

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY MINUTES

NOTE: Minutes are a DRAFT until approved and signed by the Board

## REGULAR BOARD OF DIRECTORS MEETING

10:00 a.m. Wednesday, December 15, 2010 at the Vado Office, 325 Holguin Road

- I. **Sign in, establish quorum, call to order:** Sign-in sheet and Agenda are attached. Secretary Santos Ruiz (Berino) and Director Rosaura Pargas (Desert Sands) were absent. Present were Chairman Roberto “Marty” Nieto (Mesquite), Vice-chairman John Holguin (Vado), and Director Jim Pugh. Also present were General Manager Martin Lopez, Operations Manager Mike Lopez, Finance Manager Kathi Jackson, Projects Manager Karen Nichols, and Bertha Rizutti from Berino and Matt Dyer from La Mesa representing Parkhill, Smith & Cooper. Mr. Nieto called the meeting to order at 10:03 a.m. **{:46}**
- II. **Approval of agenda:** Mr. Lopez noted that the PER is not completed, and Mr. Pugh made a motion to approve the Agenda with item VII. E. postponed. Mr. Holguin seconded the motion, and it carried on a vote of 3-0. **{1:39}**
- III. **Approval of Minutes of 12/1/10:** Mr. Pugh made a motion to approve the minutes as presented. Mr. Holguin seconded, and it carried on a vote of 3-0. **{2:16}**
- IV. **General Manager’s action items & reports (Operations & Projects Report on 1<sup>st</sup> Wed. Agenda)**
  - A. **Management Report:** Mr. Lopez handed out his written report (attached), noted that the date should read “December 15, 2010”, and reviewed it with the board. He also mentioned under Water Rights on his report that the LRGMDWA is out of funds, so the Authority will need to cover having the Return Flow Credit Plan done. He handed out a letter from the Department of Finance & Administration Local Government Division approving budget with a caution concerning careful monitoring of General Fund cash balances (letter is attached). Mr. Pugh said that the format of the RD form used for the budget is difficult to understand, and Mr. Lopez explained that it is basically just a projection used for funding applications, and we need to do more staff training and pull together actual financial information to generate an actual budget. Mr. Holguin asked about the solid waste coupons, and Mr. Lopez replied that we have turned in the agreement waiting for the county. Mike Lopez said that they are available at Del Cerro Community Center. Mr. Pugh asked about the audits for mutuals, and Mr. Lopez explained that the Authority will have their books audited as required. Ms. Nichols added that the auditor who provided a letter of commitment for the La Mesa Well Project and Mesquite Wastewater Project has provided letters extending that commitment to the Authority to update the USDA Rural Development Letter of Conditions notebooks for those projects. Mr. Lopez also briefly discussed the bids and funding for the La Mesa Office Building Project and said that we might be able to use some Colonias Initiative funds to install a central phone system there and new equipment in all the other offices in order to get them all on one system. He handed out the latest update from Molzen Corbin on that project (attached). **{22:39}**
  - B. **Finance Report:** Ms. Jackson handed out and reviewed her written report (attached). She said it contained preliminary numbers for October, and that she has not been able to

obtain much data from Vado and La Mesa. She noted that all the mutual had different methods of listing assets, that some had actual financial statements compiled by an accountant and others did not, and that the billing programs used by Vado and La Mesa did not provide some of the data she needs like aged accounts receivables, so this is a beginning picture and it is taking time to pull it all together. {37:00}

- C. Operations Report (postponed from 12/1) – Mike Lopez handed out his report (attached) and reviewed it with the Board. Mr. Pugh asked about GPS and system mapping. Martin Lopez said that we are working on getting our own system. Mr. Pugh asked about hazmat for chlorine and other chemicals, and Martin Lopez said that Mike Lopez is responsible for our safety & OSHA programs. Mr. Pugh said he has a business card from a state employee who assists with workplace safety recommendations.

Martin Lopez asked Mike Lopez and Ms. Jackson to report on the Asset Management training they attended. Ms. Jackson mentioned some of the methods presented for documenting assets including using a laptop in the field or a camera to take photos for the office to use in tracking assets. She said we need to establish cap on tracking, and our current Asset Management Plan is currently tracking down to \$500. Martin Lopez said we probably need to make it \$5000 based on an audit finding that Mesquite was tracking items of too small a value. He also noted that funding agencies require an Asset Management Plan and ,under accounting with GASB34, we need to report on that. He said it goes beyond operations & accounting, but is also part of reporting to higher levels of government. {1:00:52}

- V. **Guest Presentations:** Matt Dyer said that he is citizen of La Mesa and that he works for Parkhill, Smith & Cooper. He discussed his firm’s capabilities, said they could help with things like integrating SCADA systems, ARC/GIS and Autocad implementation, as well as engineering. Mr. Dyer handed out a brochure about his firm (attached). {1:14:27}

- VI. 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

- VII. Unfinished Business:

- A. **Motion to go into closed session pursuant to NMSA 1978 10-15-1 (H)(2) – Discussion of hiring & assignment of the General Manager – ROLL CALL VOTE:** Mr. Pugh made the motion as stated in the Agenda, Mr. Holguin seconded, and Mr. Pugh voted yes, Mr. Holguin voted yes and Mr. Nieto voted yes. Motion carried on a vote of 3-0 and Mr. Nieto convened the closed session at 11:18 a.m. {1:15:34}

- B. **Motion to resume the Open Meeting, statement by the Chairman that the matters discussed in the closed session were limited to those stated in the motion to the close:** Mr. Holguin made a motion to resume the open meeting, Mr. Pugh seconded, and it carried on a vote of 3-0. Mr. Nieto reconvened the open meeting at 11:39 a.m. and stated that the only matters discussed in the closed session were those stated in the motion to close the meeting. {1:16:10}

- C. **Final GM Employment Contract & GM Job Description – for adoption:** Mr. Lopez said that the attorney had forwarded the contract with the terms as discussed. Mr. Pugh

asked Mr. Lopez if he was happy with it, and he replied in the affirmative. Mr. Holguin asked when the first performance review takes place, and Mr. Lopez replied in one year. Mr. Pugh said he thought it was July, and that factored in to the salary offered, so he requested beginning in July. Mr. Holguin made a motion to adopt the General Manager Job Description and authorize the contract. Mr. Pugh seconded, and the motion carried on a vote of 3-0. {1:19:26}

**D. Adoption of 40-Year Water Plan & Water Conservation Plan:** Mr. Lopez reported that the LRGMDWA Board accepted this document as a contract item, and they sent to the Authority board for adoption. He said there is no point in editing it further until the NM Office of the State Engineer reviews it and possible sends comments. Mr. Pugh asked if staff had reviewed it, and Mr. Lopez replied that he and Ms. Nichols had gone through it very thoroughly and Ms. Nichols went over a list of revisions to the engineer after the first draft that have all been incorporated in this one. Mr. Pugh made a motion to adopt the 40-Year Water Plan and Water Conservation Plan, Mr. Holguin seconded, and it carried on a vote of 3-0. {1:20:32}

**E. PER – surface water plant – final draft: POSTPONED**

#### **VIII. New Business:**

**A. Directors' reimbursable expenses, Per Diem, Use of Authority vehicles:** Mr. Lopez said he had mileage reimbursement request from a Director, and we have no policy in place yet. Mr. Pugh asked about the mileage & per diem hand out in the Board Packet, and Ms. Nichols explained that it was a copy of the state statute governing payment of those expenses by public entities. Mr. Lopez handed out a proposed Policy for Board Member Reimbursement including cell phones, computers, etc. and a Proposed Policy adopting the NMAC Title 2; Chapter 42; Part 2 (2.42.2 NMSA) Regulations Governing the Per Diem & Mileage Act. There was some discussion. Mr. Lopez asked about the Director request for reimbursement, and Ms. Nichols pointed out that the Governance Document prohibits reimbursement for travel to Board meetings. Consensus was to adopt the state mileage & per diem policy and a separate policy for other types of reimbursable expenses, and this will be on the next agenda. {1:28:00}

**IX. Other discussion and agenda items for next meeting – Next meeting 1/5/11 at 4:00 p.m.:** Mr. Holguin asked if we are going to send any on up to the legislature for Colonias Day. Mr. Lopez replied that we will be monitoring proposed legislation, and may also need to have staff travel to legislature during the session. Mr. Pugh said he had heard some complaints about employees having to clock in at a central location and said the thought that employee clock-in should be at each separate office. Mr. Lopez replied that the operators meet to clock in and get job assignments at the Mesquite or Desert Sands office, but there are time-clocks at each office already. Mr. Lopez said he had a call from Ms. Rizutti (who was here at the meeting but had to leave) on Monday morning asking why the Berino board was meeting Monday night at the local church. The next day he also got a call from Margie Bryant. A lot of misinformation is being presented claiming Berino is paying more, losing water rights, etc. He answered their questions and both ladies requested not changing the time for the evening Authority Board meeting. Next agenda: adopt state mileage & per diem policy, PER for surface water treatment plant. Mr. Lopez handed out a board training announcement from RCAC and a notice from Doña Ana County about a public meeting in Berino regarding a master plan for the community. {1:40:08}

- X. Adjourn – Mr. Holguin made a motion to adjourn, Mr. Pugh seconded, and it carried on a vote of 3-0. Mr. Nieto adjourned the meeting at 12:03 p.m.

Date Minutes Approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Roberto M. Nieto

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Vice- Chairman, John Holguin

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Secretary, Santos Ruiz

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Director, Rosaura Pargas

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Director, Jim Pugh

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Secretary, Santos Ruiz

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Director, Rosaura Pargas

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Director, Jim Pugh

# Lower Rio Grande Public Waterworks Authority

## Sign In Sheet

Date: 11/15/12

Time: 10 AM

Place: Nada

Meeting Type: Regular

Name, Title - Print	Company or Agency Represented	Mailing Address	Telephone	Email
James Bucay	LA MESA	LA MESA 430 Rusty Spur	233-3309	RICHARD@LAMA.COM
James Bucay	LA MESA	325 Holston Rd VAL, NM 88572	695-9007	jholston@lma.com
Mike Lopez	LEG PURVA	P.O. Box 203 Mesilla Park NM	635-3921	mike.lopez@lrgaauthority.org
Math Dyer	PSC	115 N. Griegs Las Cruces, NM 88001	575-523-0915	mdyer@pam-psc.com
Bartha Roberts	Bellevue	PO Box 524 Bellevue NM	575-882-5804	bartharoberts@bellevue.com
Kath Jackson	LEG PURVA	PO Box 2046 Anthony NM 88021	480-4330	kath.jackson@lrgaauthority.org
MANUEL LOPEZ	LEG PURVA	PO Box 3646 Anthony NM 88021	575-571-3628	manuellopez@lrgaauthority.org
Robert M. Nichols	LEG PURVA	PO Box 9676 Anthony NM 88021	575-631-9677	robert@lrgaauthority.org
Karen Nichols	LEG PURVA	911 203 E. 5th	575-631-9677	karen.nichols@lrgaauthority.org

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY**  
**MEETING NOTICE & AGENDA**  
**REGULAR BOARD OF DIRECTORS MEETING**  
**10:00 a.m. Wednesday, December 15, 2010 at the Vado Office, 325 Holguin Road**

- I. Sign in, establish quorum, call to order
- II. Approval of agenda
- III. Approval of Minutes of 12/1/10
- IV. General Manager's action items & reports (Operations & Projects Report on 1<sup>st</sup> Wed. Agenda)
  - A. Management Report
  - B. Finance Report
  - C. Operations Report (postponed from 12/1)
- V. Guest Presentations –
- VI. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:
- VII. Unfinished Business:
  - A. Motion to go into closed session pursuant to NMSA 1978 10-15-1 (H)(2) – Discussion of hiring & assignment of the General Manager – ROLL CALL VOTE
  - B. Motion to resume the Open Meeting, statement by the Chairman that the matters discussed in the closed session were limited to those stated in the motion to the close.
  - C. Final GM Employment Contract & GM Job Description – for adoption
  - D. Adoption of 40-Year Water Plan & Water Conservation Plan
  - E. PER – surface water plant – final draft
- VIII. New Business:
  - A. Directors' reimbursable expenses, Per Diem, Use of Authority vehicles
- IX. Other discussion and agenda items for next meeting – Next meeting 1/5/11 at 4:00 p.m.
- X. 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 LRG PWWA office at 575-233-3947, 325 Holguin Rd, Vado NM 88072 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 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 LRG PWWA office at 575-233-3947, 325 Holguin Rd, Vado NM 88072 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 LRGPWWA si un resumen o otro tipo de forma accesible es necesario*

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

**REGULAR BOARD OF DIRECTORS MEETING**

**6:30 p.m. Wednesday, December 1, 2010 at Vado Office, 325 Holguin Road**

- I. **Sign in, establish quorum, call to order:** Sign-in sheet and agenda are attached. Directors present: Chairman Roberto “Marty” Nieto (Mesquite), Vice-chairman John Holguin (Vado), Secretary Santos Ruiz (Berino), Director Rosaura Pargas (Desert Sands), and Director Jim Pugh (La Mesa). Directors Absent: none. Staff present: General Manager Martin Lopez, Projects Manager Karen Nichols. Also present: Jose Terrones (Molzen Corbin), Jose Luis Arellano (member), Brad Beasley & Lisa Avilucea (Beasley & Mitchell). With a quorum established, Mr. Nieto called the meeting to order at 6:32 pm . :26
- II. **Approval of agenda:** Mr. Lopez suggested that the Board postpone items VII D. & E. because they are not ready. Ms. Pargas made a motion to approve the agenda with those items postponed, Mr. Ruiz seconded, and it carried on a vote of 5-0. 1:35
- III. **Approval of Minutes of 11/17/10:** Mr. Pugh made a motion to approve the minutes (attached), Mr. Ruiz seconded, and it carried on a vote of 5-0. 2:32
- IV. **General Manager’s action items & reports (Finance Report on 3<sup>rd</sup> Wed. Agenda)**
  - A. **Management Report:** Mr. Lopez reviewed the Manager’s Report (attached) and status of the tasks listed. 13:02
  - B. **Operations Report:** Mr. Lopez said we will move this to second meeting this month because Operations Manager Mike Lopez is out of town at a training. 13:02
  - C. **Projects Report (may include brief presentation by Jose Terrones, Molzen Corbin):** Ms. Nichols reviewed the attached report. Mr. Terrones discussed the La Mesa projects. Mr. Lopez noted that he will be opening the construction accounts for the projects that are about ready to bid. 32:40
- V. **Guest Presentations –Brad Beasley, Beasley & Mitchell & Co.:** Mr. Beasley introduced himself and Ms. Avilucea. He said his firm is starting to work on Authority financial statements from 9/30/10 forward. He said they are also working with staff on the IRS issues, payroll and accounting policies, segregation of duties, tracking assets, etc. He said he was pleased to see the proposed contract with Southwestern Wireless on the agenda and confirmed the need for and intranet and consolidated systems between the five offices. He also said that his firm provides an online backup system for Quickbooks. He emphasized that his firm was always willing to meet with the Board when requested. 45:02
- VI. **Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:** Mr. Arellano, a member and former Director of Desert Sands MDWCA, said he came to meet the board and ask three questions. The Directors introduced themselves. Mr. Arellano asked who sets the water rights fees. Mr. Lopez replied that the Board adopts rates and policies and explained why a water rights fee is needed to cover the cost of about 1/3 acre foot of water rights per residential connection. Ms. Nichols added that Desert Sands did not yet have this fee because it was only pumping about half its declared water



rights, but it would have eventually had to implement a water rights fee as it used all the declared rights or had them reduced by the NM-OSE. Mr. Arellano asked the owner of a trailer park with 10 connections would be required to pay the fee ten times, and Mr. Lopez replied in the affirmative, but say in that case, the best bet might be to apply as commercial account, and those are taken on an individual basis depending on their requirements and anticipated usage. Mr. Arellano asked if there was a policy for handling filtered water re-sellers, like the vending machines at some of the small grocery stores. Mr. Lopez said that is something we need to review and discuss with NMED to see if there is a way to handle those installations that addresses potential contamination if the filters are not maintained and the fact that they are re-selling our water. 1:03:09

## **VII. Unfinished Business:**

- A. Motion to go into closed session pursuant to NMSA 1978 10-15-1 (H)(2) – Discussion of hiring of the General Manager** – Mr. Holguin made the motion as stated in the agenda, Mr. Ruiz seconded. Ms. Pargas voted yes, Mr. Holguin yes, Mr. Ruiz yes, Mr. Pugh yes, and Mr. Nieto yes. On a vote of 5-0, the motion carried and the board went into closed session at 7:37 p.m. Staff and guests left the room. 1:04:21
- B. Motion to resume the Open Meeting, statement by the Chairman that the matters discussed in the closed session were limited to those stated in the motion to the close:** Mr. Holguin made a motion to resume the open meeting, Ms. Pargas seconded, and Mr. Pugh voted yes, Mr. Ruiz yes, Mr. Holguin yes, Ms. Pargas yes, and Mr. Nieto yes. On a vote of 5-0, the motion carried. Mr. Nieto stated that the matters discussed in the closed session were limited to those stated in the motion to close. The open meeting was resumed at 8:10 p.m.
- C. GM Employment Contract & GM Job Description – for adoption:** Mr. Nieto informed Mr. Lopez that the board was prepared to offer him a salary of \$72,000 per year with an annual bonus and an evaluation of goals & objectives. Mr. Lopez asked about the length of the contract. There was some discussion, and Mr. Holguin made a motion to authorize the employment contract as described with Mr. Lopez for a period of 3 years, Ms. Pargas seconded, and it carried on a vote of 5-0. Mr. Pugh stated his objection to having Ms. Nichols take Board meeting minutes because it is a clerk job. Mr. Lopez explained that minutes are important not only for Open Meetings Act compliance, but they are scrutinized by auditors as well. He said that he had reassigned the job back to Ms. Nichols until we can get someone else trained for the job. Mr. Pugh restated his objection. 1:08:11
- D. Adoption of 40-Year Water Plan & Water Conservation Plan: POSTPONED**
- E. PER – surface water plant – final draft: POSTPONED**

## **VIII. New Business:**

- A. Proposed Amendment to OMA Resolution re: 1<sup>st</sup> Wed. – change time or eliminate:** Mr. Holguin said he was going to have to leave, but wanted to comment that the Board should keep meeting twice a month through January and consider changing to a single monthly meeting in February. Mr. Holguin made a motion to change the time of the first

Wednesday monthly meeting from 6:30 p.m. to 4:00 p.m. Mr. Ruiz seconded, and the motion carried on a vote of 5-0. Mr. Holguin left the meeting at this point. 1:11:46

**B. Desert Sands mapping update proposal – for approval:** Mr. Lopez said he is requesting permission to have Bohannon Huston update the Desert Sands area system through the project that is just ending. Ms. Nichols said that BHI gave her an estimated cost of time & materials not to exceed \$3,000. Mr. Pugh made a motion to approve, Mr. Ruiz seconded, and it carried on a vote of 4-0. 1:14:03

**C. Proposed contract from Southwestern Wireless – authorize GM to finalize and sign:** Mr. Lopez discussed the proposed contract (attached) and requested board approval to finalize and sign it on behalf of the Authority after having the attorney review it. Mr. Pugh made a motion to approve, Mr. Ruiz seconded, and it carried on a vote of 4-0. 1:17:25

**D. Request transfer of founding entity NMFA Planning Grants to Authority:** Mr. Lopez requested board permission to approach NMFA to transfer them the planning grants for a Berino water project and a Mesquite/Brazito sewer project to the Authority. Motion JP, RP2, unan. 1:19:34

**IX. Other discussion and agenda items for next meeting – Next meeting 12/15/10 at 10 a.m. or\_\_:** Ms. Pargas made a correction to the dates on two of the signature lines on the OMA Resolution. Mr. Pugh said that he had been reading the job descriptions and felt that they were weak and He also said he had been reading the job descriptions and handed out copies of his proposed edits to the manager job descriptions and his suggested goals and performance objectives for the General Manager (all attached). Mr. Lopez proposed that that Projects & Operations reports be given during the Manager’s Report at the first monthly meeting, and Financial at the second. There was some further discussion of Ms. Nichols taking the minutes. Mr. Lopez mentioned that he might have the attorney to notify the mutual boards that Authority has assumed all functions.

**X. Adjourn:** Ms. Pargas made a motion to adjourn, Mr. Ruiz seconded, and it carried on a vote of 4-0.

Date Minutes Approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Roberto M. Nieto

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Vice- Chairman, John Holguin

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Secretary, Santos Ruiz

\_\_\_\_\_  
Director, Rosaura Pargas

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Director, Jim Pugh

**LRG PWWA  
Manager's Report  
December 1, 2010**

15

Tasks

- Procurement to configure Intranet network
  - Signed contract with Southwestern Wireless to receive free internet service and equipment in exchange for allowing the placement of their equipment at the Suspiro Tank Site
- Procurement to configure office phone network
  - Justification to “sole-source” due to upgrade of existing upgrade through *Telstar Networks* and have associated cost paid by La Mesa Building CI
- Procurement to configure computer programs and software
  - Current software in La Mesa and Vado accurate aged account receivables (money due)
  - Additional training of staff will be required to produce budgets, reports, total costs for system (cost per system)
- Implement adopted rates
  - Desert Sands complete others by next week
- Establish election (district) boundaries
  - Set meeting with RCAC to coordinate effort with DAC Election Staff in January 2011
- Standardize Billing Program
  - Discussion with CUSI to standardize;
- Transfer of Assets (bank funds) from Associations

- Pending Operating and Reserve accounts for La Mesa and Vado
- Construction accounts for Mesquite, Desert Sands, Berino
- Transfer long and short term debt
  - issue with NMFA about LRGPWWA ability to assume (pay) existing debt and take on new debt due to lack of founding entities financials primarily Berino, La Mesa and Vado
- Project Funding Applications
  - issue with WTB-NMFA about LRGPWWA ability to assume (pay) existing debt and take on new debt due to lack of founding entities financials primarily Berino, La Mesa and Vado
  - LRGMDWA
    - La Mesa Building (Bid award)
    - Castillo Road (bedding material)
- Property Taxes
  - Documentation submitted to DAC
- Water Rights
  - Offsets
  - Return flow credits
  - Combine/commingle
- EBID Emergency Mutual Aid Agreement
  - Submitted to Gary Esslinger
- FCC Licenses transferred
  - Mesquite SCADA transferred
- Budget Reports and Audits
  - Authority-revised FY11 received approval

- LRGMDWA-complete      Agreed      upon  
procedures
- Mutuuls-(Audits): Mesquite completed, Desert  
Sands pending, Berino (agreed upon procedure)  
wait on IPA, La Mesa and Vado will have to  
begin in January
- Solid Waste
  - Coupons contact submitted to DAC

BILL RICHARDSON  
GOVERNOR

DANNETTE K. BURCH  
SECRETARY DESIGNATE



RICK MARTINEZ  
DEPUTY CABINET SECRETARY

JOHN GALLEGOS  
DEPUTY DIRECTOR

SAMUEL OJINAGA  
DEPUTY DIRECTOR

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
Bataan Memorial Building, Suite 201 ♦ Santa Fe, New Mexico 87501  
(505) 827-4950 ♦ FAX No. (505) 827-4948

October 25, 2010

Roberto M. Nieto, President  
Lower Rio Grande Public  
Water Works Authority  
325 Holguin Road  
Vado, NM 88072

Dear Mr. Nieto:

The final budget for Fiscal Year 2010-2011, as approved by the governing body, has been reviewed by the Local Government Division (Division) and it has been developed in accordance with applicable statutes. Sufficient resources appear to be available to cover budgeted expenditures.

In accordance with Section 6-6-2-(E) NMSA 1978, the Division certifies the final FY 2010-2011 budget. However, please note that 2.2.3 NMAC requires that the most recent audit be submitted to the Office of the State Auditor for the period ended June 30, 2009. The District should contact the Office of the State Auditor to verify audit requirements pursuant to Senate Bill 336. If 2.2.3 NMAC applies and the District is behind in its submission of the annual audit(s), then certification is conditional until the District becomes compliant with this rule.

Budgets approved by the Division are required to be made a part of the official minutes by the governing body according to Section 6-6-5 NMSA 1978. Additionally, Section 6-6-6 NMSA 1978, provides that the approved budget is binding on the local officials and governing authorities. Any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for such claims and warrants allowed.

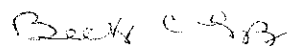
Furthermore, state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. The use of public funds is further governed by Article 9, Section 14 of the Constitution of the State of New Mexico, which is commonly referred to as the Anti-donation clause.

Finally, please be advised that prior approval by the Division is required by Section 6-6-2-(G) NMSA 1978, on all budget adjustment increases of revenue, expenses and transfers between funds.

**The governing body has developed the budget in accordance with applicable statutes and the required cash reserve is being met in the General Fund; HOWEVER, due to estimated expenditures and transfers exceeding estimated revenue within the General Fund, the General Fund cash balance is being depleted. Therefore, careful monitoring (i.e. decreasing expenditures) is recommended to avoid financial problems in the future. Also, keep in mind that cash balances should not be used for recurring expenditures.**

If you have any questions, please call me at (505) 827-8060.

Sincerely,



Becky C. Lopez  
Executive Budget Analyst

cc: Martin G. Lopez, General Manager  
John A. Gallegos, Deputy Director, LGD

DEC 1 2011


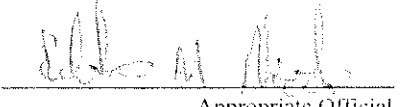


UNITED STATES DEPARTMENT OF AGRICULTURE  
**STATEMENT OF BUDGET, INCOME AND EQUITY**

Schedule 1

Amended Name <b>Lower Rio Grande Public Water Works Authority</b>	Address <b>325 Holguin Road Vado, NM 88072</b>
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(1) <u>OPERATING INCOME</u>	PRIOR YEAR <u>Actual</u> (2)	ANNUAL BUDGET		For the _____ Months Ended _____		
		BEG <u>07-01-2010</u>	END <u>06-30-2011</u>	CURRENT YEAR		Actual YTD (Over) Under Budget Col. 3 - 5 = 6 (6)
		(3)	Actual Data		Current Quarter (4)	
1. <u>Water Revenue</u>		1,258,804				1,258,804
2. <u>Sewer Revenue</u>		63,092				63,092
3. _____						0
4. _____						0
5. <u>Miscellaneous</u>						0
6. <u>Less: Allowances and Deductions</u>						0
7. <u>Total Operating Income</u> (Add lines 1 through 6)	0	1,321,896		0	0	1,321,896
<u>OPERATING EXPENSES</u>						
8. <u>Salaries, Labor</u>		734,920				734,920
9. <u>Accounting, Legal</u>		215,875				215,875
10. <u>Taxes, Insurance</u>		471,430				471,430
11. <u>Utilities</u>		262,161				262,161
12. <u>Supplies</u>		165,356				165,356
13. <u>Lab, Chemicals</u>		24,952				24,952
14. _____						0
15. <u>Interest</u>						0
16. <u>Depreciation</u>		524,653				524,653
17. <u>Total Operating Expense</u> (Add Lines 8 through 16)	0	2,399,347		0	0	2,399,347
18. <u>NET OPERATING INCOME (LOSS)</u> (Line 7 less 17)	0	-1,077,451		0	0	-1,077,451
<u>NONOPERATING INCOME</u>						
19. <u>water</u>		548,063				548,063
20. <u>sewer</u>		4,735				4,735
21. <u>Total Nonoperating Income</u> (Add 19 and 20)	0	552,798		0	0	552,798
22. <u>NET INCOME (LOSS)</u> (Add lines 18 and 21)	0	-524,653		0	0	-524,653
23. <u>Equity Beginning of Period</u>						0
24. _____						0
25. _____						0
26. <u>Equity End of Period</u> (Add lines 22 through 25)	0	-524,653		0	0	-524,653

Budget and Annual Report Approved by Governing Body   _____ Secretary	Quarterly Reports Certified Correct   _____ Appropriate Official
Date <u>9-1-2010</u>	Date <u>9/1/10</u>

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 2-1/2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PROJECTED CASH FLOW

For the Year BEG. \_\_\_\_\_ END. \_\_\_\_\_  
(same as schedule 1 column 3)

A. Line 22 from Schedule 1, Column 3 NET INCOME (LOSS) ..... \$ - 524,653

Add

B. Items in Operations not Requiring Cash:

1. Depreciation (line 16 schedule 1) ..... 524,653  
 2. Others: \_\_\_\_\_

C. Cash Provided From:

1. Proceeds from Agency loan/grant .....  
 2. Proceeds from others .....  
 3. Increase (Decrease) in Accounts Payable, Accruals and other Current Liabilities .....  
 4. Decrease (Increase) in Accounts Receivable, Inventories and  
 Other Current Assets (Exclude cash) .....  
 5. Other: \_\_\_\_\_  
 6. \_\_\_\_\_

D. Total all A, B and C Items ..... (\$0)

E. Less: Cash Extended for:

1. All Construction, Equipment and New Capital Items (loan & grant funds) .....  
 2. Replacement and Additions to Existing Property, Plant and Equipment .....  
 3. Principal Payment Agency Loan .....  
 4. Principal Payment Other Loans .....  
 5. Other: \_\_\_\_\_  
 6. Total E 1 through 5 ..... \$0

Add

F. Beginning Cash Balances ..... \$628,523

G. Ending Cash Balances (Total of D Minus E 6 Plus F) ..... \$ 628,523

Item G Cash Balances Composed of:

Construction Account ..... \$  
 Revenue Account ..... \$223,901  
 Debt Payment Account .....  
 O&M Account .....  
 Reserve Account ..... \$404,622  
 Funded Depreciation Account .....  
 Others: \_\_\_\_\_

Total - Agrees with Item G ..... \$ 628,523

# Lower Rio Grande Public Water Works Authority

## Member Associations:

BERNARD  
MUTUAL DOMESTIC WATER  
& INDUSTRIAL SEWAGE  
WYBERS ASSOCIATION  
P.O. Box 1628, Anthony NM 88021  
1150 Berno Road, Berno NM  
88024  
575-882-8672 • Fax: 575-882-  
4813  
Email:  
bernmond@qwestoffice.net

DESERT SANDS  
MUTUAL DOMESTIC WATER  
CONSUMERS ASSOCIATION  
P.O. Box 1864, Anthony NM 88021  
39 Links Road, Berno NM 88024  
575-882-0313 • Fax: 575-882-  
0311  
Email: dsandvcr@riofinet.com

LA MESA  
MUTUAL DOMESTIC WATER  
CONSUMERS ASSOCIATION  
P.O. Box 98, La Mesa NM 88044  
575-233-4751

ROSQUITE  
MUTUAL DOMESTIC WATER  
CONSUMERS & INDUSTRIAL  
SEWAGE WYBERS  
ASSOCIATION  
210 Biquiat • P.O. Box 349  
Rosquite, NM 88048  
575-233-9947 • Fax: 575-233-9901  
Email: rosqrwater@riofinet.com

VADO  
MUTUAL DOMESTIC WATER  
CONSUMERS ASSOCIATION  
325 Holguin Road, Vado NM  
88072  
575-233-4161


## Resolution # 2010-04 for Fiscal Year 2011

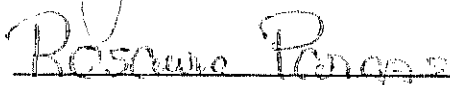
Whereas, in order to comply with Sections 6-6-1 and 6-6-2 NMSA 1978 and to apply for CDBG funding, the Board of Directors wishes to adopt and pass a resolution to approve the Revised final budget that the Board of Directors officially approved on September 1, 2010.

Therefore, be it resolved, the Board of Directors adopts and passes a resolution to approve the Revised final budget that the Board of Directors officially approved on September 1, 2010.

**PASSED, APPROVED, AND ADOPTED: September 1, 2010.**

  
\_\_\_\_\_  
**Roberto M. Nieto, President**

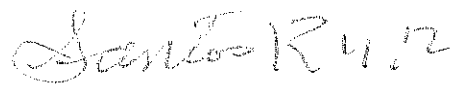
  
\_\_\_\_\_  
**John Holguin, Vice-President**

  
\_\_\_\_\_  
**Rosaura Pargas, Director**

\_\_\_\_\_  
**James "Jim" Pugh, Director**

ATTEST   
\_\_\_\_\_

\_\_\_\_\_  
**Santos Ruiz, Secretary**



**Lower Rio Grande Public Water Works Authority  
La Mesa New Administration Building  
Project Update  
December 14, 2010**

**A. Introduction**

- a. Provide La Mesa MDWCA with an office for daily operations.

**B. Project Scope**

- a. Building use: Business Office
- b. Occupancy Classification: Business Group B
- c. Actual Floor Area – Gross 1,993 SF, Net 1,755 SF

**C. Project Schedule**

- a. Molzen Corbin
  - i. Bid Phase: 10/24/2010 – 12/03/2010
    - 1. Bid opening is scheduled for Friday, December 03, 2010 at 2:00pm at the La Mesa MDWCA office.
  - ii. Review Bid and Award Contract: 12/03/10 – 12/31/2010
- b. Contractor
  - i. Start Construction: 02/01/2011
  - ii. Substantial Completion: 02/01/2011 – 07/01/2011 (150 Calendar Days)
  - iii. Final Completion: 07/01/2011 – 07/31/2011 (30 Calendar Days)

**D. Project Budget**

- a. NMED Grant
  - i. SAP-08-3099-STB for \$215,000.00.
    - 1. Architecture \$59,000.00.
    - 2. Property Survey \$825.00.
    - 3. Construction Observation \$14,354.87.
    - 4. Construction Management \$23,662.00.
    - 5. Tax \$16,000.00.
    - 6. Permits\$350.00.
    - 7. Contingencies \$10,750.00.
    - 8. Construction \$90,058.13.
- b. Colonias Initiative
  - i. 09-3118 No. 12 for \$400,000.
  - ii. Would need \$372,079.92 from this grant for construction.

**E. Construction Cost**

- a. Apparent low bidder – Duran Construction at \$443,570.00, base bid with all alternates excluding tax.

LA MESA MDWCA - Administration Building BASE BIDS & ALL ALTERNATES

NMFD Grant SAP 08-3099-STB		\$215,000.00
Lower Rio Grande RWMA Colonias Initiative 09-3118 No. 12		\$172,079.92
Grant	\$587,079.92	
Date	12/14/2010	
Expended to Date	\$26,135.00	
Remaining	\$560,944.92	
Percent Remaining	95.55%	

20103346

	Grant & Amounts Funded	Total Spent to Date	Percent Remaining	Amount Remaining
Construction	\$411,570.00		100.00%	\$111,570.00
Construction BMGRT (DA)	\$28,277.50		100.00%	\$28,277.50
Engineering Fees (Design)	\$58,672.21	\$24,000.00	59.00%	\$34,672.21
Topographic Survey/Encasements	\$825.00	\$0.00	100.00%	\$825.00
Additional Engineering Services	\$0.00	\$0.00	#DIV/0!	\$0.00
Local Services	\$0.00	\$0.00	#DIV/0!	\$0.00
	\$0.00	\$0.00	#DIV/0!	\$0.00
Construction Observation	\$14,354.87		100.00%	\$14,354.87
Construction Management	\$23,662.00		100.00%	\$23,662.00
DAC Permit	\$150.00	\$150.00	0.00%	\$0.00
	\$0.00	\$0.00	#DIV/0!	\$0.00
	\$0.00	\$0.00	#DIV/0!	\$0.00
Professional Service BMGRT (LC)	\$0,018.25	\$1,785.00	73.03%	\$1,833.25
Contingencies	\$10,750.00		100.00%	\$10,750.00
<b>TOTAL</b>	<b>\$587,079.92</b>	<b>\$26,135.00</b>	<b>95.55%</b>	<b>\$560,944.92</b>

Invoice Number (Check or Wire #)	Amount	Reimbur.	Tax	Total
DAC Permit (La Mesa MDWCA)	10/11/10	\$150.00		\$150.00

Note
Check No. 5020

Construction Payment Application

- Partial Pay Estimate 1
- Partial Pay Estimate 2
- Partial Pay Estimate 3
- Partial Pay Estimate 4
- Partial Pay Estimate 5
- Partial Pay Estimate 6

ENGINEERING SERVICES  
MCA - Invoice 7711

	Amount	Reimbur.	Tax	Total
01/29/10	\$24,000.00	\$0.00	\$1,785.00	\$25,785.00

Note
Allow Sumsaving \$750.00

OBSERVATION

Total Expense \$ 26,135.00



**LRGPWWA**  
**Balance Sheet**  
 As of October 31, 2010

	Oct 31, 10
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Citizens Bank LRGPWWA	513,396.57
<b>Total Checking/Savings</b>	513,396.57
<b>Other Current Assets</b>	
A/R-Other	-3,293.67
A/R-Water & Sewer	210,750.24
Inventory Asset	25,646.39
Petty Cash	432.00
Returned Checks	594.34
<b>Total Other Current Assets</b>	234,129.30
<b>Total Current Assets</b>	747,525.87
<b>Fixed Assets</b>	
Accumulated Depreciation	-4,442,020.70
Building	655,419.36
Constr in Prog-Water System DS	1,868,697.26
Furniture and Equipment	547,313.10
Land	101,869.38
Land Improvements	13,187.60
Software	19,988.36
Vehicles	123,964.00
Water & Sewer System	11,765,287.89
<b>Total Fixed Assets</b>	10,653,706.25
<b>Other Assets</b>	
Water Rights	116,278.45
<b>Total Other Assets</b>	116,278.45
<b>TOTAL ASSETS</b>	<b>11,517,510.57</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
A/P Operating	37,786.91
<b>Total Accounts Payable</b>	37,786.91
<b>Credit Cards</b>	
Bank of the West-Berino MDWA	696.00
Capital One	1,362.42
Capital One-La Mesa	7,413.00
Wells Fargo Visa	
Martin G. Lopez	173.63
Roberto M Nieto	1,319.83
<b>Total Wells Fargo Visa</b>	1,493.46
<b>Total Credit Cards</b>	10,964.88
<b>Other Current Liabilities</b>	
Customer Deposits	
Hydrant Meter Deposits	19,105.00
Renter Deposits	28,441.32
<b>Total Customer Deposits</b>	47,546.32
Gross Receipts Tax	501.87
<b>Total Other Current Liabilities</b>	48,048.19
<b>Total Current Liabilities</b>	96,799.98

LRGPWWA  
**Balance Sheet**  
As of October 31, 2010

	Oct 31, 10
<b>Long Term Liabilities</b>	
Berkadia Commercial Loan	31,255.50
NMED RIP Loan 90-08R Berino	26,531.97
NMFA 2003-08 Desert Sands	19,183.61
NMFA Trucks Desert Sands	54,715.00
USDA-RD 91-02 (Berino)	27,891.03
USDA-RD 91-06 (Mesquite)	315,827.67
USDA-RD 91-07 (Desert Sands)	47,673.63
USDA-RD 91-09 (Desert Sands)	13,852.26
USDA-RD 91-16 (Mesquite)	298,966.16
<b>Total Long Term Liabilities</b>	<b>835,896.83</b>
<b>Total Liabilities</b>	<b>932,696.81</b>
<b>Equity</b>	
<b>Contributed Equity</b>	
Berino	1,081,139.47
Desert Sands	3,356,106.49
La Mesa	37,875.00
Mesquite	5,871,307.10
<b>Total Contributed Equity</b>	<b>10,346,428.06</b>
<b>Net Assets</b>	
Board Designated Reserves	
Capital Investments	100,000.00
<b>Total Board Designated Reserves</b>	<b>100,000.00</b>
<b>Total Net Assets</b>	<b>100,000.00</b>
Opening Balance Equity	500.00
<b>Temp. Restricted Net Assets</b>	
NMED Sewer Reserve	8,000.00
Sanitary Projects Act Reserve	35,000.00
USDA/RD Loan Reserve	29,436.00
<b>Total Temp. Restricted Net Assets</b>	<b>72,436.00</b>
<b>Net Income</b>	<b>65,449.70</b>
<b>Total Equity</b>	<b>10,584,813.76</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>11,517,510.57</b>



# LRGPWWA Combined A/R

as of October 31, 2010

	Mesquite	Berino	Desert Sands	Vado	La Mesa	Total
Beginning A/R	\$ 30,318.90	\$ 46,872.45	\$ 48,857.19	\$ -	\$ 37,875.00	\$ 163,923.54
Billed in October	\$ 84,122.67	\$ 31,300.67	\$ 22,864.83	\$ 4,549.71	\$ 13,836.43	\$ 156,674.31
Payments Recvd	\$ 80,578.75	\$ 26,345.19	\$ 29,188.11	\$ 3,634.51	\$ 16,251.02	\$ 155,997.58
End A/R	\$ 33,862.82	\$ 51,827.93	\$ 42,533.91	\$ 915.20	\$ 35,460.41	\$ 164,600.27

Mesquite Water

**Aged Accounts Receivable**

As of 10/31/2010

Service	0-30 days	31-60 days	61-90 days	91-120 days	Over 120 days	Balance
<b>Grand Totals</b>						
WATER	11292.51	1116.17	-177.38	544.85	2271.66	15047.81
WATER Penalty	4060.59	1557.20	1218.06	969.39	4718.19	12523.43
WATER MISC	919.17	212.96	76.37	102.90	100.97	1412.37
WATER COU TAX	654.87	87.94	0.00	53.76	129.23	925.80
SEWER	1716.07	159.80	0.00	121.34	186.58	2183.79
SEWER Penalty	366.92	76.32	45.97	30.35	83.89	603.45
SEWER COU TAX	86.09	9.90	0.00	6.06	9.97	112.02
CONTRACT	266.67	0.00	0.00	0.00	787.48	1054.15
<b>Totals</b>	<b>19362.89</b>	<b>3220.29</b>	<b>1163.02</b>	<b>1828.65</b>	<b>8287.97</b>	<b>33862.82</b>
<b>Number of Accounts in Each Column:</b>	471	80	43	49	64	
<b>Total Number of Outstanding Accounts:</b>	<b>495</b>					

Berino MDWCA

Aged Accounts Receivable

As of 10/31/2010

Service	0-30 days	31-60 days	61-90 days	91-120 days	Over 120 days	Balance
<b>Grand Totals</b>						
WATER-RES	18839.48	3227.13	450.61	319.21	5842.95	33699.38
WATER-RES Penalty	386.77	24.79	15.00	0.00	-29.91	396.65
WATER-RES MISC	902.61	1635.52	25.00	0.00	1379.83	3943.02
WATER-RES OTH TAX	0.00	0.00	0.00	0.00	-141.48	-141.48
WATER-RES STA TAX	946.09	466.33	56.37	19.45	574.62	2063.42
WATER-COMM	3262.40	1437.01	0.00	13.96	0.95	9769.32
WATER-COMM Penalty	5.00	0.00	0.00	0.00	0.00	5.00
WATER-COMM MISC	155.00	0.00	0.00	0.00	0.00	165.00
WATER-COMM STA TAX	413.11	74.36	0.00	0.95	2.34	491.26
CON FEE	0.00	0.00	0.00	0.00	1317.95	1317.95
CON FEE STA TAX	0.00	0.00	0.00	0.00	118.43	118.43
<b>Totals</b>	<b>29940.46</b>	<b>11915.75</b>	<b>546.98</b>	<b>358.58</b>	<b>9066.16</b>	<b>51827.93</b>

Number of Accounts in Each Column:

720

309

25

9

71

Total Number of Outstanding Accounts:

787

11/2/2010

9:43:45AM

Reprinted for:

10/31/2010

# System Totals Report

Desert Sands MDWCA

Water Pumped This Month	3,337,000 Gallons
Water Sold This Month	3,698,000 Gallons
Water Used for Fire and Flushing Line	318,000 Gallons
Water Loss	-679,000 Gallons
Water Loss (%)	-20.35 %

	Amount (\$)	# Of Accounts
Total Water	20,921.25	551
Total Reconnect Fee	290.00	14
Total Adjustments	419.55	12
Total Tag Fee	600.00	60
Total Sales Tax	1,046.68	551
<b>Total Current Charges</b>	<b>23,277.48</b>	<b>554</b>
Amount Past Due 1-30 Days	8,158.48	161
Amount Past Due 31-60 Days	1,779.43	42
Amount Past Due Over 60 Days	12,971.08	28
Amount Of Overpayments/Prepayments	-3,652.56	103
<b>Total Receivables</b>	<b>42,533.91</b>	<b>517</b>

Total Receipts On Account	29,600.76	473
Net Change in Deposits	500.00	1
Amount of All Deposits	16,275.00	609
Amount of All Deposit 2	1,905.00	15
Turned Off Accounts (Amount Owed)	13,232.61	28
Collection Accounts (Amount Owed)	1,508.91	19
Number Of Unread (Turned On) Meters		
Average Usage For Active Meters	5,917	551
Average Water Charge For Active Meters	33.47	625

Usage Groups	Gallons	# Of Accounts	Usage Gallons	% Of Usage	% Of Sales
Over 50,000		1	132,000	3.57	2.17
40,001-50,000		1	43,000	1.16	0.74
30,001-40,000		5	166,000	4.49	2.92
20,001-30,000		13	315,000	8.52	5.38
10,001-20,000		66	948,000	25.64	19.22
8,001-10,000		46	433,000	11.71	9.86
6,001-8,000		84	630,000	17.04	15.72
4,001-6,000		93	512,000	13.85	15.06
2,001-4,000		113	399,000	10.79	15.37
1-2,000		78	120,000	3.25	8.64
Zero Usage		125	0	0.00	4.91
<b>Total Meters</b>		<b>625</b>	<b>3,698,000</b>	<b>100.00</b>	<b>100.00</b>

La Mesa MDWCA  
Aged Receivables Report

10/19/2010  
Page 33

Book# 3

Grand Total for All Books	Current Balance	30 --- 59	60 --- 89	90 --- 90+	Total Balance
WATER	\$7,921.37	\$4,132.96	\$917.39	\$9,004.94	\$21,171.49
TAX	\$568.68	\$357.01	\$122.16	\$696.16	\$1,636.69
MISC	(\$15.00)	\$0.00	\$0.00	\$0.00	(\$15.00)
GROSS RECEIPT TAX	\$16.58	\$31.76	\$9.82	\$10.71	\$98.87
Other	(\$386.57)	\$1,502.07	\$751.58	\$96.30	\$2,067.20
Penalties	\$1,662.07	\$1,337.60	\$7,160.62	\$6,365.87	\$10,501.16
	<hr/> \$9,797.13	<hr/> \$7,361.40	<hr/> \$2,961.57	<hr/> \$16,173.98	<hr/> \$35,460.41

## Lower Rio Grande PWWA

### Operators Report

December 15, 2010

#### System Problems and Repairs.

- (Berino road project) Burns Construction has excavated past our water lines without any Problems. We had to shut down the Berino well and fed the Berino system with water from the mesquite system. Before we opened any valves to the Berino system we ran two tests one is for Hydrogen Sulfides which we had no detect the other was a Chlorine Residual which was a .7 mg/L. To ensure the water was of the highest Quality before we served our members.
- Backflow inspections are current.(Mesquite System)
- Sewer Tank inspections are current.(Mesquite System)
- We are still having some problems with the Seamen's SCADA system, Bob was supposed to return this week. However he called onMonday and informed me that he had to make a trip to Marfa Texas. I expressed my urgency with our problems and let him know if he did not repair our problems that we would be converting to the SCADA PAC System.
- (Chlorine) With our recent change to the chlorine tote, we have found that the strength is hotter in the tote than in the barrel. It is coming in at 15% and I had (Brent our representative at Argyle) run a titration on our final product which came in at 12%. In a nut shell that means that we had to make adjustments and lower our

Chlorine feed rates at all of our Well sites which will save our members even more money.

- We had a 2" water break in the Berino system, that was repaired in one hour.
- We had a water break in the Vado system Around Ten PM which we had to put off until the next morning because the area has a high pressure gas line, a bundle of high pair phone lines and a fiber optics line in that area.
- We installed a four inch MJ Valve at that break, and one week to the day it broke again. I am going to send that piece of pipe to Rio Grande Pump and supply to find out why that section of pipe failed.
- My crew has repaired a water break on Hwy 478 in the mesquite system that was hit by a farmer that was chiseling his land.
- Today my crew is repairing a leak on a four inch valve on Hwy 228.
- We have also discovered a leak on Lilly way st. in the mesquite system that will be repaired today.

**NMED:** Monthly Bac-T-Samples have been taken in Mesquite and Berino systems by Javier and myself on 12/14/2010, and Javier is finishing the rest of the sampling in the system as we speak.

**Wetlands:** Monitoring well Samples have been taken at the mesquite wet lands for July.

**Chlorine:** No problems with chlorine this month.

**Reports:** Monthly well Reports have been submitted to the State Engineers office. And the Disinfection monitoring reports have

been submitted to NMED on 12/14/2010, for the month of November. The Mesquite wetlands monitoring report for October 2010 has been sent to the Ground Water Quality Bureau.

**New installs:** The Mesquite system had 1 new service install this month.

**Special projects.**

I am currently working with Justin from New Mexico One Call to incorporate all of our individual water systems into one large system.

**NMED** I have finished the Sanitary Survey with Mr. Ernest Valenzuela our over site at NMED, which he has concluded that we had no deficiencies in our system. He has the upmost confidence in my ability to produce our new sampling site plan for the Bac-t and the new Trihalomethane site plan.





PARKHILL SMITH & COOPER

115 W. Griggs  
Las Cruces, New Mexico  
88001

575-233-0915  
FAX 575-233-0915

1540000000



## **MILEAGE & PER DIEM ACT 2010 NMSA 1978 10-8-4**

### **10-8-4. Per diem and mileage rates; in lieu of payment.**

A. Notwithstanding any other specific law to the contrary and except as provided in Subsection I of this section, every nonsalaried public officer shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or up to ninety-five dollars (\$95.00) per diem expenses:

- (1) for each board or committee meeting attended; or
- (2) for each day spent in discharge of official duties for travel within the state but away from the officer's home.

Nonsalaried public officers who travel to attend a board or committee meeting may elect to be reimbursed per diem under either Paragraph (1) or (2) of this subsection.

B. Every salaried public officer or employee who is traveling within the state but away from the officer's or employee's home and designated post of duty on official business shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or:

- (1) up to eighty-five dollars (\$85.00) per diem expenses for each day spent in the discharge of official duties for a salaried public officer or employee of a local public body or state agency. If the secretary finds that a per diem allowance of eighty-five dollars (\$85.00) is inadequate for reimbursement of expenses in any municipality of this state, the secretary may authorize the reimbursement of per diem for travel to the municipality not to exceed one hundred thirty-five dollars (\$135); or
- (2) up to eighty-five dollars (\$85.00) per diem expenses for each day spent in the discharge of official duties for a salaried public officer or employee of a public post-secondary educational institution. If the governing board finds that a per diem allowance of eighty-five dollars (\$85.00) is inadequate for reimbursement of expenses in any municipality of this state, the governing board may authorize the reimbursement of per diem for travel to the municipality not to exceed one hundred thirty-five dollars (\$135).

C. Every public officer or employee shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or:

- (1) for public officers or employees of a state agency or local public body, up to one hundred fifteen dollars (\$115) per diem expenses for each day of travel outside the state on official business. If the secretary finds that a per diem allowance of one hundred fifteen dollars (\$115) is inadequate for out-of-state travel to a geographical area, the secretary may authorize per diem not to exceed two hundred fifteen dollars (\$215) for out-of-state travel to that geographical area; provided that the secretary may authorize per diem for travel to a locality inside or outside the continental United States for a public officer or employee who is reimbursed solely from federal funds in accordance with the rate allowed by the federal government for travel to that locality. In lieu of per diem, a person trained in the field of accountancy and performing duties in that field of training as an employee while assigned for periods exceeding three weeks per assignment to travel out of state on official business may receive either reimbursement pursuant to the provisions of Subsection K of this section or actual expenses not to exceed two hundred fifteen dollars (\$215) per day. Expenses shall be substantiated in accordance with rules

promulgated by the department of finance and administration. The secretary may promulgate rules defining what constitutes out-of-state travel for purposes of the Per Diem and Mileage Act; or

(2) for public officers or employees of a public post-secondary educational institution, up to one hundred fifteen dollars (\$115) per diem expenses for each day of travel outside the state on official business. If the governing board finds that a per diem allowance of one hundred fifteen dollars (\$115) is inadequate for out-of-state travel to a geographical area, the governing board may authorize per diem not to exceed two hundred fifteen dollars (\$215) for out-of-state travel to that geographical area; provided that the governing board may authorize per diem for travel to a locality inside or outside the continental United States for a public officer or employee who is reimbursed solely from federal funds in accordance with the rate allowed by the federal government for travel to that locality. Expenses shall be substantiated in accordance with rules promulgated by the governing board. The governing board may promulgate rules defining what constitutes out-of-state travel for purposes of the Per Diem and Mileage Act.

D. Every public officer or employee shall receive up to the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle or eighty-eight cents (\$.88) a mile for each mile traveled in a privately owned airplane if the travel is necessary to the discharge of the officer's or employee's official duties and if the private conveyance is not a common carrier; provided, however, that only one person shall receive mileage for each mile traveled in a single privately owned vehicle or airplane, except in the case of common carriers, in which case the person shall receive the cost of the ticket in lieu of the mileage allowance.

E. The per diem and mileage or per diem and cost of tickets for common carriers paid to salaried public officers or employees is in lieu of actual expenses for transportation, lodging and subsistence.

F. In addition to the in-state per diem set forth in this section, the department of finance and administration, by rule, may authorize a flat subsistence rate in the amount set by the legislature in the general appropriation act for commissioned officers of the New Mexico state police in accordance with rules promulgated by the department of finance and administration.

G. In lieu of the in-state per diem set in Subsection B of this section, the department of finance and administration may, by rule, authorize a flat monthly subsistence rate for certain employees of the department of transportation, provided that the payments made under this subsection shall not exceed the maximum amount that would be paid under Subsection B of this section.

H. Per diem received by nonsalaried public officers for travel on official business or in the discharge of their official duties, other than attending a board or committee meeting, and per diem received by public officers and employees for travel on official business shall be prorated in accordance with rules of the department of finance and administration or the governing board.

I. The provisions of Subsection A of this section do not apply to payment of per diem expense to a nonsalaried public official of a municipality for attendance at board or committee meetings held within the boundaries of the municipality.

J. In addition to any other penalties prescribed by law for false swearing on an official voucher, it shall be cause for removal or dismissal from office.

K. With prior written approval of the secretary or the secretary's designee or the local public body, a nonsalaried public officer of a state agency or local public body, a salaried public officer of a state agency or local public body or a salaried employee of a state agency or local public body is entitled to per diem expenses under this subsection and shall receive:

- (1) reimbursement for actual expenses for lodging; and
- (2) reimbursement for actual expenses for meals not to exceed thirty dollars (\$30.00) per day for in-state travel and forty-five dollars (\$45.00) per day for out-of-state travel.

L. With prior written approval of the governing board or its designee, a nonsalaried public officer of a public post-secondary educational institution, a salaried public officer of a public post-secondary educational institution or a salaried employee of a public post-secondary educational institution is entitled to per diem expenses under this subsection and shall receive:

- (1) reimbursement for actual expenses for lodging; and
- (2) reimbursement for actual expenses for meals not to exceed thirty dollars (\$30.00) per day for in-state travel and forty-five dollars (\$45.00) per day for out-of-state travel.

# **Board Member Reimbursement Policy**

## **Purpose**

The Board of Directors of the Lower Rio Grande Public Water Works Authority recognizes that board members may be required to travel or incur other expenses from time to time to conduct Authority business and to further the mission of this organization. The purpose of this Policy is to ensure that (a) adequate cost controls are in place, (b) travel and other expenditures are appropriate, and (c) to provide a uniform and consistent approach for the timely reimbursement of authorized expenses incurred by board members. It is the policy of LRGPWVA to reimburse only reasonable and necessary expenses actually incurred by board members.

When incurring business expenses, LRGPWVA expects board members to:

- Exercise discretion and good business judgment with respect to those expenses.
- Be cost conscious and spend LRGPWVA's money as carefully and judiciously as the individual would spend his or her own funds.
- Report expenses, supported by required documentation, as they were actually spent.

## **Expense Report**

Expenses will not be reimbursed unless the individual requesting the reimbursement submits a written Expense Report. The Expense Report, which shall be submitted at least monthly or within two weeks of the completion of travel must include:

- The individual's name.
- If reimbursement for travel is requested, the date, origin, destination and purpose of the trip, including a description of each Authority-related activity during the trip.
- The name and affiliation of all people for whom expenses are claimed (i.e., people on whom money is spent in order to conduct LRGPWVA's business).
- An itemized list of all expenses for which reimbursement is requested.

## **Receipts**

Receipts are required for all expenditures billed directly to LRGPWVA, such as airfare and hotel charges. Expenses reimbursed require the board members to submit an Expense Report and receipts.

## **Per Diem Rates**

In accordance with 2.42.9 NMAC, per diem rates shall be paid without regard to whether expenses are actually incurred. The latest per diem rates will be applicable as per 2.42.2 NMAC.

Overnight travel in state areas	\$85.00
In state special areas	\$135.00
Out of state areas	\$115.00
Or actual lodging and meal expenses under 2.42.2.9 NMAC	

### **Office Expenses**

Despite utilization of services available through the LRGPWWA offices, board members may occasionally use the resources of their own office to conduct LRGPWWA business. Where practical, board members are expected to absorb, without reimbursement, minor expenditures. However, to the extent that cost records are available to document specific out-of-pocket expenses, such as telephone calls and postage, reimbursement may be made. Expenses for photocopying and facsimile use will be reimbursed at rates deemed reasonable by the General Manager. No reimbursement will be made for office services not detailed by this policy (for example, voice mail charges, telephone connections, etc.) no reimbursement will be made for personnel costs or professional services without specific advance authorization.

### **Business Meals**

(Option 1)The Authority's policy is that no board member is to be reimbursed for the cost of meals unless the meal occurs as part of a regular meeting, i.e., lunch during an all day meeting and as per 2.42.2 NMAC.

(Option 2)Reasonable meal expenses will be reimbursed, including gratuity as per 2.42.2 NMAC.

*No alcohol purchases will be reimbursed and such purchases should be segregated from meal; expense and paid for by the individual ordering them.*

### **General Travel Requirements**

Advance Approval

All trips involving air travel or at least one overnight stay must be approved in advance by a majority of the board.

### **Personal and Spousal Travel Expenses**

Board members traveling on behalf of LRGPWWA may incorporate personal travel or business with their Authority-related trips; however, board members shall not arrange Authority travel at a time that is less advantageous to LRGPWWA or involving greater

expense incurred as a result of personal travel. Any additional expenses incurred as a result of personal travel, including but not limited to extra hotel nights, additional stopovers, meals or transportation, are the sole responsibility of the individual and will not be reimbursed by LRGPDWA. Expenses associated with travel of an individual's spouse, family or friends will not be reimbursed by LRGPDWA.

### **Air Travel**

Air travel reservations should be made as far in advance as possible in order to take advantage of reduced fares. LRGPDWA will reimburse or pay only the cost of the lowest coach class fare actually available for direct, non-stop flights from the airport nearest the individual's home or office to the airport nearest the destination.

### **Saturday Stays**

Personnel traveling on behalf of LRGPDWA are not required to stay over Saturday nights in order to reduce the price of an airline ticket. A board member who chooses to stay over a Saturday night shall be reimbursed for reasonable lodging and meal expenses incurred over the weekend to the extent the expenses incurred do not exceed the difference between the price of the Saturday night stay ticket and the price of the lowest price available ticket that would not include a Saturday night stay. To receive reimbursement for such lodging and meal expenses, the individual must supply, along with the Expense Report, documentation of the amount of the difference between the price of the Saturday stay and non-Saturday stay airline tickets.

### **Frequent Flyer Miles and Compensation for Denied Boarding**

Board members traveling on behalf of LRGPDWA may accept and retain frequent flyer miles and compensation for denied boarding for their personal use. Individuals may not deliberately patronize a single airline to accumulate frequent flyer miles if less expensive comparable tickets are available on another airline.

### **Lodging**

Board members traveling on behalf of LRGPDWA may be reimbursed at the single room rate for the reasonable cost of hotel accommodations. Convenience, the cost of staying in the city in which the hotel is located, and proximity to other venues on the individual's itinerary shall be considered in determining reasonableness. Board members shall make use of available government and discount rates for hotels. "Deluxe" or "luxury" hotel rates will not be reimbursed.

### **Out-of-Town Meals**

Board members traveling on behalf of LRGPWWA are reimbursed for the reasonable and actual cost of meals (including tips) subject to a maximum per diem in accordance with 2.42.2.8 NMAC at partial day per diem rates;

2-6 hours \$12.00

6-12 hours \$20.00

12 or more hours \$30.00

### **Ground Transportation**

Board members are expected to use the most economical ground transportation appropriate under the circumstances.

### **Use of LRGPWWA Vehicles**

Use of vehicles owned by LRGPWWA by board members for Authority business is allowed after obtaining permission from the General Manager. Board members will need to leave a copy of their current driver license and proof of insurance before the vehicle will be released to them. Damage to the vehicle not covered by insurance while in use by board member will be the responsibility of the individual. Vehicle may be fueled by using the Authority credit card or the board member can submit an expense report for reimbursement. Fines for traffic violations are not reimbursable. Individuals with a DUI or that incur a DUI while using Authority vehicle will be barred from use of Authority vehicles because our insurance carrier will not cover you.

### **Mileage**

Board members are compensated for use of their personal cars when used for Authority business. Mileage to and from board meeting is/is not reimbursed. Mileage is for trips out of the usual scope of your duties. When individuals use their personal car for such travel, including travel to and from the airport, mileage will be reimbursed in accordance with Section 10-8-1 to 10-8-8 NMSA 1978, 2.42.2 NMAC. (Current rate \$0.55 per mile). The latest per mileage reimbursement rate will be applicable as per 2.42.2 NMAC.

In the case of individuals using their personal carts to take a trip that would normally be made by air, mileage will be allowed at the currently approved rate; however, the total mileage reimbursement will not exceed the sum of the lowest available round trip coach airfare.

### **Other Expenses**

In accordance with 2.42.2.12 NMAC Board members may be reimbursed without receipts for the following expenses in an amount of \$6.00 per day not to exceed a total of \$30.00 per trip: Gratuities, parking fees with receipt.



### **Entertainment and Business Meetings (Optional)**

Reasonable expenses incurred for business meetings or other types of business-related entertainment will be reimbursed only if the expenditures are approved in advance by a majority of the board of LRGPWWA and qualify as tax deductible expenses. Detailed documentation for any such expense must be provided, including:

Date and place of entertainment

Nature of expense

Names, titles and corporate affiliation of those entertained

A complete description of the business purpose for the activity including the specific business matter discussed. Vendor receipts (not credit card receipts or statements) showing the vendor's name, a description of the services provided, the date, and the total expenses, including tips (if applicable) must be submitted with an expense report.

### **Cell Phone Policy**

The Board President will be provided an Authority cell phone for doing Authority business. The General Manager/Finance Manager will manage the cell phone contract and choose the equipment and service plan and monitor its usage. Any upgrades or downloads, ring tones, etc will be the responsibility of the individual. However it will need to be returned to LRGPWWA whenever the Board member leaves office.

### **Computers**

The President will be provided with fully equipped laptop computer and will be able to take this computer home to use for LRGPWWA board business. However it will need to be returned to LRGPWWA whenever the Board member leaves office.

### **Other Expenses**

Reasonable LRGPWWA-related telephone and fax charges due to absence of Personnel from the individual's place of business are reimbursable. In addition, reasonable and necessary gratuities that are not covered under meals may be reimbursed. Finally, emergency secretarial work and/or postal charges incurred are reimbursable for the purpose of work on behalf of LRGPWWA.

### **Miscellaneous**

Reimbursement for reasonable and necessary expenses not otherwise described by this policy may be allowed when fully documented and explained. The General Manager shall have the authority to approve any such reimbursement not specifically addressed in this policy, but deemed necessary in the conduct of LRGPWWA business or caused by extenuating circumstances. Such expenditures shall be reported in the Finance Manager quarterly report to the Board of Directors.

## **Non-Reimbursable Expenditures**

LRGPWWA maintains a strict policy that expenses in any category that could be perceived as **lavish or excessive** will not be reimbursed, as such expenses are inappropriate for reimbursement by a nonprofit, government organization. Expenses that are not reimbursable include, but are not limited to:

- Travel insurance
- First class tickets or upgrades
- When lodging accommodations have been arranged by LRGPWWA and the individual elects to stay elsewhere, reimbursement is made at the amount no higher than the rate negotiated by LRGPWWA. Reimbursement shall not be made for transportation between the alternate lodging and the meeting site.
- Limousine travel
- Movies, liquor or bar costs
- Membership dues at any country club, private club, athletic club, golf club, tennis club or similar recreational organization.
- Participation in or attendance at golf, tennis or sporting events, without the advance approval of the chairman of the board or his designee
- Spa or exercise charges
- Clothing purchases
- Business conferences and entertainment which are not approved by a majority of the board.
- Valet Services
- Car washes
- Toiletry articles
- Expenses for spouses, friends or relative. If a spouse, friend or relative accompanies board members on a trip, it is the responsibility of the individual to determine any added cost for double occupancy and related expenses and to make the appropriate adjustment in the reimbursement request.

## **Reports on Board Member Expenditures**

The Finance Manager of LRGPWWA shall present to the Board of Directors quarterly reports detailing expenditures related to the board's activities. The quarterly reports shall be reviewed by the board at regularly scheduled board meetings. The reports on expenditures shall include, but not be limited to the following items:

Meetings of the board of trustees and board committees, whether designated as a standing, special, or ad hoc committee, a task force or study group. The report shall identify, with reasonable specificity, each expenditure by category;

Conference, workshop or meeting attendance expenditures for each Board member, including but not limited to transportation expenses, registration fees, mileage expense and meals;

Office operations expenses, including supplies, dues and subscriptions, technology costs and depreciation for computers, phones, etc;

Professional and outside contractual services including legal services, consultant services, research and survey services.

## **Board Member Reimbursement Policy**

### **Purpose**

The Board of Directors of the Lower Rio Grande Public Water Works Authority recognizes that board members may be required to travel or incur other expenses from time to time to conduct Authority business and to further the mission of this organization. The purpose of this Policy is to ensure that (a) adequate cost controls are in place, (b) travel and other expenditures are appropriate, and (c) to provide a uniform and consistent approach for the timely reimbursement of authorized expenses incurred by board members. It is the policy of LRGPWWA to reimburse only reasonable and necessary expenses actually incurred by board members.

When incurring business expenses, LRGPWWA expects board members to:

- Exercise discretion and good business judgment with respect to those expenses.
- Be cost conscious and spend LRGPWWA's money as carefully and judiciously as the individual would spend his or her own funds.
- Report expenses, supported by required documentation, as they were actually spent.

**ADOPTION OF TITLE 2; CHAPTER 42; PART 2 (2.42.2 NMSA) latest edition.**

**TITLE 2            PUBLIC FINANCE**  
**CHAPTER 42       TRAVEL AND PER DIEM**  
**PART 2            REGULATIONS GOVERNING THE PER DIEM AND MILEAGE ACT**

**2.42.2.1            ISSUING AGENCY:** Department of Finance and Administration.  
 [2.42.2.1 NMAC - N, 07/01/03]

**2.42.2.2            SCOPE:** In accordance with Section 10-8-1 to 10-8-8 NMSA 1978 (1995 Repl. Pamp.), 2.42.2 NMAC governs the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies, except:

- A.            state legislators; and
  - B.            public officials and employees of state educational institutions specified in Article 12, Section 11 of the New Mexico Constitution and institutions defined in Chapter 21, Articles 13, 14, 16 and 17 NMSA 1978 (hereinafter "public postsecondary educational institutions"). If an official or employee of a public postsecondary educational institution is also a salaried or nonsalaried public officer or employee of any other state agency or local public body, these regulations shall apply when the person seeks payment of per diem rates and mileage or reimbursement of expenses in the capacity of a salaried or nonsalaried public officer or employee of a governmental entity other than a public postsecondary educational institution.
- [2.42.2.2 NMAC - Rn, DFA Rule 95-1, Section 1.A, 07/01/03]

**2.42.2.3            STATUTORY AUTHORITY:** These regulations are promulgated pursuant to authority granted in Section 10-8-5(A) and Section 9-6-5(E) NMSA 1978.  
 [2.42.2.3 NMAC - Rn, DFA Rule 95-1, Section 1.B, 07/01/03]

**2.42.2.4            DURATION:** Permanent  
 [2.42.2.4 NMAC - N, 07/01/03]

**2.42.2.5            EFFECTIVE DATE:** November 30, 1995  
 [2.42.2.5 NMAC - N, 07/01/03]

**2.42.2.6            OBJECTIVE:** To govern the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies except those set forth in Subsections A and B of 2.42.2.2 NMAC.  
 [2.42.2.6 NMAC - N, 07/01/03]

**2.42.2.7            DEFINITIONS:** As used in this Rule:

- A.            "Agency head" means:
  - (1) the cabinet secretary of departments and their administratively attached boards and commissions;
  - (2) the director for other agencies and institutions and their administratively attached boards and commissions;
  - (3) the superintendent of regulation and licensing for boards and commissions attached to the regulation and licensing department;
  - (4) the chairperson, president or executive secretary for remaining boards and commissions; and
  - (5) the chief executive, chief administrative officer, or governing body for local public bodies.
- B.            "Board or committee meeting" means the formal convening of public officers who comprise a board, advisory board, commission or committee even if no further business can take place because of the lack of a quorum.
- C.            "Designated post of duty" means the address of a public officer's or employee's assignment as determined by the agency.
- D.            "Employee" means any person who is in the employ of any New Mexico state agency or local public body within New Mexico whose salary is paid either completely or partially from public money but does not include jurors or jury commissioners.
- E.            "Governmental entity" means a New Mexico state agency or local public body within New Mexico.

This is an emergency amendment to 2.42.2 NMAC, Section 11, effective June 19, 2009

**2.42.2.11 MILEAGE-PRIVATE CONVEYANCE:**

A. **Applicability:** Mileage accrued in the use of a private conveyance shall be paid only in accordance with the provisions of this Section.

B. **Rate:** Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:

(1) ~~privately owned automobile, thirty-two cents (\$0.32) per mile;~~ unless the secretary has reduced the rates set for mileage for any class of public officials and for employees of state agencies pursuant to Section 10-8-5 (D) NMSA 1978, 80% of the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle;

(2) privately owned airplane, eighty-eight cents (\$0.88) per nautical mile.

C. **Local public bodies:** Public officers and employees of local public bodies may be reimbursed for mileage accrued in the use of a private conveyance in the discharge of official duties, at the statutory rates unless such rates have been reduced by the governing bodies of the local public body pursuant to Section 10-8-5 (D) NMSA 1978.

D. **Privately owned automobile:** For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the mileage chart of the official state map published by the state highway and transportation department for distances in New Mexico and the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico; or

(2) pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; and

(a) the destination is not included on the official state map or on the Rand McNally road atlas, or,

(b) at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.

E. **Privately owned airplane:** Mileage accrued in the use of a privately owned airplane shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the New Mexico aeronautical chart published by the state highway and transportation department, aviation division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or

(2) pursuant to actual air mileage if certification is provided by the pilot, or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler, and the destination is not included on an air map.

F. **Reimbursement limit for out of state travel:** Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier. This subsection shall not apply to a public school when transporting students.

G. **Additional mileage provision:** Mileage accrued while on official business shall be reimbursed for travel on official business. An agency head or designee may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances. The memorandum must accompany the payment voucher. If official business is transacted while commuting from home to post of duty or from post of duty to home, mileage shall not be paid for the number of miles between post of duty and home. Odometer readings showing additional miles accrued for official business must be provided to the agency for payment.

[2.42.2.11 NMAC - Rn, DFA Rule 95-1, Section 6 & A, 07/01/03; A/E, 06/19/09]

F. "Home" means:

- (1) for per diem purposes, the area within a 35-mile radius of the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pamp.);
- (2) for mileage purposes, the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pamp.). See appendix A for a copy of Section 1-1-7 NMSA 1978.

G. "Local public body" means every political subdivision of the state, whether created under general or special act including, but not limited, to counties, municipalities, drainage, conservancy, irrigation, school or other districts, that receives or expends public money from whatever source derived.

H. "Nonsalaried public officer" means a public officer serving as a member of a board, advisory board, committee or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.

I. "Out of state" means beyond the exterior boundaries of the state of New Mexico.

J. "Public officer" means every elected or appointed officer of a governmental entity, including but not limited to:

- (1) officers of the judicial branch of state government, including judges;
- (2) officers of the legislative branch of state government, except legislators; and,
- (3) all board, advisory board, committee and commission members elected or appointed to a board, advisory board, committee or commission specifically authorized by law or validly existing as an advisory committee pursuant to Section 9-1-9 NMSA 1978.

K. "Secretary" means the secretary of finance and administration.

L. "Travel" means: for per diem purposes, being on official business away from home as defined in Subsection F above and at least 35 miles from the designated post of duty of the public officer or employee. However, non-salaried public officers are eligible for per diem for attending meetings in accordance with Subsection C of 2.42.2.8 NMAC and

M. "Travel voucher" means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

[2.42.2.7 NMAC - Rn, DFA Rule 95-1, Section 2, 07/01/03]

#### 2.42.2.8 PER DIEM RATES PRORATION:

A. **Applicability:** Per diem rates shall be paid to public officers and employees only in accordance with the provisions of this section. Per diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the agency, the governing body, or another entity, the public officer or employee is entitled to reimbursement only for actual expenses under 2.42.2.9 NMAC.

B. **Per diem rate computation:** Except as provided in Subsections C through I of this Section, per diem rates for travel by public officers and employees shall be computed as follows:

(1) **Partial day per diem rate:** Public officers or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but extends beyond a normal work day as follows:

- (a) for less than 2 hours of travel beyond normal work day, none;
- (b) for 2 hours, but less than 6 hours beyond the normal work day, \$12.00;
- (c) for 6 six hours, but less than 12 hours beyond the normal work day, \$20.00;
- (d) for 12 hours or more beyond the normal work day, \$30.00;

(e) "Occasionally and irregularly" means not on a regular basis and infrequently as determined by the agency. For example, an employee is not entitled to per diem rates under this subparagraph if the employee either travels once a week or travels every fourth Thursday of the month. However, the employee is entitled to per diem rates under this subparagraph if the employee either travels once a month with irregular destinations and at irregular times or travels four times in one month and then does not travel again in the next two months, so long as this is not a regular pattern.

(f) "Normal work day" means 8 hours within a nine-hour period for all public officers and employees both salaried and nonsalaried, regardless of the officers' or employees' regular work schedule.

(2) **Overnight travel:** Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as follows:

- (a) in state areas                      \$85.00

- (b) in state special areas \$135.00
- (c) out of state areas \$115.00;
- (d) or actual lodging and meal expenses under 2.42.2.9 NMAC.

(3) **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:

- (a) for less than 2 hours, none;
- (b) for 2 hours, but less than 6 hours, \$12.00;
- (c) for 6 hours or more, but less than 12 hours, \$20.00;
- (d) for 12 hours or more, \$30.00.

(4) **Special area designations:** For all officers and employees, the in state special area shall be Santa Fe.

C. **Board, commission and committee members:** Nonsalaried public officers may receive per diem as follows:

(1) **Official board, commission and committee meetings:**

(a) **State nonsalaried public officers:** Nonsalaried public officers of the state may elect to receive either:

- (i) \$95.00 per meeting day for attending each board or committee meeting; or
- (ii) per diem rates in accordance with Subsection B of this Section.

(b) **Local nonsalaried public officers:** Nonsalaried public officers of local public bodies may elect to receive either:

- (i) \$95.00 per meeting day for attending each board or committee meeting day; or
- (ii) per diem rates in accordance with subsection B of this Section provided that the local

governing body has not established a lesser rate.

(c) **Municipal nonsalaried public officers:** Nonsalaried public officers of municipalities may elect to receive either:

- (i) \$95.00 per meeting day for attending each board or committee meeting; or
- (ii) per diem rates in accordance with Subsection B of this Section, provided that the board or

commission meeting is held outside of the municipal boundaries.

(2) **Other official meetings:** Nonsalaried public officers may receive per diem rates for travel on official business that does not constitute a board, advisory board, committee or commission meeting only in accordance with Subsection B of this Section.

(3) **Members serving in dual capacities:** Nonsalaried public officers who also serve as public officers or employees of state agencies or local public bodies may receive mileage or per diem rates from only one public entity for any travel or meeting attended. Furthermore, nonsalaried public officers who are also public officers or employees may not receive per diem rates for attending meetings held in the place of their home or at their designated posts of duty unless they are on leave from their positions as public officers or employees. Local public bodies may adopt regulations with respect to the receipt of per diem rates by employees or officers of local public bodies who also serve on boards or commissions subject to this rule.

D. **Temporary assignment:** Public officers and employees may be reassigned temporarily to another duty station.

(1) **Routine reassignment:** Public officers and employees subject to periodic reassignment of duty stations or districts as a normal requirement of their employment will not be eligible for per diem rates after the time of arrival at the new duty station or district.

(2) **Nonroutine reassignment:** Public officers or employees not normally subject to periodic reassignments who are temporarily assigned to another office of a state agency away from home will receive per diem for the first 30 calendar days of their assignment only, unless approval of the secretary is given to extend per diem payments upon showing that the assignment is necessary and temporary. Except in such extraordinary circumstances, after 30 calendar days, the place where the employee or officer is assigned will be regarded as the designated post of duty.

E. **New Mexico department of transportation:** The New Mexico department of transportation may adopt



special policies pertaining to payment of per diem rates for temporary assignments. Such policies shall be subject to the annual approval of the secretary.

F. **Department of public safety:** The department of public safety may adopt special policies pertaining to payment of per diem rates, mileage and subsistence allowances authorized by law for commissioned officers. Such policies shall be subject to the annual approval of the secretary.

G. **Travel for educational purposes:** A public officer or employee shall not be reimbursed for more than 30 calendar days of per diem in any fiscal year for attending educational or training programs unless approval has been obtained from the secretary.

H. **Per diem in conjunction with other leave:** While traveling, if a public officer or employee takes sick, annual or authorized leave without pay for more than four hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the agency head.

I. **Illness or emergency:** Agency heads may grant permission, in writing, to pay per diem rates and travel reimbursement to an employee or public officer who becomes ill or is notified of a family emergency while traveling on official business and must either remain away from home or discontinue the official business to return home.

[2.42.2.8 NMAC - Rn, DFA Rule 95-1, Section 3, 07/01/03; A, 01/15/04]

#### 2.42.2.9 REIMBURSEMENT OF ACTUAL EXPENSES IN LIEU OF PER DIEM RATES:

A. **Applicability:** Upon written request of a public officer or an employee, agency heads may grant written approval for a public officer or employee of that agency or local public body to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.

B. **Overnight travel:** For overnight travel for state officers and employees where overnight lodging is required, the public officer or employee will be reimbursed as follows:

(1) **Actual reimbursement for lodging:** A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate set forth in this Section. Whenever possible, public officers and employees should stay in hotels which offer government rates. Agencies, public officers or employees who incur lodging expenses in excess of \$215.00 per night must obtain the signature of the agency head or chairperson of the governing board on the travel voucher prior to requesting reimbursement and on the encumbering document at the time of encumbering the expenditure.

(2) **Actual reimbursement for meals:** Actual expenses for meals are limited by Section 10-8-4(K)(2) NMSA 1978 (1995 Repl. Pamp.) to a maximum of \$30.00 for in-state travel and \$45.00 for out-of-state travel for a 24-hour period.

(3) **Receipts required:** The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board. See Appendix B for a sample affidavit.

C. **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed on the travel. Divide the total number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:

- (1) for less than 2 hours, none;
- (2) for 2 hours but less than 6 hours, \$12.00;
- (3) for 6 hours or more, but less than 12 hours, \$20.00;
- (4) for 12 hours or more, \$30.00;
- (5) no reimbursement for actual expenses will be granted in lieu of partial day per diem rates.

[2.42.2.9 NMAC - Rn, DFA Rule 95-1, Section 4, 07/01/03; A, 01/15/04]

#### 2.42.2.10 TRAVEL ADVANCES:

A. **Authorizations:** Upon written request accompanied by a travel voucher, agency heads and governing boards of local public bodies or their authorized designees may approve a public officer's or employee's request to be advanced up to 80 percent of per diem rates and mileage cost or for the actual cost of lodging and meals pursuant to 2.42.2.8 NMAC and 2.42.2.9 NMAC and for other travel expenses that may be reimbursed under 2.42.2.12 NMAC. Requests for

travel advances shall not be submitted to the financial control division of the department of finance and administration more than two weeks prior to travel unless, by processing the request earlier, significant savings can be realized for travel by common carrier or for registration fees for seminars and conferences.

B. **Travel period:** A travel advance may be authorized either for a single trip or on a monthly basis for public officers and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period.

(1) **Single trip advances:** Where a travel advance is made for a single trip, the officer or employee shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the agency. The agency or local public body shall deposit the refund and reduce the disbursement recorded when the money was advanced.

(2) **Monthly advances:** Where monthly advances are made, employees shall remit to the agency, at the end of each month, any excess advance payments together with a thorough accounting of all travel advances and expenditures as required by the secretary. Where a travel advance is approved for the next month, the agency head may authorize the use of excess advance payments from the previous month as part of the advance for the next month in lieu of having the employee remit the excess funds.

C. **Agency records:** Each agency is responsible for maintaining records of travel advances authorized by the agency head or the agency head's authorized designee.

(1) **Employee ledgers:** Each state agency shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail:

- (a) employee
- (b) no.
- (c) division
- (d) fiscal year
- (e) date of travel advance
- (f) date of destination
- (g) per diem advance
- (h) earned
- (i) additional per diem or refund due

(2) **Year-end closing:** Each state agency shall review all travel advances prior to the end of the fiscal year and collect or pay all outstanding amounts if possible. Any receivables or payables outstanding at year-end must be recorded on the books and records of the agency.

D. **Local public bodies:** Local public bodies may grant prior written approval for travel advances as authorized by regulation of the governing body of the local public body.

[2.42.2.10 NMAC - Rn, DFA Rule 95-1, Section 5, 07/01/03]

#### 2.42.2.11 MILEAGE-PRIVATE CONVEYANCE:

A. **Applicability:** Mileage accrued in the use of a private conveyance shall be paid only in accordance with the provisions of this Section.

B. **Rate:** Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:

- (1) privately owned automobile, thirty two cents (\$0.32) per mile;
- (2) privately owned airplane, eighty-eight (\$0.88) per nautical mile.

C. **Local public bodies:** Public officers and employees of local public bodies may be reimbursed for mileage accrued in the use of a private conveyance in the discharge of official duties at the statutory rates unless such rates have been reduced by the governing bodies of the local public body pursuant to Section 10-8-5(D) NMSA 1978.

D. **Privately owned automobile:** For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the mileage chart of the official state map published by the state highway and transportation department for distances in New Mexico and the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico; or

- (2) pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by

the traveler; and

- (a) the destination is not included on the official state map or on the Rand McNally road atlas, or,
- (b) at the destination(s) of the public officer or employee, the public officer or employee was required to

use the private conveyance in performance of official duties.

E. **Privately owned airplane:** Mileage accrued in the use of a privately owned airplane shall be reimbursed at the rate set forth in this Section as follows:

(1) pursuant to the New Mexico aeronautical chart published by the state highway and transportation department, aviation division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or

(2) pursuant to actual air mileage if certification is provided by the pilot, or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler, and the destination is not included on an air map.

F. **Reimbursement limit for out of state travel:** Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier. This subsection shall not apply to a public school when transporting students.

G. **Additional mileage provision:** Mileage accrued while on official business shall be reimbursed for travel on official business. An agency head or designee may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances. The memorandum must accompany the payment voucher. If official business is transacted while commuting from home to post of duty or from post of duty to home, mileage shall not be paid for the number of miles between post of duty and home. Odometer readings showing additional miles accrued for official business must be provided to the agency for payment.

[2.42.2.11 NMAC - Rn, DFA Rule 95-1, Section 6 & A, 07/01/03]

**2.42.2.12 REIMBURSEMENT FOR OTHER EXPENSES:** Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates.

A. **Receipts not required:** Public officers and employees may be reimbursed without receipts for the following expenses in an amount of \$6.00 per day not to exceed a total of \$30.00 per trip:

- (1) taxi or other transportation fares at the destination of the traveler;
- (2) gratuities as allowed by the agency head or designee; and
- (3) parking fees
- (4) If more than \$6.00 per day or \$30.00 per trip is claimed, the entire amount of the reimbursement claim

must be accompanied by receipts.

B. **Receipts required:** Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:

(1) actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;

(2) rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;

(3) registration fees for educational programs or conferences, provided, if the fee includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of 2.42.2.9 NMAC; and

(4) professional fees or dues that are beneficial to the agency's operations or mission.

(5) Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board. See Appendix B for a sample affidavit.

C. **Local public bodies:** Local public bodies may adopt regulations governing the reimbursement of actual expenses incurred in addition to per diem rates and mileage.

[2.42.2.12 NMAC - Rn, DFA Rule 95-1, Section 7, 07/01/03]

**2.42.2.13 TRAVEL VOUCHERS:** Travel vouchers and supporting schedules and documents shall conform to the

policies and procedures manuals issued by the financial control division of the department of finance and administration.  
 [2.42.2.13 NMAC - Rn, DFA Rule 95-1, Section 8, 07/01/03]

**2.42.2.14 EFFECTIVE DATES:** All Sections shall be effective upon publication in the *New Mexico Register*.  
 [2.42.2.14 NMAC - Rn, DFA Rule 95-1, Section 9, 07/01/03]

**APPENDIX A:** 1-1-7 NMSA 1978, Residence; rules for determining.

**APPENDIX B:**

DEPARTMENT OF FINANCE AND ADMINISTRATION  
 FINANCIAL CONTROL DIVISION  
 AFFIDAVIT FOR LOST RECEIPTS  
 Travel and Per Diem

I, \_\_\_\_\_ certify that actual receipts for expenses in the amount of  
 (print name)  
 \$ \_\_\_\_\_ incurred while in the conduct of business for the State of New Mexico, were lost.

Travel Dates	Lodging Expenses	Meal Expenses	Other Expenses

\_\_\_\_\_  
 Employee Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Agency Head Signature

\_\_\_\_\_  
 Date

**HISTORY OF 2.42.2 NMAC:**

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center:  
 DFA 71-4 (Directive DFA 71-1) State Transportation Pool Rules and Regulations, filed 6/23/71  
 DFA 72-5 Directive DFA 61-1, Transportation Pool Rules and Regulations, filed 6/30/72  
 DFA 75-4 (Directive-DFA 63-4) State Transportation Pool Rules and Regulations, filed 3/3/75  
 DFA 71-9 (Directive DFA 60-5C) Chapter 116, Laws of 1971, filed 6/30/71  
 DFA 74-2 Per Diem and Mileage Act (Sections 5-10-1 through 5-10-4 NMSA 1953 as Amended) being Chapter 26, Laws of 1974, filed 5/6/74  
 DFA 75-6 (Directive LGD 63-49) Out-of-State Travel, filed 5/6/75

DFA 74-4 (Directive-DFA 62-3B) Procedures for In-State and Out-of-State Travel, Laws of 1974, Chapter 26, filed 5/7/74  
DFA 75-8\* (Directive-DFA 63-6) Procedures for In-State and Out-of-State Travel, filed 6/10/75  
DFA 75-9\* (Directive LGD 64-5) Per Diem and Mileage Act as amended, filed 8/7/75  
DFA 75-17\* (Directive DFA 64-16) Expenses of Advisory Committees, Task Forces and other Bodies Appointed by State Agencies, filed 10/9/75  
DFA 78-3.1\* (Rules 78-3) Relating to Reimbursement of Public Officers and Employees for Travel Expenses & Attending Meetings, filed 6/30/78  
DFA 81-3 (Rule 78-3) Related to the Reimbursement of Public Officers and Employees for Travel and Attending Meetings, filed 6/26/81  
DFA 82-2 (Rule 78-3) Related to the Reimbursement of Public Officers and Employees for Travel Expenses and Attending Meetings, filed 10/20/82  
DFA Rule No. 87-2 Related to the Reimbursement of Public Officers and Employees for Travel Expenses and for Attending Meetings; filed 9/30/87  
DFA Rule No. 90-2 Department of Finance and Administration, DFA 90-2, Governing Per Diem, Mileage and Other Reimbursements to Public Officers and Employees; filed 3/30/90  
DFA Rule No. 92-1 Regulations Governing the Per Diem and Mileage Act; filed 10/7/92  
DFA Rule 95-1 Regulations Governing the Per Diem and Mileage Act; filed 11/17/95.

History of Repealed Material: [RESERVED]

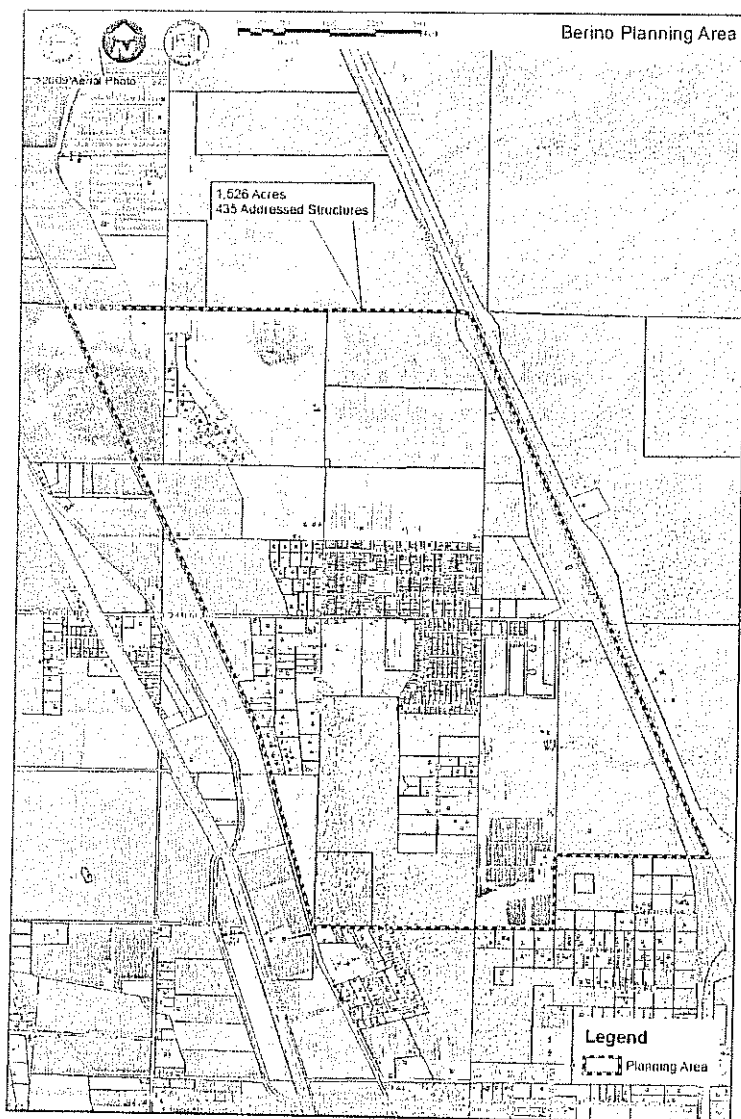


# Community of Berino

## Preparation of a Master Plan for the Berino Planning Area

### Community Survey and Meeting

For Release: December 10, 2010

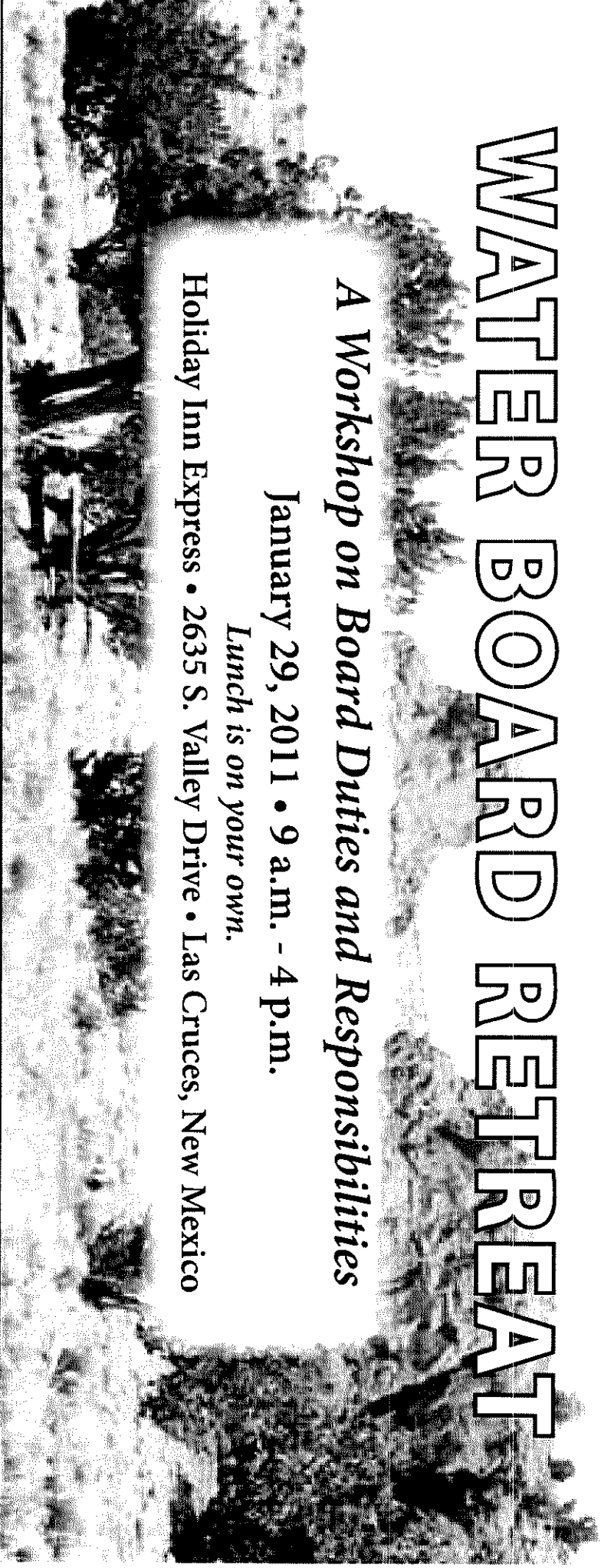


The Department of Community Development is proposing to apply for funds to prepare a Master Plan for the community of Berino. County Planners seek your ideas concerning how to improve and what you want Berino to look like in the future.

Initially, the first community meeting will be held on Monday, December 20, 6:00-7:30 PM at the Immaculate Mission, 205 San Benito, Berino, NM. Likewise, a door to door anonymous survey of every household will also take place during December. The Planners will be seeking census and planning information to be used to prepare the plan. Please help plan the future of Berino by attending the community meeting and talking with the planners when they knock on your door.

As an additional public service, during the door to door survey, a county planner will also provide you with a property address certificate. By using an official house or business number, you will be able to receive mail and packages more easily and help Emergency Responders locate you should the need arise.

If you have any questions, please feel free to contact County Planners Mr. Marmolejo at (575) 525-6128 or Mr. Casillas at (575) 525-6117.



RCAC and USDA-Rural Development invite you to a retreat designed to help New Mexico water system board members and council members in Doña Ana, Otero, Luna and Sierra counties learn more about your roles and responsibilities as a board member of your water system.

# WATER BOARD RETREAT

*A Workshop on Board Duties and Responsibilities*

January 29, 2011 • 9 a.m. - 4 p.m.

*Lunch is on your own.*

Holiday Inn Express • 2635 S. Valley Drive • Las Cruces, New Mexico

Presented by:



RCAC is an equal opportunity provider & employer

*These materials were funded and/or carried out as part of the RCAP/USDA Technitrain Program, an RCAP network project.*

The workshop will cover the duties and responsibilities of board members, the legal framework of a public water system and a public organization, such as a mutual domestic water association. The workshop goal is to address the specific issues of the local systems. Thus, we require full board participation or at least a quorum of the board.

**Agenda Topics:**

- Drinking water laws
- Technical, Managerial and Financial (TMF) responsibilities
- Board member personnel duties and dangers
- Statutory responsibilities

***RSVP no later than January 21<sup>st</sup>, 2011 to:***

**Olga Morales**

**RCAC • PO Box 1223 • Doña Ana, NM 88032**

**Phone: 575/382-6992 • Cell: 575/640-3386**

**Fax: 505/382-9064 • e-mail: [olgams@rcac.org](mailto:olgams@rcac.org)**

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**RCAC**

PO Box 1223

Doña Ana, NM

88032