



LOWER RIO GRANDE
Public Water Works Authority
PO Box 2646 Anthony, New Mexico 88021 (575) 233-5742

Teleconference Meeting Page 1 of 1

Date: April 20, 2022

Time: 9:30 a.m.

Places: Online Zoom meeting

Event: Regular Board Meeting

Name	Company Name	Contact Information Phone Number	Email Address
Martin Lopez	LRG- General Manager	575-233-5742 Ext1004	
Karen Nichols	LRG- Projects Manager	575-233-5742 Ext1018	
Patricia Charles	LRG- Projects Specialist	575-233-5742 Ext1021	
Kathi Jackson	LRG- Finance Manager	575-233-5742 Ext1005	
John Schroder	LRG- Accounting Assistant	575-233-5742 Ext1006	
Mike Lopez	LRG- Operations Manager	575-233-5742 Ext1011	
Esperanza Holguin	LRG- Board Chair	575-644-9543	
Joe Evaro	LRG- Board Director	575-618-0182	
Paul Smith	LRG- Board Director	505-710-4671	
Glory Juarez	LRG- Board Director	575-494-2750	
Diana Gomez	Bohannon Huston, Inc.	575-532-8670	
Marty Howell	Sauder, Miller & Associates	575-647-0799	

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

Draft Minutes —REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, April 20, 2022 ONLINE VIA ZOOM

Contact us at 575-233-5742 or board@LRGauthority.org for information, assistance, online meeting link, or to subscribe to email board meeting reminders. Email the board address or dial extension 1021 or 1018 and leave a message if requesting phone or log-in information for online meetings. Agendas are final 72 hours prior to the meeting and may be obtained at any LRGPWWA Office or at www.LRGauthority.org/noticesavisos.html

- I. **Call to Order, Roll Call to Establish Quorum:** Board Chair called the meeting to order at 9:30 a.m. Mr. P. Smith representing District #1 was present, District #2 is vacant, Mr. Evaro representing District #3 was present, Mrs. Holguin representing District #4 was present, District # 5 is vacant, Mrs. Juarez representing District #6 was present, Mr. F. Smith representing District #7 was absent. Staff members present were General Manager Martin Lopez, Projects Manager Karen Nichols, Projects Specialist Patricia Charles, Finance Manager Kathi Jackson, Operations Manager Mike Lopez and Accounting Assistant John Schroder. Guests present were Mrs. Diana Gomez from Bohannon Huston, Inc. and Marty Howell from Souder, Miller & Associates.
- II. **Pledge of Allegiance:** postponed due to online meeting
- III. **Motion to approve Agenda:** Ms. Nichols requested the motion include moving all of section 9 New Business be moved after section 6 due to Board Member Juarez having to leave meeting early. Mrs. Juarez said she did not need to leave early today. Mr. Paul Smith made the motion to approve the agenda as written. Mrs. Juarez seconded the motion, the motion passed with all in favor.
- IV. **Approval of Minutes: Motion to approve the minutes for: Regular Board Meeting for Feb. 16, 2022 and Regular Board Meeting for Mar. 16, 2022**
Mrs. Juarez made the motion to approve the minutes for Regular board meeting for Feb. 16, 2022 and Regular board meeting for Mar. 16, 2022. Mr. Paul Smith seconded the motion, the motion passed with all in favor.
- V. **Presentations:** none
- VI. **Public Input:** none
- VII. **Managers' Reports**
 - A. **General Manager:** Mr. Lopez provided a written report and stood for questions. Mr. Lopez and Ms. Nichols meet with the Rincon Water Co-Op members it was an information meeting. They are considering moving forward with us. The Co-Op membership are scheduling a meeting for May 2, 2022. The 401K contribution for Calendar Year 2021 has been made. The renewal for DP 915 (Organ Wastewater Facility) has been initiated. RCAC has requested he participate in their Annual Employee Summit in Sacramento in late June, all expenses paid.
 - B. **Finance:** Ms. Jackson provided a written report and stood for questions. Revenues were \$411,907.30 and expenses were \$422,099.55 over spent a bit. We are still in good shape; we are 75% through the year and have brought in 81% of the revenue we projected for the year. We are

spot on with expenses, we have spent 74% of our budget. We will have to do some budget adjustments in the last quarter to account for the sewer expenses in the last couple of months.

- C. Projects:** Ms. Nichols provided a written report and stood for questions. Mesquite-Brazito Sewer Project 2 pre-construction conference was held on 4/12/22 and construction will start on 5/2/22. Request for funds from RCAC Bridge loan has been submitted. South Valley Water Supply Project is moving right along, contractor is working on excavation for the drying beds, the foundation for the well house and the arsenic building. Central Office Building we have received the first pay app and expecting another one soon. Valle Del Rio Project is on hold pending El Paso Electric Company work to install 3-phase power to the site. East Mesa Water System Project Phase I Construction we have a closing Resolution is on today's agenda for Phase I construction funds. High Valley Water System Project is on hold waiting for parts. The contractor not on site yet because she is waiting for parts. Mr. Howell from Souder, Miller & Assoc. said it will be about two weeks for parts to come in. Stern Drive Project is complete. Mesquite Wetlands Closure the final pay app, close-out documents and final disbursement request have been submitted. Vado Area Water System Improvements has been closed out. The Projects that have been finalized and closed-out will be removed from the Projects report. Mrs. Holguin asked if she could give an update on the Central Office Building, Ms. Nichols said the contractor is proceeding with the site work and have requested the first pay app. There will be a second pay app soon for the down payment for the office building to the manufacturer.
- D. Operations:** Mr. Lopez provided a written report and stood for questions. The state has approved the purchase of the needed media for the Venadito Arsenic plant in Desert Sands. Ms. Nichols asked how long the media had lasted at the Venadito plant, Mr. Lopez said it had lasted 10 years.

VIII. Unfinished Business: none

IX. New Business

- A. Motion to adopt Resolution #FY2022-17 Adopting & Approving 3rd Quarter Budget Report:** Mrs. Holguin said this resolution is for the financials, Ms. Jackson reported on in her manager's report. Mrs. Juarez made the motion to adopt and approve Resolution FY#2022-17 3rd Quarter Budget Report. Mr. Paul Smith seconded the motion, the motion passed with all in favor.
- B. Motion to adopt Resolution #FY2022-18 Authorizing DW-5631 Loan Agreement for East Mesa Water System Improvements Project Phase I Construction:** Mrs. Juarez made the motion to adopt and authorize Resolution #FY2022-18 DW-5631 Loan Agreement for East Mesa Water System Improvements Project Phase I Construction. Mr. Evaro seconded the motion, the motion passed with all in favor.
- C. Motion to approve and adopt Proposed Amendment to the Board Meeting & Agenda Policy:** Mrs. Holguin said this item was discussed at the Board Work Session on April 12, 2022. Mrs. Juarez motion to approve and adopt Proposed Amendment to the Board Meeting & Agenda Policy. Mr. Evaro seconded the motion, the motion passed with all in favor.

D. Motion to approve and adopt Proposed Policy for Setting Rates & Fees: Mrs. Holguin said this item was also discussed at the Board Work Session on April 12, 2022. Mrs. Juarez made the motion to approve and adopt the Proposed Policy for Setting Rates & Fees. Mr. Paul Smith seconded the motion, the motion passed with all in favor.

E. Motion to approve and adopt Proposed Amendment to Open Meetings Act Resolution FY2021-19: Ms. Nichols said there needed to be a correction on the Resolution. First paragraph needs to reflect the time and date the amendment took place. Mrs. Juarez made the motion to approve and adopt Proposed Amendment to Open Meetings Act with the correction reflecting the time and date the amendment took place. Mr. Evaro seconded the motion, the motion passed with all in favor.

X. Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, May 18, 2022

A. Have any Board Members participated in training? If so, please give us a copy of your certificate

Mrs. Juarez attended a training and received a certificate.

B. Authorize RFP for Sewer Waste Water System Improvements Project

C. Open Meetings Act Resolution for #FY2023

D. Discuss getting back to physical meetings

XI. Motion to Adjourn: Mrs. Juarez made the motion to adjourn the board meeting at 9:57 a.m. Mr. Evaro seconded the motion, the motion passed with all in favor.

These minutes will be presented to the board for approval on the 18th Day of May, 2022 at a regular meeting of the Board of Directors:

SEAL:

Esperanza Holguin, Board Chair

Attest:

Joe Evaro, Secretary

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

Meeting Notice & Agenda—REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, April 20, 2022 ONLINE VIA ZOOM

Contact us at 575-233-5742 or board@LRGauthority.org for information, assistance, online meeting link, or to subscribe to email board meeting reminders. Email the board address or dial extension 1021 or 1018 and leave a message if requesting phone or log-in information for online meetings. Agendas are final 72 hours prior to the meeting and may be obtained at any LRGPWWA Office or at www.LRGauthority.org/noticesavisos.html

- I. Call to Order, Roll Call to Establish Quorum: Mr. P. Smith _____ (District #1), Vacant (District #2), Mr. Evaro _____ (District #3), Mrs. Holguin _____ (District #4), Vacant (District # 5), Mrs. Juarez _____ (District #6), Mr. F. Smith _____ (District #7)
- II. Pledge of Allegiance: postponed due to online meeting
- III. Motion to approve Agenda
- IV. Approval of Minutes: Motion to approve the minutes for:
 - a. Regular Board Meeting for Feb. 16, 2022
 - b. Regular Board Meeting for Mar. 16, 2022
- V. Presentations: none
- VI. Public Input: 3 minutes per person
- VII. Managers' Reports
 - A. General Manager
 - B. Finance
 - C. Projects
 - D. Operations
- VIII. Unfinished Business
- IX. New Business
 - A. Motion to adopt Resolution #FY2022-17 Adopting & Approving 3rd Quarter Budget Report
 - B. Motion to adopt Resolution #FY2022-18 Authorizing DW-5631 Loan Agreement for East Mesa Water System Improvements Project Phase I Construction
 - C. Motion to approve and adopt Proposed Amendment to the Board Meeting & Agenda Policy
 - D. Motion to approve and adopt Proposed Policy for Setting Rates & Fees
 - E. Motion to approve and adopt Proposed Amendment to Open Meetings Action Resolution FY2021-19
- X. Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, May 18, 2022

- A. Have any Board Members participated in training? If so, please give us a copy of your certificate**
- B. Authorize RFP for Sewer Waste Water System Improvements Project**

XI. Motion to 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 LRGPWWA 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 LRGPWWA 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 LRGPWWA, 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 LRGPWWA si es necesario un resumen u otro tipo de formato accesible.

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

Draft Minutes —REGULAR BOARD OF DIRECTORS MEETING 9:30 a.m. Wednesday, February 16, 2022 ONLINE VIA ZOOM

Contact us at 575-233-5742 or board@LRGauthority.org for information, assistance, online meeting link, or to subscribe to email board meeting reminders. Email the board address or dial extension 1021 or 1018 and leave a message if requesting phone or log-in information for online meetings. Agendas are final 72 hours prior to the meeting and may be obtained at any LRGPWWA Office or at www.LRGauthority.org/noticesavisos.html

- I. **Call to Order, Roll Call to Establish Quorum:** Board Chair called the meeting to order at 9:33. Mr. P. Smith (District #1) was present, Vacant (District #2), Mr. Evaro (District #3) was absent, Mrs. Holguin (District #4) was present, Vacant (District # 5), Mrs. Juarez (District #6) absent, Mr. F. Smith (District #7) was absent. After roll call it was established that a quorum was not met. A Special meeting was scheduled for February 23, 2022 to address time sensitive items.

These minutes will be presented to the board for approval on the 20th Day of April, 2022 at a regular meeting of the Board of Directors:

SEAL:

Esperanza Holguin, Board Chair

Attest:

Joe Evaro, Secretary

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

Minutes —REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, March 16, 2022 ONLINE VIA ZOOM

Contact us at 575-233-5742 or board@LRGauthority.org for information, assistance, online meeting link, or to subscribe to email board meeting reminders. Email the board address or dial extension 1021 or 1018 and leave a message if requesting phone or log-in information for online meetings. Agendas are final 72 hours prior to the meeting and may be obtained at any LRGPWWA Office or at www.LRGauthority.org/noticesavisos.html

- I. **Call to Order, Roll Call to Establish Quorum:** Board Vice-Chair called the meeting to order at 9:34 a.m. Mr. P. Smith representing District #1 was present, District #2 is vacant, Mr. Evaro representing District #3 was present, Mrs. Holguin representing District #4 was absent, District # 5 is vacant, Mrs. Juarez representing District #6 was present, Mr. F. Smith representing District #7 was present. Staff members present were General Manager Martin Lopez, Projects Manager Karen Nichols, Projects Specialist Patricia Charles, Finance Manager Kathi Jackson, Operations Manager Mike Lopez and Accounting Assistant John Schroder.
- II. **Pledge of Allegiance:** postponed due to online meeting
- III. **Motion to approve Agenda:** Board Director Mrs. Juarez said she would have to leave the meeting at 10:00 a.m. We would like to request that the agenda be approved with Item #7 being presented after item #9. Mr. P Smith made the motion to approve the agenda with item #7 be moved after item #9. Mr. Evaro seconded the motion, the motion passed with all in favor.
- IV. **Approval of Minutes: Motion to approve the minutes for the Special Board Meeting for Feb. 23, 2022:** Mrs. Juarez made the motion to approve the minutes for the Special Board Meeting for Feb. 23, 2022. Mr. Evaro seconded the motion, the motion passed with all in favor. Ms. Nichols said we will have some very short minutes for the Board meeting on Feb. 16, 2022 for approval at our next board meeting.
- V. **Presentations:** none
- VI. **Public Input:** none
- VII. **Managers' Reports**
 - A. **General Manager:** Mr. Lopez provided a written report and stood for questions. We have updated our Customer Applications with a clause stating our water can not be used in the growth of Cannabis. It is legal in New Mexico now, but is still illegal at the Federal level. Allowing the use of water for this purpose could affect our ability to borrow Federal funding. The county is requiring growers to provide information on how they are going to supply the water to the growth of cannabis. Ms. Nichols and Mr. Lopez will be attending the Rincon Co-Op Annual meeting the evening of March 28th, to address any questions pertaining to the possible merger.
 - B. **Finance:** Ms. Jackson provided a written report and stood for questions. Revenues were \$284,414.57 and expenses were \$288,266.69 leaving a deficit balance of \$-3852.12. We are still

ahead of schedule on revenue for the year and still under budget for the year. She anticipates Budget adjustments will be needed closer to June due to the higher cost of materials.

- C. Projects:** Ms. Nichols provided a written report and stood for questions. Mesquite-Brazito Sewer Project 2 is ready to go, Mr. Lopez will sign the Notice of Award after the Board awards the contract. We will have contract document very soon and will issue the notice to proceed. Bohannon Huston has provided us with an updated map showing parts of the project that will be built. South Valley Water Supply & Treatment Project is in progress and going well. Central Office Building site work is underway and having weekly meetings. Mr. Ricardo Maldonado is the new Architect for this project. We are very happy with the work the Contractor is doing. Delivery of the modular building has been delayed but the plumbing is in for the metal building. Valle Del Rio Water System Project is on hold pending El Paso Electric Co. work to install 3-phase power to the site. East Mesa Project staff met with the engineer to go over the draft PER amendment and is progressing well. High Valley Water System Project we filed an extension on Phase 2 project, there have been many delays. Work is currently on hold pending receiving materials. Stern Drive Project is underway. Mesquite Wetlands Closure is finished, waiting on the final pay app. Vado Area Water System Improvements final pay app has been submitted. Record drawings and final engineering invoice is pending. We received \$800,000.00 in Capital Outlay money this year; the projects are listed on her report. We are getting ready to do the Water Audits, hopefully we can get those going soon. Mr. F Smith asked when the East Mesa Project will start, Ms. Nichols said she does not have closing documents yet for phase I, it was delayed due to issues with the cost of materials. She expects to see the closing documents soon.
- D. Operations:** Mr. Lopez provided a written report and stood for questions. Mr. Lopez said he prepared and submitted 2 Survey Reports to NMED. The force main from Brazito to Mesquite is working fine. It cost about \$40,000.00 to up plug, but is working well. We pumped 33.63 million gallons of water in February. All wells have been working fine, except for the Arsenic Plant at Venadito. We received Procurement approval from the State all we need now is approval from Mr. Martin Lopez to proceed with repairs there. Mrs. Juarez left the meeting at 9:56 am.

VIII. Unfinished Business: none

IX. New Business

- A. Motion to accept the engineer's recommendation for the Mesquite-Brazito Wastewater System Improvements Project 2 and award the construction contract to the low bidder, Smithco:** We are seriously short on funding, we were able to obtain additional grant funding of 2.8 million dollars in cost overrun from USDA-RD. The engineer is giving us the recommendation to award the base bid and bid alternatives 3 & 4 to Smithco. Total amount of funding we currently have is \$12,489,550.00 including the additional funding. She submitted a Colonia's application for their max of 5.715 million. We will need additional funding; we did receive an email from Senator Heinrich's office with a link to their website to apply for Congressional earmarked funding. We will do that and have other options as well. Normally we would ask for the approval contingent to USDA-RD approval, but they have already sent us the approval. Mr. Evaro made the motion to accept the engineer's recommendation for the Mesquite-Brazito Wastewater System

Improvements Project 2 and award the construction contract to the low bidder, Smithco. Mr. P Smith seconded the motion, the motion passed with all in favor.

B. Motion to authorize application to NMFA Local Government Planning funds for a Water Asset Management Plan and a Wastewater Asset Management Plan: Ms. Nichols said these are two separate applications for a max of \$50,000.00 each. Ms. Jackson has been developing our Asset Management Plan for a number of years. Ms. Jackson said we have a complete listing of our assets but need to upgrade to a professional document. The better the plan the better the funding opportunities we get. Mr. Evaro made the motion to authorize application to NMFA Local Government Planning funds for a Water Asset and Wastewater Asset Management Plans. Mr. P Smith seconded the motion, the motion passed with all in favor.

C. Motion to authorize staff to issue an RFP for Engineering Services for the development of Water and Wastewater Asset Management Plans: This RFP is for Engineering Services for the development of Asset Management Plans on item B. Mrs. Juarez made the motion to authorize staff to issue an RFP for Engineering Services for the development of Water and Wastewater Asset Management Plans. Mr. Evaro seconded the motion, the motion passed with all in favor.

D. Motion to authorize staff to issue an RFP for On-Call Engineering Services: Ms. Nichols said we have an as needed Engineering informal procurement, where we developed a list of Engineers that are interested in working with us on small projects, as needed is up to \$60,000.00. This would allow us to exceed the \$60,000.00. Mr. Lopez said it is standard practice for larger entities, this covers the gray area. When we have major project's, we issue an RFP. The On-Call lets us exceed \$60,000.00 per year with our On-Call firm. Mr. Evaro made the motion to authorize staff to issue an RFP for On-Call Engineering Services. Mrs. Juarez seconded the motion, the motion passed with all in favor.

X. Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, April 20, 2022

A. Have any Board Members participated in training? If so, please give us a copy of your certificate: Board Member Mr. P Smith attended the Office of NM Attorney General Trainings, Open Meetings Act and Inspection of Public Records.

B. Set a date for a Work Session to review Board Meeting & Agenda Policy and the Proposed Policy for Setting, Reviewing and Adjusting Rates and Fees: Mrs. Holguin requested a work session be provided to address the need to develop and update 2 policies. Mr. Lopez said he will have Ms. Charles rotate some dates and help coordinate a date for the work session.

C. Approval for Resolution for 3rd Qtr. Budget Report

XI. Motion to Adjourn: Mr. P Smith made the motion to adjourn the meeting at 10:02 am. Mr. Evaro seconded the motion, the motion passed with all in favor.

These minutes will be presented to the board for approval on the 20th Day of April, 2022 at a regular meeting of the Board of Directors:

SEAL:

Esperanza Holguin, Board Chair

Attest:

Joe Evaro, Secretary

LRGPWWA
Manager's Report
April 20, 2022

- Rincon Water Co-Op meeting was an information meeting for their membership with all possibilities they will approve merger request with LRGPWWA in near future.
- Karen, Kathi and I participated in a Project Accelerator Intake Interview for possible economic development and infrastructure project(s). Background: The Economic Development Administration has partnered with the Milken Institute and the Rural Community Assistance Partnership (RCAP) to provide communities with access to a pre-development training and accelerator program.
- 401K Contribution for Calendar Year 2021 has been made.
- Renewal for DP 915 (Organ Wastewater Facility) has been initialed.
- RCAC has requested I participate in their Annual Employee Summit in Sacramento in late June. All expenses will be paid by them.



Income Statement

Lower Rio Grande Public Water Works Authority

Group Summary

For Fiscal: FYE 2022 Quarter Ending: 03/31/2022

AcctNumber	Current Total Budget	MTD Activity	QTD Activity	YTD Activity	Budget Remaining
Revenue					
40000 - Operating Revenue	3,122,500.00	217,250.02	687,905.98	2,397,486.84	725,013.16
40001 - Activation & Connection Fees-Sewer	500.00	0.00	0.00	2,133.32	-1,633.32
40002 - Installation Fees	75,000.00	7,800.00	14,824.90	68,907.39	6,092.61
40003 - Activation & Connection Fees-Water	5,000.00	4,562.37	10,554.63	28,344.65	-23,344.65
40004 - Meter Relocation	0.00	0.00	150.00	150.00	-150.00
40005 - Backflow Testing	7,000.00	250.00	275.00	2,300.00	4,700.00
40006 - Tampering Fee/Line Breaks	0.00	0.00	0.00	1,273.94	-1,273.94
40007 - Delinquency Fee	75,000.00	5,950.00	19,650.00	65,450.00	9,550.00
40008 - Penalties-Water	75,000.00	7,832.49	22,238.30	58,616.13	16,383.87
40009 - Membership Fees	5,000.00	900.00	2,050.00	6,450.00	-1,450.00
40010 - Impact Fees	40,000.00	8,033.30	17,317.17	60,691.51	-20,691.51
40011 - Returned Check Fees	500.00	35.00	175.00	455.00	45.00
40012 - Credit Card Fees	12,000.00	1,596.00	4,604.00	13,536.00	-1,536.00
40013 - Miscellaneous Revenue	200.00	20.00	40.00	1,029.30	-829.30
40015 - Penalties-Sewer	6,000.00	2,666.12	7,473.89	24,995.12	-18,995.12
40016 - Meter Test Fee	0.00	-240.19	-240.19	-270.19	270.19
40017 - Hydrant Meter Rental Fee	5,000.00	500.00	750.00	2,750.00	2,250.00
40019 - DAC Trash Coupons	1,000.00	94.00	270.00	660.00	340.00
40020 - Miscellaneous Revenue-Sewer	5,000.00	61.93	17,916.24	47,132.90	-42,132.90
40025 - DAC Sewer Revenue	0.00	5,706.01	5,706.01	20,192.02	-20,192.02
45000 - Tower Rent	5,000.00	500.00	1,500.00	4,500.00	500.00
45001 - Billing Adjustments-Water	0.00	-99.42	-522.76	-1,725.09	1,725.09
45005 - Fiscal Agent Fees	50,000.00	4,960.33	14,772.34	44,986.77	5,013.23
45010 - Interest	0.00	35.23	9.92	184.68	-184.68
45015 - Copy/Fax	100.00	0.00	20.00	60.75	39.25
45020 - Other Income	45,000.00	339.30	57,778.44	107,871.52	-62,871.52
45022 - Annual Farm Rental	5,000.00	0.00	0.00	1,500.00	3,500.00
45025 - Contract Services	40,000.00	2,954.81	10,258.63	34,007.66	5,992.34
45030 - Transfers In	0.00	140,000.00	178,931.73	179,431.73	-179,431.73
49000 - Recovered Bad Debts	0.00	200.00	700.00	1,600.00	-1,600.00
Revenue Total:	3,579,800.00	411,907.30	1,075,109.23	3,174,701.95	405,098.05
Expense					
60000 - Cost of Goods Sold-Sewer	1,000.00	0.00	0.00	0.00	1,000.00
60001 - Transfers to Reserves	0.00	10,000.00	30,000.00	90,000.00	-90,000.00
60005 - Accounting Fees	500.00	0.00	0.00	1,000.00	-500.00
60010 - Audit	14,000.00	0.00	4,310.12	13,666.25	333.75
60020 - Bank Service Charges	15,000.00	2,847.28	8,567.46	27,271.67	-12,271.67
60025 - Cash Short/Over	500.00	67.00	67.00	298.44	201.56
60026 - Computer Hardware	10,000.00	2,176.75	2,194.75	8,780.28	1,219.72
60030 - Dues and Subscriptions	3,000.00	0.00	1,423.00	5,283.56	-2,283.56
60035 - Engineering Fees	60,000.00	0.00	0.00	22,074.09	37,925.91

60045 - Late Fees	1,000.00	0.00	0.00	0.00	1,000.00
60050 - Legal Fees	5,000.00	4,440.81	5,004.03	8,790.73	-3,790.73
60055 - Legal Notices	2,500.00	0.00	0.00	651.90	1,848.10
60060 - Licenses & Fees	5,000.00	255.00	1,451.89	5,379.48	-379.48
60065 - Meals	2,500.00	0.00	88.97	216.70	2,283.30
60075 - Permit Fees	1,500.00	0.00	3,165.24	7,577.42	-6,077.42
60080 - Postage	3,000.00	0.00	768.55	1,385.69	1,614.31
60090 - Professional Fees-Other	10,000.00	0.00	449.94	449.94	9,550.06
60100- Project Development	0.00	0.00	19,803.05	75,592.12	-75,592.12
60120 - Retirement Account Fees	6,500.00	0.00	4,694.30	8,984.96	-2,484.96
60125 - Easments & Leases	10,000.00	0.00	0.00	0.00	10,000.00
60130 - Training	5,000.00	0.00	415.76	1,217.21	3,782.79
60140 - Travel:Airfare Per Diem	3,000.00	0.00	0.00	0.00	3,000.00
60150 - Travel:Lodging Per Diem	4,000.00	0.00	0.00	483.95	3,516.05
60155 - Travel:Meals Per Diem	2,000.00	0.00	0.00	0.00	2,000.00
60160 - Travel:Mileage/Parking Per Diem	1,500.00	0.00	0.00	0.00	1,500.00
60165 - Travel:Vehicle Rental Per Diem	1,000.00	0.00	0.00	0.00	1,000.00
60600 - Debit Service	148,000.00	10,953.07	26,470.85	65,944.87	82,055.13
60625 - Interest paid to NMED	14,000.00	0.00	0.00	0.00	14,000.00
60650 - Interest paid to NMFA	37,000.00	2,483.68	6,630.14	22,455.94	14,544.06
60675 - Interest paid to USDA	125,000.00	11,596.26	33,762.81	115,890.23	9,109.77
63000 - Regular Pay	1,120,000.00	91,710.72	256,769.95	813,472.40	306,527.60
63001 - Overtime	54,500.00	2,244.41	11,945.31	36,452.29	18,047.71
63006 - Holiday Pay	56,500.00	1,260.32	16,779.11	51,454.34	5,045.66
63007 - Sick Pay	50,000.00	5,315.27	11,740.08	47,155.21	2,844.79
63008 - Annual Leave Pay	118,000.00	3,599.97	16,890.72	73,014.15	44,985.85
63010 - 401K 10% Company Contribution	5,000.00	119,515.72	119,515.72	119,515.72	-114,515.72
63020 - 401K Employee Contribution	2,000.00	0.00	0.00	0.00	2,000.00
63040 - Administrative Labor	5,000.00	0.00	3,275.40	3,275.40	1,724.60
63070 - Employee Benefits-401K Contrib	168,500.00	2,959.22	8,959.91	30,016.91	138,483.09
63100 - Insurance-Dental	12,500.00	1,068.04	3,294.32	10,232.96	2,267.04
63110 - Insurance-Health	250,000.00	33,084.20	81,514.17	225,064.55	24,935.45
63115 - Salaries: Insurance - Work Comp	15,000.00	1,400.00	3,731.00	9,449.00	5,551.00
63125 - Insurance: Life & Disability	12,500.00	0.00	-128.48	-169.60	12,669.60
63130 - Mileage	1,500.00	0.00	0.00	0.00	1,500.00
63135 - Drug Testing	500.00	0.00	70.00	210.00	290.00
63160 - Payroll Taxes-Medicare	20,500.00	1,509.88	4,602.25	14,859.69	5,640.31
63170 - Payroll Taxes-Social Security	80,500.00	6,456.09	19,678.76	63,538.96	16,961.04
63180 - Payroll Taxes-State Unemploymen	0.00	0.00	8,355.18	10,292.93	-10,292.93
63195 - Taxes, Liability, Insurance: Cobra Fee	0.00	85.00	245.00	705.00	-705.00
63200 - Vision Insurance	4,000.00	300.34	887.16	2,815.59	1,184.41
64100 - Sewer:DAC Waste Water Flow Charge	50,000.00	4,987.56	19,962.84	47,442.89	2,557.11
64200 - Sewer:Electricity-Sewer	9,000.00	1,058.38	3,716.29	9,947.78	-947.78
64300 - Sewer:Lab & Chemicals-Sewer	10,000.00	1,719.40	8,371.15	13,628.08	-3,628.08
64500 - Sewer:Supplies & Materials	28,500.00	0.00	0.00	0.00	28,500.00
64501 - Pre Paid Tank Site Lease	1,625.00	0.00	0.00	1,375.00	250.00
65010 - Automobile Repairs & Maint.	50,000.00	2,599.75	6,622.46	23,039.20	26,960.80
65230 - Computer Maintenance	70,000.00	3,628.17	14,017.57	60,972.82	9,027.18
65240 - Equipment Rental	2,500.00	0.00	125.64	858.10	1,641.90

65250 - Fuel	60,000.00	8,248.10	22,398.88	59,064.72	935.28
65255 - GPS Insights Charges	7,000.00	570.50	1,711.50	5,143.99	1,856.01
65260 - Kitchen & Cleaning Supplies	1,000.00	0.00	0.00	0.00	1,000.00
65270 - Lab Chemicals-Water	5,000.00	0.00	455.68	2,555.95	2,444.05
65275 - SCADA Maintenance Fee	2,000.00	2,492.63	2,492.63	2,492.63	-492.63
65276 - Test Equipment Calibration	2,000.00	0.00	0.00	0.00	2,000.00
65277 - Generator Maintenance Contract	3,000.00	0.00	0.00	5,662.96	-2,662.96
65278 - Meter Testing/Repair/Replacement	61,175.00	15.00	15.00	5,721.06	55,453.94
65280 - Lab Chemicals-Water:Chemicals	35,000.00	783.08	6,202.70	23,668.77	11,331.23
65300 - Locates	2,500.00	0.00	0.00	0.00	2,500.00
65310 - Maint. & Repairs-Infrastructure	65,000.00	38,694.41	70,302.91	138,100.96	-73,100.96
65320 - Maint. & Repairs-Office	12,500.00	430.22	2,443.09	15,440.20	-2,940.20
65330 - Maintenance & Repairs-Other	21,500.00	1,877.31	5,615.48	24,338.81	-2,838.81
65340 - Materials & Supplies	94,000.00	9,309.99	18,244.62	40,844.21	53,155.79
65345 - Non Inventory-Consumables	50,000.00	6,746.96	12,305.27	28,441.66	21,558.34
65350 - Office Supplies	10,000.00	1,037.03	3,069.06	8,969.17	1,030.83
65360 - Printing and Copying	47,500.00	4,084.14	13,271.24	42,256.68	5,243.32
65370 - Tool Furniture	10,000.00	1,331.79	4,139.61	15,563.15	-5,563.15
65390 - Uniforms-Employee	15,000.00	456.33	4,088.35	11,703.06	3,296.94
65490 - Cell Phone	20,000.00	1,604.36	4,778.24	15,670.46	4,329.54
65500 - Electricity-Lighting	6,000.00	404.93	1,375.90	4,044.69	1,955.31
65510 - Electricity-Offices	15,000.00	704.95	2,889.64	9,991.37	5,008.63
65520 - Electricity-Wells	200,000.00	9,251.78	49,747.94	149,735.47	50,264.53
65530 - Garbage Service	3,000.00	0.00	224.48	1,396.68	1,603.32
65540 - Natural Gas	3,000.00	307.50	926.03	1,585.09	1,414.91
65550 - Security/Alarm	5,000.00	129.98	837.74	3,920.67	1,079.33
65560 - Telephone	20,000.00	3,092.93	6,432.78	16,319.20	3,680.80
65561 - Telstar Maintenance Contract	7,000.00	0.00	0.00	0.00	7,000.00
65570 - Wastewater	2,000.00	194.78	584.34	1,553.52	446.48
66200 - Insurance-General Liability	90,000.00	0.00	21,371.00	62,701.83	27,298.17
66700 - Water Conservation Fee	15,000.00	1,008.56	2,983.90	10,953.00	4,047.00
Expense Total:	3,579,800.00	422,099.55	1,029,117.38	2,859,854.76	719,945.24
Total Surplus (Deficit):	0.00	-10,192.25	45,991.85	314,847.19	-314,847.19

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
PROJECTS REPORT – 4/20/2022**

LRG-17-01 – Mesquite-Brazito Sewer Project 2 – Bohannon Huston, Inc. – Construction Stage – USDA-RD LOC \$17,073,000 (\$6,189,000 Loan/\$8,030,000 Grant, \$2,854,000 additional grant) –30th Request for Funds from RCAC bridge loan has been submitted. Colonia's Infrastructure Fund application for \$5.715 million has been submitted, and project presentations for the CIF Board are set for May 3-4. Contract was awarded to Smithco Construction, pre-construction conference was held on 4/12/22, and construction will commence on 5/2/22. We have requested \$16.4 million in Congressional Directed Spending from Senator Heinrich for construction of the remainder of the project.

LRG-11-03 – Interconnect & Looping Project – see LRG-18-02 for current portion – Stern Drive Line Ext.

LRG-11-05 – South Valley Water Supply & Treatment Project WTB #252 Planning USDA-RD Construction Funds– Bohannon Huston - Construction stage - \$1,174,00,000 RD Loan and \$4,629,000 Grant RD Funds: RCAC interim loan is closed and 3 draws have been submitted. Contractor is working on excavation for the drying beds.

LRG-17-02 – Central Office Building – Wilson & Co. - DW-4213 \$ 3,586,286.00

- SAP 21-F2723-STB \$1,200,000: Site work is continuing. Progress meetings are now every other week with one per month being on-site. First pay app has been submitted, and first Request for Funds for the SAP grant has been submitted to NM DFA. 21 Requisitions have been submitted to NMFA DW Program.

Forty-Year Water Plan – CE&M – complete – needs update for new mergers after Brazito combine & commingle: Currently only includes the initial five systems. Need to complete Brazito combine & comingle before updating.

LRG-13-03 – Valle Del Rio Water System Project – Construction Stage & Ph. II Design - \$1,197,708 DWSRLF funding - \$898,281 principal forgiveness – 299,427 loan repayment – Souder, Miller & Associates/Morrow Enterprises, Inc.: Project is on hold pending El Paso Electric Company work to install 3-phase power to the site. EPEC agreement for the service installation has been executed, they were waiting for an NM DOT permit. SMA is proceeding with the building design, and a Change Order will be submitted in about a week for the construction costs associated with relocating a metal building from the Desert Sands system, setting it up at VDR, and including the pad, plumbing, etc.

LRG-17-03 –East Mesa Water System Improvements Project – NMFA 3803-PG & 3804-PG \$93,307, 4915-CIF \$207,608 Loan/\$39544 Grant/\$9,562 Match, 5535-CIF \$67,487 Loan incl. Match/\$269,910 Grant, DW-5631 \$1,338,660 Loan/\$2,788,875 Grant – PhI Construction, Ph II Design – Closing Resolution is on today's agenda for Phase I construction funds with a closing date of 5/27/22. Two Requisitions have been submitted for Phase II, and PER Addendum has been submitted to NMED-CPB for approval.

LRG-18-01 Ph. II – High Valley Water System Improvements Ph. II & III Project – NMFA 4916-CIF \$630,384 Grant, \$111,244 Loan – Design & Construction – Souder, Miller & Assoc. – Phase II Change Order 4 to add the wellhouse building to the J29 contract with Ph. III funds was approved on 2/14/22. Engineering Services Agreement for the additional work is pending approval. This will bring in the funds from Phase III to have J-29 complete the High Valley. J29 resumed work on the 18th to prepare the building site.

LRG-18-02 – Stern Drive Waterline Extension Project – Design/Build – SMA - \$150,000 SAP – Substantial completion walk-thru was held 4/12/22.

LRG-19-09 – S. Valley Service Area Line Extensions - SMA –SMA Task Order for community outreach to see where there is interest from potential new customers, and determine whether a PER is needed. SMA has identified potential locations and potential new customers and submitted cost estimates and phasing recommendations after confirming

that the work would require a Technical Memo, not a PER. Report has been submitted, and staff review is ongoing. Rep. Gallegos' staff has reached out about the project after being contacted by a resident.

LRG-20-01 – Mesquite Wetlands Closure – Plan/Design - BHI - \$250,000 SAP: Final pay app, close-out documents, and final Disbursement Request have been submitted.

LRG-21-01 – Vado Area Water System Improvements – Plan/Design/Construct – SMA - \$139,000 SAP 20-E4038-GFR – Project has been closed out.

Other projects:

NM 2022 Legislature: Legislative Report for 2022 is final as of the Pocket Veto Date. We received four Capital Outlay Grants: \$200k for the Central Operations Facility Project, \$250k for the High Valley Project, \$100k for a vector truck, and \$250k for iron & manganese treatment at Valle Del Rio.

Infrastructure Capital Improvements Plan 2023-2027: ICIP has been submitted.

Reporting to Funding Agencies: Quarterly CIF Reports were submitted for the 2nd Quarter; SAP monthly reporting is up to date.

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.

Website and Email – Notices and Minutes pages are up to date.

Training – I have not attended any trainings for the past month. Patty attended #2 - Account Protection: Small Systems Aren't Small Potatoes

As Needed Engineering Services - Currently we have one active Task Order: Bohannon Huston, Inc. for renewal of the Organ discharge permit.

Collection & Lien Procedures - 321 first notifications, 306 certified letters have been sent and 131 liens have been filed to date. 54 liens have been released following payment in full of the account.

Water Audits – Audit data is due to be reported to NMED by 5/31/22. Patty and I will begin work on the audits as soon as we have all the data from Operations & Finance entered into the tracking spreadsheet.

Rate Study – Implementation of rate adjustment began July 1, met with Karl Pennock, RCAC, for an update on 2/15/22.

Cyber Security Assessment – Final follow-up meeting with Karl Pennock, RCAC, was held on 7/14/21. Our insurance company is requiring training for all employees on phishing & malware, Patty has administered the training for all employees. Met with our IT firm on 3/9/22, and they will be proposing some training solutions along with some additional cybersecurity protection.

NM Board of Licensure for PEs & Surveyors – I have been appointed by the Governor to this board and assigned to the Professional Engineering Committee. Next meeting will be 4/29/22.

Other Items: Martin & I met with some RCAC staff to answer their questions about regionalization on 3/21/22, and we attended a Rincon Co-op member meeting to answer question regarding the potential conversion to an MDWCA and merger. Martin, Kathi & I met with Rachel Halfaker of the Milken Institute regarding economic development.

Lower Rio Grande PWWA

Operators Report

April 20, 2021

- Backflow inspections are Current. (Mesquite District)
- For the month of February, we were issued 251 work and service orders.
- For the month of March, we were issued 248 work and service orders.
- For the month of March, we installed 8 new water service connections in the South Valley Area.
- We had no main or service line breaks at Alto De las Flores.
- We had one main line break at Talavera MDWCA.
- We had 3 Main line water breaks in South valley area.
- The force main from Brazito to Mesquite is working fine.
- The state has approved the purchase of the needed media for the Venadito Arsenic plant in Desert Sands.
- Ramon has been working with J & K services on the Lift stations replacing floats, cables, ect. We have also been doing alot of maintenance on all of the Flight pumps in the Lift stations.

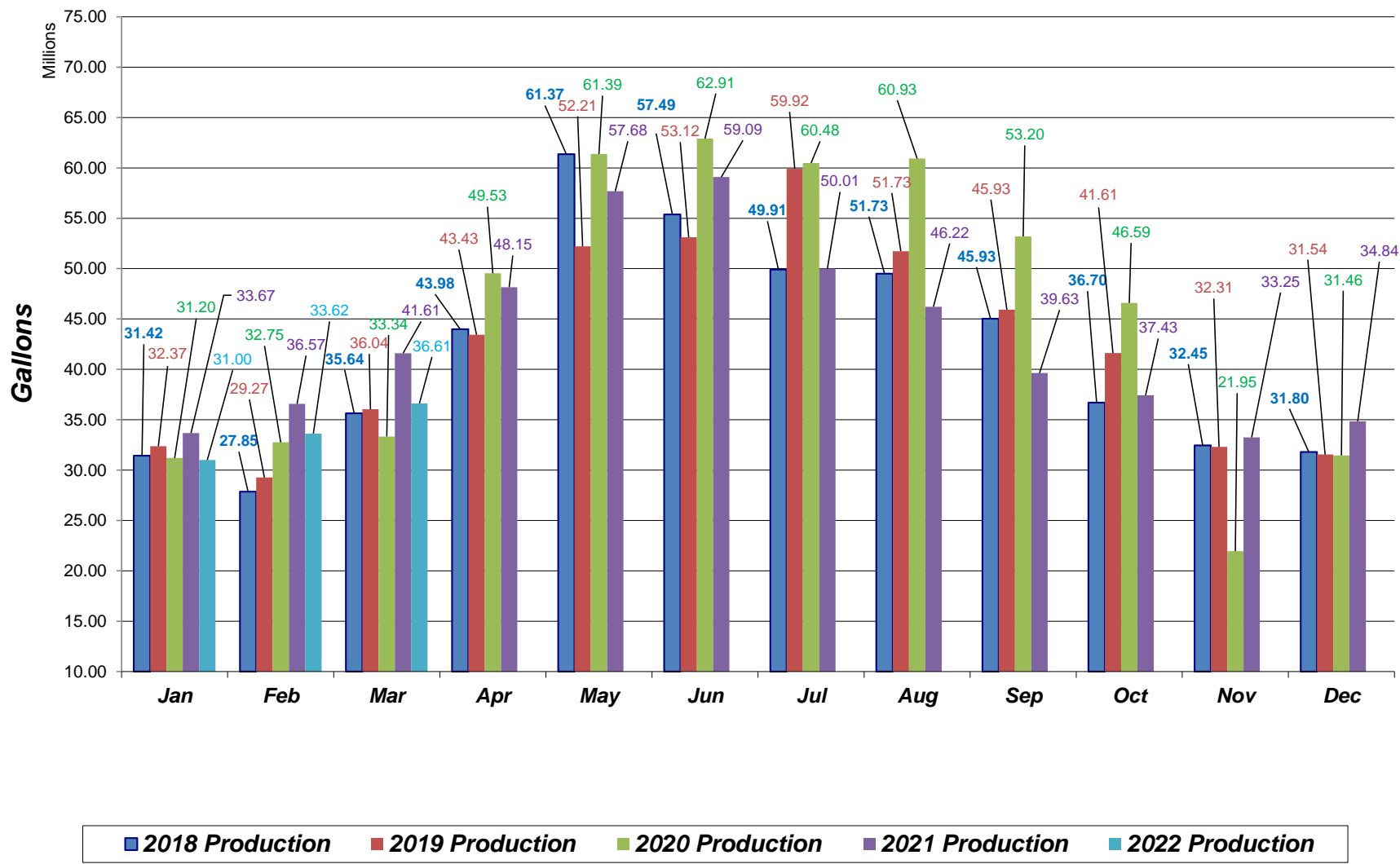
NMED: All of our Monthly Bac-T-Samples were taken for the month of March and all samples were negative.

Mesquite and Organ Sewer Reports. The Organ Pond's and Mesquite Wetland Wastewater reports were sent February 1st. The Organ facility is due twice a year and the Mesquite Facility is due every Quarter the next one is in May 2022.

Chlorine: No problems with the quality of our gas Chlorine or sodium Hypochlorite.

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

Lower Rio Grande PWWA Water Production Report





www.lrgauthority.org

LOWER RIO GRANDE

Public Water Works Authority

Resolution #FY2022-17

Approving Third Quarter Budget for Fiscal Year 2022

Whereas, in order to comply with Sections 6-6-1 and 6-6-2 NMSA 1978 and to apply for CDBG funding, the Board of Directors wishes to adopt and pass a resolution to approve the FY2022 Third Quarter Budget on April 20, 2022

.

Therefore, be it resolved, the Board of Directors adopts and passes this resolution to approve the FY2022 Third Quarter Budget officially approved on April 20, 2022.

PASSED, APPROVED, AND ADOPTED: April 20, 2022.

Esperanza Holguin, Chairman

Seal:

Joe Evaro, Secretary

State of New Mexico

Local Government Budget Management System (LGBMS)

Year-to-Date Actuals - Fiscal Year 2021-2022 - FY2022 Q3

Lower Rio Grande Public WWA - Entity

Detail Report Sorted by Fund and Department

Printed from LGBMS on 2022-04-18 12:29:59

11000 General Operating Fund

10000 Assets

0001 No Department

10100 Cash Assets	Original	Adjustments	Adjusted	YTD	Balance	% Realized
10101 Unrestricted Cash	1,839,949.00	0.00	1,839,949.00	1,839,949.00	0.00	100.00
10100 Totals	1,839,949.00	0.00	1,839,949.00	1,839,949.00	0.00	100.00
0001 Totals	1,839,949.00	0.00	1,839,949.00	1,839,949.00	0.00	100.00
10000 Assets Totals	1,839,949.00	0.00	1,839,949.00	1,839,949.00	0.00	100.00

50100 Water Enterprise

40000 Revenues

0001 No Department

44000 Charges for Services	Original	Adjustments	Adjusted	YTD	Balance	% Realized
44010 Administrative Fees	12,800.00	0.00	12,800.00	15,081.05	(2,281.05)	117.82
44190 Rental Fees	10,000.00	0.00	10,000.00	7,250.00	2,750.00	72.50
44220 Water Use Fees	2,935,500.00	0.00	2,935,500.00	2,243,299.44	692,200.56	76.42
44230 Utility Service Fees	5,000.00	0.00	5,000.00	28,344.65	(23,344.65)	566.89
44240 Utility Connection Fees	50,000.00	0.00	50,000.00	54,129.95	(4,129.95)	108.26
44250 Utility Re-Connection Fees	151,500.00	0.00	151,500.00	125,538.33	25,961.67	82.86
44270 Impact Fees	40,000.00	0.00	40,000.00	60,691.51	(20,691.51)	151.73
44990 Other Charges for Services	7,000.00	0.00	7,000.00	3,453.75	3,546.25	49.34
44000 Totals	3,211,800.00	0.00	3,211,800.00	2,537,788.68	674,011.32	79.01
46000 Miscellaneous Revenues	Original	Adjustments	Adjusted	YTD	Balance	% Realized
46050 Joint Power Agreements Income	40,000.00	0.00	40,000.00	34,007.66	5,992.34	85.02
46900 Miscellaneous - Other	106,000.00	0.00	106,000.00	163,339.06	(57,339.06)	154.09
46000 Totals	146,000.00	0.00	146,000.00	197,346.72	(51,346.72)	135.17
0001 Totals	3,357,800.00	0.00	3,357,800.00	2,735,135.40	622,664.60	81.46
40000 Revenues Totals	3,357,800.00	0.00	3,357,800.00	2,735,135.40	622,664.60	81.46

50000 Expenditures

6003 Water Utility/Authority

51000 Salary & Wages (FTE required)	Original	Adjustments	Adjusted	YTD	Balance	% Realized
51020 Salaries - Full-Time Positions	1,075,000.00	0.00	1,075,000.00	778,947.80	296,052.20	72.46
51060 Salaries - Overtime	50,000.00	0.00	50,000.00	33,077.29	16,922.71	66.15
51900 Salaries - Other Wages	224,500.00	0.00	224,500.00	171,623.70	52,876.30	76.45
51000 Totals	1,349,500.00	0.00	1,349,500.00	983,648.79	365,851.21	72.89
52000 Employee Benefits	Original	Adjustments	Adjusted	YTD	Balance	% Realized
52010 FICA - Regular	80,000.00	0.00	80,000.00	63,160.96	16,839.04	78.95
52011 FICA - Medicare	18,000.00	0.00	18,000.00	23,352.62	(5,352.62)	129.74
52020 Retirement	175,000.00	0.00	175,000.00	154,917.59	20,082.41	88.52
52030 Health and Medical Premiums	250,000.00	0.00	250,000.00	225,064.55	24,935.45	90.03
52040 Life Insurance Premiums	12,500.00	0.00	12,500.00	(169.60)	12,669.60	(1.36)
52050 Dental Insurance Premiums	12,500.00	0.00	12,500.00	10,232.96	2,267.04	81.86
52060 Vision Insurance Medical Premiums	4,000.00	0.00	4,000.00	2,815.59	1,184.41	70.39
52080 Other Insurance Premiums	500.00	0.00	500.00	915.00	(415.00)	183.00
52100 Workers' Compensation Premium	15,000.00	0.00	15,000.00	9,449.00	5,551.00	62.99
52000 Totals	567,500.00	0.00	567,500.00	489,738.67	77,761.33	86.30

53000 Travel Costs	Original	Adjustments	Adjusted	YTD	Balance	% Realized
53030 Travel - Employees	11,500.00	0.00	11,500.00	483.95	11,016.05	4.21
53050 Transportation Costs	1,500.00	0.00	1,500.00	0.00	1,500.00	0.00
53000 Totals	13,000.00	0.00	13,000.00	483.95	12,516.05	3.72
54000 Purchased Property Services	Original	Adjustments	Adjusted	YTD	Balance	% Realized
54030 Maintenance & Repairs - Grounds/Roadways	10,000.00	0.00	10,000.00	3,574.23	6,425.77	35.74
54040 Maintenance & Repairs - Vehicles	50,000.00	0.00	50,000.00	23,039.20	26,960.80	46.08
54999 Other Maintenance	101,000.00	0.00	101,000.00	125,519.45	(24,519.45)	124.28
54000 Totals	161,000.00	0.00	161,000.00	152,132.88	8,867.12	94.49
55000 Contractual Services	Original	Adjustments	Adjusted	YTD	Balance	% Realized
55010 Contract - Audit	14,000.00	0.00	14,000.00	13,666.25	333.75	97.62
55030 Contract - Professional Services	152,500.00	0.00	152,500.00	94,662.58	57,837.42	62.07
55999 Contract - Other Services	10,000.00	0.00	10,000.00	9,013.69	986.31	90.14
55000 Totals	176,500.00	0.00	176,500.00	117,342.52	59,157.48	66.48
56000 Supplies	Original	Adjustments	Adjusted	YTD	Balance	% Realized
56020 Supplies - General Office	11,000.00	0.00	11,000.00	8,969.17	2,030.83	81.54
56030 Supplies - Field Supplies	96,175.00	0.00	96,175.00	29,389.83	66,785.17	30.56
56040 Supplies - Furniture/Fixtures/Equipment (Non-Capital)	20,000.00	0.00	20,000.00	24,343.43	(4,343.43)	121.72
56110 Supplies - Uniforms/Linen	15,000.00	0.00	15,000.00	11,703.06	3,296.94	78.02
56120 Supplies - Vehicle Fuel	60,000.00	0.00	60,000.00	59,064.72	935.28	98.44
56999 Supplies - Other	144,000.00	0.00	144,000.00	69,285.87	74,714.13	48.12
56000 Totals	346,175.00	0.00	346,175.00	202,756.08	143,418.92	58.57
57000 Operating Costs	Original	Adjustments	Adjusted	YTD	Balance	% Realized
57050 Employee Training	5,000.00	0.00	5,000.00	1,217.21	3,782.79	24.34
57070 Insurance - General Liability/Property	90,000.00	0.00	90,000.00	62,701.83	27,298.17	69.67
57080 Postage	3,000.00	0.00	3,000.00	1,385.69	1,614.31	46.19
57090 Printing/Publishing/Advertising	47,500.00	0.00	47,500.00	42,256.68	5,243.32	88.96
57140 Rent of Land/Building	1,625.00	0.00	1,625.00	0.00	1,625.00	0.00
57150 Subscriptions & Dues	3,000.00	0.00	3,000.00	5,283.56	(2,283.56)	176.12
57160 Telecommunications	40,000.00	0.00	40,000.00	31,989.66	8,010.34	79.97
57170 Utilities - Electricity	221,000.00	0.00	221,000.00	163,771.53	57,228.47	74.10
57171 Utilities - Natural Gas	3,000.00	0.00	3,000.00	1,585.09	1,414.91	52.84
57999 Other Operating Costs	51,000.00	0.00	51,000.00	65,979.26	(14,979.26)	129.37
57000 Totals	465,125.00	0.00	465,125.00	376,170.51	88,954.49	80.88
59000 Debt Service	Original	Adjustments	Adjusted	YTD	Balance	% Realized
59010 Debt Service - Principal Payments	128,000.00	0.00	128,000.00	53,670.31	74,329.69	41.93
59020 Debt Service - Interest Payments	151,000.00	0.00	151,000.00	118,679.73	32,320.27	78.60
59000 Totals	279,000.00	0.00	279,000.00	172,350.04	106,649.96	61.77
6003 Totals	3,357,800.00	0.00	3,357,800.00	2,494,623.44	863,176.56	74.29
50000 Expenditures Totals	3,357,800.00	0.00	3,357,800.00	2,494,623.44	863,176.56	74.29
50300 Wastewater/Sewer Enterprise						
40000 Revenues						
0001 No Department						
44000 Charges for Services	Original	Adjustments	Adjusted	YTD	Balance	% Realized
44230 Utility Service Fees	187,000.00	0.00	187,000.00	152,536.92	34,463.08	81.57
44240 Utility Connection Fees	30,500.00	0.00	30,500.00	84,235.68	(53,735.68)	276.18
44990 Other Charges for Services	4,500.00	0.00	4,500.00	23,362.22	(18,862.22)	519.16
44000 Totals	222,000.00	0.00	222,000.00	260,134.82	(38,134.82)	117.18
0001 Totals	222,000.00	0.00	222,000.00	260,134.82	(38,134.82)	117.18
40000 Revenues Totals	222,000.00	0.00	222,000.00	260,134.82	(38,134.82)	117.18
50000 Expenditures						
6005 Wastewater Utility/Authority						
51000 Salary & Wages (FTE required)	Original	Adjustments	Adjusted	YTD	Balance	% Realized

51020 Salaries - Full-Time Positions	50,000.00	0.00	50,000.00	37,800.00	12,200.00	75.60
51060 Salaries - Overtime	4,500.00	0.00	4,500.00	3,375.00	1,125.00	75.00
51000 Totals	54,500.00	0.00	54,500.00	41,175.00	13,325.00	75.55
52000 Employee Benefits	Original	Adjustments	Adjusted	YTD	Balance	% Realized
52010 FICA - Regular	500.00	0.00	500.00	378.00	122.00	75.60
52011 FICA - Medicare	2,500.00	0.00	2,500.00	1,800.00	700.00	72.00
52020 Retirement	7,000.00	0.00	7,000.00	3,600.00	3,400.00	51.43
52000 Totals	10,000.00	0.00	10,000.00	5,778.00	4,222.00	57.78
54000 Purchased Property Services	Original	Adjustments	Adjusted	YTD	Balance	% Realized
54999 Other Maintenance	75,000.00	0.00	75,000.00	82,297.42	(7,297.42)	109.73
54000 Totals	75,000.00	0.00	75,000.00	82,297.42	(7,297.42)	109.73
56000 Supplies	Original	Adjustments	Adjusted	YTD	Balance	% Realized
56030 Supplies - Field Supplies	28,500.00	0.00	28,500.00	28,500.00	0.00	100.00
56000 Totals	28,500.00	0.00	28,500.00	28,500.00	0.00	100.00
57000 Operating Costs	Original	Adjustments	Adjusted	YTD	Balance	% Realized
57170 Utilities - Electricity	9,000.00	0.00	9,000.00	9,947.78	(947.78)	110.53
57000 Totals	9,000.00	0.00	9,000.00	9,947.78	(947.78)	110.53
59000 Debt Service	Original	Adjustments	Adjusted	YTD	Balance	% Realized
59010 Debt Service - Principal Payments	20,000.00	0.00	20,000.00	12,274.56	7,725.44	61.37
59020 Debt Service - Interest Payments	25,000.00	0.00	25,000.00	19,666.44	5,333.56	78.67
59000 Totals	45,000.00	0.00	45,000.00	31,941.00	13,059.00	70.98
6005 Totals	222,000.00	0.00	222,000.00	199,639.20	22,360.80	89.93
50000 Expenditures Totals	222,000.00	0.00	222,000.00	199,639.20	22,360.80	89.93
ALL FUNDS	Original	Adjustments	Adjusted	YTD	Balance	% Realized
10000 Assets	1,839,949.00	0.00	1,839,949.00	1,839,949.00	0.00	100.00
40000 Revenues	3,579,800.00	0.00	3,579,800.00	2,995,270.22	584,529.78	83.67
50000 Expenditures	3,579,800.00	0.00	3,579,800.00	2,694,262.64	885,537.36	75.26

Thereupon, there were officially filed with the Secretary copies of a proposed Resolution and Drinking Water State Revolving Loan Fund Loan and Subsidy Agreement in final form, the proposed Resolution being as hereinafter set forth:

[Remainder of page intentionally left blank.]

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY,
DONA ANA COUNTY, NEW MEXICO
RESOLUTION NO. FY2022-18

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT (“LOAN AGREEMENT”) BY AND BETWEEN THE LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY (“FINANCE AUTHORITY”), IN THE TOTAL AMOUNT OF FOUR MILLION ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED THIRTY-FIVE DOLLARS (\$4,127,535) (“LOAN”) EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A MAXIMUM REPAYABLE PRINCIPAL AMOUNT OF NO MORE THAN ONE MILLION THREE HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED SIXTY DOLLARS (\$1,338,660)], TOGETHER WITH INTEREST AND ADMINISTRATIVE FEE FOR THE PURPOSE OF FINANCING THE COSTS OF THE CONSTRUCTION OF PHASE I WATER SYSTEM IMPROVEMENTS IN THE GOVERNMENTAL UNIT’S EAST MESA SERVICE AREA, WHICH INCLUDES CONSTRUCTION OF A 200,000-GALLON TANK AT THE THREE SISTERS SITE, BOOSTER UPGRADES AT BUTTERFIELD PARK AND MOUNTAIN VIEW LOCATIONS, A SCADA CENTRALIZATION/RELOCATION TO BUTTERFIELD PARK AND A WATERLINE RELOCATION AT BUTTERFIELD PARK, AND REHABILITATION, REPLACEMENT OR DEMOLITION OF EXISTING WATER STORAGE TANKS AND BUILDINGS IN THE PROJECT AREA (“PROJECT”), AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE WATER SYSTEM OF THE GOVERNMENTAL UNIT; SETTING AN INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of this Resolution, unless the context requires otherwise.

WHEREAS, the Governmental Unit is a legally and regularly created, established, duly organized and existing public water works authority under and pursuant to the laws of the State and more specifically, NMSA 1978, § 73-26-1; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts borrowed under the Loan Agreement and that it is in the best

interest of the Governmental Unit and the public it serves that the Loan Agreement be executed and delivered and that the financing of the Project take place by executing and delivering the Loan Agreement; and

WHEREAS, the Governing Body has determined that it may lawfully pledge the Pledged Revenues for the payment of amounts due under the Loan Agreement; and

WHEREAS, other than as described on the Term Sheet, the Pledged Revenues have not heretofore been pledged to secure the payment of any obligation which is currently outstanding; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the Secretary, this Resolution and the form of the Loan Agreement which is incorporated by reference and considered to be a part hereof; and

WHEREAS, the Governing Body hereby determines that the Project to be financed by the Loan Agreement is to be used for governmental purposes of the Governmental Unit; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use and pledge of the Pledged Revenues to the Finance Authority (or its assigns) for the payment of amounts due under the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii) the authorization, execution and delivery of the Loan Agreement, which are required to have been obtained by the date of the Resolution have been obtained or are reasonably expected to be obtained prior to the Closing Date.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY, DONA ANA COUNTY, NEW MEXICO:

Section 1. Definitions. Capitalized terms defined in this Section 1, for all purposes, shall have the meaning herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined) and, any term not defined herein shall have the definition given it by the Loan Agreement:

“Administrative Fee” or “Administrative Fee Component” means the 0.25% annual fee payable to the Finance Authority as 0.125% of the Aggregate Repayable Disbursements then outstanding as a part of each Loan Agreement Payment for the costs of originating and servicing the Loan.

“Aggregate Disbursements” means, at any time after the Closing Date, the sum of all Disbursements.

“Aggregate Forgiven Disbursements” means the amount of subsidy provided in the form of principal forgiveness, and shall at any time after the Closing Date be equal to the product of the subsidy times the Aggregate Disbursements, up to the Maximum Forgiven Principal.

“Aggregate Repayable Disbursements” means, at any time after the Closing Date, the Aggregate Disbursements (including the Expense Fund Component) less the Aggregate Forgiven Disbursements.

“Approved Requisition” means a requisition in the form of Exhibit “C” to the Loan Agreement, together with supporting documentation submitted to and approved by the Finance Authority pursuant to Section 4.2 of the Loan Agreement.

“Authorized Officers” means the Chair, the Finance Manager, the General Manager and Secretary of the Governmental Unit.

“Bonds” means drinking water state revolving loan fund revenue bonds, if any, issued hereafter by the Finance Authority and related to the Loan Agreement and the Loan Agreement Payments.

“Closing Date” means the date of execution, delivery and funding of the Loan Agreement authorized by this Resolution.

“Debt Service Account” means the debt service account established in the name of the Governmental Unit and administered by the Finance Authority to pay the Loan Agreement Payments under the Loan Agreement as the same become due.

“Disbursement” means an amount caused to be paid by the Finance Authority for an Approved Requisition for costs of the Project, including the Expense Fund Component.

“DWSRLF Act” means the general laws of the State, particularly the Drinking Water State Revolving Loan Fund Act, NMSA 1978, §§ 6-21A-1 through 6-21A-9; NMSA 1978, § 73-26-1, all as amended; and enactments of the Governing Body relating to the Loan Agreement, including this Resolution.

“Drinking Water State Revolving Loan Fund” means the drinking water state revolving loan fund established by the DWSRLF Act.

“Environmental Protection Agency” means the Environmental Protection Agency of the United States.

“Final Loan Agreement Payment Schedule” means the schedule of Loan Agreement Payments due on the Loan Agreement following the Final Requisition, as determined on the basis of the Aggregate Repayable Disbursements.

“Final Requisition” means the final requisition of moneys to be submitted by the Governmental Unit, which shall be submitted by the Governmental Unit on or before the date provided for in Section 4.1(b) of the Loan Agreement.

“Finance Authority” means the New Mexico Finance Authority, created by the New Mexico Finance Authority Act, NMSA 1978, §§ 6-21-1 through 6-21-31, as amended.

“Fiscal Year” means the period commencing on July 1 of each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Governmental Unit as its fiscal year.

“Governing Body” means the duly organized Board of Directors of the Governmental Unit, or any successor governing body of the Governmental Unit.

“Governmental Unit” means the Lower Rio Grande Public Water Works Authority, Dona Ana County, New Mexico.

“Gross Revenues” means all income and revenues directly or indirectly derived by the Governmental Unit from the operation and use of the System, or any part of the System, for any particular Fiscal Year period to which the term is applicable, and includes, without limitation, all revenues received by the Governmental Unit, or any municipal corporation or agency succeeding to the rights of the Governmental Unit, from the System and from the sale and use of water and sanitary sewer or other services or facilities, or any other service, commodity or facility or any combination thereof furnished by the System. In the event there is a conflicting description of Gross Revenues in any ordinance or resolution of the Governmental Unit, authorizing the issuance of bonds or obligations payable from the Pledged Revenues, the language of such ordinance or resolution shall control.

Gross Revenues do not include:

- (a) Any money received as (i) grants or gifts from the United States of America, the State or other sources or (ii) the proceeds of any charge or tax intended as a replacement therefor or other capital contributions from any source which are restricted as to use;
- (b) Gross receipts taxes, other taxes and/or fees collected by the Governmental Unit and remitted to other governmental agencies; and
- (c) Condemnation proceeds or the proceeds of any insurance policy, except any insurance proceeds derived in respect of loss of use or business interruption.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to this entire Resolution and not solely to the particular section or paragraph of this Resolution in which such word is used.

“Interest Component” means the portion of each Loan Agreement Payment paid as interest accruing on the Aggregate Repayable Disbursements then outstanding, calculated from the date of each Disbursement.

“Interest Rate” means the rate of interest on the Loan Agreement, which includes the Administrative Fee, as shown on the Term Sheet.

“Loan” means the funds to be loaned to the Governmental Unit by the Finance Authority pursuant to the Loan Agreement, up to the Maximum Principal Amount.

“Loan Agreement” means the loan and subsidy agreement and any amendments or supplements thereto, including the exhibits attached to the loan agreement.

“Loan Agreement Payment” means, collectively, the Principal Component, the Interest Component, and the Administrative Fee Component to be paid by the Governmental Unit as payment on the Aggregate Repayable Disbursements under the Loan Agreement, as shown on Exhibit “B” thereto.

“Maximum Forgiven Principal Amount” means the maximum amount of loan subsidy available in the form of principal forgiveness to be applied proportionally at the time of each Disbursement to the Governmental Unit, up to sixty-eight percent (68%) of the Maximum Principal Amount. The Maximum Forgiven Principal Amount is two million seven hundred eighty-eight thousand eight hundred seventy-five dollars (\$2,788,875).

“Maximum Principal Amount” means four million one hundred twenty-seven thousand five hundred thirty-five dollars (\$4,127,535).

“Maximum Repayable Principal Amount” means the maximum amount of Aggregate Repayable Disbursements repayable by the Governmental Unit pursuant to this Loan Agreement. The Maximum Repayable Principal Amount is up to one million three hundred thirty-eight thousand six hundred sixty dollars (\$1,338,660).

“Net Revenues” means the Gross Revenues of the System owned minus Operation and Maintenance Expenses indirect charges, amounts expended for capital replacements and repairs, required set asides for debt and replacement requirements and any other payments from the Gross Revenues reasonably required for operation of the System.

“NMSA” means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented from time to time.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the System, for any particular Fiscal Year or period to which such term is applicable, paid or accrued, related to operating, maintaining and repairing the System, including, without limiting the generality of the foregoing:

(a) Legal and overhead expenses of the Governmental Unit directly related and reasonably allocable to the administration of the System;

(b) Insurance premiums for the System, including, without limitation, premiums for property insurance, public liability insurance and workmen’s compensation insurance, whether or not self-funded;

(c) Premiums, expenses and other costs (other than required reimbursements of insurance proceeds and other amounts advanced to pay debt service requirements on System bonds) for credit facilities;

(d) Any expenses described in this definition other than expenses paid from the proceeds of System bonds;

(e) The costs of audits of the books and accounts of the System;

(f) Amounts required to be deposited in any rebate fund;

(g) Salaries, administrative expenses, labor costs, surety bonds and the cost of water, materials and supplies used for or in connection with the current operation of the System; and

(h) Any fees required to be paid under any operation, maintenance and/or management agreement with respect to the System.

Operation and Maintenance Expenses do not include any allowance for depreciation, payments in lieu of taxes, franchise fees payable or other transfers to the Governmental Unit's general fund, liabilities incurred by the Governmental Unit as a result of its negligence or other misconduct in the operation of the System, any charges for the accumulation of reserves for capital replacements or any Operation and Maintenance Expenses payable from moneys other than Gross Revenues.

"Parity Obligations" means any obligations of the Governmental Unit under the Loan Agreement and any other obligations now outstanding or hereafter issued or incurred, payable from or secured by a pledge of the Pledged Revenues and issued with a lien on the Pledged Revenues on a parity with the Loan Agreement, including any such obligations shown on the Term Sheet.

"Pledged Revenues" means the Net Revenues of the Governmental Unit pledged to payment of the Loan Agreement Payments pursuant to this Resolution and described on the Term Sheet.

"Project" means the project described in the Term Sheet.

"Resolution" means this Resolution No.FY2022-18 adopted by the Governing Body of the Governmental Unit on April 20, 2022, approving the Loan Agreement and pledging the Pledged Revenues to the payment of the Loan Agreement Payments as shown on the Term Sheet and the Final Loan Agreement Payment Schedule, as supplemented from time to time in accordance with the provisions hereof.

"Senior Obligations" means any bonds or other obligations of the Governmental Unit now outstanding or hereafter issued or incurred, payable from or secured by a pledge of the Pledged Revenues and issued with a lien on the Pledged Revenues superior to the lien created by the Loan Agreement, including any such obligations shown on the Term Sheet.

“State” means the State of New Mexico.

“Subordinate Obligations” means any bonds or other obligations of the Governmental Unit now outstanding or hereafter issued or incurred with a lien on the Pledged Revenues subordinate to the lien created by the Loan Agreement and subordinate to any other outstanding Parity Obligations having a lien on the Pledged Revenues, including any such obligations shown on the Term Sheet.

“System” means the water and wastewater, if any, utility system operated pursuant to NMSA 1978, § 73-26-1 and the Governance Document of the Lower Rio Grande Public Water Works Authority of the Governmental Unit, owned and operated by the Governmental Unit, and of which the Project, when completed, will form part, and as further defined in the Loan Agreement.

“Term Sheet” means Exhibit “A” to the Loan Agreement.

“Unrequisitioned Principal Amount” means the amount, if any, by which the Maximum Principal Amount exceeds the Aggregate Disbursements at the time the Governmental Unit submits the certificate of completion required pursuant to Section 6.3 of the Loan Agreement.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Governing Body and officers of the Governmental Unit directed toward the acquisition and completion of the Project, the pledge of the Pledged Revenues to the payment of amounts due under the Loan Agreement, and the execution and delivery of the Loan Agreement shall be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project and the Loan Agreement. The acquisition and completion of the Project and the method of financing of the Project through execution and delivery of the Loan Agreement and the other documents related to the transaction are hereby authorized and ordered. The Project is for the benefit and use of the Governmental Unit and the public whom it serves.

Section 4. Findings. The Governmental Unit hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the Governmental Unit and the public whom it serves.

B. Moneys available and on hand for the Project from all sources other than the Loan Agreement are not sufficient to defray the cost of acquiring and constructing the Project.

C. The Pledged Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement.

D. It is economically feasible and prudent to defray, in whole or in part, the costs of the Project by the execution and delivery of the Loan Agreement.

E. The Project and the execution and delivery of the Loan Agreement in the Maximum Principal Amount pursuant to the DWSRLF Act to provide funds for the financing of the Project are necessary or advisable in the interest of the public health, safety, and welfare of the public served by the Governmental Unit.

F. The Governmental Unit will acquire and construct the Project, in whole or in part, with the net proceeds of the Loan.

G. Other than as described on the Term Sheet, the Governmental Unit does not have any outstanding obligations payable from Pledged Revenues which it has incurred or will incur prior to the initial execution and delivery of the Loan Agreement.

H. The net effective interest rate on the Maximum Principal Amount does not exceed the current market rate, which is the maximum rate permitted by federal law.

Section 5. Loan Agreement - Authorization and Detail.

A. Authorization. This Resolution has been adopted by the affirmative vote of at least a majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, and protecting the general welfare and prosperity of the public served by the Governmental Unit and acquiring and constructing the Project, it is hereby declared necessary that the Governmental Unit, pursuant to the DWSRLF Act, execute and deliver the Loan Agreement evidencing a special limited obligation of the Governmental Unit to pay a principal amount of one million three hundred thirty-eight thousand six hundred sixty dollars (\$1,338,660) and interest thereon and to accept a loan subsidy in the amount of two million seven hundred eighty-eight thousand eight hundred seventy-five dollars (\$2,788,875) and the execution and delivery of the Loan Agreement is hereby authorized. The Governmental Unit shall use the proceeds of the Loan Agreement (i) to finance the acquisition and completion of the Project and (ii) to pay the Administrative Fee of the Loan Agreement and the costs of issuance of the Bonds, if any. The Project will be owned by the Governmental Unit.

B. Detail. The Loan Agreement shall be in substantially the form of the Loan Agreement presented at the meeting of the Governing Body at which this Resolution was adopted. The Loan shall be in an amount not to exceed the Maximum Principal Amount of four million one hundred twenty-seven thousand five hundred thirty-five dollars (\$4,127,535). The Aggregate Repayable Disbursements shall be payable in installments of principal due on May 1 of the years designated in the Final Loan Agreement Payment Schedule and bear interest payable on May 1 and November 1 of each of the years designated in the Final Loan Agreement Payment Schedule, at the Interest Rate designated in the Loan Agreement, including Exhibit "B" thereto.

Section 6. Approval of Loan Agreement. The form of the Loan Agreement as presented at the meeting of the Governing Body at which this Resolution was adopted, is hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan Agreement with such changes, insertions and omissions as may be approved by such individual Authorized Officers, and the Secretary is hereby authorized to affix the seal of the

Governmental Unit on the Loan Agreement and attest the same. The execution of the Loan Agreement by an Authorized Officer shall be conclusive evidence of such approval.

Section 7. Special Limited Obligation. The Loan Agreement shall be secured by the pledge of the Pledged Revenues as set forth in the Loan Agreement and shall be payable solely from the Pledged Revenues. The Loan Agreement, together with interest thereon and other obligations of the Governmental Unit thereunder, shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues as provided in this Resolution, and the Loan Agreement shall not constitute a general obligation of the Governmental Unit or the State, and the holders of the Loan Agreement may not look to any general or other fund of the Governmental Unit for payment of the obligations thereunder. Nothing contained in this Resolution nor in the Loan Agreement, nor any other instruments, shall be construed as obligating the Governmental Unit (except with respect to the application of the Pledged Revenues) or as imposing a pecuniary liability or a charge upon the general credit of the Governmental Unit or against its taxing power, nor shall a breach of any agreement contained in this Resolution, the Loan Agreement, or any other instrument impose any pecuniary liability upon the Governmental Unit or any charge upon its general credit or against its taxing power. The Loan Agreement shall never constitute an indebtedness of the Governmental Unit within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the Governmental Unit or a charge against its general credit or taxing power. Nothing herein shall prevent the Governmental Unit from applying other funds of the Governmental Unit legally available therefor to payments required by the Loan Agreement, in its sole and absolute discretion.

Section 8. Disposition of Proceeds; Completion of Acquisition and Completion of the Project.

A. Debt Service Account; Disbursements. The Governmental Unit hereby consents to creation of the Debt Service Account to be held and maintained by the Finance Authority as provided in the Loan Agreement.

The proceeds derived from the execution and delivery of the Loan Agreement shall be disbursed promptly upon receipt of an Approved Requisition (as defined in the Loan Agreement).

Until the acquisition and completion of the Project or the date of the Final Requisition, the money disbursed pursuant to the Loan Agreement shall be used and paid out solely for the purpose of acquiring and constructing the Project in compliance with applicable law and the provisions of the Loan Agreement.

B. Prompt Completion of the Project. The Governmental Unit will complete the Project with all due diligence.

C. Certification of Completion of the Project. Upon the acquisition and completion of the Project, the Governmental Unit shall execute and send to the Finance Authority a certificate stating that the completion of and payment for the Project has been completed.

D. Finance Authority Not Responsible for Application of Loan Proceeds. The Finance Authority shall in no manner be responsible for the application or disposal by the Governmental Unit or by its officers of the funds derived from the Loan Agreement or of any other funds herein designated.

Section 9. Deposit of Pledged Revenues; Distributions of the Pledged Revenues and Flow of Funds.

A. Deposit of Pledged Revenues. Pledged Revenues shall be paid directly by the Governmental Unit to the Finance Authority in an amount sufficient to pay principal, Interest Rate, and other amounts due under the Loan Agreement, as provided in Section 5.2 of the Loan Agreement.

B. Termination on Deposits to Maturity. No payment shall be made into the Debt Service Account if the amount in the Debt Service Account totals a sum at least equal to the Aggregate Program Amount of Loan Agreement Payments to become due as to principal, interest on, Administrative Fees and any other amounts due under the Loan Agreement, in which case moneys in such account in an amount at least equal to such principal, Interest Rate requirements shall be used solely to pay such obligations as the same become due, and any moneys in excess thereof in such accounts shall be transferred to the Governmental Unit and used as provided in Section 9.C of this Resolution.

C. Use of Surplus Revenues. After making all the payments required to be made by this section and any payments required by any outstanding Senior and Parity Obligations, any moneys remaining in the Debt Service Account shall be transferred to the Governmental Unit on a timely basis and applied to any other lawful purpose, including, but not limited to, the payment of any Senior and Parity Obligations or bonds or Subordinate Obligations to the Loan Agreement, or purposes authorized by the Governmental Unit, the Constitution and laws of the State, as the Governmental Unit may from time to time determine.

Section 10. Lien on Pledged Revenues. Pursuant to the Loan Agreement, the Pledged Revenues are hereby authorized to be pledged, and are hereby pledged, and the Governmental Unit grants a lien on the Pledged Revenues and security interest therein, for the payment of the principal, Interest Rate, and any other amounts due under the Loan Agreement, subject to the uses thereof permitted by and the priorities set forth in this Resolution. The Loan Agreement constitutes an irrevocable lien, but not necessarily an exclusive lien, on the Pledged Revenues as set forth herein and therein, and the Governmental Unit shall not create a lien on the Pledged Revenues superior to that of the Loan Agreement without the express prior written approval of the Finance Authority.

Section 11. Authorized Officers. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution, the Loan Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Resolution and the Loan Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Resolution and

the Loan Agreement including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan Agreement.

Section 12. Amendment of Resolution. Prior to the Closing Date, the provisions of this Resolution may be supplemented or amended by ordinance of the Governing Body with respect to any changes which are not inconsistent with the substantive provisions of this Resolution. After the Closing Date, this Resolution may be amended without receipt by the Governmental Unit of any additional consideration, but only with the prior written consent of the Finance Authority.

Section 13. Resolution Irrepealable. After the Closing Date, this Resolution shall be and remain irrepealable until all obligations due under the Loan Agreement shall be fully discharged, as herein provided.

Section 14. Severability Clause. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 15. Repealer Clause. All bylaws, orders, ordinances, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Resolution, it shall be recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Chair and Secretary, and the title and general summary of the subject matter contained in this Resolution (set out in Section 17 below) shall be published in a newspaper which is of general circulation in the Governmental Unit, and the Resolution shall be in full force and effect thereafter, in accordance with law; provided, however, that if recording is not required for the effectiveness of this Resolution, this Resolution shall be effective upon adoption of this Resolution by the Governing Body.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Resolution shall be published in substantially the following form:

[Remainder of page intentionally left blank.]

[Form of Notice of Adoption of Resolution for Publication]

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY,
DONA ANA COUNTY, NEW MEXICO
NOTICE OF ADOPTION OF RESOLUTION

Notice is hereby given of the title and of a general summary of the subject matter contained in Resolution No. FY2022-18, duly adopted and approved by the Board of Directors of Lower Rio Grande Public Water Works Authority on April 20, 2022. A complete copy of the Resolution is available for public inspection during normal and regular business hours in the office of the Secretary, 325 Holguin Road, Vado, New Mexico 88072.

The title of the Resolution is:

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY,
DONA ANA COUNTY, NEW MEXICO
RESOLUTION NO. FY2022-18

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT (“LOAN AGREEMENT”) BY AND BETWEEN THE LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY (“FINANCE AUTHORITY”), IN THE TOTAL AMOUNT OF FOUR MILLION ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED THIRTY-FIVE DOLLARS (\$4,127,535) (“LOAN”) EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A MAXIMUM REPAYABLE PRINCIPAL AMOUNT OF NO MORE THAN ONE MILLION THREE HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED SIXTY DOLLARS (\$1,338,660)], TOGETHER WITH INTEREST AND ADMINISTRATIVE FEE FOR THE PURPOSE OF FINANCING THE COSTS OF THE CONSTRUCTION OF PHASE I WATER SYSTEM IMPROVEMENTS IN THE GOVERNMENTAL UNIT’S EAST MESA SERVICE AREA, WHICH INCLUDES CONSTRUCTION OF A 200,000-GALLON TANK AT THE THREE SISTERS SITE, BOOSTER UPGRADES AT BUTTERFIELD PARK AND MOUNTAIN VIEW LOCATIONS, A SCADA CENTRALIZATION/RELOCATION TO BUTTERFIELD PARK AND A WATERLINE RELOCATION AT BUTTERFIELD PARK AND REHABILITATION, REPLACEMENT OR DEMOLITION OF EXISTING WATER STORAGE TANKS AND BUILDINGS IN THE PROJECT AREA (“PROJECT”), AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE WATER SYSTEM OF THE GOVERNMENTAL UNIT; SETTING AN INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT;

RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

A general summary of the subject matter of the Resolution is contained in its title. This notice constitutes compliance with NMSA 1978, § 6-14-6, as amended.

[End of Form of Notice of Adoption for Publication.]

[Remainder of page intentionally left blank.]

Section 18. Execution of Agreements. The Lower Rio Grande Public Water Works Authority through its Governing Body agrees to authorize and execute all such agreements with the New Mexico Finance Authority as are necessary to consummate the Loan contemplated herein and consistent with the terms and conditions of the Loan Agreement and this Resolution.

PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF APRIL, 2022.

LOWER RIO GRANDE PUBLIC
WATER WORKS AUTHORITY,
DONA ANA COUNTY, NEW MEXICO

By _____
Esperanza Holguin, Chair

[SEAL]

ATTEST:

By _____
Joe Evaro, Secretary

[Remainder of page intentionally left blank.]



www.LRGauthority.org

LOWER RIO GRANDE

Public Water Works Authority

325 Holguin Road

Vado, New Mexico 88072

(575) 233-5742

BOARD MEETING & AGENDA POLICY

1. Introduction

This Board Meeting and Agenda Policy and the procedures contained in it are intended to provide a structure for Board of Directors meetings in order to facilitate the effective and orderly transaction of the business of the Lower Rio Grande Public Water Works Authority.

2. Board Establishment & Purpose

The Lower Rio Grande Public Water Works Authority (LRGPWWA) Board of Directors is established as the governing body of the LRGPWWA by NMSA 1978 73-26-1 L., and its duties are set forth in the Lower Rio Grande Public Water Works Authority Governance Document Section 2.02. The Board of Directors is the policy-making body of the LRGPWWA and the Board meeting is the forum in which the LRGPWWA's business is officially transacted. The Board of Directors is empowered to act only as a governing body, and individual Directors have no independent authority. The primary purposes of the Board meeting are to create policy; to select and oversee the General Manager, who is responsible for the execution of policy and for all administrative and operational details; and to act in compliance with applicable New Mexico statutes including but not limited to the Governmental Conduct Act (10-16-1 NMSA 1978), the Inspection of Public Records Act (14-2-4 NMSA 1978), the Open Meetings Act (10-15-1.1 NMSA 1978) and the Procurement Code (10-16-1 NMSA 1978).

3. Board Meeting Schedule

The LRGPWWA Board of Directors adopts an annual schedule of meetings including dates, times and locations as part of its annual Open Meetings Act Resolution. The Resolution and schedule may be amended by the Board as needed, and Special or Emergency Board of Directors meetings may be called and convened as specified in the Open Meetings Act and the current LRGPWWA Open Meetings Act Resolution.

Individual Directors should notify the General Manager or designated staff as soon as possible if they will be unable to attend a scheduled meeting so that, if a quorum will not be present, the meeting can be rescheduled with adequate notice. The New Mexico Open Meetings Act NMSA 1978, Chapter 10, Article 15 § 10-15-1 (E) states:

E. A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

In the event a scheduled meeting of the LRGPWWA Board of Directors lacks a quorum at the designated meeting date and time, the Chair may determine and instruct staff to properly post the date, time and place to reconvene the meeting and declare a recess, or the Chair may call a Special or Emergency Meeting for the purpose of taking action on any critical items only, but not an entire Regular Meeting Agenda.

4. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the LRGPWWA Board of Directors in all cases to which they are applicable and in which they are not inconsistent with applicable state or federal statutes or regulations, the LRGPWWA Governance Document and any special rules of order the LRGPWWA Board of Directors may adopt.

5. Board Meeting Agenda

Agendas are prepared by staff and posted in LRGPWWA offices, public places and on the LRGPWWA website in accordance with the provision of the Open Meetings Act. The format of the agenda is:

- I. Call to order by the Chair & roll call to establish quorum
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Guest Presentations
- VI. Public Input – 15 minutes allotted for this item, 3-minute time limit per person
- VII. Management Reports
- VIII. Unfinished Business
- IX. New Business
- X. Other discussion and items for the next meeting agenda
- XI. Adjourn

LRGPWWA Staff maintains a calendar of recurring board actions for inclusion the appropriate agenda including quarterly and annual budget resolutions, annual audit approval, Open Meetings Act resolutions, annual employment evaluation of the General Manager, authorization for board and staff training, travel and per diem, and annual review and adjustment of user rates and fees. Staff also prepares a Board Packet prior to each meeting containing documents and information related to the items on the agenda. The Board Packet is

posted at the board's web page for Directors to view and/or download prior to the meeting, and paper copies are provided to each Director at the beginning of each meeting. Board Packets include draft minutes from the previous meeting(s), and while these can be amended or corrected with the board action to approve them, Directors are encouraged to submit corrections or amendments to the General Manager or the General Manager's staff designee so that the draft minutes can be corrected prior to the meeting.

Closed Sessions may be included in the agenda as permitted by the Open Meetings Act and are usually scheduled at the end of the agenda for the convenience of the public and staff attending the meeting unless there is reason to schedule it earlier in the meeting.

The Consent Agenda is a concept used by many legislative bodies to make many minor, non-controversial decisions in one action. This may include approval of the minutes, committee reports, management reports, or other routine resolutions or approvals. If a Consent Agenda is included in the LRPWWA Board Agenda, it will be placed following the approval of the meeting Agenda or may replace the Approval of Minutes agenda item if minutes are included in the consent agenda. Any member of the Board of Directors may request that an item on the Consent Calendar be removed for the purpose of discussion and voting on that item, and such a request does not require a Board vote.

Action items on the agenda will be in the form of a motion to approve, a motion to authorize the General Manager or LRGPWWA attorney to act on behalf of the LRGPWWA, or a motion to adopt a resolution. The following items will be approved or adopted by resolution: Open Meetings Act annual compliance, LRGPWWA policies, LRGPWWA budgets, LRGPWWA planning documents, election proclamations, authorizations to dispose of property, authorizations to apply for project funding when required by the funding agency, and any other documents required as part of project funding that need a resolution.

6. Submitting Agenda Items

Directors wishing to place items on the Agenda of the Board of Directors should submit a request to the General Manager or the General Manager's staff designee ten (10) days prior to the meeting in order to provide sufficient time to incorporate the request in the Agenda Package which is prepared and distributed to Board Members in advance of the meeting. Urgent items which are submitted by a Director subsequent to the cutoff time may be added to the Agenda only if the final agenda posting requirements of the Open Meetings Act can be met. Non-urgent items will be placed the agenda for the subsequent meeting.

Members and customers of the LRGPWWA and the public may request that any of the LRGPWWA Directors place an item on the agenda or may state their request during the Public Input section at a board meeting. Directors may, at their discretion, elect to place such items on a future agenda.

7. Decorum

Board of Directors Meetings shall be conducted in an expeditious manner consistent with respect and consideration for all persons and their views. In order to speak or make a motion, a person

must be recognized by the Chairperson, and all comments should be addressed to the Chairperson. Comments should be limited to the matter under discussion, and personal insults or inflammatory language will not be tolerated. Anyone creating a disturbance or disrupting the meeting may be asked to leave.

8. Board Consideration of Agenda Items

Agenda items will be considered in the order presented in the agenda or as modified in the action approving the agenda. For items requiring Board action, a motion should be made and seconded prior to the floor being open for discussion. Motions should be stated fully and completely to ensure that the board action recorded in the minutes accurately reflects the intention of the Board. Reports may be accepted by the Chairperson with or without further discussion. In all cases, discussion should be limited to the item under consideration.

9. Member, Customer & Public Comments

In addition to the Public Input agenda item where members and customers of the LRGPWWA and members of the public may address the board on any topic with a time limit of three minutes during the 15 minutes allot for this item, such persons may be recognized by the Chairperson of the meeting to speak on any topic under consideration with a limit of three minutes per person. However, members and customers of the LRGPWWA and the public are not allowed to address the Board of Directors until they are recognized by the Chairperson, must limit their comments to the item under consideration, and must yield the floor to the Chairperson when directed to do so by the Chairperson. The Chairperson should recognize any Directors who wish to speak before opening the floor to comment from the members, customers or public. The Chairperson may choose to allow a brief extension of the time-limit for Public Input or public comments on other agenda items for persons to complete their statement, or the Board may choose to act to grant a time extension to any individual or all persons seeking further comment.

10. Board Meeting Minutes

Draft minutes of each Board of Directors meeting are prepared by staff for approval by the Board at its next regular meeting. Minutes are a record of items considered by the Board and actions by the Board and a summary of the discussion, and they must comply with the provisions of the Open Meetings Act with regard to content and availability to the public. Additions or corrections to the draft minutes may be sent to the General Manager or General Manager's staff designee by email prior to the next meeting or may be included in the motion to approve the minutes. The approved minutes, not any notes or recording used to prepare them, are the official record of the board meeting. Individual Directors shall not amend, correct (except for spelling & typos) draft minutes or sign approved minutes for meetings which they were not in attendance. Any Director may make a motion to approve, second the motion to approve and vote on motions to approve minutes. Approved minutes shall be signed by the Directors present at that meeting.

11. Board Work Sessions

The Board of Directors may, at times, wish to hold a work session with staff and/or consultants for the purpose of training or in-depth discussion of policy or other matters. The New Mexico Open Meetings Act NMSA 1978, Chapter 10, Article 15 § 10-15-1 (B) states:

B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.

Therefore, LRGPWWA Board Work Sessions will be treated as Special Board Meeting with no action items for purposes of public notification, agendas, and minutes. Members of the public may attend work sessions, but public comment will not be allowed unless the board seeks it or places it on the agenda.



LOWER RIO GRANDE

Public Water Works Authority

325 Holguin Road

Vado, New Mexico 88072

(575) 233-5742

<http://LRGauthority.org>

Board of Directors Policy for Setting, Reviewing and Adjusting Rates & Fees

1. Authorization, duty, and purpose

The Lower Rio Grande Public Water Works Authority (LRGPWWA) Board of Directors is the governing body of the LRGPWWA pursuant to NMSA 1978 73-26-1 L., and the Board's duties with regard to setting rates and fees are set forth in NMSA 1978 73-26-1 F. and in the Lower Rio Grande Public Water Works Authority Governance Document Section 2.07 which reads:

A. The Board of Directors shall authorize and adopt, by resolution, policies setting forth schedules of rates, fees, assessments, or other charges for the use of the services, facilities, and products of the Authority required to be paid by each user connected to or provided service by the Authority.

B. Such rates, fees and charges shall be adopted and revised so as to provide moneys, which, with other funds available for such purposes, shall be at least sufficient at all times to pay the expenses of operating, managing, expanding, improving and maintaining the Authority Facilities, including renewal and replacement reserves for such Authority Facilities, to pay costs and expenses provided for by law, financing documents, and to pay the principal and interest on the indebtedness as the same shall become due and reserves therefore and to provide a reasonable margin of safety over and above the total amount of such payments. Notwithstanding any other provision in this Document, such rates, fees and charges shall always be sufficient to comply fully with any operating expenses and reserve set asides contained in the financing documents.

C. The assessments, rates, fees or charges adopted shall be extended to cover any additional users thereafter served which shall fall within the same category, without the necessity of any further meeting or notice.

D. The Board of Directors may appoint the General Manager, a member of the Board of Directors, committee member(s), or special appointee(s) to conduct a rate study as needed and to conduct public meetings on its behalf relating to rates, fees, charges and assessments. It is, however, always the Board of Director's duty to set, adopt, and revise rates, fees, charges, and assessments.

2. Annual review of rates & fees

The LRGPWWA Board of Directors shall hold a minimum of one annual worksession with staff and, when needed, consultants or technical assistance providers to determine whether the current Schedule of Rates & Fees is generating the revenue necessary to cover the full costs of

operating, maintaining and improving the LRGPPWA water distribution and wastewater collection systems, debt service, and appropriate reserve funds, and to make adjustments as necessary. The Board recognizes that smaller, more frequent adjustments better serve both the organization and its members and customers.

3. Timing and review components

The annual review of rates & fees should be conducting soon after the annual audit is approved, which will allow it to be included in development of the next annual budget. The review should examine the following items:

- Current Schedule of Rates & Fees
- Most recent audited financial statements
- Quarterly budget reports for the period following the audit
- Upcoming maintenance costs identified in the Asset Management Plan
- Existing debt and debt service reserves
- Potential new debt service for upcoming projects identified in the Infrastructure Capital Improvements Plan
- Reserve requirements for existing debt
- Emergency and other reserve fund levels and targets
- Number of residential and commercial accounts being billed for water service
- Number of residential and commercial accounts being billed for sewer service
- Increase/decrease over the past year in number of accounts being billed for each type of service
- Potential new customers expected due to projects or proposed subdivisions
- Inflation rate for the previous calendar year from the Consumer Price Index and Construction Cost Index
- MHI data from the US Census and affordability criteria

Rate adjustments shall be adopted following public meetings and comment period and be targeted to begin in the cooler months to buffer the immediate impact on rate-payers.

4. Rate adjustments

Annual reviews may result in a single rate adjustment or may entail engaging a consultant or technical assistance provider to perform an in-depth rate study and make recommendations for rate adjustments implemented in multiple phases depending on circumstances. The board may also opt to implement automatic annual rate adjustments tied to a formula using the Consumer Price Index and Construction Cost Index. Regardless of any phased or automatic rate adjustments in place, the LRGPPWA Board of Directors shall conduct an annual review of rates and fees as describe in Section2.

Lower Rio Grande Public Water Works Authority
Amendment
Resolution Number FY2021-19
Open Meetings Act Resolution for FY2022

WHEREAS, the Lower Rio Grande Public Water Works Authority Board of Directors met in regular session at its La Mesa Office, 521 St. Valentine, La Mesa, New Mexico on Wednesday, May 19, 2021 at 9:30 a.m. (9:00 a.m.) as required by law; and

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 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 Lower Rio Grande Public Water Works Authority Board of Directors to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Lower Rio Grande Public Water Works Authority Board of Directors that:

1. All meetings shall be held at the offices of the Lower Rio Grande Public Water Works Authority at the locations indicated in the attached schedule of meetings notice or online in accordance with New Mexico Attorney General Office guidance.
2. Unless otherwise specified or adjusted to accommodate holidays, regular meetings shall be held each month on the third Wednesday of the month at 9:30 a.m. (9:00 a.m.) The agenda will be available from the office of each Lower Rio Grande Public Water Works Authority Office that is open to the public at least seventy-two hours prior to the meeting. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Chairperson or a majority of the Directors upon three-day 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 final agenda shall be available to the public at least seventy-two hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Lower Rio Grande Public Water Works Authority Board of Directors will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or a majority of the Directors upon twenty-four (24) hours' notice, unless threat of personal injury or

property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten (10) days of taking action on an emergency matter, the Lower Rio Grande Public Water Works Authority Board of Directors shall report to the New Mexico Attorney General's Office the action that was taken and the circumstances creating the emergency.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, and location is placed in the customer lobby of each Lower Rio Grande Public Water Works Authority office that is open to the public. Copies of the written notice shall also be mailed or e-mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings. Meeting notices and agendas shall also be posted at <https://LRGauthority.org> in the Notices section.
6. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice of the date, time, and location is placed in the customer lobby of each Lower Rio Grande Public Water Works Authority office that is open to the public. Copies of the written notice shall also be mailed or e-mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
7. 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, or any other form of auxiliary aide or service to attend or participate in the hearing or meeting, please contact the Mesquite office of the Lower Rio Grande Public Water Works Authority at 575-233-5742, by mail at 325 Holguin Road, Vado, NM 88072, or in person at 215 Bryant, Mesquite, NM 88048 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 Mesquite office if a summary or other type of accessible format is needed.

8. The Lower Rio Grande Public Water Works Authority Board of Directors may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirements 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 Lower Rio Grande Public Water Works Authority 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 Director 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 the decision to hold a closed meeting is made when the Lower Rio Grande Public Water Works Authority 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 Directors 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 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 Lower Rio Grande Public Water Works Authority Board of Directors in an open public meeting.

Passed and adopted by the Lower Rio Grande Public Water Works Authority Board of Directors on this 20th day of April 2022.

SEAL:

Esperanza Holguin, Board Chair

Attest:

Joe Evaro, Secretary

Lower Rio Grande Public Water Works Authority

Amendment

Board of Directors Schedule for Meetings 2021-2022

Horario de Reuniones de la Junta Directiva 2021-2022

Unless otherwise specified to accommodate Holidays, the Lower Rio Grande PWWA Board will meet the third Wednesday of each month at **9:30 a.m. (9:00 a.m.)** at the Lower Rio Grande PWWA Offices designated in this schedule. Agendas will be available seventy-two hours prior to the meeting at each Lower Rio Grande PWWA office that is open to the public.

*A menos que se especifique lo contrario para acomodar días de fiesta, el Consejo del Lower Rio Grande PWWA se reunirá el tercer miércoles de cada mes a las **9:30 a.m. (9:00 a.m.)** de la mañana en las oficinas del Lower Rio Grande señaladas en este calendario. Las agendas serán disponibles 72 horas antes de la reunión en cada oficina del Lower Rio Grande PWWA que está abierto al público.*

9:30 a.m. July 21, 2021	Vado, 325 Holguin Road	9:30 a.m. 21 de Julio, 2021
9:30 a.m. August 18, 2021	Vado, 325 Holguin Road	9:30 a.m. 18 de agosto, 2021
9:30 a.m. September 15, 2021	East Mesa, 9774 Butterfield Blvd.	9:30 a.m. 15 de septiembre, 2021
9:30 a.m. October 20, 2021	East Mesa, 9774 Butterfield Blvd.	9:30 a.m. 20 de octubre, 2021
9:30 a.m. November 10, 2021	La Mesa, 521 St. Valentine	9:30 a.m. 10 de noviembre, 2021
9:30 a.m. December 08, 2021	La Mesa, 521 1st Valentine	9:30 a.m. 8 de diciembre, 2021
9:30 a.m. January 19, 2022	Vado, 325 Holguin Road	9:30 a.m. 19 de enero, 2022
9:30 a.m. February 16, 2022	Vado, 325 Holguin Road	9:30 a.m. 16 de febrero, 2022
9:30 a.m. March 16, 2022	East Mesa, 9774 Butterfield Blvd.	9:30 a.m. 16 de marzo, 2022
9:30 a.m. April 20, 2022	East Mesa, 9774 Butterfield Blvd.	9:30 a.m. 20 de abril, 2022
9:30 (9:00) a.m. May 18, 2022	La Mesa, 521 St. Valentine	9:30 (9:00) a.m. 18 de mayo, 2022
9:30 (9:00) a.m. June 15, 2022*	La Mesa, 521 St. Valentine	9:30 (9:00) a.m. 15 de junio, 2022

*June meeting will include a public hearing on the annual budget.

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 LRGPWWA 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 LRGPWWA 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 de servicio para asistir o participar en la audiencia o reunión, por favor póngase en contacto con la oficina de LRGPWWA en 575-233-5742, PO Box 2646, Anthony, NM 88021 OR 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 LRGPWWA si es necesario un resumen o de otro tipo de formato accesible.