

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
MINUTES - REGULAR BOARD OF DIRECTORS MEETING

9:00 a.m. Thursday, January 12, 2012 at the Vado Office, 325 Holguin Road

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

- I. **Sign in, establish quorum, call meeting to order:** Sign in sheet and agenda are attached. Board members present were Vice-chairman John Holguin, Secretary Santos Ruiz, Directors Blanca Martinez and Rosaura Pargas. Chairman Robert "Marty" Nieto was absent. Staff members present were General Manager Martin Lopez, Projects Manager Karen Nichols, Finance Manager Kathi Jackson, Operations Manager Mike Lopez and Customer Service Specialist Angie Meza. Also present were Espy Holguin and Matt Dyer. With a quorum established, the meeting was called to order by Mr. Holguin at 9:00 a.m. {:24}

- II. **Approval of agenda:** Ms. Pargas made a motion and to approve the agenda with exception of approval the minutes dated 11/16/11 and 12/07/11 due to Mr. Nieto's absence resulting in lack of a quorum present of the directors present at those two meetings. Mr. Ruiz seconded, and the motion carried on a vote of 4-0. {:1:40}

- III. **Approval of Minutes of 11/16/11, 12/7/11, 12/19/11:** A motion was made by Ms. Pargas to approve the minutes dated 12/19/11, Mr. Ruiz seconded the motion and it was carried on a vote of 4-0. {:2:45}

- IV. **Guest Presentations:** None

- V. **Public Input - 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:** None {:3:00}

- VI. **General Manager's Reports:**
 - A. **Management Report:** Martin Lopez General Manager written report was in the board packet (attached) and he reviewed it with the board. {:13:20}

 - B. **Finance Report**
 1. **FY-11 Audit:** Ms. Jackson's written report was in the board packet (attached) and it was presented to the board. She stated that 4 or 5 findings were found, but they were minimal findings and have already been addressed. The NM Office of the State Auditor certified it this morning, and we have not received a copy back from them.

 2. **Financial Statements:** Finance Manager Kathi Jackson's financial report for the month of November report was in the board packet (attached) and she reviewed them with the board. {:15:28}

 - C. **Projects Report:**

Project Manager Karen Nichols written report was in the board packet (attached) and she reviewed it with the board. {:25:33}

 1. **Selection of inspector for Mesquite Wastewater Project:** Mr. Ruiz made a motion to approve the engineer's recommendation of Silberio Perez as inspector for Mesquite Wastewater Project. The motion seconded by Ms. Martinez and carried on a vote of 4-0. {:53:56}

Mr. Holguin asked what will happen with our districts as other entities join the Lower Rio Grande PWWA. Mr. Lopez explained that will depend on the number of new members, and could result in redistricting to maintain equal representation and/or to add an additional district. He also asked about the status of the well site in Vado. Mr. Lopez explained that it we have no plans to utilize that sight and might revert it back to the original owner. Mr. Holguin asked Ms. Nichols

about the discussion during the Senators Meeting in Mesquite area, and she told him that Senator Papen had reported that there was likely to be very little in the way of Capital Outlay funds available, that she had presented our Capital Outlay Request for design funding for the Surface Water Treatment Facility Project. She and Mr. Lopez reported on some of the other topics of discussion including CDBG funding, fire protection, and the driver's license for undocumented residents and retaining 3rd graders who cannot read issues.

- D. Operations Report:** Mike Lopez Operations Manager report presented his written report and reviewed with the board members. Mr. Martin Lopez informed the board that Butterfield Water is positively moving forward and looking toward joining Lower Rio Grande PWWA. He Desert Aire Water is also considering joining our Authority. {1:01:17}

VII. Unfinished Business:

- A. Rate Study – review updated study & set public meeting dates:** Mr. Ruiz made a motion for approval to increment rate study and set up public meetings. Ms. Martinez seconded motion. Mr. Lopez went over the handout he provided in the board packet (attached) showing the RCAC rate recommendation and its impact to residential bills at 6,000, 10,000 and 20,000 gallons usage and commercial bills at 10,000 and 20,000 gallons usage. The motion carried on a vote of 4-0. {1:17:42}
- B. Agreement with Brazito MDWCA Re: Sewer Service.** A motion was made by Mr. Ruiz and seconded by Ms. Martinez to approve the 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 (attached). The motion carried on a vote of 4-0. {1:20:41}

VIII. New Business:

- A. Amendment to Voting District Map.** Mr. Ruiz made a motion to approve the proposed amendment to voting district map (attached). Ms. Martinez seconded motion. Mr. Lopez explained that the proposed amendment does not actually move any members from one district to another, it simply identifies streets as boundaries for each district in a few places where the original map was unclear. The motion carried on a vote of 4-0. {1:29:34}
- B. Resolution No. 2012-09 to Apply to NMFA Local Government Planning Fund for SWTF Project.** Ms. Pargas made a motion to approve resolution 2012-09 to apply for New Mexico Finance Authority Local Government Planning Funds for the Surface Water Treatment Plant Project. The motion was seconded by Ms. Martinez and carried on a vote of 4-0. Mr. Lopez noted that we may ask to rescind this resolution and apply for planning funds for a different project depending how successful we are in obtaining funding for this project through other avenues. {1:34:02}

- IX. Other discussion and agenda items for next meeting 2/15/12.** Next month, the board meeting will be 2/15/2012 at 9:00 a.m. at the Vado Office. Minutes from 11/16/11 and 12/07/11 will be on the agenda again. {1:36:08}

- X. Adjourn:** Ms. Martinez made a motion to adjourn, it was seconded by Ms. Pargas and carried on a vote of 4-0. Mr. Holguin declared the meeting adjourned at 10:44 a.m.

Date Minutes Approved: _____

Directors Present:

Absent
Chairman Roberto M. Nieto

Vice- Chairman John Holguin

Secretary Santos Ruiz

Director Rosaura Pargas

Director Blanca Martinez

Lower Rio Grande Public Waterworks Authority

Sign In Sheet

Date: 1/12/12 Time: 9 am Place: Vado Office Meeting Type: rescheduled Regular

Name, Title - Print	Company or Agency Represented	Mailing Address	Telephone	Email
<u>Sign Rosaura Paredes</u> <u>Rosaura Paredes</u> <u>Espy Holguin</u> <u>ESPY Holguin</u>	Desert Sands	2510 N Teller Las Cruces NM 88011	575-635-1289	Esperanza.A.Holguin@ HUD.gov
<u>Ma H Dyer</u> <u>R matt Dyer</u>	Hub	115 W. Griggs Las Cruces, NM 88001	575-523-0915	mdyer@team-psc.com
<u>Blanca Martinez</u>	La Mesa	16 Leo San Jose La Mesa N.M. 88044	575 233-4316	marties16@mgd.com
<u>Santo Ruiz</u>	Mesquite WMA	1200 Fuego Mesquite WMA	575 852 3737	
<u>John Holguin</u>	LRG WMA	615 Holguin Rd. Ud.	202-4959	john.holguin@g.com
<u>Angie Meza</u>	LRG PwwA Staff	Box 2646 Anthony, NM 88021	233-3947	angie.meza@kyauthority.org
<u>Kathie Burgess Finance Manager</u> <u>Angie Lopez</u> <u>Angie Lopez</u>	LRG WMA	Box 2646 Anthony	233-3947	
<u>Karen Nichols, PM</u> <u>Karen Nichols</u>	LRG PwwA	P.O. Box 2646 Anthony PO Box 2646	(575)635-3921	mike.lopez@174 Authority.org Karen.Nichols @LRGauthority.org
<u>Martin Lopez</u> <u>Martin Lopez</u>	LRG PwwA	Anthony NM 88021 PO Box 2646 Anthony, NM 88021	915 203 2057	martin.lopez@174 Authority.org

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

MEETING NOTICE & AGENDA - REGULAR BOARD OF DIRECTORS MEETING

9:00 a.m. Thursday, January 12, 2012 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 of 11/16/11, 12/7/11, 12/19/11
- IV. Guest Presentations: None
- V. Public Input - 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:
- VI. General Manager's Reports:
 - A. Management Report
 - B. Finance Report
 1. FY-11 Audit
 2. Financial Statements
 - C. Projects Report
 1. Selection of inspector for Mesquite Wastewater Project
 - D. Operations Report
- VII. Unfinished Business:
 - A. Rate Study – review updated study & set public meeting dates
 - B. Agreement with Brazito MDWCA Re: Sewer Service
- VIII. New Business:
 - A. Amendment to Voting District Map
 - B. Resolution No. 2012-09 to Apply to NMFA Local Government Planning Fund for SWTF Project
- IX. Other discussion and agenda items for next meeting 2/15/11
- 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 señas, o cualquier otra forma de asistencia o servicio para atender o participar en las juntas, por favor llame a 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

9:00 a.m. Wednesday, November 16, 2011 at the Vado Office, 325 Holguin Road

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

- I. **Sign in, establish quorum, call meeting to order:** Sign in sheet and agenda are attached. Board Members present were Chairman Roberto “Marty” Nieto, Secretary Santos Ruiz and Director Blanca Martinez. Absent were Vice-Chairman John Holguin and Director Rosaura Pargas. Staff members present were General Martin Lopez, Finance Manager Kathi Jackson, Projects Manager Karen Nichols, Operations Manager Mike Lopez and HR/Payroll Specialist Connie Garcilazo. Also present were Ms. Christine Anderson and Sandra Franco from Spaceport Americ, Mr. Bernardino Olague of AT Analytica, and Ms. Espie Holguin from HUD. The meeting was called to order by Mr. Nieto at 9:08 a.m. {:41}
- II. **Approval of agenda:** Ms. Martinez made a motion to approve the Agenda, Mr. Ruiz seconded and it carried on a vote of 3-0. {1:05}
- III. **Approval of Minutes of 10/19/11 and 10/31/11:** A motion was made by Ms. Martinez and seconded by Mr. Ruiz to approve the minutes dated 10/19/11 and 10/31/11 (attached). The motion carried on a vote of 3-0. {1:46}
- IV. **Guest Presentations**
 - A. **Christine Anderson, Spaceport America:** Ms. Anderson made a presentation about the different aspects of the Spaceport America stating that this is the first private spaceport in the country and explaining how Dona Ana county residents are impacted by this project. Her presentation is attached. {42:34}
 - B. **Bernardino Olague, P.E., A T Analytica LLC RE: NAD Bank Community Assistance Program:** Mr. Olague gave a presentation (attached) about the NAD Bank CAP grant program for low income communities in the U.S-Mexico Border region. {54:54}
- V. **Public Input - 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:** NONE {55:07}
- VI. **General Manager’s Reports**
 - A. **Management Report:** The General Manager’s Martin Lopez written report was in the board packet (attached), and he reviewed it with the board. {59:33}
 - B. **Finance Report:** Ms. Jackson informed the board members that she has been working with the auditor, and that Financial Reports will be presented at the next board meeting. {1:00:58}
 - C. **Projects Report:** Ms. Karen Nichols written report (attached) was in the board packet, and she reviewed with the board. 1:18:59}
 - D. **Operations Report:** Mr. Mike Lopez’ written report was in the board packet (attached) and Mr. Lopez reviewed it with the board, reporting no major problems in the system. {1:23:46}
- VII. **Unfinished Business**
 - A. **None** {1:24:09}
- VIII. **New Business**
 - A. **Availability of SCCOG Training re: Planning:** Ms. Nichols described the training Ms. Bloom has been presenting at SCCOG board meetings and asked if the board would like to schedule her to

present some of her material at one of their meetings. Mr. Nieto agreed that staff should select the appropriate modules and schedule a presentation from Ms. Tiffany Bloom for the board. {1:25:55}

B. Employee Handbook – POSTPONED TO NEXT MEETING {1:26:39}
Mr. Lopez informed the board members that Meter Reader Crystal Perez had an accident on the job: she forgot to put the truck on park and ran over herself. She was taken to the hospital, is fine, and is back to work.

C. December Training event-Mr. Lopez will coordinate something and notify the board. {1:40:04}

D. Re-appoint LRGMDWA Board: Roberto Nieto, John Holguin, Mike Guillen, Gabriel Gutierrez, Ismael Borunda, Santos Ruiz: Mr. Lopez explained that until the last Colonias Initiative funding is fully expended, we need to have this board remain in place, and since it was appointed by the former mutual domestic association boards, this board will need to reappoint as their successor. Mr. Nieto made a motion to re-appoint same previous board for the Lower Rio Grande Mutual Domestic Water Association for a two year term. Mr. Ruiz seconded motion and it carried on a vote of 3-0. {1:43:00}

IX. Other discussion and agenda items for next meeting on 12/21/11: Discussion on purchase of new vehicles. December meeting date changed to 12/07/11 at 9:00 am. Employee Handbook and Water Rates Study will be presented. {2:03:59}

X. Adjourn Mr. Ruiz made a motion to adjourn the meeting at 11:12a.m. Ms. Martinez seconded and it carried on a vote of 3-0.

Date Minutes Approved: _____

Directors Present:

Chairman Roberto M. Nieto

Absent
Vice- Chairman John Holguin

Secretary Santos Ruiz

Absent
Director Rosaura Pargas

Director Blanca Martinez

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

MINUTES - SPECIAL CLOSED MEETING OF THE BOARD OF DIRECTORS

9:00 a.m. Monday, December 19, 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:** The Lower Rio Grande Mutual Domestic Water Association Board of Directors was invited to the meeting because the subject is of mutual concern. Directors present were Chairman Roberto “Marty” Nieto, Vice-chairman John Holguin, Secretary Santos Ruiz, Directors Rosaura Pargas and Director Blanca Martinez. Attorney Beverly Singleman, General Manager Martin Lopez and Projects Manager Karen Nichols were also present. From the LRGMDDWA Board of Directors, Gabriel Gutierrez was present and Mike Guillen was en route when the meeting was called to order at 9:02 a.m. Mr. Guillen arrived at 9:14 a.m.
- II. **Approval of agenda:** Mr. Holguin made a motion to approve the agenda, Mr. Ruiz seconded, and it carried on a vote of 5-0.
- III. **Closed Session:**
 - A. **Motion to convene in closed session pursuant to NMSA 1978 Section 10-15-1 (H)(7) regarding threatened litigation – Roll Call Vote:** Mr. Holguin made the motion as stated in the Agenda to close the meeting. Mr. Ruiz seconded the motion, and Mr. Nieto called took a roll-call vote: Ms. Pargas voted yes, Mr. Nieto voted yes, Mr. Ruiz voted yes, Mr. Holguin voted yes, and Ms. Martinez voted yes.
 - B. **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:** Mr. Holguin made a motion to resume the open meeting, Mr. Ruiz seconded, and Mr. Nieto called the open session to order. Ms. Pargas made a motion to appoint Martin Lopez to negotiate with Burn Construction regarding the Castillo Road bridge crossing project prior to January 5, 2012. Mr. Holguin seconded, and it carried on a vote of 5-0.
- X. **Adjourn:** Mr. Holguin made a motion to adjourn, Mr. Ruiz seconded, and it carried on a vote of 5-0.

Date Minutes Approved: _____

Directors Present:

Roberto Nieto, Chair

John Holguin, Vice-chair

Santos Ruiz, Secretary

Rosaura Pargas, Director

Blanca Martinez, Director

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

MINUTES - REGULAR BOARD OF DIRECTORS MEETING

9:00 a.m. Wednesday, December 7, 2011 at the Vado Office, 325 Holguin Road

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

- I. **Sign in, establish quorum, call meeting to order:** Sign in sheet and agenda are attached. Board members present were Chairman Roberto “Marty” Nieto, Vice Chairman John Holguin, Secretary Santos Ruiz. Absent were Directors Blanca Martinez and 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 were Olga Morales from Rural Community Assistance Corporation, Espie Holguin from HUD, and Ernesto “Ernie” Ortiz, Director of NM High Intensity Drug Trafficking Area. With a quorum established, the meeting was called to order by Roberto “Marty” Nieto at 9:03 a.m. {30}
- II. **Approval of agenda:** A motion was made by Mr. Holguin and seconded by Mr. Ruiz to approve the agenda with the following changes: postpone item III and item VI. B. and move item IV below item VIII. Mr. Lopez noted that only two of the three directors present at this meeting attended the previous one, so approval of the minutes needs to be postponed until Ms. Martinez is able to attend. The motion carried on a vote of 3-0. {2:10}
- III. **Approval of Minutes of 11/16/11:** (attached) Postponed.
- IV. **Guest Presentations:**
 - A. **Olga Morales, Rural Community Assistance Corporation re: Rate Study:** Ms. Morales made a presentation of her water rate study and proposal. Board requested a second presentation of different scenarios and simpler explanation on the proposed water rate tiers increase. {2:06:05}
- V. **Public Input - 15 minutes total allotted for this item, 3 minute time limit per person, may be continued after Item VIII by board action:** NONE {2:45}
- VI. **General Manager’s Reports**
 - A. **Management Report:** General Manager written report was included in the board packet (attached). Mr. Martin Lopez reviewed it with the board, reporting that LRGPWWA audit was completed and will be available following the Office of the State Auditor’s review. {6:00}
 - B. **Finance Report:** Postponed
 - C. **Projects Report:** Projects Manager’s Karen Nichols written report was included in the board packet (attached) and Ms. Nichols reviewed with the board. {14:30}
 - D. **Operations Report:** Mike Lopez Operations Manager report was included in the board packet, and he reviewed it with the board. {18:00}
- VII. **Unfinished Business:**
 - A. **Employee Handbook – for adoption:** After discussion on sick leave and annual leave carried over. A change was made on page i second paragraph second sentence as per Ms. Singleman Attorney recommendation. Mr. Holguin made a motion to adopt Employee Handbook, Mr. Ruiz seconded motion and it carried on a vote of 3-0. {29:30}
- VIII. **New Business:**
 - A. **Authorization for vehicle purchases:** Mr. Martin Lopez discussed this item in conjunction with VIII. B. and handed out a list of vehicle that have exceeded their useful life (attached). Mr.

Holguin made a motion to purchase 3 vehicles, Mr. Ruiz seconded motion and after a brief discussion, it carried on a vote of 3-0. {34:20}

- B. Authorization for disposal of vehicles:** A motion was made by Mr. Holguin and seconded by Mr. Ruiz to authorize the disposal of five vehicles as per the General Manager's list. The motion carried on a vote of 3-0. {35:00}

- C. Resolution 2012-8 AUTHORIZING A WATER PROJECT FUND LOAN/GRANT AGREEMENT BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY AND THE LRGPWWA IN THE AMOUNT OF \$4,371,630 – For Adoption:** Mr. Lopez briefly discussed the Resolution and Water Trust Board funding for the Berino/Mesquite-Del Cerro Water System Improvements Project. Mr. Holguin made a motion to authorize Resolution 2012-8, it was seconded by Mr. Ruiz and carried on a vote of 3-0. {38:13}

- D. Authorization for application for NAD Bank Community Assistance Program funding:** Mr. Lopez reminded the board that they had a presentation about this funding at the last meeting. Mr. Holguin made a motion to authorize making application for NAD Bank Community Assistance Funding and Mr. Ruiz seconded. The motion carried on a vote of 3-0. {45:35}

- E. Consideration to act as Fiscal Agent for the NM High Intensity Drug Trafficking Areas Program:** Mr. Lopez and Mr. Ernie Ortiz explained the request and the services needed by NMHIDTAP and stated that the process will be basically to receive federal funds on their behalf and pay employees and contractors. A separate bank account will be created for this purpose, and the LRGPWWA will be paid a fiscal agent fee. A motion was made by Mr. Holguin and seconded by Mr. Ruiz to approve the LRGPWWA acting as fiscal agent for the NM HIDTAP for a fee of 3% of the funding amount with NM HIDTAP paying for the cost of their required audit. The motion carried on a vote of 3-0. {54:30}

IX. Other discussion and agenda items and change date for next meeting scheduled for 1/18/12 due to conflict with Colonias Day at the NM Legislature: Items mentioned for next month meeting were Audit for Lower Rio Grande PWWA, amended district map. The next meeting rescheduled for 01/12/12 at 9 am at the Vado Office. {2:12:52}

X. Adjourn Mr. Holguin made a motion to adjourn the meeting at 11:16 a.m. Mr. Ruiz seconded, and the motion carried on a vote of 3-0.

Date Minutes Approved: _____

Directors Present:

Chairman Roberto M. Nieto

Vice- Chairman John Holguin

Secretary Santos Ruiz

Absent
Director Rosaura Pargas

Absent

Director Blanca Martinez

LRG PWWA
Manager's Report
January 12, 2012

- Transfer of Assets from Associations
 - Lack the USDA construction accounts for the Mesquite water project-need project as-builts from Smithco; O&M Manual from Gannett
 - Quiet Title for two Mesquite properties, which are leased rather than owned
- Hwy 192 Bridge: Pipe to be changed to bolted-flange at Burn's cost; I have request 45 degree elbows be replaced with 22 degree elbows at our cost. Both were recommended PSC
- Election Policies-Still pending
- Authority-Brazito projects (emergency water interconnection and sewer extension) are now processing
- Ramon Morales responding to water line break, hit a guard rail damaging the passenger side of his ford ranger during the last snow storm-insurance claim reported and pending
- Authority-Alto de Flores (emergency water interconnection) pending their supplemental well application for submittal to NM OSE
- Meetings/Trainings
 - RD (Berino-Del Cerro/Mesquite LOC project) meeting January 10 at 1:30 pm, Mesquite office

- WTB (Surface Water) meeting in Santa Fe at 1 pm.
- Colonias Trust Fund meeting January 13, at 9 am in Silver City
- Colonias Day in Santa Fe January 18th at noon
- La Mesa Building meeting January 20th at Severo's at 1
- WTB (Berino-Del Cerro/Mesquite) water project closing January 20th
- I started Jury Duty on January 9th through March

LRGPWWA
Profit & Loss
 November 2011

	Nov 11
Ordinary Income/Expense	
Income	
Interest	20.87
Operating Revenue	
Contract Services	1,362.85
Installation Fees	1.00
Monthly Services	107,041.78
Monthly Services-Sewer	6,200.34
Other Income	1,540.13
Penalties-Sewer	421.05
Penalties-Water	15,678.74
Total Operating Revenue	132,245.89
Total Income	132,266.76
Cost of Goods Sold	
Cost of Goods Sold	179.66
Total COGS	179.66
Gross Profit	132,087.10
Expense	
Accounting, Auditing, Legal	
Accounting Fees	2,016.00
Bank Service Charges	259.74
Dues and Subscriptions	500.00
Engineering Fees	1,613.44
Legal Fees	1,279.99
Legal Notices	42.85
Meals	73.09
Permit Fees	2,225.00
Postage-Billing	624.03
Postage-Other	553.05
Professional Fees-Other	3,972.00
Training	905.00
Travel	
Lodging Per Diem	515.16
Meals Per Diem	691.07
Total Travel	1,206.23
Total Accounting, Auditing, Legal	15,270.42
Lab, Chemicals	
Chemicals	2,022.98
Laboratory Fees	48.42
Total Lab, Chemicals	2,071.40
Salaries	
Accrued Leave	1,048.73
Administrative Labor	17,270.00
Clerical Labor	11,651.63
Contract Labor	95.74
Operations Labor	18,388.67
Salaries - Other	1,997.03
Total Salaries	50,451.80
Supplies	
Cell Phone	1,490.97
Computer Maintenance	579.78
Materials & Supplies	15,910.65
Office Supplies	872.27
Telephone	417.37
Uniforms-Employee	679.09
Total Supplies	19,950.13
Taxes, Liability, Insurance	

8:14 AM
01/12/12
Accrual Basis

LRGPWWA
Profit & Loss
November 2011

	Nov 11
401K 10% Company Contribution	4,471.91
Employee Benefits-401K Contrib	1,604.84
Insurance-Dental	457.68
Insurance-Health	6,168.14
Insurance-Vision	0.00
Payroll Taxes-Federal Unemploy	21.32
Payroll Taxes-Medicare	752.73
Payroll Taxes-Social Security	3,218.49
Payroll Taxes-State Unemploymen	174.52
Payroll Taxes-Worker's Comp Fee	1,089.00
State Taxes	0.00
Water Conservation Fee	1,084.31
Total Taxes, Liability, Insurance	19,042.94
Utilities	
Automobile Repairs & Maint.	1,062.27
Electricity-Operations	15,737.23
Equipment Rental	176.19
Fuel	2,080.22
Garbage Service	141.30
Maint. & Repairs-Infrastructure	1,998.79
Maintenance & Repairs-Other	3,750.89
Natural Gas	11.72
Security/Alarm	740.03
Vehicles-Truck	85.00
Total Utilities	25,783.64
Total Expense	132,570.33
Net Ordinary Income	-483.23
Net Income	-483.23

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
1/12/11 BOARD OF DIRECTORS MEETING
PROJECTS REPORT**

Authority Construction Projects:

LRG-11-01 - La Mesa Water System Improvements – Molzen Corbin – final design/closing – RD - \$2,040,346: Funding application and Letter of Conditions Notebook redone in the name of the Authority are under review at USDA-RD. Engineer met w/EPEC to get electric service for the site and DAC to get an address. Plans are complete except minor grading changes due to the addition of a generator.

LRG: 11-02.1 -Mesquite Wastewater Project – Gannet Fleming– BID Stage - \$7,262,081: Project is out to bid, Pre-bid Conference was 1/5, Bid Opening is 1 pm on 1/19/12 at Berino. GM & PM have been working w/attorney & Title Company to address issues brought up by USDA-RD OGC and make sure title policy will be issued. Engineer still has not provided a project budget, and estimated construction cost exceed funding available.

LRG-11-02.2 - Authority/Brazito Sewer Project – Vencor – planning – CDBG/SAP: Documents at 65% completion (PER, EID & sewer model) were submitted for review at NMED CPB, PER comments were received from Mr. Deal on 9/14/11 and are being incorporated; EID comments were received on 10/3/11. GM approved 90-day extension on 10/4/11, NMED concurred 11/7/11. Base mapping & field data collection is 95% complete. Project was on hold due per Brazito Board, OM & PM met w/them on 1/5 and instructed engineer to move forward.

LRG-11-03 – Interconnect & Looping Project – Stern Drive project is complete, Castillo Road project is pending resolution of the bridge crossing issues.

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

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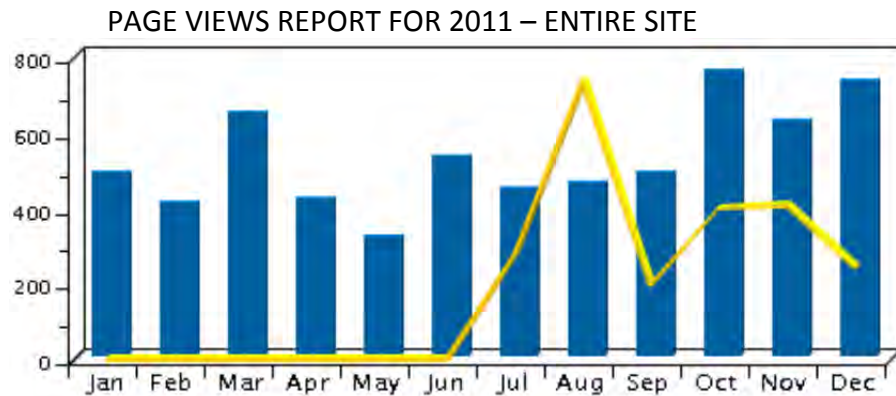
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Water Trust Board 2012 Funding Cycle - Recommendation for Legislative Authorization

App ID #	Entity	Project Name	Funding Request	Funding Limit	County	Preliminary Scope of Work
FLOOD PREVENTION						
335	Belen, City of	Camino Del Llano Ponds Second Street Storm Water and Water Distribution Improvements Project - From High Street to Roosevelt Boulevard-	\$ 845,000	\$ 845,000	Valencia	Construction
320	Grants, City of		\$ 1,296,800	\$ 1,296,800	Cibola	Construction
305	Middle Rio Grande Conservancy District	San Acacia to Bosque del Apache Unit Levee Project Phase I	\$ 1,503,968	\$ 1,503,968	Socorro	Construction
285	Milan, Village of	Motel Drive Preston Drive to Airport Road	\$ 759,535	\$ 759,535	Cibola	Construction
242	Socorro County	Bosquecito Road Improvement Project	\$ 2,475,270	\$ 2,475,270	Socorro	Construction
324	Socorro, City of	Cuba Road Area Drainage Improvements - Phase II	\$ 1,608,049	\$ 1,608,049	Socorro	Construction
6	Total Projects		\$ 8,488,622	\$ 8,488,622		
Policies provide up to 10% of the total funds available; or \$2,340,000						
WATER CONSERVATION, TREATMENT, RECYCLING OR REUSE						
330	Agua Sana Water Users Association	Agua Sana WTB 2012	\$ 923,180	\$ 923,180	Rio Arriba	Plan, Design, Construct
255	Hobbs, City of	Effluent Reuse Project Phase II	\$ 3,298,720	\$ 3,298,720	Lea	Construction
282	Las Vegas, City of	Desalination of Taylor Well #7	\$ 7,322,268	\$ 3,510,000	San Miguel	Construction
286	Lower Rio Grande Public Water Works Authority	Surface Water Treatment Facility Design	\$ 750,000	\$ 750,000	Dona Ana	Plan, Design
349	Moriarty, City of	Water Meter/Assembly Replacement Project-	\$ 424,500	\$ 424,500	Torrance	Construction
288	Sunland Park, City of	Sunland Park Arsenic Treatment Plant-Santa Teresa	\$ 5,500,000	\$ 3,510,000	Dona Ana	Construction
6	Total Projects		\$ 18,218,668	\$ 12,416,400		
Policies provide between 15% - 30% of the total funds available; or \$3,510,000 to \$7,020,000						

Water Trust Board 2012 Funding Cycle - Recommendation for Legislative Authorization

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WATER STORAGE, CONVEYANCE, & DELIVERY						
257	Acequia del Monte del Rio Chiquito	Acequia del Monte	\$ 164,000	\$ 164,000	Taos	Plan, Design, Construct
357	Agua Fria Community Water System Association	Agua Fria Water System Improvements Phase II	\$ 785,107	\$ 785,107	Santa Fe	Plan, Design, Construct
266	Albuquerque Bernalillo County Water Utility Authority	Carmel Water System Improvements	\$ 222,500	\$ 222,500	Bernalillo	Design
259	Alto Lakes Water & Sanitation District	Distribution B	\$ 2,283,596	\$ 2,283,596	Lincoln	Plan, Design, Construct
295	Canoncito at Apache Canyon MDWC & MSW Association	Canoncito Regional Water Quality and System Improvements Phase II	\$ 1,843,240	\$ 1,843,240	Santa Fe	Plan, Design, Construct
315	Capitan, Village of	Water System Improvements	\$ 440,019	\$ 440,019	Lincoln	Construction
328	Carrizozo, Town of	Carrizozo Well Heads and Houses Rehabilitation Project	\$ 236,430	\$ 236,430	Lincoln	Plan, Design, Construct
352	Chimayo GMDWCA	2012 WTB Application	\$ 4,622,337	\$ 3,510,000	Santa Fe & Rio Arriba	Plan, Design, Construct
310	Cordova MDWCA	Water System Expansion & Upgrades	\$ 246,493	\$ 246,493	Rio Arriba	Plan, Design
316	Deming, City of	Replace Existing Water Meters with New Electronic Read Meters	\$ 800,000	\$ 800,000	Luna	Construction
271	Dona Ana MDWCA	Surface Water Transmission Line	\$ 6,002,000	\$ 3,510,000	Dona Ana	Plan, Design, Construct
246	Eastern New Mexico Water Utility Authority	Eastern New Mexico Rural Water System	\$ 5,000,000	\$ 3,510,000	Curry, Quay, Roosevelt	Plan, Design, Construct
276	El Creston MDWCA	El Creston MDWCA 2012 WTB Application	\$ 998,448	\$ 998,448	San Miguel	Plan, Design, Construct
326	El Prado Water & Sanitation District	Well #3 and Loop Line Completion	\$ 500,000	\$ 500,000	Taos	Construction

Water Trust Board 2012 Funding Cycle - Recommendation for Legislative Authorization

App ID #	Entity	Project Name	Funding Request	Funding Limit	County	Preliminary Scope of Work
WATER STORAGE, CONVEYANCE, & DELIVERY (continued)						
283	El Valle de los Ranchos Water and Sanitation District	Phase 3A Water System Improvements Project	\$ 1,432,000	\$ 1,432,000	Taos	Plan, Design, Construct
346	Eldorado Area Water & Sanitation District	SCADA Improvements Project	\$ 187,500	\$ 187,500	Santa Fe	Construction
333	Eldorado Area Water & Sanitation District	Meter Replacement Project	\$ 250,000	\$ 250,000	Santa Fe	Construction
336	Estancia, Town of	Municipal Water System Improvements	\$ 475,000	\$ 475,000	Torrance	Construction
354	Eunice, City of	2012 WTB Application	\$ 1,600,000	\$ 1,600,000	Lea	Construction
275	Gallup, City of	Navajo Gallup Water Supply Project	\$ 6,785,909	\$ 3,510,000	McKinley	Construction
343	Greater Gloria Community Regional Mutual Domestic Water Consumers and Sewage Association	Regional Water Quality and Infrastructure Phase 1	\$ 2,500,000	\$ 2,500,000	Santa Fe	Plan, Design, Construct
290	Hatch, Village of	New Municipal Water Well	\$ 971,171	\$ 971,171	Dona Ana	Plan, Design, Construct
261	Laguna, Pueblo of	Seama Reservoir Rehabilitation	\$ 4,701,231	\$ 3,510,000	Cibola	Construction
239	Las Vegas, City of	Peterson Dam	\$ 19,445,857	\$ 3,510,000	San Miguel	Construction
350	Los Ojos MDWCSWA	Water Source Improvements	\$ 117,900	\$ 117,900	Rio Arriba	Construction
358	McKinley County	McKinley County Small System Regionalization Project IIIB	\$ 568,091	\$ 568,091	McKinley	Construction
278	Moriarty, City of	Moriarty Water Storage Tank Rehabilitation	\$ 208,100	\$ 208,100	Torrance	Plan, Design, Construct
263	Otis Mutual Domestic	Otis Water System Improvements Phases III & IV	\$ 1,274,224	\$ 1,274,224	Rio Arriba	Construction
329	Santa Cruz Water Association	Water System Improvements	\$ 1,000,000	\$ 1,000,000	Rio Arriba	Construction
332	Santa Fe County	La Bajada Water System Improvements	\$ 250,000	\$ 250,000	Santa Fe	Engineer, Construct

Water Trust Board 2012 Funding Cycle - Recommendation for Legislative Authorization

App ID #	Entity	Project Name	Funding Request	Funding Limit	County	Preliminary Scope of Work
WATER STORAGE, CONVEYANCE, & DELIVERY (continued)						
337	Santa Fe County	La Cienega Water Line Extension	\$ 358,000	\$ 358,000	Santa Fe	Plan, Design, Construct
244	Springer, Town of	Dam Project	\$ 7,037,200	\$ 3,510,000	Colfax	Construction
327	Taos Ski Valley, Village of	Kachina Water Tank Project	\$ 1,884,000	\$ 1,884,000	Taos	Construction
355	Taos, Town of	Water System Improvements	\$ 1,973,903	\$ 1,973,903	Taos	Construction
293	Tucumcari, City of	Metro Well Field Water System Improvements Project	\$ 2,996,778	\$ 2,996,778	Quay	Plan, Design, Construct
245	Wagon Mound, Village of	Wagon Mound Water System Improvements	\$ 174,000	\$ 174,000	Mora	Plan, Design, Construct
36	Total Projects		\$ 80,335,034	\$ 51,310,500		
Policies provide between 60% - 75% of the total funds available; or \$14,040,000 to \$17,550,000						

WATERSHED RESTORATION & MANAGEMENT						
251	Canadian River Soil & Water Conservation	Canadian River Riparian Restoration Project	\$ 600,000	\$ 600,000	Harding	Plan, Design, Construct
342	Claunch-Pinto SWCD	Riparian Restoration Project through the Greater Rio Grande Watershed Alliance-	\$ 600,000	\$ 600,000	Bernalillo, Santa Fe, Taos, Torrance	Plan, Design, Construct
297	Claunch-Pinto SWCD	Estancia Basin Watershed Health, Restoration and Monitoring Project	\$ 600,000	\$ 600,000	Lincoln, Socorro, Torrance, Valencia	Plan, Design, Construct
243	Raton, City of	Post-Track Fire Watershed Restoration	\$ 1,000,000	\$ 1,000,000	Colfax	Plan, Design, Construct
331	Santa Fe County	La Cienega / La Cieneguilla Springs Monitoring Project	\$ 150,000	\$ 150,000	Santa Fe	Engineer, Construct
260	Upper Hondo Soil and Water Conservation District	Non-Native Phreatophyte Extraction	\$ 500,000	\$ 500,000	Lincoln	Plan, Design, Construct
241	Ute Creek SWCD	Ute Creek 2012 Application	\$ 500,000	\$ 500,000	Harding	Plan, Design, Construct
7	Total Projects		\$ 3,950,000	\$ 3,950,000		
Policies provide between 5% - 15% of the total funds available; or \$1,170,000 to \$3,510,000						
55	Total Applications		\$ 110,992,324	\$ 76,165,522		

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY
1/12/11 BOARD OF DIRECTORS MEETING
PROJECTS REPORT**

Authority Construction Projects:

LRG-11-01 - La Mesa Water System Improvements – Molzen Corbin – final design/closing – RD - \$2,040,346: Funding application and Letter of Conditions Notebook redone in the name of the Authority are under review at USDA-RD. Engineer met w/EPEC to get electric service for the site and DAC to get an address. Plans are complete except minor grading changes due to the addition of a generator.

LRG: 11-02.1 -Mesquite Wastewater Project – Gannet Fleming– BID Stage - \$7,262,081: Project is out to bid, Pre-bid Conference was 1/5, Bid Opening is 1 pm on 1/19/12 at Berino. GM & PM have been working w/attorney & Title Company to address issues brought up by USDA-RD OGC and make sure title policy will be issued. Engineer still has not provided a project budget, and estimated construction cost exceed funding available.

LRG-11-02.2 - Authority/Brazito Sewer Project – Vencor – planning – CDBG/SAP: Documents at 65% completion (PER, EID & sewer model) were submitted for review at NMED CPB, PER comments were received from Mr. Deal on 9/14/11 and are being incorporated; EID comments were received on 10/3/11. GM approved 90-day extension on 10/4/11, NMED concurred 11/7/11. Base mapping & field data collection is 95% complete. Project was on hold due per Brazito Board, OM & PM met w/them on 1/5 and instructed engineer to move forward.

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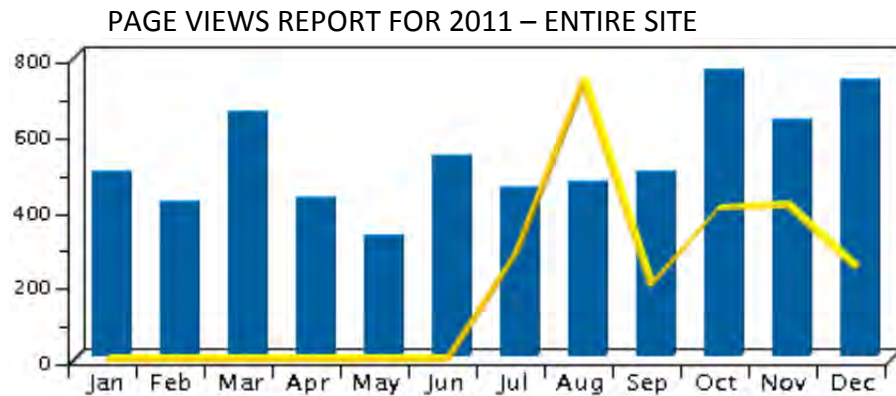
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Silberio Paez

Mr. Paez is a 1993 graduate of Technical Vocational Institute, Albuquerque, where he received his Associate of Science in Environmental Protection Technology. Mr. Paez is a Project Observer and Coordinator with **GFW**. Mr. Paez has been a construction observer for over 20 years on projects of all types, including: grading, drainage, highway, bridge, transportation, water distribution systems, sewer collection systems, and wastewater treatment plants. The following are a few examples of projects Mr. Paez has worked on to show some of his relevant experience:

- Mr. Paez served as the full-time construction observer for the new Bosque Farms wastewater treatment plant. The wastewater treatment plant included: treatment equipment, pump building, UV building, administration building, and other buildings related to the treatment plant. He worked closely with various State and Village of Bosque inspectors during construction of Village of Bosque treatment plant.
- Mr. Paez was the full-time construction observer for the Polk Vacuum Sewer System Project, Phase II. This system was built to serve an area of Bernalillo County that was previously on private septic systems. The Phase II project consisted of a vacuum sewer collection system consisting of approximately 57,000 feet of vacuum main and 285 collection pits, which tied into the previously constructed Polk Area Vacuum Sewer Collection Station.
- Mr. Paez was the full-time construction observer for a waterline project in Cambell Farms Subdivision. He was Responsible for grade, excavation, embankment (natural ground compaction, subgrade preparation, proctor locations and random testing for density. Oversaw all water line construction, responsible for overseeing all pressure testing and connections up to R/W for connections to water wells. Also oversaw installation of electric lines, including placement of pull boxes.
- Mr. Paez was the full-time construction observer for several miles of SAS line leading to the wastewater treatment plant in the Village of Bosque Farms.
- Mr. Paez was the full-time construction observer for the Village of Questa Wastewater Treatment Plant improvements project. The treatment plant included lined basins, treatment equipment, entrance works building, lab building, blower building, sludge drying bed, plant piping and multiple lift stations.

LRGPWWA	FY12		Use and Income		RCAC RATE PROPOSAL 12/20/11		
Water-Residential			Water				
Minimum Bill	\$	10.00 for	0 gallons				
Next		10,000 gallons for	\$ 1.75 per		1,000 gallons	up to	10,000 gallons
Next		10,000 gallons for	\$ 2.00 per		1,000 gallons	up to	20,000 gallons
Next		10,000 gallons for	\$ 2.25 per		1,000 gallons	up to	30,000 gallons
Next		30,000 gallons for	\$ 2.50 per		1,000 gallons	up to	50,000 gallons
All Over		50,000 gallons for	\$ 2.75 per		1,000 gallons		
Water-Commercial							
Minimum Bill	\$	30.00 for	0 gallons				
Next		20,000 gallons for	\$ 2.50 per		1,000 gallons	up to	20,000 gallons
Next		30,000 gallons for	\$ 3.00 per		1,000 gallons	up to	50,000 gallons
All Over		50,000 gallons for	\$ 4.00 per		1,000 gallons		

**Use and Income Estimate:
Residential**

3557 users @	0 gallons @	\$	10.00 per users=	\$	35,570.00 monthly
users @	1,000 gallons @	\$	11.75 per users=	\$	- monthly
users @	2,000 gallons @	\$	13.50 per users=	\$	- monthly
users @	3,000 gallons @	\$	15.25 per users=	\$	- monthly
users @	4,000 gallons @	\$	17.00 per users=	\$	- monthly
users @	5,000 gallons @	\$	18.75 per users=	\$	- monthly
users @	6,000 gallons @	\$	20.50 per users=	\$	- monthly
users @	7,000 gallons @	\$	22.25 per users=	\$	- monthly
users @	8,000 gallons @	\$	24.00 per users=	\$	- monthly
users @	9,000 gallons @	\$	25.75 per users=	\$	- monthly
2134 users @	10,000 gallons @	\$	27.50 per users=	\$	58,685.00 monthly
263 users @	11,000 gallons @	\$	29.50 per users=	\$	7,758.50 monthly
users @	12,000 gallons @	\$	31.50 per users=	\$	- monthly
users @	13,000 gallons @	\$	33.50 per users=	\$	- monthly
users @	14,000 gallons @	\$	35.50 per users=	\$	- monthly
users @	15,000 gallons @	\$	37.50 per users=	\$	- monthly
users @	16,000 gallons @	\$	39.50 per users=	\$	- monthly
users @	17,000 gallons @	\$	41.50 per users=	\$	- monthly
users @	18,000 gallons @	\$	51.00 per users=	\$	- monthly
users @	19,000 gallons @	\$	45.50 per users=	\$	- monthly
75 users @	20,000 gallons @	\$	47.50 per users=	\$	3,562.50 monthly
users @	25,000 gallons @	\$	58.75 per users=	\$	- monthly
87 users @	30,000 gallons @	\$	70.00 per users=	\$	6,090.00 monthly
users @	35,000 gallons @	\$	82.50 per users=	\$	- monthly
users @	40,000 gallons @	\$	95.00 per users=	\$	- monthly
users @	45,000 gallons @	\$	108.75 per users=	\$	- monthly
998 users @	50,000 gallons @	\$	122.50 per users=	\$	122,255.00 monthly
users @	55,000 gallons @	\$	136.25 per users=	\$	- monthly
users @	60,000 gallons @	\$	150.00 per users=	\$	- monthly
users over	60,000 gallons @	\$	163.75 per users=	\$	- monthly
3557	\$ 233,921.00 monthly	x 12 =	\$ 2,807,052.00	Annually	

Total

**Use and Income Estimate:
Commercial**

136 users @	0 gallons @	\$	30.00 per users=	\$	4,080.00 monthly
45 users @	20,000 gallons @	\$	80.00 per users=	\$	3,600.00 monthly
9 users @	50,000 gallons @	\$	170.00 per users=	\$	1,530.00 monthly
82 users over	50,000 gallons @	\$	310.00 per users=	\$	25,420.00 monthly
Total	136	\$ 34,630.00 monthly	x 12 =	\$ 415,560.00	Annually

Total Water Users

3693

TOTAL WATER (Projected)

\$ 3,222,612.00

Usage and Charge-Water			
Water			
Minimum Charge			
Old Residential	New Residential	Old Commercial	New Commercial
\$ 10.00	\$ 10.00	\$ 13.00	\$ 30.00
6,000 gallons			
Residential		Commercial	
Old	New	Old	New
\$ 19.00	\$ 20.50	\$ 25.00	\$ 45.00
10,000 gallons			
Residential		Commercial	
Old	New	Old	New
\$ 25.00	\$ 27.50	\$ 33.00	\$ 55.00
20,000 gallons			
Residential		Commercial	
Old	New	Old	New
\$ 52.50	\$ 57.50	\$ 53.00	\$ 80.00

Does Not Include NMGR T

Usage and Charge-Water				\$15.00	\$30.00
Water		\$0.135	\$0.25	\$0.25	\$0.50
Minimum Charge		First	Second	First	Second
Old Residential	New Residential	New Residential	Old Commercial	New Commercial	New Commercial
\$ 10.00	\$ 10.00	\$ 10.00	\$ 13.00	\$ 15.00	\$ 30.00
6,000 gallons					
Residential			Commercial		
Old	New	New	Old	New	New
\$ 19.00	\$ 19.31	\$ 20.50	\$ 25.00	\$ 28.50	\$ 45.00
10,000 gallons					
Residential			Commercial		
Old	New	New	Old	New	New
\$ 25.00	\$ 26.35	\$ 27.50	\$ 33.00	\$ 37.50	\$ 55.00
20,000 gallons					
Residential			Commercial		
Old	New	New	Old	New	New
\$ 52.50	\$ 55.20	\$ 57.50	\$ 53.00	\$ 60.00	\$ 80.00

Does Not Include NMGR T

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 January, 2012, 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 and other customers 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 Ana County within Brazito's service area by entering into this agreement, under which Brazito's customer/members may become customers 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 wastewater 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 and other customers within Brazito's service area 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 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 within its service area;

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

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

Project. Brazito acknowledges and agrees that the Authority may take whatever actions are necessary to extend its service area to provide wastewater services to include customers within Brazito's water 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/member's water service is terminated, disconnected, or turned back 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 Authority shall**

compensate Brazito the cost of disconnection and reconnection of water service in cases of sewer delinquency. 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 by expanding its service area within Brazito's water 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. After said wastewater infrastructure is constructed and in operation, Brazito agrees it shall inform all new customers who request new water services from Brazito in the future, that they must also obtain wastewater services from the Authority, if available;

C. Acknowledges and agrees that the Authority will be solely responsible for repaying any construction debt 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;

D. 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. **The Authority shall compensate Brazito the cost of disconnection and reconnection of water service in cases of sewer delinquency.**

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 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 from customers residing in Brazito's service area. The parties agree they will cooperate in negotiating said 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 and other customers within Brazito's service area.

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 its expenses, including reasonable attorneys' fees and costs incurred therein, from the non-prevailing party.

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.

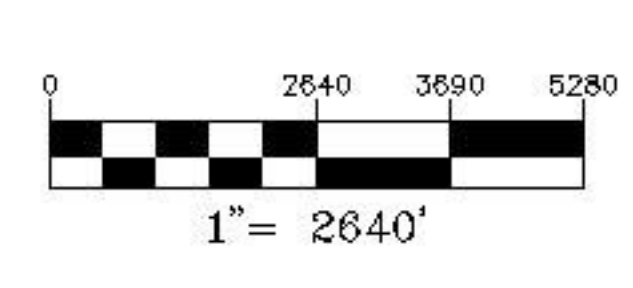
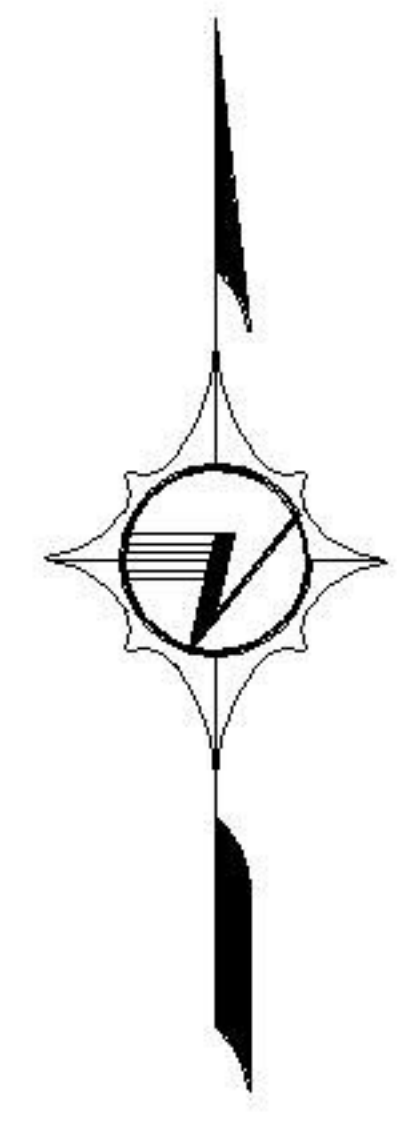
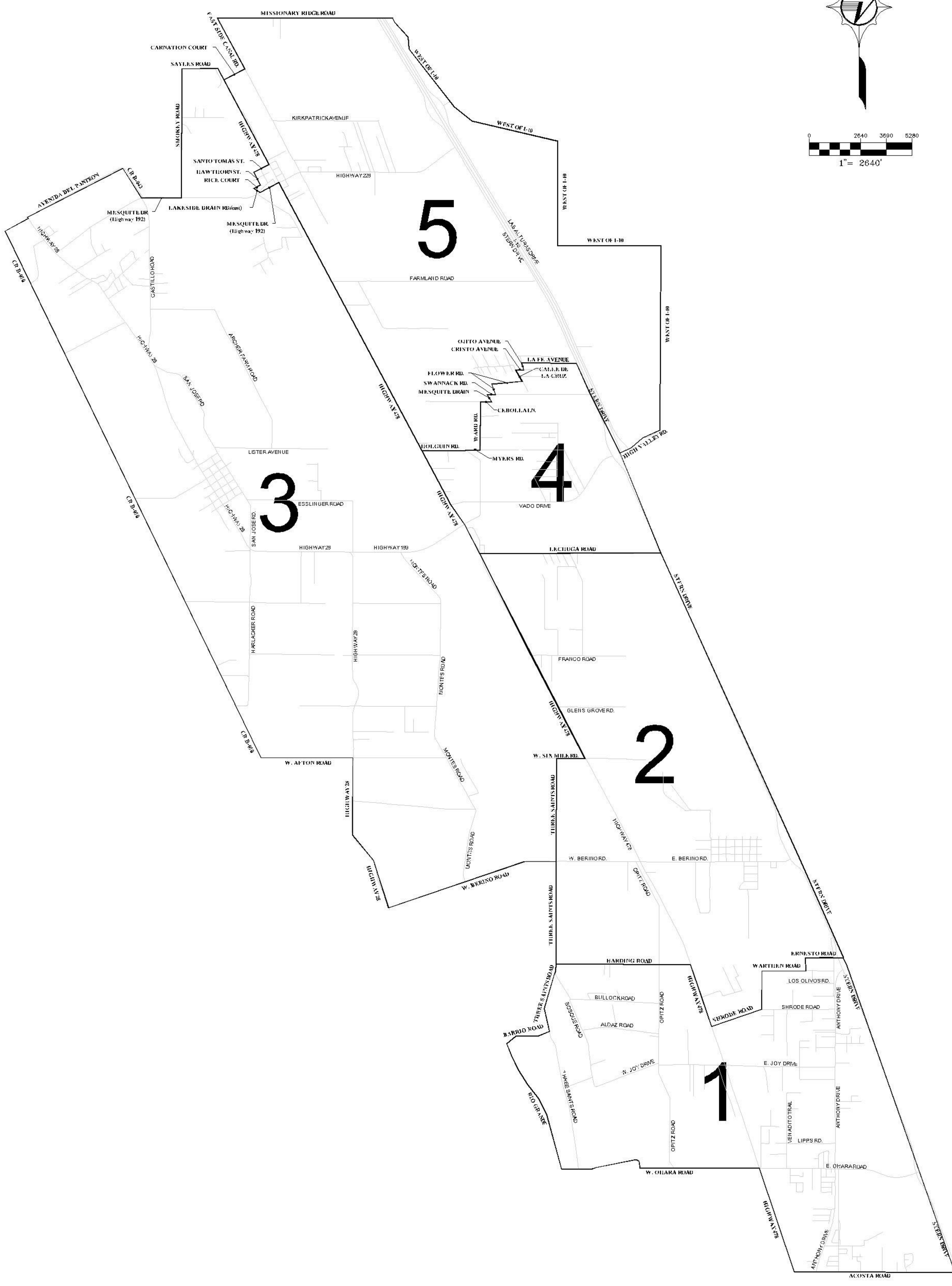
IN WITNESS THEREOF THE PARTIES HAVE EXECUTED THIS AGREEMENT THROUGH THEIR AUTHORIZED OFFICIALS ON THE DATE FIRST WRITTEN ABOVE.

Lower Rio Grande Public Water Works Authority

Roberto M. Nieto, Chairman

Brazito Mutual Domestic Water Consumers Association

Jeff Griffith, President



1
of
1
SHEET

VOTING DISTRICT MAP
SHEET TITLE
LOWER RIO GRANDE PUBLIC WATER WORK AUTHORITY

PROJECT NAME
LOWER RIO GRANDE PUBLIC WATER WORK AUTHORITY VOTING DISTRICT MAP

SCALE
AS SHOWN
DATE: NOVEMBER 2011
DESIGNED BY: TQ
DRAWN BY: TQ
CHECKED BY: G
APPROVED BY: SGT

ENGINEER'S SEAL

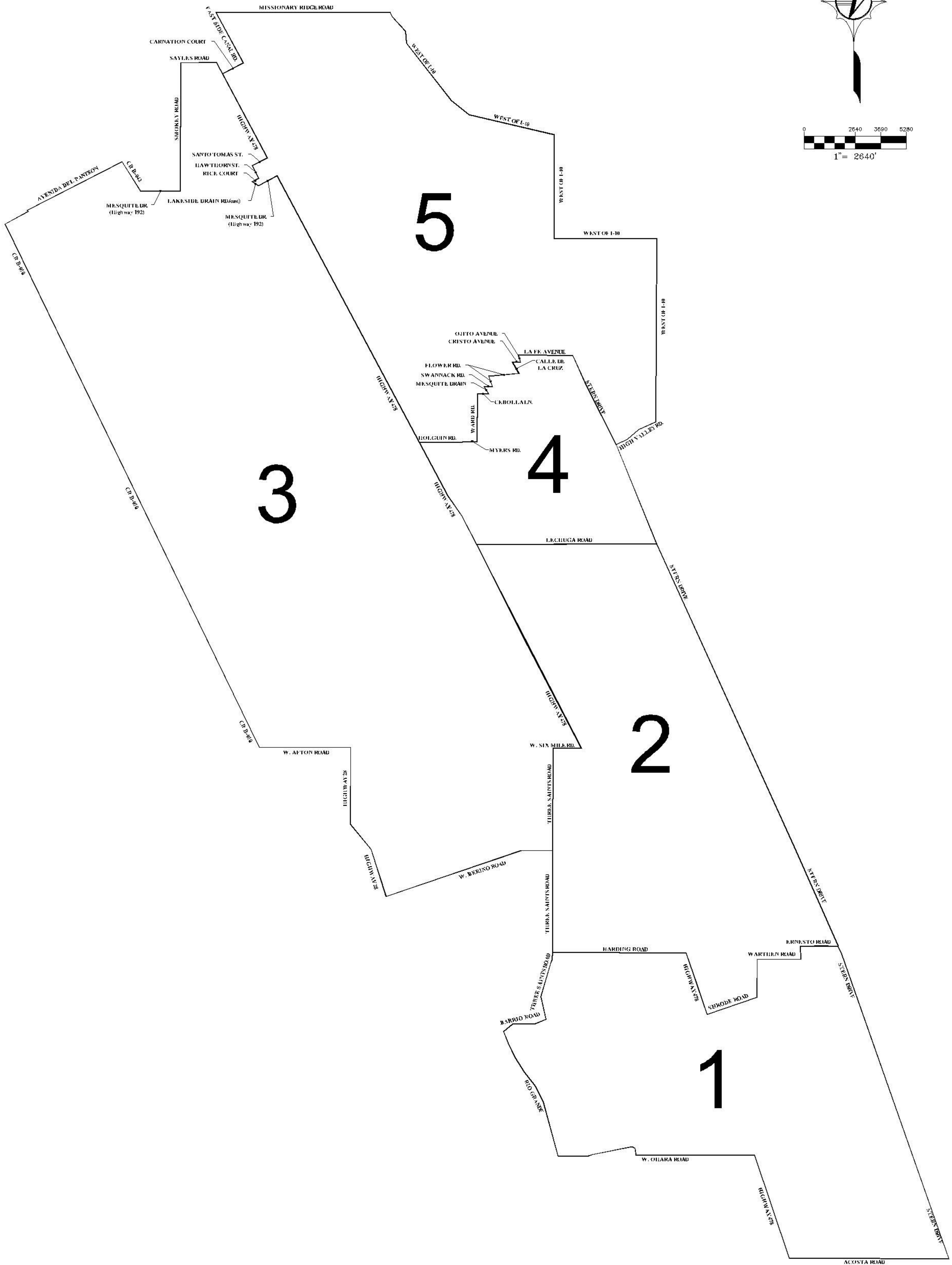
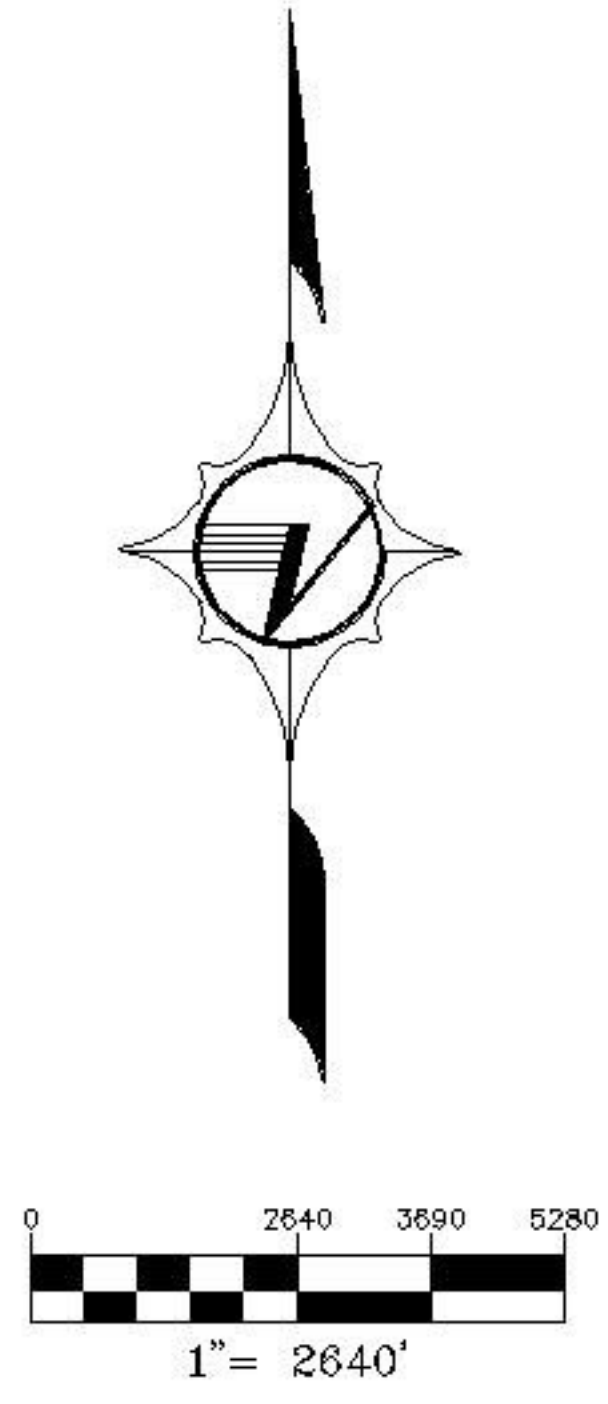


VENCOR ENGINEERING, LLC.
A Limited Liability Company

Las Cruces, New Mexico Tel (575) 642-7955
email: vencorllc@gmail.com Fax (575) 522-5352

REFERENCES -- BENCHMARKS

DATE	REVISION	BY
11/22/11	DESIGN REVISION	TQ/P.S.
11/22/11	DESIGN REVISION	TQ/P.S.
11/22/11	DESIGN REVISION	TQ/P.S.



1 of 1 SHEET

VOTING DISTRICT MAP

SHEET TITLE

LOWER RIO GRANDE PUBLIC WATER WORK AUTHORITY

PROJECT NAME

LOWER RIO GRANDE PUBLIC WATER WORK AUTHORITY VOTING DISTRICT MAP

SCALE

AS SHOWN

ENGINEER'S SEAL

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Las Cruces, New Mexico Tel (575) 642-7955
email: vencorllc@gmail.com Fax (575) 522-5352

REFERENCES -- BENCHMARKS

DATE	REVISION	BY
11/11/2011	DESIGN REVISION	UNFP.S
11/11/2011	DESIGN REVISION	UNFP.S
11/11/2011	DESIGN REVISION	UNFP.S

RESOLUTION NO. FY2012-09

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY

WHEREAS, the Lower Rio Grande Public Water Works Authority ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the Board of Directors ("Governing Body") is authorized to submit an Application (as defined below) for financial assistance for a Planning Document (as defined below) for the benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Finance Authority") has instituted a program for providing grants to evaluate and estimate the costs of implementing feasible alternatives for meeting water and wastewater public project needs or to develop water conservation plans, long-term master plans or economic development plans and has developed an application procedure whereby the Governing Body may submit an application ("Application") for planning grant financial assistance from the Finance Authority; and

WHEREAS, the Governing Body intends to submit a planning document to evaluate and estimate the costs of implementing feasible alternatives for meeting water public project needs ("Planning Document") of the LRGPWWA Surface Water Treatment Facility Project ("Project") for the benefit of the Governmental Unit and its citizens; and

WHEREAS, the application prescribed by the Finance Authority has been completed and submitted to the Governing Body and this Resolution approving submission of the completed Application to the Finance Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY:

Section 1. That all actions previously taken by the Governing Body and the Governmental Unit and their respective officers and employees in connection with the Application and the Project are hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Finance Authority, and are further authorized to take such other action as may be requested by the Finance Authority in connection with the Application and to proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this Resolution are hereby rescinded, annulled and repealed.

Section 5. This Resolution shall take effect immediately upon its adoption.

PASSES APPROVED AND ADOPTED this 12th day of January, 2012.

GOVERNING BODY

By _____
Roberto Nieto, Board Chairman

(Seal)

ATTEST:

Santos Ruiz, Secretary