



**Date:** May 19, 2021

**Time:** 9:30 a.m.

**Places:** Online Zoom meeting

**Event:** Regular Board Meeting

Name	Company Name	Contact Information Phone Number	Email Address
Karen Nichols	LRG- Projects Manager	575-233-5742 Ext1018	
Paul Smith	LRG- Board Director	505-710-4671	
Patricia Charles	LRG- Projects Specialist	575-233-5742 Ext1021	
Esperanza Holguin	LRG- Board Chair	575-644-9543	
Mike Lopez	LRG- Operations Manager	575-233-5742 Ext1011	
John Schroder	LRG- Accounting Assistant	575-233-5742 Ext1006	
Martin Lopez	LRG- General Manager	575-233-5742 Ext1004	
Henry Magallanez	LRG- Board Director	575-525-9683	
Kathi Jackson	LRG - Finance Manager	575-233-5742 Ext1005	
Stacie Durham	Organ Customer	575-312-4958	

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

## Minutes —REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, May 19, 2021 via Online Zoom Meeting

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

- I. **Call to Order, Roll Call to Establish Quorum:** Chair Mrs. Holguin called the meeting to order at 9:30 a.m., Mr. P. Smith representing District #1 was present, District #2 is vacant, Mr. Evaro representing District #3 was absent, Mrs. Holguin representing District #4 was present, Mr. Magallanez representing District # 5 was present, District #6 is vacant, Mr. F. Smith representing District #7 was present. Staff present were General Manager Martin Lopez, Finance Manager Kathi Jackson, Accounting Assistant John Schroder, Project Manager Karen Nicholas, Projects Specialist Patricia Charles, Operations Manager Mike Lopez. Guest present was Stacie Durham customer and community member.
- II. **Pledge of Allegiance** – postponed due to online meeting
- III. **Motion to approve Agenda** – Mr. Magallanez made the motion to approve the Agenda, Mr. P. Smith seconded the motion. The motion passed with all in favor.
- IV. **Approval of Minutes** -
  - A. **Motion to approve the minutes of the April 21, 2021 Regular Board Meeting** – Mr. F. Smith made the motion to approve the minutes for April 21, 2021 Regular Board Meeting. Mr. Magallanez seconded the motion, the motion passed with all in favor.
- V. **Presentations:** none
- VI. **Public Input:** none
- VII. **Managers' Reports**
  - A. **General Manager** – Mr. Lopez provided a written report and stood for questions. Mr. Lopez wanted to let the board members know that there will most likely be a formal request from Rincon Water Co-Op Board Members to merger with LRGPWWA. He will focus on doing an evaluation/assessment and will present the board with a feasibility report at a future meeting.
  - B. **Projects** – Ms. Nichols provided a written report and stood for questions. Ms. Nichols mentioned that we have 2 Projects out to bid, the first one is High Valley Water System Improvement Project II which is a new well. Second is the Central Office Building Project it is out to bid again with a new bid-opening date of June 10. Mr. Magallanez said that Moy Surveying would be happy to donate the survey services to LRGPWWA. Ms. Nichols thanked him and asked him to communicate with Wilson & Company field surveys are sometime needed during construction. The Water Master Plan – Bohannon Huston provided a Draft Water Master Plan for review and comments the meeting was held on 5/13/21. The Colonia's Infrastructure Board will be meeting tomorrow at

10:00 a.m. we have 2 Projects up for approval for funding. She will send out the agenda with the meeting information in case someone would like to attending the meeting.

**C. Operations** – Mr. Mike Lopez provided a written report and stood for questions. Mrs. Holguin said it looked like it was a good month and did not have a lot of line breaks. Mrs. Durham asked the board at what point they wanted her to present her questions. Mrs. Holguin told her that the item she was interested in was number IXA Resolution #FY2021-18.

**D. Finance** – Ms. Jackson provided a written report and stood for questions. Revenues where at \$260,380 and expenses were at \$309,045 for the month of April 2021. The extra money spent was due to well repairs. LRGPWWA is right on track with the budget, one more month for this year and we start a new one. Mrs. Holguin, thanks Mr. Jackson and said she and Mr. Schroder are doing a fantastic job with the finances.

## **VIII. Unfinished Business**

**A. Appointment of Directors for Districts 2 & 6** - Postponed

## **IX. New Business**

### **A. Motion to adopt Resolution #FY2021-18 Adopting Amended Governance Documents**

**Public Input** – Mrs. Holguin asked Ms. Nichols to explain the reason for this amendment. Ms. Nichols said before the board is a resolution to adopt an amendment to the Governance Documents. We held a public hearing as required. We had some public input via email (a copy of the emails have been included in today's packet. The emailed comments are from Mr. Salvador Guerrero and Mrs. Stacie Durham, who is present as this meeting. The reason for the amendment to the Governance documents is due to the issue we are having with Rural Development pertaining to accessing their funding. She has been doing projects between Desert Sands and LRGPWWA for over 40 years and has always been able to get funding from Rural Development. Rural Development is now questioning our ability to execute mortgages as security for their funding. Being compromised of Colonia's we get an advantages ration of grants to loans due to that status. Their concern is that there is nothing specifically in our statute addressing our ability to put up mortgages as collateral for loans. In order to address this our attorney has recommended that this amendment be added to Section 2.06 Authority Powers, Functions and Duties- #28. This section is also reflected in our Founding Statue, it lists all the things as a governmental entity we have the power to do. Mrs. Durham wanted to share her concerns about her water billing. She indicated that she was paying too much for the amount of water she uses. She said she should be in tier 1, but believes she is in tier 5. Mr. Lopez invited her to meet with him so they could go over her account and take a look at her water usage. Mrs. Durham also believes each Community should be individually assessed. She also opposed the payment plan for her community, she also indicated that she is the spokesperson for her Community. Chair Mrs. Holguin said, Mrs. Durham could meet with General Manager Martin Lopez and discuss the issues she was having with her water bill and any other issues she had with LRGPWWA. Mrs. Holguin acknowledged receiving the emailed comments from Mr. Sal Guerrero, who was not present at the meeting.

**Roll-call vote** - Mr. Magallanez made the motion to adopt Resolution #FY2021-18 Adopting Amended Governance Documents. Mr. P. Smith seconded the motion, the motion passed with all in favor.

- B. Motion to adopt Resolution #FY2021-19 Open Meetings Act Compliance (which includes the BoD Regular Board Meeting Schedule)** – Mr. Lopez indicated that the attached meeting schedule is mostly still the third Wednesday of each month at 9:30 a.m. Ms. Nichols said the only two months the meetings will be on the 2<sup>nd</sup> Wednesday of each month are November and December, this is because of the holidays. Mr. F. Smith asked when we would be going back to in person meetings. Chair Mrs. Holguin said the Governor is opening up in June, so she said we should be able to meet in person starting with the July Meeting. Mr. Magallanez made the motion to adopt Resolution #FY2021-19 Open Meetings Act Compliance and Regular Board Meeting Schedule. Mr. F. Smith seconded the motion, the motion passed with all in favor.
- C. Motion to adopt Resolution #FY2021-20 Adopting Interim Budget for FY2022** – Ms. Jackson said she was trying to be conservative and increased the Revenues and Expenses by 3%. We will have two revenue streams starting up during the next fiscal year from Brazito Sewer and Dona Ana County sewer billing. She does not know how much the revenues will be and due to the cost of materials and supplies she believes it will be a tough year and will have to watch it closely. Chair Mrs. Holguin thanked her for keeping an eye on LRGPWWA’s budget. Mr. F. Smith made the motion to adopt Resolution #FY2021-20 adopting Interim Budget for FY2022. Mr. P. Smith seconded the motion, the motion passed with all in favor.
- D. Termination of Membership for Delinquent Accounts** – Mr. Lopez said these customers have gone thru our collection process and the final action is to terminate the membership for non-payment. Some of these customers no longer own the properties, in this case we may be able to collect when the property is sold and require a new membership. The majority on the list have liens which will help in the collection of the funds. Ms. Charles notified Mr. Lopez that Customer Michael Martinez had communicated with our office yesterday and said he would be paying the account balance. She asked him if we needed to exclude him from the termination list. Mr. Lopez said he would like to amend the motion to exclude Mr. Martinez from the termination list and if not paid by next board meeting; then he will be on the agenda for termination. Mr. Magallanez asked why most accounts had liens filed and Mr. Martinez’s account was a write-off. Mr. Lopez said this happens when a customer is a renter and not an owner. Some old accounts, were setup by the old Mutual Domestic which would let the Renters open accounts in the renter’s name. The process now involves the Owner, so when the Renter does not pay then we place a lien on the Owner’s property. This will help in collecting delinquent account funds. Ms. Jackson said when accounts are written off the property is set to zero so the next owner has to establish new service.
- E. Staff Years of Service Recognition – Justin Butler for 5 years of service** – Mr. Butler is a Well technician and oversees the operations of the East Mesa area. Mr. Lopez will be presenting him with a 5-year plaque at a later date. Mrs. Holguin wanted to congratulate Mr. Butler for his dedication to LRGPWWA.
- X. Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, June 16, 2021 at the La Mesa Office.** – Chair Mrs. Holguin said this next meeting will still be virtual.
- A. Have any Board Members participated in training? If so, please give us a copy of your certificate** – Chair Mrs. Holguin said there would be a training set for next year on Ethics and recommended all

board members attend. She would like all board members to be certified in Board Ethics and other areas. She will let Mrs. Charles notify every one regarding the date of the training.

- B. Districts 3, 4, 5 & 7 expire in 2021, and 2 & 6 are vacant. Election Day is 11/2/21**
- C. Amendment to Member Customer Policies regarding changes of ownership**
- D. Award of construction contracts for High Valley Water System Improvements Phase II and Central Operations Facility Projects**

**XI. Motion to Adjourn** – Mr. F. Smith made the motion to adjourn the board meeting at 10:14 a.m. Mr. P. Smith seconded the motion, the motion passed with all in favor.

**These minutes will be presented to the board for approval on the 16<sup>th</sup> Day of June, 2021 at a regular meeting of the Board of Directors:**

**SEAL:**

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Esperanza Holguin, Board Chair

Attest:

\_\_\_\_\_  
Joe Evaro, Secretary

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

## Meeting Notice & Agenda—REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, May 19, 2021 via Online Zoom Meeting

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

- I. Call to Order, Roll Call to Establish Quorum: District #1 (Mr. P. Smith) \_\_, #2 (Vacant) \_\_, #3 (Mr. Evaro) \_\_, #4 (Mrs. Holguin) \_\_, # 5 (Mr. Magallanez) \_\_, #6 (Vacant) \_\_, #7 (Mr. F. Smith) \_\_
- II. Pledge of Allegiance – postponed due to online meeting
- III. Motion to approve Agenda
- IV. Approval of Minutes
  - A. Motion to approve the minutes of the April 21, 2021 Regular Board Meeting
- V. Presentations: none
- VI. Public Input
  - A. General Matters: 15 minutes are allotted for this item, 3 minutes per person
- VII. Managers’ Reports
  - A. General Manager
  - B. Projects
  - C. Operations
  - D. Finance
- VIII. Unfinished Business
  - A. Appointment of Directors for Districts 2 & 6 - Postponed
- IX. New Business
  - A. Motion to adopt Resolution #FY2021-18 Adopting Amended Governance Documents
    1. Public Input
    2. Board discussion
    3. Roll-call vote
  - B. Motion to adopt Resolution #FY2021-19 Open Meetings Act Compliance (which includes the BoD Regular Board Meeting Schedule)
  - C. Motion to adopt Resolution #FY2021-20 Adopting Interim Budget for FY2022
  - D. Termination of Membership for Delinquent Accounts

- E.** Staff Years of Service Recognition – Justin Butler for 5 years of service
  
- X.** Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, June 16, 2021 at the La Mesa Office.
  - A.** Have any Board Members participated in training? If so, please give us a copy of your certificate
  - B.** Districts 3, 4, 5 & 7 expire in 2021, and 2 & 6 are vacant. Election Day is 11/2/21
  - C.** Amendment to Member Customer Policies regarding changes of ownership
  - D.** Award of construction contracts for High Valley Water System Improvements Phase II and Central Operations Facility Projects

**XI.** Motion to Adjourn

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aide or service to attend or participate in the hearing or meeting, please contact the LRGPWWA office at 575-233-5742, PO Box 2646, Anthony NM 88021 OR 215 Bryant St., Mesquite NM at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the LRGPWWA office if a summary or other type of accessible format is needed.

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete de lenguaje de signos o cualquier otra forma de ayudante auxiliar o servicio para asistir o participar en la audiencia o reunión, póngase en contacto con la oficina de LRGPWWA, 575-233-5742, PO Box 2646, Anthony, NM 88021 o 215 Bryant St., Mesquite, NM por lo menos una semana antes de la reunión o tan pronto como sea posible. Documentos públicos, incluyendo el orden del día y actas, pueden proporcionarse en diferentes formatos accesibles. Póngase en contacto con la oficina LRGPWWA si es necesario un resumen u otro tipo de formato accesible.

# LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

## Minutes—REGULAR BOARD OF DIRECTORS MEETING

9:30 a.m. Wednesday, April 21, 2021 via Online Zoom Meeting

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

- I. **Call to Order, Roll Call to Establish Quorum:** Chair Mrs. Holguin called the meeting to order at 9:45 a.m., Mr. P. Smith representing District #1 attended at 9:55 a.m., District #2 is Vacant, Mr. Evaro representing District #3 was present, Mrs. Holguin representing District #4 was present, Mr. Magallanez representing District # 5 was present, District #6 is Vacant, Mr. F. Smith representing District #7 was absent. Staff members present were General Manager Martin Lopez, Projects Manager Karen Nichols, Projects Specialist Patricia Charles, Finance Manger Kathi Jackson, Accounting Assistant John Schroder and LRGPWWA Attorney Josh Smith. Guests present were Marty Howell and Lilla Reid from Souder, Miller & Associates and Diana Gomez from Bohannon Huston, Inc.
- II. **Pledge of Allegiance** – postponed due to online meeting
- III. **Motion to approve Agenda-** Mr. Magallanez made the motion to approve the Agenda, Mr. Evaro seconded the motion. The motion passed with all in favor.
- IV. **Approval of Minutes**
  - A. **Motion to approve the minutes of the March 17, 2021 Regular Board Meeting** – Mr. Magallanez made the motion to approve the minutes, Mr. Evaro seconded the motion. The motion passed with all in favor.
- V. **Presentations** - none
- VI. **Public Input** - none
- VII. **Managers' Reports**
  - A. **General Manager-** Mr. Lopez provided a written report and stood for questions. There were no questions from the Board of Directors.
  - B. **Operations-** Mr. Mike Lopez was not present at the meeting, but provided a written report. There were no questions from the Board of Directors.
  - C. **Finance-** Ms. Jackson provided a written report and stood for questions. There were no questions from the Board of Directors.
  - D. **Projects-** Ms. Nichols provided a written report and stood for questions. Mrs. Holguin asked if she had any idea when the bidding would start for the Central Office Building. Ms. Nichols said it is



currently out to bid and will open bids on June 10<sup>th</sup>. The first time this project was out to bid she was informed that companies were very busy and were not able to finish their bids by the deadline.

## **VIII. Unfinished Business**

### **A. Appointment of Directors for Districts 2 & 6 - Postponed**

## **IX. New Business**

- A. Motion to adopt Resolution #FY2021-17 Adopting & Approving 3rd Quarter Budget Report-** Mr. P. Smith made the motion to adopt Resolution #FY2021-17 Adopting & Approving 3<sup>rd</sup> Quarter Budget Report. Mr. Evaro seconded the motion. Ms. Jackson said, Revenues were right on target and expenditures were a bit over, but this could be corrected with a budget adjustment. The motion passed with all in favor.
- B. Motion to adopt Resolution #FY2021-16 Authorizing the Execution of Mortgages to Secure Indebtedness-** Mr. Magallanez made the motion to adopt Resolution #FY2021-16 Authorizing the Execution of Mortgages to Secure Indebtedness. Mr. Evaro seconded the motion. Mr. Lopez said he would defer to Ms. Nichols and Mr. Josh Smith, this is related to USDA and our ability to move forward and finalize a couple of our Projects, one being Phase II Sewer Project and Berino Well Project. Ms. Nichols said one of our Projects has been in review since early August 2020. Mr. Josh Smith has been in contact with USDA General Council regarding this matter. They are saying that LRGPWWA does not have authority to mortgage our real property or enter into a promissory note. They suggested we issue a bond, which would prove to be very expensive. Mr. Josh Smith has crafted this resolution in order to cover what their policy says about their issue. She said Mrs. Diana Gomez had a conversation with someone at USDA-RD and she would like to speak about that conversation we could give her a moment after Mr. Josh Smith has talked about the resolution. Mr. Josh Smith said the reason for this resolution is that he has gone thru the Rural Utilities Service Regulations and basically, they are permitted to secure their loans with mortgages and promissory notes if the entity they are dealing with has Governance documents, Statutes, Policies, Ordinances and resolutions to that effect. The LRGPWWA Statutes have a lot of catch all language that allows them to arguably do that. But it specifically spells out the process of issuing revenue bonds, so the Office of General Council has latched on to that and it is not just LRGPWWA that is having this issue, entities all over New Mexico and the Western United States. But by executing this Resolution and adopting this as a policy, he believes LRGPWWA is meeting their criteria to execute mortgages and promissory notes. Ms. Holguin asked if there were any more questions. Mrs. Diana Gomez said she had a conversation with someone at USDA-RD regarding this matter. She believes the approach LRGPWWA is taking in creating this resolution is better than, the solution she was given from USDA-RD. Their answer was to comply with their demands and current interpretation of their policies. Mrs. Gomez said the cost for this is high and was not included in this Project or any other Project, Mrs. Holguin said she believed the cost for this would be about \$32,000.00. After no questions the motion passed with all in favor.
- C. Motion to authorize the General Manager and attorney to draft an amendment to the Lower Rio Grande Public Water Works Authority Governance Document to formally authorize its board of directors to execute mortgages to secure indebtedness-** Mr. P Smith made the motion to

authorize the General Manager and attorney to draft an amendment to the LRGPWWA Governance Documents to execute mortgages and secure indebtedness, Mr. Magallanez seconded the motion. Mr. Lopez said this authorization is to give Staff authorization to put together the wording needed to amend the Governance Documents. Ms. Nichols and Mr. Josh Smith have already started working on this. One of the next steps is to hold a public hearing for the proposed Governance Document amendment. The motion passed with all in favor.

**D. Motion to authorize the General Manager to hold a public hearing for the proposed Governance Document amendment-** Mr. Lopez said he would like to hold a Zoom meeting and preferably before the next board meeting. Mr. Evaro made the motion to authorize the General Manager to hold a public hearing for the proposed Governance Document Amendment. Mr. Magallanez seconded the motion, the motion passed with all in favor.

**X. Other discussion and agenda items for next meeting at 9:30 a.m. Wednesday, May 19, 2021 at the La Mesa Office.**

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

**B. Districts 3, 4, 5 & 7 expire in 2021, and 2 & 6 are vacant. Election Day is 11/2/21**

**C. Resolution to adopt Amended Governance Documents**

**XI. Motion to Adjourn-** Mr. Evaro made the motion to adjourn the board meeting at 10:19 a.m. Mr. P. Smith seconded the motion, the motion passed with all in favor.

**These minutes will be presented to the board for approval on the 19<sup>th</sup> Day of May, 2021 at a regular meeting of the Board of Directors:**

**SEAL:**

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Esperanza Holguin, Board Chair

Attest:

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Joe Evaro, Secretary

**LRGPWWA**  
**Manager's Report**  
**May 19, 2021**

- Rincon Water Co-op Board Members have requested a merger. LRGPPWA will assess and report to LRGPPWA Board after a formal request is provided for consideration
- Met with DAC staff to discuss implementation of sewer billing agreement
- Issued a “Ready, Willing and Able (Commitment letter)” for water service for the proposed Mountain View Subdivision (104 residential lots) in Berino
- Invoiced farmer for the Vado farm property for 2021 rental
- 2020 Water Audit was completed by staff and requested information will be submitted to the Environment Department by May 31<sup>st</sup>

**LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY  
PROJECTS REPORT – 5/19/2021**

**LRG-17-01 – Mesquite-Brazito Sewer Project 2 – Bohannon Huston, Inc. – Design Stage – USDA-RD LOC \$15,030,780 (\$6,189,000 Loan/\$8,030,000 Grant)** –27<sup>th</sup> Request for Funds from RCAC bridge loan has been submitted. LOC documents were submitted 4/26/21. Project is pending USDA-RD authorization to bid.

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

**LRG-11-05 – South Valley Water Supply & Treatment Project WTB #252– Bohannon Huston - Design stage - \$750,000 WTB – 10% Loan 10% Match:** RCAC loan was approved, and loan commitment has been extended. Contract Documents have been approved by USDA-RD and NMED-DWB. Extension of Time has been submitted to NM OSE for the well. RD approval to bid and closing on RCAC construction loan are pending, closing instructions have been requested from OGC, and all LOC items have been submitted as of early August 2020. USDA-RD OGC had questions concerning the LRGPWWA’s authority to engage in mortgages and loans, and our attorney has responded. RD’s Office of General Counsel has agreed to provide a written explanation of their issue. Resolution adopted at the April meeting was the first step toward addressing the problem. Public Hearing for Governance Document amendment was held 5/4/21, and it is on today’s agenda. We will also pursue an amendment to our statute.

**LRG-17-01 – Water Master Plan – BHI - WTB #252/CDBG 19-C-NR-I-06-G-100 \$50,000 + \$60,000 LRG funds:** Eighth draw on funding is in process. BHI provided a Draft Water Master Plan for review and comment on 4/29/21. Review meeting was held on 5/13/21.

**LRG-17-02 – Central Office Building – Wilson & Co. - DW-4213 \$3,285,619:** The project is out to bid again with a new bid-opening date of June 10. Pre-bid conference was held 4/14/21. Capital Outlay bill signed by the governor includes \$1.2 million for this project for construction, furniture & equipment. \$950k of the \$1.2 million was provided by Governor Lujan-Grisham, \$200k by Senator Cervantes, and \$50k by Representative Lara.

**Forty-Year Water Plan – CE&M – complete – needs update for new mergers after Brazito combine & commingle:** pending NM-OSE comments/approval. Currently only includes the initial five systems.

**LRG-13-03 – Valle Del Rio Water System Project – Construction Stage & Ph. II Design - \$1,197,708 DWSRLF funding - \$898,281 principal forgiveness – 299,427 loan repayment – Souder, Miller & Associates:** Change Order #3 was approved 4/28/21.

**LRG-17-03 –East Mesa Water System Improvements Project – NMFA 3803-PG & 3804-PG \$93,307, 4915-CIF \$207,608 Loan/\$39544 Grant/\$9,562 Match – Design** – Replacement Well Permit application was submitted 4/20/21, NMED-DWB review application was submitted 4/20/21 as well. Project Interest Form has been submitted to NMED-DWB for DWSRLF funding, and required documents have been submitted. DWB review is complete, NMFA is currently reviewing, then we can begin application process. Colonia’s application was submitted for Ph. II design, and Colonia’s Project Committee has recommended it for funding. Colonia’s Board meeting is tomorrow.

**LRG-18-01 Ph. II – High Valley Water System Improvements Ph. II Project – NMFA 4916-CIF \$630,384 Grant, \$111,244 Loan – Design & Construction – Souder, Miller & Assoc.** –NMED-CPB approved bid documents on 4/6/21. Project is out to bid, pre-bid conference was held 5/4/21, and bid opening is scheduled for 5/25/21. Application for DAC ROW permit for Arapaho Rd. was submitted 5/3/21.

Colonia's application for Phase III funding has been submitted, Colonia's Project Committee recommended it for funding, and Colonia's Board meets tomorrow.

**LRG-18-02 – Stern Drive Waterline Extension Project – Design/Build – SMA - \$150,000 SAP** – We applied for \$240,000 Capital Outlay, and the bill the governor signed contained \$175,000 for this project. \$100k was provided by Senator Cervantes, and \$75k by Representative Angelica Rubio.

**LRG-19-09 – S. Valley Service Area Line Extensions - SMA** –We have Task Order with SMA to do community outreach to see where there is interest from potential new customers, and determine whether a PER is needed. Work is underway, and survey phase is complete.

**LRG-20-01 – Mesquite Wetlands Closure – Plan/Design - BHI - \$250,000 SAP:** Final walk-through was held 3/11/21. Change Order for some additional dirt-work, fence repair, and gravel roadway to the monitor wells has been submitted to NMED-CPB and is pending approval.

**LRG-21-01 – Vado Area Water System Improvements – Plan/Design/Construct – SMA - \$139,000 SAP 20-E4038-GFR** – Reauthorized SAP from Jacquez Road will be used to rehab one or two bore and install some new valves in the Vado system. Contract proposal from SMA was submitted to NMED-CPB for approval, revised based on CPB comments, and resubmitted 4/15/21, and approved 4/16/21.

### **Other projects:**

**NM 2021 Legislature:** Legislative Report is final for 2021, Capital Outlay Report by sponsor has also been completed.

**Infrastructure Capital Improvements Plan 2022-2026:** ICIP is final, has been submitted to NM DFA, corrected, and approved. Final document is posted on the Projects & Planning page at our website.

**Reporting to Funding Agencies:** Quarterly CIF Reports were submitted for 1<sup>st</sup> Quarter, SAP monthly reporting is up to date, SAP questionnaires have been completed for the 2021 grants

**Documents Retention & Destruction** – Sorting of old association documents for storage or destruction is ongoing, and staff is implementing approved retention/destruction schedules for LRGPWWA documents. One bin was sent out for shredding in the past month.

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

**Training** – I have not attended any training in the past month. Patty attended The Impact of COVID on Revenue Loss for Rural Water Utilities on 4-21-21

**As Needed Engineering Services** - Currently we have one active Task Orders: Bohannon Huston, Inc. for a State Land Office lease renewal. One additional Task Order is pending with Souder, Miller & Associates for an NM DOT permit.

**Collection & Lien Procedures** - 309 first notifications, 306 certified letters have been sent and 126 liens have been filed to date. 47 liens have been released following payment in full of the account.

**Water Audits** –Water Audit Committee met on May 11 & 12<sup>th</sup> to review and grade the audits.

**Rate Study** – Implementation of rate adjustment begins July 1.

**Cyber Security Assessment** – Follow-up meeting with Karl Pennock, RCAC, was held on 3/4/21.

# **Lower Rio Grande PWWA**

## **Operators Report**

**May 19, 2021**

### **System Problems and Repairs.**

- Backflow inspections are Current. (Mesquite District)
- For the month of March, we were issued 178 work and service orders.
- For the month of April, we were issued 188 work and service orders.
- For the month of April, we installed 8 new water service connections in the South Valley.
- We had no main line break at Alto De las Flores.
- We had no main line break at the East Mesa.
- We had no main or service line breaks at Talavera MDWCA.
- We had two Main line breaks in South valley area.
- Arroyo and El Centro are back in service and pumping fine.
- Well #6 and well 13 are back in service and pumping fine.
- I have Taken samples at all three monitoring wells at the mesquite wetlands and all results are in single digits.

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

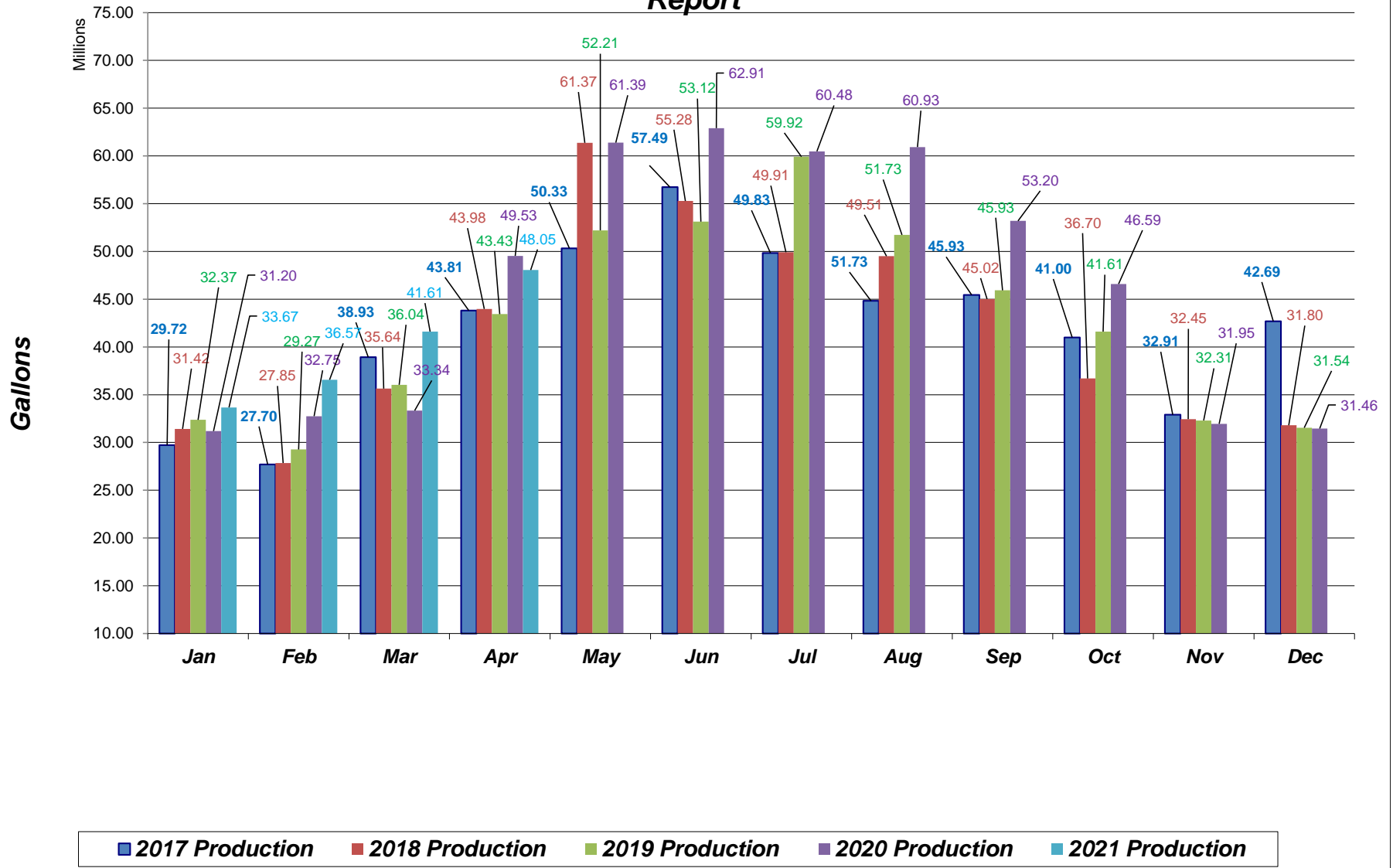
**Mesquite district Wetlands:** The three monitoring wells have been drilled and are ready to sample. We have sampled this month to get a base line of our results before the actual report is due.

**Mesquite and Organ Sewer Reports.** The Organ and the Mesquite Wastewater reports are not due Until July 1<sup>st</sup>, 2021.

**Chlorine:** No problems.

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

## Lower Rio Grande PWWA Water Production Report







# Income Statement

Lower Rio Grande Public Water Works Authority

Group Summary

For Fiscal: FYE 2021 Period Ending: 04/30/2021

AcctNumber	Current			Budget
Revenue	Total Budget	MTD Activity	YTD Activity	Remaining
40000 - Operating Revenue	2,990,000.00	214,543.64	2,640,971.49	349,028.51
40001 - Activation & Connection Fees-Sew	0.00	266.67	533.34	-533.34
40002 - Installation Fees	105,000.00	13,572.17	103,297.77	1,702.23
40003 - Activation & Connection Fees-Wat	5,000.00	400.00	3,350.00	1,650.00
40005 - Backflow Testing	7,000.00	0.00	6,100.00	900.00
40006 - Tampering Fee/Line Breaks	0.00	637.88	2,700.28	-2,700.28
40007 - Delinquency Fee	50,000.00	6,400.00	82,800.00	-32,800.00
40008 - Penalties-Water	50,000.00	5,318.74	73,364.99	-23,364.99
40009 - Membership Fees	5,000.00	450.00	7,663.35	-2,663.35
40010 - Impact Fees	40,000.00	5,204.22	176,381.26	-136,381.26
40011 - Returned Check Fees	0.00	0.00	115.00	-115.00
40012 - Credit Card Fees	8,000.00	1,308.00	12,262.00	-4,262.00
40013 - Miscellaneous Revenue	0.00	13.04	233.14	-233.14
40015 - Penalties-Sewer	4,500.00	606.16	5,714.46	-1,214.46
40017 - Hydrant Meter Rental Fee	5,000.00	250.00	2,500.00	2,500.00
40019 - DAC Trash Coupons	1,000.00	40.00	686.00	314.00
40020 - Miscellaneous Revenue-Sewer	2,500.00	60.83	2,539.43	-39.43
45000 - Tower Rent	5,000.00	500.00	5,000.00	0.00
45001 - Billing Adjustments-Water	0.00	-318.86	-4,974.90	4,974.90
45005 - Fiscal Agent Fees	50,000.00	6,741.68	52,145.95	-2,145.95
45010 - Interest	0.00	26.90	239.25	-239.25
45015 - Copy/Fax	0.00	5.00	97.00	-97.00
45020 - Other Income	45,000.00	557.98	8,649.59	36,350.41
45022 - Annual Farm Rental	5,000.00	0.00	0.00	5,000.00
45025 - Contract Services	40,000.00	3,795.57	38,488.47	1,511.53
45030 - Transfers In	0.00	0.00	56,290.00	-56,290.00
49000 - Recovered Bad Debts	0.00	0.00	1,600.00	-1,600.00
<b>Revenue Total:</b>	<b>3,418,000.00</b>	<b>260,379.62</b>	<b>3,278,747.87</b>	<b>139,252.13</b>
<b>Expense</b>				
60001 - Transfer to Reserves	0.00	10,000.00	100,000.00	-100,000.00
60005 - Accounting Fees	500.00	0.00	0.00	500.00
60010 - Audit	14,000.00	0.00	13,666.25	333.75
60020 - Bank Service Charges	15,000.00	2,546.63	24,392.42	-9,392.42
60025 - Cash Short/Over	500.00	0.00	252.01	247.99
60026 - Computer Hardware	10,000.00	2,961.17	10,175.42	-175.42
60030 - Dues and Subscriptions	3,000.00	0.00	5,911.79	-2,911.79
60035 - Engineering Fees	10,000.00	0.00	4,972.12	5,027.88

60045 - Late Fees	1,000.00	0.00	39.54	960.46
60050 - Legal Fees	5,000.00	151.64	4,062.90	937.10
60055 - Legal Notices	2,500.00	0.00	0.00	2,500.00
60060 - Licenses & Fees	6,000.00	150.00	7,112.59	-1,112.59
60065 - Meals	2,500.00	0.00	17.93	2,482.07
60075 - Permit Fees	1,500.00	0.00	1,075.00	425.00
60080 - Postage	3,000.00	26.35	1,324.72	1,675.28
60090 - Professional Fees-Other	10,000.00	0.00	-6,563.43	16,563.43
60100- Project Development	0.00	10,571.49	67,485.27	-67,485.27
60120 - Retirement Account Fees	6,500.00	1,384.96	7,425.76	-925.76
60125 - Easements & Leases	10,000.00	1,460.72	1,460.72	8,539.28
60130 - Training	5,000.00	0.00	1,950.38	3,049.62
60140 - Travel:Airfare Per Diem	3,000.00	0.00	0.00	3,000.00
60150 - Travel:Lodging Per Diem	4,000.00	0.00	0.00	4,000.00
60155 - Travel:Meals Per Diem	2,000.00	0.00	0.00	2,000.00
60160 - Travel:Mileage/Parking Per Diem	1,500.00	0.00	0.00	1,500.00
60165 - Travel:Vehicle Rental Per Diem	1,000.00	0.00	0.00	1,000.00
60600 - Debit Service	148,000.00	8,967.57	237,210.95	-89,210.95
60625 - Interest paid to NMED	14,000.00	0.00	0.00	14,000.00
60650 - Interest paid to NMFA	37,000.00	2,364.95	27,269.33	9,730.67
60675 - Interest paid to USDA	125,000.00	11,596.26	127,905.07	-2,905.07
63000 - Regular Pay	1,120,000.00	86,747.64	882,251.51	237,748.49
63001 - Overtime	54,500.00	2,730.89	31,214.40	23,285.60
63006 - Holiday Pay	56,500.00	0.00	49,201.14	7,298.86
63007 - Sick Pay	50,000.00	5,184.45	53,646.36	-3,646.36
63008 - Annual Leave Pay	118,000.00	8,846.82	77,009.39	40,990.61
63010 - 401K 10% Company Contribution	5,000.00	0.00	0.00	5,000.00
63020 - 401K Employee Contribution	2,000.00	0.00	0.00	2,000.00
63040 - Administrative Labor	5,000.00	0.00	0.00	5,000.00
63060 - Contract Labor	0.00	0.00	649.88	-649.88
63070 - Employee Benefits-401K Contrib	168,500.00	3,071.22	31,077.73	137,422.27
63100 - Insurance-Dental	12,500.00	1,183.50	11,142.16	1,357.84
63110 - Insurance-Health	250,000.00	24,967.06	230,834.38	19,165.62
63115 - Salaries: Insurance - Work Comp	15,000.00	0.00	8,961.00	6,039.00
63125 - Insurance: Life & Disability	12,500.00	0.10	56.96	12,443.04
63130 - Mileage	1,500.00	0.00	0.00	1,500.00
63135 - Drug Testing	500.00	0.00	495.65	4.35
63160 - Payroll Taxes-Medicare	20,500.00	1,500.86	15,853.18	4,646.82
63170 - Payroll Taxes-Social Security	80,500.00	6,417.61	67,785.90	12,714.10
63180 - Payroll Taxes-State Unemployment	0.00	0.00	984.00	-984.00
63195 - Taxes, Liability, Insurance: Cobra F	0.00	75.00	685.00	-685.00
63200 - Vision Insurance	4,000.00	328.41	3,253.06	746.94
64100 - Sewer:DAC Waste Water Flow Cha	50,000.00	4,701.25	47,389.60	2,610.40
64200 - Sewer:Electricity-Sewer	9,000.00	780.39	11,840.45	-2,840.45

64300 - Sewer:Lab & Chemicals-Sewer	10,000.00	0.00	15,643.76	-5,643.76
64500 - Sewer:Supplies & Materials	28,500.00	0.00	45.87	28,454.13
64501 - Pre Paid Tank Site Lease	0.00	0.00	1,625.00	-1,625.00
65010 - Automobile Repairs & Maint.	30,000.00	1,223.80	44,892.34	-14,892.34
65230 - Computer Maintenance	70,000.00	460.57	58,687.15	11,312.85
65240 - Equipment Rental	2,500.00	0.00	320.06	2,179.94
65250 - Fuel	60,000.00	0.00	38,605.96	21,394.04
65255 - GPS Insights Charges	7,000.00	722.71	6,854.41	145.59
65260 - Kitchen & Cleaning Supplies	1,000.00	0.00	0.00	1,000.00
65270 - Lab Chemicals-Water	5,000.00	0.00	891.90	4,108.10
65275 - SCADA Maintenance Fee	2,000.00	0.00	0.00	2,000.00
65276 - Test Equipment Calibration	2,000.00	0.00	0.00	2,000.00
65277 - Generator Maintenance Contract	3,000.00	0.00	698.59	2,301.41
65278 - Meter Testing/Repair/Replacemer	20,000.00	0.00	234.55	19,765.45
65280 - Lab Chemicals-Water:Chemicals	35,000.00	2,375.83	29,304.11	5,695.89
65300 - Locates	2,500.00	0.00	0.00	2,500.00
65310 - Maint. & Repairs-Infrastructure	65,000.00	51,707.78	206,162.24	-141,162.24
65320 - Maint. & Repairs-Office	12,500.00	3,249.38	16,234.61	-3,734.61
65330 - Maintenance & Repairs-Other	16,500.00	7,288.36	45,411.74	-28,911.74
65340 - Materials & Supplies	50,000.00	5,930.47	43,919.79	6,080.21
65345 - Non Inventory-Consumables	50,000.00	739.67	30,440.12	19,559.88
65350 - Office Supplies	10,000.00	0.00	10,986.96	-986.96
65360 - Printing and Copying	47,500.00	4,057.92	39,473.58	8,026.42
65370 - Tool Furniture	10,000.00	1,301.82	23,410.53	-13,410.53
65390 - Uniforms-Employee	15,000.00	598.43	9,687.13	5,312.87
65490 - Cell Phone	20,000.00	2,610.72	18,116.52	1,883.48
65500 - Electricity-Lighting	6,000.00	229.16	4,827.14	1,172.86
65510 - Electricity-Offices	15,000.00	496.51	11,074.41	3,925.59
65520 - Electricity-Wells	200,000.00	4,808.98	164,358.01	35,641.99
65530 - Garbage Service	3,000.00	220.08	2,193.66	806.34
65540 - Natural Gas	3,000.00	101.24	1,723.82	1,276.18
65550 - Security/Alarm	5,000.00	0.00	3,488.86	1,511.14
65560 - Telephone	20,000.00	949.01	25,073.09	-5,073.09
65561 - Telstar Maintenance Contract	7,000.00	0.00	0.00	7,000.00
65570 - Wastewater	2,000.00	0.00	1,705.80	294.20
66200 - Insurance-General Liability	90,000.00	20,007.00	82,665.00	7,335.00
66700 - Water Conservation Fee	15,000.00	1,248.19	13,780.82	1,219.18
<b>Expense Total:</b>	<b>3,418,000.00</b>	<b>309,044.57</b>	<b>3,114,016.02</b>	<b>303,983.98</b>
<b>Total Surplus (Deficit):</b>	<b>0.00</b>	<b>-48,664.95</b>	<b>164,731.85</b>	<b>-164,731.85</b>



# LOWER RIO GRANDE

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## Public Water Works Authority

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325 Holguin Road

Vado, New Mexico 88072

(575) 233-5742

<http://LRGauthority.org>

## **Resolution #FY2021-18**

### **Adopting Amended Governance Document**

**WHEREAS**, the Lower Rio Grande Public Water Works Authority is a political subdivision of the State of New Mexico established under NMSA 1978 73-26-1; and

**WHEREAS**, the Lower Rio Grande Public Water Works Authority Board of Directors at its regular monthly meeting on Wednesday, April 21, 2021 authorized its General Manager and attorney to develop an amendment to its Governance Document for the purpose of clarifying its authority to place liens on public property by entering into mortgages and promissory notes and schedule a public hearing on the proposed amendment; and

**WHEREAS**, the required public hearing was held on Tuesday, May 6, 2021 at 6:00 p.m. via Zoom online/telephone platform; and

**WHEREAS**, the public comments received at the May 6, 2021 public hearing have been provided to the Lower Rio Grande Public Water Works Authority directors after the public hearing and have been reported and considered at the Board of Directors meeting on Wednesday, May 19, 2021;

**NOW THEREFORE BE IT RESOLVED** by the Lower Rio Grande Public Water Works Authority Board of Directors that the Governance Document is amended as required under NMSA 1978 NMSA 1978 73-26-1 is hereby adopted.

**PASSED, APPROVED, AND ADOPTED THIS 19<sup>TH</sup> DAY OF MAY, 2021:**

**SEAL:**

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Esperanza Holguin, Board Chair

**ATTEST:**

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Joe Evaro, Secretary



## **Governance Document**

**Of the**

# **Lower Rio Grande Public Water Works Authority**

*Adopted October 10, 2010*

*Amended April 2, 2013*

*Amended October 16, 2019*



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## ARTICLE I DEFINITIONS AND CONSTRUCTION

**SECTION 1.01. DEFINITIONS.** As used in this Document, the following terms shall have these meanings unless the context clearly requires otherwise:

**“Authority”** shall mean the Lower Rio Grande Public Water Works Authority and, unless the context indicates otherwise, means the legal entity created through legislative action under NMSA 1978, § 73-26-1 (2009).

**SECTION 1.02. FINDINGS.** The founding entities of the Authority have determined that:

- A. When they began to meet, work together, and assist each other, the founding entities found they had many common challenges, including aging infrastructure, increasing regulatory requirements, decreasing funding, limited water sources, increasing operating expenses, increasing demand on the systems as a result of population growth, shortage of volunteers to serve on boards, lack of coordination in infrastructure projects among various agencies, and limited comprehensive planning. They also found a high level of duplication of efforts, with each entity paying separately for the same professional services.
- B. Each one of the founding entities brings its own unique history, talents, resources and challenges to this regional effort. By pooling their resources, the entities will be able to strengthen their financial, managerial, and technical capacity to create a more sustainable utility to provide better and more reliable service to its customers.
- C. The community members of the Authority have determined that it is in the best interest of the founding entities, their members, and the public to merge and jointly manage and operate their utilities, creating economies of scale, eliminating duplicate functions and expenses, providing for more efficient use, conservation and protection of valuable local and regional resources, and advancing regional and comprehensive planning







## ARTICLE II THE AUTHORITY

**SECTION 2.01. ESTABLISHMENT AND CREATION.** There is hereby created and established the “Lower Rio Grande Public Water Works Authority (“Authority”).” The Authority, a political subdivision of the State, is a member-owned community water system that has all of the privileges, benefits, powers, and duties provided in NMSA 1978, § 73-26-1 (2009 amended 2017 & 2019) and the general laws of the State regarding political subdivisions. The Authority will adopt and use a governmental seal.

- A. A “Member” of the Authority is a person that:
1. Owns real property within the Authority’s recorded designated service area; and
  2. Receives services provided by the Authority to that property.
- B. A property owner becomes a member of the Authority only upon compliance with the Policies and Procedures of the Authority.
- C. Only a Member of the Authority may be connected to the Authority’s water distribution and wastewater collection systems and manage the accounts associated with those connections.
1. Any entity other than individual persons that owns real property located within the Authority’s recorded designated service area, such as a corporation, partnership, trust, limited liability company, or governmental entity or subdivision, shall designate in writing when it becomes a member of the Authority, who the individual person will be who is designated to manage the entity’s account(s) with the Authority.
  2. All actions taken by the designated member shall be binding on the property owners who so chose and designated said member.



- D. Elections shall be conducted under New Mexico law according to the Local Election Act set forth in NMSA 1978, §§ 1-22-1 et seq. (2018) and under this Governance Document and the Authority's Policies and Procedures.
- E. A membership in the Authority shall not be transferred to anyone else. If a real property has been sold and is now owned by someone else according to the public records of Dona Ana County, the Membership Certificate of the former owner shall be terminated and will become void for all future uses as of the date of sale or transfer to new ownership. It is the responsibility of the new owner to apply for a new membership in order to be able to obtain services.
- F. The rights, privileges, duties, and obligations of all members of the Authority shall be equal.

## **SECTION 2.02. GOVERNING BODY.**

- A. The Authority shall be governed by a Board of Directors. The number directors of the initial board shall consist of five (5) directors representing each of the founding entities. By resolution, each of the founding entities shall appoint a representative to serve on the initial board. The number of directors of the initial board shall serve until their successors are elected. The directors of the subsequent board shall correspond to the number of districts composing the Authority. Subsequent Boards of Directors shall be elected by district.
- B. Board Member Requirements: The number of members of the Board of Directors shall equal the number of voting districts within the Authority. The Board of Directors shall manage the business and financial affairs of the Authority. The functions of the board shall include, but are not limited to:
  - 1. Selection of and oversight of the General Manager;
  - 2. Governance and setting of policy and procedures;



3. Ensuring that information about the business and activities of the Authority is provided to members and the public;
  4. Compliance with applicable laws and regulations, including but not limited to the Governmental Conduct Act, Inspection of Public Records Act, and Open Meetings Act.
  5. Adoption of policies to set and enforce rates, fees, and other charges necessary to meet the Authority's financial obligations. Each member of the Board of Directors shall at all times be a member in good standing with the Authority and own property within the district from which they are elected. The terms of the members of the Board of Directors shall be staggered. The staggered system shall be set by the first elected board with two positions serving for two (2) years and three (3) positions serving for four years (4). The first elected Board will draw straws to determine length of their initial terms. All subsequently elected board members will serve a four (4) year term.
- C. The initial district election shall be for five (5) Board positions, one from each district. Should a new district be added increasing the number of Board positions, a draw of straws shall be used to determine whether the board member from the new district will serve a two (2) or four (4) year term.
- D. Any vacancy on the Board of Directors shall be filled by an appointment made by a majority vote of the Board of Directors. The appointee shall be a qualified elector in good standing of the respective vacant district. The appointed board member shall serve out the remainder of the vacant position's term. The appointee shall meet the requirements established in Section A above. In the case of a newly created district, the Board shall appoint a member to represent that district until the next regular election is held, at which time the position will be open to any member of that district to run for office.



- E. The Board may remove and replace a Director for cause, including failure within a twelve month period to attend three (3) meetings without cause and prior notification, for non-compliance or violation of any of the applicable laws listed under Subsection B above, or for ineligibility to serve due to a conflict of interest as identified in Section 2.04. Any member of the Board of Directors removed for cause shall not be eligible for reelection or reappointment for four (4) years.
- F. The officers of the Board of Directors shall be a Chairperson, a Vice-Chairperson, and a Secretary. The Board may designate and authorize additional officers as needed. The officers of the Board shall be elected by a majority vote of the Board of Directors at the first regular meeting held after each election of board members, who shall serve until the next election.
- G. Duties of the Officers:
1. Duties of the Chairperson. The Chairperson and will preside over all meetings of the Board of Directors, call special and emergency meetings of the Board of Directors, and perform all acts and duties usually performed by a presiding officer. The Chairperson shall take such actions, and have all such powers to execute documents on behalf of the Authority in furtherance of this Document. The Chairperson shall be an ex-officio member of standing committees and shall perform such other duties as may be properly required of him/ her by the Board of Directors.
  2. Duties of the Vice-Chairperson. The Vice-Chairperson, in the absence or disability of the Chairperson, shall perform all the duties of the Chairperson. In case of the death, removal, or resignation of the Chairperson, the Vice-Chairperson shall assume the office of Chairperson and so serve until the next election.
  3. Duties of the Secretary: The duties of the Secretary include:



- a. Ensuring that a complete record and minutes are prepared and kept of all meetings;
- b. Attesting the Chairperson's signature on all documents pertaining to the Authority unless otherwise directed by the Board of Directors;
- c. Providing a full report of any matters or business pertaining to his or her office as the Board of Directors may direct;
- d. Attesting and affixing the Authority's seal to all documents requiring a seal;
- e. Taking all actions necessary to ensure compliance with Open Meetings Act and Inspection of Public Records Act; and

In the absence of the Secretary, the Vice-Chairperson may fulfill the duties of Secretary.

The Board of Directors shall have governance duties as set forth in this Document and in the Authority's Policies and Procedures. Any certificate, resolution, or instrument signed by the Chairperson, or Vice-Chairperson in the absence of the Chairperson, or by any other person(s) as authorized by the Board of Directors in a duly noticed meeting shall be evidence of an action of the Authority and shall be conclusively presumed to be authentic.

- H. Members of the Board of Directors shall receive neither stipend nor any other compensation for their services. Directors may be reimbursed for expenses incurred by activities or functions performed as part of their service as members of the Board of Directors, as pre-approved by the Board of Directors or as set forth in the Authority's Policies and Procedures. Travel to scheduled meetings of the Board of Directors is considered a reimbursable expense for mileage.



- I. A majority of the Board of Directors shall constitute a quorum for the transaction of business of the Authority. The affirmative vote of the majority of the members of the Board of Directors present and voting (excluding any member having a conflict) shall be necessary to transact business.

## SECTION 2.03. DISQUALIFICATION AND CONFLICTS OF INTEREST

- A. Directors and officers are obligated to disclose any actual, potential, or perceived conflicts of interest and abstain from both discussion and voting on any issues that come before the Board where conflicts of interest may arise. The following are conflicts or disqualifications that prohibit a member from being eligible for election and/or from serving on the Board of Directors:
1. Conviction of a crime that is designated under federal and/or state law as a felony or of any crime involving dishonesty or false statement regardless of the punishment;
  2. Relationship by marriage or by close kinship (i.e. child, parent, sibling) to a standing Director;
  3. Serving as a current Director, officer, employee, contractor, or elected/appointed official of any public, governmental, or private utility that provides the same services as the Authority.
- B. No individual member of the Board of Directors, officer, agent or employee of the Authority either for himself, or as agent for anyone else or as a stockholder or owner in any other legal entity, shall participate or benefit directly or indirectly in or from any sale, purchase, lease, contract, or other transaction entered into by the Authority. For the purposes of this Document, a direct or indirect benefit or participation shall mean a "special private gain or loss." The Authority Board may rely upon an advisory opinion or determination of the potential conflict of interest by its attorney whether or not there would be a special private gain or loss, and such determination shall also be determinative of the ability of the



member of the Board of Directors, officer, agent or employee to vote under the provisions of this Document, or of the conduct of such member, officer, agent or employee under this Document.

- C. When a conflict or the potential for a conflict exists, Directors shall abstain from participation in discussion and voting. If in doubt, the Director shall consult with counsel to determine if abstaining is required. A Director shall not abstain from voting without declaring on the record the reason for not voting.

**SECTION 2.04. MEETINGS NOTICE.** The Board of Directors will adopt by resolution a policy in accordance with the New Mexico Open Meetings Act setting forth requirements for notice, posting location of meetings, preparation of agendas and rules regarding attendance at scheduled Board meetings.

**SECTION 2.05. FINANCIAL REPORTS, BUDGETS, AND AUDITS.** The Authority shall prepare and submit financial reports, budgets, and audits as required by the New Mexico Department of Finance and Administration Finance and Budget Bureau and in accordance with New Mexico law.

## **SECTION 2.06. AUTHORITY POWERS, FUNCTIONS, AND DUTIES**

A. The Authority shall have all powers established in NMSA 1978 73-26-1, including the authority:

1. to acquire, construct, own, lease, operate, operate and maintain infrastructure for domestic, commercial, or industrial uses, road improvements for the protection of the Authority's infrastructure, and renewable energy projects, including but not limited to: water conservation and reclamation, source water protection, drainage, flood control, solid waste planning and zoning and any expansion of the Authority Facilities; and shall have the exclusive control and jurisdiction thereof;



2. to enter into and execute agreements and contracts with other entities for the provision of services, and to adopt all proceedings and perform all acts determined by the Board of Directors as necessary or advisable to carry out the purposes of this Document. The President shall execute contracts and other documents on behalf of the Board of Directors, or they may be executed by another officer or employee of the Authority as authorized by the Board of Directors at a duly noticed meeting;
3. to establish and collect rates, fees, assessments, and charges for the use of the Authority's facilities or services;
4. to assess a standby charge for the privilege of connection into the Authority's service at some future date if a proposed new member's property line is within three hundred feet (300 ft.) of the Authority's service lines and the property is located within the boundaries of the Authority.
5. if and when authorized, the Authority may fix, levy, and collect rates, fees and other charges (including Project development charges or impact fees) from persons or other entities who own properties located within the Authority's geographic boundaries or jurisdiction, for the use of the services, facilities and product of the Authority, or to pay the operating or financing costs of the Authority's facilities available to potential users. In such circumstance the Authority may fix and collect charges for making connections to the Authority's facilities and for the shutting off, after notice, of unauthorized connections, illegal connections, or connections for which charges are delinquent in payment. The Authority may place a lien on property for unpaid assessments, charges, and fees and may enforce the lien to the extent provided by law;
6. to contract, hire, and retain the services of consultants, agents and employees and other experts as the Board of Directors may require or





deem necessary to fulfill the functions and responsibilities of the Authority;

7. to acquire lands, easements, permits, water rights, real and personal property, as the Authority may deem necessary and appropriate in connection with the acquisition, construction, ownership, expansion, improvement, operation, and maintenance of the Authority's facilities; and hold and dispose of all real and personal property under its control, exercise the power of eminent domain as provided by law;
8. to grant or lease easements, and personal and/or real property interests to and from other utility providers;
9. to adopt by resolution standards, Policies and Procedures, design, specifications, and procedures for project construction, connections, and line expansions.
10. to adopt policies and procedures which govern all new connections to the Authority Facilities, which shall provide for the following from any new customer/member:
  - a. an easement dedicated to the Authority for lands needed to serve the new connection; and
  - b. surety bonds or other guarantees from any user to assure completion of construction in compliance with any standards and Policies and Procedures adopted by the Authority.
11. to exercise exclusive jurisdiction, control, and supervision over the Authority's facilities, and to make and enforce such Policies and Procedures for the maintenance, management, and operation of the Authority as may be, in the judgment of the Board of Directors, necessary or desirable for the efficient operation of the Authority's facilities in accomplishing the purposes of this Document;



12. subject to such provisions and restrictions as may be set forth in any financing documents, to enter into contracts with the State, a municipality, county, or other political subdivision, private corporation, partnership, limited liability company, association, or individual person providing for, or relating to the services and any other matters relevant to or necessary to effect the purposes of this Document;
13. to receive and accept from any federal or state agency, grants or loans for, or in aid of the planning, design, construction, reconstruction, improvements, or financing of the Authority's facilities, and any additions or extensions thereto, and to receive and accept aid or contributions or loans from any other source of either money, labor, or other things of value, to be held, used, and applied for the purpose for which such grants, contributions, or loans were intended;
14. to purchase, assume the ownership, lease, operate, manage and/or control any publicly or privately owned facility of similar or comparable nature to that of the Authority and which might be located in close proximity to the geographic boundary or jurisdiction of the Authority to include the assumption or payment of the financial liabilities associated with such related facilities;
15. the ability to enter into contracts with other entities and impose special assessments, rates, fees or charges for services provided;
16. to appoint members to community advisory committees to assist the Board of Directors in the exercise and performance of its powers and duties provided in this Charter Document;
17. to promote community participation and leadership development within the scope of this Document;



18. to sue and be sued in the name of the Authority, and participate as a party in any civil, administrative, or other legal action;
19. subject to such provisions and restrictions as may be set forth in any financing document, to sell or otherwise dispose of the Authority's facilities , or any portion thereof, upon such terms as the Board of Directors deems appropriate, and to enter into acquisition or other agreements to effect such dispositions;
20. to acquire by purchase, gift, or otherwise, and to dispose of real or personal property;
21. to make and execute contracts or other instruments necessary or convenient to the exercise of its powers;
22. to engage and or employ persons or legal entities and provide such deferred compensation, retirement benefits, or other benefits or programs, as the Board of Directors deems appropriate;
23. to maintain an office or offices at such place or places as needed to serve the needs of the communities comprising the Authority.
24. to hold, control, and acquire by donation, purchase or eminent domain, or dispose of, any public easements, dedications to public use, platted land for public purposes, or any reservations for those purposes authorized by law or this Document and to make use of such easements, dedications, and land for any of the purposes authorized by law;
25. to lease to or from any person, firm, corporation, association or body, public or private, facilities or property of any nature to carry out any of the purposes authorized by law or this Document;



26. to borrow money and issue bonds, certificates, warrants, notes, obligations, or other evidence of indebtedness;
  27. to apply for, accept, and receive grants, loans, and subsidies from any governmental, non-governmental or private entity for the acquisition, construction, operation, and maintenance of the Authority's facilities;
  28. to pledge real property, land, easements, rights-of-way, water rights, water purchase contracts, water sales contracts, sewage treatment contracts, and similar property rights, including leasehold interests and the execution of Promissory Notes and Mortgages to secure any and all indebtedness of the Authority;
  - ~~28~~29. to the extent allowed by law and to the extent required to effectuate the purposes of this Document, to exercise all privileges, immunities, and exemptions accorded under the provisions of the constitution and laws of the New Mexico;
  - ~~29~~30. to invest its moneys in such investments as directed by the Board of Directors in accordance with the law, consistent in all instances with the applicable provisions of any financing documents;
  - ~~30~~31. to purchase such insurance as it deems appropriate; and
  - ~~31~~32. to do all acts and to exercise all powers necessary, convenient, incidental, implied, or proper, both within and outside of the service area limitations of the Authority, in connection with any of the powers, duties, obligations or purposes authorized by this Document or by law; and exercising all rights and powers necessary, incidental, or implied from the specific powers granted in this section.
- B. The Board of Directors shall hire a person to act as the General Manager of the Authority having such official title, functions, duties, and the powers as the



Board of Directors deem necessary. The General Manager is the only employee of the Authority that shall be supervised by and shall answer to the Board of Directors. The General Manager's responsibility is to take all actions to carry out the operation and management of all functions of the Authority.

- C. In exercising the powers conferred by this Document, the Board of Directors shall act by resolution or motion made and adopted at duly noted and publicly held meetings in conformance with applicable law.
- D. Nothing herein shall be construed to grant the Authority the jurisdiction to regulate the services or rates of any investor owned utility or any governmental utility established or operating within the established boundaries of the Authority.

## **SECTION 2.07. ADOPTION OF RATES, FEES, ASSESSMENT AND CHARGES.**

- A. The Board of Directors shall authorize and adopt, by resolution, policies setting forth schedules of rates, fees, assessments, or other charges for the use of the services, facilities, and products of the Authority required to be paid by each user connected to or provided service by the Authority.
- B. Such rates, fees and charges shall be adopted and revised so as to provide moneys, which, with other funds available for such purposes, shall be at least sufficient at all times to pay the expenses of operating, managing, expanding, improving and maintaining the Authority Facilities, including renewal and replacement reserves for such Authority Facilities, to pay costs and expenses provided for by law, financing documents, and to pay the principal and interest on the indebtedness as the same shall become due and reserves therefore and to provide a reasonable margin of safety over and above the total amount of such payments. Notwithstanding any other provision in this Document, such rates, fees and charges shall always be sufficient to comply fully with any operating expenses and reserve set asides contained in the financing documents.



- C. The assessments, rates, fees or charges adopted shall be extended to cover any additional users thereafter served which shall fall within the same category, without the necessity of any further meeting or notice.
- D. The Board of Directors may appoint the General Manager, a member of the Board of Directors, committee member(s), or special appointee(s) to conduct a rate study as needed and to conduct public meetings on its behalf relating to rates, fees, charges and assessments. It is, however, always the Board of Director's duty to set, adopt, and revise rates, fees, charges, and assessments.

## **SECTION 2.08. UNPAID FEES AND OTHER CHARGES SHALL CONSTITUTE A LIEN ON PROPERTY OWNER'S PROPERTY.**

- A. In the event that the fees, rates, assessments, and other charges, including impact fees, for the use of the services, facilities, and products of the Authority shall not be paid when due, any unpaid balance and all accrued interest shall be a lien on any parcel or property to which the services were provided, as provided by law.
- B. In the event that any such fees, rates, assessments or charges, including impact fees, shall not be paid when due and shall be in default for more than sixty (60) days, the unpaid balance and any accrued interest accrued, together with attorney's fees and costs, may be recovered by the Authority in a civil action.

## **SECTION 2.09. REGIONAL WATER SUPPLY PLANNING**

- A. The Authority and each community served by the Authority shall aspire and expect to cooperate with each other over time and advance to a regional water supply plan and to avoid competition for water supplies. This Document provides a means and ability to achieve such objectives.



- B. The Authority shall develop and periodically update a regional water supply plan encompassing the jurisdictions of the Authority, which plan may include, but is not limited to, consolidated water demands, water supply resources and facilities, individual water supply projects, regional ground and surface water and distribution system modeling, and other information to facilitate Authority regional planning for water supplies. The Authority's Forty Year Water Plan should be reviewed and/or updated at a minimum once every five years.
- C. At least annually during the development of its Infrastructure Capital Improvement Plan, the Authority shall seek proposals and recommendations for new infrastructure Projects, and or modifications, additions or deletions to existing Projects. The Authority encourages its members throughout the year to submit a proposal or recommendation for a new Project to the Authority for its consideration.

## **SECTION 2.10. MERGER.**

- A. By a resolution passed by a majority of the Board of Directors, the Authority may allow other utilities, including mutual domestics, private and public utilities and special districts that are interested in becoming part of the Authority to merge into the Authority.
- B. A merger process may be initiated by a petition to the Authority Board of Directors from the merging entity expressing the desire to become part of the Authority. As part of the merger plan, the merging entity must present a dissolution plan which shall include a dissolution time frame. The Authority will use the time frame to determine if redistricting may be needed in order to allow the merger of the petitioning entity.

**SECTION 2.11. DISTRICTING.** The Authority shall consist initially of five voting districts. The initial and any subsequent redistricting shall be conducted in accordance with the Local Election Act in such manner that all districts shall have equal member representation. A redistricting process shall be initiated as required under the Local





Elections Act set forth in NMSA 1978, §§ 1-22-1 et seq. (2018) or when a change in the number of voting members within any of the existing districts due to natural growth or the addition of new members due to a merger, results in unequal representation between any of the districts by more than 20%. At no point in time shall the Authority have more than seven (7) voting districts.

**SECTION 2.12. GOVERNANCE DOCUMENT AMENDMENTS.** Amendments to this document may be drafted by the General Manager or designee if directed by the Board, or may be proposed by a Review Committee created by a majority vote of the Board of Directors. The Committee will be established to examine the provisions of the Document and recommend amendments they propose are needed. The Committee shall submit recommendations to the Board in an official format as determined by the Board. The Authority shall hold a public hearing concerning amendment of the Governance Document; however, no public hearing shall be held if the amendment is solely for the purpose of complying with the applicable statutes. Proposed amendments may be adopted by the Board of Directors by Resolution. If the provisions of this document are superseded by statute, the Board of Directors may, by resolution, amend this Governance Document for the purpose of compliance with the applicable statute.

**SECTION 2.13. SEVERABILITY.** If any section, subsection, clause, phrase, or portion of this Governance Document is determined by a court of law to be illegal or invalid, such holding shall not affect the validity of the remaining provisions of this Document.

**This Governance Document was duly adopted by the Board of Directors** on Wednesday, October 20, 2010, 6:30 p.m. and amended by member vote during the Lower Rio Grande Public Water Works Authority regular elections conducted by the Doña Ana County Clerk's Office on Tuesday, April 2, 2013, ~~and~~ by Resolution Number FY2020-12 adopted by the Board of Directors at a regular monthly meeting at 9:30 a.m. on Wednesday, October 16, 2019 at the LRGPWWA East Mesa Office, and by Resolution Number FY2021-18 adopted by the Board of Directors at a regular monthly meeting at 9:30 a.m. on Wednesday, May 19, 2021 via Zoom online meeting platform following a Public Hearing at 6:00 p.m. on Tuesday, May 4, 2021 via Zoom.





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Esperanza Holguin, Chairperson

Seal:

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Joe Evaro, Secretary

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

**Public Hearing on Proposed Amendment to Governance Documents- MEETING**

**6:00 p.m. Tuesday, May 6, 2021 via Online Zoom Meeting**

Ms. Nichols opened the meeting for attendees at 5:45 p.m. General Manager Martin Lopez and Projects Specialist Patricia Charles attended the meeting at 6:00 p.m. The recording was started at 6:13 p.m., Ms. Nichols stated the reason for the meeting was to receive public input regarding the Proposed Amendments to the Governance Documents. It was established we had no public attendees or board members so the recording and the meeting was ended at 6:15 p.m.

Attendees:

Projects Manager Karen Nichols  
General Manager Martin Lopez  
Projects Specialist Patricia Charles

**patty charles**

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**From:** Salvador Guerrero <salguerrero1010@gmail.com>  
**Sent:** Tuesday, May 11, 2021 9:06 AM  
**To:** board@lrgauthority.org  
**Subject:** Section 2.06. Authority Powers, Functions, and Duties

Property Owner - Sal Guerrero

(915) 532-7527

Property Address - 1090 E Afton Rd. La Mesa NM 88044

NO - Proposed Amendment

Comments:

Giving all the rights of the consumer to the Water Utilitiy Authority is not good at all , and is not democratic.

**patty charles**

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**From:** stacie durham <staciedurham13@gmail.com>  
**Sent:** Friday, May 14, 2021 10:20 AM  
**To:** board@lrgauthority.org  
**Subject:** NMSA 1978 73-26-1

Greetings and Salutations.

I am writing this letter of concern as a stakeholder & paying customer. I will oppose any and all changes made to this rule for reasons that I will be explaining within this letter.

As a property owner I feel that you are overpricing me monthly as it is. We are a historical townsite and convey all changes made in our town, that includes water rights. I as a citizen would like to continue to uphold my LLC as the owner and president of the Organ Mountain Historical Society and a volunteer as a Cat sanctuary for feral felines. I oppose any and all changes for incorporating our Historical town; because, we should obtain the rights to dismiss the Lower Rio Grande Water Authority from our services if so choose. We as an individual and as a community have the right to change our water provider to several other water providers. We are an active tax paying community that has established our own water company for many reasons, we would like to continue to do that. I see no reason to pretend that the easement of LRGWA was put in place for their convenience, not ours. We already had water. Future pet projects should never be our sole responsibility to uphold future growth of a company we do not need. We do not own that, but we do own a major stake in it. However, to revoke our rights as a shot caller for the future benefit of contractors and other neighboring expansions is asking way too much of a civil society that has been acting as independently to all surrounding areas is far more than you should expect. pet projects and expansion should be the full and sole responsibility of those investors. I have paid for the tap that has been placed on my property, not them. I think the individual should, but I am paying \$50.00 a month for a one person home and I just don't use that much. I am almost glad I don't rent my place out to a four person family. I have been tempted for some time now to have their meter removed so that I can continue to use Moongate water or Organ Community water at a fairer price. The sewage here was already here, I still don't know why we owe the Lower Grande Water Authority money for that. You were elected for those purposes, Price gouging is illegal. I suggest you figure out a better way of doing business or I'm gonna run you out of town. Renting is expensive I understand that, but providing water for my renters adds to that expense and it is honestly unaffordable.

We are an unincorporated Historical Town site and we have always afforded to be, You have not once paid your way to tap into our water or place your meters on our property you'll be damned to obtain the rights to decide if we keep them. There will be NO for my vote to convey all future prospects to the LRGWA from me. I too want to keep my right to choose without further distractions from your water company about what company I choose to get my water from. Your expansion is not only bad for the environment (drying up all surrounding areas.) but it is costing WAY too much to enjoy the quality of life that we already have. The pros do not outway the cons. If you want to be the hero around here, lower the cost of water.

Graciously,

Stacie M. Durham  
PO Box 631, Organ  
New Mexico, 88052  
(575) 312-4958

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

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

**WHEREAS**, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

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

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

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

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

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, and location is placed in the customer lobby of each Lower Rio Grande Public Water Works Authority office that is open to the public. Copies of the written notice shall also be mailed or e-mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings. Meeting notices and agendas shall also be posted at <https://LRGauthority.org> in the Notices section.
6. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice of the date, time, and location is placed in the customer lobby of each Lower Rio Grande Public Water Works Authority office that is open to the public. Copies of the written notice shall also be mailed or e-mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
7. In addition to the information specified above, all notices shall include the following language:

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aide or service to attend or participate in the hearing or meeting, please contact the Mesquite office of the Lower Rio Grande Public Water Works Authority at 575-233-5742, by mail at 325 Holguin Road, Vado, NM 88072, or in person at 215 Bryant, Mesquite, NM 88048 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Mesquite office if a summary or other type of accessible format is needed.*

8. The Lower Rio Grande Public Water Works Authority Board of Directors may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirements under Section 10-15-1 (H) of the Open Meetings Act.
  - (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Lower Rio Grande Public Water Works Authority Board of Directors taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual Director on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - (b) If the decision to hold a closed meeting is made when the Lower Rio Grande Public Water Works Authority Board of Directors is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the Directors and to the general public.

- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- (d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Lower Rio Grande Public Water Works Authority Board of Directors in an open public meeting.

Passed and adopted by the Lower Rio Grande Public Water Works Authority Board of Directors on this 19<sup>th</sup> day of May 2021.

**SEAL:**

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Esperanza Holguin, Board Chair

Attest:

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Joe Evaro, Secretary

# Lower Rio Grande Public Water Works Authority

## Board of Directors Schedule for Meetings 2021-2022 *Horario de Reuniones de la Junta Directiva 2021-2022*

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

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

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

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

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aide or service to attend or participate in the hearing or meeting, please contact the LRGPWWA office at 575-233-5742, PO Box 2646, Anthony, NM 88021 OR 215 Bryant St., Mesquite, NM at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the LRGPWWA office if a summary or other type of accessible format is needed.

*Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete de lenguaje de signos o cualquier otra forma de ayudante auxiliar o de servicio para asistir o participar en la audiencia o reunión, por favor póngase en contacto con la oficina de LRGPWWA en 575-233-5742, PO Box 2646, Anthony, NM 88021 OR 215 Bryant St., Mesquite, NM por lo menos una semana antes de la reunión o tan pronto como sea posible. Documentos públicos, incluyendo el orden del día y actas, pueden proporcionarse en diferentes formatos accesibles. Póngase en contacto con la oficina LRGPWWA si es necesario un resumen o de otro tipo de formato accesible.*





[www.lrgauthority.org](http://www.lrgauthority.org)

# **LOWER RIO GRANDE**

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## **Public Water Works Authority**

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### **Resolution #FY2021-20**

### **Approving Interim FY2022 Budget**

**Whereas**, in order to comply with Sections 6-6-1 and 6-6-2 NMSA 1978 and to apply for CDBG funding, the Board of Directors wishes to adopt and pass a resolution to approve the Interim FY2021 Budget on May 19, 2021.

**Therefore**, be it resolved, the Board of Directors adopts and passes this resolution to approve and adopt the Interim FY2022 Budget officially approved on May 19, 2021.

PASSED, APPROVED, AND ADOPTED: May 19, 2021

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Esperanza Holguin, Chairman

Seal:

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Joe Evaro, Secretary

**State of New Mexico**  
**Local Government Budget Management System (LGBMS)**

**Operating Budget - Fiscal Year 2021-2022**  
**Lower Rio Grande Public WWA - Interim - Entity**  
**Detail Report Sorted by Fund and Department**

Printed from LGBMS on 2021-05-14 15:26:04

**50100 Water Enterprise**

**40000 Revenues**

**0001 No Department**

<b>44000 Charges for Services</b>	<b>Original Budget</b>
44010 Administrative Fees	12,800.00
44190 Rental Fees	10,000.00
44220 Water Use Fees	2,935,500.00
44230 Utility Service Fees	5,000.00
44240 Utility Connection Fees	50,000.00
44250 Utility Re-Connection Fees	151,500.00
44270 Impact Fees	40,000.00
44990 Other Charges for Services	7,000.00
<b>44000 Totals</b>	<b>3,211,800.00</b>

<b>46000 Miscellaneous Revenues</b>	<b>Original Budget</b>
46050 Joint Power Agreements Income	40,000.00
46900 Miscellaneous - Other	106,000.00
<b>46000 Totals</b>	<b>146,000.00</b>

**0001 Totals 3,357,800.00**

**40000 Revenues Totals 3,357,800.00**

**50000 Expenditures**

**6003 Water Utility/Authority**

<b>51000 Salary &amp; Wages (FTE required)</b>	<b>Original Budget</b>
51020 Salaries - Full-Time Positions	1,075,000.00
51060 Salaries - Overtime	50,000.00
51900 Salaries - Other Wages	224,500.00
<b>51000 Totals</b>	<b>1,349,500.00</b>

<b>52000 Employee Benefits</b>	<b>Original Budget</b>
52010 FICA - Regular	80,000.00
52011 FICA - Medicare	18,000.00
52020 Retirement	175,000.00
52030 Health and Medical Premiums	250,000.00
52040 Life Insurance Premiums	12,500.00
52050 Dental Insurance Premiums	12,500.00
52060 Vision Insurance Medical Premiums	4,000.00
52080 Other Insurance Premiums	500.00
52100 Workers' Compensation Premium	15,000.00
<b>52000 Totals</b>	<b>567,500.00</b>

<b>53000 Travel Costs</b>	<b>Original Budget</b>
53030 Travel - Employees	11,500.00
53050 Transportation Costs	1,500.00
<b>53000 Totals</b>	<b>13,000.00</b>

<b>54000 Purchased Property Services</b>	<b>Original Budget</b>
54030 Maintenance & Repairs - Grounds/Roadways	10,000.00
54040 Maintenance & Repairs - Vehicles	50,000.00
54999 Other Maintenance	101,000.00

	<b>54000 Totals</b>	<b>161,000.00</b>
<b>55000 Contractual Services</b>		<b>Original Budget</b>
55010 Contract - Audit		14,000.00
55030 Contract - Professional Services		152,500.00
55999 Contract - Other Services		10,000.00
	<b>55000 Totals</b>	<b>176,500.00</b>
<b>56000 Supplies</b>		<b>Original Budget</b>
56020 Supplies - General Office		11,000.00
56030 Supplies - Field Supplies		96,175.00
56040 Supplies - Furniture/Fixtures/Equipment (Non-Capital)		20,000.00
56110 Supplies - Uniforms/Linen		15,000.00
56120 Supplies - Vehicle Fuel		60,000.00
56999 Supplies - Other		144,000.00
	<b>56000 Totals</b>	<b>346,175.00</b>
<b>57000 Operating Costs</b>		<b>Original Budget</b>
57050 Employee Training		5,000.00
57070 Insurance - General Liability/Property		90,000.00
57080 Postage		3,000.00
57090 Printing/Publishing/Advertising		47,500.00
57140 Rent of Land/Building		1,625.00
57150 Subscriptions & Dues		3,000.00
57160 Telecommunications		40,000.00
57170 Utilities - Electricity		221,000.00
57171 Utilities - Natural Gas		3,000.00
57999 Other Operating Costs		51,000.00
	<b>57000 Totals</b>	<b>465,125.00</b>
<b>59000 Debt Service</b>		<b>Original Budget</b>
59010 Debt Service - Principal Payments		128,000.00
59020 Debt Service - Interest Payments		151,000.00
	<b>59000 Totals</b>	<b>279,000.00</b>
	<b>6003 Totals</b>	<b>3,357,800.00</b>
<b>50000 Expenditures Totals</b>		<b>3,357,800.00</b>

## 50300 Wastewater/Sewer Enterprise

### 40000 Revenues

#### 0001 No Department

<b>44000 Charges for Services</b>		<b>Original Budget</b>
44230 Utility Service Fees		187,000.00
44240 Utility Connection Fees		30,500.00
44990 Other Charges for Services		4,500.00
	<b>44000 Totals</b>	<b>222,000.00</b>
	<b>0001 Totals</b>	<b>222,000.00</b>
<b>40000 Revenues Totals</b>		<b>222,000.00</b>

### 50000 Expenditures

#### 6005 Wastewater Utility/Authority

<b>51000 Salary &amp; Wages (FTE required)</b>		<b>Original Budget</b>
51020 Salaries - Full-Time Positions		50,000.00
51060 Salaries - Overtime		4,500.00
	<b>51000 Totals</b>	<b>54,500.00</b>
<b>52000 Employee Benefits</b>		<b>Original Budget</b>
52010 FICA - Regular		500.00
52011 FICA - Medicare		2,500.00
52020 Retirement		7,000.00
	<b>52000 Totals</b>	<b>10,000.00</b>

<b>54000 Purchased Property Services</b>	<b>Original Budget</b>
54999 Other Maintenance	75,000.00
<b>54000 Totals</b>	<b>75,000.00</b>
<b>56000 Supplies</b>	<b>Original Budget</b>
56030 Supplies - Field Supplies	28,500.00
<b>56000 Totals</b>	<b>28,500.00</b>
<b>57000 Operating Costs</b>	<b>Original Budget</b>
57170 Utilities - Electricity	9,000.00
<b>57000 Totals</b>	<b>9,000.00</b>
<b>59000 Debt Service</b>	<b>Original Budget</b>
59010 Debt Service - Principal Payments	20,000.00
59020 Debt Service - Interest Payments	25,000.00
<b>59000 Totals</b>	<b>45,000.00</b>
<b>6005 Totals</b>	<b>222,000.00</b>
<b>50000 Expenditures Totals</b>	<b>222,000.00</b>

<b>ALL FUNDS</b>	<b>Original Budget</b>
<b>40000 Revenues</b>	<b>3,579,800.00</b>
<b>50000 Expenditures</b>	<b>3,579,800.00</b>

# LRGPWWA Termination of Membership List for Board Approval

May 19, 2021

	<b>Customer Account</b>	<b>Customer Name</b>	<b>Service Address</b>	<b>City &amp; Zip Code</b>	<b>Current Balance</b>	<b>Lien Filed Write off</b>
1	12-10167-00	Frank & Susana Rivera	9530 Maranatha Way	Mesilla Park	\$ 929.48	Lien filed
2	10-08441-01	Baudelio Baylon	51 Par Two Lane	Berino, 88024	\$ 409.01	Write off
3	08-08047-00	Juan Lopez	2820 Anthony Drive	Anthony, 88021	\$1,322.83	Lien filed
4	03-00855-00	Eduardo Nevarez	108 Palmilla	Mesquite,88048	\$ 508.49	Lien filed
5	10-08708-00	Lucio Soriano	2913 Opitz Road	Anthony, 88021	\$ 734.13	Lien filed
6	05-06601-00	Manuel G Bustillos	121 Ashtray Road	Mesquite, 88048	\$ 584.30	Lien filed
7	13-05375-00	Barbara Thomas	15910 Padre De La Rue St	Organ, 88052	\$ 734.88	Lien filed
8	11-20068-00	Lucy & Brian Donovan	15-2 Warthen	Anthony, 88021	\$2,357.50	Lien filed
9	09-09277-00	Rogelio Mendoza	4520-2 Highway 478	Berino, 88024	\$ 614.44	Lien filed
10	01-02034-00	Maria C Lujan	6 Hilda Road	Mesquite, 88024	\$1,127.32	Lien filed
11	07-07497-00	Michael Martinez	108 W. Chope Street	La Mesa, 88024	\$ 455.61	Write off

*updated 05/04/21*