

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY  
LOWER RIO GRANDE MUTUAL DOMESTIC WATER ASSOCIATION  
JOINT MEETING MINUTES**

**LRGPWWA REGULAR BOARD OF DIRECTORS MEETING**

**LRGMDWA POSTPONED REGULAR BOARD OF DIRECTORS MEETING**

**9:00 a.m. Wednesday, July 20, 2011 at the Vado Office, 325 Holguin Road**

Agendas are final 24 hours prior to the meeting and may be obtained at any LRGPWWA Office – call 575-233-3947 for information

- I. **Sign in, establish quorum, call meeting to order:** Sign in sheet and agenda are attached: Board Members present were Chairman Robert “Marty” Nieto, Vice-Chairman John Holguin, and Secretary Santos Ruiz. Absent were Directors Rosaura Pargas and Blanca Martinez. Staff members present were General Manager Martin Lopez, Projects Manager Karen Nichols, Financial Manager Kathi Jackson and HR/Payroll Specialist Connie Garcilazo. Also present were Mr. Paul Michaud of the City of Las Cruces Planning Department, Hector Vasquez and Tommy Garcia from Vencor Engineering, and Patricia Bolliger of Zia Engineering. With a quorum established Mr. Nieto called the meeting to order at 9:03 a.m.
  
- II. **Approval of agenda:**  
Mr. Holguin made a motion to approve the agenda with items VI. D. and III B. postponed. Mr. Ruiz seconded motion, and it carried on a vote of 3-0. {1:10}
  
- III. **Approval of Minutes**
  - A. **LRGPWWA - 6/15/11:**  
Mr. Holguin made a motion to approve the minutes (attached), Mr. Ruiz seconded, and it carried on a vote of 3-0. {1:37}
  
  - B. **LRGMDWA – concurrence w/LRGPWWA approval of 5/4/11 minutes:** Postponed
  
- IV. **Guest Presentations – Paul Michaud – Vision 2040 Plan:**  
Mr. Michaud made a power point presentation on the Vision 2040 Plan and explained the process of this plan stating that it includes City and County. {4:04}
  
- V. **Public Input**
  - A. **Public hearing re: Funding Application to USDA-Rural Development for Authority Sewer Project Phase I – Mesquite/Brazito and Surface Water Treatment Plant Project:**  
Mr. Lopez informed the Board that USDA requires a public hearing to process funding application. Mr. Vasquez provided information on the status of the Lower Rio Grande PWWA/Brazito and Surface Water Treatment Plant Project. Mr. Lopez informed the Board that the LRG Mutual had put together a contract with CE&M for a Preliminary Engineering Report and Environment documents for a Surface Water Treatment Plant and stated that the documents cannot be taken and awarded to one of the current engineers. The LRG Authority Board will need to issue a Request For Proposals for Professional Services to amend PER and Environmental document and move forward with the project. {46:38}
  
  - B. **General 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** {1:13:56}
  
- VI. **General Manager’s Reports**

- A. **Management Report:** General Manager Martin Lopez written report is attached in the board packet, and Mr. Lopez discussed it with the Board. {1:14:47}
- B. **Finance Report:** Finance Manager Kathi Jackson written budget report is attached in the board packet, and Ms. Jackson discussed it with the Board. {1:21:01}
- C. **Projects Report:** Ms. Karen Nichols Projects Manager written report is attached in the board packet, and was Ms. Nichols reviewed it with the Board of Directors. {1:31:41}
- D. **Operations Report:** Postponed

**VII. Unfinished Business**

**A. Closed Session:**

- 1. Mr. Holguin made a motion and Mr. Ruiz seconded to convene in closed session at 10:49 a.m. pursuant to NMSA 1978 10-15-1 (H)(7) regarding threatened or pending litigation. Mr. Nieto called on each director for the vote. Mr. Holguin voted yes, Mr. Ruiz voted yes, and Mr. Nieto votes yes. On a vote of 3-0, the motion carried. {1:44:19}
- 2. Mr. Holguin made a motion to resume the open meeting, Mr. Ruiz seconded, and carried on a vote of 3-0. Mr. Nieto stated that matters discussed in the closed meeting were limited to those stated in the motion to close. {1:45:42}

**VIII. New Business**

- A. **Agreement w/Brazito MDWCA re: Sewer Project:** Ms. Singleman discussed the proposed agreement (attached) with the Board. After some discussion the item was postponed for further review. {1:46:17}

- IX. **Other discussion and agenda items for next meeting on 8/17/11 at 9:00 a.m.** The next meeting will be 8/17/11 at 9:00 a.m. Mr. Lopez informed the Board that he and Ms. Nichols had been invited to speak with some board and community members in Butterfield Park, and they may wish to explore the possibility or regionalizing or joining the Authority. {1:55:30}

- X. **Adjourn:** There was no further business, Mr. Holguin made a motion to adjourn the meeting, Mr. Ruiz seconded, and it carried on a vote of 3-0. Mr. Nieto declared the meeting adjourned at 11:36 a.m. {2:15:56}

Date Minutes approved: \_\_\_\_\_

Directors Present:

\_\_\_\_\_  
Chairman Roberto Nieto

\_\_\_\_\_  
Vice-Chairman John Holguin

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Secretary Santos Ruiz

ABSENT

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Director Rosaura Parga

ABSENT

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Director Blanca Martinez

# Lower Rio Grande Public Waterworks Authority

## Sign In Sheet

Date: 7/20/11

Time: 9 am

Place: Wade

Meeting Type: Regular

Name, Title - Print	Company or Agency Represented	Mailing Address	Telephone	Email
<del>Kathi Jackson</del> <u>Frances Navarro</u>	<del>LRG PWWA</del> <u>LRG PWWA</u>	<del>P.O. Box 2076</del> <u>Am Hones Ln 88021</u>	<del>233-3947</del> <u>233-3947</u>	<del>kathijackson@lrga.utexas.edu</del> <u>kathijackson@lrga.utexas.edu</u>
<del>Sam Stolp</del> <u>Yiz</u>	<del>LRG PWWA</del> <u>LRG PWWA</u>	<del>P.O. Box 106</del> <u>Beving Ave 88022</u>	<del>882-5737</del> <u>882-5737</u>	<del>ronnie.circul@ecg.e.lrg.utexas.edu</del> <u>ronnie.circul@ecg.e.lrg.utexas.edu</u>
<del>Donna Stouffer</del> <u>gp</u>	<del>LRG PWWA</del> <u>LRG PWWA</u>	<del>P.O. Box 2076</del> <u>5411 HUNLEY BL</u>	<del>882-5072</del> <u>882-5072</u>	<del>ronnie.circul@ecg.e.lrg.utexas.edu</del> <u>ronnie.circul@ecg.e.lrg.utexas.edu</u>
<del>Beverly Sing</del> <u>Lema</u>	<del>Attorney for</del> <u>Attorney for</u>	<del>P.O. Box 481</del> <u>Wesolo Park Hwy 88017</u>	<del>680-1159</del> <u>680-1159</u>	<del>bjsim@spinnet</del> <u>bjsim@spinnet</u>
<del>Robert D. de Alamo</del> <u>de Alamo</u>	<del>LRG PWWA</del> <u>LRG PWWA</u>	<del>700 W. 76th</del> <u>Arduing Way 8801</u>	<del>378</del> <u>681-9692</u>	<del>shel@winkedgetty.org</del> <u>shel@winkedgetty.org</u>
<del>Tommey Casse</del> <u>Casse</u>	<del>VINCOR</del> <u>VINCOR</u>	<del>355 S. Terish</del> <u>355 S Terish</u>	<del>575-614-6851</del> <u>575-614-6851</u>	<del>flonora@yaho.com</del> <u>flonora@yaho.com</u>
<del>Patricia Bollinger</del> <u>Bollinger</u>	<del>Ena Engineering</del> <u>Ena Engineering</u>	<del>355 S Terish</del> <u>355 S Terish</u>	<del>575-532-1526</del> <u>575-532-1526</u>	<del>patricia@zarecc.com</del> <u>patricia@zarecc.com</u>
<del>Victor Vasquez</del> <u>Vasquez</u>	<del>VINCOR</del> <u>VINCOR</u>	<del>Ena Engineering</del> <u>Ena Engineering</u>	<del>575-642-7955</del> <u>575-642-7955</u>	<del>venan@de@yweil.com</del> <u>venan@de@yweil.com</u>
<del>Tiffany Bloom</del> <u>Bloom</u>	<del>SECOG</del> <u>SECOG</u>	<del>P.O. Box 297</del> <u>Mesilla, NM 88046</u>	<del>575-746-2926</del> <u>575-746-2926</u>	<del>tibloom@seco.com</del> <u>tibloom@seco.com</u>
<del>John Holman</del> <u>Holman</u>	<del>LRG PWWA</del> <u>LRG PWWA</u>	<del>325 Hulsie</del> <u>325 Hulsie</u>	<del>575-695-9007</del> <u>575-695-9007</u>	<del>john@winkedgetty.org</del> <u>john@winkedgetty.org</u>
<del>Paul Wickard</del> <u>Wickard</u>	<del>CITY OF LE</del> <u>CITY OF LE</u>	<del>700 N Wynn</del> <u>700 N Wynn</u>	<del>520-3274</del> <u>520-3274</u>	<del>patrick@cityofle.com</del> <u>patrick@cityofle.com</u>

# Lower Rio Grande Public Waterworks Authority

## Sign In Sheet

Date: 7/20/11

Time: 9am

Place: Vicks

Meeting Type: Regular

Name, Title - Print Sign	Company or Agency Represented	Mailing Address	Telephone	Email
Karen Wilk's, PM	LRG Public	80057 2016 Anthony Wilk's	415 203 287	Karen.Wilk's@ LRGpublic.com
MARTIN Lopez	LRG Public	318 Adams Rd Lubbock, TX 79402	571-3628	martin.lopez@ lrpublic.com

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY  
LOWER RIO GRANDE MUTUAL DOMESTIC WATER ASSOCIATION**

**JOINT MEETING NOTICE & AGENDA**

**LRGPWWA REGULAR BOARD OF DIRECTORS MEETING**

**LRGMDWA POSTPONED REGULAR BOARD OF DIRECTORS MEETING**

**9:00 a.m. Wednesday, July 20, 2011 at the Vado Office, 325 Holguin Road**

Agendas are final 24 hours prior to the meeting and may be obtained at any LRGPWWA Office – call 575-233-3947 for information

- I. Sign in, establish quorum, call meeting to order
- II. Approval of agenda
- III. Approval of Minutes
  - A. LRGPWWA - 6/15/11
  - B. LRGMDWA – concurrence w/LRGPWWA approval of 5/4/11 minutes
- IV. Guest Presentations – Paul Michaud – Vision 2040 Plan
- V. Public Input:
  - A. Public hearing re: Funding Application to USDA-Rural Development for Authority Sewer Project Phase I – Mesquite/Brazito and Surface Water Treatment Plant Project
  - B. General Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:
- VI. General Manager’s Reports:
  - A. Management Report
  - B. Finance Report
  - C. Projects Report
  - D. Operations Report
- VII. Unfinished Business:
  - A. Closed Session:
    1. Motion to convene in closed session pursuant to NMSA 1978 10-15-1 (H)(7) regarding threatened or pending litigation – Roll Call Vote
    2. Motion to resume the open meeting and statement by the Chair that affirming that the matters discussed in the closed meeting were limited to those stated in the motion to close
- VIII. New Business:
  - A. Agreement w/Brazito MDWCA re: Sewer Project
- IX. Other discussion and agenda items for next meeting on 8/17/11 at 9:00 a.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 llame 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

10:00 a.m. Wednesday, June 15, 2011 at the Vado Office, 325 Holguin Road

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

**I. Sign in, establish quorum, call meeting to order:**

Sign in sheet and agenda are attached. Board Members present were Chairman Robert "Marty" Nieto, Vice-Chairman John Holguin, Secretary Santos Ruiz Director Rosaura Pargas. Staff members present were General Manager Martin Lopez, Projects Manager Karen Nichols, Operations Manager Mike Lopez and HR/Payroll Specialist, Connie Garcilazo. Also present was Espie Holguin. With quorum establish, Mr. Nieto called the meeting to order at 10:06 a.m.

**II. Approval of agenda:**

Mr. Holguin made a motion to approve the Agenda with items VI.B postponed, VII. A 1 & 2 tabled and item VII. B postponed until the individual gets to meeting. Mr. Ruiz seconded, and it carried on a vote of 4-0. { : 29}

**III. Approval of Minutes of 6/1/11:**

Mr. Holguin made a motion to approve the minutes with one correction on item IX to remove the letter "a" after the words "paid and", Mr. Ruiz seconded the motion and it carried on a vote of 4-0. {3:32}

**IV. Guest Presentations – NONE {5:45}**

**V. Public Input – 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:** Ms. Holguin asked about our CDBG application, and Mr. Lopez replied that we have a pending planning grant application and have to apply through the county for the regular program unless there is a rule change. {5:51}

**VI. General Manager's Reports:**

**A. Management Report:** The General Manager's Martin Lopez written report was in the board packet (attached) and he discussed it with the Board. {7:17}

**B. Finance Report:** Postponed

**VII. Unfinished Business:**

**A. Closed Session:**

1. Pursuant to NMSA 1978 10-15-1 (H(7) regarding threatened or pending litigation – Tabled

2. Motion to resume the open meeting - Tabled

**B. Appointment of New Director for the La Mesa area:**

Ms. Blanca Martinez from La Mesa arrived at this point in the meeting. Mr. Holguin made a motion to appoint Ms. Martinez as new director for the La Mesa area until elections are held. Mr. Nieto verified that Ms. Martinez met the criteria for becoming a board representative. Mr. Nieto and Mr. Lopez explained board duties and Mr. Nieto offered Ms. Martinez the position on the Board to represent the La Mesa community. Ms. Martinez agreed to accept the position. Mr. Ruiz seconded motion and it carried on a vote of 4-0. {16:45}

**VIII. New Business:**

**A. NM-OSE Rule Change re: Domestic Well – LRG comments:**

Mr. Lopez explained the proposed changes (attached) and discussed potentially submitting comments to include the Authority as an eligible entity. He said that he and Ms. Nichols have reviewed it, and the attorney is looking at it now. Mr. Huguin made a motion to authorize travel to Santa Fe to submit comments on behalf of the LRGPWWA regarding the issue of transferring water rights from domestic wells. Mr. Ruiz seconded the motion, and it carried on a vote of 5-0. {26:42}

**B. Resolution 2011-17 Adoption of Required CDBG Policies:** Ms. Pargas made a motion to adopt Resolution 2011-17 Adoption of Required CDBG Policies, Mr. Ruiz seconded and it carried on a vote of 5-0. {33:27}

**IX. Other discussion and agenda items for next meeting:** The next meeting is 7/20/11 at 9:00 a.m., Mr. Lopez noted that the agenda will include a Vision 2040 presentation by Paul Michaud & staff, and that our comments have been submitted to him. Mr. Lopez also notified the Board that staff member Jose Lopez's father passed away and he authorized staff to attend the services on Monday June 13, 2011. Mr. Mike Lopez invited the Board of Directors to attend a Staff/Board event on June 15, 2011 at Wet N Wild and stated that the expenses will be covered by operations staff, not the Authority. {35:30}

**X. Adjourn:** Mr. Holguin made a motion to adjourn the meeting, Mr. Ruiz seconded, and it carried on a vote of 5-0. Mr. Nieto declared the meeting adjourned at 10:55 a.m. {48:39}

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

Directors Present:

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

\_\_\_\_\_  
Vice- Chairman John Holguin



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Secretary Santos Ruiz

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Director Rosaura Pargas

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Director Blanca Martinez



**Lower Rio Grande Public Water  
Works Authority Meeting  
July 20, 2011**



# Overview

1. *Introductions*
2. *Review One Valley, One Vision 2040 process*
3. *Review relationship to other plans*
4. *Present summary of the One Valley, One Vision 2040 Regional Plan*
5. *Take questions and comment*



## 2040 Process: Why do a regional plan?

- ❖ Put in writing the regional shared vision and goals to keep them in mind as local governing bodies make decisions.
- ❖ Create an environment to attract business to the area and sustain quality of life.
- ❖ Identify opportunities for exploring and resolving intergovernmental issues.
- ❖ Build awareness of local interests and perspectives to other levels of government.
- ❖ Elicit a more effective regional response to growth, economy, environment, and transportation.



## 2040 Process: Why important?

- ❖ LRGPWWA service area was a formation of five prior water systems to pursue the benefits of looking at providing water services from a more regional perspective which is embodied in the 2040 regional plan.
- ❖ Our region is expected to grow in population over the next 30 years which will affect those that live here and those who will relocate here.



## 2040 Process: Why started?

- ❖ Several key drivers going on in 2006/2007
  - ❖ Major events: major flood, large state land development projects, and high construction activity (Address quality of life issues and more effective regional response to growth).
  - ❖ Population growth.



Recognition of growth in the region

## Select Areas Population Change Doña Ana County - 1980 to 2010

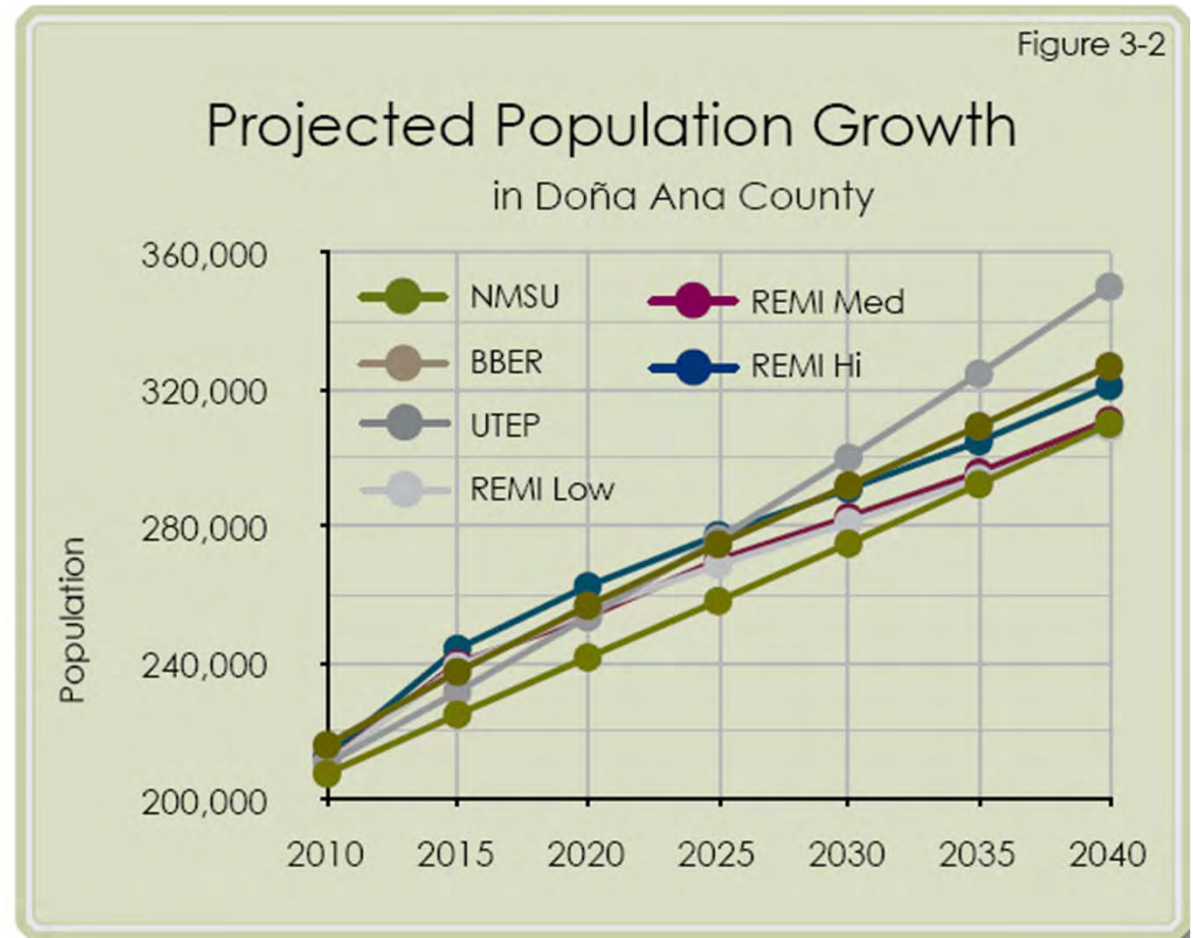
Table 3-2

Area	Size (Square Miles)	1980 Population	1990 Population	2000 Population	2010 Population	Growth Rate (1980 - 2010)	Growth Rate (2000 - 2010)
Las Cruces	76.90	45,086	62,126	74,267	97,618	+ 53.80%	+ 23.90%
Las Cruces ETZ <sup>1</sup>	342.88	Not Available	Not Available	57,000	72,500	Not Available	+ 21.38%
Anthony (CDP) <sup>2</sup>	2.70	2,200	5,133	7,904	9,360	+ 76.50%	+ 15.60%
Doña Ana County (Unincorporated) <sup>3</sup>	3,704.81	41,684	56,960	75,349	84,305	+ 50.60%	+ 10.60%
Sunland Park	10.80	4,313	8,179	13,309	14,106	+ 69.40%	+ 5.70%
Mesilla	5.70	2,029	1,976	2,180	2,196	+ 7.60%	+ 0.70%
Hatch	3.10	1,028	1,136	1,673	1,648	+ 37.60%	- 1.50%



# 2040 Process: Why started?

- ❖ Assume mid-range projection from 209,233 people (2010) to 325,000 people (2040)
- ❖ Increase of 125,000 people (round number)





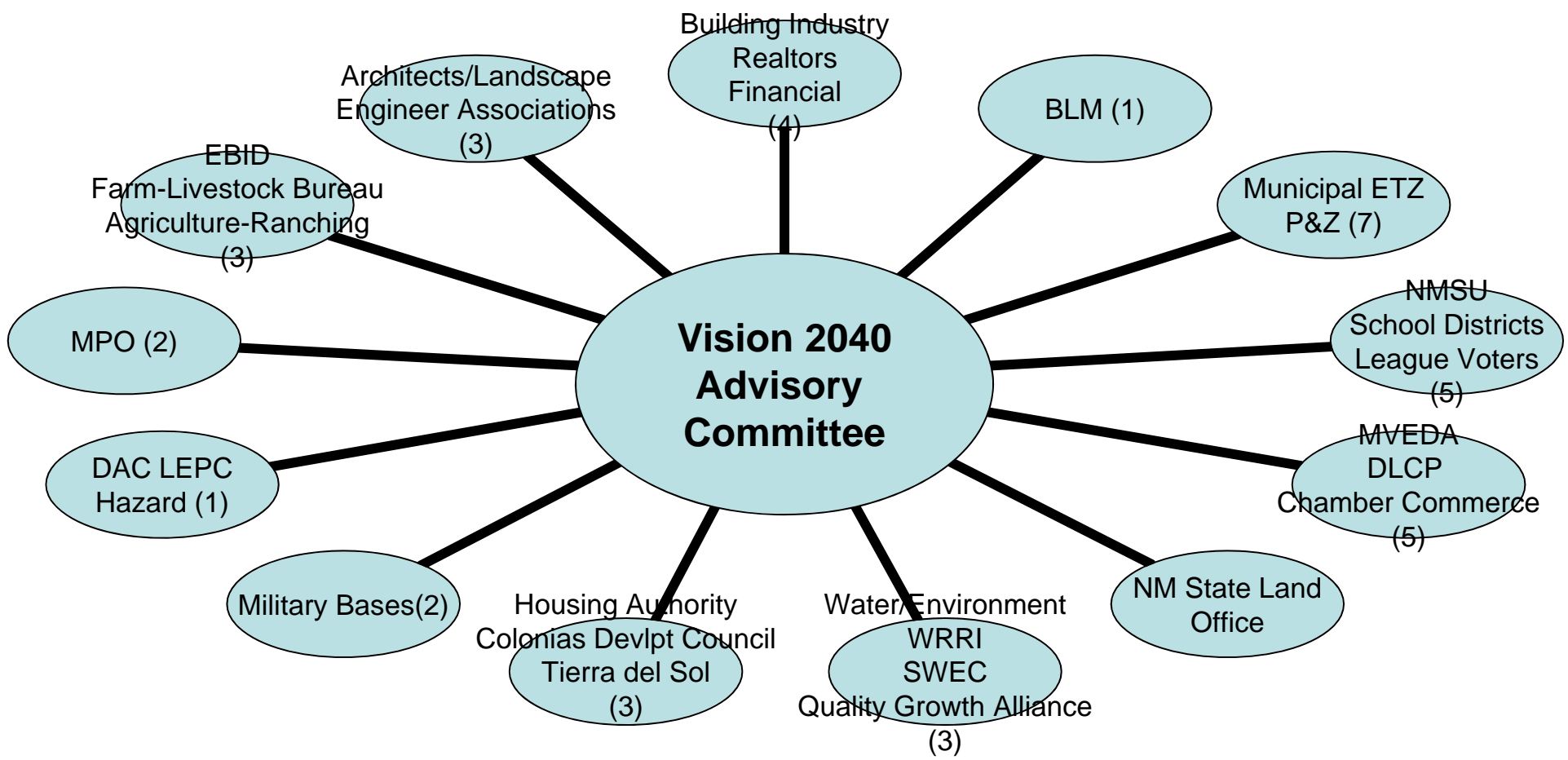


## 2040 Process: Where have we been?

- ❖ 2007-2008: Data collection and public input through focus groups, visioning sessions, surveys, etc.
- ❖ 2009: Public comment on draft plans
- ❖ 2010-2011: Input through expanded Advisory Committee



# 2040 Process: Where have we been?

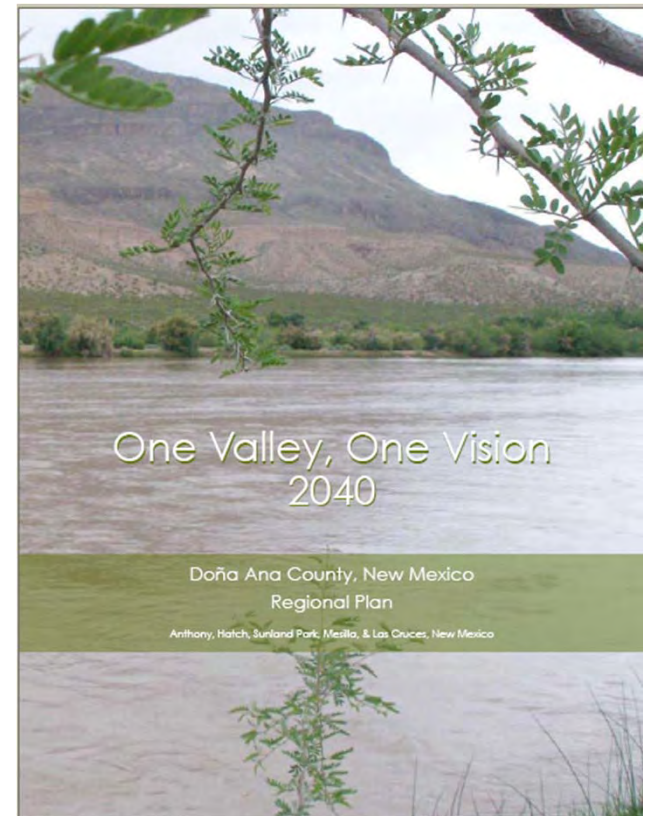


Illustrative list



## 2040 Process: Where are we now?

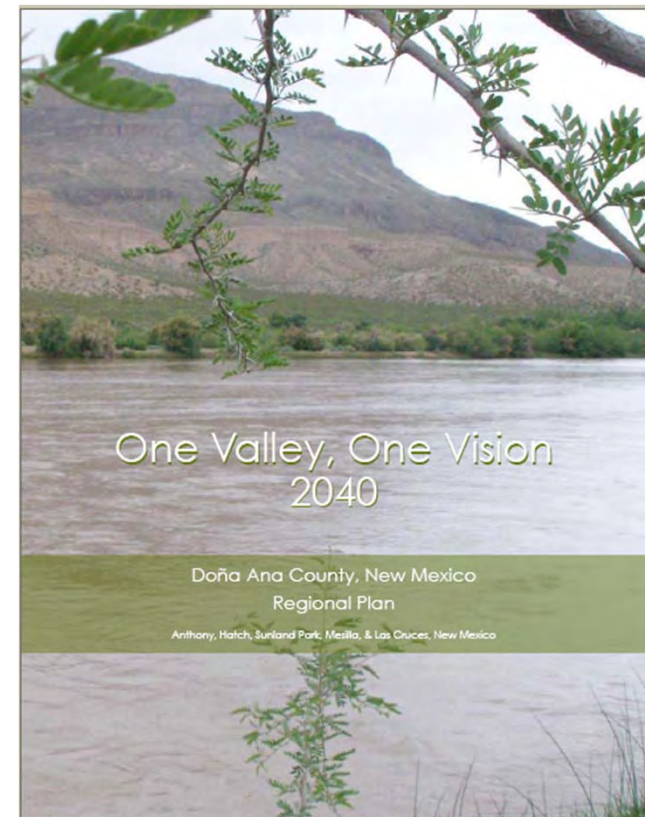
- ❖ 2011, June-July: Take public comment on the latest regional plan developed through 2040 Advisory Committee.
- ❖ 2011, July: Request recommendation from ETZ and P&Zs (lead by respective governing body staff).





# 2040 Process: Where are we going?

- ❖ Suggest written statement (with/without suggested changes) by group be provided to staff by July 15.
- ❖ 2011, Aug-Sept: Staff prepare executive summary and revise plan based on direction by elected bodies.
- ❖ To become effective in the particular jurisdiction, requires adoption of the plan by its local governing body.
- ❖ 2011, Aug-Sept (tentative): Target period to hold adoption hearings local elected governing bodies.

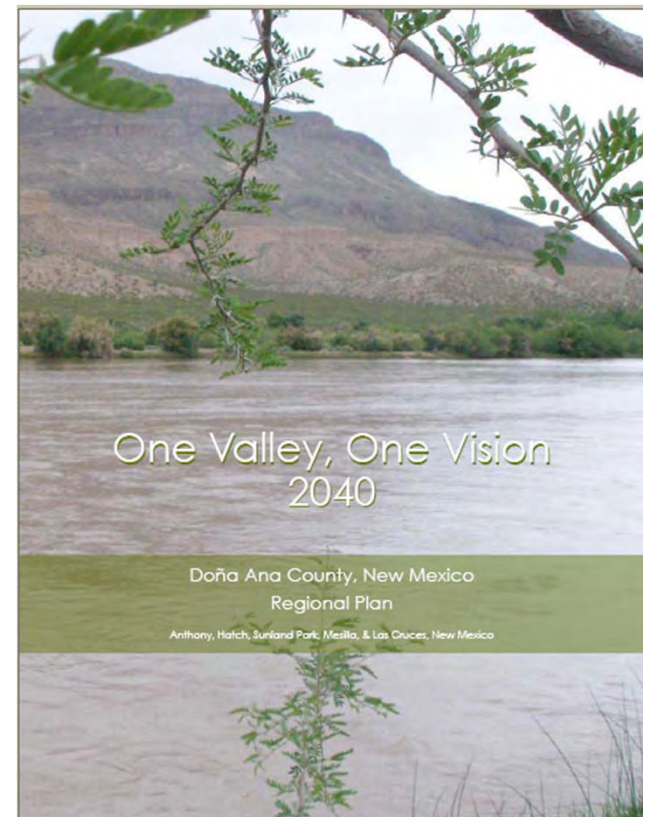






## 2040 Process: What happens after adoption?

- ❖ Elected and administrative officials use the plan as guidance in making policy, programming, and capital improvement decisions.
- ❖ Suggested action to use a task force, or other mechanism established at adoption, to track progress of the plan.



# Plan Relationship

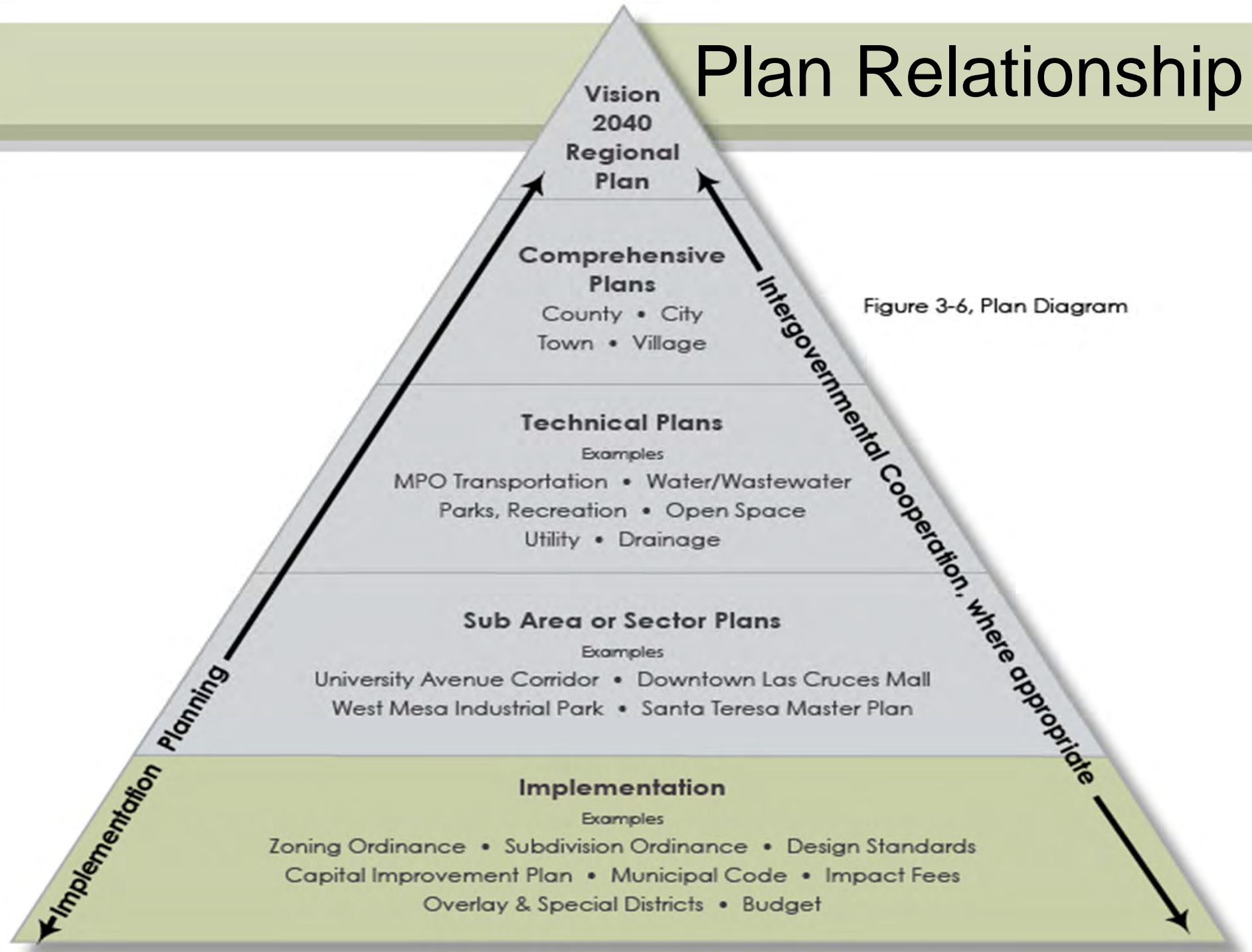


Figure 3-6, Plan Diagram



# Plan Summary: Main Components

- ❖ Vision Statement. It states recurring themes and values for the region as a whole of what ideally we hope to achieve by 2040.
  
- ❖ Snapshot. This, along with the SWOT (Strengths, Weaknesses, Opportunities, and Threats) and description of the communities, summarize the existing condition on the twelve identified resource topics that generally follow the topics in the various local comprehensive plans.
  - ❖ Land Use
  - ❖ Water
  - ❖ Air Quality
  - ❖ Environmental Resources
  - ❖ Hazards
  - ❖ Transportation
  - ❖ Community Facilities & Services
  - ❖ Utilities & Infrastructure
  - ❖ Housing
  - ❖ Economy
  - ❖ Community Character, Design, & Historic Preservation
  - ❖ Intergovernmental Cooperation



# Plan Summary: Main Components

- ❖ Goals and Strategies. The plan identifies 43 goals that are common approaches to the twelve identified resource topics with a list of possible strategies a local governing body might use to achieve the goal.
- ❖ Regional Growth Strategies. Description of the alternatives and assumptions examined on housing, development, and jobs that developed into the consensus strategy map for distribution of housing, development, and jobs.
- ❖ Implementation. Preliminary list of actions for local governing bodies to work together as a way to achieve the vision, goals, and consensus strategy maps of the plan.





# Plan Summary: Vision

Vision: Inspirational description of where we want to be by the year 2040

- ❖ We want to make Doña Ana County and all its communities a truly great place to live, work, and play for residents of all ages, backgrounds, cultures, and economic levels.
- ❖ Our vision encompasses planned and managed growth in areas such as jobs, economy, tourism, infrastructure, and encourages new opportunities that improve quality of life.



# Plan Summary: Vision

- ❖ In this plan, we envision strong economic growth in the region. We prepare to take advantage of arising opportunities to provide new and better jobs and to increase the economic vitality of the area for all of our residents.
- ❖ As we map out our future we recognize the value of our mountains, desert environment, rivers, agriculture, and private-property rights and live within the limitations of the unique land and natural resources.
- ❖ We envision a development plan that embraces the rich historical and cultural heritage of Doña Ana County its ties with Mexico and Texas, and an integrated multimodal transportation network that connects people with each other as well as with economic, housing, recreational, and educational opportunities.



## Plan Summary: Water Snapshot

- ❖ Provides a broad overview of the major organizations, planning (i.e. 40-year water plans), water rights, water conservation, information on surface water, groundwater, storm water, and quality.
- ❖ List of issues
- ❖ List of accomplishments



# Plan Summary: Water Issues

- ❖ We are currently experiencing drought conditions in the planning region...
- ❖ There is increased cost to treat and recover water to supplement additional future water supplies to meet water-quality standards.
- ❖ Known and suspected sources of pollution threaten our water quality, such as leaking underground storage tanks, older on-site waste water systems, PCE contamination, and uncontrolled storm water runoff that carries man-made and natural contaminants.
- ❖ Certain public water suppliers will fully use their water rights and need additional rights by the year 2040 or sooner.



## Plan Summary: Water Accomplishments

- ❖ In 2005, the Office of the New Mexico State Engineer required flow-metering of all irrigation groundwater wells with the exclusion of single households, irrigation of up to one acre of non-commercial agriculture, and watering of livestock.
- ❖ In 2010, the City of Las Cruces exceeded its five-year goal in its Water Conservation Program of five gallons per capita per day residential reduction by over ten percent.



## Plan Summary: Hazards Snapshot

- ❖ Provides a broad overview of the type of hazards based on the All-Hazard Plan for the county
- ❖ List of issues (i.e. There are no public-information methods in place on a permanent basis that instruct the public about what to do or where to go in the event of an emergency, such as highway signs or emergency radio stations.)
- ❖ List of accomplishments (i.e. There are continued improvements in floodplain management across the county from drain and levee improvements in Vado to re-engineered levee improvements along the Rio Grande.)



# Plan Summary: Utilities & Infrastructure Snapshot

- ❖ Provides basic information on waste water, solid waste, electricity, natural gas, telecommunications, and renewable energy.
- ❖ List of issues (i.e. Additional sources of financial assistance for making utility system improvements related to capacity or extensions for water, sewer, gas, and electric services are needed.)
- ❖ List of accomplishments (i.e. Formation of the LRGPWWA)





# Plan Summary: Housing Snapshot

- ❖ Provides basic information on organizations, planning, property values, household size, income, poverty, and manufactured homes.
- ❖ List of issues (i.e. There are ongoing efforts to provide safe housing, basic services, and infrastructure within the colonias in Doña Ana County.)
- ❖ List of accomplishments (i.e. In 2010, the state of New Mexico approved the Colonias Infrastructure Act, and legislation paves the way for ten million dollars annually to be available for infrastructure projects within designated colonias.)





## Plan Summary: Intergovernmental Snapshot

- ❖ Highlights the major groups dealing with or involved with intergovernmental matters.
- ❖ LRGPWWA will be added to Table 5-19 that highlights some of these groups.



# Plan Summary:

## Land Use

## Goals and Strategies

- ❖ **Goal 6-1-6: Encourage development where adequate facilities and services exist or can be provided in an efficient manner.**

- Allow for densities and land uses which are compatible with adopted plans where existing and planned community facilities and infrastructure can support them.

- Enhance the ability to provide water and wastewater treatment services in accordance with joint plans for urban services areas.

- Identify public land adjacent to urban areas and planned utility service areas that can be developed.



# Plan Summary:

## Water Goals and Strategies

❖ **Goal 6-2-1: Ensure the availability of a safe, dependable, affordable, and sustainable water supply to meet or exceed the needs of all reasonable beneficial uses.**

- Regularly update 40-year water plans.
- Work toward compromise in resolving any remaining claims to service area boundaries and quantification of water rights.
- Extend existing water sources through water management measures including, but not limited to, public education, water conservation, and water reuse.
- Plan and create additional water supplies in ways that do not adversely affect existing water users or the environment. Some possible methods include thinning or removal of invasive plant species within water recharge areas; preservation and restoration of arroyos to assist in water recharge; using desalination, water reclamation, or other technologies to make lower quality water supplies usable; storing surface and storm water for later use,



# Plan Summary:

## Water Goals and Strategies

- ❖ **Goal 6-2-1: Ensure the availability of a safe, dependable, affordable, and sustainable water supply to meet or exceed the needs of all reasonable beneficial uses.**

expanding water lease/transfer programs, and importing water from other basins.

- Encourage installation of systems to help track water usage as a way to conserve water and prevent over-appropriation.
- Encourage low-water consuming businesses and industries.





# Plan Summary:

## Water Goals and Strategies

- Goal 6-2-2: Protect existing surface and ground water from pollution and ensure it meets or exceeds water quality standards.
- Continue participation of our communities in the National Pollutant Discharge Elimination System (NPDES) permit program to help control water pollution carried by storm water runoff.
- Encourage connections of structures to public wastewater treatment facilities or use advanced/alternative on-site waste disposal systems instead of individual conventional septic systems where site conditions are unfavorable.
- Develop ways to better enforce and control illegal dumping through reasonable and equitable funding mechanisms, particularly within key arroyos and other sensitive water recharge areas.
- Identify and map sensitive water recharge areas.



# Plan Summary:

## Water Goals and Strategies

❖ Goal 6-2-2: Protect existing surface and ground water from pollution and ensure meets or exceeds water quality standards.

- Coordinate with other local jurisdictions and state and federal agencies to ensure a safe water supply.

- Support ongoing programs (e.g. the Doña Ana County and City of Las Cruces program decommissioning older, undersized septic tanks and cesspools.)



# Plan Summary:

## Environmental Goals and Strategies

### ❖ Goal 6-4-1: Make land use decisions that protect and enhance our natural environment.

- Direct new development to already developed areas in order to protect critical wildlife habitat, help prevent erosion and flooding, reduce demand for water, and preserve open space.

- Prohibit development in designated environmentally sensitive areas in a manner that reasonably compensates, provides incentives, maintains similar existing property rights, or in another similar manner balances the public and property owner interest.



# Plan Summary:

## Hazards Goals and Strategies

### ❖ Goal 6-5-1: Protect people and property from hazards.

- Make provisions for management and access of protected critical and sensitive areas regarding public health, safety, and welfare (e.g. border control, flood management, fire protection).

- Enforce development standards in flood zones to limit construction in flood-prone areas.

- Improve flood control where development has already occurred in flood-prone areas through reasonable and equitable funding mechanisms.

- Increase public awareness of what to do in the event of an emergency through public service announcements in a variety of media.





# Plan Summary:

## Facilities Goals and Strategies

❖ Goal 6-7-2: Meet the existing and projected needs of residents through location, access, extent and timing, staffing, and category of community facilities and services.

- Make technology, such as computers with Internet access, available in community centers for underserved populations, particularly in rural areas and colonias identified by the State and County.

- Priority funding must be provided to upgrade utilities and infrastructure located within existing approved colonias.

- Prepare asset management plans to better maintain existing community facilities and infrastructure at acceptable levels of service.



# Plan Summary:

## Facilities Goals and Strategies

❖ **Goal 6-7-3:**  
Coordinate with other local governments, special districts, school districts, and state and federal agencies on the provision of community facilities that have multijurisdictional impacts

- Form intergovernmental partnerships to fund and operate regional community facilities.
- Promote awareness of the funding need for staffing and capital improvements.
- Encourage local governmental jurisdictions preparing comprehensive or master plans to coordinate with and include all providers of community facilities and utilities in the development of the plan.



# Plan Summary:

## Utilities Goals and Strategies

- **Goal 6-8-1:**  
Provide utilities and infrastructure that are necessary or desirable to support the future land-use plan.
  - Regularly catalog infrastructure to assist in the operation, maintenance, budgeting, prioritizing, and information sharing of asset management.
  - Encourage new development in areas already serviced by utilities and other infrastructure as a means of maximizing private or public investment.



# Plan Summary:

## Utilities Goals and Strategies

- **Goal 6-8-2: Meet the projected needs of residents through location, access, character, extent and timing of public utilities and infrastructure.**
  - Prepare capital improvement plans to aid in prioritizing utility and infrastructure improvements.
  - Find ways to improve the utilization of existing infrastructure as an alternative to expansion or new construction.
  - Plan utilities in concurrence with road, building, pedestrian, and bicycle improvements.





# Plan Summary:

## Utilities Goals and Strategies

- **Goal 6-8-3:**  
Coordinate with other local governments, utility districts, and state and federal agencies on the provision of utilities that have multijurisdictional impacts.
  - Form intergovernmental partnerships to fund and operate regional utilities.
  - Seek financial assistance from state and federal sources for improvement and development on wastewater treatment, gas, water, sewer, telecommunication, and other utility needs.
  - Work with regional partners to encourage state and federal funding and regulatory agencies to remove institutional obstacles to regionalization.



# Plan Summary:

## Utilities Goals and Strategies

- **Goal 6-8-4:**  
Develop and implement comprehensive measures to maximize resource conservation.
- Integrate conservation measures into new and redeveloped public facilities and sites.
- Educate residents and businesses on conservation practices, technology, and related measures.
- Encourage rural areas to use self-sufficient and non-polluting technologies for energy, water and sewage services.
- Perform periodic emergency checks and prepare back-up procedures on utility infrastructure to ensure operability in the event of a real emergency.



# Plan Summary:

## Intergovernmental Goals & Strategies

**Goal 6-12-1:**  
Improve effective intergovernmental cooperation in addressing regional matters and guiding quality growth.

- Where appropriate, move toward regionalizing the transportation, storm water, water, wastewater, and other utilities through a single entity to promote the coordination of public services, increased management efficiency, and funding opportunities.
- Collaborate with adjacent municipalities, counties, and agencies on ways to improve air and water quality.





# Plan Summary:

## Land Use Actions

	<b><u>Land Use Actions</u></b>	<b><u>Associated Goal(s)</u></b>	<b><u>High Priority 2012-2013</u></b>	<b><u>Primary Responsible Entities</u></b>
1	Create an individual master plan for each identified growth area in the comprehensive plan.	6-1-1 6-1-2 6-1-3 6-1-4 6-1-5		ETZ, DAC and municipalities
2	Establish a regional future service boundary to delineate the maximum extent for municipal provision of public water and wastewater services. Developers could be granted infrastructure provisions when developing within the future service boundary, but would be restricted under certain circumstances in their ability to tap into the public system if their plans are located outside this boundary.	6-1-6 6-7-2	√	Las Cruces, Lower Rio Grande Mutual Domestic Water Association, and other providers





# Plan Summary:

## Water Actions

	<b><u>Water Actions</u></b>	<b><u>Associated Goal(s)</u></b>	<b><u>High Priority 2012-2013</u></b>	<b><u>Primary Responsible Entities</u></b>
6	Revisit, update, and adopt water conservation polices and programs in the county and incorporated municipalities.	6-2-1 6-4-1 6-8-4		ETZ, DAC and municipalities, EBID, all water providers
7	Pursue securing surface water rights for other uses in addition to agriculture.	6-2-1		ETZ, DAC and municipalities, EBID, all water providers
8	Update policies and implementation documents to best address events and localized conditions that can negatively affect water quality.	6-2-1 6-2-2 6-12-1		ETZ, DAC and municipalities, EBID, all water providers, industrial businesses, agricultural businesses



# Plan Summary:

## Water Actions

	<u>Water Actions</u>	<u>Associated Goal(s)</u>	<u>High Priority</u> <u>2012-</u> <u>2013</u>	<u>Primary Responsible Entities</u>
9	Complete groundwater remediation of the Superfund site in Las Cruces.	6-2-1 6-2-2 6-12-1	√	DAC, CLC, EPA, Department of Justice, National Guard, NM Armory Board
10	Incorporate enhanced measures to capture, store, and release stormwater for later use as part of the region's water management practices.	6-2-1 6-12-1		ETZ, DAC and municipalities, EBID, all water providers
11	Identify, prioritize, and fund new and rehabilitation of existing regional flood-protection infrastructure.	6-2-2 6-5-2 6-10-5 6-12-1		ETZ, DAC and municipalities, Soil & Water Conservation District, EBID, NMSU, DAC Flood Commission





# Plan Summary: Environmental Actions

	<b><u>Environmental Resources Actions</u></b>	<b><u>Associated Goal(s)</u></b>	<b><u>High Priority 2012-2013</u></b> <b><u>[Use √]</u></b>	<b><u>Primary Responsible Entities</u></b>
18	Develop options for utilizing surface water to a broader degree for the benefit of people, plants and animals.	6-4-3 6-7-2		DAC and municipalities, ETZ, EBID, and the Bureau of Reclamation
19	Evaluate the formation of a state-approved authority to identify and address regional storm water and flood control.	6-5-1 6-5-2 6-12-1		ETZ, DAC and municipalities, Soil & Water Conservation District, EBID, NMSU, DAC Flood Commission



# Plan Summary: Utilities Actions

	<b><u>Utilities &amp; Infrastructure Actions</u></b>	<b><u>Associated Goal(s)</u></b>	<b><u>High Priority 2012-2013</u></b> <b><u>[Use √]</u></b>	<b><u>Primary Responsible Entities</u></b>
35	Increase the number of residential and business sites that incorporate renewable energy through grants, programs, and alternative financing mechanisms. Focus on governmental facilities, sites, and community facilities.	6-8-1 6-8-2 6-8-3 6-8-4		ETZ, DAC and municipalities



# Plan Summary:

## Intergovernmental Actions

	<b><u>Intergovernmental Actions</u></b>	<b><u>Associated Goal(s)</u></b>	<b><u>High Priority 2012-2013</u></b> <b>[Use √]</b>	<b><u>Primary Responsible Entities</u></b>
47	Hold more frequent meetings between the Doña Ana County Commission and local elected officials to discuss regional issues.	6-12-1 6-12-2		ETZ, DAC and municipalities
49	Prepare and/or implement regional feasibility studies for water, utilities, and transportation.	6-3-1 6-5-2 6-6-2 6-6-4 6-8-2 6-12-1 6-12-2		ETZ, DAC and municipalities



# Plan Summary:

## Growth Strategy – Housing & Development

- ❖ Three conceptual alternatives considered
- ❖ Different than detailed design alternatives appropriate during implementation process
- ❖ Emphasis is on distribution of growth





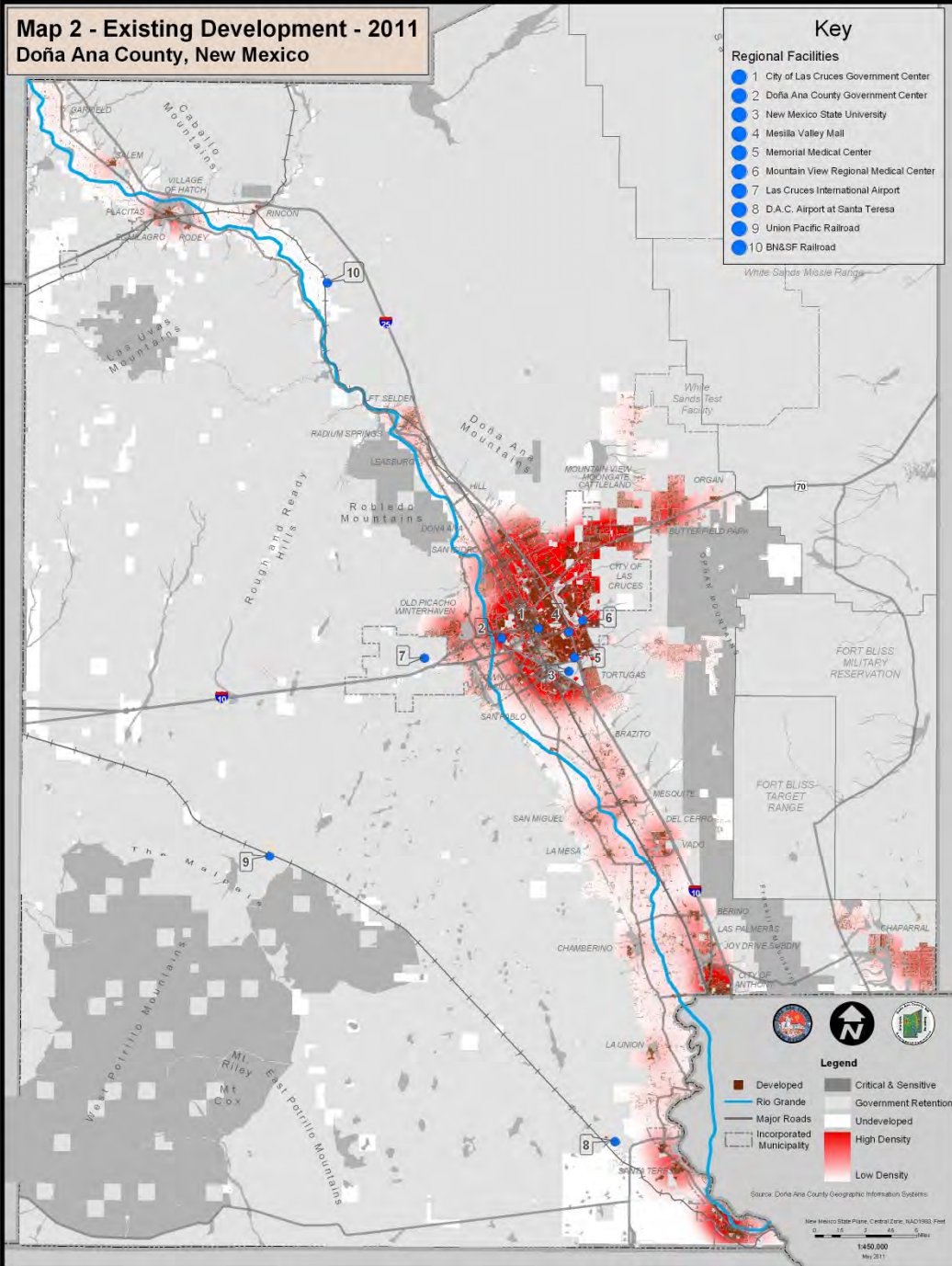


# Plan Summary:

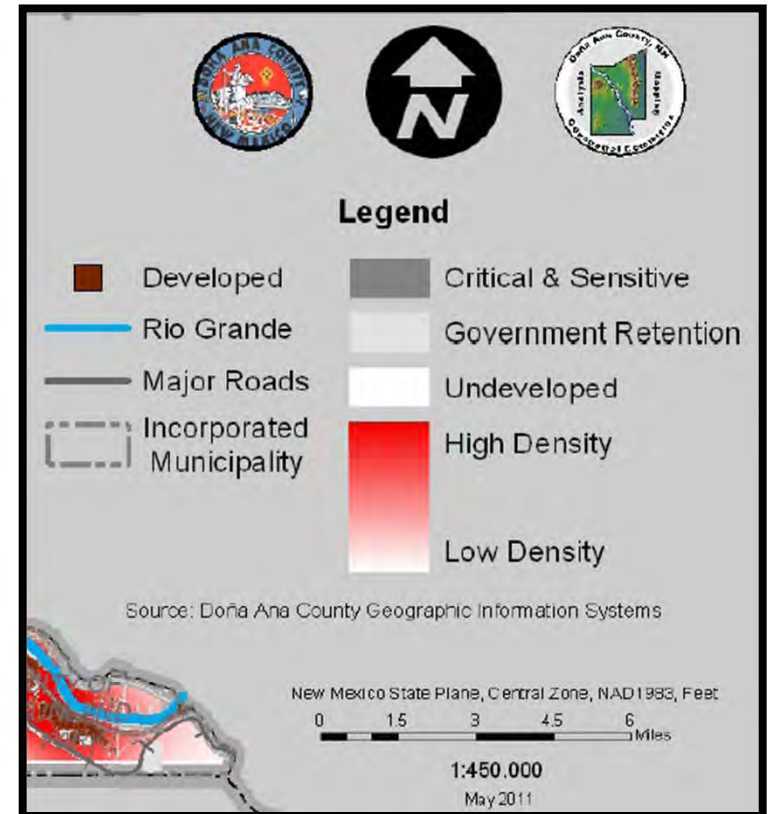
## Growth Strategy – Housing & Development

Key Assumptions	Trend Growth Strategy	Satellite Growth Strategy	Compact Growth Strategy	Consensus Strategy
<b>2010 Land Use Supply</b> (Undeveloped)	397 sq. mi.	397 sq. mi.	397 sq. mi.	397 sq. mi.
<b>2040 Land Use Demand</b>	5.39 sq. mi.	5.39 sq. mi.	5.39 sq. mi.	5.39 sq. mi.
<b>Population Growth Distribution</b>	54% Municipalities 46% County	20% Municipalities 80% County	80% Municipalities 20% County	70% Municipalities 30% County
<b>Infrastructure</b>	Not a factor in determining location of growth	New infrastructure required in new areas	Growth encouraged toward existing infrastructure.	Growth incentivized impact fee infrastructure.
<b>Density</b>	Not a factor in determining location of growth	Small Municipalities & colonias become more dense	Central City Las Cruces becomes more dense	Central City & small community cores more dense
<b>Growth Pattern</b>	Spread community, leapfrog development	Concentrated in outlying communities	Concentrated in Central City Las Cruces	Concentrated in Central City & small planned communities
<b>Building Envelopes</b>	Low rise buildings predominate region	Three story commercial buildings major cross roads	Potential for high rise buildings in central city Las Cruces only	Mid-Hi rise Central City & low rise small communities

**Map 2 - Existing Development - 2011**  
Doña Ana County, New Mexico

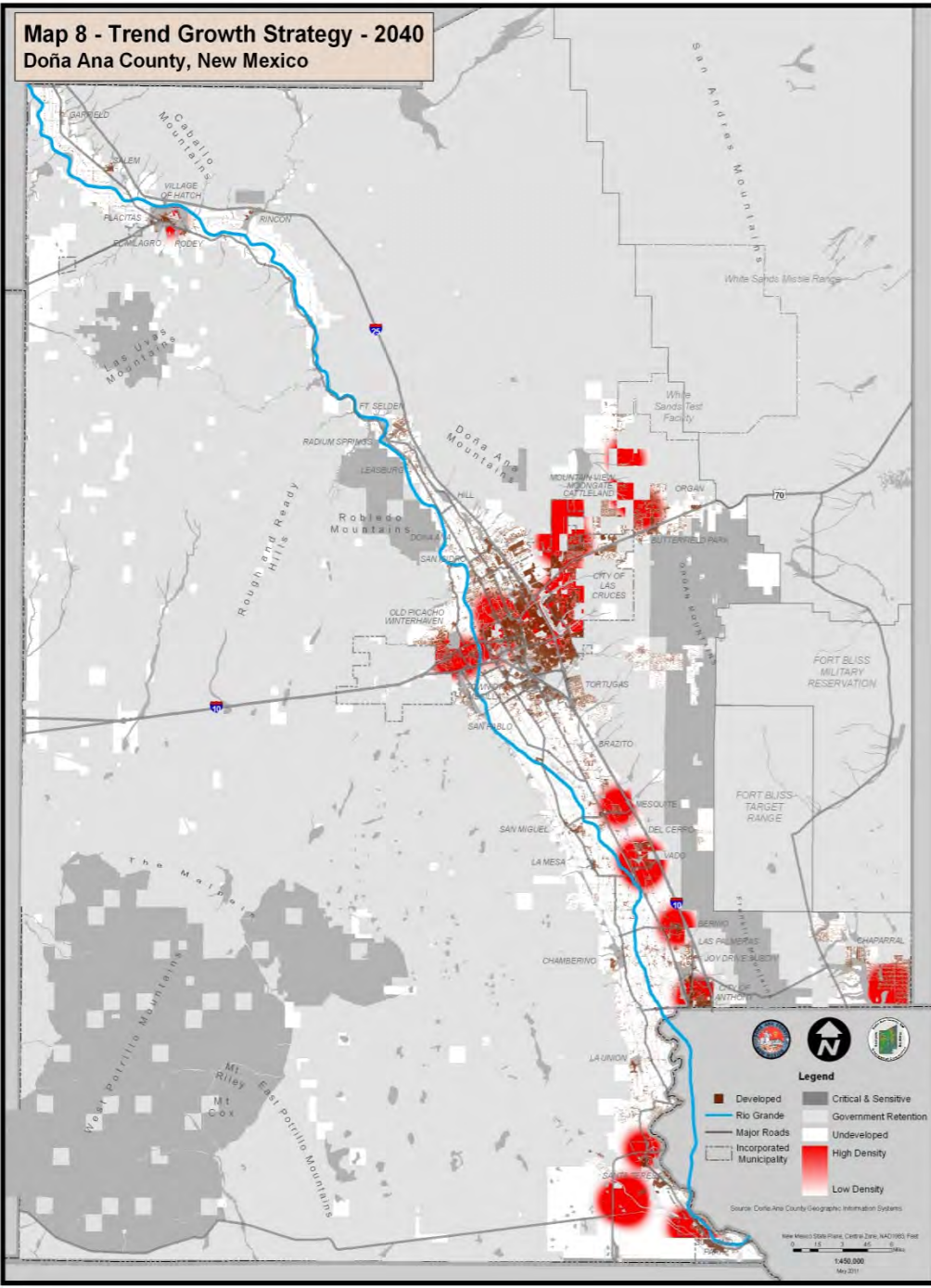


# Existing Development 2011

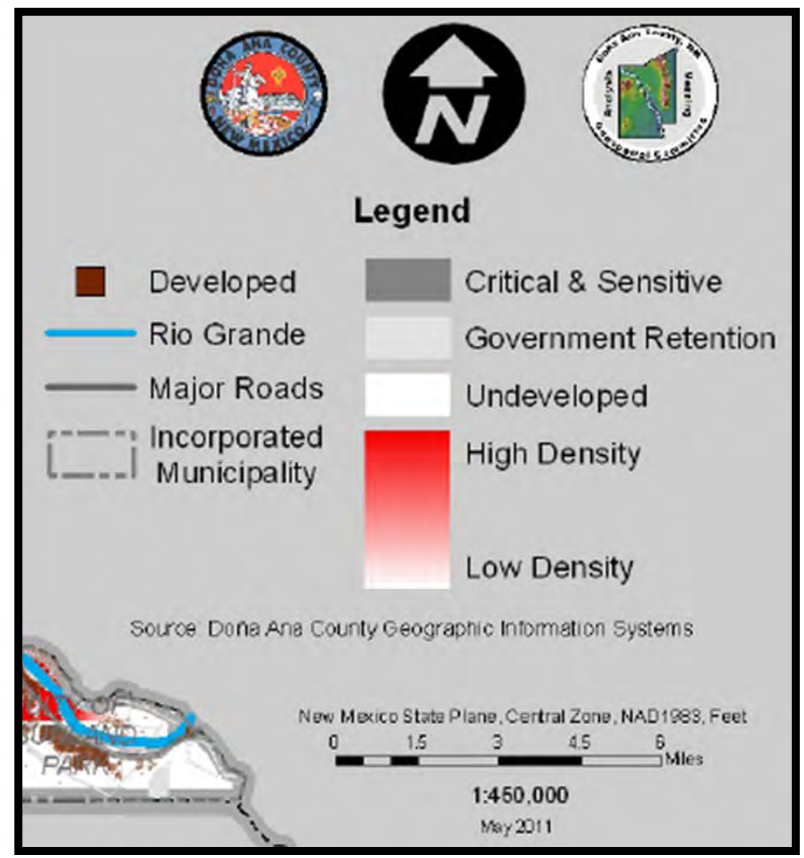




**Map 8 - Trend Growth Strategy - 2040**  
**Doña Ana County, New Mexico**



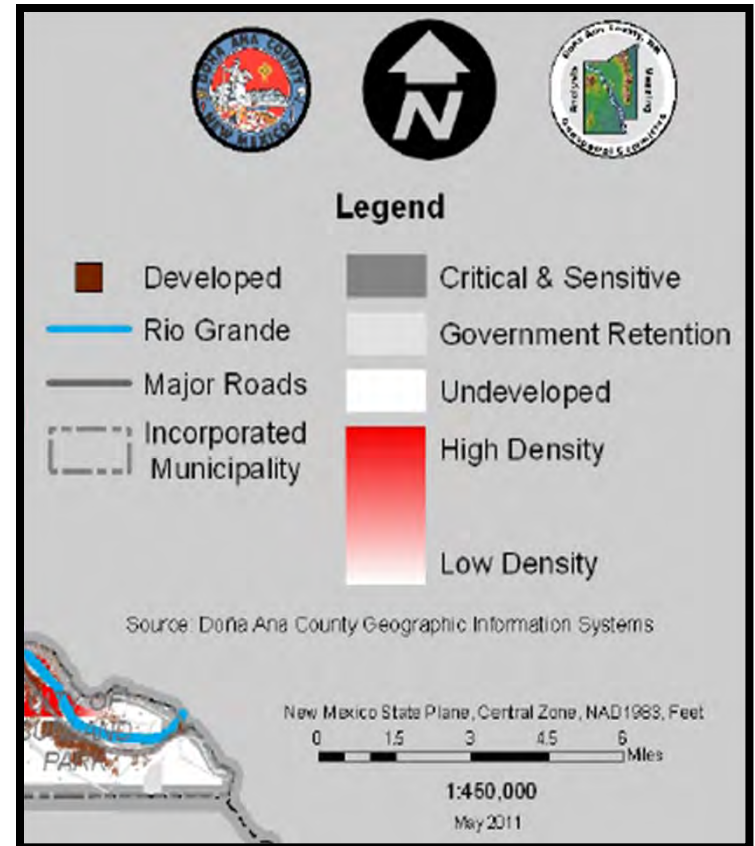
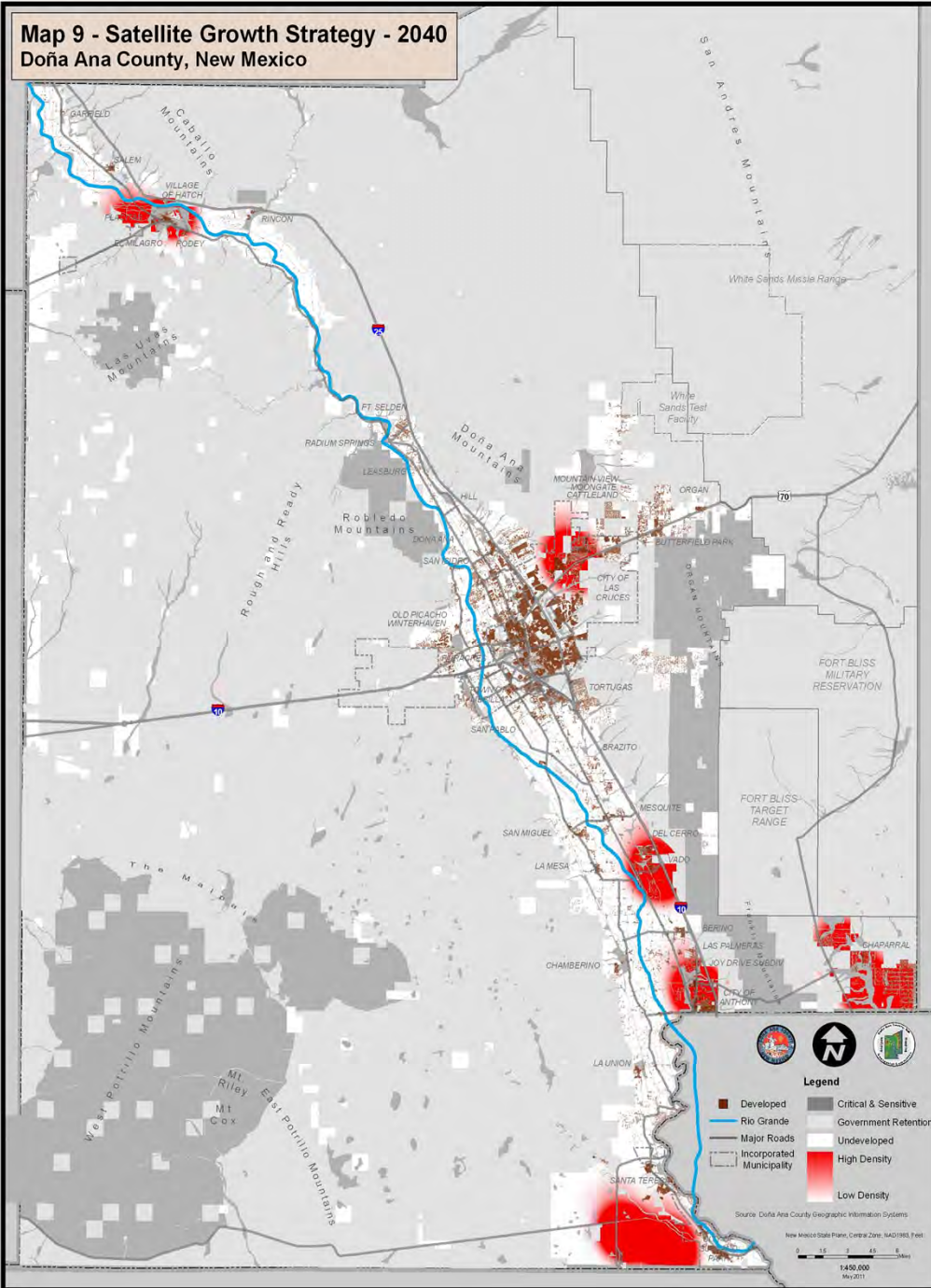
# Trend Housing & Development Strategy



# Satellite

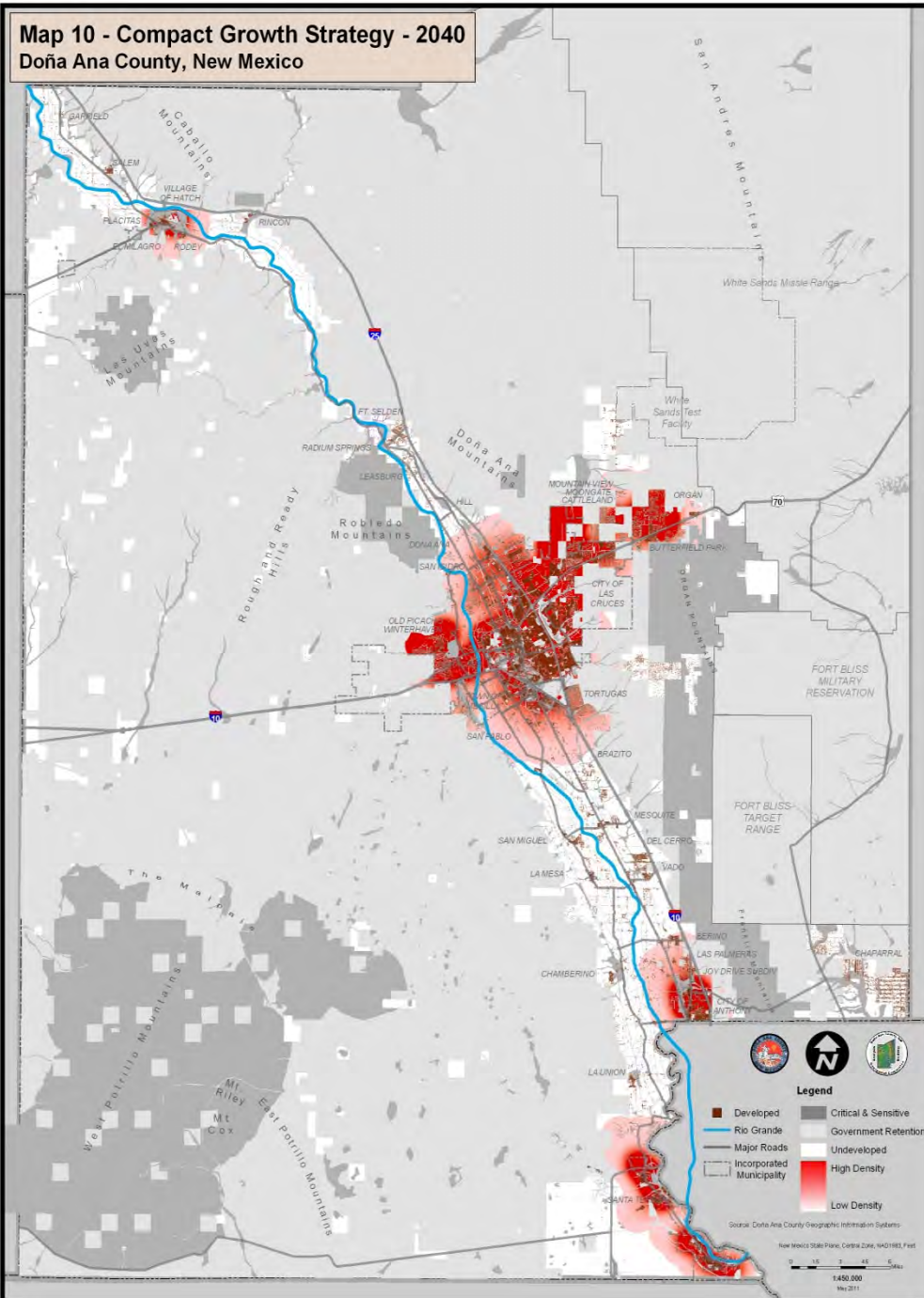
# Housing & Development Strategy

**Map 9 - Satellite Growth Strategy - 2040**  
Doña Ana County, New Mexico

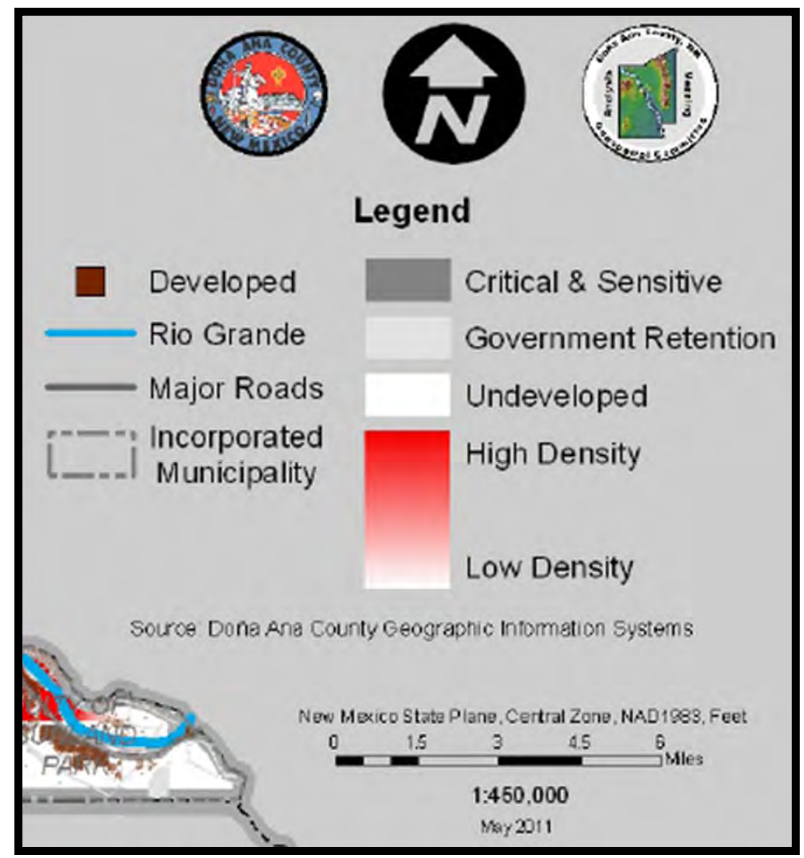




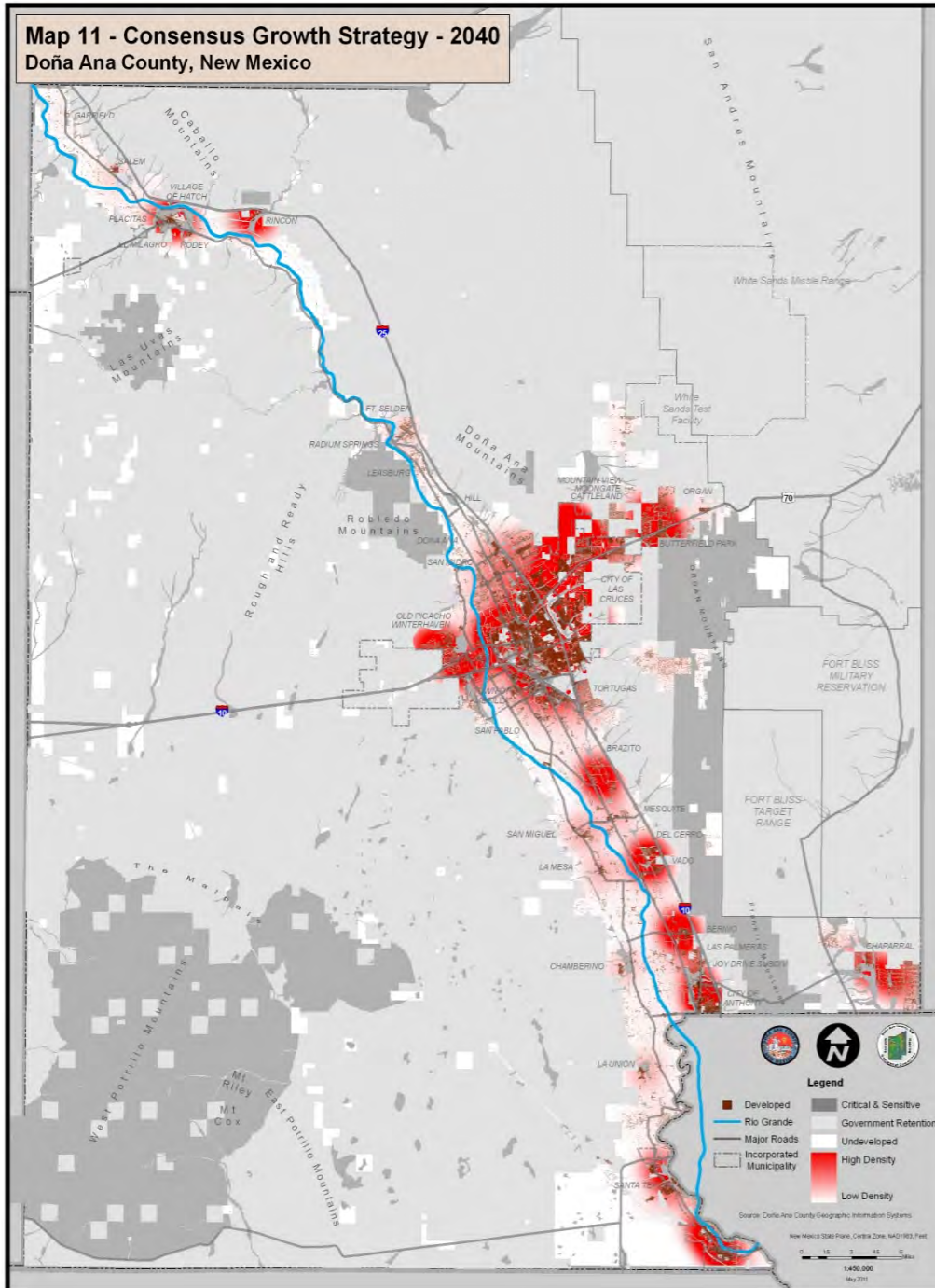
**Map 10 - Compact Growth Strategy - 2040**  
**Doña Ana County, New Mexico**



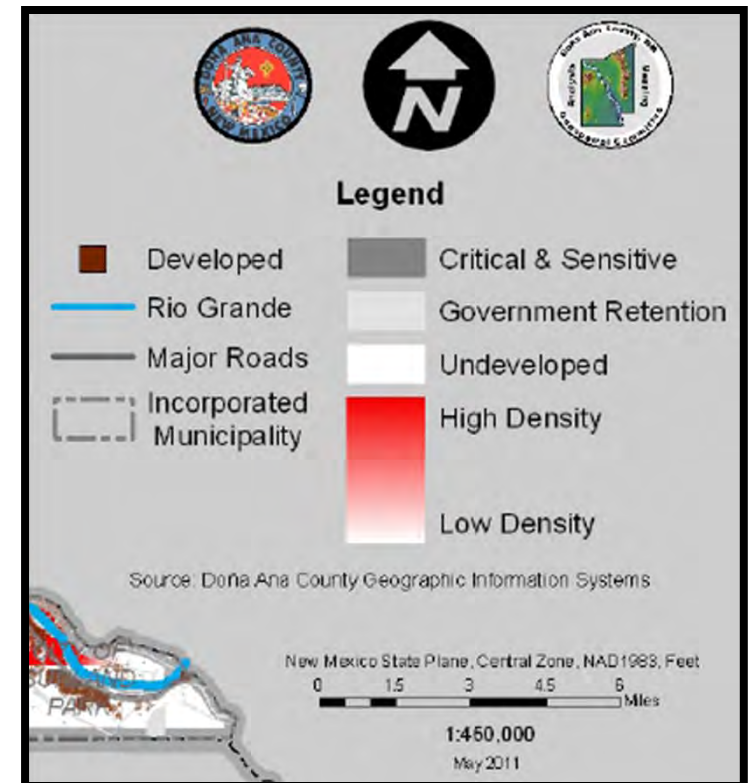
# Compact Housing & Development Strategy



**Map 11 - Consensus Growth Strategy - 2040**  
**Doña Ana County, New Mexico**



# Consensus Housing & Development Strategy







# Plan Summary: Growth Strategy - Jobs

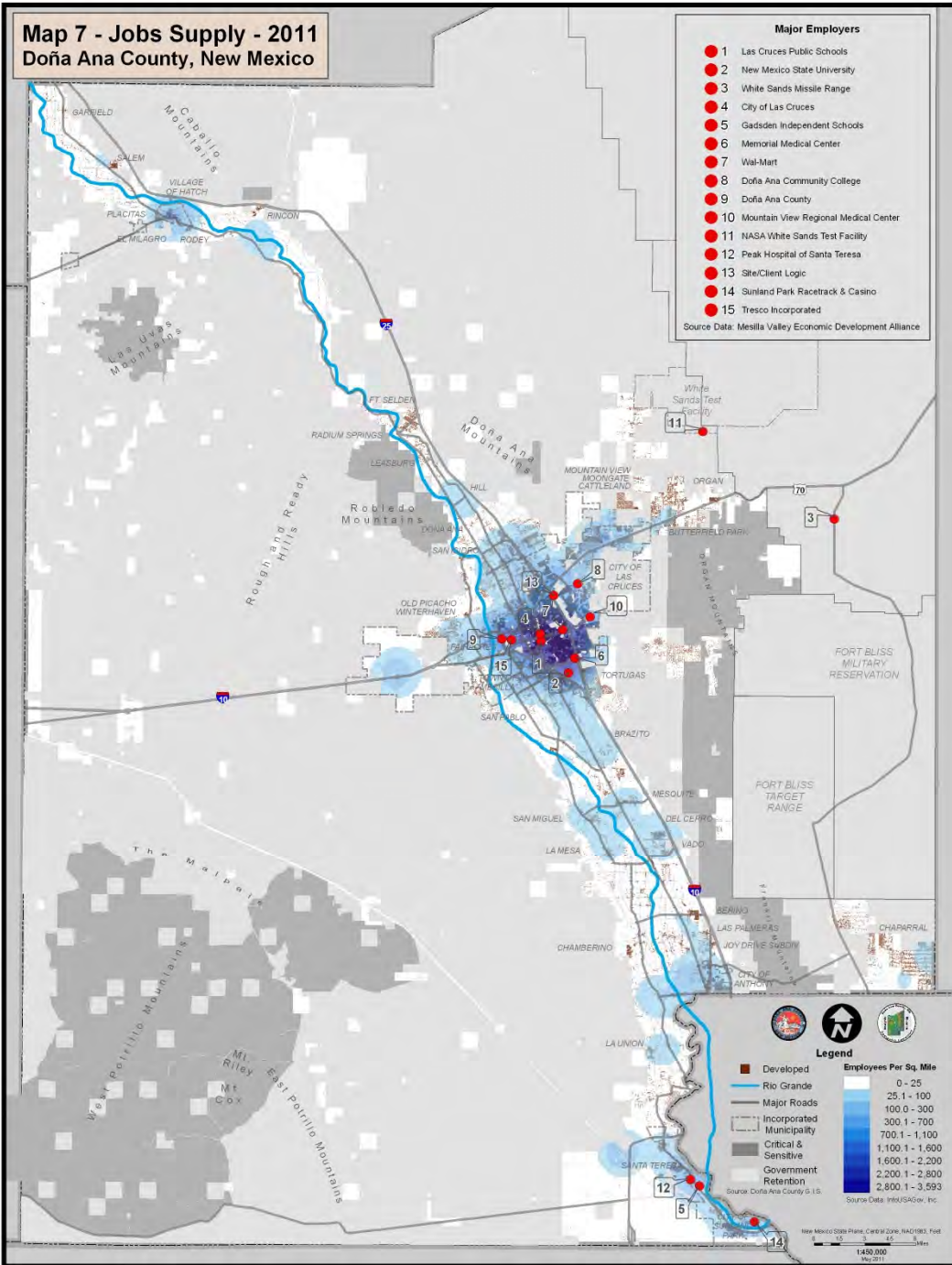
- ❖ Traditional Approach – Recruitment of large enterprises with tax breaks and inducements
- ❖ Jobs/Housing Balance – Align jobs where people live and with the Consensus Growth Strategy 2040
- ❖ Economic Gardening – Create a nurturing environment for small, growing, local companies



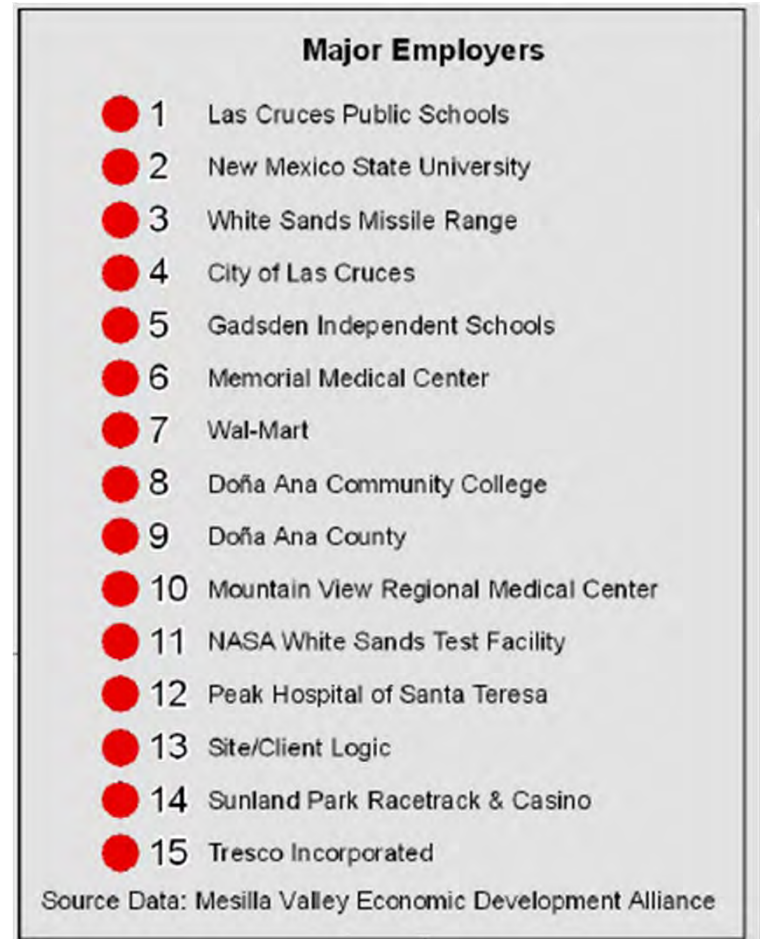
# Plan Summary: Growth Strategy - Jobs

<b>Key Assumptions</b>	<b>Jobs Growth Strategy</b>
<b>2011 Jobs Supply</b>	95,000 Jobs Total
<b>2040 Jobs Demand</b>	180,000 Jobs Total
<b>Jobs Growth Distribution</b>	Jobs Housing Balance & Economic Gardening
<b>Infrastructure</b>	Growth incentivized, impact fees, infrastructure.
<b>Density</b>	Central City & small communities, more dense
<b>Growth Pattern</b>	Concentrated in Central City & small planned communities
<b>Building Envelopes</b>	Mid-Hi rise Central City & low rise small communities

**Map 7 - Jobs Supply - 2011**  
Doña Ana County, New Mexico

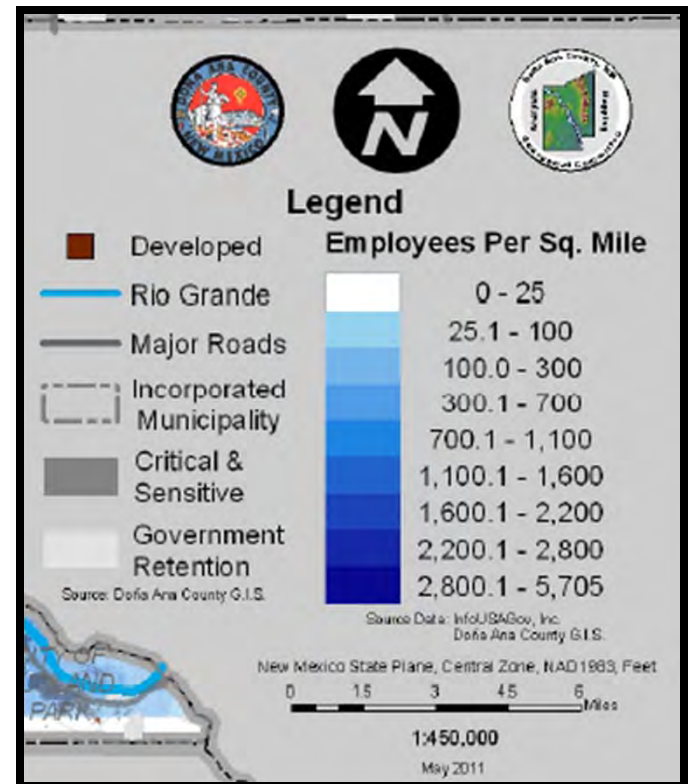
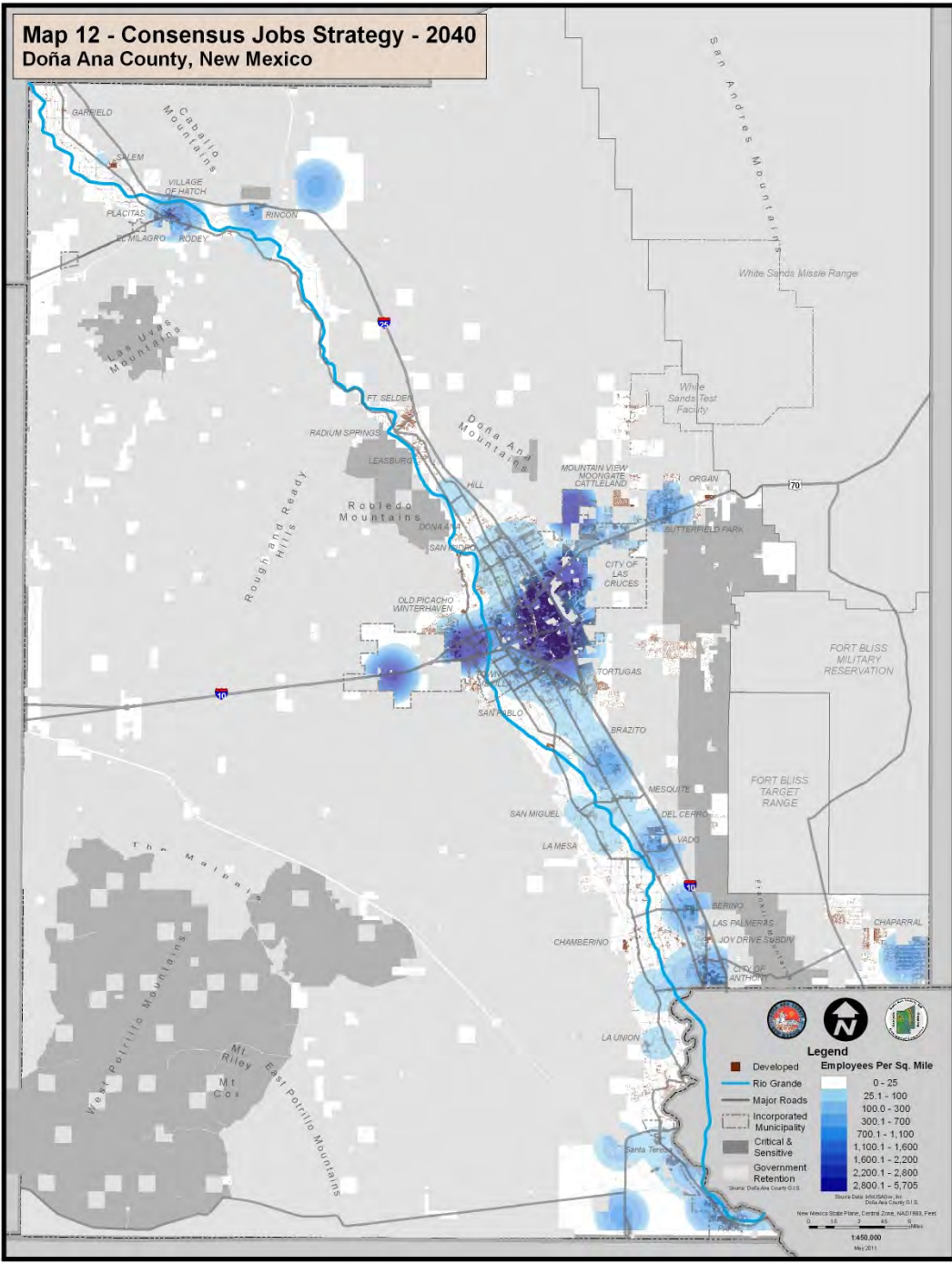


# Existing Employment 2011

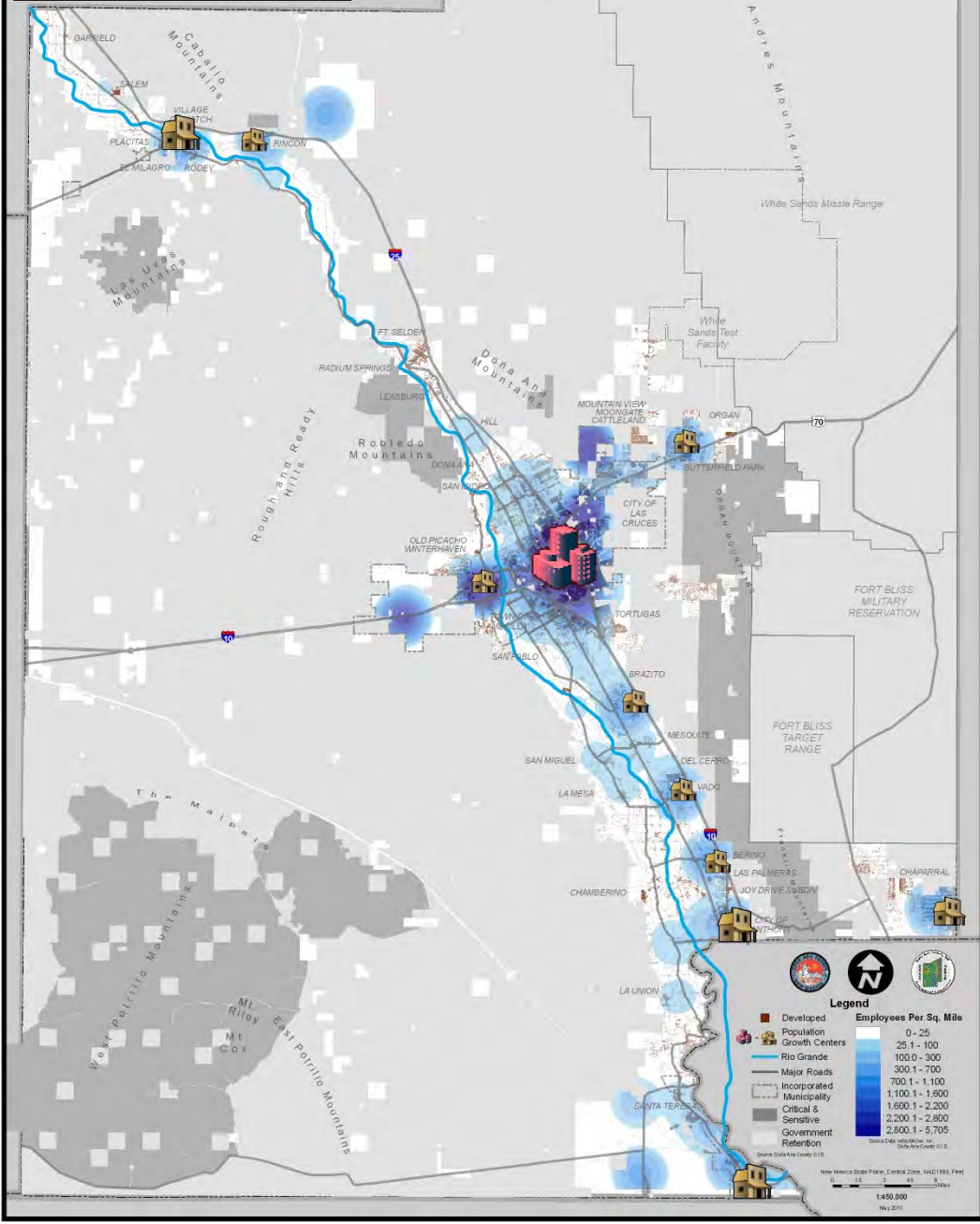




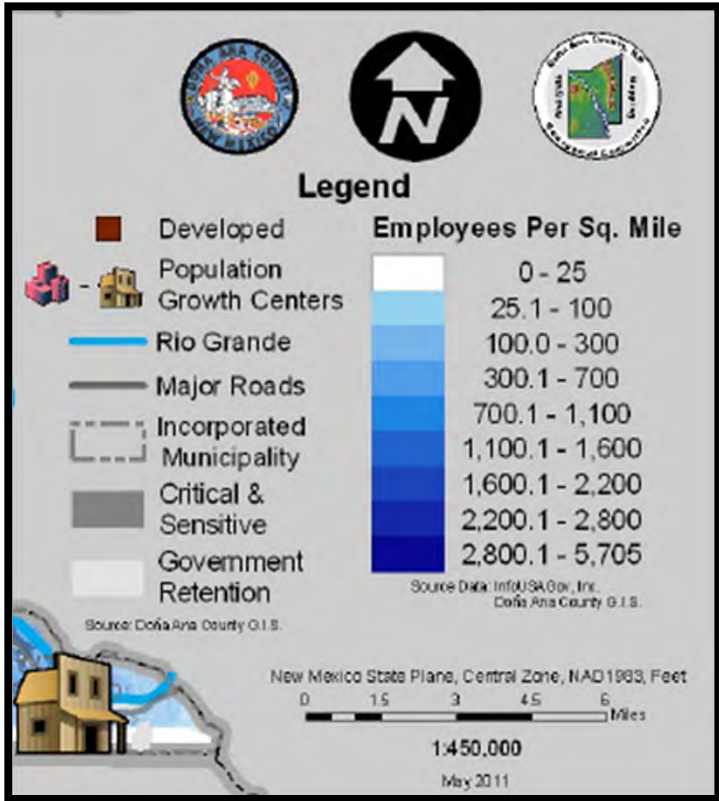
# Consensus Jobs Strategy 2040



**Map 13 - Regional Plan 2040**  
Doña Ana County, New Mexico



# Regional Plan 2040





# Meeting Schedule

Already met at least once with Anthony Board of Trustees, Las Cruces ETZ, Mesilla Board of Trustees, Hatch Board of Trustees, Sunland Park Council, Anthony P&Z, Las Cruces P&Z, General Meeting – Central, and Doña Ana County P&Z

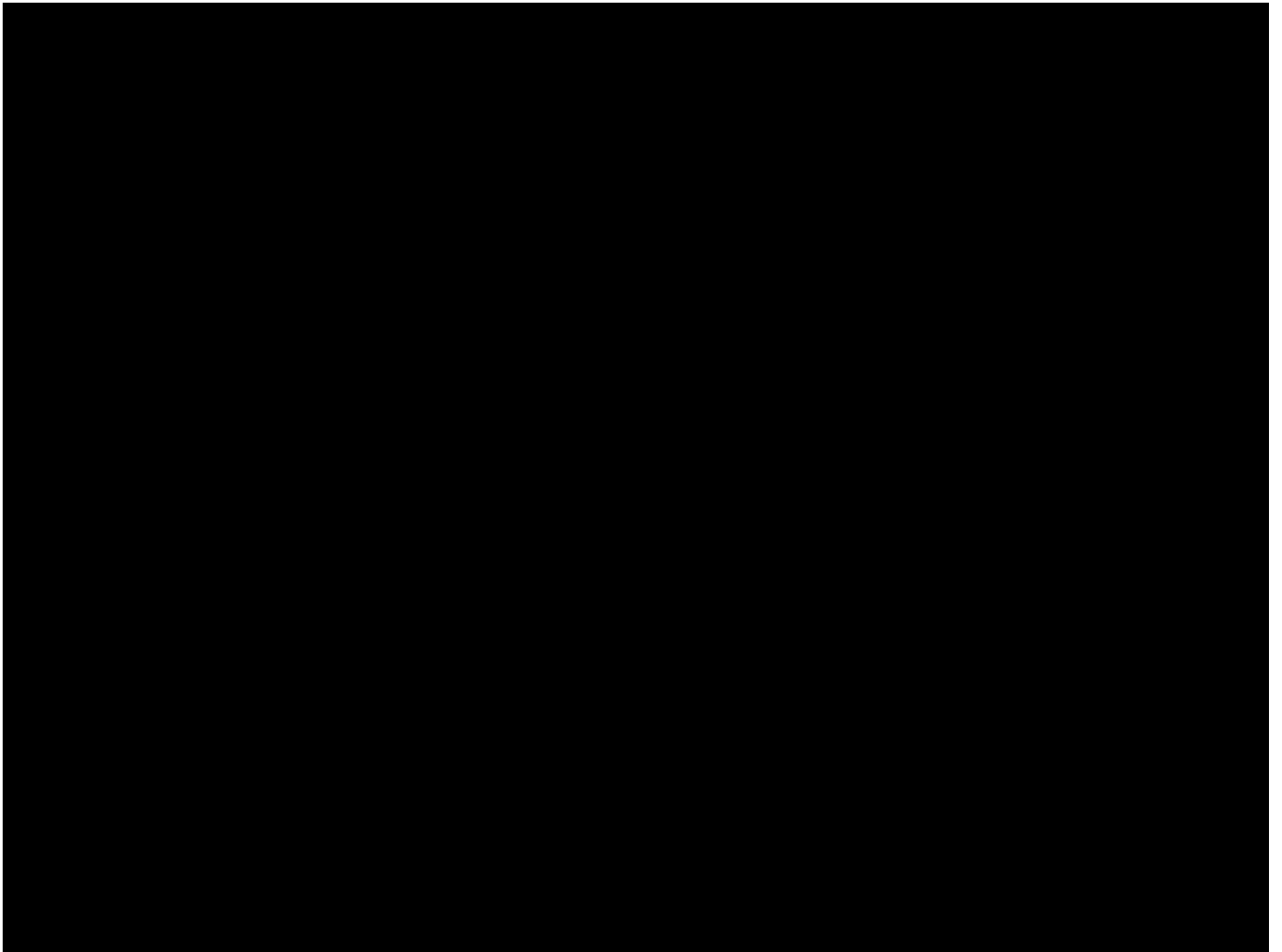
Date	Time	Group	Location
July 26, 2011	6:00 p.m.	Las Cruces P&Z (Recommendation)	700 N Main St, Las Cruces
July 28, 2011	9:00 a.m.	Doña Ana County P&Z (Recommendation)	845 N Motel Blvd, Las Cruces
Aug 4, 2011	6:00 p.m.	Las Cruces ETZ (Recommendation)	845 N Motel Blvd, Las Cruces
TBD	.	Doña Ana County BOCC & Las Cruces City Council	845 N Motel Blvd, Las Cruces





## Questions/Comment

- ❖ Open for questions and comment
- ❖ More information on the One Valley, One Vision 2040 Regional Plan, its process, and future meeting dates can be found at <http://vision2040.lascruces.org>.





## Plan Summary: SWOT – Strengths

Tool used to help identify goals

- ❖ Participants recognize the region is growing, and they support planned growth.
- ❖ The region enjoys a rich cultural heritage and offers an agrarian small-town lifestyle with urban amenities. We have a diverse borderland culture and a growing retirement population.



## Plan Summary: SWOT – Weaknesses

- ❖ Not all parts of the region have equal levels of basic infrastructure.
- ❖ Improvements in transportation systems are needed for existing users and to accommodate future growth.
- ❖ A fragmentation of infrastructure planning and management, such as those for flood control, can potentially affect responsiveness during an emergency, available funding priorities, or impacts of decisions to adjacent communities.



## Plan Summary: SWOT – Opportunities

- ❖ There is potential to enhance the Rio Grande as a community asset.
- ❖ There are economic development opportunities of all kinds in manufacturing, value-added agricultural processing, aerospace, Spaceport, transportation related sectors, alternative energy utility, health care, tourism, space tourism, arts/entertainment, public and private partnerships, and border crossing.



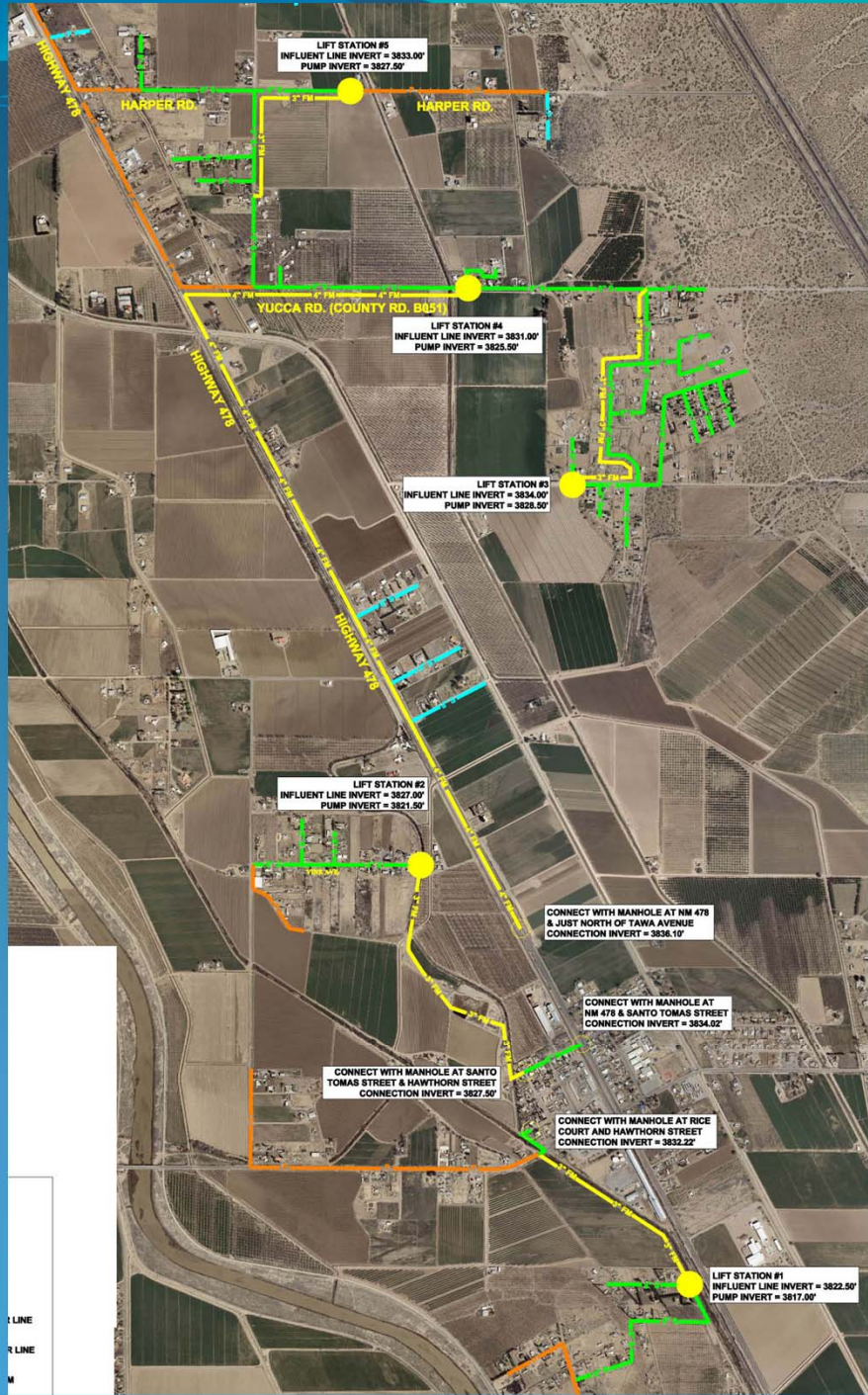


## Plan Summary: SWOT – Threats

- ❖ Recessions are cyclical requiring planning to provide services and funding.
- ❖ Despite being viewed as an affordable place to live, affordability in the region is affected by differences in incomes, cost of housing, and other household expenses.
- ❖ Our transportation system is not always in pace or ahead of growth.



# LRGPWWA - BRAZITO SEWER PHASE I



LINE  
 R LINE  
 M

# LRGPWWA - BRAZITO SEWER PHASE I

- 3" FORCE MAIN : 13, 625 LF (2.58 mi)
- 4" FORCE MAIN : 13,682 LF (2.59 mi)
- 8" GRAVITY : 36,250 LF (6.68 mi)
- LIFT STATIONS : 5 each
- SEWER MANHOLE : 110 each
- NUMBER OF RESIDENTIAL HOMES SERVED :  
290 (APPROXIMATELY)
- TOTAL PROJECT COST FOR PHASE 1 : \$ 3.3 million

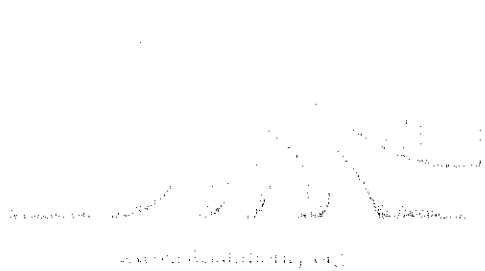


**LRG PWWA  
Manager's Report  
July 20, 2011**

Tasks

- Transfer of Assets (bank funds) from Associations
  - BLM permits are being processed
  - NMFA refinance loan has paid USDA loans and Authority has assumed vehicle loan (featured in their next newsletter)
- Project Funding Applications
  - USDA additional information provide no LOC meeting the Berino-Del Cerro Water Project yet
  - Water Trust Board determined funding move to August meeting (Loan/Grant combination and Match)
  - USDA “Notice of Unfavorable Action” pertaining to the Mesquite sewer project-LOC completion by July 22, 2011, pending item: notice of intent to meet conditions sent to Los Lunas needed to go to Las Cruces, but follow their directions
- Issued Parque Subdivision letter accepting water infrastructure
- Issued General Dollar an availability of water service letter on Hwy 478 south of Mesquite
- OSE comment on proposed rule
- BECC letter informing Surface Water Project not selected





# LOWER RIO GRANDE Public Water Works Authority

325 Holguin Road Vado, New Mexico 88072 (575) 571-3628

## COMMENTS RE: NM-OSE PROPOSED CHANGES TO DOMESTIC WELL RULES 19.27.5 NMAC July 21, 2011 Hearing

The Lower Rio Grande Public Water Works Authority is a regional water & wastewater utility and a member-owned community water system formed by merging five mutual domestic water consumers associations (organized under the Sanitary Projects Act, NMSA 1978 3-29-1) under NMSA 1978 73-26-1 (2009 HB 185) Our comments are as follows:

**19.27.5.7(D) adding the definition of “Association”:** We would propose changing the definition here from “**Association:** A water users association established under the sanitary projects act (Section 3-29-2(B).” to “**Member-Owned Community Water System:** water users associations established under the Sanitary Projects Act (NMSA 1978 3-29-1) or entities established by such associations in forming regional water utilities under the Joint Powers Act or by statute.”

The term “Member-Owned Community Water System” is used in NMSA 1978 73-10-48 Special Water Users Associations as well as NMSA 1978 73-26-1 Lower Rio Grande Public Water Works Authority. Older member-owned community water associations formed under other statutes lack the “political subdivision” designation which comes with additional responsibilities and accountability, but may reorganize under the SPA if their members choose to do so.

**19.27.5.7(J) adding the definition of “Infrastructure Capacity Area”:** We would proposed replacing the word “association” with “member-owned community water system”, and we are in favor of this new designation which stops short of establishing a protected service-area, but does provide a mechanism to establish a reasonable area of service based on appropriate criteria which is reviewed and filed by NM-OSE. This could help to prevent wasteful duplication of service and costly legal disputes between public entities by providing a public record of the area served by entities that do not otherwise have an established service area.

**19.27.5.11(2) Change in point of diversion or alternate point of diversion:** We would propose replacing the word “association” with “member-owned community water system” throughout and are in support of the new language which provides greater clarity as well as a broader scope.

# LOWER RIO GRANDE Public Water Works Authority

325 Holguin Road

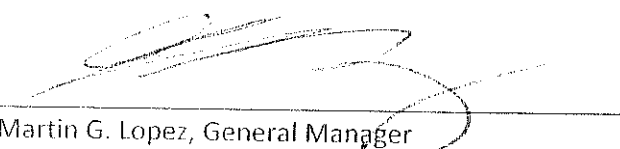
Vado, New Mexico 88072

(575) 571-3628

**19.27.9(D) & 19.27.15(B): Removing State Engineer's express authority to impose additional or more restrictive conditions on Applications for a 72-12-1.1 Domestic Well Permit:**

The comments under the revisions to 19.27.5.9 state that these regulations are being amended to remove the State Engineer's express authority to impose additional or more restrictive limitations on domestic wells, opining that "in light of the proposed amendments" the State Engineer "should not have cause to impose further limitations." This is incorrect. Under New Mexico's Constitution, domestic wells and domestic uses have no "super priority" in times of shortage. Under the State Engineer's existing regulations on domestic well permits, which set forth the proper law on priority and prior appropriation, a domestic well applicant applying to obtain a new domestic well permit in a stream system or underground basin that is already fully appropriated may be required to acquire and transfer an existing water right before the application could be granted.

This requirement has now been totally eliminated under the proposed amendments to now allow the unconstitutional approval of every domestic well, even in areas where there is no water left to be appropriated, contrary to the ownership interests of senior water right owners such as the Lower Rio Grande Public Water Works Association and older mutual domestic water consumers associations. And while continuing in the proposed revisions to issue domestic well permits with no notice or hearing procedures whatever to protect senior water right owners, in violation of their due process rights, the State Engineer in 19.27.5.15(B), authorizes himself, contrary to the law of prior appropriation, to put domestic well owners at the head of the line in cases of priority administration, a double strike against senior water right owners. The regulations as they now exist would require domestic well applicants to acquire existing water rights if there is no water remaining to be appropriated and thus giving the domestic well permit applicant the priority/seniority position of the acquired water right. The existing regulation is not "broken" and, therefore, does not need to be fixed. To do otherwise as proposed by the State Engineer in his proposed revisions, only encourages the ever increasing proliferation of domestic wells in the rural and unincorporated areas of the State, impeding the ability of local community-owned water associations to survive, as they are not given the preferential treatment afforded domestic well permit owners in the State Engineer's proposed regulations.



Martin G. Lopez, General Manager



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 6 – 1445 ROSS AVENUE, SUITE 1200 – DALLAS, TX 75202  
(214) 665-6444  
WWW.EPA.GOV



**BORDER ENVIRONMENT COOPERATION COMMISSION**  
P.O. BOX 221648 – EL PASO, TX 79913  
(877)277-1703 – FAX (915) 975-8280

July 1, 2011

Martin Lopez  
General Manager, Lower Rio Grande Public Water Works Authority  
325 Holguin Road  
Vado, NM, 88072

Subject: FY11/12 BEIF/PDAP Prioritization Process Results

Dear Martin Lopez:

This letter is to inform you that the FY11/12 Border Environment Infrastructure Fund (BEIF)/Project Development Assistance Program (PDAP) Prioritization Process has been completed. The BECC received 114 applications in EPA Region 6. After jointly evaluating the project proposals, EPA Region 6 is considering 12 projects for PDAP funding based on their ranking, regional priorities, and available program funds.

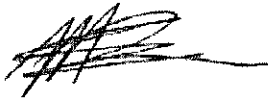
Unfortunately, available EPA grant resources through FY11 are not sufficient to support the extensive water and wastewater infrastructure needs presented for funding consideration. The following Project Application you submitted was not selected for funding:

•

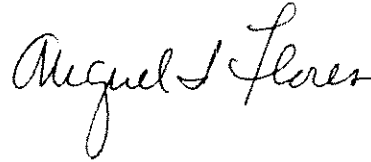
further assistance for your project.

Your commitment to addressing health and environmental issues on the U.S.-Mexico border is sincerely appreciated. Should you have any questions, please do not hesitate to contact either of us.

Sincerely,



Maria Elena Giner, P.E.  
BECC General Manager  
(877) 277-1703  
[mginer\\_cocef.org](mailto:mginer_cocef.org)



Miguel I. Flores  
Director, Water Quality Protection Division  
EPA Region VI,  
(214)-665-7101  
[flores.miguel\\_epa.gov](mailto:flores.miguel_epa.gov)

CC: Lynn Stabenfeldt, EPA Office of Wastewater Management  
Michael Stahl, Deputy Assistant Administrator, EPA Office of International and Tribal Affairs  
Gerónimo Gutiérrez, Managing Director, North American Development Bank  
Gilbert Tellez, EPA Environmental Engineer

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

Schedule 1

Name LowerRioGrandePublicWaterWorksAuthority	Address 325 Holguin Vado, Nm 880725
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(1) OPERATING INCOME	PRIOR YEAR <u>Actual</u> (2)	ANNUAL BUDGET	For the <u>04-01-2011</u> Months Ended <u>06-30-2011</u>		
		BEG <u>07-01-2010</u> END <u>06-30-2010</u> (3)	CURRENT YEAR		Actual YTD (Over) Under Budget Col. 3 - 5 = 6 (6)
		Actual Data			
			Current Quarter (4)	Year To Date (5)	
1. Water Revenue		1,258,804	342,491	1,065,814	192,990
2. Sewer Revenue		63,092	20,693	57,445	5,647
3. _____					0
4. _____					0
5. Miscellaneous					0
6. Less: Allowances and Deductions					0
7. Total Operating Income (Add lines 1 through 6)	0	1,321,896	363,184	1,123,259	198,637
<b>OPERATING EXPENSES</b>					
8. Salaries, Labor		734,920	154,499	429,162	305,758
9. Accounting, Legal		215,875	24,882	172,102	43,773
10. Taxes, Insurance		471,430	93,623	207,485	263,945
11. Utilities		262,161	81,245	235,863	26,298
12. Supplies		165,356	74,013	229,052	-63,696
13. Lab, Chemicals		24,952	6,753	16,667	8,285
14. _____					0
15. Interest					0
16. Depreciation		524,653	131,165	393,495	131,158
17. Total Operating Expense (Add Lines 8 through 16)	0	2,399,347	566,180	1,683,826	715,521
18. NET OPERATING INCOME (LOSS) (Line 7 less 17)	0	-1,077,451	-202,996	-560,567	-516,884
<b>NONOPERATING INCOME</b>					
19. Water		548,063	46,898	41,035	507,028
20. Sewer		4,735	1,175	2,648	2,087
21. Total Nonoperating Income (Add 19 and 20)	0	552,798	48,073	43,683	509,115
22. NET INCOME (LOSS) (Add lines 18 and 21)	0	-524,653	-154,923	-516,884	-7,769
23. Equity Beginning of Period					0
24. _____					0
25. _____					0
26. Equity End of Period (Add lines 22 through 25)	0	-524,653	-154,923	-516,884	-7,769

Budget and Annual Report Approved by Governing Body	Quarterly Reports Certified Correct
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Secretary	Date	Appropriate Official	Date
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) ..... 131,158

2. Others: \_\_\_\_\_ \$393,495

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 ..... \$343,009

G. Ending Cash Balances (Total of D Minus E 6 Plus F) ..... \$ 343,009

Item G Cash Balances Composed of:

Construction Account ..... \$ \_\_\_\_\_

Revenue Account ..... \$16,971

Debt Payment Account ..... \_\_\_\_\_

O&M Account ..... \_\_\_\_\_

Reserve Account ..... \$326,038

Funded Depreciation Account ..... \_\_\_\_\_

Others: \_\_\_\_\_

\_\_\_\_\_

Total - Agrees with Item G ..... \$ 343,009

**LRGPWWA**  
**Profit & Loss**  
 July 2010 through June 2011

	Jul '10 - Jun 11
Ordinary Income/Expense	
Income	
Interest	520.18
Meter Relocation	655.03
Non-Operating Revenue	
Copy/Fax	719.60
Other Income	989.88
Tower Rent	11,628.40
Total Non-Operating Revenue	13,337.88
Operating Revenue	
Activation & Connection Fees	8,408.23
Contract Services	36,879.60
Installation Fees	10,261.44
Membership Fees	850.00
Monthly Services	989,978.92
Monthly Services-Sewer	57,444.58
Other Income	3,065.30
Penalties-Sewer	2,647.94
Penalties-Water	59,976.12
Returned Check Fees	240.00
Total Operating Revenue	1,169,752.13
Other Types of Income	
Miscellaneous Revenue	53.69
Total Other Types of Income	53.69
Total Income	1,184,318.91
Cost of Goods Sold	
Cost of Goods Sold	17,377.33
Total COGS	17,377.33
Gross Profit	1,166,941.58
Expense	
Accounting, Auditing, Legal	
Accounting Fees	16,691.19
Bad Debts	18,244.14
Bank Service Charges	2,347.06
Cash Short/Over	19.70
Dues and Subscriptions	1,322.65
Engineering Fees	59,986.48
Government Penalties & Interest	466.22
Interest Expense	2.85
Interest paid to NMED	2,336.50
Late Fees	236.29
Legal Fees	18,086.43
Legal Notices	2,408.65
Licenses & Fees	275.92
Loan Interest	19,832.40
Meals	569.24
Permit Fees	5,499.24
Postage-Billing	7,307.51
Postage-Other	4,335.71
Proff Fees-Interpreter	2,309.70
Reconciliation Discrepancies	-12.22
Retirement Account Fees	375.00
Training	3,304.48
Travel	
Lodging Per Diem	3,637.04
Meals Per Diem	771.27
Travel - Other	1,748.05
Total Travel	6,156.36

**LRGPWWA**  
**Profit & Loss**  
 July 2010 through June 2011

	Jul '10 - Jun 11
<b>Total Accounting, Auditing, Legal</b>	172,101.50
<b>Lab, Chemicals</b>	
Chemicals	15,193.80
Laboratory Fees	1,465.27
Lab, Chemicals - Other	7.45
<b>Total Lab, Chemicals</b>	16,666.52
<b>Salaries</b>	
Accrued Leave	15,808.27
Administrative Labor	130,327.50
Clerical Labor	102,030.62
Merit	4,783.44
Mileage	61.60
Operations Labor	174,611.02
Salaries - Other	1,539.51
<b>Total Salaries</b>	429,161.96
<b>Supplies</b>	
Cell Phone	17,912.41
Computer Maintenance	52,294.90
Internet	451.15
Kitchen & Cleaning Supplies	834.66
Materials & Supplies	124,991.19
Office Supplies	10,344.63
Printing and Copying	6,016.84
Telephone	7,400.78
Tool, Furniture	1,573.57
Uniforms-Employee	3,272.29
Supplies - Other	3,959.50
<b>Total Supplies</b>	229,051.92
<b>Taxes, Liability, Insurance</b>	
401K 10% Company Contribution	29,628.88
Employee Benefits-401K Contrib	5,260.42
Insurance-Dental	3,730.00
Insurance-General Liability	45,494.45
Insurance-Health	43,349.11
Insurance-Life,Disability	3,131.16
Insurance-Vehicles	255.00
Insurance-Vision	0.00
Payroll Taxes-Federal Unemploy	17,105.39
Payroll Taxes-Medicare	6,055.68
Payroll Taxes-Social Security	25,959.95
Payroll Taxes-State Unemploy	7,565.70
Payroll Taxes-Worker's Comp Fee	9,961.90
Property Taxes	80.00
State Taxes	2.00
Water Conservation Fee	9,905.16
<b>Total Taxes, Liability, Insurance</b>	207,484.80
<b>Utilities</b>	
Automobile Repairs & Maint.	25,005.94
Electricity-Office	3,965.91
Electricity-Operations	120,995.97
Equipment Rental	215.16
Fuel	51,608.53
Garbage Service	1,318.40
Locates	1,596.03
Maint. & Repairs-Infrastructure	14,461.94
Maint. & Repairs-Office	2,741.10
Maintenance & Repairs-Other	6,763.77
Natural Gas	1,641.29
Security/Alarm	4,933.20
Wastewater	615.35

4:31 PM  
07/19/11  
Accrual Basis

**LRGPWWA**  
**Profit & Loss**  
July 2010 through June 2011

	<u>Jul '10 - Jun 11</u>
Total Utilities	235,862.59
Total Expense	<u>1,290,329.29</u>
Net Ordinary Income	<u>-123,387.71</u>
Net Income	<u><u>-123,387.71</u></u>



**LRGPWWA**  
**Balance Sheet**  
 As of June 30, 2011

Jun 30, 11

**ASSETS**

**Current Assets**

**Checking/Savings**

Citizens Bank CD	11,200.00
Citizens Bank LRGPWWA	18,522.42
Citizens Bank LRGPWWA-Refundabl	-22,977.00
LRGPWWA DEBT SERVICE PAYOFF	9,298.15
LRGPWWA La Mesa Water Project	428.74
LRGPWWA Mesquite Sewer Project	499.43
LRGPWWA Reserve Account	
Annual Debt Service Reserve	120,000.00
Gas Chlorination Reserve	16,000.00
Meters & Backflow Replacement	15,000.00
Operations & Maintenance Reserv	7,043.54
Project Development Reserve	39,109.81
SCADA Reserve	50,000.00
Storage Tank Rehab Reserve	8,000.00
Vehicle Replacement Reserve	40,000.00
Well Parts Reserve	30,000.00
LRGPWWA Reserve Account - Other	884.27

**Total LRGPWWA Reserve Account** 326,037.62

**Total Checking/Savings** 343,009.36

**Accounts Receivable**

A/R-Contract Services 9,143.55

**Total Accounts Receivable** 9,143.55

**Other Current Assets**

**A/R**

A/R Water & Sewer Berino	27,828.63
A/R Water & Sewer Mesquite	54,793.08
A/R Water Desert Sands	40,082.02

**Total A/R** 122,703.73

A/R-Accrued Sales -1,224.59

A/R-Other -80,663.13

Employee Advances 75.00

Inventory Asset 8,269.06

Petty Cash 832.00

Reimbursable Expenses Paid 152,096.71

Returned Checks 3,178.00

**Total Other Current Assets** 205,266.78

**Total Current Assets** 557,419.69

**Fixed Assets**

Accumulated Depreciation -4,442,020.70

**Building**

La Mesa Office Building 22,627.00

Building - Other 655,419.36

**Total Building** 678,046.36

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 152,740.00

Water & Sewer System 11,765,287.89

**Total Fixed Assets** 10,705,109.25

**Other Assets**

Mesquite Sewer Project 16,929.31

Water Rights 9,199,171.20

**LRGPWWA**  
**Balance Sheet**  
 As of June 30, 2011

	Jun 30, 11
Total Other Assets	9,216,100.51
<b>TOTAL ASSETS</b>	<b>20,478,629.45</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
A/P- Water/Sewer Phase I & II	103,394.61
A/P Operating	19,101.63
Total Accounts Payable	122,496.24
Credit Cards	
Capital One	-191.17
Capital One-La Mesa	-2,106.23
Chevron/Texaco	41.00
Citizens Bank VISA	
Board Card	63.06
Total Citizens Bank VISA	63.06
Eagle Grocery & Hardware	1,531.54
Total Credit Cards	-661.80
Other Current Liabilities	
*Direct Deposit Liabilities	-20,844.34
Customer Deposits	
Hydrant Meter Deposits	16,537.64
Renter Deposits	31,069.36
Customer Deposits - Other	-15,284.53
Total Customer Deposits	32,322.47
DAC Trash Coupons	-1,524.00
Disability Insurance (AFLAC)	127.92
Gross Receipts Tax	14,633.00
Payroll Liabilities	
Blue Cross Dental	-22.82
Federal	
Income Tax Withholding	13,674.00
Medicare	4,628.06
Social Security	16,597.28
Unemployment	1,202.84
Total Federal	36,102.18
Garnishments	253.84
Lovelace Health Payable	-11,145.74
Retirement	
401K 10% Annual Contribution	29,628.88
EE Contributions/ER Matching	5,070.56
Employee Loans	-122.56
Total Retirement	34,576.88
State	
Income Tax Withholding	4,110.15
Unemployment	3,491.74
Workers Compensation Fee	-44.00
Total State	7,557.89
Workers' Comp Fee Employee	186.90
Payroll Liabilities - Other	4,236.90
Total Payroll Liabilities	71,746.03
Plan/Blueprint Deposits	1,800.00
Total Other Current Liabilities	98,261.08
<b>Total Current Liabilities</b>	<b>220,095.52</b>

**LRGPWWA**  
**Balance Sheet**  
As of June 30, 2011

	<u>Jun 30, 11</u>
<b>Long Term Liabilities</b>	
NMFA Trucks Desert Sands	44,021.84
RIP 2003-08 Desert Sands	337.94
RIP 88-12R La Mesa	71,673.72
USDA-RD 91-01 (LaMesa)	90,040.44
USDA-RD 91-02 (Berino)	-648.40
USDA-RD 91-06 (Mesquite)	299,690.49
USDA-RD 91-07 (Desert Sands)	47,091.65
USDA-RD 91-16 (Mesquite)	295,971.07
<b>Total Long Term Liabilities</b>	<u>848,178.75</u>
<b>Total Liabilities</b>	1,068,274.27
<b>Equity</b>	
<b>Contributed Equity</b>	
Berino	5,330,273.61
Desert Sands	5,664,809.57
La Mesa	1,574,834.29
Mesquite	6,346,046.74
Vado	617,278.68
<b>Total Contributed Equity</b>	<u>19,533,242.89</u>
Opening Balance Equity	500.00
Net Income	-123,387.71
<b>Total Equity</b>	<u>19,410,355.18</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>20,478,629.45</u></u>

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY  
7/20/11 BOARD OF DIRECTORS MEETING  
PROJECTS REPORT**

**Authority Construction Projects:**

**LRG-11-01 - La Mesa Water System Improvements** – Molzen Corbin – final design/closing - RD: ROW & easements are at 100%. Project is pending RD approval of LOC Notebook. Review was expected to 90 days, ETA end of September for Closing Instructions until Ms. Torres decided to require us to resubmit all of the documents in the LOC plus the funding application packet in the name of the Authority in direct contradiction of her previous instructions to us. Ms. Alarcon issued a new LOC, will meet with her next week for clarification of some of the items it contains.

**LRG: 11-02.1 -Mesquite Wastewater Project** – Gannet Fleming– final design/closing/Letter advising of Unfavorable Action - RD: NMED-CPB did a quick review of the plans & specs and gave conditional approval. Final LOC from RD finally arrived, and the LOC Notebook was hand-delivered to Sandra Alarcon at Las Cruces RD office on 6/27/11. Ms. Torres is waiting for the deadline date 9/22) in order to review it. The Letter of Intent to Meet Conditions we executed and returned to their Los Lunas office has still not been received by their Las Cruces Office.

**LRG-11-02.2 - Authority/Brazito Sewer Project** – Vencor – planning – CDBG/SAP: Engineer is collecting Field Topography data in the Minter, Baca Chile & Brazito Sewer - Phase I Area, approximately 95% complete, 65% completion on PER, EID & sewer model scheduled for 7/22.

**LRG-11-03 – Interconnect & Looping Project** – Stern Drive project is complete, Castillo Road project is pending resolution of the bridge crossing issues, remainder of the this project will include completion of the interconnection & looping between the Castillo Road project & Stern Drive project, between the south end of the Stern Drive project to pick up the Desert Sands tanks & wells and loop back around to lines to be installed with the Berino/Del Cerro project at Joy Dr/Hwy. 478, and will interconnect the Berino part of the system back to La Mesa on the west side. Might be able to do some pipeline work under a Design Memorandum instead of a PER. Submitted a Project Interest Form 5/16/11, met with Martin Torres of NMED-CSG . Engineer has collected some field data and located some of the other utilities in the area.

**LRG-11-03.4 Mesquite/Brazito Water Emergency Water Interconnect & Supplemental Wells** – **prelim. Planning:** Vencor has a preliminary map, nothing to report yet.

**LRG-11-04 - Berino & Mesquite/Del Cerro combined Project** – funding app./design – RD/WTB: USDA-RD WEP Application documents for project funding application submitted 2/18/11 for \$5,434,952 (\$6,003,979 total project cost), response from Ms. Alarcon @ RD on 3/22/11 indicated the need for average monthly user cost of \$46.50 and proposal to fund the project with \$2,105,000 loan (3.375%/40yr. - \$7,999/mo.) + \$3,329,952 Colonias Grant. She re-reviewed based on our loan pay-offs and refinancing and is now proposing \$2,174,000 loan

(3.750%/40yr. - \$8,762/mo.) + \$3,260,952 Colonias Grant with avg. user cost remaining the same. LOC meeting to obligate funds on 5/26/11 was cancelled when Ms. Torres decided to re-review the application documents. Project was submitted to the Water Trust Board, and was awarded partial funding, but we will not know the details until August. GM is negotiating with one of the dairies for one of the two remaining easements needed. BNSF temporary permit to take soil samples on Berino Road is still pending, but "on the way" according to BNSF. Issues with satisfying their insurance requirements were apparently resolved on 7/5/11.

**LRG-11-05 – Surface Water Treatment Plant** – PER (approved) & EID (under review) completed by CE&M, USDA-RD NOI published 7/9/11, public meeting 7/20/11. Letter from BECC informing us we were not selected for funding 7/5/11.

**Authority PERs/EAs/40 Yr. Water Plan:**

**Authority PER – prelim. planning:** CDBG Planning Grant Application submitted thru SCCOG 3/16/11, still no response. Might be soon now that they have awarded the regular program grants.

**Forty-Year Water Plan – CE&M – complete:** pending NM-OSE comments/approval. Followed up w/Cheryl Thacker, NM-OSE, she inquired w/Santa Fe office, still pending.

**Return Flow Credit Plan – CE&M – GF work in progress:** Executed engineering services agreement with Grace Engineering (Karen Perez) on 5/3/11, kick off meeting to coordinate with county on 5/16/11, flow meter installed at San Miguel lift station on 5/31/11.

**Radio Read Meters – in-house – SRF Fund:** Rob Pine at NMED-DWB advised that our funding request for \$595,000 is approved: 25% subsidized + 25% grant = 50% grant, 50% loan at 0%. This will purchase 3400 meters at \$175 ea.

**Individual MDWCA Projects under construction:**

**Desert Sands Phase II-III Water System Improvements – Construction in progress:** Siemen's contractor, Bob Kosojet finally showed up on 6/9/11 to work on telemetry system issues. Arsenic plant at Well #3 was started up week of 6/20/11, contractor pulled arsenic samples on 6/29/11, results came in at 4.5 ppb. Final pay request from the contractor is in. NMSU Project is final as of 6/30/11. We provided a letter detailing Desert Sands & Authority participation as part of their documentation. Final walk-thru for substantial completion of the Well #3 portion was 7/6/11, rest of the project is complete. Final Change Order is being prepared to spend all remaining RD funds (\$4639.92) on crusher fines for well sites #2 & #3 to prevent blowing sand from filling the ponds. Desert Sands will receive \$17,849.67 reimbursement for project expenses at the close of the project that will be turned over to the Authority, which exceeds the expense for the 2009 audit which the Authority will pay. An audit will be required for 2010, but that should probably be renegotiated due to the merger.



**Mesquite Water Project – Gannett Fleming – Construction complete, pending close-out:** Have come to an agreement with the engineer on final Change Order to change out pump control valve on old Mesquite Well #4 (Authority #8), awaiting RD concurrence with the Change Order. Engineer sent letter 7/12/11 approving the Change Order and requested that the contractor let him know when he can begin work, no reply as yet.

**LRG MDWA Projects:**

**Castillo Rd - La Mesa/Mesquite Interconnect – CE&M – construction incomplete:** Parkhill, Smith & Cooper was engaged for independent evaluation of the bridge crossing, they submitted their final report on 7/6/11.

**CE&M PER – final review:** PER is approved, EID is now under review.

**La Mesa Building (jointly funded by La Mesa & LGRMDWA) – Molzin Corbin – under construction - NMED - SAP08-3099, Colonias 09-3118:** 3 pay requests have been submitted, first two have been paid. Duran Construction is working on the floor foundation. We applied for gas service on 7/1. The steel building manufacturer has submitted drawings for approval and these are being reviewed by the Structural Engineer.

PROJECT BUDGET							
Funding Sources	\$ Funds	Notes:					Date
NMED - SAP08-3099	212,850.00						
Colonias 09-3118	400,000.00						
<b>Total Project funds</b>	<b>612,850.00</b>						
Project Expenses	Budget \$	Expended (NMED)	Expended (Colonias)	%Compl	Remaining	Date	
Construction	\$443,570.00	\$85,780.00		0	\$357,790.00		
Construction NMGR (DA)	\$28,277.59	\$5,468.48		0	\$22,809.11		
Engineering Fees (Design)	\$38,172.21	\$38,172.21		100%	\$0.00		
Topographic Survey/Easements	\$825.00	\$825.00		100%	\$0.00		
Additional Engineering Services	\$7,500.00	\$4,590.00		0%	\$2,910.00		
Legal Services	\$0.00			0%	\$0.00		
Reimbursable	\$3,000.00	\$5,876.34		0%	-\$2,876.34		
	\$0.00			0%	\$0.00		
Construction Observation	\$27,549.67	\$9,345.84		34%	\$18,203.83		
Construction Management	\$23,662.00			0%	\$23,662.00		
DACPermit	\$350.00	\$500.00		143%	-\$150.00	10/31/2010	
	\$0.00			0%	\$0.00		
	\$0.00			0%	\$0.00		
Professional Service NMGR (LC)	\$7,642.52	\$4,052.09		53%	\$3,590.43		
Contingencies	\$32,301.01			0%	\$32,301.01		
<b>Totals</b>	<b>\$612,850.00</b>	<b>\$154,609.96</b>		<b>25%</b>	<b>\$458,240.04</b>	<b>12/31/2010</b>	

**Other projects:**

**Website** Board Minutes page has been updated with a couple of photos from the last meeting and is up to date with minutes. Board page is updated to show Blanca Martinez as director representing the La Mesa area. Used Adobe Acrobat Pro to create the last meeting documents pdf file, include bookmarks for easier navigation and password protect the file. Projects & Planning page has been added to the site.

**ICIP** – OM, FM & PM met with Ms. Bloom of SCCOG to outline a strategy for developing the plan and gather public input on 5/19/11. Will seek public input thru 'suggestion boxes' at each office and our website, hold a forum on July 13 with community business leaders & SCCOG to include information on EDA, staff work session later in July, present draft to board for input in August, place on September agenda for adoption. Ms. Bloom will input to the DFA website. Information is in place on all the office bulletin boards and our website. Business Forum held 7/13/11 at Severo's w/SCCOG presentation on EDA & WIA.

**EBID Surface Water Treatment Plant** – no update

**Agreement Between Lower Rio Grande Public Water Works Authority and Brazito Mutual Domestic Water Consumer Association Regarding Construction, Maintenance, and Operation and Ownership of a Waste Water Collection System within Brazito's Service Area**

THIS AGREEMENT is entered into on this \_\_\_\_ day of July, 2011, between **Brazito Mutual Domestic Water Consumers Association** ("Brazito") and the **Lower Rio Grande Public Water Works Authority** ("Authority"):

**WHEREAS** Brazito is a statutorily created governmental entity, a political subdivision of the State of New Mexico created under the Sanitary Projects Act, and is a member-owned community water system that supplies water to lands within its service area within Doña Ana County;

**WHEREAS** the Authority is a community-based public entity, and subdivision of the State created under NMSA 1978, § 73-26-1 et seq. (2009) doing business as a regional utility in southern Doña Ana County, New Mexico.

**WHEREAS** the Brazito Board of Directors has adopted a resolution stating its intention not to provide wastewater collection services within its service area to its water customers and members; and

**WHEREAS** the Authority through its Board of Directors has adopted a resolution agreeing to extend its infrastructure to construct and provide wastewater collection services to Brazito's customer/members within Brazito's service area,

and to own, maintain, and operate said wastewater collection system within Brazito's service area; and

**WHEREAS** the Authority and Brazito desire and agree to cooperate to ensure that there is no duplication of effort in providing wastewater services to residents of Dona Aña County within Brazito's service area by entering into this agreement, under which Brazito's customer/members would also become members of the Authority for purposes of wastewater service:

**NOW THEREFORE** the parties, in consideration of the mutual covenants set forth below, agree to actively cooperate with each other in carrying out the construction, operation, and maintenance of a waste water collection services within Brazito's service area as follows:

1. **Recitals.** The above recitals are hereby incorporated into this Agreement.
2. **Purpose.** The purpose of this Agreement is to allow the Authority to provide waste water collection services to Brazito's customer/members by obtaining funding and installing and managing wastewater infrastructure and thereafter to own, manage, and operate wastewater infrastructure within Brazito's service area, a copy of which is attached hereto and incorporated by reference as Exhibit A.

3. **Responsibilities of Brazito.** In accordance with this Agreement Brazito is obligated to:

A. Provide the Authority with all the necessary easements and rights of way relating to any of its own property and assist the Authority in obtaining any other private easements the Authority may need to acquire in order to construct the wastewater collection infrastructure within Brazito's service area;

B. Cooperate with the Authority in providing Brazito's customer/ members with information about the Authority's wastewater service which will become available within Brazito's service area;

C. The parties acknowledge and agree that Brazito will not be responsible for the contribution of any funds to the Authority to enable wastewater collection services to be provided to its customer/members;

D. Provide the Authority with monthly water use data relating to Brazito's customer/members needed by the Authority to bill Brazito's customer/members who become members of the Authority for purposes of receiving for wastewater collection service from the Authority;

E. Cooperate and assist the Authority when feasible to sign up Brazito's customer/members as new members of the Authority as to wastewater collection service, necessary for the Authority to obtain State or Federal



funding for said Project, and acknowledges and agrees that the Authority may take whatever actions are necessary to extend it's service area to provide wastewater services to include all lands within Brazito's service area. Brazito further agrees that it will never take action in the future to provide wastewater services itself within its service area, nor enter into an agreement allowing any other entity to do so.

F. Provide the Authority with data from Brazito's customer/members water accounts as to their water usage on a monthly basis, which is necessary for the Authority to determine its charges for wastewater collection services.

Brazito shall promptly notify the Authority of any illegal usage, delinquent accounts, and when Brazito's customer/members' water service is terminated, disconnected, or turned on.

G. Disconnect a Brazito member/customer's water service upon being notified by the Authority that notice of disconnection of a delinquent wastewater account has been sent under the Authority's wastewater policy and the member/customer's account remains in arrears. The Authority shall provide Brazito with a copy of the notice of delinquent account sent to the member/customer and upon receipt, Brazito shall promptly disconnect the member/customer's water service without further notice. The water service will

remain disconnected until such time as the Authority notifies Brazito that the member/customer has paid the arrearages in full or made arrangements to pay the delinquent account and has paid any fees charged for the disconnect and reconnect under Brazito's disconnect policy relating to delinquent accounts.

4. **Responsibilities of the Authority.** In accordance with this Agreement, the Authority is obligated to:

A. Continue with efforts to obtain sufficient funding to study the feasibility of implementing a wastewater collection project within Brazito's service area;

B. Providing sufficient funds are obtained by the Authority for this Project, the Authority shall construct, maintain, and manage wastewater collection services within Brazito's service area, including performing necessary repairs and responding to customer's complaints. The parties agree that upon completion of construction, the Authority will own and operate said wastewater collection infrastructure.

C. Require Brazito's existing customer/members who wish to obtain wastewater services to become members of the Authority and pay the same member fees as all other customers of the Authority. After said wastewater infrastructure is constructed and in operation, Brazito agrees it shall inform all new customers who request new water services with Brazito in the future, that

they must also obtain wastewater services from the Authority, if available;

D. The Authority will be solely responsible for repaying any construction debt service area and will take full responsibility for managing any funds its receives through grants and loan funding in order to implement wastewater collection services to any of its new customer members residing within Brazito's service area;

E. Notify Brazito under the Authority's wastewater disconnect policy that a member/customer's account is delinquent, notice of disconnect has been sent, the wastewater services account remains in arrears, and the member/customer's water service is to be disconnected. The Authority shall promptly notify Brazito when the member/customer's delinquent account has been paid in full or an agreement has been made with the Authority to pay the arrearages, and that the water service may be reconnected under Brazito's policies. It is agreed that Brazito may charge its member/customer a fee in its billing for the disconnect and reconnect under its policy and that no such fee(s) will be charged by the Authority in its billings.

5. **Fiscal Matters.** No funds shall pass from the Authority to Brazito, nor from Brazito to the Authority, under this Agreement. Each entity shall continue to maintain strict accountability for their own receipts and

disbursements pursuant to their own governing laws and statutes and regulations.

6. **Representatives**. The Authority and Brazito agree they shall each designate representatives who will communicate with one another regarding wastewater infrastructure planning and construction so as to avoid duplication of efforts in providing said services to Brazito's customer/members.

7. **Right of Way/Easement Acquisition**. The parties will cooperate with one another in order to ensure that the Authority acquires all necessary utility easements or permits appropriate to its wastewater project. Brazito shall transfer or grant all relevant easements and rights-of-way to the Authority at no cost and at such time as when the Authority obtains sufficient funding to construct the Project.

8. **Return Flow Credits**. The parties agree that Brazito shall be entitled to all return flow credits, if any, associated with water placed into the Authority's wastewater collection system within Brazito's service area. It shall be Brazito's responsibility to negotiate return flow credits with the Office of the State Engineer.

9. **Effective Date**. This Agreement shall become effective immediately upon the approval and signatures of the parties.

10. **Duty to Obtain Funds.** The Authority shall diligently seek funds for completion of wastewater infrastructure with Brazito's cooperation to extend wastewater services to Brazito's customer/ members.

11. **Indemnification of Brazito.** The Authority agrees to defend, indemnify, and hold Brazito harmless from and against all claims, losses, fines, demands, judgments, damages, liabilities, lawsuits, expenses, costs, and attorney fees, brought because of any personal injury or property damage resulting from the negligence of the Authority under this Agreement.

12. **Employment Status.** The parties agree that this Agreement is not intended and in no way alters the employment status of Brazito's employees, nor the employment status of the Authority's employees who shall remain under the supervision of the Authority and who shall cover all employee benefits, including but not limited to wages, fringe benefits, and workers' compensation coverage relating to any wastewater facilities planned, installed, operated, and managed and owned by the Authority within Brazito's service area.

13. **Amendment.** This Agreement may be amended or modified only in writing and only upon receiving the approval of both parties.

14. The Parties agree that they shall each bear their own costs, attorney fees, and all other expenses incurred in the preparation of this Agreement. In the event



one of the parties files a claim or takes legal action for an alleged breach by the other party of the rights and duties set forth in this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs incurred therein from the party found to be at fault.

15. **Agreement in Entirety**. This Agreement contains the entire understanding between the Parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous negotiations, agreements and understandings, inducements or conditions, express or implied, oral or written, except as herein contained.

16. **Law**. The parties acknowledge and agree that this Agreement shall be governed by the laws of the State of New Mexico. Each person signing the Agreement and/or authorizing it to be signed on behalf of his/her respective party is not personally liable, either jointly or severally, for this Agreement under any circumstances.

17. **Severability**. If any part or application of this Agreement is held to be invalid, the remainder of the Agreement shall not be affected, nor its application to existing specific common projects previously identified by the parties entered into after the execution of this Agreement.

18. **No Third Party Beneficiary.** It is specifically agreed between the parties that this Agreement is not intended by the parties or by any provisions of the Agreement to create in any member(s) of the public status as a third party beneficiary of the Agreement, or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), injury(ies) to person(s), damage(s) to property(ies), or any other cause(s) of action whatsoever pursuant to the provisions of this Agreement.

**IN WITNESS THEREOF** THE PARTIES HAVE EXECUTED THIS AGREEMENT THROUGH THEIR AUTHORIZED OFFICIALS ON THE DATE FIRST WRITTEN ABOVE.

**Lower Rio Grande Public Water Works Authority**

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Roberto M. Nieto, Chairman

**Brazito Mutual Domestic Water Consumers Association**

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Norman Saunders, President