Chapter to County-owned land. Only the zoning provisions and development standards of this Chapter shall apply to County-owned land; however, those provisions or standards shall not apply when the Board of County Commissioners (BOCC) finds that:
  - i. Application of such provisions or standards would unreasonably interfere with the feasibility of the public project; and
  - ii. No undue negative impact on the surrounding community will result if the provisions or standards are not applied to the particular public project.

#### 1.2.2 Prohibited Acts

- a. No application under this Chapter shall be approved for land that was illegally subdivided, or on which a violation of this or any other County ordinance, regulation or any other provision of law exists.
- b. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provisions of this Chapter.



# LOWER RIO GRANDE

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## Public Water Works Authority

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325 Holguin Road

Vado, New Mexico 88072

(575) 233-5742

[www.LRGauthority.org](http://www.LRGauthority.org)

## 2017 Proposed Revisions to NMSA 1978 73-26-1 – Draft Bill

- ✚ The bill will make two changes to the Lower Rio Grande Public Water Works Authority's founding legislation:
  1. Changes the requirement to combine & commingle water rights with merging entities from always mandatory to required only when the service area of the merging entity is contiguous with the LRGPWW's service area.
  2. Import a section from the Municipal Code to provide a procedure to follow when exercising the existing power to implement liens for unpaid water bills.
- ✚ The NM Office of the State Engineer provided the amendment language for the section pertaining to combine and commingle of water rights.
- ✚ The NM Administrative Office of the Courts has stated that the amendment pertaining to liens improves the existing statute, which is vague about placing and enforcing a lien.
- ✚ AOC also notes that these provisions do not enlarge the power of the LRGPWWA, but are consistent with lien authority granted to other incorporated water associations under the Municipal Code.
- ✚ The LRGPWWA is an independent public body and a political subdivision with no taxing authority. Revenue from water and wastewater service operations is its sole source of income.
- ✚ Included in this hand-out is a draft of the bill and the 2016 FIR (the bill was introduced, but not heard in 2016)

Martin G. Lopez, General Manager  
575-233-5742 ext. 1004 or 575-571-3628  
[martin.lopez@LRGauthority.org](mailto:martin.lopez@LRGauthority.org)

Karen Nichols, Project Manager  
575-233-5742 ext. 1018 or 915-203-2057  
[karen.nichols@LRGauthority.org](mailto:karen.nichols@LRGauthority.org)



1 DISCUSSION DRAFT FOR INTERIM COMMITTEE REVIEW

2  
3 AN ACT

4 RELATING TO SPECIAL DISTRICTS; AMENDING A SECTION OF THE NMSA 1978;  
5 PROVIDING THAT WATER RIGHTS MAY BE COMBINED OR COMMINGLED AMONG  
6 MERGING COMPONENTS OF THE LOWER RIO GRANDE PUBLIC WATER WORKS  
7 AUTHORITY; PROVIDING FOR UTILITY CHARGES OF THE LOWER RIO GRANDE PUBLIC  
8 WATER WORKS AUTHORITY AS A LIEN AGAINST PROPERTY SERVED.

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 73-26-1 NMSA 1978 (being Laws 2009, Chapter 100, Section 1) is amended  
12 to read:

13 "73-26-1. LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY.--

14 A. The "Lower Rio Grande public water works authority" is created. The authority is a political  
15 subdivision of the state and shall be an independent public body. The authority is composed of Berino  
16 mutual domestic water consumers and mutual sewage works association, Desert Sands mutual domestic  
17 water consumers association, La Mesa mutual domestic water consumers association, Mesquite mutual  
18 domestic water consumers and mutual sewage works association and Vado mutual domestic water  
19 consumers association, all serving unincorporated communities within Dona Ana county. The voting  
20 community membership of the five founding entities have approved by resolution the development of the  
21 authority.

22 B. The authority may adopt rules and resolutions, governance policies and procedures necessary  
23 to exercise the powers conferred pursuant to this section.

24 C. All functions, appropriations, money, records and equipment and all personal property and real  
25 property, including water rights, easements, permits and infrastructure, as well as all encumbrances, debts  
26 and liabilities pertaining to or owned by the founding entities shall be transferred to the authority.

1 D. The authority's service area shall consist of the founding entities' existing place of use on file  
2 with and approved by the state engineer and shall be filed in the public records of Dona Ana county. An  
3 application shall be filed with the state engineer to combine and commingle water rights and to combine  
4 the existing entities' place of use into the authority's service area. In the event that another entity elects to

5 merge into the authority, ~~the merger shall include the combining and commingling of water rights with~~  
6 ~~the authority, and~~ the authority's service area shall be amended to include that entity's place of use and

7 shall be filed with the state engineer. The authority's initial service area and any subsequent amendments

8 to its service area shall be designated in a plat filed in the public records of Dona Ana county. If the  
9 service area of the merging entity is contiguous with the service area of the authority, an application shall  
10 be filed with the State Engineer to combine and commingle the water rights of the merging entity with the  
11 water rights of the authority.

12 E. The authority may provide for water and wastewater services, road improvements for the  
13 protection of the authority's infrastructure or renewable energy projects that are integral to the operation  
14 and maintenance of the authority's facilities or any combination or parts thereof.

15 F. The authority shall exercise all powers allowed pursuant to law, including:

16 (1) regulating, supervising and operating the authority's facilities;

17 (2) establishing rates and imposing assessments, fees and charges and taking action  
18 necessary for the enforcement thereof;

19 (3) assessing a standby charge for the privilege of connection into the authority's service  
20 at some date in the future if the property line is within three hundred feet of the authority's service lines  
21 and the property line is located within the boundaries of the authority. This section applies to new  
22 connections after the enactment of this act;

23 (4) acquiring, from a willing seller only holding and using water rights in an amount  
24 necessary to meet its reasonable needs not to exceed forty years pursuant to Section 72-1-9 NMSA 1978;

25 (5) shutting off, after notice, unauthorized connections, illegal connections or a  
26 connection for which charges are delinquent in payment;

1 (6) entering into contracts for services with private entities, the state, municipalities,  
2 counties and the federal government and other public bodies to further its public purposes;

3 (7) entering into joint powers agreements with other governmental entities;

4 (8) acquiring and disposing of real property, personal property and rights of way;

5 (9) condemning property pursuant to the Eminent Domain Code as the last resort and  
6 only for the purposes of construction, maintenance and operations of the authority's infrastructure;

7 (10) hiring and retaining agents, employees and consultants, as needed; (11) adopting and  
8 using a governmental seal;

9 (12) placing a lien on property for unpaid assessments, charges and fees and enforcing  
10 the lien in a manner pursuant to [law] this section;

11 (13) suing and being sued and being a party to suits, actions and proceedings; and

12 (14) having and exercising all rights and powers necessary, incidental to or implied from  
13 the specific powers granted in this section.

14 G. As a political subdivision of the state and a member-owned community water system, the  
15 authority shall be subject to the:

16 (1) applicable rules and regulations of the department of environment, and in its  
17 discretion the department may:

18 (a) conduct periodic reviews of the operation of the authority;

19 (b) require the authority to submit information to the department;

20 (c) upon department of environment discretion or upon a petition of twenty-five  
21 percent of the members of the authority, conduct an investigation as it deems necessary to ensure the  
22 authority's compliance with all applicable statutes, rules, regulations and reporting requirements; and

23 (d) after a hearing, set and collect rates and fees and use the same for the proper  
24 operation and management of the authority;

25 (2) applicable rules and regulations of the department of finance and administration, local  
26 government division and budget and finance bureau;

- 1 (3) Open Meetings Act;
- 2 (4) Inspection of Public Records Act;
- 3 (5) Audit Act;
- 4 (6) Procurement Code;
- 5 (7) Governmental Conduct Act;
- 6 (8) special election procedures pursuant to Chapter 1, Article 24 NMSA 1978;
- 7 (9) Chapter 72 NMSA 1978; and
- 8 (10) applicable rules and regulations of the state engineer.

9 H. The authority is a political subdivision of the state and a member-owned community water  
10 system and shall not be subject to the jurisdiction of the public regulation commission or the provisions of  
11 the Public Utility Act.

12 I. The authority may issue utility system revenue bonds and obligations for acquiring real and  
13 personal property needed for the utility system and for extending, enlarging, renovating, repairing or  
14 otherwise improving its facilities. The authority may issue revenue anticipation notes with maturities and  
15 terms to be approved by the board of directors of the authority. The authority may pledge irrevocably net  
16 revenues from the operation of the utility system for payment of the principal, premiums and interest on  
17 the bonds. The utility system revenue bonds:

18 (1) may have interest, appreciated principal value or any part thereof payable at intervals  
19 or at maturity as the authority determines;

20 (2) may be subject to prior redemption at the authority's option at such time and upon  
21 such terms and conditions, with or without the payment of a premium, as determined by the authority;

22 (3) may mature at any time not exceeding forty years after the date of issuance;

23 (4) may be serial in form and maturity, may consist of one bond payable at one time or in  
24 installments or may be in another form as determined by the authority;

25 (5) shall be sold for cash at, above or below par and at a price that results in a net  
26 effective interest rate that does not exceed the maximum permitted by the Public Securities Act; and

1 (6) may be sold at a public or negotiated sale.

2 J. The authority's board of directors may adopt a resolution declaring the necessity for the  
3 issuance of utility system revenue bonds or other obligations and may authorize the issuance of utility  
4 system revenue bonds or other obligations by an affirmative vote of a majority of all members of the  
5 authority's board of directors. Utility revenue bonds and the resolution authorizing their issuance shall be  
6 subject to voter approval with oversight from the department of finance and administration and the New  
7 Mexico finance authority. The bonds authorized by the authority and their income shall be exempt from  
8 taxation by the state and its political subdivisions.

9 K. Except for the purpose of refunding previous utility system revenue bond issues, the authority  
10 shall not sell utility system revenue bonds payable from pledged revenues after the expiration of three  
11 years from the date of the resolution authorizing their issuance. Any period of time during which a utility  
12 system revenue bond is in litigation shall not count toward the determination of the expiration date of that  
13 issue.

14 L. The authority shall be governed by a board of directors. The directors of the initial board shall  
15 consist of five directors representing each of the founding entities. The directors of the initial board shall  
16 serve until their successors are elected. After the terms of the initial directors are completed, the  
17 succeeding board of directors shall be elected by districts from a minimum of five and a maximum of  
18 seven electoral districts. Each director, at the time of election, shall reside within the electoral district of  
19 the authority from which that member is elected. The boundaries and the number of electoral districts  
20 shall be established by the initial board within two years of the creation of the authority. The board may in  
21 its governance document provide for redistricting upon any change in the authority's boundary. The  
22 elected board of directors shall serve staggered terms to be established in the governance document  
23 developed by the initial board. Elections shall be conducted in accordance with the special election  
24 procedures pursuant to Chapter 1, Article 24 NMSA 1978 and may be conducted by the Dona Ana county  
25 elections bureau.

1           M. If the authority places a lien on property for nonpayment of money owed, the authority shall  
2 file in the office of the county clerk a notice of lien, which shall include:

3                   (1) identification of the outstanding debt to the authority;

4                   (2) the fact that a lien is established;

5                   (3) the general purpose of the lien;

6                   (4) the name of the owner of the property against which the lien is established as  
7 determined from the records of the county assessor;

8                   (5) a description of the property against which the lien is established;

9                   (6) the amount of the lien; and

10                  (7) if the lien is for more than one period of time, the date for which the lien is  
11 established.

12           N. A lien for multiple charges or assessments on a property owner may be included in the same  
13 notice of lien, and it shall not be necessary to file separate liens against the separate properties. The lien  
14 shall be attested in the name of the authority. The principal amount of any lien imposed for a charge or  
15 assessment shall bear interest at the rate of twelve percent per year from the date of filing the notice of  
16 lien unless otherwise provided by law.

17           O. After the filing of the notice of lien in the office of the county clerk, the authority shall have a  
18 lien upon the property described in the notice of lien. The filing of the notice of lien shall be notice to all  
19 the world of the existence of the lien and of the contents of the notice of lien. No such lien shall affect the  
20 title or rights to or in any real estate, of any purchaser, mortgagee in good faith or judgment lien creditor,  
21 without knowledge of the existence of such lien, unless the notice of lien is filed in accordance with this  
22 section in the office of the county clerk of the county in which the real estate is situated. All authority  
23 liens shall be first and prior liens on the property subject only to the lien of federal, state and county taxes.  
24 The authority may release a lien against any specific property by:

25                   (1) entering and signing a receipt of payment upon the notice of lien filed in the office of  
26 the county clerk; or

1                   (2) issuing a separate receipt that recites that payment of the lien with any accrued  
2 interest and penalty has been made.

3                   P. The authority may, in a single suit, foreclose the liens against all persons named in the notice  
4 of liens or against the property if the owners are unknown. The complaint filed shall:

5                   (1) expressly name each defendant, if known;

6                   (2) describe the property against which the lien is established; and

7                   (3) set forth the amount of the lien.

8                   Q. The judgment or decree rendered in said cause shall be several against the named defendants  
9 and against the several properties for the amounts decreed to be due by each. A lien against real estate  
10 may be foreclosed in the same manner that mortgages or other liens against real estate are foreclosed with  
11 like rights of redemption. In the foreclosure of any lien created by the authority, reasonable attorney fees  
12 may be taxed by the court as part of the costs in favor of the prevailing party.

13                   R. The authority shall prepare and sign a notice of foreclosure, which shall also bear the signature  
14 and mailing address of an attorney representing the authority. The proceeds of the sale of the property by  
15 the authority pursuant to a foreclosure sale on a lien shall be applied as follows:

16                   (1) first, to the payment of costs in giving notice of the sale and of conducting the sale;

17                   (2) second, to the indebtedness claimed under the lien and thence to ad valorem taxes and  
18 other special assessments having a lien of the property that are coequal with the lien; and

19                   (3) third, after all such costs, liens, assessments and taxes are paid, to the former owner,  
20 mortgage holder or other parties having an interest in the tract or parcel, upon such person providing  
21 satisfactory proof to the court of such interest and upon approval of the court.

22                   ~~[M.]~~ S. As used in this section, "public water works authority" means a utility organized as a  
23 political subdivision of the state for the purposes of constructing infrastructure and furnishing water and  
24 wastewater services for domestic, commercial or industrial uses, road improvements for the protection of  
25 the authority's infrastructure and renewable energy projects; and entering into agreements with other

- 1 entities for the provision of other services, including but not limited to water conservation and
- 2 reclamation, source water protection, drainage, flood control, solid waste, planning and zoning."

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 02/09/16

SPONSOR Cervantes LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Lower Rio Grande Water Works Rights & Liens SB 120

ANALYST Daly

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB 151.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the State Engineer (OSE)  
 Administrative Office of the Courts (AOC)  
 Attorney General’s Office (AGO)  
 New Mexico Department of Agriculture (NMDA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 120 amends the statute that creates the Lower Rio Grande Public Water Authority (Authority) to:

- Clarify that only an entity merging with the Authority whose service area is contiguous with that of the Authority must combine and commingle its water rights with those of the Authority; and
- Establish a procedure for the filing and enforcement of liens for nonpayment of money owed which the Authority must follow, including provisions that:
  - Allow multiple charges or assessments against one property owner to be included in the same lien;
  - Declare authority liens to be first and prior liens on the property subject only to general state and county tax liens;
  - Provide methods for releasing a lien;

- Set out procedures for foreclosing on liens, including the right of redemption;
- Allow reasonable attorneys fees to be awarded to the prevailing party as part of the costs; and
- Prescribe the order of distribution of the proceeds of any foreclosure sale.

## FISCAL IMPLICATIONS

No fiscal impact.

## SIGNIFICANT ISSUES

SB 120 would change existing statute to clearly provide that the combining and commingling of water rights is required only when the service area of the merging entity is contiguous with the service area of the Authority. According to OSE, this change continues to allow the benefits of economies of scale and greater efficiencies for mergers even if the merging entity is not contiguous to the original Authority's service area (as with a noncontiguous entity whose water rights are in a different administrative basin and cannot be combined or commingled). Further, as OSE notes, these new provisions do not prohibit a non-contiguous merging entity and the Authority from applying to combine and commingle their water rights if both feel it is advantageous. OSE proposes an amendment (see below) to clarify that any combining and commingling of water rights can be accomplished only by application to and a permit issued by the State Engineer.

As to the provisions concerning the filing and enforcement of liens, AOC believes they improve the existing statute, which is vague about placing and enforcing a lien since it simply provides that the Authority has the right to place and enforce a lien "in a manner pursuant to law." It points out there are a number of ways to place and enforce a lien pursuant to law, such as for mechanic's liens, materialmen's liens, tax liens, and attorney charging liens, and that this bill clarifies the specific procedures for placing and foreclosing an Authority lien. These provisions do not enlarge the power of the Authority, but are consistent with lien authority granted to other incorporated water associations under the Municipal Code. See, for example, Section 3-28-16, NMSA 1978.

## DUPLICATION

This bill duplicates HB 151.

## OTHER SUBSTANTIVE ISSUES

AOC notes there is no impact on the water source (Mesilla Valley Basin and Lower Rio Grande), at least as to those provisions which establish procedures for collecting charges and assessments by the Authority. The Authority serves unincorporated communities (Berino, Desert Sands, La Mesa, Mesquite and Vado), located in largely rural areas in the southern part of Dona Ana county. This is an area that is largely agricultural: alfalfa, cotton, pecans, chile and other crops. The communities are small, usually between 200 to 1,200 residents. The water is used primarily for agriculture in this area.

**AMENDMENTS**

OSE recommends this amendment to clarify that any combining and commingling of water rights requires application to and a permit from the State Engineer:

On page 3, strike line 9 after the comma and strike lines 10 and 11 in their entirety and insert in lieu thereof “an application shall be filed with the State Engineer to combine and commingle the water rights of the merging entity with the water rights of the authority.”

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

An entity that elects to merge with the Authority will continue to be required to combine and commingle its water rights with those of the Authority regardless of whether its service area is contiguous with the service area of the Authority.

MD/jle

**TENTATIVE AGENDA  
for the  
FOURTH MEETING IN 2016  
of the  
NEW MEXICO FINANCE AUTHORITY OVERSIGHT COMMITTEE**

**September 20-21, 2016  
New Mexico State University Golf Course Clubhouse  
3000 Herb Wimberly Drive  
Las Cruces**

**Tuesday, September 20**

- 9:30 a.m.           **Call to Order and Welcome**  
—Senator Joseph Cervantes, Chair  
—Representative Jane E. Powdrell-Culbert, Vice Chair
- 9:35 a.m.           **Local Greetings**  
—Garrey Carruthers, President, New Mexico State University  
—Diana Murillo Trujillo, Mayor, City of Anthony
- 10:00 a.m.       (1)   **[Energy Efficiency and Renewable Energy Bonding Act — Santa Fe Public Schools Project](#)**  
—Robert P. Coalter, Chief Executive Officer (CEO), New Mexico Finance Authority (NMFA)  
—Marquita D. Russel, Chief of Programs, NMFA  
—Zach Dillenback, Chief Lending Officer, NMFA
- 11:25 a.m.           **Approval of Minutes**
- 11:30 a.m.       (2)   **[Water Trust Board Update](#)**  
—Marquita D. Russel, Chief of Programs, NMFA
- 12:30 p.m.       (3)   **[Lower Rio Grande Public Water Works Authority \(LRGPWWA\) Report \(Working Lunch\)](#)**  
—Martin Lopez, General Manager, LRGPWWA  
—Karen Nichols, Projects Manager, LRGPWWA
- 2:00 p.m.       (4)   **[New Markets Tax Credit Program — La Clinica de Familia Project](#)**  
—Robert P. Coalter, CEO, NMFA  
—Marquita D. Russel, Chief of Programs, NMFA
- 4:45 p.m.           **Recess**

**Wednesday, September 21**

9:30 a.m. (5) **Spaceport Authority (SA) Budget and Funding Request; Economic Development Plans; Current Revenues Update and Potential Revenues Forecast; Reports on the Welcome Center and Progress on the Southern Access Road**

—Zach De Gregorio, CPA, Chief Financial Officer, SA

—Tammara Anderton, Vice President of Business Development, SA  
(Invited)

—Richard Holdridge, Chair, Spaceport Authority Board of Directors (SAB)  
(Invited)

—David Buchholtz, Member, SAB (Invited)

—Laura Conniff, Member, SAB (Invited)

—Michelle Coons, Member, SAB (Invited)

—Nathan Lafont, Member, SAB (Invited)

—Davin Lopez, Member, SAB (Invited)

12:30 p.m. **Adjourn**