

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
MEETING NOTICE & AGENDA
BOARD OF DIRECTORS MEETING
6:30 p.m. Wednesday, July 7, 2010 at Vado MDWCA Office

- I. Sign in, establish quorum, call to order, approval of agenda
- II. Approval of Minutes of 6/16/10
- III. Fiscal Agent Report -
- IV. Guest Presentations – Eric Quintana & others from San Miguel Castillo Road area
- V. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:
- VI. Unfinished Business:
 - A. Water Rights issues & June 30 meeting w/State Engineer - report
 - B. LRGMDWA items/updates –
 - C. Governance Documents Committee report
 - 1. Set Work Sessions for review of planning grant deliverables at 75% completion and for review proposed Governance Documents
 - D. RFP for engineering services – POSTPONE
 - E. Application for funding to USDA RD – POSTPONE
 - F. Funding agency issues re: merger
 - 1. Authorize attorney to draft a resolution for Authority to assume founding entity projects with USDA-RD funding allocated but not closed (LOC stage)
- VII. New Business:
 - A. Open Meetings Act Resolution #2010-07-01 – for adoption
 - B. ICIP - discussion
 - C. Authorize funding application to NM Water Trust Board
 - D. Governance Document Definition of Membership – for approval
 - E. Voting District Boundaries – for approval
 - F. Legal description of Service Area Boundaries – for approval
- VIII. Other discussion and agenda items for next meeting – NMFA staff & Martin Torres (NMED-CPB) for 7/21/10
- IX. 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 Desert Sands MDWCA office at 505-882-0313, P.O. Box 1864, Anthony, NM 88021, or in person at 59 Links Road, Berino, 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 Desert Sands MDWCA office if a summary or other type of accessible format is needed.

Si es un individuo con una incapacidad esta en necesidad de un lector, amplificador, lenguaje por senas, o cualquier otra forma de asistencia o servicio para atender o participar en las juntas, por favor lame ha la oficina Desert Sands MDWCA 505-882-0313, P.O. Box 1864, Anthony, NM 88021, o en persona 59 Links Road, Berino, NM una semana antes de la junta o en cuanto posible. Documentos públicos, incluyendo la agenda y minutos, están disponibles en varios formatos. Por favor opóngase en contacto con la oficina Desert Sands MDWCA si un resumen o otro tipo de forma accesible es necesario

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
LOWER RIO GRANDE MUTUAL DOMESTIC WATER ASSOCIATION
WORK SESSION NOTICE**

2:00 – 5:00 p.m. on Wednesday, July 14, 2010 at Mesquite MDWC Office – Board Work Session to review CDBG Planning Project at 75% completion

3:30 – 5:00 p.m. on Tuesday, July 13, 2010 at Desert Sands MDWCA Office – Combined Staff Meeting regarding Authority Human Resources planning

1:00 – 5:00 p.m. on Friday, July 16, 2010 at Berino MDWC Office – Board Work Session to review Proposed Governance Documents

A quorum of the boards of directors of the LRG PWWA and the LRG MDWA will be present at the work sessions 7/14/10 and 7/16/10, and a quorum of the LRG PWWA board may be present at the Combined Staff Meeting on 7/13/10. No meetings will be convened, and no Association or Authority business will be conducted except discussion and review of the items stated in this notice.

A quorum of the Member Associations' (Berino, Desert Sands, La Mesa, Mesquite, Vado) boards of directors may potentially be present at the Work Sessions. No board meetings will be convened, and no Association business will be conducted except the review and discussion of the items stated in this notice.

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

MINUTES

{NOTE: Minutes are a DRAFT until approved and signed by the board}

BOARD OF DIRECTORS MEETING

10:00 a.m. Wednesday, June 16, 2010 at Vado MDWCA Office

- I. Sign-in sheet and agenda are attached. Present were President Robert Nieto (Mesquite), Vice-president Tiffany Romero-Vega (La Mesa), Secretary/Treasurer Karen Nichols (Desert Sands), and Director Santos Ruiz (Berino). Director Bobbie Boyer (Vado) was absent due to illness. With a quorum established, Mr. Nieto called the meeting to order at 10:17 a.m. Also present were Karen Perez (engineer, CE&M), Beverly Singleman (attorney), John Holguin (Vado MDWCA President), Tiffany Bloom (South Central Council of Governments), and Martin Lopez (Mesquite GM and LRG MDWA Registered Agent). Mr. Ruiz made a motion to approve the agenda, Ms. Vega seconded, and it carried unanimously.
- II. Approval of Minutes of 5/5/10 – Ms. Vega made a motion to approve the minutes of May 5, 2010, Mr. Ruiz seconded, and it carried unanimously.
- III. Fiscal Agent Report – Martin Lopez, Registered Agent, LRG MDWA
- bank account, DBN – Mr. Lopez reported that the bank account has been opened with an initial deposit of \$500 in the account at Citizens Bank, we have a Dun & Bradstreet Number, and he needs to coordinate with Mr. Ruiz and Ms. Boyer for bank signatures. Our budget is approved, and we need to submit an audit by July 1st saying that we had no money.
- IV. Guest Presentations – none
- V. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action: NONE
- VI. Unfinished Business:
- A. Water Rights issues – status – Ms. Singleman said she is not going to start working on this until she gets resolutions back from all the associations and until her firm dissolution and new contracts are in place, so she expects to start around the 1st and be done mid-July or so. Mr. Nieto asked what about La Mesa? There was some discussion, and consensus was that we need to know from La Mesa if they are in or out, and they need to amend the statute if they want out.
 - B. LRGMDWA items/updates – Mr. Lopez reported that we have been awarded \$400,000 in additional funds for the La Mesa office and SCADA system.
 - C. Governance Documents Committee report & recommendations – NO UPDATE
 - D. RFP for engineering services – NO UPDATE – Ms. Perez noted that her engineering contract is up next year anyway.

- E. Application for funding to USDA RD – NO UPDATE – Ms. Morales said that she and Blanca Surgeon met with Martha Torres at Rural Development on Friday. She said that the direction from Ms. Torres is that each association passes a resolution authorizing authority to request funds on their behalf and to transfer the loans to the authority. There was a great deal of discussion and a speaker phone call to Ms. Surgeon. Ms. Surgeon is setting up a face-to-face meeting for the LRG Authority with Ms. Torres in Albuquerque on June 30th at 1:00.
- F. Funding agency issues re: merger – This was discussed under item E above. Ms. Perez asked about the implications for La Mesa’s funds for their building and the Castillo Road pipeline and if we have the ability to use those funds for a non-member. Consensus was that Mr. Lopez would seek to have the funds reallocated to the Berino Road project if La Mesa votes to withdraw. Ms. Perez also mentioned that Water Trust Board applications are coming up in November.

VII. New Business:

- A. Legal Services Agreement – Mr. Lopez said he contacted Wood Law and Miller Stratford, but received no responses. Ms. Nichols made a motion to approve the Legal Services Agreement with Beverly Singleman, Mr. Ruiz seconded, and it carried unanimously.

VIII. Other discussion and agenda items for next meeting – The logo, outcome of La Mesa’s membership meeting and vote, ICIP due date of 9/30/10, outcome of meeting with Ms. Torres – next meeting will be July 7th.

- IX. Adjourn – Ms. Nichols made a motion to adjourn, Mr. Ruiz seconded, and the motion carried unanimously. Mr. Nieto declared the meeting adjourned at 11:12 a.m.

Respectfully submitted,

Karen Nichols, Secretary/Treasurer

Date Minutes Approved: _____

LRGPWWA BOARD: Sign ABOVE your printed name Name, Title/ Association Represented	Approve/Absent
Robert Nieto, President/Mesquite MDWC & MSWA	
Tiffany Romero-Vega, VP/La Mesa MDWCA	
Bobbie Boyer, Director/Vado MDWCA	ABSENT

Santos Ruiz, Director/Berino MDWC & MSWA	
Karen Nichols, Secretary-Treasurer/Desert Sands MDWCA	

**Lower Rio Grande Public Water works Authority
Resolution Number 2010-07-01**

WHEREAS, the Lower Rio Grande Public Water Works Authority Board of Directors met in regular session at the Vado MDWCA office, 325 Holguin Road, Vado New Mexico on Wednesday, July 7, 2010 at 6:30 p.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, THEREFOR, BE IT RESOLVED by the Lower Rio Grande Public Water Works Authority Board of Directors that:

1. All meetings shall be held at the office of Vado Mutual Domestic Water Consumers Association located at 325 Holguin Road, Vado New Mexico or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the first Wednesday at 6:30 p.m. and the third Wednesday at 10:00 a.m. The agenda will be available at least twenty-four hours prior to the meeting from the office of each founding entity. 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 President or a majority of the Directors upon three (3) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four 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 President or a majority of the Directors upon twenty-four (24) hours' notice, unless threat of personal injury or property damage require 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.

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 the office of each founding entities. Copies of the written notice shall also be 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.

6. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the offices of the founding entities. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that 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 MDWC & MSWA office at 505-233-3947, P.O. Box 349, Mesquite, NM 88048, or in person at 215 Bryant, 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 Mesquite MDWC & MSWA 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 by the Lower Rio Grande Public Water Works Authority Board of Directors this 7th day of July, 2010.

Robert Nieto, President – representing Mesquite MDWC & MSWA

Tiffany Romero-Vega, Vice-president – representing La Mesa MDWCA

Karen Nichols, Secretary/Treasurer – representing Desert Sands MDWCA

Bobbie Boyer, Director – representing Vado MDWCA

Santos Ruiz, Director – representing Berino MDWC & MSWA

**Lower Rio Grande Public Water Works Authority
Board of Directors Meetings 2010-11
Junta de la Mesa Directiva 2010-11**

The Lower Rio Grande PWWA Board will meet the **first Wednesday of each month at 6:30 p.m. and the third Wednesday at 10:00 a.m. at the Vado MDWCA Office, 325 Holguin Road, Vado, New Mexico.** Agendas will be available at the office twenty-four hours prior to the meeting at each Member Association office.

La Mesa Directiva de Lower Rio Grande MDWA tendrán su junta el primer miércoles de cada mes a las 6:30 p.m. y tercer miércoles a las 10:00 a.m. en la oficina de Vado MDWCA, 325 Holguin Road, Vado, New Mexico. Agendas serán disponibles en la oficina veinticuatro horas antes de la junta.

Regular meetings are scheduled for the following dates:
El horario del las juntas regulares son las siguientes:

6:30 p.m. July 7, 2010	6:30 p.m. 7 de Julio 2010
10:00 a.m. July 21, 2010	10:00 a.m. 21 de Julio 2010
6:30 p.m. August 4, 2010	6:30 p.m. 4 de Agosto 2010
10:00 a.m. August 18, 2010	10:00 a.m. 18 de Agosto 2010
6:30 p.m. September 1, 2010	6:30 p.m. 1 de Septiembre 2010
10:00 a.m. September 15, 2010	10:00 a.m. 15 de Septiembre 2010
6:30 p.m. October 6, 2010	6:30 p.m. 6 de Octubre 2010
10:00 a.m. October 20, 2010	10:00 a.m. 20 de Octubre 2010
6:30 p.m. November 3, 2010	6:30 p.m. 3 de Noviembre 2010
10:00 a.m. November 17, 2010	10:00 a.m. 17 de Noviembre 2010
6:30 p.m. December 1, 2010	6:30 p.m. 1 de Diciembre 2010
10:00 a.m. December 15, 2010	10:00 a.m. 15 de Diciembre 2010
6:30 p.m. January 5, 2011	6:30 p.m. 5 de Enero 2011
10:00 a.m. January 19, 2011	10:00 a.m. 19 de Enero 2011
6:30 p.m. February 2 2011	6:30 p.m. 2 de Febrero 2011
10:00 a.m. February 16 2011	10:00 a.m. 16 de Febrero 2011
6:30 p.m. March 2, 2011	6:30 p.m. 2 de Marzo 2011
10:00 a.m. March 16, 2011	10:00 a.m. 16 de Marzo 2011
6:30 p.m. April 6, 2011	6:30 p.m. 6 de Abril 2011
10:00 a.m. April 20, 2011	10:00 a.m. 20 de Abril 2011
6:30 p.m. May 4, 2011	6:30 p.m. 4 de Mayo 2011
10:00 a.m. May 18, 2011	10:00 a.m. 18 de Mayo 2011
6:30 p.m. June 1, 2011	6:30 p.m. 1 de Junio 2011
10:00 a.m. June 15, 2011	10:00 a.m. 15 de Junio 2011

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Si es un individuo con una incapacidad esta en necesidad de un lector, amplificador, lenguaje por senas, o cualquier otra forma de asistencia o servicio para atender o participar en las juntas, por favor lame ha la oficina Mesquite MDWC & MSWA office at 505-233-3947 P.O. Box 349, Mesquite, NM 88048, o en persona 215 Bryant, Mesquite, NM una semana antes de la junta o en cuanto posible. Documentos públicos, incluyendo la agenda y minutos, están disponibles en varios formatos. Por favor opóngase en contacto con la oficina Mesquite MDWC & MSWA si un resumen o otro tipo de forma accesible es necesario.

Below is the membership definition as per the committee work session on 6/28.

ARTICLE II

THE AUTHORITY

SECTION 2.01. ESTABLISHMENT AND CREATION.

There is hereby created and established the “**Lower Rio Grande Public Water Works Authority**”. The Authority is a political subdivision of the state and a member-owned community water system with all of the privileges, benefits, powers and terms provided for herein and NMSA 1978 CHAPTER 73 ARTICLE 26 (2009).

The Authority will adopt and use a governmental seal.

A member of the Authority is a property owner, who receives services provided by the Authority. A member shall be admitted into the membership upon compliance with the Policies and Procedures of the Authority.

A member of the Authority shall be entitled to one vote and one vote only regardless of how many separate properties, connections and/or hookups he/she owns. If a member owns property in more than one district, the member must select their voting district as established in the Policies and Procedures of the Authority. If the property falls within two districts, the district where majority of the property is located shall be the designated voting district. If there is more than one property owner to one property, the property owners shall designate one, and only one of the owners to represent that property as the Member. Such designation shall include alternative designated Members who shall replace the initial designated Member. All actions taken by the designated Member or the alternate shall be binding. A designation of an alternate shall be approved upon receipt of a written request as established in the Policies and Procedures of the Authority.

Elections shall be conducted in accordance with Chapter 1 NMSA 1978 Article 24.

Membership shall NOT be transferred to another property owner or another property. If the property has been sold, the Membership Certificate shall be terminated and void for all future uses and the new property owner shall apply for a new membership issued to his/her name.

The rights, privileges and obligations of all members of this Authority shall be equal.

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
MEETING NOTICE & AGENDA
BOARD OF DIRECTORS MEETING
10:00 a.m. Wednesday, July 21, 2010 at Vado MDWCA Office

- I. Sign in, establish quorum, call to order, approval of agenda
- II. Approval of Minutes of 5/7/10 & 7/7/10
- III. Fiscal Agent Report -
- IV. Guest Presentations – Clair Manatt & Traci Davis from NMFA, Martin Torres from NMED-CPB RE: Refinance/consolidation of founding entity debts
- V. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:
- VI. Unfinished Business:
 - A. Water Rights issues & 6/13/10 meeting w/State Engineer staff - report
 - B. LRGMDWA items/updates – Authorize merging LRG MDWA’s ICIP into the Authority’s
 - C. ICIP - discussion
 - D. Governance Documents Committee report
 - 1. Re-schedule work session
 - 2. Review election time-table from county
 - E. Definition of Membership – for approval
 - F. Voting District Boundaries – for approval IF READY
 - G. Legal description of Service Area Boundaries – for approval – IF READY
 - H. RFP for engineering services – POSTPONE
 - I. Application for funding to USDA RD – POSTPONE
 - J. WTB meeting 7/28/10 in Santa Fe and WTB funding application update
 - K. Funding agency issues re: merger
 - 1. Resolution for Authority to assume founding entity projects with USDA-RD funding allocated but not closed (LOC stage) – IF READY
 - 2. Other?
- VII. New Business:
 - A. Process of hiring GM (can Authority board delegate to MDWA board, or should Authority employee-directors resign now)
 - B. Authority employee-directors resignation/replacement process
- VIII. Other discussion and agenda items for next meeting – Next meeting is 8/4/10 6:30 p.m.
- IX. Adjourn

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Si es un individuo con una incapacidad esta en necesidad de un lector, amplificador, lenguaje por senas, o cualquier otra forma de asistencia o servicio para atender o participar en las juntas, por favor lame ha la oficina Desert Sands MDWCA 505-882-0313, P.O. Box 1864, Anthony, NM 88021, o en persona 59 Links Road, Berino, NM una semana antes de la junta o en cuanto posible. Documentos públicos, incluyendo la agenda y minutos, están disponibles en varios formatos. Por favor opóngase en contacto con la oficina Desert Sands MDWCA si un resumen o otro tipo de forma accesible es necesario

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
MINUTES**

{NOTE: Minutes are a DRAFT until approved and signed by the board}

EMERGENCY BOARD OF DIRECTORS MEETING

9:45 a.m. Friday, May 7, 2010 at Berino MDWC & MSWA Office

- I. Sign-in sheet and Agenda are attached. Present were: President Robert Nieto, Vice-president Tiffany Romero-Vega, Secretary/Treasurer Karen Nichols, and Director Santos Ruiz. Absent: Director Bobbie Boyer. With quorum established, Mr. Nieto called the meeting to order at 10:04 a.m. Ms. Vega made a motion to approve the agenda, Mr. Ruiz seconded, and it carried unanimously.

- II. Approval of Budget Resolution – Mr. Lopez discussed the proposed budget. Ms. Vega made a motion to approve it, Mr. Ruiz seconded, and it carried unanimously.

- III. Adjourn – Ms. Vega made a motion to adjourn, Mr. Ruiz seconded, and it carried unanimously. 10:06

LRGPWWA BOARD: Sign ABOVE your printed name Name, Title/ Association Represented	Approve/Absent
Robert Nieto, President/Mesquite MDWC & MSWA	
Tiffany Romero-Vega, VP/La Mesa MDWCA	
Bobbie Boyer, Director/Vado MDWCA	
Santos Ruiz, Director/Berino MDWC & MSWA	
Karen Nichols, Secretary-Treasurer/Desert Sands MDWCA	

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY MINUTES

{NOTE: Minutes are a DRAFT until approved and signed by the board}

BOARD OF DIRECTORS MEETING

6:30 p.m. Wednesday, July 7, 2010 at Vado MDWCA Office

- I. Sign-in sheet and agenda are attached. Present were President Robert Nieto (Mesquite), Secretary/Treasurer Karen Nichols (Desert Sands), Vice-president Tiffany Romero-Vega (La Mesa) and Director Santos Ruiz (Berino) arrived shortly after the meeting began. Director Bobbie Boyer was absent. Also present were Martin Lopez (Mesquite GM, LRGMDWA Fiscal Agent) John Holguin (Vado MDWCA President), Espy Holguin (HUD), Eric Quintana & Benito Levario, Jr. (La Mesa, Twilight Road), Karen Perez (CE&M), Mario Jimenez, III & Trey La Fleur (Doña Ana County Clerk's Office). Olga Morales (Rural Community Assistance Corporation) was on speaker phone through most of the meeting. With a quorum established, Mr. Nieto called the meeting to order at 6:50 p.m. Ms. Nichols made a motion to approve the agenda, Ms. Vega seconded, and it carried unanimously. 00:32
- II. Approval of Minutes of 6/16/10 – Ms. Vega made a motion to approve the minutes of 6/16/10, Ms. Nichols seconded, and it carried unanimously. 1:57
- III. Fiscal Agent Report – Mr. Lopez reported that we have established a checking account at Citizens Band and deposited \$500, and he would like both this entity and the LRG MDWA board to consider transferring funds from the MDWA to the Authority as a way of beginning to dissolve the LRG MDWA. He checked with Rick Martinez at NM-DFA about transferring funding to the Authority and is waiting to hear back. He also needs to coordinate with two of the Directors get their signatures on the bank account. 4:39
- IV. Guest Presentations – Eric Quintana and Benito Levario, Jr. from La Mesa, Twilight Road area
Mr. Quintana discussed the residents' issue with Moonlight Road which did not get paved with the county sewer project the way other roads in the area did. Ms. Perez said they came before county commission under the road paving ordinance and noted that we are already running a new line past the end of their road, so we can address at least that part, then maybe the county can grade and accept it for maintenance. The area does not have water from La Mesa or San Miguel, and after some discussion it appeared likely that it would be La Mesa's area. Mr. Levario said the county says it is a private road, it is almost 1,000' with 5 houses and 7 lots. Ms. Perez noted that our new line will go past the end of it, and they already have they already have sewer and gas. Mr. Lopez pointed out that, as the Authority, we can do some road maintenance if we have infrastructure there to protect, and if the residents chose to become members of La Mesa MDWCA, perhaps the could the county provide us with the gravel. After some further discussion, Ms. Nichols asked if the next step would be to put together a meeting with the county, us, Rural Housing, and any others that would be involved. Ms. Perez agreed and suggested a community meeting at the La Mesa Community Center. She said that Bohannan Huston designed the sewer project, so easements and survey should be in place. Ms. Holguin said to request additional funds from NM-DFA because they are getting some funds

reverted. She said we would need to apply within the week. Ms. Perez said any proposal needs to be presented to the county commission on July 26th. Ms. Vega will help with getting people in the community notified, will reserve community center, and will get the La Mesa board together. 42:18

V. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action: NONE

VI. Unfinished Business:

A. Water Rights issues & June 30 meeting w/State Engineer – report – Mr. Lopez called Olga Morales (RCAC) on speaker phone. He said that he invited Ms. Singleman (Authority’s attorney) this morning, but she could not make it. Bottom line issue is the transfer of water rights to the Authority. Ms. Vega said the La Mesa board resolution was passed last evening; she was not able to get it to Ms. Singleman today, but will tomorrow morning. All of the Associations have now authorized Ms. Singleman to start working on the transfer & assumption. The meeting with State Engineer John D’Antonio went extremely well, and he directed us to apply to the Water Trust Board for funding. They meet on July 28th, and Ms. Morales called his secretary to thank him and let him know we would be willing to present at the WTB meeting on regional issues at his request. Mr. Lopez noted that, with regard to the problem with Rural Development that is holding up the La Mesa project & Mesquite sewer project, we might consider refinancing the RD component of all our existing debt and consolidating NMED loans, etc. Ms. Morales said to be aware that the WTB wants shovel ready projects with a 12-18 month completion. She said she asked Sandra Alarcon (RD) to look into refinancing our debt w/RD, and she checked and said Martha Torres was resistant to that idea. She called Annette Morales (Medius Inc.) to ask Senator Papen to ask someone from NMFA to be at our next Authority meeting to look at refinancing with them. WTB projects are administered by NMFA, and refinance money would be from the State Revolving Fund, so we could qualify for 0% interest. Ms. Nichols noted that she gave Clair Manatt from NMFA a list of loans, she indicated might be here on July 21st. Ms. Morales said that Tim Sturdy is the new analyst there, and she will pursue getting them here through Annette Morales and Sen. Papen. 54:16

B. LRGMDWA items/updates – Mr. Lopez said he is trying to coordinate with RCAC on the re-mailing issued and website. He noted there will be a staff meeting on the 13th to get input.

C. Governance Documents Committee report

1. Set Work Sessions for review of planning grant deliverables at 75% completion and for review proposed Governance Documents – this was rescheduled to July 14th 2-5:00 p.m. at Mesquite 56:40

- D. RFP for engineering services – POSTPONE
- E. Application for funding to USDA RD – POSTPONE
- F. Funding agency issues re: merger
 - 1. Authorize attorney to draft a resolution for Authority to assume founding entity projects with USDA-RD funding allocated but not closed (LOC stage) – Mr. Lopez said that we are still waiting for direction from RD how to handle this, and Olga Moralez has not gotten a response from Martha Torres to her email. Also, it would have been good to have Beverly here. Mr. Lopez recommends tabling to 21st. After some discussion, Ms. Nichols made a motion to conditionally authorize the attorney to draft a resolution for the Authority to assume founding entity project if that is what RD is looking for. Mr. Ruiz seconded, and it carried unanimously. 1:06

VII. New Business:

- A. Open Meetings Act Resolution #2010-07-01 – for adoption – Ms. Holguin noted that the Spanish paragraph in the following the Resolution needs to be fixed to reflect the correct meeting dates and times. Mr. Ruiz made a motion to adopt Resolution #2010-01-01, Ms. Vega seconded, and it carried unanimously. Ms. Nichols made a motion to take items D, E and F next, Mr. Ruiz seconded, and it carried unanimously. 1:04:55
- B. ICIP – discussion – Mr. Lopez said that Tiffany Bloom (SCCOG) called him to say she had inquired with Angela at NM-DFA about rolling all our projects in to the Authority ICIP. Angela needs something from the board and the LRG MDWA telling her we want to do this. This will be on the MDWA agenda this Friday and the Authority agenda on 7/21/10. 2:19:15
- C. Authorize funding application to NM Water Trust Board – Ms. Nichols made a motion to authorize application for shovel ready projects: the Berino water project, Mesquite Phase IV A and planning funds for the surface water treatment plant and related improvement. Ms. Vega seconded, and after some discussion, it carried unanimously.
- D. Governance Document Definition of Membership – for approval taken after VII. A – Mr. Lopez handed out a reformatted version of the Member definition that was included in the board packet. He said that Olga Morales and the Governance Documents Committee had done their best to respect both community identity AND equal representation in this and their work on districts. Ms. Perez outlined some of the difficulty with drawing district boundaries. Mr. Jimenez noted that the definition of membership is the first priority in order to establish districts with equal representation. The Governance Documents Committee’s proposed definition was discussed at length. This item and the next one were discussed together, and at the end of the discussion, Ms. Nichols made a motion to refer the proposed Member definition to the attorney for review before final approval. Ms.

Vega seconded the motion. Mr. Jimenez noted that the county needs the Resolution defining membership before the districting can be done. The vote was unanimously in favor.

- E. Voting District Boundaries – for approval – Mr. Jimenez suggested not making boundaries on land mass, but on members that are eligible to vote, which may result in great disparity in size of districts in order to have equal representation. There was a great deal of discussion about the definition of Member and how to establish districts so that the boundaries are clear and easily distinguished. This item and the previous one were discussed together and at length. No proposed district boundaries were submitted for approval. 2:26:58
 - F. Legal description of Service Area Boundaries – for approval – The service area map has already been filed. Ms. Nichols made a motion to table VII. E. & F. until VII. D. is final. Mr. Ruiz seconded, and the motion carried unanimously. 2:14:45
- VIII. Other discussion and agenda items for next meeting – NMFA staff & Martin Torres (NMED-CPB) for 7/21/10 meeting. Mr. Lopez mentioned the staff meeting at 3:30 on 7/13/10 at Berino and passed around draft of an organizational chart proposal. 2:33:18
- IX. Adjourn – Ms. Nichols made a motion to adjourn, Mr. Ruiz seconded, and it carried unanimously.

LRGPWWA BOARD: Sign ABOVE your printed name Name, Title/ Association Represented	Approve/Absent
Robert Nieto, President/Mesquite MDWC & MSWA	
Tiffany Romero-Vega, VP/La Mesa MDWCA	
Bobbie Boyer, Director/Vado MDWCA	ABSENT
Santos Ruiz, Director/Berino MDWC & MSWA	
Karen Nichols, Secretary-Treasurer/Desert Sands MDWCA	

ARTICLE II – From Governance Documents Committee, Revised by Authority attorney Beverly Singleman
THE AUTHORITY

SECTION 2.01: ESTABLISHMENT AND CREATION.

There is hereby created and established the “**Lower Rio Grande Public Water Works Authority** (“Authority”).” The Authority, a political subdivision of the State, is a member-owned community water system that has all of the privileges, benefits, powers, and duties provided in NMSA 1978, § 73-16-1 (2009) and the general laws of the State regarding political subdivisions. The Authority will adopt and use a governmental seal.

- A. A “member” of the Authority is a person that:
 - 1. Owns real property within the Authority’s recorded designated service area; and
 - 2. Receives services provided by the Authority to that property.
- C. A property owner becomes a member of the Authority only upon compliance with the Policies and Procedures of the Authority.
- D. A member of the Authority shall be entitled to one vote and one vote only, regardless how many separate properties, connections, or hookups the member owns within the Authority’s service area. Co-owners of a real property located within the Authority’s recorded designated service area who

receive services from the Authority are jointly entitled to only one vote, regardless how many people may own the property.

E. Only a property owner who is identified in the public records of Dona Ana County as the property owner may vote, not tenants or lessees, nor persons purchasing the real property under an unrecorded contract.

1. If a member owns real property in more than one district, the member must select one voting district only for voting, as established in the Policies and Procedures of the Authority.

2. If a real property is physically located within more than one district, the voting district where the majority of the real property is located shall be the voting district for that member.

3. If a real property located within the Authority's recorded designated service area is owned by more than one person, the property owners shall designate one, and only one of the owners to be the member with the right to vote in Authority elections.

4. Although multiple owners of a real property may in writing sign a document to change their designated member, any such change in the designated member must be submitted to the Authority in writing no later than 60 days before an election according to the provisions set forth in the Authority's Policies and Procedures.

5. All actions taken by the designated member shall be binding on the property owners who so chose and designated said member.

F. Elections shall be conducted in accordance with the Special Election Procedures in NMSA 1978, §§ 1-24-1 et seq. (1989) and the Authority's Policies and Procedures.

G. A membership in the Authority shall not be transferred to anyone else. If a real property has been sold and is now owned by someone else according to the public records of Dona Ana County, the Membership Certificate of the former owner shall be terminated and is void for all future uses. The new property owner shall apply for a new membership issued in his/her name.

H. The rights, privileges, duties, and obligations of all members of the Authority shall be equal.

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
LOWER RIO GRANDE MUTUAL DOMESTIC WATER ASSOCIATION
WORK SESSION NOTICE**

1:00 – 4:00 p.m. on Thursday, July 29, 2010 at Mesquite MDWC Office – Board Work Session to review CDBG Planning Project at 75% completion

10:00 a.m. on Friday, July 30, 2010 at Desert Sands MDWCA Well #4 and Chope's Restaurant – Desert Sands MDWCA Project Completion Event with USDA Rural Development State Director

3:30 p.m. on Friday, July 30, 2010 at Desert Sands MDWCA Office – Combined Staff Meeting for Office Staff (Operations Staff meets same date/time at Mesquite MDWC)

A quorum of the boards of directors of the LRG PWWA and the LRG MDWA may be present at the work session 7/29/10 and the Desert Sands events on 7/30/10, and a quorum of the LRG PWWA board may be present at the Combined Staff Meeting on 7/30/10. No meetings will be convened, and no Association or Authority business will be conducted except discussion and review of the items stated in this notice.

A quorum of the Member Associations' (Berino, Desert Sands, La Mesa, Mesquite, Vado) boards of directors may potentially be present at the Work Session and the Desert Sands event. No board meetings will be convened, and no Association business will be conducted except the review and discussion of the items stated in this notice.

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY MINUTES

{NOTE: Minutes are a DRAFT until approved & signed by the Board}

BOARD OF DIRECTORS MEETING

10:00 a.m. Wednesday, July 21, 2010 at Vado MDWCA Office

- I. Sign-in sheet and Agenda are attached. Present were President Robert Nieto (Mesquite), Vice-president Tiffany Romero-Vega (La Mesa), and Secretary/Treasurer Karen Nichols (Desert Sands). Director Bobbie Boyer (Vado) was absent and Director Santos Ruiz (Berino) arrived at 10:34 a.m. Also present were Tiffany Bloom (South Central Council of Governments), John Holguin (President, Vado MDWCA), Beverly Singleman (attorney), Ramona Baca (President, Berino MDWC), Ismael Borunda (President, La Mesa MDWCA), Traci Davis (NM Finance Authority), Martin Torrez (NM Environment Dept. Construction Programs Bureau), Martin Lopez (Mesquite GM & LRG MDWA Registered Agent), and Espy Holguin (HUD). With a quorum established, Mr. Nieto called the meeting to order at 10:15 a.m. Ms. Vega made a motion to approve the agenda, Ms. Nichols seconded, and it carried unanimously. 1:49
- II. Approval of Minutes of 5/7/10 & 7/7/10 (attached) – Ms. Vega made a correction to remove Tiffany Bloom from those present in item I, Mr. Nieto made a correction to change the spelling from “Erich” to “Eric” in item IV. Ms. Vega made a motion to approve the minutes of 5/7/10 as presented and 7/7/10 as corrected. Ms. Nichols seconded, and the motion carried unanimously. 6:23
- III. Fiscal Agent Report – Mr. Lopez reported that the only funds we have are the \$500 initial deposit, the bank statements are at Ms. Boyer’s house and she is currently in California. Doug Joens from Mesilla Vally Accounting will help with setting up bookkeeping for the Authority. Ms. Davis asked when merger of finances will happen. Mr. Lopez said the target date is the end of September when the CDBG Planning Project is done. 7:52
- IV. Guest Presentations –Traci Davis from NMFA, Martin Torrez from NMED-CPB RE: Refinance/consolidation of founding entity debts: Ms. Davis said she met with Sandra Alarcon of USDA Rural Development, and the Authority needs to do a written request to them for release of documents in order for NMFA to look at our Rural Development loan documents. Mr. Lopez clarified that the Authority is looking to refinance old loans, not current projects. Ms. Davis also mentioned that they would like to look at financial statements for all the founding entities. Mr Nieto asked by when they would need them. Ms. Davis said the NMFA funding application process is a monthly cycle, and they need the application at the beginning of the month in order to get on that month’s board agenda. She asked what terms the Authority is looking for. Mr. Lopez said that he was told that NMFA will look at the useful life of the infrastructure the old loans were used for, and will make sure that they were not for equipment, which they were not. Mr. Nieto said we were thinking of just paying off the two smallest loans (Mesquite’s & Vado’s) instead of refinancing them. Ms. Davis said that they have a copy of HB 185 and asked about any other organizational documents for the Authority. Ms. Nichos said that the Governance Documents are at 75% completion and should be final soon. Ms. Davis said they would like to have the NMFA attorney review them. Ms. Singleman clarified that

each founding entity, not the Authority, needs to send a release to USDA-RD. She also said she would call Ms. Alarcon since we have heard nothing from Martha Torres. Ms. Nichols asked if we will need to submit a Uniform Funding Application, and Ms. Davis clarified that what NMFA will need is the PPRF application, authorization For RD to release our loan information, and financial statements from the founding entities. Mr. Lopez asked if we are looking at refinancing other loans. Ms. Nichols said she thought we should look at the RIP loans and see if it makes sense to refinance them as well, and especially the Desert Sands Berkadia (formerly GMAC, GECC, then Capmark). Ms. Davis said she also understood the Authority plans to apply to the Water Trust Board for 2011, and said we qualify as long as we have merged or can identify a fiscal agent. There was some discussion, and the next agenda will include an action item for revoking the fiscal agency of the LRG MDWA now that the Authority has an address, FEIN, CRS ID, bank account and DUNS number of its own. Ms. Nichols checked with Ms. Bloom about her comfort level with anything that looked like implementation of the Planning Project, and Ms. Bloom clarified that if we need to implement any piece of the plan, we need to get a draft of that piece up to NM-DFA in order to do that before the planning project is complete.

Martin Torrez said that the project he has listed for our founding entities and the LRG MDWA is four or five planning projects. Mr. Lopez said that Mesquite and Berino got planning money, the La Mesa one is on hold, and also Brazito applied. He said that's all he has as far as projects for these communities, and Mr. Lopez said that we will have projects coming up very soon. 34:29

V. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action: NONE

VI. Unfinished Business:

A. Water Rights issues & 6/13/10 meeting w/State Engineer staff: Ms. Nichols said that Ms. Perez was going to send out notes from the 6/13 meeting and hasn't yet. Mr. Lopez said that when Authority got ready to look at surface water site, a letter from the local NM-OSE office that was much more far reaching than necessary was issued, and it would trigger an full Environment Impact Statement. He said that he, Ms. Perez and Ms. Singleman met with Eric Fuchs and Cheryl Thacker at the local OSE office, and they gave us some process for the 40-year water plan, discussed the process for building a surface water plant, and gave some direction for transfer of water right with resolutions to lease them back to individual mutuals, and noted that we need clarification on Special Water Users Associations because the NM-OSE has not developed rules or guidelines. When Authority representative met with Mr. D'Antonio, he said they are looking for us to implement the combine & comingle under HB185, and there is reason for concern about losing water rights if this is not done carefully, especially Desert Sands' that have not been put to beneficial use yet. We will need to use return flows as an offset or a credit, and they will work with us on that. Ms. Singleman said the Mr. Fuchs gave a clear picture of the delineation of duties within NM OSE, and the 40-year plans are handled in Santa Fe, return flow plans are local and administrative. He was also candid about Special Water Users Association statutes, and NM-OSE has not done much to implement this. We will likely be the first to need

to implement it. Ms. Singleman said it was a strategically interesting meeting, and that Mr. Fuchs was helpful and communicative. Ms. Thacker was there, is the one we will be dealing with, and is eager to get started.

Ms. Singleman said she needs to be authorized by the Authority Board to meet with the county to discuss the return flow issue. Ms. Nichols made a motion to authorize the attorney to do whatever is necessary and meet with whoever she needs to meet with in order to deal with the Authority's water rights issues. Ms. Vega seconded, the motion, and it carried unanimously. 46:31 Ms. Nichols asked about the status of water rights transfers. Ms. Singleman replied that she has all the founding entity board resolutions and should have the applications ready the end of next week. She also noted that we need to start looking at transferring real property such as well sites to the Authority. Mr. Lopez said he can get what is on file at the county. Ms. Davis said the other piece for the WTB application is that the Authority has to comply with HB185, but the WTB understands it is going to be a process and just needs to see that it has been initiated. Mr. Lopez will start gathering information on the real property, will touch base with Olga Morales. He noted that the county assessor recommended one path, RD another, and the attorney may have yet another. Ms. Singleman replied that we are more interested in doing this in the proper legal manner than in making it easy for other governmental entities. Ms. Nichols will send an email requesting that the founding entities send their property ID numbers to Mr. Lopez. 52:57

- B. LRGMDWA items/updates – Authorize merging LRG MDWA's ICIP into the Authority's – Mr. Lopez said the LRG MDWA Board authorized this at their last meeting. Ms. Vega made a motion to approve, Mr. Ruiz seconded, and it carried unanimously. 55:00

- C. ICIP – discussion – Ms. Bloom passed around the ICIP from last year (attached) and said we will keep this account number and information, but change name from the MDWA to the Authority. The deadline is 9/30/10. She said the Inventory can have a note in the ICIP saying it is avail upon request rather than typing it in. Mr. Lopez told her she can delete the La Mesa Administration Building since it is funded, and also the Vado meters are done. He said the Berino Road Line replacement needs to be #1, Mesquite Water Phase 4A will be #2 (it has a FONSI from USDA but they aren't considering for funding), Berino Water System Improvements will be #3 (this is at 80% of design), LRG Phase II & Tank is #4, LRG Surface Water Treatment Plant is #5, Booster Pump is #6, Desert Sands Distribution Project is #7, Mesquite Water System Improvement Phase IV B & C is #8, Mesquite Sewer Project is #9, Mesquite Wastewater Extension Phase II is #10, Desert Sands Vehicle Purchase is #11, La Mesa Vehicle Purchase is #12. 1:05:00 Ms. Bloom had Mr. Nieto sign a letter to NM-DFA requesting the ICIP merger.

- D. Governance Documents Committee report
 - 1. Re-schedule work session – Mr. Lopez note d that the work session for 5% completion is set for next Thursday, July 29th at 1:00 at Mesquite. Tomorrow at

2:00 is a telephone conference with Sharon Wills at RCAC regarding the Authority web site.

2. Review election time-table from county – no one was present from the county, Ms. Perez was not present, and no time-table has been provided. Mr. Lopez will follow up with Ms. Perez and Ms. Morales.

- E. Definition of Membership – for approval – Ms. Singleman said she was sent the proposed definition from the Governance Documents Committee and asked to look at it, she asked some questions, and once she understood that Member should be property owner, she made sure to cover as many scenarios as possible. She suggested that the Board might want to consider that at some point in time, everyone who owns property who wants to vote needs to register to vote as a property owner. She also noted that there needs to be a cut-off date for voter rolls before each election, and she put it in as 60 days. After some further discussion, Ms. Nichols made a motion to approve, Ms. Vega seconded, and it carried unanimously. 1:20:36
- F. Voting District Boundaries – for approval IF READY – NOT READY
- G. Legal description of Service Area Boundaries – for approval – IF READY – NOT READY – Delete this item from the next agenda because it is the same as F.– this is more like the outside boundary of all the voting district. DELETE G from next agenda, it's the same as F 1:24:33
- H. RFP for engineering services – POSTPONE – There was a very brief discussion, and this will be an action item on the next agenda.. PUT ON NEXT AGENDA 1:26:28
- I. Application for funding to USDA-RD – POSTPONE
- J. WTB meeting 7/28/10 in Santa Fe and WTB funding application update – Mr. Lopez and Mr. Nieto are going, Ms. Nichols will request authorization from the Desert Sands board. 1:28:39
- K. Funding agency issues re: merger
 - 1. Resolution for Authority to assume founding entity projects with USDA-RD funding allocated but not closed (LOC stage) – IF READY – NOT READY – Mr. Lopez reported that there is still no direction from Rural Development. 1:29:05
 - 2. Other? NONE

VII. New Business:

- A. Process of hiring GM (can Authority board delegate to MDWA board, or should Authority employee-directors resign now) – Mr. Lopez recommended that the board needs to look at hiring staff, particularly a General Manager. He noted that currently this board has three employees who want to continue to be employees, and asked, at what point should they consider resigning and how to replace them as Directors. HB 185 says that the founding entities appoint a Member (not necessarily a Director) of their Associations to the Authority Board. Mr. Holguin stated that Bobbie Boyer wants to resign right away. Ms. Singleman said that if the Authority is at the point of hiring a manager, if potential Authority employees are Directors they need to resign before the manager is hired. There was a great deal more discussion, and this discussion often coincided with item B. below.

- B. Authority employee-directors resignation/replacement process
Ms. Singleman said the Authority needs a policy that no Authority directors can be an employee, and the founding entities' Boards needs to replace the person they appoint to the Authority Board when there is a resignation. 2:04:55

- VIII. Other discussion and agenda items for next meeting – Next meeting is 8/4/10 6:30 p.m. – Mr. Lopez will recommend to the MDWA to ask their attorney to draft letter to the LRG MDWA's engineer asking for time-table for deliverables. The engineering contract expires in November, and we are pending the PER & EA, Phase II Interconnect Design, 40-year water plan and as-builts for Stern Drive. Also, if we get tripped up with the land purchase & EA not done and Phase II not done, there needs to be a backup project to keep from losing older Colonias Initiative funds. The La Mesa meeting is tomorrow at 6 p.m. at the La Mesa Community Center. The LRG MDWA submitted a request for additional funds to NM-DFA for those three La Mesa streets, and Annette Morales is meeting with Rick Martinez today to see about getting us \$70,000 for the project. Mr. Lopez noted that we need to start getting membership lists based on new criteria for Membership, and we need to get loan information for all the associations and draft a letter to get NMFA on board with refinancing the older RD loans. Ms. Bloom suggested putting ICIP Resolution on the next agenda. Ms. Singleman added to include a resolution authorizing the association to continue to use their previous water rights.

- IX. Adjourn Ms. Vega made a motion to adjourn, Mr. Ruiz seconded, and it carried unanimously. Mr. Nieto declared the meeting adjourned at 12:34 p.m.

Date Minutes Approved: _____

LRGPWWA BOARD: Sign ABOVE your printed name Name, Title/ Association Represented	Approve/Absent
Robert Nieto, President/Mesquite MDWC & MSWA	
Tiffany Romero-Vega, VP/La Mesa MDWCA	
Bobbie Boyer, Director/Vado MDWCA	ABSENT

Santos Ruiz, Director/Berino MDWC & MSWA	
Karen Nichols, Secretary-Treasurer/Desert Sands MDWCA	